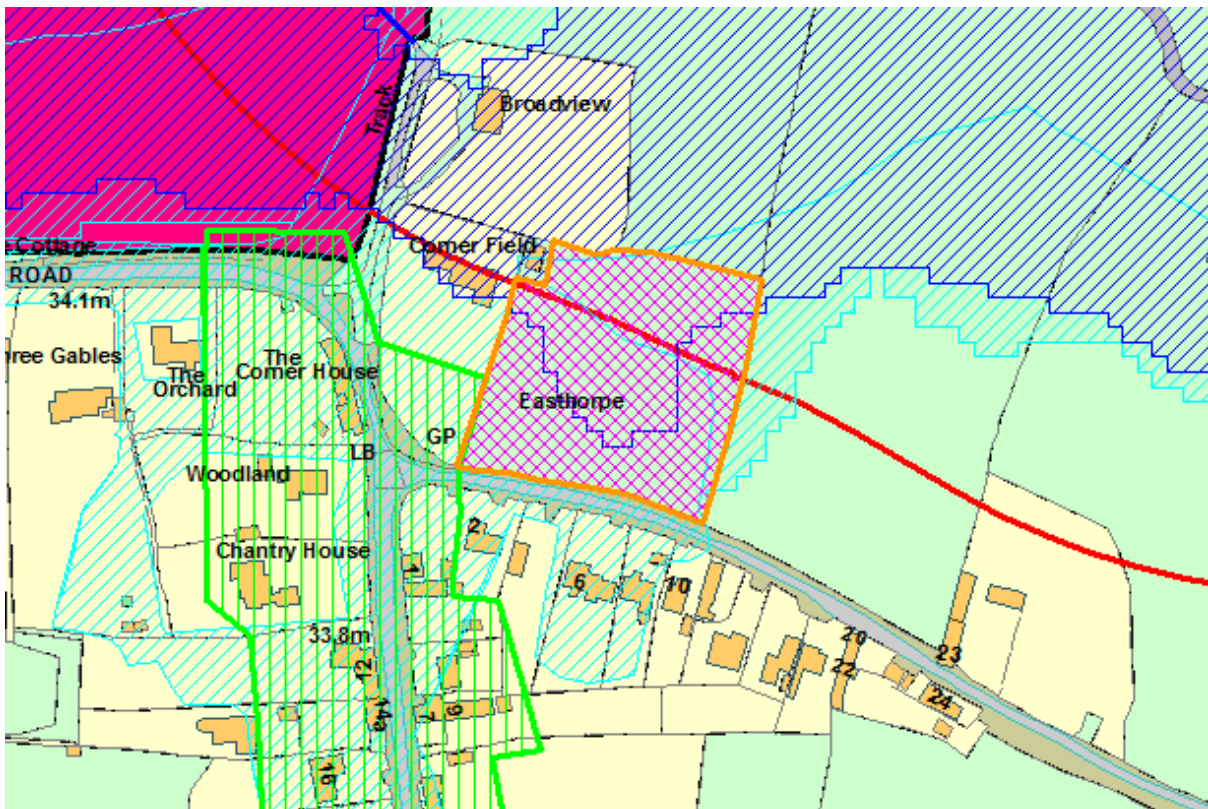


Reference: 16/00352/OUT
Date Submitted: 19.05.2016
Applicant: Mr Andy Norris
Location: Field 3957 Manor Road, Easthorpe
Proposal: Proposed residential development



Introduction: - The application seeks outline planning permission to construct a residential development consisting of 6 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. The application was considered at the meeting for the Committee on 11th January 2018 but was deferred to invite the submission of a revised sequential Test. This has now been submitted and the details are addressed later in the report.

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 Application withdrawn due to requirement for further Ecology and Flooding information.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:

Consultation Reply	Assessment of Head of Strategic Planning and Regulatory Services
<p>Leicestershire County Council Highways:</p> <p>Whilst the existing road network through Easthorpe is narrow in part, it is unlikely that the traffic generated by the development would lead to severe harm in accordance with Paragraph 32 of the NPPF.</p> <p><u>Site Access</u></p> <p>The proposed site would be accessed from Muston Lane which is an unclassified road and is subject to a 30mph speed limit.</p> <p><u>Internal Layout</u></p> <p>All details in relation to the internal layout are subject to a reserved matters application, all details should be as per the design standards set out within the 6C's Design Guide</p> <p><u>Conditions</u></p> <ol style="list-style-type: none"> 1. Drainage details to be submitted 2. Vehicular visibility splays of 2.4 metres by 43 metres to be provided 3. Implementation of access as per drawings. 4. One access condition 	<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>There are considered to be no grounds to resist permission based on highways issues.</p>
<p>Lead Local Flood Authority:</p> <p>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.</p> <p>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>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>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.</p> <ol style="list-style-type: none"> 1. Surface Water – Condition 2. Construction Surface Water Management Plan – Condition 3. SuDS Maintenance Plan & Schedule – Condition 4. Infiltration Testing – Condition 	
<p>Environment Agency:</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>Conditions</p> <ol style="list-style-type: none"> 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 	<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>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>Leicestershire County Council Ecology:</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</p>	<p>Conditions could be imposed to ensure satisfactory safeguarding should the proposal be allowed.</p>

<p>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 & Planning document.</p>	
<p>Severn Trent Water:</p> <p>Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of a condition requesting the submission of final drainage plans.</p>	<p>Noted.</p> <p>The proposed condition can be included on the decision notice of the application.</p>
<p>Trent Valley Internal Drainage Board</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>Bottesford Parish Council:</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>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>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>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</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>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>
<p>LCC Archaeology</p> <p>The Leicestershire and Rutland Historic Environment Record (HER) notes that the site lies within an area of archaeological interest, adjacent to the medieval and post-medieval historic settlement core of Easthorpe (HER ref.: MLE9094) and to the south of surviving earthwork remains interpreted as part of that settlement (MLE3429). The latter directly relate to the nationally designated scheduled earthworks of the shifted medieval village and moat at Easthorpe (NHLE ref.: 1009195). The absence of any archaeological assessment of the application site, prevents further consideration of the specific archaeological interest (NPPF paragraph 128 and 129).</p> <p>However, it is clear that the proposed development will result the construction of five new dwellings, with associated foundations, access, services and landscaping, all of which are likely to be detrimental to any surviving archaeological remains.</p> <p>In line with the National Planning Policy Framework (NPPF), para. 129, the planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. This understanding should be used to avoid or minimise conflict between conservation of the historic environment and the archaeological impact of the proposals.</p> <p>Paragraph 141 states that where loss of the whole or a material part of the heritage asset’s significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the affected resource prior to its loss.</p>	<p>Noted comments received.</p> <p>Suggested conditions can be included as part of any approval for the development.</p>

The archaeological obligations of the developer, including publication of the results and deposition of the archive, must be proportionate to the impact of the proposals upon the significance of the historic environment.

As a consequence, it is recommended that prior to submission of any reserved matters application for the above site, the impact of development will be thoroughly assessed by trial trenching, and an archaeological mitigation strategy for any affected remains prepared and submitted to the planning authority with the reserved matters proposal. The Historic & Natural Environment Team (HNET) will provide a formal Brief for the work at the applicant's request.

If planning permission is granted, the applicant should obtain a suitable written scheme of investigation (WSI) for the necessary archaeological programme. The WSI must be obtained from an archaeological organisation acceptable to the planning authority, and be submitted for approval to both the LPA and HNET as archaeological advisers to your authority, before the implementation of the archaeological programme and in advance of the start of development.

The WSI should comply with the above mentioned Brief and with relevant Chartered Institute for Archaeologists' (CIfA) "Standards and Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

We therefore recommend that any planning permission be granted subject to the following planning conditions (informed by paragraph 37 of Historic England's Managing Significance in Decision-Taking in the Historic Environment GPA 2), to safeguard any important archaeological remains potentially present:

- 1) Prior to the submission of any reserved matters application a written scheme of investigation (WSI) will be approved by the local planning authority in writing.
- 2) No demolition/development shall take place/commence until the Archaeological Mitigation Strategy (AMS) has been [submitted to and] approved by the local planning authority in writing.

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

<p>themselves and their approved archaeological contractor.</p> <p>The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.</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:

Representations	Assessment of Head of Strategic Planning and Regulatory Services
<p>Principle of Development</p> <ul style="list-style-type: none"> • Inappropriate development – breach village envelope. • Mostly outside village envelope – should only be considered when offering something exceptional – no merit in design or location. • Conflict with Conservation Area. • Poor layout. • Visually damaging to the landscape. • Site elevated above highway – dwellings imposing, dominant and visually intrusive – will result in a loss of privacy. • Set a precedent for other development. • Loss of view – undeveloped and attractive. • Development will be damaging to the landscape. • Not an infill site. • Site will be over-developed. • Concerns about over development with other proposals in Easthorpe. • Large dwellings do not serve needs – add to dormitory feel of the village. • Development of this tranquil setting is not what the location/ residents need. • Live in a bungalow – 2 bedrooms and a living room face the site (only a few metres away) – will lose privacy. • No social need for type of housing. • No facilities for a sustainable community. • Whilst application could be seen as modest, in context of the size of the village, it is quite a major development. • Understand archaeological finds have been made around the village, no assessment of this. • Urbanise the street scene. • Elevated position – accentuate impact. • Three storey dwellings will overwhelm 	<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 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 – granted permission (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 (a Service Centre), 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 only recently been to</p>

<p>adjacent properties – no other 3 storey buildings nearby, out of keeping with other nearby properties.</p> <ul style="list-style-type: none"> • Need to be mindful about character of surrounding properties. • Not an identified site for housing. • Proposed properties will be close to the road. • Site allocations for next 5-7 years are satisfied. • 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. 	<p>Examination with no feedback at present, 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>Highways</p> <ul style="list-style-type: none"> • Narrow single lane – inadequate for additional traffic. • Muston Lane is a no through road, safety concerns – used by cyclists, walkers and horse riders. • Increases parking on Muston Lane – Highway safety. • Refuse and emergency vehicles have to reverse due to lack of turning space. • Potential for up to 20 additional cars. • Application for a field shelter nearby was refused due to access problems. • Pedestrian access from starter homes will encourage visitors to park on Muston Lane. • Application site is not Manor Road but Muston Lane. • Concerns that due to parking at rear of the properties, parking will take place on Muston Lane - highway hazard. • Concerns about impact development would have on A52 – increase in traffic turning into Easthorpe – dangerous. 	<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>Flooding</p> <ul style="list-style-type: none"> • Land floods – this will only increased with development. • Lack of natural drainage and run off. • Neighbouring properties flood. • Site acts like a floodplain. • Climate change will increase likelihood of flooding. • Half the site is within flood zone 3a – development should be prevented in these areas. • Drainage report does not take into account flash flooding. 	<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>Ecology</p> <ul style="list-style-type: none"> • Field and hedgerow home to extensive and varied wildlife – habitat will be destroyed. • Negative impact on trees. • Significant loss of high quality agricultural land. • Loss of significant open green space. • No guarantee hedgerow will be retained. • No tree assessment provided. 	<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>Other matters</p> <ul style="list-style-type: none"> • Additional maintenance costs to road • Inadequate capacity – gas and sewerage – sometimes problems getting a supply. • Costs of moving utilities, will be passed on to residents. • Application is vague. • Poor broadband connection. • Electricity cables are overhead. • Drainage needs to be improved. • Drains smell during flooding/ heavy rainfall. • Period of time for consultation is too short. 	<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:

Representation	Assessment of Head of Strategic Planning and Regulatory Services
<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>The (new) Melton Local Plan – Pre submission version.</p> <p>The Pre Submission version (as amended by ‘Focussed Changes’) underwent its Examination In Public in January and February 2018.</p> <p>The NPPF advises that: 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"> • the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); • 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 	<p>Whilst the Local Plan has progressed it remains in preparation, it can be afforded only limited weight.</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"> • Examination for its ‘soundness’ under the NPPF • Examination results to be published and any ‘modifications’ to be the subject of consultation

<ul style="list-style-type: none"> • 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). <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>	<ul style="list-style-type: none"> • Further examination to take place into Modifications • Final Inspectors Report and recommendations • Adoption by MBC <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>Sequential Test</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. This has considered sites in Bottesford and Easthorpe.</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>Exception Test</p> <p>If, following application of the Sequential Test, it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test should be applied.</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.</p> <p>The sequential test</p> <p>The sequential test as submitted identifies potentially alternative sites for development in Easthorpe and Bottesford, including those allocated in the emerging local plan. However, some of the sites identified (with some of those proposed to be allocated) are also at a similar risk of flooding in whole or in part.</p> <p>Paragraph 101 of the NPPF States that development should not be permitted if there are “<i>reasonably available sites appropriate</i> for the proposed development”. Whilst 6 dwellings would fit into the other sites identified, it is not considered that these would be comparable when considering alternatives for the sequential test.</p> <p>However the ST also identifies that the alternative sites are not easily available for development and a number also have other issues that would need resolving, such as contamination and access issues. However an appeal decision has stated that these contamination issues at the site on Grantham Road (which is also an allocated site in the Emerging Local Plan) can be overcome by the inclusion of planning conditions.</p> <p>The Exception Test</p> <p>It is proposed that the development would create six dwellings, with two of these properties as starter homes. Due to its location close to Bottesford, Easthorpe is considered to be a sustainable location for</p>

<p>For the Exception Test to be passed:</p> <ul style="list-style-type: none"> •it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared •a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall 	<p>development.</p> <p>The proposals would add 6n houses to the housing supply, two of which are ‘starter homes’ for which there is recognised demand in the area. In addition , Flood Risk alleviation is proposed by providing a ‘ground reduction scheme’ to the West of the A52 which would include a balancing reservoir feature to help store potential flood water and prevent a back up at the existing culvert. This would be achieved by reducing the land level in this field, close to the existing culvert, which would then provide additional flood water storage. It is then proposed that this site would be planted with meadow grass and willow and elder trees. It is proposed that this would reduce flooding events further down the River Devon in Bottesford. This would have wider benefits to the flood situation in the area by creating storage and reducing the propensity to flood and the severity of flood events. It is considered that the combination of the houses proposed and the assistance to flood alleviation as ‘wider sustainability benefits’ required under the Exception Test. Given the low level of flood risk on the site, it is considered that these measures outweigh the risk and accordingly that this element of the Exception Test is satisfied.</p> <p>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. It is considered that these measures would ensure its safety from flood risk over its lifetime and as such passes this element of the Exception Test.</p> <p>A condition relating to the further submission of information and implementation of a scheme can be imposed as part of any future reserved matters application.</p> <p>As illustrated from the comments above, technical issues around this application have been resolved, through the inclusion of planning conditions. It has been demonstrated that the flooding issues can be overcome, with the inclusion of conditions from the EA and LLFA.</p> <p>Access to/ from the site to Muston Lane would be in an area at lower risk of flooding than the rear (North) of the site.</p>
<p>Planning Policies and compliance with the NPPF</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>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”.</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> <p>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.</p>
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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. The Agent has stated that the larger houses are proposed so to attract potential business owners for the new business units to be built in Bottesford (Orston Lane). 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 concludes that there are not other sites that may be available for

development, at a lesser risk of flooding. It has 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 year flood risk. (In accordance with the proposed conditions by the EA and LLFA). Additionally the applicant has proposed including a flood alleviation scheme on a site known locally as Pacey's Field which they consider would have wider benefits for Bottesford further downstream which is considered to bring wider public benefits and as such the Exception Test can be passed.

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.

Recommendation: PERMIT, subject to 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. No development shall commence on the site until details of the proposed off site flood alleviation scheme has been submitted to and approved in writing by the Local Planning Authority.
4. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.
5. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway.
6. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on drawing number 13-2194-P-02 revision D have been implemented in full and hard surfaced for a minimum of 5 metres behind the highway boundary.
7. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular access on Muston Lane that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.
8. 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.
9. 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.

10. 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.
11. 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.
12. 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.

13. 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).
14. 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.
15. No building on any part of the development hereby permitted shall exceed two storeys in height.
16. 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.
17. Prior to the submission of any reserved matters application a written scheme of investigation (WSI) will be approved by the local planning authority in writing. It will define a programme of staged archaeological assessment of the application area. This work will be undertaken in full and its results used to inform the preparation of a suitable Archaeological Mitigation Strategy (AMS) for the development area, to be submitted with any future reserved matter scheme.
17. No demolition/development shall take place/commence until the Archaeological Mitigation Strategy (AMS) has been submitted to and approved by the local planning authority in writing. For land that is included within the AMS, no demolition/development shall take place other than in accordance with the provisions of the agreed AMS, 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.

Officer to Contact: Mrs J Lunn

Date: 02.03.2018