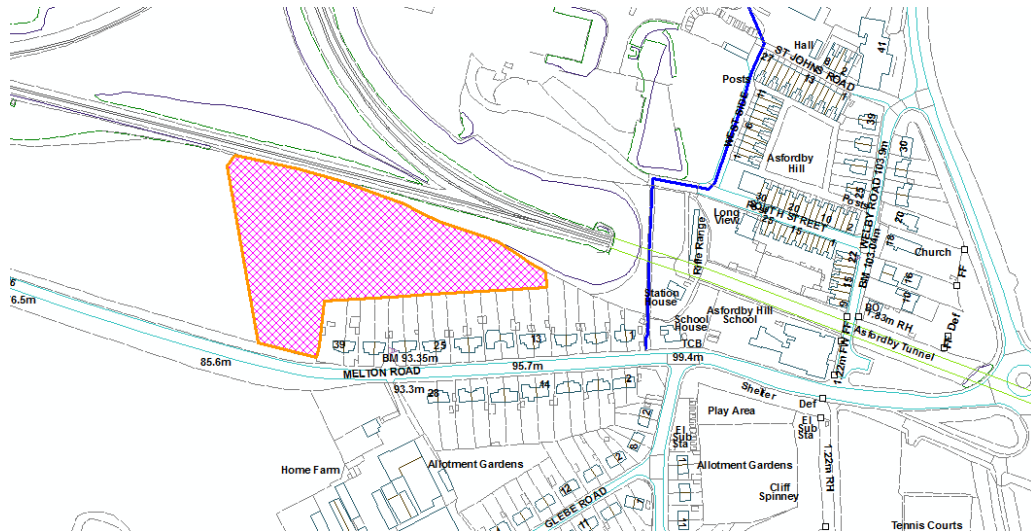


Reference: 14/00150/OUT
Date submitted: 21.02.14
Applicant: Mr D Keightley
Location: Field Number 00032 Melton Road, Asfordby Hill
Proposal: Erection of 28 residential properties with associated parking facilities and new vehicular access of Melton Road



Proposal :-

This application seeks outline planning permission for 28 dwellings on paddock land on the northern side of Melton Road, to the west of the village of Asfordby Hill. The site lies outside the designated village envelope, therefore sited within open countryside and sits behind the dwellings fronting Melton Road.

This is an application for outline planning permission, with detailed approval sought for access, layout and scale only at this stage. Appearance and landscaping are reserved for later approval. A single point of access from Melton Road will be created giving access to the development that is to be sited around a cul-de-sac arrangement presenting a mix of dwellings situated either side.

The application has been supported by a Planning Statement, Design and Access Statement, Flood Risk and Drainage Assessment, Noise and Vibration Report and Habitat Survey. All of these documents are available to view at the Council.

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

- **Compliance or otherwise with the Development Plan**
- **Impact upon the Character of the Area and Open Countryside**
- **Impact upon residential amenities**
- **Highway Safety**

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

History:-

No relevant history

Planning Policies:-

Melton Local Plan (saved policies):

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 OS3: The Council will impose conditions on planning permissions or seek to enter into a legal agreement with an applicant under section 106 of the Town and Country Planning Act 1990 for the provision of infrastructure which is necessary to serve the proposed development.

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.

Policy H8 – Sets out the requirements for assessing rural exception sites. In exceptional circumstances the Council may grant planning permission for a development on the edge of a village which meets a genuine local need for affordable dwellings which cannot be accommodated within a village envelope. It states that the need is required to be established by the Council, it must be in keeping with the scale, character and setting of the village and would not have an adverse impact upon the community or local environment. The layout, density, siting, design and external appearance, landscaping, access and parking details are in accordance with other policies contained within the plan.

Policy H10: planning permission will not be granted for residential development unless adequate amenity space is provided within the site in accordance with standards contained in Appendix 5 (requires developments of 10 or more dwellings to incorporate public amenity space for passive recreation with 5% of the gross development site area set aside for this purpose).

Policy H11: requires developments of 15 or more dwellings to make provision for playing space in accordance with standards contained in Appendix 6 (requires developments of 15 or more dwellings to include a LAP within 1 minute walk (60m straight line distance) of dwellings on the site and extend to a minimum area of 400 sq m.

Policy C1: states that planning permission will not be granted for development which would result in the loss of the best and most versatile agricultural land, (Grades 1, 2 and 3a), unless the following criteria are met: there is an overriding need for the development; there are no suitable sites for the development within existing developed areas; the proposal is on land of the lowest practicable grade.

Policy C13: states that planning permission will not be granted if the development adversely affects a designated SSSI or NNR, local Nature Reserve or site of ecological interest, site of geological interest unless there is an overriding need for the development.

Policy C15: states that planning permission will not be granted for development which would have an adverse effect on the habitat of wildlife species protected by law unless no other site is suitable for the development
Policy C16.

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:
 - 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

- 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.

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

This 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 Regulatory Services
<p>Highways Authority:</p> <p>These revised highway observations are made following receipt of the amended site location plan that shows the visibility splays within land under the applicants control or highway land. On this basis, whilst the Highway Authority has concerns over the sustainability of the site from a transport point of view, it is prepared to recommend approval subject to the imposition of the following conditions/agreements: -</p> <ul style="list-style-type: none"> • Travel packs being provided to all residents • 6 month bus passes, 2 per dwelling • Relocation of street furniture/signage • Visibility Splays to be provided • Parking, turning, surfacing, drainage to be provided in accordance with the design guidance. 	<p>The proposed access is to be located along Melton Road and requires the existing central refuge, 30MPH sign and gateway to the village to be relocated further down the hill (west). The land either side of the access is in the same ownership and therefore the Highways Authority is satisfied that the appropriate visibility splays can be provided and maintained.</p> <p>A 70 metre visibility splay to the west can be maintained whilst to the east a distance of 59 metres can be achieved. These distances have been considered to be acceptable in this location, within a 30 MPH speed restriction.</p> <p>Any works within the highway are required to be undertaken at the applicants own expense and in accordance with the Highways Authority specification.</p> <p>The Highways Authority has not objected to the creation of an access in this location but has questioned the sustainability of the location in the interest of promoting public transport. Asfordby Hill is served by a regular bus route with the bus stop located within a 10 minutes' walk to the east.</p> <p>The proposal is considered to be acceptable in transport terms and would not have a detrimental impact upon Highway Safety.</p>
<p>Environment Agency: No objection.</p>	<p>The application was supported with a Flood Risk Assessment and the Environment Agency are satisfied with the findings and have no objection subject to condition requiring a surface water drainage scheme and that finished floor levels are set at 150mm above ground level.</p> <p>There is to be a balancing pond provided on the site, designed to accommodate the surface water run-off from the proposal. As the site is currently a greenfield site the water run off rate can be no greater than the existing. The application is in outline form and design details of the SUDs can be requested by condition.</p>
<p>MBC Environment Health: No objection subject to the mitigation as outline within the Noise and Vibration Report.</p> <p>The design of the properties including the windows and means of ventilation must achieve the internal noise levels described in Table 2: BS8233:2014, paragraphs 3.17 and 3.18.</p> <p>The report explains in paragraphs 7.5, 7.6 and 7.7 and table 10 how this can be achieved including</p>	<p>Noted. The location of the site abuts the railway which is used for testing of trains. Therefore there is potential for noise disturbance to future residents. The application is in outline seeking approval for access layout and scale leaving the design and landscaping requiring further consideration in the form of a reserved matters application.</p> <p>Conditions can be imposed to ensure adequate protection in the interest of residential amenity is</p>

<p>the use of an acoustically attenuated passive ventilation system.</p> <p>With regards to the external amenity spaces/gardens of the properties facing the railway and Melton Road, the external noise level should not exceed 50LAeq. The report explains in paragraph 7.3 how this can be achieved with a specification for acoustic fencing.</p>	<p>secured through appropriate design and soundproofing of the dwellings.</p>
<p>Housing Policy Officer:</p> <p>The National Planning Policy Framework (NPPF) recognises that housing should meet the needs of present and future generations (Para 10). The NPPF continues to recognise the importance for local planning authorities to understand the housing requirements of their area (Para 28) by ensuring that the scale and mix of housing meets the needs of the local population.</p> <p>David Couttie Associates conducted a Housing Market Analysis for Melton Borough Council (Housing Stock Analysis 2006-2011; 2006) which clearly demonstrated that there is a surplus of larger private market homes and a significant lack of smaller sized properties within Melton Borough. Future development has therefore to address the imbalance of stock type and size, both by tenure and location to create a more sustainable and balanced housing market. This will require a bias in favour of small units to address both the current shortfall and future demographic and household formation change which will result in an increase in small households and downsizing of dwellings.</p> <p>The assessment found specifically within the Rural West of the borough that there is a need for additional market housing to 2011, there is a local surplus of larger family homes with additional 3 bedroom properties being particularly required to rebalance the existing stock. There is also a need for smaller sized dwellings such as 2 bedroom houses and accommodation suitable to meet the needs of older people. There are limited opportunities for new housing development in the rural settlements in the borough and therefore new residential developments in the area should contribute towards the creation of a mixed community and have regard to local market housing needs.</p> <p>The application proposes 28 residential properties on land adjacent to Melton Road, Asfordby Hill, Melton Mowbray. The application seeks to provide 40% affordable housing and a mix of 2 and 3 bedroom properties, including bungalows.</p> <p>The Leicester and Leicestershire Strategic</p>	<p>The proposal seeks consent for 28 dwellings with a mix comprising of 2, 3, and 4 bedroom dwellings, in the style of bungalows, terraced, detached and semi-detached properties. The design and appearance of the dwellings is something requiring further considerations at the reserved matters application and a condition can be imposed to ensure that the mix takes account the local housing needs.</p>

<p>Housing Market Assessment (Blinc Housing, 2009) supports the findings of the Housing Market Analysis and states that controls need to be established to protect the Melton Borough (particularly its rural settlements) from the over development of large executive housing, and to encourage a balanced supply of suitable family housing (for middle and lower incomes), as well as housing for smaller households (both starter homes and for downsizing). It continues to state that the undersupply of suitable smaller sized dwellings needs to be addressed to take account of shrinking household size which if not addressed will exacerbate under-occupation and lead to polarised, unmixed communities due to middle and lower income households being unable to access housing in the most expensive and the sparsely populated rural areas.</p> <p>The design and access statement for the application states that they will seek to provide 11 terraced, 14 semi-detached and 3 detached bungalows, this is broadly acceptable. However, as this is an outline application the actual mix of property types is not yet known but we would expect them to be reflective of the local housing need, which in this area is for smaller market properties, such as 2/3 bedroom houses and 2/3 bedroom bungalows.</p> <p>The Council has undertaken several assessments in order to be informed by an evidence base of housing need (households unable to access suitable housing without financial assistance). The level of identified need for affordable housing is extremely high within the borough</p> <p>From a housing policy perspective this application is supported because it seeks to meet the policy requirement of 40% affordable housing and offer a suitable mix of property types, although this aspect will be more formally agreed at the reserved matters stage. Should the application be approved, a Section 106 agreement will be required to secure the affordable housing as such and in perpetuity.</p>	<p>The proposed level of affordable housing is considered to meet the development plan (40%). The details of size and tenure would be agreed. The applicant has submitted a draft Heads of Terms for a section 106 agreement showing commitment to providing the required 40% Affordable Housing. No viability assessments have been provided and there is no reason to doubt that the scheme will not deliver the required affordable units. Should this position change the applicants or successor will have to demonstrate why this scheme can no longer deliver what has been agreed. Any such amendments would require to be justified in light that viability has not been raised at this outline stage.</p>
<p>Network Rail: No Objection subject to conditions.</p> <p>With reference to the protection of the railway, Network Rail has no objection in principle to the development subject to conditions in relation to</p>	<p>Noted. Network Rail seeks to ensure that the development would not affect the safe operation of the railway. Whilst the line is currently used as a test track adequate protection to both Network Rails assets and the future residents amenity is required to be secured by condition</p>

<p>drainage, boundary fencing, Armco barriers, method statements, soundproofing, lighting and landscaping.</p>	<p>and forwarded as notes to the applicant.</p>
<p>Severn Trent Water authority: No objections subject to conditions requiring further submission in relation to the disposal of surface water and foul sewage.</p>	<p>Noted.</p>
<p>LCC Ecology:</p> <p>The ecology report submitted in support of the application (Curious Ecologists, April 2014) identified that the site itself was of a fairly low ecological value and there was no evidence of protected species.</p> <p>Consideration as to the possible impact on the wider area requires further consideration. Further to the west the railway has previously been identified as having ecological interest and the railway line and associated vegetation undoubtedly provide a habitat corridor through the wider area. We would therefore expect to see any development on this site protecting this, with a buffer of between 5 and 10 meters between any development on site and the wildlife corridor. This should be managed as open space and should not be incorporated into any gardens. This would allow the long-term management of the northern boundary to be appropriate, and would prevent ad-hoc removal of individual plants and branches.</p>	<p>Noted. The application is in outline form seeking consent for the access, layout and scale. The layout plan shows dwellings situated either side of the cul-de-sac arrangement therefore presenting rear gardens to the railway embankment. The area of ecological interest is on the north side of the railway further to the west. It is considered that the railway tracks themselves present a barrier from the site and therefore would not be affected by the proposal being sited to the south of the railway track however further survey work could be secured through conditions.</p> <p>A balancing pond is proposed to the northwest corner of the site, close to the railway embankment which can be designed to increase biodiversity on the site, encouraging wildlife. Network Rail have requested appropriate fencing be erected alongside the embankment which will prevent the hedgerows from being lost or incorporated into residential gardens.</p> <p>The application has been independently reviewed and no objections have been received in regards to the surveys submitted.</p>
<p>LCC Developer Contributions-</p> <p>Waste - The County Council considered the proposed development is of a scale and size which would have an impact on the delivery of Civic Amenity waste facilities within the local area.</p> <p>The County Council has reviewed the proposed development and consider there would be an impact on the delivery of Civic Amenity waste facilities within the local area because of a development of this scale, type and size. As such a developer contribution is required of £2,484 (rounded to the nearest pound). The contribution is required in light of the proposed development and was determined by assessing which civic amenity site the residents of the new development are likely to use and the likely demand and pressure a development of this scale and size will have on the existing local civic amenity facilities. The increased need would not exist but for the proposed development.</p> <p>Libraries – The County Council consider the</p>	<p>Noted – If the development is considered acceptable a Section 106 Agreement to secure developer contributions would be needed.</p> <p>It is considered that these contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement.</p> <p>The applicant has agreed to these payments.</p> <p>S106 payments are governed by Regulation 123 of the CIL Regulations and require them to be necessary to allow the development to proceed, related to the development, to be for planning purposes, and reasonable in all other respects.</p> <p>It is considered that the payments satisfy these criteria and are appropriate for inclusion in a s106 agreement.</p>

proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area. The proposed development on Nottingham Road, Melton Mowbray is within 2.7km of Melton Library, Wilton Road being the nearest local library facility which would serve the development site. The library facilities contribution would be £1,740 (rounded to the nearest £10). It will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought to purchase additional library materials, e.g. books, audio books, newspapers and periodicals etc for loan and reference use to mitigate the impacts of the proposed development.

Education- no contribution is requested. No contribution is requested because sufficient capacity exists within the relevant schools

LCC Highways - The following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use.

Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).

6 month bus passes (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £350 per pass (NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).

Contribution towards equipping the nearest suitable bus route with Real Time Information (RTI) system, to assist in improving the nearest bus service with this facility, in order to provide a high quality and attractive public transport choice to encourage modal shift. At £5,840 total.

Ecology, Landscape: no requirements

Roll out of RTI is taking place over the coming months in Leicester City on the main bus routes. The signs do not require any infrastructure as they are operated/updated using wireless technology. There is no planned budget for areas outside of the main public transport routes and funding in the form of Developer Contributions is therefore required to support and encourage the use of public transport. The Highways Authority consider the site to be unsustainable and in order to promote public transport the installation of the RTI system at the two bus stops will encourage the use of sustainable modes of transport and will be of benefit to future residents.

Asfordby Parish Council: Object

The site is wholly outside the village envelope and completely contrary to the past Parish planning policy. This includes, as an essential requirement. Maintain open space/greenbelt countryside between the three existing and separate communities, (Asfordby, Asfordby Hill, and Asfordby Valley) which form part of the parish of Asfordby. To permit this development would set a most undesirable precedent for future similar proposals. There remains, within the village envelop, areas of land that can be developed in order to meet future housing needs.

The site is outside of the village envelope for Asfordby Hill, which runs to the rear of the properties fronting Melton Road. It is proposed to develop behind the existing dwellings in the triangle area of the field, providing a ‘squaring off’ of the built form of the village. The land to the west would remain undeveloped, eating into but leaving an adequate separation from the edge of Asfordby Valley to prevent any coalescence of the two settlements. Policy OS2 restricts development outside of the village envelope to that essential to the operational requirements of agricultural, small scale commercial development, leisure and tourism development. The proposal represents a departure from the Development Plan and can only proceed should it be considered that there are material considerations considered to be of such significance to outweigh this position.

The development is for market housing with a capacity to provide 40% of affordable housing, in accordance with **Policy H7**. It is not being considered as an exception site under **Policy H8** which allows for small size developments containing affordable housing only.

It is therefore considered that the development is inherently contrary to the development plan and permission can be granted only if there are material considerations considered to be of such significance to outweigh this position.

The NPPF is considered to be a material consideration of significant weight that needs to be considered alongside the Development Plan.

The National Planning Policy Framework (NPPF) provides guidance at a national level. In relation to existing development plans. The NPPF states that due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The saved policies of the adopted Melton Local Plan should be applied in this context.

The NPPF is founded upon a presumption in favour of sustainable development which in relation to decision making means approving 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 any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or, specific policies in the

<p>The main access onto the site would create a serious new hazard to road safety in that the view to the left when vehicles are turning right is severely restricted. It is the Councils view that this problem would be virtually impossible</p>	<p>Framework indicate development should be restricted.</p> <p>As summarised above, the NPPF seeks to boost housing supply and requires provision of a 5 year supply of housing land plus 5% ‘headroom’. Melton’s most recent analysis concluded that this is not being met and the available supply is significantly below 5 years. There have been no recent challenges to this position. The NPPF further advises that housing policies should not be considered up to date if a 5 year supply cannot be demonstrated. This is in addition to its more general approach (at para. 14) that where a local plan is out of date permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits, judged by the content of NPPF.</p> <p>It is considered that these expectations of the NPPF considerably undermine the reliance that can be placed on the housing policies of the Local Plan. However, policy OS2 is considered to remain compatible with the NPPF and greater reliance can be attributed to its content and objectives.</p> <p>The site is considered to be greenfield and not brownfield. The NPPF encourages the re-use of brownfield land but there is no prohibition on the use of greenfield land. In Melton’s circumstances, there is insufficient brownfield land to meet supply and Greenfield locations are required to satisfy demand.</p> <p>Conclusion on Planning Policy issues:</p> <p>It is considered that Policy OS2 remains compatible with the NPPF as this relates to countryside protection which is also a NPPF objective. In this respect, the Committee should consider two central issues:</p> <ul style="list-style-type: none"> • Whether the harm to the character and appearance of the countryside ‘significant and demonstrable’, sufficient to outweigh the benefits of the scheme. • Whether, if considered harmful, the overall benefits outweigh the adverse effects. It is considered that the provision of affordable housing and the contribution to overall housing supply is particularly significant in this context. <p>The Highways Authority has no objection to the amended proposal. Please see highway comment above.</p>
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<p>to remedy.</p> <p>Drainage of surface (rain) water from the site would increase the risk of flooding to land areas <u>below</u> the development area. Existing land drainage plans show the lower area to be a “wetland” already. Additionally, historical records of past rainfall and flooding cannot be relied upon to accurately predict future flooding problems, as the recent incidents of rainfall and flooding in the Country have testified.</p> <p>The Parish Council would like to emphasise the strength of local feeling against this proposal. The decision to oppose the granting of planning consent was a unanimous one and was wholly supported by local residents present at the meeting.</p>	<p>The issues highlighted by the Parish Council are existing problems and will not be exacerbated by the development due to the requirement to manage surface water run off on the site. Under the Surface Water Management Act 2010, the requirement for the use of Sustainable Drainage (SUD) systems is required on a development of this scale. In this instance a ‘balancing pond’ is shown to the northwest of the development and will form the preferred method of managing surface water on site. The aim of SUDS is to restrict development runoff at peak flow rates to predevelopment rates, in this case – greenfield run off rates will apply, to ensure they do not add to flooding issues. The Environment Agency has been consulted and have raised no objection to the proposal subject to conditions.</p> <p>Noted, there are a number of objections and opposition to the proposal. The legislation on this aspects states: "The extent of local opposition is not, in itself, a reasonable ground for resisting development. To carry significant weight, opposition should be founded on valid planning reasons which are supported by substantial evidence. Planning Authorities should therefore make their own objective appraisal and ensure that valid planning reasons are stated and substantial evidence provided. Planning authorities will be at risk of an award of costs for unsubstantiated objections where they include valid reasons for refusal but rely on local opposition from third parties, through representations, to support the decision".</p> <p>Accordingly, it is clear that whilst opportunities must be provided for residents views to be heard, the approach of refusing an application because of the strength of opposition is not permissible: the ‘planning grounds’ for refusal remains the deciding factor(s).</p>
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Representations:

Site notices were posted and neighbouring properties consulted. As a result **20 letters of objection have been received from 15 separate households** the representations are detailed below. Following amended plans showing a revised access 1 further objection has been received advising that the original objection still stands.

Representations	Assessment of Head of Regulatory Services
<p>Highway Safety:</p> <p>The proposed entrance to the site would add to the traffic problems already experienced on Asfordby Hill - visibility is restricted by the brow of the hill and although there is a 30mph limit, it is regularly ignored. The traffic calming measure proposed</p>	<p>The proposed development would be served by a single point of access from the Melton Road. The development would have a spinal road serving all 28 properties. The 30 MPH speed restriction will be extended to be in line with the relocated</p>

<p>does nothing to stop this.</p> <p>The visibility to the left is severely restricted due to the bend.</p> <p>Unsafe vehicular access.</p> <p>As this is a main road it will cause unnecessary hold ups and excess volume of traffic turning into the new access road.</p> <p>The present refuge at the top of the hill narrows the road - some lorries find it difficult to negotiate the "chicane" thus caused, even though it is where the road begins to level out. - If the new one is sited further back down the hill, at a steeper gradient, they will find it even more difficult, making it a "good" bottle-neck for traffic</p> <p>The proposed junction leading to this development is on the brow of the hill, with extremely restrictive views for both drivers and pedestrians. Children often use this route from Asfordby Valley to the Primary School</p> <p>The extra housing and vehicles involved with the proposal would have a detrimental effect on a road that is already heavily used.</p> <p>The 30 mph Zone, is rarely adhered to by the through traffic especially the heavy industrial traffic.</p> <p>The 30mph speed limit is not enforced and constantly vehicles break the speed limit.</p>	<p>pedestrian refuge.</p> <p>The Highway Authority raises no objections to the amended access plan, subject to conditions, see assessment above.</p>
<p>Impact upon the Character of the area.</p> <p>The size of the development is not small scale and represents a 46% increase in properties in the village.</p> <p>The application is for 28 houses. For an area this size a maximum of 10 would be the norm in order to be in keeping with relative density of the rest of the village local to this development - in other words the homes right next to it. The developer wants to put as many as three times as many houses there.</p> <p>The 28 residential dwellings would dominate what is and has been for 50 years meadowland</p> <p>This wedge of land is needed to be protected to prevent the two villages merging.</p> <p>This meadow is the difference between making</p>	<p>Using the Council's available records there are 240 dwellings in the village of Asfordby Hill itself. The addition of 28 dwellings represents a 11.6 percentage increase, which is considered to be commensurate with the size of the settlement and would not have a detrimental impact upon its village status or character.</p> <p>The proposal seeks to develop the top part of the paddock that creates a triangular wedge shape behind the existing dwellings and the rail way. The dwellings will in affect present a 'squaring off' for the field and village; and will not result in the built form protruding further down the hill towards Asfordby Valley. The area of separation will still exist but the proposal will extend the</p>

<p>this area look rural and urban.</p> <p>The landscape of Asfordby Hill is such that any development on this field will create a dominant and oppressive environment which will be seen for miles around. It will also effectively join the previously separate Asfordby Valley and Asfordby Hill</p> <p>Asfordby Hill as a village apart from Asfordby and Asfordby Valley was the creation of Holwell Iron Company and as such has a character all of its own and this has already been impaired by the recent building projects.</p> <p>This side of the road should stay as a row to keep the identity of an old working village which is visible on approach.</p> <p>However "aesthetically designed" we cannot see the attraction of a row of rabbit-hutches (they won't be much bigger than that!) along the edge of the Hill.</p> <p>The development of Houghton Close has changed the visual appearance of our little village already, further development in the opposite field would completely change the character of the place. It is a small village with virtually no amenities, It should not become a large village with virtually no amenities.</p> <p>If permission is given to squeeze 28 residential properties in the upper part of this field, then the next thing is likely to be even more requested for the lower part of the field.</p>	<p>width of the village northwards.</p> <p>When viewed from Asfordby Valley the layout shows a row of terraced style dwellings which is reflective of the style of dwellings at the bottom of the hill, lying within Asfordby Valley. Design of the dwellings is not part of the consideration, however, it is considered that the proposal is capable of enhancing the area through use of sensitive materials and design. The village of Asfordby hill is characterised by semi-detached dwellings and Victorian terraced properties; once part of the stock holding for workers at the steel works. There has been very little 20th century development in the village with the most recent housing stock being located opposite the site at Houghton Close, which presents a very modern character to this part of the village.</p> <p>Whilst the application is in outline form the layout and scale would be fixed. The design of the dwellings is for future consideration and the proposed mix of dwellings is considered to be appropriate in this location. The village of Asfordby Hill is considered to be a sustainable location with sufficient public services to support new residents and is close to the town of Melton where there are good public transport connections. It is considered that the site presents an opportunity to provide a mix of market and affordable dwellings capable of fulfilling future local housing needs and this represents a benefit of some significance when considering the loss of the greenfield site. There are limited development opportunities within the rural villages to assist with meeting the housing needs of the residents.</p>
<p>Impact upon residential outlook/amenity</p> <p>The proposal will impact upon the residential amenity of the dwellings along Melton Road. It will create overlooking and loss of privacy to what is currently open views.</p> <p>The properties backing on to the site will lose their pleasant outlook.</p> <p>It will create a dominant or oppressive environment</p> <p>Noise pollution – 28 extra houses will inevitably cause more noise from traffic and humans</p> <p>Due to the gradient of the gardens to the rear of properties privacy would be greatly effected both within our homes and gardens (fences and trees would not resolve this!)</p>	<p>The application is in outline form with the layout of the dwellings being a consideration. The properties fronting Melton Road benefit from long rear gardens with the dwellings sitting in an elevated position when viewed from the rail way embankment to the north. It is proposed to access the proposed dwellings from Melton Road and have a two blocks of terraced dwellings facing towards Asfordby Valley with a cul-de-sac between the blocks leading into the site. The layout shows an arrangement of semi-detached dwellings and a bungalow sitting either side of the cul-de-sac, with 2 no. bungalows sitting at the head of the cul-de-sac where the land levels out. It is proposed to position 3 no. pairs of semi-detached properties behind the existing dwellings but at an angle. Given the change in topography, coupled with the separation between the dwellings, overlooking and loss of privacy will not pose an adverse impact and subject to design</p>

<p>The meadow is a break between the houses and the rail line, which itself is at times excessively noisy with prolonged use of brakes. If this buffer between the already busy and noisy road and railway line is developed, it would increase noise levels and activity to an unreasonable level.</p> <p>The Highway directly to the front of present properties has had an increase in HGV and commuter traffic and as such noise levels and activity would be detrimental to health. This has caused constant issues with the road quality resulting in strong vibrations felt throughout our house.</p>	<p>overlooking can be avoided. Landscaping; hard and soft, will form the reserved matters application.</p> <p>The proposal will however impact upon the existing visual outlook to a degree changing from an undeveloped paddock to a development of 7 no. pairs of detached dwellings and 3 no. bungalows with 11 no. terraced dwellings to the west. Planning exists in the interest of the public and cannot therefore seek to protect a private individual's interest. There is no right to a view and the proposal can provide adequate separation between the dwellings so as not to have an adverse impact upon the living conditions of the occupants.</p> <p>It is not considered that the proposal would have a detrimental impact on the residential amenities of adjoining properties and is considered to comply with Policy BE1 of the Local Plan.</p>
<p>Drainage</p> <p>General concerns about drainage and adding to the waterlogging problem of the play fields at the bottom of the hill.</p> <p>This area has had many problems with flooding in the past, a fact which was covered at length during discussions regarding the proposed wind turbine farm. In addition I do not believe that there is a sufficient and modern infrastructure in place to deal with the additional demands on the sewer system.</p> <p>We feel the sewers are not designed to take the impact of the number of properties already been built on the hill, there is a constant leak across the road ever since Houghton Rd as been there, the drains block more frequently</p> <p>The Victorian drainage system cannot cope with more development.</p>	<p>A Flood Assessment has been carried out and independently reviewed by the Environment Agency with no objections raised subject to conditions. The details of these are addressed opposite the comments from the Environment Agency above.</p> <p>Under the Surface Water Management Act 2010, the requirement for the use of Sustainable Drainage (SUD) systems is required on a development of this scale. The aim of SUDS is to restrict development runoff at peak flow rates to predevelopment rates, in this case – greenfield runoff rates will apply, to ensure they do not add to flooding issues.</p> <p>The issues raised through the consultation highlights that there is an existing problem which cannot be rectified by this proposal.</p> <p>The application has been supported with appropriate reports which have been independently reviewed by the Environment Agency and Seven Trent Water Authority and they raise no objection subject to conditions (see above).</p>
<p>Planning Policy:</p> <p>The site has not been identified for the proposed Asfordby Neighbourhood Plan.</p> <p>Developing in this location would go against the Asfordby Neighbourhood plan. The proposed Neighbourhood plan makes it plain that this area should not be built on, there is other more suitable sites for development on Asfordby Hill.</p>	<p>The Asfordby Parish Council applied to become a designated neighbourhood planning area on the 12th June 2012; they were formally designated on the 30th January 2013. The Parish Council has made good progress with preparing the neighbourhood plan and has carried out a number of community consultation events to engage local people on how their parish should develop over the plan period.</p>

	<p>the north and the built up area of the village to the east and south. The site is not remote from the village settlement and is within a sustainable location with reasonable access to public services.</p> <p>It is considered that development in this location would assist in boosting housing growth in a sustainable village and the harm identified (outside the Village Envelope) are outweighed by the benefits the proposal offers: Subject to the signing of a S106 securing the affordable homes and developer contributions.</p> <p>The land is not good grade agricultural land and is undeveloped pasture land. Planning policies seek to develop brown field sites over greenfield but does not prohibit development on greenfield.</p>
<p>Wildlife</p> <p>Wildlife will be impacted from the meadow/ farmland behind, wryneck woodpeckers frequently visit if not live in the tall tree on the boundary, butterflies will not be present as the meadow will be gone .</p> <p>There is at present great wildlife activity which would have it's eco system disrupted.</p>	<p>Appropriate surveys have been submitted and have been independent reviewed by the Council's Ecological advisor. The ecological advisor did not object to the proposal (see above)</p> <p>As part of the Sustainable Urban Drainage system provisions are to be made to enhance the biodiversity of the site as well as manage the run off rate from the site.</p>
<p>Other Matters:</p> <p>Historically, nothing was built on this site because of its nearness to the railway and possible subsidence of the bund onto the railway track.</p> <p>The loss of the open view will impact upon the future selling point and devalue the property.</p> <p>As a community we have just spent the last few months awaiting the results of the appeal against the planned wind turbine farm. We now find ourselves again not only fighting to retain the use and enjoyment of our own properties and back gardens. But also the enjoyment of a view of the countryside from the bedroom windows, including mine, facing the field</p> <p>Concerns on the impact any additional housing in this area would have in local amenities which are already stretched- the school is already at capacity.</p> <p>There are more sites suitable for meeting the Boroughs housing needs.</p>	<p>It will be necessary to design the dwellings to mitigate any potential noise impacts from the railway in line with the submitted Noise and Vibration assessment.</p> <p>The Council cannot safeguard a 'view' and providing development proposals have an acceptable relationship in terms of height, scale and massing it is not considered that the proposal would have an adverse impact upon residential amenities as safeguarded by policy BE1.</p> <p>The Education Authority has advised that there is currently a deficit of 6 places at the Asfordby Hill Primary school and a development of this size could have a projected forecast for an additional 7 places. However they have advised that there is a net surplus of 4 places at Asfordby and 40 places at Grove Primary School in Melton, both within easy reach of the proposed development.</p> <p>The Council cannot demonstrate a 5 year housing land supply and this is a material consideration when considering the proposal.</p>

If development is accepted the developer should pay a contribution towards new play equipment at Asfordby by Hill play park.	The applicant has been advised that due to the close proximity to the local equipped play area that it would be more favourable to provide a contribution to upgrade the existing play areas in the vicinity rather than providing a formal play space on site. The applicants have agreed to this approach and could be included within a S106 agreement.
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Other Material Considerations, not raised through representations:

Consideration	Assessment of Head of Regulatory Services
Employment Opportunities	The Authority has a Corporate Objective to create employment for local people. The applicants have been asked if they would agree to offer training hours in the construction industry and training programmes during the development of the site. The applicants have advised that they would agree to have this included within the S106.

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 deficient in terms of housing land supply more generally and this would be partly addressed by the application, in a location that is considered to be sustainable in terms of access to services and facilities and with good transport links.

Affordable housing provision remains one of the Council’s key priorities. This application presents affordable housing that helps to meet identified local needs. Accordingly, the application presents a vehicle for the delivery of affordable housing of the appropriate quantity, in proportion with the development and of a type to support the local market housing needs. Asfordby Hill is considered to be a sustainable location and adequate access and parking provisions can be provided and maintained to the satisfaction of the Highways Authority. It is considered that these facts are a material consideration **of significant weight in favour** of the application.

There are a number of other positive benefits of the scheme which include biodiversity enhancement, surface water management in the form of a sustainable drainage, developer contributions to mitigate impacts upon local services and the local employment opportunities a development of this size would provide.

It is considered that balanced against these positive elements are the site specific concerns raised in representations, particularly the development of the site from its green field state outside of the village envelope and impact on the character of the rural village.

In conclusion it is considered that, on the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing in particular. The balancing issues – development of a greenfield site outside of the village envelope – is considered to be of limited harm in this location due to the unique characteristic of the site and potential for sympathetic design and careful landscaping.

Applying the ‘test’ required by the NPPF that permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits; it is considered that permission can be granted.

Recommendation: PERMIT, subject to:

- (a) **The completion of an agreement under s 106 for the quantities set out in the above report to secure:**
- (i) Contribution for the improvement to civic amenity sites.
 - (ii) Contribution for the improvement to library facilities.
 - (iii) Contribution to travel packs
 - (iv) Sustainable transportation
 - (v) The provision of affordable housing, including the quantity, tenure, house type/size and occupation criteria to ensure they are provided to meet identified local needs
 - (vi) Training opportunities
 - (vii) Contribution for upgrading of the equipped play area at Asfordby Hill.

The following conditions to include:

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 "external appearance of the building(s) and the landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. No development shall start on site until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.
5. The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
6. The existing hedgerows and trees on the north, south and east boundaries of the site shall be retained in their entirety with the exception of removal required to create the access and associated sightlines unless agreed in writing by the Local Planning Authority.
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.

The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of two treatment trains to help improve 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 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. 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.

8. Finished Floor levels should be set at least 150mm above ground levels.
9. 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.
10. Details of any proposed external illumination shall be submitted and approved in writing by the Local Planning Authority. Any external illumination must not cast glare onto the railway, or otherwise conflict with a train driver's vision of railway signals and line-side signs.
11. Details of a suitable trespass proof fence adjacent to the railway boundary shall be submitted and approved in writing by the local planning authority. The fencing shall be erected prior to the first occupation of the buildings and shall thereafter be maintained in perpetuity.
12. No dwelling shall be occupied until such time as the proposed central island, speed limit and village nameplate signs have been relocated as shown generally on the submitted plans, fully in accordance with Highway Authority standards
13. Before building works first commence, the proposed visibility splays shown out of the proposed site access in each direction on to Melton Road, shall have been provided and cleared of any obstruction that exceeds a height of 0.6 metres above ground level within the visibility splays. Once provided these splays shall thereafter be permanently so maintained.
14. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 20 metres behind the highway boundary and shall be hung so as to open inwards only.
15. 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, signing and lining (including that for cycleways and shared use footway/cycleways) and visibility splays and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development commences.

Note: Your attention is drawn to the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development.

16. Notwithstanding the details submitted, the footway on the application site side of Melton Road shall be widened to the full extent of the proposed visibility splays, in accordance with Highway Authority construction standards before first occupation of any dwelling on the site.
17. The reserved matters as required by condition 2 above, shall demonstrate that the noise levels as described in BS 8233 can be satisfied:
 - o Inside Bedrooms: LAeq(8hour) 30dB (2300 to 0700 hours)
 - o Inside Bedrooms: LAmax(8hour) 45dB (2300 to 0700 hours)
 - o Inside Living Rooms: LAeq(16hour) 30dB (0700 to 2300 hours) 30dB
 - o External areas such as Gardens: LAeq(16hour) 50dB (0700 to 2300 hours)

Officer to contact: **Mrs D Knipe**

Date: 8 June 2014