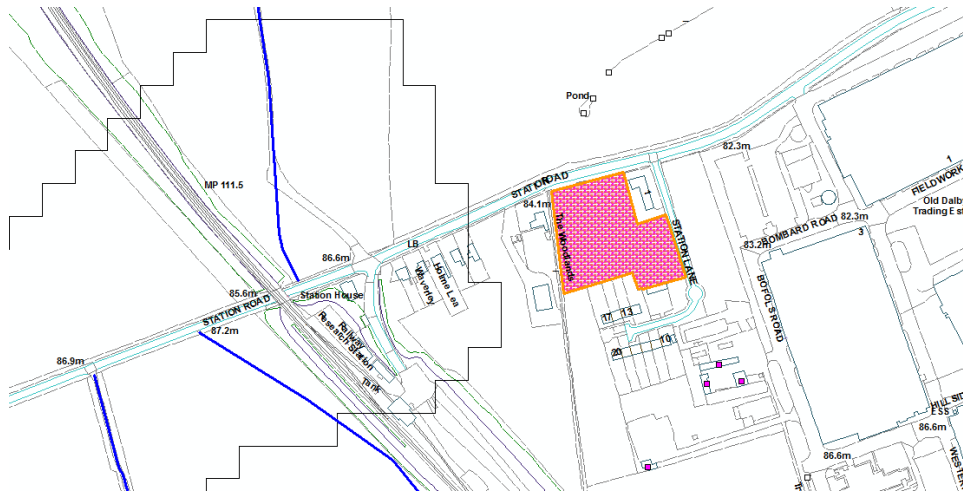


Reference: 14/00954/OUT
Date submitted: 12.12.14
Applicant: Mrs S Grey
Location: Land Adjacent The Woodlands, Off Station Road, Old Dalby
Proposal: Development for up to 15 dwellings



Proposal :-

This application seeks outline planning permission for up to 15 dwellings, 6 would be affordable housing, and associated infrastructure on land falling outside of the village envelope for Queensway, Old Dalby. Access to the site is proposed directly from Station Road. The site is described as a brownfield site that was part of the MOD base. It has been left to naturally evolve over time into a waste land.

The application seeks consent for the access only with all other matters relating to layout, scale, appearance and landscape reserved for later approval. An indicative layout plan has been provided to show how the site could be developed should approval be granted.

The application has been supported by a Planning Statement, Design and Access Statement, Noise Report, Contamination 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 and the NPPF**
- **Impact upon the character of the area and open countryside**
- **Impact upon residential amenities**
- **Impact upon Ecology**

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 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>The Local Highway Authority would not consider the location of the site to be sustainable in transport terms, as future occupants would be too heavily reliant on the use of a private car for the majority of their trips. Although the village has a reasonable bus service and a school it does not have any shops or many other facilities, although the site is located immediately adjacent a large employment site. The Council may therefore wish to consider the sustainability of the site when</p>	<p>The application is outline with the access for consideration with all other matters reserved. An indicative layout plan has been provided which shows how the proposal could be laid out on the site. It proposes a single point of access from Station Road with two cul-de-sacs to serve upto 15 dwellings, including 6 affordable housing, sited along the estate road.</p> <p>The Highways Authority do not object to the access or road layout but have commented that the site is not well served by public transport and</p>

<p>determining the application..</p> <p>If minded to grant approval for the site, the Local Highway Authority would wish to see the following conditions imposed in the interests of highway safety.</p> <ul style="list-style-type: none"> • No gates or barriers across the entrance • Conforms to Highway Design Standards • Improvements to the junction • Traffic management plan • Driveway surfacing • Visibility Splays • Closing of existing entrance and reinstatement of footway 	<p>therefore considered to be an unsustainable location in transport terms.</p> <p>The proposal lies outside of the village of Old Dalby amongst a small number of former MOD housing, serving the military that were stationed there on the former army base. The base is now an employment site; Crown Business Park and Old Dalby Trading estate occupied by various businesses. It is the largest rural employment site to the west of the borough.</p> <p>There are two bus services running in the area linking Old Dalby, Queensway, Nether Broughton to Melton Mowbray but not as regular with the changes in public transport provisions.</p> <p>The village service audit of the borough's villages considers that the village of Old Dalby is a sustainable village capable of being a Rural Supporter, being close to the large employment site and having a regular bus service and good links to Old Dalby and Melton. The village of Old Dalby lies within 700 metres to the west, accessed by a footpath. Within the village of Old Dalby there is a primary school, pre school, village hall, church and public house/restaurant, although it has been closed recently but due to reopen soon.</p> <p>Notwithstanding the highways comments it is considered that the site location performs reasonably well (albeit far from ideal) in sustainability terms – resulting from the services and transport links in the immediate vicinity and the advantage of proximity to facilities in nearby Old Dalby. It would not have severe harm in transport terms and would not have a detrimental impact upon Highway Safety subject to the conditions as requested by the Highways Authority.</p>
<p>MBC Environment Health</p> <p>Noise</p> <p>The proposed site lies in close proximity to three potential noise sources: Old Dalby Test Track to the west, Station Road to the North and the Old Dalby Trading Estate to the east. Noise from these sources, individually or collectively, could create an unacceptable noise situation to the residents of the proposed development. A noise assessment is required to quantify the noise character of the proposed site in relation to the WHO – Guidance on Community noise and BS 8233: 2014 standards.</p> <p>Contamination</p> <p>In the Design and Access Statement the applicant</p>	<p>The application has since been supported with both a phase I contamination assessment and noise report. Environment Health are satisfied with the findings of the reports and have withdrawn their objection subject to conditions requiring a phase two site investigation prior to development to be undertaken including:</p> <ul style="list-style-type: none"> - a risk assessment relating to human health and ground / surface waters - a refinement of the Conceptual Model, and <p>The investigation and risk assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' or any subsequent guidance which replaces it and must be undertaken by competent persons.</p>

<p>identifies the former use of the site as: <i>‘The site was formerly part of the Army Base Storage and Distribution Agency (ABSDA) SubDepot at Old Dalby. The Sub-Depot closed in 1999 and was subsequently sold by the Ministry of Defence in a number of parcels. The application site has previously been occupied by railway sidings and housing (since demolished). A chain-link fence runs along the northern, eastern and southern boundary of the site. The western boundary is formed by a hedgerow which ran alongside the former railway sidings.’</i></p> <p>Railways can be associated with ash ballast, fuel oils, lubricating oils and greases. What was stored at the former Army storage facility is unknown. The potentials exists for contaminants to impact on future receptors and groundwater etc. A contaminated land assessment is required to quantify the risks.</p> <p>Without noise and contaminated land assessments Environmental Health would object to the application on public health grounds due to insufficient information. Should the applicant wish to commission reports, the consultants are advised to contact this department to discuss the methodologies of the assessments.</p>	<p>A Method Statement detailing the remediation requirements, including measures to minimise the impact human health and on ground / surface waters, using the information obtained from the Site Investigation which is to be submitted for approval prior to any remediation being carried out on the site.</p>
<p>LCC Ecology – No objection</p> <p>The ecological report submitted in support of the application (Curious Ecologists, August 2014) identified the majority of the site as species poor grassland. The report identifies ponds within the area and has assessed them as having a low potential to support great crested newts.</p> <p>However, LCC maps indicate that there is a pond at SK68112421, within 50 meters of the site boundary. It is recommended that this pond is also considered as it is considerably closer to the application site. Additionally, LCC maps indicate that there is a watercourse to the western boundary of the site. This has not been mentioned in the report and it is possible that it is a drain or a dry ditch. However, clarification of this would be appreciated. LCC welcome the retention of existing hedgerows on site, but would request that the layout is designed in such a way not to incorporate these into individual plot boundaries. LCC are in agreement with the recommendations in section 6.3 to 6.6 of the report.</p> <p>The updated ecological survey (Curious Ecologists, March 2015) indicates that the pond marked on the maps is not suitable for great crested newts. LCC therefore have no additional comments on this application</p>	<p>Since the comments were received the applicants have surveyed the ponds and watercourse which have been found to not be suitable for Great Crested Newts and LCC are satisfied that no protected species would be affected by the proposal subject to retention of the hedgerows.</p> <p>It is considered that the proposal complies with the NPPF and subject to the conditions requiring retention of the hedgerow the proposal is acceptable.</p>
<p>Severn Trent Water Authority: No objection subject to conditions requiring details of foul and</p>	<p>Noted.</p>

<p>surface water disposal.</p>	
<p>Parish Council: Objects</p> <p>Cllrs object to this application.</p> <p>The Parish Council believes that the site is not viable for housing. There are no shops in the Parish and the bus service has been reduced to a 2 hourly service. Currently the bus stops at Queensway and then the Green Old Dalby. Residents of the proposed development would have to walk to one of these stops. The proposed properties would be dependent on private transport.</p> <p>The design and access statement states that children could walk to school. The Parish Council would point out that the footpath on that side of the road finishes at Station House. The existing footpath across a busy main road is narrow and indeed is dangerous as it goes under the railway bridge. The play facilities mentioned in the design and access report are not within walking distance of the site and would mean more use of private transport.</p> <p>The field is a derelict field by choice of the owner. It could be maintained. Furthermore the site is not a dry site. It is heavy clay and currently it is standing in water. Any development here would have an adverse effect on existing houses on Station Road and Station Lane.</p>	<p>The village of Old Dalby has been identified as a sustainable village, capable of being a rural supporter through the recent village audit assessment 2015 and development within the village would be appropriate. However the application site is not within or on the edge of the village of Old Dalby and lies some 700 metres to the east away from the village. Whilst there is a footpath in to the village there is no street lighting. The Highways Authority have not objected to the proposal on highways safety grounds subject to conditions.</p> <p>NPPF paragraph 50 advises that in order to achieve housing growth extensions to existing villages or new settlements may be appropriate. Paragraph 54 relates to rural exception sites which encourages some market housing where significant affordable housing will be provided to meet local needs. Whilst at paragraph 55 it advises that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Giving an example.... where there are groups of smaller settlements, development in one village may support services in a village nearby.</p> <p>The application site is not on the edge of the village (in contrast to the proposal recently considered at Queensway) and separated from the nearest settlement of Old Dalby separated by open fields. Whilst there are other dwellings in the vicinity of the proposal they were once restricted to occupation by Military personnel and were not open market dwellings. The site is not being promoted as a rural exception site and would be market housing with the provision of some Affordable Housing to comply with policy. The construction of 15 dwellings would be detached from the village representing an unsustainable form of development as promoted within the NPPF.</p> <p>The application seeks outline consent for the access only. Conditions can be imposed to ensure that a suitable and adequate drainage system is provided on site should development be approved.</p>
<p>Developer Contributions: s106</p> <p>Waste - The Civic Amenity contribution is outlined in the Statement of Requirements for Developer Contributions in Leicestershire. The County Council considered the proposed development is of a scale and size which would have an impact on the delivery of Civic Amenity</p>	<p>The County Council consider the Civic Amenity and waste contribution are justified and necessary to make the development acceptable in planning terms because of the policies referred to and the additional demands that would be placed on the key infrastructure as a result of the proposed development. It is directly related to the development because the contributions are to be</p>

<p>waste facilities within the local area. 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 £1,240 (to the nearest pound).</p> <p>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. The nearest Civic Amenity Site to the proposed development is located at Melton Mowbray and residents of the proposed development are likely to use this site.</p> <p>The developer contribution would be used to make improvements and to increase the capacity of the Civic Amenity Site at Melton Mowbray by for example the purchase and installation of additional compaction equipment and/or containers\storage areas to deal with the likely increased usage due to the proposed development. The existing Civic Amenity Site serves a large number of households, the level of the amount reflects the proportional impact of the contribution and is therefore likely to be pooled but for the particular (Melton Mowbray) Civic Amenity Site which would serve the proposed development.</p> <p>Libraries - The County Council consider the 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 Station Rd, Old Dalby is within 8.4 km of Melton Mowbray library on Wilton Rd being the nearest local library facility which would serve the development site. The library facilities contribution would be £450 (rounded up to the nearest £10).</p> <p>It will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought for materials, e.g. books, audio books, newspapers and periodicals etc for loan and reference use to account for additional use from the proposed development.</p>	<p>used for the purpose of providing the additional capacity at the nearest Civic Amenity Site and Library (Melton Mowbray) to the proposed development.</p> <p>It is considered fair and reasonable in scale and kind to the proposed scale of development and is in accordance with the thresholds identified in the adopted policies and to meet the additional demands on the Civic Amenity infrastructure at Melton Mowbray which would arise due to this proposed development.</p> <p>As these are tariff style contributions which are to be 'pooled'. CIL 123(3) does not allow 'pooling' of more than 5 contributions for each project since April 2010. The Council can confirm that there are more than five signed S106 agreements since 2010 and therefore are not in position to request this type of contribution from the developer.</p>
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Representations:

Site notices were posted and neighbouring properties consulted. As a result 4 **letters of objection have been received from 4 separate households** the representations are detailed below.

Representations	Assessment of Head of Regulatory Services
<p>Impact upon Residents</p> <p>The dwellings would block light from our kitchen windows.</p>	<p>The application is for outline consent with all matters reserved at a later stage. The layout plan provided is indicative only and shows how development of up to 15 dwellings could be arranged on the site but is not fixed.</p> <p>Subject to design, layout and scale of the dwellings residential amenities could be safeguarded.</p>
<p>Health and Safety</p> <p>There is possibilities of contamination on the site</p> <p>There is no footpath from the site and children would need to cross the busy road to walk to school.</p>	<p>The application has been supported with a phase I contamination report and the Environment Health Officer has requested a condition for further assessments to be carried out should approval be granted.</p> <p>The Highways Authority have not objected to the proposal.</p>
<p>Highways Safety</p> <p>The increase in a possible 30 cars would pose further safety concerns on Station Road which is already a busy, fast road.</p> <p>The proposed entrance is too close to a bend and the current entrance to Station Lane. This would cause confusion and danger to all traffic. Station Road is already extremely busy with traffic from the nearby trading estates; the local infrastructure cannot take more traffic.</p> <p>Station Road is reduced to single lane traffic on the edge of the village with parents parking to take their children to school....the increase in traffic will cause dangers.</p>	<p>Please see commentary above under Highways Authority.</p>
<p>Sustainability</p> <p>There is no shop, the post officer opens 2 days a week and the bus service is under review.</p> <p>The bus service has now been changed with less public transport. I think that this planning permission is unsustainable, and would have a huge impact on the lives of the residents of station lane,</p>	<p>The village of Old Dalby has been identified as a possible rural supporter as identified within the Settlement Roles and Relationship report, a study that forms part of the evidence for the New Local Plan. However the site is not within Old Dalby nor is it considered to be on the edge of the village being separated by open fields. The proposal would be detached from the village.</p>
<p>Biodiversity and Geological Conservation</p> <p>There are bats, barn owls, little owls and a large diversity of wild birds on the site which will lose their habitats.</p> <p>Many of the trees have already been cut down.</p> <p>Trees and hedges have been ripped out without any thought to the wild life which has almost disappeared since this happened</p>	<p>The application has been supported with a Habitat Survey which has been independently review. The advisor has no objection to the findings of the report. Please see commentary above on page 5.</p>

<p>The land is not derelict but unmanaged, the lack of wildlife on the site is due to the current owners ripping out all trees shrubs, hedges and ground cover 12 months ago in preparation for this application. There were Barn Owls, Bats and numerous other species using the site before this action.</p>	
<p>Drainage and Flood Risk</p> <p>The land is very heavy clay and water does not soakaway.</p> <p>The application states that surface water will soakway into nearby water course...If this is to happen the brooks water level would rise and could cause flooding on our land, which already floods in heavy rain (neighbour)</p> <p>It was stated there was no flooding on the site but it was under water most of last year, what will happen to houses on station lane when they change the drainage</p> <p>The site was flooded during the whole 2013/14 winter and any building would cause water logging problems to the housing on Station Lane</p> <p>The proposed site is unsustainable with the nearest official bus stop a mile away in Old Dalby village with just a 2 hourly service, no village shop and the local school at capacity.</p>	<p>The application is not within a known flood zone and falls below the threshold requiring comment from the Environment Agency. The application is in outline and will be subject to further investigations for suitable sustainable drainage techniques should approval be granted. Surface water runoff from the site would not be permitted to be any greater than the current greenfield run of rate.</p> <p>It is considered that flooding and managing flood risk can be secured by condition.</p>
<p>Other Matters</p> <p>This field is not derelict but neglected</p>	<p>Noted.</p>

Other Material Considerations, not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Planning Policies and compliance with the NPPF</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. 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. The Council cannot demonstrate a five year land supply however this on its own is not considered to weigh in favour of approving development that is contrary to the local plan where harms are identified, such as being located in an unsustainable location.</p> <p>The site is classified as a greenfield site, given its</p>

	<p>evolution to a natural state over time. It also lies within open countryside designation being located outside of the village of Old Dalby however the harms attributed by the development are required to be considered against the benefits of allowing the development in this location outside of any sustainable settlement. The provision of up to 6 affordable units with the house types that meet the identified housing needs is considered to offer some benefit, along with the promoting housing growth however its detachment from the village of Old Dalby, being separated by open fields is considered to weigh in favour of a refusal which is considered to amount to unsustainable development.</p> <p>Whilst the proposal would provide some housing in the Borough and would contribute to the 5 year land supply, the form development is limited in sustainability terms and the limited benefits the proposal are not considered to outweigh these concerns. It is therefore considered to be contrary to the core planning principles of the NPPF.</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 deficient in terms of housing land supply more generally and this would be partly addressed by the application,

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. The village of Old Dalby is considered to be a reasonably sustainable location where primary education and other services can be accessed.

Though by no means ‘optimum’, the site is considered to perform reasonably well in terms of access to facilities and transport links; those in the immediate vicinity and the added benefit of a modest range of additional services in Old Dalby and Nether Broughton nearby. However there remain deficiencies, most obviously in relation to secondary/higher education, shops, health care and leisure/recreation.

It is considered that balanced against the positive elements are the site specific concerns raised in representations, particularly the development of the site from its green field state and detachment from the built form of the village of Old Dalby.

The application seeks outline consent with all matters relating to design, scale, layout and appearance for further approval. The location, detached from any urban sustainable settlement, is not considered to support the reduction of car use to access every day services including employment and health care which make the scheme unacceptable and contrary to national and local policies. The provision of up to 9 market dwellings and 6 affordable housing units are not considered to offer significant public benefits that outweigh the unsustainable aspects of the development. and accordingly the application is recommended for refusal.

Recommendation: Refuse on the following ground;

1. In the opinion of the Local Planning Authority the proposal would, if approved, result in the erection of residential dwellings in an unsustainable location creating an isolated community. The development is in an unsustainable location where there are limited local amenities, facilities and bus services and where

future residents are likely to depend on the use of the car, contrary to the advice contained in NPPF in promoting sustainable development. It is considered that there is insufficient benefits arising from the proposal to outweigh the guidance given in the NPPF on sustainable development in this location and would therefore be contrary to the "core planning principles" contained within Para 17 of the NPPF.

Officer to contact: **Mrs D Knipe**

Date: 11 August 2015