

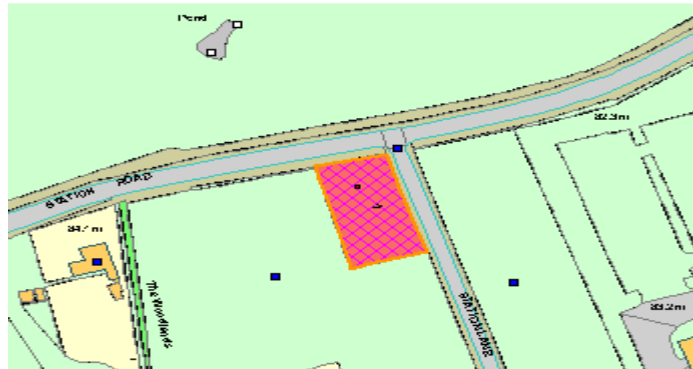
Reference: 15/00881/FUL

Date submitted: 05.11.15

Applicant: Mr J Herrick

Location: 1 Station Lane, Old Dalby

Proposal: Re-development of light industrial site into residential with the creation of 4 dwellings and improved access works.



Proposal :-

This application seeks planning permission for the re-development of the site to create four dwellings on land falling outside of the village envelope for Old Dalby. Access to the site is proposed from Station Lane with two dropped kerbs to serve the pair of semi-detached properties. The site is currently used for light industrial purposes and comprises a single building with on site parking.

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**
- **Highway safety**

The application is presented to the Committee as the proposal relates to residential development in a countryside location.

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 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 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- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: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: Station Lane is a private road and therefore the Local Highway Authority can only give approval for that part of the proposed highway improvement works that would take place within the highway limits of Station Road. Any works to Station Lane would require the consent of the street managers/landowners for Station Lane. Although the site is located in an unsustainable location, given that the site has a business/commercial use, it would be difficult to seek to resist the proposal on transport grounds.</p>	<p>The application proposes the erection of four dwellings with two access points off Station Lane.</p> <p>The Highways Authority do not object to the access but have commented that the site occupies an unsustainable location.</p> <p>The proposal lies outside of the village of Old Dalby.</p> <p>Old Dalby is regarded as 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 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.</p> <p>It should also be noted that permission has been granted to develop the adjacent site for housing and, on appeal, at Marquis Drive , Queensway a little further east despite its weaker relationship with village facilities.</p> <p>Notwithstanding the highways comments it is considered that the site location performs reasonably well (albeit not 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 result in significant 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>Parish Council: Given that the land adjacent to this has been granted permission for housing, despite the Parish Council’s objecting the Parish Council has no</p>	<p>The application site is not within or on the edge of the village of Old Dalby and lies some distance from the village. Whilst there is a footpath in to the village there is no street lighting.</p>

<p>alternative but to reluctantly state they have no objection. It is still felt the site is unsustainable and point out the access is onto a privately owned road.</p>	<p>NPPF paragraph 50 advises that in order to achieve housing growth extensions to existing villages or new settlements may be appropriate. 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.</p> <p>The application site is not on the edge of the village and is separated by open fields. However, together with the recently approved housing on the adjacent site, there are a relatively large number of dwellings in the vicinity.</p> <p>It is therefore considered, on balance, the principle of residential development can be supported given the permission granted on the adjacent site and the proximity to Old Dalby and the facilities therein.</p>
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Representations:

A site notice was posted and neighbouring properties consulted. As a result 4 representations object and one raises concerns which are detailed below.

Representations	Assessment of Head of Regulatory Services
<p>Highway Safety</p> <p>The road is currently unadopted and the upkeep of this road is down to the residents of Station Lane, if permission is granted will the new residents be liable for a share of the maintenance. There are problems with where construction traffic would go and the site has poor visibility and children from the primary school walk to school or wait for the bus at the bottom of the lane. The gates at the access have reduced the number of lorries coming onto the road, to widen the access would be to the detriment of the road owners as it would allow access to large vehicles mistakenly believing it to be the access to the industrial estate.</p>	<p>The proposal has been amended following objections from residents relating to the proposed changes to the access onto Station Road. The proposal is now to leave the access as existing and as such the existing gates would remain at the junction. The residents state the gates preclude lorries entering the road in the belief it provides access to the industrial estate.</p> <p>The Highway Authority raises no objection subject to conditions.</p> <p>It is considered the proposal would be acceptable in highway safety terms subject to conditions.</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 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.</p>

	<p>The site is classified as brownfield and lies within the open countryside. The site accommodates a light industrial operation which generates traffic and is not particularly well served by public transport. As such the location for the current industrial operation is not unduly sustainable. The proposal would replace this B1 use with four dwellings. Therefore, part of the traffic that would be generated by the proposal would be offset by the loss of traffic in relation to the B1 use.</p> <p>The proposal would result in the loss of an industrial building. However, the building is relatively small and it is not considered a refusal could reasonably be resisted on this issue.</p> <p>On balance, it is not considered a refusal could reasonably be recommended on the grounds of sustainability given the existing use, proximity to Old Dalby and the services therein and the recent approval on the adjacent site.</p>
Visual Amenity	<p>The existing building is of limited merit and no objection is raised to the demolition of this structure. The proposal would see the development of four dwellings, two x two storey semi-detached dwellings. The dwellings would be visually acceptable and the site can adequately accommodate four dwellings together with amenity space and circulation space without appearing cramped.</p> <p>As such the proposal is considered to be visually acceptable and to comply with the above policies.</p>
Residential Amenity	<p>The site would be located adjacent to the site which has recently been granted permission for residential development. The proposed scheme would have the rear gardens backing onto this site in order to provide a buffer between the site and the dwellings.</p> <p>To the north is Station Road with the nearest properties set a significant distance to the west. To the south dwellings on Station Lane would be a sufficient distance away to ensure there would be no undue adverse impact. There are no dwellings to the east.</p> <p>The proposal would be acceptable in terms of residential amenity and would comply with the above policies.</p>
Noise	<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.</p>

	<p>The Agent has made reference to the noise assessment carried out for the adjacent site which occupies a similar location with similar potential noise issues. This report concluded that subject to mitigation noise would not have an undue detrimental impact on the amenity of future occupants.</p> <p>It is therefore considered a condition can be imposed to approve mitigation measures to address the potential noise issues.</p>
Ecology	<p>The Agent has referred to the protected species survey carried out for the development on the adjacent site. This concluded that the adjacent ponds and watercourse have been surveyed and were found to be not suitable for Great Crested Newts. LCC Ecology concluded on that application that no protected species would be affected by the proposal.</p> <p>The findings of that report are considered to be relevant to this application in terms of the impact on the local watercourses and ponds. Furthermore, the site comprises a building not suitable for bat roosts and contains a building and hardstanding.</p> <p>As such it is not considered further surveys are required and the proposal would not be harmful to protected species.</p> <p>It is considered that the proposal complies with the NPPF and Policy C15.</p>
Contamination	<p>The site has been in industrial use and a condition is recommended to ensure any contamination is satisfactorily dealt with.</p>

Conclusion

It is considered that the application presents a balance of competing objectives with the Borough being deficient in terms of housing land supply and this would be partly addressed by the application. 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. The site is currently in use and accommodates a building in B1 use however.

On balance it is considered the benefits of additional housing, on a site adjacent to a recently approved housing scheme, outweighs the concerns over the sustainability of the site.

The committee will be aware of applications on the adjacent site and at Marquis Drive which have been considered and concluded to be adequately sustainable in terms of their location. It is considered that this site has similar 'credentials' and in the light of these decisions there is a strong balance in favour of the development.

Recommendation: Approve subject to conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be built in accordance with the following plans: 6788P-200 and 6788P-202.
3. Before the commencement of development a plan showing a detailed soft and hard landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall include details of:
 - (a) any existing trees, shrubs, hedges, water bodies to be retained and measure of protection in the course of development;
 - (b) new tree and shrub planting, including plant type, size, quantities and locations;
 - (c) other surface treatments;
 - (d) any changes in levels or contours;
 - (e) boundary treatment (with particular attention paid to the boundaries to the west and south/south-east);
 - (f) details of planting to replace the removed part of the Yew hedge along the highway boundary to include species, densities, height of plants and location of planting.
4. The approved landscaping scheme shall be carried out within one year of completion of the development and any trees, hedges, shrubs or plants which within a period of 5 years from the completion of the planting 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 District Planning Authority gives written consent to any variation.
5. Before development commences the following shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details prior to the first occupation of the dwelling hereby approved:
 - a) Details of the proposed bin store;
 - b) Drawings, at a scale of not less than 1:20, of the windows, doors and garage doors to detail profile, furniture, reveal and materials;
 - c) Details, at a scale of not less than 1:20 of the door hood, corbelling, cills and lintels;
 - d) Details of the rainwater goods including profile, location and materials;
 - e) Details of any gas or electricity boxes.
6. Before development commences samples of all external materials to be used on the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details.
7. 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 10 metres behind the highway boundary and shall be hung so as not to open outwards.
8. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, and thereafter shall be so maintained.
9. The car parking and any turning facilities shown within the curtilage of the dwelling hereby permitted shall be provided, hard surfaced and made available for use before the dwelling is first occupied and shall thereafter be permanently so maintained.
10. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General

Permitted Development Order) 2015 or any subsequent amendment to that order, no development within class A, specified in A, B, C and E shall be carried out and no additional openings shall be inserted into the dwelling unless planning permission has first been granted for that development by the Local Planning Authority.

11. Before development commences details of construction methods to minimise the impact of noise for future occupants of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.
12. Should any unexpected contamination be found during any demolition or construction works work should cease and a method statement to address the contamination should be submitted to and approved in writing by the Local Planning Authority together with identified mitigation measures. The development shall then be carried out in accordance with the agreed mitigation measures.
13. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.
14. Before the development commences, details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority (LPA) in consultation with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.
15. Before development commences, the hedge on the highway boundary of the site with Station Road, shall have been removed or cut back, so as to provide a minimum visibility splay of 2.4 metres by the maximum available within land under the applicants control out of Station Lane on to Station Road. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

Reasons:

1. To prevent the unnecessary accumulation of unimplemented permissions, to encourage early implementation and to enable the Local Planning Authority to review the consent if a further application is made.
2. For the avoidance of doubt.
3. To ensure that the Local Planning Authority can exercise proper control over the visual appearance of the area and in the interests of visual amenity.
4. To ensure that the Local Planning Authority can exercise proper control over the visual appearance of the area and in the interests of visual amenity.
5. In the interests of visual amenity to ensure the details are suitable for the character and appearance of the area.
6. In the interests of visual amenity to ensure the details are suitable for the character and appearance of the area.
7. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
8. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.
9. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

10. In the interests of visual and residential amenity.
11. In the interests of residential amenity.
12. In order to deal with any unexpected contamination during development.
13. To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.
14. To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.
15. To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

Officer to contact: **Mr J Mitson**

Date: 11 May 2016