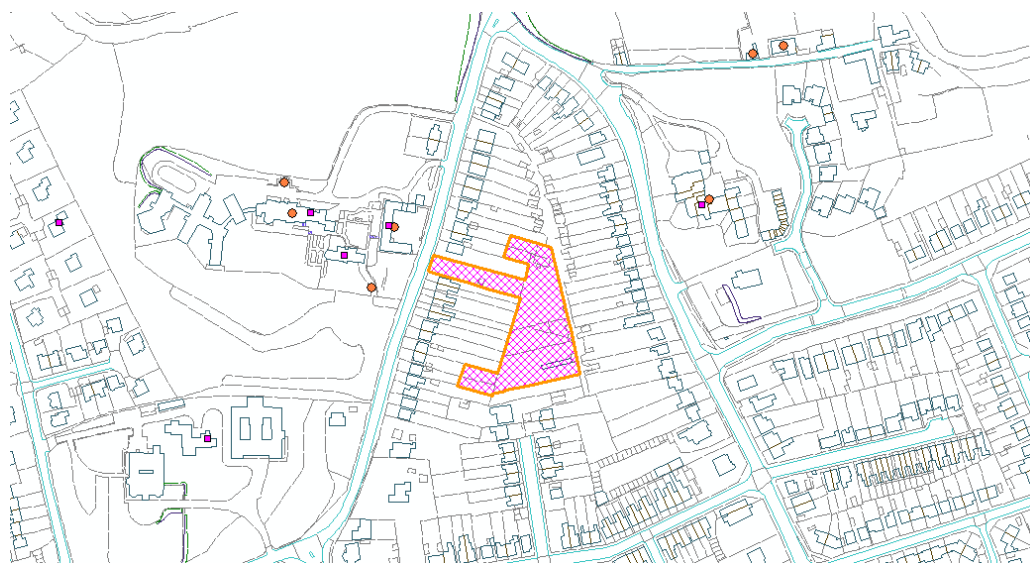


Reference: 15/00028/OUT
Date submitted: 05.08.14
Applicant: Mr and Mrs P Swift
Location: Land to the rear of 25 to 53 Ankle Hill
Proposal: Outline application for the construction of 6 dwellings to the rear of 25 and 53 Ankle Hill, Melton Mowbray



Proposal :-

This application seeks outline planning permission for 6 dwellings on former orchard land to the rear of the dwellings fronting Ankle Hill. The site lies within the designated town envelope where there is a presumption in favour of development.

This is an application for outline planning permission, with detailed approval sought for access and layout only at this stage. Appearance, landscaping and scale are reserved for later approval. A single point of access from Ankle Hill will be created giving access to the development that is to be sited along a single access road presenting a mix of dwellings.

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**
- **Impact upon residential amenities**
- **Highway Safety**

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

History:-

14/00648/OUT Application refused for outline application for the construction of 10 dwellings to the rear of 25 and 53. It was considered that the scheme presented an over development of the site and lacked public space within the site for recreation. It would not respect the residential amenities of the existing or future residents and would result in a loss of privacy and outlook. It would introduce an access on a busy road and had restricted visibility creating dangers for pedestrians. The development fails to adequately address the known flooding issues on the site as a result of surface water run-off, exacerbate existing flooding issues to existing residents and that there was no presumption in favour of developing on greenfield site and provided no net biodiversity gains.

Planning Policies:-

Melton Local Plan (saved policies):

Policies OS1 and BE1 allow for development within Town and Village Envelopes providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

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;
- 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.
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

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: No objection, subject to conditions</p> <p>Within the site frontage available and the public highway, appropriate visibility splays are available. However within the visibility splays on street car parking does take place that would restrict visibility which is undesirable. However Manual for Streets 2 does suggest that parking within visibility splays does not always cause significant problems.</p> <p>Given that there are already a number of properties with access on to Ankle Hill, most that rely on vehicles to reverse out in to the highway, there has not been any recorded personal injury traffic accidents that appears to have resulted from these manoeuvres. As the proposed development will allow vehicles to enter and leave the highway in a forward direction, the risk of an accident would appear to be lower than from the existing vehicular accesses, and therefore it would be very difficult to seek to resist the principle of the proposal on the grounds that the proposal would cause severe harm.</p>	<p>The proposed access is to be located along Ankle Hill between numbers 27 and 33 Ankle Hill. There are currently parking restrictions outside of this part of the site in the form of double yellow lines, which serve as a pull in for passing vehicles. Ankle Hill is a busy road and has on street parking along the eastern boundary. The access would still serve to provide a gap between parked cars which will allow vehicles to ‘pull in’ to give way to on-coming traffic.</p> <p>The earlier application proposed ten dwellings and members of the committee refused the application for providing an unsafe access and egress from the site which had limited visibility splays, causing a danger to pedestrians from an increase in traffic movements.</p> <p>The Highways Authority has advised that there have been no recorded personal accidents along Ankle Hill and therefore remain of the opinion that it would be difficult to sustain a highway refusal based upon increase in traffic the revised development of six dwellings would present. Planning permission exists for two dwellings to</p>

<p>Whilst planning approval has been granted for residential development on the former War Memorial Hospital site opposite, the access to that site would not interfere with the proposed access to this, and therefore that would not be a basis to resist this application.</p> <p>The Highways Authority have no objection to the proposal subject to conditions that require</p> <ul style="list-style-type: none"> • no gates at the entrance, • drive to be surfaced in hard bound material • no walls or planting within 2 metres of the highway boundary • access shall be centrally located with minimum width of 5 metres with 0.5 metre wide margins either side • Submission of a Construction Management Plan • Car parking to remain available and hard surfaced • Shared turning space within the site 	<p>infill the gap resulting in 4 vehicles pulling out on to Ankle Hill. It is possible that the proposal could introduce 12 more vehicles, although given the location so close to the town and downsizing properties being available, it is not considered that the vehicle movements would amount to a material increase to the traffic flows of Ankle Hill. The creation of an access will allow it to be used as a pull in unlike the extant planning approval.</p> <p>Whilst there have been genuine concerns expressed in representation in relation to an increase in traffic movements from the site. No evidence has been provided to challenge that available to the Highways Authority.</p> <p>The proposal is considered to be acceptable in transport terms and is considered to not have a detrimental impact upon Highway Safety.</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 town 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</p>	<p>The proposal seeks consent for 6 dwellings with a mix comprising of 2, 3, and 4 bedroom dwellings, in the style of bungalows, 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>There is no requirement to provide Affordable housing on a scheme of this size.</p> <p>The revised proposal provides a good mix of size and types of dwellings to assist with balancing the boroughs housing stock.</p>

<p>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 Leicester and Leicestershire Strategic 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 application proposes 1 no. two and three bed bungalows, 2 no. three bed detached dwellings, 2 no. four bed detached dwellings which provides a good mix and broadly meets the councils assessed needs for the town.</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 as it offers a suitable mix of property types.</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: No objection</p> <p>It is noted that the same ecology survey has been submitted as that in support of application 14/00648/OUT. Our comments therefore remain the same as those submitted in response to the earlier application</p> <p>The ecology report submitted in support of the application (CBE Consulting, June 2014) indicates that there is a low likelihood of any protected species being present on site. However, the report mentions that there is a pond on site and states that 'no indication of great crested newt was seen'. It</p>	<p>The query in relation to the suitability of the pond for habitation by Great Crested Newts (GCN) has been answered and it has been confirmed that the pond is small in nature and used as an ornamental garden pond therefore not suitable habitat for GCN.</p> <p>The application has been independently reviewed and no objections have been received in regards to the surveys submitted.</p>

is unclear if the pond has been subject to a standard Habitat Suitability Index assessment (see attached GCN Protocol). It is likely that the ecologist has sufficient information from the survey to be able to apply this set of criteria retrospectively and be able to make an assessment of the likelihood of GCN being present.	
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Representations:

Site notices were posted and neighbouring properties consulted. As a result 17 letters of objection have been received from 17 separate households the representations are summarised below.

Representations	Assessment of Head of Regulatory Services
<p>Highway Safety:</p> <p>There would be additional traffic impacts on Ankle Hill an already busy route.</p> <p>Already experience difficulties turning right out of ‘the lane’ in peak times due to traffic queuing to get out onto Burton Road. Adding more cars will make this situation much worse.</p> <p>Ankle Hill is already reduced to a single carriageway with parked cars along one side. More traffic will add to safety issues.</p> <p>Ankle Hill is already a busy cut through due to the one way system around the town. More traffic will add to queue traffic at the junction causing a danger to pedestrians.</p> <p>Visibility of and from traffic emerging from it is likely to be poor due to the almost constant presence of parked cars close to the junction</p> <p>Visibility splays are less then stipulated in Manual for Streets (2007). I calculated that there should be 79 metres not the 45 metres proposed.</p> <p>The average speed of cars coming down Ankle Hill needs to be investigated - most of the time cars appear to be travelling at well above the 30 mph speed limit. This would no doubt affect the width of the splays required for good visibility. Further investigation</p> <p>There is currently a large number of cars parked on Ankle hill and the road is very busy, a long with the hospital site this will increase the traffic to a degree which could endanger lives</p> <p>Double yellow lines were put in place last year at the proposed point of entrance to the site to assist with pulling in when travelling up the lane. Removing this facility will add to traffic</p>	<p>Please see Highway Response above.</p> <p>Ankle Hill is a popular transport route used to get from Dalby Road to the town and vice versa. There are no parking restrictions on Ankle Hill and any many of the existing dwellings have no off street parking. Parking along the highway reduces Ankle Hill to a single carriage way at certain points and there are sometimes queues at both Burton Road and Dalby Road junctions at peak times.</p> <p>The creation of a junction to serve the dwellings will maintain then pull in area for cars travelling up the hill to allow vehicles to pass. This area currently has double yellow lines which help ease the problems and there are no intentions to have them removed from the access to the private drive. The creation of the access will continue to allow vehicles to pull in to allow cars to pass if required. The Highways Authority has confirmed that the appropriate visibility splays can be provided. The presence of parked cars either side of the entrance is not considered to have serve impacts upon highway users. Manual for Streets 2 (2010) advises that parking within visibility splays does not always cause significant problems and the Highways Officer is of the opinion that there would not serve harm in this location. There are numerous private drives along the length of Ankle Hill that operate in similar conditions and have not contributed to a record of accidents.</p> <p>The Highways Authority did not object to the proposal for ten dwellings and therefore do not have any objection to the revised proposal for six dwellings. It is not considered that the proposal would have an adverse impact upon highway safety and it would be difficult to upheld a reason for refusal based on highway safety without any substantial evidence to counter argue that of the Highways Authority.</p> <p>The Highways Authority are satisfied that the creation of additional six dwellings in this location would not amount to a material</p>

<p>problems.</p> <p>This passing point would be blocked by emerging traffic so ascending vehicles, which include buses and large vans would have no pull in point available</p> <p>The risk of accident due to poor visibility onto Ankle Hill - there was an accident recently, involving a public service vehicle, and another vehicle with a trailer.</p>	<p>increase in traffic and therefore would not cause severe harm to highway users as advised within the NPPF and have no objections.</p>
<p>Impact upon the Character of the area.</p> <p>The Ankle hill and Burton Road houses are to a large extent similar in make up, and adjoin a central private lane which creates a community atmosphere. To have a new development of different design and features in the centre of it would destroy that unique character</p> <p>The proposal would radically and adversely change the nature of the whole area between Ankle Hill & Burton Road, and ruin the tranquillity it provides to all residents</p> <p>The orchard offers a tranquil area in a built up area. Development will reduce the open character to the rear of the dwellings.</p> <p>The proposed modern buildings are not in keeping with the Edwardian character of the area.</p> <p>Density of these proposal appears to be to place as big a development (either by way of numerous dwellings as in the previous application or less numerically but larger houses as in this one) as is possible in a small area. The house and garage footprint remain the same.</p> <p>Overall density appears unchanged.</p> <p>The footprint of the dwellings appear to be 30% larger than the existing dwellings on Ankle Hill and gardens are still a 1/3 of the length of the existing gardens</p> <p>Gardens are still much smaller than the rest of the gardens in the area.</p> <p>It is suggested that the dwellings would be 1 ½ storey and 2 ½ storey in height which is not in keeping with the style of properties in the area.</p>	<p>The land is currently in use as residential garden land to number 53 and in part 23 and 25 Ankle Hill (same family) and historically has been undeveloped with the exceptions of small outbuildings and garden sheds. The site does provide an area of green space in what is a built up area close to the town but not as public land. The existing dwellings that surround the site are characterised by long rear gardens with the dwellings of two storey proportions.</p> <p>The proposal seeks consent for outline approval for the access and layout only with the details of design for later approval should consent be granted. In order to address the previous refusal that the development presented an over development of the site the scheme has been reduced from ten dwellings to six. The reduction in plots allows for larger amenity area than originally proposed for each dwelling. This has reduced the density of the development from 22.2 dwellings per hectare to 13.2 dwellings per hectare providing a lower density more in keeping with the character of the area.</p> <p>The Council has no private space standards and density requirements have been removed from national policy however policy OS1 and BE1 seeks to ensure that development does not have any adverse impact upon the character of the area and seeks to ensure that adequate access and parking requirements can be provided, whilst protecting existing residential amenities.</p> <p>It is considered that subject to design and scale of the dwellings the proposal, in this location,</p>

	<p>would not adversely affect the character of the area and a satisfactory relationship can co-exist between the existing and future residents. The proposal would assist in providing additional housing in a highly sustainable location, close to the town and provide housing for the borough of a type that is required.</p>
<p>Impact upon residential outlook/amenity</p> <p>When our houses and gardens were built the designs were clear. Similar properties with similar gardens. To put a housing estate in the middle of that design would impact upon our view. We would no longer see an open space with trees and birds but houses, cars, garages, etc.</p> <p>Development on the orchard will reduce the existing residents' peaceful enjoyment of their gardens.</p> <p>This is a noise free and tranquil area to help alleviate the busy trunk roads which surround us on both sides.</p> <p>The location of Plot 6 will cause overlooking / loss of privacy and amenity – we accept that it is the requisite distance from our building, but it is directly adjacent and very close to a quiet seating area in our garden, and to the path we use very frequently (several times per day typically) due to the linear nature of our garden and parking layout</p> <p>The boundary with our property between plots 5 and 6 would represent a significant security problem for us – there would be direct access to the new road, creating a quick escape route for intruders.</p> <p>The provision of security to the rear of many properties will be lost.</p> <p>Currently the rear of the gardens are not overlook and there would be a lack of privacy and the calm would be disturbed by houses built alongside the rear lane.</p> <p>In 2002 an application for a bungalow to the rear of number 57 Ankle Hill was refused on appeal. The Inspector noted “The amenities of No 55 (in particular) would be further harmed by the presence of the bungalow: this would sit only a metre or so from the common boundary....whilst this building would be alongside the part of 55’s garden furthest from the house I consider that the relationship would be un-neighbourly one.” – both of the proposed bungalows in this new application are much closer to the Ankle Hill Properties than the one in 2002.</p>	<p>Inevitably development on the site would introduce a use that currently does not exist. However the site, whilst open space is not useable by the public and remains in private use. The long rear gardens of the existing dwellings would ensure that the residential amenity is not reduced to an unacceptable level.</p> <p>The application is in outline form with matters relating to scale, design and landscaping reserved for further planning application and consideration.</p> <p>Details of the boundary treatment to be erected can be conditioned. Matters relating to landscaping would be required to be submitted at reserved matters and defensible planting can be incorporated in the landscaping scheme.</p> <p>Proposed plots 2-4 will have their rear aspects facing the private lane however the dwellings fronting Burton Road are a considerable distance away an exceeds the Council’s current separation standards.</p> <p>In regards to the appeal in 2002 there has been a significant shift in central government advice through the NPPF in regards to provisions of housing. We are advised that harms need to be significant or demonstrable to outweigh any benefits. The application is an outline seeking approval for the access and layout only. Plots 1 and 6 are at an appropriate distance from the dwellings fronting Ankle Hill so as not to be un-neighbourly. Inevitably there will be change to the outlook for these residents but it is considered that no adverse harm will arise from the development. Matters relating to overlooking can</p>

	<p>be designed the separating distances between the dwellings ensures that overlooking can be kept to a minimal if not eliminated.</p>
<p>Drainage</p> <p>No flood surveys have been conducted</p> <p>There are already drainage issues for dwellings sitting within the dip of Ankle Hill. This proposal will add to those problems through development of a green field site.</p> <p>My garden is already saturated for a considerable time after any rainfall. Even minor developments up the roads such as the erection garages has had knock on effects to me.</p> <p>Major concerns regarding the development of land which is already saturated. I feel it would be beneficial to the proposed developer, neighbouring residents and Melton Council to carry out some work around the water held on the proposed site and neighbouring properties.</p> <p>The revised proposal has still not addressed the drainage concerns caused by the additional water and flooding that will run off as a result of the development</p> <p>During heavy rainfalls water collects at the bottom of the lane and in winter this often turns to ice causing a dangers to pedestrians.</p> <p>Despite the reduction from 10 to 6 dwellings, the total paved area has not reduced in proportion to this and we have no confidence that the proposed SUDS scheme will be adequate.</p> <p>Who will maintain the SuDs, who will ensure that it is technically robust? who will install it? Where is it going to discharge? An unadopted road is not permitted to discharge to an adopted road – Ankle Hill is sometimes subject to flooding in heavy rain.</p> <p>The applicant has proposed to infill the aforementioned natural pond, when ponds are often seen as an integral part of any SUDS scheme</p> <p>The 'ornamental pond' on the land in question, is actually a spring-fed pond, which has been marked on local maps, well beyond any development. Building on top of this - where would this divert the water, if not downhill onto other residents? Therefore flooding is still a serious issue.</p> <p>According to the Melton Environmental Action Partnership, Action List, ref PP4, one of the key</p>	<p>The site is considered to be a greenfield site with a topography that slopes from south to north and east to west to a degree. Therefore surface water run off is natural drained to the lowest point which could be contributing to the localised flooding issues the residents are referring to.</p> <p>The site does not fall within any known flood zone as advised by the Environment Agency and is below the thresholds for requiring Flood Risk Assessments to be submitted. However the Surface Water Management Act (2010) requires development on Greenfield sites to have a no greater run off rate than that already existing on site. The developer cannot be made accountable or required to put right existing or known flooding issues but has a duty to ensure that over the lifetime of the proposal that they will not add to flooding problems in the area. The proposal seeks to introduce sustainable drainage techniques and will have capacity to store flood water on site which may assist in alleviating known problems and not add to it.</p> <p>There are many design proposal for address SuDs and the details of the chosen SuD's facility will be required to be submitted at reserved matters and the Lead Local Flood Authority will be a consultee to the application. Their role is to comment on the design and to ensure that it is technically sound and does what it is supposed to. This will be a condition on the outline approval.</p> <p>A Planning Inspector on a recent planning appeal (APPY2430/A/14/2223122) stated that “The development cannot be expected to prevent flooding which would occur in any event; it can only be expected to make it no worse”. No technical information has been submitted to inform the Council that sustainable drainage techniques would be unfeasible or ineffective and in light of the fact that there is no such evidence it would be unreasonable to refuse the application on flooding matters.</p> <p>The scheme is outline and a SuDs scheme can be conditioned to ensure that suitable mitigation can be accommodated on site.</p>

<p>actions is to 'Reduce the risk of flooding and avoid development in areas adverse to flooding.' How was the first application therefore even passed by the planning officers?</p> <p>Concerns as to the existing drainage issues to the gardens below the proposed site and the cumulative effect the removal of natural drainage and pond from the development site and the additional run off caused by the percentage of hard standing proposed for this development</p>	
<p>Wildlife</p> <p>Removal of mature trees and green land will have an impact upon wildlife in the area. It is a small but significant habitat for wildlife in what is otherwise a built up area.</p> <p>New planting will occur on the proposed site, but this will not in any way compensate for the loss of well- established trees which are to be removed.</p> <p>The replacement of garden and orchard with housing, garages, access road and hard standing is not wildlife friendly (para 77). National policy was altered a few years ago to afford gardens greater protection, these areas cannot be easily or cheaply re-instated. Open land performs many functions: wildlife, recreation and flood risk mitigation ... (core principles).</p>	<p>An ecological survey has been submitted with the application. No objection has been received from County Ecology.</p> <p>The site does not form a wildlife corridor due to being bound by residential development and has no recorded protected species within the site itself. The development of the site is low in density and landscaped areas are feature of the layout and a full landscaping scheme will be required for the Reserved Matters application.</p> <p>The NPPF paragraph 118 advises that planning should be refused for development resulting in the loss of deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of the development in that location clearly outweigh the loss. Biodiversity should be encouraged with a any planning application. This application site contains fruit trees and the trees that are considered to be significant on the site are to be retained as part of the landscaping. Existing hedgerows are to be supplemented and new native trees are to be incorporated in to the overall landscaping scheme.</p> <p>It is not considered that there would be substantial harm to the natural environment from the redevelopment of the orchard which contains no protected species and offers little in the form of natural habitat. The proposal has the opportunity to enhance the biodiversity on the site and this will be considered further at reserved matters application.</p>
<p>Other Matters:</p> <p>The hedge should be replaced with a brick wall to secure the properties and removing maintenance issues and provide appropriate drainage.</p> <p>Ownership and responsibility for maintenance of the access lane and its boundary would become complicated and perhaps uncertain. If new occupiers of plots 1 to 4 become responsible for it, it is very likely that they will feel no ownership for it in practice, and neglect it.</p>	<p>Details of boundary treatment and landscape will be submitted with the reserved matters application however it is suggested that the boundary will be a hedge with the maintenance pacing to the plot owners.</p> <p>The lane is an un-adopted highway that gives access to parking areas to the rear of properties fronting Burton Road and Ankle Hill, each having a right of way.</p> <p>The matter in regards to maintenance relates to a civil issue which is not part of the planning</p>

<p>The community on the rear of Ankle hill and Burton road is a close knit one with regular social events and the building of this almost gated community will not fit in with the area.</p> <p>The construction traffic will cause disturbance to residents. If approved please ensure that they comply with 'Considerate Contractor' and limit times and days of operations.</p> <p>Local policy recommends consultation between applicants and those potentially affected. There has been none. If there had been perhaps some of these disquieting aspects could have been addressed.</p> <p>I live close to the site and have not been consulted on this or the previous application.</p>	<p>process as no access from The Lane is proposed and the lane is not included within the application site. In the interest of highway safety, given the access from the lane is sub-standard, a condition can be imposed preventing accesses from being created off it.</p> <p>Noted. This is an industry endorsed scheme that is not regulated by the Council.</p> <p>There is no requirement for the developer to undertake a public consultation as it is below the thresholds to require one. As part of the determination of the application public consultation has been undertaken and ten residents have responded outlining their objections which have been taken into account and address through this report.</p>
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Other material considerations (not raised through consultation or representation)

Considerations	Assessment of Head of Regulatory Services
<p>Application of Planning Policy Seeks to ensure that there is a presumption in favour of 'Sustainable Development' introducing three dimensions in achieving sustainable development through the planning system.</p> <ul style="list-style-type: none"> • an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure; • a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and • an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon 	<p>As the site is located within the town village envelope it is considered to be in a highly sustainable location and the development complies with the requirements of NPPF for efficient use of land.</p> <p>The NPPF requires planning for housing to meet local need, identifying the size, tenure and range of housing that is required in particular locations reflecting local demand. There is need in the town for all house types but in particular single storey dwellings, and as such the proposal is considered to be appropriate and therefore meets the identified local needs.</p> <p>The proposal is therefore considered to be acceptable in terms of the NPPF and Policies OS1 and BE1</p>

<p>economy.</p> <p>The saved policies OS1 and BE1 allows for development within the town envelope provided that the form, character and appearance of the settlement are not adversely affected, the form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality; the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and satisfactory access and parking provision can be made available.</p>	
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Conclusion

It is considered that the application to build six dwellings on a former greenfield site is acceptable given that no adverse impacts have been identified and adequate access and parking can be accommodated. The Borough is deficient in terms of housing land supply more generally and this would be partly addressed by the application and provides a mix of house types identified as in need to provide a sustainable housing market for the borough. Ankle Hill sits within close proximity to the town centre and is considered to be a highly 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.

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 undeveloped state behind existing residential dwellings and impact on the character of the area.

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 meeting local need. The balancing issues – development of a greenfield site – 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. Accordingly the application is considered to comply with the development plan and is recommended for approval.

Recommendation: PERMIT, subject to conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence on the site until approval of the details of the "external appearance of the building(s), scale and the landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. Details submitted under condition 2 shall ensure that the scale of the development reflects the scale of the surrounding properties.
4. 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.

5. 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.
6. 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.
7. No access points, vehicle or pedestrian is to be provided on to the private lane to the east of the site.
8. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority to comply with sustainable urban drainage techniques.

The scheme shall include the limitation of surface water run-off to equivalent greenfield rates; 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.

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. 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.
11. No walls, planting or fences shall be erected or allowed to grow on or within 2.0 metres of the highway boundary (back of footway) exceeding 0.6 metres in height above the level of the adjacent carriageway, any existing such obstruction shall be permanently removed before development commences.
12. 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.
13. 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.
14. Before first occupation of any dwelling, car parking shall be provided, hard surfaced and made available for use to serve that dwelling on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall thereafter be permanently so maintained.
15. Before first occupation of the development hereby permitted, a shared turning facility shall be provided, hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained.

16. Before first occupation of any dwelling, the shared access drive shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary and shall be so maintained at all times.
17. The shared private drive serving the site shall have a minimum width of 5.0 metres with 0.5 metre wide clear margins for at least the first 10 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.

Reason:

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline only.
3. In the interest of preserving the character of the area
4. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted
5. To ensure satisfactory landscaping is provided within a reasonable period.
6. To provide a reasonable period for the replacement of any planting.
7. In the interest of highway safety
8. To ensure that appropriate measures are in place to positively drain the site in the interest of surface water management.
9. To ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water.
10. 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.
11. 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.
12. 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.
13. To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.
14. 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.
15. To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.
16. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
17. To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

Officer to contact: **Mrs D Knipe**

Date: 27th February 2015