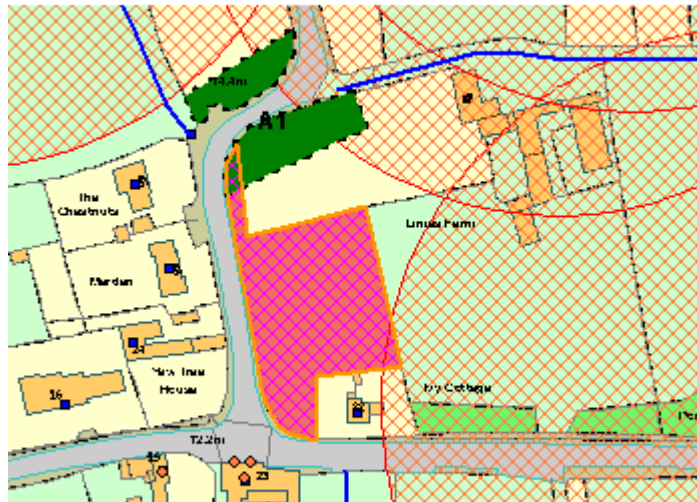


Reference: 15/00220/OUT
Date submitted: 18.3.2015
Applicant: Mrs E Greaves
Location: The Limes Farm, 37 Middle Lane, Nether Broughton
Proposal: Residential development (4 x 3 bed semi-detached dwellings)



Proposal :-

This application seeks outline planning permission for the development of the site to create four dwellings on land falling outside of the village envelope for Nether Broughton. All matters are reserved other than access. Vehicular access to the site is proposed from Nottingham Road with a pedestrian access onto the pavement on Middle Street to serve the pair of semi-detached properties. The site is currently undeveloped forming part of the curtilage of Lime Farm.

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 due to the number of objections received.

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- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: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)

Conserving and enhancing the historic environment

- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

- In determining planning applications, local planning authorities should take account of:
 - the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.

- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Members are reminded of the general duty to give special attention to the desirability of preserving or enhancing the setting of listed buildings (s66 of the LB and CA Act 1990). The site is in close proximity to the listed Red Lion which is grade II listed.

Consultations:

Consultation reply	Assessment of Head of Regulatory Services
Highways Authority: It is understood Nether Broughton is suitable for small scale infill development and no objection is raised on the	The application proposes the erection of four dwellings with a vehicular access off Nottingham Road and a pedestrian access onto Middle Street.

<p>grounds of sustainability. No objection subject to conditions following the receipt of revised plans.</p>	<p>The Highways Authority do not object to the access but seek a footpath to be provided along the site frontage to Middle Street from the proposed access on Nottingham Road.</p> <p>It is considered the traffic likely to be generated by the proposal could be satisfactorily accommodated by the local highway network. Furthermore, the access to be provided on Nottingham Road is considered acceptable in highway safety terms. Conditions can be imposed to secure the provision of the footway, compliance with County standards, turning and parking areas and visibility splays.</p> <p>The proposal 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: Objected to the original scheme on the grounds that the existing road infrastructure cannot cope with the high volume of traffic this high density development will bring to the lane. The road is already difficult to navigate and any additional properties will only exacerbate the situation.</p> <p>Following the receipt of revised plans which re-sited the vehicular access from Middle Street to Nottingham Road the Parish Council stated it wanted to be ensured that the entrance onto the A606 was wide enough for two vehicles and strongly support highway conditions regarding the requirement of suitable visibility splays for the pedestrian access onto Middle Lane.</p>	<p>The application as originally submitted sought a vehicular access onto Middle Street. However, revised plans were submitted to take a vehicular access off Nottingham Road and to provide a pedestrian access onto Middle Street, close to the junction with Nottingham Road.</p> <p>The Highway Authority has raised no objection to this and conditions can be imposed relating to visibility splays of the pedestrian access.</p>

Representations:

A site notice was posted and neighbouring properties consulted. As a result 11 representations objecting were received which are detailed below.

Representations	Assessment of Head of Regulatory Services
Highway Safety	

<p>Middle Lane cannot support additional volumes of traffic created by this development as it is a very narrow lane and already tricky to navigate with current traffic levels.</p> <p>The junction of the A606 and Middle Street is hazardous with traffic turning from the A606 into a very narrow lane with restricted visibility, although this is a 30mph road this is rarely adhered to and there will be an increase in the risk of vehicular, cyclist and/or pedestrian accidents.</p> <p>The narrowness of Middle Lane and lack of any footpath and lighting already presents a safety issue for pedestrians and particularly concerned about children living in the proposed dwellings being able to safely access the village centre or bus stops.</p> <p>Middle Lane is a designated Sustrans cycle route and the increase in traffic is likely to present an increased risk to cyclists negotiating Middle Lane.</p> <p>Could lead to further on street parking without sufficient width for large vehicles to pass.</p>	<p>Following concerns raised over the initially proposed access onto Middle Street a revised plan was submitted showing a vehicular access onto the A606 with a pedestrian access onto Middle Street. The Highway Authority raises no objection subject to conditions.</p> <p>The majority of the comments received relate to the original plan with only two comments relating to the revised access. These raise concerns over the provision of the pedestrian access due to the loss of part of the hedge.</p> <p>The narrowness of Middle Street and the restricted visibility of the junction with the A606 are acknowledged and it is considered the revised scheme overcomes the objections on highway safety terms.</p> <p>It is considered the proposal would be acceptable in highway safety terms subject to conditions.</p>
<p>Visual Impact</p> <p>The proposal would have a harmful and detrimental impact upon the character and appearance of the village, the fragmented village layout of green spaces between properties contributes positively to the nature of the village and these should not be seen as opportunities to infill with housing.</p> <p>The site is outside of the village envelope.</p> <p>The loss of hedgerow for the pedestrian access is not justified.</p>	<p>The application is in outline with only access to be considered at this stage. An indicative layout has been provided siting a pair of semi-detached dwellings running from north to south, parallel to Middle Street with garages intervening.</p> <p>The site is enclosed by mature hedging which would remain other than for the pedestrian access. The site is capable of accommodating four dwellings together with adequate private amenity space, parking and turning without appearing cramped or over-developed. From outside the site views of the dwellings and garages would be limited due to the existing landscaping which is to remain.</p> <p>It is acknowledged part of the character of the village is derived from the open green spaces that separate dwellings. However, this site is enclosed and the key characteristic is the mature landscaping along the boundary which would largely remain. It is also considered the loss of part of the hedgerow would have a limited visual impact.</p> <p>The proposal is in outline and matters of design, external appearance, landscaping and materials could be satisfactorily addressed at the reserved matters stage. The proposal would not be visually harmful to the character or appearance of the site or surroundings. Furthermore, the site does not play a major role in the setting of the adjacent listed buildings (Red Lion).</p>

<p>Ecology</p> <p>The site contains a variety of long established hedging and trees and the development would have a negative impact on this.</p>	<p>An Ecology and Protected Species Survey was submitted and stated with regard to Great Crested Newts the development could proceed in accordance with a Strict Method Statement. As grass snakes have been recorded in the area a pre-development walkover is proposed. The mature Ash tree on the eastern boundary has high potential to support bat roosts and further survey work would be required if it is necessary to undertake any work to the tree. A pre-cautionary approach to nesting birds is also recommended.</p> <p>The report does not conclude there are any ecological reasons the site could not be developed provided the mitigation contained within the report is adhered to. This could be the subject of a condition.</p>
<p>Trees</p> <p>The site has numerous trees which will be under threat with the root system of trees affected.</p>	<p>It is not proposed to remove any trees or to carry out any work to trees on the site.</p>
<p>Residential Amenity</p> <p>The development would have a potential impact on privacy with the development having windows facing neighbouring houses.</p>	<p>The application is in outline with matters including siting and design reserved. The indicative layout plan demonstrates the dwellings proposed could be accommodated on the site and be set a sufficient distance from neighbouring properties. The dwellings to the western side of Middle Street would be separated by the highway and hedge with dwellings on Nottingham Road separated by that highway. Ivy Cottage is to the south of the site but set off the boundary with the application site. Limes Farm is set a significant distance from the site.</p> <p>Subject to design and layout it is not considered the residential amenities of neighbouring properties would be unduly affected.</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 land within the open countryside; however, the site borders the village boundary and Nether Broughton is considered sufficiently sustainable to accommodate small</p>

	<p>infill developments as it provides some services and employment and has a regular public transport provision. As such no objection is raised to the principle of housing on this site.</p> <p>On balance, it is not considered a refusal could reasonably be recommended on the grounds of sustainability given the sustainability credentials of the village and the proximity to the village envelope.</p>
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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 Nether Broughton is considered to be a reasonably sustainable location where some services and employment exists and the village is served by public transport.

Though by no means optimum, the site is considered to perform reasonably well in terms of access to facilities and transport links. However, there remain deficiencies, most obviously in relation to secondary/higher education, shops, health care and leisure/recreation.

On balance it is considered the benefits of additional housing outweigh the concerns over the sustainability of the site. Furthermore, the site could be developed for four houses without harm to the character and appearance of the site and surroundings would not be harmful to the setting of the listed Red Lion and would protect the amenities of neighbouring properties. The site could be served by an acceptable access. It is therefore recommended the application be approved.

Recommendation: Approve 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 "layout, scale, external appearance of the building(s) and the landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. 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 unless planning permission has first been granted for that development by the Local Planning Authority
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
5. The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
6. No development shall start on site until all materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried

out in accordance with these approved details.

7. The development shall be carried out in accordance with the mitigation measures contained in the Ecology and Protected Species Survey.
8. Notwithstanding the details submitted, before first occupation of any dwelling hereby permitted, a footway shall have been provided along the site frontage to Middle Street from the proposed site access to connect to the existing footway facilities on A606 Road, all in accordance with Local Highway Authority standards, the details of which shall first have been submitted to and approved by the Local Planning Authority before development commences.
9. 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 5 metres behind the highway boundary and shall be hung so as not to open outwards.
10. All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing and visibility splays and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development commences.
11. 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.
12. Before first occupation of either dwelling, the proposed shared private access drive and any turning space shall be surfaced with tarmac, concrete or similar hard bound material (not loose aggregate) for a distance of at least 7 metres behind the highway boundary and shall be so maintained at all times.
13. Before first use of the development hereby permitted, 1.0 metre by 1.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.
14. Before first use of the development hereby permitted, minimum visibility splays of 2.4 metres by 4.3 metres shall be provided in each direction out of the private access on to Middle Street. 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.
15. The site shall be served by a single private shared drive, generally in the location shown, with a minimum width of 4.25 metres with 0.5 metre clear margins on each side for at least the first 5 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.
16. The development relates to the following plan 1:500 MSP/1175/10C and 1:1250 Location Plan.

Reasons:

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. To enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed.
4. To preserve the amenities of the locality.

5. To provide a reasonable period for the replacement of any planting.
6. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted
7. To ensure the ecological interests of the site are adequately protected.
8. In the interests of pedestrian safety.
9. 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.
10. To ensure a satisfactory form of development and in the interests of highway safety.
11. 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.
12. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
13. In the interests of pedestrian safety.
14. 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.
15. 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.
16. For the avoidance of doubt.

Officer to contact: **Mr J Mitson**

Date: 30 July 2016