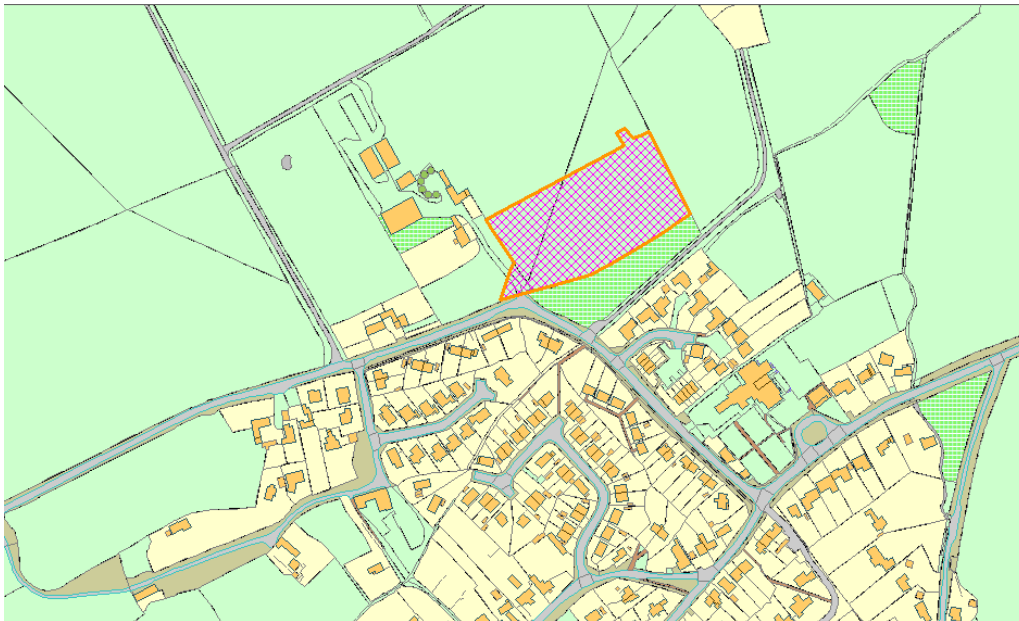


**Reference:** 16/00184/OUT  
**Date submitted:** 16 March 2016  
**Applicant:** Mr J T Orson  
**Location:** North Lodge Farm, Longcliff Hill, Old Dalby  
**Proposal:** Outline planning approval for up to 20 dwellings



**Proposal :-**

This application seeks **outline planning permission for up to 20 dwellings** (including 8 affordable: 37%) of a mix of single and two storey 2 and 3 bedroom properties along with larger properties. The site occupies land at the northern edge of the village adjacent to an open paddock. The site fall outside of the previously designated village envelope and access to the site is proposed directly from Longcliff Hill. The site is a greenfield site on the edge of Old Dalby.

**The application is in outline with only access considered at this time.**

**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**
- **Sustainable development**

The application is required to be presented to the Committee due to the level of public interest. It should also be noted that the applicant is a Member of Melton Borough Council.

**History:-**

**13/00514/FUL – Two storey dwelling and attached garage to replace an existing dwelling – approved 08.11.2013**

**Planning Policies:-**

**Melton Local Plan (saved policies):**

**Policy OS2** - does not allow for development outside the town and village envelopes shown on the proposals map **except** for development essential to the operational requirements of agriculture and forestry, and small scale development for employment, recreation and tourism.

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

**Policy BE1** - allows for new buildings subject to criteria including buildings designed to harmonise with surroundings, no adverse impact on amenities of neighbouring properties, adequate space around and between buildings, adequate open space provided and satisfactory access and parking provision.

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

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

**Policy 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.
- Take account of the different roles and characters of different areas, promoting the vitality of urban areas, recognising the intrinsic character and beauty of the countryside and support thriving rural communities.

**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><b>Highways Authority: No objection, subject to conditions</b></p> <p>The Local Highway Authority advice is that, in its view <b>the residual cumulative impacts of development are not considered severe in accordance with Paragraph 32 of the NPPF</b></p> <p><b><u>Conditions</u></b></p> <p><b>1</b> All details of the proposed development shall</p>	<p>The application is in outline with all matters reserved except access.</p> <p>The site lies in close proximity but not connected to the edge of Old Dalby and would be accessed from Longcliff Hill via the access currently serving North Lodge Farm.</p>

<p>comply with the design standards of the Leicestershire County Council</p> <p><b>2</b> Detailed plans of the proposed site access road, designed in accordance with Local Highway Authority standards, including a pedestrian crossing point as shown generally on the submitted plan</p> <p><b>3</b> Details of the proposed vehicular access arrangements from the proposed access road to serve the existing farm buildings..</p> <p><b>4</b> A construction traffic/site traffic management plan has been submitted to and approved in writing by the Local Planning Authority.</p> <p><b>5</b> Details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority.</p>	<p>The indicative layout plan shows a single point of access from Longcliff Hill with cul-de-sac access points to serve the dwellings.</p> <p>The highway authority have not expressed concern over the suitability of Longcliff Hill leading to the proposed access and have suggested conditions requesting additional details to further ensure its suitability</p> <p><b>There are considered to be no grounds to resist permission based on highways issues.</b></p>
<p><b>LCC Rights of Way Officer - No objection, subject to conditions.</b></p> <p>Public Footpath G89 runs around the perimeter of the site from Longcliff Hill generally north towards the village of Upper Broughton.</p> <p>The application is for outline permission only but welcome the provision suggested for the footpath in the illustrative masterplan. This layout not only protects the existing line of the public footpath but is also mindful of protecting the footpath's rural aspect. Consequently no objection to the application as it need not affect the public's use and enjoyment of the Right of Way; however as there is a need for detailed discussion on the treatment of the Public Footpath recommend that such provision is dealt with as a reserved matter and that the following condition should be placed on any outline permission granted for the site:</p> <p>Condition 1 – No development shall take place until a scheme for treatment of the Public Footpath has been submitted.</p> <p>In compiling A Rights of Way scheme should follow the County Council's Guidance Notes for Developers which are incorporated within Part 3, Section DG7 of the 6Cs Design Guide:</p> <ul style="list-style-type: none"> <li>• Footpath G89 should be provided with a 2m wide tarmacked surface with a minimum of 1m wide verges on either side. The indicative layout already draws on these principles and as noted in the Design and Access Statement provided with the application, these criteria should ensure that the route does not appear narrow and unattractive to users, but</li> </ul>	<p>Noted. The application seeks outline consent and the layout is not yet developed.</p> <p>However it is evident that the site is capable of development incorporating the footpaths with the appropriate treatment as advised opposite.</p>

<p>retains a more open aspect instead thus encouraging those living and/or working within the proposed development to walk.</p> <ul style="list-style-type: none"> <li>• The existing stile at the road (Longcliff Hill) becomes redundant and should be removed. The Footpath should be provided with a gap or new handgate/kissing gate where it leaves the development, in accordance with the County Council's standard drawing SDFP11_REV_A Marlow Gates or SDFP12_REV_A Woodstock Kissing Gate. This encourages use and provides access for all users regardless of physical ability.</li> </ul>	
<p><b>LCC Archaeology - No objection, subject to conditions securing mitigation.</b></p> <p>The Leicestershire and Rutland Historic Environment Record (HER) notes that the site lies on the edge of the historic settlement core of the village of Old Dalby (HER ref: MLE9269) and adjacent to a shallow alleviated stream course.</p> <p>Archaeological remains reflecting the early medieval establishment of the village, and/or its subsequent fluctuations in size may well be present in the vicinity. Whilst no recorded archaeological remains are noted on the HER, this is likely to be attributable to a lack of previous archaeological investigation. In that context, previous investigation of vacant land within the village has produced evidence of otherwise unknown Anglo-Saxon and medieval remains (MLE15774 and 15775).</p> <p>The development of the site will lead to the excavation of foundations, services and landscaping, are all likely to impact upon buried archaeological remains should such evidence be present.</p> <p>In accordance with National Planning Policy Framework (NPPF), paragraph 129, assessment of the submitted development details and particular archaeological interest of the site, has indicated that the proposals are likely to have a detrimental impact upon any heritage assets present.</p> <p>Recommend that any planning permission be granted subject to the following planning conditions, to safeguard any important archaeological remains potentially present;</p> <p>1. No development shall take place until a programme of archaeological work, informed by with an initial phase of trial trenching, has been</p>	<p>Noted, the safeguarding of any important archaeological remains potentially present can be secured by means of a condition.</p>

<p>detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:</p> <ul style="list-style-type: none"> <li>• The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)</li> <li>• The programme for post-investigation assessment</li> <li>• Provision to be made for analysis of the site investigation and recording</li> <li>• Provision to be made for publication and dissemination of the analysis and records of the site investigation</li> <li>• Provision to be made for archive deposition of the analysis and records of the site investigation</li> <li>• Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.</li> </ul> <p>2. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (1).</p> <p>3. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (1) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.</p> <p>Reason: To ensure satisfactory archaeological investigation and recording.</p> <p>The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.</p> <p>The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work is undertaken to the satisfaction of the planning authority.</p>	
<p><b>LCC Ecology – No objection, subject to conditions securing mitigation.</b></p>	

<p>It appears that different ponds have been surveyed to those which I highlighted in my earlier response. The survey states that these ponds are 200m from the application site, but using GIS they measure to be over 500m from the application site.</p> <p>However, further information does not appear to have been submitted for those ponds highlighted in my earlier response (the pond within 200m of the site, referred to within the original survey report and the pond to the east of the application site at grid ref 467469 324095).</p> <p>I would therefore recommend that my previous request for additional information on these ponds is provided.</p> <p><b>Additional information was submitted to the LPA and the following comments were received.</b></p> <p>We welcome the updated GCN survey (CBE Consulting, June 2016) for ponds 3 and 4 close to the application site boundary.</p> <p>We note from the results that Pond 3 had a below average suitability to support GCN and no further survey work for this pond is therefore required.</p> <p>Pond 4 was suitable for GCN, but eDNA tests gave a negative result, indicating that it is very unlikely that GCN are within the pond.</p> <p>We therefore accept the conclusions in this report and have no further recommendations for survey at this stage.</p> <p>We welcome the proposed buffer between the plot boundaries and the existing hedgerows on site.</p> <p>We would request that this buffer is managed as an area of semi-natural open space.</p> <p>We note that this is an outline application and we would therefore recommend that a condition is forwarded with any permission granted requiring the retention of this buffer.</p>	<p>A buffer is proposed by way of planning condition to ensure sufficient distance remains between plot boundaries and existing hedgerows.</p> <p><b>The Ecology report has been independently assessed and raises no objection from the County Council Ecologist, subject to mitigation as proposed.</b></p>
<p><b>Environment Agency</b></p> <p>The agency has reviewed the planning consultation workload to ensure that their time and expertise is focused on those locations and developments that present the following:</p> <ul style="list-style-type: none"> <li>• a high risk to the environment</li> <li>• those that are able to offer significant</li> </ul>	<p>Noted.</p> <p>The proposal was accompanied with a drainage strategy which did not highlight any known risks.</p> <p><b>It is concluded that the proposed development is appropriate for the flood risk level and is not expected to increase the flood risk elsewhere.</b></p>

<p>environmental benefit.</p> <p>The Environment Agency has reviewed the above application and feel that, as presented, the development is in Flood Zone 1, it does not fall under either of the above categories, and therefore does not wish to comment further on these proposals.</p>	
<p><b>Lead Local Flood Authority:</b></p> <p><b>No objection subject to conditions:</b></p> <p>When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment and will not put the users of the development at risk.</p> <p>The proposed development will be acceptable if the following planning conditions are attached to any permission granted.</p> <p>1 Advice – Surface Water (condition)</p> <p>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.</p> <p>2 Advice – Boundary Watercourse (condition)</p> <p>No development approved by this planning permission shall take place until such time as an assessment of the watercourse capacity for the 1 in 100 year flow plus and appropriate allowance, climate change and an assessment of the access requirements has been submitted to, and approved in writing by, the local planning authority.</p> <p>3 Advice – Minimum Floor Levels (condition)</p> <p>No development approved by this planning permission shall take place until such time as a plan identifying the minimum internal floor levels as identified within the FRA and associated external ground levels has been submitted to, and approved in writing by, the local planning authority.</p>	<p><b>Noted</b></p> <p>The application is accompanied by a Drainage Strategy.</p> <p>The strategy proposes that surface water will be collected via network of SW sewers to be discharged into the existing surface water ditch to the South East of the site.</p> <p>An attenuation basin will be connected to this system to provide additional retention storage.</p> <p>Foul water will discharge into a proposed pumping station which will pump flows via a rising main into the existing foul water sewer located in Longcliff Hill.</p> <p>The application seeks outline consent and conditions can be imposed to ensure appropriate drainage methods are incorporated within the reserved matters application. Details of future maintenance also needed.</p>
<p><b>Severn Trent Water Authority:</b></p> <p>With reference to the above planning application</p>	<p><b>Noted.</b></p> <p>Drainage conditions will be added to the decision</p>



<p>the Company's observations regarding sewerage are as follows.</p> <p>I confirm that Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following condition.</p> <p><b>Condition</b> 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.</p>	<p>if an approval is decided.</p>
<p><b>Parish Council: Objects</b></p> <p>The PC discussed this application at their meeting on 3rd May 2016 and felt they had to object to the proposal on the following grounds;</p> <p><b>Road Access</b> The road is far too narrow to be suitable as a means to access to any additional housing. The road is already so busy that residents put out cones to keep space near their residences and it also provides a rear access to the school.</p> <p><b>Housing Needs</b> The detailed investigation into the housing needs of Nether Broughton and Old Dalby undertaken by Midlands Rural Housing in December 2014 does not support the need for housing of this type and volume.</p> <p><b>Rural Landscape</b> A development of this scale, alongside additional development already approved in the area, would have an inevitable impact on the rural landscape of this small settlement.</p> <p><b>Sustainability</b> The limited services that do exist in Old Dalby are insufficient to sustain this volume of development. The PC are of the opinion that the accumulative impact of further development, in addition to over 50 dwellings already approved, cannot be sustained by the existing school, medical facilities and road infrastructure in Old Dalby.</p>	<p>Sightlines are adequate for the location proposed and the junction is adequately spaced from Northcliff Hill to prevent conflict. Old Dalby has relatively good transport links and opportunities for employment, limited shopping and education within the village.</p> <p>The Borough is deficient in a housing land supply and this development would contribute to the supply whilst adding much needed affordable and smaller housing also required within the Borough.</p> <p>The landscape of the surrounding area would alter through this application, however the site is located in close proximity to existing dwellings and landscaping can be provided to ensure the proposal harmonises well amongst its surroundings.</p> <p>The proposal has been assessed by standard consultees who have raised no objection to the additional numbers proposed for the village, contributions will be sought where required to further support existing facilities within Old Dalby.</p>
<p><b>Developer Contributions: s106</b></p>	<p>S106 payments are governed by Regulation 122 of the CIL Regulations and require them to be necessary to allow the development to proceed, related to the development, to be for planning purposes, and reasonable in all other respects.</p>

<p><b>Highways:</b></p> <p>No contributions requested.</p> <p><b>Waste</b></p> <p>The Civic Amenity contribution requirements are outlined in the Leicestershire Planning Obligations Policy.</p> <p>The County Council’s Waste Management Team makes an assessment of the demands any proposed development would have on the existing Leicestershire County Council Civic Amenity infrastructure.</p> <p>The assessment identifies which site the residents of any proposed development would use. In general, residents use the closest Civic Amenity Site, which for the proposed development would be the Civic Amenity Site at Melton.</p> <p>The nearest Civic Amenity Site to the proposed development is located at Melton and residents of the proposed development are likely to use this site.</p> <p>The Civic Amenity Site at Melton will be able to meet the demands of the proposed development within the current site thresholds without the need for further development and therefore no contribution is required on this occasion.</p> <p>Future developments that affect the Civic Amenity Site at Melton may result in a claim for a contribution where none is currently sought.</p> <p><b>Library</b></p> <p>I would advise that the above proposal would result in the following service requirements, for which contributions should be sought from the developer.</p> <p>The library facilities contribution is outlined in the Leicestershire Planning Obligation Policy (adopted 3<sup>rd</sup> December 2014). The County Council consider the proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area</p> <p>The proposed development on Longcliff Hill, Old Dalby is within 9km of Melton Mowbray Library on Wilton Road, being the nearest local library facility which would serve the development site.</p>	<p><b>Noted</b></p> <p><b>Noted</b></p>
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The library facilities contribution would be £600 (rounded up to the nearest £10).

It will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought for digital services e.g. e-books, tablet provision, etc. to account for additional use from the proposed development. It will be placed under project no. MEL 008.

There are currently three other obligations under MEL 008 that have been submitted for approval.

The Leicestershire Small Area Population and Household Estimates 2001-2004 gives the settlement population for Melton Mowbray at approximately 25,890 people. The library has an active borrower base of 4,976 people.

However post code analysis demonstrates that Melton Mowbray Library attracts usage from a much wider catchment of 31,173 through additional borrowers who live outside the settlement area but come into Melton Mowbray for work, shopping or leisure reasons.

Active users of Melton Mowbray Library currently borrow on average 26 items a year. The national performance indicator N19 measures the percentage of adults who have used a public library service in the past 12 months (the latest figure is Oct 08 - Oct09) and for Leicestershire this figure is approximately 48%. This figure would be higher if children were factored into the equation.

Consequently the proposed development at Longcliff Hill, Old Dalby is likely to generate an additional 29 plus users and would require an additional 69 items of lending stock plus reference, audio visual and homework support material to mitigate the impacts of the proposed development on the local library service.

The County Council consider the library contribution is justified and is necessary to make the development acceptable in planning terms in accordance with the relevant national and local policies and the additional demands that would be placed on this key infrastructure as a result of the proposed development. The contribution requirement is directly related to the development because the contribution is to be used for the purpose of providing the additional capacity at the nearest library facility to the proposed development which is at Melton Mowbray.

It is considered fair and reasonable in scale and kind to the proposed scale of development and is

**The contributions requested for mitigation against libraries are a tariffed style requests that will be 'pooled'. Under CIL Reg. 123(3) no more than five contributions can be pooled for any single infrastructure project.**

**The request for improvements to the civic amenity site has been allocated to a specific project and will provide new open top containers that will increase the capacity at the site. It is therefore considered appropriate for inclusion in a S106 agreement.**

<p>in accordance with the thresholds identified in the adopted policies and to meet the additional demands on the library facilities at Melton Mowbray which would arise due to this proposed development.</p> <p>The request is based on the following formula for library facilities contributions</p> <p>1 bedroom houses/apartments @ £15.09 per house/apartment</p> <p>2 bedroom houses/apartments @ £30.18 per house/apartment.</p> <p><b>Education</b></p> <p><b>Primary</b></p> <p>The site falls within the catchment area of Old Dalby C of E Primary School. The School has a net capacity of 147 and 140 pupils are projected on roll should this development proceed; a surplus of 7 places after taking into account the 5 pupils generated by this development.</p> <p>There are currently no pupil places at this school being funded by S106 agreements from other developments in the area.</p> <p>An education contribution will therefore not be requested for this sector.</p> <p><b>Secondary</b></p> <p>For 11 to 16 education in Melton Mowbray there is one single catchment area to allow parents greater choice for secondary education.</p> <p>There are two 11-16 secondary schools in Melton Mowbray, these are The Long Field School and John Ferneley College.</p> <p>The schools have a total net capacity of 1900 and a total of 1771 pupils projected on roll should this development proceed; a surplus of 129 pupil places.</p> <p>There are currently no pupil places in this sector being funded from S106 agreements for other developments in this area to be discounted.</p> <p>An education contribution will therefore not be requested for this sector.</p> <p><b>Post 16</b></p> <p>This site falls within the catchment area of Melton Vale Post 16 Centre. The College has a net capacity of 640 and 478 pupils are projected on roll should this development proceed; a surplus of 162 pupil places after taking into account the 1 pupil generated by this development.</p>	<p><b>Noted</b></p> <p>The method of calculating Section 106 education contributions is based on the net capacity of the catchment school and the availability of places at any other primary school within a 2 mile available walking route of the development.</p>
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<p>There are currently no pupil places in this sector being funded from S106 agreements for other developments in the area to be discounted.</p> <p>There are no other Post 16 Centres within a three mile walking distance of the development An education contribution will not be requested for this sector.</p> <p><b>Special Schools</b></p> <p>As this development is less than 250 houses with two or bedrooms a claim for a Special School contribution will not be made.</p>	
<p><b>Affordable Housing</b></p> <p><i>Total dwellings – 20</i></p> <p><i>Affordable Housing contribution at current Local Plan level – 40% = 8</i></p> <p><i>Affordable/intermediate/social rented – c. 80% (6 dwellings)</i></p> <p><i>Starter Homes – c. 20% (2 dwellings)</i></p> <p>Evidence from our recently commissioned Melton Borough Housing Needs Study by JG Consulting, shows a need for a split of 80% rented and 20% intermediate housing. The consultants have found a c.5% need for Starter Homes, which would fall within the intermediate housing. Due to the small number of properties, 5% Starter Homes on this site would only be 1 dwelling. Therefore, instead I am recommending for there to be 2 Starter Home dwellings.</p>	<p><b>Noted. This configuration can be incorporated into a condition if permission is granted.</b></p>

**Representations:**

Site notices were posted and neighbouring properties consulted. As a result **38 letters of objection have been received from 30 separate households, along with 1 letter of support;** the representations are detailed below:

<b>Representations</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Impact upon the Character of the Area</b></p> <ul style="list-style-type: none"> <li>- Any increase in size of village would spoil a nice small village</li> <li>- Potential to erode and destroy character of rural village</li> <li>- Want to keep Old Dalby as a village and not expand into an urban sprawl</li> <li>- The current application for building houses, including this one will have a detrimental impact on natural environment</li> <li>- Random and sporadic development will</li> </ul>	<p>Old Dalby as a whole displays housing of varying character including more modern layouts in parts.</p> <p>This site is physically separated from the village and would also be viewed and experienced separately from its surroundings so as to avoid creating a stark contrast, or visually conflict; a clear appreciation of its character would only be obtained if entering the development itself.</p> <p>For similar reasons, the scale of the</p>

<p>have a cumulative effect on the village</p>	<p>development would not be readily apparent to users of Longcliff Hill and visitors to other parts of Old Dalby and it is not considered that it would overwhelm the village or affect those parts of it that display strong and valuable character.</p> <p>It is acknowledged that the site would create a separated form of development with the existing built up form and this potential harm would have to be balanced against the benefits of the development.</p>
<p><b>Impact upon Highway Safety:</b></p> <ul style="list-style-type: none"> <li>- Longcliff Hill was never built to take heavy traffic and is narrow and not capable of supporting a two way road system</li> <li>- Existing issue of parked cars on the highway which worsens at school times</li> <li>- Entrance onto main road very dangerous</li> <li>- Members of cricket club and away teams park on hill</li> <li>- In excess of 30 additional cars on the road</li> <li>- Existing traffic issues from business park</li> <li>- Very sharp bend which is dangerous</li> <li>- Agricultural vehicles use the hill frequently</li> <li>- Dangerous junction close to school</li> <li>- Limited visibility from proposed access</li> <li>- Existing dwellings don't have off road parking</li> <li>- Land slips within village</li> <li>- Longcliff Hill resurfaced a couple of years ago and it was evident there was no construction formation underneath</li> <li>- Access and egress point from the site is on a severe bend</li> <li>- No footpaths have been included on the side of the proposed development.</li> </ul>	<p>The proposed development would be served by a single point of access from Longcliff Hill. The development would have a cul-de-sac style approach serving all 20 properties.</p> <p>The location of the access offers a clear line of site to and from Longcliff Hill and as such it is considered that drivers will be able to use the access avoiding conflict with other users of Longcliff Hill</p> <p><b>The Highway Authority raises no objections to the access plan, subject to conditions, see assessment above.</b></p>
<p><b>Drainage</b></p> <ul style="list-style-type: none"> <li>- Can Severn Trent accommodate the additional development?</li> <li>- Very poor drainage in area</li> <li>- Proposed pond liable to flood due to location and current soil condition.</li> </ul>	<p>The application is accompanied by a Flood Risk Assessment and drainage strategy, the LLFA have accepted the development will be possible subject to condition.</p> <p>Severn Trent have raised no objection to the development subject to condition.</p>
<p><b>Schooling</b></p> <ul style="list-style-type: none"> <li>- Presently 114 children at school, the capacity of school is 140, 103 houses being proposed in the area will lead to significant shortfall in places for children.</li> <li>- Children of different age groups already</li> </ul>	<p>The Education Authority (EA) has been consulted and advises that there is capacity within the school for the number of children anticipated from a development of this scale.</p> <p>The EA estimate there is likely to be around 5</p>

<p>sharing classrooms.</p>	<p>primary aged children generated by this development.</p> <p>The calculation is based on pupils from sites which have secured planning permission, included in this specific calculation is the site in Station Road Old Dalby.</p>
<p><b>Facilities</b></p> <ul style="list-style-type: none"> <li>- Local surgery at Long Clawson is already over capacity</li> <li>- Development would lead to Long Clawson and Nether Broughton surgery being oversubscribed</li> <li>- Village hall will be unable to cope with additional housing</li> <li>- Shop and post office already closed</li> <li>- No amenities in village to support the new dwellings</li> <li>- Bus service is limited and under threat of being discontinued</li> <li>- What leisure/recreational facilities are proposed to accommodate increase in village population</li> <li>- Facilities needed for younger people tennis courts/football enclosures, these should be funded by applicants.</li> <li>- Location not sustainable <ul style="list-style-type: none"> <li>o Secondary school circa 10 miles away</li> <li>o Doctors 5 miles away</li> <li>o A&amp;E 20 miles away</li> <li>o Supermarket 8 miles away</li> <li>o Sports centre 10 miles away</li> <li>o Refuse site 10 miles away</li> </ul> </li> </ul>	<p>The level of services provided within Old Dalby is not ideal, however they are considered to be adequate for this amount of development, and the site being in close proximity to services outside of the village would ensure an appropriate level of provision is in place for future occupants.</p> <p>The bus services across the Borough are in decline, the extra residents could support the Old Dalby bus service however it is accepted that using public transport is a personal choice and car use cannot be eliminated.</p> <p>It should be noted that recent decisions made by both this Council and the Inspectorate on appeal at nearby Queensway have regarded facilities in the area sufficient to accommodate demand from new housing.</p>
<p><b>Planning Policy</b></p> <ul style="list-style-type: none"> <li>- If application is passed Old Dalby will be taking 25 % of the Boroughs original plan for growth in rural settlements.</li> <li>- Proposal does not comply with existing or proposed local plan nor the draft strategic housing plan.</li> <li>- Applications should not take advantage of the absence of an up to date local plan Decisions should wait until the new local plan is in place</li> <li>- Proposed development is outside the village envelope</li> <li>- Loss of versatile agricultural land</li> <li>- Use of greenbelt land</li> <li>- Green fields and farmland should be protected from development</li> <li>- No benefits to outweigh adverse impacts</li> <li>- Application for monetary gain without providing for village.</li> </ul>	<p>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.</p> <p>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.</p> <p>The Council cannot demonstrate a five year land supply and as such housing policies are deemed out of date.</p> <p><b>Several appeal decisions have confirmed that the Local Plan's Village Envelope policy (OS2) is incompatible with the NPPF and therefore out of date, and therefore the NPPF should take precedence.</b></p> <p>However this on its own is not considered to</p>

<p>- Neighbourhood plan should be in place before decisions on housing in the village are made.</p>	<p>weigh in favour of approving development where harm is identified, such as being located in an unsustainable location.</p> <p>The site is a greenfield site where there is no presumption in favour of development however the harm attributed by the development are required to be considered against the benefits of allowing the development in this location.</p> <p>National Planning Policy Guidance states that :</p> <p><i>a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and</i></p> <p><i>b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.”</i></p> <p>It goes on to advise that “ <i>Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period</i>”</p> <p>Where refusal of planning applications are made on the grounds of prematurity the authority needs to indicate clearly how planning permission would prejudice the outcome of the plan-making process.</p> <p>The Old Dalby Neighbourhood Plan is still in development and has not made any proposals or consulted upon them.</p> <p><b>It is considered that the NP is not in the position to which the National Guidance advises ‘prematernity’ concerns can be applied, and therefore not considered that a refusal could be reasoned on the grounds of prematurity in light of the above factors.</b></p>
<p><b>Housing need and mix</b></p> <ul style="list-style-type: none"> <li>- What scrutiny is available to ensure that the low cost houses are offered to people with existing links to Old Dalby</li> <li>- Is there a proven need</li> <li>- Has the committee looked at the survey carried out about need for housing in village.</li> <li>- Too many houses being built in village, 103 at present.</li> </ul>	<p>There is a housing shortage nationally and the Borough of Melton is no different. The Borough has failed to provide housing and is not in a position to demonstrate a 5 year land supply. Between 2011-2015 351 new homes were built, based upon the requirements of the Strategic Housing Market Assessments 908 were needed (245 per year).</p> <p>From sites currently under construction or with valid planning permission the Council can</p>



	demonstrate a deliverable supply of 800 new homes which equates to approximately 2.5 year land supply. The most recent evidence indicates that there is need for 37% of new homes to be 'affordable' (90 per year).
<p><b>Other Considerations</b></p> <ul style="list-style-type: none"> <li>- The granting of this permission will create a precedent</li> <li>- Plan has a "Phase 1" nature about it with a hammerhead at top, enabling further development.</li> <li>- 2 other developments proposed that are on better sites, the village cannot support all 3.</li> <li>- This application should not be considered in isolation but all applications in Old Dalby be considered as a whole.</li> <li>- Councillor Orson will have to declare an interest in this development</li> <li>- The residents of Old Dalby will not be represented at the coming meeting when a decision is to be made on the application</li> <li>- Councillor Orson should be the guardian of our rural green spaces and not building on them</li> <li>- Perhaps Councillor Orson should resign as a Councillor as he is also a developer in the area he lives and cannot represent the village</li> <li>- Councillor Orson's position on the Highway Forum may influence the officer's view.</li> </ul>	<p>Each application is considered on its own merits and the outcome of this will not affect subsequent proposals.</p> <p>How the development compares to other sites does not affect the sites own acceptability or otherwise.</p> <p>Councillor Orson made a signed statutory declaration when submitting the application, the proposal has been determined upon its own merit.</p> <p>Councillor Orson elected an agent to submit the application and no direct contact has been had with the applicant during the application period.</p>

**Other Material Considerations not raised through representations:**

Consideration	Assessment of Head of Regulatory Services
<p><b>Housing type</b></p> <p>The configuration and Housing mix provided</p>	<p><b>Housing Mix:</b></p> <p>Although in outline, the application proposes a range of house types and sizes, including bungalows and some smaller units. These are considered to reflect identified needs, particularly the smaller and single storey units.</p> <p><b>Affordable Housing</b></p> <p>The application proposes 8 affordable units, details of which would follow at reserved matters stage.</p> <p>This equates to 37% and is considered the requisite amount as identified by the most up to date evidence (the SHMA 2014)</p>
<p><b>Sustainability</b></p>	<p>Old Dalby is considered to perform reasonably well in sustainability terms owing to its community facilities and transport links. <b>Recent decisions made by the Council and on appeal</b></p>

	<p><b>by the Secretary of State with particular reference to Land North of Old Dalby Lane, (West of Marquis Road) Queensway Old Dalby have described it as a sustainable location</b> for housing for these reasons and there have been no material changes to this position in the interim. <b>It is therefore considered that it could be impossible to refuse the application of the basis of the sustainability of the location.</b></p> <p>However, sustainability also takes into account economic and environmental factors and it is recognised that the site is ‘greenfield’ without a presumption for development. This is considered to weigh against the proposal. However, the land is not identified by any study or policy as important to the setting of Old Dalby nor is it designated as important countryside, for example through National Park, AONB or any other landscape designation giving it ‘special’ status.</p> <p>Accordingly it does not meet the types of location that the NPPF requires to be protected and accordingly only limited weight can be afforded to this aspect.</p>
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**Conclusion**

It is considered that the application presents a balance of competing objectives and the Committee is invited to reconcile these in reaching its conclusion.

The Borough is deficient in terms of housing land supply more generally and this would be partly addressed by the application.

Affordable housing provision remains of the Council’s key priorities. This application present affordable housing that helps to meet identified local needs. Accordingly, the application represents a vehicle for the delivery of affordable housing of the appropriate quantity, in proportion with the development and of a type to support the local market housing needs. Old Dalby is considered to be a reasonably sustainable location where primary education and other services can be assessed. It is considered that there are material considerations **of significant weight in favour** of the application.

There are a number of other positive benefits of the scheme which include surface water management in the form of a sustainable drainage along with developer contributions to mitigate impacts upon local services.

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 Neither Broughton and Long Clawson nearby. However there remain deficiencies, most obviously in relation to secondary/higher education, shops, health care and leisure/recreation.

It is considered that balanced against the positive elements are the specific concerns raised in representations, particularly the development of the site from its green field state and the impact on the character of the rural village with a detachment from the existing g built form of the village.

**In conclusion it is considered that, on the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply and affordable housing in particular. The balancing issues – development of a green field site and sustainability – are considered to be of limited harm.**

**This is because, In this location, the site benefits from a range of services in the immediate vicinity and nearby which mitigate the extent to which travel is necessary and limits journey distance, the character of the site provides potential for sympathetic design, careful landscaping, biodiversity and sustainable drainage opportunities.**

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

**Recommendation: PERMIT, subject to:-**

- (a) The completion of an agreement under s 106 for the quantities set out in the above report to secure:**
- (i) Contribution for the improvement to civic amenity sites.
  - (ii) Contribution to sustainable transport options
  - (iii) Contribution to maintenance of open space
  - (iv) The provision of affordable housing, including the quantity, tenure, house type/size and occupation criteria to ensure they are provided to meet identified local needs

**(b) The following 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) and landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. The reserved matters as required by condition 2 above, shall provide for a mixed of types and sizes of dwellings that will meet the area's local market housing need.
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. A Landscape Management Plan, including a maintenance schedule and a written undertaking, including proposals for the long term management of landscape areas (other than small, privately occupied, domestic garden areas) shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner.
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 development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority.

The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of two treatment trains to help improve water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenario's for the 1 in 1, 1 in 30 and 1 in 100 year + climate change. Where discharging to a sewer, this should be modelled as surcharged for all events above the 1 in 30 year, to account for the design standards of the public sewers.

8. No development approved by this planning permission shall take place until such time as an assessment of the watercourse capacity for the 1 in 100 year flow plus and appropriate to, and approved in writing by, the local planning authority.

The assessment should identify the capacity of the watercourse, and the flow from the upstream catchment, during the 1 in 1 year, 1 in 30 year and 1 in 100 year + climate change events and demonstrate that flows can be retained within the watercourse, if flows cannot be contained a hydraulic model should be produced to identify the area of flood risk and appropriate mitigation identified.

The assessment should identify what equipment will be required for regular and occasional maintenance and the minimum access requirements for this equipment.

9. No development approved by this planning permission shall take place until such time as a plan identifying the minimum internal floor levels as identified within the FRA and associated external ground levels has been submitted to, and approved in writing by, the local planning authority.

Information should also be included to demonstrate the overland flow routes through the site, in the event of exceedance flows or overland flow from adjacent land.

10. No development shall take place until a scheme for treatment of the Public Footpath has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Such a scheme shall include provision for surfacing, width, structures, signing and landscaping.

11. No development shall take place until a programme of archaeological work, informed by with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and

- The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
- The programme for post-investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for achieve deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

12. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 11

13. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 11 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

14. All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include

parking and turning facilities, access widths, gradients, surfacing, signing and lining and visibility splays and be submitted for approval by the Local Planning Authority in consultation with the Highway Authority before development commences.

15. Notwithstanding the details submitted, before development commences, the applicant shall submit for the approval of the LPA, detailed plans of the proposed site access road, designed in accordance with Local Highway Authority standards, including a pedestrian crossing point as shown generally on the submitted plan. The site access road shall then be provided full in accordance with the approved plans before any dwelling is first occupied and shall thereafter be permanently so maintained.
16. Before development commences, details of the proposed vehicular access arrangements from the proposed access road to serve the existing farm buildings shall have been submitted to and approved by the LPA, to include suitable width, radii, visibility splays, hard bound surfacing, drainage. The access to serve the farm buildings shall then be provided fully in accordance with the approved plans before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.
17. 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.
18. 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.

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 ensure that the housing needs of the borough are met.
4. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
5. To ensure that due regard is paid to the continuing enhancement and preservation of amenity afforded by landscape areas of communal, public, nature conservation or historical significance.
6. To provide a reasonable period for the replacement of any planting.
7. To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.
8. To ensure that properties are not located at risk of flooding for the ordinary watercourse, and to ensure that the sufficient access is retained to maintain the watercourse capacity and flow route.
9. To ensure that no properties are at risk of flooding from overland flow routes during exceedance events.
10. In the interests of amenity, desirability, safety and security of users of the Public Footpath
11. To ensure satisfactory archaeological investigation and recording
12. To ensure satisfactory archaeological investigation and recording
13. To ensure satisfactory archaeological investigation and recording
14. To ensure a satisfactory form of development and in the interests of highway safety.
15. In the interests of highway safety.

16. In the interests of highway safety
17. To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway wand 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.
18. To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.

Officer to contact: **Ms Louise Parker**

**Date: 15<sup>th</sup> July 2016**