

Committee date: 11th August 2011

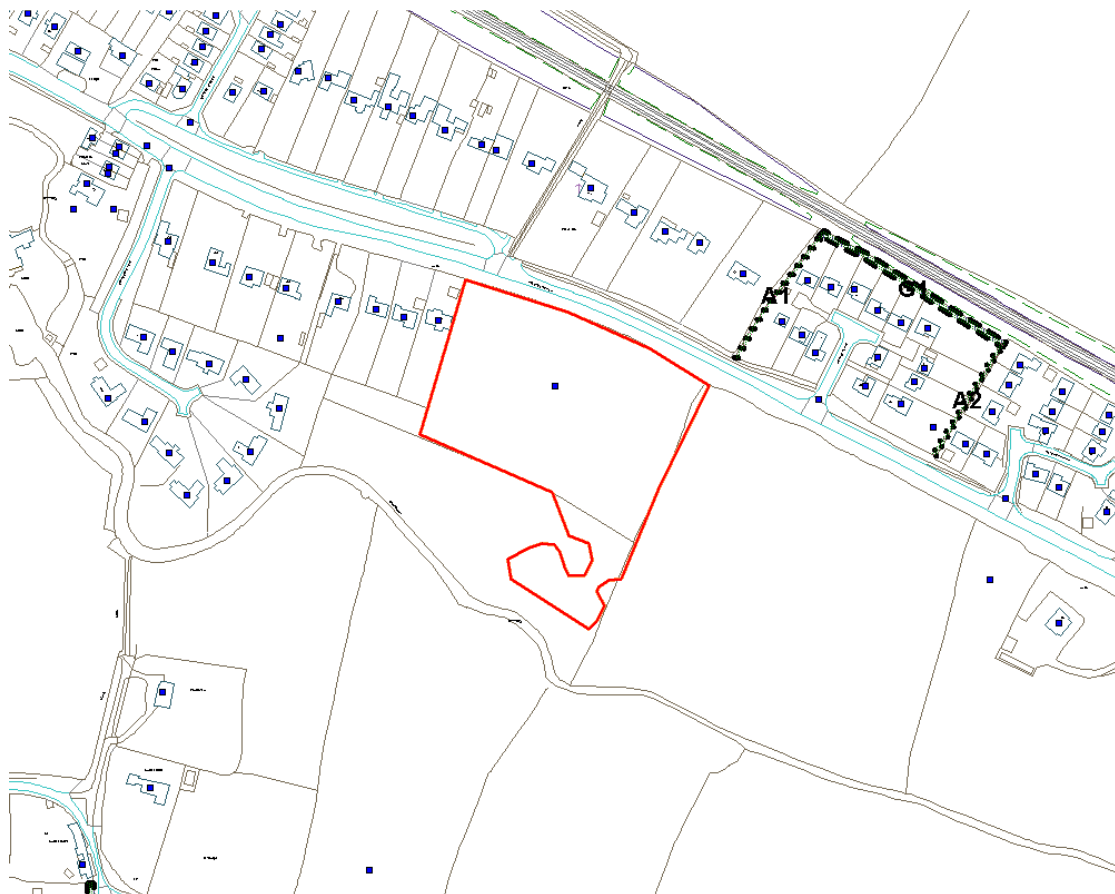
Reference: 11/00338/OUT

Date submitted: 26.04.2011

Applicant: Mr Brian McNulty - Ashwood Land and Property Limited

Location: The Old Clay Pit, Grantham Road, Bottesford

Proposal: Residential development of 50 dwellings including affordable housing, open space, attenuation pond, landscaping, access, roads and all other associated works on Grantham Road Bottesford.



Proposal :-

Outline planning permission is sought for the development of this 1.8ha site to the south of Grantham Road, for a residential development consisting of 50 dwellings (including affordable units), associated infrastructure and an area of open space and the excavation of balancing ponds for drainage. The site is roughly rectangular in shape, and is situated behind a mature boundary hedge. The site was a former clay pit which was filled with waste in 1982, and has since been restored but become over-grown with scrub and saplings. The site is fairly flat, apart from the south side where the land falls away to the River Devon. The site lies adjacent to existing housing on Grantham Road (to the west of the site) but is surrounded on the remaining sides by farmland on the approach in to the settlement.

The application is in outline, with only the access being considered at this time with all other matters reserved for later approval. An illustrative plan submitted by the applicant shows a single point access on to Grantham Road, with all of the housing situated behind the mature hedge. A mix of dwellings is proposed, served from a spine road and two cul-de-sacs are shown, with an area of open space situated opposite the entrance to a cul-de-sac to the south of the housing.

It is considered that the main issues arising from this proposal are:

- **Compliance with the Development Plan**
- **Impact upon the Character of the Area**
- **Impact upon Ecology**
- **Impact upon residential amenities**
- **Effects on Environment in regards to flood risk and contamination**

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

Relevant History:-

The site gained planning permission in 1982 for the filling of the clay-pit with waste.

10/00312/OUT – Proposal for 54 dwellings, including Affordable Housing – Withdrawn on the 20th July 2010

Planning Policies:-

PPS 1 – Delivering sustainable Development:- Requires planning permission to follow the plan-led process and to provide sustainable development and reduce climate change and the reliance on the private car.

PPS 3 - Housing: the planning system should deliver a flexible, responsive supply of land - which makes efficient and effective use of land, including re-use of previously-developed land. It requires Local Planning Authorities to identify a 5 year lands supply. Where a 5 year supply can not be identified, it recommends that Local Planning Authorities should release proposals for new housing, providing they meet other planning concerns and are suitable sustainable locations. PPS3 supports the efficient use of previously developed sites (brownfield). It promotes designs and layouts which make efficient and effective use of land, encouraging innovative approaches. Density of existing development should not dictate new housing. It emphasises the need for good quality design contributing to the distinctiveness of settlements and for new housing to contribute to a balanced housing mix meeting identified needs.

PPS 7 - Sustainable Development in Rural Areas - states that many country towns and villages are of considerable historic and architectural value, or make an important contribution to local countryside character. Planning authorities should ensure that development respects and, where possible, enhances these particular qualities. It should also contribute to a sense of local identity and regional diversity and be of an appropriate design and scale for its location, having regard to the policies on design contained in PPS1 and supported in 'By Design'. Countryside should be protected from encroachment for the sake of its intrinsic character.

PPS 9 – Biodiversity and Geological Conservation – It is a statutory duty under the Wildlife and Countryside Act to afford protection to species/habitat. Precautionary approach/refusal of permission in instances where insufficient information is provided to assess the above

PPG 13 - Transport: states that; 'to promote more sustainable patterns of development and make better use of previously developed land, the focus of additional housing should be existing town and cities'

PPS 25 – Planning and Flood-risk– Housing development should be provided follow a sequential approach with areas of lower-risk developed in preference to higher-risk sites.

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 - Siting and design of buildings: Allows for new buildings subject to criteria including the design harmonising with the surroundings, no adverse impact on neighbouring properties by loss of privacy or outlook, adequate space around and between buildings being provided and adequate access and parking arrangements being made.

Policies 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 and the development is designed to protect the species or provision is made for the transfer of the species to an alternative site of equal value.

Policy H7 allocates sites for housing and seeks to ensure that an appropriate level of Affordable Housing is provided. Where sites are not allocated the Council will negotiate for the inclusion of an element of affordable housing having regard to site, size, suitability, the economics of provision and the need to achieve a housing development that incorporates a mix of housing types in accordance with the provisions of circular 06/98

Melton LDF Core Strategy: seeks to focus development in Melton Mowbray with a small balance (20%) in the surrounding Borough, and with provision/contribution of 40% affordable housing from all developments, and expectations to produce mixed, integrated housing developments and meet local needs by addressing identified imbalances in housing stock in all locations. Identifies villages by virtue of a hierarchy reflecting their sustainability and, therefore, suitability for development and Bottesford is noted as a Category 1 village suitable for some growth

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>LCC Highways – No objections subject to conditions relating to:-</p> <ul style="list-style-type: none"> • Visibility splays to the entrance on Grantham Road • Access, roads, parking, turning to be in accordance with LCC Highway Standards • Footway to be provided to the southern side of Grantham Road • Wheel cleansing for construction traffic • Plan showing routing of construction traffic • Provide parking within site for construction traffic 	<p>The application is in outline form for consideration of the access only. Grantham Road is a classified road which allows access onto the A52. The site boundary consists of mature hedging along the highway and this will need to be cut back/thinned to allow for the appropriate visibility splays. Whilst the hedging provides a level of screening it has been allowed to grow to a considerable height and gaps have appeared. The hedge would benefit from routine maintenance and would allow the development site to form part of the streetscene ensuring that it would integrate with the village instead of ‘hiding away’ behind the hedge.</p> <p>The Highways Authority have no objection to the proposed development</p>
<p>Parish Council – Object on the following grounds:-</p> <ul style="list-style-type: none"> • Non-compliance with Melton Local Plan which is against ribbon development of this sort, and prefers infilling 	<p>Noted</p> <p>The Local Plan directs development within the village envelopes. The site lies outside village envelope where development can only be accepted with special justification.</p>

<ul style="list-style-type: none"> • Health hazards from dumped materials • Bore-holes drilled around the edge of the site not in the centre. • Affordable housing already being actively sought in the village • No footpath link to centre of village. The site is too far out of the village and will result in car use. • Will increase pressure for parking in town centre where traffic flow and parking already problematic • Development is in flood-plain and will result in floodwater being moved elsewhere and flooding other property – weir sluice control should be automated • Already problems with sewage and lack of water pressure in this area of village – report from Severn-Trent needed • The area has been restored and should be considered to be a greenfield site not brownfield 	<p>A Contamination Report has been submitted and independently assessed by the Environment Agency who is satisfied with the mitigation measures as outlined within the report. Conditions can be imposed to ensure that the work is carried out in accordance with the details and that further investigations take place.</p> <p>The Environment Agency are satisfied that appropriate survey has been undertaken and that the site can be remediated.</p> <p>The Affordable Housing Statement submitted with the application stipulates that 20 affordable housing units would be provided within the development site. There are currently no other applications for affordable housing within Bottesford.</p> <p>An extension to the footpath would be required to encourage pedestrian access to the village. Bottesford has been categorised as a Service Centre due to the level of services available. Whilst planning policies seek to reduce reliance on the car, car use cannot be ruled out as this is a matter of choice by the residents.</p> <p>The Highways Authority have raised no objection to the proposal.</p> <p>The site lies in Flood Zone 1 as shown on the Environment Agency’s flood maps. Flood-risk/drainage assessments have been carried out and independently reviewed by the Environment Agency with no objections raised subject to conditions.</p> <p>Developers would have to pay connection charges to responsible bodies to upgrade infrastructure</p> <p>The site lies outside of the village envelope for Bottesford and is considered to be designated open countryside. Whilst the site was formerly used as a landfill site, when the use ceased the land was restored. There has been evidence provided by the County Council to show that the conditions were complied with and that the land, due to its natural evolution is a greenfield site.</p>
<p>Police Architectural Liaison - Whilst the proposed development is currently vacant land, there is no recorded crime at the site at present. However, there are levels of recorded crime in the village comprising of burglary, theft, damage to property and motor vehicles and theft of and from motor vehicles to name the most common offences reported.</p>	<p>Noted.</p> <p>The application is for outline planning consent for the principles of the development for 50 dwellings and access into the site only. All matters relating to the design, layout, scale and appearance would be considered with a reserved matters application and conditions could be imposed in relation to boundary</p>

<p>The development should contain adequate measures to limit opportunities for this behaviour through good design principles and Secured by Design physical measures (doors, windows etc).</p> <p>Observations are made on the indicative site plan in order to further enhance the scheme in relation to crime prevention.</p> <p>In relation to plot 1, windows should be introduced in the side gable in order to monitor vehicles parked on the driveway adjacent. Although plots 1 and 2 overlook the shared driveway, Concerns are raised that during dark periodsthis area may be vulnerable to target vehicles, especially if there are no windows along the side gable to monitor activity.</p> <p>Plots 9 and 10 indicate a shared footpath to the rear of properties. If so the entrance to the alleyway should contain a gate with a further lockable gate to each property served off the alleyway.</p> <p>Plot 12, concerns raised regarding the parking bay location at the side of the property. Due to the adjoining field adjacent to the shared driveway, It is felt that this is a vulnerable location. The parking bay would be better located in view of plot 12 like plot 13. Windows to the side gable of plot 13 should be introduced to provide surveillance to the adjoining land areas.</p> <p>Careful consideration of the boundary treatment to be installed around the site perimeter of plot 12 and plot 28 is required to prevent access into the site from the adjoining land. The boundary treatment close to the isolated garages and parking areas should allow surveillance of the parked cars and should not be of solid construction</p> <p>It will be important to maintain the LAP area with acceptable management procedures in place to safeguard their future maintenance and to deter crime. Crime and anti social activity is more likely to occur in places that are unattractive and give the impression of not being cared for. The ODPM Safer Places Document gives guidance in this regard.</p>	<p>treatments and landscaping.</p>
<p>LCC Archaeology - the site has been checked against the Leicestershire & Rutland Historic Environment Record (HER) and it is not considered that any archaeological work is required as part of the scheme.</p> <p>The site has a low potential and as such below ground remains are unlikely to be affected by the works.</p>	<p>Noted.</p>

<p>LCC Ecology – no objection</p> <p>Protected Species</p> <p>A great crested newt survey (Lockhart Garratt, May 2011) has been submitted in support of the application. It is noted from the report that there was no evidence of great crested newts on site. However, the pond presently on the application site (due to be destroyed) supported breeding smooth newts. Therefore it is recommended that the removal of this pond is completed following best practice guidelines. In addition, the recommendations found in section 8 of the report should be followed.</p> <p>It is recommend that, prior to the commencement of the development, a walkover survey for reptiles is completed by an ecologist. If any reptiles are found, works should only proceed in accordance with advice from the ecologist.</p> <p>Habitat Retention and Creation</p> <p>The hedgerows to be retained should not be incorporated into residential curtilage, as they will be susceptible to loss over time. It is recommended that a buffer is in place between the hedgerow and the development. This may be in the form of a path, road or public open space.</p> <p>This development may help to create important habitat, particularly surrounding the proposed pond/wetland area. It is strongly recommend that this is designed to retain some water at all times throughout the year. This would also allow the loss of the existing pond on site to be compensated for. To allow this to be of the greatest value for wildlife, it is recommend that a condition is forwarded to the applicant with any permission granted stating that details of landscaping and open space must be submitted with the full application and ecology should be considered within this.</p>	<p>Noted.</p> <p>A Protected Species Survey's have been submitted and there has been no objection to the proposal subject to conditions requiring a walk over of the site prior to development.</p>
<p>Natural England – No objection</p> <p>Satisfied that the information provided which ensures there will be further ecological surveys provided at later planning stage to enable full mitigation to be discussed and agreed by Melton Borough Council and Natural England.</p>	<p>Noted.</p> <p>A condition is required to secure further surveys to be submitted should the proposal be successful.</p>
<p>L.C.C Minerals - The application site is within a mineral consultation area but in view of the previous extraction and backfilling that has taken place on the site and proximity to residential properties, it is not considered there is a need to safeguard minerals on or adjoining the site.</p> <p>With regard to the waste tipping that has previously taken place on the site the Council has</p>	<p>The applicants have contested that the site was remediated in accordance with the previous permissions and maintain that the land should be considered as brownfield.</p> <p>County Council have stated that the land was restored in accordance with the previous consents without recourse to formal enforcement action. PPS3 states that 'Land that has been developed</p>

<p>no additional information on what materials were tipped than is contained in the application. However the site does not meet the definition of brownfield land because the land has been restored under the terms of a planning permission. The fact that the infilling was done in accordance with previous planning permissions requiring the site to be restored (ref. no. 1987/0657/06 & 1981/0636/06) mean that the land is greenfield.</p>	<p>for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through 'development control' is excluded from the definition of brownfield land.</p> <p>Even if restoration had not been completed to the satisfaction of the planning authority (which is not the case) this does not lead to the site being brownfield in terms of the PPS3 definition because provision had been made for restoration by planning condition. PPS3 does not require the land to be 'remediated' but merely that 'provision for restoration has been made through development control' and this was the case.</p>
<p>Environment Agency- The proposed development will only be acceptable if the following measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.</p> <ul style="list-style-type: none"> • Finished floor and site levels • SUDs • Contamination • Pollution prevention 	<p>Noted, these matters can all be controlled by means of a condition as recommended by the Environment Agency.</p> <p>The Environment Agency has independently reviewed the flood and contamination reports and is satisfied with their content and conclusions, prior to arriving at this recommendation.</p>
<p>Newark Area Internal Drainage Board – No objection</p> <p>It is noted on the application that surface water is to be directed to a pond as Sustainable Drainage System (SUDS).</p> <p>It has to be presumed that an outfall at a high level will discharge excess water from the pond to an adjacent watercourse therefore the Drainage Board Byelaw applies whereby any new outfall to any watercourse in the district requires the prior consent of the Drainage Board. Run-off from the developed site must be limited to 2.1 litres per second per hectare or that which could be expected from the land in its present condition.</p>	<p>Noted.</p>
<p>Severn Trent Water Authority – No objections subject to conditions requiring drainage plans for the disposal of foul sewage and surface water.</p>	<p>Noted.</p>

<p>MBC Housing Policy Officer–</p> <p>The proposed development will consist of fifty one and two storey 2, 3, 4 and 5 bed dwellings; because this is an outline application no figures are available in relation to the number of each dwelling type that will be provided. This information would be helpful to ensure the development meets local housing need. As mentioned above, in the rural north there is a shortfall of smaller housing, in particular 2 bedroom houses and older person downsizing accommodation. Therefore, this development should focus on delivering smaller houses and bungalows rather than large executive housing since there is a surplus of larger housing in the area.</p> <p>With regard to affordable housing the proposed application will provide a 40% affordable housing contribution, as standard for developments over 6 dwellings. Therefore, the 50 units proposed by this development will contribute 20 affordable units.</p> <p>The 2007 Housing Need Survey identified a need for 22 affordable homes. This proposal should therefore work towards providing a mix of affordable housing which reflects the identified need. The tenure of the affordable units also needs to be discussed further with the Council. The Councils current policy position focuses on a tenure split of 70% social rent and 30% shared ownership. Also, the layout of the scheme will need to ensure the affordable housing is well integrated to encourage social cohesion. Furthermore, the affordable units provided by this site will need to be taken on by a Registered Provider (RP), who may have their own conditions to which the affordable units will need to adhere.</p>	<p>Noted.</p> <p>The Applicant has stated that the market housing proposal will secure 20 of the 22 affordable housing units which have been identified through the borough’s Housing Needs Study. Whilst the proposal, if successful, could go a long way towards addressing this shortfall, the 22 as identified is in addition to provisions to be secured through S106 contributions from market housing proposals as part of the overall housing supply. Whilst the Applicants points out that the Council has no adopted SPG for securing affordable housing 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) and the development plan policy (H7 of the Local Plan) requires provision “where there is evidence of need”.</p> <p>The 40% policy requirement was adopted in accordance with saved policy H7 of the Melton Local Plan in January 2008 under the same processes and procedures which have previously set the threshold and contribution requirements for affordable housing within the Melton Borough.</p> <p>It is considered that, whilst sufficient, the proposal does not offer any greater benefits than what would normally be required for a market housing proposal that was sited within the village envelope. The ‘offer’ of affordable housing is considered to meet, but not outweigh, the development plan and it is considered that it does not constitute material consideration which would warrant a departure contrary to policy OS2.</p>
<p>MBC Policy & Performance–</p> <p>Sustainable Development - The site is situated outside the village envelope for Bottesford, in the open countryside, as identified in the Melton Local Plan. Policy OS2 restricts development in such locations, with a number of exceptions; the application proposal meets none of these criteria. The objective of policy OS2 is to restrict development in the open countryside to preserve the character and appearance of the countryside and prevent expansion of settlements. As such, the village envelopes are positioned to limit the expansion of the built environment into the open countryside whilst providing the capability of accommodating infill in villages. This aim continues to be reflected in the Core Strategy and national policy guidance. The current proposal seeks consent for a substantial residential development in the open countryside which would</p>	<p>Noted. The proposal could only be supported if there were special reasons that would outweigh the development plan policy OS2. As stated above it is considered that little weight can be afforded to the argument on providing affordable housing as the level proposed would be required in any event.</p> <p>In order to support Sustainable Development objectives The Core Strategy seeks to direct 80% of housing development to the town with 20% allocated to the rural villages that have been considered to be sustainable. Whilst Bottesford is considered to be a sustainable, the location is outside of the settlement where development is not supported.</p>

be contrary to these objectives.

Furthermore, the Core Strategy, in continuing to implement national and regional policy at a local level, seeks to ensure new development is located where there is good access to jobs, health and community facilities, education, shops, leisure, sport and recreation facilities. The reliance on travel by car will also be reduced by locating development where it can be accessed by foot, bicycle or public transport. To this end about 80% of new housing will be located in Melton Mowbray as this offers the most sustainable approach to the broad location of development. The current proposal is for a large housing development which would be contrary to this aim being located away from the Melton Mowbray Sub-Regional Centre. Whilst Bottesford is classified as a Rural Centre the development strategy considers such locations only suitable for housing development within the existing built form of the village, with an exception for affordable dwellings which will meet local housing needs. In terms of its location within the village itself, the site is approximately 1km from the centre where the majority of services and facilities are located. This relatively remote location is likely to encourage use of the private motor vehicle to access the village centre.

5 Year Land Supply - PPS3 requires local authorities to demonstrate sufficient specific sites to deliver a supply of housing in the first five years, a five year land supply. This has been evidenced in the 2010 Annual Monitoring Report and the amount of dwellings with a reasonable prospect of being delivered in the next five years constitutes in excess of a 5 year supply. There is no significant undersupply of land in the Borough which would require the allocation of a site which does not accord with the spatial vision for the area and would undermine wider policy objectives. The site was examined through the 2009 SHLAA process and it was determined to be non-developable.

The Government's key objective for housing, as established in PPS3 is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. In order to satisfy this objective PPS3 requires all LPA's to provide and maintain a continuous five year supply of deliverable housing sites. **Where 5 years supply cannot be demonstrated local planning authorities are advised to consider planning applications for housing favourably** and such it is considered that this issue has the potential to be a consideration to balance against the Development Plan. However, if a deliverable five year land supply is available, local planning authorities may resist any speculative applications that are not considered appropriate. PPS3 states that a deliverable site must be available, suitable (a suitable location for development and would contribute to the creation of sustainable, mixed communities) and achievable (there is a reasonable prospect that housing will be delivered on the site within 5 years).

The Applicants have contested the Council's 5 Year land supply and have calculated that the Council at best has a 4.3 year supply only. This has been devised from including sites that the agents consider to be 'windfall sites' and calculating the 'over supply' from previous years

<p>Greenfield Site -The applicant makes reference to the fact that the land is previously developed land; this is not the case. PPS3 provides a definition of such land and excludes “Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures.” Following mineral extraction on the site consent was granted by Leicestershire County Council in 1982 for tipping waste (81/0636); attached to this consent conditions require restoration of the site upon completion. Following a further consent in 1988 to utilise further capacity in the void (87/0657) restoration</p>	<p>across the plan period (15 years). Whilst it is correct to say that unidentified windfall development should not be included in the 5 year supply assessment, when development is expected to take place (i.e infill development that forms an expected part of overall supply) it does not meet the definition of a windfall development and it is therefore acceptable to be included within the 5 year land supply figures.</p> <p>It is calculated that the Borough has had an oversupply of housing since 2006, totalling 270 units. It is considered that this quantity can be deducted from the requirement for the next 5 years and, as a result, the overall requirement amounts to 580 units (from 850 for the next 5 years).</p> <p>The Council has included small sites which are in conformity with the development plan (the applicants refers to this as ‘windfall sites’) and when added to the large sites the Council is able to demonstrate 618 units which is in excess of the 5 year land supply target as set out above. The applicant does not agree with the Councils approach and provides an appeal decision to put forward their case. However the appeal quoted refers to a Council that has been continually under supplying and is carrying over the undersupply across the 15 year plan period. The Inspector considered this approach to be reasonable giving the ability to the local authority to have a greater amount of time to deliver a planned strategy for growth.</p> <p>The Council is of the opinion that PPS 3 - five year land supply, is met and therefore do not need to consider this site necessary to deliver housing. The site is in the open countryside and the site therefore is not appropriate for development in terms of the Development Plan and in the absence of any shortfall of supply, it is not considered that PPS 3 requirements can be balanced against it.</p> <p>Noted. See comments from LCC Minerals.</p>
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<p>of the site was also required; enforcement action took place in 1990 as a result of non-compliance with this requirement. Not only is the land excluded from the definition of previously developed land for this reason but PPS3 also excludes land which “has blended into the landscape in the process of time”. The application site is also considered to meet this exception.</p> <p>Housing Density - Recent alterations to PPS3 have removed the minimum density requirements of 30 dwellings per hectare required previously; instead more emphasis is placed upon identifying the distinctive features that define the character of a particular local area. The indicative layout submitted with the application suggests a development of much greater density than the current properties in the vicinity.</p>	<p>That there is no longer a minimum density requirement is noted. The proposal is considered to be of a form very urban in character in relation to the open and spacious character of the surrounding development.</p>
<p>Developer Contributions-</p> <p>Waste - There will be no request for contributions for this application as the nearest CA site at Bottesford has sufficient capacity for a development of this size.</p> <p>Libraries - The proposed development at the Old Clay Pit, Grantham Rd, Bottesford is within 1 km of Bottesford Library on Grantham Rd being the nearest local library facility which would serve the development site. The library facilities contribution would be £2,720.</p> <p>Education- At the present time there is surplus capacity in the local secondary school. An education contribution is therefore not required for this sector. However please note that it is close to generating a claim which may affect future requests.</p> <p>However the local primary school is full and forecast to remain so with a deficit of 24 places in addition to the 12 places that would be generated by the development. Consequently an education contribution of £145,188.12 is requested for Bottesford C of E Primary School.</p> <p>LCC Highways - <u>Public Transport</u></p> <p>To comply with Government guidance in PPG13, PPS1 and circular 05/05 the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use.</p> <ul style="list-style-type: none"> • Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area 	<p>Noted – If the development is considered acceptable a Section 106 Legal Agreement to cover developer contributions would be needed.</p>

<p>(can be supplied by LCC at £50.18 per pack).</p> <ul style="list-style-type: none"> • 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £331.20 per pass – NOTE it is <u>very</u> unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate). • Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3108.00 per stop. • Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus services in the area. At £138.00 per display. <p>However if the configuration of the site should change, we would expect to be consulted again.</p> <p>NHS Lincolnshire PCT</p> <p>A formal request for Section 106 Funding for a Health contribution to support the increasing capacity of local Primary Care services provided from the Welby Practice based at Bottesford .</p> <p>A contribution of £45,200 is request which is based on £904 per dwelling.</p> <p>This request has now been withdrawn</p>	<p>It is considered that these contributions relate appropriately to the development in terms of their nature and scale, and as such are appropriate matters for an agreement. However, the developer has provided a draft Heads of Terms for s106 agreement agreeing to the Education and Library requests.</p> <p>Noted.</p>
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Representations:

A site notice was posted and neighbouring properties consulted. As a result 47 letters of objection from 39 separate households have been received and 6 letters of support on the application. The representations are detailed below:

Objection

Representations	Assessment of Head of Regulatory Services
<p>Local Plan/sustainability</p> <ul style="list-style-type: none"> • Should be rejected as it is outside of village envelope and not agricultural • Melton Core Strategy plan also states that Bottesford is a Category 1 village and developments within villages in these categories should be "small scale infill development within their existing built form • Should be infill housing development 	<p>The site is outside the village envelope where special control exists for residential dwellings, usually tied to rural business for workers accommodation or affordable housing as an exception site. A residential development of this site does not comply with the development plan policy OS2 and is not supported.</p> <p>Policy H6 of the Adopted Local Plan allows for</p>

<p>only</p> <ul style="list-style-type: none"> • Too large to qualify as an exception site • The emerging Core Strategy proposes that the village of Bottesford and Easthorpe should remain separate • The site is not allocated for housing within the Local Plan and should not be developed • Not a sustainable location – not enough employment in village for residents • No longer a through bus service and public transport is poor. The applicant is wrong regarding the time tables as these have changed • Trains could be cut at any time and East Midlands Train want to prevent evening trains from stopping at Bottesford • Large-scale development is not needed in Bottesford and will destroy it as a village • Site too far from shops/services and will result in car use to access them. • The resulting increased population will put a strain on existing services, e.g. mains sewage pipes, electricity and village resources. 	<p>small scale development ‘within’ the envelope. The Core Strategy identifies Bottesford as a Rural Service Centre suitable for some growth to meet local needs and support existing services aiding to the sustainability of the village.</p> <p>The development is for market housing with a requirement to provide 40% of affordable housing. It is not being considered as an exception site which allows for small size developments containing affordable housing only.</p> <p>The village envelope constrains development within the boundary to prevent sprawl and policy OS2 along with PPS 7 is to guard against the coalescence of settlements.</p> <p>The Local Plan seeks to direct new housing to sites within village envelopes. The local plan dates from 1999 – 2006 and most of the policies contained within the plan were saved by the Secretary of State in 2007 and remain extant until the adoption of the LDF. Policy OS2 is the most relevant which restricts development outside of the village envelopes.</p> <p>It will not be possible for there to be employment for all of the residents locally. However, Bottesford remains a sustainable location and public transport is reasonable for a rural area.</p> <p>Not all development can be within the centre of the village and there is no land available close to the shops. Larger villages act as a service centres for surrounding areas as well as for the residents within the village itself. Bottesford has been considered to be a highly sustainable village which could sustain a small amount of new development within the village envelope to support future and existing demand.</p> <p>If the existing infrastructure requires upgrading in order to support the development this will be at the cost to the developer.</p>
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<p>Highways</p> <ul style="list-style-type: none"> • 50 dwellings will increase traffic on Grantham Road • Access is on busy road near to corner would create dangers to highway users • There are no footpaths and pedestrians would be in danger • The A52 is listed as one of the most dangerous A roads. The increase of a further 100 cars using the three junctions onto the A52 will create further hazards. • Traffic flow through the village not accounted for • Highway visibility splay inadequate for number of vehicles • Will conflict with Sunday Market traffic • The submitted traffic assessment even mentions that traffic was in excess of the speed limit in this location – a new access would not doubt be dangerous • The highway access is very poor at the proposed entrance and within a 40 MPH speed area. Even if the 40 MPH restriction was moved people would still speed along the road • Risk to cyclists and pedestrians 	<p>The Highway Authority raises no objections subject to conditions, see assessment above.</p> <p>The site sits on the Grantham Road on a stretch of road which is subject to a 40 mph speed restriction. There is no footpath on the south side which would need to be provided along with a cycle path should permission be granted. The Highways Authority has also stipulated, by means of imposing a condition, that a pedestrian crossing be installed and possible extension to the 30 mph restriction so that the development is contained within that speed limit.</p>
<p>Character of the Area</p> <ul style="list-style-type: none"> • Too big a development – affects rural character • Urbanises village and affects rural character • Development not in keeping with surroundings • The site layout is too dense and not in keeping with this part of the village • Over-dominant and oppressive • Much higher density than surrounding which impacts upon the character of the area. • Bottesford will lose its village character and will become too large like Bingham 	<p>It is considered that 50 dwellings could result in a development with a ‘urban’ form that does not sit comfortably with edge of settlement location and surrounding form of development. PPS 3 states that density of surrounding area should not dictate density of new development. However, development should respect its surroundings and relate well to existing form and scale. The development would sit behind the existing hedge along the highway but works to comply with highway requirements will be required which will reduce the height of the hedge and could not be seen as an opportunity to screen the development. Due to the large scale of development proposed it is inevitable that the character of the area would be altered from its existing form.</p> <p>The application is in outline form with matters for consideration relating to the access arrangements only however an indicative layout plan has been provided which shows an arrangement of housing along a spinal road, which would lead in to cul-de-sacs with the housing in groups. Whilst this is an improvement on the previous layout shown in the earlier proposal there is no doubt that a development of this size, on the edge of the village, would alter the character of the area.</p>

<ul style="list-style-type: none"> • The proposed type of dwellings are out of keeping with the character of the area • The villages of Easthorpe and Bottesford are separate entities and should not be merged by development • Green fields are part of character that keeps villages apart • Will have negative impact on the character of the village adding further encroachment into the countryside • Site is outside of the village and within a site of natural beauty which will impinge of residents views • This site is currently shielded by trees and bushes, but behind these is a visually acceptable open space which will be impacted upon should a development be approved. • The dominance of such a densely packed estate, removing any glimpse of such a heritage asset (Belvoir Castle) is unacceptable in rural area • Visually intrusive and will impact upon the views from nearby dwellings 	<p>Matters relating to design have not been submitted and can not be assessed in this outline application. Design would be dealt with under a reserved matters application if this application was successful.</p> <p>This is noted, but careful development can ensure that there is no merging of settlements.</p> <p>The site is considered to be Greenfield and not brownfield where there is no presumption in favour of development. The site has no special designation but is outside of the village envelope and is there considered as open countryside. Development of this nature is not supported by policy and there are no material considerations which would warrant a departure from the local plan.</p> <p>Although matters relating to layout, siting and appearance of the development are not ones for consideration at this time an indicative layout plan has been provide. The layout shows that vistas could be created to allow views from the roadside through the development out towards the countryside and the river Devon.</p> <p>Matters relating to loss of view from residential properties are not considerations taken into account on planning proposals as they are not ‘planning matters’ no one has a right to a view.</p>
<p>Flood/drainage</p> <ul style="list-style-type: none"> • Flooding is likely/close to flood-plain • Disagree that the site lies out of the flood zone as the site does flood • Concerned that surface water will run in to the river Devon which could cause properties at Easthorpe View to flood - what will happen in extreme storms • The proposed balancing pond will be ineffective and could not cope with flash floods • Extra hard surface/dwellings will flood other property • No doubt flood issues will be design out for future residents leaving existing home owners to suffer the consequences 	<p>The location for the housing would be outside of the flood zone 2 and 3 as shown on the Environment Agency’s flood maps. Closer to the River Devon the site at that location is within the flood zone however no buildings are proposed in this part of the site.</p> <p>Under the Surface Water Management Act 2010, the requirement for the use of Sustainable Urban Drainage (SUD) systems is required on a development of this scale. The attenuation pond proposed is one form of SUD and will allow retention of surface water which controls run off rates preventing flooding of the site. The aim of SUDS is to restrict development runoff peak flow rates to predevelopment rates, in this case – greenfield run off rates will apply.</p>

<ul style="list-style-type: none"> • Extra strain on drainage which is poor • STW have been out to unblock the sewers several times this year. The proposal will add to this problem 	<p>Developer may need to fund upgrading, and this could be controlled by means of a condition.</p> <p>The application has been supported with appropriate reports which have been independently reviewed by the Environment Agency and they raise no objection subject to conditions, (see above).</p>
<p>Overlooking/loss of amenity</p> <ul style="list-style-type: none"> • Planning statement submitted is not true in relation to scale and lack of overlooking. • Noise/dust/dirt/smell whilst building work carried out • Noise from proposed car-parking area • Property will be overlooked • Loss of privacy to neighbouring properties • Devalue existing properties 	<p>The submitted layout is only illustrative at this stage and there is no indication as to position of windows, scale etc</p> <p>This would be controlled by Environmental Health.</p> <p>Noted, but layout only illustrative at this stage</p> <p>This is not a planning consideration.</p>
<p>Contamination</p> <ul style="list-style-type: none"> • Will require expensive remediation of contamination • Site had licence for inert tipping, but locals know that other materials including asbestos (medium risk) and arsenic, mercury and nickel were also dumped (high-risk) – health risk • Developing this site could put others at risk from landfill gas • Excavation of the site could cause contamination to both land and water affecting the river Devon • Brownfield sites /landfill not suitable for development 	<p>Noted – it is for the developer to assess whether economic to develop</p> <p>The Environmental Health Officer has reviewed the contamination report and concludes that it is sound.</p> <p>See response above from the Environment Agency.</p> <p>Government advice directs new housing to derelict and vacant sites – they are suitable with appropriate remediation. However this site is considered to be a Greenfield site as restoration of the land took place (see minerals response above)</p> <p>The application has been supported with appropriate Environmental reports and no objections have been raised subject to conditions.</p>
<p>Wildlife</p> <ul style="list-style-type: none"> • Will result in loss of habitat and wildlife • Site contains grass snakes/ amphibians/ 	<p>Appropriate surveys have been submitted and have been independent reviewed by both Leicestershire County Council Ecologist and</p>

<p>reptiles/bats/water-voles/wildbirds(Kingfishers) and otters, despite being brownfield and the reports do not seem to acknowledge this.</p> <ul style="list-style-type: none"> • The submitted survey has underestimated the number of wild life, particular birds that use this site • The site is attracting a lot of wildlife which would be lost if development proceeded 	<p>Natural England. Neither consultee objects to the proposal subject to conditions (see above)</p> <p>As part of the Sustainable Urban Drainage system provisions are to be made to enhance the biodiversity of the site as well as manage the run of rate from the site.</p>
<p>Affordable Housing</p> <ul style="list-style-type: none"> • Wrong location for affordable housing – should be near centre and amenities • The Affordable housing will not be affordable as the developer will want/ need to claw back costs of the remediation work. 	<p>Policy requires affordable dwellings on all appropriate sites. The affordable housing proposed for this scheme would form part of the overall housing supply, over and above that identified for specifically local needs by the Rural Homes Enabler.</p> <p>The cost of development, market or affordable housing would be borne by the developer. The affordable units would be managed by a registered social land lord.</p>
<p>Others</p> <ul style="list-style-type: none"> • Loss of view of Vale of Belvoir from dwellings and footpath • Schools do not have capacity – teaching standards will fall • Doctors surgery not large enough • Other utility services cannot cope • Not a brownfield site • There’s no need for a development of such scale there are empty properties within the village • No changes proposed which should warrant a different recommendation then refusal for the earlier application that 	<p>Loss of view is not a material consideration and other views will be taken into account at the reserved matters stage should approval be granted</p> <p>See LCC consultation response above – contributions are sought to enable the expansion of the primary school, due to limited capacity.</p> <p>See Noted, no evidence received to support this</p> <p>Noted, no evidence received to support this</p> <p>See commentary in relation to Brownfield/Greenfield</p> <p>Each application should be viewed on its merits</p>

was withdrawn	
<p>Campaign to Protect Rural England – objects to the proposal.</p> <ul style="list-style-type: none"> • The proposal is contrary to the local plan policy OS2 and there is no special justification for a development of this size. • The site is a former landfill site and has high contamination which would be a serious health risk to residents • The development would increase ‘ribbon development’ and elongates the village which is out of character with the village • A development of this size would increase the flood risk to the village • Added pressure on the village schools, services and highways 	Noted. See above.

Support

Representation	Assessment of Head of Regulatory Services
<ul style="list-style-type: none"> • Wishes to support the application, in order to keep the village vibrant , encouraging new houses will ensure that local facilities i.e. post office, schools, library will be maintained, • The village needs more housing to allow the young people to stay in the village and in desperate need for affordable housing. • The local business’s need the new housing to keep them open and remain 	<p>The village of Bottesford has been considered to be a highly sustainable location and named as a service centre for the borough. This is because the village offers a variety of services such as local shops, pubs, café’s, schools and health services all offering employment opportunities.</p> <p>The development proposed is situated outside of the village envelope in what has been designated as open countryside, it is for this reason that the proposal is not supported as it does not comply with the Local Plan.</p> <p>The Council is not opposed to Affordable Housing, it is a Council’s priority to help to meet the borough’s local need and the local plan contains a policy which actively supports affordable housing schemes outside of the village envelope however this development proposal is in excess of what can be considered as an ‘exception site’ and the developer is relying on market housing to support the provision of the affordable dwellings.</p> <p>There is a requirement for all market housing developments to provide 40% provisions for affordable housing and this development is not offering any more than what would be required through a S106 agreement for a private market housing developments.</p> <p>Bottesford is one of the largest villages in the borough. Whilst the Council wishes to support</p>

<p>viable</p> <ul style="list-style-type: none"> • The garage/store has recently closed due to lack of business. Local business's struggle to compete with larger super markets. More residents will help to retain trade in the village • Construction jobs will be created benefiting local tradesman 	<p>the local business's in the village it should not be at the cost of losing greenfield sites. The proposal for 50 dwellings would be contained outside of the village envelope where development of this nature is not supported.</p> <p>There could be a number of reasons why a business ceases trading. A petrol station is subject to competition and consumer choice.</p> <p>Noted.</p>
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Other material considerations (not raised through consultation or representation)

Considerations	Assessment of Head of Regulatory Services
<p>Application of Development Plan and other planning policy.</p> <p>The application site is situated outside of the village envelope for Bottesford and within the open countryside, where new development of this nature is resisted by Policy OS2 of the adopted Melton Local Plan.</p>	<p>The proposal is contrary to the development plan, and should be refused unless there are sound reasons to warrant a deviation from the Local Plan. The applicant has not advanced sufficient justification for the proposal.</p> <p>Planning Policy Statement 3; Housing, indicates that if a 5 year supply of land cannot be identified, then Local Planning Authorities should look favourably on suitable residential developments and that a lack of supply can constitute a 'material consideration' that can outweigh a policy objection.</p> <p>In this instance, it is considered that there is no undersupply of housing land that would warrant the grant of planning permission.</p> <p>The land concerned is a Greenfield site and PPS 3 gives advice on a sequential approach to identifying housing sites when preparing Development Plans. It states that the location of new development should follow a sequential approach so that it meets housing requirements in the most sustainable way. A search sequence should be followed starting with the re-use of previously developed land in urban areas, then urban extensions and finally new development around nodes in good public transport corridors. It is recognised that development may also be needed outside such areas, depending on the overall need for housing in the area, however, in such cases the most sustainable option should be utilised as set out in Planning Policy Statement 1. The criteria include: availability of previously developed sites, location and accessibility to jobs, shops, services, capacity of existing infrastructure, ability to build communities and physical and</p>

	<p>environmental constraints of the land.</p> <p>It is not considered that the proposed development meets the sustainability criteria set out above, and being a Greenfield site that is likely to generate usage by the private car it is not a particularly sustainable location and there are likely to be more sustainable brownfield sites that should be developed in preference to the current site</p>
<p>Density of development</p>	<p>Whilst PPS3 seeks greater intensity of development at locations with good transport accessibility to facilities and the guidance also seeks the more efficient use of available housing sites and on brownfield land, there is no longer a requirement to meet minimum housing densities.</p> <p>Whilst the density of surrounding development should not dictate the density of new development, PPS 1 does require new development to respect the locally distinctive character of an area and to be an appropriate design.</p> <p>This requires a balance to be struck between the efficient use of land and providing a development of an appropriate standard of design.</p> <p>The site lies on the very edge of the settlement and forms a transition between the village development and the countryside beyond, and where a suitable design is vital.</p> <p>The density of the proposal is considered to be inappropriate and the indicative layout of 50 dwellings is an improvement on the previous submitted scheme of 54 units but would still create a very “urban” appearance to the development given the size of the site and the number of units proposed. This part of Bottesford has a characteristic of a more open and spacious appearance and a development of this scale would have an adverse impact upon the character of the area.</p>
<p>Affordable housing The level of identified need for affordable housing is extremely high within the borough. In light of this level of need Melton Borough Council currently has a 40% affordable housing policy requirement, this was adopted in accordance with saved policy H7 of the Melton Local Plan in January 2008 under the same processes and procedures which have previously set the threshold and contribution requirements for affordable housing within the Melton Borough throughout the Local Plan's history.</p>	<p>It is considered reasonable to seek affordable housing on this application and whilst the application is in outline form, the applicant has agreed in principle to the provision of affordable housing although no Section 106 obligation has been advanced to deliver/control the affordable housing.</p> <p>The level of affordable dwellings (20 units out of 50) is considered acceptable however the Council would wish to see the Affordable Housing more integrated within the development than that shown on the illustrative plan.</p>

Layout and Design	<p>The proposed development comprises 50 dwellings, and the impact of such a scale of development on the character of the area has been discussed under 'density' above.</p> <p>The development is not considered to be appropriate for this edge of settlement location, although it is accepted that the application is only in 'outline'.</p>
Impact on residential amenity	<p>The development is in outline and it is considered that the final layout could comply with the separation standards normally accepted with regard to the relationship to existing neighbouring properties and the provision of suitable boundary treatment would also ensure that the privacy of all occupants would be protected to within acceptable levels.</p> <p>The only issue to be considered is that of access and it is considered that the access proposed would not create any issues of amenity for residents.</p>

Conclusion

This is a greenfield site outside the village envelope for Bottesford within the open countryside and therefore is in a location that represents an unacceptable encroachment in to the countryside contrary to the advice contained in PPS 7 and policy OS2 of the Local Plan. The development is not one of the types of development permitted within the countryside by policy OS2 and the applicant has not advanced sufficient justification for allowing the development contrary to the development plan. As such, it is considered that there are no material considerations that would warrant the granting of planning permission in this instance as there is an identifiable 5 year housing supply as required by PPS3.

The site is not in a sustainable location and its development would encourage the use of the private motor car, and it represents a sizeable element of the overall annual housing requirement that should be directed to Melton Town and the release of greenfield sites should be on the basis of the Plan-led system and considered and assessed through the Local Development Framework process and not on the basis of individual applications.

The development of 50 dwellings on a site of this size would result in an urban form in an edge of settlement location where the general character is of a more spacious and open appearance and the proposal would be detrimental to the character and form of the settlement.

Accordingly the application is recommended for refusal.

RECOMMENDATION: Refuse Permission for the Following Reasons:-

1. This is a greenfield site which lies outside of the village envelope and within the countryside and in a location that represents an unacceptable encroachment in to the countryside as the proposal is not one of the types of development permitted within the countryside by Policy OS2 of the Adopted Melton Local Plan, and the applicant has not advance sufficient justification for allowing the development contrary to the development plan. It is therefore contrary to national policy contained in PPS 3 and PPS 7 and it conflicts with Policy OS2 of the Adopted Melton Local Plan.
2. Within the Borough of Melton there is currently an identifiable 5 year housing supply as required by PPS 3, and therefore there is no over-riding need to release the application site contrary to the provisions of the development plan. The benefits that have been advanced by

the applicant are not considered to outweigh the harm caused by the proposals and the site is not considered to be a sustainable location where the development of a significant housing development of this nature would be likely to generate significant traffic movements by the private motor car, contrary to the objectives of PPS1 and PPS3.

3. The development of 50 dwellings on a site of this size would result in an urban form in an edge of settlement location where the general character is of a more spacious and open appearance and the proposal fails to reflect the locally distinctive character of Bottesford and would be detrimental to the character and form of the settlement. The proposal would therefore conflict with the provisions of Policy BE1 of the Adopted Melton Local Plan.

Officer to contact: Mrs Denise Knipe

2nd August 2011