

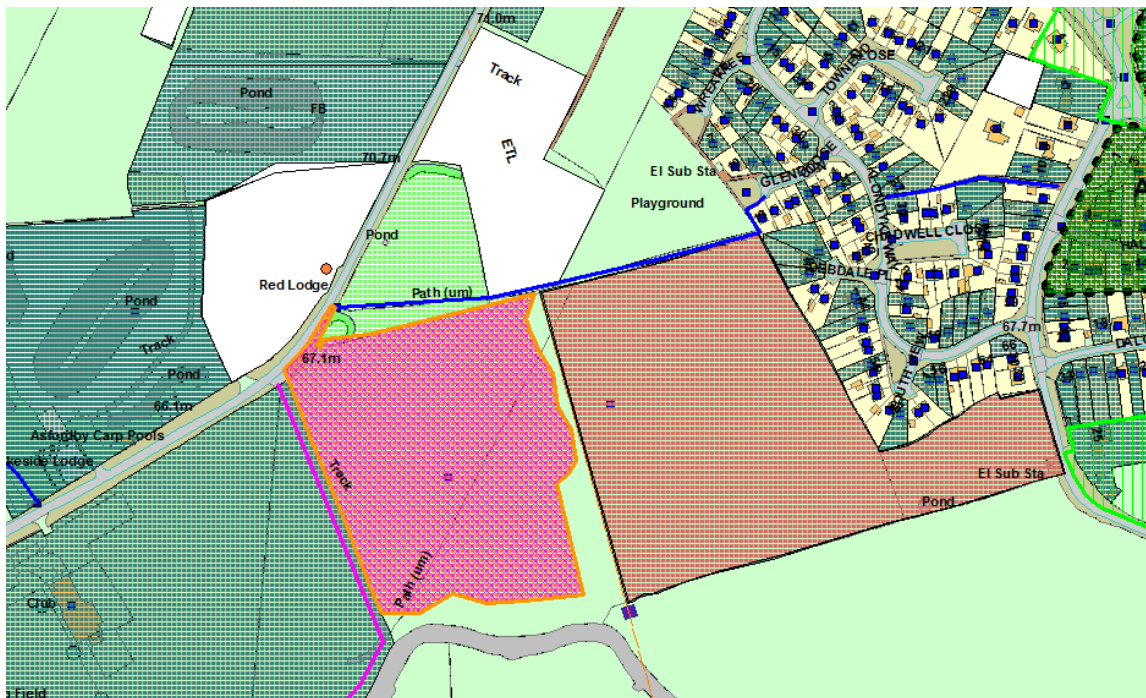
Reference: 17/00442/OUT

Date submitted: 7th April .2017

Applicant: Jelson Ltd

Location: Field No 0070, Station Lane, Asfordby, LE14 3SL

Proposal: Outline application for residential development (up to 70 dwellings) and associated infrastructure (all matters except access reserved for subsequent approval) (Re-submission of 16/00570/OUT).



Proposal :-

This application seeks outline planning permission for up to a 70 dwellings and associated infrastructure on land falling outside of the village envelope for Asfordby. The site consists of a parcel of land which are considered to be greenfield land, not having been previously developed.

The application seeks consent for the access only with all other matters relating to layout, scale, appearance and landscape reserved for later approval. An indicative layout plan has been provided to show how the site could be developed should approval be granted.

The application has been supported by an ecology survey, design and access statement, flood risk assessment, planning assessment, transport assessment, travel plan and masterplan.

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

- **The extent to which previous reasons for refusal have been overcome**
- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the area and open countryside**
- **Impact upon residential amenities**
- **Highway safety**
- **Flood risk**

The application is required to be presented to the Committee due to its scale as a major application and the level of public interest.

History:-

Reference 16/00570/OUT Outline application for residential development (up to 70 dwellings) and associated infrastructure (all matters except access reserved for subsequent approval) was refused on 5th December 2016.

1 The application site is in a location with poor connectivity and which is poorly related to the built form of Asfordby. Development of the site would have an adverse impact upon the character and appearance of the countryside which contributes the setting of the village, and is contrary to both the Pre Submission Melton Local Plan and Asfordby Neighbourhood Plan (Submission version, August 2016). The Proposal is therefore contrary to the NPPF, particularly paragraphs 50, 56 58, 61 64 and 216. The proposal's identified harm in this regard would significantly and demonstrably outweigh the benefits of delivery of housing, including affordable housing, when assessed against the policies in this Framework taken as a whole.

2. Insufficient information has been submitted by the applicant for the Local Planning Authority to be able to assess the impact the proposed development will have upon buried archaeological remains. This is contrary to the NPPF "Conserving and Enhancing the Historic Environment" paragraphs 129-133 which state that it is reasonable to request the developer arrange for an archaeological field evaluation to be carried out before any decision on the planning application is taken, and policy BE11 of the adopted Melton Local Plan which seek to prevent development if proper evaluation of the archaeological implications has not been undertaken.

This decision is currently the subject of an appeal that has been held in abeyance pending the outcome of this application.

Reference 14/00980/OUT and subsequent reserved matters ref 16/00373/REM have been approved for 100 dwellings on the adjacent site to the east.

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 H8 – Sets out the requirements for assessing rural exception sites. In exceptional circumstances the Council may grant planning permission for a development on the edge of a village which meets a genuine local need for affordable dwellings which cannot be accommodated within a village envelope. It states that the need is required to be established by the Council, it must be in keeping with the scale, character and setting of the village and would not have an adverse impact upon the community or local environment. The layout, density, siting, design and external appearance, landscaping, access and parking details are in accordance with other policies contained within the plan.

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 H11: requires developments of 15 or more dwellings to make provision for playing space in accordance with standards contained in Appendix 6 (requires developments of 15 or more dwellings to include a LAP

within 1 minute walk (60m straight line distance) of dwellings on the site and extend to a minimum area of 400 sq m.

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 C13: states that planning permission will not be granted if the development adversely affects a designated SSSI or NNR, local Nature Reserve or site of ecological interest, site of geological interest unless there is an overriding need for the development.

Policy C15: states that planning permission will not be granted for development which would have an adverse effect on the habitat of wildlife species protected by law unless no other site is suitable for the development Policy C16.

The National Planning Policy Framework introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- recognising the intrinsic character and beauty of the countryside
- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

On Specific issues it advises:

Promoting sustainable transport

- Safe and suitable access to the site can be achieved for all people
- Development should be located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians
- Consider the needs of people with disabilities by all modes of transport.

Delivering a Wide choice of High Quality Homes

- Housing applications should be considered in the context of the presumption in favour of sustainable development.

- LPA's should identify land for 5 years housing supply plus 5% (20% if there is a history of under delivery). In the absence of a 5 year supply housing policies should be considered to be out of date.
- deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

Require Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Conserving and enhancing the natural environment

- Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value
- Aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

Consultations:

Consultation reply	Assessment of Head of Regulatory Services
<p>Highways Authority:</p> <p>Access Applicant has included WYG drawing number: A085842-35-18 007 Rev B which shows the access to the proposed development will be via a new T-junction on Hoby Road. The junction has been designed with 6m radii and a 5.5m wide carriageway with 2m wide footways on both sides.</p> <p>There are no recorded collisions in the past 5 years within the vicinity of the proposed site access. Traffic Counter (ATC) speed survey conducted indicating 85%ile speeds of 50.4mph eastbound and 52mph westbound. The visibility splays indicated on the submitted drawing are 2.4m x 160m (eastbound) and 2.4m x 160m (westbound) is in line with the standards required by the County Highways Authority (CHA) in the 6Cs Design Guide A Stage 1 Road Safety Audit has also been carried out which has resulted in minor revisions and agreed principle of the junction is acceptable, subject to detailed design under a future Section 278 agreement.</p> <p>Off-Site Implications The CHA was initially in receipt of a manually assessed Transport Statement (TS) and Travel Plan (TP), which has considered the potential impact of the proposed development based on information obtained from the 2011 Census. Further to the initial highways observations, additional information has been received and subsequently reviewed. On balance it is considered that the impact of this development cannot be considered severe in accordance with Paragraph 32 of the NPPF.</p>	<p>The application is in outline but with the access arrangements detailed for consideration at this stage. These comprise of a new access (T junction arrangement) on to Hoby Road.</p> <p>The considerations of the off site implications, road safety, transport and access have all been considered not 'severe' as outlined in the NPPF. The conditions recommended by the HA can be imposed on any approval to ensure the development remains acceptable in highway terms.</p>

<p>Internal Layout This is an outline application bar means of access; therefore the proposed layout is for indicative purposes only and has not been subject to a design check. The HA would in future expect the internal layout to be designed to standards appropriate to the scale of development set out in the 6Cs Design Guide, along with appropriate levels of parking provision.</p> <p>Transport Sustainability This site is adjacent to a committed Jelson Homes residential development which was granted outline planning permission in May 2016, and for which the reserved matters relating to scale, appearance and layout was granted planning permission in March 2017. This development proposal is seen as an extension to this, and we would anticipate the future layout to maximise opportunities to link these sites, and integrate into the wider village network for access on foot, by cycle and on public transport to existing facilities and amenities.</p> <p>The Travel Plan is not site specific but relates to the adjacent consented development for 100 dwellings off Station Lane which it shares a lot of characteristics with; it should be updated accordingly but this could be done via a condition if minded to grant approval. The applicant should be advised that our standard monitoring fee for a 'full' residential travel plan of this type using the Council's Travel Plan monitoring service is £6,000.</p> <p>Colleagues in Public Rights of Way initially commented in September 2016 that in the interests of improving access by foot and cycle, are seeking the upgrade of the existing public footpath H36 to footway/cycleway standard, from at least where this site would punch through beside the overhead electricity to where H36 joins up beside 13 Glendon Close. This should be a pre occupation condition if minded to grant approval.</p> <p>Therefore on balance, the Local Highway Authority advice is that, in its view the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the Conditions and Contributions as outlined in this report.</p> <p>Conditions recommended</p>	
<p>LCC Access Officer, Rights of Way The pedestrian access has been considered within the design process and very much welcome the retention of a link between the Public Footpath and Bridleway across the site. A condition has been placed on the development of the adjacent site which requires the upgrading of part of Footpath H36 to cycleway/footway standard, running for the site to Glendon Close and Wreake Crescent. In the interests of sustainability I would expect the cycleway/footway link to be extended along Footpath H36 to this site. The link will be critical in providing any new residents with non-vehicular travel options to all village</p>	<p>Noted</p>

<p>services and facilities and recreational use of the wider rights of way network.</p> <p>Further discussion at the reserved matters stage on the issue of the other 'paths' proposed within the site.</p>	
<p>Environment Agency: We have reviewed our planning consultation workload to ensure that our time and expertise is focused on those locations and developments that present the following:</p> <ul style="list-style-type: none"> • A high risk to the environment • Those that are able to offer significant environmental benefit. <p>We have reviewed the above application and feel that, as presented, the development is in flood zone 2, it does not fall under either of the above categories, and therefore we do not wish to comment further on these proposals as our standing advice applies.</p>	<p>Noted</p>
<p>Lead Local Flood Authority: No objection subject of detailed conditions addressing the following:</p> <p>1. Surface Water No development approved by this planning permission shall take place until such time as a detailed surface water drainage scheme, designed in accordance with the principles laid out within this reserve matters application has been submitted to, and approved in writing by, the local planning authority.</p> <p>2. Management No development, approved by this planning permission, shall take place until such time as details, in relation to the long term maintenance of the sustainable surface water drainage system on the development, have been submitted to, and approved in writing by, the Local Planning Authority. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site.</p>	<p>These conditions are intended to ensure that drainage is provided within the site boundary, to prevent water flowing at rate greater than in its greenfield state.</p> <p>Conditions as requested can be applied should permission be granted.</p>
<p>Severn Trent Water Authority: Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following condition.</p> <p>Condition 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>The condition can be attached to any permission granted.</p>
<p>LCC Archaeology: The red line boundary lies very close to the archaeological remains and it's difficult to tell whether the round barrow and it's buffer zone crosses into the red line for the Outline application.</p> <p>For the Outline application that could be requested for</p>	<p>An archaeological investigation has been carried out and report submitted as part of the application.</p> <p>This has been reviewed by the council's archaeological advisors who are satisfied with its content.</p>

<p>submission with Reserved Matters as long as the access secured in the Outline doesn't go within 15m of the round barrow.</p> <p>Recommend that conditions can be imposed on the development with informative notes</p>	<p>The conditions recommended can be applied as stated</p> <p>It is considered that this progress overcomes fully the archaeologically related reason for refusal on application 16/00570/OUT</p>
<p>LCC Ecology:</p> <p>The ecological survey submitted in support of the application (FPCR, October 2016) identifies that the site is predominately an arable field, with areas of species poor semi-improved grassland in the field margins. Hedgerow H3 to the west of the development was recorded as being 'Important' under the Hedgerow Regulations and we welcome the current layout where this hedgerow is protected and buffered from the development. Additionally the southern boundary is close to the River Wreake and it is essential that this is buffered from the development, preferably by a 20m buffer of semi-natural vegetation. The current layout suggests that this will be buffered from the development, which we welcome. Provided that the final layout is in accordance with the current masterplan we are satisfied that the proposed development should have no impact on any important habitats.</p> <p>The report suggests that as the 2 ponds where GCN have been recorded are over 250 meters away, they are likely to represent two different populations. Whilst it does seem unlikely that GCN are regularly commuting between the 2 ponds, we consider that it is possible that there is some movement, especially as the pond in the wildflower meadow is isolated from other suitable ponds. We therefore consider it to be important that potential foraging routes are created, via suitable habitat. The layout plan suggests that there will be areas of open space to the east and the west of the application site and we would request that the landscaping in these areas is designed to enhance biodiversity. These should include the planting/maintenance of new hedgerows and scrub and the planting of areas of rough/meadow grassland. Provided that these can be incorporated into the landscaping plan we would have no objections to the development.</p> <p>Therefore, in summary, should planning permission be granted we would request that the following are incorporated into condition(s) of the development:</p> <ul style="list-style-type: none"> - Layout to be in accordance with the Illustrative Masterplan (7177-04_G). Any amendments should retain at least a 20m buffer between the development and the River Wreake and a 5m buffer between the development and existing hedgerows. - Landscaping to include areas of semi-natural vegetation, providing green corridors at the edges of the application site. - A biodiversity management plan of the areas of semi-natural vegetation to be submitted. - Updated protected species surveys to be completed 	<p>Noted.</p> <p>The site offers scope to provide the recommended mitigation of harm to the GCN population in the vicinity and the suggested conditions could be applied to any permission granted.</p>

<p>either in support of the reserved matters application, or prior to the commencement of the development, whichever is soonest after April 2018 (2 years since previous survey).</p> <p>- Recommendations in section 4 of the Ecological Appraisal (FPCR, October 2016) to be followed. This includes necessary GCN mitigation for the site.</p> <p>The applicant should also be made aware (via a Note to Applicant) that their ecologist states that a Natural England Protected Species Licence will be required for this development. It is the applicants' responsibility to liaise with their ecologist to ensure that this is in place and all necessary conditions are adhered to.</p>	
<p>Asfordby Parish Council: This development is not in a sustainable location, it is located next to land with outline planning permission granted only (14/00980/OUT) and is poorly related to the built-up area of Asfordby Village and a long distance from most services & facilities.</p> <p>Hoby Road has a 60mph speed limit which will make achieving a suitable access difficult and it is not of a suitable standard for further development</p> <p>The Melton Flood Risk Assessment identifies a large part of the development to be in Flood Zone 2.</p> <p>There are no footpaths on Hoby Road, the only pedestrian link to the village is via a public footpath.</p> <p>There are no bus stops close to the site and it is not on the route of the 5/5a Leicester to Melton bus service.</p> <p>There has been no consultation with the local residents or the Parish Council regarding development of this piece of land and this area of land has not been identified for development in Asfordby Parish Neighbourhood Plan nor is the site considered suitable in the emerging Melton Local Plan. The Asfordby Parish Neighbourhood Plan is at the submission stage</p>	<p>This is noted and has been considered as part of this application.</p> <p>Leicestershire County Council Highways department have no objection to the proposed access in this location (see above)</p> <p>There are no objections to this development from either the Environment Agency nor the Lead Local Flood Authority on possible flooding issues</p> <p>Noted</p> <p>Noted</p> <p>.</p> <p>Whilst not ideal, consultation is not a statutory requirement. The position of the site in terms of the in the Neighbourhood Plan is addressed in greater detail below.</p>
<p>Developer Contributions: s106 Library The proposed development on Hoby Road, Asfordby is within 5km of Melton Mowbray Library on Wilton Road, being the nearest local library facility which would serve the development site. The library facilities contribution would be £2,110 (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 children's resources e.g. books, audiobooks, etc. for loan and reference use to account for additional use from the proposed development. It will be placed under project no.</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>The contributions requested are justified and necessary to make the development acceptable in planning terms because of the policies referred to and the additional demands that would be placed on the key infrastructure as a result of the proposed development. It is directly related to the development because the contributions are to be</p>

<p>MEL012. There are currently three other obligations under MEL0012 (subject to change due to future priorities of the library service).</p> <p>Waste</p> <p>The Civic Amenity contribution is outlined in the Leicestershire Planning Obligations Policy. The County Council considered the proposed development is of a scale and size which would have an impact on the delivery of Civic Amenity waste facilities within the local area. The County Council has reviewed the proposed development and consider there would be an impact on the delivery of Civic Amenity waste facilities within the local area because of a development of this scale, type and size. As such a developer contribution is required of £5,786. (to the nearest pound).</p> <p>The contribution is required in light of the proposed development and was determined by assessing which Civic Amenity Site the residents of the new development are likely to use and the likely demand and pressure a development of this scale and size will have on the existing local Civic Amenity facilities. The increased need would not exist but for the proposed development.</p> <p>The nearest Civic Amenity Site to the proposed development is located at Melton Mowbray and residents of the proposed development are likely to use this site. The calculation was determined by a contribution calculated on 70 units multiplied by the current rate for the Melton Mowbray Civic Amenity Site of £82.66 (subject to Indexation and reviewed on at least an annual basis) per dwelling/unit = £5,786. (to the nearest pound).</p>	<p>used for the purpose of providing the additional capacity at the relevant facilities.</p> <p>The County Council consider the Civic Amenity contribution is justified and necessary to make the development acceptable in planning terms because of the policies referred to and the additional demands that would be placed on the key infrastructure as a result of the proposed development. It is claimed to be directly related to the development because the contribution is to be used for the purpose of providing the additional capacity at the nearest Civic Amenity (Melton Mowbray) to the proposed development. It is considered fair and reasonable in scale and kind to the proposed scale of development and is in accordance with the thresholds identified in the LCC's adopted policies and to meet the additional demands on the Civic Amenity infrastructure at Melton Mowbray, which would arise due to this proposed development.</p> <p>The waste developer contribution would be used to make improvements and to increase the capacity of the Civic Amenity Site at Melton Mowbray by for the purchase and installation of additional compaction equipment and/or containers\storage areas to deal with the likely increased usage due to the proposed development. The existing Civic Amenity Site serves a large number of households, the level of the amount reflects the proportional impact of the contribution and is therefore likely to be pooled but for the particular (Melton Mowbray) Civic Amenity Site which would serve the proposed development. It is considered that the request is CIL Reg. 122 complaint and necessary to mitigate the impacts from the proposed development.</p> <p>In regard to CIL Reg. 123(3) the County have advised that there have been a total of four contributions sought for the specific waste project and this would be the fifth. Therefore the request is compliant with CIL reg 123(3).</p>
<p>Education</p> <p>Primary</p> <p>The site falls within the catchment area of Asfordby Captains Close Primary School. The School has a net capacity of 189 and 199 pupils are projected on the roll should this development proceed; a deficit of 10 pupil places after taking into account the 17 pupils generated by this development.</p> <p>There is one other primary school within a two mile walking distance of the development.</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>There is an overall surplus in this sector after including all primary schools within a two mile walking distance of the</p>	<p>Noted</p>

development **An education contribution will therefore not be requested for this sector.**

Secondary

For 11 to 16 education in Melton Mowbray there is one single catchment area to allow parents greater choice for secondary education.

There are two 11-16 secondary schools in Melton Mowbray, these are The Long Field School and John Ferneley College.

The schools have a total net capacity of 1900 and a total of 1982 pupils projected on roll should this development proceed; a deficit of 82 pupil places.

A total of 7 pupil places are included in the forecast for this school from S106 agreements for other developments in this area and have been discounted. This reduces the total deficit for this school to 75 (of which 63 are existing and 12 are created by this development). There are no other 11-16 schools within a three mile walking distance of the site. A claim for an education contribution in this sector is therefore justified.

In order to provide the additional 11-16 school places anticipated by the proposed development, the County Council requests a contribution for the 11-16 school sector of £208,972.43. Based on the table above, this is calculated the number of deficit places created by the development (11.69) multiplied by the DFE cost multiplier in the table above (£17,876.17) which equals £208,972.43.

This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at John Ferneley College and Long Field Academy.

The contribution would be spent within 5 years of receipt of final payment.

TOTAL REQUIREMENT £208,972.43p

Highways

Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at an average of £52.85 per pack)

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 (an average) of £480.00 per pass

Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus services in the area. At £120.00 per display

A site specific residential Travel Plan is required to achieve the defined outcomes to ensure that the proposed development is satisfactorily assimilated into the transport network. This approach is considered to be consistent with Government guidance in the National Planning Policy

The contributions requested are justified and necessary to make the development acceptable in planning terms because of the policies referred to and the additional demands that would be placed on the secondary education sector as a result of the proposed development. It is directly related to the development because the contributions are to be used for the purpose of providing the additional capacity at the relevant facilities.

Noted – the highways related requests are considered appropriate in order to assist the sustainability of the site and are acceptable under CIL Reg. 122.

<p>Framework, the CIL regulations 2011 and the County Council's Local Transport Plan 3</p> <p>A monitoring fee of £6000 to enable Leicestershire County Council to provide support to the developers Travel Plan Coordinator, audit annual Travel Plan performance reports to ensure Travel Plan outcomes are being achieved and for it to take responsibility for any necessitated planning enforcement</p>	
<p>MBC Building Control: The Layout appears satisfactory but as the application is for outline, we would be able to advise further once the design has been finalised.</p>	<p>Noted. Will be consulted again at reserved matters stage.</p>

Representations:

Site notices were posted and neighbouring properties consulted. No letters **of objection have been received.**

Other Material Considerations, not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Impact upon Residential Amenity</p>	<p>The application is in outline with only the access seeking approval at this stage. An illustrative plan has been provided which shows how the proposal could be laid out. The dwellings could be sited in a similar manner to the neighbouring dwellings but at a sufficient distance so as not to have an adverse or undue impact upon the existing residents.</p>
<p>Planning Policies and compliance with the NPPF</p> <p>The application is required to be considered against the Local Plan and other material considerations.</p>	<p>The application is required in law to be considered against the Local Plan and other material considerations. The proposal is contrary to the local plan policy OS2 however as stated above the NPPF is a material consideration of some significance because of its commitment to boost housing growth.</p> <p>The 1999 Melton Local pan is considered to be out of date and as such, under para. 215 of the NPPF can only be given limited weight.</p> <p>This means that the application must be considered under the ‘presumption in favour of sustainable development’ as set out in para 14 which requires harm to be balanced against benefits and refusal only where “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”.</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 can demonstrate a five year land supply however this on its own is not considered to weigh in favour of approving development that is contrary to the local plan where harms are identified, such as being located in an unsustainable location.</p>

	<p>A recent appeal decision (APP/Y2430/W/16/3154683) in Harby made clear that ‘a supply of 5 years (or more) should not be regarded as maximum.’ Therefore any development for housing must be taken as a whole with an assessment of other factors such as access, landscape and other factors...”</p> <p>Whilst Asfordby is regarded as a sustainable location for residential development, the NPPF also requires consideration of the individual characteristics of the site and the proposal in order to conclude whether the application constitutes ‘sustainable development’.</p> <p>The site is a greenfield site. It also lies within open countryside being located outside of the village of Asfordby and extends the village to a degree that is out of character with the area. This application adjacent to an approved application that extends the village beyond Klondyke Way, this added element further stretches the village to uncharacteristic proportions that will change the nature of the village settlement pattern.</p> <p>The plans have been very slightly amended since the decision in December 2016 in that it is connected to the adjacent planned development by footpath links across the open space of that development. However the layout of that development has now been established under permission no 16/00373/REM and the presence of a wide swathe of undeveloped land that serves as the open space for the adjacent development has the effect of physically separating this proposal from the built form of the village.</p> <p>The introduction of footpaths across the open space on the adjacent site will allow some degree of connectivity but it remains the case that the principal form of access will be separate and remote from other residential areas in the village and it will function – and appear – detached and unintegrated.</p> <p>It is considered that the very modest amendments made to the application since the refusal of permission in December 2016 are insufficient to overcome the issues of poor connectivity and relationship with the built form of Asfordby and as such these reasons still apply.</p>
<p>Asfordby Neighbourhood Plan</p>	<p>The Asfordby NP has finished consultation and is currently been submitted for independent Examination. The outcome is due shortly.</p> <p>The NPPF advises that: <i>From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</i></p> <ul style="list-style-type: none"> ● <i>the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);</i> ● <i>the extent to which there are unresolved objections to relevant policies (the less significant the unresolved</i>

	<p><i>objections, the greater the weight that may be given); and</i></p> <ul style="list-style-type: none"> • <i>the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).</i> <p>The Neighbourhood Plan was submitted for independent examination in early 2017 and the outcome is awaited. Within the issues that the Examination is considering are contentions regarding the suitability and deliverability of allocated housing sites and a submission that this application site should be allocated, both because it is needed for housing supply reasons and because it is a better option than some of the sites identified in the NP. It should be noted that this contention was not present when the earlier decision was made in December 2016.</p> <p>As explained above, the outcome of the Examination is awaited which will provide ‘adjudication’ of this issue along with others.</p> <p>Therefore, it is considered that the Neighbourhood Plan is susceptible to the NPPF criteria that “<i>the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)</i>” – the objections concerned are considered to be clearly unresolved and very significant to the content of the NP.</p> <p>Therefore it is considered that the Neighbourhood plan can carry limited weight in the determination of this application.</p>
<p>The (new) Melton Local Plan – Pre submission version.</p> <p>The Pre Submission version of the Local Plan was agreed by the Council on 20th October and was subject to consultation which ended on 16th December 2016. It is due to be reported to Council before formal submission.</p> <p>The NPPF advises that: From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> • the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); • the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and • the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be 	<p>In similar terms to the Neighbourhood Plan, the Local Plan remains in preparation it can be afforded only limited weight.</p> <p>The proposal is in accordance with the emerging local plan in terms of its location (see applicable policy opposite)</p>

<p>given).</p> <p>The Pre Submission version of the Local Plan identifies Asfordby as a ‘Service Centre’.</p> <p>Service centres are villages that act as a local focus for services and facilities in the rural area. They have the essential services and facilities (primary school, access to employment, fast broadband, community building) and regular public transport, as well as a number of other important and desirable services such that they are capable of serving basic day to day needs of the residents living in the village and those living in nearby settlements. These villages should have all four of the Essential services and a good range of important and other facilities</p>	
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Conclusion

The application seeks outline consent for a residential development of up to 70 dwellings. Approval is sought for the access into the site and the principles of residential development on the edge of Asfordby. 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 original application (16/00570/OUT) was refused for not relating well to the village of Asfordby and for insufficient information on archaeology.

This proposal despite making slightly better linkages to the village still represents a site at odds with the built form of the village and displays poor connectivity. It is therefore considered that the reason for refusal has not been overcome.

Reason 2 relating to archaeology has been fully overcome following the submission of investigations which are to the satisfaction of the Council’s archaeological advisor.

. The absence of the site as an allocation within the Neighbourhood Plan adds further, but limited, weight towards refusal of the application.

Recommendation: REFUSE, on the basis of:

1. The application site is in a location with poor connectivity and which is poorly related to the built form of Asfordby. Development of the site would have an adverse impact upon the character and appearance of the countryside which contributes the setting of the village and is contrary to both the Pre Submission Melton Local Plan and Asfordby Neighbourhood Plan (Submission version, August 2016). The Proposal is therefore contrary to the NPPF, particularly paragraphs 50, 56 58, 61 64 and 216. The proposal's identified harm in this regard would significantly and demonstrably outweigh the benefits of delivery of housing, including affordable housing, when assessed against the policies in this Framework taken as a whole.

Officer to contact: **Mr Glen Baker-Adams**

Date: **12th March 2017**