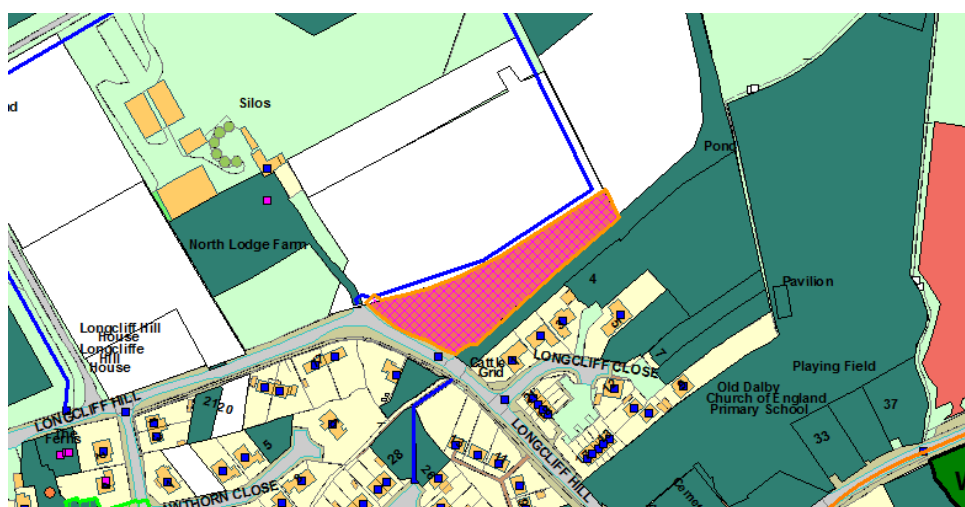


Reference: 17/00743/OUT
Date submitted: 12.06.2017
Applicant: Unknown
Location: Longcliff Hill, Old Dalby
Proposal: Outline application for the development of seven dwellings (amended description from six to seven dwellings)



Proposal :-

This application seeks **outline planning permission for the erection of up to seven dwellings** with the associated access.

The original scheme proposed six dwellings but owing to concerns with housing mix, this was revised to seven.

The application site comprises an area of approximately 0.45 hectares located off Longcliff Hill to the north of Old Dalby. The site accessed from the Longcliff Hill and bounded by existing residential properties on Longcliff Close. The site lies outside of, but adjacent to, the village envelope as designated by the adopted Melton Local Plan 1999.

The application is in outline with access and layout for consideration.

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

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the area and open countryside**
- **Impact upon residential amenities**
- **Sustainable development**

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

History:-

None

Planning Policies:-

Melton Local Plan (saved policies):

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

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

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

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

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

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

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

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

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

On Specific issues it advises:

Promoting sustainable transport

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

Delivering a Wide choice of High Quality Homes

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

Require Good Design

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

Conserving and enhancing the natural environment

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

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

Consultations:

Consultation reply	Assessment of Head of Regulatory Services
Highway Authority: No objections subject to conditions	Noted and conditions attached to this recommendation .
<p>Parish Council: Objects</p> <p>Queries over ownership that was responded to and the following objections:-</p> <ul style="list-style-type: none"> • Should all approved applications in the parish be completed the primary school is full and neither of these developments would offer financial assistance to the alleviation of pressures on such facilities. • The PC is of the opinion that the development would represent a move into open countryside contrary to saved policy OS2 which, due to the existence of a 5 year land supply, carries weight. • A need for such additional housing has not been demonstrated in local surveys, in addition, Melton has its 5 year housing supply and the recent HEDNA report suggests the area needs fewer houses than previously thought. • The applications are outside of the Limits to Development outlined in the recently submitted Neighbourhood Plan for our parish. The Neighbourhood Plan, which must now have some weight, seeks to protect the parish from 	<p>For a development of this scale it is not considered fair or reasonable to request for a contribution in this instance. Whilst the cumulative effect of developments are noted, should they be of a size and scale appropriate then requests would and have been made to meet the additional demands on services of which education is a consideration.</p> <p>The LPA can demonstrate a 5 year housing land supply at present, so Policy OS2 can be afforded some weight, however the Policy does not comply with the general thrust of the National Planning Policy Framework to boost housing growth.</p> <p>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</p>

<p>ribbon development into open countryside which both of these applications would represent.</p> <ul style="list-style-type: none"> The PC would question any assertion that Old Dalby is a sustainable location for the volume of development represented by the cumulative total of applications already approved and those in process. Public transport is limited, the school is almost full, there is no shop, no doctors surgery (the surgery in Long Clawson presents a problem for residents without cars and is also already very busy) and the road network is unsuitable for the additional volume of traffic each development would bring. <p>Additional points raised at a later date:- Since the original application was submitted, the bus service along the A606, which is our major public transport link to Nottingham, has been reduced from hourly to 2 hourly and that in her dismissal of the appeal for 55 houses in Queensway (16/00374/OUT), the planning inspector cited the contribution of this change to the unsustainability of that location. This change must surely add to the unsustainability of Old Dalby to further expansion above that already granted.</p>	<p>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>Housing remains one of the key priorities for not just Melton Borough Council but the country as a whole</p> <p>The HEDNA presented a range of growth scenarios for the Borough of Melton from 170 – 280 dwellings per annum (dpa). For the purposes of the Local Plan the Council; has agreed a housing target within this range of 245 dpa.</p> <p>Therefore in suitable locations and subject to certain requirements, housing growth should be supported.</p>
<p>Local Lead Flood Authority: No comments</p> <p>The application is not considered to be major, as such the LLFA are not a statutory consultee and have no comment in relation to this application, standing advice is recommended in this instance.</p>	<p>Noted.</p>
<p>Leicestershire County Council Ecology – No objection ,need to follow advice in ecological report and would recommend retention of hedge.</p> <p>Satisfaction with the results of this survey (RPS, July 2017) however, the report indicates that there is a low chance of Great Crested Newts (GCN) being present on site. Additional information has come to light since the survey was completed and GCN have been recorded in pond 2. I would recommend that the ecologist is made aware of this in case they consider that the conclusions of their report need updating. I have attached the survey for the neighbouring site which includes the GCN data (17/00315/OUT).</p> <p>I would recommend that the applicant is required to follow the additional recommendations in the report.</p> <p>I am concerned with the proposed layout, as the existing northern hedgerow appears to be incorporated into the plot boundaries. I am concerned with this potential loss, especially as aerial photos indicate that the hedgerow is mature</p>	<p>Noted</p> <p>The LCC ecology concerns can be addressed at a reserved matters stage as they relate to the detailed layout of the site, which is not being considered at this stage.</p>

and is likely to provide a good wildlife/landscape corridor throughout the site. I would therefore recommend that consideration is given to revising the layout in accordance with the attached Hedgerows and Planning Guidance Note.	
Severn Trent Water Ltd: No objections subject to conditions. 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. To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.	Noted.
Leicestershire County Council Footpaths Officer Public Footpath G89 runs on the northern side of the hedge which forms the northern boundary of the site. Any changes to that boundary would obviously affect the use and enjoyment of the public footpath but the Design and Access Statement implies this hedge will be retained. All matters will be fully considered at reserved matters stage.	Noted

Representations:

A Site notice was posted and neighbouring properties consulted. As a result **7 letters of objection have been received**, the representations are detailed below:

Representations	Assessment of Head of Regulatory Services
Infrastructure There is no infrastructure or facilities to accommodate all these extra houses , i.e. school places, limited bus service, part time post office, no shop, doctor surgery 5 miles away (very busy, no bus service	Old Dalby represents one of the most sustainable locations in the Melton Borough. The Melton Settlement Roles, Relationships and Opportunities report puts Old Dalby as a rural supporter in terms of having regular bus service, primary school, village hall and some employment. This therefore makes the location a sustainable location for development.
Public Footpath The development combined with previous approvals renders the public footpath (cherished locally as the start of our surrounding countryside and regularly walked by villagers) as little more than an urban pathway surrounded on all sides by housing. This would be a great loss and almost a criminal act of rural vandalism should the council approve this proposal	The footpath will remain an integral part of the village and will be not impacted as part of the scheme. As the Footpaths officer mentions, this will be a consideration at reserved matters stage should the proposal be approved.
Housing Mix The application is for five 5 bedroom houses one	The application has been amended to more

<p>6 bedroom house. I do not believe this application is in line with the Council's key priority to provide affordable housing.</p>	<p>accurately reflect the housing needs of the area. It now proposes seven houses, comprising one 5 bedroom, four 4 bedroom and two 3 bedroom dwellings.</p>
<p>Highway Safety</p> <p>The application provides 18 parking places. I do not believe that 18 parking places for what equates to 31 bedrooms will be enough. Parking on and around this area of Longcliff Hill is of great concern to local residents as cars are already regularly overflowing onto Longcliff Hill due to a general lack of space. This application will only exacerbate the situation. Access to this development is on a very dangerous junction and sharp bend at the base of a steep hill. Cars and bikes often race down the hill and horse riders constantly use this route. There is also access to a public footpath at this point. We have constant access difficulties into Longcliff Close due to inconsiderate parking and have experienced near accidents.</p> <p>Secondly the planned houses fronting onto the road are on a bend which locals know to be exceedingly dangerous and where there are regular near misses</p> <p>Vehicle congestion along Longcliff Hill making this area hazardous for vehicles and pedestrians, especially as it is narrow and with a sharp bend. Applications for 28 houses in this vicinity have already been approved within the last few months. The aggregate effect upon traffic and hence safety of this additional application would increase the risk of accidents and injury to a totally unacceptable level.</p>	<p>The Highway Authority, has not objected subject to conditions. The proposal is considered to be acceptable in terms of highway safety.</p>
<p>Loss of countryside</p> <p>Potential to result in the village losing all aspects of its open countryside and enjoyment so crucial to the health and well being targets set by government and the Council.</p>	<p>Old Dalby remains a village with a good supply of open space and continued access to the countryside. The application site has not been identified as having any special character.</p> <p>The site is countryside outside the boundaries of the village ,but in effect it would result in the development of a narrow strip of land situated between existing development to the south and a proposed housing development to the north.</p>
<p>Policy Considerations</p> <p>The emerging Melton Local Plan has been submitted to the Government and will be subject to Examination early in 2018.</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>	<p>Whilst the Local Plan remains in preparation it can be afforded only limited weight.</p> <p>It is therefore considered that it can attract weight but this is quite limited at this stage.</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 given). <p>The Local Plan identifies Old Dalby as Service Centre, in respect of which, under Policy SS2, sites are allocated for residential development in the village. This land is not allocated for development.</p> <p>Broughton and Old Dalby Parish Neighbourhood Plan (BODNP)</p> <p>This plan has reached examination stage .</p> <p>The plot falls outside of the Broughton and Old Dalby Parish Neighbourhood Plan Residential Limits for Development for Old Dalby ,as defined by policy S2.</p> <p>It is not a site allocated for residential development . The BODNP states (Policy H1) that current housing needs have been met by recent planning permissions . It allocates a reserve site for residential development (Policy H2) ,with other development delivered on windfall sites (Policy H3).</p>	<p>While the site is outside the settlement boundary ,in effect ,the development fills an odd gap in the boundary ,with limited impact upon either the countryside or the setting of the village.</p> <p>The BODNP is a material consideration to be taken into account in all applications in the area it relates to.It is progressing and is now at Examination stage, with the outcome of this awaited and Referendum to follow (assuming it progresses). Therefore, it is considered to carry only ‘limited’ weight owing to the steps yet to be completed, the degree to which its content is contested and challenges made regarding compliance with the NPPF.</p>
<p>Other issues raised</p> <p>There is overall no need for additional housing in this area at the present time.</p> <p>This small field provides a sanctuary for many animals and birds - especially hedgehogs and bats - and with the building approved on the other side of it I feel it is even more important to keep this land as a corridor of safety for wildlife.</p>	<p>Recent decisions made by the Council and on appeal by the Secretary of State with particular reference to Land North of Old Dalby Lane, (West of Marquis Road) Queensway Old Dalby have described it as a sustainable location for housing for these reasons and there have been no material changes to this position in the interim. It is therefore considered that it could be impossible to refuse the application of the basis of the sustainability of the location.</p> <p>However, sustainability also takes into account economic and environmental factors and it is recognised that the site is ‘greenfield’ without a presumption for development. This is considered to weigh against the proposal.</p>

<p>Whilst looking at this and the details of application 17/00822/OUT it would appear that not all is being revealed as to ownership of this land. The same architects/ agents are acting for both applications which would lead me to believe that both areas of land under consideration are indeed owned by the same person and therefore should be considered as one application of 14 houses.</p>	<p>However, the land is not identified by any study or policy as important to the setting of Old Dalby nor is it designated as important countryside, for example through National Park, AONB or any other landscape designation giving it ‘special’ status. Accordingly it does not meet the types of location that the NPPF requires to be protected and accordingly only limited weight can be afforded to this aspect.</p> <p>There proposals are on two different parcels of land and therefore cannot be deemed related.</p>
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Conclusion

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

While the provision of housing would contribute to the NPPF’s objectives of boosting housing supply, the Borough is considered to have an adequate housing land supply and. Therefore the weight attached to the provision of a small number of houses is limited.

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

Old Dalby is considered to be a reasonably sustainable location for housing development . The site is well related to the village and previously approved housing schemes ,which mitigates its impact upon the countryside and the setting of the village.

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

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

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

Recommendation: PERMIT, subject to the following conditions :-

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

2. No development shall commence on the site until approval of the details of the "external appearance of the buildings, Layout, Scale and Landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. No development shall start on site until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.
5. Before the development commences, details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority (LPA) in consultation with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.
6. All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing, lining and visibility splays and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development commences.
Note: Your attention is drawn to the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development.
7. Before the first occupation of any dwelling hereby permitted the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) and shall be so maintained at all times.
8. Before the first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, and thereafter shall be so maintained.
9. A Landscape Management Plan, including a maintenance schedule and a written undertaking, including proposals for the long term management of landscape areas (other than small, privately occupied, domestic garden areas) shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner.
10. The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
11. 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.

Reasons:

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline only.
3. To enable the Local Planning Authority to retain control over the external appearance as no details

have been submitted.

4. In the interests of highway safety
5. In the interests of highway safety.
6. In the interests of highway safety.
7. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
8. To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollutions.
9. To ensure that due regard is paid to the continuing enhancement and preservation of amenity afforded by landscape areas of communal, public, nature conservation or historical significance.
10. To provide a reasonable period for the replacement of any planting.
11. To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollutions.

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

Date: **27th October 2017**