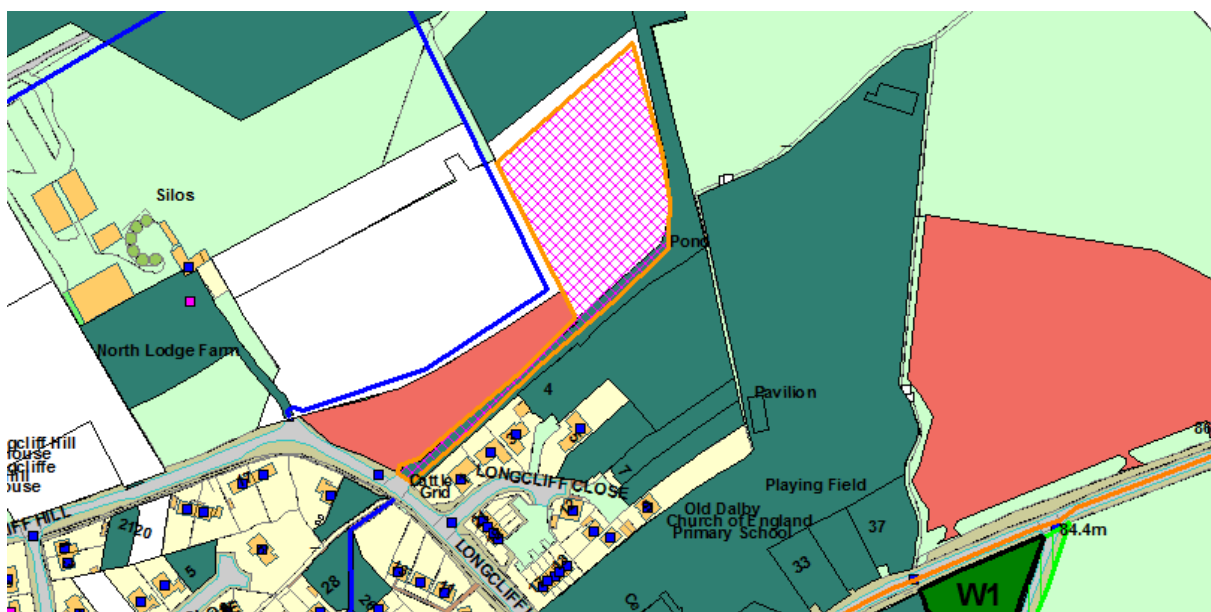


Reference: 17/00822/OUT
Date submitted: 30.06.2017
Applicant: Mr G Gray
Location: East Lodge, Longcliff Hill, Old Dalby, LE14 3LP
Proposal: Outline planning permission for 8 dwellings and access (some matters reserved).



Proposal :-

This application seeks **outline planning permission for the erection of up to 8 dwellings** with the associated access.

The application site comprises an area of approximately 0.65 hectares located off Longcliff Hill to the north of Old Dalby. The site accessed down a 114m access track is bounded to the north east by a residential dwelling, East Lodge. 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:-

16/00673/OUT – Outline application for the development of 7 private dwellings – **application withdrawn**

14/00944/FUL – To relocate an existing field entrance to allow agricultural machinery and livestock movements easier access to and from the land – approved **19.01.2015**

12/00919/FULHH - Demolition of small derelict outbuilding and part of a single storey modern wing. Rebuild part two storey, part single storey wing on enlarged footprint. New period front door canopy, architectural landscaping and walls. **05.03.2013**

Planning Policies:-

Melton Local Plan (saved policies):

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

Policy 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
<p>Highways Authority: No objection The CHA on the original scheme ref. 16/00673/OUT for 7 dwellings on the site concluded that the impact from the proposed development would not be severe on the highway subject to appropriate conditions.</p> <p>The original application showed on drawing number 7221-03-003 rev B the removal of the existing pillars and gates, widening of the access road to 5 metres and resurfacing the existing access road with tarmac. The CHA considered these improvements to be acceptable however this drawing has not been submitted for this application.</p>	<p>The application is in outline with all matters reserved except access and layout.</p> <p>For the avoidance of a revised plan that has been submitted with this application that was approved as part of the original scheme.</p> <p>Due to the size of the development it has not been deemed appropriate that a speed survey is needed to identify if a severe highway impact exists along this stretch of road.</p> <p>There are considered to be no grounds to resist permission based on highways issues.</p>

<p>In addition to the site access improvements outlined above the CHA would ask the Applicant to provide a section of footway to connect the proposed development to Longcliff Close. This will increase connectivity to other facilities in the village including the primary school.</p> <p>The layout of the proposed development and housing mix (6 x 4 bed dwellings, 2 x 3 bed dwellings) is shown in HSSP Architects drawing reference: 7221-03-002. The Applicant is proposing 22 parking spaces as part of the development which based on the indicative housing mix is in line with the guidance provided in part 3 of the CHA 6Cs Design Guide http://resources.leicestershire.gov.uk/sites/resource/files/field/pdf/2017/1/17/5_Part_3_0.pdf. The CHA would remind the Applicant that any garage should have internal dimensions of 3 metres x 6 metres to count as a parking space. If there is insufficient or substandard parking it could lead to on-street parking problems within the development. However it is unlikely that this would impact on the public highway as the proposed development is to remain private and some distance away</p>	
<p>Trent Valley Internal Drainage Board: Refer to LLFA comments.</p> <p>Surface water run off rates must not be increased as a result of development, any matters of drainage must be arranged with the LLFA.</p>	Noted
<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 be considered out of date where the Council cannot</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>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>It is agreed that the location of the proposal is not ideal, there are other dwellings in this area and development has been granted in close proximity to this application site, most notably application 16/010184/OUT, this application however is for a larger development that is more closely related to the village.</p> <p>Amendments have been made to the proposed access point in accordance with comments received from the CHA, the revised access details have been assessed by the CHA who offer no objections to the proposal subject to appropriate conditions.</p> <p>It is agreed that views from footpaths and access points near to the site would change, however the site does not lie in an area of protection and therefore this is not considered a material planning consideration of significant weight.</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 d.p.a. For the purposes of the Local Plan the Council; has agreed a housing target within this range of 245 d.p.a.</p> <p>Therefore in suitable locations and subject to certain requirements, housing growth should be supported.</p>
<p>Local Lead Flood Authority: No comments 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>Severn Trent Water Ltd: No objections subject to conditions.</p> <p>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</p>	<p>Noted.</p>

problem and to minimise the risk of pollution.	
<p>Leicestershire County Council Footpaths Officer</p> <p>Public Footpath G89 runs on the western side of the hedge which forms the western 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 and enhanced by buffer planting within the development. Any reserved matters of landscaping and appearance are not to be determined with this application and therefore have no further comments at this stage.</p>	<p>Noted:</p>

Representations:

A Site notice was posted and neighbouring properties consulted. As a result **6 letters of objection have been received**, the representations are detailed below:

Representations	Assessment of Head of Regulatory Services
The development increases the number of house within the village and we already have met our quota for housing with recent applications.	There is a continued emphasis and requirement to deliver more homes and until we have had an adopted local plan, we must view new housing acceptable in the most sustainable locations.
Lack of school places	There is no evidence to suggest the school is over-subscribed and therefore cannot accommodate additional children.
Increase of traffic level and the increase in traffic can only be a hazard on an already congested and narrow road	The Highway Authority has raised no objection to the development in terms of highway impact on the local roads. There is likely to be a slight increase of traffic along Longcliffe Hill but not demonstrably harmful to outweigh the benefits of increased home provision in a sustainable location.
Lack of infrastructure in the village to cope with any further housing,	There is no evidence to suggest that the infrastructure cannot cope with the development.
Goes against the neighbourhood plan outside the Limits to Development identified in the Neighbourhood Plan which was formally submitted to MBC at end June.	Please see above section and policy considerations below .
Loss of green space.	This area of open and has not been formally recognised in the most up-to-date evidence we have in the form of the Melton Borough Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study September 2015.
The cost to the wildlife surrounding these areas would be greatly compromised as would the benefit of our open green spaces to the village as a whole.	There are no identified ecological constraints on site.
<p>Planning Policy</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>Whilst the Local Plan remains in preparation it can be afforded only limited weight.</p> <p>It is therefore considered that it can attract</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 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>weight but this is quite limited at this stage.</p> <p>The site is outside the settlement boundary in a prominent location and relates poorly both existing and approved residential development . It would have an adverse impact upon both the countryside and 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>Character of the area</p>	<p>The site is a greenfield site. It also lies within open countryside being located outside of the village of Old Dalby and extends the village to a degree that is considered out of character with the area.</p>

	<p>This application close to an approved application that extends the village beyond Longcliff Hill. However it is not connected to this or other parts of the built form of Old Dalby and will appear disjointed and lacking in coherence. This added element further stretches the village to uncharacteristic proportions that will change the nature of the village settlement pattern.</p>
<p>Other issues raised</p>	<p>Old Dalby is considered to perform reasonably well in sustainability terms owing to its community facilities and transport links. 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>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>

Conclusion

The application seeks outline consent for a residential development of up to 8 dwellings. Approval is sought for the access into the site and the principles of residential development on the edge of Old Dalby. It is considered that the application presents a balance of competing objectives and the Committee is invited to reconcile these in reaching its conclusion.

Whilst 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. Therefore the weight attached to provision is limited (and reduced from circumstances where there is a shortfall that needs addressing).

Old Dalby itself is considered to be a reasonably sustainable location for housing development but the site is greenfield in nature and poorly related to the village. Furthermore, whilst it is accepted that not all parts of a village should look the same and that the layout may change to some limited extent this proposed development with its own distinctiveness, identity and theme would not respond to local character, reflect the identity of

local surroundings, and improve the character of an area as advised by the NPPF and paragraphs 58 and 64. In addition, the proposed estate form of the development with one major access reflecting a gated community and pedestrian accesses some distance from the built-up areas would not be well related to the village and would not address the connections between people and places and integration.

In conclusion it is considered that, on the balance of the issues, it is considered that the benefit – principally the contribution to housing supply – do not outweigh the harm arising from the site as discussed above.

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 not be granted.

Recommendation: REFUSE, on the basis of:-

The application site is in a location which is poorly related to the built form of Old Dalby and would appear disjointed and incongruous, failing to respond to the exiting build form of the village. Development of the site would have an adverse impact upon the character and appearance of the countryside which contributes to the setting of the village, and is contrary to the adopted Local Plan Policies OS2, BE1 and H6, The Proposal is therefore contrary to the NPPF, particularly paragraphs, 56, 61 and 64. The proposal's identified harm in this regard would significantly and demonstrably outweigh the benefits of delivery of housing, when assessed against the policies in this Framework taken as a whole.

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

Date: **27th October 2017**