

THE W. R. DAVIDGE PLANNING PRACTICE

PLANNING CONSULTANTS

(ORIGINALLY FOUNDED IN 1921)

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Please reply to Wansford Office

Our ref: RFK/JMJ/5647

6th January, 2018

MELTON LOCAL PLAN EXAMINATION IN PUBLIC

**LAND AT VALE END HOUSE, GREEN LANE, EASTHORPE,
BOTTFESFORD, NG13 0DW**

**REPRESENTATIONS ON BEHALF OF
MR. D. AND MRS. L. HENSON**

CLIENTS' WRITTEN STATEMENT

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1.0 INTRODUCTION AND CONTEXT

1.1 This Statement:-

- a) Is being prepared and submitted upon the basis of the requirements, procedure and timetable set out in the Programme Officer's email timed for 14.09 on 17th November, 2017.
- b) Elaborates, expands and details the representations submitted to the Council by this Practice at earlier stages of the emerging Local Plan process - being those representations dated 14th December, 2016 and 10th August, 2017.

1.2 For ease of reference copies of the representations identified above are reproduced at Appendices A and B respectively to this Statement.

1.3 The essence of our Clients' case is clearly set out in those earlier representations and can be summarised as follows:-

- a) Our Clients wish to develop their land holding hereabouts for housing.
- b) In pursuit of that intention:-
 - i) Consultations were initiated with the owners of the adjacent land to the north in 2015, those consultations are both active and ongoing, with the intention being of marketing that land to the north for development, in conjunction with our Clients' ownership.
 - ii) On 21st June, 2016 this Practice submitted a pre-application enquiry to the Council proposing the southern extension of the development authorised by permission relating to that immediately adjacent land to the north.
 - iii) That enquiry was upon the basis of the erection of 2/3 additional dwellings, to be served via the adjacent development to the north.
- c) It is our Clients continuing intention to make their land available for development upon the basis outlined above.
- d) Consequently we are drawn to the inescapable conclusion that there is neither any material objection to, nor reason why, it is not appropriate to extend the southern boundary of the adjacent residential allocation EAST1 to include the whole of our Clients' ownership.

1.4 In elaboration of the foregoing:-

- a) The location and extent of our Clients' land holding hereabouts is shown on Drawing Number 0331-1A - copy of which forms part of Appendix A (at page -A10- to this Statement).
- b) That immediately adjacent land to the north has the benefit of outline planning permission dated 22nd April, 2016.

- c) The Council's response to the pre-application enquiry identified above (see paragraphs 1.3(b)(ii) and (iii)) raises no objection of principle to the residential development our Clients' land.

1.5 The planning permission identified at paragraph 1.4(b) above authorises:-

“Demolition of domestic outbuildings and the erection of 9 dwellings, garage block and associated infrastructure. All matters reserved except for access from Manor Road and Green Lane.”

The Application Number is 15/01016/OUT and there are 15 conditions imposed upon the decision notice.

1.6 The response to the submitted pre-application enquiry is in two parts, namely the Council's:-

- a) Letter to this Practice dated 6th September, 2016.
- b) Email to this Practice timed for 10.50 on 16th September, 2016 forwarding the observations of the highway authority (of that same date).

1.7 Copies of these two responses are reproduced at Appendices C and D respectively to this Statement.

1.8 It will be noted that this combined response identifies no material objection to the development proposed upon either planning or highway grounds.

2.0 EXAMINATION OF THE MATERIAL PLANNING CONSIDERATIONS WHICH APPLY

A. THE PRINCIPLE OF RESIDENTIAL DEVELOPMENT HEREBABOUTS

2.1 No objection upon this ground is raised in the Council's pre-application enquiry response (see Appendices C and D to this Statement), with that response:-

- a) Being formulated against the background of a situation where the erection of 9 dwellings upon the adjacent land to the north already had the benefit of outline permission.
- b) Conveying encouragement to our Clients to consider the provision of a greater number of smaller dwellings than envisaged when that enquiry was first submitted.

2.2 Since then matters have moved on considerably in that:-

- a) The immediately adjacent land to the north is the subject of Local Plan Allocation EAST1, with a nominated capacity of 10 units.
- b) Land to the west of Green Lane, through to "*The Hollies*", is the subject of Local Plan allocation EAST2, with a nominated capacity of 12 units.
- c) This latter allocation clearly extends westwards and beyond the existing and established settlement pattern of Easthorpe hereabouts.

2.3 In marked contrast to the position noted at paragraphs 2.2(b) and (c) above, our Clients' existing property, curtilage and land holding form an integral part of that existing settlement pattern.

2.4 It is apparent from the foregoing that the two residential allocations in question confirm the acceptability of a development in this vicinity in the order of 22 dwellings. In that context there is no tenable and justifiable basis upon which they could be objection to, say, the erection of up to a further six dwellings or so upon our Clients' ownership.

B. DEVELOPMENT BOUNDARY CHARACTERISTICS

2.5 When considering what the present limits of development of Easthorpe are, the demarcation hereabouts between the established development pattern lying to the east of Green Lane and the open countryside to the south beyond that settlement pattern is set by the southern extremity of Vale End House and its associated land.

2.6 There is no such discernible demarcation between Vale End House and the settlement pattern lying to the north of it.

2.7 Because of these clearly established and readily recognisable physical and visual characteristics, we contend that:-

- a) The southern extremity of our Clients' ownership is the logical and recognisable southern limit of Easthorpe hereabouts, with the land beyond that boundary being part of the open countryside setting of the settlement.
 - b) It is this southern boundary of our Clients' ownership, with its clear physical demarcation, which comprises the logical, obvious and defensible boundary hereabouts between this settlement pattern of Easthorpe and the countryside beyond.
 - c) In full recognition of these considerations the appropriate, logical and most defensible boundary to development hereabouts would be set by adopting the southern extremity of Vale End House as the southern extremity of allocation of EAST1.
- 2.8 Self-evidently the adjustment and change identified above would lead to a consequent need to increase the nominated housing provision to take account of the enlarged allocation. However, as pointed out at paragraph 2.4 above, there is no objection to doing so.
- 2.9 We believe and contend that the approach outlined above is both pragmatic and realistic. This being so we administer the reminder that paragraph 154 of the National Planning Policy Framework is in the following terms:-
- 154.** Local Plans should be aspirational but realistic. They should address the spatial implications of economic, social and environmental change. Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.
- 2.10 The changes to the Local Plan being sought by this Statement (which, in an overall context, are very minor and which carry no strategic or other particular significance), would provide precisely:-
- “...a clear indication of how a decision maker should react to a development proposal should be included in the plan.”*
- 2.11 The Plan in its existing form does not do this, because it creates a situation where development immediately adjacent to, but beyond the southern boundary of, allocation EAST1 has already been identified by the Council as not open to any objection of planning principle.

C. CLARIFICATION

2.12 Within the “*Focussed changes to Melton Local Plan*” documentation, dated 13th October, 2017, is the following extract relating to the changes being sought by this Statement:-

Previously submitted land to the south of EAST1 is preferable to EAST 2 as it is within a residential curtilage, and would come forward as part of EAST1.	The amendments made in 'Focussed Changes' were limited to the capacity of EAST 1 and very minor changes to the introductory text in 'Appendix 1'. This comment does not relate to those changes. The housing site assessments underpinning Focused Change 4 were based on the most up to date information and data that was available on a comparable basis across the whole of the Borough at the time, for a relevant range of sustainability, suitability and achievability factors. The Council consider this to be adequate and proportionate evidence, as per NPPF para. 158. Site selection have been made on this basis, on which EAST1 and ARST2 were selected.
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The above extract follows page 156, with the left hand column being “*Summary of Representation*”, with the right hand column being the “*MBC Response*”.

2.13 That left hand column is neither an accurate nor balance summary of the representation submitted (on 10th August, 2017) - as reference to Appendix B to this Statement will serve to confirm.

2.14 We registered this point with the Council in this Practice’s email timed for 18.41 on 17th October, 2017.

2.15 Our Clients and our position is that we:-

- a) Have neither objection to nor criticism of, allocation of EAST2.
- b) Do, at the same time, however, point out that:-
 - i) The appropriateness of, coupled with the need for, further residential development hereabouts is compellingly demonstrated by allocation EAST2.
 - ii) This allocation comprises greenfield land which is outside the current limits of development of Easthorpe.
 - iii) The minor Local Plan changes sought by this Statement (see Section 3 below) do not have anything approaching the same significance as those which arise from this EAST2 allocation.

D. THE TESTS OF NATIONAL POLICY FRAMEWORK 182

2.16 For ease of reference this is set out in full at paragraph 2.22 below.

2.17 At paragraph 2.6 of Appendix A (page -A8-), and in paragraph 4 of Appendix B (page -A11-), we have already drawn the Council’s attention to the breaches of the “*positively prepared*”, “*justified*” and “*effective*” tests created by the current definition of allocation EAST1.

- 2.18 It is clearly established and accepted that there is no inconsistency between the residential development of our Clients' land as being sought with "...*achieving sustainable development.*" Applying the approach of "*objective assessment*" dictates the necessity to recognise the development opportunity and prospect available here.
- 2.19 Given the scale of development now proposed hereabouts, coupled with the boundary considerations identified above, then it is self-evidently both fully justified, as well as being the "*most appropriate strategy*", to confirm the acceptability and availability of our Clients' land for development.
- 2.20 Similarly the most effective approach here is both to recognise, as well as confirm, the availability of this land to contribute to the housing needs of the locality.
- 2.21 Upon the overall question of soundness it must be recognised that the Local Plan has, entirely appropriately, undertaken its own assessment of the acceptability of further housing at Easthorpe and has concluded that:-

Easthorpe

The small village of Easthorpe is located within 500m of Bottesford and therefore benefits from the range of services and facilities available within Bottesford. It is noted that Easthorpe is well connected to Bottesford via a series of footpaths and as such performs the role of a sustainable location, which is a suitable location for some development. It is therefore identified as a Rural Hub.

The above quotation is from page 17 of Appendix 1 to the Council's Pre-Submission Draft of November, 2016.

- 2.22 National Planning Policy Framework paragraph 182 is in the following terms:-

|182. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is "sound" – namely that it is:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

3.0 LOCAL PLAN CHANGES REQUESTED

- 3.1 There is a need to augment the housing land supply at a national level, over the administrative area of Melton Borough Council and locally at both Bottesford and Easthorpe.
- 3.2 At the most localised level the characteristics of residential allocation EAST2 provide a clear and compelling manifestation of that recognised need.
- 3.3 Our Clients' earlier representations explain the basis of the arrangements in place to ensure the ready availability of the land for development as an integrated and comprehensive part of the development of the adjacent land to the north - which is now allocation EAST1.
- 3.4 Those arrangements remain in place and operative, thereby ensuring that this land is a viable and deliverable site for early development in full accordance with the terms, guidelines and criteria set out in paragraph 173 of the National Planning Policy Framework.
- 3.5 In all the circumstances we reiterate our Clients' request for:-
- a) The southern enlargement and extension of allocation of EAST1 to incorporate the whole of our Clients' ownership hereabouts.
 - b) The indicative housing capacity of that enlarged allocation to be increased accordingly.

R. F. Kilsby,
The W. R. Davidge Planning Practice.

Jill Jackson

From: W R Davidge [davidge.planning@virgin.net]
Sent: 14 December 2016 20:05
To: 'planningpolicy@melton.gov.uk'
Cc: 'sales@autosportloughborough.co.uk'; 'Peter Knowles'
Subject: MELTON PRE-SUBMISSION DRAFT LOCAL PLAN - NOVEMBER, 2016 - LAND AT VALE END HOUSE, GREEN LANE, EASTHORPE, BOTTESFORD, NG13 0DW - REPRESENTATIONS UPON BEHALF OF MR. D. AND MRS. L. HENSON
Attachments: 2016-12-14-Representation Form.pdf, 2016-12-14.pdf, 5647-Statement.pdf, OS Extract.pdf

Dear Sirs,

I refer to the abovementioned matters, being the representation submitted to your Council today by Royal Mail Special Delivery.

As an added safeguard to ensure that these representations reach you will in advance of the 19th December deadline, I attach copies of the following, with items 1 to 3 all dated 14th December, namely:-

1. My letter to your Council.
2. Your Council's representations form duly completed, signed and dated.
3. The accompanying schedule which elaborates upon paragraphs 5, 6 and 7 of that form.
4. The O.S. extract referred to in paragraph 1.1 of that schedule.

I shall be pleased if you will confirm safe receipt.

With best regards,

Ray Kilsby
The W. R. Davidge Planning Practice

RFK/JMJ/5647

Our ref: RFK/JMJ/5647

BY ROYAL MAIL SPECIAL DELIVERY

The Planning Policy Team,
Regulatory Services Department,
Melton Borough Council,
Parkside,
Station Approach,
Burton Street,
Melton Mowbray,
LE13 1GH

14th December, 2016

Dear Sirs,

MELTON PRE-SUBMISSION DRAFT LOCAL PLAN - NOVEMBER, 2016

**LAND AT VALE END HOUSE, GREEN LANE, EASTHORPE, BOTTESFORD,
NG13 0DW**

REPRESENTATIONS UPON BEHALF OF MR. D. AND MRS. L. HENSON

Upon behalf of my Clients I enclose:-

- a) Your Council's representations form, duly completed, sign and dated.
- b) The explanatory schedule which sets out the basis of my Clients' case pursuant to paragraphs 5, 6 and 7 of that form.
- c) Drawing number 0331-1A, being the O.S. extract referred to in paragraph 1.1 of the foregoing schedule.

continued.....

The Planning Policy Team


14th December, 2016

These items are being sent by Royal Mail Special Delivery, thereby ensuring that they will reach you before 1.00pm tomorrow, i.e. well in advance of the 19th December deadline.

As an added safeguard, copies of this letter, and of items a) to c) above, are also being sent by email.

I shall be pleased if you will confirm safe receipt of this representation and I look forward to hearing from you in this regard as soon as reasonably convenient.

Yours faithfully,

R. F. Kilsby 
The W. R. [redacted] Planning Practice.

Encs.

cc: *Mr. D. and Mrs. L. Henson*
P. M. Knowles, Esq.



MELTON LOCAL PLAN – PRE SUBMISSION DRAFT
(NOVEMBER 2016)

For official use only
Respondent Ref:
Date Received:

Melton Borough Council proposes to submit the Melton Local Plan (MLP) to the Secretary of State of Communities and Local Government for independent examination. Before submitting the MLP, the Council is required to publish the document and invite the public to make representations on its 'soundness'. The MLP, once adopted will be the development plan for Melton Borough.

This form has two parts:

- Part A: Personal Details
- Parts B and C: Your representation(s).

When making representations, please use a separate Part B form for each policy or paragraph you wish to comment on. Before completing the form you should read the accompanying Guide to Making Representations. Please ensure that your representation relates to the correct test of soundness (details can be found in the Guide to Making Representations)

Completed forms should be returned to the address below no later than Monday 19th December, 2016. Representations received after this deadline will not be accepted.

Planning Policy Team
Regulatory Services
Melton Borough Council
Parkside, Station Approach
Melton Mowbray
Leicestershire
LE13 1GH

Alternatively, you can access this form on the Council's website <http://www.melton.gov.uk/localplan/site/index.php> and print it out or complete it electronically and e-mail your response to planningpolicy@melton.gov.uk
Representations can also be made via the Council's on-line consultation portal - <https://meltonboroughcouncil.citizenspace.com>

PART A: ABOUT YOU/YOUR ORGANISATION (If you are an agent, please complete the personal details of your client in 1 and complete agent's details in 2).

1. Personal Details

Full Name:

MR. D. AND MRS. L. HENSON

Organisation (if applicable)

Address:

VALE END HOUSE,
EASTHORPE
BOTTESFORD

Postcode:

NG13 0DW

Email:

sales@autosportloughborough.co.uk

Contact Number:

01949 842627

2. Agent's Details (if applicable)

Full Name & Company:

R. F. KILSBY

Organisation/Client Representations on Behalf Of

W. R. DAVIDGE PLANNING PRACTICE

Address:

PO BOX 463,
WANSFORD-IN-ENGLAND,
PETERBOROUGH

Postcode:

PE8 6HU

Email:

davidge.planning@virgin.net

Contact Number:

01780 763901

Number of Representations Enclosed:

Signature:

(R.F. KILSBY)

Date:

14th DECEMBER, 2016

For official use only	
Respondent Ref:	Representation Ref:
Name/Organisation:	

PART B: YOUR REPRESENTATION (This section will need to be completed for each representation made. Please photocopy or download from the council's website Part B of the form as required.)

3. Which part of the Melton Local Plan: Pre Submission Draft does your representation relate to? (Please enter the paragraph/policy number)

Paragraph: Policy: Policies Map:

4. Do you consider that the Melton Local Plan: Pre Submission Draft is? (Please tick the appropriate box)

1. Legally Compliant: Yes No NO COMMENT IN THE CONTEXT OF THIS REPRESENTATION
2. Sound: Yes No
3. Complies with Duty to Co-operate: Yes No NO COMMENT IN THE CONTEXT OF THIS REPRESENTATION

**The considerations in relation to the Local Plan being "sound" are explained in paragraph 182 of the National Planning Policy Framework. If you have entered "No" in relation to 4(2), please go to question 5. In all other circumstances, please go to question 6*

5. Do you consider that the Melton Local Plan: Pre Submission Draft is unsound because it is not any of the following? (Please tick the appropriate box)

1. Positively Prepared 2. Justified 3. Effective 4. Consistent with National Policy

6. Please give details of why you consider the Melton Local Plan: Pre Submission Draft is not legally compliant or is unsound or fails to comply with the Duty to Co operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Melton Local Plan: Pre Submission Draft or its compliance with the Duty to Co operate, please use this box to set out your comments. (Please continue onto a separate sheet if you require more space)

PLEASE REFER TO ACCOMPANYING SCHEDULE

7. Please set out what change(s) you consider necessary to make the Melton Local Plan: Pre Submission Draft legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. (NB Please note that any non compliance with the duty to co operate is incapable of modification at examination). You will need to say why this change will make the Melton Local Plan: Pre Submission Draft legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. (Please continue onto a separate sheet if you require more space)

PLEASE REFER TO ACCOMPANYING SCHEDULE

Please note: Your representation should cover succinctly all the information, evidence necessary and supporting information necessary to support/justify the representation and suggested change, as there will not normally be a subsequent opportunity to make further representations based on this original representation.

After this stage, further submissions will only be at the request of the Inspector based on the matters and issues they identify at the examination.

8. Can your representation seeking a change be considered by written representations or do you consider it necessary to participate at the oral part of the examination? (Please tick the appropriate box)

Written Representations

Participate at the Oral Examination

9. If you wish to speak at the examination, please outline why you consider this to be necessary:

N/A

Please note: The Inspector will determine the most appropriate procedure to adapt to hear those who have indicated that they wish to participate at the oral part of the examination.

PART C: WHO YOU REPRESENT

To help us collate the responses to this consultation, we would be grateful if you could tell us which category best describes who you are representing (Please tick the appropriate box)

- Melton Borough Resident
- Developer
- Government Organisation
- Other Organisation
- Business
- Other (Please state)
- Planning Agent/Planning Consultancy
- Utility/Service Provider
- Amenity Group
- Residents Group
- Town/Parish Council

Do you want to have further involvement in the Melton Local Plan? (Please tick the appropriate boxes)

- If you wish to be notified at the address/e-mail provided in Part A when the Melton Local Plan is submitted to the Secretary of State for Communities & Local Government
- If you wish to be notified at the address/e-mail provided in Part A when the Inspector's Report is available to view
- If you wish to be notified at the address/e-mail provided in Part A when the Melton Local Plan is adopted
- If you/your organisation wish to be included in future consultations on the Melton Local Plan
- If you/your organisation do not wish to be included in future consultations on the Melton Local Plan

Thank you for taking the time to submit representations on the Melton Local Plan: Pre Submission Draft (November 2016). It should be noted that representations cannot be treated as confidential.

MELTON PRE-SUBMISSION DRAFT LOCAL PLAN - NOVEMBER, 2016

LAND AT VALE END HOUSE, GREEN LANE, EASTHORPE, BOTTESFORD, NG13 0DW

REPRESENTATIONS UPON BEHALF OF MR. D. AND MRS. L. HENSON

1.0 INTRODUCTION, SCOPE AND CONTEXT

- 1.1 My Clients' ownership comprises the dwelling, with its extensive curtilage, defined on the attached O.S. extract - being Drawing Number 0331-1A.
- 1.2 These representations relate wholly and solely to the residential development identified and referred to as "EAST 1" on the plan for Bottesford and Easthorpe which comprises page 13 of Local Plan Appendix 1, entitled "Site allocations and policies"

2.0 THE CIRCUMSTANCES WHICH APPLY

- 2.1 Site "EAST 1" is that which was the subject of an outline application:-
- a) Dated 22nd December, 2015.
 - b) Proposing the "...demolition of domestic outbuildings and the erection of nine dwellings, garage block and associated infrastructure".
 - c) In respect of which the Council granted conditional planning permission dated 22nd April, 2016.
- 2.2 On 21st June, 2016 this Practice submitted a pre-application enquiry to the Council proposing the southern extension of the development authorised by the permission identified in the preceding paragraph. This proposal was upon the basis of:-
- a) The erection of two/three additional dwellings.
 - b) Servicing those additional dwellings via the adjacent development to the north.
- 2.3 The ability to combine these two areas to secure a wider comprehensive development is confirmed by the owners of that adjacent land, whose communication to my Clients, dated 2nd February, 2016, stated, inter alia, that:-

"Just to confirm that providing we are successful in obtaining planning permission on the land to the east of Green Lane, we would be prepared to look to come to an agreement to give you access to the land behind your house, subject to contract and obtaining planning permission."

continued.....

- 2.4 The Council's response to the pre-application enquiry is in two parts, comprising the planning reaction (dated 6th September, 2016) and the highway authority's observations (dated 16th September, 2016). That combined response identified no material objection to the development proposed upon either planning or highway grounds.
- 2.5 This conclusion is supported by the considerations that:-
- a) The southern extremity of my Clients' ownership is the logical and recognisable southern limit of Easthorpe hereabouts, with the land beyond that boundary being part of the open countryside setting of the settlement.
 - b) It is this southern boundary of my Clients' ownership, with its clear physical demarcation, which comprises the logical, obvious and defensible boundary hereabouts between this settlement pattern of Easthorpe and the countryside beyond.
- 2.6 Ignoring these considerations, as the present draft Plan does, means that the Plan in its current form is not:-
- a) "*Positively prepared*" - because such an approach would recognise a situation where development has been identified as satisfactory and acceptable in terms of planning principle.
 - b) "*Justified*" - because there is no such justification for not recognising the availability for development of this land.
 - c) "*Effective*" - because it ignores the consideration that this site is available to contribute to the housing needs of the locality.
- 2.7 There is additional justification and support for the changes necessary and sought by this representation (as set out below) in that:-
- a) Assessment of Easthorpe (on pages 17 and 18 of Local Plan Appendix 1) confirms that it is a sustainable location for residential development and categorises it as a "*Rural Hub*".
 - b) The considerations identified in the case of site "*EAST 1*" apply with equal force and validity to the land which is the subject of these representations.
 - c) As a result the logical and un-objectionable extension of the definition of site "*EAST 1*" as sought, will have no detrimental effect whatsoever upon the "*Area of Separation*" approach adopted by this Plan.
- 3.0 THE CHANGES NECESSARY AND SOUGHT
- 3.1 The southern enlargement and extension of "*EAST 1*" is required to incorporate the whole of the land identified at paragraph 2.2 above.

continued.....

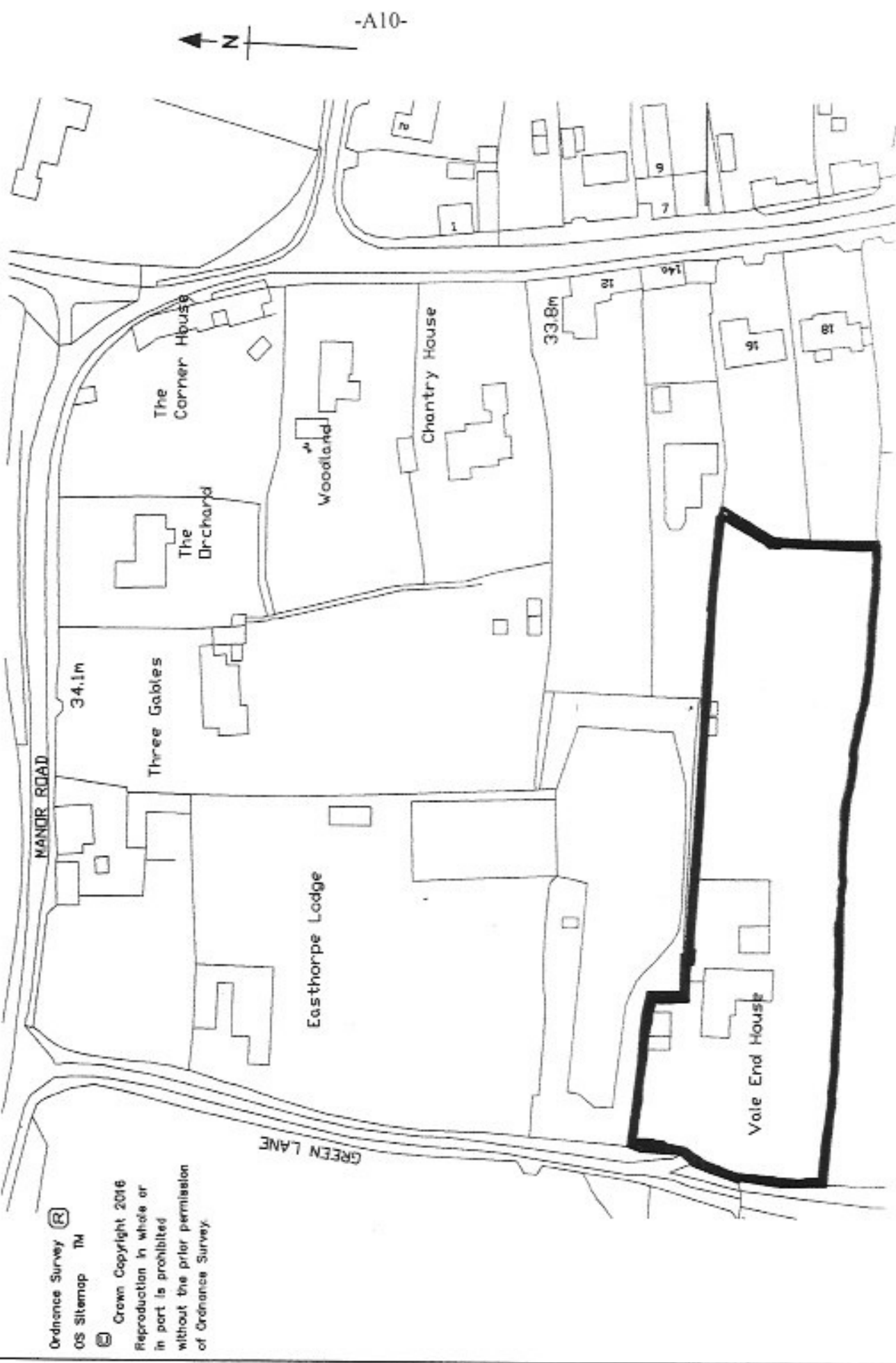
3.2 The Council's reference for that enquiry is 051/16G.

3.3 The enlargement and extension sought would render it appropriate to indicate the approximate capacity of the whole site as 14 dwellings or thereabouts.



R. F. Kilsby,
The W. R. Davidge Planning Practice.

Metres



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Jill Jackson

From: W R Davidge [davidge.planning@virgin.net]
Sent: 10 August 2017 18:47
To: 'planningpolicy@melton.gov.uk'
Subject: EMERGING MELTON LOCAL PLAN - PROPOSED CHANGES - LAND AT VALE END HOUSE, GREEN LANE, EASTHORPE, BOTTESFORD, NG13 0DW
Attachments: MELTON PRE-SUBMISSION DRAFT LOCAL PLAN - NOVEMBER, 2016 - LAND AT VALE END HOUSE, GREEN LANE, EASTHORPE, BOTTESFORD, NG13 0DW - REPRESENTATIONS UPON BEHALF OF MR. D. AND MRS. L. HENSON

Dear Mr. Worley,

I act upon behalf of Mr. D. and Mrs. L Henson who are the owners of the land and property identified in the heading to this email. On behalf of those Clients I hereby submit further representations in response to your Council's current Proposed Local Plan Changes.

Those representations relate to the residential allocations at Green Lane, Easthorpe, Bottesford (References EAST1 and EAST2, on page 38 with its accompanying plan) and are as follows:-

I note, with disappointment, that the Changes proposed take no account whatsoever of the representations submitted to your Council on 14th December, 2016.

A copy of those representations, including the plan which defines the area to which they relate, is attached. Subsequently I refer to these as the "*original representations*".

2. The pre-application enquiry referred to and identified in these original representations, together with the site characteristics and other considerations identified, combine to create a situation where there is no tenable or material planning objection to the residential development of my Clients' land upon the scale and basis proposed.
3. It is, therefore, illogical, inappropriate and incorrect that allocation EAST1 has not been extended to the south to include my Clients' ownership.
4. It is also not "*positive preparation*", "*justified*" or "*effective*" to prepare a plan omitting land from a residential allocation, when seeking to resist such development in any future application or appeal situation is indefensible - as it would be here.
5. The appropriateness of, coupled with the need for, further residential development hereabouts is most compellingly demonstrated by your Council's actions in identifying allocation EAST2 (for the erection of 12 dwellings) upon greenfield land which is outside the current limits of development of Easthorpe hereabouts.
6. In contrast the contribution which my Clients' land is able to make the housing needs of the locality is not only logical and unobjectionable (for the reasons explained above), but is upon land which is residential curtilage and which does not extend the existing limits of development of Easthorpe.
7. The original representations explain the basis of the arrangements in place to ensure the ready availability of my Clients' land for development as an integrated and comprehensive part of the development of the adjacent land to the north (i.e. allocation EAST1).
8. Those arrangements remain in place and operative, thereby ensuring that this land is a viable and deliverable site for early development in full accordance with the terms, guidelines and criteria set out in paragraph 173 of the National Planning Policy Framework.

9. In all the circumstances I hereby reiterate the request registered in the original representations for:-
- a) The southern enlargement and extension of EAST1 to incorporate the whole of my Clients' ownership hereabouts.
 - b) The indicative housing capacity of that enlarged allocation to be increased accordingly.

Self-evidently these representations are being sent substantially in advance of your Council's set closing date of 23rd August.

I shall be pleased if you will specifically acknowledge safe receipt of these representations and confirm that they will be fully taken into account as your Council's Local Plan preparation process continues.

Should there be any aspect of the foregoing in need of clarification or elaboration, then I will be pleased to provide it upon hearing from you. In this regard, however, please note that I will now be "out of circulation" until 29th August.

I look forward to hearing from you.

With best regards,

Ray Kilsby
The W. R. Davidge Planning Practice

RFK/JMJ/5647



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The W.R. Davidge Planning Practice
FAO Mr R Kilsby
P.O BOX 463
Wansford-In-England
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PE8 6HU

Our Ref: LP/051.16G

Direct Line: 01664 502375

Please ask for: Ms L Parker

e-mail: lparker@melton.gov.uk

Date: 6 September 2016

Dear Sir

RE: PROPOSED HOUSING DEVELOPMENT ON LAND AT VALE END HOUSE, EASTHORPE

I refer to your pre-application enquiry received at these offices on the 22nd June 2016.

Land Use

The subject of your enquiry lies partly outside of the 'Village Envelope' for Easthorpe as defined by the Adopted Melton Local Plan. The site contains the existing dwelling and associated garaging. The site is in fairly close proximity to a Scheduled Monument and therefore it is likely that Heritage England will be consulted as part of any planning application. You may wish to engage them early on to seek their views on the proposal before submission of an application in regards to the setting of the monument and a desktop survey would be helpful for the consideration of the County Council Archaeological Officer.

Any application would be considered against the National and Local Planning Policy Framework and the following policies are considered to be relevant for the site and the proposal;

Melton Local Plan (Saved Policies)

Policies OS1 and BE1 allow for development within Settlement Envelopes providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

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 H8 - advises that 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 the village envelope providing :- the need has been established by the Council, it can be legally secured, the development would be in keeping with the location, community services are available and other policies can be met within the development plan.

National Planning Policy Framework – Introduces the 'Presumption in favour of Sustainable Development' and states that development proposals should be approved if they accord with the Development Plan, or, if it is out of date or does not address the proposal, approve proposals unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits,
- specific policies in this Framework indicate development should be restricted.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively support **sustainable** economic development to deliver homes and business that local areas need
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- encourage the effective use of land by reusing land that has been previously developed (brownfield land)
- 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 and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

On Specific issues relevant to this application it advises:

Delivering a Wide choice of High Quality Homes

- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.
- Set out own approach to housing densities to reflect local circumstances
- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 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.
- Securing high quality and inclusive design goes beyond aesthetics considerations and should address the connections between people and places and the integration of new development into the natural, built and historic environment.



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Conserving and Enhancing the Historic Environment

- recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance;
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

In regards to the specific policy for residential dwellings outside of any settlement the NPPF: Para. 55 contain guidance directly relating to the construction of dwellings in the open countryside. It advises that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

Advice

Part of the site lies outside of the village envelope but would be closely related to the village itself so as not to be considered as an isolated location wholly within the open countryside, more so should application 15/01016/OUT be implemented. The Council does not have a five year land supply and in that regards the Local Plan housing policies (OS1/OS2) are considered to be silent in their direction as a housing policy. Policy OS2 would still be a consideration in regards to protecting the countryside from inappropriate development however being sited outside of the village envelope will not be the only determining factor.

Overall the dwellings do appear large in size, the Local Planning Authority is deficient in the smaller sized 2/3 bedroomed dwellings and this should be taken into consideration should a planning application be submitted, I note from your submission that you include two proposals, one being for 2 dwellings and one being for 3, to take on board the deficiency of the smaller dwellings you may wish to consider the 3 dwelling option but with a maximum suggested bedroom size of 3.



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It should be noted however that a previous planning approval under reference 15/01016/OUT approved some larger dwellings in close proximity to this application site, so the proposed plot sizes would be in keeping with the character of the area, should the larger dwellings be your preferred option.

Green Lane is an adopted highway and upgrading works were requested via condition on the previously mentioned 15/01016/OUT permission. The Local Highway Authority have been consulted on this proposal but have not yet responded to date, I will forward these comments to you once they have been received. You may also wish to explore this in more detail direct with the Highway Authority to discuss additional usage of Green Lane and the approved additional access point already allowed, however please note that whilst 15/01016/OUT has been granted, no application for reserved matters has yet been received by the Local Planning Authority.

At present the road is not suitable for waste vehicles to travel down to collect the refuse and consideration would be required on how the residents would be able to dispose of waste whilst complying with the 30 metres distance required by building regulations.

The Council has no adopted space standards however the NPPF's core planning principles advises that we should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings". I think it would be beneficial to ensure that should a planning application be submitted, sufficient outdoor private amenity space is allocated for each dwelling.

It is acknowledged that whilst there are no services within the village of Easthorpe the site is closely related to the village of Bottesford, which is considered to be a highly sustainable location. A planning inspector concluded that the village had good access to the services and transport facilities in Bottesford so as not to compromise sustainable development objectives. (Appeal reference: APP/Y2430/A/10/2123092). This was a material consideration in granting application 15/01016/OUT.

General

Should you wish to pursue the proposal the application will need to be supported by a series of background information and an ecology survey of any outbuilding to be demolished. Please refer to the Council's adopted 'local list' of validation requirements as follows:
http://www.melton.gov.uk/environment_and_planning/planning/submitted_an_application/validation_requirements/local_list_requirements.aspx

The comments outlined in this letter represent the views of the Officer only and are not prejudicial to the views of the Borough Council. Any planning application will be subject to formal consultation process and it may be that something is raised which has not been considered as part of this pre application. Should you wish to discuss this matter further please contact me at these offices.

Yours faithfully

Louise Parker
Planning Officer
Development Control.

Jill Jackson

From: Louise Parker [lparker@melton.gov.uk]
Sent: 16 September 2016 10:50
To: 'W R Davidge'
Subject: FW: Pre application advice Land East of Vale End House, Green Lane, Easthorpe

Good morning Mr Kilsby

Following on from our previous conversations in relation to the above, please find below the comments of the Local Highway Authority received today.

Again I apologise for the delay in these comments, as always should you require anything further please do not hesitate to contact me.

Kind regards

Louise

From: David Hunt
Sent: 16 September 2016 10:44
To: Louise Parker
Subject: Pre application advice Land East of Vale End House, Green Lane, Easthorpe

Louise

I have looked at the site and the submitted documents and my thoughts on the proposed development are outlined below:

The County Highway Authority advised 'no objection' to a scheme for 9 dwellings next door (Easthorpe Lodge) to the proposed development site in 2015 (LPA ref: 15/01016/OUT) subject to conditions including off-site improvements (visibility splays and widening) to Green Lane and provision of footway on Green Lane.

In the observations for the above application the CHA pointed out that although the proposal will lead to intensification in use of Manor Road which due to its width and alignment does not fully meet normal highway standards. However it is unlikely that the proposed development will generate such a high volume of traffic that it would create severe harm for highway users. For this site the fact that there are only 2-3 dwellings would only create a negligible impact on the highway and could in no way consider 'severe' for other highway users.

In terms of the access to the proposed development I understand they will be using the access from the approved application above so the CHA would need some written confirmation / legal documentation to prove that the Applicant for this proposal has a right of access over the adjacent land. If this legal agreement is not in place or the construction works for 9 dwellings does not proceed before this Application comes in then the Applicant will need to provide an alternative arrangement to access the site which should be designed in line with the guidance set out in the 6Cs Design Guide (www.leics.gov.uk/6csdg) for the number of dwellings proposed.

As far as I can see the Applicant hasn't indicated the number of bedrooms each unit, however the parking requirements for the size of dwellings is also in the 6Cs Design Guide. Car parking spaces should have minimum dimensions of 2.4 metres in width and 5.5 metres in length. Where bounded by walls, fences, vegetation or other similar obstruction, a minimum additional 0.5 metre clear margin will be required to allow full access to and from all car doors (including the boot). For

a garage to count as a parking space, it must have minimum internal dimensions of 3 metres width and 6 metres length.

It should be noted that the above response represents Officer opinion at this pre-application stage and does not prejudice any advice that the County Highway Authority may provide in connection with this or any other development in future.

Regards
David Hunt
Transportation Engineer
Highways Development Management
Environment and Transport Department, Room 700

Please consider the environment before printing this email. Thank you

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