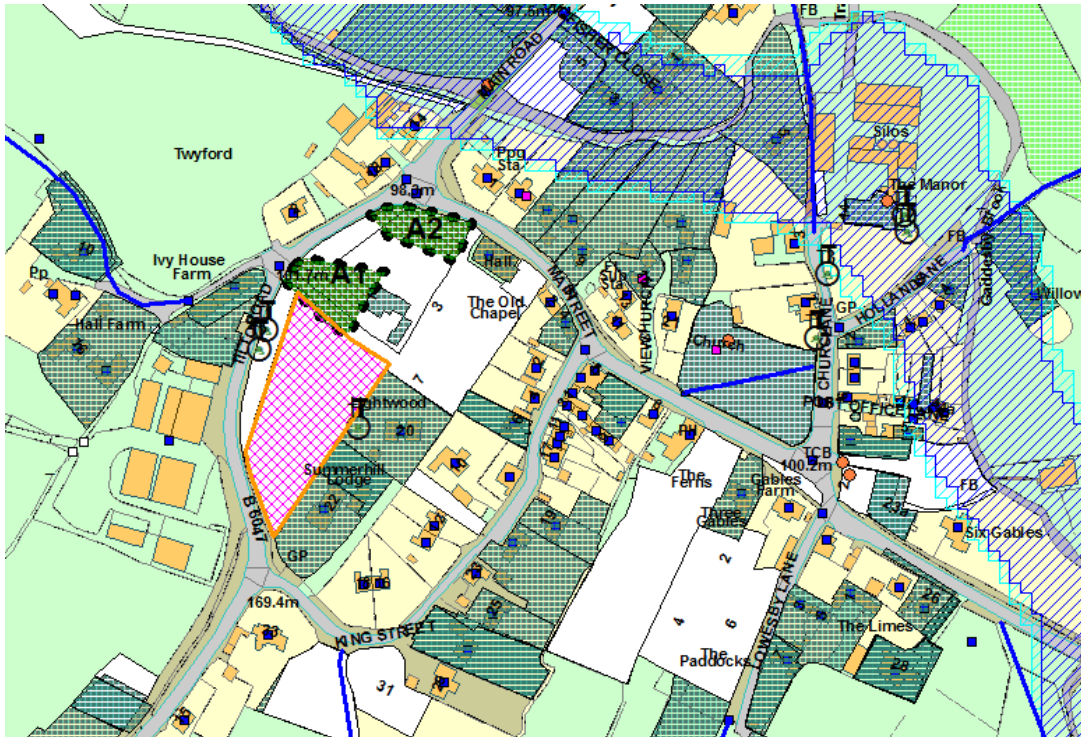


Reference: 15/00935/FUL
Date submitted: 23.11.2015
Applicant: Gile Developments Ltd:- Mr Clive Giles
Location: Land To South Of 1 Tilton Road. Tilton Road, Twyford, LE14 2
Proposal: Proposed 8 No dwellings.



The application is reported back to Committee following deferral this on 22nd December 2016 to consider

1. Highway impact
2. The amenity on 22 Tilton Road
3. Landscape improvements
4. Affordable housing/starter home provision.

In response to this the applicant has:-

1. Undertaken detailed assessment by consultant and by the Highway Authority, both of whom conclude that the impact of the traffic generated by 8 new dwellings would not be severe and accordingly can not be ground on which to refuse the application.
2. a) Through a condition on levels and further 'digging in' the house will be proposed on plot B subject to this not adversely affecting drainage
b) Plot B has also been re-sited north-west approximately 1 metre further away from the existing property.
c) The first floor window from m plot B has been totally removed
3. a) Hedging is to be planted along the border with a fence inside this until it grows up but the face to no 22 will be hedge.
b) Provision of screen planting being included in the landscaping scheme for the development will be firmed up through condition with drawing no A004c shows the indicative landscaping scheme that we can use as a basis for discussions.

4. Negotiations have been had between the agent and the Nottingham Community Housing Association and it is hoped that exact agreements on tenure can be achieved here outside of planning procedure. As before the application represents a good housing mix and reflects local needs as identified in the most recent 2016 report, but does not include proposals for affordable housing (including shared ownership or starter homes).

At the time of the report publishing 2 representations have been received.

Proposal :-

This application seeks **full planning permission for 8 dwellings**. There will be a mix of property types, with four 2 bedroom properties, two 3 bedroom properties, two 4 bedroom properties. As part of this application full plans have been submitted detailing the site layout and floorplans and elevations of the houses proposed.

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**
- **Impact upon ecology**
- **Highway safety**

The application is presented to the Committee due to the amount of representation that has been received.

History:-

08/00657/FUL - Construction of new dwelling in existing paddock.

Planning Policies:-

Melton Local Plan (saved policies):

Policy OS1 – This policy states that planning permission will only be granted for development within the town and village envelopes where the form, character and appearance of the settlement is not adversely affected, the form, size, scale, mass, materials and architectural detailing is in keeping with the character of the locality, the proposal would not cause undue loss of residential privacy, outlook and amenity enjoyed by occupants of existing nearby dwellings and that requisite infrastructure, such as public services is available or can be provided and that satisfactory access and parking provision can be made available.

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 H6 – This policy states that planning permission for residential development within village envelopes will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

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

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

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

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

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

On Specific issues it advises:

Promoting sustainable transport

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

Delivering a Wide choice of High Quality Homes

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

Require Good Design

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

Conserving and enhancing the natural environment

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

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

Consultations:

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: Initially recommended refusal of the application as there was a failure to demonstrate that an appropriate and safe vehicular access would be provided to the proposed development. There was also concern over the internal layout as there was insufficient turning areas and insufficient parking areas.</p> <p>A new fence is to be provided to the rear of the splay to the north of the site access. A fence here would not be acceptable as it would be likely to impede visibility out of the access to nos. 1 -7 Tilton Road. Therefore this fence should be removed from the plan and the whole length of the existing visibility splay provided to serve that access should remain free from obstruction.</p> <p>Conditions have been recommended</p> <p><i>Speed survey issues</i> There was a concern that the speed survey was done during a time of year when there was roadworks being carried out and during a time of year where results could not accurately reflect the conditions of the area.</p>	<p>Following these comments amendments obtained With the provision of 2.4 metre by 65 metre and 45 metre visibility based on measured speeds, the visibility splays shown are considered appropriate. Parking numbers have been increased in line with 6cs requirements for parking to bedroom ratios</p> <p>This has been achieved.</p> <p>Noted; conditions can be applied to any permission granted.</p> <p>The Highway Authority are satisfied with the details of the survey, namely that the speed readings were taken over a 7 day period which is an acceptable length of time to carry out such a survey. The fact that the survey was carried out in the winter months and not during the summer months is not a relevant issue. The fact that speed readings may have been taken on other lengths of the B6047 between Tilton and Thorpe Satchville is not relevant to this site, only measured speeds passing this site are relevant, and it has been deemed appropriate the splays are appropriate.</p> <p>Furthermore the visibility splays have been sought are for speeds slightly higher than the ones shown in the speed survey submitted by the applicants and more in line with historic speeds that the Highway Authority have available.</p> <p>Finally, there is no record of any recorded personal injury road traffic accidents within the village that would point to a potential highway danger that this development would create with the visibility splays that have been asked for.</p>
<p>Parish Council: 08 Jan 2016 Issues are that the field is a green space, Too many properties proposed & access issues onto busy B6047.</p> <p>01 Jul 2016 A number of Twyford residents have expressed their concern over the findings of a revised highways observations report dated 13/6/16. They state that the measured speeds were taken at the time road works were in place & that no</p>	<p>The green space allocations is discussed in the policy section and the highway concerns are addressed above</p> <p>See above from the Highway Authority.</p>

account was taken that winter months were quieter than those in the summer. The Parish Council wish to support these views.	
--	--

Representations:

A *site notice* was posted and neighbouring properties consulted. As a result **15 representations** object **are detailed below.**

Representations	Assessment of Head of Regulatory Services
<p>Highway Safety The proposed driveway for the development seems to be right on a difficult bend, making turning left and right into and out of the development extremely difficult if not dangerous.</p> <p>The B6047 is a very busy road and despite the 30 mile limit, traffic regularly exceeds the limit. This road is a nationally renowned route for motor bikes and at weekends during the summer there is a constant stream of bikes through the village, also exceeding the speed limit. The proposed site entrance is on a bend with very limited visibility which would make exiting on to the main road and stopping to turn right into the development dangerous.</p>	<p>See above in the Highway Authority section above</p>
<p>Character of Area</p>	<p>The site makes good use of the space proposing more dwellings at its widest part and two proportionate dwellings at the thinnest southern part. This scheme will be slightly different to the layout of Twyford but that is only because of the character of this open space. Amendments have been made to improve the design of the buildings and proposes wooden fenestration to reflect the rural locale. The largest houses to the south are still not much different to the scale of other houses in the village and the smaller houses in the northern part add some choice to the village.</p> <p>With condition on landscaping it is hoped that further improvements can help this development fit into the local area well and as such the proposal is considered to be visually acceptable and complies with policies OS1 and BE1 of the Local Plan and the core principles of the NPPF.</p>
<p>Development is on green space The allocation of this land is identified at protect open space under policy BE12.</p>	<p>Whilst policy BE12 (relating to a protected open area (POA)) is a ‘saved’ local plan policy from the 1999 Melton Local Plan, the evidence base being prepared to inform the new Melton Local Plan has reviewed all of those areas currently afforded the POA status under the new ‘Local Green Space’ designation and criteria as defined with the NPPF (paragraph 77). As such Policy BE12 is considered to be incompatible with the NPPF and, under para 215 of the NPPF, the content of the latter should take precedence.</p> <p>Twyford’s POA’s have been reviewed using the criteria for LGS in the ‘Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study’ September 2015.</p>

	<p>This has established that the application site is not suitable as a 'Local Green Space'. The application site has no 'public use' being in private ownership and inaccessible to the public. It is considered to be an enclosed space with weak functionality, but does contribute to the open spaces within the built form.</p>
<p>Residential Amenity Springfield House, (Number 1 Tilton Road) The development proposed will overlook our property and impact upon privacy</p> <p>22 King Street the main living accommodation windows, (lounge, dining room, study and main bedroom) face west and will be visually adjacent to the two storey properties on Plot A & B and will, therefore, feel dominated by the buildings.</p>	<p>The nearest rear windows of the new houses proposed are 24.8m away from that on number 1 Tilton Road. Usually accepted separation distances on window to window relationships is 21m, and therefore this measurement exceeds this and therefore should not therefore cause an unacceptable loss of privacy.</p> <p>The side windows facing number 22 have been removed in order to protect privacy. The other elevations are sufficient distance away so as not to cause a significantly negative impact upon amenity.</p> <p>The land slopes slightly away to the north-east with the proposal having a maximum ridge height of 7.5 metres and as such does not exceed the height of the existing dwelling at 22 King Street.</p> <p>Whilst the proposal would sit close to that of the existing property, the orientation and alignment has been designed so that the rear elevation, incorporating the dormer windows, faces out onto the area of open land to the north-west and the front south-eastern elevation onto the existing driveway. Both the front and rear elevations would be in alignment with that of the existing dwelling and the design and layout are such that it is not considered to create an overbearing, overshadowing or overlooking impact on that property. With only ground floor openings proposed on the south-western side elevation the privacy of this property has been protected. The proposed garage has also been sited in the north-eastern corner of the plot so as to limit any impact. Further concerns relating to harmful impact created by the proposal on this existing property can be addressed with a condition removing the permitted development rights in relation to extensions or buildings erected within the curtilage of the proposal.</p> <p>The proposed dwelling would be set off the boundary with 22 King Street which itself is well set into the site. Although there would be an impact the siting, design, scale and size would ensure the impact would not be undue. Properties to the east would be separated by the access drive and long rear gardens and the impact would be</p>

	<p>limited.</p> <p>The distance of the proposal from the neighbouring properties, together with suitable boundary treatment, would ensure the residential amenities of these neighbouring properties would not be unduly harmed and as such would result in a satisfactory relationship. The development would also provide a satisfactory level of amenity space for both the existing property at 22 King Street and the proposed new dwelling. Therefore it is considered that the proposal complies with policies OS1 and BE1 of the Local Plan and the core principles of the NPPF.</p>
--	--

Other Material Considerations, not raised through representations:

Consideration	Assessment of Head of Regulatory Services
Sustainability of village	It has been acknowledged in recent appeal decisions that Twyford is reasonably sustainable location for new housing. Furthermore. Emerging Local Plan policy points to allowing groups of up to three dwellings subject to strict criteria. The scheme presented proposed houses of reflective character and bedroom mix that reflects local needs.
Housing needs and proposed housing mix	The house types proposed offer housing for those new to the housing market with half of the property stock being two bedroom houses and two being three bedroom properties.
Flood risk	It is not considered the proposal would increase flood risk elsewhere and the users of the site would not be at risk.
Planning Policies and compliance with the NPPF	<p>The application is required to be considered against the Local Plan and other material considerations. The proposal is contrary to the local plan policy OS2; however, the NPPF is a material consideration of some significance because of its commitment to boost housing growth. The NPPF advises that local housing policies will be considered out of date where the Council cannot demonstrate a 5 year land supply and where proposals promote sustainable development objectives it should be supported.</p> <p>The Council’s most recent analysis shows that there is the provision if a 5 year land supply and as such the relevant housing polices are applicable.</p> <p>However, the 1999 Melton Local plan is considered to be out of date and as such, under pars 215 of the NPPF can only be given limited weight.</p> <p>This means that the application must be considered under the ‘presumption in favour of sustainable development’ as set out in para 14 which requires harm to be balanced against benefits and refusal only where “any adverse</p>

	impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”
<p>The (new) Melton Local Plan – Pre submission version.</p> <p>The Pre Submission version of the Local Plan was agreed by the Council on 20th October and is currently in a period of consultation from 8th November – 19th December.</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 Pre Submission version of the Local Plan identifies Twyford as a ‘rural settlement’ in respect of which, under Policy SS3, development of up to 3 dwellings would be acceptable, subject to satisfying a range of criteria specified.</p> <p>Policy EN6 states that Development proposals will be supported where they do not harm open areas which contribute positively to the individual character of a settlement.</p>	<p>Whilst clearly the Local Plan has progressed by advancing to Pre-submission stage, it remains in preparation and as such can be afforded only limited weight. This is also reduced by the fact that there has yet been any consideration of the consultation responses received.</p> <p>It is therefore considered that it can attract weight but this is quite limited at this stage.</p> <p>The proposal is contrary to the emerging local plan in terms of both its scale and physical impact (see applicable policies opposite, and description of impacts on open space above) which it is considered adds the harmful impact of the proposal.</p>

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.

The proposal is for a scheme where half of the eight houses will be two bedroom houses suitable for first time buyers and people on more modest incomes. Furthermore the Somerby Ward where this application sits requires 39.6% of properties to be 2 bedrooms therefore the scheme helps to meet evidenced local need as identified in the August 2016 study. Accordingly, the application represents a vehicle for the delivery of market housing for those new to the market of the appropriate quantity, in proportion with the development and of a type to support the local market housing needs. Twyford is considered to be a reasonably sustainable location where primary education and other services can be assessed. It is considered that there are material considerations **of significant weight in favour** of the application.

The site, and Twyford generally, is considered to perform reasonably well in terms of access to facilities and transport links: those in the immediate vicinity. However, there remain deficiencies, most obviously in relation to education, shops, health care and leisure/recreation.

It is considered that balanced against the positive elements are the specific concerns raised in representations, particularly the development of the site from its green field state in a prominent location and the position in the Emerging Local plan, which would weigh against this proposal.

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 and affordable housing in particular. The balancing issues – development of a green field site, impact on the character of the village and limited sustainability – are considered to be of limited harm, but it is accepted that this is a finely balanced case.

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: Approve subject to conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. No above ground construction shall take place until details of the materials to be used of the external elevations and roofs have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
3. No above ground construction shall take place until a plan showing a detailed soft and hard landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall include details of:
 - a. any existing trees, shrubs, hedges, water bodies to be retained and measure of protection in the course of development;
 - b. new tree and shrub planting, including plant type, size, quantities and locations;
 - c. other surface treatments;
 - d. fencing and boundary treatments;
 - e. any changes in levels or contours;
 - f. the position of service and/or drainage runs (which may affect tree roots).
4. The approved landscaping scheme shall be carried out within one year of completion of the development and any trees, hedges, shrubs or plants which within a period of 5 years from the completion of the planting 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 District Planning Authority gives written consent to any variation.
5. No development shall commence on site until details of the existing and proposed ground levels and finished floor levels of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity.
6. No development shall commence on site until full details of the means of foul and surface water drainage for the site have been submitted to and agreed in writing by the Local Planning Authority. Before first occupation of the dwelling, the drainage works shall be satisfactorily implemented in accordance with the approved details.
7. 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.
8. Before building works commence, the proposed visibility splays shown in each direction out of the site on the amended plan (drawing No. A003 Rev. F), of 2.4 metres by 65 metres to the south and 45 metres to the north shall have been provided and cleared of all obstruction exceeding a height of 600mm above the level of the adjacent carriageway. Once provided these splays shall thereafter be permanently so maintained.
9. Before 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.

10. Before first occupation of any dwelling, hereby permitted, the proposed turning facility shown on the submitted plan, shall have been provided, hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained
11. The car parking and any turning facilities shown within the curtilage of each dwelling shall be provided, hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.
12. Notwithstanding the details shown, no fence or other such obstruction shall be placed within the limits of the existing visibility splay, provided as part of the access works to serve Nos. 1 - 7 Tilton Road
13. The development hereby approved shall conform the Building for Life 12 checklist as submitted to the local planning authority on 8th November 2016.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent re-enactment with or without modification) the dwelling hereby permitted shall not be extended nor buildings positioned within the curtilage of the dwelling without the prior permission of the Local Planning Authority granted on applications submitted in those regards.
15. The development hereby permitted shall be in accordance with the following approved plans drawing numbers A002 Revision F; P002 Revision D; A003 Revision F, A004 Revision D and A005 Revision C received by the local planning authority on 7th February 2017.

Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the Local Planning Authority to retain control over the external appearance and to accord with BE1 of the Melton Local Plan 1999.
3. To ensure that the Local Planning Authority can exercise proper control over the visual appearance of the area and in the interests of visual amenity.
4. To ensure that the Local Planning Authority can exercise proper control over the visual appearance of the area and in the interests of visual amenity.
5. To ensure a satisfactory form of development which is compatible with the character of the surrounding locality and to accord with the BE1 of the Melton Local Plan 1999.
6. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
7. To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.
8. To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
9. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.
10. To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road

users.

11. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
12. In the interests of highway safety
13. To ensure the development conforms to the highest design codes in accordance with BE1 of the Melton Local Plan 1999.
14. In the interests of visual and residential amenity.
15. For the avoidance of doubt.

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

Date: 8th February 2017