

**Committee Date: 19<sup>th</sup> November 2015**

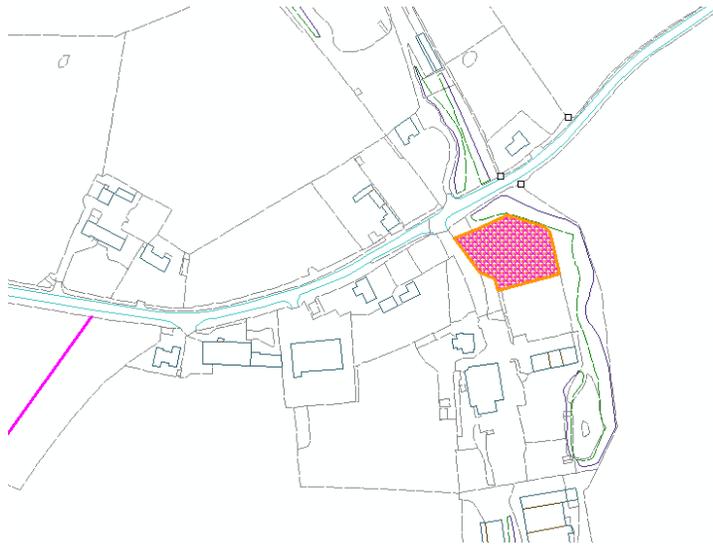
**Reference:** 15/00710/FUL

**Date submitted:** 11.09.2015

**Applicant:** Mr and Mrs L Atton

**Location:** Station House, Station Road, John O'Gaunt, LE14 2RE

**Proposal:** Proposed dwelling on land adjacent to Station House



**Proposal :-**

This application relates to full planning permission for the erection of a dwelling on a site which is formerly rural industrial land. The site is known as Rural Industries and is situated along Burrough Road, John O'Gaunt. The site lies within the open countryside and is designated as employment land. The site was formerly a railway station yard and was adjoined by a creamery (dairy), planning permission was granted for the industrial use in the 1980's. The application site sits to the front of the industrial estate on former grazing land; the land levels are higher to the east (railway cutting) and to the north abutting the highway. Access to the site would utilise the existing access serving Station House and the industrial units to the rear of the site.

The application is presented to Committee due to the number of support letters that have been received.

### **Relevant History:-**

**10/00132** - Construction of 3 bed dwelling to replace 3 x industrial units. Application refused on the 8<sup>th</sup> April 2010 due to unsustainable location and loss of employment.

**09/00526/FUL** – Withdrawn – Erection of one detached dwelling.

**92/00138/FUL** – Proposed change of use from light industrial use to saddle manufacture and trade sales area, Unit 1 – approved 14<sup>th</sup> April 1992

**87/00507/OUT** – light industrial units subject to conditions for site layout, the no., siting, design and external appearance of the buildings; the landscaping of the site; and the means of access from the site to the highway; the means of disposal of foul and surface water from the site. Approved 10<sup>th</sup> September 1987.

**87/00750/REM** – Permit Phase 1 erection of 2 of the proposed 9 units. Included in the application were the details of the site layout including no. of units; landscaping, means of access; design details for units 8 and 9 only. Approved

**82/00557/OUT** – proposed workshop units – Approved 29<sup>th</sup> June 1984.

**82/00282/FUL** – proposed light industrial, class 3, part of former creamery – approved 3<sup>rd</sup> August 1982.

**81/00390/FUL** – alterations and extensions (light industrial class 3) former creamery – approved 4<sup>th</sup> August 1981.

**80/00642/FUL** – Change of use of creamery to light industrial use. Approved 14<sup>th</sup> January 1981.

**80/00225/FUL** – proposed change of use of part creamery (boiler house) to form industrial use. Approved 13<sup>th</sup> May 1980.

### **Planning Policies:-**

#### **Melton Local Plan (saved policies):**

Policy OS2 - carries a general presumption against development outside town and village envelopes except in certain instances such as development essential for agriculture and forestry, small scale employment, tourism and recreation development, development for statutory undertakers and telecommunications operators, changes of use of existing buildings and affordable housing.

Policies BE1 allows for development outside of the Village Envelopes providing that 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 EM/3: Planning permission will be renewed for employment development at the following sites shown on the proposals map (which had planning permission for employment development at 1st April 1994) in the event of planning permission lapsing: includes 1.9 ha at John O Gaunt.

#### **Melton Borough Council Employment Land Study:**

**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 offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

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

- always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and building
- take account of the different roles and character of different areas, promoting the vitality of main urban areas, protecting Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- encourage the effective use of land by reusing land that has been previously developed (brownfield)
- 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 relevant to this application it advises:**

**Building a strong competitive economy**

- Planning should encourage growth, not prevent it and should plan proactively to encourage economic growth
- The planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.
- Significant weight should be given to the need to support economic growth

**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

As stated above, s38(6) requires determination to be in accordance with the Development Plan unless other material considerations indicate otherwise. This is reinforced by paragraph 11 of NPPF. These form the relevant Development plan policies and they remain extant.

**Consultations:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Highway Authority</b> – No objection.</p> <p>The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011. Consider sustainability issues, and also consider whether the access is suitable for additional traffic</p>	<p>Access would be utilised from Station Road which serves the industrial site and the occupiers of Station House. It is proposed to take an access off the driveway to serve the proposed dwelling. The Highways Authority has not raised any objection and has referred to standing advice. Matters relating to visibility and access widths are considered to be acceptable however due to the location outside of any settlement it is not considered that the proposal supports the NPPF in promoting sustainable modes of transport. Whilst a dwelling is considered to generate less traffic than industrial units future occupiers would be heavily reliant on the private car to access everyday services.</p>
<p><b>Parish Council</b> – No comments received at the time of drafting the report.</p>	

**Representations:**

A site notice and press notice was posted and neighbouring properties consulted. As a result 19 letters of support from 18 separate households/neighbours have been received commenting on the following;

<b>Representation of support</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Residents</b></p> <p><b>Highways</b> Don't wish to see any more commercial development traffic generated from the Burrough Courts already creates issues at 'rush' hour in the vicinity</p>	<p>The addition of one dwelling is considered to have less impact upon the traffic movements to the site. However the site lies in open countryside where dwellings are not supported unless it is specifically related to agriculture, forestry, or other worker dwellings which support the management of the countryside.</p>

<p>A dwelling in place of three more industrial units would generate less vehicle movements. John O’Gaunt already experiences peaks of high traffic.</p> <p>A house and it's related traffic, would cause less noise etc. than the original plan for industrial units</p> <p><b>Demand/Need</b></p> <p>There is enough industry with the vicinity and the dwelling will be completed in such a way that will enhance this small hamlet</p> <p>Understand the need for industry in rural areas but due to planning restrictions being relaxed, farmers and others have been encouraged to convert their buildings and even build new. Resulting in an expansion at Burrough Court half a mile to the east.</p> <p>There is no demand for the three units as there is spare capacity at Burrough Court - there is demand for three bed houses in John O’Gaunt.</p> <p>Lovely site for a house far better than industrial units</p> <p>Its an unoccupied site, in a time when we need to be building houses in the current housing shortage.</p> <p><b>Social</b></p> <p>The family have been a vital part of the community for many years and this proposal would allow family members to remain in the village.</p> <p>Allowing the proposal will ensure that the family members can look after the industrial units and the parents who live on site.</p> <p>A new house will enhance John O’Guant.</p> <p>It improves the site without detriment to the immediate neighbourhood and an additional residence will improve security for existing industrial units. There is still sufficient land available for industrial development should it be required in the future.</p> <p>.</p>	<p>The site is not considered suitable for residential development due to being in the open countryside and not served by good public transport links. Whilst planning requirements have been relaxed this is to encourage change of use of redundant buildings to support both economic and residential. The proposal seeks to provide a new building dwelling in a location that is not supported by services and would create a dwelling in a fairly isolated location away from sustainable settlements and transport links.</p> <p>The NPPF at paragraph 55 seeks to restrict dwellings in the open countryside unless there is an essential need to live at that location. Whilst the applicants have provided a statement to support the application, they are not required to live on the site for the purpose of the business uses. There is a desire for the applicants to retire and allow the son to manage the site. The social argument put forward by the agent is to allow support of the family members and provide a dwelling that would support the applicant’s needs, indicating that it would be built to Life Time Homes standards. This on its own is not sufficient justification to allow a dwelling to be constructed in unsustainable locations and it is not considered that the proposal is supported by the NPPF core planning principles at paragraph 17.</p> <p>There is already a dwelling on the site; Station House, which is occupied by the applicant. The application does not seek special dispensation as a workers dwelling in the open countryside and it is considered that it will not meet the criteria of policy OS2 and NPPF and cannot be supported.</p> <p>The site is currently a greenfield paddock with no presumption in favour of development. The site is not derelict or unkempt and whilst the NPPF seeks to recognise the roles the countryside makes it is not considered that the dwelling would make a wider contribution to enhancing the countryside.</p>
<p><b>Tenants of Rural Industries:</b></p> <p><b>On site security would benefit all users of the site:</b> A dwelling on the site would provide 24hrs surveillance of the site.</p> <p>It will have little impact or no impact upon the</p>	<p>The application seeks planning permission for a market house dwelling which will be occupied by the site owner’s son, who currently works at the site himself. The applicant already lives on the site at Station House. No justification has been put forward for a further dwelling on the site and it is not considered that there would be any control mechanisms in place to restrict</p>

surroundings	the occupier of the dwelling. The application is proposing an open market dwelling house.
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**Other material considerations (not raised through consultation or representation)**

<b>Visual Impact.</b>	The dwelling would be situated to the front of the industrial site which is currently laid to grass and has been used as grazing land. Access to the dwelling would utilise the existing site access from Burrough Road. The land slopes from north to south and the dwelling would not be viewed from approach from the east due to the embankment along the eastern boundary and the land being raised to the north along the highway. It is considered that a dwelling in this location would not be visually intrusive; there are other residential dwellings within the vicinity.
<b>Impact on residential amenity</b>	There are other residential dwellings to the north, northwest, west and southwest of the application site. The adjoining properties are some distance from the proposed site that it is considered that a dwelling in this location would not have a detrimental impact upon any residential amenities. The application has received support from the neighbouring properties.
<b>Design and scale</b>	<p>The proposal seeks to provide a two storey, large 3 bed dwelling with a linked double garage, covered bin storage and workshop area. The front elevation presents a central gable frontage with two narrow sash windows either side at ground and first floor level and achieves a symmetrical appearance.</p> <p>The dwelling would occupy a footprint of approximately 124 metres square, which is larger than a standard three bedroom dwelling, which there is a recognised shortage of within the Borough. The internal layout ensures that the dwelling can comply with the Life Time Homes requirements to enable bedroom accommodation on ground floor level at a later stage for elderly or infirm residents. In that regards the house would be capable of meeting the local needs.</p> <p>The overall ridge height would be approximately 6.9 metres sloping to eaves height of 4.7 metres and the scale and massing is not considered to be of a size which would have a detrimental impact upon the area given the size of neighbouring properties.</p>
<b>Sustainable Design</b>	<p>It is proposed to install ground source and solar heating systems along with high levels of insulation to ensure the main energy efficiency targets can be met which will be monitored against Building Regulations.</p> <p>Whilst it is the applicants intention to construct a dwelling to modern energy efficiencies the unsustainable location is considered to outweigh any</p>

	<p>sustainable construction methods. Due to having poor public services any occupier will have to travel to meet every day needs, this would not reduce the reliance on the private motor vehicle which is high priority on sustainable objectives in the form of national planning policies as detailed above.</p>
<p><b>Loss of Employment</b></p>	<p>The proposal involves some loss of employment land and seeks to build a dwelling on allocated employment land safeguarded by local plan saved policy EM3.</p> <p>In preparation of the New Local Plan a review of the Borough's employment land has been undertaken and forms the Melton Employment Study, June 2015. The report updates and supersedes the previous employment land evidence base document, the Melton Employment Land Study (2006) and Update Note (2007), along with the Major Employment Sites Study (2009). This latest report assesses the demand, supply and need for employment land and premises in Melton. The methodology follows the 2014 Planning Practice Guidance (PPG) on the production of employment land reviews and seeks to grade the existing employment sites A to E and provides recommendations.</p> <p>This Employment Land Study will form part of the evidence base for policies and proposals in the emerging Melton Local Plan. As part of the review process, the Council is required to assess the level and quality of its existing employment sites and premises to help ensure an adequate supply of appropriate sites has been identified over the periods to 2031 and 2036. The study will therefore assess the suitability of existing employment sites, and make recommendations in respect of those that should continue to be safeguarded for B1/B2/B8 employment uses; identify sites that are no longer suitable for such employment uses (at least in their present form); and, identify the need for new allocations.</p> <p>The "Grade" refers to the consultant's professional opinion on the ranking that should be afforded to the individual area. This has been based on a number of factors – critical mass of the area, companies likely to cluster; accessibility, the closer to motorways and arterial roads the better; prominence, to main roads, and environment – setting of the location, servicing, parking and landscape treatment. For each element assessments are made as Poor, Average or Good. Combining this data leads to an overall hierarchical assessment banded A to E</p> <p>The site at John O'Gaunt has been assessed as 'good' achieving a rating of 'C' definition stating "local authority area, but primarily geared towards local businesses and B1 light industrial, B2 and B8 uses."</p>

	<p>the recommended action states “Plan Support”. It is therefore likely that the site will be allocated as employment land with the new Local Plan.</p> <p>The applicant has indicated that there is no longer a demand at the site and that the success of Burrough Court further along Station Road is meeting current demands. The NPPF states that planning policies should also “<i>avoid the long term protection of sites allocated for [B1/B2/B8] employment use where there is no reasonable prospect of a site being used for that purpose.</i>” It goes on to say that “<i>Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.</i>”</p> <p>Whilst a case could be made to warrant the release of the site from employment uses this would not in itself render it suitable for residential development. Given the location outside of any sustainable settlement it is not considered that a dwelling on this site, without convincing justification to support it, meets the other policy considerations in the NPPF and its core planning principles as set out above.</p>
<p><b>Application of the Development Plan Policies</b></p> <p>Contrary to local policies – clearly state resistance to development outside the village envelope, should be designed to harmonise with their surroundings, protected open areas should resist new development adversely affecting their character, sites of 10 or more dwellings should provide adequate public amenity space for passive recreation and should not adversely affect sites of ecological or geological interest.</p> <p>The NPPF states that development must include good standards of amenity, enhancing or maintain the vitality of local communities. As no amenities are planned these plans do not satisfy those requirements</p>	<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 as stated above the NPPF is a material consideration of significance, including 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. <b>Successive appeal decisions have concluded that the village envelope policy (OS2) is out of date in the context of housing proposals adjacent to village envelopes and should carry no weight.</b></p> <p>The Council cannot 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 development plan where harms are identified, such as impact upon sustainable development.</p> <p>The site is a greenfield site where there is no presumption in favour of development however the harm attributed against the development are required to be considered against the benefits of allowing the</p>

	<p>development in this location on an employment site.</p> <p>The provision of one dwelling, whilst there are no concerns with the design or impact upon residential amenity is not considered to offer significant benefit that weighs in favour of allow development in this location outside of any sustainable settlement</p> <p><b>It is considered that development in this location would not greatly assist in boosting housing growth as advocated within the NPPF and the poor sustainability of the location goes further against the approval for a dwelling in this location and the proposal should be refused.</b></p>
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### **Conclusion**

The application is for a three bed detached dwelling in the open countryside and a site designated as ‘rural’ employment’ land and it is not considered that the justification for allowing a departure from the development plan and National Policy that has been presented is sufficient to justify a departure from the plan. Whilst it would be difficult to seek to retain the site as an employment site given that expansion has not proceeded over the current plan period, the construction of a dwelling on this site would not support sustainable development objectives. The application for a dwelling has been presented as having wider community benefits by reducing vehicle movements, potential noise issues and safeguarding the character of the open countryside. It is proposed to use modern construction technologies to reduce its impact upon the environment. However the fact that residential development is not supported in the open countryside without justification is considered to outweigh any environmental benefits offered. Accordingly the application is recommended for refusal.

### **RECOMMENDATION: Refuse**

#### **Reasons:-**

1. In the opinion of the Local Planning Authority the proposal would, if approved, result in the erection of a dwelling in an unsustainable location where there are no local amenities, health care, education and retail facilities and future residents are likely to depend on the use of the car, contrary to the advice contained in NPPF in promoting sustainable development. It is considered that the positive elements of the construction are insufficient reason to depart from the guidance given in the NPPF on sustainable development in this location and would therefore be contrary to the "core planning principles contained" within Para 17 of the NPPF.

Officer to contact: **Mrs Denise Knipe**

28<sup>th</sup> October 2015