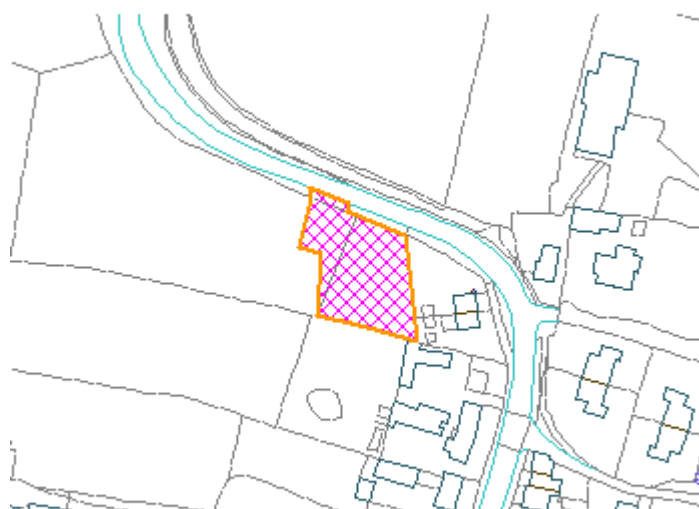


Reference: 15/01018/FUL
Date submitted: 24 December 2015
Applicant: Mrs Vivienne Percival
Location: 21A King Street Scalford Melton Mowbray
Proposal: Construction of new single storey dwelling and new vehicle access.



Introduction:-

This application was deferred at the planning committee of 16 June 2016 to in order to seek an alternative route for access. Information from the applicant has been received and is reported in the highway section below.

The application seeks full planning consent for one single storey dwelling with the provision of a new vehicle access. The site is located on the edge of the village heading towards Eastwell. The site sits on an elevated position behind the blind bend of the highway. There is open countryside to the rear and side, the plot would become the entrance to the village which hosts a mix of types and style of residential dwelling positioned to the east and south of the site fronting the highway leading into the village centre.

The site is located on the boundary of the village envelope of Scalford and is classed as countryside. Scalford is classed as a Rural Supporter settlement in the recent work carried out by the Council which has some services. The principle of small scale housing in such settlements can be supported provided all other issues can be satisfactorily addressed.

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**
- **Impact upon residential amenities**
- **Impact upon highways**

The application is required to be considered by the Planning Committee due to the applicant being related to a member of staff.

Relevant History:

No relevant planning history to the site.

Development Plan Policies:

Melton Local Plan (saved policies):

Policies OS1, OS2 BE1, H6

OS1 States that planning permission will only be granted for development within village envelopes where;

- 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 the character of the locality;
- The development would not have a significantly adverse effect upon the historic built environment or nature conservation features including trees;
- The development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity;
- Satisfactory access and parking can be made available.

BE1 states that planning permission will not be granted for new buildings unless among other things, they are designed to harmonise with their surroundings, they would not adversely affect the amenity of neighbours and there is adequate access and parking provision.

H6 states permission will be granted in village envelopes for residential development comprising small groups of dwellings or single plots.

OS2 seeks to generally restrict development in the countryside.

Policy C8 was not saved.

The National Planning Policy Framework was published 27th March 2012 and replaced the previous collection of PPS. It 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 the 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 establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively support sustainable economic development to deliver homes and businesses 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;
- Deliver sufficient community and cultural facilities and services to meet local needs;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focusing development in locations which are or can be made sustainable.

On Specific issues relevant to this application 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

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 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, and;
- Opportunities to draw on the contribution made by the historic environment to the character of a place.

The 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 paragraph 12).

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Highway Authority: No objection subject to conditions. These revised highway observations are made following receipt of amended details and in particular following receipt of the speed survey results. The applicants have demonstrated that a pedestrian crossing to and from the site would have appropriate	Noted. The proposed access has been amended following discussions with the Local Highway Authority. Amended details were received from the applicant following a speed survey which was carried out on the corner of the development to assess inbound traffic speeds in relation to pedestrian visibility.

<p>visibility splays to be able to cross safely.</p> <p>Although the proposal will result in turning traffic and pedestrians crossing Eastwell Road outside the 30 mph limit, given the speed of traffic passing the site, it would be difficult to demonstrate the proposal would generate severe harm.</p> <p>Additional Comments received following further information</p> <p>It is the view of the Local Highway Authority that the existing access to Clayfield Farm could not be improved sufficiently to meet full LHA standards, and is therefore not suitable to serve the development.</p> <p>This may also create internal parking and turning problems for the existing dwellings. Whilst the proposed vehicular access as submitted is not ideal, it is not so bad that the Local Highway Authority could support a highway reason for refusal.</p> <p>The provision of countdown markers on King Street would not be acceptable as they are not prescribed signs, however some form of gateway treatment would be acceptable, to try to help reduce the speed of traffic into the village.</p>	<p>Speeds were recorded at 29mph on the South bound approach to the new access which are considered to be acceptable without the requirement of further traffic calming methods or the re-location of the existing 30mph limit.</p> <p>Revised comments were sought from the Local Highway Authority who agreed that the applicants have demonstrated that a pedestrian crossing to and from the site would have appropriate visibility splays to be able to cross safely.</p> <p>Although the proposal will result in turning traffic and pedestrians crossing Eastwell Road outside the 30mph limit, given the speed of traffic passing the site, it would be difficult to demonstrate the proposal would generate severe harm.</p> <p>The submitted plans demonstrate that adequate parking and turning area can be provided to serve the dwelling and as such the development is considered to be acceptable in highway safety terms.</p> <p>It is not considered that the proposal would cause any highways safety issues. As such, the proposal is considered to meet the requirements of policy BE1 of the Melton Local Plan.</p> <p><u>Additional information</u></p> <p>The applicant considers that the alternative access via Clayfield Farm is not as good a solution as the proposed entrance option because:</p> <ul style="list-style-type: none"> • The visibility from this entrance is worse than the current proposal • It currently serves 2 separate properties - the additional dwelling would intensify this use which has a number of separate issues, particularly when the entrance itself is substandard. • The entrance width and kerb radius can be improved, however the access distance between existing buildings is narrow at 4.3 m. LCC design standards require 5.25m clear when passing between 2 walls close to the entrance • The addition of another dwelling via this access will involve relocation of parking into the garden areas at the rear of the properties • A driveway access to the proposed plot would have further amenity issues on the existing properties. <p>The proposed access included within the application is supported by traffic speed data which shows that the available visibility splays for both vehicles and pedestrians are achievable within design limits as required by LCC</p>
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	<p>Highways. However a series of speed countdown markers on the approach to the 30mph limit are proposed to alert drivers that they are approaching a reduced speed area.</p> <p>The additional information submitted does not alter the opinion of the Local Planning Authority and the conclusion remains that the proposal does not generate severe harm.</p> <p>The submission of countdown markers is noted however it would be considered more appropriate to request further details of a gateway entrance treatments should the proposal be approved.</p>
<p>Parish Council:</p> <p>The Parish Council has studied the information provided and has no comment to make on the building.</p> <p>However the Parish Council makes the following comments:</p> <p>The development is outside the village envelope</p> <p>The proposed new access will come out near a dangerous bend in the road where traffic speeds and sight lines are a problem and this would only increase the difficulties.</p> <p>The Parish Council therefore object to this application.</p>	<p>Noted</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.</p> <p>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 proposal promote sustainable development objective it should be supported. 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.</p> <p>Highways matters have been discussed above</p> <p>Noted</p>
<p>Building Control</p> <p>Fire and refuse access appears to be satisfactory</p>	<p>Noted</p>

Representations:

The application was advertised by way of a site notice at the application site. As a result of the consultation no letters were received.

Other Material Considerations Not Raised In Consultations:

Consideration	Assessment of Head of Regulatory Services
Appearance, Landscaping, Layout & Scale	The site is relatively well screened by mature planting and the applicant has submitted drawings

	<p>demonstrating that additional landscaping can be added to further screen the proposal.</p> <p>This should ensure that a dwelling would not have a significant negative impact upon the open countryside, subject to the submission of material samples.</p> <p>The location of the dwelling would be an acceptable distance from the closest neighbouring dwelling, and it is not considered that a dwelling in this location of the submitted scale and mass would have an impact upon the neighbouring dwellings.</p>
<p>Sustainability and Local Plan Compliance</p>	<p>The site is located on the boundary of the village envelope of Scalford and is classed as countryside. Scalford is classed as a Rural Supporter settlement in the recent work carried out by the council which has some services. The principle of small scale housing in such settlements can be supported provided all other issues can be satisfactorily addressed.</p> <p>The Council cannot demonstrate a five year supply of deliverable housing sites. Paragraph 49 of the NPPF states that relevant policies cannot be considered up-to-date when such a situation arises, in this case housing applications should be considered in the context of the presumption in favour of sustainable development embodied within the NPPF.</p> <p>Policies OS1 and BE1 of the Local Plan allows for development within the village envelope provided that the form character and appearance of the settlement are not adversely affected, the form, size, scale, mass, materials and architectural detailing of the development are in keeping with the character of the 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.</p> <p>Policy O22 seeks to generally restrict development in the countryside.</p> <p>The proposed dwelling would sit next to an existing residential use and form a continuation of development in this location, the village envelope can no longer be used to determine the principle of development and the key issues are therefore sustainability and the relationship between the proposed dwelling and the village. Scalford can provide small scale residential development and the site is well related to the village, bordering the boundary. As such, the principle of the dwelling can be supported.</p>
<p>Melton Borough Council Housing Needs</p>	<p>The NPPF recognises that housing should meet the</p>

	<p>needs of present and future generations (para 10). It continues to recognise the importance for local planning authorities to understand the housing requirements of their area (para 28) by ensuring that the scale and mix of housing meets the needs of the local population. This is further expanded in para 110-113, in seeking to ensure that housing mix meets local housing need. The Council's work on housing needs has identified a need for small units to address both the current shortfall and future demographic and household formation change which will result in an increase in small households and downsizing of dwellings.</p> <p>The proposed dwelling would be relatively small scale, comprising a 2 bedroom unit as such it is considered to meet with the desirable housing needs of the borough.</p>
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Conclusion

The application seeks permission to erect one single storey dwelling. The proposal would result in the dwelling occupying a sustainable location and whose design, size and massing is such that it is considered to result in a proposal that is in keeping with the character and appearance of the area and does not significantly harm the residential amenities of existing neighbouring properties. Furthermore, the proposal would not be harmful to the heritage assets in the locality.

Upon the submission of additional information the access via Clayfield Farm is not as good a solution as the proposed entrance option, a submitted drawing shows the issues.

The proposed access included within the application is supported by traffic speed data which shows that the available visibility plays for both vehicles and pedestrians are achievable within the requirements of the Local Highway Authority and as such there is no objection to the proposal from the Local Highway Authority.

The applicant has offered in addition a series of speed countdown markers on the approach to the 30 mph limit to serve as a visual indicator, these were not included originally as the submitted traffic speed data showed that approach speeds were less than 30 mph. The Local Highway Authority are not supportive of countdown markers on King Street as they are not prescribed signs, however have suggested some form of gateway entrance treatment would be acceptable to try and help reduce the speed of traffic.

As such the proposal complies with the above policies and guidance and the core principles identified in the NPPF.

RECOMMENDATION: Approve subject to the following conditions

1. The development shall be begun before the expiration of three years from the date of this permission.
2. This permission shall relate to plans
3. 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.
4. Before the commencement of development a plan showing a detailed soft and hard landscaping scheme shall be submitted to and agree in writing by the Local Planning Authority. This scheme shall include details of:
 - a. Any existing trees, shrubs, hedges and measures 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. Any changes in levels or contours;
 - e. Fencing and boundary treatments.
5. 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.
 6. 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 and no additional openings shall be inserted into walls or the roof without the prior permission of the Local Planning Authority granted on applications submitted in those regards.
 7. The proposed dwelling shall not be occupied until the proposed footway works as shown generally on drawing no 22013_08_020_01 rev A, have been provided and constructed to Local Highway Authority standards.
 8. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back to a minimum distance of 5 metres behind the highway boundary and shall be hung so as not to open outwards.
 9. The gradient of the access drive shall not exceed 1:12 for the first 5 metres behind the highway boundary.
 10. 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.
 11. The car parking and turning facilities shown within the curtilage of the dwelling shall be provided, hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.
 12. Before first occupation of any dwelling, the access drive shown serving the dwelling shall have been surfaced with tarmac, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
 13. Before development commences, minimum visibility splays of 2.4 metres by 43 metres shall be provided in each direction out of the access onto Eastwell Road. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 meters above ground level within the visibility splays.
 14. Before the dwelling is first occupied, a village gateway entry treatment shall have been provided on King Street on the approach to the 30mph speed limit, in accordance with details that shall first have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

The reasons for the conditions are :-

- 1 To comply with the requirements of Section 91 of the Town and Country Planning act 1990.
- 2 For the avoidance of doubt.
- 3 To ensure that the Local Planning Authority can exercise proper control over the materials used and the appearance of the building when completed, 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 that the Local Planning Authority can exercise proper control over the visual appearance of the area and in the interests of visual amenity.
- 6 In the interests of visual and residential amenity.

- 7 In the interests of pedestrian safety.
- 8 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
- 9 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.
- 10 To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway 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 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
- 13 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.
- 14 In the interests of highway safety

Officer to contact: **Miss Louise Parker**

Date: 27 June 2016