

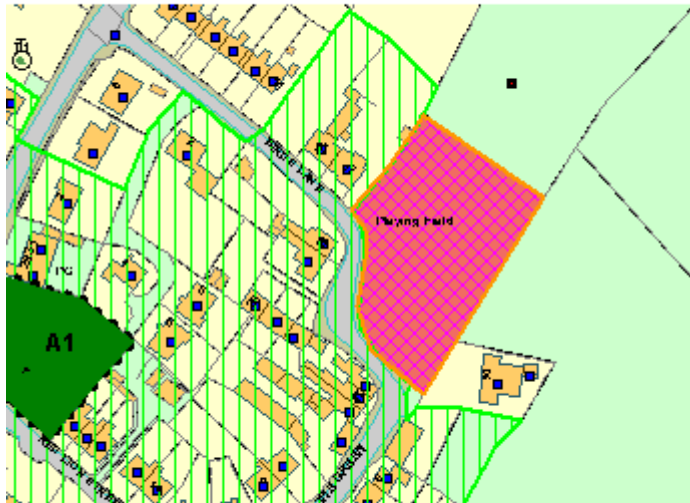
Reference: 16/00384/OUT

Date submitted: 08.06.2016

Applicant: Ms M Hourd

Location: Paddock Land, The Green, Stathern

Proposal: Outline planning permission with all matters reserved except for access, for a residential development comprising 5 dwellings.



Proposal :-

This application seeks outline planning permission for the development of the site to create five dwellings on land falling outside of the village envelope for Stathern. All matters are reserved other than access and vehicular access to the site is proposed from The Green. The site is currently undeveloped forming a paddock.

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 including on heritage assets**
- **Impact upon residential amenities**
- **Impact upon ecology**
- **Highway safety**

The application is presented to the Committee due to the number of objections received.

History:-

No relevant history.

Planning Policies:-

Melton Local Plan (saved policies):

Policy OS2 - This policy restricts development including housing outside of town/village envelopes. In the context of this proposal, this policy could be seen to be restricting the supply of housing. Therefore and based upon the advice contained in the NPPF, **Policy OS2 should be considered out of date when considering the supply of new housing.**

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 C15: states that planning permission will not be granted for development which would have an adverse effect on the habitat of wildlife species protected by law unless no other site is suitable for the development Policy C16.

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

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- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: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

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

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

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

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)

Conserving and enhancing the historic environment

- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

- In determining planning applications, local planning authorities should take account of:
 - 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.

- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Members are reminded of the general duty to give special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area (s72 of the LB and CA Act 1990). The site is adjacent to the Conservation Area.

Consultations:

Consultation reply	Assessment of Head of Regulatory Services
<p>Highways Authority: The applicant has now provided some further clarification on the points raised on the initial consultation response where the visibility splay was questioned. The plans show visibility splays of 2.4 metres by 19 metres and 2.4 metres by 15 metres. Whilst visibility at the access to these dwellings with Birds Lane and The Green may be impeded at times by parked vehicles, given the very low traffic volumes, personal injury collision data and speeds on this road, it is not considered the Highway Authority could substantiate a reason for refusal based on the advice in para. 10.7.1 of the Manual for Streets 2.</p> <p>The access arrangement includes a dropped kerb arrangement which would act as a give way to vehicles departing the site and manage potential conflict with existing traffic on Birds Lane. The rumble strip has been included on the site access as another intervention to reduce speeds and it is understood a Residents Group will be set up to deal with maintenance issues as the applicant does not wish the road to be adopted.</p> <p>Although Stathern lacks some shops and services it has to be acknowledged that the site is conveniently located in the middle of the village with good access to regular public transport serving larger conurbations such as Melton Mowbray and Bingham.</p> <p>On balance the proposal is considered acceptable from a highway point of view and conditions are recommended.</p>	<p>The application seeks outline permission for 5 dwellings with all matters reserved other than access which is to be taken onto The Green from the south-east corner of the site. A rumble strip is to be provided within the site and visibility splays would be achieved by removing part of the boundary hedges.</p> <p>The application is supported by a Highway Impact Statement and as set out above the Highway Authority raise no objection subject to conditions relating to the provision and retention of visibility splays, the provision of drainage, the provision of parking within the site, the provision of turning areas and a construction traffic management plan.</p> <p>On balance it is considered the proposal would not result in significant harm in transport terms and would not have a detrimental impact upon highway safety subject to the conditions as requested by the Highways Authority. The development would result in only an additional 5 dwellings with the site capable of providing adequate parking and turning areas.</p>
<p>Parish Council: This application was discussed at our Parish Council meeting and the Council have asked that their objection be raised to this application in its current guise.</p> <p>The main issue was regards to traffic on a very narrow road (Birds Lane). There are terrace houses adjacent to the development which have no parking so vehicles are parked on the road making turning out of the development difficult, particularly for any large delivery/construction vehicles or bin collection vehicles which may have to back out onto the road. As with adjoining roads in this particular area of the village, it is a popular route for walkers and horse riders and a school route and because there is no footpath on part of this road, pedestrians have to walk on the road.</p> <p>The area is described in Melton Borough Council's conservation area appraisal as ...a narrow twisting lane characterised by terraces of</p>	<p>The Highway Authority has considered the proposal and on balance raised no objection to the scheme, concluding adequate visibility could be provided to serve the development. They noted the relatively low volume of traffic and that although parked cars on the highway may at times impede visibility considering the limited volume of traffic, the personal injury collision data and speeds on the road, that there were no reasonable grounds to refuse the application.</p> <p>It is acknowledged there is a significant level of on street parking and the road is used by pedestrians including school children. However, the proposal relates only to a further five dwellings and adequate visibility for the access could be achieved. Although other dwellings have been approved in this part of Stathern it is not considered the cumulative impact is such to warrant a refusal. Furthermore, the Highway Authority are aware of these other applications and have raised no objection.</p>

<p>late nineteenth/early twentieth century brick properties with slate roof...' and the general character of the village is '...loose knit with dwellings interspersed with important open areas enhancing its character'. Because of the nature of Birds Lane with the S bend and narrow road, it is envisaged that traffic will have to travel along Red Lion Street which is the main school route in the village (Stathern Primary School). Red Lion Street is also narrow with a very narrow pavement down one side only.</p> <p>The addition of at least a potential 10+ more vehicles in this area is a concern particularly as Melton Borough are considering a development of additional houses on Tofts Hill with 7 parking spaces; have given approval for a new build on Tofts Hill already with associated parking and given approval for a bungalow to be turned into a 4-bedroom house with associated parking again on Tofts Hill. Toft's Hill also joins Red Lion Street at the same point as Birds Lane/The Green, channelling this additional traffic onto the school route. We would ask that the impact of all developments be considered collectively rather than individually and also that there is a traffic review in this area over at least 7 days so that weekend use is captured before any decision is made.</p> <p>Because this is agricultural land there will be increased run off if the field is developed which should be considered with the drains capacity in mind.</p> <p>The Parish Council has also conducted a survey asking people about development in the village and request this is taken into account when considering development in the village.</p>	<p>A condition regarding drainage can be imposed to ensure surface runoff from the access does not enter the highway.</p> <p>The Highway Authority has raised no objection to this and conditions can be imposed relating to visibility splays of the pedestrian access.</p>
<p>Trent Valley Internal Drainage Board: The site is outside of the Board's district but within the extended catchment area. There are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving water courses must not be increased as a result of the development.</p>	<p>Noted. An informative can be added in relation to surface water runoff rates not increasing to receiving watercourses.</p> <p>No objection is raised on the grounds of drainage.</p>
<p>LCC Ecology: no protected species were identified at the site and recommend a note is added to any permission granted to draw the applicants attention to the recommendation in the protected species report.</p>	<p>The application is supported by a protected species survey which concluded there were no signs or evidence of protected species on the site which is intensively grazed, species poor grassland and considered very low in ecological value with minimal potential to support rare species.</p> <p>The survey has a recommendation section which can be subject of a condition to protect and enhance the ecological value of the site.</p>

Representations:

A site notice was posted and neighbouring properties consulted. As a result **12 objections** were received which are detailed below.

Representations	Assessment of Head of Regulatory Services
<p>Highway Safety</p> <p>The development would result in additional traffic flow in an area where the flow of traffic is already severely impeded by on street parking. Pedestrian safety is already dangerously compromised by the limited provision of pavements on what is a very narrow road. Parents use the road on a daily basis to take children to school and there are sections where there is no alternative but to walk on the road. It is on a very narrow and sharp bend and the road is not wide enough for cars travelling in the opposite direction to pass. Children and horses regularly use this road and building would cause immense disruption to this quiet corner. There are always cars parked on the road including from customers of the Red Lion, walkers and residents making the road single track. Further houses would generate more parking demand including for visitors. Questions access for emergency and refuse vehicles.</p>	<p>The highway is narrow and used by pedestrians and as some houses do not have off street parking there are vehicles parked on the highway. However, the proposal relates only to five additional dwellings which would be served by on site parking and turning area and which would have an acceptable impact on the local highway network and highway safety. The Highway Authority raise no objection.</p> <p>It is considered the proposal would be acceptable in highway safety terms subject to conditions.</p>
<p>Visual Amenity</p> <p>This part of the village is in the Conservation Area. Development not in keeping with the area.</p>	<p>The site is adjacent to the conservation area and is currently an undeveloped open space. The nature of the site would materially change as a result of the development of 5 dwellings; however, the site is capable of satisfactorily accommodating these dwellings whilst retaining a large proportion of undeveloped space to ensure a rural appearance to the site. The indicative perspective plan illustrates a large open and landscaped space towards the front of the site with the dwellings set further in. Such a layout would allow the integration of dwellings within a landscaped setting and would preserve the character and appearance of the adjacent conservation area.</p> <p>All matters are reserved other than access and the design, layout and appearance would be considered at the reserved matters stage. It is however considered a scheme could be developed which would be visually acceptable.</p> <p>The proposal is in outline and matters of design, external appearance, landscaping and materials could be satisfactorily addressed at the reserved matters stage. The proposal would not be visually harmful to the character or appearance of the site or surroundings.</p>
<p>Ecology</p> <p>Removal of hedges could affect wildlife.</p>	<p>The proposal would result in the removal of some boundary hedging in order to achieve the visibility splays. However, the site offers scope for additional planting and the ecology survey did</p>

	<p>not find evidence of any protected species.</p> <p>The report does not conclude there are any ecological reasons the site could not be developed provided the mitigation contained within the report is adhered to. This could be the subject of a condition.</p>
<p>Residential Amenity</p> <p>A dwelling overlooks the paddock which is on a downhill gradient and neighbouring properties are considerably lower down and one of the proposed houses would be looking straight into an existing bedroom window.</p> <p>Rumble strips would create noise and nuisance.</p> <p>The development proposes trees and this could affect the light in existing houses.</p> <p>Loss of views.</p>	<p>The proposal is in outline with matters of design, external appearance and landscaping to be considered at the reserved matters stage. The site can adequately accommodate five dwellings whilst providing amenity space and a high level of amenity for future occupants of the proposed dwellings. Furthermore, careful consideration of siting, design and levels at the reserved matters stage can provide suitable protection of the residential amenities of occupiers of neighbouring properties. It is not considered the provision of the rumble strip would lead to an unacceptable level of noise as it is designed to ensure vehicles travel at a slow speed.</p> <p>The proposal is in outline and matters of design, external appearance and landscaping could be satisfactorily addressed at the reserved matters stage. The site is capable of accommodating five dwellings without undue harm to the residential amenities of neighbouring properties.</p>
<p>Drainage</p> <p>Above the paddock there are a lot of natural springs and water comes down the road with the paddock taking some of this water; the development would increase the run-off from the site. The proposal would increase the risk of flooding. There has been flooding recently,</p>	<p>The site is currently undeveloped and the proposal would lead to a significant increase in the amount of hardstanding. A condition can ensure there would be no increase in run-off from the site and a further condition can ensure no surface runoff from the access could enter the highway.</p> <p>Conditions can be imposed to ensure there would be no increase in surface water runoff as a result of the development.</p>
<p>Principle of Development</p> <p>A survey of the village demonstrated additional housing on this part of the village is not supported. The site is beyond the village envelope.</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 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. The Council cannot demonstrate a five year land supply.</p> <p>The site is classified as land within the open</p>

	<p>countryside; however, the site borders the village boundary and Stathern is considered sufficiently sustainable to accommodate small infill developments as it provides some services and employment and has a regular public transport provision. As such no objection is raised to the principle of housing on this site.</p> <p>On balance, it is not considered a refusal could reasonably be recommended on the grounds of sustainability given the sustainability credentials of the village and the proximity to the village envelope.</p>
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Conclusion

It is considered that the application presents a balance of competing objectives with the Borough being deficient in terms of housing land supply and this would be partly addressed by the application. The village of Stathern is considered to be a reasonably sustainable location where some services and employment exists and the village is served by public transport. Though by no means optimum, the site is considered to perform reasonably well in terms of access to facilities and transport links.

On balance it is considered the benefits of additional housing outweigh the concerns over the sustainability of the site. Furthermore, the site could be developed for five houses without harm to the character and appearance of the site and surroundings would not be harmful to the setting of the conservation area and would protect the amenities of neighbouring properties. The site could be served by an acceptable access. It is therefore recommended the application be approved.

Recommendation: Approve subject to conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence on the site until approval of the details of the "layout, scale, external appearance of the building(s) and the landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 or any subsequent amendment to that order, no development within class A, specified in A, B, C and E shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
5. The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development 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 Local Planning Authority gives written consent to any variation.
6. No development shall start on site until all materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried

out in accordance with these approved details.

7. The development shall be carried out in accordance with the mitigation measures contained in the Ecology and Protected Species Survey.
8. Prior to first occupation of the development hereby permitted, access shall be provided in accordance with Drawing Reference: F16037/01 Rev A. Notwithstanding the proposed design in the Drawing Reference: F16037/01 Rev A, all design matters shall be in accordance with the standards contained in the current County Council design guide (www.leics.gov.uk/6csdg) and shall thereafter be permanently so maintained.

Visibility splays of at least 2.4 metres by 17 metres shall be provided at the junction of the access with Birds Lane and The Green. 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 metres above ground level within the visibility splays.

9. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as not to open outwards.
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. Before first occupation of any dwelling, car parking shall be provided, hard surfaced and made available for use to serve that dwelling on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall thereafter be permanently so maintained.
12. Before first occupation of any dwelling, its access drive and any turning space shall be surfaced with tarmacadam, 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. 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.
14. The development relates to the following plans 1:1250 and F16037/01A.
15. Surface water run-off rates to receiving water courses must not be increased as a result of the development.

Reasons:

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline only.
3. To enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed.
4. To preserve the amenities of the locality.
5. To provide a reasonable period for the replacement of any planting.
6. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted

7. To ensure the ecological interests of the site are adequately protected.
8. In the interests of highway safety.
9. 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.
10. To ensure a satisfactory form of development and in the interests of highway safety.
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 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.
14. For the avoidance of doubt.
15. To ensure there is no further risk of run-off or flooding.

Officer to contact: **Mr J Mitson**

Date: 12 September 2016