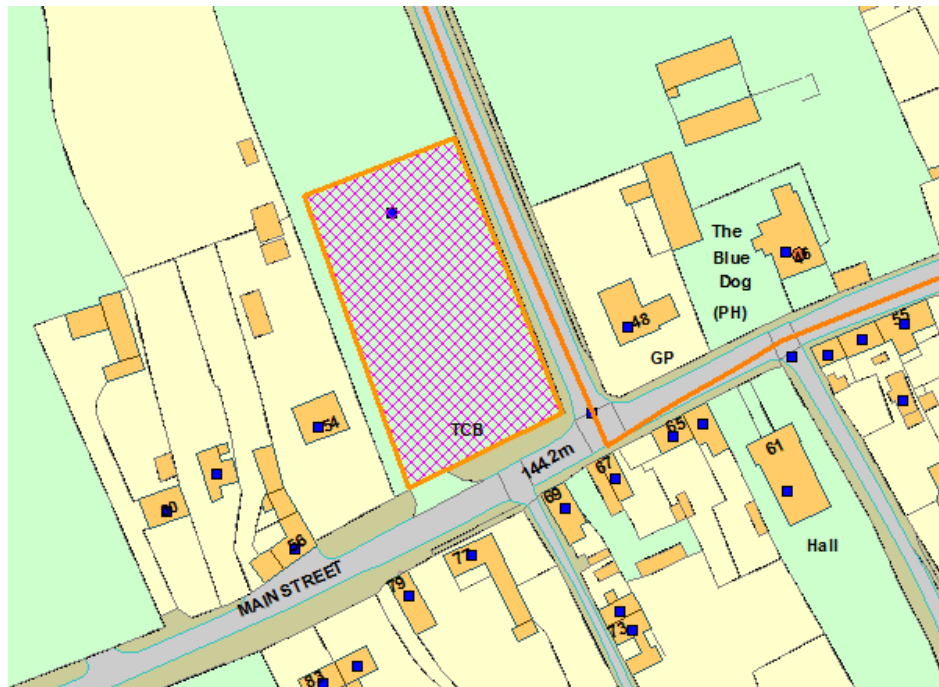


Reference: 16/00596/OUT
Date Submitted: 25.08.2016
Applicant: Mr And Mrs M & E Exton
Location: Land Parcel School Lane Sewstern (L and between School and 54 Main Street)
Proposal: Erection of three detached residential dwellings with associated access (Land between School and 54 Main Street)



Introduction:-

The proposal seeks outline planning permission to erect 3 dwellings, with access to be from Main Street. The application was originally submitted which proposed five dwellings.

The site is bounded to the east by School Lane, to the south by Main Street (with residential properties opposite) and to the west by residential properties. It lies within the designated planned village envelope.

It is considered that the main issues arising from this proposal are:

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon character of the area**
- **Impact upon residential amenities**
- **Impact upon ecology**
- **Highway safety**
- **Flood Risk**

The application is presented to the Committee due to the number of representations made on the application.

History:- An application was submitted in 1980 for residential development on the site, however this application was withdrawn. There is no other relevant planning history.

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.

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. can be made available.

Policy C15 – This policy 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 and the development is designed to protect the species or arrangements are made for the transfer of the species to an alternative site of equal value.

Policy BE1 – This policy states that planning permission will not be granted for new buildings unless (including): the buildings are designed to harmonise with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing, the buildings would not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight/ daylight and adequate vehicular access and parking is provided.

Policy BE12 – This policy states that planning permission will not be granted for development within any area protected open area (as shown on the proposal map) except where a proposal is in conjunction or associated with an existing use and the development would not adversely affect the intrinsic character of the area.

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 also establishes 12 core planning principles that should underpin decision taking. Those relevant to this application include:

- proactively drive sustainable economic development to deliver homes, infrastructure and thriving local places 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,
- Take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it,
- Actively manage patterns of growth to make the fullest possible use of public transport, walking, cycling, and focus significant development in locations which are or can be made sustainable.

On Specific issues it advises:

Promoting sustainable transport

Paragraph 34 of the NPPF states that decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. This needs to take into account policies set elsewhere in the NPPF, particularly in rural areas.

Delivering a wide choice of high quality homes

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the viability of rural communities.

Requiring good design

Paragraph 56 states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 57 further explains that it is important to plan positively for the achievement of high quality and inclusive design for all development.

Paragraph 61 states that 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

Paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Opportunities to incorporate biodiversity in and around developments should be encouraged. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

Consultation:-

Consultation Responses	Assessment of Head of Regulatory Services
<p>LCC Highways</p> <p>The County Highway Authority advice is that, in its view the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the Conditions.</p> <p>Applicant has submitted a revised plan for 3 dwellings to be served off an existing access off Main Street.</p> <p>No details of amended plan for housing mix, however 2 parking spaces per dwelling is proposed which is inline with 6Cs Design Guide (previously indicated 4 bedroom houses)</p> <p>Recommended conditions included parking and drainage to be provided.</p> <p>(Previous comments –</p> <p>The County Highway Authority (CHA) understands that the Application is seeking outline planning permission for 5 dwellings on land off School Lane and Main Street Sewstern.</p> <p>In support of the Application the Applicant has submitted Corporate Architecture Limited drawing ref:</p>	<p>Vehicular access to the site will be created via a new private driveway off Main Street. Although an outline application the illustrative layout shows sufficient off street vehicle parking. The four-bedroom dwellings each have two parking spaces in addition to single garages.</p>

<p>4152/AG/16/003 Rev B which shows the proposed site plan for the proposed development. The Applicant is proposing two private drives to serve the 5 dwellings on the basis of 2 dwellings with access to Main St and 3 dwellings with access to School Lane.</p> <p>The Applicant has not provided any details of the visibility splays from the access drives so the CHA will require the Applicant to carry out radar surveys to measure existing speeds and establish the 85th%ile speeds or provide visibility splays based on existing speed limit in line with the standards required by the CHA in the 6Cs Design Guide</p> <p>The Applicant may wish to provide just one point of access from the proposed development onto Main Street as the visibility appears to be better from this location and the speed limit is 30mph.)</p>	
<p>LCC Ecology The ecological survey (Brindle and Green, June 2016) indicates that the application site comprises species improved/poor semi-improved grassland, surrounded by hedgerows. We note that the proposed site plan retains and buffers from the development part of the hedgerows fronting School Lane and Main Street which we welcome. However, Plot 2 appears to be immediately adjacent to the hedgerow and we would request that some consideration is given to the long-term security of this hedgerow, ideally through a buffer as included elsewhere on the site.</p> <p>The survey found no evidence of protected species on site, but makes recommendations for further surveys. We do not consider that additional surveys are required, in accordance with our standard protocols and local validation criteria. The hedgerows bordering the site are being retained which would still provide suitable bat foraging habitat. Additionally, whilst there are ponds within 500m of the site that have some suitability for great crested newts (GCN) there are none within 100m of the site. It is our understanding that this application is classified as “minor”. Our GCN Protocol indicates that GCN surveys are only required for ponds within 100m of a minor application.</p> <p>Agreement with the recommendations contained in section 7.1 to 7.5 of the ecology survey and would request that these are forwarded to the applicant as a condition of the development.</p>	<p>Noted. County Council Ecologist has no objections subject to mitigation as proposed.</p>
<p>MBC Building Control</p> <p>Layout appears satisfactory for both Fire and Refuge appliances</p>	<p>Noted</p>

Objections from 17 properties have been received for the application. These have been summarised as below:

Representations received	Assessment of Head of Regulatory Services
Impact on character and appearance of Area	This application is in outline however, an illustrative layout has been submitted. This makes provision for

<ul style="list-style-type: none"> • Proposal will mean the loss of existing valuable and protected village open green space • Design out of keeping with local character of the area • Visually intrusive • More stone than brick houses in the village – any development should be in real stone, not reconstructed stone • Hedge should be planted as opposed to fencing. • Proposal for 5 dwellings – all modern identical design and using modern materials, at odds with the character of the small village made up of only 70 dwellings which are unique and of local materials • 5 dwellings would change the nature and character of the tranquil setting • Intention for the other half of the field to be developed with an additional 5 dwellings – fundamentally changing the nature and character of the village. 	<p>adequate parking and open space in accordance with the Council’s standards to achieve a well-designed development meeting the needs of future occupiers. Perimeter hedgerows and planting are proposed to be retained/improved where possible to ensure the site is well screened.</p> <p>The design and materials are not submitted for consideration at this stage.</p> <p>The application originally proposed 5 dwellings but this has been subsequently reduced to 3.</p>
<p>Residential Amenity</p> <ul style="list-style-type: none"> • Overlooking resulting in the loss of privacy – proposed entrance and one of the dwellings looks directly into front room • Houses are high and 2 is very close to the boundary. 	<p>The application is in outline with the layout illustrative. The site is sufficient to allow development with normally expected levels of separation and boundary treatment where necessary. Similarly, the house positions illustrated are not ‘fixed’ and would be assessed for privacy impacts at reserved matters stage.</p>
<p>Policy</p> <ul style="list-style-type: none"> • Village has no facilities to support more housing • Further development should be nearer Melton Mowbray, not at the extreme edge of the Borough • Previous applications for existing residents refused planning permission to develop homes • NPPF Paragraph 76 and 77– Local Green Spaces quoted – the area in question meets these requirements and is highly suitable as protecting as a local green space • Sewstern is described as a rural supporter, therefore deemed able to support development of 3 to 5 house proposals. This policy (SS2) seems to be predicted on an urban viewpoint that a settlement needs to be a certain size or contain specific developments in order to be “sustainable”. • No employment opportunities in the village or Buckminster • Poor public transport provision in the village • No play area in village • Bus service continually under threat • Additional pressure on already stressed infrastructure • MBC need to establish the impact of the 	<p>The village of Sewstern is considered to be an unsustainable location for new housing as it has a lack of facilities, with residents having to travel to Melton Mowbray or other nearby towns to access facilities for day-to-day requirements. There is a limited bus service but in terms of other services in the village, it only benefits from a pub and a village hall with a primary school that is located between Sewstern and Buckminster.</p> <p>The application site is therefore not considered a suitable location for the development proposed, with regard to its accessibility to local services, facilities and employment by means other than the private car. The application is considered to be inconsistent with the principles of sustainable development, having regard to the requirements of the NPPF, which seeks, among other objectives, to ensure that rural housing is appropriately located and that development should be located and designed where practical to give priority to pedestrian and cycle movements, and to have access to high quality public transport facilities (paragraphs 55 and 35 of the NPPF).</p> <p>Several appeal decisions have endorsed the Council’s approach to the classification of sustainable /</p>

<p>development on local schools – local school is already oversubscribed</p> <ul style="list-style-type: none"> • No street lighting at this end of the village. • Land was protected open land under 1999 Local Plan (Policy BE12) 	<p>unsustainable villages. Since the introduction of the NPPF, appeal decisions have continued to support this approach and have not set aside considerations in favour of the wider NPPF objective of boosting housing supply.</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>Sewstern’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>Highways</p> <ul style="list-style-type: none"> • Proposal on a junction with poor visibility • Many existing nearby properties do not have off street parking • Proposal will remove a current uninterrupted pedestrian access from the village to the school • Does not appear to be room internally on site to manoeuvre • When functions are held in the village hall parking is a problem in this area • Main Street and School Lane often used by large heavy farm vehicles – highway safety hazard, not only to vehicles but also horse riders, cyclists and pedestrians • Existing speeding through village – road signs poorly sited • Will result in the loss of existing parking, existing hazardous parking in the village • Car park should be created to get cars off the road. • One fatality and two serious accidents on road from Wymondham in past year – this will be worse with expansion of Buckminster Lodge. 	<p>The Highway Authority have no objection to the application. Although an outline application the illustrative layout shows sufficient off street vehicle parking and turning.</p>
<p>Housing Need</p> <ul style="list-style-type: none"> • Development need has not been demonstrated • 4 bed house in village didn’t sell for over 2 years – suggest that housing of this type is 	<p>This application is in outline form, the number of bedrooms per house has not been submitted at this stage.</p>

<p>not needed.</p> <ul style="list-style-type: none"> No provision for affordable housing – this is much needed for those in the community in the rental trap. Not enough houses for local people and doubt that these proposed dwellings would be affordable for local people Proposed housing would not contribute to housing needs to Melton. 	<p>The proposal of 3 dwellings does not trigger the requirement of a Section 106 agreement that could impose affordable housing. When an application is made for reserved matters it will contain further details of the mix of dwellings proposed.</p>
<p>Drainage</p> <ul style="list-style-type: none"> Additional hard standing will increase flooding problems. Are there any plans to upgrade sewage in the future? Who would be responsible if the houses are built and these fail? Area often floods due to heavy rainfall 	<p>The application is in outline, further details of drainage would be provided at a reserved matters stage.</p> <p>It should be noted that the area is noted identified as falling within a designated flood zone.</p>
<p>Archaeology & Ecology</p> <ul style="list-style-type: none"> Land is the site of a medieval church and requires an archaeological survey and dig Will an archaeological condition be included if granted permission – previous application in village required an archaeological survey/dig due to historic connections There is an ancient well in the middle of the development – not mentioned on the drawings Ecological report lacking in local knowledge – site is a valuable area for local wildlife. Hedgerows may be retained but are unlikely to be upkept and may result in replacement by low quality fencing or various privately brought materials in the future 	<p>There is no evidence to suggest that there is an Ancient Monument on the site, nor any immediate historic connections. Should planning permission be approved a condition requesting further details could be attached.</p> <p>The County Council Ecologist raises no objection to the proposal subject to conditions relating to the recommendations found within the submitted survey.</p>
<p>Other</p> <ul style="list-style-type: none"> Development would lead to further planning applications Is the development subject to a community infrastructure charge? Notice not displayed or removed from site prior to the end of the consultation period. 	<p>Each planning application is considered on its own merit, any further application for development within the village would be subject to the same advertisement and consideration as this application.</p> <p>The trigger has not been met for either a Community infrastructure charge or a Section 106, these requests are usually made but not limited to applications which seek permission for in excess of 10 dwellings.</p> <p>The site notice was displayed at the site, as well as 10 x neighbour letters being sent to affected parties thereby meeting the requirements of consultation for a planning application.</p>

Other Material Considerations not raised through representations:

Consideration	Assessment of Head of Regulatory Services
Planning Policies and compliance with the NPPF	<p>The application is required to be considered against the Local Plan and other material considerations. 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</p>

	<p>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>Sewstern has very few facilities and poor transport links and is regarded as an unsuitable location for residential development. As a result it is considered to be contrary to the main objectives of the NPPF to deliver sustainable development.</p> <p>On balance, it is considered a refusal could reasonably be recommended on the grounds of sustainability.</p>
<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 2016 and finished a period of consultation in December 2016.</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 Sewstern 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>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 the consultation period has just commenced and as such it is too early to conclude whether objections will be present.</p> <p>It is therefore considered that it can attract weight but this is quite limited at this stage.</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 Borough is considered to have an adequate housing land supply. Whilst the site would add to this supply, the contribution it would make is limited. It is considered that due to the limited need for further supply and the contribution the development would make, the weight attached to the provision is limited.

Balanced against this, Sewstern has a poor range of local facilities and services and therefore is not considered to be a settlement suitable for residential development. Evidence produced in the formulation of the new Local

Plan shows that the sustainability 'credentials' of Sewstern are very limited and as a result it proposes limited residential development in specific circumstances.

In conclusion it is considered that, on the balance of the issues, there are limited benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply. However, the balancing issues – the poor sustainability of the village and the conflict with the Pre Submission version of the Local Plan – are considered to outweigh the benefits.

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 on the balance of the issues, permission should be refused.

RECOMMENDATION: Refuse, for the following reason:

In the opinion of the Local Planning Authority the proposal would, if approved, result in the erection of a residential dwelling in an unsustainable location. The development is in an unsustainable village location where there are limited local amenities, facilities and jobs, and where future residents are likely to depend highly on the use of the car, contrary to the advice contained in NPPF in promoting sustainable development. It is considered that there is 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 Paragraph 17 of the NPPF.

Officer to contact: Mr Pat Reid

Date: 6th March 2017