

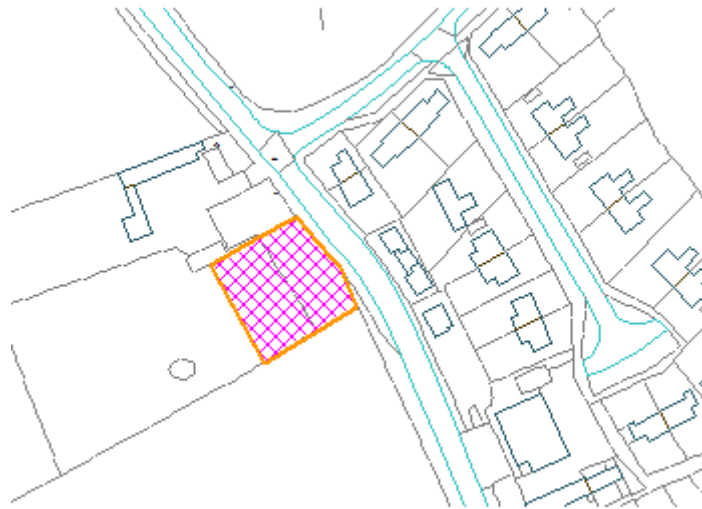
Reference: 16/00137/FUL

Date submitted: 8th March 2016

Applicant: Mr Martin Ellis

Location: Land adjacent to 61 Nottingham Road, Nether Broughton.

Proposal: Full planning consent for development of two single storey bungalow residences, with associated car-parking and hard landscaping; formation of domestic gardens to same.



Introduction:-

The application seeks full planning consent for the development of two single storey bungalow residences, with associated car-parking and hard landscaping; formation of domestic gardens to same. The application site is located at land adjacent Mill house, 61 Main Road Nether Broughton.

Mill House is a grade II listed building and the proposal relates to the redevelopment of a greenfield site that lies outside of the defined village envelope. A certificate of lawful use was granted in 2000 to continue to use part of the site as residential garden area to residence of Mill House but does not fall within the defined curtilage of Mill House and is now in an overgrown state. The site is bound by A606 to the east, screened by a mature hedge row, which also defines the boundary to the south.

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**
- **Sustainable development.**

The application is required to be considered by the Planning Committee due to the level of representations received.

Relevant History:

00/00066/CL – Proposed continued use of land as a garden

00/00519/FUL – Refused – Proposed outbuilding for garage garden implement store and animal feed store.

04/00366/FUL – Approved – Proposed single storey extension to rear of existing dwelling

04/00367/LBC – Approved – Proposal to construct a single storey extension to the rear of the existing dwelling.

15/00085/FUL – Refused – Proposed 2 x single storey bungalow residences, with associated car-parking and hard landscaping; formation of domestic gardens to same.

Development Plan Policies:

Melton Local Plan (saved policies):

Policies OS1, BE1

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.

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:

- 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)

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
<p>Highway Authority: No objection subject to conditions</p> <p>Before first use of the development hereby permitted, visibility splays of 2.4 metres by 60 metres shall be provided in each direction out of the proposed site access on to Main 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 metres above ground level within the visibility splays.</p> <p>Notwithstanding the details submitted, the shared private drive shown serving the site shall have a minimum width</p>	<p>Noted.</p> <p>It is not considered the addition of 2 x dwellings at the site would cause any additional highways dangers.</p> <p>The access is set back from the highway to allow vehicles to stop clear of the highway when accessing the site. Subject to additional works There will be good visibility from the access in both directions, with wide visibility splays.</p> <p>The site area marked on the plans shows an area</p>

<p>of 4.25 metres with minimum 0.5 metre wide clear margins on each side for at least the first 5 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.</p> <p>Before first occupation of either dwelling, the proposed shared private access drive and turning space shall have been 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.</p> <p>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.</p> <p>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.</p> <p>The car parking and any turning facilities shown within the curtilage of each dwelling shall be provided, hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.</p> <p>Before first occupation of either dwelling hereby permitted, the proposed shared turning facility shown serving the dwellings shall have been provided, hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained.</p>	<p>large enough to provide the dwellings with plenty of off road parking that would ensure that vehicles would not need to park on the road, and could turn around on site to prevent reversing into the highway.</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>Parish Council:</p> <p>The PC discussed this application at their meeting this week and would like to ensure that Highways are able to find a positive way to deal with the safety of the access. In the event of this requirement being met the PC have no objections to the development which would provide two needed bungalows in the parish.</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 2 letters of support were received.

Consideration	Assessment of Head of Regulatory Services
- The buildings are designed to complement the	The site lies adjacent to the mill House, a grade II

<p>adjacent building of 61 Main Road.</p> <ul style="list-style-type: none"> - Replacement of previous agricultural buildings. - Retention of trees ensures character is preserved. - Materials are appropriate for the area. - Previous ancillary buildings would have been located out of the village envelope. - The development does not constitute a brand new development on agricultural land or greenbelt. - Supportive of small development. - Properties will add to the housing stock. - Visibility is good at the location of the proposed access point. 	<p>listed building therefore lying within the setting. Whilst the site is currently ‘overgrown’ it is considered that this could contribute to the setting of the Listed building by screening it. The building has always stood alone, and any proposal on the site would clearly affect that status. Section 66(i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“P(LBCA)A 1990”) requires that special regard to the desirability of preserving the building or its setting. As this is a statutory duty it carries greater weight than a material planning consideration and must give rise to a presumption against granting planning permission. Although material planning considerations can outweigh the statutory duty the benefits arising would need to be significant in order to do so.</p> <p>The proposal will be visible from the street and the countryside beyond and viewed as a separate site and not in association with Mill House. It is considered that the stand alone building will no longer be the primary building within the streetscene due to the development immediately adjacent and this would lead to less than substantial harm to the listed building. Paragraph 134 advises that “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”.</p> <p>A recent appeal decision (APP/X118/A/13/2209168) on 5 August 2014 provides further advice as to the inspectorate’s view of sustainable development with regards to heritage assets. The inspector concluded in that case, that the proposal would cause ‘less than substantial harm’ to a Grade I listed church and a Grade II farmhouse, and therefore concluded that the development could not be sustainable development as described in the Framework as the impacts could not be made acceptable as required by paragraph 98, and so paragraph 14 is not engaged, and a straightforward balancing exercise is required.</p>
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Other Material Considerations Not Raised In Consultations:

Consideration	Assessment of Head of Regulatory Services
<p>Lack of a 5 year Land Supply</p>	<p>The Council does not have a five year land supply and therefore the local plan is silent in regards to housing policy and therefore the guidance within the NPPF takes clear precedence. The NPPF seeks to boost housing supply and requires provision of a 5 year supply of housing land plus 5% ‘headroom’. Melton’s most recent analysis concluded that this is not being met and the available supply is below 5 years. Para 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</p>

	<p>housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.” However, the NPPF does not state that housing developments should be approved ‘at any price’ and that the supply of housing surpasses all other considerations. It is considered that, on the balance of the issues, there may be some benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply. However there are also balancing negative issues of significance such as the adverse impact upon the designated heritage asset and location being detached from the village centre being segregated by the A606, which are considered to be of significant impact.</p>
<p>Amenity</p>	<p>To the northeast is a detached dwelling and a pair of linked semi-detached properties. The proposal would be sited sufficient distance away from these properties so as not to have any adverse impact upon the residential amenities.</p> <p>To the northwest is Mill House, there are no windows on the southwest elevation of the dwelling and a small obscurely glazed window is proposed on the rear elevation of the nearest unit. It is not considered that the residential amenities of either dwelling would be unduly affected.</p>

Conclusion

The application seeks planning permission for the erection of 2 x single storey dwellings in Nether Broughton. On balance the proposal is considered to offer limited public benefits which are not outweighed by the harm to the setting of the heritage asset and segregation from the village which cannot be mitigated against leading to unsustainable development and accordingly the application is recommended for refusal.

RECOMMENDATION: Refuse, for the following reasons:

- 1 In the opinion of the Local Planning Authority the proposal would lead to an unsustainable extension to the village of Nether Broughton that would be detached from the village being site in open countryside. The A606 that bounds the site further hinders this connectivity to the village which cannot be mitigated against. The proposal is considered to be contrary to the local plan policies OS2 and BE1 and the NPPF in promoting sustainable development.
- 2 Development of this greenfield site is considered to impact upon the setting of the grade II listed building, Mill Farm House and would not preserve or enhance the heritage setting contrary to paragraphs 131 and 132 of the NPPF.

Officer to contact: **Miss Louise Parker**

Date: 2 June 2016