

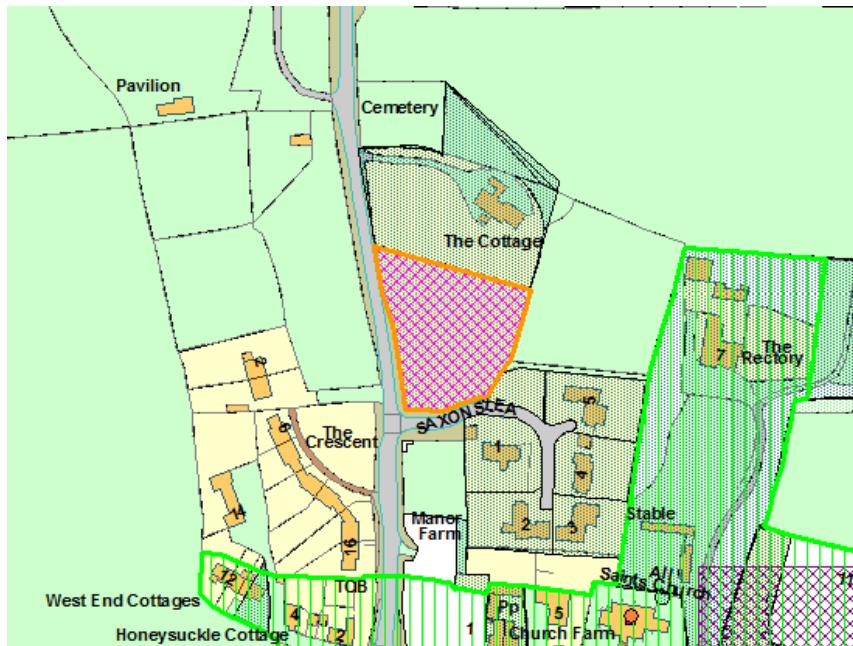
Reference: 16/00563/OUT

Date Submitted: 12th August 2016

Applicant: Mr Richard Lane

Location: Land Between Saxons Lea and 18 Leesthorpe Road, Pickwell

Proposal: Residential development of a row of five terraced cottages and a single detached dwelling



Introduction:-

The proposal seeks outline planning permission with all matters reserved to construct five terraced cottages and a single detached dwelling. An indicative site layout plan has been submitted as part of the application.

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 ecology**
- **Highway safety.**

History:- There is no planning history for the site.

There is a housing development to the rear of the site comprising of 5 dwellings. Planning permission had originally been refused for this development in 1993 as the site was located outside the village envelopes (contrary to planning policy), the proposal did not accord to Local Plan policy relating to farm relocation and that the development would result in a “major change” to the character and appearance of the village. However the application was allowed on appeal. The site lied outside the development limits of Pickwell and fell within an “Area of Particularly Attractive Countryside”. The Inspector noted that the site did not have direct links with open countryside and that it abuts the Church and grounds and housing on Main Street. The Inspector concluded that the appeal site laid on the edge of but within the main built form of the village. The Inspector considered that the physical limits of the village would not be changed. It was considered that the proposed layout of the site

and scale, general design and use of materials for the dwellings were in keeping with the established character and appearance of existing residential development.

This appeal decision made reference to a planning agreement for a parcel of land along Leesthorpe Road to remain undeveloped and to retain the hedgerow on the road boundary. The Inspector concluded that the proposal would enhance the character and appearance of the area and allowed the appeal (taking into account the previous use of the site as a farmstead – for which the farm needed relocating due to the welfare of the livestock).

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 can be made available.

Policy OS2 – This policy states that planning permission will not be granted for development outside the town and village envelopes except for the development essential to the operational requirements of agriculture and forestry and affordable housing in accordance with policy H8.

Although Local Plan policies OS1 and OS2 are saved, recent appeal decisions have made it clear that they are out of date when considering the supply of housing by their restrictive nature.

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.

Policy H8 – This policy states that in exceptional circumstances, planning permission may be granted for a development on the edge of a village which meets a genuine local need for affordable dwellings which cannot be accommodated within a village envelope, provided that: the need is established by the Council, a legal agreement is entered to secure ownership and benefits to successive occupiers and ensure availability of affordable housing for local people in need, the development would be in keeping with the scale, character and setting of the village and would have no adverse impact on the community or local environment and that community services are available nearby to serve the needs of the occupants.

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.

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.

Conserving and enhancing the historic environment

Paragraph 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account when determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Consultations:-

Consultation Reply	Assessment of Head of Regulatory Services
MBC Building Control Access is adequate for fire appliances.	Noted.
LCC Highways – No objection In view of the residual cumulative impacts of development can be mitigated and are not	Noted. Should the development be granted outline

<p>considered severe in accordance with paragraph 32 of the NPPF, subject to conditions and contributions.</p> <p>The proposed development will take access of Saxons Lea which is currently a private road therefore the CHA would not consider adopting the new cul-de-sac. The CHA will, however, serve APCs in respect of all plots served by the private road within the development in accordance with Section 219 of the Highways Act 1980.</p> <p>Based on the mix of housing the applicant has proposed 2 parking spaces for each dwelling and a double garage for the detached dwelling which is in line with LCCS 6Cs Design Guide. It is in the CHAs view that the proposals are on balance, considered acceptable from a highway point of view should the LPA be minded to approve this application.</p> <p>Conditions and notes to applicant included in comments.</p>	<p>planning permission, it would be appropriate to include recommended conditions and notes to applicant.</p>
<p>Somerby Parish Council – Support</p> <p>This application is more refreshing - a local landowner is proposing development which is appropriate to the small village scene and by size may enable some of our young people to stay in the Parish. This is most welcome and should be approved in principle. However there are some concerns:</p> <p>This is an outline application and as such can be subject to considerable change particularly if the landowner does not keep control but simply sells any approval with the land to a developer..</p> <p>Access is proposed via Saxons Lea. The local planners are likely to say that 6 houses will only generate 6 vehicles etc. However we know that this is more likely to be 12 with further addition of service vehicles. These vehicles will access and exit from and onto Leesthorpe Road. Again the planners will say this is fine because the road is 30mph. CSW records indicate that drivers travel this section in excess of 40mph. Perhaps this is the time to have a conversation about a speed table.</p> <p>Adjacent residents will understandably be concerned, keep them informed.</p> <p>Think we should approve this development as it could be considered infill which is what Parishioners indicated was the type of development that they would support. This appears to be a sensible size development that would not adversely affect the village. Not sure about a speed hump, but acceptable if neighbours do not object to increased noise.</p>	<p>Noted.</p> <p>Any planning permission granted would lie with the land and not the applicant. Therefore the land could be sold off to a developer and the permission implemented, following the submission of a reserved matters application.</p> <p>The Local planning Authority has sought the expert advice of the Highway authority and has no made any anticipate traffic flow estimates. The reference to 1 vehicle per house is neither understood nor recognised.</p> <p>LCC Highways raise no objection to the proposed development. It has not been requested by highways for the applicant to provide a speed table. Notwithstanding this, speeding and the control of speed would be a police matter.</p> <p>Neighbours have been consulted on the application and a site notice posted at the site.</p> <p>Noted.</p>

<p>LCC Ecology – No objection</p> <p>Originally requested that the quality of existing habitats be assessed prior to the determination of the application, including an assessment of the grassland and hedgerows (supplied additional info to the applicant).</p> <p><i>Following the receipt of relevant surveys, the following comments were provided:</i></p> <p>The ecology survey submitted (Oct 2016) is satisfactory. It indicates that the majority of the field comprises semi-improved grassland, surrounding by hedgerows. The site did not meet the Local Wildlife Site Criteria and no further habitat surveys are required at this stage.</p> <p>However, the report does indicate that the hedgerows have suitability to support nesting birds and three trees on site were assessed as having suitability to supporting roosting bats. I am unsure of the proposed landscaping plans from the information submitted so far, but would request that the hedgerows are retained as features and buffered from the development, not forming residential curtilage. I would not required a breeding bird survey for this application as the proposed development is relatively small and similar habitats exist adjacent to the site, but would request that a bat survey is required of the trees if they are to be removed. This should be required as a condition of the development, should planning permission be granted.</p>	<p>Noted. Ecology surveys were requested from the applicant for LCC Ecology. These were submitted and assessed by LCC Ecology who have raised no objection but have requested that appropriate conditions be included (or notes to applicant where necessary).</p>
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Representations:-

The application was advertised by means of a site notice and letters were sent out to a number of neighbouring properties. Objection were received from seven individuals for the application and one letter which was 'neutral'. Comments received in these objections have been summarised below.

Consideration	Assessment of Head of Regulatory Services
<p>Objections</p> <p>Proposal contravenes existing Local Plan and current settlement boundaries.</p> <p>Work will damage the road surface of the private road section on Saxons Lea and cost of repair will fall on residents.</p> <p>The development will lead to a boundary dispute. The boundary between the private drive and access road is not linear and neat. Should the road be adopted there will be a no mans land section without clear responsibility for maintenance.</p> <p>There is a risk of flooding to at least one local</p>	<p>The site is located outside the village envelope (with a small section of land to the East within the village envelope). The location of the proposed development has been assessed through planning policy (above).</p> <p>Damage to the road during the construction period is not a material planning consideration.</p> <p>Boundary disputes are not a planning issue. The Highway Authority do not propose to adopt the road.</p> <p>The site is not located within a flood zone,</p>

<p>property. Have not been supplied by the applicant with details regarding access to existing sewage and drainage. Any further drainage will worsen current situation.</p> <p>There is a traffic accident risk from additional traffic existing Saxons Lea with almost all traffic entering the village travelling over the speed limit.</p> <p>There will be an additional demand on infrastructure. The development must be taken in consideration with all the other developments planned or likely in the parish, especially those in Somerby which would place demand on services such as the local school.</p> <p>Entrance is on a slope and fairly narrow – fairly difficult access (also raised non planning issues relating to construction)</p> <p>No plans to show appearance to not able to see if they will be of a similar design of the houses on Saxons Lea.</p> <p>Does not appear to be enough parking for the development or visitors, this would lead to parking on the main road which would be a hazard or on Saxons Lea private road. There are also no plans for a pavement (or street lights).</p> <p>Proposed development will overlook the existing houses on Saxons Lea (creating a loss of privacy) and block their view. Adverse impact on residential amenity.</p> <p>As previously quoted in other applications, the village is not sustainable and has no facilities ie shops, public houses or employment in the village.</p> <p>Proposed access was only for the existing 5 dwellings, which is narrow and gets blocked if someone parks on there.</p> <p>Saxons Lea is narrow. There is a serviceable entrance to the site off Leesthorpe Road. Using Saxons Lea will cause a nuisance and making existing the road difficult and dangerous. The use of this road will also mean removing an established tree.</p>	<p>therefore, a flood risk assessment is not required for the application. According to the Environment Agency Maps, the site is not at risk from flooding from rivers or surface water. No details have been provided in the applicant as to what impact the proposal may have on the existing infrastructure on site.</p> <p>LCC Highways have assessed the application and do not raise an objection to the proposed development.</p> <p>Due to the size of the development, contributions to education are not required (or other services).</p> <p>LCC Highways have raised no objection to the application.</p> <p>As the application is for outline permission only, there is no requirement for the applicant to provide this information at this stage.</p> <p>LCC Highways are satisfied with the information provided and the level of parking provision proposed for the development.</p> <p>Due to the proposed distance of the properties to the neighbouring properties on Saxons Lea, it is not considered that the proposed dwellings would result in a loss of privacy or amenity to the existing occupiers. The occupiers of the dwellings on Saxons Lea are not entitled to a view.</p> <p>The sustainability of the location in the village has been assessed when determining this application.</p> <p>LCC Highways have not raised an objection to the application, using the existing access off Saxons Lea.</p>
<p>Observations</p> <p>This is the type and size of development the village needs, the size of houses are right and development has been well thought out.</p>	<p>It is acknowledged that the Borough as a whole requires properties of different sizes, especially for first time buyers and people wishing to</p>

	downsize, however the sustainability of the village is a major factor when determining this application.
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Other Material Considerations not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Planning Policies and compliance with the NPPF</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, 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.</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>However, the 1999 Melton Local pan is considered to be out of date and as such, under pars 215 of the NPPF can only be given limited weight.</p> <p>This means that the application must be considered under the ‘presumption in favour of sustainable development’ as set out in para 14 which requires harm to be balanced against benefits and refusal only where “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”</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 and is currently in a period of consultation from 8th November – 19th December.</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 	<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> <p>The proposal is contrary to the emerging local plan in terms of both its scale and physical impact (see applicable policies opposite, and description of impacts on open space above) which it is considered adds the harmful impact of the proposal.</p>

<p>Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).</p> <p>The Pre Submission version of the Local Plan identifies Pickwell 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>Policy EN6 states that Development proposals will be supported where they do not harm open areas which contribute positively to the individual character of a settlement.</p>	
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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 a maximum of 6, 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 provision is limited (and reduced from circumstances where there is a shortfall that needs addressing).

Balanced against this, Pickwell 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 Pickwell are very limited and as a result it proposes limited residential development in specific circumstances. The application does not satisfy this approach and as such this conflict is considered to add to the balance against granting permission. Whilst the village is relatively close to Somerby, which has an offering of facilities and services, public transport links are restricted and it is considered that the majority of the village residents would be reliant on private car.

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:

1. In the opinion of the Local Planning Authority the proposal would, if approved, result in the erection of residential dwellings in an unsustainable location. The development in an unsustainable location where there are limited local amenities, facilities and bus services and where future residents are likely to depend on the use of the car, contrary to the advice contained in NPPF in promoting sustainable development. It is considered that there is insufficient benefits arising from the proposal to outweigh 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: **Joanna Stokes**

Date: **17.11.2016**