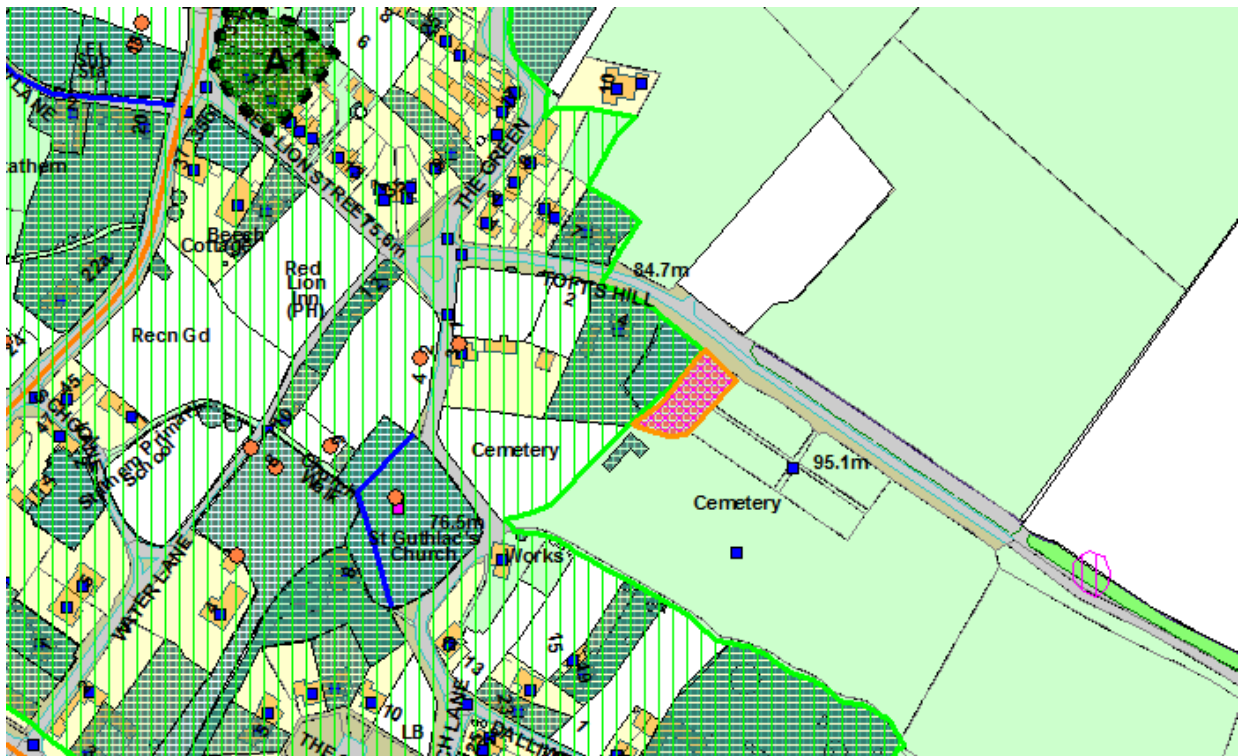


**COMMITTEE DATE: 27<sup>th</sup> April 2017**

**Reference:** 16/00956/FUL  
**Date submitted:** 20 January 2016  
**Applicant:** Mr Michael Kennedy  
**Location:** Land Adjacent To Hillcrest 4 Tofts Hill, Tofts Hill, Stathern  
**Proposal:** Erection of detached dwelling



**Introduction:-**

The application seeks full planning permission for the erection of one two storey dwelling. The application site lies just outside the village envelope for Stathern and on a greenfield site between a recent new build and cemetery. There is a mix of style and types of dwellings in the area, the site is adjacent to the Stathern Conservation Area, to the north west.

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

- **Impact upon the Character and Conservation of the Area**
- **Impact upon Neighbouring Property**
- **Compliance with Policy**

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

**Relevant History:**

No relevant planning history.

## **Development Plan Policies:**

### **Melton Local Plan (saved policies):**

**Policy BE1** – Planning permission will not be granted for new buildings unless:-

- a) The buildings are designed to harmonise with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing;
- b) The buildings would not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight / daylight; adequate space around and between dwellings is provided;
- c) Adequate public open space and landscaping is provided where appropriate;
- d) The buildings and their environs are designed to minimise the risk of crime;
- e) Wherever possible, buildings are designed and sited to maximise solar gain and utilise energy saving features;
- f) Adequate vehicular access and parking is provided.

**Policy OS2** - planning permission will not be granted for development outside the town and village envelopes shown on the proposals map except for:-

- a) Development essential to the operational requirements of agriculture and forestry;
- b) Limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside;
- c) Development essential to the operational requirements of a public service authority, statutory undertaker or a licensed telecommunications code system operator;
- d) Change of use of rural buildings;
- e) Affordable housing in accordance with policy h8 where such development would lead to the coalescence of existing settlements, planning permission will not be granted.

**The National Planning Policy Framework was published 27<sup>th</sup> 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. .**

The NPPF introduces three dimensions to the term Sustainable Development; Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively support sustainable economic development to deliver homes and businesses that local areas need;
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them.
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land).
- 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 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**

- There is a requirement to maintain a five year land supply of deliverable sites. Taking into account windfall sites provides compelling evidence that such sites have consistently become available. Where there has been a persistent under supply a further 5% is required.
- Local Authorities are to set out their own approaches to densities to reflect local circumstances.
- 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.
- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 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.
- Avoid new isolated homes in the countryside unless there are special circumstances.

**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:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Highway Authority: No objection subject to conditions.</b></p> <p>The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011.</p>	<p>Noted.</p> <p>The existing and alterations to access meets the highways standards, with both vehicular and pedestrian movements being facilitated by this access.</p>

<p>Consider sustainability issues, ensure all details of access and parking comply with current standards</p>	<p>It is not considered the dwelling at the site would cause any additional highways dangers.</p> <p>The site area marked on the plans shows an area large enough to provide a replacement dwelling with plenty of off road parking that would ensure that vehicles would not need to park on the road.</p> <p><b>It is not considered that the proposal would not cause any highways safety issues.</b></p> <p><b>As such, the proposal is considered to meet the requirements of policy BE1 of the Melton Local Plan.</b></p>
<p><b>Parish Council:</b>  <b>Size/scale of the property</b>  Although the design of the house appears to have been well thought out, the size of the property is a cause for concern.</p> <p>Toft's Hill is a special area within our village and a survey undertaken within the village relating to areas suitable for new homes showed that the majority do not want to see any further building in this area (a copy has been forwarded to Melton Borough Council).</p> <p>Toft's Hill is only part sealed, with no pavement on either side. Just above the cemetery it narrows and becomes a track making it an ideal place to walk safely without the fear of traffic and, as such, is an important recreational area. It is very popular with dog walkers, runners, ramblers who follow the numerous footpaths (including the jubilee way which can be accessed at the top of Tofts Hill) mountain bikers and horse riders who have safe access to the bridle paths along the escarpment, without having to ride on Mill Hill road (a national speed limit road) to get to these.</p> <p>Traffic is a problem at the bottom of Toft's Hill as there is only one entry and exit point due to it being a no-through road (with the exception of off-road vehicles).</p> <p><b>Cemetery</b>  The applicant proposes to build alongside the cemetery boundary or very close to it.</p> <p>The Settlement Policy EN6 states that development will be supported where it does not harm open space which contributes positively to the individual character of a settlement/key characteristic and features of a conservation area. The cemetery is a key characteristic of the village, being in open countryside on a hill overlooking the village. It is the first sign that you are entering a village as you walk down the hill. This building will impact considerably on this, due to its size and proximity to the boundary and will cut off the cemetery from the village.</p> <p>Views currently enjoyed down into the village will</p>	<p>The design of the property has been developed so as to best fit with the plot will be situated in. The property will be designed appropriately and despite being quite large it is befitting of the site it is within.</p> <p>The property will be sunk into the ground and does not look overly dominate when going up the Hill, especially when compared with its neighbour at number 4. The sloping pitched roofs further soften this impact</p> <p>Highway and public safety aspects have been considered carefully and with standing advice conditions it is considered the development will not impact on this severely as to warrant refusal by NPPF standards.</p> <p>It is acknowledged that the development is close to the cemetery but as identified above there are benefits to the proposal being close to this land use. The new house could also increase the accessibility of the cemetery to the village.</p>

<p>disappeared to be replaced by the building which appears to run the entire width of the cemetery and which will be between 6.6m and 4.1m in height (depending on the area of slope). This will cast a shadow across the cemetery when the sun starts to set.</p> <p>Policy EN1 states that proposals will be supported if they do not adversely affect important landscape features which includes important views, approaches and settings and that it does not adversely affect areas of tranquillity. This application will impact on views into the village as you approach and will disturb the peace and tranquillity of the cemetery.</p> <p>The SCHLAA assessment of the area states. 'The village lies at the foot of the escarpment which forms the Vale of Belvoir. The existing pattern of development spreads up the lower part of this slope; however, it would be inappropriate in landscape and development pattern terms to continue this pattern of development'. Land to accommodate Stathern's housing needs has already been put forward to Melton so there is no requirement to use this pasture land for housing.</p> <p><b>Other</b> Difficulties in getting horses, feed and machinery out of the field if this new property.</p>	<p>The settlement pattern has been considered and is considered that the erection of one sole dwelling adjacent to another should not impact significantly on the area both locally and as a whole.</p> <p>This application cannot be prevented on account of potential future issues with existing land use of the site. The owner will have to provide this and deemed to be able to should the application be permitted.</p>
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**Representations:**

The application was advertised by way of a site notice at the application site. As a result of the consultation a total of 16 letters of objection were received, along with 14 letters of support.

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Design of the proposal and Impact on the Conservation Area and character of the area.</b> The creeping residential development beyond the village envelope along Toft's Hill lane which is unnecessary and detrimental to the rural landscape.</p> <p>Concerned that the cemetery - which was specifically planned to be remote from the village with a field around it - would lose this important attribute.</p> <p>Major effect on the nature and peacefulness of this area.</p> <p>Becomes more urbanised will have an impact upon walkers, bikers and horse riders</p> <p>Large property for the plot</p> <p>Block the views over the roofscape of the village from the</p>	<p>The recent application for one dwelling on this road has suggested that single dwellings provided they are designed appropriately will be acceptable in this location.</p> <p>The cemetery impacts have been closely considered and it is considered that a new residential property adjacent to it will not detract from the character of it and could provide security/safety aspects to users during night time hours.</p> <p>The materials proposed are sympathetic to the area and in relation to the plot that it is situated on is designed appropriately. On balance, it considered that the erection of one dwelling, helping contributing to the needs of the village is acceptable.</p>

<p>cemetery.</p> <p>The existing pattern of development spreads up the lower parts of this slope; however it would be inappropriate in landscape and development pattern terms to continue this pattern of development.</p> <p>Inconsistent with preserving the nature of this area and will encroach on the serenity of the cemetery.</p> <p>Destroy rural tranquillity.</p> <p>Tofts Hill forms an entrance to the scenic hills, escarpment and Rundle Beck headlands; these are acknowledged as being areas of high landscape and environmental value. The development of this site, topographically higher than almost all of the rest of the village, will have a negative visual impact on this area.</p>	<p>Being sunken into the ground also aids in reducing its dominance in the street scene, particularly in relation to the new property adjacent.</p> <p>The landscape is not the subject of any statutory designation which would lead to the need for its protection under the NPPF (AONB, National park, Green Belt etc)</p>
<p><b>Highways</b></p> <p>The roads leading to Toft's Hill and Toft's Hill itself are all narrow and already suffer from an overload of parked vehicles making access more tricky, and more dangerous during the times of day when very young children and walking to and from the nearby primary school.</p>	<p>The Highway Authority has not raised any objections to the proposal, there is existing and will remain adequate parking for the proposed dwelling, ensuring that occupants do not have to park on the road side.</p>
<p><b>Planning Policy</b></p> <p>It breaches policy EN6 of the Draft Melton Local Plan since it clearly “contributes positively to the individual character of the settlement, contributes to the setting of historic built form and features, and forms a key entrance and/or gateway to a settlement.”</p> <p>It is outside the village envelope as defined in the current 1999 Melton Local plan. Building here would be contrary to saved Policy OS2.</p>	<p>The new local plan is not yet adopted and cannot be afforded full weight. It has been considered however that this development would contribute to the character of the area.</p> <p>The old local plan policy OS2 has in many decisions been considered out of date and the same therefore applies to the assessment of this proposal.</p>
<p><b>Other issues</b></p> <p>Reference to appeal decision for application ref:- 16/00223/FUL).</p> <p>"The proposal would not fulfil any of the criteria set out in LP Policy OS2 for allowing development outside the settlement envelope.." - criteria this application equally fails. The inspector fully supports the council in using saved Policy OS2 in refusing permission. While acknowledging the NPPF presumption in favour of sustainable development he applies the necessary social, economic and environmental tests. He concludes, in the final point 16, "The two dwellings proposed would make only a small contribution to housing supply and the local social and economic benefits derived would similarly be relatively limited. These benefits would be significantly and demonstrably outweighed by the environmental harm found in respect of the character and appearance of the area." So, it would be perverse to approve this amended proposal which is further up Toft's Hill, in a more restricted Landscape Character Zone, would make a smaller contribution to housing supply and generate no greater social and economic benefits</p> <p>It is within the red Landscape Character Zone which has</p>	<p>This appeal relates to a different site with differing planning considerations and related to an application for two dwellings that proposed a significant incursion into the countryside.</p> <p>This proposal is very different, proposing one dwelling in what could be classed as an infill plot between the recently development property and the cemetery that does reflect the character of the village.</p>

the highest possible level of protection (see Extract of Melton Borough Council Interactive Map below).	
<p><b>Comments in Support</b></p> <ul style="list-style-type: none"> <li>- It is also a good design and will not block any views from the lane. Stathern needs more houses of this quality.</li> <li>- The high standard of design of the dwelling will be a significant improvement on the visual aspect, when entering the village, walking down Toft's Hill</li> <li>- Given the quality of the design and the existing neighbouring developments our enjoyment of the area would not be diminished by this new home.</li> <li>- Will be in good keeping with the surrounding properties therefore causing us no cause for concern.</li> <li>- Non intrusive and in keeping with the surroundings. It is adjacent to a recently built property and fits neatly between this house and the cemetery. It is obvious from the plans that there are no future plans to develop the land further.</li> <li>- Due to the high standard of design and materials proposed, will substantially enhance the entrance to the village on the descent down Toft's Hill. The site is an infill plot which, together with the existing adjacent cemetery, will form a natural end to development on this side of Toft's Hill. We believe that the quality of the design and materials used will enhance our own views of this part of the village.</li> </ul>	These comments are noted

**Other Material Considerations Not Raised In Consultations:**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Application of the Development Plan Policies:-</b></p> <p>The site sits within the village envelope where residential development is supported. Policies OS2 and BE1 seek to ensure that development respects the character of the area and that there would be no loss of residential amenities and satisfactory access and parking provisions can be complied with.</p>	<p>The proposal seeks to provide a modest detached dwelling and is capable of complying with the local plan policies, on the basis that it is concluded that the design is suitable for the reasons set out above, and an acceptable relationship with its neighbouring property is achieved. Whilst highways safety is a concern to local residents the Highways Authority has no objection to the proposal, subject to conditions. <b>It is considered that the development complies with the local plan policies and promotes sustainable housing growth as stipulated within the NPPF.</b></p>
<p><b>Sustainability and Local Plan Compliance</b></p>	<p>As stated above, the development is considered to accord with the applicable Local Plan policies. <b>In this instance, the policies are not considered to conflict with the NPPF and as such there is no requirement to balance the regimes against one another.</b></p>
<p><b>Melton Borough Council Housing Needs</b></p>	<p>The NPPF recognises that housing should meet the needs of present and future generations (para 10). It continues to recognise the importance for local planning authorities to understand the housing requirements of their area (para 28) by ensuring that the scale and mix of housing meets the needs of the local population. This is further expanded in para 110-113, in seeking to ensure that housing mix meets</p>

	<p>local housing need. The Council’s work on housing needs has identified a need for small units to address both the current shortfall and future demographic and household formation change which will result in an increase in small households and downsizing of dwellings.</p> <p>The proposed dwelling would be of a relatively modest scale, comprising a 4 bedroom unit as such it is considered to meet with the housing needs of the local area and Borough as a whole.</p> <p><b>The NPPF seeks to boost the economy and house supply to meet local housing needs. This approval as stated above is considered to contribute those objectives.</b></p>
<p><b>The (new) Melton Local Plan – Pre submission version.</b></p> <p>The Pre Submission version of the Local Plan was agreed by the Council on 20<sup>th</sup> October consultation has now finished.</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"> <li>● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);</li> <li>● 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</li> <li>● 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).</li> </ul> <p><b>The Pre Submission version of the Local Plan identifies Stathern as a ‘service centre’ in respect of which, under Policy SS3, development of up to 10 dwellings would be acceptable, subject to satisfying a range of criteria specified.</b></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 received have not yet been considered and addressed.</p> <p>It is therefore considered that it can attract weight but this is quite limited at this stage.</p> <p>The proposal is considered to accord with the emerging Plan in terms of delivery of housing in a sustainable location and in design and layout terms, on the basis that it is concluded given that the design is suitable for the reasons set out above, and an acceptable relationship with the neighbouring property.</p>

**Conclusion**

The application site lies just outside the village envelope and therefore policy OS2 is relevant. However, this policy is recognised as out of date and therefore NPPF policies apply.

The house type proposed meets the requirements of the Borough’s housing needs in providing a modest four bedroom accommodation of which there is a shortfall in the area. The NPPF seeks to boost significantly housing growth in sustainable locations of which Stathern is considered as a sustainable village within the Local Development Framework. Accordingly, the proposal is recommended for approval subject to conditions.

Applying the balance required by the NPPF (para 14) it is considered that the harmful impacts of the development would be very limited and as such are outweighed by the contribution that the proposal would make to housing supply, albeit modest as this is for a single dwelling. The impacts are not considered to significantly and demonstrably outweigh the benefits, within the terms of the policies set out in the NPPF and as a result should be approved.



**RECOMMENDATION: Approve, subject to the following conditions:**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. No above ground construction shall take place until details of the materials to be used of the external elevations and roofs have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
3. No above ground construction shall take place until a plan showing a detailed soft and hard landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall include details of:
  - a. any existing trees, shrubs, hedges, water bodies to be retained and measure of protection in the course of development;
  - b. new tree and shrub planting, including plant type, size, quantities and locations;
  - c. other surface treatments;
  - d. fencing and boundary treatments;
  - e. any changes in levels or contours;
  - f. the position of service and/or drainage runs (which may affect tree roots)
4. The approved landscaping scheme shall be carried out within one year of completion of the development and any trees, hedges, shrubs or plants which within a period of 5 years from the completion of the planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.
5. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
6. 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.
7. 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.
8. 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.
9. Drainage shall be provided within the site such that surface water does not drain into the Public Highway.
10. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 as amended (or any Order revoking and re-enacting that Order) in respect of the replacement dwelling hereby permitted no development as specified in Classes A, B, C with the exception of C.1. (c) (ii), D or F shall be carried out unless planning permission has first been granted by the Local Planning Authority
11. The residential curtilage of the dwelling hereby approved shall be that shown on the site plan indicated by the red line submitted to the local authority on 20<sup>th</sup> December 2017 and shall be retained as such in perpetuity.
12. The development hereby permitted shall be in accordance with the following approved plans drawing numbers 01 Rev C; 02 Rev C; 03 Rev C; 04 Rev C; 05 Rev C; 06 Rev C; 07 Rev C; 08 Rev C; 09 Rev C; 10 Rev C; 11 Rev C and 12 Rev B received by the local planning authority on 3<sup>rd</sup> April 2017.

### **Reasons**

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the Local Planning Authority can exercise proper control over the materials used and the appearance of the building when completed, in the interest of visual amenity.
3. To ensure that the Local Planning Authority can exercise proper control over the visual appearance of the area and in the interests of visual amenity.
4. To ensure that the Local Planning Authority can exercise proper control over the visual appearance of the area and in the interests of visual amenity.
5. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
6. In the interests of highway safety.
7. In the interests of highway safety.
8. In the interests of highway safety.
9. In the interests of protecting the amenity of current and future occupiers and visual appearance of the dwelling hereby approved.
10. It is essential that the Local Planning Authority has the opportunity to control the curtilage of the development in the interests of preventing encroachment into the open countryside.
11. For the avoidance of doubt

Officer to contact: **Mr Glen Baker-Adams**

**Date: 19 April 2017**