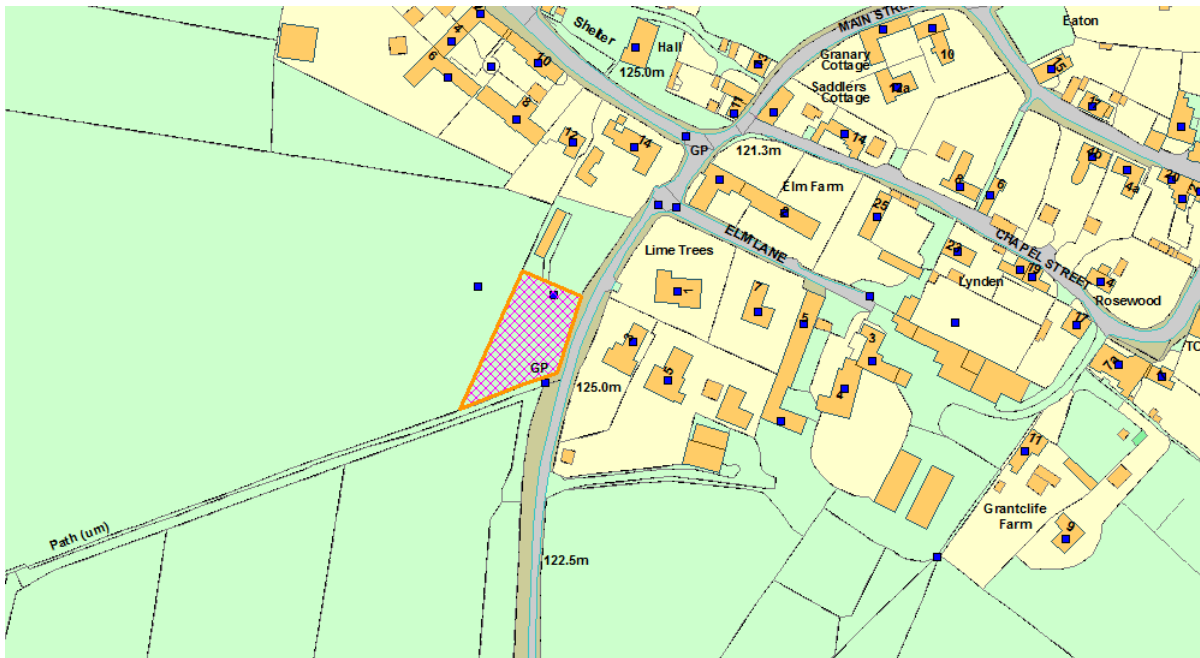


Reference: 16/00033/FUL
Date submitted: 14th January 2016
Applicant: Mr & Mrs Hutchings
Location: Land South of Thornhill House, Main Street, Eaton
Proposal: Single, self-build, two storey dwelling



Introduction:-

The application seeks full planning permission for a new dwelling on land to the South of Thornhill House, Main Street, Eaton. The application site adjoins the south-western edge of Eaton. The eastern half of the site is within the conservation area, and comprises in total of 0.14 hectares with a frontage of 25 metres along Waltham Lane. The site is laid to grass at present and is an associated amenity area to Thornhill House. There is an existing access to the site from Waltham Lane to the east, and there is a public footpath to the south.

The village of Eaton is approximately 8 miles north of Melton Mowbray and is a small village with limited services and facilities.

It is considered that the main issue relating to the application is:

- **Whether the site represents a sustainable location for a new dwelling**
- **The impact of the proposal on heritage assets**

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

Relevant History:

There is no relevant planning history at the site.

Development Plan Policies:

Melton Local Plan (saved policies):

Policies OS2, BE1

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

- Development essential to the operational requirements of agriculture and forestry;
- Limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside;
- Development essential to the operational requirements of a public service authority, statutory undertaker or a licensed telecommunications code system operator;
- Change of use of rural buildings;
- Affordable housing in accordance with policy H8

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.

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. Policy OS2 has been judged to be out-of-date in recent planning appeals as it has been considered to be a restrictive housing policy, particularly when assessing the impacts of housing proposals adjacent to existing settlements, as in this planning application.**

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

- 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, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

On Specific issues relevant to this application it advises:

Delivering a wide choice of high quality homes

At paragraph 55 of the NPPF advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the open countryside unless there are special circumstances such as:

- The essential need for a rural worker to live permanently at or near their place of work in the countryside

Conserving and enhancing the historic environment

Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- 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

At paragraph 132 the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paragraph 137 offers further advice for development within the conservation areas, and within the settings of heritage assets, and states that local planning authorities should look for opportunities for new developments in these areas to enhance or better reveal their significance. Where proposals preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset, they should be treated favourably.

As stated above, s38(6) requires determination to be in accordance with the Development Plan unless other material considerations indicate otherwise. This is reinforced by paragraph 11 of NPPF. These form the relevant Development plan policies and they remain extant.

The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states at section 72 that there is a general duty with respect to Conservation Areas in the exercise of planning functions. Section 72(1) states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.

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</p> <p>The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011. Consider access arrangements. Road widening will require a separate licence/agreement with Leicestershire County Council.</p>	<p>Noted.</p> <p>The site is accessed at present through a field gate and is currently used as a paddock. The proposed access to the dwelling is in the same location as the existing field gate. In the location of the field gate there is a gap in the trees that front the site. It is expected that any damage to their roots would be very minimal and they are expected to remain in the event that planning permission is granted.</p> <p>The proposal shows a 2.75 metre wide private driveway access, which accords with the requirements of Leicestershire County Council’s 6Cs Design Guide (6CDG). The Highways Report submitted in support of the application shows that at present 43 metre visibility splays can be achieved, although longer distances are achievable to accord with the 30mph speed limit.</p> <p>Whilst the access can be made acceptable, there are concerns as to whether Waltham Lane is suitable to cater for further traffic given its narrow carriageway and poor alignment. There are also potential issues with the visibility splays at the junction of Waltham Lane and Main Street which are substandard, and if the development would create dangers for pedestrians as there are no separate footways in</p>

	<p>Waltham Lane. The Highways Report submitted has reviewed the accident record for the junction and it shows that within the whole of Eaton there has only been one slight injury accident in the last ten years (2005-2014). This was a relatively significant distance from the application site and the junction in question.</p> <p>Whilst the speed limit of Waltham Lane is 30mph, in reality due to the narrow carriageway and limited passing places traffic tends to move more slowly. It is not considered that pedestrians would be put in a more dangerous position by the addition of one further dwelling. There are verges beside the road for refuge for pedestrians should they come across a vehicle.</p> <p>The proposed plans shows that Waltham Lane would be widened around the new access. LCC have advised that this would require a license / agreement with them, and this information can form part of an informative on any planning approval.</p> <p>It is considered that the dwelling would generate no more than 4-8 traffic movements a day, with adequate visibility from the proposed access. It is not considered given the accident history that this small addition of vehicular traffic would lead to a severe impact upon the local highway network and lead to an unacceptable risk to highways safety.</p> <p>The design of the dwelling incorporates parking spaces for 2 cars within the garage, and there is sufficient space at the front of the dwelling for parking two further cars. Given that the proposed dwelling has four bedrooms, the parking provision meets the requirements for the size of house.</p> <p>As such, the proposal is considered to meet the objectives of policy BE1 in regards to the provision of adequate access and parking.</p>
<p>Parish Council:</p> <p>The Parish Council has no objection this application in terms of the proposed building. However due to the location of the site near the junction of Chapel Lane/Main Street and Waltham Lane and following complaints to the Parish Council over parking around this area. The Council request that a condition be placed on construction traffic parking on or near this junction and where possible goes on to the site for unloading.</p>	<p>Noted.</p> <p>A condition to this effect can be placed on any permission granted at the site.</p>
<p>Ecology: No Objection</p> <p>The survey submitted in support of the application (Curious Ecologists, August 2015) is satisfactory. The site itself comprises amenity grassland with areas of tall ruderal. Badgers were recorded in the vicinity of the site</p>	<p>A Phase 1 protected species survey was submitted with the application, dated August 2015. The survey has not been published as it contains details of established badger setts which are confidential and should not be released to the general public.</p>

<p>but there was no evidence of setts within the application site boundary. We therefore have no further survey requirements for this application but would request that the applicant is required to follow the recommendations in the report.</p>	<p>The survey concluded that if any works are to be carried out on trees which have or may have splits, or cavities a bat survey may be required – ideally immediately before these works are carried out.</p> <p>As trees, shrubs and hedgerows offer good potential for bird nesting any works should be carried out outside the bird breeding season (March – August). Works may be possible if the areas are first checked and found to be clear of nesting birds by a suitably qualified ecologist.</p> <p>Although there is extensive badger activity around the site it is considered that the proposed works will have little effect on commuting or foraging due to the distance to the nearest sett.</p> <p>There are mitigation measures that should be considered during works noted within the survey submitted which can be conditioned if the application is approved.</p>
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Representations:

The application was advertised by way of a site notice at the application site and one neighbour was informed. An advert was also placed in the local press. As a result of the consultation 7 letters of support were received.

Consideration	Assessment of Head of Regulatory Services
<p>Appearance and Heritage</p> <p>The visual impact of the proposal will be minimal</p> <p>The building in this location would enhance the village</p> <p>A dwelling in this location would enhance the existing dwellings in the vicinity.</p> <p>The proposed dwelling would have less environmental impact than other new builds as it would be lower in height with dormer windows</p> <p>The proposal will balance Waltham Lane opposite the other new dwelling.</p>	<p>Noted.</p> <p>Eaton is a mainly ironstone village located on a hillside setting to the north of Melton Borough. The village has many winding roads leading off the principal route of Main Street and the road pattern has led to the development of buildings in groups giving a sense of enclosure enhanced by the steep embankments and stone walls which border the lanes and the footpaths.</p> <p>The proposed dwelling is to the south of Thornhill House which is a Grade II listed building. It is built of coursed ironstone with limestone dressings and has been recently re-roofed with black pantiles. It is two storeys with a dormer attic in three bays. In the village ironstone dominates, but some buildings are constructed of red brick, and some a combination of both materials. There are also examples of natural slate, red clay pantiles and Bottesford Blue pantiles with some interlocking concrete tiles on infill developments.</p> <p>The proposed dwelling, although described as two storey, has the appearance of a 1½ storey dwelling. It has 4 bedrooms, and is arranged in an L-shape with a relatively traditional design with dormer windows in the roof. The south elevation has three dormer windows at the first floor level, and a large amount of glazing on the ground floor providing</p>

	<p>views over the countryside from the proposed kitchen / diner and living room. There is also a downstairs WC and a small annex room off the utility room, adjacent to the integrated garage. On the first floor there are four double bedrooms, with two ensembles and a family bathroom. There is also a small dressing room off the master bedroom. The design of the dwelling is considered to blend in well with the overall character and appearance of the edge of the settlement, and to not dominate the rural aspect of the village.</p> <p>The design of the dwelling addresses the consideration that it would be the edge of the village, and addresses the south and the east in that respect with windows looking towards both sides giving a pleasant appearance. It is considered that the design of the dwelling meets with the objectives of policy BE1 and the design section of the NPPF.</p> <p>As discussed above, the access will be on to Waltham Lane in the same location as the existing field gate. It would appear that the dwelling has been carefully sited to ensure that the existing trees and hedgerow can be retained to preserve the character and appearance of Waltham Lane and provide for a development which is rural in nature. The dwelling would have its principal elevation facing Waltham lane, set back from the public right of way, but giving a level of natural surveillance over the public footpath.</p> <p>The dwelling would stand at a total height of 7.61 metres which is considered to retain long distance views from the village to the south and to retain the rural character of Waltham Lane. This height would also ensure that the two listed buildings retain their dominance at the junction with Main Street. It is proposed to build the house of ironstone with the windows and doors timber double glazed. Red clay pantiles would be used for the roof which would provide a contrast with Thornhill House.</p> <p>There are two listed buildings to the north of the site: Thornhill House and Elm Farm which occupy sites either side of the junction with Main Street. Waltham Lane is defined by verges and boundary trees with views out of the village towards open countryside. The site is partially within the Conservation Area and the proposal is not considered to be harmful to the heritage assets, or to have a negative impact upon their significance.</p> <p>The proposal is considered to meet the requirements of the NPPF in terms of conservation of heritage assets.</p>
Other Matters	Noted. If approved the dwelling would be an open market dwelling with no restrictions on sale or

It would be good to keep local people in the village	occupation.
It would be nice to see the family stay in the village	

Other Material Considerations Not Raised In Consultations:

Consideration	Assessment of Head of Regulatory Services
<p>Policy Considerations</p> <p>The application is to be assessed against the NPPF and saved policies OS2 and BE1 of the Melton Local Plan.</p>	<p>The village of Eaton 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. Eaton is located approximately 8 miles to the north of Melton Mowbray and 9 miles to the south west of Grantham. There is a bus service every two hours from Eaton to Melton Mowbray (and vice versa), but in terms of other services in the village, it only benefits from a village hall and a church. There is no local shop / newsagent / convenience store for residents to use, meaning that they are heavily dependent on the car.</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 / 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 it is understood that the dwelling is proposed by the existing occupants of Thornhill House who wish to downsize their housing and not move out of the village, it is not considered that this is a sustainable location to be encouraging any further housing, and would be contrary to the overall aims and objectives of sustainable development as promoted by the NPPF. Furthermore, the dwelling, if approved, would be an open market dwelling with no restrictions on occupancy.</p> <p>Policy OS2 cannot be given any weight in the determination of this application as it is a restrictive housing policy which has been found to be out of</p>

date with reference to paragraph 49 of the NPPF. Thus, the fact that the application site is outside of the settlement confines of Eaton is a matter of reduced weight insofar as the principal of development here is concerned. This does not however lead to an automatic assumption that permission should be granted. Paragraph 49 aims to ensure that in situations where the existing Local Plan policies have failed to secure a sufficient supply of deliverable housing sites, the 'presumption in favour of sustainable development' is duly applied. The mechanism for applying that presumption is set out in paragraph 14 of the NPPF. This explains that where relevant policies are out of date (unless material considerations indicate otherwise) permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.

This clearly does not equate to a blanket approval for residential development in locations that would otherwise have conflicted with Local Plan policies. If the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, then planning permission should still be refused.

The Council cannot demonstrate a 5 year housing land supply, and although small, the provision of one dwelling on could be considered a public benefit of limited weight. The provision of only one house against a significant shortfall of houses in the Borough can only be given limited weight in the planning balance.

With regards to the housing needs of the area, the dwelling proposed is a 4 bedroom house. The Borough Housing Needs survey identified a need for smaller two and three bedroom properties within the rural north of the Borough. These findings are endorsed by the SHMA which also indicates a need to protect rural settlements from an overdevelopment of large executive housing and encourage a balanced supply of suitable family housing and housing for smaller households. A recent appeal decision in Bottesford questioned the Council's reliance on the evidence base. The inspector considered that the evidence base is weak due to its age, and caveats that appear in the most up to date evidence (2014 SHMA) that specifically state that house-size apportionment is undesirable.

The need to plan for housing that meets demographic need is a stated objective of the NPPF, however at the present time we are ill-equipped to pursue it in the northern part of the Borough for the reasons set out above relating to

	the quality and content of the evidence base. It is also reasonable to consider the location of the site and the scale of the development rather than taking a broad brush approach.
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Conclusion

The application seeks full planning permission for a dwelling on the edge of the village of Eaton partially within the Conservation Area. The proposal is considered to be contrary to the overall aims and objectives of the NPPF in promoting sustainable development as the village of Eaton has very little in the way of services and facilities that reduce residents’ reliance upon the private car. This approach to determining sustainability has been successfully tested at appeal although none of the examples were in Eaton, and whilst it is understood that the applicants wish to build the house so that they can downsize in the village, this does not alter the fact that it is an unsustainable location for any further dwellings. The adverse impacts of the proposal are therefore considered to significantly outweigh the benefits; therefore the application should be refused in accordance with the NPPF.

The design of the proposal is considered to conserve and enhance the conservation area, and the not cause any harm to heritage assets in the locality. The application has received a small level of local support; however this does not overcome the issues identified with the application. The application is therefore recommended for refusal.

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. An audit of villages using the Rural Centres selection criteria was undertaken for the Core Strategy and is considered to be a reliable evidence base to measure sustainability against the guidance provided by the NPPF. 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: **Mrs Sarah Legge**

Date: 11th March 2016