

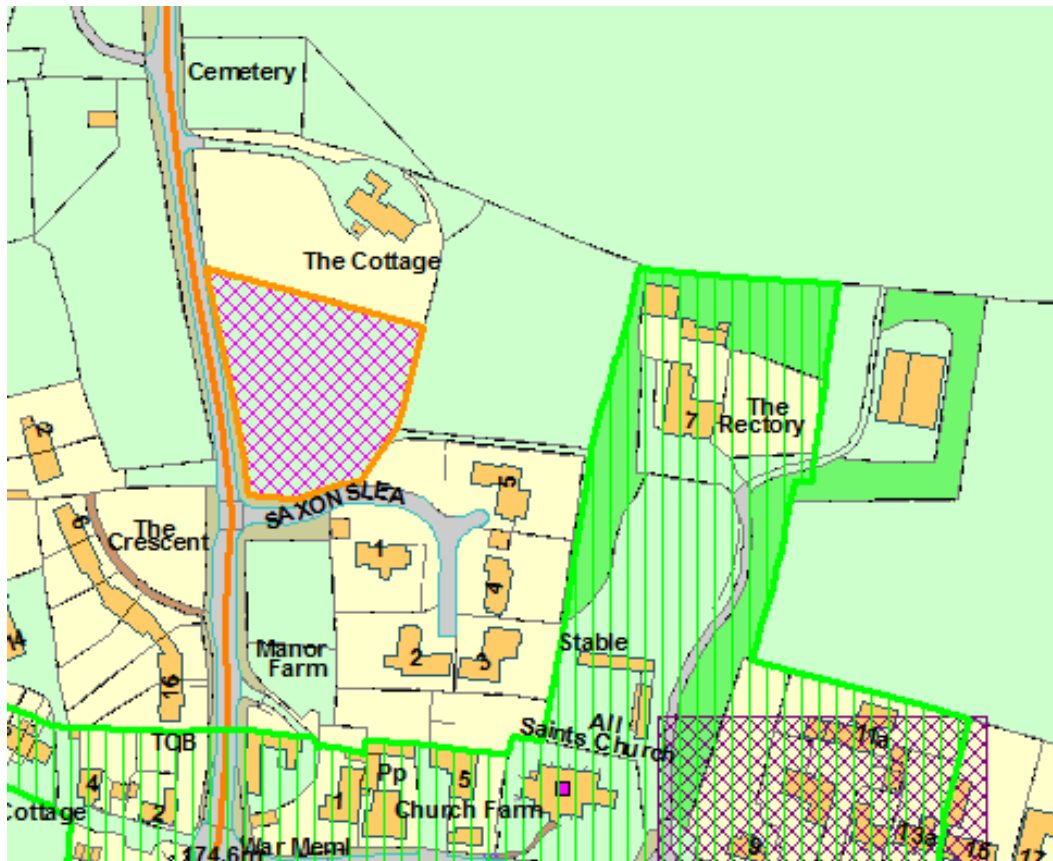
**Reference:** 17/00527/REM

**Date Submitted:** 28<sup>th</sup> April 2017

**Applicant:** Mr Mark Gale

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

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



**Introduction:-**

The proposal seeks approval of reserved matters for the construction of five terraced cottages and a single detached dwelling. The original outline application was granted planning permission in December 2016 (16/00563/OUT) by the Planning Committee.

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
- Highway Safety
- House type, size and mix

The reserved matters application proposes the development of three two bed properties and three x three bed properties.

**History:-** Outline planning permission was granted in December 2016 (16/00563/OUT) for the development of

five terraced cottages and a single detached dwelling. The Officer recommendation for the development was refusal, due to the unsustainable location. However the applicant had offered one of the homes to be a “starter home” and given the size of the dwellings proposed (two and three bed), it was considered that the proposed development would provide needed housing in the Borough and was granted a conditional permission.

### **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. Additionally, the principle of the development has been agreed with the approval of the outline application.

**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:
  - o 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
  - o 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:

- o proactively drive sustainable economic development to deliver homes, infrastructure and thriving local places the country needs,

- o Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings,
- o 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,
- o 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.

Para 50 states To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on **current and future demographic trends**, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- **identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand;** and

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.

**Consultations:-**

<b>Consultation Reply</b>	<b>Assessment of Head of Strategic Planning and Regulatory Services</b>
<b>LCC Highways</b>	Noted comments received from LCC Highways. Informative note can be included on the decision

<p>The County Highway Authority (CHA) has been consulted on a Reserved Matters application attached to planning permission 16/00563/OUT. The application relates to the approval of all reserved matters including access, appearance, landscaping, layout and scale.</p> <p>Notwithstanding the above <b>the CHA understands that the highway conditions previously advised have been included on the decision notice for 16/00563/OUT remain valid unless advised otherwise by the LPA.</b></p> <p>Informatives</p> <p>1. The proposed road does not conform to an acceptable standard for adoption and therefore it (they) will NOT be considered for adoption and future maintenance by the Highway Authority. The Highway Authority will, however, serve APCs in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.</p>	<p>notice.</p>
<p><b>MBC Building Control</b></p> <p>Layout appears satisfactory for both Fire and Refuge appliances</p>	<p>Noted</p>
<p><b>Somerby Parish Council</b></p> <p>Somerby PC object to the application. approval for the outline permission was for two main reasons:</p> <ol style="list-style-type: none"> <li>1. It was a small appropriate development for a small village. The two bed houses proposed were the right size and price to make the feasible for first time buyers.</li> <li>2. We were very much in favour of the affordable house proposed as we have an ongoing need for such accommodation in the Parish.</li> </ol> <p>We had some concerns about the increase in traffic, but on balance we were in favour.</p> <p>Without exception, the number of bedrooms in this development have all been increased, raising the total number of bedrooms from 13 to 19. This increase in occupancy is unacceptable and would undoubtedly increase the number of vehicles. Further, the provision of an affordable property is no longer mentioned.</p>	<p>Noted.</p> <p>Amended plans have been received for the proposal, reducing the number of bedrooms in the dwellings proposed. The applicant is aware of the requirement to provide an affordable dwelling, as specified in the outline permission.</p> <p>No comments have been received by the Parish Council to date relating to the amendments.</p>

Objections were received from 7 properties.

Representations	Assessment of Head of Strategic Planning and Regulatory Services
<ul style="list-style-type: none"> <li>• Proposal now for 5x3 bed and 1x4 bed, outline application was for 5x2 bed and 1x3 bed – the two are not the same.</li> <li>• No reference in the application to the starter home.</li> </ul>	<p>Following comments received, amended plans have been received which partially address these concerns.</p> <p>The applicant is aware of the requirement to provide the starter home as in accordance with the outline</p>

<ul style="list-style-type: none"> <li>Proposed site entrance is not suitable, there is another serviceable entrance off Leesthorpe Road.</li> <li>More bedrooms would result in more cars.</li> <li>Insufficient parking proposed.</li> <li>Poor visibility when exiting, not helped by speeding drivers.</li> <li>More vehicles will more likely result in an accident.</li> <li>Additional vehicles will result in excessive noise.</li> <li>No appropriate access for emergency/service/refuse vehicles.</li> <li>Access will be blocked by service vehicles, resulting in a loss to social cohesion.</li> </ul>	<p>application.</p> <p>LCC Highways have been consulted on the previously outline application and current reserved matters application, raising no objection to the proposed development. Therefore whilst the objections and concerns raised have been considered, it is considered that given the lack of objection from the CHA that the proposed development could not be refused on these grounds.</p>
<ul style="list-style-type: none"> <li>SS3 of draft local plan makes reference to up to 3 dwellings, this application is for more than 3.</li> <li>Pickwell has poor facilities – unsuitable for new development, as was the opinion of the outline application (officer recommendation).</li> <li>Future residents would be dependant on the car – contrary to the NPPF.</li> <li>Inadequate bus service.</li> </ul>	<p>The principle of development on the site has already been approved at the outline application stage. Therefore the comments here have already been considered and the Planning Committee previously resolved to grant outline permission.</p>
<ul style="list-style-type: none"> <li>Visually intrusive.</li> <li>Terraced properties would not fit in with the existing detached properties.</li> <li>Development is too dense for the site.</li> <li>Trees need to be retained to keep the character of the area. Trees define Pickwell’s visual character and provide a habitat.</li> <li>Mature trees are not shown on the plan.</li> <li>Proposal will remove green space from the village.</li> <li>Boundaries are shown incorrectly on the plan – hedge where there is post and rail, the hedge to Leesthorpe Road does not include mature trees.</li> <li>Plan for soakaways – land is already wet in heavy rain, this will result in water run off to the road.</li> </ul>	<p>The landscaping plan indicates that the hedge will be retained to the North, West and East boundaries. The landscaping details as provided are considered to be adequate for this proposed development.</p> <p>The number of dwellings had been approved at outline application stage, where an indicative site layout was provided, including the proposed erection of a row of terraced dwellings. It is considered that the design of the dwellings proposed is acceptable for the location and would not result in overlooking or privacy issues to neighbouring occupiers.</p>
<ul style="list-style-type: none"> <li>New owner has no rights to use Saxon’s Lea – this is a private road.</li> <li>Builders will damage the road, causing a nuisance and make existing the road dangerous.</li> <li>There are gas tanks and Calor equipment in the adjacent field, building works could damage these.</li> <li>There is currently a water supply easement over the development site.</li> </ul>	<p>The issues raised here are not material planning considerations, with some of these being separate legal issues.</p> <p>There is no reason to assume these will be affected. Construction practices will be required to operate within Health and Safety requirements. This is not a matter for consideration under the planning application.</p> <p>The planning permission does not override rights or restrictions from covenants or other forms of restriction. The developer will have to address this additionally to planning issues if the proposal is to proceed.</p>

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

Consideration	Assessment of Head of Strategic Planning and Regulatory Services
<p><b>Application of the Development Plan Policies:-</b></p> <p>Policies OS1 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 reserved matters for the approval of appearance, scale, layout and landscaping for one modest dwelling and is capable of complying with the local plan policies given that the design is suitable and an acceptable relationship with neighbouring properties is achieved.</p> <p>It is considered that the development complies with the local plan policies and promotes sustainable housing growth as stipulated within the NPPF.</p> <p>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.</p>
<p><b>Housing type, size and mix</b></p> <p>Para 50 of the NPPF requires that planning decisions plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community</p> <ul style="list-style-type: none"> <li>- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.</li> </ul> <p>The Housing Needs Study (Aug 2016) is considered to provide the most up to date information regarding local needs. This has been commissioned to help with the development of the (new) Melton Local Plan and focuses on housing provision over the 2011-2036 period. This specifies that there is a higher need for two rather than three bedroom homes in rural areas. Through the Borough overall, it indicates that there is a greater need for two and three bed properties.</p>	<p>The reserved matters application proposes the development of three x two bed properties and three x three bed properties. It is considered that this mix of housing is acceptable for this location and development and addressed identified needs.</p> <p>The size of properties will contribute towards addressing the housing need of the Parish and wider Borough, as identified in the Housing Needs Study (2016). This report identifies that there is a larger proportion of four and five plus bedroom sized properties in the Parish compared to Melton Borough and Leicestershire. Over 55% of the buildings in the Parish are detached, above the local and national average.</p>
<p><b>The (new) Melton Local Plan (Pre submission draft and Addendum of Focussed Changes, July 2017) Policy SS3 states that on unallocated sites, planning permission will be granted for new development in the rural area, provided it is in keeping with the scale and character of the host settlement and where it has been demonstrated that the proposal enhances the sustainability of the settlement.</b></p>	<p>The Local Plan is progressing but it is still considered to carry only 'limited' weight owing to the steps yet to be completed and the degree to which its content is contested.</p> <p>This permission was granted on the basis that it would deliver a desired type of housing supply in a location otherwise considered unsustainable. The house types proposed would provide smaller dwellings, including a starter home, which would be attractive to first time buyers and households wishing to downsize. It is considered that a provision of smaller dwellings in Pickwell would contribute towards the longer term sustainability of Pickwell.</p>

**Conclusion:-**

The principle of development had previously been approved at outline application stage. Following the receipt of amended plans, the proposed dwellings would provide smaller dwellings, suitable for first time buyers and

those wishing to downsize. This size of property is considered to be in need in the Parish and wider Borough area. Whilst these amended plans do not exactly match the description of the dwellings proposed at outline stage, it is considered that it would be difficult to justify the refusal of the application.

**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. The proposed development shall be carried out strictly in accordance with plan drawing numbers: 060917/1, 060917/2, 060917/3, 060917/4, 060917/5, 060917/6, 060917/7, 060917/8 and 060917/9, received by the Local Planning Authority on 7<sup>th</sup> September 2017.
3. No development shall start on site until representative samples of the materials to be used in the construction of all external surfaces have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. Landscaping and screening shall be provided and retained as per drawing 060917/8 before the first occupation of the dwellings hereby approved unless other wise agreed in writing by the Local Planning Authority
5. The car parking and turning facilities as set out on approved drawing 060917/8 shall permanently remain available for car parking.
6. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 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.
7. No development shall commence on site until all existing trees that are to be retained have been securely fenced off by the erection of post and rail fencing to coincide with the canopy of the tree(s), or other fencing as may be agreed with the Local Planning Authority, to comply with BS5837. In addition all hedgerows that are to be retained shall be protected similarly by fencing erected at least 1m from the hedgerow. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and backfilled by hand. Any tree roots with a diameter of 5 cms or more shall be left unsevered.

**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. For the avoidance of doubt.
3. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
4. To ensure the provision of amenity afforded by the proper maintenance of existing and/or new landscape features.
5. To ensure the 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. To enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed.
7. To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.

Officer to contact: **Mrs Joanna Lunn**

Date: **15<sup>th</sup> September 2017**

