COMMITTEE DATE: 15th March 2018

Reference: 17/01098/OUT

Date Submitted: 01.09.2017

Applicant: Chris & Ian Carr

Location: Field 7900, Wartnaby Road, Ab Kettleby

Proposal: Construction of 10 new dwellings with community carpark and bus turning area



Introduction:-

The application seeks outline planning permission to construct a residential development consisting of 10 dwellings on a currently undeveloped area of land. The site is outside the village envelope and Conservation Area and is not a proposed allocated site in the Emerging Local Plan.

The application is for outline permission only with all matters reserved. However an indicative site plan has been provided for the proposed development.

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

- Compliance or otherwise with the Development Plan and the NPPF
- Impact upon highway safety
- Impact on amenity of neighbouring residential occupiers
- Flooding issues
- Sustainable development.

The application is required to be presented to the Committee due to the request made by Leicestershire County Council in relation to S106 contributions.

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

Planning Policies:-

Melton Local Plan (saved policies)

Policy OS2 - does not allow 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, and small scale development for employment, recreation and tourism.

Policy BE1 - allows for new buildings subject to criteria including buildings designed to harmonise with surroundings, no adverse impact on amenities of neighbouring properties, adequate space around and between buildings, adequate open space provided and satisfactory access and parking provision.

Policy H10 – for development of 10 dwellings of more, amenity space of 5% of the gross development site area will be required, in accordance with the Council's standards. These standards state that schemes should introduce local "greens" and other informal areas and natural/ mature vegetation should be retained where possible. The standards also state that layouts should be designed to deter ball games and should incorporate landscaping.

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 offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.

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

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that 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;
- recognising the intrinsic character and beauty of the countryside
- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation
- 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.
- Take account of the different roles and characters of different areas, promoting the vitality of urban areas, recognising the intrinsic character and beauty of the countryside and support thriving rural communities.

On Specific issues it advises:

Promoting sustainable transport

- Safe and suitable access to the site can be achieved for all people
- Development should located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians
- Consider the needs of people with disabilities by all modes of transport.

Delivering a Wide choice of High Quality Homes

- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- LPA's should identify land for 5 years housing supply plus 5% (20% if there is a history of under delivery). In the absence of a 5 year supply housing policies should be considered to be out of date.
- deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

Require Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Conserving and enhancing the natural environment

- Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value
- Aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments

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 para. 12)

Consultations:-

Consultation Reply

LCC Highways

The Local Highway Authority advice is that, in its view, the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the Conditions and Contributions as outlined in this report.

Following the Local Highway Authorities (LHA) observations which were submitted to the Local Planning Authority on 26 January 2018, the Applicant has confirmed the location of the speed surveys, which were undertaken in the vicinity of the site access.

No further information has been submitted with regards to the footway or internal layout/ bus turning facilities.

Overall, while the LHA accepts the principle that a safe and suitable access could be achieved, previous comments submitted on 17 October 2017 and 26 January 2018 with regards to the internal layout, school bus turning area, parking provision and pedestrian footpath remain in full.

The LHA would expect these to be suitably addressed and demonstrated on application at the appropriate Reserved Matters stage.

To reiterate specific points which will require clarification:

- It is unclear why the school bus turning area and parking is being provided by the Applicant, it is not the Applicants responsibility to address an existing situation.
- Based on the submitted drawings, the internal layout would not be suitable for adoption. It is unclear if school bus operators would be willing to turn around in an un-adopted private road.

Furthermore, an adopted layout with turning head designed to cater for school buses would be considered un-necessary and may be resisted or attract a commuted sum. It is also unclear how the school car park would be managed on a private road. These car parking spaces would not be considered for adoption. Clarification is required.

- Tracking for a school bus will be required to demonstrate turning can safely be undertaken within the site and the turning area will need to be kept clear of vehicles if this was to be undertaken.
- The LHA will not accept a design which requires school buses to utilise the site access

Assessment of Head of Strategic Planning and Regulatory Services

Noted all comments made.

The community parking area previously proposed has been removed by the applicant and it is now proposed that this area would provide a Local Area for Play. The drawing submitted indicates that this area will be hard surfaced.

The application is for outline permission only with all matters reserved, therefore there is potential for the internal layout to be amended. The layout and parking provision would be considered further at reserved matters stage should the outline application be granted permission.

However the applicant has still indicated on drawings that a bus turning area would still be provided within the site.

- junction/ Wartnaby Road as a turning head.
- A pedestrian footway from the site which crosses over to utilise the existing footway is more likely to be achievable than one which links to the school and would be more appropriate given the scale of the proposals.

Conditions

- 1. Traffic management plan
- 2. Provision of footpath

Previous comments (December 2017) -

Off-Site Implications

The Applicant has advised that a footway will be provided from the site to the school along the northbound highway verge. The CHA considers it is likely to be difficult to design this to an adoptable standard and would not be required or justifiable for the quantum of development proposed. The CHA advises that a footway from the site which crosses over to utilise the existing footway is more likely to be achievable and would be more appropriate given the scale of the proposals.

Internal Layout

The previous advice with regards to the internal layout remains in full. However, to reiterate, the CHA would question the need for the extra facilities (school bus turning area and parking) being provided as part of the application as it is not the Applicant's responsibility to address an existing situation i.e. parking outside the primary school.

Notwithstanding the above if the Applicant is going to proceed with the internal layout as proposed then the CHA would advise that tracking of a school bus is submitted for review.

Lead Local Flood Authority

An updated drainage strategy and technical note have been provided confirming the attenuation basin is outside the ownership extents of a housing plot alongside drainage calculations.

The proposed development would be considered acceptable to Leicestershire County Council as the LLFA if the following planning conditions are attached to any permission granted.

Conditions

- A surface water drainage scheme to be submitted and approved by the Local Planning Authority, including SUDS limiting run off to greenfield rates, to cater for events up to 1:100 plus allowance for climate change.
- details in relation to the management of surface water on site during construction of the development

Noted all comments received and requested conditions. These can be applied to any permission granted.

- details in relation to the long term maintenance of the sustainable surface water drainage system. Particular attention should be paid to the proposed detention basin directly adjacent to plot 1 and this should also include residual health and safety considerations.
- infiltration testing carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy.

Leicestershire County Council Contributions

Civic Amenities

The nearest Civic Amenity Site to the proposed development is located at Melton and residents of the proposed development are likely to use this site. The Civic Amenity Site at Melton will be able to meet the demands of the proposed development within the current site thresholds without the need for further development and therefore no contribution is required on this occasion.

Future developments that affect the Civic Amenity Site at Melton may result in a claim for a contribution where none is currently sought.

Education

The site falls within the catchment area of Ab Kettleby Community Primary School The School has a net capacity of 77 and 82 pupils are projected on the roll should this development proceed; a deficit of 5 pupil places (of which 2 are existing and 3 are created by this development. There are currently no pupil places at this school being funded by S106 agreements from other developments in the area to be deducted.

In order to provide the additional primary school places anticipated by the proposed development the County Council would request a contribution for the Primary School sector of 29,037.62. Based on the table above, this is calculated the number of deficit places created by the development (2.4) multiplied by the DFE cost multiplier in the table above (12,099.01) which equals £29,037.62.

This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Ab Kettleby Community Primary School or any other school within the locality of the development.

Noted comments made in relation to the requests for the site.

Should permission be granted for the development, a S106 would need to be drafted to include these requests.

S106 payments are governed by Regulation 122 of the CIL Regulations and require them to be necessary to allow the development to proceed, related to the development, to be for planning purposes, and reasonable in all other respects.

The contribution would be spent within five years of receipt of final payment.

Secondary School (11-16) Sector Requirement £29,853.20

For 11 to 16 education in Melton Mowbray there is one single catchment area to allow parents greater choice for secondary education.

There are two 11-16 secondary schools in Melton Mowbray, these are Long Field Academy and John Ferneley College.

The schools have a total net capacity of 1900 and a total of 2024 pupils projected on roll should this development proceed; a deficit of 124 pupil places. A total of 7 pupil places are included in the forecast for this school from S106 agreements for other developments in this area and have been discounted. This reduces the total deficit for this school to 117 (of which 115 are existing and 2 are created by this development). A claim for an education contribution in this sector is therefore justified.

In order to provide the additional 11-16 school places anticipated by the proposed development, the County Council requests a contribution for the 11-16 school sector of £29,853.20.

This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Long Field Academy and John Ferneley College or any other school within the locality of the development.

The contribution would be spent within 5 years of receipt of final payment.

Post 16 Sector Requirement £0

This nearest school to the site is Melton Vale Post 16 Centre. The College has a net capacity of 640 and 490 pupils are projected on roll should this development proceed; a surplus of 150 pupil places after taking into account the 1 pupil generated by this development. There are currently no pupil places at this school being funded by S106 agreements from other developments in the area to be deducted.

An education contribution will not be requested for this sector.

Total Requirement: £58,890.83

Libraries

No claim required for library services. The proposed development would not have any adverse impact on current stock provision at the nearest library which is Melton Mowbray.

Seven Trent Water Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of a condition requesting the submission of further details.	Noted. Conditions can be included as part of any permission.
Ab Kettleby Parish Council	
The proposed development is relatively sympathetic and in keeping with the character of the village.	Noted comments made.
Prefer to see more starter homes to attract young families as opposed to bungalows, particularly as the plot is adjacent to the school.	The proposed development does not include any starter homes/ affordable housing provision.
An additional 10 houses in the village may exacerbate the traffic access to the A606 and further congestion and safety issue outside the school would also be a concern.	LCC Highways have been consulted on the proposed development (see above).
It would be good if the inclusion of a children's play area could be considered as the village is in desperate of one.	The application has proposed a Local Area for Play (hard surfaced area).
Apart from these points it was agreed by all Councillors to be a good idea.	

Representations:-

A site notice was posted to advertise the application and one neighbouring property was consulted by letter.

As a result, three representations of objection were received for the application, which are summarised below:

Representations	Assessment of Head of Strategic Planning and
 Unwarranted, prominent, visual intrusion of built development into open countryside which would be harmful to the landscape character and the rural setting of the village Contrary to policies OS1 and OS2 of the Adopted Local Plan and policies SS2 and SS3 of the Emerging Local Plan. There is no need for the proposed dwellings, as planning permission has been granted for 9 dwellings in the past year (1 already built and offered for sale), and there are planning applications for a further 8 dwellings on more acceptable sites in the village which are pending determination. There is also an allocation for a further 10 dwellings on Nottingham Road in the Emerging Local Plan. 	Assessment of Head of Strategic Planning and Regulatory Services Noted comments received. The application site is outside the village envelope on an existing arable field. The proposed development would be contrary to policy OS2. Ab Kettleby has been classed as a "Rural Hub" and therefore it is considered that a limited amount of development would be acceptable in this location, subject to meeting a number of criteria. This is considered below.
 Allocated site in Local Plan would avoid people having to drive through the village. 	
 The proposal is not a sustainable development as defined in the National Planning Policy Framework (paragraphs 6 - 14) as its adverse impacts described above do not outweigh its alleged benefits. 	

- Application mentions squaring off field for easier cultivation – doesn't seem to be a problem at the moment.
- Urbanising the rural area building beyond village envelope.
- Development of the agricultural land would totally change the character of the village.
- If granted, the land owner opposite would probably apply again for a similar development this would be hard to refused, creating an even larger problem.
- Worry about the future of the village with the increases in traffic and noise.

An application for one dwelling directly opposite the application site has recently been refused permission (17/01063/OUT). This application is currently going through the appeals process.

- Main Street and Wartnaby Road within the village are relatively narrow rural lanes which farm traffic and emergency vehicles find particularly difficult if not impossible to negotiate.
- Village already suffers from a preponderance of parked vehicles in the highway due to the lack of parking facilities in existing residential plots and the additional 25 to 30 vehicles which visit the primary school each working day.
- Potential for additional 25-40 vehicles passing through the village everyday as a result of the development.
- Highway safety hazards on the primary access road to this application site – proposal will exacerbate these hazards.
- The proposal is not therefore in the interests of highway safety especially when young children are arriving at and leaving school.
- The proposed community car park is impractical and will not be used as it is too far from the school gates and vehicles will deliver and collect children by parking as close to the school gates as possible. This is not a social benefit for the village.
- The road is used by the majority of the villagers.
- Application gives an impression of a quiet road views were taking to out of the village.
- Vehicles often have to give way/ reverse for other vehicles due to parking.
- Dangerous junction at Nottingham Road.
- Person who has come up with the idea for the community parking and footpath has not visited the school at drop off/ pick up time.
- Concerns about additional traffic and noise pollution.

As seen in the comments above, LCC Highways have not objected to the proposed development on highway safety grounds.

The applicant had proposed the creation of a bus turning area within the site and the provision of a footpath from the site to the school. The applicant has stated that this would allow access from the parking area to the school, however this has now been removed.

There is no proven need for the additional footpath or bus parking/ turning area. This had not been requested by the County Highways and there is no evidence to suggest that this facility would be required or used.

The application site is approximately 175m from the school.

Other Material Considerations not raised in representations:

Other Considerations

The (new) Melton Local Plan – Pre submission version.

The Pre Submission version (as amended by 'Focussed Changes') underwent its Examination In Public in January and February 2018.

The NPPF advises that:

From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- 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 Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given),

The Pre-Submission version of the Local Plan identifies Ab Kettleby as a 'Rural Hub', in respect of which, under Policy SS3, 'windfall' development is permissible adjacent to villages subject to meeting several criteria. This policy states that:

Outside of those sites allocated through the local plan, planning permission will be granted for new development in the rural area within or on the edge of existing settlements, 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 to which it relates and, through repeated application, will not result in a level or distribution of development that is inconsistent with the development strategy. The Council expects proposals to meet the following criteria:

1. The development provides housing or economic development which meets a local need as identified in a Neighbourhood Plan or appropriate community-led strategy, housing or economic needs assessment; and 2. The development respects the Borough's landscape and settlement character such that it conforms with

Assessment of Head of Strategic Planning and Regulatory Services

Whilst the Local Plan has progressed it remains in preparation, it can be afforded only limited weight.

When assessed against the NPPF criteria opposite:

The Local Plan is submitted for Examination and has the following steps to complete:

- Examination for its 'soundness' under the NPPF
- Examination results to be published and any 'modifications' to be the subject of consultation
- Further examination to take place into Modifications
- Final Inspectors Report and recommendations
- Adoption by MBC

There are several hundred representations to the local plan covering very many aspects, including the quantity of housing provided, its distribution and contention in respect of site allocations. It can only be reasonably concluded that very many relevant objections remain unresolved

Whilst it is the Council's view that the Local Plan is consistent with the NPPF (as this is a requirement allowing its submission) this is contested by many parties and will be the subject of consideration by the Examination process.

It is therefore considered that it can attract weight but this is limited at this stage.

It is not considered that the proposed development of 10 dwellings would match the set criteria of draft policy SS3. Whilst the proposed development would provide some smaller dwellings, as identified in preparation for the Local Plan, it has not been demonstrated that this proposed number of dwellings would be required.

The supporting text with this draft policy states that up to 5 dwellings in a Rural Hub (such as Ab Kettleby) would be appropriate, where it has been demonstrated that the proposal would enhance the sustainability of the settlement. It is not considered that this proposal has demonstrated that it would enhance the sustainability of the settlement. Additionally, it is not considered that there are any benefits of the scheme which would outweigh the harm of the development. Whilst the application proposes a bus turning area, this has not been requested by the CHA and there is no

policies EN1, EN4 & EN6; and that (where relevant), the design conforms with Policy D1; and

- 3. The development will be served by sustainable infrastructure and or provide new infrastructure or services to the wider benefit of the settlement; and
- 4. The development respects ecological, heritage and biodiversity features and where appropriate, provides mitigation to prevent any potential harm; and
- 5. Where possible the development does not result in the loss of best and most versatile agricultural land;
- 6. The development does not increase the risk of flooding, in accordance with Policy EN11.

Draft Policy D1 of the Emerging Local Plan relates to Raising the Standard of Design. This includes criteria that new development should be assessed against, including:

- a) Siting and layout must be sympathetic to the character of the area:
- c) Buildings and development should be designed to reflect the wider context of the local area and respect the local vernacular without stifling innovative design;
- d) Amenity of neighbours and neighbouring properties should not be compromised;
- f) Sustainable means of communication and transportation should be used where appropriate;
- i) Proposals include appropriate, safe connection to the existing highway network;
- k) Makes adequate provision for car parking;

Planning Policies and compliance with the NPPF

The application is required to be considered against the Local Plan and other material considerations.

evidence to prove if this is required or would be used by the school.

The application has demonstrated that a safe access can be achieved to/ from the site.

The application is required in law to be considered against the Local Plan and other material considerations. The proposal is contrary to the local plan policy OS2 however as stated above the NPPF is a material consideration of some significance because of its commitment to boost housing growth.

The 1999 Melton Local pan is considered to be out of date and as such, under para. 215 of the NPPF can only be given limited weight.

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".

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. It is considered that Melton Borough Council has over 7 years land supply.

Several appeal decisions have confirmed that the Local Plan's Village Envelope policy (OS2) is incompatible with the NPPF and therefore out of date, and therefore the NPPF should take precedence.

However this on its own is not considered to weigh in favour of approving development where harm is identified, such as being located in an unsustainable location.

It is considered that development in this location would assist in boosting housing supply in a sustainable location. However, this 'benefit' needs to be balanced against the harm of the proposal and other material considerations that weigh against permission being granted.

Character and appearance of the area

The application is for outline permission with all matters reserved, however an indicative layout has been provided as part of the application, which proposes a mix of 1, 1.5 and two storey properties.

The properties along this western end of Wartnaby Road are large detached properties, positioned centrally on large plots. There is currently no back land development in this area of the village.

When comparing the proposed site to nearby residential properties, the development would be of a much higher density than other nearby development and would not follow the linear character of the existing properties.

The introduction of this back land development would introduce development further out into the countryside than the existing linear formation and potentially set a precedent for further back land development.

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 not deficient in terms of housing land supply and it is considered that the Council can demonstrate a 5 year housing supply.

It is considered that the development of 10 dwellings located on a greenfield site in a settlement which is not considered to preform highly on sustainability terms, would not constitute sustainable development. Although there are limited facilities in Ab Kettleby, it is not considered likely that any future residents would be able to access day to day services and employment without the use of the private car. Whilst there is a bus service serving the village, this provides no service after 7pm or on a Sunday and the relevant bus stops are approximately 600m from the application site. Whilst it has been proposed that the development would include the creation of a bus turning area, hard surfaced area for play and an extension of the existing footpath from the site to the school, it is not considered that these proposed features would be of significant benefit.

In conclusion it is considered that, on the balance of the issues, there are not significant benefits accruing from the proposal when assessed as required under the guidance of paragraph 14 of the NPPF. Whilst the proposed development would result in a good housing mix, it is not considered that the harm as a result of this development would outweigh any benefits. Whilst Ab Kettleby has been identified as a village that could accommodate small windfall developments (up to 5) in preparation of evidence for the Emerging Local Plan, it

is not considered that a development of 10 dwellings would result in a development which would improve the sustainability of the village in accordance with Policy SS3 of the Emerging Local Plan.

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 permission can be granted.

Recommendation: REFUSE, for the following reasons.

1. The proposed development would represent an unwarranted extension into the surrounding countryside which contributes to the village setting and would be detrimental to the rural character and appearance of the village, and detrimental to the character of the countryside. The proposal is therefore contrary to Policy OS2 and BE1 of the adopted Melton Local Plan, Policy SS3 and D1 of the Emerging Local Plan and the National Planning Policy Framework. It is not considered that there are material considerations present which suggest that the decision should depart from these policies.

Officer to Contact: Mrs J Lunn Date: 7th March 2018