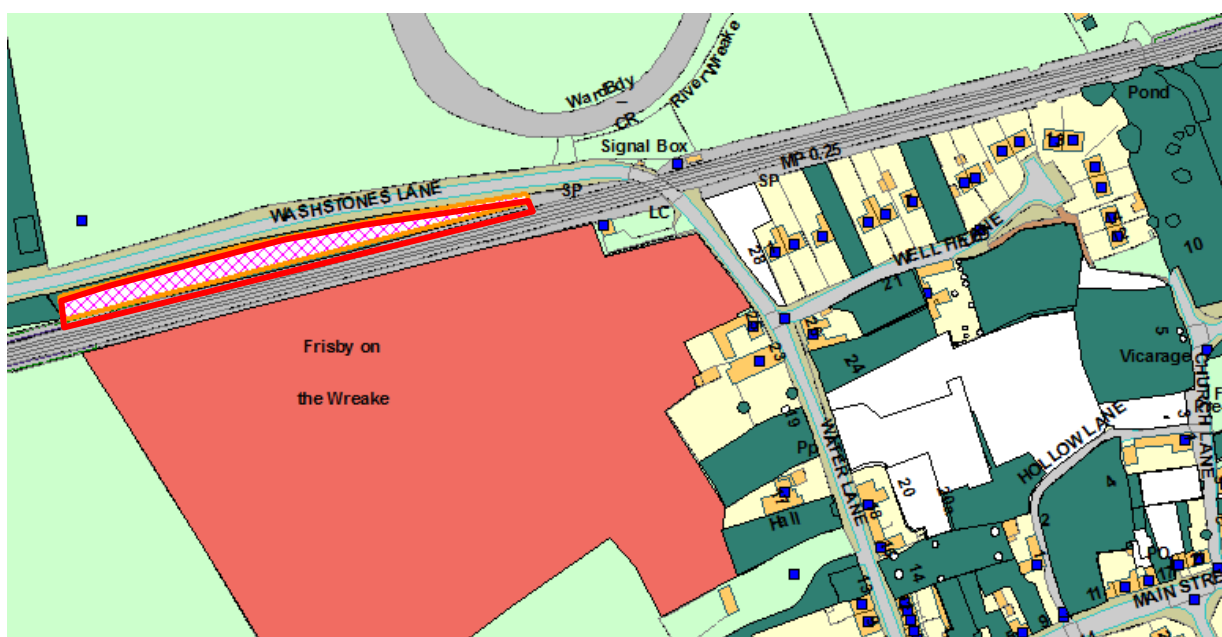


Reference: 17/00048/FUL
Date submitted: 18.01.2017
Applicant: Mr & Mrs Simon Read
Location: Field Nos 1586 And 9982, Washstones Lane, Frisby On The Wreake
Proposal: New dwelling and outbuilding.



Proposal :-

This application seeks **full planning permission for the erection of one dwelling**

The application site comprises 2450 square metres on the north-western edge of Frisby on the Wreake. The site is currently utilised as open grassland with small agricultural buildings within. An active railway adjoins the southern edge of the site and is in flood zone 2.

The proposed house itself is a three bedroom single storey dwelling with access from an existing point that is proposed to be improved to allow safe vehicular movements. In addition to this, an outbuilding to the east is also proposed for a garage, open shed, workshop and stables.

The dwelling itself follows the very wide and thin site context being 7m deep and 35m wide, with a maximum roof height of 6.5m.

It is proposed to be energy efficient, with a solar panel across the entire width of the southern elevation. The energy for this home is proposed to be 'off grid' therefore making good use of renewable energy with full details in the accompanying sustainability report to this application.

The site lies outside, but close to the Frisby on the Wreake Conservation Area.

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 of the adjacent railway network**
- **Impact upon residential amenities**
- **Sustainable development**
- **Flood Risk**

The application is required to be presented to the Committee due to the level of public interest.

History:-

13/00220/FUL - Erect a steel lockable building to replace existing rundown buildings, replant parts of the existing hedgerow, new stock fence and security fence around buildings and hardstanding.
Permitted in June 2013

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 C15: 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 Policy C16.

The National Planning Policy Framework introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF 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 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

- 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

Meeting the challenge of climate change, flooding and coastal change

- The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
- If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:
 - it must be demonstrated that the development provides wide sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the test will have to be passed for development to be allocated or permitted.

This 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	Assessment of Head of Regulatory Services
<p>Highways Authority: Being that the proposal is for one dwelling, standing advice would apply over visibility, hard surfaced parking areas and access. With this a speed survey was also needed as the visibility initially drawn were not enough for a potential 60mph road.</p> <p>Following the speed survey:- It appears that the 85th % of vehicle speeds lands within the 41 to 44 mph bracket. Therefore as stated in the 6cs Design Guide visibility should be 120m. If I remember correctly it didn't appear that the applicant had correctly plotted vis splays last time, so I would give them the guidance or the link to the 6C's and ask them to draw again. I would then be happy for you to determine the other highways aspects of the application using the standing advice guidance. I can't see visibility being an issue for this site, with the displayed speeds.</p>	<p>It has been assessed that the proposal can demonstrate that when measuring the speeds along Washstones Lane a safe access and egress can occur without causing a severe danger to highway safety.</p> <p>Further conditions would be imposed on any planning permission to ensure this remains the case.</p>
<p>Environment Agency: Initial concern but following the submission of relevant assessments and discussions with the applicant, there should be no adverse impact arising from this development.</p>	<p>Noted A condition on foul and surface water disposal is recommended and can be applied.</p>
<p>Network Rail: No objections but again would like conditions to be imposed on level crossings, drainage, fail safe use of crane and plant, excavations/earthworks, security of mutual boundary, fencing, method statements, OPE, scaffolding, two metre boundary, encroachment, noise/soundproofing, trees, lighting, railway access and solar panels.</p>	<p>Noted. Relevant conditions and notes can be applied accordingly.</p>
<p>Parish Council: Objects The proposal is outside of the village envelope. It is also outside of the Limits to Development contained in the Frisby Neighbourhood Plan. The plan is currently well developed and is currently out for Regulation 16 consultation.</p>	<p>This has been reflected in the recommendation for refusal. The proposal is indeed outside of this limit to development and whilst this development is close to the settlement, the weight of the policy in the neighbourhood plan is considered strongly to go against granting planning permission.</p>
<p>MBC Environmental Health Noise Environmental Health will accept an alternative approach provided the results are representative and robust.</p> <p>It is not required for noise to be inaudible and no such requirement has been made. However we do ask consultants to give a subjective appraisal of the noise environment. Whilst composite façade</p>	<p>Noted.</p>

calculations and internal room acoustics are great for acousticians, they mean very little to the local planning authority and other lay people. It is my job to provide this interpretation through the planning consultation process. With this in mind comments where to identify what sort of noise environment would likely exist post development in a way that is accessible. Although people do react differently to noise - this is the dose/response relationship, it is preferable to contextualise comments within the planning framework. In this instance the NPSE and NPPG provide guidance to the NPPF.

With reference to AD-F, in addition to burnt toast/wet paint scenarios, it is also assumed that purge ventilation will be used to regulate thermal comfort. With the best will in the world, alternate ventilation is unlikely to be sufficient in all seasons and windows may need to be opened during the summer months. Windows are also likely to be opened in non-habitable rooms such as kitchens and bathrooms for moisture extraction and in other areas identified by the consultant where alternate ventilation is not provided. Opening windows in habitable and non-habitable rooms is likely to be unavoidable in some scenarios leading to noise break-in. In the external environment, the 16-hour noise average is high but within BS8233 limits; however individual train movements will be significantly louder.

Looking at the noise exposure hierarchy descriptors, I believe 'noticeable and intrusive' is justified due to the above, notwithstanding mitigation measures. It is easy to see how speech intelligibility might be affected in the garden space during a train movement or why internal doors might need to be closed during purge ventilation to limit internal transmission. Where the development is demonstrated to comply with BS8233 for the majority of the time, this is considered acceptable (typically but not exclusively) under the current planning framework.

The requirement to 'mitigate and reduce to a minimum' is poorly defined. Environmental Health will not insist on enhanced glazing and alternative ventilation for non-habitable rooms; however the applicant is advised consider these options. I would recommend forced extraction for the cooker hood / bathroom and mechanical ventilation for office type spaces if located on the exposed façade.

The post build verification report including photos of the installation together with Fensa certificates (or equivalent proof) that would be submitted is

<p>welcomed.</p> <p>In general the noise survey looks acceptable despite not having followed the 'calculation of railway noise' guidance methodology. The proposed mitigation scheme is plausible and makes use of a sound barrier and/or enhanced glazing within a windows closed context and alternative mechanical ventilation. This is not to say railway noise would be inaudible by any means and I would expect noise break-in to increase via none 'habitable room' and when windows are open for purge ventilation as per Approved Document F. Indeed I anticipate noise to be characterised as 'noticeable and intrusive' as per the NPSE noise exposure hierarchy notwithstanding the mitigation scheme. However this would not be grounds for refusal in isolation. Permission should be subject to condition and all works verified by an EHO to ensure that (a) the development is made subject to the provisions identified in the supporting acoustic report and (b) the development is implement as indicated post permission.</p> <p>Conditions can be imposed.</p>	
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Representations:

A Site notice was posted and neighbouring properties consulted. As a result **14 letters of objection** from **10 households** and **three letters of support** have been received, the representations are detailed below:

Representations	Assessment of Head of Regulatory Services
<p>Impact upon the railway network The access to this site is very close to the level crossing</p>	<p>A full consultation exercise has been carried out with Network Rail who have raised no objection to the proposal and outline key conditions that will be imposed in order to make the development acceptable.</p>
<p>Impact upon highway safety Matters include:-</p> <ul style="list-style-type: none"> - The site is on a blind bend - The site is on a 60mph speed limit road - Concern over increased the possible increased traffic volume both entering and exiting the village 	<p>An assessment of the highway impacts has been noted and in summary, it has observed that one dwelling would not have a severe impact on the highway as advised by planning policy. In addition to this, very stringent conditions will be applied to ensure any development will maintain highway safety and therefore could not be a justifiable reason to have this as a refusal reason due to the evidence supplied.</p>
<p>Location of development The site is not part of Frisby, or even adjacent to the village, and so should be treated as 'building in the countryside' and outside of the village envelope. The proposed development is outside of the limits to development (Frisby Neighbourhood Plan, at present under examination).</p>	<p>The location is removed from the village and is in inaccessible to the village facilities due to its lack of footpaths along what could be a 60mph road.</p>

<p>Impact on residential amenity of potential new occupiers. Environmental Health concerns regarding train noise.</p>	<p>The location of this development is sensitive to noise issues being adjacent to a railway line. Notwithstanding this, the applicant has provided a noise survey in support of the application that proposes a number of measures to reduce the harmful impacts of the railway line. Any potential occupier will be aware of this location and as the proposal is for a single house it is considered to be acceptable in this instance and could not be a sole reason to refuse the application on.</p>
<p>Impact upon flood risk There are serious objections from EA regarding possible groundwater The plan does not cover ground and sewerage.</p>	<p>The Environment Agency have confirmed that the revisions that have been provided that now satisfy objections on this topic with a condition requiring full details of foul and service water removal.</p>
<p>Design The development would be out of keeping with the local area.</p>	<p>The scheme is considered to be quite different in design and being away from existing properties will create interest and difference . The design has also been proposed to emulate traditional farm buildings It also proposes many sustainable features including a comprehensive solar panel on the south elevation.</p>
<p>Other matters The high groundwater levels in the area mean contamination could easily occur and have deleterious effects on the Frisby Marsh SSSI a couple of fields away. By allowing development outside the village and its LTD this would run the risk of "ribbon development" further along Washstones Lane</p>	<p>There is no evidence that there are contamination issues on this site. The following proposal is for one dwelling only and therefore any future development will be controlled through the planning system.</p>
<p>Letters of Support</p>	
<p>Would enhance the appearance of that particular strip of land.</p>	<p>All noted</p>
<p>Environmentally friendly</p>	
<p>Would not affect the countryside</p>	

Other Material Considerations not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Flood Risk/Sequential Test The development is in flood zone 2 where a sequential test is required. The applicant has provided this along with an additional report of how the sites were selected. Paragraph 101 in the NPPF states that <i>‘The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.</i> <i>The strategic Flood Risk Assessment will provide</i></p>	<p>The application is supported by a FRA including a sequential test. The report looked at a defined area including Frisby on the Wreake, Ab Kettleby, Asfordby Hill, Easthorpe, Gaddesby, Great Dalby and Thorpe Arnold. The report concluded that through an evaluation of all the sites within the area as identified in the Melton Borough Council’s SHLAA and similar sites advertised by local estate agents and on the internet there are no ‘reasonably available’ sites that could accommodate the proposed development within a lower Flood Zone. There is doubt whether the site selection is enough to provide a robust justification for choosing this</p>

<p><i>the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding. A Sequential Test is required to demonstrate that there are no sequentially preferable 'reasonably available' sites at a lower flood risk (i.e. in Flood Zone 1) within a defined area.</i></p>	<p>flood zone to develop a new house. It has been however been deemed appropriate to make this part of the determination of this proposal for full consideration.</p> <p>Following a robust assessment of this, an exception test also needs to be followed.</p> <p>The NPPG paragraph also gives assistance in the sites selection process including:-</p> <p>Checking the local plan for sites that have already been allocated for development and those that haven't been allocated in the local plan, but that have been granted planning permission for a development that's the same or similar to the development you're proposing. Finally, 'windfall sites' should be considered.</p> <p>The assessment made therefore is deemed to not fully explore the sites that could be less venerable to flooding.</p>
<p>Planning Policy</p> <p>Frisby Neighbourhood Plan</p> <p>Policy H3: Limits to Development states that "Development Proposals within the Neighbourhood Plan area will be supported on sites within the Limits to Development (as identified in figure 6 of the Neighbourhood Plan) where it complies with the policies of the Neighbourhood Plan and subject to design and amenity considerations</p> <p>The application site is outside and adjoins the boundary of the 'limits to development' identified in the Neighbourhood Plan. The applicable Policy, H3, does not 'rule out' development beyond the limit to development nor has it been identified that this site is subject of 'protective' policies of the Plan in terms of important views, biodiversity, heritage assets etc.</p> <p>Paragraph 216 of the NPPF states that weight may be given to relevant policies in emerging plans, according to :</p> <ul style="list-style-type: none"> • The stage of preparation of the emerging plan (the more advanced the preparation ,the greater the weight that may be given) • The extent to which there are unresolved objections to the relevant policies (the less significant the unresolved objections ,the greater weight that may be given) ;and • The degree of consistency of the relevant 	<p>The Frisby NP has been examined and recommends modifications have been made, will be subject to Referendum in due course. The Limits to Development and associated policies were not affected (insofar as they relate to this application). Accordingly the NP is considered to carry substantial weight in respect of this application</p> <p>The application site lies outside the identified 'limits to development' but does not appear to be directly in conflict with associated Policy H3 as it is silent on the approach to development sites in such locations. Other policies seek to resist development in 'sensitive' locations such as important views etc. mentioned opposite.</p> <p>Making a decision – the planning balance</p> <p>If planning permission were to be refused on the basis of the emerging NP it would have to be because the adverse impacts of any potential conflict with the NP must be given such weight as to significantly and demonstrably outweigh the benefits of residential development in this sustainable location .</p> <p>Therefore it is considered that in accordance with the Neighbourhood Planning Act 2017 the local planning authority must have regard in dealing with applications) to a neighbourhood plan which is at post-examination, so far as material to the application.</p>

<p>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)</p>	
<p>The (new) Melton Local Plan – Pre submission version.</p> <p>The Pre Submission version of the Local Plan was agreed by the Council on 20th October and was subject to consultation which ended on 16th December 2016.</p> <p>The Draft Local Plan Addendum of Focussed Changes concluded its consultation on 23rd August 2017.</p> <p>The local plan has concluded the examination in public.</p> <p>The NPPF advises that: From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> • The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); • The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and • The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the Framework, the greater the weight that may be given). <p>The Pre-Submission version of the Local Plan identifies Frisby on the Wreake as a ‘Rural Hub’, in respect of which, under Policy SS2, three sites and a reserve site are allocated for residential development in the village.</p> <p>Policy SS3 Outside of those sites allocated through the local plan, planning permission will be granted for small scale development of up to</p> <ul style="list-style-type: none"> • 10 dwellings in Melton Mowbray and in Service Centres; <p>where it has been demonstrated that the proposal enhances the sustainability of the settlement(s) 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:</p> <ol style="list-style-type: none"> 1. The development provides housing or economic development which meets a local need 	<p>Whilst the Local Plan has progressed it remains in preparation, it can be afforded only limited weight.</p> <p>It is therefore considered that it can attract weight but this is quite limited at this stage.</p> <p>The application does not accord with the relevant policies and as such they add weight against the application.</p>

<p>as identified in a Neighbourhood Plan or appropriate community-led strategy, SHMA or economic needs assessment; and/or</p> <p>2. The development respects the Borough's landscape and settlement character such that it conforms with policies EN1, EN4 & EN6; and that (where relevant), the design conforms with Policy D1;</p> <p>3. The development will be served by sustainable infrastructure an or provide new infrastructure or services to the wider benefit of the settlement;</p> <p>4. The development respects ecological, heritage and biodiversity features and provides mitigation to prevent any potential harm;</p> <p>5. Where possible the development does not result in the loss of best and most versatile agricultural land;</p> <p>6. The development does not increase the risk of flooding, in accordance with Policy EN11;</p> <p>7. In rural settlements outside of the main urban area, the Council will seek to protect and enhance existing services and facilities and will support sustainable development proposals which contribute towards meeting local development needs, realising the vision and strategic priorities, and improving the sustainability of our rural areas.</p>	
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Conclusion

The application represents a small scale development, the location of the proposed new house is relatively isolated. Current planning policies state that planning policies should avoid new isolated homes unless there are special circumstances (as defined) which have not been demonstrated here. Frisby on the Wreake is considered to be a sustainable location itself, it is considered that this location is too remote where safe access to these services can be achieved due to a lack of footpath along a 60mph road.

In addition, it is considered that the sequential test has made insufficient comparison to provide a robust assessment of the other available sites that are less vulnerable to flooding.

In conclusion it is considered that, on the balance of the issues, the impacts significantly and demonstrably outweigh the benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply.

Recommendation: REFUSE because of the following reasons:-

1. The development, if permitted, would result in an unjustified form of sporadic development, beyond the settlement confines of Frisby-on-the-Wreake and remote from the village centre, and would be harmful to the rural character and appearance of the area and street scene, contrary to the aims and objectives of policy BE1 of the Melton Local Plan and objectives of the NPPF, in particular paragraphs 14, 17, 55 and 109.
2. The Local Planning Authority consider insufficient evidence has been submitted to demonstrate under a sequential test that, given the application site's status under land designated as Flood Zone 2, alternative sites with a lower probability of flooding could accommodate the proposed residential development. The proposal therefore is contrary to Paragraph 102 of the NPPF.

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

Date: **2nd March 2018**