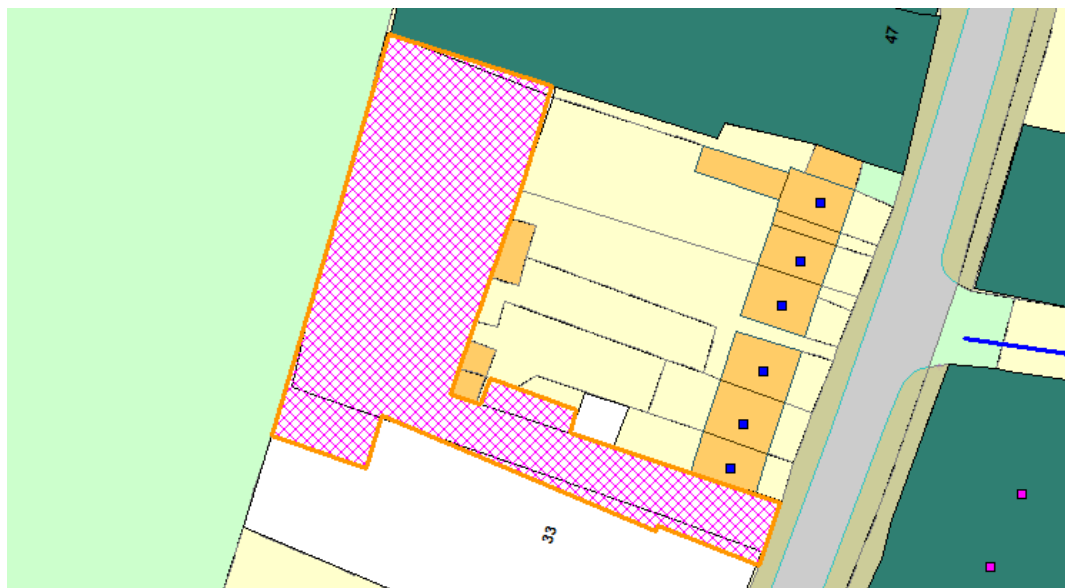


Reference: 18/00287/FUL
Date submitted: 07.03.2018
Applicant: Mr & Mrs Alan Batten
Location: Land to the rear of 33 Main Street, Kirby Bellars
Proposal: Proposed 2-bedroom single storey dwelling



Introduction:-

The application seeks outline planning permission with all matters reserved for the erection of one dwelling on land to the rear of 33 Main Street Kirby Bellars which also is to the rear of 35-45 Main Street.

Full details have been provided over the scale of the development and parking arrangements.

It is proposed as a two bedroom property across one floor made from a combination of timber and brick walls and slate roofing. A new access will be created by improvements to an opening between 33 and 35 Main Street, Kirby Bellars.

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

- **The proposed location being an unsustainable location.**
- **The weight that can be attached to Emerging policy SS3 of the Melton Local Plan 2011-2036.**
- **Whether the developments meets the criteria of SS3.**
- **Whether the development is of a design that accords with the local area Policy BE1 of the Local Plan and Policy D1of the emerging Local Plan)**

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

Relevant History:

09/00927/OUT - Erection of single storey dwelling in the grounds of No 33 Main Street *Refused*

12/00538/OUT - Outline application for single storey dwelling Refused and Dismissed at Appeal on the basis that Kirby Bellars is an unsustainable location for residential development owing to the limited range of services available.

Development Plan Policies:

Melton Local Plan (saved policies):

Policies OS1, 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.

National Planning Policy Framework

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. It is considered that in respect of rural workers dwellings, policy OS2 is compliant with the aims and objectives of the NPPF.**

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

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: Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011. Please consider access, parking and turning arrangements.</p>	Noted. Relevant conditions can be applied to any permission granted.
<p>Leicestershire County Council Ecology The proposed dwelling appears to be cited on an existing garden in a residential area. The application does not appear to meet any of the biodiversity 'triggers' on the Local Validation Criteria and we therefore have no comments on, or objections to this application.</p>	Noted
<p>Parish Council: No comments received.</p>	Noted

Representations:

The application was advertised by way of a site notice at the application site. As a result of the consultation 9 letters of support were received and 6 objections

Consideration	Assessment of Head of Regulatory Services
<i>Objections</i>	
<p>Parking/Highways Issues Many cars observed parking on the Main Road causing obstructions</p> <p>Access to the development is not wide enough to accommodate the vehicles to the development.</p>	<p>The development provides a parking space in the form of a garage and another space appears to be able to be accommodated on site which would accord with LCC Highway guidance.</p> <p>The access despite not being in full accordance with the 6cs design guide, then</p>
<p>Neighbour Amenity Issues of amenity to properties on 35-45 Main Street due to being very close to them</p>	There is a slight concern of this but deemed that the height of the dwelling with a pitched roof would not have an undue impact of being overbearing/loss of privacy to those living nearby.
<p>Unsustainable Location Kirby Bellars is a rural settlement that requires occupants to drive for work and access other services</p>	Kirby Bellars has a lack of services that people can access on foot/using other sustainable methods of travel and therefore deemed an unsustainable location. Kirby Bellars has a poor range of with its occupants relying on private motor vehicles to access services that collectively contribute to an unsustainable environment.
<p>Design The proposal is deemed to have an incongruous form that would have a detrimental impact on the village.</p>	This is also an element of the refusal of this application as the development appears quite cramped in this small space with a low level of amount of amenity space.
<i>Support</i>	
Personal Circumstances	

Applicants are admired in the village. Allow the applicants to stay in the village	This is acknowledged but not a material consideration.
Design No perceived impact upon the street scene	The development is considered to have an impact in wider design terms being quite large in comparison with the site. The proposal is hidden by the row of houses on Main Street but within what essentially a rear garden is not considered as an appropriate form of development. Kirby Bellars is strongly linear in form and 'backland' development of this type would deviate from that established pattern The scale of the proposed house gives is a rather cramped appearance which is not considered to achieve the high standards of design required in government guidance (NPPF Chapter 7)
Highways Application provides an off street parking space to relieve congestion.	Noted.

Other Material Considerations Not Raised In Consultations:

Consideration	Assessment of Head of Regulatory Services
<p>Principle of Development</p> <p>The site lies adjacent to the village of Kirby Bellars. When taken from the 1999 Local Plan Village Inset Map the site lies outside the defined village envelope and Policy OS2 is applicable.</p> <p>The NPPF advises that local housing policies will be considered out of date where the Council can-not demonstrate a 5-year land supply and where proposals promote sustainable development objectives it should be supported</p>	<p>The Local Planning Authority can demonstrate a 5 year housing land supply and as such the relevant housing policies are applicable; however, the 1999 Melton Local Plan is considered to be out of date and as such, under paragraph 215 of the NPPF can only be given limited weight.</p> <p>The application is required to be considered against the Local Plan and other material considerations. The NPPF is a material consideration of some significance because of its commitment to boost housing growth. This means that the application must be considered under the 'presumption in favour of sustainable development' as set out in paragraph 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".</p> <p>The site was the subject of an appeal in 2014 in which the question of the sustainability of Kirby Bellars was considered .and the Inspector concluded "<i>I conclude, on the main issue that the proposed dwelling is not in a sustainable location. As a result the proposal is contrary to local and national planning policy. These findings constitute compelling grounds for dismissing the appeal</i>"</p> <p>It is not considered that there have been significant changes in circumstances since this appeal to reach an alternative conclusion.</p> <p>The proposal is considered to conflict with the</p>

	NPPF and saved policies of the Local Plan in terms of principle, being located within an unsustainable settlement.
<p>Policy Considerations - Melton Local Plan Policy OS2</p> <p>Policy BE1</p>	<p>The proposal is outside the village envelope and therefore this policy is applicable</p> <p>The development however is deemed to perform negatively against the policy contents about being a development that accords with the character of the local area. However, it is considered that this policy, in itself, should carry limited weight owing to the provisions of the NPPF (para 215) see above.</p> <p>In addition to this, the development is also considered be at odds with the detailed design criteria in this policy (see comments above).</p>
<p>The (emerging) Melton Local Plan</p> <p>The new local plan has now completed examination where modifications suggested by the Inspector are now the subject of consultation.</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 emerging plan to the policies in the Framework, the greater the weight that may be given). <p>Policy SS1 states when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.</p> <p>Policy SS2 sets out the development strategy for the Borough and takes a sustainable approach to the location of new development, noting ‘Rural Settlements’ such as Kirby Bellars will accommodate a small proportion of new housing on unallocated sites.</p> <p>Policy SS3 relates to sustainable development on unallocated sites and sets out circumstances where residential development may be supported where a robust case is made with particular emphasis on the need to support residential proposals with a proven local need.</p> <p>D1 – Raising the Standard of Design All new developments should be of high quality design. All development proposals will be assessed against all the following criteria:</p>	<p>The relatively minimal amount of work required to complete the local plan modifications that do not impact upon the main policies of the plan means the plan can be afforded significant weight.</p> <p>Of particular relevance in assessing the principle of development are policies SS1 to SS3.</p> <p>The proposed development is considered not to accord with the criteria in Policy SS3, especially regarding ‘providing housing which meets a local need as identified in a Neighbourhood Plan or appropriate community-led strategy, housing needs assessment’.</p> <p>The applicant has not conducted a rigorous assessment to fully encapsulate that a need of this type of housing is required in the local area, nor is there other evidence of need available to support such a proposal</p> <p>The proposal is considered to not fully accord with the design policies in D1. As stated above, the development is considered to have an impact in</p>

<p>a) Siting and layout must be sympathetic to the character of the area;</p> <p>b) New development should meet basic urban design principles outlined in this plan and any accompanying Supplementary Planning Documents (SPD);</p> <p>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;</p> <p>d) Amenity of neighbours and neighbouring properties should not be compromised;</p> <p>e) Appropriate provision should be made for the sustainable management of waste, including collection and storage facilities for recyclable and other waste;</p> <p>f) Sustainable means of communication and transportation should be used where appropriate;</p> <p>g) Development should be designed to reduce crime and the perception of crime.</p> <p>h) Existing trees and hedges should be utilised, together with new landscaping, to negate the effects of development;</p> <p>i) Proposals include appropriate, safe connection to the existing highway network;</p> <p>j) Performs well against Building for Life 12 and seeks to develop the principles of 'Active Design' for housing developments;</p> <p>k) Makes adequate provision for car parking; and</p> <p>l) Development should be managed so as to control disruption caused by construction for reasons of safeguarding and improving health well-being for all.</p>	<p>wider design terms being quite large in comparison with the site. The proposal is hidden by the row of houses on Main Street but is within what is essentially a rear garden and not considered an appropriate form of development. Kirby Bellars is strongly linear in form and 'backland' development of this type would deviate from that established pattern</p> <p>The scale of the proposed house is gives is a rather cramped appearance.</p> <p>It is therefore considered that the design is unsympathetic to the character of the area and does not reflect the wider context of development, and as such is contrary to these elements of policy D1</p>
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Conclusion

The application seeks full planning permission for a dwelling outside the village envelope of Kirby Bellars. The proposal despite being relatively small scale of a bedroom need for the local area, is in a location that is poorly serviced by a lack of amenities in the area. Previous decisions, including appeal decisions, have concluded that Kirby Bellars is an unsustainable location for new development.

A case has also been put forward that the applicant has a strong connection with the village as an argument that the development 'accords' with the social aspect of sustainability.

However it is considered insufficient to warrant approval for an application for a house that would be open to new occupiers well into the future and therefore not fulfilling the longer term ambitions for sustainable development.

Accordingly, the application is recommended for refusal.

RECOMMENDATION: Refuse, for the following reason:

1. The dwelling hereby proposed is considered to be located in an unsustainable location. Kirby Bellars as a village lacks many amenities that facilities sustainable travel and therefore the proposed occupants would rely on the private motor vehicle, contrary to the advice in the NPPF and overall aims in creating sustainable development.
2. The proposed erection of a new dwelling in this location is considered to represent overdevelopment of the site, in terms of the limited amount of amenity space available and its impact on the character of the surrounding area. Accordingly, the proposal conflicts with Policy BE1 of the adopted Local Plan and the NPPF chapter 7.

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

Date: **11th May 2018.**