

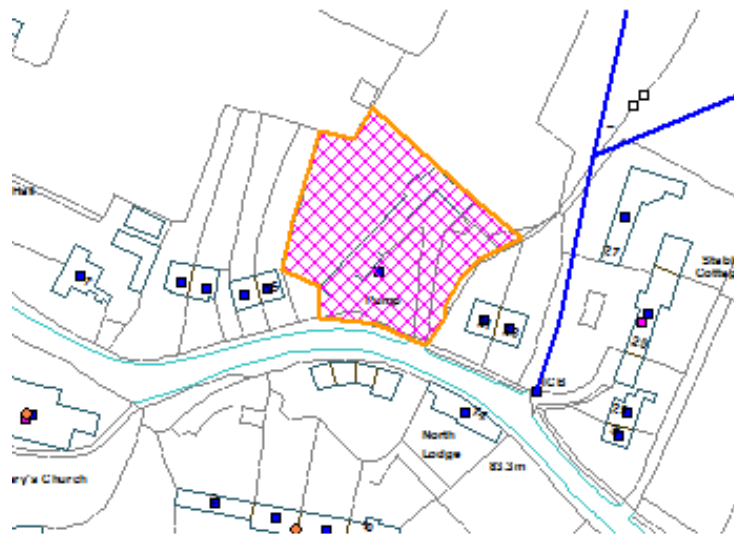
**Reference:** 15/00585/FUL

**Date submitted:** 02 October 2015

**Applicant:** Ashby Folville Land Trust

**Location:** Land between 15 and 21 Folville Street, Ashby Folville

**Proposal:** Demolition of derelict mushroom sheds and construction of four dwellings, gardens and parking.



**Introduction:-**

The application comprises the demolition of the derelict mushroom sheds and the erection of four dwellings. The L shape building would be replaced by a terrace of four houses on a similar footprint to provide 3 x 2 bedroom units and one three bedroom unit. The dwellings would be two storey and would use the existing access, to the south-east part of the site.

The site abuts the highway with dwellings to each side and is well landscaped with mature trees. There is countryside to the rear and the site is within Ashby Folville Conservation Area.

**It is considered the main issues relating to the proposal are:-**

- **The principle of dwellings at this location;**
- **Visual impact of the proposal, including on the character and appearance of the Conservation Area and on the setting of listed buildings;**
- **The impact on the residential amenities of occupiers of neighbouring properties;**
- **Highway safety;**
- **Trees;**
- **Ecology;**
- **Flood risk.**

The application is to be heard by the Development Committee as the proposal relates to the creation of dwellings in an unsustainable village.

**Relevant History:-**

There is no relevant history on the site.

**Development Plan Policies:****Melton Local Plan (saved policies):****Policies OS1 and BE1**

Policies OS1 and BE1 allow for development within Village Envelopes providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

**Policy OS2**

Policy OS2 states planning permission will not be granted for development outside the town and village envelopes 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

Where such development would lead to the coalescence of existing settlements, planning permission will not be granted.

**Policy H6**

Policy H6 states permission for residential development in village envelopes will be confined to small groups of dwellings, single dwellings or the conversion of buildings.

**Policy BE12**

Policy BE12 states permission will not be granted for development within a protected open space except there a proposal is in conjunction with an existing use and the development would not adversely affect the intrinsic character of the area.

**Policy C15** – states permission will not be granted for development that would have an adverse effect on the habitat of protected species unless no other suitable site is available and the development is designed to protect the species.

It is considered these policies are generally compatible with the aims of the NPPF.

**National Planning Policy Framework** – Introduces the ‘Presumption in favour of Sustainable Development’ and states that development proposals should be approved if they accord with the Development Plan, or, if it is out of date or does not address the proposal, approve proposals unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits,
- specific policies in this Framework indicate development should be restricted.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and

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

- Proactively support sustainable economic development to deliver homes and business that local areas need;
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- deliver sufficient community and cultural facilities and services to meet local needs;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focusing development in locations which are or can be made sustainable.

On Specific issues relevant to this application it advises:

### **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;
- Securing high quality and inclusive design goes beyond aesthetics considerations and 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 historic environment**

- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.
- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
  - Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

**Consultations:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Ashby Folville Parish Council</b> – raised concerns. Ashby Folville is a small rural village with very few amenities which include a limited two hourly bus service and virtually no employment within the village. Support all five conditions recommended by the Highway Authority. Acknowledge the time and effort the applicant has made in making the improvements to the existing access.</p>	<p>The existing building sits within the village envelope and the proposed replacement building would occupy a similar footprint with the rear gardens being located on land beyond the village boundary. Policy H6 supports residential development in villages where the proposal is limited to single dwellings or small groups of dwellings. However, the NPPF seeks to direct new housing to sustainable locations. Significant weight must therefore be given to this and Ashby Folville is not considered a sustainable location given the limited community facilities which include a pub and church. The village has a limited bus service and therefore inhabitants rely significantly on the use of the private vehicle to access services and facilities.</p> <p>Therefore, the proposal relates to the creation of four dwellings in an unsustainable village and material considerations are required to outweigh the presumption against such development especially as the NPPF places great weight on sustainable development.</p> <p>The proposal would provide four small scale houses with 3 x 2 bed units and a three bed unit. The Borough has a requirement for small scale housing and this development would assist with the aim of providing a more mixed balance of housing.</p> <p>It should also be noted that under the prior approval process agricultural buildings can be converted into dwellings provided certain criteria are met. As such under this process the mushroom sheds could potentially be converted into three dwellings.</p> <p>The site is within the Conservation Area and the Committee is reminded of the duties to give special attention to the desirability of preserving and enhancing the Conservation Area (s.72 of the LB and CA Act 1990). The mushroom sheds are of limited historic or architectural merit and are in a relatively poor state of repair. As such it is considered the buildings detract from the character and appearance of the designation.</p> <p>The Conservation Area Appraisal highlights these buildings as being an incongruous feature within the street scene. The proposal to remove the buildings would therefore benefit the designation through the removal of unattractive buildings visible from the public realm within the Conservation Area.</p> <p>The proposed re-development of the site would provide four modestly proportioned dwellings on a footprint similar to the existing buildings. The design, scale and massing of the dwellings are considered sympathetic to the character and appearance of the site and surroundings and would improve the appearance of the</p>

	<p>site. It is therefore considered the proposals would result in a positive impact on the Conservation Area.</p> <p>It is acknowledged the judgement is a balanced one and the desire for sustainable development is a central thread throughout the NPPF. However, in this case it is considered the benefits of the scheme are significant. The combination of the potential fall back position achievable through the prior approval process, the creation of smaller dwellings and the benefit to the Conservation Area provide a compelling case to outweigh the unsustainable location.</p> <p><b>On balance it is considered the benefits to the scheme, in this instance, outweigh the issue of sustainability. It therefore it is considered the principle of the development can be supported.</b></p>
<p><b>Environment Agency</b> – (initial comments) object to this application in the absence of any evidence to demonstrate the flood risk Sequential Test has been applied. We recommend that until then the application should not be determined for the following reasons:</p> <p>The application site lies within Flood Zone 3 and 2 defined by the Environment Agency Flood Map/ Strategic Flood Risk Assessment as having a high and medium probability of flooding. Paragraph 101 of the NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a ‘Sequential Test’. In this instance no evidence has been provided to indicate that this test has been carried out.</p> <p><b>Revised comments: withdraw the previous objection</b> and recommend conditions following the submission of a sequential test and revised flood risk assessment..</p>	<p>The site is within Flood Zones 2 and 3 and the initial comments of the Environment Agency were based on the submitted Flood Risk Assessment not providing a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular the Flood Risk Assessment did not sufficiently assess the risk of flooding from Gaddesby Brook to the south, from the local watercourse to the east and did not sufficiently assess the risk of flooding from all potential sources.</p> <p>Details of the sequential approach have been provided and make the case that the site has been specifically chosen as it is already developed and there are no suitable alternative sites in the locality for the development.</p> <p>An updated flood risk assessment was provided and the Environment Agency are now content the proposal would not increase the risk of flooding subject to conditions relating to finished floor levels, flood proofing methods and no further development or boundary treatment being erected to the east towards the local watercourse.</p> <p><b>It is therefore concluded the development would not lead to an increase in flood risk.</b></p>
<p><b>Highway Authority</b> – (initial comments) Ashby Folville would not be considered as a sustainable development in transport terms, as residents would be heavily reliant on the use of a private motor vehicle for their journeys. However as this site is a brownfield site in the middle of a village, then there would be an element of highway gain in removing the potential agricultural movements from the site.</p> <p>The proposed plan shows the re-use of the existing vehicular access serving the site, and this access is unsuitable to serve 4 cottages, due to its restricted width and poor surface. Furthermore, the location of the access is such that forward visibility splays for vehicles turning right into the site are slightly</p>	<p>The site is served by an access towards the south-east corner. Although the current use of the buildings is limited the buildings could be used more intensively for agriculture which would result in slow moving farm vehicles accessing the site.</p> <p>The proposal would remove the agricultural use and form four dwellings. The access can be improved to fulfil the requirements of the Highway Authority and would therefore lead to a highway gain in terms of safety.</p> <p>Within the site adequate parking can be provided to serve the dwellings.</p>

<p>restricted.</p> <p>Therefore it would be preferable if the proposal were to be revised so that a shared access was provided at the western end of the frontage, and was designed to current Local Highway Authority standards for a shared private drive, namely at least 4.25 metres wide, with 0.5 metre clear margins on each side, gates setback 5 metres from the highway boundary, drainage and surfacing in a hard bound material.</p> <p><b>Revised comments:</b> It is understood the Agent is happy to accept conditions to improve the existing access, but is concerned that moving the access would affect trees and the internal layout. On this basis the Local Highway Authority would be prepared to accept improvements to the existing access and not insist upon the relocation of the access.</p>	<p><b>It is considered the proposal would lead to an enhanced access and a potential gain in terms of highway safety subject to conditions to enhance the access.</b></p>
<p><b><u>LCC Ecology</u></b></p> <p>The ecology report submitted in support of this application is satisfactory. No bats were identified, but nesting swallows were recorded in the building. We would therefore recommend that a note to applicant is added to any permission granted to draw the applicants' attention to the recommendations in the report.</p> <p>We note that the proposed layout appears to be providing a buffer between the development and the watercourse. We welcome this and would request that any landscaping within a 5m buffer of the watercourse comprises semi-natural vegetation.</p>	<p>A Protected Species Survey has been carried out and included an internal and external inspection of the building and an evening emergence survey. No evidence of bats was found in the building which was considered to have low potential to support roosting bats due to the construction materials and poor insulation.</p> <p>Mitigation has been proposed relating to bats, birds and Great Crested Newts which could be the subject of a condition. County Ecology raise no objection subject to a condition.</p> <p><b>It is considered the proposal would not be harmful to protected species and the mitigation highlighted in the report can be the subject of a condition.</b></p>

## Representations

A site notice was posted, the application advertised and neighbouring properties consulted. A total of 22 representations have been received in support of the proposal.

Representation	Assessment of Head of Regulatory Services
<ul style="list-style-type: none"> <li>the Village needs more hopefully younger residents as it has a majority of older residents, need younger people to keep the village alive, to support the village pub, the church and the village hall, potentially bring four families to the village helping to sustain the village infrastructure, the annual Garden Fete, Spring and Harvest Suppers, the cricket club, the bus service would be further supported, essential for the elderly in the village, the local school would also be sustained;</li> <li>the development would tidy up an unsightly area of the Village, the four cottages will rid the village of its biggest eyesore;</li> </ul>	<p>Noted.</p>

<ul style="list-style-type: none"> <li>• the site lends itself naturally for development</li> <li>• there is a lack of affordable houses in the area, both my son and daughter have had to move away in order to get on the property ladder, the village desperately needs some affordable housing and the development, the houses will be rented not sold,</li> </ul>	
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**Other material considerations (not raised through consultation or representation)**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Application of Development Plan and other planning policy</b></p> <p><u>Policy OS2</u> states permission in the open countryside will be limited to certain types of development including development essential for the operational requirements of agriculture.</p> <p><u>Policy BE1</u> allows for development providing that (amongst other things):-</p> <ul style="list-style-type: none"> <li>• The buildings are designed to harmonise with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing;</li> <li>• The buildings would not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight or daylight;</li> <li>• Adequate space around and between dwellings is provided.</li> </ul>	<p>The site borders the village envelope with the proposed building within the boundary and the proposed rear gardens beyond, on land classed as countryside. Policy OS2 seeks to restrict development in the countryside. However, the part of the site to be used for the private amenity space is adjacent to the neighbouring garden and the land to the north of the building would be restricted to paddock.</p> <p>Although this would lead to an encroachment of residential use into the countryside the site is not easily open to view from the public realm being set off the boundary with the highway. Furthermore, the site is well related to the village and neighbouring properties. A condition to remove permitted development rights for outbuildings can be imposed and boundary treatments can also be the subject of a condition to ensure an appropriate provision on the countryside.</p>
<p><b><u>Policy BE12</u></b></p> <p>Policy BE12 states permission will not be granted for development within a protected open space except there a proposal is in conjunction with an existing use and the development would not adversely affect the intrinsic character of the area.</p>	<p>The site is largely within the village boundary and the buildings are adjacent to a parcel of land designated as a Protected Open Area. This area incorporates the foreground to the building and abuts the highway. The proposed building would occupy a similar footprint to the existing building with the land to the front used for parking and turning. As such the proposal would not significantly develop this open space which would therefore be preserved. A condition can be imposed to remove permitted development rights for extensions and outbuildings in order to ensure the site is controlled in the future.</p> <p><b>As such the proposal would not adversely affect the intrinsic character of the area and would comply with Policy BE12.</b></p>
<p><b>Heritage Assets</b></p>	<p>As discussed above the site is within the Conservation Area with listed buildings in the locality and the Council has a duty to preserve and enhance the designation. S.66 relates to listed buildings and s.72 relates to Conservation Areas.</p> <p>The proposal would result in a visual enhancement of the site and street scene through the removal of</p>

	<p>the existing building and the erection of the proposed dwellings. Details including materials, boundary treatment, design details and the retention of trees can be controlled by conditions to ensure a high quality development. Furthermore, the existing buildings are highlighted in the Conservation Area Appraisal as being unsympathetic to the character and appearance of the designation.</p> <p>There are listed buildings in the locality and these include the church, the terrace to the east of the church and the hall. The proposed building would be set into the site and would be of a limited height on a footprint similar to the existing. <b>Furthermore, the buildings would replace an existing building which detracts from the site and street scene and has been recognised as a detrimental feature in the Conservation Area Appraisal.</b> As such the setting of these listed buildings would not be adversely affected by the proposed development.</p> <p><b>The proposal is therefore considered to enhance the character and appearance of the Conservation Area and protect the setting of the adjacent listed buildings and complies with the requirement under s.66 and s.72 of the Listed Buildings and Conservation Areas Act 1990.</b></p>
<p><b>Residential Amenity</b></p>	<p>The proposal would remove an agricultural use from the site and replace with dwellings. The building would be on a similar footprint as the existing but would introduce a first floor. The buildings have been designed to minimise the impact on neighbouring properties with first floor windows on the rear elevation largely limited to dormer windows serving bathrooms and rooflights serving bedrooms and staircases. The bottom cills of the rooflights are more than 1.7 metres above the internal floor level to ensure overlooking and loss of privacy would be minimised. One dormer windows is proposed on the rear elevation to serve a bedroom; however, this would serve unit 4 which is set a significant distance from neighbouring properties and more than 20 metres from the site boundary. Bedroom windows would be inserted into the front elevation and these would look over the proposed hardstanding and would be in excess of 20 metres to the site boundary to the east. Furthermore, the site is well landscaped which further reduces the impact on neighbouring properties.</p> <p>Adequate rear gardens can be provided to serve each dwelling and the development can also be carried out whilst retaining a large number of mature trees on the site.</p> <p><b>It is considered the proposal could be carried out without undue harm to the residential amenities</b></p>



	<b>of occupiers of neighbouring properties and provide adequate amenity to future occupiers of the proposed dwellings.</b>
<b>Trees</b>	<p>The site accommodates a large number of trees. A Tree Survey has been carried out which identified the most important trees as those towards the site frontage which are classed as large, mature trees with extensive canopies and requiring large root protection zones.</p> <p>The proposed building would occupy a similar footprint to the existing building and would not encroach the canopies of the trees towards the front of the site. The large trees along the eastern boundary would be a significant distance from the proposed building and generally the poorer quality trees within the site would be removed. A condition can be imposed to ensure a landscaping scheme to illustrate those trees to be retained together with safeguarding measures to protect these trees during construction.</p> <p><b>The proposal would retain many of the important trees on the site and a condition can safeguard those retained.</b></p>

### **Conclusion**

The proposal relates to the demolition of the current building and the erection of four dwellings. Although Ashby Folville is not a sustainable village the proposed scheme would have benefits including the enhancement of the Conservation Area, the creation of small scale residential units and the enhancement of the vehicular access. Furthermore, support from residents has been received for the proposal. The recommendation is very much 'on balance' with significant weight given to the issue of sustainable development through the NPPF. However, in this case the benefits of the scheme are considered to outweigh the sustainability issue. The proposal is also acceptable in terms of residential amenity, flood risk and highway safety and would safeguard the heritage assets. As such the proposal is recommended for approval.

### **RECOMMENDATION:- Approve, subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be built in accordance with the following plan: 952-03 Proposed Site Plan, 952-05 Elevations, 952-04 and 952-06.
3. No development shall take place until samples of the materials to be used on all external elevations and roofs of the development have been submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
4. Within one month of the commencement of works on site, a plan showing a detailed soft and hard landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall include details of:
  - (a) any existing trees, shrubs, hedges and water bodies to be retained and measures for their protection in the course of development;
  - (b) new tree and shrub planting, including plant type, size, quantities and locations;

- (c) other surface treatments;
  - (d) fencing and boundary treatments;
  - (e) any changes in levels or contours.
5. The approved landscaping scheme shall be carried out within one year of completion of the development and any trees, hedges, shrubs or plants which within a period of 5 years from the completion of the planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation
  6. No development shall commence until full details of all new windows, doors, dormer windows, rooflights and the garage doors have been submitted to and approved in writing by the Local Planning Authority. Such details shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour. The development shall be carried out in accordance with these approved details and retained as such thereafter.
  7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any order revoking and re-enacting the Order with or without modification) no additional windows, doors or other openings shall be inserted nor any development falling within Schedule 2 Part 1 Classes A-F and Part 2 Class A shall be erected/carried out without the prior permission of the Local Planning Authority.
  8. The garden areas shall be limited to those shown on the Proposed Site Plan and the land to the north of the building hereby approved shall be limited to use as a paddock only.
  9. The development permitted by this application shall be carried out in accordance with the approved technical Note 002 (December 2015, EWE Associates Ltd), the Flood Risk Assessment (FRA) (October 2015), Final Rev A, EWE Associates Ltd) and the following mitigation measures: finished floor levels of the proposed residential dwellings shall be raised by 300mm above the existing external ground level; and flood proofing measures shall be incorporated into the residential dwelling design to 300mm above the finished floor level.
  10. No additional fencing or future extensions shall be erected to the east (i.e. the local watercourse) of Unit 4.
  11. Before any dwelling hereby permitted is first occupied the existing vehicular access shown serving the site shall have been widened to a minimum of 4.25 metres with minimum 0.5 metre wide clear margins on each side for at least the first 5 metres behind the highway boundary and have a drop crossing of a minimum size as shown on Figure DG20 of the 6C's Design Guide at its junction with the adopted road carriageway. Once provided the access drive shall thereafter be permanently so maintained.
  12. Before first occupation of any dwelling hereby approved the widened access drive shall have been surfaced with tarmacadam or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
  13. Before first occupation of any dwelling hereby permitted the existing gates to the vehicular access shall be removed. Any new vehicular access gates, barriers, bollards, chains or other such obstructed erected shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to not open outwards.
  14. Before first occupation of any dwelling hereby permitted drainage shall be provided within the site such that surface water does not drain into the public highway including private access drives, and shall thereafter be so maintained.
  15. The car parking and turning facilities shown serving each dwelling shall be provided, hard surfaced and made available for use before the associated dwelling is first occupied and shall thereafter be permanently so maintained.
  16. The development hereby approved shall only be carried out in accordance with the mitigation measures contained in section 6 of the Protected Species Survey June 2015.

Reasons:

1. To prevent the unnecessary accumulation of unimplemented permissions, to encourage early implementation and to enable the Local Planning Authority to review the consent if a further application is made.
2. For the avoidance of doubt.
3. To ensure that the Local Planning Authority can exercise proper control over the materials used and the appearance of the building when completed, in the interest of visual amenity.
4. To ensure that the Local Planning Authority can exercise proper control over the visual appearance of the area and in the interests of visual amenity.
5. To ensure that the Local Planning Authority can exercise proper control over the visual appearance of the area and in the interests of visual amenity.
6. To ensure a satisfactory appearance of the development which does not detract from the fabric and character of these rural buildings or the countryside setting.
7. To safeguard the appearance of the development and the privacy and living conditions of nearby residents.
8. To safeguard the appearance of the development and to ensure the satisfactory privacy and living conditions for future occupants.
9. To reduce the risk of flooding to the development and future occupants.
10. To ensure the flow path of the local watercourse is not impeded by the development during flooding and to reduce the risk of flooding to the development and future occupants.
11. To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.
12. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
13. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
14. To reduce the possibility of surface water serving each dwelling being deposited in the highway causing dangers to highway users.
15. To ensure adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
16. To ensure the safeguarding of protected species.

Officer to contact: **Mr Joe Mitson**

**Date: 11.12.2015**