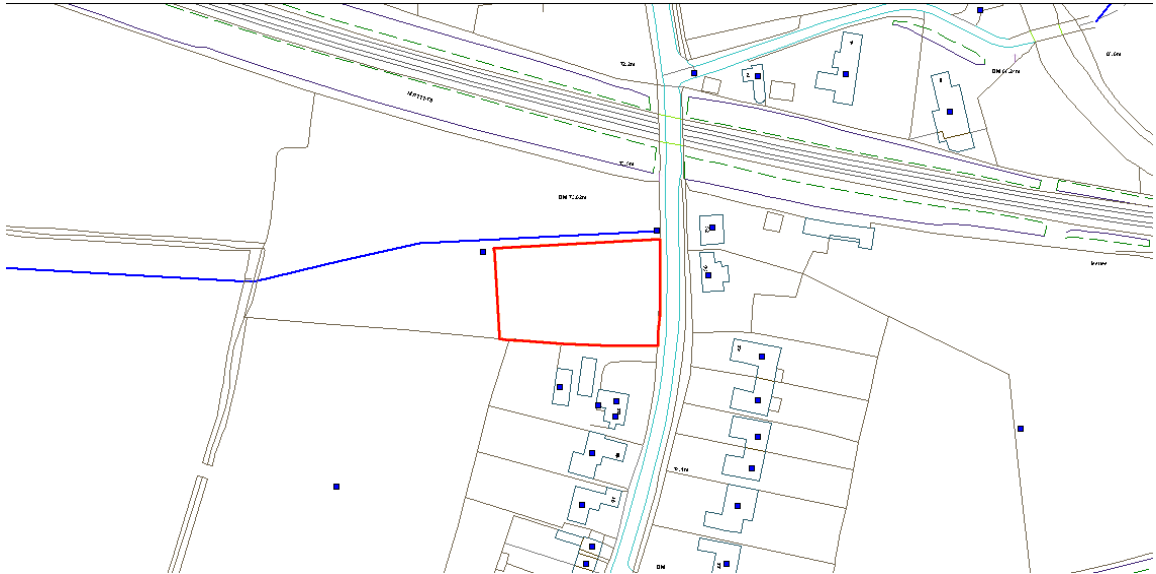


Reference: 13/00563/FUL
Date Submitted: 28.08.2013
Applicant: Mrs J Dolan
Location: Field OS6700, Main Street, Kirby Bellars
Proposal: Four holiday homes



Introduction:-

The application seeks full planning permission for the erection of four 2 bedroom holiday homes on a site to the North of the village of Kirby Bellars within the open countryside. To the North of the site is a public footpath, and the Leicester to Melton Mowbray train line. There are residential dwellings to the South and East of the site which are within the village envelope.

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

- **Compliance with the development plan policies**
- **Impact upon the character of the area**

The application is required to be considered by the Committee due to the level of representations received and the content development plan policies.

Relevant History:-

13/00394/OUT for a single dwelling on the same plot was withdrawn on the 31st July 2013.

Planning Policies:-

Adopted Melton Local Plan (Saved Policies)

Policy OS2 does not allow for development outside the town and village envelopes shown on the proposals maps except for development essential to the operational requirements of agriculture and forestry, and small scale development for employment, recreation and tourism.

Policy BE1 Siting and design of buildings: Allows for new buildings subject to criteria including the design harmonising with the surroundings, no adverse impact on neighbouring properties by loss of privacy or outlook, adequate space around and between buildings being provided and adequate access and parking arrangements being made.

The National Planning Policy Framework was published 27th March 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- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: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 impact 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 core planning principles against which proposals should be judged. Relevant to this application are those to:

- Support sustainable economic development
- Recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
- Promote mixed use development, encouraging multiple benefits from the use of land in urban and rural areas
- 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.

On Specific issues relevant to this application it advises:

Building a Strong Competitive Economy

- Planning should encourage growth, not prevent it and should plan proactively to encourage economic growth
- Significant weight should be given to the need to support economic growth

Supporting a Prosperous Rural Economy

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through new buildings and conversions.
- Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

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.

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.

As stated above, s38(6) requires determination to be in accordance with the Development Plan unless other material considerations indicate otherwise. This is reinforced by paragraph 11 of NPPF. These form the relevant Development plan policies and they remain extant.

Good Practice Guide on Planning for Tourism 2006

Provides guidance on the role of planning in tourism development. It also underlines the importance of protecting and enhancing the visual quality of sites to ensure the development fits in well with its environs. Annex 1 addresses accommodation and advising:

- Planners should carefully weigh the objective of providing adequate facilities and sites with the need to protect landscapes and environmentally sensitive sites.
- New sites that are close to existing settlements and other services will generally be more sustainable as some local services may be accessed by means other than by car.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Archaeology: The Leicestershire and Rutland Historic Environment Record (HER) notes that the site lies within the medieval and post-medieval historic settlement core of Kirby Bellars (HER ref. MLE10616). Assessment of recent aerial photography and LiDAR survey data shows the presence of cropmarks and earthworks in the immediate vicinity of the application area indicating a high potential for the survival of buried archaeological remains.</p> <p>Recent aerial photograph (c. 2011) indicates that approximately 30-40% of the site at its eastern end has been affected by some surfacing and soil movement; the rest of the site appears largely unaffected. It is anticipated that within the area of surfacing the archaeological deposits will have been truncated, but will probably survive as earthfast features.</p> <p>The villages of Leicestershire and the wider English Central Midlands, appear to have evolved alongside their open field systems, during the later 1st millennium AD. Buried archaeological evidence, constituting one or more as yet unidentified heritage asset(s) (National Planning Policy Framework (NPPF) Section 12, paragraph 128 and Appendix 2), spanning the period from the earliest evolution of the village to its more recent past can be expected within the development area. Consequently, there is a likelihood that buried archaeological remains will be affected by the development.</p> <p>The preservation of archaeological remains is, of course, a “material consideration” in the determination of planning applications. The proposals include operations that may destroy any buried archaeological remains that are present, but the archaeological implications cannot be adequately assessed on the basis of the currently available information. Since it is possible that archaeological remains may be adversely affected by this proposal, therefore it is recommended</p>	<p>Noted.</p> <p>The applicant and agent have been made aware of this requirement from archaeology prior to determination. The type of investigations required by archaeology are however time consuming and expensive. The agent and applicant did not want to proceed with the works unless it was known that the Authority would look favourably upon the scheme.</p> <p>Therefore, if the Planning Committee is minded to permit the application, the decision should be deferred until the works required by Archaeology have been completed satisfactorily. It is not considered that these can be controlled by means of conditions. Should the Committee be minded to refuse this application on other grounds, the lack of archaeological information should be an additional reason for refusal, to ensure the archaeological potential of the site is given future consideration.</p>

<p>that the planning authority defer determination of the application and request that the applicant complete an Archaeological Impact Assessment of the proposals.</p> <p>This will require provision by the applicant for:</p> <ol style="list-style-type: none"> 1. An Archaeological desk-based Assessment 2. A field evaluation, by appropriate techniques including trial trenching, if identified necessary in the assessment, to identify and locate any archaeological remains of significance, and propose suitable treatment to avoid or minimise damage by the development. Further design, civil engineering or archaeological work may then be necessary to achieve this. 	
<p>Highway Authority: The Officer considers that Kirby Bellars is an unsustainable location and lacks any facilities such as a shop, and that the local public house is away from the village and across a busy classified road.</p> <p>The officer notes however that as there is some support within the NPPF for tourism, and that if the Local Planning Authority is minded to grant approval, conditions relating to access gradient, visibility splays, materials, surface water drainage and the width of shared access drives.</p>	<p>Noted.</p> <p>Parking spaces have been provided at the plots on a basis of one parking space per plot. The spaces measure 2.5m x 5m which is below the standards currently expected by highways, however it would appear that there is space to ensure that a adequate sized parking spaces could be provided.</p> <p>There is also space to the North of the site which is considered as visitor spaces / turning area which should be able to accommodate a maximum of 3 cars. Adjacent to this is the bin store.</p> <p>Visibility when leaving the site is good, as Main Street is fairly straight, therefore the development should not cause any dangers to users of the highway as vehicles would always be entering and exiting in a forwards direction.</p> <p>Issues with regards to sustainability will be covered later in the report.</p> <p>Through the use of conditions, the proposal can be controlled so as to have no adverse impact on highway safety, and would draw support from policy BE1 in this respect.</p>
<p>Kirby Bellars Parish Council: The Parish Council objects to the application. The site is outside of the village envelope, in the open countryside on a piece of land which is considered to be a valuable open space. The applicant also removed an orchard which was on this site. Kirby Bellars has been classified in planning terms as an unsustainable village where there is no demand for holiday accommodation. Where development like this has taken place in the past it has been found to be unsustainable and the properties have had to be used in other ways.</p>	<p>Noted</p> <p>The removal of the Orchard was not in breach of any regulation and as such should not be considered to weigh against the application.</p> <p>Please see commentary below under 'Representations' which deals with these comments.</p> <p>Unfortunately the PC has not provided details of the other examples they refer to as having proved unsustainable.</p>
<p>Building Control: No objections. There appear to be no issues with bin storage, or</p>	<p>Noted.</p>

<ul style="list-style-type: none"> • Holiday homes in this location will pose security issues in the village, bringing strangers into the quiet village setting • The proposal would create excessive noise in a quiet village • There will be additional excessive traffic movements in and out of the site • There will be a loss of privacy for all villagers. • There are plenty of other holiday lets in the vicinity (Eye Kettleby Lakes has caravan pitches and log cabins for hire, of which 25% allow pets). There is no need for this development. 	<p>It is not agreed that the addition of holiday homes in this location could be demonstrated to security threats to neighbouring dwellings. There is already a public footpath to the North of the site which is regularly used, and it could be argued that more people within the village could actually increase security as there would be more people around during the day.</p> <p>It is not considered that holiday lets in this location would create an excessive level of noise, or traffic movements. It is not expected that the units would be let all year round, therefore the level of noise and traffic movements would be lower than would be expected from residential dwellings. Highways are not objecting to the proposal for reasons of highways safety.</p> <p>The proposed single storey holiday lets have been set back from the road by approximately 8.5 metres, which creates a minimum separation distance from the dwellings to the East of 24 metres. There is a separation distance of approximately 18 metres from the proposed lounge window to Unit A and Hawthorn House. The separation distance between Unit B and 55 Main Street is smaller at around 12 metres, however this separation is at an angle, and there is no direct overlooking. Where no's 50 and 52 Main Street would overlook the site, they would overlook the access and the turning / visitor parking area.</p> <p>It is not considered that the holiday homes in this location would create any issues with regards to loss of privacy, outlook or amenity to any of the neighbouring dwellings in accordance with policy BE1.</p> <p>Noted. The applicant has provided a news paper cutting to evidence that demand for holidays in the UK has increased. They have also found that Leicestershire is poorly represented by lettings agencies (although this does not consider those properties which are let privately rather than through agencies). The applicant states that their units will fill a gap in the market for pet lovers and the disabled as others do not offer these facilities.</p> <p>The Good Practice Guide on Planning for Tourism states that new sites that are close to existing settlements and other services will be generally more sustainable as some local services may be accessed by means other than the car. Kirby Bellars, as the village is located some approximately 5 miles from tourist attractions such as Twinlakes and has no local amenities and very poor access to public transport. Kirby Bellars has no such attractions other than for</p>
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<ul style="list-style-type: none"> • If permission is granted what is there to stop the developer asking for a change of use in the future to become permanent dwellings? • The sewerage system is already struggling to cope – more houses will make the problem worse. 	<p>walkers with the site’s proximity to a footpath. There is however no footpath or cycle path to access Melton Mowbray and the visitors to these holiday lets are highly likely to need to use the private car for all of their needs whilst staying in Kirby Bellars.</p> <p>Although the proposed holiday lets are located adjacent to the village of Kirby Bellars, the village is considered to be unsustainable and unsuitable for new development and appeal decisions have affirmed this finding</p> <p>It is considered that a key judgement for the Committee is whether this location can be regarded as suitable for ‘sustainable tourist development’. It is further considered that this assessment does not necessarily follow that of residential properties, owing to the different travel patterns that visitors to the area will make.</p> <p>It is considered that a development of four holiday homes in this area could not be considered to be sustainable tourist development, due to the unsustainable location in terms of facilities and the need to travel significant distances to tourist attractions.</p> <p>The application, whilst supported by Policy OS2 in respect of small scale tourism outside of the town and village envelopes this is considered to be outweighed by the NPPF which seeks to support sustainable rural tourism, and the Good Practise Guide on Planning for Tourism.</p> <p>Once the holiday lets are built there is nothing to stop the applicant applying to change the use of the buildings to dwellings. The application would be judged against the relevant planning policies at that time, and this possibility should not be taken into account, or weigh against, the merits of this application.</p> <p>This would be dealt with by the Building Regulations at the time that the holiday lets would be built, if granted permission</p>
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Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Application of the Development Plan Policies Policies OS2 and BE1 of the Local Plan are applicable but under paragraph 215 of the NPPF it is necessary to consider if they should carry weight.</p>	<p>Policy BE1 has been found to comply with the NPPF in recent appeal decisions by Planning Inspectors, and as such continue to carry significant weight when determining planning applications. The design requirements within the policies reflect closely part 7 of the NPPF and similarly retain weight.</p> <p>Policy OS2 allows for limited small scale</p>

	<p>development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside, and as such gives some support to the proposal. However, it does not address sustainable tourism and as such is in conflict with the NPPF when applied to this proposal. Following the requirements of para. 215 of the NPPF, the latter should prevail in these circumstances.</p> <p>Other material considerations also apply such as the sustainability issues of the location, the need for the development and the impact of the development upon the character and appearance of the area. Furthermore, the site is not attached to an existing tourist attraction and would be a new development in the countryside. Tourist development is supported where it responds well to its location. The suitability of the proposal needs to be balanced against the potential harm and benefit of the development in this location.</p> <p>As set out above, it is considered that the development is contrary to policies BE1, the NPPF and the Good Practise Guide on Planning for Tourism.</p>
<p>Design</p>	<p>The four units have all been designed to have the same layout, and are all single storey. The units are arranged in a courtyard shape, and one designated parking space is provided per unit. Each unit has two bedrooms, an ensuite to bedroom one, a separate family bathroom, lounge and kitchen diner. From the lounge there are double doors opening out onto a small patio where there are hot tubs proposed for each plot. The four units are arranged in two blocks of two, at a right angle to each other, with varying sizes of gardens. The units are of a fairly simple design with a dual pitched roof, and gable ends. The buildings would stand at a total height of approximately 4.74m to the ridge and 2.25m to the eaves. Each individual unit would have a footprint of approximately 71sqm .</p> <p>There are no particular features that would pick out a principal elevation on the units, and the design of the elevation facing onto Main Street (side elevation – east) is particularly plain in comparison to the rest of the streetscene and the dwellings which face onto the street. There is a very strong character of the area to the South of the site, of residential dwellings with a principal elevation facing onto the Main Street. However, it is considered that the design issues can be overcome with relatively minor amendments and, should the Committee be persuaded that the location is appropriate for development of this type, it would be practical to grant permission subject to amendments to the design being secured.</p>

	<p>The proposal removes a piece of land which is considered to be an important open area, and for this reason it is considered that the proposal does not meet the objectives of policy BE1 which seeks to ensure that development is designed to harmonise with its surroundings in terms of design. Nor does the proposal comply with paragraphs 60 and 64 of the NPPF which refer to the need to improve the character and quality of the area and the way it functions.</p> <p>It is considered that the proposed design of the units are contrary to policy BE1 of the NPPF and chapter 7 of the NPPF which requires good design, but that there is scope to address this aspect.</p> <p>The application is also considered to be contrary to paragraphs 60 and 64 of the NPPF which seek to promote/reinforce local distinctiveness, as a result of the use of open land that is consider to form an important part of the village’s character. These paragraphs, state that permission should be refused for development which fails to take the opportunities available for improving the character and quality of an area and the way it functions.</p>
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Conclusion

The application seeks planning permission for the erection of four two bedroom holiday let units outside of the village envelope for Kirby Bellars. The application is broadly supported by policy OS2 of the Melton Local Plan, which seeks to support small scale tourism. The proposal is not considered to have an impact on adjoining properties or on highways safety. However, on balance it is considered that the issues with the design, the impact that the siting would have on the character and appearance in the streetscene, and the sustainability of the location outweigh the policy support in this instance.

It is therefore considered that the proposal is contrary to policy BE1 of the Melton Local Plan, and paragraphs 28 (sustainable rural tourism) 60 and 64 (good design) of the NPPF.

RECOMMENDATION: Refuse, for the following reasons

1. The development is considered to represent unsustainable tourism in the open countryside contrary to paragraph 28 of the NPPF by virtue of its proposed location adjacent to an unsustainable village.
2. The design of the proposal is considered to have an unacceptable impact upon the character and appearance of the linear form of Kirby Bellars, and the surrounding countryside. The proposal is located on land considered within the Melton Local Plan to be an ‘important open area’, providing important breaks between buildings. The proposal is therefore considered to be contrary to policy BE1 of the Melton Local Plan which seeks to ensure that new buildings harmonise with their surroundings, and paragraphs 60 and 64 of the NPPF which seek to promote or reinforce local distinctiveness, and improve the character and quality of an area and the way it functions.

3. The applicant has failed to provide an archaeological desk-based assessment of the site, and a field evaluation using appropriate techniques such as trial trenching (if identified in the assessment) to identify and locate any archaeological remains of significance, and propose suitable treatment to avoid or minimise damage by the development as required under Regulation 4 of the Town and Country Planning (Applications) Regulations 1988, and supported by paragraphs 128, 129 and 135 of the NPPF.

Officer to contact: **Mrs Sarah Legge**

4th October 2013