**Committee Date: 20th December 2012** 

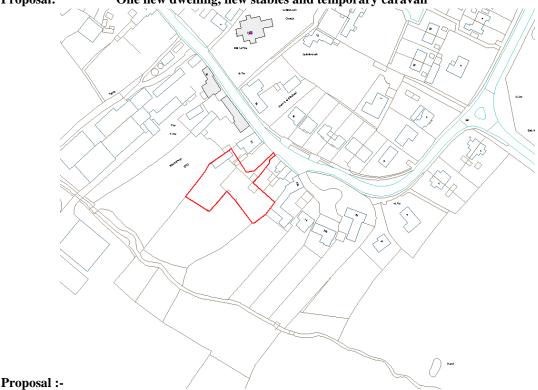
Reference: 12/00582/FUL

Date submitted: 20.08.2012

Applicant: Mr Harman

Location: Land to the rear of the 21 Bolton Lane, Hose (former Black Horse)

Proposal: One new dwelling, new stables and temporary caravan



This application seeks planning permission for a revised house type and siting to that approved by an appeal (08/00474/FUL). The proposal also includes the erection of stables and seeks permission to site a caravan for a temporary period whilst the dwelling is being constructed. The site lies to the rear of the former Black Horse public house which is currently under renovation as a residential dwelling with access from Bolton Lane. The skittle alley has since been demolished and some site clearance has taken place. The application seeks to construct an L-shape dwelling as approved at appeal but with fenestration changes and repositioning to 'straighten' out the footprint to provide a better relationship with the converted pub. Part of the site lies within the Conservation Area for Hose and the village envelope closely followed the existing buildings on the site. The repositioning of the dwelling means that part of the dwelling will fall outside of the village boundary.

It is considered that the main issues for consideration of the application are:-

- Compliance with the Development Plan Policies and the NPPF
- Impact upon the Character of the Area
- Impact upon Neighbouring Properties

The application is presented to Committee due to the proposal being a departure from the development plan.

#### Relevant History:-

05/00264/FUL - full planning application for change of use of public house to residential and erection of new dwelling to rear - refused May 2005. Reasons for refusal: new dwelling to rear out of keeping by virtue of forming cramped form of backland development; unacceptable relationship between the proposed dwellings by virtue of overbearing; and insufficient archaeological information submitted.

05/00265/CL - certificate of lawfulness granted in June 2005 for continued use of land to rear as beer garden.

05/01128/COU - application for change of use of public house to dwelling refused due to loss of community facility. Allowed on appeal 31.07.2007.

05/001129/ FUL – Application for change of use of existing public house to dwelling and proposed new detached dwelling on site of existing outbuildings. Refused on loss of community facility and harm on the Conservation Area

08/00474/FUL Application for New dwelling to replace existing outbuildings (Re-submission of part previous application Ref: 05/01129/FUL). Application was refused on harm to the Conservation Area. Allowed on appeal 22.06.2009

08/00483/CON – Consent granted for demolition of existing outbuildings for new dwelling.

11/00577/FUL – Planning permission granted for change of use from public house to private dwelling, new site boundaries, car parking access and temporary storage container.

12/00201/EXT – Extension of time granted to planning approval 08/00474/FUL

#### Planning Policies:-

# Melton Local Plan (saved policies):

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.

<u>Policy OS2</u> - carries a general presumption against development outside town and village envelopes except in certain instances such as development essential for agriculture and forestry, small scale employment, tourism and recreation development, development for statutory undertakers and telecommunications operators, changes of use of existing buildings and affordable housing

<u>Policy C4</u> – allows for the erection of agricultural buildings providing they are within existing groups of buildings and amongst other things will not have a detrimental impact upon the rural character of the area, would not cause loss of amenities through unacceptable noise, smell dust or other forms of pollution and that there will be no adverse effects on residential amenities or highway safety.

<u>Policy C5</u> states that planning permission for stable should only be granted providing the proposal complies with policy C4 to avoid a proliferation of buildings in the open countryside.

<u>Policy H6</u>: planning permission for residential development within Village Envelopes shown on the proposals map will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

# The Melton LDF Core Strategy (Publication) Development Plan document:

The Core Strategy has been published and has come to the of a 6 week consultation period. Seeks to focus development in Melton Mowbray with a small balance (20%) in the surrounding Borough, with expectations to produce mixed, integrated housing developments and meet local needs by addressing identified imbalances in housing stock in all locations.

There are a number of policy objectives contained within the Core Strategy which apply to this proposal and will attract some weight given its close reflection to the NPPF.

#### **CS3 Sustainable Villages:**

To qualify as a sustainable village there will have to be at least three public services available to support new housing development. Gaddesby has been identified as a sustainable village and therefore is capable of supporting new infill development.

<u>CS4 Making Effective use of Land</u>: Supports the use of brownfield land which will assist in meeting the target of 50% of development on brownfield land by 2026.

<u>CS5 Strategic Housing</u>: Seeks to manage the delivery of homes to provide a balanced housing market taking into account local needs. Promoting accessible design and apply Lifetime Homes Standards where appropriate to ensure new dwellings are flexible and able to meet the housing of a wider section of society, including people with disabilities and older people.

<u>Policy CS13: Countryside</u> – seeks to protect the rural environment by requiring development to be of a high standard which respects the character of its location; surroundings, and setting. The form and appearance of development should reinforce its sense of place and take into account the Melton Landscape Character Assessment.

#### East Midlands Regional Plan

**Policy 1** – Regional Core Objectives – to secure the delivery of sustainable development within the East Midlands which includes a core objective to ensure that new affordable and market housing address the need and choice in all communities in the region.

**Policy 2 – Promoting Better Design** – states that the layout, design and construction of new development should be continuously improved.

**Policy 3** – relates to the distribution of new development and states that development in rural areas should:

- maintain the distinctive character and vitality of rural communities;
- shortening journeys and facilitating access to jobs and services;
- strengthening rural enterprise and linkages between settlements and their hinterlands; and
- respecting the quality of the tranquillity, where that is recognised in planning documents

In assessing the suitability of sites for development priority is given to making best use of previously developed and vacant land or under-used buildings in urban or other sustainable locations, contributing to the achievement of a regional target of 60% of additional dwellings on previously developed land or through conversions.

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

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

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict the NPPF should prevail. It also offers advice on the weight to be given to 'emerging' policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

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
- encourage the effective use of land by reusing land that has been previously developed (brownfield land)
- 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:

#### Delivering a Wide choice of High Quality Homes

- To promote sustainable development in rural areas, housing should be located where it
  will enhance or maintain the vitality of rural communities. For example, where there are
  groups of smaller settlements, development in one village may support services in a
  village nearby.
- Set out own approach to housing densities to reflect local circumstances
- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 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.
- 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.

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-todate 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** The access into the site has been constructed in

# Highways Authority: No objections.

Stables to be conditioned for personal use only.

# accordance with planning permission granted for modifications to the former public house, which is reflective of the access arrangements granted at appeal for the new dwelling to the rear. No further changes are required.

The stables are to be sited to the rear in place of the old stables which sit along the boundary of neighbouring dwellings. The use will be for personal recreation uses however a condition can be imposed to ensure that no business or commercial uses take place.

# It is not considered that the proposal would have a detrimental impact on highway safety.

#### **Conservation Officer:**

Originally the Conservation Officer objected to both Application 05/01129/FUL which was refused in March 2006, and Application 08/00474/FUL - the comments at that time included the observation that the dwelling was too close to the converted PH and that the preference was to see the car park developed as an infill plot to enclose the street scene to be more in character with the Conservation Area in this location ie: street frontage properties.

However clearly the later application was won on appeal and hence the principle of development of the site has now been established.

## Amended plan

It is noted that the design has been simplified and the size and massing and ridge height reduced accordingly which has overcome initial concerns to a large extent. Likewise the separation distance between the new build and the boundary with No 21 has been increased.

In terms of the conservation area setting etc the Conservation Officer is much more content with this proposal.

The proposal has been amended to reduce the height and mass of the revised dwelling so that it more closely reflects that approved at appeal albeit in a modified location. Due to the steep change in the topography of the site the dwelling is not considered to have an unduly detrimental impact upon the streetscene as it would be partially screened from Bolton Lane by the existing converted public house. The new front boundary treatment; high brick wall and gates, have been erected as part of the re-development of the public house which also screens the development site from the street.

Due to the change in land levels across the site the proposed dwelling has been designed so that the height varies to take this into account, as did the dwelling approved at appeal.

The northeast elevation (which backs on to the former public house) will have an overall height of approx 7 metres (1.3 metres higher than the extant planning permission), however, it will sit on a land level that is approximately 1.2 metres lower than the patio area of No. 21 Bolton Lane ensuring that the ridge height is still lower than the street frontage properties. The dwelling has been moved away from the boundary of No. 23 Bolton Lane which is a Grade II listed building. This improves the relationship and removes any party wall issues.

It is considered that whilst the roof will be visible

from the gap between No. 19 and 21 Bolton Lane it will not appear over dominant and therefore is not considered to have an unduly detrimental impact upon the character of the area. Likewise the design is similar to the extant planning permission and therefore is not considered to adversely affect the setting of the listed building. The greater separation distance from the boundary assists with this.

# The design, size and scale of the dwelling is not considered to have a detrimental impact on the character of the area and is considered to enhance this part of the Conservation Area.

The principle for development on the site has already been agreed with the granting of the planning application in 2009 and approving the extension of time application in 2011. This proposal seeks to modify and reposition the dwelling to increase the separation from the now converted public house to a dwelling and to move it away from the adjoining boundary to No. 23 Bolton Lane, which is a Listed Building.

The village envelope was drawn tightly around the former outbuildings of the public house and planning permission was granted for the buildings to be demolished and a new dwelling constructed on a similar footprint. It is considered that the repositioning of the dwelling results in better separation distances to the immediate neighbours. However, part of the dwelling will now cross over the village envelope boundary into the former beer garden.

Policy OS2 of the development plan seeks to control development outside of the village envelope those related agriculture/equestrian, tourism, recreation and small scale employment providing special justification exists. The purpose of the policy is to safeguard the character of the countryside and to prevent urban sprawl. The land immediately outside of the village envelope was the former beer garden to the public house which is screened from the open countryside beyond by dense mature planting and a brook which runs along the rear boundary. The site is not one that could be argued to be open countryside in its truest form Furthermore, the previous approval granted the use of the former beer garden as residential curtilage and permitted development rights were not removed from the property. Therefore, any future occupants of the dwelling could extend the property beyond the village envelope if they so chose in the future. The curtilage could also been

#### Parish Council: Objects

- It is outside the Village Envelope;
- Dwelling too large for that part of the village and out of keeping with the character;

used for domestic paraphernalia and outbuildings that fall under permitted development which would be beyond the control of the Local Authority.

Whilst the proposal seeks to reposition the dwelling so that part of it will fall outside of the village envelope it will provide improvement to the occupiers of No. 21 through providing a greater separation distance. remodelling of the public house to dwelling has resulted in some of the doors facing onto the application site replaced with patio doors and windows to increase light into the habitable rooms. It is considered therefore that there is a balance between breaching the village envelope and reducing the impact on the residential amenities of the occupiers of the converted public house. In this instance, due to the site already being approved for residential curtilage the harm to the open countryside is not so sufficient as to warrant a refusal when weighed against the benefits to the occupiers of the converted public house.

The dwelling size has been amended during the course of the application and no further comments from the Parish Council have been received to date however the dwelling footprint has been reduced to better reflect that approved at appeal.

It is considered that the size and mass of the dwelling is acceptable in this location and the design is reflective of the extant planning permission, containing dormer windows, gable features and rooflights which are reflective of the local house types in the village of Hose.

Too small parking area and access for equestrian vehicles

The stable block will be sited on the northeast boundary with the former outbuilding being rebuilt as a tractor shed. The stables will occupy a footprint of approximately 70 metres having an overall length of 13.4 metres by 5 metres. The overall height will be 4 metres sloping to an eaves height of 2.4 metres. It will be constructed from timber with a red pantile roof to match the dwelling. The stables are for personal use only for the applicants own horses and the paddock is to the south of the site. Concerns expressed in regards to equestrian vehicles will be contained to the owners own vehicles and no objection has been received by the Highways Authority, however, a condition has been requested to restrict to personal use only.

Archaeology: No objections subject to conditions. The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site lies in an area of archaeological interest. It is within the medieval and post-medieval historic settlement core of Hose, close to the medieval church (HER Ref. No. MLE12808). Several other listed buildings are also near by, including the farmhouse on the plot directly to the northwest (MLE12807). Consequently, there is likelihood that buried archaeological remains, particularly those dating from the medieval and postmedieval periods, will be affected by the development.

The villages of Leicestershire and the wider English Central Midlands, appear to have evolved alongside their open field systems, during the later 1<sup>st</sup> 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.

In accordance with the NPPF (Section 12, paragraph 141), the Local Planning Authority should require a developer to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance.

If planning permission is granted the applicant must obtain a suitable written scheme for the investigation and recording from an archaeological organisation. Noted. The site has an extant planning permission which was allowed at appeal and successfully extended. There was no requirement for Written Schemes of Investigation to take place however this proposal seeks to amend the position of the dwelling and it is considered reasonable and necessary under current planning policy to impose a condition for the developer to provide the information requested by LCC Archaeologist.

#### **Representations:**

A site notice and press notice was posted and neighbouring properties consulted. As a result 5 letters of objection from separate households have been received to date objecting on the following grounds. The proposal was amended and 2 additional comments from objectors that have previously commented have been received to date.

Representation	Assessment of Head of Regulatory Services
Out of Keeping with the character of the area:-	The proposal has been amended as the previous
	design was considered to be too large and would
The dwelling is too large.	have been dominant on the site. Because of the
	close proximity to No. 21 the proposal would
	have had a negative impact upon the future
	occupiers of No. 21 Bolton Lane through
	overlooking. The amended proposal is
	considered to reflect that approved at appeal as

The stables are not in keeping with the village environment.

There are already stables on the site why do they need more.

The paddock could only accommodate 1 small pony why the need for more stables

Parking on Bolton Lane is already and issue more cars will have an impact upon the character of the village.

The proposal breaches the Village Envelope

well as increasing the separation distance between the dwellings on the site.

The stables are sited outside of the village envelope but along the rear boundary of properties fronting Bolton Lane. Policy C5 allows for stable development outside of the village envelope providing that they are close sited to existing groups of buildings in accordance with policy C4 this is to prevent a proliferation of stables in the open countryside. Whilst there are stable developments on the outskirts of the village this site is also on the edge of the built form of the village. There has been a stable in this location but it is no longer considered fit for purpose. The stables are considered to comply with Policy C4 and C5 of the Local Plan.

The stables will be for personal use of the applicants only and the horses will be grazed in the paddock.

The site has ample car parking for both properties.

The proposal does seek to reposition the dwelling which now means that part of the dwelling will encroach over the village envelope, however, this part of the site has historically been used as beer garden to the former public house and not as farm land or contributed to open countryside designation. The site is well screened from view and a stream runs along the rear boundary which further separates the site from the open land The benefits of repositioning the dwelling to give a better separation between No. 21 and 23 are considered to outweigh the partial breach of policy OS2. The dwelling in this position is not considered to have a detrimental impact upon the character of the countryside nor alters the position that the appeal has allowed this part of the site to be used as residential curtilage

# Impact upon Neighbouring properties:-

The stables are to be sited at the bottom of the garden and will block views of the open countryside

With regards to a view in planning terms, no one has a right to a view but the impact on adjoining properties is required to be assessed. In considering the impact upon neighbouring properties it is appropriate to consider the separation distances from habitable room windows and the proposed development. The stables will be approximately 15 metres from the rear of the two storey dwelling; No. 17, which sits on a higher land level overlooking the application site and paddock. The existing brick stables are

to be demolished and a new tractor store built in its place. The stables will run along the full width of the adjoining boundary and will have an eaves height of 2.4 metres sloping to a ridge height of 4 metres. It is considered that due to the separation distances and change in topography that the proposal will not have an unduly adverse impact upon the living conditions of the occupiers of No. 17. The boundary treatment is to be erected to a height of 1.6 metres.

Manure will be kept at the site and will cause smells

The storage of manure will attract flies and cause odour

Noise of animals will be a disturbance to residents.

No other stables are located in the village envelope.

One of the bases for the approval of the previous application on this site was that the eaves line of the new dwelling replacing the former bowling alley (equivalent to the application dwelling) should not exceed that of the bowling alley. This proposal will overshadow our property (No. 23)

A condition is required to ensure that manure is dealt with on the site so as not to cause a nuisance through odour.

The site is currently a paddock and the grazing of animals could take place at any time. There have been horses stabled in this location in the past as advised by residents. The horse owners will be close by to tend to the animals.

The site is outside of the defined Village Envelope. There are possibly not many opportunities for horse owners to have stables close to where they live. Unlike the application site which benefits from having a paddock to the rear. However, providing that there is not a detrimental impact upon the character of the area and there would be no adverse impact upon residential neighbours this is not consider to be a grounds for refusal.

The comments were submitted in response to the proposal before it was amended which has reduced the height of the dwelling to be in line with the extant planning permission. The previous application for a dwelling in this location was refused by the Council due to impact upon the character of the Conservation Area as it was considered to represent back land development not in keeping with the character of the area, not because of impact upon neighbouring properties. The repositioning of the dwelling moves the proposal further away from the boundary whereas on the extant planning permission the external wall forms the boundary. A new boundary wall is proposed to separate the site.

# It is not considered that the proposal would have a detrimental impact upon the residential amenities of adjoining properties.

# **Other Matters:**

The applicant already lives at no. 21 this is a commercial gain development.

The government seeks to boost housing growth in sustainable locations. The village of Hose is considered to be sustainable and subject to design, being in keeping with the village and no adverse

	impact upon neighbouring residents development is supported.
Loss of view	Loss of view is not a planning consideration.
Devaluation of houses that back onto the stable.	Not a planning consideration.
Trees have already been removed from the site	Some trees have been removed however they were not within the conservation area and therefore did not require consent.
Planning Policy:-	It is considered that there have been sufficient amendments to the current proposal to ensure that the development will respect the character of the area and not have a detrimental impact upon the residents. Policy OS1 and BE1 seek to ensure that development respects the character of the area and that there would be no loss of residential amenities and satisfactory access and parking provisions can be complied with. It is considered that the proposal achieves these objectives and a refusal could not be justified on these grounds. Whilst the proposal is not fully contained within the village envelope it is considered that there would not be a detrimental impact upon the character of the countryside and the proposal provides contribution to housing growth.
	The NPPF seeks to boost housing growth with a presumption in favour of sustainable development whilst making efficient use of brownfield land. It also emphasis the need to provide housing to meet local needs and promotes design as a key factor for connection of people and places. It is considered that the proposal complies with the objectives of the NPPF which attracts significant weight when considering the proposal.
	The application needs to be consider in terms of the Development Plan as a whole and the NPPF is required to be balanced against the need for Local Planning Authorities to support the delivery of housing. It is considered that the NPPF is not in conflict with the local plan policies which directs housing within the existing villages and seeks to safeguard the character of the area and impact

# **Conclusion**

The proposal seeks approval for a dwelling and stables on a brownfield site within the village of Hose. The amended proposal seeks to provide an L-shape dwelling to meet the applicants needs whilst improving the residential outlook of the remodelled public house which sits to the rear of the site. The site benefits from extant planning permission but due to the village envelope running to the rear of the site the re-siting moves part of the dwelling outside of the village boundary as defined within the Local Plan. It is considered that the proposed relocation would not have a detrimental impact upon the character of the

upon residential amenity.

village or the countryside due to the dense screening of the site from the open countryside beyond, its former use as a beer garden and its approved use as residential curtilage. It is considered that this application represents a balance between the breaching of the village envelope and reducing the impact on the residential amenities of the occupiers of the converted public house. In this instance, due to the site already being approved for residential curtilage the harm to the open countryside is not so demonstrable to warrant a refusal when weighed against the benefits to the occupiers of the converted public house. The proposal seeks to support the objectives of the NPPF in supporting housing growth in sustainable locations and accordingly the proposal is recommended for approval.

## RECOMMENDATION:- Permit subject to the following conditions:-

- 1. The development shall be begun before the expiration of three years from the date of this permission.
- 2. Development shall be carried out in accordance with plan drawing nos. 12/06/01, 12/06/03 submitted on the 22<sup>nd</sup> November and the proposed stable drawing submitted on the 20<sup>th</sup> August.
- 3. No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing.
- 4. No development shall take place other than in accordance with the Written Scheme of Investigation.
- 5. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 as amended (or any Order revoking and re-enacting that Order) in respect of the dwelling hereby permitted no development as specified in Classes A, B, C with the exception of C.1. (c) (ii), D or F shall be carried out unless planning permission has first been granted by the Local Planning Authority
- 6. The proposed stables shall be used only in connection with the Applicant's own livestock and no livery/riding school nor other business nor commercial use is permitted.
- 7. Waste bedding and manure arising from the development must be stored and disposed of in such a manner that is does not give rise to nuisance
- 8. No development shall take place on site until details of existing and finished site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with such agreed details.

The reasons for the conditions are:-

- 1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2. For the avoidance of doubt; the initial proposals being considered unsatisfactory.
- 3. To ensure satisfactory archaeological investigation and recording
- 4. To ensure satisfactory archaeological investigation and recording
- 5. To allow the local planning authority to retain control over the development site in the interest of residential and visual amenity

- 6. In the interest of highway safety.
- 7. In the interest of residential amenity
- 8. To safeguard the local environment by ensuring an appropriate relatonship to adjoining land uses.

Officer to contact: Mrs Denise Knipe Date: 05.12.12