

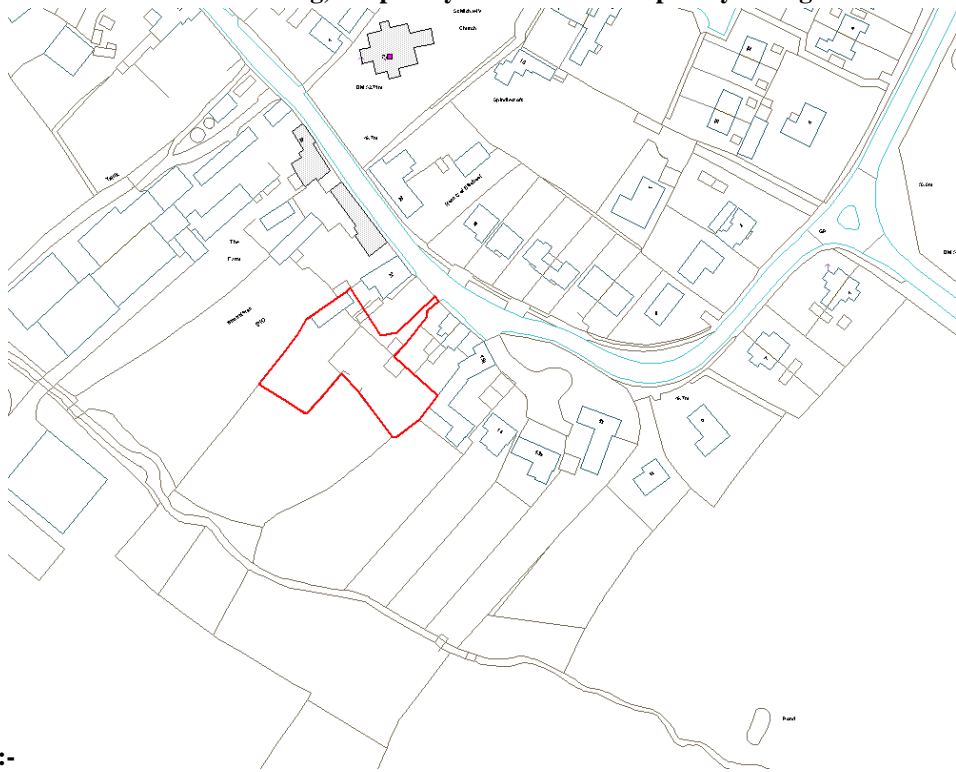
Reference: 13/00080/FUL

Date submitted: 10.02.2013

Applicant: Mr Harman

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

Proposal: One new dwelling, temporary caravan and temporary storage.



Proposal :-

This application seeks planning permission for a revised house type and siting to that approved by an appeal (08/00474/FUL). The proposal also seeks permission to site a caravan for a temporary period whilst the dwelling is being constructed and temporary storage containers. 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 past involvement with the site and the proposal represents 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

12/00582/FUL – Application refused for the construction of one new dwelling, new stables and temporary caravan. The application was presented to the Development Committee on the 20th December 2012 and was refused on two grounds. 1. the dwelling would project beyond the village envelope and 2. that the stables were considered to have a dominant and overbearing impact upon the adjacent neighbours reducing their residential amenities.

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.

Policy OS2 - 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

Policy H6: 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 seeks to focus development in Melton Mowbray with a small balance 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 that are in close reflection to the NPPF.

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

CS5 Strategic Housing: 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.

Policy CS13: Countryside – 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.

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

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- **where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:**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

The NPPF 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.

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 para. 12). Where policies are not up to date, permission should be granted unless impacts 'demonstrably and significantly' outweigh benefits (para 14).

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Highways Authority: No objections.	<p>The application is a resubmission of an application 12/00582/FUL, the access and parking arrangements remain unchanged to the earlier application but the stables have been removed from the proposal. The access into the site has been constructed in 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.</p> <p>It is not considered that the proposal would have a detrimental impact on highway safety and no objection has been received from the Highways Authority.</p>
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	The design of the dwelling is identical to 12/00582/FUL which was refused. However, the design and impact upon the Conservation Area was not a reason for refusal and it is considered that this proposal does not warrant a different assessment upon conservation matters.

<p>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.</p> <p>However clearly the later application was won on appeal and hence the principle of development of the site has now been established.</p> <p>The design of the dwelling is identical to the last submission 12/00582/FUL. It is noted that the design was simplified and the size and massing and ridge height reduced accordingly which overcome previous concerns to a large extent. Likewise the separation distance between the new build and the boundary with No.21 has been increased.</p> <p>In terms of the conservation area setting the Conservation Officer has no concerns.</p>	<p>The proposal closely reflects that approved at appeal albeit in a modified location. Due to 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.</p> <p>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.</p> <p>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 vastly improves the relationship and removes any party wall issues.</p> <p>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 greatly assists with this.</p> <p>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. It is not considered that the proposal could be refused as having an impact on the Conservation Area as it was not a ground for refusal on the earlier application 12/00582/FUL.</p>
<p>Parish Council: Objects</p> <ul style="list-style-type: none"> • It is outside the Village Envelope; • Dwelling too large for that part of the village and out of keeping with the character; 	<p>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</p>

	<p>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.</p> <p>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.</p> <p>Policy OS2 of the development plan seeks to control development in open countryside to those related to 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 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 used for domestic paraphernalia and outbuildings that fall under permitted development which would be beyond the control of the Local Authority.</p> <p>Whilst the proposal seeks to reposition the dwelling so that part of it will fall outside of the village envelope it will provide some improvement to the occupiers of No. 21 through providing a greater separation distance. The remodelling of the public house to a habitable dwelling has resulted in some of the doors facing onto the application site, which have been replaced with patio doors and windows to increase light into the habitable rooms .</p> <p>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</p>
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	<p>already being approved for residential curtilage the harm to the open countryside is considered not so sufficient as to warrant a refusal when weighed against the benefits to the occupiers of the converted public house.</p> <p>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.</p>
<p>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 post-medieval periods, will be affected by the development.</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>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.</p> <p>If planning permission is granted the applicant must obtain a suitable written scheme for the investigation and recording from an archaeological organisation.</p>	<p>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.</p>

Representations:

A site notice and press notice was posted and neighbouring properties consulted. As a result 3 letters of objection from separate households have been received to date objecting on the following grounds.

Representation	Assessment of Head of Regulatory Services
<p>Out of Keeping with the character of the area:-</p> <p>The proposal breaches the Village Envelope</p>	<p>The proposed positioning of the dwelling is identical to that refused at the 20th December 2012 Development Committee. The Committee previously considered that the breach of the village envelope along with the stables did not outweigh the benefits of approving the proposal.</p> <p>However, as previously judged by Officers, it is still considered that due to the close proximity to No. 21, the proposal if built in accordance with the permission granted at appeal, would have a negative impact upon the future occupiers of No. 21 Bolton Lane through overlooking. This is due to the changes undertaken to the former public house. The current proposal, whilst still straggling the village envelope, is considered to provide a better relationship between the two dwellings in accordance with the objectives of local plan policy BE1, through providing adequate separation distances between buildings. The greater separation distances provides a much better relationship and is considered to better represent the character of the area.</p> <p>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 beyond. 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. Furthermore permitted development rights had not been removed at appeal and further encroachment could be undertaken without the benefit of planning permission. It is therefore suggested that should approval be granted that permitted development rights be removed to enable the authority to control the land in the public interest.</p>
<p>The revised boundaries have not been agreed and has no relevance to this application.</p>	<p>Only the initial stages of consultation on revised village boundaries has been undertaken. A Neighbourhood Plan has not been drawn up for</p>

<p>It is not acceptable to compare with other developments in the village which have breached the village envelope.</p> <p>What is stopping the owners from putting structures on the hard standing areas once the caravan and containers are removed?</p>	<p>the village.</p> <p>Each application is to be determined on its own merits.</p> <p>It is suggested that permitted development rights be removed from the site should planning permission be granted.</p>
<p>Other Matters:</p> <p>Loss of view if allowed to erect a 1.6 metre fence at the bottom of the garden.</p> <p>Trees have already been removed from the site and hardcore put down before planning consent has been granted.</p> <p>The tree removal has affected the wild life as less birds visit the area.</p> <p>Why is hardstanding required for the caravan surely this will be used for another purpose once removed. Same goes for the storage containers.</p> <p>Applicant appears to be running a business with having 2 houses on site why does he need a caravan and storage when there is a small building which can be used.</p>	<p>Loss of view is not a planning consideration. Fencing up to 2 metres in height can be erected under permitted development without the need for planning consent.</p> <p>Some trees have been removed however they were not within the conservation area and therefore did not require consent.</p> <p>The site is currently under construction which inevitably will disturb the wildlife. Once works are complete and the landscaping has been implemented the wildlife may return. No ecological survey was required to support the proposal as no demolition was involved and there are no known protected species sites in the vicinity that warrant any mitigation.</p> <p>It is understood that the applicants whilst occupying no. 21 plan to sell that property with a view to moving in to the new dwelling. They will live in the caravan on site whilst the works are undertaken. Planning permission is not required for the installation of a caravan providing it is used only by the applicants whilst their home is under construction. Once the development has been completed the caravan will be required to be removed from the site and land restored.</p> <p>The storage is required on a temporary basis until the dwelling is completed it too will be removed from site. A condition could be imposed to require any hardstanding to be removed from site and the land restored. Should any further buildings be required because it has been suggested to remove the Permitted Development Rights from the permission planning permission will be required for any buildings on the site.</p>

Considerations not raised through Representation

Representation	Assessment of Head of Regulatory Services
Application of the development plan and NPPF policies.	Policies OS1 and BE1 permit development in the village envelope and set design criteria to ensure

<p>Policies OS1 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>high quality design, amenity considerations and compatibility with the surroundings.</p> <p>The village of Hose is considered to be a sustainable location for development and in this respect it is considered that the policy (OS1) is wholly compatible with the NPPF. The design requirements within the policies reflect closely part 7 of the NPPF and similarly retain weight. These conclusions have been reached in various appeal decisions.</p> <p>Policy OS2 is a ‘countryside protection’ policy and is considered to be strongly consistent with the NPPF and therefore retains weight.</p> <p>The Core Strategy has been published but not yet adopted and therefore affords limited weight in the determination of this application.</p> <p>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 no longer be justified on these grounds now that the stable block has been removed from the proposal. Whilst the proposal has not addressed the previous refusal based on breach of the village envelope it is considered that the breach concerned would not have a detrimental impact upon the character of the countryside and the proposal provides contribution to housing growth as promoted through the NPPF.</p> <p>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. .</p> <p>The application needs to be considered 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</p>
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	conflict with the local plan policies which directs housing within the existing villages and seeks to safeguard the character of the area and impact upon residential amenity.
Impact upon Neighbours	<p>The Committee considered that the inclusion of the stable block had a negative impact upon the nearby occupiers and refused the application because the stables were considered to be dominant and overbearing being sited at the bottom of the neighbouring properties rear gardens. The stables have now been removed from the application which is considered to address this reason for refusal.</p> <p>The proposed dwelling is identical in design and location to the previous application considered by the Development Committee and was considered to be acceptable in terms of not having an impact upon nearby neighbours. It is therefore considered that a reason for refusal based upon impact upon neighbours could not be justified.</p>

Conclusion

The proposal seeks approval for a dwelling and temporary installation of a caravan and storage contains on a brownfield site within the village of Hose. The revised 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 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. The removal of Permitted Development Rights would also give control of the site which is not present with the extant planning permission. 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 13th February 2013.
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. 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. To safeguard the local environment by ensuring an appropriate relationship to adjoining land uses.

Officer to contact: Mrs Denise Knipe

Date: 18.03.13