

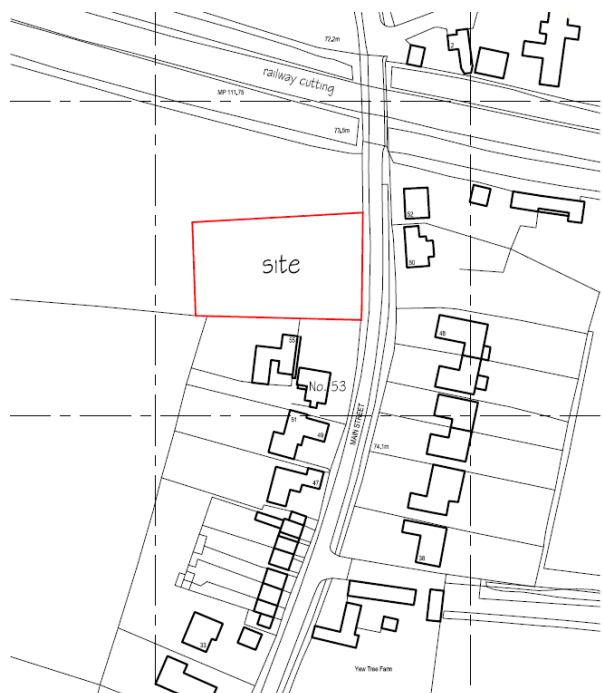


## 19/00256/FUL - Erection of 3 two bed single storey detached dwellings and associated access and landscaping. Land North Of 55 Main Street Kirby Bellars

Applicant: Mrs JE Dolan

<b>Corporate Priority:</b>	Delivering sustainable and inclusive growth in Melton
<b>Relevant Ward Member(s):</b>	Ronan Browne (Frisby on the Wreake)
<b>Date of consultation with Ward Member(s):</b>	2 April 2019
<b>Exempt Information:</b>	No

### 1 Summary



- 1.1 Members will recall the application was considered at the meeting of the Committee in October 2019 and was deferred pending the submission of further information on housing need in Kirby Bellars.
- 1.2 Following this, a housing needs survey has been provided in support of the application, carried out by Midland Rural Housing in April 2020. After submission of this survey, the applicant was requested to provide more specific information relating to housing needs for the village but no further information was forthcoming and the Agent requested the application now be referred back to Committee.
- 1.3 The submitted housing needs survey comprised a detailed study into the current housing needs in Kirby Bellars and investigated the affordable housing needs of the village including for shared ownership and open market housing. The report concluded that there is an identified need for one affordable rented home, one shared ownership home and six open market homes for people with a local connection to Kirby Bellars. Four of these six households would like to relocate to two bedroom bungalows.
- 1.4 The submitted housing needs survey has been assessed. It is noted that the survey identifies several respondents stating a need for a dwelling which could potentially be secured on this site. Whilst the survey provides a basis for assessing the local proven need in general terms, it is considered that further work is then subsequently required to take the specific cases forward in developing a case for the proven local need for this application, i.e. whether the houses proposed for this site are appropriate for and will be available to those who comprise the need.. No such information has been provided in this case.
- 1.5 The Agent stated “the results of this survey provide clear evidence of a local need for three 2-bed bungalows in Kirby Bellars which should be taken on board in the decision making process. We understand that your previous position on this has been that we’ll need to identify individuals for whom the housing would be required. However, we maintain that this housing needs survey alone should be considered sufficient enough to prove a local need. In addition, the Committee Members did not request details of first occupants either, but clearly steered the applicant towards undertaking a housing needs survey in order to satisfy Policy SS3. Therefore we would like to put this new evidence in front of Committee Members for consideration. To note, the applicant is still keen to offer one of the dwellings as an affordable starter home as we previously discussed at Committee last year. This should be seen as a real public benefit to the scheme, particularly in light of the survey findings which demonstrate a need for 2 affordable homes in the Village”.
- 1.6 In dismissing an appeal for housing in a comparable Policy SS3 village recently, the Planning Inspector stated:

“A number of responses received to the survey were positive in nature. The reasons for the interest of these respondents largely concern downsizing, family and relationship matters, and being closer to land or business interests. Such reasons, in my view, though reflect more of a desire and personal circumstances rather than what can be considered to be of necessity for housing....This does not though equate to a proven local need for the purposes of Policy SS3....If the bar was set at this level in allowing new housing development in rural settlements, it would undermine the overall plan-led approach of where new housing development should be provided.....I conclude that the proposal

would not meet a proven local need and accordingly, it would also not comply with Policy SS3 in this regard”.

- 1.7 Taking that appeal decision into account, including the fact that additional information had been provided in that case, it is considered that further evidence is required in order to demonstrate a clear proven local need as opposed to a case based on desire or preference. Those residents who responded identifying that a bungalow of the nature proposed by this application all cited downsizing as the basis of their ‘need’. It is considered that this is lifestyle choice or preference of the nature referred to at the above appeal and as such is not ‘proven need’ as required by Policy SS3.
- 1.8 Based on the evidence submitted there is not a convincing case to demonstrate a proven local need for the proposal. As such, the recommendation to refuse planning permission on the grounds of being contrary to Policy SS3 remains.
- 1.9 The application site lies on the edge of the village of Kirby Bellars. To the north of the site is a public footpath that links Kirby Bellars to Frisby on the Wreake, and the train line between Leicester and Melton Mowbray is also to the north of the site. There are residential dwellings to the south and to the east of the site, albeit separated by the highway. The application site is outside of the built form of the village. The application site is accessed from Main Street which lies to the north of the A607 Leicester Road.
- 1.10 The application description has been amended and comprises the erection of three detached dwellings and associated access and landscaping. The accommodation of each would be an open plan kitchen/diner, lounge, two ensuite bedrooms and an externally accessed store with w.c. All buildings would be single storey and the design and layout is as the approved holiday cottages.

### **RECOMMENDATION(S)**

**It is recommended that the Planning application is REFUSED for the reason below**

## **2 Reason for Recommendations**

- 2.1 In the opinion of the Local Planning Authority the proposal would, if approved, result in the erection of three market dwellings without a convincing case to demonstrate a proven local need for the proposal. The development is in a village location where there are limited local amenities, facilities and jobs, and where future residents are likely to depend highly on the use of the private motor vehicle. The proposal is therefore contrary to Policy SS3 of the Melton Local Plan which states the Rural Settlements a local proven need is required to justify new housing proposals.

## **3 Key Factors**

### **3.1 Reason for Committee Determination**

- 3.1.1 The application is required to be presented to the Committee due to a call in request from Councillor Browne.

### **3.2 Relevant Policies**

- 3.2.1 The Melton Local Plan 2011-2036 was adopted on 10<sup>th</sup> October 2018 and is the Development Plan for the area.

- **No inconsistency with the NPPF has been identified that would render Local Plan policies ‘out of date’.**

3.2.2 Please see Appendix D for a list of all applicable policies

### 3.3 **Main Issues**

- The main issues for this application are considered to be:
- Principle of development
- Impact upon the character of the area
- Impact upon residential amenities
- Impact upon highways and parking

## 4 **Report Detail**

### 4.1 **Position under the Development Plan Policies**

4.1.1 The site is adjacent to the settlement of Kirby Bellars and policies SS1-SS3 apply.

### 4.2 **Principle of Development**

4.2.1 The site occupies a position adjacent to the settlement of Kirby Bellars and is a paddock with housing to the south and the railway line to the north. Although undeveloped, the site is adjacent to the built up part of the village which is predominantly residential. The proposal would result in the erection of three two bedroom dwellings.

4.2.2 Policy SS2 sets out the development strategy for the Borough for housing. It identifies a sustainable approach to development, establishes settlements as Service Centres, Rural Hubs or Rural Settlements and sets out the type of development appropriate to each. Kirby Bellars is identified as a Rural Settlement. Policy SS2 states alongside Service Centres and Rural Hubs, Rural Settlements will accommodate a proportion of the Borough’s housing need, to support their role in the Borough through planning positively for new homes as windfall sites within and adjoining settlements by 2036. This development will be delivered through small unallocated sites which meet the needs and enhance the sustainability of the settlement in accordance with Policy SS3. Policy SS3 supports new dwellings in or adjoining such villages only where there is a proven local need. The policy requires a demonstration that the development provides housing which meets a proven local need as identified by substantive evidence, for example within a Neighbourhood Plan or appropriate community-led strategy or a housing needs assessment or other evidence provided by the applicant.

4.2.3 The history on the site is relevant in the assessment of the principle of development. Application 17/01584/FUL for the erection of two market dwellings was refused on the grounds of occupying an unsustainable location, not providing a suitable housing mix to reflect the needs of the Borough and the visual impact. The Inspector dismissed the appeal but raised no objection to the visual impact of the proposal. In dismissing the appeal the Inspector considered the sustainability of Kirby Bellars and stated there are very limited services and facilities within the village and future occupants of the dwellings would need to travel to meet their day to day needs of education, work, recreation and shopping. However, it was noted the settlement was close to Melton, Asfordby Hill and Frisby and had a frequent bus service. The Inspector acknowledged Kirby Bellars would appear to be a relatively accessible settlement in comparison to other Rural Settlements

and that traffic generation and greenhouse gas emissions attributable to the development were likely to be similar to the then fall back position of the holiday development which was approved under 14/00841/FUL.

- 4.2.4 The Inspector noted the Council has a 5 year housing land supply and there would be some economic benefits to the proposal. However, the information submitted did not demonstrate there was a proven local need for four bedroom dwellings within the settlement and that the housing mix did not comply with Policy C2.
- 4.2.5 The appeal decision therefore raised no objection on visual grounds and as the current proposal is identical in design and layout to the approved holiday cottages this current application could also not be resisted on visual grounds. Furthermore, as the current proposal relates to the erection of two bedroom dwellings, this also overcomes the housing mix issue. The proven local need requirement for the development proposed however remains.
- 4.2.6 Whilst mindful of the Planning Inspector's views on the sustainability credentials of Kirby Bellars and accepting that it is more sustainable than some other such category villages given its proximity to Melton, the bus service etc., the Local Plan has progressed through its examination where the village categorisation was discussed at length and the Inspector agreed with the now adopted Local Plan village categorisation. As such, Policies SS2 and SS3 has passed a robust examination and Kirby Bellars, as part of this process, has been deemed an unsuitable location for new housing unless in compliance with Policy SS3. This policy requires a robust proven local need. Therefore, notwithstanding the discussion on the sustainability or otherwise of Kirby Bellars, Policy SS3 must be complied with. The views of the Inspector in a single appeal for a different proposal are not considered alone to outweigh this policy especially as the Council has its five year land supply.
- 4.2.7 In order to address the policy requirements the Agent has made the following points:
- The site is relatively sustainable, bearing in mind its rural location, given that it lies on the edge of the village. Kirby Bellars benefits from some services such as a public house, village hall, church and a regular bus service, all of which are within walking distance of the site. The village is also in close proximity (circa 3 miles) of Melton Mowbray Town Centre which provides an abundance of services, amenities and employment opportunities;
  - The Inspector, in allowing the appeal for the holiday cottages, noted "the future occupiers of the appeal proposal would help to support businesses, facilities and services in rural areas. Whilst it is acknowledged that there are limited facilities and services locally, it would benefit those present, such as the local public house, local buses and some delivery services such as milk and meat, although those services would need to be pre-ordered. It would also benefit the wider rural area, such as the shops and facilities in Asfordby and Frisby on the Wreake, and local facilities including Eye Kettleby Lakes, attractions in Melton Mowbray and further afield";
  - The Inspector concluded that "the appeal development would fall within the definition of sustainable development as set out throughout the Framework". The Inspector stated that the information available did not offer sufficient clarity and robustness that there was a proven local need for 4-bed dwellings within the settlement and that a housing mix to meet the clear policy emphasis of the recently adopted LP could not be provided on the appeal site. It was concluded the proposal would conflict with LP Policies SS3 and C2 and in these respects the proposed development would not be suitable for housing;



- The Agent states there are stark similarities between Asfordby Hill and Kirby Bellars with the latter being one of the closest villages on the west of Melton Mowbray and is serviced by the same buses (and further services) as Asfordby Hill. Consequently, it is submitted that the village is sustainable enough to accommodate this small scale proposal for three dwellings;
- Kirby Bellars is serviced by the same buses as Asfordby Hill and in particular the 5A service stopping at Station Road every 20 minutes. This is an excellent frequency of public transport for a village. The Station Road bus stop is within reasonable walking distance on the centre of Kirby Bellars and the appeal site and there is a good footpath along the route to the bus stop. There is also an additional regular morning and evening service to the local Brooksby College amongst other additional services around rush hour which run into the heart of the village;
- With specific regard to Local Plan Policy SS3, it is noted that this policy permits small scale development within or on the edge of rural settlements such as Kirby Bellars where it would be in keeping with the character of the settlement and would enhance the sustainability of the settlement;
- Of the settlements referenced within the Council's Review of Settlements Roles and Relationships Report (May 2016), there are approximately 27 settlements that are identified as being less sustainable than Kirby Bellars. Furthermore, within the Review of Settlements Roles and Relationships Report (May 2016) Appendix 1, Kirby Bellars receives 8 points; the same score as Old Dalby, which is identified as a Service Centre within the adopted Local Plan.
- Taking all of this into account, it is clear that Kirby Bellars is one of the better performing Rural Settlements in the Borough and that a small-scale development of 3 dwellings on the edge of the urban area of Kirby Bellars is policy compliant;
- The Housing Needs Survey carried out in 2016 should be used to inform the determination of planning applications, this stated household sizes are expected to fall slightly in the future and therefore the provision of additional two-bedroom dwellings would help to rebalance the housing stock;
- The Leicestershire Enterprise Partnership Housing and Economic Development Needs Assessment published in January 2017 finds a slight shift towards a requirement for smaller dwellings and confirms some demand for medium sized two-three bedroom properties for older households downsizing;
- A letter from Shouler & Son has been submitted. This states there appears to be two types of buyers predominantly looking at properties in villages such as Kirby Bellars and the proposal for three single storey two-bedroom dwellings would suit the second of these groups, those people looking to downsize or who want a more manageable property but to remain part of the village. They state the only bungalows in the village comprise some on Main Street on large plots, some in Priory View or much older properties in Hunters Rise, many of which have been extended. They also state there is good demand from parents/grandparents who want to move closer to their families once retired and live in a different area to the children/grandchildren; bungalows would also fill that need well. With regard to people actively seeking bungalows in the village or surrounding villages they are aware of two specific people who currently live in the village and are looking to downsize to a smaller bungalow but to stay in the village. There are also three people on their mailing list seeking bungalows within the villages and there may be many others;
- Reference is made to appeal decision 17/00507/COU for the conversion of the pub/restaurant into two dwellings where the Planning Inspector opined that the proposal would not materially conflict with the objectives of Policy SS3.

- 4.2.8 Policy SS3 sets a high test in order for proposals to comply and requires a proven local need to demonstrate the type and number of dwellings proposed meets the identified needs. In this case, general market trends for the type of property proposed has been identified and support in the form of a local estate agent has been submitted which demonstrates a general need for such properties. Reference has also been made to a future potential occupier. However, the policy requires demonstration of need not just preference. In this case, it is not considered sufficient evidence has been provided to demonstrate a proven local need as required by Policy SS3. Although the appeal Inspector commented on the sustainable merits of the settlement, Kirby Bellars is a 'rural settlement' in the Local Plan and a proven local need remains a requirement. This has not been supplied and the proposal is therefore contrary to Policy SS3. Furthermore, the comments by a single Planning Inspector in the case at Barkestone le Vale, is not considered a sufficient basis to approach Policy SS3 cases in a materially different way.
- 4.2.9 The proposal is based on information stating there is a general desire for additional properties in this village; however, the case does not demonstrate a local need. Furthermore, although small scale housing would be provided, this need will be addressed through housing sites coming forward which require a suitable housing mix and this benefit does not therefore outweigh the principle of Policy SS3.
- 4.2.10 The Borough wide housing needs survey established a general, Borough wide need, for two and three bedroom properties and this proposal seeks permission for three x two bedroom properties. As such, the housing mix proposed is considered to be acceptable and to comply with Policy C2. However, the principle of development is not considered acceptable.
- 4.3 **Impact upon the character of the area**
- 4.3.1 Policy D1 of the Local Plan states that all new developments should be of high-quality design. Development proposals will be assessed against this policy which includes siting and layout and a design to reflect the wider context of the local area and respect the local vernacular without stifling innovative design. Policy EN1 requires development to be sensitive to its landscape setting and to respect existing landscape character and features. In addition, development will be supported where it does not have an unacceptable adverse effect upon an area's sense of place and local distinctiveness or upon areas of tranquility.
- 4.3.2 Policy EN6 relates to settlement character and states that development proposals will be supported where they do not harm open areas which contribute positively to the individual character of a settlement.
- 4.3.3 Approval has been granted for the three buildings currently under consideration and these were deemed, on appeal, to be acceptable (albeit as holiday accommodation). Furthermore, at the appeal under 17/01584/FUL the Inspector considered the erection of the two dwellings sought under that application would have a similar visual impact to the fall back position of the three holiday cottages.
- 4.3.4 As such, the previous grounds for refusal on visual grounds on this site have been overcome and the proposal is considered now to comply with Policies D1, EN1 and EN6.

**The proposals are considered to acceptable on the grounds of visual amenity and comply with the above policies.**

#### 4.4 **Impact upon residential amenities**

- 4.4.1 Policy D1 of the Local Plan states that the amenity of neighbours and neighbouring properties should not be compromised. The proposal, albeit as holiday cottages, has been assessed at the application stage and at appeal and no objection was raised to the proposal on the grounds of residential amenity. The dwellings would be single storey with adequate separation distances to existing neighbouring properties and would also provide adequate amenity for future occupants.

**The proposal would not have an adverse impact on the amenity of neighbouring land uses and as such the proposal would comply with Policy D1 of the Local Plan.**

#### 4.5 **Highway Safety**

- 4.5.1 Policy D1 states that development proposals should include appropriate, safe connection to the existing highway network and should make adequate provision for car parking. Policy IN2 requires that development does not unacceptably impact on the safety and movement of traffic on the highway network and provides appropriate and effective parking provision and servicing arrangements.

- 4.5.2 The site has had the benefit of permission for three holiday cottages and the same plans, albeit for market housing, are now proposed. The Highway Authority raise no objection subject to conditions and informatives.

**As such, subject to conditions the proposal would be acceptable in highway safety terms and would comply with the above policies.**

#### 4.6 **Archaeology**

- 4.6.1 A condition can be imposed in light of permission being granted to satisfy the archaeological requirements on the site.

#### 4.7 **Ecology**

- 4.7.1 A condition can be imposed in light of permission being granted to satisfy the ecological issues on site (GCN's).

### 5 **Impact on Infrastructure**

- 5.1 None.

### 6 **Consultation & Feedback**

- 6.1 A site notice was posted and neighbouring properties consulted. As a result, 2 representations have been received, one in support and one objecting.

### 7 **Financial Implications**

- 7.1 There are no financial implications identified.

**Financial Implications reviewed by: N/A**

### 8 **Legal and Governance Implications**

- 8.1 The application is required to be presented to the Committee due to being called into Planning Committee at the request of the Local Ward Member.



8.2 Legal implications are set out in the report where relevant. Legal advisors will also be present at the meeting.

**Legal Implications reviewed by: Planning Legal Advisor**

## **9 Background Papers**

9.1 13/00563/FUL Erection of four holiday homes – Refused.

9.2 14/00841/FUL three holiday homes – Refused and allowed on appeal.

9.3 17/01584/FUL Erection of 3 detached dwellings and associated access and landscaping – Refused and appeal dismissed.

## **10 Appendices**

A: Consultation responses

B: Representations received

C: Applicable Development Plan Policies

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## Appendix A : Consultation replies summary

### Parish Council

The Parish Council support this application as it will allow for organic growth within the village and will allow some villagers to downsize but remain in the village and release existing properties onto the market.

### Highways

No objection subject to conditions and informatives.

### LCC Archaeology

No objection subject to a condition.

### LCC Ecology

The same ecological survey (Ramm Sanderson, October 2017) has been submitted in support of this application as was submitted in support of application 17/01584/FUL. Whilst this survey was satisfactory in support of the previous application, additional surveys of the area have now recorded great crested newts (GCN) within 100m of the application site (see surveys submitted in support of application 18/00621/FUL). I do not consider that the nearby population of GCN will be significantly impacted by the development, but it does increase the potential for GCN to be found on site. However, given that the site comprises sub-optimal habitat for GCN any risk can be minimised by the use of a working methodology. The measures to be followed should include all materials to be stored off the ground (for example on pallets) to minimise the likelihood of GCN accessing them for refugia, all spoil/waste materials to be removed from site at the end of each working day (or stored in a skip), the site should be maintained as sub-optimal prior to the commencement of works, all involved in the construction should be aware of the possible presence of great crested newts, and know what they look like.

## Appendix B : Summary of representations received

### Neighbours

One representation in support of the application as the proposal would enhance the village and is in keeping with the street scene. One representation objecting on the grounds of the loss of green space within the village, neighbours views will be ruined and the road will be even more cluttered and busy at the narrowest point possible. The village has always been classed as unsustainable as it offers no facilities other than a village hall and a pub on the main road, neither offer any real job opportunities and a car is required to access any nearby shops. Melton and Asfordby offer far better facilities and are more ecologically and environmentally sustainable than Kirby Bellars.

## Appendix C : Applicable Development Plan Policies

### Melton Local Plan

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy.
- Policy SS3 Sustainable Communities (Unallocated Sites)
- Policy C2 Housing Mix.
- Policy EN1 Landscape.
- Policy EN6 Settlement Character.
- Policy EN8 Climate Change.
- Policy IN2 Transport, Accessibility and Parking.
- Policy IN4 Broadband.
- Policy D1: Raising the Standard of Design.