

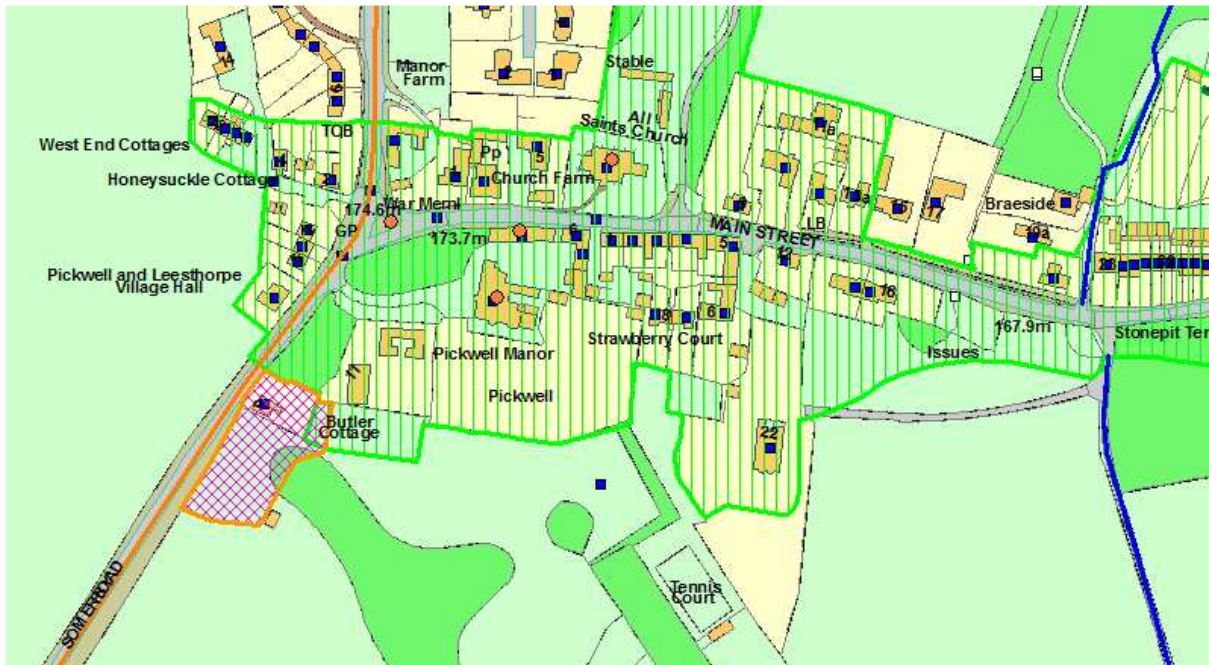
Reference: 17/01389/FUL

Date Submitted: 3rd November 2018

Applicant: Mr & Mrs Kavan Brook Shanahan

Location: Butlers Cottage, 11 Somerby Road, Pickwell, LE14 2RG

Proposal: Demolition of dwelling and the construction of 5 "Alms Style" 2 storey dwellings and associated gardens and garaging off a new single access from Somerby Road.



Introduction:-

The application seeks full planning permission to demolish an existing dwelling and construct 5 “Alms Style” properties. The application site is outside the Conservation Area for Pickwell, but on the boundary with the Conservation Area. The application site is also located outside the village envelope. It is proposed that the development will consist of 1 three bed property and 4 two bed properties.

The application is presented to the committee due to the level of representations received.

It is considered that the main issues relating to the development are:

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact on the character of the area and conservation area**

- **Impact on the amenity of nearby residential occupiers**

Relevant History:

There is no relevant planning history for the site.

Planning Policies:-

Melton Local Plan (Saved policies)

Policy OS2 – This policy states that planning permission will not be granted for development outside the town and village envelopes except for the development essential to the operational requirements of agriculture and forestry and affordable housing in accordance with policy H8.

Although Local Plan Policy OS2 is saved, recent appeal decisions have made it clear that it is out of date when considering the supply of housing by their restrictive nature.

Policy H8 – This policy states that in exceptional circumstances, planning permission may be granted for a development on the edge of a village which meets a genuine local need for affordable dwellings which cannot be accommodated within a village envelope, provided that: the need is established by the Council, a legal agreement is entered to secure ownership and benefits to successive occupiers and ensure availability of affordable housing for local people in need, the development would be in keeping with the scale, character and setting of the village and would have no adverse impact on the community or local environment and that community services are available nearby to serve the needs of the occupants.

Policy C15 – This policy states that planning permission will not be granted for development which would have an adverse effect on the habitat of wildlife species protected by law unless no other site is suitable for the development and the development is designed to protect the species or arrangements are made for the transfer of the species to an alternative site of equal value.

Policy BE1 – This policy states that planning permission will not be granted for new buildings unless (including): the buildings are designed to harmonise with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing, the buildings would not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight/ daylight and adequate vehicular access and parking is provided.

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 also establishes 12 core planning principles that should underpin decision taking. Those relevant to this application include:

- proactively drive sustainable economic development to deliver homes, infrastructure and thriving local places the country needs,
- Always seek to secure high quality design and a good standard of amenity for all existing and

- future occupants of land and buildings,
- Take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it,
- Actively manage patterns of growth to make the fullest possible use of public transport, walking, cycling, and focus significant development in locations which are or can be made sustainable.

On Specific issues it advises:

Promoting sustainable transport

Paragraph 34 of the NPPF states that decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. This needs to take into account policies set elsewhere in the NPPF, particularly in rural areas.

Delivering a wide choice of high quality homes

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the viability of rural communities.

Requiring good design

Paragraph 56 states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 57 further explains that it is important to plan positively for the achievement of high quality and inclusive design for all development.

Paragraph 61 states that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Conserving and enhancing the natural environment

Paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Opportunities to incorporate biodiversity in and around developments should be encouraged. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

Conserving and enhancing the historic environment

Paragraph 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account when determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Consultations:-

Consultation Reply	Assessment of Head of Strategic Planning and Regulatory Services
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<p>LCC Ecology</p> <p>The Ecology Survey submitted in support of the application (Hillier Ecology, October 2017) is satisfactory. No protected species were identified. However, we would recommend that a note to applicant is added to any permission granted to draw the applicants' attention to the recommendations in the report.</p>	<p>Noted comments made.</p>
<p>LCC Highways</p> <p>The Local Highway Authority understands this is a full planning application for the demolition of a dwelling and the construction of 5 "Alms Style" 2 storey dwellings and associated gardens and garaging off a new single access from Somerby Road, Pickwell.</p> <p>Somerby Road is a publically maintained classified road within a 30mph speed limit and in the last 5 years there are no recoded personal injury collisions within the vicinity of the proposed access. Whilst the proposal is for an increased number of dwellings which in turn is likely to increase the number of trips at the access it is the view of the LHA that the residual cumulative impacts of the development are not considered severe in accordance with Paragraph 32 of the NPPF.</p> <p>Conditions</p> <p>1. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary, nor shall any be erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.</p> <p>Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Paragraph 32 of the National Planning Policy Framework 2012.</p> <p>2. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access. These shall thereafter be permanently maintained</p>	<p>Noted comments made. Highway concerns have not been raised by any consultees or neighbours.</p>

with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

3. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 4.25 metres for a minimum distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material. The access once provided shall be so maintained at all times.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Paragraph 32 of the National Planning Policy Framework 2012.

4. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with drawing number 791/17/3. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Paragraphs 32 and 35 of the National Planning Policy Framework 2012.

Informative(s)

Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

<p>MBC Housing Policy Officer</p> <p>I can confirm that there is not a requirement to provide affordable housing on residential developments which comprise less than 11 units.</p> <p>I understand from you that your intention is to develop 4 x 2 bed properties at either market sale or market rent in the village of Pickwell. The smaller properties, although they would not be considered to be ‘affordable housing’, due the size of the properties, would assist in balancing the Borough’s housing stock. (email correspondence with applicant).</p> <p>Previous comments - . If they are for sale, to make them affordable, they would need to be sold for no more than 80% of the market value. If they are rented, the rent would need to be no more than the Local Housing Allowance rate. For that area, this would be : For a 2 bed, the rent could not exceed £109.32pw/£473.72pcm.</p>	<p>Noted.</p> <p>The applicant has stated in the application form that the development would be for market housing, not “affordable housing”. The design and access statement submitted for the application has indicated that the development would attract an initial rental value of £650 - £700 pcm for a two bed property.</p> <p>As stated by the Housing Policy Officer, the development would not be considered to provide “affordable housing” but would provide smaller dwellings. Due to the size of the proposed development, there is no requirement for the applicant to have to provide affordable housing. The applicant for the development has not made any commitment to providing any affordable/ starter homes.</p>
<p>MBC Building Control</p> <p>Layout appears satisfactory for both Fire and Refuge appliance access</p>	<p>Noted.</p>
<p>MBC Conservation Officer</p> <p>The application for 5 new dwellings on the fringes of the Pickwell Conservation Area was considered during the pre-application stage with the applicant. The proposal was broadly supported on the basis of the detailed drawings and plans submitted which were considered to be of high architectural merit and appropriate for its setting.</p> <p>The development would take place on the immediate boundary of the Grade II listed Pickwell Hall and the Pickwell Conservation Area. Pickwell Hall is an important building with C16-C17 origins and much of its original associated park and gardens in good condition and positively contributes to the setting of the Hall.</p> <p>There is sufficient screening between the Hall and the newly proposed dwellings to ensure the setting of the listed building will not be compromised, and furthermore the new built form will marginally enhance the overall experience of the Hall and the associated park and gardens because it is proposed in matching ironstone and is elegantly proportioned in the</p>	<p>Noted.</p> <p>From the comments received from the Conservation Officer it is noted that the proposed development would not be harmful to the setting of the Grade II Listed building or the wider Conservation Area. It has to be noted that the development site is not within the Conservation Area.</p>

'olde-English' style with mullioned windows, multi pane casement windows, prominent pointed gables and dormer windows.

The scheme must be given particular consideration because it will form a new visual landmark as the entrance to Pickwell Village. At present the entrance to the village is read as a continuous hedge row with a grass verge, interrupted by the present Butlers Cottage which is a mid C20 building that makes a neutral contribution to the surrounding area. The loss of this building as part of the development is not considered to negatively impact the Hall. Its proposed replacement, while on a much larger footprint, is an architectural enhancement. It is noted that the parking would be located to the rear of the properties within a carport, styled as a cart shed. This will protect the street scene from the sight of cars that would be incongruous in this location.

It is noted that the proposal is a facsimile of the olde-English style in its proportions, materials, rhythm, scale and massing. In order to achieve this a high specification of materials should be employed, as if the development was completed that did not reflect the quality of the plans submitted, it would harm the boundary character of the Pickwell Conservation Area and the wider setting of the Grade II listed Hall.

This would include the need for high quality slate for the roofing material, ironstone to match the surrounding vernacular buildings, lime mortar pointing on the ironstone façade and the absolute insistence that the multi-pane slim profile double glazed casement windows include integral glazing bars and are not planted onto the glass. Therefore it is essential that any subsequent approval includes the following conditions:

Details of windows/doors / doors heads/cills to be agreed timber

All external joinery including windows and doors shall be of a timber construction only. Details of their design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed details.

It is agreed that the proposed development would create a new entrance to Pickwell village, as approached from Somerby. Whilst the proposed development would be considered to have a positive impact on the appearance of the Conservation Area, it is noted that the Conservation Officer considers that the existing development on the site make a neutral contribution.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the works preserve the special architectural and historic interest of the listed building.

Trickle vents

In relation to the above condition, trickle vents shall not be inserted into the windows/doors hereby granted consent.

Reason: To preserve the special architectural and historic interest of the listed building.

External materials to be agreed – roofs

Works shall not commence until such time as samples (or detailed specifications) of all new roof tiles/slates to be used on the works hereby granted consent, which shall be natural clay non-interlocking pantiles/natural slates/plain clay tiles/rosemary tiles, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed materials.

Reason: To preserve the special architectural and historic interest of the listed building.

External materials to be agreed - walls

Works shall not commence until such time as samples of all new brick/stone walls shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed details.

Reason: To preserve the special architectural and historic interest of the listed building.

Brick/stone sample panel to be provided

Works shall not commence until such time as a brick/stone sample panel showing brick/stone, bond, mortar and pointing technique shall be provided on site for inspection and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed details.

Reason: To preserve the special architectural and historic interest of the listed building.

<p>Vent of roof not to be provided via tile vent</p> <p>Ventilation of the roof space shall not be provided via tile vents.</p> <p>Reason: To preserve the special architectural and historic interest of the listed building.</p> <p>Details of treatment of verges & eaves</p> <p>Works shall not commence until such time as details of the treatment of verges and eaves shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed details.</p> <p>Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the works preserve the special architectural and historic interest of the listed building.</p> <p>Rainwater goods to be cast metal, half round</p> <p>All rainwater goods shall be cast metal and painted black. Guttering shall be half round in profile and fixed by rise and fall brackets with no fascia board fitted.</p> <p>Reason: To preserve the special architectural and historic interest of the listed building.</p> <p>Mortar – hydraulic lime or lime putty</p> <p>Mortar for the purposes of pointing shall be carried out using hydraulic lime or lime putty. The sand mix, colour, texture and pointing finish shall match as closely as possible the historic pointing found elsewhere on surrounding buildings.</p> <p>Reason: To preserve the special architectural and historic interest of the listed building.</p>	
<p>Somerby Parish Council</p> <p>Somerby Parish Council voted to approve this application by a majority of 4 to 1. Please find below some comments from the Councillors:</p> <p>Refuse - Concerns regarding the sustainability of the village. There is a recent development of 5 houses, plus a planned site on land opposite this application for 8 houses.</p>	<p>Noted comments raised by the Parish Council.</p> <p>The sustainability of Pickwell is considered further in the report (Other Material Considerations and Conclusion).</p>

<p>Approve - Stylish proposal as long as it is kept to this size of house. Good example of sensible organic growth.</p> <p>Approve - A well designed development with off-road parking.</p> <p>Approve - If applicant can deliver this it will be very good. Appropriate size, design and off road parking and access. Local Authority MUST address speed issues on Somerby Road.</p> <p>Approve - I approve in principle.</p> <p>Observations:</p> <p>i) There is an exit from the houses on to the main road as shown in the site plan. This must be extinguished. (Subsequent conversation with the applicant revealed that he was unaware of, and not in favour of, this path. He did not know it was on the drawing)</p> <p>ii) It's the right sized development for this village but I share the nervousness about the amount of housing being proposed in Pickwell.</p> <p>iii) The applicant has volunteered to part fund speed tables at both ends of Pickwell - good for slowing down traffic.</p>	<p>It is not the responsibility of Melton Borough Council to address any speed issues in the village/ on Somerby Road.</p> <p>LCC Highways have not raised any concerns with the footpath on to Somerby Road from the proposed dwellings.</p> <p>Speed tables have not been requested by the County Highways Authority. Additionally the applicant has not proposed the provision of a speed table in the application.</p>
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Representations:-

The application was advertised with a site notice and advert in the Melton Times. As a result, 6 representations in support of the application were received.

Representation	Assessment of Head of Strategic Planning and Regulatory Services
<ul style="list-style-type: none"> • A lot to recommend itself. • Great deal of thought given to high quality design and using local materials – preserving architectural integrity. • Contribute to preserving character of the village. • Reflects historic nature of the site. • Picks up details and proportions of Alms Houses in Melton Mowbray. • Enhance village approach of Pickwell – nestled behind tree lined avenue and against backdrop of mature trees. • Demolition of existing cottage would enhance the area. • Applicant has experience and credibility in producing sensitive and well detailed properties – valuable addition. 	<p>Whilst it is considered that the proposed design of the development is appropriate for the design and location, there are other material considerations to be taken into account such as the sustainability credentials of Pickwell.</p> <p>It is proposed that the existing hedge to Somerby Road will be retained and additional hedging/ trees are to be planted.</p>

<ul style="list-style-type: none"> • Ample off road parking • Does not exceed village boundary. • Will grow village in organic way. 	<p>The site is outside the village envelope and Conservation Area for Pickwell.</p>
<ul style="list-style-type: none"> • Addresses local need. • Add to housing stock for rent. • Need small, well designed houses with gardens and parking. • Identified as a type of housing in need in the Neighbourhood Plan questionnaire. • Will improve sustainability. • Satisfy need for smaller housing – provide for those wanting to downsize or get on the property ladder. 	<p>The proposed application is for 5 dwellings (4x 2 bed and 1x3 bed).</p> <p>There is currently no draft neighbourhood plan therefore there are no neighbourhood plan policies to consider when determining this application.</p> <p>Whilst the applicant has stated in the submitted design and access statement that</p>

Other Material Considerations not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Planning Policies and compliance with the NPPF</p>	<p>The application is required to be considered against the Local Plan and other material considerations. The proposal is contrary to the local plan policy OS2; however, the NPPF is a material consideration of some significance because of its commitment to boost housing growth. The NPPF advises that local housing policies will be considered out of date where the Council cannot demonstrate a 5 year land supply and where proposals promote sustainable development objectives it should be supported.</p> <p>The Council’s most recent analysis shows that there is the provision of a 5 year land supply and as such the relevant housing policies are applicable.</p> <p>However, the 1999 Melton Local Plan is considered to be out of date and as such, under para. 215 of the NPPF can only be given limited weight.</p> <p>This means that the application must be considered under the ‘presumption in favour of sustainable development’ as set out in para 14 which requires harm to be balanced against benefits and refusal only where “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”</p>
<p>The (new) Melton Local Plan – Pre submission version.</p>	<p>Whilst clearly the Local Plan has progressed by advancing to Examination stage, it remains in</p>

<p>The Pre Submission version of the Local Plan was agreed by the Council on 20th October went through the Examination in Public process in late January, early February 2018.</p> <p>The NPPF advises that: From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> ● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); ● the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and ● the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). <p>The Pre Submission version of the Local Plan identifies Pickwell as a ‘rural settlement’ in respect of which, under Policy SS3, 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 needs and enhance the sustainability of the settlement in accordance with Policy SS3.</p> <p>In rural settlements outside of the main urban area, the Council will seek to protect and enhance existing services and facilities and will support sustainable development proposals which contribute towards meeting local development needs, contributing towards the vision and strategic priorities of the plan, and improving the sustainability of our rural areas.</p>	<p>preparation and as such can be afforded only limited weight. It is therefore considered that it can attract weight but this is limited at this stage.</p> <p>The proposal is contrary to the emerging local plan as Pickwell is not considered to be a sustainable location for new development. Draft Policy SS3 requires that development would be served by sustainable infrastructure or provide new infrastructure or services to the wider benefit of the settlement.</p> <p>Although the proposed development would result in the addition of 5 new dwellings in Pickwell, it is not considered that this development has been demonstrated to satisfy an unfulfilled need nor would improve the sustainability of the village.</p> <p>It is therefore considered that the new Local Plan adds limited weight towards refusal of the application.</p>
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Conclusion:-

The Borough is considered to have an adequate housing land supply. Whilst the site would add to this a maximum of 5, the contribution it would make is limited. It is considered that due to the limited need for further supply and the contribution the development would make, the weight attached to provision is limited (and reduced from circumstances where there is a shortfall that needs addressing). Whilst the proposed development would replace a dwelling which currently makes a “neutral” contribution to the village, it is not considered that the development of 5 houses to replace this one

dwelling would be of significant benefit which would outweigh the harm of the siting of a development in this unsustainable location.

Balanced against this, Pickwell has a poor range of local facilities and services and therefore is not considered to be a settlement suitable for residential development. Evidence produced in the formulation of the new Local Plan shows that the sustainability 'credentials' of Pickwell are very limited and as a result it proposes limited residential development in specific circumstances. The application does not satisfy this approach and as such this conflict is considered to add to the balance against granting permission. Whilst the village is relatively close to Somerby, which has an offering of facilities and services, public transport links are restricted and it is considered that the majority of the village residents would be reliant on private car.

Whilst the applicant has stated that the proposed development would provide "affordable housing" for local people, the application form has stated that the development would be for market housing. Due to the size of the site, there is no requirement to provide affordable housing. The comments from the Housing Policy Officer have been put forward to the Agent for the application (in relation to the amount considered to be "affordable rent"). However they still consider that a rent of "initially at around £650 to £700 per month" is appropriate (compared to £473.72pcm as given from the Housing Policy Officer, taken from Leicester broad rental market area information from the Valuation Office Agency). Whilst the development has been described as "Alms Style" dwellings, this is in design only and not in the traditional "charitable" sense.

In conclusion it is considered that, on the balance of the issues, there are limited benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply. However, the balancing issues – the poor sustainability of the village and the conflict with the Pre Submission version of the Local Plan – are considered to outweigh the benefits.

Applying the 'test' required by the NPPF that permission should be granted unless the impacts would "significantly and demonstrably" outweigh the benefits; it is considered that on the balance of the issues, permission should be refused.

Recommendation: Refuse, for the following reason:

1. In the opinion of the Local Planning Authority the proposal would, if approved, result in the erection of residential dwellings in an unsustainable location. The development in an unsustainable location where there are limited local amenities, facilities and bus services and where future residents are likely to depend on the use of the car, contrary to the advice contained in NPPF in promoting sustainable development. It is considered that there is insufficient benefits arising from the proposal to outweigh the guidance given in the NPPF on sustainable development in this location and would therefore be contrary to the "core planning principles" contained within Paragraph 17 of the NPPF.

Officer to contact: Mrs J Lunn

Date: 9th February 2018