COMMITTEE DATE: 15th March 2018

Reference:	17/01389/FUL
Date Submitted:	3 rd 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.

The application was previously heard at committee on 20th February 2018 but deferred due to the submission of late information in relation to affordable housing provision, this submitted information and its review can be found at the Other Material Considerations section (Proposed Housing Mix/ Provision).

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Although Local Plan Policy OS2 is saved, recent appeal decisions have made it clear that it is out of date when considering the supply of housing by their restrictive nature.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
 - o 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 nondesignated 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
LCC Ecology	Regulatory services
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.	Noted any permission granted would contain the recommended informant.
LCC Highways	
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.	The application seeks full consent for a development of 5 dwellings. It is proposed to take the access off Somerby Road via a tarmac access that will lead around the rear of the dwellings to a parking area and associated timber car port facility.
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.	The submitted evidence indicates that there is sufficient capacity in the highway network to accommodate the traffic generated by this development. The Highway Authority has no objection to the access from Somerby Road subject to the suggested conditions.
Conditions	
1. Removal of permitted development rights for gates, barriers, bollards, chains etc. within 5 metres of the highway.	
 Vehicular visibility splays of 2.4 metres by 43 metres to be provided prior to occupation. 	
3. Proposed access to be 4.25 metres for a distance of at least 5 metres behind highway boundary.	
4. Implementation of parking prior to occupation.	

MBC Housing Policy Officer	Noted.
Confirms that there is not a requirement to	
provide affordable housing on residential	The applicant has stated in the application form
developments which comprise less than 11 units.	that the development would be for market
	housing, not "affordable housing". The design
The Policy Officer understands that the intention	and access statement submitted for the
is to develop $4 \ge 2$ bed properties at either market	application has indicated that the development
sale or market rent in the village of Pickwell.	would attract an initial rental value of $\pounds 650$ -
The smaller properties, although they would not	\pounds 700 pcm for a two bed property.
be considered to be 'affordable housing', due to	
the size of the properties, would assist in	As stated by the Housing Policy Officer, the
balancing the Borough's housing stock.	development would not be considered to provide
bulancing the Dorough 5 housing stock.	"affordable housing" but would provide smaller
Previous comments If they are for sale, to	dwellings. Due to the size of the proposed
make them affordable, they would need to be sold	development, there is no requirement for the
for no more than 80% of the market value. If	applicant to have to provide affordable housing.
they are rented, the rent would need to be no	applicant to have to provide affordable housing.
more than the Local Housing Allowance rate.	
For that area, this would be :	
For a 2 bed, the rent could not exceed	
$\pm 109.32 \text{ pw/} \pm 473.72 \text{ pcm}.$	
MBC Building Control	
Will'e Dunuing Control	Noted.
Layout appears satisfactory for both Fire and	
Refuge appliance access	
MBC Conservation Officer	
WIDC Conservation Officer	Noted.
The application for 5 new dwellings on the	Noted.
fringes of the Pickwell Conservation Area was	From the comments received from the
considered during the pre-application stage with	Conservation Officer it is noted that the proposed
the applicant. The proposal was broadly	development would not be harmful to the setting
supported on the basis of the detailed drawings	of the Grade II Listed building or the wider
and plans submitted which were considered to be	Conservation Area. It has to be noted that the
-	
of high architectural merit and appropriate for its	development site is not within the Conservation
setting.	Area.
The development would take along on the	
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.	
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	

ashlas and domaan windows	
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 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.
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 conditions relating to the following : Materials to be submitted External joinery of timber design No Trickle vents to be used in the scheme Ventilation of the roof space shall not be provided via tile vents. Details of treatment of verges & eaves Rainwater goods to be cast metal, half round Mortar – hydraulic lime or lime putty	
Somerby Parish Council Somerby Parish Council voted to approve this application by a majority of 4 to 1. Please find below some comments from the Councillors:	Noted comments raised by the Parish Council.

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.	The sustainability of Pickwell is considered further in the report (Other Material Considerations and Conclusion).
Approve - Stylish proposal as long as it is kept to this size of house. Good example of sensible organic growth.	
Approve - A well designed development with off- road parking.	
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.	It is not the responsibility of Melton Borough Council to address any speed issues in the village/ on Somerby Road.
Approve - I approve in principle.	
Observations: 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)	LCC Highways have not raised any concerns with the footpath on to Somerby Road from the proposed dwellings.
 ii) Its the right sized development for this village but I share the nervousness about the amount of housing being proposed in Pickwell. iii) The applicant has volunteered to part fund speed tables at both ends of Pickwell - good for slowing down traffic. 	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.

Representations:-

The application was advertised with a site notice and advert in the Melton Times. As a result, 10 representations in support of the application were received.

Representation	Assessment of Head of Strategic Planning and Regulatory Services
 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 	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.

 enhance the area – existing building of little/ no architectural merit. Applicant has experience and credibility in producing sensitive and well detailed properties – valuable addition. Ample off road parking Does not exceed village boundary. Will grow village in organic way. Improve social and economic future. 	It is proposed that the existing hedge to Somerby Road will be retained and additional hedging/ trees are to be planted. The site is outside the village envelope and Conservation Area for Pickwell.
• Due to the proximity to the Manor, any proposed materials should be adhered to and any changes agreed by PC and Ward member.	
 Addresses local need – 2 bed houses much needed. Add to housing stock for rent – will fill a niche within village. Types of properties keenly sought by 	The proposed application is for 5 dwellings (4x 2 bed and 1x3 bed). There is currently no draft neighbourhood plan
 Types of properties keenly sought by young and old, existing and new residents. Need small, well designed houses with gardens and parking. 	therefore there are no neighbourhood plan policies to consider when determining this application.
 Identified as a type of housing in need in the Neighbourhood Plan questionnaire. Will improve sustainability. Satisfy need for smaller housing – 	Whilst the applicant has stated in the submitted design and access statement that
 provide for those wanting to downsize or get on the property ladder. Rental prices are lower than those currently available. Somerby is only a short walk to Pickwell – sustainable scheme. Concerned about speeding traffic, could be overcome with more effective traffic calming measures. 	An Internet search found five comparable properties (2-3 bed) located in Pickwell and Somerby for monthly rental prices ranging from $\pounds400 - \pounds650$. This is lower than the $\pounds650 \cdot \pounds700$ rental rate that the applicant has suggested for the two bed properties.
calming measures.	Pickwell is located approximately 1km from Somerby village centre.

Other Material Considerations not raised through representations:

Consideration	Assessment of Head of Strategic Planning and Regulatory Services
Planning Policies and compliance with the NPPF	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
	growth. The NPPF advises that local housing

	development objectives it should be supported.
	The Council's most recent analysis shows that there is the provision of a 5 year land supply and as such the relevant housing polices are applicable.
	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.
	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"
The (new) Melton Local Plan – Pre submission	Whilet should the Level Disc her success 11
version. The Pre Submission version of the Local Plan was agreed by the Council on 20 th October went through the Examination in Public process in late January, early February 2018. The NPPF advises that: From the day of publication, decision-takers may also give weight to relevant policies in emerging	Whilst clearly the Local Plan has progressed by advancing to Examination stage, it remains in 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. 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
 plans according to: the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); 	served by sustainable infrastructure or provides new infrastructure or services to the wider benefit of the settlement.
 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 	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.
Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).	It is therefore considered that the new Local Plan adds limited weight towards refusal of the application.
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.	
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.	
Proposed Housing Mix/ Provision	
The proposed development is for 5 dwellings, including four two bed properties and one three bed property. It is also proposed that a detached car port block would be erected to the rear of the application site.	It is considered that the proposed size of dwellings (two and three bed) are considered to be appropriate and would contribute smaller dwellings to the housing need of the Parish and wider Borough.
The applicant has stated that they would agree into entering a S106 to provide one dwelling at a rental rent of 80% of the market vale. This would represent 20% of the scheme as a whole.	However without the involvement of a registered housing provider, it would be difficult to ensure that the rent of this property is maintained at 80% of the market rental value.
Additionally they have suggested that this would also allow for the prioritisation of local residents who have connections or links to the area in the following priorities: 1. Somerby Parish 2. Somerby Ward 3. Gaddesby/ Wymondham Ward	The proposed contribution would add slight weight in favour of the proposed application, however this would not render the proposed development as a rural exception site and therefore it is still consider that the proposal development would be contrary to local and national planning policy.
 Wissendine Ward (Rutland)/ Tilton Ward (Harborough) Melton Borough 	The Housing Policy Officer has provided the following suggested cascade:
	 i. Has, immediately prior to occupation, been ordinarily resident within the Parish of Somerby for at least a 12 month period; or 3 out of the last 5 years; ii. Has formed any strong connection (as outlined in 1.2 below) with the Parish of Somerby or; iii. Has, immediately prior to occupation, been ordinarily resident within the Parishes of
	Knossington; Twyford & Thorpe Satchville; Burton & Dalby or Gaddesby for at least a 12 month period or 3 out of the last 5 years; or iv. Has formed any strong connection (as outlined in 1.3 below) with the Parishes of Knossington; Twyford & Thorpe Satchville;
	Burton & Dalby or Gaddesbyv. Is a person who resides in the Borough of Melton but outside Melton Mowbray; orvi. Is a person who resides in Melton Mowbray and in housing need;

vii. Is a person who has a local connection to
the Borough of Melton through either:
o a family connection (immediate family
associations, limited to parent, sibling or adult
child, living in the Borough of Melton) and/or;
o an employment connection (permanent
employment; temporary employment lasting for
at least the last 12 months; or an offer of
permanent employment within the Borough of
Melton) and/or;
o at least one member of the household
needs to move within, or to the Borough of
Melton, to be close to relatives or other persons,
to provide or receive significant amounts of care
and support

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.

Further to this, the applicant has proposed providing one of the dwellings for "affordable rent" – at 80% of the market rental value. However as the property would be rented through a private landlord rather than through a registered affordable housing provider, it would be difficult to ensure that this proposed rental rate is being provided to the future occupant.

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. Whilst the applicant has suggested providing one of the five dwellings at an affordable rental value, it is considered that this would be difficult for Melton Borough Council to ensure that this is provided and it is considered that this would only be a benefit of limited weight when considering the harm of the proposed development in an unsustainable location.

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: 2nd March 2018