

**Reference:** 17/01253/FUL  
**Date submitted:** 05.10.2017  
**Applicant:** Mr & Mrs Richard Botterill  
**Location:** Church End, 29 Middle Street, Croxton Kerrial NG32 1QP  
**Proposal:** Construction of new dwelling, associated garages and alterations to existing access



**Proposal:-**

This application seeks **full planning permission for the erection of one dwelling**

The application site comprises 1350 square metres on the northern edge of the village of Croxton Kerrial. The site is currently utilised as garden in connection with the domestic dwelling of Church End, 29 Middle Street NG32 1QP.

The site lies within the conservation area of Croxton Kerrial and west of the St. John the Baptist Church, a grade II\*listed building.

The property proposed is a three bedroom one and a half storey dwelling following amendment requests. It will face towards the east of the village, with a rear pitched extension and pitched dormers on the front and back at first floor level.

**It is considered that the main issues arising from this proposal are:**

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the area**
- **Impact upon the impact of listed building**
- **Impact upon residential amenities**
- **Sustainable development**

The application is required to be presented to the Committee due to the level of public interest and the applicant is the son of Councillor Botterill.

## **History:-**

02/00674/TCA- Proposal to cut down one fir tree permitted on 01.10.2002.

## **Planning Policies:-**

### **Melton Local Plan (saved policies):**

**Policy OS1** - States that planning permission will only be granted for development within the village envelopes where:-

- 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 the character of the locality;
- The proposed use would not cause loss of amenity by virtue of noise, smell, dust or other pollution;
- The development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity;
- Satisfactory access and parking can be made available.

**Policy BE1** - allows for new buildings subject to criteria including buildings designed to harmonise with surroundings, no adverse impact on amenities of neighbouring properties, adequate space around and between buildings, adequate open space provided and satisfactory access and parking provision.

**Policy C15:** 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 Policy C16.

### **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 offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.**

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that 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;
- recognising the intrinsic character and beauty of the countryside
- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation
- 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.
- Take account of the different roles and characters of different areas, promoting the vitality of urban areas, recognising the intrinsic character and beauty of the countryside and support thriving rural communities.

### **On Specific issues it advises:**

#### **Promoting sustainable transport**

- Safe and suitable access to the site can be achieved for all people

- Development should be located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians
- Consider the needs of people with disabilities by all modes of transport.

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

- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- LPA's should identify land for 5 years housing supply plus 5% (20% if there is a history of under delivery). In the absence of a 5 year supply housing policies should be considered to be out of date.
- 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.
- 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**

- Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value
- Aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments

#### **Conserving and enhancing the historic environment**

- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- In determining planning applications, local planning authorities should take account of:
  - the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal

their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

**Consultations:**

Consultation reply	Assessment of Head of Regulatory Services
<p><b>Highways Authority:</b> The proposal is for one dwelling and therefore is considered under standing advice from Leicestershire County Council.</p>	<p>Noted. In this instance access and parking provision is considered acceptable and not likely to impact adversely upon highway safety, in addition, conditions would be added to ensure the development meets the requisite standards.</p>
<p><b>Leicestershire County Council Footpaths Officer</b> Public Footpath F56 runs adjacent to the proposed development. <b>No objection</b> to the application as it should not affect the Public’s use and enjoyment of the Right of Way. However the following notes should be drawn to the applicant’s attention: a) The Public Footpath must not be re-routed, encroached upon or obstructed in any way during the period of construction. To do so may constitute an offence under the Highways Act 1980.  b) Any damage caused to the surface of a Public Right of Way, which is directly attributable to works associated with a development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.  c) No new gates, stiles, fences or other structures affecting the Public Footpath, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.</p>	<p>Noted, the suggested conditions would be added to any approval given.</p>
<p><b>Parish Council – initial response on 12/12/2017: Objects</b> The Parish Council have no objections to the principle of a dwelling being erected outside the village envelope, however, they feel that the size of the planned building along with the height is too large. They feel the dwelling will be prominent due to the fall of the land and could possibly be moved to slightly lower ground.  The Parish council are also mindful of the</p>	<p>Noted and design concerns have been integral to amendments of the scheme.  There are no windows proposed that directly</p>

objection of the occupiers of 27 Middle St, who feel their privacy will be compromised. Some windows in the planned dwelling will directly overlook their garden and bedroom windows. Although they are aware that losing their "view" is not grounds to object they feel that along with the size of the new dwelling, and the prospect of being overlooked the planning officer should take their objections into consideration.	overlook this garden. There is a small window to serve the hall at first floor level. This is further explored below.
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**Representations:**

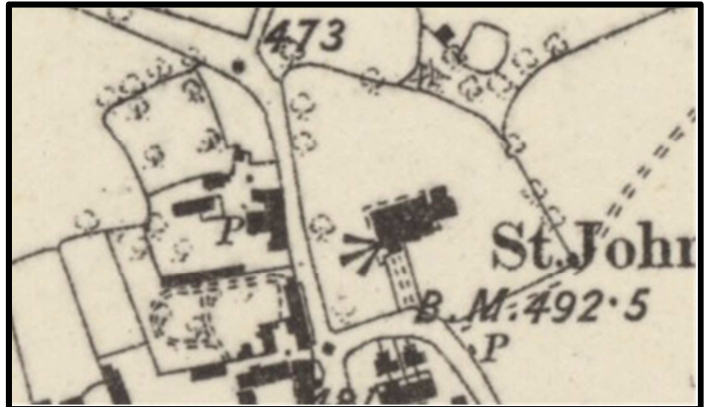
A Site notice was posted and neighbouring properties consulted. As a result **7 letters of objection** from **six households** have been received, the representations are detailed below:

<b>Representations</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Impacts on design/conservation/heritage</b></p> <ul style="list-style-type: none"> <li>- The two storey elevation on the northern approach will be magnified by the slope starting approximately 1.5 metres above current ground level. There are large agricultural buildings in the vicinity but none that will be screened by the proposed development.</li> <li>- Not fit well within its environment due to its size/height in relation to the approach road from Knipton, and the other buildings around it.</li> <li>- Also the style of the house is not in keeping with the nearby properties and it will not therefore enhance the conservation area in which it is situated</li> <li>- The planned house is extremely large especially on the entrance to the village from the Knipton side.</li> </ul>	<p>Noted and the scale of the development has been identified in appraising the scheme from a conservation/heritage perspective.</p> <p>As above</p> <p>As above however amendments have been achieved to show a one and half storey dwelling which are present in the village and close to the site itself.</p> <p>As above, the scale has been identified as an issue which has resulted in amendments.</p>
<p><b>Incorrect LCC highway data/highways issues</b></p> <ul style="list-style-type: none"> <li>- The CrashMap Website data goes back beyond 2005. Edwards and Edwards do not say what period they have considered, or have to consider. The Planners should not ignore the fatality death outside 24 Middle Street on 29 April 2005, caused by a car that came round the corner at 29 Middle Street from the direction of Knipton.</li> <li>-</li> </ul>	<p>The site represents a single dwelling where standing advice is deemed to be appropriate which would include ensuring that safe access arrangements can be made, hard surfaced parking areas and drainage off the public highway which seems to be achievable.</p> <p>The information on this tragic event is not considered relevant to this proposal. The dwelling proposes access arrangements can be achieved to ensure safe entrance and egress is possible.</p>
<p><b>Residential Amenity</b></p> <ul style="list-style-type: none"> <li>- Size and position of the proposed building which would be only 4m away from our own garden and outbuildings.</li> <li>- Our outbuildings are approximately 4m at their highest point, and closer to 3.6m high where they will be adjacent to the proposed new house. We believe that this would make the proposed new garage more than 2m higher than the outbuilding it is next to, and the main house about 4.7m higher than our building.</li> </ul>	<p>The proposal has been amended to allow for a better relationship between gardens. Whilst this is around 4.5m, the window relationships are deemed to be acceptable relationship where there will be a lack of amenity concern.</p> <p>As above the distance to principle windows is deemed to an acceptable length to not substantially cause an impact to amenity.</p>



of one of the most important aspects of green infrastructure within the conservation area, where the open, undeveloped nature of the site accommodates expansive views from the approach / departure into the village, and most significantly towards the adjacent Grade II\* listed St John the Baptist Church.

The particular location is viewed as highly sensitive due to being on the entrance to / departure from Croxton Kerrial Conservation Area. The siting of a new house here would negatively impact upon the character of the Croxton Conservation Area as the experience of the conservation area in this location would be infringed upon.



The first edition OS Map (1884) (see above) demonstrates that there has been no development in this historic setting since the late nineteenth century. As such, it is possible to read this corner of the Conservation Area as it was experienced when it was first designated, and with the same appreciation from its time as a small, rural agricultural settlement. The buildings identified on the map clearly relate to the built form that is in situ at present and each of these would have been labourer's dwellings / historic farmsteads with associated outbuildings.

#### *Summary*

The inclusion of a new property in this location, which is considered to be overly substantial, would disrupt views from / to the Grade II\* listed church and disrupt the views from the CA towards the open countryside, and on the approach into the village. The overall level of harm identified to both the Church and the CA is less than substantial, in accordance with Paragraph 134 and 137 of the NPPF, and the case-officer is recommended to identify the potential public benefits that may outweigh this harm.

It is recognised that a new dwelling could be sited here but would require amendments to reflect the setting. This would require the proposal to be scaled down and reduced in length, to include a 2 bedroom dwelling with a symmetrical front elevation. This would allow the new dwelling to be a discreet and well proportioned vernacular cottage. This would be provide sufficient mitigation against the prospect of a new dwelling set back from the street frontage, disrupting the urban grain of the conservation area and an important aspect of green infrastructure. This is subject determination is made in accordance with Paragraph 134 of the NPPF and Section 72 of the Listed Building and Conservation Areas Act (1990)

<p><b>The (new) Melton Local Plan – Submitted version.</b></p> <p>The Local Plan has recently been submitted to the Planning Inspectorate for examination and consideration.</p> <p>The NPPF advises that:</p> <p>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"> <li>- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);</li> <li>- 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</li> <li>- 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).</li> </ul> <p>The submitted version of the Local Plan identifies Croxton Kerrial as a ‘Service Centre’, in respect of which, under Policy SS2, three sites are allocated residential development in the village.</p> <p>These allocations have been seen to fulfil the immediate requirements in Croxton Kerrial and therefore additional housing is not necessarily required. However, as the local plan is yet to be fully adopted therefore can’t be given substantial weight yet.</p> <p>The new local plan however look to ‘ensure new development will preserving their heritage’, ‘Conserve the historic environment and Melton Borough’s heritage assets’ along with a wide range of considerations within policy EN13.</p>	<p>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.</p> <p>Although the proposed development would result in the addition of a new dwelling in a sustainable village, the application has not sufficiently demonstrated to not significantly harm the nearby listed building and conservation which have policies that align with those in the NPPF.</p> <p>Despite this however, it is therefore considered that the new Local Plan adds limited weight towards refusal of the application.</p>
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**Conclusion**

It is considered that the application present a balance of competing objectives and the Committee is invited to reconcile these in reaching its conclusion.

Whilst the provision of housing would contribute to the NPPF’s objectives of boosting housing supply, the Borough is considered to have an adequate housing land supply. Therefore the weight attached to provision is limited (and reduced from circumstances where there is a shortfall that needs addressing).

Croxton Kerrial itself is considered to be a sustainable location for housing development but the site is deemed to have a strong historical significance where this development is likely to have an impact on the conservation area and nearby listed buildings.

In conclusion it is considered that, on the balance of the issues, it is considered that the benefit – principally the contribution to housing supply – do not outweigh the harm arising form the site as discussed above.

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 permission can not be granted.

**Recommendation: REFUSE because of the following reasons:-**



1. The proposed development would, by virtue of its location, form, scale and proximity have a significant adverse impact on the setting of St. Botolph and St. John the Baptist Church, a grade II\* listed building, and in respect of which there are limited public benefits. The harm arising would not therefore be outweighed by public benefits. The proposal is therefore contrary to Policy BE1 of the Adopted Melton Local Plan 1999, EN13 of the Melton Local Plan (Submission Version 2017) and Paragraphs 133 and 134 of the National Planning Policy Framework.
2. The proposed development would, by virtue of its location, form, scale and proximity have a significant adverse impact on the conservation area of Croxton Kerrial. The proposal is therefore contrary to the aims of Policy BE1 of the Melton Local Plan, EN13 of the new Melton Local Plan and Paragraph 137 of the National Planning Policy Framework.

Officer to contact: **Mr. Glen Baker-Adams**

Date: **2<sup>nd</sup> March 2018**