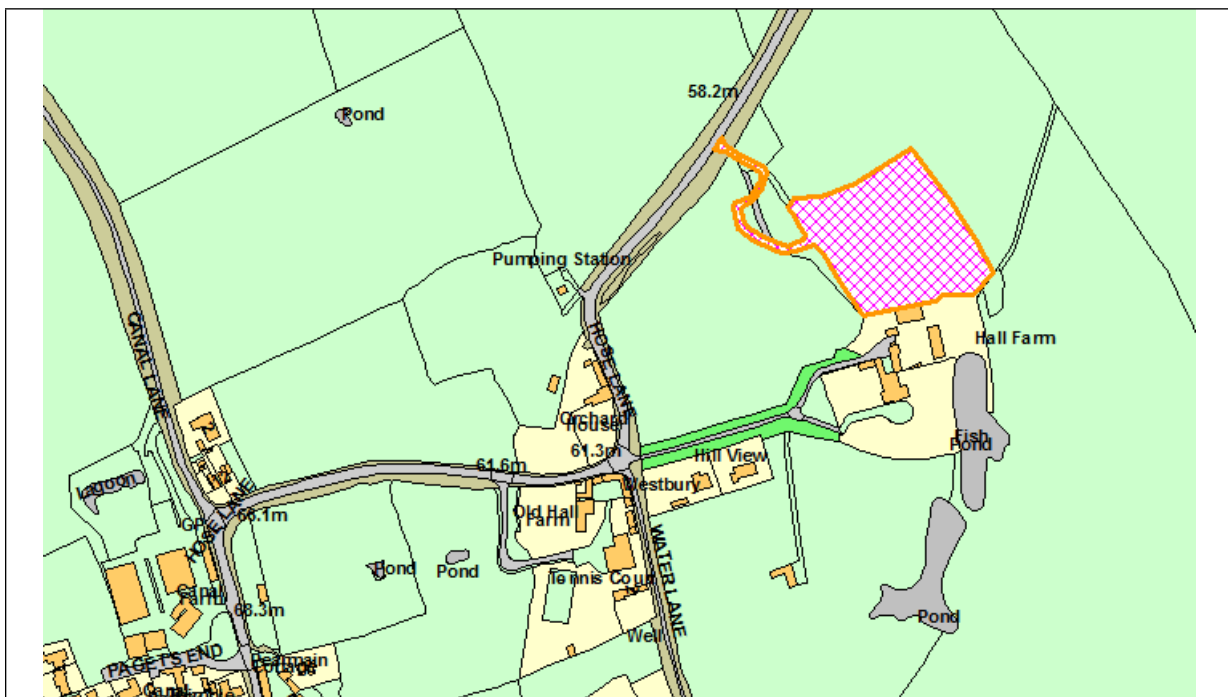




### 19/00709/FUL: Buildings adjacent to The Hall, Hose Lane, Long Clawson

Proposed residential redevelopment of former farm complex comprising the conversion of existing equestrian buildings to form 3 dwellings and the replacement of all non-traditional former agricultural buildings with 3 'self/custom build' homes (in lieu of the 5 new dwellings approved under LPA reference 18/00872/GDOCOU)

#### 1. Summary:



The site lies to the east of Long Clawson and to the north of Hall Farm, a grade II listed building. The site is accessed from Hose Lane to the north-west and the site accommodates a collection of redundant farm buildings and a substantial brick equestrian building.

The proposal comprises the redevelopment of the former farm complex comprising the existing equestrian buildings being converted to form three dwellings and the replacement of all the non traditional former agriculture buildings with three

self/custom build homes.

## 2: Recommendations:

**Approve planning permission.**

## 3: Reasons for Recommendation:

The agricultural buildings have approval for conversion into five dwellings under the extant prior notification; the proposal is to remove these buildings and erect three replacement dwellings. This would not increase the number of dwellings on the site and would result in a significant visual gain to the site with a higher standard of dwelling. The proposed conversion of the equestrian buildings into three dwellings would replace the remaining two extant dwellings under the prior notification and provide an additional dwelling. However, the equestrian building has permission for two dwellings albeit restricted to occupation by the stable manager and the groom. Therefore, there would not be an increase in the number of dwellings overall.

A case has been made to demonstrate the extant residential uses are no longer needed and that the proposal would lead to a visual gain with part of the large equestrian building being demolished.

## 4: Key factors:

### **Reason for Committee Determination**

The application is required to be presented to the Committee due to part of the proposal departing from the Neighbourhood Plan.

## Relevant Policies

The Melton Local Plan 2011-2036 was adopted on 10<sup>th</sup> October 2018 and is the Development Plan for the area. The Clawson, Hose and Harby Neighbourhood Plan is made and forms part of the Development Plan.

Please see Appendix D for a list of all applicable policies

## Main Issues

The main issues for this application are considered to be:

- Principle of development
- Impact upon the character of the area including the adjacent listed building
- Impact upon residential amenities
- Impact upon highways and parking

## 5: Report Detail:

### 5.1 Position under the Development Plan policies

The site is adjacent to the settlement of Long Clawson and policies SS1-SS3 apply.

### 5.2 Principle of Development

The proposal comprises the provision of a total of six dwellings. These would be delivered through the demolition of the farm buildings and the erection of three dwellings and the part demolition and conversion of the equestrian building to provide three dwellings. The former three dwellings would be custom/self build.

The site lies within the countryside and beyond the Limits to Development. Policy SS2 of the Local Plan states new development will be restricted to that which is necessary and appropriate in the open countryside. Policy H3 of the NP states land outside the defined Limits to Development will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.

Therefore, without any history on the site, the proposed new dwellings would be contrary to both policies. However, the site has an extant prior notification approval to convert the farm buildings into five dwellings. It has been proven in case law that these provide a fall back position that must be considered in assessing future development on a site. Therefore, on a comparable unit by unit basis, the provision of five dwellings on the site in lieu of the prior notification dwellings can be supported. The dwellings proposed would be on the site of the agricultural buildings which would obviously necessitate the demolition of these buildings and thereby extinguishing the extant prior notification for the five dwellings.

In terms of the proposed additional dwelling, the adjacent equestrian building, which has been built but never used, has a permission for, amongst other things, a grooms

dwelling, a managers dwelling and two holiday lets. These units could not be provided in addition to the three units now sought as they occupy the same buildings/the adjacent building and again the current permission would extinguish the extant units. Although the grooms/managers/holiday lets have restrictive uses, it could reasonably be argued that the extinguishing of these units would result in the loss of four units, to be replaced by a single, additional unit. Therefore, in terms of traffic generation, sustainability etc., there would be a net reduction with six units on site rather than nine.

Furthermore, two of the dwellings in the equestrian building, would be conversions and not new build. Although the LP and NP are largely silent on such proposals, the NPPF states at paragraph 79 that support is forthcoming for the re-use of redundant or disused buildings where the immediate setting would be enhanced. The equestrian building is of a considerable size and the proposal would result in elements being demolished which would benefit the visual amenity of the site. Furthermore, the conversion details are sympathetic to the building and would significantly reduce the massing of the building.

As such, given the fall back position, the extant approval on site and the support of the NPPF for conversions where there would be visual benefits, it is concluded the proposals can be supported in principle. There would be a net reduction in the number of units on the site and overall the proposals would not conflict with the Local Plan or the general intentions of the Neighbourhood Plan or the NPPF.

In forming this conclusion it should be noted that the equestrian use was first approved in 2008 but due to the recession, the evolving nature of equestrian requirements and storm damage, the originally planned operator of the complex pulled out. Given the size of the building, it is unlikely to ever be used for equestrian purposes especially with the amount of first floor accommodation. However, the building is on the site and requires a suitable re-use. Furthermore, the proposals would result in a substantial reduction in the overall footprint of buildings on the site.

It is acknowledged the Parish Council object to the principle of development with the site being outside of the Limits to Development. However, for the reasons set out above, it is not considered this is a reason to refuse the application.

In terms of housing mix, five of the units would have five bedrooms and the other four bedrooms, Policy C2 which seeks to achieve a mix of house types can only be considered on schemes of 10 or more and therefore cannot be considered in the determination of this application.

On balance, it is not considered the proposal could reasonably be refused on this point as the number of overall units is small relative to the number of new units to be built in the Borough each year and the scheme has other benefits which in this case outweigh the merits of the sought housing mix.

**The principle of development is therefore acceptable.**

### **5.3 Impact upon the character of the area**

Policies EN1, D1 and H7 all refer to visual amenity and landscape and settlement characteristics. The site has an extant prior notification approval for conversion of the farm buildings into five dwellings. These farm buildings are of little visual or architectural merit but this fact is not a consideration in Class Q deliberations. The proposal to demolish would not therefore be objected to.

The proposed replacement dwellings would comprise three detached, two-storey dwellings formed around an internal courtyard. The design proposed is of modern buildings echoing the agricultural origins of the site with the massing and heights minimised through effective footprints and designs. The buildings would be of acceptable size and scales and would reflect agricultural buildings through the use of the proposed materials.

It is considered the proposed dwellings would result in a significant visual gain on the site over the extant conversions and would result in dwellings which would be visually appropriate to the site and surroundings.

The proposed conversion of the equestrian building would result in the removal of part of this building and the change of the eastern end from two-storey to single storey. The current building is extremely large and out of scale with any other building in the locality. The proposal to demolish part of the building, to reduce the scale of other parts and to convert sympathetically, would result in a significant visual gain through a considerable reduction in the massing and the creation of smaller units.

The replacement building on Plot 6 would complete the enclosure of the inner courtyard and would be of an appropriate size, scale and design to reflect the rural nature of the site and surroundings.

Notwithstanding the comments of the Parish Council, given the fall back position and the reduction in the overall footprint of buildings on the site that the proposal could be resisted on the grounds of over-intensive development. Furthermore, given the existing buildings it is considered the proposal represents a visual gain.

In light of the above, it is considered the proposal would result in a significant enhancement of the site and on the wider rural landscape, in compliance with policies EN1, D1 and H7.

The site is in relatively close proximity to Hall Farm, a grade II listed building. The barns form part of the historic farmstead of the farm house although they are of little architectural or historic merit. The proposed buildings would not be set closer to the historic building or be appreciably larger. As such, the proposal would not be harmful to the setting of the listed building.

**The proposal therefore complies with Policy EN13, the NPPF and the above mentioned Act in terms of visual amenity.**

#### **5.4 Impact upon residential amenities**

Policy D1 and Policy H7 relate to residential amenities. The site occupies a relatively

isolated location with Highfield Farm set a considerable distance to the north-east, separated by a field. To the east, Hall Farm is set in its own considerable grounds and the separation distances are such that there would be no undue adverse impact on the amenities of occupiers of that property. To the south-west, Hill View and Westbury View are also separated sufficiently to ensure there would be no undue adverse impact. No other existing neighbouring property would be unduly affected.

The proposed new dwellings and conversions have been designed to ensure there would be no undue adverse impacts on the future occupants of the units. Adequate private garden areas would also be provided. Although the shapes and sizes of the gardens vary, this is due to the constraints of the site and converting the existing building without extending the curtilages into the adjacent countryside. On balance, no objection is raised on this point.

Therefore, it is not considered that the proposal would have a negative effect on the amenity of any neighbouring properties and complies with Policy D1 of the Local Plan and Policy H7 of the Neighbourhood Plan.

**The proposal would not have an adverse impact on the amenity of neighbouring land uses.**

### **5.5 Highway Safety**

Policies IN2, H7 and T4 are relevant. The Highway Authority raised no objection on the grounds of access and recommend conditions. Given the access has approval for use to serve the five units permitted under Class Q and the approved use of the equestrian building, a case can be made that the proposals would lead to a reduction in traffic generation as the equestrian use has the potential to generate significant traffic and this use would be extinguished.

**No objection is raised on highway grounds subject to conditions and the proposal complies with the above policies and guidance.**

### **5.6 Ecology**

Policies EN2 and ENV4 are relevant. A bat survey has been submitted and found evidence of bats within three buildings that would be converted or demolished. Only a daytime survey of the buildings was initially carried out and the report identified additional activity surveys would be needed in order to establish the type and size of roost, as well as the species present.

A follow up report has been submitted stating Building 1 was assessed as having negligible potential and as such no further surveys were required. Buildings 2, 3 and 4 were assessed as confirmed roosts due to the presence of droppings, feeding remains and suitable roosting features. However, the construction and materials present within building 2 were not consistent with typical buildings utilised by roosting bats as such the building was classified as having low potential for roosting bats and one nocturnal survey recommended. As per best practice guidelines three nocturnal surveys were recommended for Buildings 3 and 4 (including one dawn re-entry survey as a minimum) to fully determine bat presence / likely absence.

The additional surveys confirmed that bat roosts are present in Buildings 3 and 4. Whilst a single dropping was identified during the daytime inspection of Building 2, the subsequent nocturnal surveys have demonstrated a likely absence of bats and the dropping is attributed to a bat conducting foraging flight within the building. The report states Buildings 1 and 2 can be demolished without further constraint in respects to bats, However, a European Protected Species Licence will be necessary for the redevelopment of Building 3 and the demolition of Building 4.

County Ecology has stated the information submitted has demonstrated that the proposed mitigation can be incorporated into the development, which is satisfactory at this stage. They seek that pre-commencement conditions are added to any permission granted, requiring the submission of a bat mitigation plan and a GCN method statement, to be in accordance with the information submitted in the email from Nick Sanderson on 25.10.

This email provided suggested mitigation to demonstrate it could be achieved and included potentially the installation of a loft in Plot 5 as the ingress can easily be incorporated on both a gable wall and as a bat tile to provide a range of ingress opportunities. There is also scope for a range of bat boxes that could be integrated into the brickwork of the other plots, particularly Plot 4 and 6. In respects of delivery of amphibian mitigation this could include a site briefing once a contractor is in place pre commencement.

In terms of great crested newts County Ecology initially stated the development is within 100m of a pond. GCN have been recorded in the wider area and, if they are present in this pond, they may be impacted by the development and a survey of the pond was sought.

The Applicant's Ecological Consultant stated they have undertaken a thorough review of the site which is formed of an existing farm yard formed of hardstanding and subject to large scale disturbances. They acknowledge that Long Clawson is an area known for GCN; however, the pond identified is not one to which we have former knowledge (i.e. presence / absence / suitability for breeding amphibian). They consider in light of the limited terrestrial value of the site it was considered that further survey of the pond was disproportionate to the scheme. GCN will not persist in hard standing areas such as the survey site and at most may traverse the site at night and so risks to individual GCN (if present) is considered to be extremely limited.

Furthermore, the overall scheme will result in losses of hardstanding areas and formation of private gardens etc. and so impacts in respect of the species ability to survive and breed (Favourable Conservation Status) is considered likely to be improved as a result of the proposals and the increase if terrestrial habitats of value. It is therefore considered that a more proportionate means of progressing would be under a precautionary method of works with detailed mitigation in respects to timing of works and appropriate means of preventing adverse impacts to any individuals which may pass through the site. The failsafe to the PMW approach would be that if a GCN is encountered during the works, the works would cease whilst a Low Impact Lass Licence is sought for the continuation of works. This would only limit the site for 10 working days whilst a licence is achieved. The low Impact thresholds apply in this

situation as the site is small scale, and will be completed within a short time frame and have no impact to dispersal/migration routes for GCN should they be present.

In response, County Ecology stated acceptance of the proposal subject to conditions. **As such, no objection is raised on the grounds of ecology.**

### **Consultation & Feedback**

A site notice was posted and neighbouring properties consulted. No representations have been received.

### **Financial Implications:**

There are no financial implications identified.

### **Background Papers:**

The planning history on the site includes: 11/00452/FUL Conversion of existing stables hay loft into holiday lets and construction of a new end block to southern end of stables containing holiday lets – Refused. 11/00647/FUL Conversion of barn to holiday let – Refused. 12/00561/FUL Conversion and change of use of the hay loft in existing stable building into part-holiday let accommodation and part staff accommodation for a stable manager and groom – Permitted. 18/00372/GDOCOU Change of use from agricultural use to dwellings – Prior Notification approved.

### **Appendices:**



- A: Consultation responses
- B: Representations received
- C: Recommended conditions
- D: Applicable Development Plan Policies

## Report Timeline:

**Assistant Director Approval**

November 2019

**Report Author: Mr Joe Mitson, Planning Officer, Development Management**

☎: 01664 502395

## Appendix A : Consultation replies

### Parish Council

Object on the grounds that the proposal is an over-intensive development of the site and does not comply with NP Policy H7b), is outside the Limits to Development and there is no pedestrian access as the application does not include a footway from the site into the village.

### Highways

No objection subject to conditions and informatives.

### LCC Ecology

(Original Comments) The Bat Survey submitted in support of the application found evidence of bats within 3 buildings that will be converted or demolished in support of the application. Only a daytime survey of the buildings have been completed so far and section 4 of the report identifies that additional activity surveys will be needed in order to establish the type and size of roost, as well as the species present.

We are in agreement with this recommendation and it complies with national and local guidance. We would therefore recommend that these additional surveys are completed in advance of the determination of the application. This will allow any necessary mitigation to be incorporated into the design of the development.

Additionally, I note that the development is within 100m of a pond. GCN have been recorded in the wider area and, if they are present in this pond, they may be impacted by the development. For these reasons, in accordance with Trigger F of our local validation criteria, we recommend that a survey of the pond and Great Crested Newt terrestrial habitats is carried out and submitted before the planning application can be determined. This should involve an assessment of the suitability of the pond for harbouring Great Created Newts, using a nationally recognised scheme such as the HSI. Depending on the results of this, a full survey for Great

Crested Newts may also be required. Great Crested Newt surveys can only be carried out between February/March and May. Further guidance on the scope of surveys can be found in the attached Great Crested Newt Protocol. A list of consultants able to do this work can be supplied on request.

Please note that ODPM Regulations require protected species surveys to be submitted prior to determination of a planning application. It is also essential that the extent that they may be affected by the proposed development is established before the planning permission is granted. (Reference: Paragraph 99 of ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System)).

I would therefore recommend that this application is withdrawn or refused on the grounds of inadequate information on protected species.

Latest Comments: Raise no objection subject to mitigation conditions.

### **Melton Ramblers**

No comments received.

## **Appendix B : Summary of representations received**

### **Neighbours**

No comments received.

## **Appendix C: Recommended Conditions**

01

The development shall be begun before the expiration of three years from the date of this permission.

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

02

This permission relates to the following plans: 17.025 S01.02 Rev C Site Plan, 17.025 S03.02 Rev C Proposed Site Plan, 17.025 S03.01.2 Rev C Plot 1 Elevations, 17.025 S03.1.1 Rev D Plot 1 Proposed Plans, 17.025 S03.02.2 Rev A Plot 2 Proposed Elevations, 17.025 S03.02.1.Rev D Plot 2 Proposed Plans, 17.025 S03.03.2 Plot 3 Proposed Elevations, 17.025 S03.03.1 Rev D Plot 3 Proposed Plans, 17.025 S03.04.2 Rev C Plot 4 Proposed Elevations, 17.025 S03.04.1 Rev D Plot 4 Proposed Plans, 17.025 S03.05.2 Rev B Plot 5 Proposed Elevations, 17.025 S03.05.1 Rev D Plot 5 Proposed Plans, 17.025 S03.06.2 Rev B Plot 6 Proposed Elevations, 17.025 S03.06.1 Rev D Proposed Plans.

For the avoidance of doubt.

03

No development shall take place above ground level until details of all external materials to be used in the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details before the first occupation of the dwelling hereby approved.

In the interests of visual amenity.

04

No development shall take place above ground level until details of drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

05

No development shall take place above ground level until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with these approved details before the building is first occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. This includes any changes to the boundary treatment adjacent to the public footpath.

To preserve the amenities of the locality.

06

No development shall take place on site above ground level until details of existing and finished site levels, together with levels of the adjacent sites, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with such agreed details.

To safeguard the local environment by ensuring an appropriate relationship to adjoining land uses.

07

No development shall take place on site above ground level until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.

To ensure satisfactory landscaping is provided within a reasonable period.

08

Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 or any subsequent amendment to that order, no development within Class A, B, C and E shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.

In the interests of visual amenity.

09

The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Landscape Masterplan Drawing No. (08)010 Revision A. Thereafter the onsite parking provision shall be so maintained in perpetuity.

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 the National Planning Policy Framework (2019).

10

Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 4.8 metres, a gradient of no more than 1:12 for a 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.

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 the National Planning Policy Framework (2019).

11

Where the Public Footpath crosses the access road it should be waymarked with Leicestershire County Council standard waymark posts.

To ensure a clear and legible Public Footpath in accordance with Paragraph 91 of the National Planning Policy Framework 2019.

12

No trees or shrubs should be planted within 1 metre of the edge of the Public Right(s) of Way. Any trees or shrubs planted alongside a Public Right of Way should be non-invasive species.

To prevent overgrowth of the path in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework 2019.

13

Prior to first occupation the existing Public Right of Way furniture at Hose Lane should be improved or removed if appropriate, in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

To improve access and provide better facilities for users of the Public Footpath in accordance with Paragraph 98 of the National Planning Policy Framework 2019.

14

Before the commencement of development the following shall be submitted to and approved in writing by the Local Planning Authority:

- a) a bat mitigation plan;
- b) a GCN method statement

These shall be in accordance with the information submitted in the email from Nick Sanderson dated 25.10.2019 which set out the broad approach to the required mitigation. The development shall only be carried out in accordance with the approved mitigation.

In the interests of safeguarding the ecological interests of the site.

## **Appendix D : Applicable Development Plan Policies**

### **Local Plan**

- Policy SS1 Presumption in Favour of Sustainable Development.
- Policy SS2 Development Strategy.
- Policy C2 Housing Mix.
- Policy C8 Self Build and Custom Build Housing.
- Policy EN1 Landscape.
- Policy EN2 Biodiversity and Geodiversity.
- Policy EN6 Settlement Character.
- Policy EN8 Climate Change.
- Policy EN12 Sustainable Drainage Systems.
- Policy EN13 Heritage Assets.
- Policy IN2 Transport, Accessibility and Parking.

- Policy IN4 Broadband.
- Policy D1: Raising the Standard of Design.

### **Neighbourhood Plan**

- Policy H1 Housing Provision.
- Policy H2 Housing Site Allocations For 2016 to 2036.
- Policy H3 Limits To Development.
- Policy H5 Housing Mix.
- Policy H7 Housing Design.
- Policy ENV4 Biodiversity.
- Policy T4 Parking.
- Policy E5 Broadband.

### **Other**

Section 66 of the Planning (listed Buildings and Conservation Areas) Act 1990 states in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.