

Reference: 13/00678/REM
Date submitted: 24.10.12
Applicant: Mr Ian Hardwick – Ian Hardwick Limited
Location: Land adjacent 23 Middle Lane, Nether Broughton, LE14 3HD
Proposal: Single storey dwelling and ancillary works.



Proposal :-

This application seeks planning permission for the erection of a single storey detached dwelling on land adjacent to 23 Middle Lane. The dwelling is to be located within the Village Envelope of Nether Broughton on former garden area to No. 23. The site benefits from having an outline planning permission for a dwelling of 77 square metres. There are residential properties surrounding the site as it sits on the corner of Middle Lane and King Street.

It is considered that the main issues relating to the proposal are:-

- **Impact upon the Character of the Area**
- **Impact upon Neighbouring Properties**

The application is to be considered by Committee due to the number of representations received objecting to the application.

Relevant History:-

87/00286/6/905 – Planning permission refused for a bungalow

07/00263/OUT – Planning permission granted for Residential development.

10/00624/EXT – Planning permission granted to extend the life of the previous outline planning permission for residential development. A condition requiring that the development has to meet the identified housing needs was added due to there being a change in policy since the granting of the outline consent.

11/00763/FUL – Planning Permission refused for the erection of a large two storey 3 bed detached dwelling which was considered to not meet the local housing needs, 23/12/11

12/00477/FUL – Application withdrawn for the construction of a pair of semi detached dwellings, 20/09/12

12/00756/FUL – Planning permission refused for single storey dwelling and ancillary works. Upheld at appeal.

Planning Policies:-

Melton Local Plan (saved policies):

Policies OS1 and BE1 allow for development within Village Envelopes providing that:-

- 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 its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

Policy H6: planning permission for residential development within Village Envelopes shown on the proposals map will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

The Melton LDF Core Strategy (Publication) Development Plan document: The Core Strategy has been submitted to the Secretary of State for with an expected examination date being in February 2013. The DPD seeks to focus development in Melton Mowbray with a small balance (20%) in the surrounding Borough, with expectations to produce mixed, integrated housing developments and meet local needs by addressing identified imbalances in housing stock in all locations.

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 offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- deliver development in sustainable patterns and
- re-using brownfield land.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

On Specific issues it advises:

Delivering a Wide choice of High Quality Homes

- Set out own approach to housing densities to reflect local circumstances
- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 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.

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>Highway Authority –No objection subject to conditions, relating to parking, visibility splays, drainage and surfacing of drives.</p>	<p>The site currently has an access into the site from Middle Lane it is proposed to utilise this access to give access to the proposed attached garaging which will allow for parking in front giving the required two spaces to the future occupiers.</p> <p>It is not considered that the proposal would have a detrimental impact on highway safety.</p>
<p>Housing Policy Comments - No objection.</p> <p>The assessment found specifically within the Rural West of the borough that there is a need for additional market housing to 2011, there is a local surplus of larger family homes with additional 3 bedroom properties being particularly required to rebalance the existing stock. There is also a need for smaller sized dwellings such as 2 bedroom houses and accommodation suitable to meet the needs of older people. There are limited opportunities for</p>	<p>The National Planning Policy Framework (NPPF) recognises that housing should meet the needs of present and future generations (Para 10). The NPPF continues to recognise the importance for local planning authorities to understand the housing requirements of their area (Para 28) by ensuring that the scale and mix of housing meets the needs of the local population. This is further expanded in Para 110 – 113, which follows the principle of PPS3; in seeking to ensure that housing mix meets local housing need.</p>

<p>new housing development in the rural settlements in the borough and therefore new residential developments in the area should contribute towards the creation of a mixed community and have regard to local market housing needs.</p> <p>From a housing policy perspective, the application is recommended for approval. The proposed dwelling is not considered excessive and the applicant has produced an application for a dwelling that meets the local housing need for smaller properties, in order to rebalance the housing stock of both the Rural West and the Borough generally.</p>	<p>This application follows the outline approval 10/00624/EXT. The application proposes a detached 3-bedroom dwelling. Previous applications for 3-bedroom dwellings on this site, have been refused on the basis of the proposed dwelling being considered excessive in size and therefore failing to meet local housing need. The current application proposes a modest 3-bedroom property which is considered to comply with housing policy.</p>
<p>Archaeology:- No objections, subject to conditions.</p> <p>The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site lies in an area of archaeological interest. It is inside the medieval and post-medieval historic settlement core of the village (HER ref.: MLE9700). The early C19th Surveyor's map seems to show buildings on site; these are not shown by the time of the late C19th 1st edition OS map. The site has been slightly disturbed, but most of the new house's footprint lies outside that of the existing garage. The house will be on two street frontages. Consequently, there is a likelihood that buried archaeological remains will be affected by the development.</p> <p>Buried archaeological evidence, constituting one or more as yet unidentified heritage asset(s) (National Planning Policy Framework (NPPF) Section 12, paragraph 128 and Appendix 2), spanning the period from the earliest evolution of the village to its more recent past can be expected within the development area. Consequently, there is a likelihood that buried archaeological remains will be affected by the development.</p> <p>In accordance with the NPPF (Section 12, paragraph 141), the Local Planning Authority should require a developer to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance.</p> <p>To ensure that any archaeological remains present are dealt with appropriately, the applicant should provide professional archaeological Attendance for inspection and recording during the groundworks for the proposed development. A contingency provision for emergency recording and detailed excavation should be made, to the satisfaction of</p>	<p>Noted. Conditions can be imposed to any planning permission to ensure that the appropriate level of recording is carried out on the site prior to any development taking place.</p>

<p>your authority in conjunction with your archaeological advisors in this Department's Historic & Natural Environment Team (HNET). HNET will provide a formal Brief for the work at the applicant's request.</p> <p>We therefore recommend that any planning permission be granted subject to the following planning condition (informed by paragraphs 53-55 of DoE Circular 11/95), to safeguard any important archaeological remains potentially present.</p>	
<p>Parish Council –</p> <p>Cllrs were pleased to note that the boundary wall is to be reinstated but on the outline plans the distance from the wall to the new build, on the King Street side was 1.5 metres. On the amended plan the distance is only 0.9m.</p> <p>Provided that this original distance is reinstated Cllrs would then have no objections to the application.</p>	<p>This reserved matters application provides the details as stipulated by condition on the outline approval. The siting submitted on the outline consent was indicative and did not form part of the approval. The siting is for consideration as part of the reserved matters application and commentary on the siting, layout and design is contained below in the report.</p>

Representations:

A site notice was posted and neighbouring properties consulted. As a result 10 letters of representation from 10 separate households objecting and offering comments to the proposal has been received to date. Following amended plans a further 4 representation offering comments has been received to date for reasons stated below:

Representation	Assessment of Head of Regulatory Services
<p>Character of the area:</p> <p>The property should be at least 1m from the boundary and a wall or fence should be re erected on the original boundary.</p> <p>The house should be moved to the center of the plot more to keep it in keeping the surrounding area.</p> <p>The application does not comply with the original outline. To comply, the boundary along King Street will have to be set back by 1.5 m and the brick wall reinstated.</p> <p>The outline consent showed a smaller footprint</p> <p>The positioning of this development on the King Street boundary is a substantial variation to the approved Outline Planning.</p> <p>The blank elevation along King Street has not addressed the Planning Inspectors comments re bland and forbiddingly blind facade.</p>	<p>The site benefits from an extant outline planning permission. Condition 2 of the outline consent related to what was to be submitted as part of the 'reserved matters' and this was named as "layout, scale, external appearance of the building(s), access and the landscaping of the site". There were further conditions that restricted the development to meet local housing need and to have a ridge height no greater than no. 1 King Street in the interest of protecting the character of the area and residential amenity.</p> <p>This reserved matters application seeks to comply with the conditions imposed on the outline consent. The proposal is for a modest three bedroom property with a gross footprint of 77.41 square metres. The outline consent indicated a property with a 77 square metre footprint. In relation to the ridge heights the proposed dwelling has a ridge of approximately 6.9 metres which is comparable to number 1 King Street with the finished ridge levels sitting at 82.30 above sea level.</p>

<p>The grass now has ‘village green’ status and no building should impact upon it.</p> <p>The tree that is on the village green should not be removed, as on their plan they have put in 2 new trees (on property they do not own)</p> <p><u>Amended Plans consultation comments</u></p> <p>Restrictions on permitted development should be imposed to ensure the development remains in keeping for the future.</p> <p>As the ridge height of this building is over 2 metres higher than my bungalow for this building to be extended, even if is only a garage, would have an impinging effect on my property and privacy.</p> <p>Landscaping conditions should be imposed to ensure the reinstatement of the wall.</p>	<p>The dwelling has been designed to have traditional vernacular that reflects many of the local architectural features within the village. The area has a mix of styles and types of dwellings, however, the proposal picks up the dormer window features of no. 1 King Street.</p> <p>Following the public consultation and the concerns raised by residents the application has been amended to address the objections raised. The roadside boundary wall is to be reinstated along King Street and Middle Street, with the house set back within the site by approximately 1 metre. Whilst this is less than that shown on the indicative plans for the outline application the layout was not fixed by the outline permission. Dormer windows have been introduced along King Street removing the blank elevation.</p> <p>The grass verge along King Street has since been given ‘Village Green’ status. The amended plans will not impinge on the village green and a condition can be imposed requiring the boundary wall to be completed.</p> <p>The house type proposed supports the Borough’s housing needs in supplying modest three bedroom property and it is considered that the amended proposal would not have a detrimental impact upon the character of the area as there is no particular style of dwelling within the immediate location. The design of the dwelling is considered acceptable and can only seek to enhance this prominent corner location in this part of the village.</p>
<p>Other Matters.</p> <p>A Party Wall Agreement must be in force before any building takes place in view of the age of 1 King Street</p>	<p>Noted.</p>

Considerations not raised through Representations.

Representation	Assessment of Head of Regulatory Services
<p>Impact upon neighbouring properties:</p>	<p>No 1 King Street gable end sits on the boundary and contains a small inglenook window to the lounge and a secondary window to the kitchen. The proposed dwelling will be set apart from the inglenook window by approximately 3.2 metres, increasing to 3.7 metres at the point of the secondary kitchen window. The Inspector when considering the recent appeal, 11/00673/FUL, said that the relationship of the proposed bungalow would have an impact upon the residential amenities of No. 1 King Street due to having bedroom windows facing the secondary window and being</p>

	<p>set apart by only 8 metres. This amended proposal has set the dwelling further back from highway so that it sits approx. 1 metre back from the building line set by no. 1 King Street and whilst the proposed dwelling projects into the site by 10 metres the proposed patio doors to the lounge have been off set to the kitchen window so that overlooking is avoided. It is considered that the proposed arrangement has overcome the Inspectors concerns.</p> <p>The site has an extant planning permission with the principles for development having been agreed. As the windows are on ground floor a privacy screen could be erected as part of the landscaping around the patio area should privacy be required by future occupiers.</p> <p>The separation to no. 23 Middle Lane has been set at 8.7 metres with no windows proposed at first floor. The Inspector when considering the recent proposal, 11/00763/FUL, considered that a lesser distance of 3.4 metres which projected forward of the established building line would have had an impact upon the habitable rooms through loss of light. It is considered that this amended proposal has taken on board the comments of the Inspector and through positioning the dwelling on the same building line has ensured that a harmonise relationship can be achieved. The Inspector also commented that the occupiers of no. 23 Middle Lane purchased the house knowing that there was an extant planning permission and therefore could not reasonably expect to enjoy an outlook unaffected by development. The Inspector considered that some form of development can co-exist with the neighbouring dwelling providing it is designed well.</p> <p>It is considered that there is sufficient space around the buildings and there would not be an adversely detrimental impact upon any neighbouring residential amenity. The proposal is considered to comply with the local plan policies OS1, H6 and BE1.</p>
<p>Application of the Development Plan Policies:-</p> <p>The site sits within the village envelope where residential development is supported. Policies OS1 and BE1 seek to ensure that development respects the character of the area and that there would be no loss of residential amenities and satisfactory access and parking provisions can be complied with.</p> <p>Policy H6 allows for infill development of single and small groups within the village envelope.</p>	<p>The site is considered to be previously developed land that is surplus of requirement for car parking to No. 23 Middle Lane. There is an extant planning permission on the site with a presumption in favour of development. The NPPF seeks to boost significantly housing growth in sustainable locations and this proposal is considered to support that objective.</p>

Compliance (or otherwise) with Planning Policy	As stated above, the development is considered to accord with the applicable Local Plan policies. In this instance, the policies are not considered to conflict with the NPPF and as such there is no requirement to balance the regimes against one another.
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Conclusion

The application site lies within the village envelope and thus benefits from a presumption in favour of development under policies OS1, BE1 and H6. The proposed development has been designed to have a limited impact on adjoining properties, and is considered capable of reflecting the character and appearance of the surrounding area; and complies with highway requirements. The house type proposed meets the requirements of the Borough's housing needs in providing modest three bedroom accommodation of which there is a shortfall in the area. The NPPF seeks to boost significantly housing growth in sustainable location of which Nether Broughton is considered as a sustainable village within the Local Development Framework. Accordingly, the proposal is recommended for approval subject to conditions.

RECOMMENDATION:- Approve, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in strict accordance with plan drawing nos. 6562P-21C rev C submitted on the 18th November 2013.
3. No development shall start on site until representative samples of the materials to be used in the construction of all external surfaces have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. The boundary brick wall as shown on drawing number 6562P-21C shall be completed before the dwelling is occupied unless otherwise agreed in writing by the Local Planning Authority.
5. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.
6. The car parking facilities shown within the curtilage of the dwelling shall be provided, hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained
7. Before first use of the development hereby permitted, visibility splays of 2.4 metres by 25 metres or the maximum available within the site frontage, shall be provided at the junction of the access with Middle Lane. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.
8. No development shall take commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. No development shall take place other than in accordance with the Written Scheme of Investigation.
9. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 as amended (or any Order revoking and re-enacting that Order) in respect of the replacement dwelling hereby permitted no development as specified

in Classes A, B, C with the exception of C.1. (c) (ii), D or F shall be carried out unless planning permission has first been granted by the Local Planning Authority

Officer to contact: **Mrs Denise Knipe**

Date 3rd December 2013