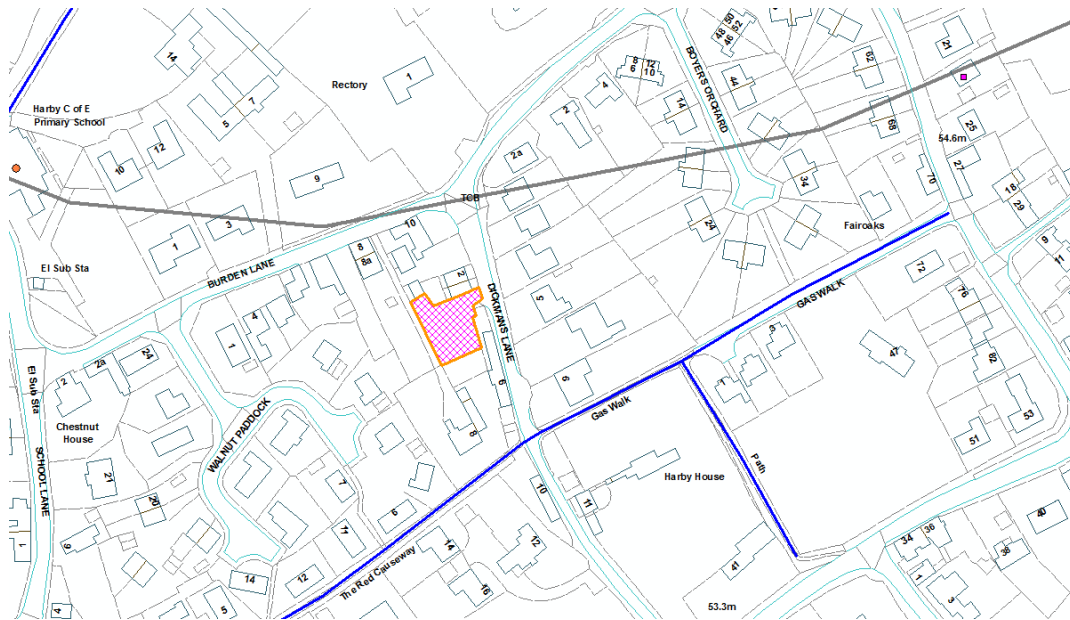


**Reference:** 14/00547/FUL  
**Date submitted:** 07.07.14  
**Applicant:** Mr A McKenna - Homelink Properties Limited  
**Location:** The Homelands, 4 Dickmans Lane, Harby, LE14 4BG  
**Proposal:** Pair of semi-detached houses.



**Proposal :-**

This application seeks planning permission for a pair modest semi-detached dwellings with access from Dickman’s Lane. The application site lies within the village envelope for Harby and on a former brownfield site between number 6 and number 4 Dickmans Lane. There is a mix of styles and types of dwellings in the area, some sitting on the back edge of the highway whilst some have more of a set-back benefitting from front gardens.

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

- **Impact upon the Character of the Area**
- **Impact upon Neighbouring Properties**
- **Impact upon Highway Safety**
- **Meeting housing needs**

The application is to be considered by Committee following a call in by the Ward Member.

### **Relevant History:-**

04/00507/OUT - Proposed outline permission for 4 bedroomed chalet type bungalow. Application withdrawn 17.08.14

13/00556/OUT - Outline permission for two 2 bedroom dwellings with access and parking. Application approved 27.09.14

14/00382/REM - Reserved Matter Application relating to Outline Approval 13/00556/OUT for 2 two bedroom dwellings with access and parking. Application withdrawn 14.07.14.

### **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 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:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Highway Authority</b> –No objection subject to conditions.</p> <p>The parking area shown serving the existing dwellings appears to be similar to that originally shown on the outline approval, although in order for the parking to be effective, a clear margin needs to be maintained at the side of the parking spaces, so that doors can be opened and the plan needs to be amended to show this.</p> <p>The parking area shown for the new dwelling closest to the highway is very tight. However if the block paving were to be extended to the end of the concrete slabs as per the other driveway, then this would be suitable to accommodate 2 vehicles, again the plan needs to be amended to show this and can be secured by condition.</p>	<p>Outline planning permission exists for the construction of a pair of semi-detached dwellings, including parking for both the proposed and existing dwellings. The proposal does not materially alter the parking or access arrangement to that that was considered acceptable by the Highways Authority on the outline planning applications.</p> <p>The proposed dwellings will have two parking spaces each which is the required number for a 2/3 bed property. The access of Dickmans Lane is considered to be acceptable given the low level of use. A shared parking area consisting of three bays to the rear of numbers 2 and 4 Dickmans Lane will be available for use by the occupiers of those properties.</p> <p><b>It is not considered that the proposal would have a detrimental impact on highway safety and no objection has been received by the Highways Authority.</b></p>
<p><b>Harby Parish Council:</b> Object</p> <p>The Parish Council objects to this application as:</p> <p>Two x 3 bed dwellings is over-intensification of the site:</p> <ul style="list-style-type: none"> <li>• From the Information shown it is not clear if a bedroom is in the roof space.</li> <li>• The Parish Council should like LCC Highways to look at the access to the site.</li> <li>• The PC considers that 2 x 3 bed dwellings,</li> </ul>	<p>Noted.</p> <p>Amended Plans have been submitted which has reduced the overall height of the dwellings by 900mm and provides the first floor within the roof space. This re-design has reduced the eaves height to 4.119m and introduces pitched roof dormer windows to serve the bedroom and study/3<sup>rd</sup> small bedroom, with velux windows on the rear to serve the bathrooms.</p> <p>The Highways Authority has no objection to the</p>

<p>together with the existing two houses would create excessive traffic onto Dickmans Lane, from the one access. No details have been given re visual splays etc which is necessary. It is possible that 8 vehicles could be using this access and parking on the one piece of land.</p> <p><b>Amended Plans Comments:-</b></p> <p>It is understood that the site has planning permission for a pair of semi-detached two bed houses (13/00556/OUT). The amended plans now show two two-bed houses.</p> <p>This plot of land is back land development on a garden area belonging to the two semi-detached house on Dickmans Lane and will have to share the same access. Four properties sharing one access – a possible eight cars. This site is also to the rear of a neighbouring property. The parish Council has strong objections to this application.</p>	<p>proposal subject to conditions requiring the parking spaces to be provided. The Highways Authority do not consider that the increase in traffic would have a detrimental impact upon highway safety, whilst the access is substandard the low level of use follows the principles of Manual for Streets and a refusal could not be upheld.</p> <p>The proposal shows two bedrooms with a small study which could be used as a third bedroom, in the roof space. The dwelling would provide two modest three bedroom dwellings, which is in accordance with the outline approval.</p> <p>The dwellings would be presented side onto Dickmans Lane and utilise a brownfield site. The site is no longer in the ownership of the rented cottages (nos 2 and 4 Dickmans Lane) and has been sold on as a development plot with outline consent. It has been agreed that the existing cottages will have access to the three parking spaces the rear and the <b>Highways Authority have no objection to the arrangement or the proposal.</b></p>
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**Representations:**

A site notice was posted and neighbouring properties consulted. As a result 5 letters of representation from 5 separate households objecting and offering comments to the proposal has been received to date. Following amended plans no further comments have been received;

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Highway Safety:</b></p> <p>The lane is narrow and the entrance to the dwellings is opposite existing driveways. The proposal would create parking problems on the lane.</p> <p>Increased traffic along a narrow lane.</p> <p>There is potential for 8 vehicle movements to be generated and this will increase risks to pedestrians.</p> <p>Parking on the lane is already difficult which leads to people parking on the pavement causing a problem for pedestrians.</p>	<p>There is an existing access that serves the application site. The Highways Authority has been consulted on the proposal and whilst the access is considered to be sub-standard they are satisfied that it would not result in a danger to highway users. This assessment has been based upon the low increase in vehicles entering and exiting the site.</p> <p>Obstruction of a pavement is a matter for the Police. Adequate parking facilities have been provided within the site in accordance with Highways Authority standards.</p> <p>Outline planning permission exists for the construction of a pair of semi-detached dwellings, including parking for both the proposed and existing dwellings. The proposed parking and access is identical to that approved under 13/00556/OUT.</p>

	<b>The Highways Authority has no objection to the proposal and it is not considered that a refusal could be upheld. The proposal is not considered to have a detrimental impact on highway safety.</b>
<p><b>Impact upon Residential Amenity:</b></p> <p>The proposed dwellings will overlook my property at 3 Walnut Lane and cause loss of privacy through overlooking and will cause loss of light.</p> <p>The noise from a construction site will be disruptive to residents.</p> <p>There are no heights on the plans. Given the close proximity there is potential loss privacy to the conservatory as well as light to the house and garden of number 6 Dickmans Lane.</p>	<p>The proposed dwellings would be side on to the rear elevation of number 3 Walnut Lane. The west elevation contains a small window serving the bedroom at first floor level, however, the separation distance complies with that generally accepted by the Council in order to address overlooking. The separation distance will be in excess of the 23 metres and it is not considered that the relationship is unacceptable from a planning perspective.</p> <p>Noted, this would be relatively short lived whilst the dwellings are to be constructed.</p> <p>The height has been reduced to approximately 7.2 metres sloping to eaves height of approximately 4.2 metres to reduce any potential over bearing impact upon the occupiers of 6 Dickmans Lane. The reduction in height has also removed any first floor windows and replaced them with two velux windows to serve the bathrooms and as such removing overlooking in to the garden and conservatory. No further comments have been received in response to the amended proposal.</p> <p><b>It is considered that the proposal would not have any adverse impact upon residential amenities due to the design and separation distances.</b></p>
<p><b>Other Matters:-</b></p> <p>The site location plans are not a true reflection of the boundary and will impact upon number 6 Dickmans Lane.</p> <p>Some of the land included in the red application boundary is not in the ownership of the applicant. Whilst the land was sold by owners of nos. 2 and 4 Dickmans Lane we retained the rights to the are immediately behind the cottages.</p>	<p>The site plans are taken from the Ordnance Survey database. The Plans have been amended and the house redesigned so that overlooking is minimised. The existing shared boundaries are not proposed to be altered.</p> <p>The applicant has since served notice on the land owner and provided the required certificates to validate the application. No further comments have been received within the 21 day notice period.</p>

**Considerations not raised through Representations.**

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<b>Design:</b>	The design of the dwellings has been amended in order to be more reflective of the style of dwellings within the vicinity. The front elevation contains pitched dormers which is a feature within the village and allows for the scale to be reduced. It is

	<p>proposed to construct the dwellings in brick with a clay tiled roof and use timber windows and door. Materials are to be agreed by the Local Planning Authority and can be condition.</p> <p>The proposal will introduce two modest size 2/3 bed properties suitable for first time buyers or small families. The overall design is considered to be acceptable and the proposal complies with the local plan policy OS1 and BE1.</p>
<p><b>Application of the Development Plan Policies:-</b></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 proposal seeks to provide a pair of semi-detached modest dwellings and is capable of complying with the local plan policies given that the design is suitable and an acceptable relationship with neighbouring properties is achieved. Whilst highways safety is a concern to local residents the Highways Authority has no objection to the proposal, subject to conditions. It is considered that the development complies with the local plan policies and promotes sustainable housing growth as stipulated within the NPPF.</p>
<p><b>Compliance (or otherwise) with Planning Policy</b></p>	<p>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.</p> <p>The NPPF seeks to boost the economy and house supply to meet local housing needs. This proposal is considered to meet those objectives.</p>

### **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 Harby 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. A100a, A101a, A102a, A103a, A104a, A110a and A110a submitted on the 14<sup>th</sup> August 2014.

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. Notwithstanding the details submitted, before development commences the applicants shall submit to for the approval of the local planning authority, an amended plan showing a 0.5 metre clear margin to the side of the parking area at the rear of the existing dwellings and showing the parking area for the proposed dwelling closest to the highway extended at least 2 metres further than shown. The approved car parking scheme shall then be provided, hard surfaced and made available for use as parking before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.
5. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 7 metres behind the highway boundary and shall be hung so as to open inwards only.
6. The existing fence on the frontage to the existing cottages shall be removed or reduced in height to a maximum of 600 mm above the level of the adjacent carriageway before development commences. Thereafter no walls, planting or fences shall be erected or allowed to grow on or adjacent to the highway boundary of any of the land shown under the applicants control, exceeding 0.6 metres in height above the level of the adjacent carriageway.
7. 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.
8. The car parking and turning facilities shown within the curtilage of the site to serve both the existing and proposed dwellings shall be provided, hard surfaced and made available for use before either of the proposed dwellings are first occupied and shall thereafter be permanently so maintained.
9. Before first occupation of either dwelling, the improvements to the existing vehicular access including the increased length of dropped crossing and increased width of hard standing, shown on the submitted plan, shall have been carried out and shall have been surfaced in tarmacadam, concrete paving or similar hard bound material (not loose aggregate) for a distance of at least 7 metres behind the highway boundary and shall be so maintained at all times
10. 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

Reason:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
4. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
5. In the interests of highway safety.
6. To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
7. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.
8. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
9. In the general interests of highway safety.
10. To enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed.

Officer to contact: **Mrs Denise Knipe**

**Date 3<sup>rd</sup> October 2014**