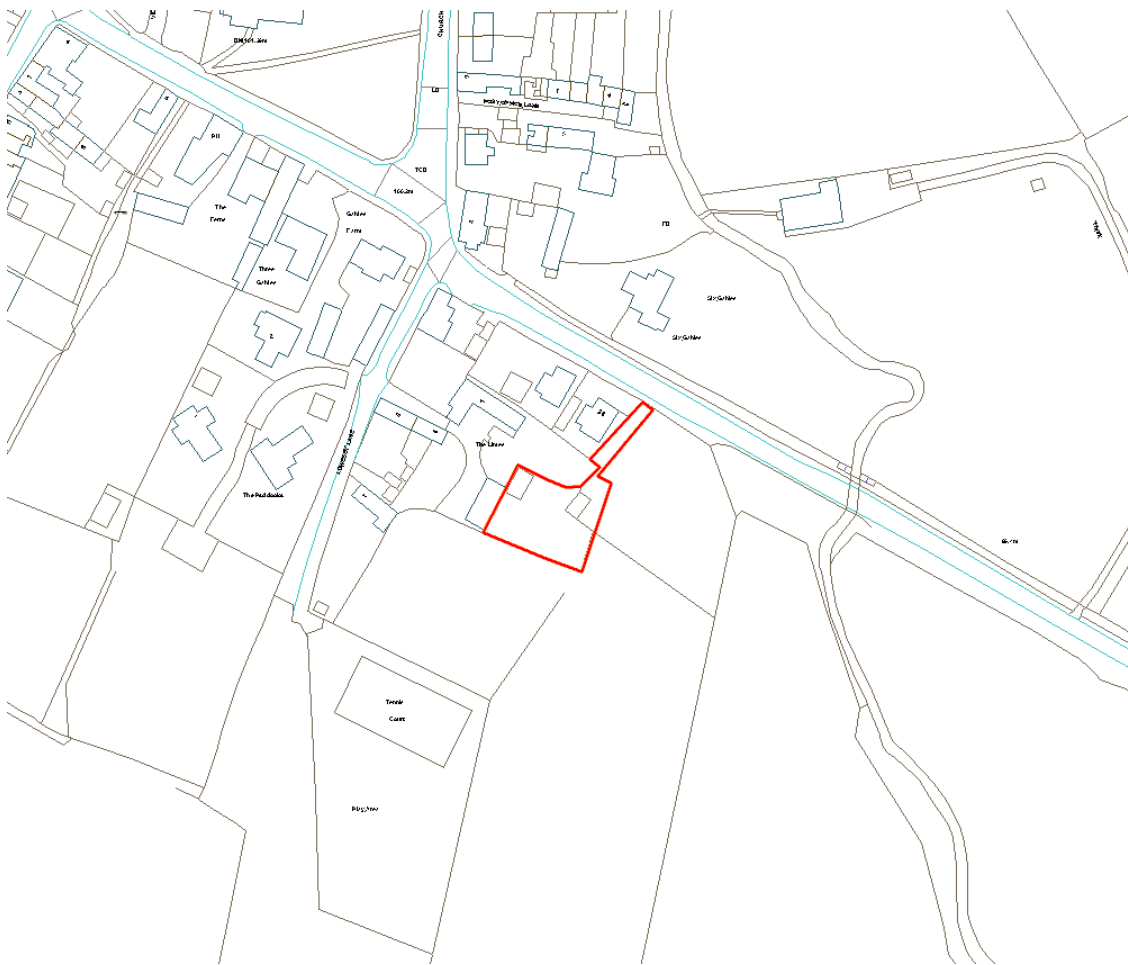


Committee Date: 3 February 2011

Reference: 10/00705/FUL
Date Submitted: 10.09.2010
Applicant: Mr And Mrs M Jinks
Location: Field OS 1095, Main Street, Twyford
Proposal: Erection of detached house and garage.



Introduction:-

This application seeks planning permission for the erection of a detached house and garage.

The proposed dwelling is situated on this former farm holding within the Main Street at Twyford and on the site of farm buildings that are to be demolished. The dwelling is a very substantial detached property and garage and is to be served by the existing access drive leading into the site from High Street.

The property already benefits from 'outline' planning permission, but with a condition requiring that the design of the dwelling be of a type that meets the identified 'Local needs' and the proposal conflicts with that condition, hence the application has been submitted as a 'full' application rather than a reserved matter.

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

- **Whether the dwelling type is appropriate in relation to PPS 3 and Core Strategy requirement to be of a design that meet local needs;**
- **Whether the design of the building is acceptable in view of the requirement in PPS 1 and Local Plan policies to reflect the locally distinctive character.**

The application is presented to the Committee because the proposal comprises a departure from current planning policy and the previous outline requirement, and there is a degree of local support.

Relevant History:-

05/00990/OUT – Erection of dwelling – Approved 20.12.2005

08/00727/OUT – Erection of dwelling - Approved 31.10.2008, with a condition relating to the dwelling being designed to meet 'local needs'.

Planning Policies:-

PPS1 - Delivering Sustainable Development – Promotes good design that respects locally distinctive character, sustainable development/reducing car usage.

PPS3 - amplifies the advice set out in PPS1, and particularly says that housing should be developed in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure. The priority for development in such locations should be previously developed land, where appropriate. The amended statement has removed residential garden areas from the brownfield classification. PPS3 also sets out clear advice on determining planning applications, stating that we should have regard to the suitability of a site for housing (including its environmental sustainability) and that we should ensure that proposals are in line with housing objectives and do not undermine wider policy. PPS3 specifically states that "Developers should bring forward proposals for market housing which reflect demand and the profile of households requiring market housing, in order to sustain mixed Communities" (Para 23). In relation to market housing PPS3 states that "One of the Government's key objectives is to provide a variety of high quality market housing. This includes addressing any shortfalls in the supply of market housing and encouraging the managed replacement of housing, where appropriate. Local Planning Authorities should plan for the full range of market housing. In particular, they should take account of the need to deliver low-cost market housing as part of the housing mix" (Para 25 & 26) objectives.

PPS7 - Sustainable Development in Rural Areas – Seeks to concentrate new rural housing in larger villages and key principle is giving priority to re-use of previously-developed ('brownfield') sites. Stresses the need for development to respect and enhance the built form of villages, including scope to accept contemporary design.

East Midlands Regional Plan

Encourages sustainable development and discourages car-usage, and establishes 5 year housing supply figures. No specific Policies apply.

Melton Local Plan (saved policies):

Policies OS1 and BE1:-

- the form, character and appearance of the settlement are 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 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 :- residential development within village envelopes will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

Melton LDF Core Strategy: seeks to focus development in Melton Mowbray with a small balance (20%) in the surrounding Borough, with provision/contribution of 40% affordable housing from all developments, and expectations to produce mixed, integrated housing developments and meet local needs by addressing identified imbalances in housing stock in all locations. The strategy identifies villages by virtue of a hierarchy reflecting their sustainability and, therefore, suitability for development. Twyford is now identified as a Category 2 village that still provides a reasonably sustainable community and is suitable for small-scale infill development within the existing built form. And is consistent with the policies of the Regional Plan.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority – it is assumed that the land coloured blue on the plans is in the control of the applicant, and as such they can trim the overhanging branches to provide and maintain visibility out of the access. The proposed turning area within the site is a little tight and ideally could be enlarged to ensure that no vehicles have to leave the site in a reverse gear, again assuming the blue land is under the control of the applicant this can be achieved fairly easily. On this basis they are prepared to recommend conditional approval.</p>	<p>The site is a former farmyard with associated vehicle movements and it is not considered that there would be any significant increase in vehicle movements or impact on road safety due to the proposal.</p> <p>Parking has been incorporated into the scheme in the form of integral garages and an open carport. Visitor parking can be accommodated in front of the units within the courtyard. This application does not increase the number of units than the previous outline approval and it is considered that satisfactory parking and access can be provided within the site.</p>
<p>MBC Housing Policy Officer - PPS3 specifically states that “Developers should bring forward proposals for market housing which reflect demand and the profile of households requiring market housing, in order to sustain mixed Communities” (Para 23). In relation to market housing PPS3 states that “One of the Government’s key objectives is to provide a variety of high quality market housing. This includes addressing any shortfalls in the supply of market housing and encouraging the managed replacement of housing, where appropriate. Local Planning Authorities should plan for the full range of market housing. In particular, they should take</p>	<p>The advice contained in PPS 3, that developers should provide housing to meet local needs is well documented .</p> <p>The ‘outline’ permission on this site quite clearly indicated that whilst development of the site was acceptable ‘in principle’ a condition was imposed that required that any subsequent design for the dwelling, should be of a type to meet the local housing need. In in this locality the need is for the more modest 2/3 bedroomed dwelling types.</p>

<p>account of the need to deliver low-cost market housing as part of the housing mix” (Para 25 & 26).</p> <p>David Couttie Associates conducted a Housing Market Analysis for Melton Borough Council (Housing Stock Analysis 2006-2011; 2006) which clearly demonstrated that there is a surplus of larger private market homes and a significant lack of smaller sized properties within Melton Borough. Future development has therefore to address the imbalance of stock type and size, both by tenure and location to create a more sustainable and balanced housing market. This will require a bias in favour of small units to address both the current shortfall and future demographic and household formation change which will result in an increase in small households and downsizing of dwellings.</p> <p>Within the Rural South of the Melton Borough the study indicated that there is limited need for additional market housing overall, however when looking at the local mix of properties there is a small need for 2-3 bedroom older people/downsizing accommodation (such accommodation may include level access bungalows) and 3 bedroom sized family homes. The strong need for smaller market housing such as 2 bedroom houses across the borough and no local surplus would support such accommodation in this location as well. The only type of property which is in surplus locally is larger family accommodation, such as executive/detached housing with 4 or more bedrooms. There are limited opportunities within village envelopes for significant new residential developments and therefore residential developments in the area should contribute towards the creation of a mixed community and have regard to local market housing needs.</p> <p>The application seeks consent for the erection of a substantial detached 4 bedroom house and garage (10/00705/FUL) on the site of redundant agricultural buildings. The application follows an outline approval (08/00727/OUT) for the erection of a single dwelling on the site and it is of note that Condition 16 of this approval requires that the type of dwelling have regard to local housing market need. The proposed dwelling is submitted as a 4 bed property; however, the size of the dwelling is comparable with a property of higher bedroom numbers. The total floor area (220.97m²) of the proposed dwelling exceeds the unit size indicator of a 4 bed house utilised by the Homes and Communities Agency (126.5m²). Utilising this unit size indicator the current proposal would compare with a property well exceeding 4 bedrooms and as</p>	<p>There has been no change in circumstances since the grant of the outline permission that would suggest that this requirement should be relaxed and not complied with.</p> <p>The applicant has not advanced any substantial evidence to support their assertion that the provision of local needs housing is not viable, and as the availability of sites within village envelopes is restricted, it is particularly important that any such sites that do come forward, comply with the above policy and, as in this instances, the conditions of the outline permission.</p> <p>The applicant has provided some very basic information with assumptions in relation to the costs of demolition and providing services, and an estimation of build-costs and resale values of the subsequent dwelling, but it does not examine whether it would be viable to build 2 small dwellings to meet housing need.</p> <p>This appears to be based on an over-estimation of the initial land value that does not reflect today’s market nor the fact that the site does not have an unrestricted permission, but a consent for a local needs dwelling and it would clearly be inappropriate to ‘relax’ the usual requirements to build ‘local needs’ housing merely because the vendor of the land has an unrealistic expectation of the value of the land.</p> <p>In relation to the issue of ‘viability’ the Housing Policy Section has stated:- ““This is a substantial property, exactly the sort of large executive dwelling of which there is a surplus in the local area and the wider Borough as a whole and has been evidenced in the SHMAA and David Couttie Housing Stock Analysis.”</p> <p>The current proposal would add to the over-supply of such housing.</p> <p>The option of more than one dwelling on the site needs to be thoroughly investigated before it can be stated that only a large executive dwelling is viable on this site. Whilst the costs of the build appear somewhat high; however, if they are correct then this should be reflected in the price of the land rather than the Council going against policy to enable the development to take place. The condition on the outline permission shows the authority’s intention to address housing need and this should be taken into account in the land value for the site.</p> <p>There is no identified need for such a property of</p>
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<p>such would not address local housing need adding to the current surplus of large executive, detached properties.</p> <p>The Leicester and Leicestershire Strategic Housing Market Assessment (Blinc Housing, 2009) supports the findings of the Housing Market Analysis and states that controls need to be established to protect the Melton Borough (particularly its rural settlements) from the over development of large executive housing, and to encourage a balanced supply of suitable family housing (for middle and lower incomes), as well as housing for smaller households (both starter homes and for downsizing). It continues to state that the undersupply of suitable smaller sized dwellings needs to be addressed to take account of shrinking household size which if not addressed will exacerbate under-occupation and lead to polarised, unmixed communities due to middle and lower income households being unable to access housing in the most expensive and the sparsely populated rural areas.</p> <p>The dwelling proposed by the application (10/00705/FUL) is not supported as it would add to the local imbalance of the market through the further addition of a larger property and as such is considered inappropriate. On this basis the application is recommended for refusal as the local over supply of larger family accommodation would be further exacerbated, contrary to PPS3.</p>	<p>this size in this part of the Borough and the arguments with regards to viability, whilst a consideration, do not outweigh the policies contained within PPS 3.</p>
<p>Parish Council – Twyford & Thorpe Satchville Parish Council are fully supportive of the proposals to replace a derelict barn with a new dwelling. The application is also supported by all of the neighbours to the proposed site. I trust that you will take these comments into account when considering the application.</p>	<p>Noted,.</p>

Representations:

A site notice was posted and neighbouring properties consulted. 20 letters of support have been received, along with a petition of support containing 10 names, which make the following points:-

Representation	Assessment of Head of Regulatory Services
<p>Comments Relating to the Applicant</p> <p>The Jinks family have lived in the village for 17 years, are well known and take an active role in village life</p> <p>Applicants wish to create a family home and stay within the village</p>	<p>Planning permission runs with the land and the personal circumstances of the applicant are not material considerations in relation to the acceptability or otherwise of planning proposals</p> <p>The personal desires of the applicants are not material. The creation of a further ‘family’ home will add to the current over-supply of such</p>

<p>We support the application by Mr & Mrs Jinks for a 4 bedroomed house</p>	<p> dwellings and conflicts with the Core Strategy and PPS 3 requirement to provide housing to meet local needs, assessed above.</p> <p>Whilst ‘local’ support is recognised, this does not out-weigh the ‘policy’ opposition to the proposals</p>
<p>Site History</p> <p>The site has the benefit of outline planning permission for a single dwelling</p>	<p>The ‘outline’ permission was subject to a condition that the design of the dwelling should be of a type to met ‘local needs’ and therefore, both the land owner and the applicant will have been aware of the expectation that the provision of a four bedroomed dwelling is inappropriate and fails to meet the local needs policy</p> <p>No substantial evidence has been provided to warrant a deviation from the outline requirements</p>
<p>Suitability of the Site</p> <p>The site is suitable for a family home and the proposal will improve the entrance to the village</p> <p>Site currently serves no benefit to the community in its current state</p> <p>The site has been used to store scrap and the barn is falling down – we are concerned that if the development is refused then the site will remain in its ‘eyesore’ state</p> <p>Site currently contains rats and vermin and its development will be an improvement</p> <p>The difference between a 2/3 bedroomed house and a 4 bedroomed is marginal in visual terms</p>	<p>Noted, however, it is considered that a dwelling to meet local needs would also be suitable and would improve the entrance to the village</p> <p>It is agreed that the site is in a poor condition; however there are powers available to the Council to secure an improvement to the appearance, without the grant of permission for an inappropriate development. The untidy nature of the site does not out-weigh the harm to policy arising from the proposal</p> <p>Noted, as above</p> <p>Whilst it is accepted that the development of the site will have some benefits, this does not warrant the granting of permission for development that is contrary to policy</p> <p>Noted, however, the requirement to provide housing to meet local needs does not arise from a ‘visual’ point of view</p>
<p>Local Housing Need</p> <p>There is a need to provide smaller dwellings within the village in order to create a diverse community and to keep the village vibrant – there are better opportunities to provide such dwellings on other sites – it is not viable on this site</p> <p>Unless several smaller homes are built, no developer would find the site viable</p>	<p>The support for the Housing need policy is noted.</p> <p>The availability of other sites does not remove the requirement to meet such a need on this site. No evidence has been provided to show that it is unviable to provide such housing on this site</p> <p>No evidence has been provided to justify the claims that it is unviable to provide ‘local needs’ housing</p>

<p>There is little evidence over last 15 years that the Council have sought to provide affordable housing and this should be encouraged in the future – although this site is not suitable for such housing</p> <p>I have lived in area for 44 years and can confirm that local needs housing is required – sadly, suitable sites within the village have been developed for executive housing, although the applicants proposal is appropriate for this site.</p> <p>If there is latitude within the legislation, the current proposal should be supported</p>	<p>on this site. The applicant has been requested to provide such evidence but none has yet been provided to justify the claim that it is unviable to provide an appropriately sized dwelling. There has been no application for two or more smaller units and as such a proposal would be in-line with policy, but this cannot be assessed via this application</p> <p>It is a result of developments over the last 15 years failing to provide local needs housing that Government introduced such a requirement in PPS 3. It is not clear why the current site is ‘unsuitable’ for local needs housing as the granting of outline permission for such development demonstrates that the Borough Council does consider the site suitable for such development</p> <p>Local support for ‘local needs’ housing is noted, and that the change in Policy due to an over-supply of executive housing is warranted. It is not clear why the applicants proposal is ‘appropriate’ in relation to this point.</p> <p>The Council has consistently sought to resist developments for large ‘executive’ houses of the type proposed. The outline permission clearly indicated that any dwelling on this site should meet ‘local needs’</p>
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In relation to the amended design for the dwelling, 2 further letters have been received which repeat the above points and conclude that it is a logical development which removes an eyesore/improves the approach to the village and respects the privacy of immediate neighbours.

Other material considerations (not raised through consultation of representation)

Considerations	Assessment of Head of Regulatory Services
<p>Impact on adjoining properties: The site is surrounded by a number of residential properties and the impact upon their residential amenities should be assessed in the context of Policies OS1 and BE1 of the adopted Melton Local Plan.</p>	<p>The principle for the development of the site for a ‘local needs dwelling’ has already been established by the recent granting of outline planning permission.</p> <p>The detailed scheme now submitted, due to the distances involved and the orientation of windows, the proposal will not detract from the amenity of neighbours with regards to overlooking./loss of privacy or oppressive outlook.</p>

<p>Design of the Dwelling and Impact upon the Character of the Area:</p> <p>The application site is situated on the south-eastern approach in to the village and is a prominent site that warrants a high standard of design.</p> <p>The village is an attractive one, with several vernacular buildings remaining and the village retains a rural character that should be reinforced and enhanced in any new development.</p> <p>The amended scheme does not change the design but deletes the random stone panel and wooden boarding of the original scheme.</p>	<p>The site was formerly a working farm yard which retains some old brick buildings.</p> <p>Whilst the new dwelling retains the ‘farm track’ access, the dwelling proposed is a very ‘modern’ design with large picture windows, barge/verge boards, external chimney stack and a dormer window, and which fails to reflect the locally distinctive character.</p> <p>The dwelling proposed incorporates a panel of hanging tiles surrounding the upper floor window, and whilst the applicant cites other dwellings in the village with such features, these are not ‘locally distinctive’ character, and incorporate the tiles in to the design, usually across an gable elevation or around a dormer. The proposed scheme merely incorporates a panel of hanging tiles which does little to enhance the design.</p> <p>The various elements of the building do not sit comfortably with each other and the eclectic mix of materials creates an appearance that will appear out-of-place for this edge of settlement site.</p> <p>The design fails to reflect the locally distinctive character of the village and it is considered that the design is not an appropriate one for the site and would be harmful to the character of the settlement.</p>
<p>Case for the Applicant</p> <p>The applicant has indicated the following in support of the development:-</p> <p>The applicants and their children moved to Twyford in 1993.They were born and raised in Leicestershire. The children attended the Local Primary School where Mrs Hinks assisted in reading classes. Mr Hinks is a trustee of the Playing field committee and is a regular Sunday morning football team. The family are regular church-goers where Mrs Hinks is on the flower arranging rota and Mr Hinks is Church secretary and Treasurer.</p> <p>The family support local amenities. Mr Hinks is an auditor for the village hall and mows the church yard. The applicants mother often needs to stay with the family. One of the Local Parish Councillors lives opposite the access to the site. The applicants wish to carry-on grazing the surrounding land. The site falls within the village envelope and the 2 storey barn on the site is in dis-repair</p> <p>The site has been used for storage in the past and is over-grown and rats have been reported</p>	<p>Noted, the personal circumstances of the applicant are not material considerations and does not warrant the granting of permission</p>

<p>The applicant is aware of Government and Local Policy for affordable housing and support it but feel this site is unsuitable as</p> <ul style="list-style-type: none"> • The existing permission is for a single dwelling • Safe demolition/clearance of the site would cost £5-10,000, connection of services could be £15-20,000 and this makes it unfeasible to build a single 2/3 bed roomed house • To be financially viable 2 or 3 smaller houses would be needed • Each house needs 2 parking spaces and the narrow access makes the site impractical for more than 1 dwelling • The narrow track, shared with agricultural use is unsuited for multi-use <p>The applicants own survey shows that of 124 homes within the village envelope, 34 have a market value less than £185,000, 10% are rented, 15 are bungalows. The applicants want to build a 4 bed roomed house</p> <p>The dwelling will have a bedroom for parents, one for each teenage child (boy and girl) and a guest/visitor room</p> <p>The dwelling has the same footprint as the barn</p> <p>The applicants want to continue the surrounding land for grazing and plant woodland</p> <p>All the neighbours support the proposals</p> <p>All the Parish Council support the proposals Villagers agree that the dwelling will improve the approach to the village</p>	<p>The site is considered to be suitable for the provision of local needs housing</p> <p>The outline permission requires the dwelling to be a 'local needs' dwelling The applicant has not provided any evidence that can be verified, to support this assertion Submission of a financial appraisal that can be 'tested' has been requested but not provided and therefore the unsubstantiated comments by the applicants can not be supported</p> <p>A 4 bed roomed house/4 spaces is provided and could readily be two 2 bed roomed units with 2 spaces each. The site could be practicable for more than 1 dwelling</p> <p>This comment has not been substantiated</p> <p>The Council's surveys show that there is an over-supply of 4 bed roomed houses and a local need for smaller units. The applicant has not drawn any conclusions from their 'survey'</p> <p>The personal desires of the applicant are not material considerations that warrant over-turning the important policy</p> <p>The dwelling is at least twice the size of the barn it replaces</p> <p>Noted, but this does not warrant the granting of permission</p> <p>Noted, but this does not warrant the granting of permission</p> <p>Noted, but it is not considered that the improvement to this part of the village outweighs the objection in policy terms. Whilst the proposed dwelling is an improvement on the current situation, an appropriately sized dwelling would also be an improvement</p>
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Conclusion

The proposal seeks planning permission for a large four bedroom dwelling within the village envelope for Twyford. It is considered that there is a balance of policy objectives when assessing this application. The general principle of a dwelling in this location would be appropriate in line with OS1 and there would be no neighbour impact or highways impact. However, the size of the proposed dwelling conflicts with PPS3 and the requirement for new development to meet identified local need. The applicant has claimed that a smaller dwelling would not be viable but has failed to provide substantial evidence to support their assertion and their 'basis' for being unviable is based on an unrealistic valuation of the value of the plot, and has failed to consider the possibility of providing two smaller units. The personal circumstances of the

applicant are not considered to be a material consideration. It is considered that the applicant has not put forward sufficient justification to outweigh the need to provide a dwelling to meet the identified local need and therefore the current proposal conflicts with PPS3.

Whilst it is accepted that the currently untidy nature of the application site detracts from the appearance of the locality and which could be improved by its development in this instance the dwelling proposed is of a design that fails to reinforce the locally distinctive character and as such, is considered to detract from the open rural character on the approach to the village.

The development proposed relates to a dwelling of substantial proportions and poor design that conflicts with National, Regional and Local Plan policies and will add to the over-supply of such dwellings. Accordingly the proposal is recommended for refusal.

RECOMMENDATION:- Refuse for the following reasons:-

1. The proposal relates to a substantial dwelling, adding to the over-supply of such dwellings as identified in the Councils Housing Market Assessment surveys and as such it does not meet the local demand for smaller 2 and 3 bedroomed dwellings and the proposal therefore fails to reflect the guidance contained within P.P.S 3 – Housing, Paragraph 3.1.11 of the East Midlands Regional Plan, which states that local authorities should have a strategic vision of the kinds of communities they wish to foster, in particular neighbourhoods which ensure that in the market sector a reasonable mix of housing is available, addressing any identified imbalance. and conflicts with the objectives of The Melton Local Development Framework Core Strategy (Preferred Options) Jan 2008, which seeks to meet the Local Housing need and not add to the over-supply of larger units
2. The proposed dwelling by virtue of its modern appearance; its use of a mix of different materials; the mix of different design elements and window fenestration , is of a design that does not harmonise with its surroundings and fails to reflect the locally distinctive character and as such, would appear out-of-character and harmful to the rural appearance of the settlement. The proposal is therefore contrary to the guidance contained in P.P.S 1 and Policies OS1 and BE1 of the Adopted Melton Local Plan.

Contact: Mr Rob Forrester

21st January 2011