

**Committee date: 7<sup>th</sup> July 2011**

**Reference:** 11/00385/FUL  
**Date submitted:** 18.05.11  
**Applicant:** Mrs D Kingston-Brown  
**Location:** Land adjacent 15 Back Street Saltby Melton Mowbray  
**Proposal:** New Dwelling

**Proposal :-**

This application seeks retrospective planning permission for the erection of a dwelling on land to the side of 15 Back Lane (plot 2). The dwelling is to be located within the Village Envelope and designated Conservation Area for Saltby. The site has been subject to a number of planning proposals for detached dwellings and plot 1 has been constructed. The application site is referred to as plot 2 and construction works have commenced but has been considered to be unlawful due to construction work having taken place outside of the timeframe for implementing the consent (under permission 07/00600/FUL) and without complying with discharge of 'No Development' planning conditions. In order to proceed with the construction of the dwelling retrospective planning permission is sought to regularise the breach of planning control and allow the development to proceed.

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

- **Compliance with policy – PPS3 requirements on location and size of housing and evidence prepared for Preferred Options of the Core Strategy.**
- **Exceptional circumstances arising from the background of the application**

The application is to be considered by Committee due to the complex policy considerations.

**Relevant History:-**

00/00027/OUT - One dwelling house and garage – approved 06.03.2000

01/00589/FUL - Retrospective application for the temporary siting of a mobile home and garage to be used during the construction of a dwelling – approved 19.09.2001

03/00101/OUT - Proposed erection of a dwelling house and garage – approved 02.04.2003

03/00969/FUL - Extension of time for temporary siting of a caravan during construction of a dwelling.(see 01/00589) – approved 28.03.2004

04/00253/OUT - Plot 1: Proposed outline application for two storey dwelling and garage - approved 27.5.2004

**04/00254/FUL - Plot 2: Proposed erection of two storey dwelling and garage. – approved 25.5.2004**

07/00095/FUL - Erection of conservatory – approved 29.03.2007

07/00394/FUL - Retention of solar water heating collectors to continue providing sustainable non polluting energy. – approved 25.05.2007

**07/00600/FUL – Proposed New Dwelling – approved 26.08.2007**

### **Planning Policies:-**

**PPS 1: Delivering Sustainable Development** - The guidance says that planning should promote sustainable and inclusive patterns of development. PPS1 requires local authorities to deliver development that is located in areas which reduce the need to travel by car and provide access to all members of the community to jobs, health, housing, education, shops, leisure, and community facilities. PPS1 suggests that the focus for development should be existing centres and discourages any new development which would impact negatively on the environment and actively encourages development which reduces the impacts of climate change.

**PPS 3: Housing** - 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 objectives. 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)

**PPS5 ‘Planning for the Historic Environment’** outlines the Government's policies for effective protection of all aspects of the historic environment. Planning has a central role to play in conserving our heritage assets and utilising the historic environment in creating sustainable places. The Government’s overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. To achieve this, the Government’s objectives for planning for the historic environment seek to recognise that heritage assets are a non-renewable resource, recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term and wherever possible, heritage assets are put to an appropriate and viable use that is consistent with their conservation.

**PPS 7 - Sustainable Development in Rural Areas** - states that many country towns and villages are of considerable historic and architectural value, or make an important contribution to local countryside character. Planning authorities should ensure that development respects and, where possible, enhances these particular qualities. It should also contribute to a sense of local identity and regional diversity and be of an appropriate design and scale for its location, having regard to the policies on design contained in PPS3.

**PPG 13 ‘Transport’** - A main objective seeks to reduce the need to travel, especially by car. With regard to rural areas, the guidance makes clear that jobs, shopping, leisure facilities and services are primarily sited at the most accessible locations in the local area. In determining the appropriate strategy for employment in rural areas, the guidance says that it is important to consider the scale, impact and likely catchment area of development, and that the larger the number of staff employed

on site, the greater the need to ensure the development is accessible by public transport, walking and cycling.

**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.

**Melton LDF Core Strategy**: 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.

**Consultations:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Highway Authority</b> – Consider sustainability issues. Ensure all details conform to Highway Authority standards</p>	<p>The proposal is identical to that approved in 2007 (07/00600/FUL). Conditions were imposed to ensure that adequate visibility splays and parking were to be provided.</p> <p><b>It is considered that there has been no change in circumstances to warrant a different outcome based on highways.</b></p>
<p><b>Conservation Officer</b> – No objections the scheme which is identical to that approved in 2007 (07/00600/FUL)</p>	<p>Noted.</p>
<p><b>Housing Policy</b> – within the Rural East 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 2 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 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>The application seeks consent for the erection of a large 5 bedroom detached dwelling with 2</p>	<p>The LDF Core Strategy introduces a significant redirecting of policy requirements in terms of housing provision and it is considered that the Core Strategy, particularly in conjunction with the advice of PPS3 that it is intended to implement at the local level, is of sufficient importance to outweigh the Local Plan. This therefore introduces revised requirements for new development to address housing market imbalances.</p> <p><b>The resubmitted application represents a large 5 bed dwelling which does not support the housing needs for the Rural East and is therefore not supported by PPS3 and the emerging Core Strategy.</b></p> <p>The applicants have provided background</p>

<p>bedrooms provided on the second floor. The size of dwelling proposed by the application is no longer supported as it would add to the local imbalance of the housing market through the addition of a further large property and as such is considered inappropriate and not supportive of the objectives of the Core Strategy and PPS3.</p>	<p>information with regards to the site to demonstrate their intention to construct the dwelling. A building contractor was agreed in March 2010 and clearing work took place. However conditions relating to materials, drainage and landscaping had not been formerly discharged by the Local Planning Authority and the commencement of work which took place in January of this year was outside of the time limit for implementing the consent, which expired in August 2010. Even if the planning conditions had been complied with the permission would still have lapsed.</p> <p><b>In the opinion of the planning authority no lawful planning permission exists for this property. The application should therefore be regarded as ‘new’ with no fall back position to rely upon or compare with.</b></p>
<p><b>Leicestershire County Council Archaeology:-</b> No objections. The site is not within a potential area for the need for any investigative work.</p>	<p>Noted.</p>
<p><b>Parish Council –</b> No comments received at the time of writing the report.</p>	<p>Noted.</p>
<p><b>Seven Trent Water Authority: No Objection</b></p>	<p>Noted</p>

**Representations:**

A site notice was posted and neighbouring properties consulted. As a result one letter objecting to the proposal has been received at the time of writing the report

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Out of character with the area:</b></p> <p>The scale and mass not appropriate.</p>	<p>The dwelling would have an overall height of 8.7 metres with an eaves height of 4.9 metres, allowing for rooms to be within the roof space. The front elevation; two storey element will span some 11.6 metres across the site with a 3.9 metre single storey to the west. Whilst the dwelling appears to have a large frontage it is in keeping with the adjacent new dwelling to the east. The dwelling takes an L-Shape on plan with the west elevation of the dwelling projecting into the site by 25 metres. The main part of the dwelling which is two storey projects for 14 metres and the remaining length is at single storey consisting of the attached triple garage. The east elevation spans 9.3 metres to the rear elevation.</p> <p><b>The design of the dwelling is identical to the scheme approved in 2007. It is considered that the design, scale and mass is still in keeping with the neighbouring properties and no. 11 has been extended recently to provide a first floor over the single storey element on the west elevation with other modification, which re affirms the view</b></p>

	<b>that the area is predominantly occupied by large dwellings and this dwelling is complementary to the character of the area.</b>
<p><b>Impact upon residential amenities:</b></p> <p>The balconies on the rear elevation will overlook the garden</p>	<p>There are two balconies proposed one to the master bedroom and one to bedroom 3. The proposed rear elevation will project further back than the neighbouring property and will not afford any views into habitable rooms. Views into the rear garden would be not greater than from no. 11 into the proposed new residential areas and is typically found within any residential areas. The overlooking into garden areas is not considered to have a unduly detrimental impact upon the living conditions of residents. The boundary between the two dwelling consists of a mature conifers which provides a high level of screening.</p> <p><b>The proposal is considered to according with the development plan policies OS1 and BE1 and will not have an unduly adverse impact upon residential amenities.</b></p>

**Other considerations not raised through representation.**

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Impact upon neighbouring properties:</b></p>	<p>The dwelling to the east (15 Back Street) has one obscure glazed ground floor window and 1 set of French doors on the west elevation facing the site. The siting of the proposed dwelling maintains the linear form of development and meets the 45 degree rule. <b>It is therefore considered that the residential amenities of 15 Back Street will not be adversely affected to an unacceptable degree.</b></p> <p>The dwelling to the west (11 Back Street) has been extended since the granting of the approval in 2007 but still has no windows which immediately overlook the site and the boundary is well screened by tall conifers. The application proposes a triple garage to the rear of the dwelling. However the neighbouring property is set well back from the highway and is separated from the proposal by a distance of approximately 13 metres. The boundary is also well screened and it is considered that the size and scale of the proposal will not result in an overbearing impact. <b>The residential amenity of this dwelling is therefore not considered to be adversely affected.</b> The dwellings on The Butts to the east are approximately 23 metres from proposal and therefore the impact on the residential amenities is not considered to be adversely affected. To the rear of the site is a paddock which is a protected open area. No development is proposed on the protected open area and therefore no adverse impact is anticipated.</p>

	<p><b>No changes are proposed to the scheme which was approved in 2007. The scheme was considered to be acceptable and that no residential amenities would be affected.</b></p>
<p><b>Impact upon the Character of the Area :</b></p>	<p><b>Design:</b> Although the application proposes a large dwelling it is considered that the proposal has been designed to respect the surrounding properties in terms of height, form, mass and siting. The design of the proposed dwelling replicates features and detailing found in other properties and the careful choice of materials should ensure that it does not detract from the varied character of the village. The proposal is therefore considered to be acceptable and to comply with policy OS1 and BE1.</p> <p><b>Streetscene/impact on countryside:</b> The site occupies a prominent position on Back Street, however, the dwelling is to be set back from the road and retains the linear form of development. There is also a wide variety of both size and design of dwellings in the vicinity and therefore within this context it is not considered that the proposal will be incongruous within the street scene.</p> <p><b>The retrospective planning application proposes no changes to that already approved which was considered to be in keeping with the surrounding area and would preserve the character of the Conservation Area. There are no changes to the previous assessment.</b></p>
<p><b>Application of Emerging Core Strategy:-</b></p> <p>Core Strategy looks at tackling climate change and considered that focusing development within Melton Mowbray we will be directly influencing energy use and emissions by reducing the need to travel and that development in isolated locations, where people rely on the private motor car for their travel needs are poor locations for development, even if other measures are taken to mitigate or adapt to climate change. Through the formulation of the preferred options of the Core Strategy a hierarchy approach has been adopted which identifies villages by virtue of their sustainability and, therefore, suitability for development in line with PPS1 and PPS3.</p>	<p>Since the granting of the planning permission for a dwelling in 2007 the Preferred Options of the Core Strategy have been adopted. The village of Saltby has been ranked as a category 3 village which is considered to be an unsustainable location where development for new housing would normally be restricted. This is due to the limited level of services available within the village of Saltby to support new residents, who would have to rely heavily on the motor car to support everyday living; having access to shops, jobs, leisure etc.</p> <p>This approach is advocated within the national policy PPS3 'Housing' which seeks to ensure new housing is provided in sustainable locations to support the policy objectives of PPS1 'Sustainable Development'.</p> <p><b>The resubmitted application represents a dwelling in an unsustainable location and is therefore not supported by PPS3, PPS1 and the emerging Core Strategy.</b></p>

## **Conclusion**

The application site lies within the village envelope for Saltby and thus benefits from a presumption in favour of development under policies OS1 and BE1. 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. The dwelling as proposed is not considered to support the boroughs housing needs as an open market dwelling and the village of Saltby is considered to be unsustainable given the limited facilities available. However it replicates the proposal as approved in 2007 which was considered by the applicant to have an extant planning permission due to constructing the footings. The failing for the development was the requirement to discharge planning conditions prior to starting any development within the allotted time frame. The applicants maintain that they have genuinely made a mistake and have not deliberately flouted the planning law. Within their submission they have provided a time line of events to show how development has progressed. The Committee is invited to consider whether this background amounts to 'exceptional circumstances' sufficient to justify the granting of permission contrary to prevailing policies. However, planning permission had lapsed and therefore the dwelling does not have a lawful consent. In considering a new application for planning permission the changes in policy must be considered and based on the requirements of PPS3 and the emerging Core Strategy the application is recommended for refusal.

## **RECOMMENDATION:- Refuse for the following reason:-**

1. In the opinion of the local planning authority the proposed type of house does not address the imbalance of stock type and size of dwellings required to reflect the housing needs of the area. The Housing Stock Analysis conducted in 2006 clearly demonstrates that there is a surplus of larger private market homes and a significant lack of smaller sized properties within Melton Borough and the rural west of the Borough. Accordingly the proposal fails to contribute to a sustainable and balanced housing market and is therefore considered to be contrary to PPS3 and the Melton LDF Core Strategy (Preferred Options). The large executive detached home proposed in this application cannot be supported as it would exacerbate the current imbalance of larger housing stock in the local housing market contrary to the aims of PPS3.
2. In the opinion of the Local Planning Authority the proposal would, if approved, result in the introduction of dwelling on a site in an unsustainable location. The development would be sited within an unsustainable village location where there are limited local amenities, facilities and jobs and where future residents are likely to depend on the use of the car. The proposal is therefore considered to be contrary to Planning Policy Statement 1 (Delivering Sustainable Communities) and Planning Policy Guidance 3 (Housing) and the Preferred Options of the Core Strategy.

Officer to contact: **Mrs Denise Knipe**

**27th June 2011**