

**Committee date: 22<sup>nd</sup> December 2011**

**Reference:** 11/00763/FUL  
**Date submitted:** 28.09.11  
**Applicant:** Mr Neil Tyers – Belvoir Developments  
**Location:** Newfields, 23 Middle Lane, Nether Broughton, LE14 3HD  
**Proposal:** Erection of two storey, 3 bedroom dwelling.



**Proposal :-**

This application seeks full planning permission for the erection of a new 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 sq 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:-**

- **Compliance within meeting the Borough's Housing Needs**
- **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.

### **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 are 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)

**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.

### **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:-**

Consultation reply	Assessment of Head of Regulatory Services
<p><b>Highway Authority</b> –No objection to the principles of the development but objects to the relocation of the existing access to serve No. 23 as the proposed location does not provide appropriate visibility splay to the north.</p> <p>The access for the new dwelling is in line with that approved on the previous outline consent.</p>	<p>The access to No. 23 could be constructed under Permitted Development rights and therefore would not require formal planning consent. The Highways Officer has highlighted that whilst the access could be put in using Permitted Development the Highways Authority would not grant the highway license unless the access was relocated further to the south. <b>It is considered that it would be difficult to sustain a reason for refusal based upon the relocation of the existing access due for factors outlined above,</b> however, should approval be granted a condition should be imposed requiring a revised plan showing the location of the access back to the agreed position on the outline consent.</p>
<p><b>Housing Policy Officer</b> – 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 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 draft National Planning Policy Framework (NPPF) which has been circulated for consultation continues this policy direction recognising 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) including ensuring that the scale and mix of housing that the local population requires is met. This is further expanded (Para 110 – 113) but continues to follow PPS3 in seeking to ensure that housing needs meet the requirements of local communities.</p> <p>The current application seeks consent for the erection of a large detached dwelling with a total Gross Internal Area (GIA) of 182 sq.m. (109 sq.m. ground floor and 73 sq.m. first floor). This is a substantial dwelling which would exacerbate the</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>The site benefits from having outline planning permission for a dwelling having a foot print of 77 square metres. When the outline planning permission was extended in 2010 a condition was added requiring that future development must have regards to local housing needs. The applicants have submitted the application for full planning permission and have issued a statement from the applicant to justify the size of the dwelling. The applicant is a developer who lives locally and this will be his 2<sup>nd</sup> site to develop and make available on the open market. The development is dependent on a level of profits to make the scheme viable; a fixed price having been paid for the site. The applicant has not provided a viability statement therefore the Council can make no assessment in regards to what a reasonable profit would be.</p> <p>The proposal would have a floor area greater than that considered acceptable when considered the size in relation to housing needs using the Housing Corporation Standards. The Council allows for an additional 10% floor space to those stated by the housing Corporation and therefore a three bedroom</p>

<p>oversupply of large properties in the area.</p> <p>The Housing Corporation's Housing Quality Indicators consider that a 4 bedroom property would commonly have an internal floor area of between 108 and 115 sqm. Furthermore the building specifications employed by English Partnerships require a minimum internal floor area of 106 sqm for a four bedroom property. The floor area covered by this proposal corresponds with a large dwelling using either standard, with an additional 60% GIA above that associated with a modest 4 bedroom dwelling.</p> <p>The size of dwelling proposed by the application is not 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. On this basis the application is recommended for refusal as the local over supply of larger family accommodation would be further exacerbated.</p>	<p>dwelling (with an added 10% floor space) would be required to fall within a floor area band width of 75 - 115 square metres.</p> <p>The supporting statement issued by the applicant states that they were not advised that the Council has prescriptive size standards however they would have been aware that there was a condition attached to the outline planning permission which required the dwelling to comply with the local housing needs. Pre application discussions were undertaken and implemented into the overall design to ensure that the proposal was in keeping with the character of the area and would have no impact upon residential amenities however no regard has been had to the approved footprint stated at the outline planning stage.</p> <p>The proposal falls well outside of the housing corporation parameters and it could not be conceived as being marginal breached. The approach taken, in terms of using floor space to assess size has been applied to housing developments since the adoption of the Preferred Options Core Strategy and has resulted in the Council successfully defending appeals that have not been considered to support local housing needs – members may recall the appeal last year to a site further to the north of this site at lands adjacent Moat Farm which was dismissed by the inspector on not meeting housing needs.</p> <p><b>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” There is no identified need for a property of this size in this part of the Borough and the proposal is therefore not supported and conflicts with the with policies contained within PPS 3.</b></p>
<p><b>Parish Council – Object</b></p> <p>The Parish Council is opposed to this application. Outline planning permission was granted for a 2 storey house with a footprint of 77sqm - it is now proposed to build of house of some 127sqm almost double the original size. It should be pointed out that this new application is similar in size to the 2007 application that was refused by the Council.</p> <p>According to the plans the old wall will be removed but the submission states not. Working from the</p>	<p>The application has been submitted as a full planning application and not as reserved matters to the approved outline consent. In that regards the proposal does not have to follow precisely what was approved at outline stage but it will form the history to the site and is a material consideration. The development is supported in principle by the Local plan (policies OS1 and BE1) in terms of its general location (i.e. within the village envelope). However the size of the dwelling proposed does not meet the identified local need as stated above and is not supported.</p> <p>The dwelling will site in a prominent position within the streetscene due to being positioned on the</p>

<p>information on the plans there will now be a 7.6 m high wall, plus chimney, only 3.5m from the road. This wall will face directly onto an amenity area with seat, notice board and history trail board on site. We feel this and the whole house will have an adverse effect on the current street scene. The plans also show a side gate along this wall and access will be across the amenity area.</p>	<p>corner of Middle Lane and King Street. The dwelling will sit along the defined building line of both streets with the principle elevation facing onto Middle Lane. The gable end on the site boundary to King Street would define the boundary and there is an intention to keep a boundary wall around the site to a height of 1.2 metres. The elevation fronting King Street contains a two storey gable end which contains no windows. The side elevation steps back into the site by five metres and will set behind the boundary wall. It is unclear if the existing wall is to remain or be rebuilt however consent to demolish is not required and a condition can be imposed to require details of boundary treatments.</p> <p>There are highway verges in front of the existing wall which are to be retained and are not in the applicant's ownership. Any changes to these areas will require express permission from the land owner and this is not a planning matter for consideration.</p> <p>It is considered that due to the set back distance and the design of the dwelling it would not appear out of keeping with the character of the area which contains a mix of type, style and size of dwellings.</p>
<p><b>Archaeology:-</b> 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 1<sup>st</sup> 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>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 the local planning authority in conjunction with LCC's archaeological advisors.</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><b>Seven Trent Water Authority:-</b> No objections subject to conditions to requiring full drainage plans to be submitted and agreed prior to development.</p>	<p>Noted.</p>

**Representations:**

A site notice was posted and neighbouring properties consulted. As a result 12 letters of representation from 10 separate households have been received to date objecting to the proposal on the following grounds:

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Character of the Area:</b></p> <ul style="list-style-type: none"> <li>• The large dwelling will dominate the streetscene being located on the prominent corner</li> <li>• The dwelling is much larger than the previous application (07/00263/OUT) for a dwelling with a footprint of 121 square metres which was refused by the development committee and this one should be too.</li> <li>• Would be overbearing &amp; unsuitable for the site. There appears to be a substantial increase in ground floor area with the addition of a garage to that approved.</li> <li>• This proposal is almost 75% greater than the footprint approved and greater than the one refused.</li> <li>• The scale of the proposal is not appropriate to the location.</li> <li>• The scale of the proposal is not appropriate to the size of the plot.</li> <li>• The height and size of the proposed development would seriously dominate this small corner garden plot having a significantly adverse effect on the street scene and skyline when approaching from Middle Lane and King Street.</li> <li>• The proposal will have a negative impact on the rural nature of Middle Lane and the village in general.</li> <li>• Building on the boundary will destroy the streetscene a similar development was refused in 2007 by the development committee</li> <li>• Previous approval sought to retain the brick wall setting the dwelling back by 1.5 metres behind the wall – this should still be required.</li> </ul> <ul style="list-style-type: none"> <li>• The proposal if approved will result in the loss of a red Victorian wall, replacing with a dominant gable end which is not in keeping.</li> </ul>	<p>The proposal seeks to construct a large detached dwelling on a corner plot which has a degree of prominence within the street scene. The principle of a dwelling on this site has been considered acceptable with the granting of the previous outline planning consents albeit for a development of much smaller proportions.</p> <p>The proposal prevents an L-shaped dwelling with the principle elevation fronting Middle Lane. The front elevation is symmetrical having a central entrance with windows both side and three windows to the first floor. An attached garage is proposed to the north and has a lower ridge height than the main body of the dwelling which reduces the bulk of the elevation, retaining the symmetrical appearance. The dwelling will sit on the building line to no. 23 Middle Lane, which is a bungalow and in that respect is not considered to be out of keeping with the Middle Lane character of the area.</p> <p>Due to being sited on a corner plot the end gable will be highly visible when approached from the south. The gable end will form the boundary treatment with the boundary wall emerging to enclose the garden area, with the L-shaped 2 storey element sitting behind the wall. This approach could be perceived as having an overbearing impact upon the street scene as the previous consents sought to position the dwelling 1.5 metres behind the boundary wall. However the dwelling would still sit 3 metres back from the highway and in line with no. 1 King Street, continuing the building line. It is not uncommon to find dwellings sited on the back edge of the highway as can be witnessed further along Middle Lane with the farm house to Moat Farm which has a gable end onto the highway, there is also a row of brick terrace properties along King Street.</p> <p><b>The design of the dwelling is considered to be reflective of the types of dwellings typically found in the village and in that regards the design is not considered to be out of character.</b></p> <p>The loss of the wall could not be resisted as consent is not required prior to its removal due to not being listed or within a designated Conservation Area.</p>

<ul style="list-style-type: none"> <li>• The development would necessitate the removal of an historic and characterful brick garden wall on King Street</li> <li>• The proposal will destroy a small but important village amenity area.</li> <li>• Development of this site will affect the import amenity area which hosts the heritage board and seat.</li> <li>• The public seating and meeting area would be dwarfed under the cliff face of the gable end wall and the Kitchen/Dining area window would impose upon the area, becoming a substitute garden and an extension of the property.</li> <li>• Loss of this tree will greatly reduce the rural ambiance of the area.</li> <li>• The loss of the tree will impact upon this area and should be resisted</li> <li>• The ridge height is not in keeping with properties on Middle Lane which are much lower.</li> <li>• The dwelling of the size proposed will have a visual impact upon the corner location and will block views of Broughton Hill when viewed from Middle Lane.</li> </ul>	<p>The area in front of the wall is not part of the development site and outside of the applicants control. Any works to this area would need the express consent of the land owner and does not form part of the planning application.</p> <p>The tree does not have any protection and is not worthy of a Tree Preservation Order given it has little amenity value, in terms of its size and species.</p> <p>The street contains a mixture of size, styles and design of dwellings of varying ridge heights. The proposal will be kept lower than the ridge of no. 1 King Street.</p> <p>There is no doubt that the development will have a visual impact upon this corner location however it is not considered to be at the detriment of the character of the area. Distance views out of the village will still be gained from the entrance to King Street.</p>
<p><b>Impact Upon Neighbouring properties:</b></p> <ul style="list-style-type: none"> <li>• The roof line and general size of the garage is totally unsuitable against the adjoining bungalow</li> <li>• The garage is much larger than required for a single garage and has an impact upon the neighbouring bungalow.</li> <li>• Due to the over size of the garage this will lead to building above in the future which will have an impact upon the bungalow.</li> </ul>	<p>The dwelling will have an overall height of 7.6 metres with the garage having an overall height of 6.38 metres and slightly set back from the principle elevation. The gable end of the garage will be closer to the bungalow but still set apart by a distance of 5 metres, and will provide a step in ridge lines, which lessens the impact to a degree so that it will not appear over baring on the bungalow.</p> <p><b>It is not uncommon to have a mix of two storey dwellings and bungalows within a street and the relationship is considered to be acceptable.</b></p> <p>The garage is larger than required by highway standards for the parking of 1 vehicle however it is not considered to be excessive</p> <p>Any future alterations will require formal planning consent which would need to be determined on its own merits.</p>

<ul style="list-style-type: none"> <li>The dwelling, due to size, will block light to neighbouring properties resulting in them using more energy by having to have lights on.</li> </ul>	<p>The dwelling will be positioned along the existing building line to Middle Lane and King Street. The proposed dwelling would be sited approx. 1.2 metres to the west of No. 1 King Street. The gable end to this property contains two small ground floor windows and a small first floor window. At ground floor these serve a kitchen and lounge and a bedroom at first floor. Whilst this separation distance is less than usually approved for window to window arrangements these windows are secondary windows to the rooms concerned and in that regards a reason for refusal based upon loss of light could not be substantiated. Furthermore a boundary treatment to the height of 2 metres could be erected along this boundary which would obscure the windows at ground floor. No windows are proposed on the end gable which would be in front of the small window at first floor and to the lounge so no overlooking will be created. The rear projection to the proposed dwelling will be stepped in further resulting in a separation distance of approx. 4.3 metres from the ground floor window to the kitchen facing out onto the neighbouring property. The roof is sloped away which reduces any impact upon the neighbour. The previous outline consent agreed to a separation distance of no more than 5 metres and this arrangement is not so far removed from that measurement to consider the proposal as over bearing.</p> <p><b>It is considered that the proposal is acceptable and will not have a detrimental impact upon the neighbouring properties due to the factors outline above.</b></p>
<p><b>Impact upon Highway Safety:-</b></p> <ul style="list-style-type: none"> <li>The development will add to parking problems on both streets which are little more than narrow lanes.</li> <li>The planned addition of a pedestrian entrance from King Street could tempt any new residents and their visitors to park in King Street.</li> <li>Consideration and space within the site should be available for visitor parking not just residents' cars.</li> <li>Construction traffic will create a danger as there will be no provisions within the site due to the size of the plot</li> </ul>	<p>Parking provisions are provided within the development site. A dwelling consisting of 3 bedrooms is required to provide 2 parking spaces to comply with highway standards. The garage counts towards this provision. There are no restrictions; double yellow lines, on either Middle Lane or King Street and on street parking is not perceived as an issue in this location.</p> <p>There will inevitably be some disruption whilst construction works take place, however this will be short lived and will require the contractor to adhere to highway safety and park responsibly.</p>
<p><b>Other matters:</b></p> <ul style="list-style-type: none"> <li>Has consent been sought to put a path over the grassed area?</li> </ul>	<p>No consent is required through the planning process as this is not in the ownership of the applicant and any matters relating to this land would need to be</p>



<ul style="list-style-type: none"> <li>No 1 King Street has no foundations and have been advised that the builders should obtain insurance to safeguard against damage. The policy should be left with the deeds to no. 1 King Street.</li> </ul>	<p>agreed by the owner.</p> <p>Not a planning matter.</p>
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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 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; and complies with highway requirements. However ,the dwelling as proposed is not considered to address the Borough’s housing needs as an open market dwelling due to its proposed size and the proposal is considered to be further exacerbating the oversupply of large family dwellings. Accordingly, the proposal is recommended for refusal on these grounds.

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

- 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.

Officer to contact:

**Mrs Denise Knipe**

**6th December 2011**