

Reference: 12/00373/FUL
Date Submitted: 16th May 2012
Applicant: Mr Paul Busby
Location: 3 Church End, Nether Broughton, Melton Mowbray Le14 3ET
Proposal: New dwelling with attached garage



Introduction:-

The application seeks planning permission for the construction of a new dwellinghouse in the garden of Bakehouse Farm, a Grade II listed building. The farmhouse is within the village envelope of Nether Broughton, and the proposed site falls both within and outside the village envelope. The site is proposed to be accessed from the existing entrance, with a new access to be created for Bakehouse Farm.

It is considered that the main issue relating to the application is:

- **Compliance with the development plan (village envelope)**

The application is required to be considered by the Committee as it represents a departure from the approved policies of the Development Plan.

Relevant History:-

11/00906/FUL New dwelling with attached garage – refused 3rd February 2012 (housing needs and highways issues).

Planning Policies:-

The National Planning Policy Framework was published 27th March and replaced the previous collection of PPS. It 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- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: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.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively drive and support sustainable economic development to deliver the homes (etc) that the country needs
- Always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it
- Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Adopted Melton Local Plan (Saved Policies)

Policy BE1 allows for new buildings subject to criteria including the buildings should be designed to harmonise with their surroundings, have no adverse impact on amenities of neighbouring properties, have adequate space around and between buildings, adequate open space provided and satisfactory access and parking provision.

Policy OS1 states that planning permission will only be granted within the village envelopes where:-

- 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 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.
- Satisfactory access and parking provision can be made available.

Policy OS2 states that planning permission will not be granted for development outside of the town and village envelopes except for:-

- Limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside.

Policy C8 states that planning permission for a new dwelling outside the village envelope will not be granted unless:

- There is an essential long term need for a dwelling to enable a person employed in agriculture or forestry to live at, or very close to the place of work

The Melton Local Development Framework Core Strategy (Publication) Development Plan document February 2012

Nether Broughton is recognised within this document as a sustainable village where development will be allowed to take place. Policy CS3 states that we will:

- Identify opportunities for suitable small-scale infill development
- Safeguard existing services and facilities
- Support affordable housing developments in accordance with Strategic Housing Policy.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: No objection, the proposed alterations to the existing vehicular access not only significantly improve visibility, but will lead to the widening of the footway and provide a highway gain. The access works should hopefully improve the visibility out of the neighbours drive, or at least provide an opportunity for the neighbour to make improvements to the visibility out of their access. The proposed vehicular access to serve the existing dwelling is generally acceptable, but will require amending to ensure that suitable pedestrian visibility splays are provided and maintained. The proposal is therefore acceptable subject to conditions.</p>	<p>The proposal would generate some additional traffic associated with the new dwelling, however as noted by the Highways Officer, the changes to the existing access are considered to be a highways gain. The proposals includes parking to the required standard.</p> <p>Conditions can be placed on any approval issued to address this aspect.</p> <p>The proposal is not considered to have an impact on highway safety.</p>
<p>Broughton and Dalby Parish Council:- At the time of writing no comments have been received from the Parish Council, however in response to the previous application they responded:</p> <p>“Cllrs, whilst agreeing in principle to the house, must agree with the comments raised by Highways and accept their recommendations.”</p>	<p>It is noted that the Parish Council agree in principle to the new dwelling on the site, and the highways issues have now, in the main, been overcome (as discussed above).</p>
<p>Conservation Officer:- The proposed design of the house is a standard type which fits in well amongst the generally mixed development styles and ages in this part of the villages, likewise the choice of materials, brick and slate (possibly reclaimed) respects the vernacular.</p> <p>The listed building has been extended to the rear and the new building is closest to the new addition. In that regard the new build is sufficiently set back and at a suitable distance from the core of the listed building to ensure that it does not directly affect its setting.</p>	<p>Noted. It is considered that the proposal would not have an adverse impact on the setting of the neighbouring Listed Building.</p>

Representations:

A site notice was posted and the application was advertised in the press. Neighbouring properties were also notified of the proposal. As a result two objections have been received.

Representation Objection/Concerns	Assessment of Head of Regulatory Services
<p>Village Envelope The position of the new property is outside of the village envelope.</p>	<p>Noted.</p> <p>Whilst the plans submitted by the applicant show that the property is within the village envelope, it is apparent that part of the property falls partially outside of the village envelope. The actual line of the village envelope being midway through the proposed dwelling., The part of the dwelling that lies outside the village envelope is within land used for garden and, from the perspective of the envelope's objective of protecting open countryside, it is not considered that the introduction of a dwelling at this site would signify encroach in any way that could be considered harmful.</p>
<p>Compliance with Policy : sustainable locations</p>	<p>As the dwelling is partially sited outside of the designated village envelope it is considered to be contrary to policy OS2 of the Melton Local Plan. The NPPF clearly states that whilst it does not render older policies obsolete, where they are in conflict the NPPF should prevail. The NPPF introduces a presumption in favour of sustainable development. Nether Broughton is considered in the LDF to be a sustainable village, suitable for small scale infill development.</p>
<p>Highways / Access Issues The visibility to the North of the site is compromised by the garaging which is on the pavement and a safety issue. A cars bonnet would protrude over the pavement before visibility could be achieved. The road is busy, and is getting busier with additional traffic from Long Clawson including dairy tankers and large agricultural vehicles.</p>	<p>Noted.</p> <p>The highways officer has visited the site before making recommendations and understands the site layout and constraints. The Highways authority considered that the alterations to the access represent a highways gain and that the proposals are suitable subject to conditions.</p>
<p>Legal Issues The neighbour has advised that there is a legal right of way over the site on the northern boundary, where the new dwelling is proposed. This is in a Conveyance document dated 7th November 1984 and the line of this access has not been included on the plans.</p>	<p>Noted.</p> <p>As this particular right of access is not a public access or footpath it is not within the remit of the planning system to control. This is a legal matter between with applicant and his neighbour to resolve.</p>
<p>Residential Privacy The upper storey of the proposed dwelling will directly overlook the house and garden of 15 Hecadeck Lane.</p>	<p>The rear elevation of the proposed dwelling is approximately 28m from the closest residential dwelling to the West which exceeds the acceptable standards for overlooking. The dwelling would also be sited at a slight angle from the neighbour to prevent direct window to window overlooking. It is therefore considered that there is not particular negative impact upon residential privacy.</p>

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
----------------------	--

<p>Impact upon residential amenity:</p>	<p>The dwelling has been designed so that there are no windows on the North elevation overlooking the neighbouring dwelling, and the attached garage is the closest part of the building to the neighbour to the North.</p> <p>There are a small number of windows on the east (principal) elevation, a dormer to the main bedroom, a window to the hall and a velux window to the hallway adjacent to the bathroom, along with some windows on the ground floor. This will ensure that the neighbour to the North is not overlooked by the proposal. On the west (rear) elevation there are three dormer windows, providing light to the bathroom, and two bedrooms, along with lounge, bedroom and utility room windows on the ground floor.</p> <p>There will be a separation distance of approximately 28m between the rear elevation of the proposed dwelling and the closest neighbour to the west, and the proposal will not create any windows which directly overlook other windows.</p> <p>It is considered that there will be no impact upon residential amenities as currently enjoyed by the neighbouring residents due to the design of the dwelling and the separation distance involved.</p>
<p>Design</p>	<p>The dwelling has been designed to be 1 ½ storey in size, with three bedrooms, one on the ground floor. The dwelling meets the identified housing needs for Nether Broughton and due to the ground floor bedroom with en-suite helps to satisfy some of the criteria for building for life.</p> <p>As the conservation officer stated above, the design is of a standard type which fits in well amongst the mixed development styles and ages in this part of the village.</p> <p>It is considered that the dwelling has been designed appropriately for its location and the proposal is therefore considered to accord with the development plan policy BE1.</p>

Conclusion

The application seeks full planning permission for the erection of a dwelling which is partially outside of the village envelope for Nether Broughton. The dwelling is a modest 1 ½ storey with three bedrooms and an attached garage. The proposal is considered to be contrary to Melton Local Plan policy as the dwelling is partially outside of the village envelope and does not comply with any exception policy tests. The NPPF, however, advises that whilst it does not render older policies obsolete, where they are in conflict the NPPF should prevail. The NPPF introduces a presumption in favour of sustainable development, and. Nether Broughton is considered in the LDF to be a sustainable village, suitable for small scale infill development which this proposal would satisfy. Whilst the proposal is partially outside of the village envelope, it is not considered that the introduction of a dwelling at this site would significantly encroach into the open countryside by virtue of its location within the village. A judgement is required as to whether the introduction of a dwelling in this location, partially outside of the village envelope would harm the countryside which policy OS2 seeks to protect. It is considered in this case that the proposed dwelling in this location does not have a detrimental impact upon the countryside, that the dwelling constitutes sustainable development as supported in the

NPPF, and also provides a highways gain in terms of re-designed access. Accordingly the application is recommended for approval.

RECOMMENDATION: Permit, 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 external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details
3. Notwithstanding the details shown, the proposed vehicular access shown serving the existing dwelling shall have a minimum 1 metre clearance from the barn, in order that 1 metre by 1 metre pedestrian can be provided on each side of the access. These 1 metre by 1 metre pedestrian splays shall be provided on each side of the access at the back of the footway before the proposed access is first brought into use. These splays shall be cleared of any obstruction that exceeds a height of 600mm above ground level before the proposed access is first brought into use and shall thereafter be permanently so maintained.
4. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected to either the existing or proposed access they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.
5. Before first use of the proposed access serving the existing dwelling, the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
6. Parking and turning facilities shall be provided, hard surfaced and made available for use within the curtilage of the existing dwelling, (served from the proposed access) before works commence on the proposed dwelling, in accordance with details that shall first have been submitted to and approved by the lpa in consultation with the h.a. Once provided these facilities shall thereafter be permanently so maintained.
7. No building works shall commence on the proposed dwelling until such time as the existing vehicular access shown serving that dwelling has been improved as shown on the submitted plan, to provide increased width, radii, visibility splays and the footway immediately in front of the access has been widened to h.a. standards. The improved access shall then be surfaced in tarmacadam, concrete or other similar hard bound material for a minimum distance of 5 metres behind the highway boundary. Once these works have been provided the access shall thereafter be permanently so maintained.
8. 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.
9. The car parking and turning facilities shown within the curtilage of the proposed dwelling shall be provided, hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.

10. Before building works first commence on the proposed dwelling, the flank walls and the vegetation on either side of the existing access shall be removed for a minimum distance of 2 metres behind the highway boundary (back edge of footway), and thereafter no walls, fencing, planting or other similar obstruction shall be erected or allowed to grow on or within 2 metres of the highway boundary, between the existing barn sited on the highway boundary and the boundary of site with 5 Church End.
11. 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 dwelling hereby permitted no development as specified in Classes A, B or E shall be carried out unless planning permission has first been granted by the Local Planning Authority.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure a satisfactory standard of external appearance.
3. In the interests of pedestrian safety.
4. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
5. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
6. In the interests of highways safety.
7. In the interests of highways safety.
8. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users
9. 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.
10. 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.
11. 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 Sarah Legge**

26th June 2012