

Reference: 12/00756/FUL
Date submitted: 24.10.12
Applicant: Mr Ian Hardwick – Ian Hardwick Limited
Location: Land adjacent 23 Middle Lane, Nether Broughton, LE14 3HD
Proposal: Single storey dwelling and ancillary works.



Proposal :-

This application seeks full planning permission for the erection of a single storey detached 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 square 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:-

- **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.

11/00763/FUL – Planning Permission refused for the erection of a large two storey 3 bed detached dwelling which was considered to not meet the local housing needs, 23/12/11

12/00477/FUL – Application withdrawn for the construction of a pair of semi detached dwellings, 20/09/12

Planning Policies:-

Melton Local Plan (saved policies):

Policies OS1 and BE1 allow for development within Village Envelopes providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

Policy H6: planning permission for residential development within Village Envelopes shown on the proposals map will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

The Melton LDF Core Strategy (Publication) Development Plan document: The Core Strategy has been submitted to the Secretary of State for with an expected examination date being in February 2013. The DPD 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.

The National Planning Policy Framework introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict the NPPF should prevail. It also offers advice on the weight to be given

to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- deliver development in sustainable patterns and
- re-using brownfield land.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

On Specific issues it advises:

Delivering a Wide choice of High Quality Homes

- Set out own approach to housing densities to reflect local circumstances
- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

Require Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority –No objection subject to conditions, relating to parking, visibility splays, drainage and surfacing of drives.</p>	<p>The site currently has an access into the site from Middle Lane it is proposed to utilise this access to give access to the proposed attached garaging which will allow for parking in front giving the required two spaces to the future occupiers.</p> <p>It is not considered that the proposal would have a detrimental impact on highway safety.</p>
<p>Parish Council – Object</p> <p>This is a bungalow that looks like a house and it has been shoe horned onto the plot. In other words the proposed property is too big for the plot.</p>	<p>The previous application was withdrawn for the erection of a pair of semi-detached properties and the site has an extant planning permission for 1 bungalow with a footprint of 77 square metres. This proposal seeks to construct a single storey dwelling containing three bedrooms, kitchen/diner, living room, bathroom and shower room. The net floor space including the garage will be 154 meters which is much larger than the extant planning permission.</p> <p>However the proposed house type is one that the Borough’s housing needs studies has identified as there being a shortfall of and therefore the proposal</p>

<p>Cllrs feel that because of it's close proximity to 1 King St there may be a loss of privacy to the existing house as they have a window that will be directly opposite the 'terrace ' area.</p>	<p>goes some way towards providing for the Borough's housing needs.</p> <p>The application site has an area of 304 square metres which is adequate to accommodate the proposed bungalow and allow for adequate amenity space. The Borough does not have any standards for amenity space, however, the NPPF seeks to ensure that new development does provide a good standard of amenity for future occupiers (core principles). It is considered that this proposal meets that principle.</p> <p>In regards to No. 1 King Street the proposed dwelling has been designed so that no overlooking can be created to the neighbouring occupiers. The gable end is blank and set in from the boundary by a distance of approximately 2.03 metres. The windows serving the bedrooms will face out into the garden area and the adjoining side boundary to No. 1 King which is set apart by a distance of 4.1 metres however a new timber fence is proposed to the height of 1.8 metres. It is considered that as the proposed dwelling is single storey and is positioned to face onto the rear garden area of No. 1 King Street that no overlooking into habitable rooms can be created.</p>
<p>Archaeology:- 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 1st 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>Buried archaeological evidence, constituting one or more as yet unidentified heritage asset(s) (National Planning Policy Framework (NPPF) Section 12, paragraph 128 and Appendix 2), spanning the period from the earliest evolution of the village to its more recent past can be expected within the development area. Consequently, there is a likelihood that buried archaeological remains will be affected by the development.</p> <p>In accordance with the NPPF (Section 12, paragraph 141), the Local Planning Authority should require a</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>developer to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance.</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 your authority in conjunction with your archaeological advisors in this Department's Historic & Natural Environment Team (HNET). HNET will provide a formal Brief for the work at the applicant's request.</p> <p>We therefore recommend that any planning permission be granted subject to the following planning condition (informed by paragraphs 53-55 of DoE Circular 11/95), to safeguard any important archaeological remains potentially present.</p>	
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Representations:

A site notice was posted and neighbouring properties consulted. As a result 6 letters of representation from 6 separate households objecting and offering comments to the proposal has been received to date. Following amended plans a further 1 objection reiterating original objection has been received to date for reasons stated below:

Representation	Assessment of Head of Regulatory Services
<p>Character of the area:</p> <p>The bungalow appears to big on the plot</p> <p>A 2 bed property would be more suitable size on this plot.</p> <p>The proposed bungalow appears to be higher than No. 23 which is a bungalow.</p>	<p>The Council does not have any adopted space standards however policy BE1 seeks to ensure that there is sufficient space around buildings. The bungalow takes an L-Shape on plan presenting the front elevation to Middle Lane with the south elevation defining the boundary along the grassed area on King Street. There will still be sufficient amenity space for the future occupiers to allow outside storage/wheelie bins and drying.</p> <p>The proposal seeks to provide a 3 bedroom bungalow which has been identified as a house type required in the Borough. It is considered that the proposed dwelling can be accommodated on this site without having a detrimental impact upon the character of the area.</p> <p>The proposed bungalow has varying ridge heights to accommodate the L-shape plan arrangement. The principle elevation facing out on to Middle Lane will have an overall height of 6.1 metres sloping to low eaves height of 2.2 metres. The ridge will sit 800mm higher than the neighbouring property no.</p>

<p>The new fencing along King Street (between the proposed bungalow and No. 1 King Street) is not in keeping and should be a brick wall.</p> <p>Object to the removal of the brick wall on the boundary of the Village amenity area with notice board, village trail board and seat</p>	<p>23 Middle Lane. This is not considered to have a negative impact upon the character of the area given that the village comprises of a mixture of size, types and styles of dwellings with no uniformity along this part of the village.</p> <p>The boundary brick wall is to be removed and the external wall of the proposed dwelling will form the boundary treatment. A small section to the rear of the dwelling has been proposed in timber but could be conditioned to be constructed from bricks if required.</p> <p>The wall is not within the Conservation Area and consent is not required. The small grassed area will not be impacted upon through the construction of the proposed dwelling.</p> <p>The application proposes a bungalow fronting two roads within the village. The dwelling will be in a prominent location and it is considered that the surrounding residential properties are mixed in style, age and orientation. The area is considered to be unstructured with no distinct buildings styles or design. Therefore it is considered that the proposal would not be in keeping with the area.</p> <p>It is considered that that the proposed design is sympathetic to its surroundings and will only contribute to improve this prominent corner location which is currently over grown and derelict. The house type propose supports the boroughs housing needs and it is considered that the proposal would not have a detrimental impact upon the character of the area as there is no particular style of dwelling within the immediate location. The design of the bungalow is considered acceptable and can only seek to enhance this prominent corner location in this part of the village.</p>
<p>Impact upon neighbouring properties:</p> <p>The bungalow is too close to the boundaries of No. 1 King Street and No. 23 Middle Lane.</p> <p>The garage gable will be over bearing on No. 23 Middle Lane creating shadows.</p>	<p>It is considered that sufficient separation distances have been provided for this single storey dwelling. The bungalow will be set apart from No. 1 King Street by approximately 2.03 metres and by 3.3 metres from no 23 Middle Lane. No windows are proposed on the gable end of the bungalow or the garaging.</p> <p>Since receiving this comment an amended plan has been submitted which has shown the gable end of the garage hipped away from the bungalow as suggested by the objector. This change will remove what has been conceived as being overbearing and will improve the relationship between the two bungalows. The eaves height of the garage will remain at 2.2 metres sloping to a maximum height</p>

	<p>of the garage of 5.5 metres before reaching the overall maximum height of the bungalow of 6.1 metres.</p> <p>It is considered that there is sufficient space around the buildings and there would not be an adversely detrimental impact upon any neighbouring residential amenity. The proposal is considered to comply with the local plan policies OS1 H6 and BE1.</p>
<p>Other Matters:</p> <p>Health and Safety - As a registered child minder at No. 23 I object to any scaffolding being placed on my land</p> <p>Object to any encroachment on to the grass where a village green application is pending.</p> <p>The willow tree on the green should be protected.</p>	<p>Noted. This would be a private civil matter.</p> <p>Noted. The development will be contained within the applicant's ownership as denoted by the red application boundary on plan.</p> <p>The willow tree is not considered to be worthy of a Tree Preservation Order and is not within a Conservation Area. The trees removal could not be resisted by the Council however it is understood that the applicants do not own this part of the land and could not remove it with seeking consent from the land owner.</p>

Considerations not raised through Representations.

Representation	Assessment of Head of Regulatory Services
<p>Application of the Development Plan Policies:-</p> <p>The site sits within the village envelope where residential development is supported. Policies OS1 and BE1 seek to ensure that development respects the character of the area and that there would be no loss of residential amenities and satisfactory access and parking provisions can be complied with.</p>	<p>The site is considered to be previously developed land that is surplus of requirement for car parking to No. 23 Middle Lane. There is an extant planning permission on the site with a presumption in favour of development. The NPPF seeks to boost significantly housing growth in sustainable locations and this proposal is considered to support that objective.</p>
<p>Compliance (or otherwise) with Planning Policy</p>	<p>As stated above, the development is considered to accord with the applicable Local Plan polices. In this instance, the policies are not considered to conflict with the NPPF and as such there is no requirement to balance the regimes against one another.</p>

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. The house type proposed meets the requirements of the Borough's housing needs in providing single storey accommodation of which there is a

shortfall in the area. The NPPF seeks to boost significantly housing growth in sustainable location of which Nether Broughton is considered as a sustainable village within the Local Development Framework. Accordingly, the proposal is recommended for approval subject to conditions.

RECOMMENDATION:- Approve, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in strict accordance with plan drawing nos. 6562P-01C and 6562P-02C submitted on the 19th November 2012.
3. No development shall start on site until representative samples of the materials to be used in the construction of all external surfaces have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. 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.
5. The car parking including the garage shown within the curtilage of the dwelling shall be provided, hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently remain available for use as parking.
6. Before first occupation of the dwelling, the access drive/parking 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.
7. The garage door shall be of a roller shutter type as shown on plan drawing no. 6562P-01C and shall be so maintained in perpetuity.
8. No walls, planting or fences shall be erected or allowed to grow on the front boundary of the site fronting Middle Lane that exceeds a height of 600mm above the level of the adjacent carriageway. Any existing such obstruction shall be removed or reduced in height before building works commence.
9. No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing.
10. No development shall take place other than in accordance with the Written Scheme of Investigation.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt; the initial proposals being considered unsatisfactory.
3. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
4. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.
5. 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.

6. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
7. To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
8. To afford adequate visibility at the access in the interests of general highway safety.
9. To ensure satisfactory archaeological investigation and recording
10. To ensure satisfactory archaeological investigation and recording

Officer to contact: **Mrs Denise Knipe**

Date 28th December 2012