

Reference: 13/00303/FUL
Date submitted: 03.05.2013
Applicant: Dr Glen Arnold
Location: Rear of Headland Farm, Melton Road, Long Clawson, LE14 4NR,
Proposal: Erection of 3 bedroom dwelling with associated garage rear of Headland Farm



Proposal :-

This application seeks planning permission for a revised house type to that approved on planning reference 11/00632/FUL. The site lies to the rear of the Headland Farm, Melton Road within the village envelope for Long Clawson. The application seeks to construct a three bedroom dwelling in accordance with the previous approval but with additional footprint in the form of a single storey side extension to create a family room/study and to provide a wc and plant room to house the ground heat source pump. There are no changes proposed to the garage size or access and parking arrangements to that already approved.

It is considered that the main issues for consideration of the application are:-

- **Compliance with the Development Plan Policies and the NPPF**
- **Impact upon the Character of the Area**
- **Impact upon Neighbouring Properties**

The application is presented to Committee due to past involvement with the site

Relevant History:-

10/00616/FUL - New detached three bedroom house and detached garage - **Withdrawn**

10/00942/FUL- 1 two bed cottage and 1 three bed timber frame home with associated garage : **withdrawn**
08.03.2011

11/00302/FUL - Erection of 1 two bed cottage and 1 three bed timber frame home with associated garage. Refused on the 16th June 2011 as it was considered to affect the residential amenities of no. 1 Hickling lane by virtue of the introduction of an overbearing structure.

11/00632/FUL – Erection of 2 dwellings to include 1 two bed cottage and 1 three bed timber frame home with associated garage. Approved on the 20th October 2011.

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 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 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:

- **Proactively support sustainable economic development to deliver homes and business that local areas need**
- **Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings**
- **encourage the effective use of land by reusing land that has been previously**

- **developed (brownfield land)**
- **Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable**

On Specific issues relevant to this application it advises:

Delivering a Wide choice of High Quality Homes

- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 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.
- Securing high quality and inclusive design goes beyond aesthetics considerations and should address the connections between people and places and the integration of new development into the natural, built and historic environment.

The 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). Where policies are not up to date, permission should be granted unless impacts 'demonstrably and significantly' outweigh benefits (para 14).

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highways Authority: No objections.</p> <p>Subject to suitable access and parking arrangements.</p>	<p>The application is a revised house type as approved on application 11/00632/FUL, the access and parking arrangements remain unchanged to the earlier application.</p> <p>It is not considered that the proposal would have a detrimental impact on highway safety and no objection has been received from the Highways Authority.</p>
<p>Parish Council: No objections</p>	<p>Noted.</p>

Representations:

A site notice and press notice was posted and neighbouring properties consulted. As a result 2 letters of objection has been received to date objecting on the following grounds. Amended plans were received and 2 letters of representation was received confirming that **previous objections still stand.**

Representation	Assessment of Head of Regulatory Services
<p>Out of Keeping with the character of the area:-</p> <p>It is back land development creating high density infill leaving little amenity space to Headlands Farm</p> <p>The proposal would have a negative impact upon the heritage of this part of the village.</p> <p>There is no precedent of back land development in the area.</p> <p>Headland Farm is categorised as a building of Local Interest and this proposal affects the setting.</p> <p>The house cannot be considered to be ‘modest’ with a footprint of 196 square metres which is bigger than no. 2 Hickling Lane at a footprint of 148 metre square.</p> <p>The dwelling is too big for the plot size.</p>	<p>The principle for development of this site has been agreed with the granting of consent 11/00632/FUL. Considerations on impact upon the character of the area have been judged to be acceptable (by the Committee) and permission approved. There is an extant planning permission for a three bed dwelling and garage to be built on this site. Approval was granted for the erection of 2 dwellings to include 1 two bed cottage and 1 three bed timber frame home with associated garage on the 20th October 2011 under this permission(11/00632/FUL). The two bedroom cottage has been built which has implemented the consent and keeps the permission alive. It is therefore considered that the existence of this permission is a material consideration and forms the baseline for this application.</p> <p>Headlands Farm is not listed nor within the Conservation Area – although it is an attractive and imposing building of local interest – the sole issue in relation to heritage assets is the impact on the setting of the building. The setting of the building will be unharmed and the development will not detract from its character as the dwelling and garage is both to the rear of the farmhouse and very well screened from public vantage points The status of the farmhouse and its imposing position in the village street will be unharmed by the proposal</p> <p>This proposal seeks to add a single storey side extension to the design already permitted under 11/00632 described above.. Following objections the design has been amended and a statement explaining the need for the extension submitted. Consultation was repeated but the changes have not alleviated the objector’s concerns.</p> <p>The proposed changes have reduced the footprint of the proposed single storey extension, positioning the rear wall approximately 4.9 metres away from the southern boundary to No. 1 Hickling Lane. The overall increase in footprint to the dwelling approved amounts to 13.9 square metres, increasing the total footprint of the dwelling by 10 percent to that already approved.</p> <p>It is not considered that the amended proposal</p>

	<p>would have a detrimental impact upon the character of the area. The addition of a single storey side extension has been designed to be reflective of the main dwelling and will not be visible from the streetscene. The proposal is considered to comply with the development plan policies OS1 and BE1</p>
<p>Highway Safety</p> <p>The access is close to a dangerous junction and this proposal will increase the traffic in this location adding further hazards</p>	<p>No objections have been raised by the Highways Authority as no changes are proposed to the access which already has approval.</p>
<p>Impact upon neighbouring properties:-</p> <p>It will affect the amenity of No. 1 Hickling Lane reducing the visual outlook from the property.</p> <p>The proposal will create a sense of enclosure and run the length of the south boundary and is considered to reduce the residential amenity of No. 1 Hickling Lane</p> <p>The dwelling will have an overbearing impact upon no. 1 Hickling Lane and object to the development being brought closer to the boundary.</p> <p>The existing permission 11/00632/FUL was only granted after MBC insisted the development was positioned a minimum of 4m from our boundary. The new proposal shows the revised part of the property just 2.4m from our boundary and the 'original' bit of the house now just 3.85m away! We still maintain that this development has a detrimental effect on our amenity</p> <p>Previous applications were refused due to unacceptable impacts upon No. 1 Hickling Lane and this application should be too.</p>	<p>The site has an extant planning permission and development of this site can be carried out at any time due to having already implemented the previous planning permission (see above). The proposed single storey extension to the east elevation would result in the built form being taken closer to No. 1 Hickling Lane and Headland Farm. However the extension is single storey with a pitched roof that slopes away from the boundary.</p> <p>The amended plan has reduced the footprint and moved the proposed extension further away from the north boundary of the site to 4.9 metres giving an overall separation distance from the habitable windows of No. 1, on a diagonal, of just over 16 metres. This is considered to be an acceptable separation distance for a single storey extension. Furthermore the only window proposed will serve the plant room which will be screened by the boundary fence.</p> <p>The former application was approved following amendments to overcome the previous refusal which had an unacceptable separation from the boundary of 1.7 metres. The separation distance was increased to 3.9 which was considered to overcome the refusal and permission was granted. This application proposes to decrease this separation distance from the rear elevation to the north boundary by 100mm which is considered insufficient to reverse the previous assessment.</p> <p>The amended proposal does reduce the distance from the east boundary by 1 metre however due the overall separation distance from the rear of Headland Farm the proposal complies with normally accepted separation distances of 14 metres.</p> <p>In is considered that the proposed amendments to the approved scheme are acceptable due to factors addressed above and it is considered that the addition of a single storey extension</p>

<p>Could increase the flooding issues in this area which will affect other properties – the improvements work to the culvert as suggested in the Pick Everards Report commissioned by the Council in 2004 were never carried out.</p> <p>The loss of the trees on the west boundary will affect the enjoyment of the garden for no. 2 Hickling Lane which has an L-Shaped garden. The beech hedge proposed will take years to mature and the building would only be 90mm away from the boundary.</p>	<p>would adversely affect the residential amenities of occupiers of No. 1 Hickling Lane or Headland Farm.</p> <p>Surface water is to be restricted and discharged to the public sewer and will not therefore exacerbate any flooding associated with the ditch/culverted watercourse in the immediate area and the Environment Agency raises no objections. Indeed, the drainage scheme will collect surface water that currently enters the ditch naturally and divert it away.</p> <p>This amended proposal seeks no changes to the provisions outlined above and did not form a reason for refusal on the previous application.</p> <p>The trees are not protected and are not sited within the Conservation Area and consent is not required to remove the trees which could happen at any time. There is to be a boundary hedge along the western elevation. No windows are proposed on the western elevation which will prevent overlooking into this part of the garden to No. 1 Hickling Lane.</p>
<p>Planning Policies:</p> <p>The NPPF gives authorities the opportunity to prevent inappropriate development of garden land.</p> <p>Its garden grabbing and is not supported by policy.</p> <p>The proposal runs against policies OS1 and BE1 as it does harm the character and appearance of this part of the village, particularly Headland Farm, an acknowledged heritage asset which is further diminished by the proposal.</p> <p>The application is for a 3 bed dwelling which is not supported by housing policy. The previous was only acceptable as it was submitted within the application for a 2 bed dwelling. This proposal should be determined on its own merits.</p>	<p>The site lies in the Village Envelope for Long Clawson where there is a presumption in favour of development and is a sustainable location given the provision of services available. Whilst the NPPF has reclassified garden area it does not ‘veto’ all development from garden areas. It is recognised that some areas will need to be built on with having a lack of brownfield sites and an assessment is required to what impacts and harms development would have on the character of the area. These matters were considered with the original planning approval and the basis for assessment remains the same. The site has an extant planning permission as the permission has been implemented with the building of the 2 bed cottage.</p> <p>The number of bedrooms remains the same as the extant planning permission. The increase in footprint amounts to a 10% in the form of a home study, wc, utility and plant room. It is the desire of the applicant to install a ground source heating pump to aid with the sustainability of the dwelling and this brings with it additional equipment which requires housing. It is not considered that the proposal could warrant a refusal based on not meeting housing needs as the number of bedrooms has not altered and there is only a marginal increase proposed to the overall footprint.</p>

<p>Other matters:-</p> <p>The agent has provided inaccurate details in relation to the distances from the water course and the application should be declared null and void and make them resubmit with correct details.</p> <p>There are misrepresentations in the application in relation to trees on the site – its stated none when there are some on the boundary.</p> <p>This is the fifth application on this site and the applicant is making a ‘mockery’ of the planning system through incremental development.</p> <p>The justification of the applicant is he needs office space work from home – the extension footprint is excessive.</p>	<p>The applicant has had regard to the EA records which show’s watercourses in the vicinity of the site, as well as the Melton Borough Council SFRA, neither of which detail a watercourse within 20m of their site. It is not considered that the agent has incorrectly completed the application form.</p> <p>Noted. However the no consent is required to remove trees from this location being outside of the Conservation Area.</p> <p>There is no limit on the number of applications an applicant can submit. Each application is to be adjudged on its own merits taking into account material considerations such as previous approvals as is the case with this proposal.</p> <p>The plans have been amended since this comment was received. The increase now amounts to approximately 10 square metres which is not considered to be excessive.</p>
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Considerations not raised through Representation

Consideration	Assessment of Head of Regulatory Services
<p>Application of the development plan and NPPF policies.</p> <p>Policies OS1 and BE1 of the Local Plan are applicable but under paragraph 215 of the NPPF it is necessary to consider if they should carry weight.</p>	<p>Policies OS1 and BE1 permit development in the village envelope and set design criteria to ensure high quality design, amenity considerations and compatibility with the surroundings.</p> <p>The village of Long Clawson is considered to be a sustainable location for development and in this respect it is considered that the policy (OS1) is wholly compatible with the NPPF. The design requirements within the policies reflect closely part 7 of the NPPF and similarly retain weight. These conclusions have been reached in various appeal decisions.</p> <p>Policy 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. It is considered that the proposal achieves these objectives and a refusal could not be justified on these grounds given the separation distances.</p> <p>The NPPF seeks to boost housing growth with a presumption in favour of sustainable development whilst making efficient use of brownfield land. It also emphasis the need to</p>

	<p>provide housing to meet local needs and promotes design as a key factor for connection of people and places. It is considered that the proposal complies with the objectives of the NPPF which attracts significant weight when considering the proposal. .</p> <p>The application needs to be considered in terms of the Development Plan as a whole and the NPPF is required to be balanced against Local Plans where in conflict. In this instance it is considered that the NPPF is not in conflict with the local plan policies which directs housing within the existing villages and seeks to safeguard the character of the area and impact upon residential amenity.</p>
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Conclusion

The application site lies within the village envelope of Long Clawson and thus benefits from a presumption in favour of development under policies OS1 and BE1, and fulfils the objectives of the NPPF in terms of sustainability and housing need. It also benefits from an extant planning permission which is similar in content to the proposal except for an extension proposed to be added to the east elevation. The application is considered to provide adequate access and internal parking/turning arrangements and would not give rise to an unacceptable impact upon adjoining properties . Accordingly the proposal 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. Development shall be carried out in accordance with plan drawing nos. 6684-P01, 6684P02-rev P2, 6684P04- Rev P2 submitted on the 19th June 2013.
3. 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, C with the exception of C.1. (c) (ii), D or F shall be carried out unless planning permission has first been granted by the Local Planning Authority
4. No development shall take place on site until details of existing and finished site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with such agreed details.

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
3. To allow the local planning authority to retain control over the development site in the interest of residential and visual amenity
4. To safeguard the local environment by ensuring an appropriate relationship to adjoining land uses.

Officer to contact: Mrs Denise Knipe

Date: 11th July 2013