

**Committee Date: 22 July 2010**

**Reference:** 10/00383/FUL  
**Date Submitted:** 19.05.2010  
**Applicant:** Mr Paul Shaw - Church And Shaw  
**Location:** Plot 2 Manor Farm, Towns Lane, Goadby Marwood  
**Proposal:** Amendments to Plot 2 - single storey house forming part of previously approved applications 08/00019/FUL and 08/000454/FUL

**Introduction:-**

This application seeks planning permission for the erection of an amended dwelling design on Plot 2 on this established development site. The proposal is for the erection of an elongated 'L' shaped, 2 bedroomed bungalow (as previously approved) with an attached double garage. Plots 1 and 3 are already under construction, and this application on Plot 2 has been submitted to 'square' off the proposed bungalow, some fenestration changes and to extend the garden outside the Village Envelope. The site is situated at the northern end of the village and plots 1 and 2 are served from a 'farm-track' type access that is situated beyond the village envelope. The development is situated to the north of Towns Lane, the main village street and is set amidst existing development.

The application is presented to the Committee because the recommendation comprises a departure from current planning policy.

**Relevant History:-**

05/00627/OUT - Conversion of brick barn and erection of 2 dwellings, formation of new drive to new dwellings – refused 01.02.2006

05/00628/CON - Convert existing redundant brick barn to dwelling and erection of two additional dwellings – Approved 01.02.2006

08/00019/FUL –Erection of 1 single storey dwelling, 1 two storey dwelling and 1 three storey dwelling with demolition of redundant farm buildings – Approved 13.03.2008  
Development commenced without 'pre-conditions' being approved and a further application was submitted:-

08/00454/FUL - Demolition of redundant farm buildings and erection of one single storey dwelling, one two storey dwelling and one three storey dwelling – Approved 0.02.2009

**Planning Policies:-**

**PPS1** - Delivering Sustainable Development - planning authorities should promote more efficient use of land through higher density development and suitably located previously developed land and buildings.

**PPS3** - Housing - planning system should deliver a flexible, responsive supply of land - which makes efficient and effective use of land, including re-use of previously-developed land. It supports the efficient use of previously developed sites (brownfield). It promotes designs and layouts which make efficient and effective use of land, encouraging innovative approaches. Density of existing development should not dictate new housing. It emphasises the need for good quality design contributing to the distinctiveness of settlements.

**PPS7** - Sustainable Development in Rural Areas - Key principle in land use planning is giving priority to re-use of previously-developed ('brownfield') sites in preference to development of greenfield sites, except where no brownfield sites are available, or brownfield sites perform poorly in sustainability considerations in comparison with greenfield sites. Stresses the need for development to respect and enhance the built form of villages, including scope to accept contemporary design.

**PPS5** - states that authorities should pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

**Melton Local Plan (saved policies):**

Policies OS1 and BE1:-

- the form, character and appearance of the settlement are 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; and,
- satisfactory access and parking provision can be made available.

Policy H6 :- residential development within village envelopes will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

Policy OS2 :- planning permission will not be granted for development outside the town and village envelopes except for development essential to the operational requirements of agriculture and forestry and limited small scale development for employment, recreation and tourism.

**Melton LDF Core Strategy:** seeks to focus development in Melton Mowbray with a small balance (20%) in the surrounding Borough, with provision/contribution of 40% affordable housing from all developments, and expectations to produce mixed, integrated housing developments and meet local needs by addressing identified imbalances in housing stock in all locations. The strategy identifies villages by virtue of a hierarchy reflecting their sustainability and, therefore, suitability for development. Hose is now identified as a Category 2 village that still provides a reasonably sustainable community and is suitable for small-scale infill development within the existing built form.

**Consultations:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<b>Highway Authority</b> –no observations	<p>The site has the benefit of an extant consent and there is no change proposed in relation to the access/parking arrangements and it is not considered that there would be any significant increase in vehicle movements or impact on road safety.</p> <p>Parking has been incorporated into the scheme in the form of integral garages or open carports. Visitor parking can be accommodated in front of the units within the courtyard. This application does not increase the number of units than the previous approval and it is considered that satisfactory parking and access can be provided within the site.</p>
<b>Eaton Parish Council</b> - confirm that Councillors have studied the information provided and have no objections to the amendments.	The alterations are modest in scale and no local objections received.

<p><b>MBC Conservation Officer</b> – As currently permitted the footprint for the dwelling on Plot 2 looks a little odd by virtue of the fact that the section to the south east follows the line of the village envelope and therefore is at a curious angle to the main body of the dwelling.</p> <p>Now that the site has been partially developed with boundary walls etc in place, it would appear that this line is arbitrary. In that regard this proposal to ‘straighten’ that part of the building makes good sense as well as improving the overall form and appearance of the completed building.</p> <p>Other changes to the fenestration, doors and general appearance of the elevations are of no concern.</p>	<p>The proposal presents a courtyard appearance with the dwellings closely grouped together and the current proposal represents an appropriate change to the approved scheme.</p> <p>The design is considered acceptable and would enhance this part of the Conservation Area.</p> <p>The modest extension of the ‘garden’ beyond the village envelope is a logical expansion which will not harm the Conservation Area character providing suitable boundary treatment is provided.</p>
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**Representations:**

A site notice was posted and neighbouring properties consulted. No letters of representation have been received at the time of writing this report. Consultation period expired 25/06/2010

**Other material considerations (not raised through consultation of representation)**

<b>Considerations</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Impact on adjoining properties:</b> The site is surrounded by a number of residential properties and the impact upon their residential amenities and between those of the proposed units themselves should be assessed in the context of Policies OS1 and BE1 of the adopted Melton Local Plan.</p>	<p>The principles for the development have been considered acceptable with the recent granting of planning permission. The changes to the proposed scheme are for unit 2 only and units 1 and 3 remaining unchanged. ‘squaring’ of the development is the proposed change to the approved layout for the scheme. Some fenestration changes are proposed in the form of window sizes and door/window combinations but the changes do not detract from previous assessments with regards to overlooking.</p> <p>The separation distances from unit 2 to surrounding dwellings meets the current standards. It is considered that no overlooking issues would arise from this layout. The arrangement with plots 1, 3 and the existing house remains unaffected by the proposed changes.</p> <p>The other residential properties in the vicinity are a sufficient distance away and given the existing agricultural buildings on the site their amenities would suffer no detrimental impact.</p>

<p><b>Village Envelope:</b> The development now includes the creation of a ‘garden’ area outside of the designated village envelope within the open countryside.</p> <p>The revised scheme would see part of the unit being built outside of the existing Village Envelope which is a departure from the relevant plan policies.</p>	<p>The change in layout; presenting a courtyard layout, and straightening out of the building, is considered by the Conservation Officer as being more in keeping with the locality and superior to the approved scheme. This change in layout has resulted in unit 2 encroaching into the open countryside by a modest amount, and with a 17m x 14m garden area extending in to the paddock area beyond the building and the village envelope. Whilst residential development is not permitted outside of a designated village envelope (unless for the purpose of an extension to an existing dwelling where local plan policy C11 applies) and as such presents a balance between the policy position and the improvements to design. It is considered that the overall appearance of the scheme outweighs any harm that may result in permitting the revised layout.</p> <p>The development lies within a paddock area and there appears to be no particular feature which has resulted in the drawing of the village envelope. The access road to the units is already outside of the village envelope and the main issue is whether the new ‘garden’ area would be perceived as a visual intrusion in to the countryside.</p> <p>The site where the garden would be sited is not a particularly prominent one when viewed from public vantage points and the applicant has tree planting proposals further to the north of the paddock area under the Woodland Grant Scheme, and there are few public view-points where the site would be visible from.</p> <p>It is considered that providing the garden area was suitably planted, then the development would have a satisfactory appearance in relation to the surrounding countryside.</p> <p>A recent planning appeal decision at Hose has overruled the Council’s refusal based on impact upon the open countryside by the amenity area encroaching outside of the Village Envelope. Furthermore the Planning Inspectorate did not feel the need to remove permitted development rights. That site had extant planning approval and the occupiers could apply for planning permission to extend the dwellings at a later date. Residential extensions outside of the village envelope are supported by local plan policies subject to complying with the objectives of other policies.</p>
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<p><b>Impact upon the Character of the Area:</b> The application site is situated to the north of Towns Lane, within the designated Conservation Area.</p>	<p>The site is situated on the edge of the village, although its impact is lessened by surrounding hedgerows and other development.</p> <p>The site will not significantly impact on the character of the conservation area or the locality of the settlement.</p> <p>The bulk of the development will be screened .</p>
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### **Conclusion**

It is considered that the main issue for the Committee is to balance the breach of the village envelope with the benefits to design that would accrue from the proposal.

The bulk of the proposed dwelling on Plot 2 lies within the village envelope of Goadby Marwood and thus benefit from a presumption in favour of development under policies OS1 and BE1. The site also falls partially within the Conservation Area and permission for residential development has previously been granted on the site. Part of unit 2 along with the proposed new garden to that unit would extend beyond the village envelope; however, these would still be confined within the paddock area and will not extend any further north than the access drive, which has already been permitted outside of the village envelope. It is not considered that the use of this area would encroach upon the undeveloped countryside beyond.

It is considered that the proposal would not have a detrimental impact on either residential amenity or the streetscene and satisfactory access and parking can be provided within the site and there are no concerns regarding highway safety. The site represents development at a density which it is considered can be achieved without detriment to the character and appearance of the area. It is further considered that the site would enhance the appearance of the area in terms of straightening up the shape of the dwelling with the current proposal representing an improvement upon the extant permission in terms of design of the building on the site.

In light of the appeal decision mentioned above, it is considered that the revised layout, which will result in part of the development falling outside of the village envelope, will not unduly impact upon the character of the area or the open countryside due to still being within the confines of the existing site boundaries established by the access road. The overall design and layout of the scheme better reflects the location and has the support of the Conservation Officer.

In view of the above justification the proposal is recommended for approval.

### **RECOMMENDATION:- GRANT PERMISSION 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.

3. No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.
4. The landscaping works shall be fully carried out in accordance with the approved details, including the approved timetable, and to a reasonable standard in accordance with the relevant provisions of appropriate British Standards or other recognised codes of good practice. Any trees or plants which, within a period of five years after planting are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of similar species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.
5. 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 dwellings, hereby permitted no development as specified in Classes A to E, shall be carried out unless planning permission has first been granted by the Local Planning Authority.
6. The dwelling hereby approved shall not be occupied until such time as improvements have been made to Towns Lane to improve the construction and widen the section of highway from Towns Lane to the shared private drive, the details of which shall be in accordance with those submitted on Drawing No.231-SK2, dated 13th November 2007 in relation to planning permission 08/00454/FUL
7. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected 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.
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. For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway.
10. For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
11. Notwithstanding the details submitted, the proposed turning/manoeuvring space for plot 2 shall be enlarged to enable vehicles to be able to enter and leave the site in a forward direction and the applicant shall submit to for the approval of the Local Planning Authority, in consultation with the Highway Authority, before first occupation of the dwelling an amended plan that provides adequate parking and turning facilities for plot 2. These facilities shall then be provided, hard surfaced and made available for use before plot 2 is first occupied and shall thereafter be permanently so maintained.

12. Before first occupation of the dwelling, its 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.
13. The works shall be carried out in accordance with the recommendations set out in the Ecological Assessment from ECUS Ltd received by this Department on the 9th January 2008 in relation to planning application/approval 08/00454/FUL

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. To ensure satisfactory landscaping is provided within a reasonable period.
4. To clarify the extent of the permission and to reduce the impact of the development into open countryside.
5. To enable the Local Planning Authority to retain control over future extensions in view of the form of the development proposed and its extension beyond the current village development limit.
6. To provide adequate carriageway construction and width within an existing section of highway in the interests of general highway safety.
7. 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.
8. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.
9. To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users.
10. To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.
11. In the general interests of highway safety.
12. 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.
13. To ensure the protection of any protected species present on site.

**Contact: Mr R. Forrester**

**Date: 8th July 2010**