

Committee date: 12th August 2010

Reference: 10/00500/EXT
Date submitted: 02.07.2010
Applicant: Mr & Mrs M Cooper
Location: Cedar Lodge, 27 Main Street, Grimston
Proposal: Time limit for implementation relating to previously approved Planning Permission 07/00398/FUL erection of 1 dwelling - Land adjacent to 27 Main Street, Grimston

Proposal :-

This application relates to the extension of time of a previously approved dwelling granted in July 2007 under application reference 07/00398/FUL. The 2007 permission was granted on the 4th July 2010 and since submission of this application for an extension of time has subsequently lapsed and the previous approval can no longer be implemented. The previous application related to the erection of a detached dwelling with adjoining garage. The dwelling is to be accessed from Main Street via an existing access. The site is situated partly within the designated village envelope of Grimston and partly outside the designated Village Envelope in the open countryside.

The application is presented to Committee because of the history of the site.

Relevant History:-

07/00398/FUL Erection of 1 dwelling on land adjacent to 27 Main Street was granted on the 4th July 2007.

06/00472/FUL Erection of a dwelling and garage was refused on the 18th July 2006 and was the subject of an appeal. The appeal was dismissed on the 14th February 2007.

05/00183/FUL Erection of a detached dwelling was granted permission on the 20th April 2005.

04/00624/FUL Erection of a detached four bedroom dwelling with attached garage was refused on the 1st September 2004.

04/00262/FUL for the erection of a detached 4 bedroom dwelling with attached garage was withdrawn.

03/00126/FUL for proposed residential development comprising of three 5 bedroom detached properties and 1 detached garage was refused on the 21.05.2003.

02/00779/FUL for the proposed demolition of 27 Main Street and residential development of 4 detached properties and 2 detached garages was withdrawn.

00/00879/FUL for the renewal of permission for a double garage was granted 22nd February 2001.

91/00789 for the erection of a dwelling to the rear of the chapel was refused 16.02.1992.

2476/64 for the erection of a bungalow was granted.

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, particularly 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 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) objectives.

PPS 7 - says that development in the rural areas should be allowed, as long as it is carefully sited within existing towns and villages, benefits the local economy and/or community, maintains or enhances the local environment; and does not conflict with other planning policies. Specifically, new development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled. PPS7 recognises that some limited development should be allowed in, or next to, rural settlements that are not designated as local service centres, but these should generally be small scale. PPS7 says that the focus for most additional housing in rural areas should be on existing towns and identified service centres to promote more sustainable patterns of development and make better use of previously developed land. New house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans should be strictly controlled.

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

Part of the proposed site is outside the designated Village Envelope for Grimston. As such Policy OS2 of the Plan states that planning permission will not be granted for development outside town and village envelopes with specified exceptions for agriculture, 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 Core Strategy states that new development should be of high quality and inclusive design.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority – comments are the same as the previous application.</p>	<p>The Highway Authority commented on the previous application in 2007 and stated that they had no objection to the proposal subject to the imposition of conditions requiring parking and turning facilities in the site, controlling the position of any gates and requiring the first 10m of the access to be hard surfaced. In view of the previous comments and approval on the site and no change in policy with regards to highway safety the access and parking is considered acceptable.</p>
<p>Grimston Parish Council - the Parish Council has never considered the site to be suitable for development and suggest that now Grimston is a category 3 village the application should be reconsidered.</p>	<p>The comments from the Parish are noted and the issue with regards to the suitability of the site is discussed within the report.</p>
<p>Severn Trent Water – no objection to the proposal subject to the imposition of a condition in relation to surface water and foul sewage.</p>	<p>No objection was received to the previous application subject to the inclusion of a condition with regards to a satisfactory means of drainage for surface water and foul sewage.</p> <p>This can be imposed by means of a condition.</p>
<p>LCC Archaeology- The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site lies in an area of archaeological interest, as it is situated within the historic medieval and post-medieval settlement core of Grimston (HER ref. MLE8856), to the rear of a former Methodist chapel (MLE17617) and close to the 13th Century church of St John the Baptist, a Grade II* Listed building (LB ref. 1835/32/20/262; HER ref. MLE12486). Consequently, there is 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.</p> <p>Therefore it is recommended that any planning permission be granted subject to conditions in relation to groundworks and archaeological investigation.</p>	<p>Noted, a condition in relation to archaeology could be imposed if considered necessary. However, it was not included as a condition on the previous application and may not be considered reasonable on this application.</p>
<p>Ecology – We note from the location plan that the</p>	<p>Noted, consent existed on the site for the works and</p>

<p>development is within 50 meters of a pond and within an area of disused allotments. We would therefore recommend that a great crested newt survey be completed and a walkover survey of the allotments identifying any requirements for additional protected species surveys. These should be completed by a suitably licensed and experienced ecologist.</p> <p>We understand that as this application is for the extension of time on a previously approved application, the LPA may not be able to request these surveys. However, we would request that these recommendations are forwarded to the applicant.</p>	<p>previously ecology requested a strict watching brief and it would be unreasonable to request for surveys as part of this application which is in relation to an extension of time. It is considered that taking into account the previous permission on the site that a watching brief be maintained throughout the development for protected species. This could be imposed by a condition.</p>
<p>Housing Policy – There is a surplus of larger private market homes and a significant lack of smaller sized properties within Melton Borough. Future development has therefore to address the imbalance of stock type and size, both by tenure and location to create a more sustainable and balanced housing market. This will require a bias in favour of small units to address both the current shortfall and future demographic and household formation change which will result in an increase in small households and downsizing of dwellings.</p> <p>The assessment found specifically 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 application seeks consent for an extension of time to a previously approved application for the erection of a large, 4 bedroom detached dwelling, 07/00398/FUL. The housing market study for the area shows a surplus of larger, 4+ bedroom properties with the requirement for housing in the area being smaller properties.</p> <p>The undersupply of suitable smaller sized dwellings needs to be addressed to take account of shrinking household size which if not addressed will exacerbate under-occupation and lead to polarised, unmixed communities due to middle and lower income households being unable to access housing</p>	<p>PPS 3 has redirected policy requirements in terms of housing provision and this should be implemented at the local level and is considered of sufficient importance to outweigh the Local Plan. This is supported further through the work of the LDF Core Strategy. This change in policy introduces revised requirements for new development to address housing market imbalances.</p> <p>The Local Development Framework seeks to protect rural villages from inappropriate large executive housing following on from research and evidence which found that the borough has a surplus of larger dwellings. Applications for larger dwellings are no longer supported by the Council.</p> <p>This position has changed since the previous approval in 2007 and numerous studies have been undertaken to support this methodology. Therefore, this proposed size of dwelling is not supported and should form a ground for refusal.</p>

<p>in the most expensive and the sparsely populated rural areas.</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>	
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Representations:

The application is in relation to an extension of time. No letters has been received at the time of drafting the report.

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Application of Development Plan and other planning policy.</p> <p>The proposed dwelling is located with the village envelope for Grimston where there is a presumption in favour of development under the local plan created by Policy OS1.</p> <p>PPS1 and PPS3 strongly supports the location of development within existing settlements and 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. Both guidance’s support development that reduces energy emissions and climate change but the emphasis is on locations which reduces the need to travel by private car.</p>	<p>The application presents a conflict between the approach of the Local Plan and the policy content of more recent national guidance in PPS1 and PPS3 and the emerging core strategy. Grimston is identified as a Category 3 village in the Core Strategy Preferred Options statement which is a village identified as having limited facilities. This factor was not a consideration of the previous application and due to the time lapse of this application is now a relevant consideration. Grimston is considered an unsustainable location and therefore the location of the development means that the occupants of the property would be heavily reliant on the motor car to access services, provisions and other goods. The proposal is not considered to comply with sustainability criteria in terms of its location.</p> <p>The application process for making extensions of time applications was implemented in 2009. Guidance in relation to extension of time applications, “Greater Flexibility for Planning Permission”, clearly states that the application process is not a ‘rubber stamp’ and ‘Local Planning Authorities may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably’.</p>

<p>PPS 3 states 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 from the brownfield classification</p> <p>Part of the garden for the proposed dwelling lies outside the designated village envelope in the open countryside. Policy OS2 of the Local Plan states that that planning permission will not be granted for development outside town and village envelopes with specified exceptions for agriculture, employment, recreation and tourism.</p>	<p>Since approval in 2007 PPS3 has been amended and garden land is no longer classified as “brownfield”. However, in relation to this application this is of limited relevance as the site was previously used as allotments and not solely garden land to No. 27. It is not considered, based on the previous use of the site, that it would be reasonable to introduce the declassification of garden land as a reason for refusal in this instance.</p> <p>Part of the rear garden would lie outside the designated village envelope. The site is surrounded by cultivated gardens belonging to No. 27 & 31 Main Street. Due to the nature of surrounding land it is considered that the use of the site for domestic curtilage would not have a detrimental impact on the character and appearance of the open countryside. This position has not altered since the approval in 2007 and it would be unreasonable to introduce this as a ground for refusal at this stage.</p> <p>This application proposes to extend the time limit of the permission for a further three years. The previous permission has now lapsed since submission of this application and there is no feasibility of the permission being implemented. The proposal is now considered to be in an unsustainable location and on the basis of national policy PPS1 and PPS3 is unlikely to be supported.</p>
<p>Impact on the character and appearance of the area.</p>	<p>There are no alterations to the proposed siting or design of the dwellings.</p> <p>The application in 2007 proposed the erection of a four bedroom dwellings with garage. The dwelling has designed to be simple in its design with windows at eaves level to reduce the height. The surrounding area consists of a variety of ages and styles of properties and it is considered that, within this varied context, the proposed design respects the surrounding properties and would not have a detrimental impact on the character and appearance of the area. It is considered that the dwelling would not be prominent and therefore would not appear incongruous within the streetscene</p> <p>No factors have emerged to depart form the view that the proposal would not adversely affect the character of the streetscene.</p>
<p>Impact on adjoining residential properties</p>	<p>There are no alteration proposed to the siting of the dwellings. The application in 2007 was assessed in relation to the neighbouring properties;</p> <p>The proposed dwelling is to be sited to the north east of 27 Main Street. The proposed property is to</p>

	<p>be sited over 22 metres away from the side elevation of No. 27 Main Street, 10 metres from the side of No. 31 Main Street and 24 metres from the rear of No. 29 Main Street.</p> <p>The front elevation of the proposed dwelling (two storey element) is to be separated by over 30 metres from the rear fenestration of No. 29 Main Street. The single storey aspect of the proposal would be 23 metres from the rear of No. 29, however there are no windows proposed to the single storey fenestration facing No. 29 and the proposed garage would be partially screened by a single garage serving No. 29. These distances exceed those normally required and there are no grounds to suggest they are not applicable in this case. It is considered that the proposed dwelling is sited sufficient distance from No. 27 and No. 29 Main Street so as not to have a detrimental impact on the residential amenity of these properties.</p> <p>The single storey wing would project 17.9 metres along the shared boundary with No. 31, however, the two storey part of the proposed dwelling would be some 8 metres from the boundary with the adjoining property, therefore 21 metres from the side elevation of No. 31 Main Street</p> <p>The relationship to neighbouring properties has not altered since the previous approval and therefore it is not considered that the proposed dwelling would adversely impact on the amenities of adjoining properties.</p>
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Conclusion:

This application relates to the extension of time of a planning approval granted in July 2007, but which has now expired and cannot be implemented. This application proposes to extend the time limit by three years and does not propose any amendments to the previously approved scheme. Guidance in relation to extension of time applications clearly states that the application process is not a 'rubber stamp' and 'Local Planning Authorities may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably'. With regards to this site it is considered that there have been relevant changes in planning policy since approval was granted in July 2007 with regards to housing need and the sustainability of the settlement and therefore in light of this issues the application is recommended for refusal.

RECOMMENDATION:- Refuse

1. In the opinion of the Local Planning Authority the proposal would, if approved, result in the introduction of a dwelling on a site in an unsustainable location. It is not considered that sufficient justification has been submitted to suggest that the proposed dwelling would fulfil an identified housing need and the proposal would add to the development in an unsustainable village location. The proposal is therefore considered to be contrary to Planning Policy Statement 1 (Delivering Sustainable Communities), Planning Policy Guidance 3 (Housing), Planning Policy Statement 7

(Sustainable Development in Rural Areas) and the Melton Local Development Framework Core Strategy. These statements of policy post date the adopted Local Plan and are considered to be of sufficient weight to depart from policy OS1 and BE1.

2. 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 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 Jennifer Wallis**

29th July 2010