

**Reference:** 10/00531/FUL  
**Date Submitted:** 13.07.2010  
**Applicant:** Mr Fionda  
**Location:** Land to the rear of Berkley Arms, 59 Main Street, Wymondham, LE14 2AG  
**Proposal:** Proposed new dwelling

**Introduction:-**

**This application seeks planning permission for the erection of a very substantial detached house with 3 large bedrooms**, all en-suite and living accommodation and which is located to the rear of the Public House and the post office, which front on to Main Street. The dwelling would be served from the public house car park and the car parking is close to a mature tree. The site is located on the edge of the Village Envelope and within the Conservation Area for Wymondham.

The application is presented to the Committee at the request of the Local Member as the application raises some unique challenges to the interpretation of policy.

The application is being considered as a 'market dwelling' as although the applicants Design and Access statement indicates that the building might also be used as staff accommodation (a house in multi-occupation) or as Bed & Breakfast type accommodation for the public house, the fee for consideration of alternative development has not been paid and the consultations have been undertaken on the basis that the proposal is for a dwelling.

**The main issues are considered to be:**

- **The compatibility of the proposal with PPS3 objectives to address local needs**
- **Impact on the Conservation Area**

**Relevant History:-**

No relevant History on this site

**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** - amplifies the advice set out in PPS1, and particularly says 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 5** - 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:-** Allow for development within the village envelope of appropriate design providing:-

- 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 BE2 :-** Requires development within Conservation Areas to be of high standard of design that will enhance the traditional character

**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. Wymondham 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>                                                                                                                                                                                                                                                                                                                                                                        |
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| <p><b>Highway Authority</b> – The vehicular access serving the site is undesirable, as it lacks adequate width, surfacing and drainage, however given the existing level of traffic using it, it would be <b>difficult to sustain a reason for refusal as the proposal is unlikely to generate a significant increase in traffic using the access.</b></p> <p>The location of the drive serving the dwelling off the car park access is unsuitable as it would lack suitable visibility splays, however as this is all on private land and will not affect the public highway it is not something that could base a reason for refusal on, however it is something that perhaps you may want to consider in terms of the safety of the users of the private drive. If possible it would be preferable to move the parking area a few metres further away from the boundary with the Post Office</p> | <p>Whilst the access arrangements are not ideal, the car park entrance is adequate for the provision of an access to a single dwelling.</p> <p>There are highway concerns regarding visibility at the parking area for the dwelling, which should be relocated, both for highway safety reasons as well as concerns in relation to the health of the mature tree. This could be controlled by means of a condition.</p> |

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| <p>in order to improve visibility out of the access. There are concerns that the access to the proposed dwelling restrict/remove parking for the public house, however the location of the access is such that it is unlikely to affect the parking provision and is therefore acceptable.</p> <p>Advises a condition</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                        |
| <p><b>LCC Archaeology</b> –have checked the site against the Leicestershire &amp; Rutland Historic Environment Record (HER) and do not feel that any archaeological work is required as part of the scheme.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Noted                                                                                                                                                                                                                                                  |
| <p><b>MBC Conservation Officer</b> – The site is currently the beer garden to the pub which appears to be well tended and partially screened by trees etc. Although not a conservation issue per se the loss of the facility is regretted. There is however a large car parking area to the rear of the PH and part of that could perhaps be utilised as an outdoor seating area.</p> <p>The proposed dwelling will be set to the rear of the plot and as such part of the open nature as well as the majority of the trees and some of the boundary treatment (fences, walls etc) will be retained.</p> <p>In design terms the building reflects some features of other local properties, notably the plinth and eaves detail. The alien features however are the pitched roof dormers, there are very few dormer windows in the vicinity, those on the nearby Manor House have a flat roof –therefore it is suggested that monopitch roofed dormers would improve the design in this case as they would merge better into the roofline.</p> <p>Materials have been chosen to respect the local vernacular ie; natural stone walls, brick window heads and slate roof.</p> <p>The building will of course be set back from the highway behind the Post Office and Public House and as such will barely be visible from the highway or beyond the site confines.</p> <p>Does not feel that this building will adversely affect the setting of the designated heritage asset (conservation area) and raises no objections.</p> | <p>Whilst the basic design of the dwelling is acceptable in conservation area terms (subject to appropriate materials), the dormers are alien features that should be amended or deleted in favour of a simple eaves line.</p>                         |
| <p><b>MBC Housing Policy Officer</b> - 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</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>The proposal, albeit of 3 bedrooms, is a very substantial property with the bedrooms being very large (one is 5.82m x 4.46m in size)</p> <p>It is therefore consider that this fails to meet identified local need for 2 bedroomed or smaller 3</p> |

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| <p>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 &amp; 26). Paragraph 3.1.11 of the East Midlands Regional Plan also states that local authorities should have a strategic vision of the kinds of communities they wish to foster, in particular neighbourhoods which ensure that in the market sector a reasonable mix of housing is available, addressing any identified imbalance.</p> <p>David Couttie Associates conducted a Housing Market Analysis for Melton Borough Council (Housing Stock Analysis 2006-2011; 2006) which clearly demonstrated that 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 within the Rural East of the borough that there is limited need for additional market housing to 2011, the need for additional market housing in the area relates mainly to the need for additional 2 and 3 bedroom units; there is only a significant surplus of larger sized properties in the area. There are limited opportunities within village envelopes for significant new residential developments and therefore 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 is for a substantial 3 bedroom detached property; the dwelling has a floor area of approximately 170 sqm with each bedroom having ensuite facilities. The housing market analysis shows a significant surplus of such larger properties in the area. However, the design and access statement submitted with the application describes the intention of the proposal to provide ancillary living or bed and breakfast accommodation in association with The Berkeley Arms.</p> | <p>bedroomed dwellings, and the proposal therefore conflicts with PPS 3 advice.</p> <p>The Council has regularly resisted the erection of larger ‘executive’ style units of which there is an over-supply in order to address the housing imbalance.</p> <p>This issue is made slightly more complex because ‘housing need’ is often discussed in terms of the number of bedrooms. However, this is normally in the context of conventional approaches to house design and commensurate internal layouts.</p> <p>However, the objective relates to the housing market and exceptionally large houses – even of they contain the appropriate number of bedrooms – are not considered to fulfil identified needs.</p> <p>The consideration of the application is on the basis of the submission which is for an open market</p> |
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| <p>The Leicester and Leicestershire Strategic Housing Market Assessment (Blinc Housing, 2009) supports the findings of the Housing Market Analysis and states that controls need to be established to protect the Melton Borough (particularly its rural settlements) from the over development of large executive housing, and to encourage a balanced supply of suitable family housing (for middle and lower incomes), as well as housing for smaller households (both starter homes and for downsizing). It continues to state that 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 in the most expensive and the sparsely populated rural areas.</p> <p>The dwelling proposed by the application, if contributing to the local housing market, is not supported as it would add to the local imbalance of the market through the further addition of a larger 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 and the under supply of bungalow accommodation would be further exacerbated, contrary to PPS3. However, if the application is permitted as ancillary accommodation associated with the Berkeley Arms then a condition should be sought to ensure that the proposal remains ancillary and does not further exacerbate local imbalance in the housing market.</p> <p>The Housing Market Analysis found a surplus of larger private market housing in the Borough with a need within the Rural North of the Borough relating to smaller sized units.</p> | <p>dwelling.</p> <p>If the applicant wishes for other developments to be considered, then the appropriate application should be submitted for consideration.</p> <p>The consideration of the application is on the basis of the submission which is for an open market dwelling.</p> <p>If the applicant wishes for other developments to be considered, then the appropriate application should be submitted for consideration.</p> |
| <p><b>Parish Council</b> – No objections</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>Noted</p>                                                                                                                                                                                                                                                                                                                                                                                                                         |

**Representations:**

A site notice was posted and neighbouring properties consulted. Consultation period ended on 19 August 2010 and 2 letters of representation have been received at the time of writing this report which state:-

| Representation                                                                                                                                                                                                                         | Assessment of Head of Regulatory Services                                                                         |
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| <p><b>Inappropriate Materials/Building too large</b></p> <p>Local materials are ironstone and slate and not brick/tile as stated. Dwelling is out-of-scale with Nos 53 &amp; 57 Main Street, being twice the floor area and taller</p> | <p>The area is a mixed one and not exclusively ironstone/slate. The materials proposed are not inappropriate.</p> |

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| <p><b>Loss of Light</b><br/>The mid-point of the north bedroom window of No53 would be 6.75m from the west elevation of the dwelling.</p>                                                                                                                                                                                                                                                                                                                                                                                                      | <p>Due to the orientation of the proposed dwelling and location in relation to the neighbours, it is not considered that any appreciable loss of light would result that would warrant a refusal of permission.</p> |
| <p><b>Loss of Privacy</b><br/>The west elevation of the new dwelling will over-look the back door, north windows and garden of No 53 and would be 1.3m higher than the first floor windows of No 53</p>                                                                                                                                                                                                                                                                                                                                        | <p>Due to the distances between the proposed dwelling and the neighbours, it is not considered that any appreciable loss of privacy would result that would warrant a refusal of permission.</p>                    |
| <p><b>Loss of Residential Amenity</b><br/>The closest bedroom of No 53 is occupied by an 82 year old resident and we are concerned about noise. Whilst we have only objected to noise from the Pub on one occasion, the location of the parking next to No 57, would give rise to noise and disturbance from vehicle exhausts.</p>                                                                                                                                                                                                             | <p>Due to the distance involved and the nearby public house car park, it is not considered that a refusal on noise could be justified.</p>                                                                          |
| <p><b>Need for development not proven</b><br/>There has been practically no use of the Berkley Arms paddock by caravans, so question the need for B &amp; B accommodation.</p>                                                                                                                                                                                                                                                                                                                                                                 | <p>The application under consideration is a dwelling and not a B &amp; B use. However, it would not be a requirement to 'justify' a need as Government advice encourages tourist uses within larger villages.</p>   |
| <p><b>Protection of Recreation area</b><br/>Proposal is on the beer garden which has a view of the windmill and has been used over the years for village centre venues, bowls, tennis, skittles and family activities and it is an important recreational facility. Loss would be contrary to 11.24 – many areas of open space contribute to the texture of the urban fabric and P.P.G 17 says they should be taken in to account when considering the communities needs when development is proposed. Policy BE12 identifies these areas.</p> | <p>The site is not an area identified by Policy BE12 as a Protected Open Area and so has no statutory protection. It's use for recreation was an informal arrangement.</p>                                          |

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

| <b>Considerations</b>                    | <b>Assessment of Head of Regulatory Services</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <p><b>Impact on the street scene</b></p> | <p>The development is set well back from the public highway, although glimpses would be seen through gaps in the built fabric and from other view-points and views in to and out of the Conservation Area are material considerations.</p> <p>Changes to the design of the dwelling could readily be made to improve the overall appearance and create a design that more closely reflects the traditional character and materials of construction will be particularly important in this location.</p> |

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| <b><u>Impact on Mature Tree</u></b> | The proposed car parking for the dwelling is located directly above the root bowl of a mature tree that adds to the street scene and views in to the site. It is considered necessary, in order to ensure the future health and survival of the tree, that the parking is relocated, although there is adequate land available to allow for this and it could be secured through a condition.. |
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**Conclusion**

It is considered that the main issue for the Committee is to balance the breach of the PPS 3 and the Melton Core Strategy policy of meeting local needs for smaller units/not adding to the over-supply of larger dwellings, with the applicants desire to provide a substantial property. The issue of alternative uses (B & B accommodation for the public house and staff accommodation) are not being considered as part of this application, which is for an open market dwelling of substantial proportions. There is also a concern that the design of the proposed dwelling is not appropriate for the Conservation Area status of the site, and the parking area under the tree could affect its long-term health and therefore impact on the Conservation area.

Whilst the general principle of a dwelling in this location would be appropriate, it is considered that any new dwelling should be of a more modest scale, of simpler design (deleting the dormers) and with the parking moved elsewhere on the site to protect the tree and improve visibility, Such an amended design could then be supported, although this would be a significant amendment from the current proposal and would need to be the subject of a resubmitted application.

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

**RECOMMENDATION:- Refusal for the following reasons:-**

1. The proposal relates to a substantial 'executive' style dwelling, adding to the over-supply of such dwellings as identified in the Councils Housing Market Assessment surveys and as such it does not meet the local demand for smaller 2 and 3 bedroomed dwellings and the proposal therefore fails to reflect the guidance contained within P.P.S 3 – Housing, and conflicts with the requirements of The Melton Local Development Framework Core Strategy (Preferred Options) Jan 2008, which seeks to meet the Local Housing need and not add to the over-supply of larger units.
2. The proposed development introduces an alien feature in the form of dormer windows and therefore fails to reflect the locally distinctive character as required by P.P.S 1, and the proposed car parking would be likely to harm the long-term health of the mature tree, resulting in its loss. The proposal would therefore be harmful to the character of the Conservation Area, contrary to Policies OS1, BE1 and BE2 of the Adopted Melton Local Plan.

**Contact: Rob Forrester**

**23 August 2010**