

Committee Date: 25 November 2010

Reference: 10/00723/FUL

Date Submitted: 21.09.2010

Applicant: Mr Fionda

Location: Land to the rear of Berkley Arms, 59 Main Street, Wymondham, LE14 2AG

Proposal: Re-submission of the refused application for a new dwelling to the rear of Berkley Arms. Previous application number 10/00531/FUL



**Introduction:-**

**This application seeks planning permission for the erection of a detached house with 2 large bedrooms.**

This is an amended application following refusal of an earlier scheme at the Planning Committee of 2 September 2010.

The proposal is for the erection of a dwelling of 2 bedroomed proportions, which is located to the rear of the Public House and the post office, which front on to Main Street.

The location and size of the dwelling has been amended from the earlier proposal, the design of the dormer windows has been amended and the car parking under the canopy of a mature tree has been deleted and the dwelling would be served from the public house car park and utilise the public house car park.

The site is located on the edge of the Village Envelope and within the Conservation Area for Wymondham.

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 application is presented to the Committee as the application raises issues in relation to the interpretation of policy and the previous application was considered by Committee.

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

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

**Relevant History:-**

10/00531/FUL – erection of Dwelling – Refused 03.09.2010

**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.

### East Midlands Regional Plan

Encourages sustainable development that discourages car-usage and establishes 5 year housing supply figures. No specific Policies apply.

### 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:-

Consultation reply	Assessment of Head of Regulatory Services
<p><b>Highway Authority</b> – Comments awaited – previously stated:- 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>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>Whilst the access arrangements are not ideal, the car park entrance is adequate for the provision of an access to a single dwelling and the use of the public house parking area is an acceptable manner to provide resident/visitor parking.</p>
<p><b>LCC Archaeology</b> – No reply. Previously stated:- We 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>	<p>Noted</p>

<p><b>MBC Conservation Officer</b> – I note that the drawings that accompany the amended proposal have removed the rear wing of the building which results in a much simpler and smaller dwelling based on a considerably reduced footprint.</p> <p>I also note that my concerns regarding the dormers have been addressed and the design amended accordingly.</p> <p>My comments regarding materials and replication of some local vernacular architectural details remain relevant</p>	<p>The basic design of the dwelling is acceptable in conservation area terms (subject to appropriate materials), and the previous concerns in relation to the dormers and the impact on the mature tree have been addressed by this proposal.</p> <p>The design is now considered to be acceptable in relation to the visual impact and will preserve the character of the Conservation Area.</p>
<p><b>Parish Council</b> – No objections</p>	<p>Noted</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 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 Coultie 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</p>	<p>The application proposes a dwelling of substantial proportions and the previous application was refused due to its substantial size and conflict with the requirement to provide housing to meet ‘local needs’ which in this Housing Area is for 2 bedroomed and modest 3 bedroomed units.</p> <p>Whilst the current application shows a 2 bedroomed dwelling on the plans, the floor area of the dwelling is substantial– almost twice the size of the adjacent cottage.</p> <p>The bedrooms are unusually large and capable of being sub-divided in to 2 rooms at a later stage – the larger bedroom is some 4.46m x 5.82m in size and contains 2 windows and would readily create 2 rooms and the second bathroom could easily become a fourth bedroom.</p> <p>In terms of its footprint, the proposed dwelling is of 3 or 4 bedroomed proportions and is not in the spirit of the aim of providing more modest dwellings to meet the local need.</p> <p>The Policy Officers comments refer to the size of the dwelling exceeding the “size indicators” of the Housing Corporation, and as such, the proposed dwelling still fails to meet the recognised local housing need.</p>

market housing to 2011, the need for additional market housing in the area relates mainly to smaller units; there is 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.

The current application follows a previous refusal (10/00531/FUL) for a substantial 3 bedroom detached property with a floor area of approximately 170 sqm. The current application seeks approval for a 2 bedroom dwelling each with an en-suite and wardrobe which would have a floor area of approximately 105 sqm. The proposed dwelling is submitted as a 2 bed property; however, the size of the dwelling is comparable with a property of higher bedroom numbers and the existing bedrooms could be easily sub-divided in the future. The total floor area of the proposed dwelling exceeds the unit size indicator of a 2 bed house formally utilised by the Housing Corporation. Utilising this unit size indicator the current proposal would compare with a large 3 bedroom property (6 bed spaces) and as such would not address local housing need.

The housing market analysis shows a significant surplus of such larger properties in the area. 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; however, the application relates to a new dwelling house rather than ancillary accommodation and as such consideration cannot be given to this matter.

The Leicester and Leicestershire Strategic Housing Market Assessment (Bline 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

<p>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 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 Council has undertaken several assessments in order to be informed by an evidence base of housing need (households unable to access suitable housing without financial assistance). The level of identified need for affordable housing is extremely high within the borough. The Melton Local Development Framework Core Strategy proposes that all residential dwellings which are granted planning permission need to make a contribution towards affordable housing provision. As the Melton Local Development Framework Core Strategy is based upon up to date national and regional policy and robust local evidence of need we consider this policy direction to be a material consideration in planning applications. The 40% policy requirement was adopted in accordance with saved policy H7 of the Melton Local Plan in January 2008 under the same processes and procedures which have previously set the threshold and contribution requirements for affordable housing within the Melton Borough.</p>	
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**Representations:**

A site notice was posted and neighbouring properties consulted. Consultation period ended on 25 October 2010 and 2 letters of representation have been received at the time of writing this report which state:-

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Inappropriate Materials/visual appearance</b></p> <p>Neighbouring dwellings including east elevation of No 53 are principally of ironstone and site is visible from Station Road and the Pub Car-park.</p>	<p>The area is a mixed one and not exclusively ironstone/slate. The materials proposed are not considered to be inappropriate.</p>

<p><b>Loss of Light</b> No53 would be only 4m 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> The west elevation of the new dwelling will intrude in to the privacy of No 53 due to sound transmission and the comparably sized dining/kitchen is not provided with a second window.</p>	<p>Due to the distances between the proposed dwelling and the neighbours and intervening planting, it is not considered that any appreciable loss of privacy would result that would warrant a refusal of permission. The secondary bedroom window is shown on the plans as obscure glazed.</p>
<p><b>Protection of Recreation area</b> Proposal is on the beer garden which has been used for over 35 years for village centre venues, bowls, tennis, skittles and family activities and it is an important recreational facility and it enjoys the best view of the windmill.</p> <p>The beer garden should be a protected open space under Policy BE12</p> <p>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.</p>	<p>The site is not an area identified by Policy BE12 as a Protected Open Area and therefore does not benefit from any statutory protection. Its 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>
<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 – which now faces towards Main Street – and the changed dormers, have created a design that more closely reflects the traditional character and materials of construction will be particularly important in this location.</p>
<p><b><u>Impact on Mature Tree</u></b></p>	<p>The previously proposed car parking for the dwelling (which was located directly above the root bowl of a mature tree) has been deleted and the impact on the tree and the character of the conservation area will be unharmed.</p>

## **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 reduction in the number of bedrooms has no resulted in a dwelling of reduced proportions to the extent that the development could be supported.

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 remains an open market dwelling of substantial proportions.

The previous concerns in relation to the design /impact on a tree no longer applies.

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 to meet local needs and 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 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 and Paragraph 3.1.11 of the East Midlands Regional Plan, which 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.

**Contact: Rob Forrester**

**11 November 2010**