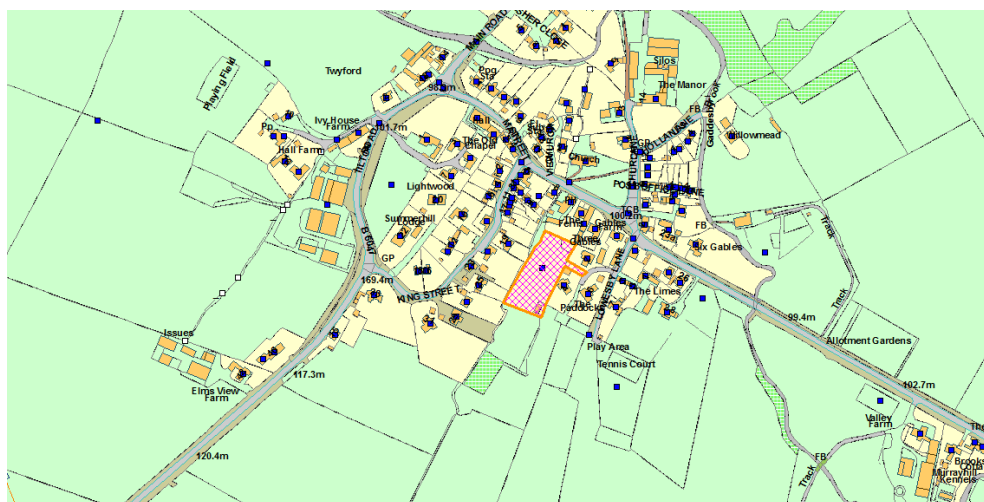


**Reference:** 17/00145/REM  
**Date submitted:** 6 February 2017  
**Applicant:** Mr Philip Norwell  
**Location:** The Ferns 12 Main Street Twyford, Melton Mowbray  
**Proposal:** Approval of appearance, scale, layout and landscaping for Plot 3 only



**Introduction:-**

The application seeks Reserved Matter consent for Plot 3 only, the application site extends to approximately 821 square metres, which currently comprises an area of grassland to the rear of the Ferns, 12 Main Street, Twyford. The site itself forms the southern-most plot of a small residential development, comprising 3 no. dwellings, which will be accessed from an existing development to the east ‘The Paddocks’, which lies off Lowesby Lane.

**It is considered that the main issues arising from this proposal are:**

- **Impact upon the Character of the Area**
- **Impact upon Neighbouring Properties**

The application is required to be considered by the Planning Committee due to the level of representations received.

**Relevant History:**

13/00691/OUT – residential development (allowed at appeal)  
16/00156/REM – reserved matters application for appearance, landscaping, layout and scale.

**Development Plan Policies:**

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

**Policies OS1 and BE1** – Allow for development within Village Envelopes providing that:-

- The form, character and appearance of the settlement is not adversely affected;
- The form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;

- The development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and satisfactory access and parking provision can be made available.

**The National Planning Policy Framework was published 27<sup>th</sup> March 2012 and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:**

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; *or*
  - Specific policies in the Framework indicate development should be restricted.

**The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail. .**

The NPPF introduces three dimensions to the term Sustainable Development; Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- Deliver development in sustainable patterns and
- Re-using brownfield land
- Always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

**On Specific issues relevant to this application it advises:**

**Promoting sustainable transport**

- Safe and suitable access to the site can be achieved for all people
- Development should be located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians
- Consider the needs of people with disabilities by all modes of transport

**Delivering a Wide choice of High Quality Homes**

- There is a requirement to maintain a five year land supply of deliverable sites. Taking into account windfall sites provides compelling evidence that such sites have consistently become available. Where there has been a persistent under supply a further 5% is required.
- Local Authorities are to set out their own approaches to densities to reflect local circumstances.
- Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.
- Deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.
- Avoid new isolated homes in the countryside unless there are special circumstances.

**Require Good Design**

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

**The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF paragraph 12).**

**Consultations:-**

Consultation reply	Assessment of Head of Regulatory Services
<p><b>Highway Authority: No objection</b></p> <p>The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011. Ensure all details of parking and turning comply with standards.</p>	<p>Noted.</p> <p>Outline planning permission exists for the construction of 3 detached dwellings, Access was approved at this stage.</p> <p>The amended design of the dwelling does not materially alter the parking or access arrangement to those that were considered acceptable by the Highway Authority on the previous applications.</p> <p>The proposed dwelling will have a double garage and off street parking available by means of a driveway.</p> <p><b>It is not considered that the proposal would cause any highways safety issues. As such, the proposal is considered to meet the requirements of policy BE1 of the Melton Local Plan.</b></p>
<p><b>Parish Council:</b></p> <p>The Parish Council objects to this application because:</p> <ul style="list-style-type: none"> <li>• The change of position on the plot moving the development nearer to existing houses on King Street.</li> <li>• The increase in size to a 4/5 bedroom property.</li> <li>• The increase in height of the development</li> <li>• The number of trees that will be affected by this new proposal</li> </ul>	<p><b>Noted</b></p> <p>The responses to these points can be found under the relevant headings below.</p>

**Representations:**

The application was advertised by way of a site notice at the application site. As a result of the consultation **9 letters of objection** were received **1 letter of support** and **1 letter of neutral ground**.

Consideration	Assessment of Head of Regulatory Services
<p><b>Residential Amenity</b></p> <ul style="list-style-type: none"> <li>- The west elevation now has 3 windows on the first floor which would overlook my property</li> <li>- The eastern gable has been moved by approximately 5 metres, this impacts adversely on the King Street properties that face it because the house is now nearer to them but also to Lowesby Lane because the effect of the screening from existing trees on the eastern boundary is much reduced.</li> </ul>	<p>A distance of over 35 metres will be maintained between the western elevation of the proposed dwelling and the rear elevation of the closest property located to the west. This distance exceeds normally accepted distances by a substantial margin and is considered acceptable in order to ensure that there is no unacceptable loss of light or overlooking caused by the proposal.</p> <p>The proposed dwelling is to be set down into the site and will therefore be no higher than the previously approved property.</p>

	<p>Amended plans have been submitted that show both the removal of a potentially contentious window and the addition of further screening/landscaping to overcome previous issues of overlooking.</p> <p><b>It is considered that the proposal would not have any unacceptably adverse impact upon residential amenities due to the design and separation distances.</b></p>
<p><b>Appearance</b></p> <ul style="list-style-type: none"> <li>- The new plans are for a much bigger dwelling which covers more of the plot than the previous design i.e. previous plan: total floor area 270m<sup>2</sup> + 32m<sup>2</sup> garage proposed plan : total floor area 342m<sup>2</sup> including integral garage.</li> <li>- With a double garage now integrated into the house the west elevation is much wider and therefore more dominant in aspect.</li> <li>- The position of the property on the site has been moved bringing it considerably closer to existing properties to the west.</li> <li>- The bulk of the property is much increased and is quite excessive fro the relatively small size of the plot.</li> <li>- The new drawings show a revised gable height of 7.538m, more than a metre higher than the existing approved plan height of 6.480.</li> <li>- The drawings show an intention to reduce this height to a net 6.138m by setting the base of the house below ground level and seek to compare this with an erroneous “previously approved” figure of 6.716m, instead of the actual approved figure of 6.480m.</li> <li>- The site is now looking to be very over-developed.</li> </ul>	<p>The proposed dwelling has a larger footprint that that previously approved, the size of the plot is considered to be large enough to accommodate the increase.</p> <p>Given the distance between the proposed dwelling and properties to either side it is not considered that the proposal will appear dominant or overbearing when viewed in context of the site.</p> <p>The amended design places the western elevation of the integral garage further away from the western boundary than the current approved detached garage. This re-positioning is not considered to cause any significant impact on the occupants of the existing dwellings.</p> <p>A distance of over 35 metres will be maintained between the western elevation for the proposed dwelling and the rear elevation of the closest property located to the west, this will ensure that no unacceptable overlooking or overshadowing is caused by this development</p> <p>The design of the development is reflective of the style of dwellings within the vicinity. It is proposed to construct the dwellings in brick with a natural roof as previously approved. Materials are to be agreed by the Local Planning Authority and can be conditioned.</p> <p>The overall design is considered to be acceptable and the proposal complies with the local plan policy OS1 and BE1.</p>
<p><b>Landscaping</b></p> <ul style="list-style-type: none"> <li>- By moving the building to the south-western corner of the plot many of the trees on the site which currently screen properties will need to be felled</li> <li>- Expected there would be minimal removal of any mature trees which are of Category A and B (BS 5837:2012) and that the value to wildlife of the site and the character would be preserved as much as possible.</li> <li>- There has been no attempt to address the future of the existing trees.</li> </ul>	<p>Whilst the proposed dwelling has been slightly re-positioned further west within the plot, there remains a significant gap between the proposed building and the line of existing trees along the western boundary.</p> <p>The agent envisages therefore that these trees will be protected and maintained throughout the building work and will be retained as part of the overall mature landscaping of the site. The applicant has carried out geo-technical work to ensure that a suitable foundation solution can be utilised which will protect the root systems these existing trees. Conditions can be applied to require their retention</p>

	and protection during the build process.
<p><b>Housing Need</b></p> <ul style="list-style-type: none"> <li>- Within the village, developments do seem to be mainly of large family houses, a mix of housing provision is desirable and would serve to keep the village as a vibrant community.</li> <li>- A recent housing need survey indicated that smaller properties are needed in the area</li> <li>- A significantly larger 5 bedroom property would not be consistent with the August 2016 Housing Needs Study for this village or the emerging local plan, which notes our village needs a supply of 3 (or less) bedroom properties in order to promote future sustainability.</li> <li>- Our village already has a substantial provision of 4 &amp; 5 bedroom properties.</li> <li>-</li> <li>-</li> </ul>	<p>The outline permission did not impose conditions specifying certain types of dwelling and such restrictions cannot be introduced at reserved matters stage, consideration is limited to the design, layout ,materials etc.</p> <p>The dwelling has been extended from a 4 bedroom to a 5 bedroom dwelling, this is due to the family needs of the applicant.</p> <p>Smaller properties are needed within the Borough, however the previously approved dwelling did not meet this category and could have been extended or altered internally to create additional bedrooms. As such the proposal is not considered to worsen to position.</p>
<p><b>Other Matters</b></p> <ul style="list-style-type: none"> <li>- It is a concern that a precedent is set whereby opportunistic developers submit applications for 3-bed approvals which will be passed, as they are more in line with the needs of our village, which are then immediately subject to revision/extension before the building work has commenced.</li> <li>- Given previous approved applications to increase the size and situation of the other two properties on the site, a further approval for increased development of Plot 3 would mean that overall this three property development would fail to meet the requirements of the NPPF which supports the approval of properties which meet ‘local demand’ and ‘which widens opportunities for home ownership and creates sustainable, inclusive and mixed communities’ as identified in MBC’s Housing Needs Study final report dated August 2016 and seems to be excessive for the size of the plot.</li> <li>-</li> </ul>	<p>Applications for further dwellings will be considered on their own merit, whilst a smaller bedroomed dwelling would be preferable, as stated above there is an existing permission for a larger dwelling on this site.</p>
<p><b>Neutral matters</b></p> <ul style="list-style-type: none"> <li>- The inclusion of the additional screening and the removal of a window on the Eastern elevation are to be welcomed, other issues have not been addressed.</li> <li>- I am pleased to report that the revised plans dated 24<sup>th</sup> March, have gone some way to addressing the issues that I raised in that the overlooking bedroom window has now been removed from the eastern elevation and the plans have been amended to show a commitment to increased screening on the eastern boundary.</li> <li>- Whilst these alterations do not seek to address the issues of bulk, height etc. They should do much to reduce their impact on the Lowesby Lane side of the site.</li> </ul>	<p>Noted.</p>

**Other Material Considerations Not Raised In Consultations:**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Application of the Development Plan Policies:-</b></p> <p>The site sits within the village envelope where residential development is supported. Policies OS1 and BE1 seek to ensure that development respects the character of the area and that there would be no loss of residential amenities and satisfactory access and parking provisions can be complied with.</p> <p>Policy H6 allows for infill development of single and small groups within the village envelope.</p>	<p>The proposal seeks to provide reserved matters for the approval of appearance, scale, layout and landscaping for one modest dwelling and is capable of complying with the local plan policies given that the design is suitable and an acceptable relationship with neighbouring properties is achieved.</p> <p>It is considered that the development complies with the local plan policies and promotes sustainable housing growth as stipulated within the NPPF.</p>
<p><b>Sustainability and Local Plan Compliance</b></p>	<p>As stated above, the development is considered to accord with the applicable Local Plan policies. In this instance, the policies are not considered to conflict with the NPPF and as such there is no requirement to balance the regimes against one another.</p>

**Conclusion**

The application site lies within the village envelope and thus benefits from a presumption in favour of development under policies OS1, BE1 and H6. The proposed development has been designed to have a limited impact on adjoining properties, and is considered capable of reflecting the character and appearance of the surrounding area; and complies with highway requirements.

It is acknowledged that the proposal does not meet the requirements of the Borough's housing needs, however there is an identified need of the applicant with the larger dwelling not having any significant implication in terms of overlooking, overshadowing, loss of light or privacy predominantly due to the proposed dwelling being set down within the land, to ensure that its overall height is slightly lower than that of the previously approved dwelling and the proposal providing a distance of over 30 metres between the nearest window of the proposed dwelling and existing dwellings sited on The Paddocks.

The NPPF seeks to boost significantly housing growth in sustainable locations of which Harby is considered as a sustainable village within the Local Development Framework. Accordingly, the proposal is recommended for approval subject to conditions.

**RECOMMENDATION: Approve, 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 proposed development shall be carried out strictly in accordance with plan drawing numbers
  - 17/02/001 Rev A
  - 17/02/0002
  - 17/02/0003

Received by the authority on 4 February 2017 and 24 March 2017

3. No development shall start on site until representative samples of the materials to be used in the construction of all external surfaces have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

4. Landscaping and screening shall be provided and retained as per drawing 17/02/001 Rev A before the first occupation of the dwellings hereby approved unless other wise agreed in writing by the Local Planning Authority.
5. Prior to the first occupation of any dwelling, a turning space shall be provided at the end of the private drive to enable vehicles, including service vehicles to enter and leave the site in a forward direction and thereafter retained.
6. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
7. The car parking and turning facilities as set out on approved drawing 17/02/001 Rev A shall permanently remain available for car parking.
8. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 as amended (or any Order revoking and re-enacting that Order) in respect of the replacement dwelling hereby permitted no development as specified in Classes A, B, C with the exception of C.1. (c) (ii), D or F shall be carried out unless planning permission has first been granted by the Local Planning Authority.
9. No development shall commence on site until all existing trees that are to be retained have been securely fenced off by the erection of post and rail fencing to coincide with the canopy of the tree(s), or other fencing as may be agreed with the Local Planning Authority, to comply with BS5837. In addition all hedgerows that are to be retained shall be protected similarly by fencing erected at least 1m from the hedgerow. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and backfilled by hand. Any tree roots with a diameter of 5 cms or more shall be left unsevered.

#### Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
4. To ensure the provision of amenity afforded by the proper maintenance of existing and/or new landscape features.
5. In the interests of highway safety.
6. To ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water.
7. To ensure the adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
8. To enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed.
9. To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.

Officer to contact: **Miss Louise Parker**

**Date: 10th May 2017**