

Reference: 17/00267/FUL

Date submitted: 7 March 2017

Applicant: Mr and Mrs I Woodhall

Location: 2 Windsor Road Waltham on the Wolds

Proposal: Proposed new dwelling on land to the rear of 2 Windsor Road (Resubmission of withdrawn application reference: 16/00351/FUL; alterations to existing house to form new access driveway).



Introduction:-

The application seeks full planning consent for a two storey dwelling, the site is located within the village envelope of Waltham on the Wolds which currently forms the garden of 2 Windsor Road. The site is surrounded by existing dwellings which have a fairly uniform appearance of large gardens to the rear and driveways and garden areas to the front.

It should be noted that the proposal is a resubmission of the previously withdrawn application 16/00351/FUL, the application was withdrawn due to concerns raised in relation to the effect of a new garage to No.2 Windsor Road and development on public land, the mass of the original dwelling, the architectural elevation treatment was not considered to be in keeping with the street scene and the proximity of the new dwelling to the existing site boundary was also of concern.

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

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the Area**
- **Impact upon residential amenities**
- **Impact upon highways**

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

Relevant History:

16/00351/FUL - Proposed new dwelling on land to the rear of 2 Windsor Road; alterations to existing house to form new access driveway; extension to form new garage to existing dwelling with new access – Withdrawn.

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 27th 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:

- Proactively support sustainable economic development to deliver homes and businesses that local areas need;
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them.
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land).
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

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.

Conserving and enhancing the Natural environment

- Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- Aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments

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>Highway Authority:</p> <p>The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011</p>	<p>Noted.</p> <p>The existing access meets the highways standards, with both vehicular and pedestrian movements being facilitated by this access.</p> <p>It is not considered the additional dwelling at the site would cause any additional highways dangers.</p> <p>The access is slightly set back from the highway to allow vehicles to stop clear of the highway when accessing the site.</p> <p>There is good visibility from the access in both directions, with wide visibility splays.</p> <p>The site area marked on the plans shows an area large enough to provide a dwelling with plenty of off</p>

	<p>road parking that would ensure that vehicles would not need to park on the road, and could turn around on site to prevent reversing into the highway.</p> <p>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.</p>
<p>Parish Council:</p> <p>Object to the application considering the proposed new house to be too large for the site and intrusive to the neighbouring properties.</p> <p>The Parish Council were also of the opinion that the proposed new house would not fit well within the existing area of Windsor Road.</p> <p>Councillors are also minded to clause 53 of the NPPF; <i>Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.</i></p> <p>There is considerable local opposition to this proposal.</p>	<p>Noted</p> <p>Matters of design and amenity will be discussed later in the report.</p> <p>Noted – please see this aspect addressed in greater detail below.</p> <p>It is the role of Local and Neighbourhood plans to develop such policies. Both are being developed at present but have not yet been concluded. The Local plan has not proposed such a policy to date</p> <p>Noted – this is addressed below.</p>

Representations:

The application was advertised by way of a site notice at the application site. As a result of both the initial and amended plan consultation a total of **17 letters of objection** from **11 separate households** were received.

Consideration	Assessment of Head of Regulatory Services
<p>Character of the Area and Design</p> <ul style="list-style-type: none"> - The proposal is exceptionally large, tandem, back yard development. - The house will be even taller than before, - It would become a dominant feature of Windsor Road - Far too close to House numbers 1,3 and 2 - Although the front of the house will be made to look of a similar appearance to neighbouring properties, due to its size, and location, it will be totally out of keeping with the area. - The site was and still is a village fringe development, adjacent to open countryside and not a village centre infill site. - The siting of the proposed dwelling, the size of the plot and the introduction of a new driveway are totally out of character with the remainder of the estate. 	<p>Since the previous application the dwelling has been reduced in size and scale to better reflect those of the area. Whilst the reduction is welcome the dwelling remains larger in form in comparison to those that already exist close to the site.</p> <p>The existing street scene is predominantly made up of large detached dwellings and the development seeks to maintain this theme and is approximately commensurate in size and scale and alignment with no.3 adjacent.</p> <p>The existing houses sit behind open garden areas forming the street scene. This element has been investigated and the use of the land to the East, currently un-adopted open space was considered, however during previous consultation it was apparent that this was not appropriate and it is therefore not possible to position the dwelling to be more in keeping with the surrounding layout. Therefore the proposal is less successful in blending in to existing street scene and will have an appearance of being separate. However, equally the street scene will not be undermined or damaged and</p>

	<p>it is not considered that it is of a character justifying protection and as such the absence of significant harm is considered to be an acceptable, if not ideal, justification for the dwelling.</p>
<p>Highways and traffic</p> <ul style="list-style-type: none"> - Traffic congestion will undoubtedly follow. - The access driveway, between house numbers 1 and 2 is far too close to these properties - Where is the new access and parking for the existing house? It is stated in the wording of this application, but is not shown on the drawings. - Traffic congestion is already a problem on Windsor Road, Mere Road is heavily congested with parked cars and difficult to drive through. 	<p>The application shows that the proposed dwelling will utilise the existing access point and an additional access point will be created next to this to serve the existing dwelling</p> <p>The proposal is for one dwelling, it is not considered that the additional traffic from this proposal would be detrimental to highway safety, the proposal has been assessed by the Local Highway Authority who have not raised any objections to the proposal.</p>
<p>Residential Amenity</p> <ul style="list-style-type: none"> - Privacy will be lost - Noise and disturbance will be caused - Air pollution will affect both properties. - Overlooking and overshadowing will be caused by this dwelling - The removal of the tree and shrub screen to create the drive will expose the proposed dwelling to full view from number 1 and its conservatory, which is only some 14m away. 	<p>The proposed dwelling has been amended and reduced since the previous submission, it is noted the close proximity of the proposal to the host dwelling, in this instance the applicant would be the most affected by the proposal.</p> <p>The separation distances proposed within the application shows a distance of 22 metres from the existing dwelling to the proposed dwelling, window to window. 22 metres is considered to be meet normally accepted standards. There will be some overlooking from the proposed development, however this is not so serious as to merit refusal of the application.</p> <p>The proposed dwelling is offset from the boundary to the neighbouring dwelling by approximately 2 metres (previously 1.2m). The absence of windows at first floor on the side elevations would ensure that again there is no significant overlooking to the neighbouring dwellings.</p> <p>The access drive, is located in the most appropriate position for this new dwelling, having explored alternative access arrangements, this meets with the standard of the Local Highway Authority. The proposal is for one additional dwelling, whilst there would be additional vehicles to the site it is not considered that the resulting traffic would be such that would cause significant detrimental impact to the neighbouring dwellings in terms of noise and disturbance, conditions can be imposed ensuring the proposed materials of the driveway are such that would not cause noise nuisance.</p>
<p>Impact on Mature Trees and Nature Conservation</p> <ul style="list-style-type: none"> - Several large mature trees have recently been cut down, one of which has housed a family of owls for several years, these were exactly where the driveway 	<p>The trees in question were not protected by either a Tree Preservation Order nor formed part of a Conservation Area and could therefore have been</p>

<p>is proposed.</p> <ul style="list-style-type: none"> - There is a colony of great crested newts in a paddock pond less than 150m away from the development. - These, together with smooth newts, grass snakes and hedgehogs, are found from time to time in the back gardens. - Proposed development will reduce the habitat for a rich diversity of wild life. - Legal duties are identified by Natural England if great crested newts are found within 500m of a development. 	<p>removed at any point without consent.</p> <p>The area relates to a private residential garden, and whilst there may be some wildlife within this area, the site has not been identified as one of significant importance, however conditions could be imposed and the onus is on the applicant through the wildlife act to ensure that protected species are not harmed during the build.</p>
<p>Compliance with the Local Plan</p> <ul style="list-style-type: none"> - We have been unable to access an up-to-date Local Plan therefore the Framework of the NPPF must be relied upon. The NPPF indicates that development should be restricted if it conflicts with the policies set out in that Framework. This proposal appears to conflict with the following NPPF items: - . <ul style="list-style-type: none"> NPPF 17: not simply about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives. NPPF:53 resist inappropriate development of residential gardens NPPF: 56 Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. NPPF 166: environmental assessments are required including those within the Habitat Regulations - Government Planning Policy Guidance (note 3) Tandem development, consisting of one house, immediately behind the other and sharing the same access is generally unsatisfactory because of the difficulties of access to the house at the back and the disturbance and lack of privacy suffered by the house in front - Planning Portal DCAN 8, whilst this refers to existing urban areas it can be no less important in village fringe areas. <ul style="list-style-type: none"> Development on a plot depth of less than 80m is unlikely to be acceptable – this plot is approximately 70 metres. Where trees form part of the back land plot, the design should seek to retain these – (see above). - Guidance Notes for Back land (Tandem) Development <ul style="list-style-type: none"> In the absence of a Melton Local Plan, best practice guidelines have been taken from other similar boroughs. Examples include the need to avoid repeated tandem developments served by a multiplicity of accesses Tandem developments cause a detrimental change to the character of the area, a lowering of standards of residential amenity, a reduction in highway safety and an unwarranted burden on 	<p>The comments are noted, however the new Melton Local Plan, does not yet hold sufficient weight to be considered at this time. The points raised do however relate to Policy BE1 of the existing 1999 Melton Local Plan which aims to ensure buildings harmonise with their surroundings and do not have significant detrimental impact upon the occupants of surrounding dwellings.</p> <p>The assessment of this proposal is also based on the National Planning Policy Framework.</p> <p>The application has been addressed positively and has evolved considerably since its initial submission.</p> <p>There has been progress on both design and amenity and as such it is considered it is now acceptable within the context of the area (see above).</p> <p>The guidance cited opposite is not part of the NPPG or local policy (whether 1999 local pan or other status) and as such can have no bearing on the application. Policies from other Boroughs or locations cannot be applied to compensate for the absence of locally designed policies.</p>

<p>the provision of services and facilities to residential property.</p> <p>Some specific points</p> <ul style="list-style-type: none"> - There should be 10.5m from a principle elevation with main windows to any other adjacent garden area bordering the development – this is not being achieved. - Carriageway of an access serving a backland site should be 5m from any front window including living areas (i.e. conservatory) and 3m from any side window – this is not being achieved - Where the drive length is over 45m, the drive should be 5m wide to allow access to fire engines – the drive will be over 45m in length and is shown as only 3m side. 	
<p>Not in compliance with the requirements of the Neighbourhood Plan</p> <ul style="list-style-type: none"> - It doesn't help to meet the identified housing requirements of the Parish - It does not respect the shape and form of each village in order to maintain its distinctive character or enhance where possible. - It does not provide a safe vehicular and pedestrian access to the site - It adversely impacts on the character of the area, and the amenity of neighbours and occupiers of dwellings 	<p>National Planning Policy Guidance states that :</p> <p><i>a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and</i></p> <p><i>b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.”</i></p> <p>It goes on to advise that “ <i>Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period”</i></p> <p>Where refusal of planning applications are made on the grounds of prematurity the authority needs to indicate clearly how planning permission would prejudice the outcome of the plan-making process.</p> <p>The Neighbourhood Plan is still in development and has not made any proposals or consulted upon them.</p> <p>It is considered that the NP is not in the position to which the National Guidance advises ‘prematurity’ concerns can be applied, and therefore not considered that a refusal could be reasoned on the grounds of prematurity in light of the above factors.</p> <p>The points referenced have also been discussed in individual relevant sections.</p>
<p>Other Matters</p> <ul style="list-style-type: none"> - The developer of Windsor Road was restricted in the number of houses allowed. - At the moment the plans state just parking spaces, will garage plans be submitted at a later date? 	<p>In terms of the maximum number of dwellings allowed, this was not part of a planning condition and therefore cannot be controlled by the Local Planning Authority.</p>

<p>The owners of number 3, need access to be available into the garden of number 2 for any maintenance work that needs doing on their property.</p> <p>There was a village envelope plan, drawn across the back garden of numbers 1 and 2, to prevent any building or overdevelopment. It would be a shame to now allow this to happen.</p> <p>Water pressure is already very low</p> <p>The house wall of number 3 is also the boundary.</p> <p>We did not receive a letter from MBC informing us of the proposed resubmission.</p> <p>No public notice has been posted locally.</p>	<p>The application is to be determined on what has been presented to the Local Planning Authority, any future application would be determined on its own merit.</p> <p>A covenant is a separate legal agreement to that of the planning legislation and whilst its may cause issues to the developer of the site it is not a material planning consideration.</p> <p>Any permission granted could be conditioned so that drainage details are submitted to the LPA for consideration prior to commencement of the scheme.</p> <p>In terms of boundaries, again this is not something that is within the control of the Local Planning Authority but an ownership certificate has been signed and submitted to say the applicant does own the land in question, any form of boundary dispute should be taken to a solicitor for consideration.</p> <p>A site notice was posted on the lamp post in front of the dwelling on 20 March 2017, along with this, letters were sent to those neighbours who share a boundary with the application site (4 in total).</p>
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Other Material Considerations Not Raised In Consultations:

Consideration	Assessment of Head of Regulatory Services
<p>Sustainability and Local Plan Compliance</p>	<p>The site is located within the village envelope of Waltham and is therefore considered a suitable location for development.</p> <p>The Council is now in a position to demonstrate a five year supply of deliverable housing sites, however, the provision and delivery of housing remains a key priority of Melton Borough Council.</p> <p>Policies OS1 and BE1 of the Local Plan allows for development within the village envelope provided that the form character and appearance of the settlement are not adversely affected, the form, size, scale, mass, materials and architectural detailing of the development are in keeping with the character of the locality</p> <p>In this instance, the character of the area, in terms of layout is not reflected within the proposal, although previous attempts have been made, the design of the proposed dwelling is similar to those of its surroundings, when viewed from the street and open points of the cul-de-sac, the proposal will appear similar to that of the neighbouring Number 3, the revised design has tried to replicate the dormer and sloping roof design that is common within this location, should permission be granted a condition would be imposed to ensure that materials found within the existing street scene are used in the</p>

	development and submitted to the LPA for consideration prior to commencement.
Melton Borough Council Housing Needs	<p>A Housing Needs Study was conducted for the Borough by JG Consulting in August 2016, a summary of which is below.</p> <p>Housing Mix (Size of Homes Needed): Key Messages</p> <p>There are a range of factors which will influence demand for different sizes of homes, including demographic changes; future growth in real earnings and households' ability to save; economic performance and housing affordability.</p> <p>The analysis linked to long-term (25-year) demographic change concludes that the following represents an appropriate mix of affordable and market homes across the Borough (with some small differences suggested between urban and rural areas – particularly in relation to affordable housing):</p> <p>The mix identified should inform strategic policies. In applying these to individual development sites regard should be had to the nature of the development site and character of the area, and to up-to-date evidence of need as well as the existing mix and turnover of properties at the local level.</p> <p>Based on the evidence, it is expected that the focus of new market housing provision will be on two- and three-bed properties. Continued demand for family housing can be expected from newly forming households. There may also be some demand for medium-sized properties (2- and 3- beds) from older households downsizing and looking to release equity in existing homes, but still retain flexibility for friends and family to come and stay.</p> <p>The assessment found there remains a surplus of larger family homes, with additional small two and three bedroom properties being particularly required to rebalance the existing stock.</p> <p>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>With regards to the Strategic Housing Market Assessment, there is an identified need for small three bedroom dwellings as there remains a surplus of larger family and executive style housing.</p> <p>This dwelling has been proposed to have three bedrooms, and meets the requirements of lifetime homes, therefore it is considered that it would meet the locally identified housing needs of the Borough.</p>

Conclusion

The Borough is considered to have an adequate housing land supply. Whilst the site would add to this supply, the contribution it would make is limited. It is considered that due to the limited need for further supply and the contribution the development would make, the weight attached to the provision is limited (and reduced from circumstances where there is a shortfall that needs addressing).

Waltham has a larger range of local facilities and services than most of the Borough and therefore is considered to be a settlement suitable for residential development. Evidence produced in the formulation of the new Local Plan shows that the sustainability ‘credentials’ of Waltham are high and as a result it prefers future residential development within this village.

The location of the proposal is within a sustainable village offering a range of facilities and services, public transport links are good and it is considered that the majority of the village residents would not have to be reliant on a private car.

The development has been designed so as not to cause significant overlooking or loss of light to nearby dwellings and has been sufficiently reduced in size and scale not to appear cramped in form when compared to the previous submission.

Balanced against this, the proposal does form a tandem development sat behind an existing dwelling and the land currently utilised as garden land with no presumption in favour of development.

In conclusion it is considered that, on the balance of the issues, there are limited benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply.

The balancing issues – the limited impact on character of the area - are considered to be outweighed by the benefits of the proposal, namely the provision of housing in a sustainable location and of a size that would benefit the needs of the Borough.

Applying the ‘test’ required by the NPPF that permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits; it is considered that on the balance of the issues, permission should be approved.

Recommendation: Permit, subject to conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. No development shall start on site until all external materials to be used in the development hereby permitted have been agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
3. The proposed development shall be carried out strictly in accordance with plan drawing numbers

7160_03_10A Revision A
7160_03_02 Revision D

Received by the Local Planning Authority on 7th March 2017.

4. The development hereby permitted shall not commence until drainage plans for the disposal of surface water 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.
5. Prior to first occupation the whole of the access drive(s) and turning space(s) shall be surfaced with tarmacadam, concrete or similar hardbound material (not loose Aggregate) in accordance with the written approval of the Local Planning Authority.
6. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General

Permitted Development Order) 2015 or any subsequent amendment to that order, no development within class A, specified in A, B, C and E shall be carried out unless planning permission has first been granted for that development by the Local Planning Authority.

Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
3. For the avoidance of doubt
4. To ensure that satisfactory provision is made at the appropriate time for the disposal of surface water.
5. To ensure a satisfactory standard of development and prevent any loose material being taken onto the highway in the interests of safety.
6. To enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed.

Officer to contact: Miss Louise Parker

Date: 10th May 2017