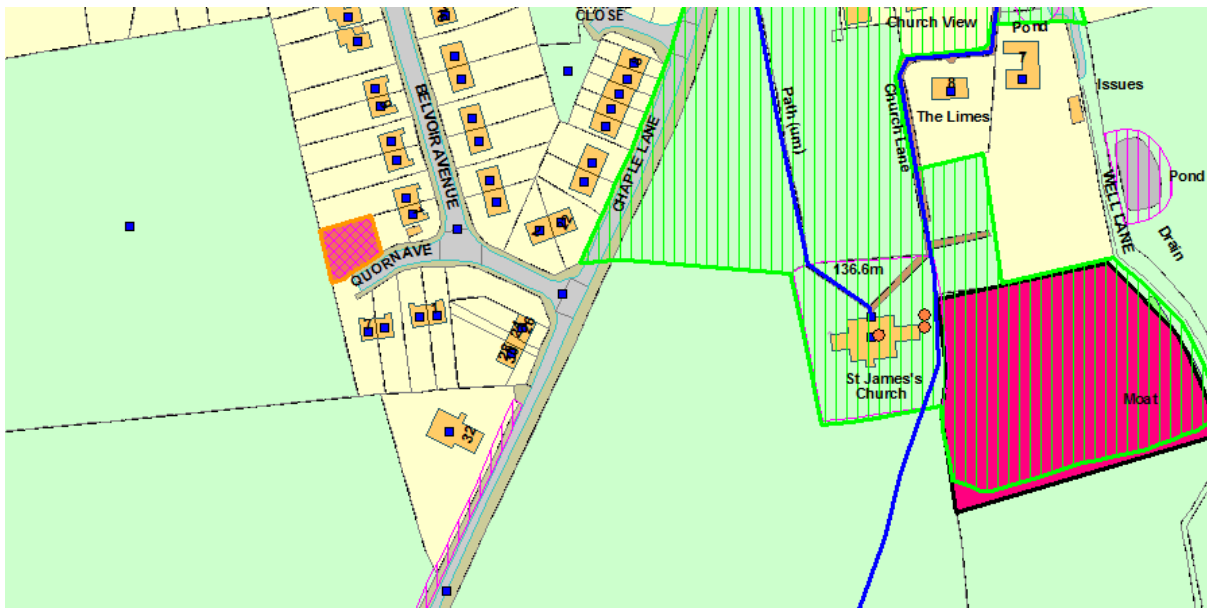


COMMITTEE DATE: 04th April 2019

Reference: 18/01464/FUL
Date Submitted: 06.12.2018
Applicant: Taylors Drawings – Mr Robin Taylor
Location: 1 Belvoir Avenue, Ab Kettleby, LE14 3HP
Proposal: Erection of a detached bungalow



Introduction:-

The application seeks planning permission for the erection of a detached single storey dwelling and associated car parking within the rear garden of no. 1 Belvoir Avenue. The host dwelling is situated on a corner plot and the proposed dwelling would enjoy its own access onto the highway via Quorn Avenue. The site is within the development limits of Ab Kettleby as defined in the draft Neighbourhood Plan. The proposed dwelling would measure 11.5 m wide, 4.6 high and be 6.5m deep, and would feature a pitched roof. The dwelling would be positioned a maximum of 7.6m from the boundary of no.3 Belvoir Avenue and would be set back a minimum of 1.5m from the boundary of the site with Quorn Avenue.

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

- Compliance or otherwise with the Development Plan, the Draft Neighbourhood Plan and the NPPF
- Impact upon the character of the area
- Impact on the amenity of neighbouring residents

- Drainage/flooding issues
- Highway safety
- Sustainable development

Relevant History:-

05/00530/FUL – Erection of a Conservatory - Permitted: 26/07/200

The application is presented to Committee for determination at the request of the Local Ward Member.

Planning Policies: - Melton Local Plan 2011-2036 (Adopted October 2018)

The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area in addition to the Neighbourhood Plan. Under S.38 (6) planning decisions must follow the policies of the of the Plan unless material considerations indicate otherwise

Policy SS1 sets out a presumption in favour of sustainable development Policy D1 seeks to raise the standard of design through siting and design being sympathetic to the character of the area, to protect the amenity of neighbours, utilise the existing trees and hedges together with new landscaping and make adequate car parking provision.

Policy SS2 states provision will be made for the development of at least 6,125 homes and some 51 hectares of employment land between 2011 and 2036 in Melton borough.

Policy EN6 states development proposals will be supported where they do not harm open areas which, contribute positively to the individual character of a settlement, contribute to the setting of historic built form and features or contribute to the key characteristics and features of conservation areas.

Policy EN8 states all new development proposals will be required to demonstrate how the need to mitigate and adapt to climate change has been considered.

Policy D1 seeks to raise the standard of design through siting and design being sympathetic to the character of the area, to protect the amenity of neighbours, utilise the existing trees and hedges together with new landscaping and make adequate car parking provision.

National Planning Policy Framework (NPPF) 2019

The Local Plan has been examined and it has been concluded it is compatible with the NPPF 2012 version. There are not considered to be any changes in the 2019 version that renders the policies applicable to this application 'out of date'.

Draft Ab Kettleby Neighbourhood Plan

POLICY S1: LIMITS TO DEVELOPMENT - Development proposals within the Limits to Development, or in terms of new community facilities close or adjacent to the Limits to Development in figure 2 above will be supported where they comply with other policies in this Plan.

POLICY H3: WINDFALL SITES - Residential development proposals on infill and redevelopment sites will be supported subject to proposals being well designed and meeting relevant requirements set out in other policies in this Plan and other development plan policies, and where such development:

- a) Fills a restricted gap in the continuity of existing frontage buildings or on other sites within the built-up area of Ab Kettleby, Wartnaby and Holwell where the site is closely surrounded by buildings;
- b) Does not adversely impact on the character of the area, or the amenity of neighbours;
- c) The layout and yield of the site respects the character of the immediate locality in terms of building orientation, massing and materials;
- d) It retains existing important natural boundaries such as gardens, trees, hedges and streams;
- e) It provides for a safe vehicular and pedestrian access to the site.

POLICY H4: HOUSING DESIGN - Proposals for new or replacement dwellings and extensions to existing dwellings will be supported where they comply with the following criteria:

- a) Development should enhance the local distinctiveness and character of the area in which it is situated, particularly within a Conservation Area
- b) Adequate off-road parking should be provided
- c) All new housing should continue to reflect the character and historic context by use of a range of local materials
- d) Development must limit the impact of light pollution from artificial externally visible light sources
- e) Development should be enhanced by biodiversity and landscaping with existing trees, elevations and hedges preserved whenever possible;
- f) Wherever possible, enclosure of plots should be of native hedging, or brick/stone wall of sympathetic local rural design;
- g) Development should be encouraged to develop sustainable design and construction techniques to meet high standards for energy and water efficiency, including the use of renewable and low carbon energy technology, solar panels, rainwater harvesters and photovoltaic glass. These features should not adversely detract from the visual amenity of the current street scene.

POLICY T1: TRAFFIC MANAGEMENT - With particular regard to the rural highway network of the Parish and the need to minimise any increase in vehicular traffic all housing and commercial development should:

- a) Be designed to minimise additional traffic generation and movement through the village,
- b) Incorporate sufficient off-road parking
- c) Not remove or compromise the use of any existing off-road parking areas unless a suitable equivalent alternative is provided;
- d) Provide any necessary improvements to site access, communal parking and the highway network either directly or by financial contributions; and
- e) Consider, where appropriate, the improvement and where possible the creation of footpaths and cycleways to key village services.

Consultations

Consultation Reply	Assessment of Assistant Director of Planning and Regulatory Services
<p>Parish Council 12/03/2019</p> <p>Ab Kettleby Parish Council have requested that the application be referred to and determined by the Committee, as they would like this to be determined in the open.</p>	<p>The Parish Council were informed that the application would be heard by the Planning Committee at the request of the Local Ward Councillor.</p>
<p>Parish Council 09/01/2019</p> <p>The Parish Council object for the following reasons:</p> <ol style="list-style-type: none"> 1. The Village is already well served for bungalow type properties. 2. The planned property is too big for the site 3. The loss of amenity to 3 Belvoir Avenue is beyond what is reasonably accepted for infill property. 	<p>The Parish Council's objections are noted, however there is no policy in place restricting the number of bungalow type properties, and there is considered to be a high demand for bungalows in the Borough.</p> <p>The application as originally made was considered to represent an overdevelopment of the plot, to this effect amended plans were sought which reduced the size of the proposed development.</p> <p>While it is recognised that the proposal would adversely impact on the amenity of the adjacent dwelling no 3 Belvoir Avenue. Due to the single storey design and modest size of the proposed</p>

	dwelling and its distance from the dwelling at no.3 Belvoir Avenue the adverse impacts of the proposed development are not considered severe enough to justify the refusal of planning consent.
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Representations:-

The application was advertised by means of a Site Notice dated: 20.12.2018, and letters were sent out to 6 no. neighbouring properties on the 26 /02/2019 and again on the 21/03/2019 to advise of the amended plans. 1 no. Objections were received to each letter from the same source, whilst 3 no letters of support for the application were received from local residents. Comments received in these representations have been summarised and addressed below.

Representation	Assessment of Assistant Director of Planning and Regulatory Services
<p>Objections</p> <p>1) Impact on residential amenity, siting and layout intrusive and unsympathetic to amenities of neighbour. Out of keeping with the settlement pattern. Overbearing, overlooking with loss of privacy and loss of light.</p> <p>2) Comments on Amended plans – Still overbearing resulting in loss of privacy and residential amenity.</p>	<p>The proposed development is modest in scale and set well in from the boundary and would not have an unacceptably adverse impact on the amenity of neighbouring residents. The car parking is positioned well clear of neighbouring properties.</p>

Representations in Support	Assessment of Assistant Director of Planning and Regulatory Services
Supports Due to Local connection of applicants and modest size of proposed dwelling.	Noted
Supports due to local connection and feels that development would enhance the appearance of the cul-de-sac onto which it would face.	Noted
Supports due to local connection that build is not for profit and would release a family home onto the market.	Noted

Other Material Consideration	Assessment of Assistant Director of Strategic Planning and Regulatory Services
<p>Means of access/highway safety</p> <p>The house would be accessed off Quorn Avenue via a low kerb similar to those already present within the street scene, two parking spaces have been shown on the proposed plan.</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>This has been fully considered and as a result of the advice:</p> <ul style="list-style-type: none"> • Two parking spaces for the dwelling have been provided in line with the standards for one bedroom properties • There is adequate visibility for users leaving the spaces • Drainage will be conditioned so that any outfall will not be deposited within the highway network. • The spaces will be conditioned to be hard bound to ensure no deleterious material is deposited in the highway (loose stones etc.)
<p>Application of planning policy</p> <p>Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and advises that proposals which accords with an up to date development plan should be approved without delay.</p> <p>Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, a Local Planning Authority should grant permission unless: the application of the policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.</p>	<p>The application is required to be considered against the Development Plan and other material considerations. The NPPF is a material consideration of some significance.</p> <p>The Adopted Local plan (October 2018) is considered to be up to date and the application is in accordance with the content of the NPPF and therefore the NPPF does not 'weigh against' the provisions of the Local pan (so far as applicable to this application).</p> <p>5 year land supply issues:</p> <p>The Council's most recent analysis shows that there is the provision of a 5 year land supply and as such the relevant housing policies are applicable. Therefore this consideration does not weigh against the Development Plan as 'out of date' on this basis.</p>

Melton Local Plan

The Melton Plan of 2011-2036 is now the development plan for the area in which all planning applications *must* be taken against.

Policy SS2 sets out the Borough wide development strategy and states that Service Centres and Rural Hubs will accommodate approximately 35% of the Borough's housing residual requirement delivered on allocated sites and windfall sites.

Policy SS3

In rural settlements outside the main urban area, the Council will seek to protect and enhance existing services and facilities and will support sustainable development proposals in accordance with Policy SS2 above which contribute towards meeting local development needs, contributing towards the vision and strategic priorities of the plan, and improving the sustainability of our rural areas. In addition to those sites allocated through the local plan, planning permission will be granted for new residential development in the rural area within or on the edge of existing settlements, provided it is in keeping with the scale and character of the host settlement and where:

1. The development provides housing which meets a proven local need as identified by substantive evidence,
2. The development respects the Borough's landscape and settlement character
3. The development will be served by sustainable infrastructure and or provide new infrastructure
4. The development respects ecological, heritage and

The Local Plan is now adopted and now is part of decision making for the purposes of determination.

The principle of development in this case is supported as windfall development in a 'rural hub' and is further supported by Policy SS3 to allow a family to downsize to a single storey dwelling and to remain living in close proximity to family members. The applicants wish to retain their connection to Ab Kettleby and no suitable dwellings are available on the open market. This is considered to be a 'proven need' which is not met elsewhere by other policies in the Plan, of the type that SS3 accommodates.

The details of design, access and layout are addressed above and it is considered that the details of the application accords with the criteria applicable to Policy SS3.

<p>biodiversity features and where appropriate provides mitigation to prevent any potential harm;</p> <p>5. Where possible the development does not result in the loss of best and most versatile agricultural land; and</p> <p>6. The development can be adequately drained and would does not increase the risk of flooding, in accordance with Policy EN11.</p> <p>Neighbourhood Plan</p> <p>Ab Kettleby PC are a qualifying body, and have produced a Neighbourhood Plan.</p> <p>The plan was submitted to Melton Borough Council in January 2019 and underwent Regulation 16 consultation from 25/01/2019 to 11/03/2019, the next stage for the Neighbourhood Plan is examination to which a date is yet to be confirmed.</p>	<p>Neighbourhood Plan</p> <p>NPPF paragraph 48 states that:</p> <p>Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <p>a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</p> <p>b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and</p> <p>c) The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).</p> <p>The NP has yet to be submitted for Examination and referendum etc. and accordingly can be given limited weight at this stage of its development.</p>
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Conclusion:-

The application seeks permission for a modest detached bungalow to meet the housing needs of long term residents of Ab Kettleby who wish to downsize to a single storey dwelling, while remaining close to family members. The applicants wish to retain their connection to Ab Kettleby. The application site is considered to

represent a windfall site within the village of Ab Kettleby. **The principle of development in this case is considered to be supported by Policy SS2 and attracts further weight from SS3.**

The site is situated on a corner plot and the proposed development would result in the loss of garden land and create a new dwelling facing the highway with its own access and tandem parking spaces. It is considered that the creation of an access to serve the proposed dwelling would not have a significant impact on highway safety, subject to the imposition of Condition no's 4 and 5 below.

Having regard to the design, the proposed dwelling would be modest in scale, and unobtrusively sited within the plot and constructed from a palette of traditional materials that would allow the proposal to integrate well with its surroundings. It is noted that adequate car parking would be provided. Having regard to the above no objections are raised with regard to policy D1, and the design is considered acceptable. Due to the proposed dwelling's modest scale, and its siting within the plot combined with the use of suitable materials, it is not considered that the proposed development would adversely impact on the character of Ab Kettleby to an extent that objections could be sustained with regard to Policy EN6. While it is recognised that the proposed development would impact on the amenity of the adjacent dwelling no. 3 Belvoir Avenue, the revised plans have oriented the new dwelling away from the rear of no 3 and due to the modest size of the proposed dwelling it is not considered that the proposed development would have a sufficiently adverse impact on the amenity of the current and future occupants of that dwelling or on the host dwelling to justify the refusal of planning consent on this occasion.

The application site is located within Flood Zone 1 and is not therefore considered to be at risk of flooding, nor would the proposed development result in any significant increase in surface water run off or adversely impact on the water table, therefore no objections are raised with regard to the provisions of Policy EN11.

The application would not conflict with the provisions of policies EN1, EN4, EN6 or EN11 and would not result in ecological harm or in the loss of high quality farm land, the proposed development is therefore considered to accord with the provisions of Policies SS2 and SS3 and the proposed development is considered to be acceptable.

Having regard to the above it is considered that the proposed development complies with the provisions of the NPPF and the Melton Plan 2011-2036. No material considerations are present to justify a decision that would depart from the Local Plan and it is recommended that planning consent be granted on this occasion.

Recommendation: Permit 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 development hereby permitted shall be carried out in accordance with the drawing numbered: A1-01-02-2019 received by the Local Planning Authority on the 19th February 2019.
3. No works above ground level shall commence until details of the external materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in strict accordance with the approved details unless alternative materials are first agreed in writing by the Local Planning Authority.
4. Notwithstanding the provisions of Part 1 and Part 2 of Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no development under classes A and E of part 1 of schedule 2 or under Class A of Part 2 of Schedule 2 shall take place without the prior written consent of the local Planning authority.
5. The car parking and any turning facilities shall be provided as shown on the approved plans and shall be hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.
6. Prior to the first occupation of the development hereby permitted details of a landscaping and planting scheme to include details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in strict accordance with the approved details.

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. For the avoidance of doubt.
3. To ensure the development is of the satisfactory appearance as stipulated within the application.
4. To ensure the amenity of the current and future occupants of the site and neighbouring residents and to enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2019).

5. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
6. To ensure the development is of the satisfactory appearance, to protect the amenity of neighbouring properties.

Officer to contact: John Cosgrove

Date: 26th March 2019