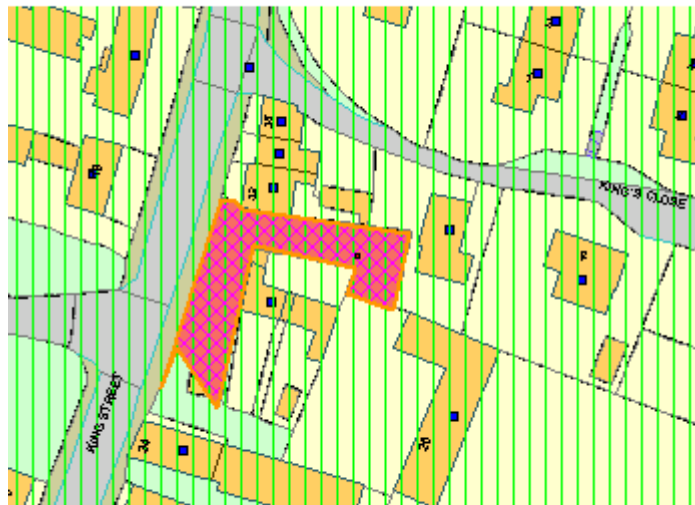


Reference: 15/01013/FUL
Date submitted: 05.01.16
Applicant: J R T Construction
Location: Pilgrim Service Station, 30 King Street, Salford
Proposal: Re-development of former Pilgrims Garage site to form three new dwellings and associated parking area.



Proposal :-

This application seeks planning permission for the re-development of the site to create three dwellings on the former Pilgrim garage on the eastern side of King Street. The existing buildings on site would be demolished and three dwellings (1 x 2 bed and 2 x 3 bed) would be erected in the form of a pair of semi-detached dwellings and a detached dwelling.

Revised plans have been received clarifying the highway boundary and confirming the height of the dwarf wall adjacent to the highway boundary at 0.6 metres.

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**
- **Contamination**
- **Highway safety**

The application is presented to the Committee due to the number of representations received.

History:-

There is a detailed history on the site including 05/00614/FUL which approved the erection of two dwellings on the site and 05/00697/CON which approved the demolition of the garage buildings on the site.

Planning Policies:-

Melton Local Plan (saved policies):

Policies OS1 and BE1

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.

Policy H6 states permission will be granted in village envelopes for residential development comprising small groups of dwellings or single plots.

Policy C15: states that planning permission will not be granted for development which would have an adverse effect on the habitat of wildlife species protected by law unless no other site is suitable for the development Policy C16.

The National Planning Policy Framework 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 this 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.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- 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
- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation
- 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 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

- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- LPA's should identify land for 5 years housing supply plus 5% (20% if there is a history of under delivery). In the absence of a 5 year supply housing policies should be considered to be out of date.
- 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

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

This 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 para. 12)

Conserving and enhancing the historic environment

- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.
- In determining planning applications, local planning authorities should take account of:
 - the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and

convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

As the site is within the conservation area the Committee Members are reminded of the duties to give special attention to the desirability of preserving or enhancing the conservation area (s.72 of the LB and CA Act 1990).

Consultations:

Consultation reply	Assessment of Head of Regulatory Services
<p>Highways Authority: In highway terms the proposal offers some highway gain in removing an existing use that has the potential to generate a significant volume of traffic and a significant number of vehicles parking within the highway.</p> <p>The proposal shows 5 off street parking spaces to serve the three dwellings and providing the parking spaces remain unallocated, or at least the three spaces to the rear of plot 3 are unallocated, then this level of parking is considered suitable.</p> <p>The proposed shared access to the rear parking area is undesirable and it would be preferable if the access were sufficiently wide enough to allow two vehicles to pass. However, given the potential highway gain as a result of the removal of the existing use, it would be difficult to argue that this is a sufficient reason to resist the development.</p> <p>Notwithstanding the details submitted, each parking space should have a minimum width of 2.4 metres and a minimum length of 5 metres. The parking and turning area should be maximised to enable cars to park, cars door open fully and then vehicles to turn, and therefore the vegetation shown alongside the parking area and driveway should be ground cover only.</p>	<p>The site currently accommodates a disused garage and this remains the lawful use. The site could therefore be re-used as a commercial operation which is likely to generate a significant level of traffic, including deliveries. As such the removal of this use from the site is welcomed in terms of highway safety.</p> <p>The proposal would create three dwellings with a total of 5 off street parking spaces with three to the rear, accessed through the undercroft on Plot 3 with two spaces between Plots 2 and 3. Given the current buildings and approved use, and the limited size of the proposed dwellings, that the proposed parking provision is acceptable.</p> <p>The Highway Authority raise no objection noting there is the potential for some highway gain. A condition can be imposed to ensure the parking spaces to be provided comply with the size standards.</p> <p>The proposal would not result in undue harm in highway safety terms and would not have a detrimental impact upon Highway Safety subject to the conditions as requested by the Highways Authority.</p>
<p>Scalford Parish Council: object on the following grounds:</p> <ul style="list-style-type: none"> • Inadequate space for parking and manoeuvring and would entail vehicles reversing onto King Street; • The site is being overdeveloped by cramming 3 properties on it and takes no account of the existing adjacent properties, and will have a detrimental effect on neighbours; • looking at the site it appears adjoining 	<p>Highway Safety</p> <p>The proposal would be served by five parking spaces which is accepted by the Highway Authority as being satisfactory to serve the proposed three dwellings and they note there is some highway gain through the removal of the former commercial operation from the site. Although the proposal would result in vehicles reversing from the parking spaces proposed to the front of the site these traffic movements are likely to be less than the potential vehicle movements from the lawful use.</p>

<p>properties will be overlooked;</p> <ul style="list-style-type: none"> • Lack of amenity space for the proposed properties. 	<p>Furthermore, the proposed three parking spaces to the rear of the site are to be served by a turning area thereby allowing vehicles to enter and leave the highway in a forward gear.</p> <p>Over-development</p> <p>The proposal seeks to erect three dwellings on the site. Historically permission has been granted for the erection of two dwellings. Although the proposal would lead to a more intensive scheme it is considered the number of dwellings sought is acceptable. The proposal seeks to balance re-developing the site with relatively small-scale dwellings whilst ensuring the scheme is economically viable and ensuring the site is re-developed and therefore removing a site that currently detracts from the street scene.</p> <p>The site is within the Conservation Area and currently detracts from this heritage asset through the appearance of the disused buildings and the hardstanding. The proposed re-development proposals therefore would remove the current buildings which detract from the designation.</p> <p>It is noted the proposed amenity space to serve the dwellings is relatively limited. However, this was also the case on the approved scheme and future occupiers would be aware of the limitations of the private amenity space. Given the density of the surrounding area it is not considered the proposal represents the over-development of the site and would not result in a cramped form of development.</p> <p>Residential Amenity</p> <p>Plot 1 would replace the existing two storey garage building and would occupy a similar location on the site. Although a rear facing first floor window is proposed a condition could be imposed to ensure obscure glazing up to 1.7 metres above the internal floor level to ensure there would be no undue overlooking of the rear garden of the neighbour to the east. This would also ensure adequate amenity would be provided to the future occupiers of that bedroom.</p> <p>Plot 2 would be located in line with the side elevation of the neighbouring dwelling and Plot 3 would be adjacent to the existing access with only oblique views towards the neighbouring properties.</p> <p>No windows are proposed in the end elevations of the dwellings and adequate distances would remain between the proposed and existing dwellings to ensure there would be a satisfactory relationship.</p>
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	<p>It is acknowledged that the proposal would lead to dwellings set relatively close to neighbouring properties with habitable windows in front and rear elevations. However, any impact must be balanced with the lawful use of the site and buildings as a commercial garage. On balance therefore no objection is raised on residential amenity grounds.</p> <p>It is therefore considered, on balance, the proposal is acceptable in terms of the number of units proposed, highway safety and residential amenity.</p>
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Representations:

A site notice was posted and neighbouring properties consulted. As a result 5 representations objecting were received.

Representations	Assessment of Head of Regulatory Services
<p>Over-development of the site may affect the amenities enjoyed by occupiers of neighbouring dwellings.</p> <p>Development not in keeping with the conservation area.</p> <p>Insufficient parking for the proposed dwellings would exacerbate the on street parking problems in the area.</p> <p>The proposals would result in the loss of the visibility splay to the south that serves nos. 24 and 28 King Street.</p> <p>Loss of privacy which requires suitable boundary treatment. Overlooking of neighbouring properties.</p> <p>The proposals would involve significant groundworks and information relating to ground levels is required.</p> <p>Planning consent should be conditional on further monitoring of the potential contamination of the site.</p> <p>The proposed removal of the underground storage tanks and lowering of levels could have an adverse impact on the structural integrity of neighbouring properties.</p>	<p>Residential Amenity The proposal has been assessed and it is concluded the development could not reasonably be resisted on residential amenity grounds. The proposal would remove a potentially un-neighbourly use and replace with dwellings in a predominantly residential area. Furthermore, although the site has constraints due to the shape, levels is and proximity and number of neighbouring dwellings, the layout and design has taken these into account.</p> <p>It is considered the proposal would protect the residential amenity of occupiers of neighbouring properties by carefully siting windows where the impact would be minimised and by ensuring distances between first floor habitable windows on the proposed and existing dwellings are acceptable. It is acknowledged there would be some impact on the amenity of existing occupiers; however, on balance, and given the lawful use of the site, it is considered the relationship would be acceptable.</p> <p>Conservation Area The Local Planning Authority has a duty to ensure the designation is preserved or enhanced. The current building and lawful use has a detrimental impact on the character and appearance of the conservation area and the removal of the buildings is welcomed. The proposed development would provide a greater sense of enclosure, to reflect the prevailing character and the design and layout is considered sympathetic to the site, street scene and designation.</p> <p>Highway Safety/Parking These issues are discussed above and in conclusion the Highway Authority raise no objection subject to conditions.</p>

	<p>Groundworks/Contamination</p> <p>Permission has historically been approved for dwellings on the site and a contamination report has been submitted. It is considered this issue could be adequately addressed through a condition.</p> <p>The proposed levels could also be dealt with via a condition.</p> <p>The Party Wall Act would cover any impact on the structural integrity of the neighbouring properties.</p> <p>It is considered the proposal is acceptable in terms of visual impact, residential amenity, highway safety and contamination, subject to conditions.</p>
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Other Material Considerations, not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Application of Development Plan and other planning policy</p> <p><u>Policies OS1 and BE1</u> allow for development within Village Envelopes providing that:-</p> <ul style="list-style-type: none"> • 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; • development harmonises with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing; • the development would not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight or daylight; • adequate space around and between dwellings is provided. <p><u>Policy H6</u> states permission will be granted in village envelopes for residential development comprising small groups of dwellings or single plots.</p>	<p>The proposal would re-develop a brownfield site and is within the village of Scalford which has some community facilities. The principle of development is therefore considered to be acceptable in land use terms with the gain of removing the un-neighbourly use.</p>

Contamination	The site has been in industrial use and a condition is recommended to ensure any contamination is satisfactorily dealt with.
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Conclusion

It is considered that the application presents a balance of competing objectives with the Borough being deficient in terms of housing land supply and this would be partly addressed by the application. The village of Scalford is considered to be a reasonably sustainable where some services can be accessed. Though by no means optimum, the site is considered to perform reasonably well in terms of access to facilities and transport links; those in the immediate vicinity and the added benefit of a modest range of additional services in Scalford. Furthermore, the proposal would re-develop the site and remove the current unsightly buildings and would result in gains through highway safety, contamination and enhancing the Conservation Area.

On balance it is considered the proposal is acceptable and is recommended for approval.

Recommendation: Approve subject to conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be built in accordance with the following plans: 1:1250 plan, 1:500 Plan, T/15/03/01B, T/15/03/02B, T15/03/04B and T15/03/05A.
3. Before the commencement of development a plan showing a detailed soft and hard landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall include details of:
 - (a) any existing trees, shrubs, hedges, water bodies to be retained and measure of protection in the course of development;
 - (b) new tree and shrub planting, including plant type, size, quantities and locations;
 - (c) other surface treatments;
 - (d) any changes in levels or contours;
 - (e) boundary treatment);
 - (f) details of planting to replace the removed part of the Yew hedge along the highway boundary to include species, densities, height of plants and location of planting.
4. The approved landscaping scheme shall be carried out within one year of completion of the development and any trees, hedges, shrubs or plants which within a period of 5 years from the completion of the planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.
5. Before development commences the following shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details prior to the first occupation of the dwelling hereby approved:
 - a) Details of the proposed bin stores;
 - b) Drawings, at a scale of not less than 1:20, of the windows and doors to detail profile, furniture, reveal and materials;
 - c) Details, at a scale of not less than 1:20 of any corbelling, cills and lintels;
 - d) Details of the rainwater goods including profile, location and materials;
 - e) Details of any gas or electricity boxes.
6. Before development commences samples of all external materials to be used on the dwelling hereby

approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details.

7. No vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected across any of the proposed vehicular accesses.
8. No walls, planting or fences shall be erected or allowed to grow on or adjacent to the highway boundary exceeding 0.6 metres in height above the level of the adjacent carriageway.
9. The gradient of the access drives shall not exceed 1:12 for the first 5 metres behind the highway boundary.
10. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, and thereafter shall be so maintained.
11. The car parking and turning facilities shown within the curtilage of the site serving all dwellings, shall be provided, hard surfaced and made available for use before any dwelling hereby permitted if first occupied and shall thereafter be permanently so maintained.
12. Before first occupation of any dwelling, its access drive shall be surfaced with tarmac, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
13. Before first use of the development hereby permitted, 1.0 metre by 1.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting the Order with or without modification) no extensions, alterations or additions to the walls or roof, additional doors or windows, outbuildings or fences, gates or walls shall be erected/carried out without the prior permission of the Local Planning Authority.
15. Before development commences details of the proposed finished floor levels and the existing ground floor levels of the surrounding neighbouring properties shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved levels.
16. Before development commences details of the obscure glazing of the rear facing bedroom window on Plot 1, to an internal floor level of 1.7 metres, shall be submitted to and be approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the approved obscure glazing has been installed and shall thereafter so be maintained.
17. No development approved by this planning permission shall be commenced until a site investigation has been carried out by a specialist to determine whether any contaminants are present and this should include the identification and location of underground storage tanks. The results of the site investigation shall be submitted and approved by the local planning authority together with details of any necessary remedial works. If contaminants are found and they considered to be, or are likely to be a "significant risk" to proposed users of the site and create a "pollution linkage", any contaminants present must be removed to a suitable disposal site. Retests must be carried out following the removal of material and any material brought into the site must be from sources which would not contain contaminants.

Reasons:

1. To prevent the unnecessary accumulation of unimplemented permissions, to encourage early implementation and to enable the Local Planning Authority to review the consent if a further application is made.
2. For the avoidance of doubt.
3. To ensure that the Local Planning Authority can exercise proper control over the visual appearance of the

area and in the interests of visual amenity.

4. To ensure that the Local Planning Authority can exercise proper control over the visual appearance of the area and in the interests of visual amenity.
5. In the interests of visual amenity to ensure the details are suitable for the character and appearance of the area.
6. In the interests of visual amenity to ensure the details are suitable for the character and appearance of the area.
7. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
8. To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
9. To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.
10. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.
11. 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.
12. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
13. In the interests of pedestrian safety.
14. In the interests of visual and residential amenity.
15. In the interests of residential amenity.
16. In the interests of residential amenity.
17. In order to deal with any unexpected contamination during development.

Officer to contact: **Mr J Mitson**

Date: 11 May 2016