

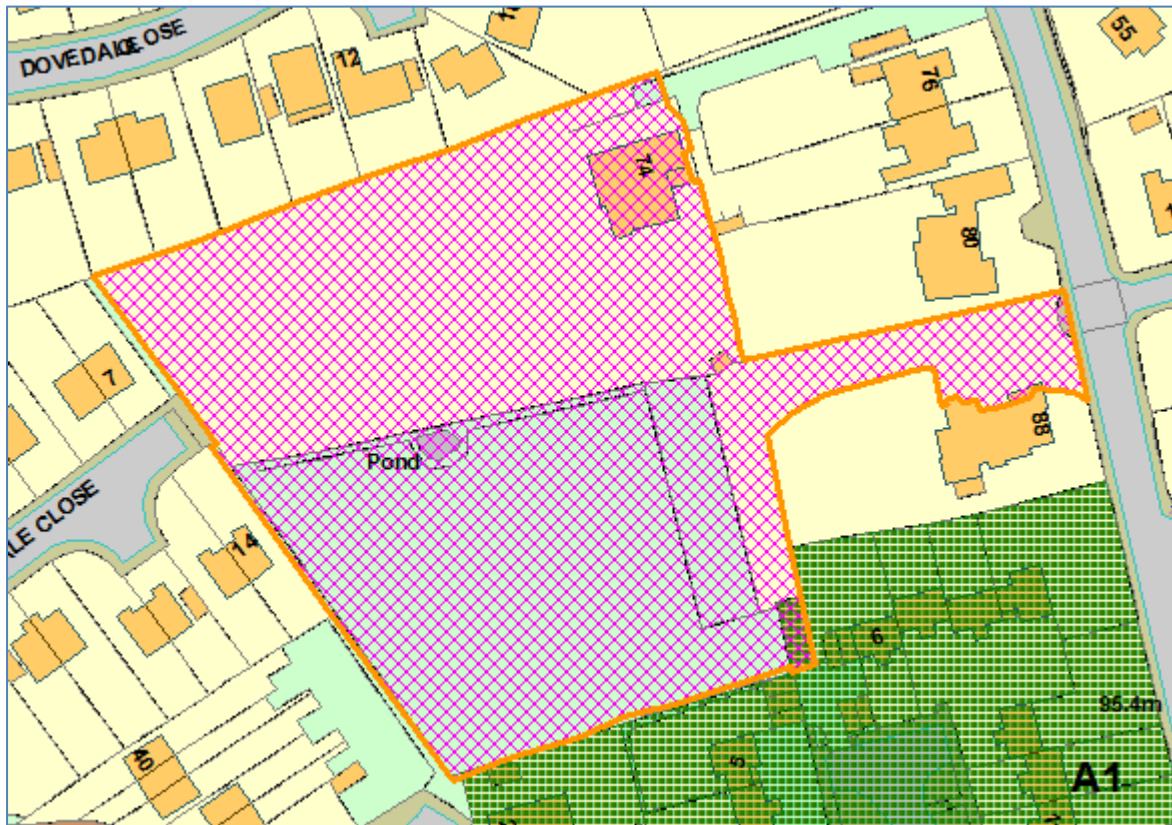
Reference: 16/00898/OUT

Date submitted: 26.11.2016

Applicant: Mr P Chimento

Location: 88 Dalby Road, Melton Mowbray, LE13 0BH

Proposal: Outline application for residential development and new access road off Dalby Road, serving: No 88 Dalby Road, No 74 Dalby Road and 7 new bungalows.



This application seeks outline planning permission to erect 7 bungalows on land to the rear of 88 Dalby Road and create an access to serve the proposed bungalows, no 74 Dalby Road and no 88 Dalby Road. The site lies within the designated town envelope where there is a presumption in favour of development. The site has been identified as suitable for development in the emerging Local Plan and is considered to be capable of providing up to 27 dwellings (MEL12 – Site allocations and policies). The site was also identified in the 1999 Melton Local Plan as appropriate for development.

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

- **Compliance or otherwise with the Development Plan,**
- **Impact on the character of the area,**
- **Impact upon residential amenity**
- **Highway safety.**

The application is required to be presented to the Committee due to the level of public interest.

## **History:-**

In 2008, planning permission was refused and an appeal later dismissed for development on the site for the erection of 30 dwellings, including a 3 storey apartment block (08/00969/FUL). The application was refused permission due to the lack of ecological information, highways and impact upon the character and appearance of the area and the amenity of the occupiers at 80 Dalby Road. The Inspector concluded that the development could only be refused due to highway safety grounds as sufficient visibility splays could not be provided for the development. The proposed access for the application currently under consideration is proposed in a different position than that in the 2008 application and has been assessed by LCC Highways. It was considered that any impacts on neighbouring properties and the character and appearance of the area were acceptable.

## **Planning Policies:-**

Melton Local Plan (saved policies):

**Policies OS1 and BE1** allow for development within Town and 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 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;
- 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.
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

**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)

**Consultation:**

<b>Consultation Reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>LCC Highways – No objection subject to conditions</b></p> <p>Initial response – the indicated visibility splays of 53m to the South and 43m to the North would be below the 54m required. Proposal also includes widening footway by 0.3m. Requested appropriate visibility splays be provided.</p> <p>(Formal response 24/1/2017) The County Highway Authority (CHA) initial observations dated 5 January 2017 indicated that the visibility splays from the new site access were below the standards required in the 6Cs Design Guide <a href="http://www.leics.gov.uk/6csdg">www.leics.gov.uk/6csdg</a>.</p> <p>Notwithstanding the comments above the CHA need to assess whether the impact from the proposed development on the highway network would be severe.</p> <p>There are existing accesses at 74 and 88 Dalby Road which will be closed if the LPA approve the Application. A new vehicular access (MEC drawing</p>	<p>LCC Highways initial comments had requested that further information be provided which included appropriate visibility splays.</p> <p>The appropriate information was provided and LCC Highways raises no objection to the application. Amended comments (and conditions) were also provided when it was highlighted that the layout was to be considered at the outline stage (and not reserved matters).</p> <p>Although an application for development on site had previously been refused, the proposed location of the access for this application is in an altered position and the CHA are satisfied with the proposed access and have raised no objection to the development on highway safety grounds.</p> <p>The amount of parking provision provided within the site and internal layout of the development has also been accepted by the CHA.</p>

<p>number: 22033_08_020_05) will serve the proposed development site and provide improved visibility splays (54 metres to the south and 43 metres to the north) for the existing property at 88 Dalby Road.</p> <p>Furthermore based on the quantum of development the Applicant has indicated there will only be an additional 4 2-way trips in the AM and PM peak hours. There has been 1 Personal Injury Collision (PIC) in the vicinity of the site access in 2012 and therefore the CHA does not believe the proposed development will exacerbate the current situation.</p> <p>The CHA previously indicated during pre-application correspondence that a Vehicle Activated Sign (VAS) may be required on Dalby Road. Upon further investigations the 85<sup>th</sup>ile speeds are below intervention levels and therefore the CHA would not require a VAS to mitigate the impact of the proposed development.</p> <p>The proposed development will comprise 7 x 3 bed properties with 28 parking spaces within the development which is in excess of the guidance provided in CHA 6Cs Design Guide. Given that this is an outline planning application, the layout which has been provided is for indicative purposes only and has not been subject to a design check. That said, the CHA would advise the Applicant that any future road layout and associated parking provision should be designed to standards set out in the 6Cs Design Guide, even though the Applicant will not put forward the development for adoption by the CHA.</p> <p><b>On balance, subject to the imposition of the following conditions the CHA considers this development will not have a severe impact on the highway in accordance with Paragraph 32 of the NPPF.</b></p> <p><b>Revised comments from highways following advising that layout was a matter for approval at outline stage:</b></p> <p>The CHA has been advised that the above Application will also determine the layout of the proposed development. Therefore following checks on the internal layout of the proposed development further conditions are recommended should the LPA be minded to approve the Application. All other advice from our observations of 24 January 2017 remains valid.</p>	
<p><b>LCC Ecology – No objection, subject to condition</b></p> <p>The ecological survey indicates that the site comprises maintained lawns and amenity grassland, with areas of trees. The site was not considered to be of a high ecological value. The pond on site was not considered suitable to support great crested newts (GCN). However, we would usually require this statement to</p>	<p>Noted comments received.</p> <p>Following discussions with the Agent and LCC Ecology, it was agreed that a Habitat Suitability Assessment would not be required for the proposed development.</p> <p>Both ponds as mentioned are existing on the site, one</p>



**Representations:**

A site notice was posted to advertise the application and letters were sent to notify neighbours of the application. Seven letters of objection were received for the application and two letters of support.

Representation	Assessment of Head of Regulatory Services
<p><b>Support</b></p> <ul style="list-style-type: none"> <li>• Full consideration to neighbours.</li> <li>• Will improve my access to Dalby Road (from occupier of no 74)</li> <li>• Would not increase traffic frequency on Dalby Road.</li> <li>• Widened footpath would be of benefit to wheelchair/pushchair users.</li> <li>• Thoughtful and well planned development.</li> <li>• Would provide much needed single storey dwellings in Melton Mowbray.</li> <li>• Proposal would have a small impact on the surrounding area.</li> </ul>	<p>Noted.</p>
<p><b>Objection</b></p> <ul style="list-style-type: none"> <li>• Do not object to the principle of bungalows on site.</li> <li>• Bungalows on Dovedale Close will be overlooked by the proposed bungalows.</li> <li>• Land level has been increased with soil from “Gretton Court”.</li> <li>• Flooding in gardens.</li> <li>• Planning permission previously refused in 1988 due to highway safety and privacy/amenity of residential occupiers.</li> <li>• Loss of sunlight to rooms and gardens of properties on Dovedale Close.</li> </ul> <ul style="list-style-type: none"> <li>• Has wildlife on site been considered?</li> </ul> <ul style="list-style-type: none"> <li>• Site is a historical burial ground.</li> </ul> <ul style="list-style-type: none"> <li>• The site is unstable (due to previous movement of soil to site).</li> </ul> <ul style="list-style-type: none"> <li>• Object to the access road – unsafe.</li> <li>• Have been told to reduce height of my fence – when traffic leaves no 88 the headlights will shine directly into my living room and</li> </ul>	<p>The application site is positioned at approximately 1.5m above the ground level of the properties on Dovedale Close, which are majority bungalows. It is proposed that the type of dwelling proposed (single storey) and the distance that the properties will be from the rear boundary (minimum approximately 8.5m) it is considered that the proposed dwellings would not have an unduly detrimental impact on the amenity of the occupiers to warrant the refusal of the application. It is considered appropriate to include a condition on the permission that the dwellings proposed for reserved matters stage shall be single storey only in order to protect the amenity of the occupiers to the North of the site.</p> <p>Although plot no 4 will be located close to the side boundary of the property on Swale Close, as the proposed bungalow will be facing a side elevation which only contains a window serving a landing area to first floor and the proposed development will be single storey, it is considered that the relationship between the two properties will be acceptable.</p> <p>LCC Ecology have been consulted on the application and raise no objection.</p> <p>There is no evidence of the site being a burial ground.</p> <p>Noted, this may affect the approach to the foundation types required.</p> <p>LCC Highways have been consulted on the application and have raised no objection to the proposed development on highway safety grounds (as above),</p>

<p>dining room.</p> <ul style="list-style-type: none"> <li>• The sightline has been shown incorrectly on the drawings submitted.</li> <li>• The 40mph speed limit is incorrect.</li> <li>• Access will be opposite “The Drive”. This will be dangerous, staggered junctions need to be further apart.</li> <li>• Incorrect statements in transport statement.</li> <li>• Current difficulties with lorries passing on Dalby Road, this will only be made worse if the road is narrowed.</li> <li>• The proposed access gradient will affect traffic safety.</li> <li>• The proposal will affect visibility for those who already live of Dalby Road</li> <li>• Object to the narrowing of Dalby Road.</li> <li>• Speeds are faster than the 30mph speed limit.</li> <li>• Could an alternative access be provided off Swale Close?</li> <li>• Already existing issues when turning out of The Drive (opposite side of Dalby Road).</li> <li>• Applicant should move back hedge and fence to create better visibility to the site.</li> <li>• No need for additional signs for the development (these have now been removed from the application).</li> </ul>	<p>subject to the inclusion of conditions, should the development be granted planning permission.</p> <p>The speed limit along this section of road is 30mph and comments provided have taken this into account.</p> <p>A condition has been recommended by LCC Highways relating to the gradient of the access drive, which can be included in the recommendation.</p> <p>The road will not be any narrower than existing but it is proposed that the pavement will be widened slightly.</p>
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**Other material considerations (not raised through consultation or representations):**

<b>Considerations</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Application of Planning Policy</b></p> <p>Seeks to ensure that there is a presumption in favour of ‘Sustainable Development’ introducing three dimensions in achieving sustainable development through the planning system.</p> <ul style="list-style-type: none"> <li>• an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;</li> <li>• a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and</li> <li>• an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources</li> </ul>	<p>As the site is located within the town it is considered to be in a highly sustainable location and the development complies with the requirements of NPPF for efficient use of land.</p> <p>The NPPF requires planning for housing to meet local need, identifying the size, tenure and range of housing that is required in particular locations reflecting local demand.</p> <p>The proposal is therefore considered to be acceptable in terms of the NPPF and Policies OS1 and BE1</p>

<p>prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.</p> <p>The saved policies OS1 and BE1 allows for development within the town 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 is in keeping with the character of the locality; the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and satisfactory access and parking provision can be made available.</p>	
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### **Conclusion**

It is considered that the application to build six dwellings on a former greenfield site is acceptable give that no unduly adverse impacts have been identified and that adequate access and parking can be accommodated. The site sits within close proximity of Melton Town Centre and is considered to be a highly sustainable location and adequate parking and access can be provided. It is considered that the sustainable location and supply of seven single storey dwellings to the Borough's housing supply are material considerations of significant weight in favour of the application.

It is considered that balanced against the positive elements are the site specific concerns as raised in representations, particularly concerns regarding flooding, access and harm to the amenity of existing occupants of nearby residential properties. However it is considered that these are at acceptable levels and/or can be mitigated through the use of conditions and as such their weight can be limited.

In conclusion it is considered that, on the balance of the issues, there are significant benefits accruing from the proposal when addressed as required under the guidance of the NPPF in terms of housing supply. It is considered that the development of the site is of limited harm in this location and therefore the application is considered to comply with the development plan and is recommended for approval.

### **Recommendation: PERMIT, subject to conditions:**

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence on the site until approval of the details of the "scale, external appearance of the buildings (including proposed materials) and the landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. The development hereby permitted shall be carried out in accordance with drawing numbered 7278-03-01 C, received by the Local Planning Authority on 23 January 2017.
4. Prior to first use of the development hereby permitted, the vehicular access to the site shall be provided in general accordance with MEC drawing reference: 22033\_08\_020\_05 Rev B. As part of these works the existing street lighting column (Column ID: 41) will need relocating to the satisfaction of the Local Planning Authority.



NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

5. Before first occupation of any dwelling hereby permitted the private access road shall be provided in accordance with HSSP Architects drawing ref: 7278-03-01 Rev C and any turning spaces shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) shall be so maintained at all times.
6. 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.
7. Before first occupation of any dwelling the gradients off the main private access road shall not exceed 1:12 for the first 5 metres behind the highway boundary and the car parking to serve each dwelling as shown on HSSP Architects drawing ref: 7278-03-01 Rev C shall be provided, hard surfaced and made available for use. The parking spaces so provided shall thereafter be permanently so maintained.
8. The existing vehicular accesses to 74 Dalby Road and 88 Dalby Road that become redundant as a result of this proposal shall be closed permanently and the existing vehicular crossings reinstated with full height footway / highway verge to the satisfaction of the Local Planning Authority within one month of the new access being brought into use.
9. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including details of routing of construction traffic, wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.
10. All works to existing woody vegetation on site is to be completed outside the bird breeding season.
11. 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.
12. No building on any part of the development hereby permitted shall exceed one storey in height.