

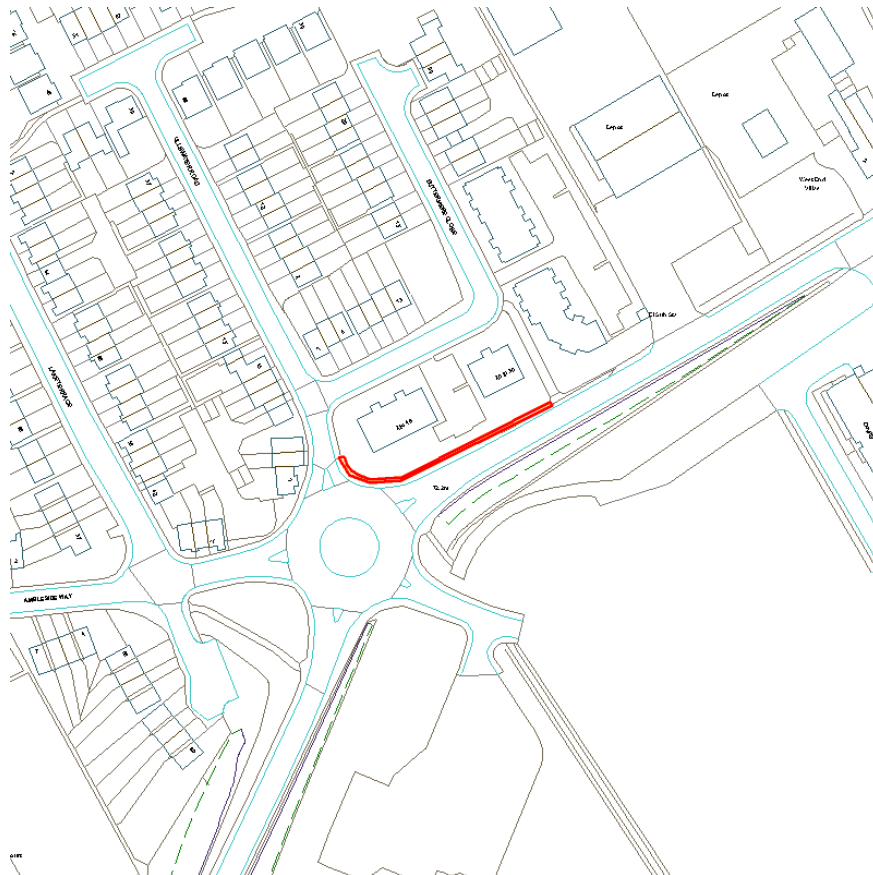
Reference: 13/00560/FUL

Date Submitted: 6th August 2013

Applicant: Barratt Homes

Location: Brs Depot Adjacent To Lake Terrace, Leicester Road, Melton Mowbray

Proposal: Retrospective application of existing fence.



Proposal:-

The proposal seeks permission for retention of an existing timber fence. The application site is located within the town envelope for Melton Mowbray, to the south boundary of the Barratt Housing development.

Introduction:-

The application was considered by Committee due to a request from Cllr Moulding - Melton Dorian Ward, on 17th October 2013.

At the meeting of 17th October 2013, the Committee deferred determination of this application seeking confirmation of the boundary treatment as approved through discharge of condition 10 for planning approval 03/00567/FUL.

There is no record of the condition having been fulfilled (i.e.no details submitted or approved) and that this is the reason for the submission of this application for retrospective permission.

The agent has also confirmed that the fence has been in existence since 2006.

Relevant History:-

02/00152/FUL Proposed residential development consisting of 115 dwellings and associated garaging and parking, permitted 01.04.03

03/00567/FUL Proposed residential development of 27 units comprising two bedroom flat/apartments, permitted 14.01.04

04/00595/VAC Proposed variation of Condition 2 of Planning Permission 03/00567 - amendment to slab levels to 71.89m, permitted 20.09.04

04/00854/FUL Proposed substitution of house types plots 39 to 53, permitted 26.05.05

It is considered that the matters for consideration are:

- **Impact upon the streetscene**

Planning Policies:-

Melton Local Plan (saved policies):

Policies OS1 and BE1 allow for development within Town 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 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 offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

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

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

Chapter 7 of the NPPF - Require Good Design states that:-

- 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 policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- are visually attractive as a result of good architecture and appropriate landscaping.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Ward Councillor	Cllr Moulding requested that the application is considered by the Committee on the grounds of Highways safety and harmful impact on visual amenity of the area.
Highways Authority: the fence is acceptable from a highway point of view as it does not adversely affect visibility splays at the roundabout junction with Ullswater Road nor any adjacent vehicular accesses. Therefore there is no objection to its retention on highway grounds.	Noted. The fence is located fronting the Leicester Road (A607). The location of the fence is not considered to have any impact on visibility or the existing access in the location. Therefore it is considered that the proposal would not have an adverse impact on highway safety.

Representations:

Neighbouring properties have been consulted; as a result 2 representations have been received, on the following grounds:

Representation	Assessment of Head of Regulatory Services
Support : would like the fence to stay in place as it separates the flats from the road and prevents people walking past late at night from walking in the communal garden	Noted: The fence currently provides boundary treatment between the flats and the footpath/road.
Object : Health and Safety, highway visibility from the nearby roundabout, affecting the business site access to the northeast of the site	Following a site visit on 4 th September 2013 and comments received from the highways officer, it is not considered that highways visibility is impeded.

Considerations not raised through representations

Consideration	Assessment of Head of Regulatory Services
Impact on streetscene	The application seeks consent for the retention of a timber fence. Currently the appearance and condition of the fence is considered to be acceptable, however this will inevitably deteriorate over time. There is currently no approved maintenance scheme for the fence. The fence is located in a prominent position on the

	<p>Leicester Road (A607) a main route into and out of Melton Mowbray. Therefore, in this prominent location the fence has a potential to impact significantly on the character and appearance of the area.</p> <p>It has been suggested to the applicant that there is an opportunity for the improvement of the visual amenity of the area, and they have been invited to submit amended plans, possibly for a low brick wall with pillars and timber panels between. No amended plans have been submitted and the application is required to be determined on the basis of the submitted information.</p> <p>If the fence is not maintained, the area could begin to appear uncared for and dilapidated which is not the desired impression for an important thoroughfare and entrance into the town for both visitors and local residents.</p> <p>Situated in this prominent location the proposed fence would deteriorate over time and would have a negative impact on the character and appearance of the streetscene.</p>
<p>Impact on residential amenities</p>	<p>The fence in its existing state is not considered to impact negatively on the amenity of the neighbouring properties. However the fence will need regular maintenance to keep it in good condition, if this does not occur then it could begin to harm the outlook of nearby residents, as their local area will begin to appear neglected and therefore the assurance of maintenance is considered necessary</p>
<p>Compliance (or otherwise with planning policy)</p>	<p>In accordance with the guidance contained within the NPPF, an amended plan has been requested in order to attempt to ensure a good standard of amenity with a visually attractive development which will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development.</p>

Conclusion:

The application site lies within the town envelope and thus benefits from a presumption in favour of development under policies OS1 and BE1. It is not considered that the proposal for retention of the existing fence adversely affects the character and appearance of the area significantly at the present time; however, in future the appearance of the fence is likely to deteriorate. Therefore a solution to this issue is sought through a request for amended plans. To date there has been no amended plans submission. The fence is located in a prominent position and if left to deteriorate would have an adverse impact on the visual amenity of the area. However as a compromise to improvement of the existing design through an amended plan, a condition which requires the submission of an appropriate scheme of maintenance would provide an acceptable solution.

Should the Committee refuse the application for the retention of the fence, it would follow that formal enforcement action should be taken to require its removal. In these circumstances, an enforcement notice can require a replacement fence in accordance with the original condition, which would involve the

submission and agreement of the type, material, height and colour (it cannot be a requirement of an enforcement notice to require the submission of a fresh application to erect a replacement treatment).

RECOMMENDATION: Approve subject to the following condition:

1. A schedule of Maintenance for the approved fence accompanied by a written undertaking including the arrangements for its implementation shall be submitted within one month of the decision date and approved by the Local Planning Authority

Reason:

To ensure the provision of amenity afforded by the proper maintenance of the existing boundary treatment

Officer to contact: **Lynn Eastwood**

Date: 29th October 2013