

Reference: 12/00106/OUT
Date submitted: 23.02.12
Applicant: Melton Borough Council
Location: Garages between Greaves Avenue and Eastfield Avenue, Greaves Avenue, Melton Mowbray
Proposal: Housing development of up to 4 two storey houses.



Proposal :-

This application seeks outline planning permission for the principle of residential development with all matters reserved. The site is a former council garage site which has since been cleared of structures and buildings and has been secured by fencing from Greaves Avenue. The site is located within the town envelope and sits within an established residential area to the north of the town. The site is considered to be a brownfield site and suitable for residential development subject to compliance with the development plan.

It is considered that the matters for consideration are:

- **Impact upon neighbouring properties**
- **Impact upon character of the area**

The application is to be considered by Committee as it has been submitted on behalf of Melton Borough Council.

Relevant History:-

There are no planning histories relevant to this site.

Planning Policies:-

The National Planning Policy Framework was published 27th March 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- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: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 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 are those to:

- deliver development in sustainable patterns and
- re-using brownfield land.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

On Specific issues it advises:

Delivering a Wide choice of High Quality Homes

- Set out own approach to housing densities to reflect local circumstances
- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- 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.

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 Melton LDF Core Strategy (Publication) Development Plan document: The Core Strategy has been published and is currently coming to the end of a 6 week consultation period. The DPD seeks to focus development in Melton Mowbray with a small balance (20%) in the surrounding Borough, with expectations to produce mixed, integrated housing developments and meet local needs by addressing identified imbalances in housing stock in all locations.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority – No objections subject to conditions.</p> <p>It is assumed that pedestrian and vehicular access and to nos. 14 to 18 East Avenue will remain, and that parking for those properties will be provided. Such details will need to be approved before development commences.</p> <p>Given the existing use of the site, it would be difficult to demonstrate that the proposal would lead to an increase in traffic using the access, and therefore although the access is not ideal, it would be difficult to justify a highway reason for refusal.</p> <p>Access Officer - Although not formally recorded as a public access, members of the public could use the site as a pedestrian route through from Greaves Avenue to East Avenue and it is noted in the suggestive site layout that a footpath is shown. The footpath complies with national advice on sustainable development and good practice in promoting travel choice, making best use of an opportunity to maximise public access and improving links to local facilities. A condition should be imposed to ensure that this linkage is retained at reserved matters.</p>	<p>The garages have been cleared from site and has since been secured by fencing restricting access from Greaves Avenue and is therefore no longer in use. The loss of the garage parking could lead to additional vehicles parking on the highway, however it is suspected that it would be difficult to seek to resist the proposal on that basis.</p> <p>Whilst the application is for outline planning permission with all matters reserved an indicative layout plan has been submitted which seeks to retain both vehicle accesses; Greaves Avenue is to serve the proposed dwellings whilst East Avenue will be retained to allow access to parking spaces for properties fronting the garage site (nos. 14 to 18 East Avenue).</p> <p>The indicative plan also shows that the site could accommodate 2 pairs of semi-detached properties with a footpath proposed between the two, to give connectivity from East Avenue to Greaves Avenue. All matters are reserved but it is considered to be important to provide this linkage to provide better connectivity within the estate.</p>
<p>Environment Agency: No comments to make.</p>	<p>Noted.</p>

Representations:

A site notice was posted and neighbouring properties consulted. As a result 1 letter has been received, objecting to the proposal on the following grounds:

Representation	Assessment of Head of Regulatory Services
<p>Impact upon Neighbouring Properties:</p> <ul style="list-style-type: none"> • The position of the houses will result in a vast loss of privacy as they will all 	<p>The plan showing the position of the proposed dwellings has been submitted as illustrative only in order to show how development could be accommodated on the site. The scale parameters</p>

<p>overlook both the rear of our property and garden area.</p> <ul style="list-style-type: none"> We believe that the building of two storey houses will result in visual intrusiveness, not only for us but also our neighbours. 	<p>indicate that the dwellings will be of 2 storey height to provide family accommodation. However, matters relating to scale, appearance, layout, access and landscaping will be submitted at a later stage and will be given further consideration. The indicative layout shows that adequate separation distances can be achieved from existing properties given that properties fronting Greaves Avenue have large rear gardens. Properties on East Avenue are single storey with no's. 14, 16 and 18 fronting the garage site. Due to the orientation of the bungalows overlooking can be designed out.</p> <p>The site is brownfield and therefore a presumption in favour of development exists but not at any cost. The development will have to be respectful of its surroundings ensuring that it complies with the development plan policies OS1 and BE1. The site sits on higher land level to those properties fronting Greaves Avenue (south and west) with bungalows siting to the northwest. It is considered that two storey houses can be accommodated subject to comply with the relevant development plan policies to prevent loss of residential amenities and impact upon the character of the area.</p>
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Considerations not raised through Representations.

Representation	Assessment of Head of Regulatory Services
Impact upon the character of the area:	<p>The site sits behind existing dwellings fronting Greaves Avenue and will not have a direct street frontage. Whilst the application proposes 2 storey dwellings the heights will have to be sympathetic to the current built form due to the topography rising from the south to the north. There are bungalows to the west with 2 storey dwellings to the east, north and south. It is considered that development of this site would not have a detrimental impact upon the character of the area providing the scale is in keeping with the surrounding area.</p> <p>The site at present is a derelict waste ground that has no amenity value. Development of the site can only seek to enhance the character of the area providing matters relating to design and scale takes in account the character of the area. Development of this site is considered to accord with the development plan policies OS1 and BE1 and supports objectives to develop on brownfield sites.</p>
Housing Needs/Affordable Housing	<p>There is a need for all house types within the town. There has been no indication as to whether the dwellings are to be provided as Affordable or Market Housing however a development proposal of four dwellings would not trigger the requirement to provide a contribution for Affordable Housing.</p>
Application of the Development Plan Policies:-	<p>The site is previously developed land once used as</p>

<p>The site sits within the town where residential development is supported. Policies OS1 and BE1 seek to ensure that development respects the character of the area and that there would be no loss of residential amenities and satisfactory access and parking provisions can be complied with.</p>	<p>council garaging. The site has been cleared and is capable of development subject to further considerations at reserved matters application.</p>
<p>Compliance (or otherwise) with Planning Policy</p>	<p>As stated above, the development is considered to accord with the applicable Local Plan policies. In this instance, the policies are not considered to conflict with the NPPF and as such there is no requirement to balance the regimes against one another.</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. The site is capable of being developed without compromising the existing residential amenities of neighbouring properties. A suitable access, although not fully compliant with the Highway Authority’s standards, is available and given its previous use as garaging there would be a decrease in vehicle movements which is considered to be a highway gain and not give cause to have a detrimental impact upon highway safety. Accordingly the application is recommended for approval subject to conditions.

RECOMMENDATION:- Approval 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 "layout, scale, external appearance of the building(s), access and the landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. No development shall start on site until representative samples of the materials to be used in the construction of all external surfaces have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.
5. The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development 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 Local Planning Authority gives written consent to any variation.

6. No development shall commence on site until provision has been made for the satisfactory disposal of foul and surface water from the site in accordance with a scheme which shall first have been submitted to and approved by the Local Planning Authority.
7. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.
8. 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 and thereafter shall be so maintained.
9. Before first occupation of any dwelling hereby permitted, turning facilities shall be provided, hard surfaced in a permeable material and made available for use within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained.
10. Before first occupation of any dwelling, car parking shall be provided, hard surfaced and made available for use to serve that dwelling on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall thereafter be permanently so maintained.
11. Provisions for a footpath/cycleway linking Eastfield Avenue to Greaves Avenue shall be incorporated into the final scheme for residential development.

The reasons for the conditions are:-

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline only.
3. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
4. To ensure satisfactory landscaping is provided within a reasonable period.
5. To provide a reasonable period for the replacement of any planting.
6. To ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water.
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 reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.
9. To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.
10. 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.
11. To improve connectivity through the residential estate

Officer to contact: **Mrs Denise Knipe**

13th April 2012