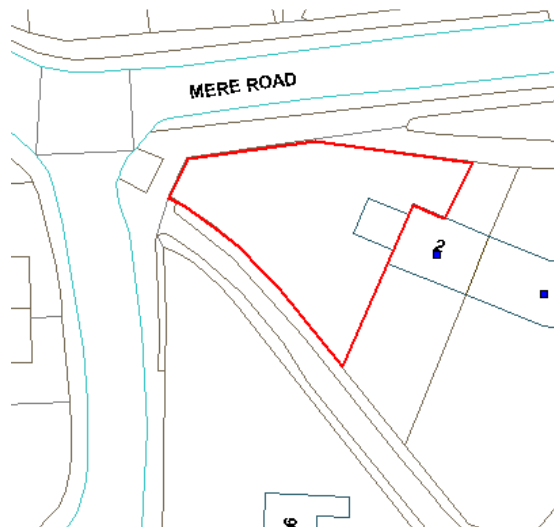


Reference: 11/00915/FUL
Date submitted: 07.12.2011
Applicant: Mr & Mrs Barlow
Location: 2 Mere Road, Waltham on the Wolds, Melton Mowbray LE14 4AL
Proposal: Demolition of existing outbuilding and erection of new dwelling



Introduction:-

The site is a triangular plot of land to the west of 2 Mere Road, Waltham on the Wolds and currently has a single storey outbuilding on site which is connected to the dwelling, and forms part of the garden to this property. There is also a gas tank on the site which is proposed to be moved to the rear of 2 Mere Road and buried within the garden. The land is on the corner of Mere Road and Burgins Lane with an access to the south of the site to a number of garages for the houses of Mere Road. The site is currently bound by a 1m high chain link fence.

The proposal is for the erection of a small two bedroom detached bungalow which is to be built partially on the site of the existing single storey outbuilding connected to 2 Mere Road and within the garden. The outbuilding is proposed to be demolished as part of this application. There would be parking for two cars in front of the bungalow, and two new parking spaces created in front of the existing dwelling. These would all be accessed from Mere Road once the access has been adapted as shown on the block plan. The existing dwelling would be left with a garden to the rear of the dwelling where the existing gas tank will be buried, and a small garden to the front with parking for two cars.

The new bungalow would have a small garden to the rear with a patio and bin storage area, and a larger garden to the side (west), with parking spaces to the front, accessed from Mere Road. The proposed bungalow is a simple design in an L-shape with both bedrooms in the front elevation, the bathroom and lounge overlooking the side garden, and the kitchen/diner overlooking the rear garden / patio area. The proposed ridge height would be the same as the existing outbuilding, copying the other outbuildings in the street.

This proposal is submitted in response to application 09/00338/OUT which was refused on 13th July 2009 for two 2 bedroom semi-detached properties on the same site. This application was subsequently refused at appeal on 3rd December 2009.

Members may recall that this application was deferred at the committee meeting on 23rd February 2012, with a request for further information regarding the gas tank and highways issues.

Relevant History:-

09/00338/OUT – two 2 bedroom semi-detached properties – **REFUSED**; Appeal subsequently dismissed on the grounds:

“In the opinion of the Local Planning Authority the proposal would, if approved, result in the erection a pair of semi detached dwellings which would have an adverse impact upon the visual amenity of the surrounding area. The dwellings would occupy a narrow plot which forms an important open feature in the streetscene and would therefore introduce an incongruous feature to the detriment of the streetscene and surrounding area. The proposal is therefore considered to be contrary to policies OS1 and BE1 of the adopted Melton Local Plan which seeks to ensure development is in keeping with the character of the locality and that development is designed to harmonise with surroundings”.

Planning Policies:-

PPS 1: Delivering Sustainable Development - The guidance says that planning should promote sustainable and inclusive patterns of development. PPS1 requires local authorities to deliver development that is located in areas which reduce the need to travel by car and provide access to all members of the community to jobs, health, housing, education, shops, leisure, and community facilities. PPS1 suggests that the focus for development should be existing centres and discourages any new development which would impact negatively on the environment and actively encourages development which reduces the impacts of climate change.

PPS 3: Housing - This guidance amplifies the advice set out in PPS1, particularly that housing should be developed in suitable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure. The priority for development in such locations should be previously developed land, where appropriate. The amended statement has removed residential garden areas from the brownfield classification. PPS3 also sets out clear advice on determining planning applications, stating that local planning authorities should have regard to the suitability of a site for housing (including its environmental sustainability) and that they should ensure that proposals are in line with housing objectives and do not undermine wider policy. PPS3 specifically states that “Developers should bring forward proposals for market housing which reflect demand and the profile of households requiring market housing, in order to sustain mixed Communities” (Para 23). In relation to market housing PPS3 states that “One of the Government’s key objectives is to provide a variety of high quality market housing. This includes addressing any shortfalls in the supply of market housing and encouraging the managed replacement of housing, where appropriate. Local Planning Authorities should plan for the full range of market housing, in particular they should take account of the need to deliver low-cost market housing as part of the housing mix” (Para 25 & 26) objectives.

PPS 7 - Sustainable Development in Rural Areas - states that many country towns and villages are of considerable historic and architectural value, or make an important contribution to local countryside character. Planning authorities should ensure that development respects and, where possible, enhances these particular qualities. It should also contribute to a sense of local identity and regional diversity and be of an appropriate design and scale for its location, having regard to the policies on design contained in PPS3.

Melton Local Plan (saved policies):

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 that planning permission for residential development within village envelopes will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

Melton LDF Core Strategy: seeks to focus development in Melton Mowbray with a small balance (20%) in the surrounding Borough, with provision/contribution of 40% affordable housing from all developments, and expectations to produce mixed, integrated housing developments and meet local needs by addressing identified imbalances in housing stock in all locations. The strategy identifies villages by virtue of a hierarchy reflecting their sustainability and, therefore, suitability for development. Waltham on the Wolds is now identified as a Rural Centre (Category 1) village with a good range of local community facilities and regular public transport and is suitable for some housing development to meet local need and help retain services and facilities.

Consultations:-

| Consultation reply | Assessment of Head of Regulatory Services |
|--|--|
| <p>Highway Authority –Ensure that all details of the proposed development comply with Highway Authority standards with regard to parking, access, drainage, surfacing, visibility splays etc.</p> | <p>Noted. Two parking spaces would be provided in front of the dwelling which are adequate for the size of bungalow proposed and exceed the standard sizes of 5m x 2.4m.</p> <p>The site is close to the corner, but it is considered that there is good visibility and two additional vehicles using the road and potentially reversing into the highway will not pose a particular risk to safety. Mere Road and Burgins Lane are both subject to a 30mph maximum speed limit in a residential area. Mere Road leads to Windsor Road which is in effect a cul-de-sac where there will be little changes to traffic flow in future.</p> <p>PPG 13 indicates that developers should not be compelled to provide more parking than they wish to provide, unless the development would exacerbate a known problem.</p> <p>The proposal is considered to provide adequate parking and would not have a detrimental impact on highway safety</p> <p>Further advice was requested from the Highways Authority in response to comments raised in the committee meeting of the 23rd February 2012. Whilst the Highways Authority agree that the parking for the proposed dwelling could be better, the proposal does meet the required level of parking required. The second parking space</p> |

| | |
|--|--|
| | <p>for the dwelling which is at an angle to Mere Road would be difficult to manoeuvre in and out of, however the traffic flow on Mere Road is sufficiently low volume, and visibility is good enough to prevent highways safety issues. The Highway Authority did not feel that the application could be refused for the parking and access at this location. Without any evidence to show that the proposed parking and access would be a danger to highway safety the application is considered acceptable in terms of highway safety.</p> |
| <p>MBC Housing Policy Officer - 2 and 3 bed (lifetime) dwellings are considered to meet the local housing need – no objections.</p> <p>Within the Rural East of the Melton Borough there is a strong need for smaller market housing such as 2 bedroom houses and bungalows for older people/downsizing accommodation and a surplus of larger family accommodation. There are limited opportunities within village envelopes for significant new residential developments and therefore residential developments in the area should contribute towards the creation of a mixed community and have regard to local market housing needs.</p> | <p>The ‘local housing need’ in the Waltham on the Wolds area is for 2 bedroom houses and bungalows, therefore the proposal would be supported by housing policy.</p> <p>The proposal introduces a much-needed smaller unit, suitable for first-time buyers and / or older people downsizing as identified by the housing need surveys of the core strategy.</p> <p>The proposed layout and size of the dwelling is considered acceptable in relation to satisfy housing needs requirements.</p> |
| <p>Parish Council – The Parish Council objects to this application on the following grounds:</p> <ul style="list-style-type: none"> • A serviceable part of the existing house (5 x 5metre) is to be demolished to make way for a new development and as such represents overdevelopment of the site • The proposed bungalow would constitute an alteration to the street scene • Extra entrance on to Mere Road which has a very busy traffic flow and many parked cars opposite could constitute a road hazard | <p>The proposal would not affect the ‘habitability’ of the adjacent house. The proposed house is to be provided with adequate car parking and garden area and the existing house would similarly retain adequate provision. Accordingly, without demonstrating a shortfall of provision, it is not considered that concerns regarding over-development can be evidenced and, in turn, they cannot be grounds for refusal.</p> <p>Simply changing the appearance of a street is not a sufficient basis to refuse an application. It needs to be demonstrated that such a change is harmful to an unacceptable degree and the Parish Council has not sought to identify how this would be the case. Not all development on residential gardens would have a detrimental impact upon the character of a neighbourhood and it will be a matter of judgement to assess the harm development may have (addressed below).</p> <p>It is not considered that a dwelling would create a significant amount of additional traffic. The proposal complies with Highways Standing Advice. Mere Road provides the access to Windsor Road which is not a through road. Therefore the amount of traffic passing the site is fairly limited and not</p> |

| | |
|---|--|
| <ul style="list-style-type: none"> • The 1 metre high solid fence around the property replaces a chain link and is totally out of character. • The proposal to bury an additional gas tank will create a sterile area above and around its position | <p>increasing. Other properties within Mere Road have also created driveways to the front of their homes and this is not caused any issues within the highway.</p> <p>The applicant could at any point decide to change the fencing to close boarded fencing, no higher than 1m without the benefit of planning permission as this would be within the permitted development rights. The proposed fencing around the site would be at a height of 0.9m and it is therefore considered that this could not be a reason for an application to be refused.</p> <p>The application does not propose to bury the gas tank within the rear garden of 2 Mere Road but it has been suggested this could be a position for its relocation. If this was to occur, it would be achieved either as permitted development or with a further separate application. It is considered such an arrangement would be an enhancement to the appearance of the streetscene. The burying of the gas tank would cause issues with any building works on top, but would not interfere with its use as a garden.</p> <p>In response to the Members concerns with regards to the gas tank, for the proposed dwelling the applicant has confirmed that the gas tank would be under the lawned area at the side of the new bungalow, which the installers have confirmed is large enough for this purpose. Its precise location will need to be agreed with the installers. The tank would need to be refilled once or twice a year via a hose and the refilling would take approx 10-15 minutes. The tanker would park on the access track to the rear of the properties which Melton Borough Council Corporate Property have verbally agreed to. The suppliers of the gas state that their drivers are fully trained in safe and courteous parking and always would choose a safe place to park causing the least inconvenience to pedestrians and road users. The applicant also wishes to stress that there is a gas tank on site currently and the burying of the tank will enhance the streetscene of the area.</p> <p>There are a number of properties in the village that have to use LPG and the refilling of tanks is not an uncommon practice in this location, The applicant could also chose to use another method of heating and this would not be controlled by planning legislation. Health and Safety issues associated with positioning a tank underground are present in the Gas Regulations and the Building Regulations and</p> |
|---|--|

| | |
|--|--|
| | <p>planning powers cannot be used to either complement or amend a separate regulatory regime.</p> <p>The burying of the existing tank is considered to be an enhancement to the streetscene and the other matters raised fall outside of planning legislation.</p> |
|--|--|

Representations:

A site notice was posted and neighbouring properties consulted. As a result 7 letters of objection have been received. The objections are summarised below:

| Representation | Assessment of Head of Regulatory Services |
|--|---|
| <p>Impact on residential amenity:</p> <ul style="list-style-type: none"> • Privacy will be negatively affected by the bedrooms looking to the north • The proposed bungalow will be visually intrusive; it is not right amongst two storey dwellings. | <p>The proposed bungalow would have two bedroom windows on the north / north east elevation. These windows look towards two storey dwellings on the other side of the road which are located approximately 30m from the proposed site of the bungalow. This separation distance between habitable rooms is acceptable with regards to maintaining privacy and would therefore comply with policies OS1 and BE1 of the Melton Local Plan (see above).</p> <p>The proposed bungalow will have a ridge and eaves height the same as the existing outbuildings which give a coherent ‘rhythm’ to the development in the area. The bungalow at first glance would carry on this pattern of development and would not appear to be visually intrusive within the streetscene. It would therefore comply with policy BE1 of the Melton Local Plan.</p> |
| <p>Highway Safety:</p> <ul style="list-style-type: none"> • The additional traffic will pose additional danger on a busy junction. • The bungalow will obstruct the view of drivers turning into the street. • Ability for visitors to park, causing further on street parking issues in the area. The | <p>Please see commentary above in respect of the Highway Authority comments. Mere Road leads to Windsor Road which is in effect a cul-de-sac where there will be little changes to traffic flow in future. It is not considered that the junction is particularly busy, and cars parked at the site would not be reversing out into the junction. The proposed driveway for the bungalow is to be located approximately 30m from the junction at a point where visibility is good.</p> <p>The proposed fencing along the perimeter of the site is proposed to be 0.9m high, allowing a line of site over it. At present the garden could be planted in a manner to obstruct visibility and the application presents the opportunity to prevent this, and therefore safeguard against the risk of loss of visibility in future.</p> <p>The application proposes two parking spaces for the bungalow and two parking spaces for the</p> |

| | |
|--|--|
| <p>street is already obstructed by cars as there is limited space within gardens. Visitors to the new house would add to this.</p> | <p>existing dwelling. The dwelling currently has no parking facilities apart from access to a garage at the rear and the parking spaces provided will <i>reduce</i> the level of on street parking by providing a driveway for the existing house. The proposed bungalow would have two parking spaces which is the required number of spaces to comply with highways recommendations for a two bedroom dwelling. It is therefore not considered that the development would lead to further on street parking issues in the area.</p> |
| <p>Impact on Character and Appearance of the Area:</p> <ul style="list-style-type: none"> • The proposed bungalow would spoil views to the south. • The design is out of character and will affect the appearance of the streetscene. • Its positioning would spoil the flow of the street. The bungalow would represent an over development of the site | <p>It is not considered that a bungalow on this site would negatively impact views to the south by virtue of its height and position within the plot.</p> <p>The proposal is considered to be of satisfactory appearance and it is also considered that it will fit in well with the streetscene. Although there are no bungalows in this section of Mere Road, there are a number of outbuildings between the houses creating a rhythm to the streetscene. The bungalow would continue this rhythm at first glance, with the proposed ridge height the same as the existing outbuildings.</p> |
| <p>Miscellaneous</p> <ul style="list-style-type: none"> • The proposal would devalue surrounding properties. | <p>Noted. This is however not a consideration when dealing with a planning application.</p> |

Other material considerations (not raised through consultation of representation)

| Consideration | Assessment of Head of Regulatory Services |
|---|--|
| <p>Development on Garden Areas as ‘greenfield land’ (PPS3)</p> | <p>PPS3 was re-issued in 2010 and private residential gardens are now excluded from the definition of previously developed land. However, the Government’s strategic housing and planning policy objectives in PPS3 have not changed. These include creating sustainable, inclusive, mixed communities, and delivering well designed housing developments in suitable locations, offering a good range of community facilities and with good access to jobs, key services and infrastructure.</p> <p>Although private residential gardens are now excluded from the definition of previously developed land, if they are in relatively sustainable and accessible locations they are potentially suitable for housing development in policy terms, because they reduce the pressure for development elsewhere. The village of Waltham is considered to be sustainable and this proposal is considered to contribute towards the objectives of PPS3.</p> <p>The Government had responded to the issues of</p> |

| | |
|--|--|
| | <p>overdevelopment in neighbourhoods and ‘Garden Grabbing’ by amended PPS3 which reclassified residential garden area from brownfield to Greenfield, which removes the presumption that all development is favourable. If new housing is to be provide to address the shortfall in housing provisions it will be necessary to consider some development on residential gardens where the locations are considered to be sustainable and the proposed house type meets the local indentified housing need.</p> <p>Not all development on residential gardens would have a detrimental impact upon the character of a neighbourhood and it will be a matter of judgement to assess the harm development may have (addressed above). The location is regarded as sustainable as it is within the village envelope where the focus of new development should be through the formulation of the LDF.</p> |
| <p>Impact of Draft National Planning Policy Framework The Government released for consultation purposes a review of National Planning Policy in July 2011 and has stated that it should be taken into account as a material consideration. This included some amendments to existing national policy that relate to this application as follows:</p> <ul style="list-style-type: none"> • presumption in favour of sustainable development • Removing the brownfield target for housing development (60%);allowing local areas decide the most suitable locations for housing growth based on their local circumstances. • Requiring Councils to identify an additional 20% to their five year housing land supply; a minimum additional 20% on top of current five year land supply. | <p>It is considered that the content of the NPPF can only be afforded minimal weight. The proposals for NPPF are at early stages and there can be no certainty if they will be adopted in the form they take in the consultation document nor when this may take place. In accordance with advice provided to Inspectors by PINS, account should be taken of the stage that new considerations have reached when assessing the weight they should attract. This policy document is at early stages of its formulation and accordingly can be given only minimal weight, if any at all. S 38(6) of the Planning and Compulsory Purchase Act 2004 defines how determinations on planning applications must be made and there is no suggestion that this primary legislation is to be amended. Accordingly, the decision must be led by the development plan policies and existing national policy and they can be departed from only if material considerations are present that indicate it is appropriate to do so. A policy statement of such early stage of formulation cannot be regarded as a material consideration sufficient to outweigh the development plan. Since the publication of the NPPF the above position has been supported by an Inspector at appeal.</p> |
| <p>Comparison with the appeal decision on the site</p> | <p>The development differs from the appeal decision in that it is smaller in scale (single storey) and quantity (one bungalow) and as a result is positioned so as not to occupy as much of the site.</p> <p>It is considered that these changes in design and positioning mean that the concerns highlighted in respect of the appeal proposal have been overcome.</p> <p>The issues of parking, sightlines and visibility at the</p> |

| | |
|--|--|
| | <p>junction were all present in the consideration of the application and appeal in 2010 but none were found to be grounds for refusal. This proposal could not be said to worsen these considerations and as such it would be unreasonable to include them as reasons for refusal.</p> |
|--|--|

Conclusion

The application site lies within the village envelope of Waltham on the Wolds and thus benefits from a presumption in favour of development under policies OS1 and BE1, and fulfils the objectives of PPS3 in terms of sustainability and housing need.

The proposed development is considered to be acceptable in terms of its design and appearance, parking and access arrangements and to have no significant adverse impact upon the amenities of neighbouring properties.

RECOMMENDATION:- Approve, subject to the following conditions:-

1. The development shall be begun before the expiration of three years from the date of this permission.
2. No development shall start on site until all materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
3. The car parking and any turning facilities shown within the curtilage of the dwelling shall be provided, hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained
4. No gates shall be erected to the vehicular access.
5. Before first use of the development hereby permitted, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary and thereafter be permanently so maintained
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 and thereafter shall be so maintained
7. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 as amended (or any Order revoking and re-enacting that Order) in respect of the dwelling hereby permitted no development as specified in Classes A-E, shall be carried out unless planning permission has first been granted by the Local Planning Authority.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted
3. 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
4. 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
5. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
6. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users
7. To enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed.

Contact: Mrs Sarah Legge

5th March 2012