

Committee Date: 10th November 2011

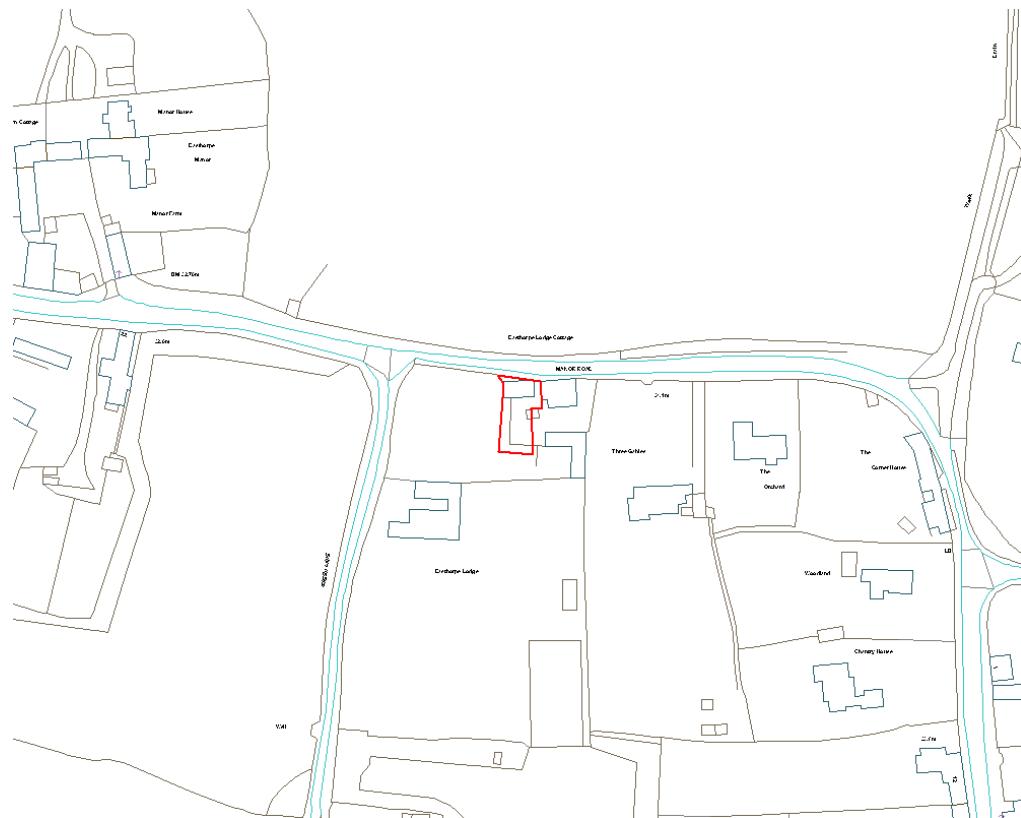
Reference: 11/00664/FUL

Date Submitted: 22.09.11

Applicant: Mr Stephen Lee

Location: Easthorpe Lodge, Manor Road, Easthorpe

Proposal: Proposed new private drive and conversion of garage in to 2 x 2 bedroom flats.



Introduction:-

The application relates to the conversion of an existing two storey brick garage with games room above into 2 no. two bedroom flats. The garage building is sited within the grounds of Easthorpe Lodge, to the front of the dwelling. The building is situated on the back edge to Manor Road and a new access and driveway is proposed to the west of the building. The site lies within the village envelope for Easthorpe but outside of the designated Conservation Area. Through the formulation of the Local Development Framework Preferred Options Core Strategy the village of Easthorpe has been considered to be unsustainable; graded as category 3 village, due to having poor public services to support further housing growth.

It is considered that the main issue relating to this application is:-

- Whether the development is meeting the objectives of sustainable development.
- Impact upon residential amenities
- Impact upon character of the area
- Satisfactory access and parking provisions

The application is presented to Committee as it presents a departure from the Local Development Framework.

Relevant History:-

02/00249/COU - Proposed change of use from residential to nursing home. Approved 12.06.02

03/00413/TPO - Proposal to undertake a 30% crown thin and removal of dead wood to 6 beech trees and removal of limbs/branches growing towards the Cottage on two of the trees. Approved 06.07.03

07/00502/COU - Change of use from residential to nursing home. Approved 13.06.07

11/00175/FUL - Formation of new vehicular entrance off Manor Road and block off existing corner entrance. Withdrawn 18.05.11

11/00482/OUT - Form new private drive off Manor Road to serve existing garage. Convert existing garage into a 4 bedroom dwelling. Withdrawn 17.08.11 as change of use applications cannot be considered in outline form.

Melton Local Plan (saved policies):

PPS1 ‘Delivering Sustainable Development’ – The guidance sets out the government's planning policies on delivering sustainable development through the planning system. It advocates development which reduces the need to travel and encourages accessible public transport provision to secure more sustainable patterns of transport development. It states that planning should focus development in existing centres and promote the more efficient use of land through higher density and the use of suitably located previously developed land and buildings. The Statement also outlines the Government's commitment to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas.

PPS3 Housing - provides central government guidance for residential development. The general thrust of this policy is that development should be focused in accessible locations and that brownfield land should be developed in preference to greenfield land releases. It states that housing development should be of high quality housing that is well-designed and built to a high standard. A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.

PPS7 ‘Sustainable Development in Rural Areas’: promotes sustainable development as the core principle underpinning land use planning. It reiterates the objectives in PPG13 regarding modes of travel and that new building development (including residential) in the open countryside away from existing settlements, or outside areas allocated for development should be strictly controlled. All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness. It includes encouragement of the re-use of buildings that are appropriately located and suitably constructed for commercial purposes as part of the approach to encourage and diversify the rural economy and suggests that residential conversion may be acceptable for some buildings.

PPG 13 ‘Transport’ - A main objective seeks to reduce the need to travel, especially by car. With regard to rural areas, the guidance makes clear that jobs, shopping, leisure facilities and services are primarily sited at the most accessible locations in the local area. In determining the appropriate strategy for employment in rural areas, the guidance says that it is important to consider the scale, impact and likely catchment area of development, and that the larger the number of staff employed on site, the greater the need to ensure the development is accessible by public transport, walking and cycling.

Regional Spatial Strategy

Policy 1 of the Regional Plan seeks to ensure that development within the east midlands is sustainable. It sets out Regional Core Objectives which should be met through Local Development Frameworks and planning applications. The following parts of Policy 1 should be taken into account.

- a) – To ensure that the existing housing stock and new affordable and market housing address need and extend choice in all communities in the region.
- f) – to improve accessibility to jobs, homes and services through the;
 - encouragement of patterns of new development that reduce the need to travel especially by car.
- i) - To reduce the causes of climate change by minimising emissions of CO₂ through:
 - maximising resource efficiency; and the level of
 - renewable energy generation;
 - making best use of existing infrastructure;
 - promoting sustainable design and construction; and
 - encouraging patterns of new development that reduce the need to travel.

Melton Local Plan (Saved Polices)

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 have a significantly adverse effect on the historic built environment or buildings and structures of local importance.
- 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.

Melton LDF Core Strategy: seeks to focus development in Melton Mowbray with a small balance (20%) in the surrounding Borough and expectations to produce mixed, integrated housing developments and meet local needs by addressing identified imbalances in housing stock in all locations. Identifies villages by virtue of a hierarchy reflecting their sustainability and, therefore, suitability for development.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Highway Authority – No objections subject to conditions relating to <ul style="list-style-type: none">• width of access and private drive• pedestrian visibility• Gradient of access drive• Surface drainage• Widening of parking areas• Surface of driveway• Access free from obstruction	Noted. The access drive will be created from Manor Road to the west of the outbuilding and it will serve the 2 two bedroom units. The parking is to be contained within the site providing 2 parking places per unit which is considered acceptable however the width of the parking spaces do not currently comply with the Highways standards and are required to be widened in line with the suggested condition.
Bottesford Parish Council – No objections, concerns over parking that could spill onto road.	Noted. The Highway Authority is not objecting to the scheme subject to the imposition of conditions of which parking provisions feature.

Representations:

A site notice was posted and neighbouring properties consulted. As a result no correspondence has been received to date.

Other material considerations (not raised through consultation of representation)

Considerations	Assessment of Head of Regulatory Services
Application of Development Plan and other planning policy. <p>Through the formulation of the preferred options of the Core Strategy a hierarchy approach has been adopted which identifies villages by virtue of their sustainability and, therefore, suitability for development in line with PPS1 and PPS3.</p>	<p>The village of Easthorpe is considered to be an unsustainable location where development for new housing would normally be restricted. This is due to the village having a poor level of services to support future residents which would likely lead to residents using the private motor car to access everyday services.</p> <p>Whilst the Core Strategy seeks to resist new dwellings in category 3 villages, there are other material considerations to take into account before making a decision on the proposal.</p> <p>The building lies within the village envelope and its conversion to residential is supported by the saved policy OS1 of the Melton Local Plan. The reuse of the building will secure its long term use and will provide the opportunity for two small units to be provided in the village. Whilst 2 bedroom flats have not been specifically required to address the local housing needs the units would not further exacerbate the supply of larger family homes and will provide the opportunity for single person or couple to live in the village. It is considered that a refusal based upon housing needs could not be substantiated in this instance, given it is a reuse of a building which dictates the size of the proposal.</p> <p>In a recent appeal decision for a similar type of development to the west of the site; approx 135metres away, Eastthorpe was deemed a sustainable location by the Planning Inspectorate. The Inspector considered that the site was in close proximity to the centre of Bottesford and that the development need not lead to undue reliance on the use of the private car when a range of facilities and public transport links are conveniently placed. The Inspector stated that the proposal was in a reasonably sustainable location and that in this regard it would not offend against the thrust of national planning policy on sustainable matters.</p> <p>Given the recent appeal decision it is considered that a reason for refusal based upon sustainability could not be justified in this instance. However this is due to the close proximity to the appeal site and the footpath links into Bottesford itself, which is considered to be a highly sustainable location having public transport links, shops and</p>

	community facilities. The application site lies on the very edge of Easthorpe and any future development proposals contained within the centre of village could have a different outcome.
Character and appearance of area:	<p>The building sits within the grounds of Easthorpe Lodge and occupies a prominent location within the street scene being located along the back edge of the highway. There are no external changes proposed to the street elevation. The first floor is currently being used as a game room as an ancillary use to the main dwelling.</p> <p>A new access is proposed to the west of the building to allow separate access for the future occupiers. No trees will need to be removed to allow for the access maintain the tree line along Manor Road.</p> <p>It is considered that the proposal would not have a detrimental impact upon the character of the area due to being an existing building with minimal changes needed and at that it will still be in residential use.</p>
Impact upon residential amenities:	<p>The host building sits to the southwest of the building to be converted by a distance of 31 metres which significantly exceeds the Council's standards for access loss of residential amenity. The garden area to the front will be sub divided by planting a new hedge which will provide separation between the two sites.</p> <p>Immediately to the east is a two storey brick dwelling. There is an access separating to the two buildings, which gives access to the buildings behind which are in the ownership of the applicant. There are two existing windows at first floor on the facing gable of the garage building which are to be retained whilst at ground floor a doorway is to be removed and replaced with a window which will serve a bedroom. There are no windows on the neighbouring property so no overlooking can be created. One of the existing doorways will be retained which will give access to an outside WC for employees of the Lodge.</p> <p>It is considered that the proposed change of use from garage/games room to residential living will not have detrimental impact upon any residential neighbours due to factors above.</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: <ul style="list-style-type: none">• presumption in favour of sustainable development• Removing the brownfield target for	It is considered that the content of the NPPF can only be afforded minimal weight. The proposals for NPPF are at their very earliest 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. The consultation period began on 25 th July 2011 and ran until 17 th October 2011 and as such only after this date will there be any evaluation of its content take place. In accordance with advice provided to Inspectors by PINS, account should be taken of the stage that

<p>housing development (60%);allowing local areas decide the most suitable locations for housing growth based on their local circumstances.</p> <p>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>	<p>new considerations have reached when assessing the weight they should attract. This policy document is at the earliest possible 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.</p> <p>Since the publication of the NPPF the above position has been supported by an Inspector at appeal.</p>
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Conclusion

The application seeks to convert an existing 2 story garage to provide 2 no. two bedroom units. The building sits within the village envelope for Easthorpe where future housing development would not normally be supported given that there are poor facilities available within Easthorpe itself. It is considered that there are material considerations which outweigh the development plan which warrant a different outcome for the proposal. The site is within easy access to the facilities on offer within Bottesford which would reduce heavy reliance on the private motor car, which in turn will contribute to a reduction of CO² for future occupiers. This is a key aim of national, regional and local planning policies in relation to sustainable development. It is considered that the assessment in relation to sustainability is unique to this proposal because of its location and accordingly the application is recommended for approval.

RECOMMENDATION: Permit subject to conditions:-

1. The development shall be begun before the expiration of three years from the date of this permission.
2. All external materials used in the development hereby permitted shall be of the same type, texture and colour as those used in the existing building.
3. Notwithstanding the details submitted, minimum visibility splays of 2.4 metres by 43 metres shall be provided in each direction out of the access to the full width of Manor Road, in accordance with details that shall first have been submitted to and approved by the local planning authority before development commences. These splays to be cleared of any obstruction that exceeds a height of 600mm above the level of the adjacent carriageway before the development commences and shall thereafter be permanently so maintained.
4. Notwithstanding the details submitted, the proposed shared access shall have a minimum width of 4.25 metres with 0.5 metre wide clear margins on each side, and have minimum entry and exit radii of 2 metres on each side. The access shall be so provided before either of the proposed flats is first occupied and shall thereafter be permanently so maintained.
5. The gradient of the access drive shall not exceed 1:12 for the first 5 metres behind the highway boundary.
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 details submitted the proposed parking area shall be widened so that the each parking space has a minimum width of 3 metres, (i.e. an minimum overall width of 6 metres), to provide suitable parking and turning facilities within the site. These facilities shall be provided, hard surfaced and made available for use before either of the proposed flats is first occupied and shall thereafter be permanently so maintained.
8. Before first occupation of either of the proposed flats, the shared access drive 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 shall be so maintained at all times.
9. Before first use of the development hereby permitted, 2.0 metre by 2.0 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.

Reasons:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt; the initial proposals being considered unsatisfactory
3. To afford adequate visibility splays out of the access in the interests of highway safety.
4. To enable vehicles to be able to pass one another within the access clear of the highway in the interests of highway safety.
5. To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.
6. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.
7. 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.
8. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
9. In the interests of pedestrian safety.

Officer to contact:

Mrs Denise Knipe

Date: **28.10.11**