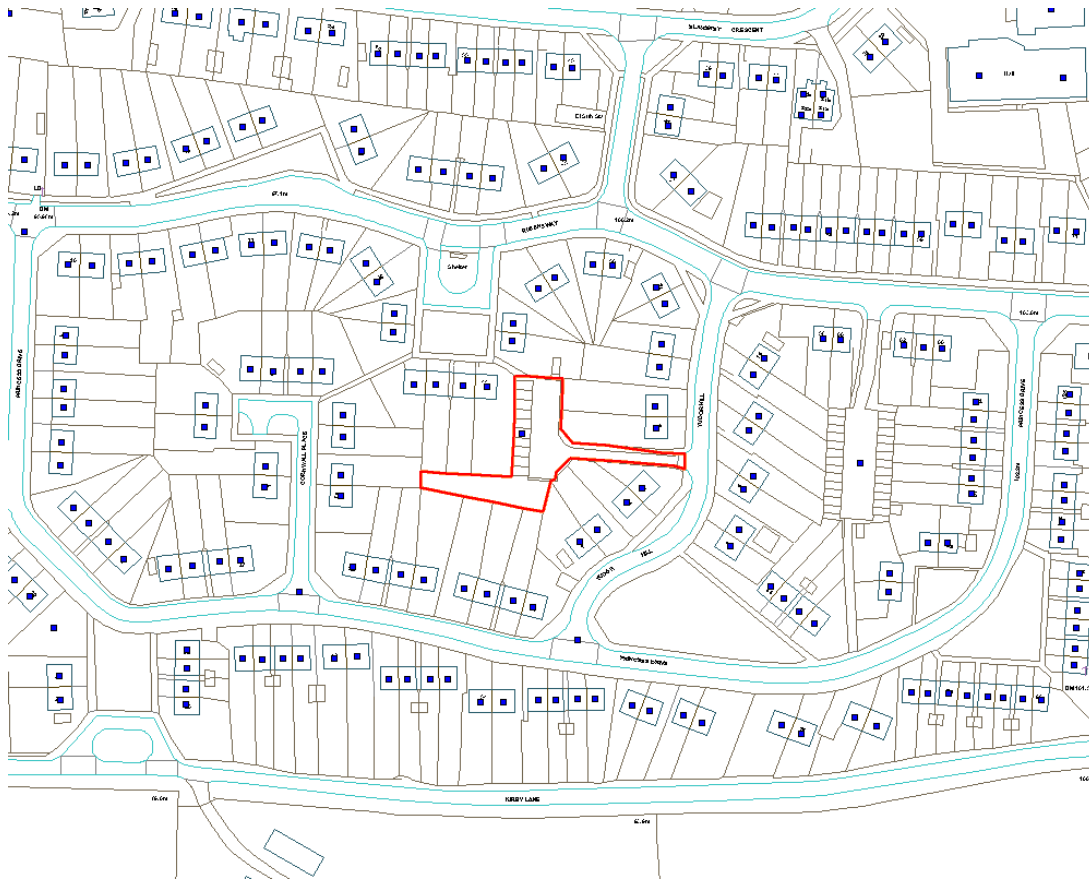


Reference: 12/00105/OUT
Date submitted: 23.02.12
Applicant: Melton Borough Council
Location: Garages, Tudor Hill, Melton Mowbray
Proposal: Outline application for three houses



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 and has a vehicular access from Tudor Hill. The site is located within the town envelope and sits within an established residential area. It is considered to be a brownfield site.

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:-

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.

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- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: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.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority – No objections subject to conditions.</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. The loss of the garage parking could lead to additional vehicles parking on the highway, however it would be difficult to seek to resist the proposal on that basis.</p> <p>There is a street lighting column on the site, and this will need to be disconnected and the column then removed from site.</p> <p>Access Officer - Although not formally recorded as a public access, members of the public can use the site as a pedestrian route through from Tudor Hill to Queensway. In the light of national advice on sustainable development and good practice in promoting travel choice, it is suggested that there is an opportunity here for providing better facilities for pedestrians and cyclists. The County Council would expect any developer to consider how non-motorised access to, from and through the site can be maximised and how links to local facilities can be improved e.g. to the bus stop on Queensway.</p>	<p>The garages on the site are currently redundant. It is considered that 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 the vehicle access from Tudor Hill and close the pedestrian access to Queensway.</p> <p>The indicative plan shows the siting of three dwellings with a single access and adequate parking. The position and parking is shown for illustrative purposes. However it is considered that there is adequate space in the site to provide sufficient parking and the subject to conditions the access is considered to be acceptable.</p> <p>It is considered that the application can be accommodated within the site so as not to impact on highway safety.</p> <p>The Access Officer has requested that a link be maintained for pedestrians and cyclist. The agent has stated that to facilitate a general public right of way through the site from Queensway would be impractical and difficult to illuminate and maintain in a safe condition and have therefore removed the pedestrian access through the site.</p>

Representations:

A site notice was posted and neighbouring properties consulted. As a result 6 letters from 5 households have 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"> • Concern with regards to overlooking and loss of privacy. • Loss of access to garage at rear of No. 46 Queensway • Concern over retention of part of the footpath between 44 and 46 Queensway into a cul-de-sac. Could be a security risk to properties as well as attracting loiterers and vandals to the area. It should be completely closed off at the green on Queensway. • Disruption to residents during building work, excessive building noise, dust, dirt and in providing mains services to the site. Mud on roads ways and footpaths. • Noise pollution and increase traffic flows. The proposal will increase noise and traffic pollution in exponentially. 	<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 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.</p> <p>The indicative layout shows that adequate separation distances can be achieved from existing properties given that properties fronting Tudor Hill and Princess Drive have large rear gardens. Properties on Queensway are angles so as not to directly overlook the site. As previously stated, the plans submitted are indicative. However, they have been denoted so as show the main fenestrations of the proposed dwellings would be on the east and west elevation on Plot 1 and east and north/south on Plots 2 and 3 so as to prevent overlooking of the rear garden of No. 44 Queensway. Therefore it is considered that they demonstrated one way in which three dwellings could be accommodated within the site without have an detrimental impact on the amenities of adjoining properties.</p> <p>The applicant has submitted amended plans showing the retention of the access to the garage to the rear of No. 46 Queensway and to the rear of No. 5 Tudor Hill.</p> <p>The application does show the closure of the footpath link and an area of the footpath would remain in between No. 44 & No. 46 Queensway.</p> <p>Disruption during building works would be temporary.</p> <p>The application proposes the erection of three dwellings, indicative plans show a pair of semi-detached properties and a detached property. The site was previously used for garages and it is not</p>

<ul style="list-style-type: none"> • Increased traffic flows would be detrimental to the quiet nature of the area. • Damage to fencing at rear of property from the access road. • Installation of fencing would be visually intrusive 	<p>considered that the proposed level of use would be greater than the current use.</p> <p>Landscaping has been reserved for future consideration and can be controlled by means of a condition.</p> <p>The site is brownfield and therefore a presumption in favour of development exists but other considerations remain to be considered. The development will have to be respectful of its surroundings ensuring that it complies with the development plan policies OS1 and BE1. It is considered that two storey houses can be accommodated subject to complying with the relevant development plan policies to prevent loss of residential amenities and impact upon the character of the area.</p>
<p>Impact on character of the area</p> <ul style="list-style-type: none"> • The proposal will create an oppressive environment, building three properties within such close proximity would not be in keeping with the relatively open planning in the area. • Design is out of character with the area • This site is part of the overall design of the original estate development and has been readily accessible and maintained as an open area. Such an area was intended for public ownership. • The term Brownfield is overstated as this is a term used to justify re-development of large tracts of abandoned industrial buildings and disuse railway land. This site is not an urban industrial area but within the heart of a suburban estate. 	<p>The site is behind properties on Tudor Hill, Queensway, Princess Drive and Cornwall Place. The application proposes three two storey dwellings suitable for families. No details of the design are submitted with this application and any reserved matters application will have to be sympathetic to the current built form. The site has derelict garages currently on the west boundary with an area of open space to the south adjoining the rear gardens of Princess Drive. The existing site is not considered to have any amenity value for the area and is not a well used open area. 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 is considered to be brownfield and is in a sustainable location. The site is surrounded by residential properties and it is considered that the redevelopment for residential use is appropriate in this location.</p> <p>The site at present is a derelict garage site that has no amenity value. Development of the site would enhance the character of the area providing matters relating to design and scale takes into 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>
<p>Highway Safety</p> <ul style="list-style-type: none"> • Tudor Hill is already congested and the 	<p>The application site is situated within a residential area. The access and layout have been reserved for future consideration. However, indicative plans</p>

<p>approach road is extremely narrow, concern over emergency vehicles accessing. The access road runs parallel to gardens where children play and was built as an access road not a thoroughfare. The road is not suitable for a higher volume of usage, putting children at risk. Nor would it be particularly suited for use by emergency service vehicles should the need arise.</p> <ul style="list-style-type: none"> • Concern over overspill parking onto Tudor Hill which is already congested with significant on-street parking. • Concern over loss of footpath to Queensway from Tudor Hill, cause problems to elderly and disabled residents who rely on it to access the nearby bus stop • Residential boundaries adjoin the access road to the site, a vehicle using the access road inappropriately could end up in a back garden and a concern for safety of children. 	<p>detail an access from Tudor Hill utilising the existing garage site entrance and the plans show that two parking spaces can be accommodated within the site for each of the proposed properties. The surrounding area predominantly has on street parking. The site is considered to have adequate space to provide sufficient parking and the subject to conditions the access is considered to be acceptable. The Highway Authority has no objection to the access.</p> <p>The application would result in the loss of a pedestrian link through the site from Tudor Hill to Queensway and the bus shelter on Queensway. The applicants have stated that to facilitate a general right of way through the site would be impractical for the redevelopment and difficult to illuminate and maintain in a safe condition. The route is not a public right of way and could be removed at any time. The loss of the access is considered regrettable, however, this needs to be balanced against the benefits of the proposal which is the provision of family housing, redevelopment of a brownfield site and improvement to the visual amenity of the area.</p> <p>There is already a vehicular access running between No. 7 and No. 9 Tudor Hill which serves the garages.</p>
<p>Health and Safety</p> <ul style="list-style-type: none"> • The garages might be made of asbestos, concern over environment and health and safety. 	<p>Noted, the removal of asbestos is regulated and controlled by other legislation.</p>

<p>Other issues</p> <ul style="list-style-type: none"> • The detail presented is sketchy. What is the justification for change of use of the land? Does planning law allow for this? The Plan does not cover any provision for the requirement of any services or the disruption to local roads and pre-existing services while this is done. The provisional will put more pressure on the local services which already struggle at times. • Is the proposal for council-owned affordable housing or owner-occupation • Is the proposal for individual houses or blocks of flats/maisonettes? • What are the intended start/finish dates • How is the development to be funded if undertaken on behalf of the Council? • The position of the trees on the plans is not correct and potentially misleading, trees are shown in the garden of No. 1 Tudor Hill and there are no trees at this point. • There is no proven need for further houses in this area. There are already a number of vacant properties in the area. • The ‘overgrown’ green area to the south has in the past been tended by Melton Borough Council and has only become allowed to be overgrown as a direct reflection of the Council management of the site. • The building of these properties will de-value properties surrounding the location. 	<p>The application is in outline and there is no requirement for the applicant to provide more details. An application has been submitted for redevelopment and the planning authority has a duty to consider it.</p> <p>There has been no indication as to whether the dwellings are to be provided as Affordable or Market Housing but there is a need for all types of housing within the town envelope.</p> <p>The application is in outline with all matters reserved. The applicant has submitted scale parameters which state that the dwellings will be two storey dwellings, a pair of semi-detached and a detached property.</p> <p>Noted, this is not known or considered relevant to the determination of the planning application.</p> <p>Noted, this is not known or considered relevant to the determination of the planning application.</p> <p>Noted, details of landscaping has been reserved for future consideration.</p> <p>There is extensive demand for houses in the borough generally, including this part of Melton Mowbray., with particular shortfalls in the categories of affordable and smaller family sized accommodation and older persons housing. The proposal would be able to contribute towards meeting some (or several) aspect of this demand.</p> <p>Noted.</p> <p>The impact on the value of surrounding houses is not a material planning consideration and should not be taken into account.</p>
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Considerations not raised through Representations.

Representation	Assessment of Head of Regulatory Services
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Housing Needs/Affordable Housing	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 three dwellings would not trigger the requirement to provide a contribution for Affordable Housing.
Application of the Development Plan Policies:- 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.	The site is previously developed land once used as garaging. The site is disused and is capable of development subject to further considerations at reserved matters application.
Compliance (or otherwise) with Planning Policy	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.

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. The application is to provide needed housing on a brownfield site and is considered to enhance the area. 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, 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.
10. Before first occupation of any dwelling hereby permitted, turning facilities shall be provided, hard surfaced 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.

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 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.
10. To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.

Officer to contact:

Mrs Jennifer Wallis

1st August 2012