

**Reference:** 13/00110/FUL

**Date submitted:** 25.02.13

**Applicant:** Melton Borough Council

**Location:** Garages between Greaves Avenue and Eastfield Avenue, Greaves Avenue, Melton Mowbray

**Proposal:** Four 2 bedroomed houses.



**Proposal :-**

**This application seeks planning permission for the construction of four 2 bed dwellings following the grant of outline approval (12/00106/OUT).** 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:-**

12/00106/OUT – Outline planning permission with all matters reserved was granted consent on the 27<sup>th</sup> April 2012 for the construction of four 2 storey dwellings.

### **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 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 27<sup>th</sup> March 2012 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.

The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12). Where policies are not up to date, permission should be granted unless impacts 'demonstrably and significantly' outweigh benefits (para 14).

**Consultations:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Highway Authority</b> – No objections subject to conditions.</p> <p>Whilst the provision of 2 parking spaces off East Avenue for plot 1 is not ideal, given that it will have a Greaves Avenue address, it would not be reasonable to refuse the application for this alone. Therefore the Highway Authority is prepared to look favourably upon the revised proposal.</p>	<p>The layout plan shows both vehicle accesses retained; Greaves Avenue is to serve the plots 2, 3 and 4 giving access to the parking for each unit whilst East Avenue will be retained to allow access to plot 1 and parking spaces for properties fronting the garage site (nos. 14 to 18 East Avenue).</p> <p>Following the consent of the outline application there was a requirement to provide a footpath between the semi detached dwellings to provide connectivity from East Avenue to Greaves Avenue. This footpath provision has been incorporated into the scheme.</p> <p><b>It is not considered that the proposal would have a detrimental impact on highway safety.</b></p>
<p><b>Severn Trent Water Authority:</b> No Objections, subject to conditions requiring submission of a drainage plan.</p>	<p>Noted.</p>

**Representations:**

Neighbouring properties were consulted and as a result no correspondence has been received to date.

**Considerations not raised through Representations.**

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Impact upon the character of the area and Design:</b></p>	<p>The site sits behind existing dwellings fronting Greaves Avenue and East Avenue and will not therefore have direct street frontages. The two pairs of semi-detached dwellings will sit side by side with a public footpath running between them. Plots 1 and 2 will face towards East Avenue whilst plots 3 and 4 will face towards Greaves Avenue.</p> <p>The dwellings are proposed to be constructed as half brick with render at first floor, which is not a design feature of the dwellings within the immediate vicinity but does pick up the design feature of dwellings much further to the north along Morley's</p>

	<p>Close and Welby Lane. Due to the age of the housing in this area an exact brick match would not be possible and many of the dwellings have been painted therefore it is considered that red brick and render would not have a negative impact and is therefore an acceptable construction material in this area</p> <p>The overall height is proposed at 8.1 metres sloping to eaves height of 5.1 metres. However due to the change in topography within the area the dwellings will appear higher than the two storey dwellings fronting Greaves Avenue but comparable with the two storey dwellings within the cul-de-sac of Jarvis Drive to the north and east. The proposed dwellings are to be set back from the road frontage of Greaves Avenue by a considerable distance and it is therefore not considered that the development would have an unduly negative impact upon the area or appear overbearing in height. Plots 3 and 4's principle elevation will be visible from the entrance to the site along Greaves Avenue and will therefore be read along side the dwellings fronting Jarvis Drive to the east. The ridge heights would be comparable to the two storey dwellings fronting Jarvis Drive.</p> <p>Immediately to the west of the site the area is predominantly single storey dwellings. The proposed development would therefore be visible on approach from East Avenue over the top of the roofline. It is not uncommon for bungalows to sit within two storey developments and it is considered that the proposed arrangement is acceptable and would not create an incongruous development within this residential area.</p> <p><b>The site at present is a derelict waste ground that has no amenity value. Development of the site will enhance 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.</b></p>
<p><b>Impact upon Neighbouring Properties</b></p>	<p>The site is surrounded by residential dwellings of some age. To the north and east is a row of two storey dwellings which back on to the application site, whilst to the east is a row of bungalows which face onto the entrance to the site from East Avenue. To the south are semi detached dwellings which also present their rear elevations onto the site. Plots 1 and 2 will present a back to back arrangement with the dwellings on Greaves Avenue whilst plots 3 and 4 will face onto the rear elevations. The rear elevation (plots 1 and 2) at first floor will contain a bedroom window and an obscurely glazed window</p>

	<p>to serve the bathroom whilst plots 3 and 4 have a bedroom window and small circular ‘port hole’ style window giving light to the first floor landing. Due to the change in topography there is an opportunity to present overlooking from the bedroom window given that the proposed dwellings would sit much higher. However, the existing dwellings benefit from having large rear gardens which ensures that separation guidelines are exceeded for a window to window arrangement, the shortest distance would be 26 metres. (applied guidelines seek to ensure a 21 metres separation distance from a window to window arrangement) There is a danger that the proposed dwellings could be conceived as overbearing on the existing dwellings, however, because of the separation distance it is considered to be an acceptable proposal.</p> <p>The bungalows are positioned further to the north of the proposed dwellings and therefore it is considered that the proposed two storey dwellings would not have an unduly detrimental impact upon the residential amenities, overlooking can not be created given the orientation of the plots. There may be some loss of sun light (mid morning) into the front rooms, however there is already some compromise as the bungalows are east facing so has limited sun light at present dependant on the year and time of day.</p> <p><b>It is considered that adequate separation distances are 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 is not considered to be an issue and the proposal will not result in an unduly detrimental impact upon existing residential amenity.</b></p>
<p><b>Housing Needs/Affordable Housing</b></p>	<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>
<p><b>Compliance with Development Plan –</b> Policies OS1 and BE1 of the Local Plan are applicable but under paragraph 215 of the NPPF it is necessary to consider if they should carry weight.</p>	<p>Policies OS1 and BE1 permit development in the town envelope ad set design criteria to ensure high quality design, amenity considerations and compatibility with the surroundings.</p> <p>Melton is considered to be a sustainable location for development and in this respect it is considered that the policy (OS1) is wholly compatible with the NPPF. The design requirements within the policies</p>

	<p>reflect closely part 7 of the NPPF and similarly retain weight. These conclusions have been reached in various appeal decisions.</p> <p>The Core Strategy has been published but not yet adopted and therefore affords limited weight in the determination of this application.</p> <p>As set out above the development is considered to comply with the above policies.</p>
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**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 proposal 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. The development shall be begun before the expiration of three years from the date of this permission.
2. The development will be carried out in accordance with the plan drawing nos. 2780-102-C submitted on the 20th March 2013, 2780-104-A and 2780-105-C submitted on the 14th March 2013..
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. The car parking facilities shown within the curtilage of each dwelling shall be provided, hard surfaced and made available for use before the dwelling is occupied 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. For the avoidance of doubt.
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.

Officer to contact: **Mrs Denise Knipe**

**20<sup>th</sup> March 2012**