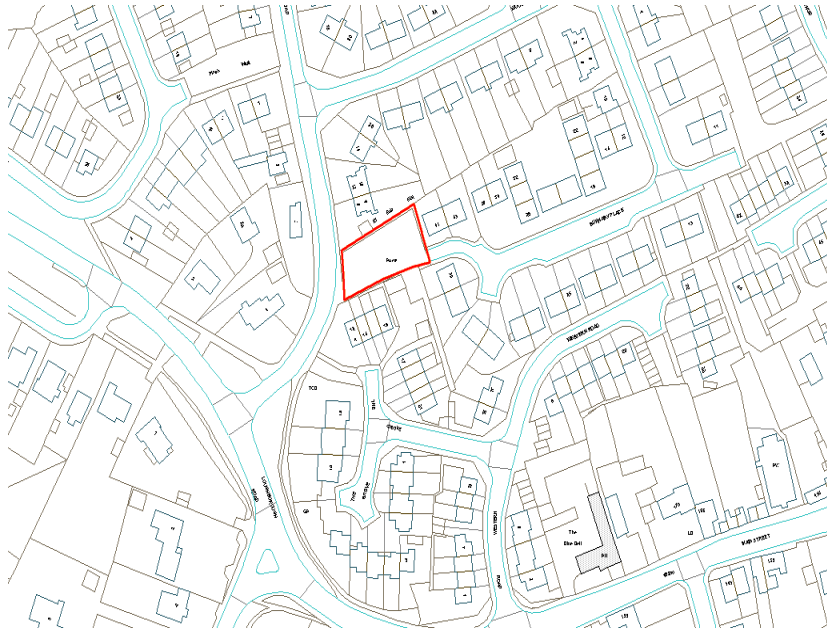


Reference: 13/00091/FUL
Date submitted: 25.02.13
Applicant: Melton Borough Council
Location: Car Park Adjacent To 8 Saxelby Road, Asfordby
Proposal: Three new dwellings



Proposal :-

This application seeks planning permission for the construction of 3 no. two bedroom dwellings following grant of outline consent (12/00450/OUT). The site is a former council car park site which is under utilised by residents of Burnaby Place. Access to the site is from Saxelby Road and Burnaby Place. The site is located within the village envelope and designated Conservation Area for Asfordby and sits within an established residential area. 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:-

12/00450/OUT – Outline planning permission granted for 3 two bedroom dwellings

07/01333/TCA – Consent granted for Crown reduction by 30% of 1 tree in the middle of the car park.

Planning Policies:-

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.

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 27th 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.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and Environmental: 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:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority – The proposed layout is undesirable as it only shows 5 car parking spaces serving the 3 dwellings and given the dwellings front on to Saxelby Road, it is likely that parking will take place within the highway on Saxelby Road, on a bend on a road that at school opening and closing times carries a reasonable level of traffic. Such on street parking would be to the detriment of highway safety.</p> <p>It would therefore be preferable if the proposal were amended to incorporate a minimum of 6 parking spaces, with either the access drives being served off Saxelby Road, or the dwellings being turned 180 degrees, so that they front on to Burnaby Place, with no vehicular or pedestrian access from Saxelby Road.</p> <p>The proposal as submitted is undesirable as it is likely to lead to parking within the highway on Saxelby Road, to the detriment of highway safety.</p>	<p>The proposal sought to provide 5 parking spaces to the rear of the site with access from Barnaby Place. Following the response from the highways Authority an amended plan is to be submitted which will closely follow the arrangement granted at outline consent. Therefore plot 1 is to be served from Saxelby Road, giving access to 2 parking spaces in a tandam format. Whilst plots 2 and 3 are to be served from Barnaby Place. By keeping the dropped kerb access on Saxelby Road would remove the opportunity for onstreet parking along the curve of the road which the Highways Authority are keen to resist. On street parking does occur along Saxelby Road, particular from the occupiers of the flats next door to the site as they have no off street parking facility.</p> <p>Subject to the amended plan it is not considered that the proposal would have a detrimental impact on highway safety.</p>
<p>Conservation Officer: No objection.</p> <p>The proposed dwellings are of simple design, presumably of brick and tile construction respecting other properties within the location and follow the present building line.</p> <p>It is noted that the mature tree fronting the properties will be retained and the garden areas laid to grass representing an improvement in the appearance of this site which is within the Asfordby conservation area.</p>	<p>The dwellings will be presented as a terrace row of three, siting adjacent the two storey flats fronting Saxelby Road to the north, continuing the building line. The existing roadside hedge will be retained and replanted where necessary and the sycamore tree within the boundary is to be retained. Pedestrian access will be provided to the front doors of each unit which replicates the arrangement on Saxelby Road. The dwellings are proposed to be constructed from brick with rendered panels and will have pantiled roofs. Samples of which can be requested by means of a condition. Each unit will have a built out covered porch area, with the pitched</p>

<p>No objections to this proposal in conservation terms as it is viewed as a general improvement on the present situation.</p>	<p>roof. The principle elevation contains a small circular window over the landing, whilst not a design feature of the area will add some interest to the elevation.</p> <p>The car park is not in use and has been barriered off in that regards the introduction of the dwellings and the landscaping can only seek to improve the character of the area and in turn enhance the Conservation Area.</p>
<p>Severn Trent Water Authority: No objection, subject to conditions requiring a drainage plan</p>	<p>Noted.</p>
<p>Western Distribution Wayleave: No objection</p> <p>The existing substation on the adjacent site is to be removed and replaced with a much smaller container. Discussions are taking place with the Council to establish a new position at the front of the site. The land which currently houses the old style sub station will be restored and can be utilised as garden area for the existing residents.</p>	<p>Noted. This does not form consideration of this proposal however the removal of the old style substation will improve the visual aspect of the area, subject to formal agreement by the Council to have the sub station resited to the front of the site. Western Distribution have a wayleave agreement through the garden area of the flats and it is intended should agreement be given by the Council that the land the sub station currently occupiers will be ‘gifted’ back to the Council and could be incorporated into the garden area of the flats.</p>

Representations:

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

Considerations not raised through Representations.

Representation	Assessment of Head of Regulatory Services
<p>Impact upon the character of the area:</p>	<p>The site sits between Saxelby Road and Burnaby Place within an established residential area of a mix of age and styles of dwellings. The site is within the designated Conservation Area for the village and it is considered that the site in its present forms contributes nothing to the character of the area.</p> <p>The terrace row will continue along the established building line and will in effect infill the gap within the streetscene. The simple design is considered to be acceptable and introduces a much needed house type within the village of Asfordby.</p> <p>The substation which sits between the exiting flats and proposed dwellings is subject to Western Distributions upgrade project. Removal of the old style open area substation and replacement with the modern enclosed substation will greatly assist in improve the visual outlook for the existing and future occupiers and the Conservation Area.</p> <p>Development of the site will enhance the character of the area. The village comprises of a range of house types and styles with no particular design style to adhere to. The proposal is considered to accord with the development plan policies OS1 and BE1 and</p>

	supports objectives to develop on brownfield sites.
Impact upon neighbouring properties:	<p>The site sits within an established residential area and benefits from outline planning permission to develop the site for housing. The layout plan provide shows that a row of three 2 storey terraced dwellings are to be fronting Saxelby Road and will sit adjacent the council owned flats to the north.</p> <p>To the north is a semi detached block of 4 flats. There are two small windows at first floor that face onto the site. The proposed dwellings would be 'end on' and have a separation distance of 10 metres with no windows contained within the gable end. It is considered that given that the small windows do not serve habitable rooms it is acceptable to accept a lesser separation distance then usually applied where a window faces onto a blank gable.</p> <p>To the south is a row of terraced dwellings fronting The Grove. These dwellings present the rear elevations to the development site and have 2 metre high close boarded fencing denoting the rear boundary. The proposed dwellings are end on but off set and set apart by 9.7 metres from the nearest corner of the existing dwelling. It is considered that this arrangement is acceptable and would not result in an unduly detrimental loss of residential amenity, no overlooking can be created.</p> <p>To the west, opposite the site are dwellings fronting Saxelby Road which at this point is curved that means that no dwelling faces directly on to the development site. The dwellings are over 25 metres away from the site boundary and it is therefore considered that there would be no impact upon the residential dwellings</p> <p>To the east is a pair of bungalows, nos. 41 and 43, which sit side onto the site and front the access road into the site. The proposed dwellings will have a separation distance of 18metres and thee are no windows contained within the gable end of the bungalow so no overlooking is created. There will be a level of activity along the access road, in front of the bungalows but a significant reduction than if it remained as a resident's parking area.</p> <p>The proposed redevelopment of the site for housing is considered to be acceptable. Given that the site is wholly within an established residential area impact upon neighbouring properties are not considered to be unduly detrimental. This is because the proposal can be adequate accommodated on site, providing the much needed dwellings for the village of</p>

	Asfordby.
Housing Needs/Affordable Housing	There is a need for all house types within the village of Asfordby. The proposal will provide an additional 3 no. two bed dwellings in a sustainable village which has adequate public services to serve the future residents.
Compliance with Development Plan – 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>Policies OS1 and BE1 permit development in the village envelope and set design criteria to ensure high quality design, amenity considerations and compatibility with the surroundings.</p> <p>Asfordby 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 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 polices.</p>

Conclusion

The application site lies within the village envelope and Conservation for Asfordby and thus benefits from a presumption in favour of development under policies OS1 and BE1. The proposal is considered to acceptable and will not have an undue negative impact upon existing residents and has adequate access and parking arrangements. The site was a former car park which would have a higher level of vehicles coming and going and the development of three dwellings would have significantly less traffic flows. The proposal goes some way to provide the much needed housing in the borough and complies with sustainable development being located with a service centre where there is a higher level of public services. 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 hereby approved shall be carried out in accordance with the plan drawing nos. 2780-702, 2780-705-A and 2780-704 submitted on the 15th February 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. The approved boundary and landscape scheme (both hard and soft) as shown on drawing no. 2780-702 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.

5. 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.
6. 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.
7. 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.
8. Before first occupation of any dwelling, the car parking shown shall be provided, hard surfaced and made available for use to serve that dwelling and 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 ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water.
6. 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.
7. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.
8. 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**

20th March 2013