

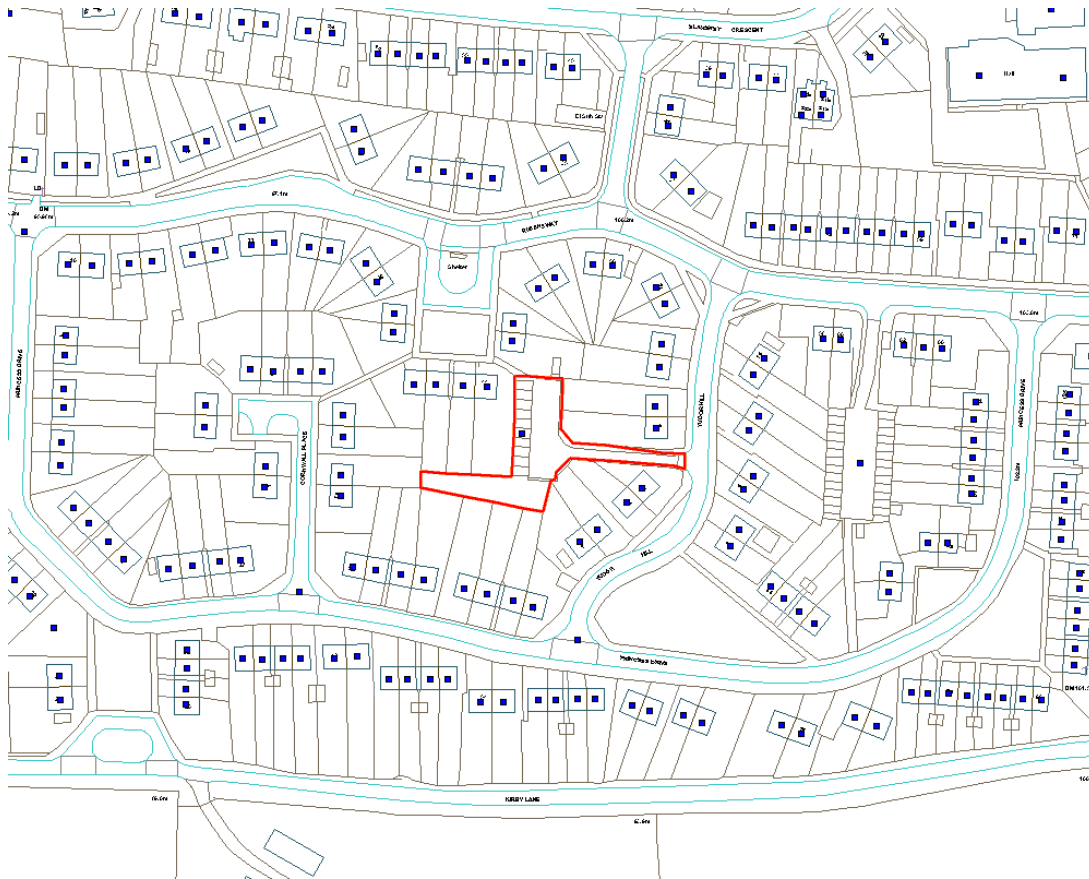
Reference: 13/00092/FUL

Date submitted: 15.02.13

Applicant: Melton Borough Council

Location: Garages, Tudor Hill, Melton Mowbray

Proposal: Erection of 3 family dwellings on disused former domestic garage site



Proposal :-

This application is a detailed proposal for a site granted outline permission in February 2012 (Council Reference : 12/00105/OUT.) 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. The plans provide for a pair of semi-detached two bedroomed properties adjacent to the eastern boundary of 44 Queensway and a detached two storey two bedroomed dwelling to the southern end of the site. Vehicular access to the site would be from Tudor Hill and a pedestrian access from Queensway.

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:-

12/00105/OUT- Outline application for erection of houses (see reference above)

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.

This 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
Highway Authority – No objections subject to conditions.	Conditions can be imposed as before on the outline approval.
Severn Trent – no objections subject to conditions requiring approval of the drainage connections.	Conditions can be imposed to meet these requirements.

Representations:

Neighbouring properties were consulted but no representations received.

Considerations not raised through Representations.

Representation	Assessment of Head of Regulatory Services
Impact on neighbouring properties	The siting of the dwellings was shown on the outline application when approved in February 2012. The detailed plans for the two semi detached properties on the eastern boundary of 44 Queensway have no windows at first floor level to avoid any direct overlooking. The detached property also has no windows in either of its gable elevations and at its nearest point is 20 metres at an oblique angle from other surrounding properties. It has only one bedroom window on its front elevation and it is considered that there should be no loss of privacy to adjoining residents. The existing hedges around the site are to be retained and new 1.8 metre fencing erected to all other boundaries. The existing access for the garage at 46 Queensway is to be retained.
Impact upon character of the area	The site is surrounded by a mixture of 1950s semi detached and terraced dwellings and these new dwellings will complement the existing character of the area. The upper elevations of the new houses will be rendered with facing brickwork to the lower

<p>Compliance with Development Plan – Policies OS1 and BE1 of the Local Plan are applicable but under para. 215 of the NPPF it is necessary to consider if they should carry weight.</p>	<p>elevations</p> <p>Policies OS1 and BE1 permit development in the town envelope and 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 reflect closely part 7 of the NPPF and similarly retain weight. These conclusions have been reached in various appeal decisions.</p> <p>As set out above the development is considered to comply with the above policies.</p>
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Conclusion

The development will provide a positive housing solution to this backland site and its site layout and design will assist in preventing anti social behaviour and prevent access to the rear of surrounding 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, and is considered to comply with the expectations of the NPPF and applicable Local Plan Policies OS1 and BE1. 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. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. Before first occupation of any dwelling hereby permitted, the 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.

8. The pavement linking the site to the pavement Tudor Hill shall be constructed prior to the occupation of any of the dwellings..

The reasons for the conditions are:-

1. To comply with the requirements of Section 92 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 satisfactory provision is made at the appropriate time for the disposal of foul and surface water.
4. 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.
5. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.
6. 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.
7. To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.
8. In the interests of pedestrian safety

Officer to contact: **Paul Green**

23rd March 2013