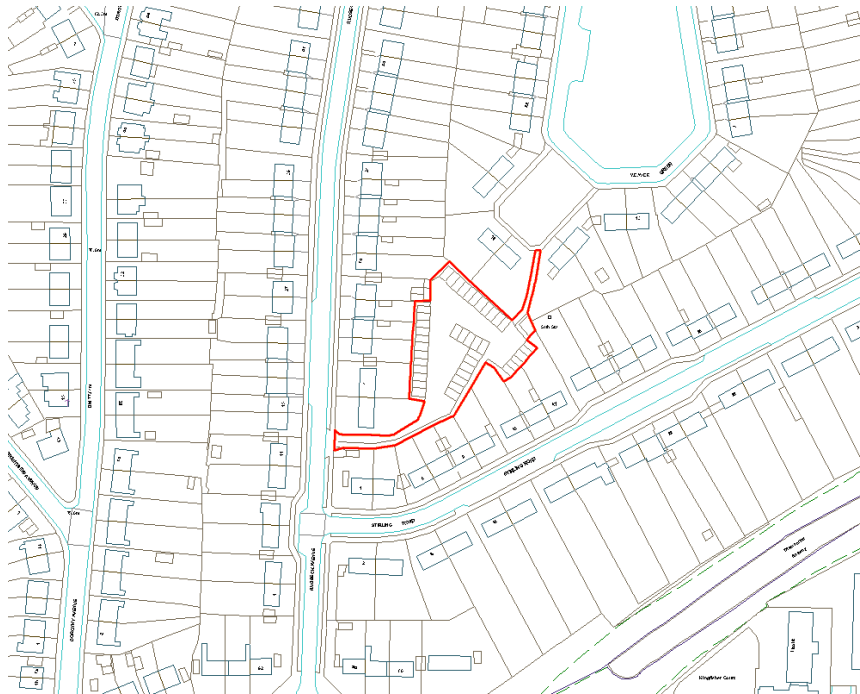


Reference: 13/00175/OUT
Date submitted: 20.05.13
Applicant: Melton Borough Council
Location: Garages Behind 2 To 12, Rudbeck Avenue, Melton Mowbray
Proposal: Outline application for 6 new dwellings



Proposal :-

This application seeks outline planning permission for the principle of residential development with all matters reserved. The site sits on the former council garage site with access from Rudbeck Avenue and pedestrian access from Weavers Green. The site is located within the town envelope and sits within an established residential area to the west of the town. The site is considered to be a brownfield site and suitable for residential development.

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 is no planning history 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 National Planning Policy 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- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: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>The amended layout which provides 2 car parking spaces per dwelling is generally acceptable, although the layout does not provide adequate turning/manoeuvring space behind the spaces for plots 2, 3, 4 & 5. However as this application is outline only, then this issue can be covered by condition and addressed at detail stage.</p> <p>There is a footpath that runs through the site from Rudbeck Avenue to Weaver Green, and whilst the amended plan retains a route through the site, this route is different from the existing route. If this footpath has been used unimpeded for a number of years, and proof of such provided, a petition may be submitted to the Highway Authority seeking this route to be added to the definitive rights of way map, in which case the route may need to be maintained free from obstruction as a public footpath.</p>	<p>The loss of the garage parking could lead to additional vehicles parking on the highway, however it is considered that it would be difficult to seek to resist the proposal on that basis.</p> <p>The road is narrow in width however it will be a private road to serve the 6 plots and on the indicative plan a narrow path way has been proposed along the access road.</p> <p>It is considered that the application can be accommodated within the site so as not to impact on highway safety.</p>
<p>Access Officer –</p> <p>Although not formally recorded as a public access, members of the public could use the site as a pedestrian route through from Rudbeck Avenue to Weaver Green and it is noted in the suggestive site layout that a footpath is shown but it is not clear whether this is intended to be open to the general public. The Access Officer would fully support provision of this facility for pedestrians and cyclists in line with National Advice on sustainable development and good practice in promoting travel choice. Formalising such a proposal would make best use of an opportunity to maximise public access and improve links to local facilities.</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 pedestrian link. The indicative plan shows that the site could accommodate 3 pairs of semi-detached properties with a footpath proposed to connect to the head of the cul-de-sac, to give connectivity from Weaver Green, through the housing site out to Rudbeck Avenue. All matters are reserved but it is considered to be important to provide this linkage to provide better connectivity within the estate. Formalising such a proposal would make best use of an opportunity to maximise public access and improve links to local facilities.</p>
<p>Housing Policy Comments:-</p> <p>The application seeks outline planning permission for six socially rented family homes, four 3-bedroom and two 2-bedroom properties. There is a shortfall of affordable housing across the borough, the David Couttie Associates Housing Market Analysis (Housing Stock Analysis 2006-2011; 2006) the study also identified a shortfall of 533 2 and 3-bedroom affordable properties up to 2011. This figure will have increased since the study was completed, with affordable housing provision in the borough never out-stretching demand.</p>	<p>Within Melton Mowbray there is a strong need for smaller market housing such as 2 bedroom houses as well as 3 bedroom older people/downsizing accommodation and a surplus of medium to large family accommodation.</p> <p>The proposal complies with policy OS1 and BE1 which gives a presumption in favour of housing development within the town envelope providing the size of accommodation meets the identified need of the borough. The number of units proposed triggers an affordable Housing contribution of two units. However the application is for 6 social rented</p>

<p>The application is recommended for approval on the grounds that it seeks to provide much needed affordable homes. Should it be deemed necessary and appropriate by the planning officer, a recommendation from housing policy is to restrict the units to affordable housing provision only, this would ensure the units could not be sold on the open market and would remain affordable in perpetuity.</p>	<p>dwellings to be managed by a Registered Provider/Council.</p> <p>It is considered that the proposed dwellings would comply with housing need in line with the NPPF.</p>
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Representations:

A site notice was posted and neighbouring properties consulted. As a result 12 letters have been received, from 12 separate households, objecting to the proposal on the following grounds:

Representation	Assessment of Head of Regulatory Services
<p>Impact upon the character of the area:</p> <ul style="list-style-type: none"> • This would make the area overbuilt/crowded/ noisy and unattractive and has a risk of de valuing my property. • Not in keeping with the character of the area which is dwellings on spacious plots compared to the new dwellings which have small gardens • Design is not in keeping with the 1940/50’s layout of the estate. • The dwellings would be visually intrusive 	<p>The application is for outline planning permission with all matters reserved. The area is one of linked semi-detached properties benefiting from front and rear gardens. An amended indicative layout plan has been provided to show how the site could be developed with 3 pairs of semi-detached dwellings in a triangular arrangement. Each plot would have a rear amenity space a small space to the front of the garden. The Council does not have any adopted space standards however the indicative layout shows that sufficient amenity space could be provided.</p> <p>Matters relating to design, scale and mass are to be considered as part of the reserved matters application.</p>
<p>Impact upon Highway Safety:</p> <ul style="list-style-type: none"> • Loss of pedestrian access will have a risk to children and adults with the traffic flow • No pedestrian path • Concerned that the pedestrian access from Weaver Green and Rudbeck would be blocked up once future residents are in who will have members of the public wandering in front of their properties. • The garages are in use and it will remove a facility for residents leading to on road parking. • Garage is used to store mobility car since damage occurred whilst parked on the street. • Many of the garages are occupied and many residents will be inconvenienced by the proposal. • The garages are not redundant as stated within the application – many are in constant use because of parking issues in the area. 	<p>The indicative layout plan makes provisions to retain a pedestrian link through the site from Weavers Green/Rudbeck Avenue. As stated by the Access Officer there is a desire to make this a more formal arrangement.</p> <p>Individual tenancies are not a material planning consideration and the planning application does not affect any tenancy rights to the garages, which need to be address regardless of whether permission is granted. Many of the garages do have tenants however the tenancy agreements does not give rights in perpetuity and the rental agreement can be terminated following a two weeks notice. Should approval be granted discussions are to take place with existing tenants on a one to one basis to find alternative provisions. Some residents</p>

<ul style="list-style-type: none"> • Parking is already a problem in the street. • Insufficient parking for future residents • Removing the garages will increase the number of residents forced to park on the road • Increase in traffic and parking in the area from this development combined with the Sainsbury's development and the fact that Rudbeck Avenue is already a "rat run" to avoid the Asfordby road / Nottingham road junction will increase traffic problems in the area. • The entrance to the site is a single carriageway not suitable for 2 cars to pass • Access for large vehicles - construction traffic and then delivery vehicles and particularly the emergency services will not be adequate. 	<p>that attended the recent RAGE meeting were advised that there are 7 garages available at Weavers Green which will be made available to tenants that that require an alternative provision. The Highways Authority have not objected to the proposal, whilst it is acknowledged that there will be some displacements of vehicles, the use of the site as garaging can be taken away at any time and could not be sustained as a reason for refusal. The proposal seeks to utilise the existing access on Rudbeck Avenue which currently serves thirty five garages. The redevelopment of the site for 6 units will decrease the number of vehicles entering and leaving the site and this could be perceived as a highway gain. The road will remain as a private road matters relating to the emergency services are covered under Building Regulations and adequate provisions will be required.</p>
<p>Impact upon Residential Amenity:</p> <ul style="list-style-type: none"> • Concerns raised in regards to loss of access to rear gardens. • Many properties have rear access from the garage site which have existing for many many years – to have it withdrawn now will inconvenience a lot of residents • Blocking up of rear access could have serious implications should a fire break out and their means of escape taken away. • Concerns on sewage/ water access to these proposed dwellings the effect it will have on my property. • Loss of Privacy • Overlooking • Alley ways could lead to Anti-Social Behaviour problems • There will be no benefits to the exiting residents with some having there secured parking taken away. 	<p>The indicative layout shows that the existing rear accesses to the properties will not be blocked and access could still be gained for those that currently enjoy that benefit however there is no legal right of way.</p> <p>No objections have been received from Severn Trent Water Authority. Matters relating to drainage will be covered under Building Regulations.</p> <p>The proposal is in outline form only with all matters reserved. From the indicative layout plan supplied it shows that adequate separation distances can be met and subject to design overlooking can be designed out.</p> <p>There are no new alley ways proposed and the existing walkway will remain. It is considered that issues relating to Anti-Social Behaviour can be design out through providing overlooking of the alley ways and complying with 'Designing out Crime'</p> <p>The site has experienced Anti-Social Behaviour issues and redevelopment of the site will reduce the opportunity for unsociable behaviour. Inevitably there will be some displacement of vehicles to on street parking and the Council will work with those affected to help find alternative provisions where possible.</p>

<ul style="list-style-type: none"> • Concerned with the amount of noise from construction traffic. • What are the boundary treatments? Will I lose my hedge and fence? 	<p>There will be some disruption to residents during the construction phase but this would be limited to day time hours.</p> <p>Details of boundary treatment are yet to be considered and will be provided at the reserved matters application.</p>
<p>Other Matters:-</p> <ul style="list-style-type: none"> • If these plans are approved would the Council help to remedy the increased risks caused by more on street parking in Rudbeck Avenue by installing some speed control measures e.g. speed bumps and also assisting with lowering the kerb outside properties so that parking can be accommodated at the front of houses with minimal costs to the resident. • Concerned that none of the garage tenants appear to have been notified of the proposed development, when they are likely to be most affected by it. Two different residents informed my husband of the proposal, and the matter came to light at our RAGE Meeting last night • Had had a garage tenancy for over 30 years and concerned that should the garage be lost there will be difficulties in parking in the area. Which will cause issues with unloading shopping. • There is also a vandalism issue in the area. As such, the garages are in constant daily use. • Devalue the existing properties • Possible subsidence from heavy construction traffic. • Environmental issues from noise and air pollution from construction traffic. • Concerned that no one has managed to access the plans on line. 	<p>The issue raised is not a matter than can be considered through the planning process. The Council will be contacting the residents affected should approval be granted and matters could be discussed at that time. However the Highways Authority are the governing body on matters relating to speed control.</p> <p>The neighbours adjoining the site have all been notified of the planning application. The Council is the land owner and will be discussing options with the tenants should approval be granted for development.</p> <p>Noted.</p> <p>Loss of value is not a matter which can be considered under the planning process as it relates to a private interest and planning is in the interest of the public.</p> <p>The developer will have the responsibility to act responsibly.</p> <p>There had been some issues with accessing the information on line and this was resolved. Paper versions are available at the Council Offices as advised within the neighbour notification letter.</p>

Considerations not raised through Representations.

Representation	Assessment of Head of Regulatory Services
Impact upon Character of the Area:	The site sits behind existing dwellings fronting Rudbeck Avenue, Stirling Road and Weaver Green and will therefore not have a direct street frontage. Whilst the application proposes 2 storey dwellings

	<p>the heights will have to be sympathetic to the current built form of the residential estate with the site being surrounded by older style 2 storey dwellings. 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 at present is unattractive and has no amenity value. It is a known hotspot for Anti-social behaviour and development of the site can only seek to enhance the character of the area and improve social being, providing matters relating to design and scale takes in 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>Impact upon Neighbouring Properties:</p>	<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. The indicative layout shows that adequate separation distances can be achieved from existing properties given that properties fronting Stirling Road, Weaver Green and Rudbeck Avenue have large rear gardens.</p> <p>It is considered that the proposal could be accommodated on the site without having an adverse impact on the residential amenities of surrounding properties.</p>
<p>Application of the Development Plan Policies:-</p> <p>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.</p>	<p>The site is previously developed land once used as council garaging. The site has been cleared and is capable of development subject to further considerations at reserved matters application.</p>
<p>Compliance (or otherwise) with Planning Policy</p>	<p>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.</p>

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 highways 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. 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 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. 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.
11. Provisions for a footpath/cycleway linking Eastfield Avenue to Greaves Avenue shall be incorporated into the final scheme for residential development.

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 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.
11. To improve connectivity through the residential estate

Officer to contact: **Mrs Denise Knipe**

13th July 2012