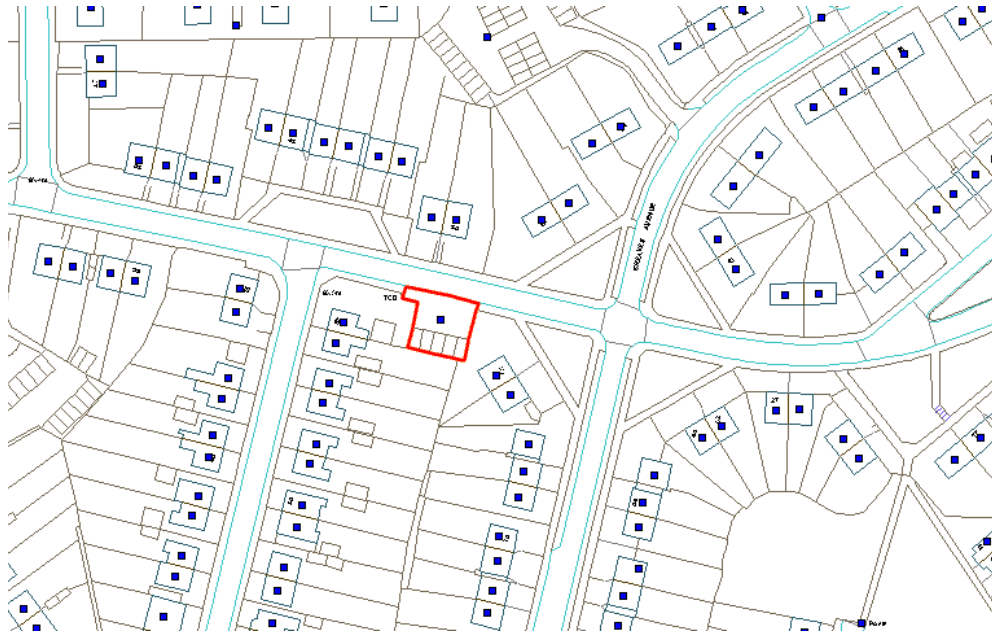


Reference: 13/00176/OUT
Date submitted: 20.05.13
Applicant: Melton Borough Council
Location: Land opposite 36 Staveley Road, Melton Mowbray
Proposal: Outline application for one bungalow (amended plans received 4th June 2013)



Proposal :-

This application seeks outline planning permission for the principle of one residential bungalow with all matters reserved. The site sits on the former council garage site which is no longer in active use and has vehicle and pedestrian access from Staveley. The site is located within the town envelope and is situated within an established residential area to the north 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:-

The site has no relevant history.

Planning Policies:-

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- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: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

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.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority – No objection, ensure that all details of the access and parking meet the current highways authority standards.</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 is suspected that it would be difficult to seek to resist the proposal on that basis.</p>	<p>The garage site appears to no longer be in active use. The loss of the garage parking could lead to additional vehicles parking on the highway, although it is unknown how many of the garages are used to house cars on a regular basis. 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. The indicative plan shows that the site could accommodate a single bungalow facing onto Staveley Road, with access and parking to the West of the site.</p> <p>It is considered that the proposal meets the objectives of policies OS1 and BE1 in relation to highways safety, and that suitable access and parking at the site can be ensured by conditions.</p>
<p>Building Control: Access for fire appliances would appear to be acceptable</p>	<p>Noted.</p>

Representations:

Nine neighbouring properties were consulted, as a result 4 letters have been received, 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"> • A bungalow would be more suitable than a house on this site 	<p>Noted. Amended plans were submitted outlining a bungalow on the site as opposed to a house. This can be conditioned for a reserved matters application.</p> <p>Due to the elevated position of the site it is accepted that a two storey dwelling could have a negative impact upon the character of the area to the south of the site and a bungalow is more acceptable in this location.</p> <p>The existing garages are in a relatively poorly maintained state in a fairly prominent, elevated position within the housing estate and the reuse of this brownfield site for housing will improve the character of the area.</p> <p>It is considered that a new bungalow in this location would have a positive impact upon the character of the area and the streetscene in general, meeting the objectives of Melton Local Plan policies OS1 and BE1.</p>

<p>Impact upon Highway Safety:</p> <ul style="list-style-type: none"> • Garages are used every day, therefore development will cause more on street parking problems in the area; where would the cars go? • People who do not live close to the site park near to it and will cause more blockages on the road. 	<p>Noted. Please see above section in relation to the highways safety.</p> <p>Further information in relation to these comments was sought from the applicant / agent.</p> <p>The applicant intends to consult on a 1:1 basis with the current users of the garages if the application is successful to agree alternative provision. This was also agreed with the local residents group (RAGE) prior to submission of the application.</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. The applicant also has the ability to give the tenants of the garages 2 weeks notice to quit the garage site, to which the tenants have no long term right to. Due to the age and size of the garages it is unlikely that modern cars are housed in the garages, although it is unknown whether this is the case. It is considered that most of the garages are currently used for storage purposes.</p> <p>It is considered that the objectives of policies OS1 and BE1 have been met in relation to highways safety.</p>
<p>Impact upon Residential Amenity:</p> <ul style="list-style-type: none"> • Loss of Privacy to Dorothy Avenue and Staveley Road properties • Overlooking • Where would the boundaries of the property be? • loss of privacy which may devalue my property, now developed to the rear and this would be the front too 	<p>To the west of the proposed dwelling are the rear of properties on Dorothy Avenue. There is a separation distance of approximately 17 metres from the nearest habitable window of 92 Dorothy Avenue and the proposed side elevation of the new dwelling. This distance is considered to be acceptable if there are no new habitable windows placed on the west elevation of the new bungalow. This could be dealt with at the submission of the detailed application. It is not considered that this would cause a loss of privacy or amenity to the dwellings on Dorothy Avenue in line with policies OS1 and BE1.</p> <p>A bungalow on this plot would be approximately 23 metres from the principal elevation of the existing dwelling on the north side of Staveley Road which is considered to be an acceptable separation distance between habitable windows. The dwellings would also be separated by a road. It is considered that this separation distance is acceptable and in line with the objectives of policies OS1 and BE1 of the Melton Local Plan.</p> <p>To the south east of the site is 85 Rudbeck Avenue, the orientation, distance separation and absence of</p>

	<p>habitable windows facing the application site mean that the proposal would not have a detrimental impact on the occupants of this property.</p> <p>It is considered that a bungalow on this plot would not lead to any loss of privacy or amenity to the neighbouring dwellings, so long as the windows to habitable rooms are only placed in the new north and south elevations. At this stage due to the nature of the application being outline with all matters reserved it is not yet known exactly where the bungalow would be built on the plot as this would be part of the reserved matters application.</p> <p>Property values are not a material consideration in planning applications.</p> <p>The application is in outline for a proposed bungalow, it is considered that due to the orientation, size of the plot and relationship to neighbouring properties that a dwelling could be designed so as not to have a detrimental impact on the residential amenities of adjoining properties.</p>
<p>Other matters:-</p> <ul style="list-style-type: none"> • Need a garage close to house as uses crutches • Garage roofs may have asbestos and would be harmful if demolished 	<p>Noted.</p> <p>As stated above this is not a planning consideration and the applicant will be discussing alternative arrangements with the tenants of the garages on a 1:1 basis as agreed with the local residents association.</p> <p>Any asbestos present in the garages would be dealt with during demolition by the appropriate authorities in line with the law.</p>

Considerations not raised through Representations.

Representation	Assessment of Head of Regulatory Services
<p>Housing Needs/Affordable Housing</p>	<p>There is a need for all house types within the town, specifically small bungalows for older people downsizing. The application form indicates that the dwelling would be social rented housing, although it is not clear at this stage who would be the social housing landlord (housing association or local authority).</p> <p>It is considered that the proposed dwelling would comply with housing need in line with the NPPF.</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</p>	<p>The site is developed land used as council garaging. If the site is cleared it would be capable of development subject to further considerations at reserved matters application.</p>

<p>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>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, 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, 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.

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.

Officer to contact: **Mrs Sarah Legge**

Date: 9th July 2013