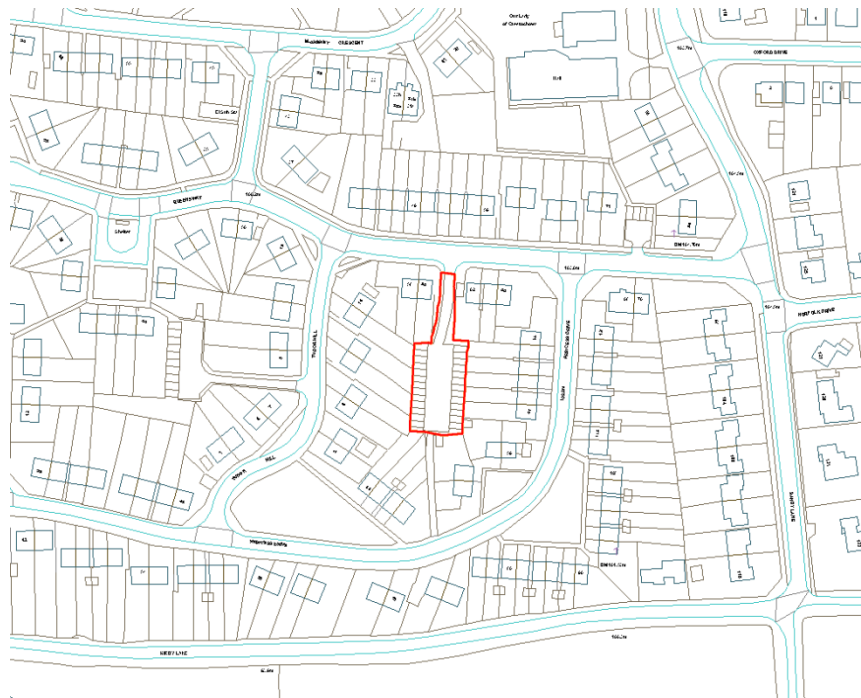


**Reference:** 13/00178/OUT  
**Date submitted:** 20.05.13  
**Applicant:** Melton Borough Council  
**Location:** Garage Block Between 60 And 62 Queensway, Melton Mowbray  
**Proposal:** Up to three new family homes on a former residential garage court. design, layout and materials all subject to reserved matters application.



**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 which is no longer in active use and has vehicle access from Queensway with pedestrian access from Princess Drive. The site is located within the town envelope and is 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:-**

12/00107/OUT - Outline application for a residential development of two-storey houses. Withdrawn on the 22<sup>nd</sup> March 2012.

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- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: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

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Highway Authority</b> – No objections subject to conditions.</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 amended layout submitted shows a scheme that retains vehicular rights to adjacent properties. The amendments are generally acceptable, however the parking especially for the middle dwelling is quite tight with not much space for manoeuvring. Sufficient room will be required to allow car doors to be fully opened so that occupants can get into and out of the cars whilst parked. However as this is an outline application, then this could be covered by condition.</p> <p>There is a street lighting column on the site, and this will need to be disconnected by the Electricity Board and the column then removed from site.</p>	<p>The garage site is no longer in active use and has become a derelict site. 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. The existing access of Queensway is to be retained to serve all through proposed dwellings.</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 and access to those properties that currently have access to parking from the garage site.</p> <p><b>It is considered that the application can be accommodated within the site so as not to impact on highway safety.</b></p>
<p><b>Access Officer</b> –</p> <p>Although not formally recorded as a public access, members of the public could use the site as a pedestrian route through from Queensway to Princess Drive 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>The indicative plan shows that the site could accommodate a row of 3 town houses with a vehicular right of way proposed along the end wall of the row to give connectivity from Princess Drive to Queensway, where the main bus routes are situated. 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. Any formal route would have to be provided to meet the County Council’s standard specification for an urban footway and have a minimum width of 2m.</p>

<p><b>Housing Policy Comments</b></p> <p>The application seeks outline planning permission for three socially rented family homes. There is a shortfall of affordable housing across the borough, the David Couttie Associates Housing Market Analysis (Housing Stock Analysis 2006-2011; 2006) the report 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>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>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 the size of accomodation meets the identified need of the borough. The number of units proposed falls below that required to contribute to the affordable housing provision and it is not considered necessary to restrict development to just affordable housing as market housing will still comply with the development plan policies in this location.</p> <p><b>It is considered that the proposed dwellings would comply with housing need in line with the NPPF.</b></p>
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**Representations:**

A site notice was posted and neighbouring properties consulted. As a result 5 letters have been received, objecting to the proposal on the following grounds:

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Impact upon Highway Safety:</b></p> <ul style="list-style-type: none"> <li>• There is a right of way between Princess Drive and Queensway.</li> </ul>	<p>The indicative plan shows that a pedestrian right of way between Princess Drive and Queensway will be retained. Planning permission would not override or removal any public or private access rights which exist across application sites.</p>
<p><b>Impact upon Residential Amenity:</b></p> <ul style="list-style-type: none"> <li>• Concerns raised in regards to loss of access to rear gardens.</li> <li>• The deeds to my property (55 Princess Drive) grant me unrestricted access to the rear of my property which is used for parking.</li> <li>• Loss of Privacy</li> <li>• Overlooking</li> </ul>	<p>The proposal is for outline approval however an amended indicative layout has been provided which shows access retained to those properties which currently benefit from an arrangement to access parking areas from the garage site.</p> <p>The existing dwellings around the site benefit from large rear gardens and the indicative layout shows that the row of three terraced properties would be end on to the dwellings along Tudor Road which are orientated on an angle to the site. Adequate separation distances can be achieved that will be within the Council's current guidelines and this will be dealt with at the reserved matters application. It is considered that overlooking can be successfully designed out.</p>

<ul style="list-style-type: none"> <li>• loss of light and privacy which may devalue my property</li> <li>• Concerned of security of property if garages are knocked down</li> <li>• Manholes and sewers run down the middle of the site how will this affect existing residents.</li> <li>• Current sewerage system may be inadequate, there have been problems with the current system for myself and neighbouring properties; this does not appear to have been taken into consideration.</li> <li>• The Garages back onto the rear lawned area of my residence and the demolition of them would leave it an unsafe area for my 2 Autistic Children. Both of my 2 Disabled children have an intolerance of loud noise, This would therefore make any noise disturbance unacceptable and dramatically reduce their quality of life for the duration of the construction. With the unpredictable nature of my Children and their complete absence of Danger awareness I would be concerned about the amount of HG machinery and traffic a build of this type requires.</li> </ul>	<p>Due to the separation distance and orientation of the dwellings it is considered that there would not be a detrimental impact upon the residential amenities through loss of light. Matters relating to devalue of house prices is not a planning matter.</p> <p>Appropriate boundary treatment will be provided and will be imposed by condition. Full details will be provided with the reserved matters application.</p> <p>Building Regulations will ensure that adequate drainage provision is provided. No objection has been received from Seven Trent Water Authority.</p> <p>There will be a requirement of the developer to ensure that the site is adequately fenced off in meeting health and safety requirements. The construction of 3 dwellings is unlikely to attract large amounts of construction traffic and inevitably there will be some noise from the site during the waking hours.</p>
<p><b>Other matters:-</b></p> <ul style="list-style-type: none"> <li>• concerns about demolition work causing the loss of trees shrubs and boundary wall; replacement with fencing is not adequate and likely to need replacement at a cost to me</li> <li>• The garages have asbestos in them</li> </ul>	<p>No details have been submitted in regards to the site boundary treatment. This will form the reserved matters application and will be conditioned accordingly.</p> <p>The developer will have a duty of care to dispose of any waste material in a controlled and safe manner.</p>

**Considerations not raised through Representations.**

Representation	Assessment of Head of Regulatory Services
<p><b>Impact upon Character of the Area:</b></p>	<p>The site sits behind existing dwellings fronting Queensway, Tudor Hill and Princess Drive and will therefore not have a direct street frontage. Whilst the application proposes 2 storey dwellings the heights will have to be sympathetic to the current</p>

	<p>built form due to the topography rising from the south to the north. There are 2 storey dwellings surrounding the site which have long rear gardens backing onto the site. 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><b>The site at present is a derelict garage site that has no amenity value. Development of the site can only seek to enhance the character of the area 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.</b></p>
<p><b>Impact upon neighbouring properties:</b></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 Queensway, Princes Drive and Tudor Hill have large rear gardens.</p> <p><b>It is considered that the proposal could be accommodated on the site without having an adverse impact on the residential amenities of surrounding properties.</b></p>
<p><b>Housing Needs/Affordable Housing</b></p>	<p>There is a need for all house types within the town. The dwellings are to be provided as Affordable Housing and will be managed by a Registered Provider or the Council.</p>
<p><b>Application of the Development Plan Policies:-</b></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><b>Compliance (or otherwise) with Planning Policy</b></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 authorities 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. 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. 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.
9. Before first occupation of any dwelling, car parking and turning/manoeuvring facilities shall have

been provided, hard surfaced and made available for use to serve the proposed dwellings in accordance with Highway Authority standards, the details of which shall first have been submitted to and approved by the lpa in consultation with the H.A. before development commences. The parking spaces so provided shall thereafter be permanently so maintained. Each parking space should have adequate room to manoeuvre into and out of each space, and be of sufficient size for occupants of the vehicles to be able to open car doors and get into or out of the vehicle without hindrance.

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 reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.
8. 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.
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 Denise Knipe**

**10<sup>th</sup> July 2013**