

Reference: 18/00531/OUT
Date submitted: 02.05.2018
Applicant: Dr. Ervin
Location: Land Off Craven Street Melton Mowbray
Proposal: Outline application for the erection of one dwelling



Proposal:-

The application site is located just south of Melton Mowbray town centre directly west to a residential property of number 52 Craven Street and east of 69 Ankle Hill. The site is mainly the gardens to Prior Cottage which is currently overgrown. The site is not in a conservation area nor flood zone.

A design and access statement and site location plan has been submitted with the proposal which shows the location of the proposed house.

It is considered that the main issues arising from this proposal are:

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Principle of development**

The application is required to be presented to the Committee due to largescale of the proposal.

History:-

15/00286/OUT Erection of one dwelling *Approved*

Planning Policies:-

Melton Local Plan (saved policies):

Policy OS1 – states that planning permission will only be granted for development within the town and village envelopes shown on the proposals map where 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 the character of the locality, the proposed use would not cause loss of amenity by virtue of noise, smell, dust or other pollution, the development would not have a significantly adverse effect on any area defined in policy BE12 or other open areas, the historic built environment or buildings and structures of local importance or important landscape or nature conservation features including trees, the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity, requisite infrastructure, including such facilities as public services, is available or can be provided, satisfactory access and parking provision can be made available, the design, layout and lighting of the development minimises the risk of crime.

Policy BE1 - allows for development within the town envelope provided that the form, character and appearance of the settlement are not adversely affected, the form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the 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.

Policy C15: states that planning permission will not be granted for development which would have an adverse effect on the habitat of wildlife species protected by law unless no other site is suitable for the development Policy C16.

The NPPF seeks to ensure that there is a presumption in favour of ‘Sustainable Development’ introducing three dimensions in achieving sustainable development through the planning system: an economic role, a social role and an environmental role.

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 the 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.

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:

- Proactively support sustainable economic development to deliver homes and businesses that local areas need;
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them;
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land);
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

On Specific issues relevant to this application it advises:

Promoting sustainable transport

- Safe and suitable access to the site can be achieved for all people;
- Development should be located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and
- Consider the needs of people with disabilities by all modes of transport.

Delivering a Wide choice of High Quality Homes

- There is a requirement to maintain a five year land supply of deliverable sites. Taking into account windfall sites provides compelling evidence that such sites have consistently become available. Where there has been a persistent under supply a further 5% is required;
- Local Authorities are to set out their own approaches to densities to reflect local circumstances;
- Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites;
- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby;
- 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;
- Avoid new isolated homes in the countryside unless there are special circumstances.

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;
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

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.

Consultations: No consultations were deemed required for a single dwelling. The application is also outline with *all* matters reserved including access so not required as part of this application.

The site lacks any recorded ecology constraints and matters that require input from consultees.

Representations:

Letters were sent to those residents who are adjacent to the site to notify them of the application. As a result of this a total of 6 letters of representation were received by 6 households at the time of publication of the report.

Representation	Assessment of Head of Regulatory Services
Consultation The application incorrectly states that the proposal was discussed with all adjacent homeowners "who have indicated that the application is a natural progression and that they	 Whilst consultation is encouraged between the applicants and the neighbours, it is not a requirement by law, and is not however a reason on its own to refuse the application and a full

<p>would not be adversely affected by the development". It was not and this has not been the indication</p> <p><u>Design</u></p> <p>The proposed development on Craven Street will be sited in between properties built in the Edwardian era with their ensuing design characteristics. A new property would have the potential to 'stick out like a sore thumb' so to speak, from the attractive row of Edwardian houses and the locality. It is an objective of the local plan that new houses fit in with historic buildings</p> <p>The majority of these houses are of special historical/architectural interest to Melton so a new property will not be progress but be detrimental to the local heritage.</p> <p><u>Amenity</u></p> <p>The proposed plan for an infill dwelling, has the potential to impact on our home with respects to visual intrusiveness, light and loss of privacy, if built adjacent. We have a number of windows facing the proposed site, where a development could lead to loss of light and intrusiveness. The proposed dwelling may also be overlooking or lead to a loss of privacy within our garden. Finally, it is not entirely clear from the design plans if the boundary is respected or if there is potential for adverse possession, which we need look into further</p> <p>It would immediately overlook the kitchen of the immediate neighbouring properties causing loss of daylight in that house along with shading to theirs and neighbouring gardens.</p> <p><u>Highway Safety</u></p> <p>Access and egress to our off-street parking is already very challenging due to the volume of traffic and cars wishing to park on Craven St. With further demand as a result of an additional dwelling, the removal of on street parking and decreased line of sight to the road will only increase the issues and safety of access and egress to the off-street parking.</p> <p>The road space fronting the proposed site is currently used as a passing place for cars unable to pass along narrower areas along the road toward the East. This passing area would effectively be eliminated, resulting in further congestion and increased speeding vehicles along Craven St in their efforts to navigate the stretch of single file road. Further development on this site would increase the traffic impact especially</p>	<p>assessment of issues has been considered as part of this application.</p> <p>The proposal as submitted is in Outline form with all matters reserved, at this stage, it is the principle of development that is for consideration at this time. Should permission be granted then an application for the submission of Reserved Matters would be submitted that would focus on elements such as design and layout. The design of the proposal will need to reflect local characteristics and there is no reason to dispute it accord with the local area character.</p> <p>As above, the <i>potential</i> to cause an impact without details of scale and appearance cannot be a reason to refuse the proposal. The reserved matters application will look at potential amenity issues closely such as the placement of windows and the physical layout of the dwelling on the plot. Owing to the other houses in the local area, amenity looks acceptable if on similar 'lines' to adjacent houses.</p> <p>Further applications to consider the Reserved Matters would be subject to scrutiny and publication as per this initial outline proposal.</p> <p>Parking is a consideration again for reserved matters but owing to arrangements in place already there is nothing to suggest that sufficient parking and turning could not be achieved for the proposal. Future betterment could be looked at as part of a further reserved matters application.</p> <p>Whilst it is acknowledged there may be temporary disruption during the construction of the dwelling, there is no reason to suggest that the cumulative effect of one dwelling in this location would have a detrimental impact upon highway safety.</p>
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<p>during construction</p> <p>Garden Grabbing This proposal is 'garden grabbing' and will have an adverse effect on the density of housing and residential amenities of all residents at the Sandy Lane end of Craven Street, not just those neighbours immediately affected.</p>	<p>The process of building on residential gardens or 'garden grabbing' as it is sometimes coined as referenced here is not endorsed by national planning policy (NPPF paragraph 53). This application is however seen as to not cause harm to the local area as advised by this policy as would be directly adjacent to other houses in a similar location. The approval of planning application 15/00286/OUT has also accepted the principle of development in this location.</p>
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Other Material Considerations not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Planning Approval 15/00286/OUT On 22nd May 2015 the LPA approved an outline application for a house in this location. The determination made reference to the points in this report and drew similar conclusions.</p> <p>Planning permission for this development expired on 22.05.2018 and therefore the applicant is applying again.</p>	<p>The principle of development remains the same being a sustainable location where further details of appearance and parking provision will follow as a subsequent reserved matters application.</p> <p>Despite the new local plan having significantly more weight owing to its progression following examination, the policies on applications in sustainable locations such as Melton remain relevant including SS1.</p>
<p>Principle of Development</p> <p>The site lies within the Melton Mowbray town centre and when taken from the 1999 Local Plan Inset Map the site lies within the defined envelope and Policy OS1 is applicable.</p> <p>The NPPF advises that local housing policies will be considered out of date where the Council cannot demonstrate a 5-year land supply and where proposals promote sustainable development objectives it should be supported</p>	<p>The Local Planning Authority can demonstrate a 5 year housing land supply and as such the relevant housing policies are applicable; however, the 1999 Melton Local Plan is considered to be out of date and as such, under paragraph 215 of the NPPF can only be given limited weight.</p> <p>The application is required to be considered against the Local Plan and other material considerations. The NPPF is a material consideration of some significance because of its commitment to boost housing growth. This means that the application must be considered under the 'presumption in favour of sustainable development' as set out in paragraph 14 which requires harm to be balanced against benefits and refusal only where "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".</p> <p>The proposal therefore complies with the NPPF and saved policies of the Local Plan in terms of principle, being located within a sustainable settlement.</p>
<p>The (emerging) Melton Local Plan The new local plan has now completed examination where modifications suggested by the Inspector are now the subject of consultation.</p>	<p>The relatively minimal amount of work required to complete the local plan modifications that do not impact upon the main policies of the plan means the plan can be afforded significant weight.</p>

<p>The NPPF advises that: From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> ● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); ● the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and ● the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). <p>Policy SS1 states when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.</p> <p>Policy SS2 sets out the development strategy for the Borough and takes a sustainable approach to the location of new development, Melton Mowbray and the Service Centres will accommodate a significant proportion of new housing on allocated sites and unallocated sites.</p> <p>Policy SS3 relates to sustainable development on unallocated sites and sets out circumstances where residential development may be supported where a robust case is made with particular emphasis on the need to support residential proposals with a proven local need.</p> <p>Policy C2 Housing Mix seeks to manage the delivery of a mix of housing having regard to market conditions, housing needs and economic viability. A Housing Needs Study was conducted for the Borough by JG Consulting in August 2016 which concluded it is expected that the focus of new market housing provision will be on two and three-bed properties. Continued demand for family housing can be expected from newly forming households. There may also be some demand for medium-sized properties (2 and 3-beds) from older households downsizing and looking to release equity in existing homes, but still retain flexibility for friends and family to come and stay.</p> <p>Policy D1 Raising the Standard of Design seeks all developments are of a high quality.</p>	<p>Of particular relevance in assessing the principle of development are policies SS1 to SS3.</p> <p>Under this sustainable approach Melton Mowbray is the principle urban area which acts as a local focus for services and facilities in the town and one capable of serving the day to day needs of the residents living in the village and those living in nearby settlements.</p> <p>Under this policy the proposal can be supported as Melton Mowbray is identified as a sustainable settlement where the principle of residential development can be supported.</p> <p>Due to the location of the development and its position within the built up area the site is considered to be sustainable and complies with Policy SS1.</p> <p>The proposal is however a windfall site and has not been allocated for development. Under policies SS2 and SS3 the principle of residential development can be supported on allocated sites or on unallocated sites where they are sustainable or there is a proven local need. It is fully compliant with Policy SS1, occupying a sustainable location, and aligns with the overall spatial strategy of the emerging Local Plan.</p> <p>Therefore, on balance, the proposal is considered to comply with the spatial strategy of the emerging Local Plan in providing housing in a sustainable location, in compliance with Policy SS1 and SS2. There are other material considerations in support of the proposal which add weight to supporting the principle of housing at this location.</p> <p>The proposal has not implicitly mentioned what size of property is proposed here nor the amount of bedrooms. A condition would be imposed to ensure that the Reserved Matters submission would include a dwelling that meets the area's local market housing need.</p> <p>A future reserved matters application will need to ensure that good design is integral to the finished proposal and that the submitted details accord with Policy D1 of the New Melton Local Plan.</p>
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Conclusion

Overall, the proposed development of a single house in a sustainable location is in conformity with the spatial strategy to development set out in the emerging Local Plan and which meets the sustainable aims of the NPPF.

The proposal could be accommodated within the site without having a detrimental impact on the character of the area or neighbouring properties subject to detailed design, layout and scale. On street parking is already heavily prevalent in the local area and owing to the size of the site, off street provision could be provided to alleviate issues in this regard when a subsequent reserved matters application is applied for.

The development is not an allocated site for the purposes of the new Melton Local Plan however owing to the site being of not particular ecological/ attractive open space merit within an area of many other residential properties and previously approved scheme is seen to comply with the Local Plan policies referred to above and principles of the NPPF. The application was previously approved where the policy considerations remain relevant and therefore the principle of development remains established. As such the application is recommended for approval.

Recommendation: APPROVE subject the following 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:-
 - Layout
 - Scale
 - Access
 - Landscaping
 - Materials
 - Levels(hereinafter called "the reserved matters") has been obtained from the Local Planning Authority. This should provide the highest standards of design in line with the NPPF.
3. The reserved matters as required by condition 2 above, shall provide for a type and size of dwelling that will meet the area's local market housing need.
4. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.
5. 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 (back of verge) and shall be hung so as to open inwards only.
6. 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.

Reasons for the conditions are as follows:

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. The application is in outline only.
3. To ensure that the housing needs of the borough are met.
4. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

5. 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.
6. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.

Officer to contact: **Mr Glen Baker-Adams**

Date: **22.06.2018**