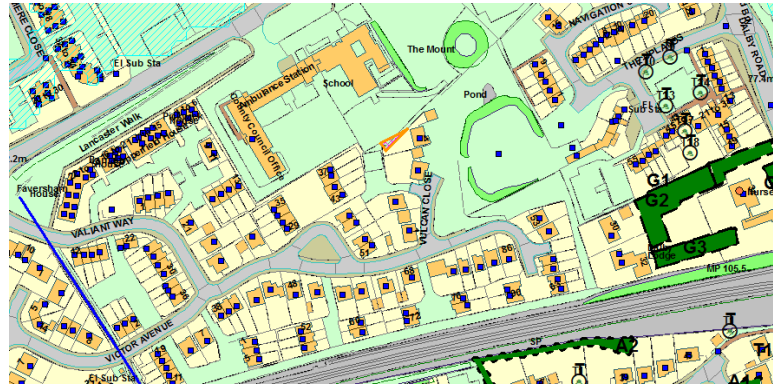


Reference: 18/00519/FUL
Date Submitted: 02.05.2018
Applicant: Mr N Ainge
Location: 4 Vulcan Close Melton Mowbray Leicestershire LE13 0GF
Proposal: Change of use of a parcel of land to domestic.



Introduction:-

The application site is currently utilised as garden area for the property at 4 Vulcan Close Melton Mowbray. The parcel of land has been sold to the applicant by Aldi Stores Ltd. which is adjacent to the site.

The proposal is to regularise the use of the land as domestic garden to form part of the residential curtilage of the property.

The application is referred to the Development Committee as the applicant is related to a member of staff.

Relevant History:-

4 Vulcan Close – No relevant planning history

Aldi - Planning permission 15/00476/FUL was granted on 06.05.2016 for: Demolition of existing buildings at the former Ambulance Station Leicester Road, Melton Mowbray LE13 0DE, and erection of Class A1 food retail store with associated access, car parking and landscaping, and provision of access to Site B.

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 new buildings subject to criteria including buildings designed to harmonise with surroundings, no adverse impact on amenities of neighbouring properties, adequate space around and between buildings, adequate open space provided and satisfactory access and parking provision.

The National Planning Policy Framework 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 establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- 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
- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation)
- 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.
- Take account of the different roles and characters of different areas, promoting the vitality of urban areas, recognising the intrinsic character and beauty of the countryside and support thriving rural communities.

On Specific issues it advises:

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.

The 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)

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Ward Councillors: No response	Noted

Representations:

The consultation was publicised by way of a site notice being posted at the entrance to the site, and seven neighbouring properties were consulted on 21.06.2018. As a result no representations have been received to date.

Other material considerations (not raised through consultation or representation)

<p>Policy position: Melton Local Plan (saved policies) OS1 and BE1 The (new) Melton Local Plan Policy D1</p> <p>The (new) Melton Local Plan: The second main modifications consultation is underway following examination and consideration by the Planning Inspectorate.</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 D1 – Raising the Standard of Design All new developments should be of high quality design. All development proposals will be assessed against all the following criteria:</p> <p>Siting and layout should be sympathetic to the area.</p>	<p>The application is considered to comply with saved policies OS1 and BE1 in respect of design, siting and layout which is in keeping with the character of the area.</p> <p>The Local Plan has progressed through examination stage and the Main Modifications are currently out for 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>Buildings and development should be designed to reflect the local vernacular without stifling innovative design.</p> <p>Amenities of neighbours and neighbouring properties should not be compromised</p> <p>Appropriate provision should be made for the sustainable management of waste , including collection and storage facilities for recyclable and other waste</p> <p>Safe connection to the existing Highway Network</p> <p>Makes adequate provision for car parking</p> <p>Development should be managed so as to control disruption caused by construction for reasons of safeguarding and improving health and well-being for all.</p>	
<p>Impact on Streetscene:</p>	<p>The development comprises of the relocation of the boundary fence between the superstore carpark and the residential curtilage of the applicants property, the land in question has been laid to lawn and fencing has been erected. There is no physical aspect to the development which is apparent other than the location of the boundary fence within the carpark. Therefore it is not considered that the proposal has a negative impact upon the streetscene.</p>
<p>Impact on Residential Amenity:</p>	<p>The proposal does not affect the residential amenity of any neighbouring property, there are no buildings involved, the land is adjoining the existing garden of the property, therefore the amenity of neighbours i.e. sunlight, privacy will not be affected.</p>

Conclusion

The proposal creates a more practical size and shape to the existing garden. The proposed development has nominal impact on adjoining properties and would reflect the character and appearance of the surrounding area. The proposal would not have an adverse impact on highway safety. Accordingly, the proposal complies with the above policies and guidance and is recommended for approval, no conditions are considered necessary. Section 91 of the Town and Country Planning Act 1990 (Commencement within three years) is not considered relevant as the development aspect has already been carried out. The application is for regularisation for the use of the land as domestic garden.

RECOMMENDATION: - Permit.

Officer to contact: **Mrs Lynn Eastwood**

05.07.2018