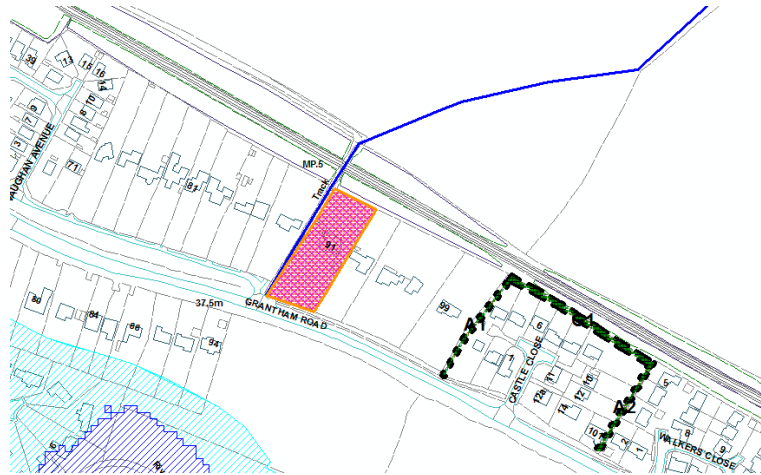


Reference: 15/00035/OUT
Date submitted: 16.01.15
Applicant: Mr G Alambritis
Location: Eastcote, 91 Grantham Road, Bottesford, NG13 0EG
Proposal: Residential development of 2 No dwellings.



Proposal :-

This application seeks outline planning permission for demolition of the existing large dwelling and replace with two residential dwellings, one would be a large family dwelling similar to the existing dwelling to be demolished and the other is proposed as a 3 bedroom dwelling. The site lies within the designated village envelope where there is a presumption in favour of development.

This is an application for outline planning permission, with detailed approval sought for access only at this stage. Layout, appearance, landscaping and scale are reserved for later approval. The existing access from Grantham Road will be used giving access to both dwellings.

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

- **Compliance or otherwise with the Development Plan**
- **Impact upon the Character of the Area**
- **Impact upon residential amenities**
- **Highway Safety**

The application is required to be presented to the Committee due to previous involvement and the level of public interest.

History:-

13/00746/OUT - Residential development of 2 No dwellings, 1 No bungalow. The application was refused due to impact upon the character of the area through protruding beyond the established building line. The decision was upheld by the Planning Inspector on appeal.

Planning Policies:-

Melton Local Plan (saved policies):

Policies OS1 and BE1 allow for development within Town and Village 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 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;
- 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.
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

On Specific issues 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
- Consider the needs of people with disabilities by all modes of transport.

Delivering a Wide choice of High Quality Homes

- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- LPA’s should identify land for 5 years housing supply plus 5% (20% if there is a history of under delivery). In the absence of a 5 year supply housing policies should be considered to be out of date.
- 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.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Conserving and enhancing the natural environment

- Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value
- Aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments

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. (NPPF para. 12)

Consultations:

Consultation reply	Assessment of Head of Regulatory Services
<p>Highways Authority – No objections subject to conditions.</p> <p>The proposed access alterations will require works to the existing junction radii and this work will need to be carried out to LCC standards at the applicant’s expense before any dwelling is first occupied.</p>	<p>The proposal seeks to modernise the existing access serving the large dwelling (to be demolished due to poor repair). The access is located at the end of the slip road off Grantham Road and can provide adequate visibility splays. The proposed dwellings would be sited at the top of the site and the driveway will serve both dwellings.</p> <p>It is considered that the addition of one further property above what is already using the access would not amount to serve harm to highway safety and no objections have arisen from the Highways Authority.</p>
<p>Public rights of Way – No objection subject to conditions.</p> <p>Public Footpath F93, runs adjacent to the western boundary of the property as shown on the extract from the Definitive Map of Public Rights of Way.</p> <p>There is no objection in principle to the outline proposal given that the footpath runs on an adjacent track and the public’s use and enjoyment of the Right of Way should be largely unaffected by the development. However, the western boundary treatment could have a significant impact on the enjoyment of the route and therefore it is suggested that details of the treatment are included in the reserved matters as part of the</p>	<p>Noted. The application is outline seeking consent for the access only. Matters relating to the landscaping including the boundary treatment will require further consideration at reserved matters application.</p> <p>The plan provided is for illustrative purposes only and should there be any gates proposed on to the Public Right of Way this will be considered at the reserved matters application.</p>

landscaping scheme. It is also noted that a gate is indicated on the plan giving access from the proposed rear garden of the new property on to the Public Footpath. Whilst there is no objection to this the only public right of access along the track is on foot. To use a vehicle, ride a horse or cycle along the route, the occupier of the new property would have to assure themselves of a private right of access.	
Severn Trent Water authority: No objections subject to conditions requiring further submission in relation to the disposal of surface water and foul sewage.	Noted.
LCC Ecology: No objection The bat survey submitted with the application (EMEC Ecology, March 2014) identified a bat roost within the existing building to be demolished. As this building will be demolished, the roost will be destroyed and mitigation will be required. A Brown long-eared bat was seen roosting in the building and bat droppings were found. It is considered that the droppings may be indicative of both Brown long-eared bats and Pipistrelle bats. This survey was completed outside of the optimal survey season and section 5.1 of the report indicates that further surveys are required to determine how many bats are using the roost and the type of roost present. This will allow an adequate mitigation strategy to be incorporated into the development. The report suggests potential mitigation but at this stage, without the further survey information, it is not known if this is proportional to the impact of the development, or if the design of the development allows for any mitigation to be incorporated.	The application is outline with matters for approval relating to the access only. The design of the dwellings will be considered at a later stage however it is considered appropriate to condition that the dwelling cannot be demolished until the reserved matters application has been approved. This will ensure that adequate mitigation can be provided on the site.
Melton Ramblers – No objection Public footpath F93 must be kept open and free from obstruction	Noted.

Representations:

Site notices were posted and neighbouring properties consulted. As a result 11 letters of objection have been received from 10 separate households the representations are summarised below.

Representations	Assessment of Head of Regulatory Services
Out of Character The footprint of the proposals are far larger than is good for the houses/gardens in the area and not in keeping with the local properties. The proposed dwellings are too large and not in keeping with the spacious character and	The existing dwelling sits a considerable distance back from the highway with a landscaped garden to the front. There are a number of trees within the site and a dense hedge forms the boundary along the eastern boundary. To the west the boundary is predominantly planted with trees and hedging. The character of this area is defined by the large front gardens with large dwellings siting in an elevated position looking down towards the highway. It has a distinctive building line which

<p>appearance of the area.</p> <p>Both project beyond the rear boundary line</p> <p>Trying to cram in two large buildings onto a plot designed for one dwelling would be out of character with the area.</p> <p>The size of the proposed houses are excessive for the plot</p> <p>It is not in keeping with the character and appearance of the area.</p> <p>The footprint of the proposed dwellings are larger than the existing dwellings</p> <p>The proposal are so large they fill the whole width of the site and presents an overdevelopment of the site.</p> <p>As no front garden boundary line is visible on the plans, it can only be presumed that the 3-bed property has no front garden and instead will be forced to look out onto the garden of its neighbouring 4-bed property, which may or may not be well tended. This is unsatisfactory and again demonstrates poor design.</p> <p>Would prefer to see one building (similar to No's 87 and 85) A well designed semi-detached would also provide a more balanced supply of 3 bed dwellings and give each house their own garden and access</p>	<p>is evident when travelling along the access road.</p> <p>The application seeks outline consent for the access only. An indicative plan has been provided which shows how two dwellings could be accommodated on the site respecting the existing front building line however the layout is would not be fixed by this outline approval and further information will be required at reserved matters application. This will include the design, layout, scale and landscaping details and any matters considered imperative (such as the building line) should be specified at this stage).</p> <p>It is considered that the site is capable of being redeveloped to be sensitive to the character of the area and respect the distinctive building line in this location which is a strong character of the area.</p>
<p>Impact upon Neighbours</p> <p>Sitting on raised land the dwellings will cause overlooking.</p> <p>The larger dwelling is adjacent a bungalow type dwelling and will be oppressive and overbearing being sited on the boundary with a protruding garage.</p> <p>The proposal is unsympathetic scale and would harm its neighbours and the rural right of way</p> <p>Loss of light to some neighbours</p>	<p>To the west is a public footpath that gives access from Grantham Road out to the countryside to the north of the dwellings. The public footpath (F93) separates no. 89 Grantham Road from the application site. To the east is no. 93 Grantham Road which is a large detached dwelling. It is considered, given the indicative layout plan, that the site is capable of redevelopment without compromising the amenity of the neighbouring properties. Subject to matters relating to design, layout and scale being acceptable.</p>
<p>Ecology</p> <p>The roosting bats will be disturbed.</p> <p>The survey was conducted in March 2014 and no updated surveys have been done.</p> <p>Without detailed design it is not known what</p>	<p>Please see narrative on page 4 above.</p>

<p>mitigation will consist off. Plot 2 will need to have the mature trees cleared in the rear as they have no front garden area.</p>	
<p>Planning History and Appeal Decision</p> <p>The 2 proposed houses are sited in extremely close proximity both to each other and to the side boundaries of the plot however, they would not complement this current spacious character and landscape (which was described in the appeal as “somewhat sylvan in appearance”) and would therefore be a discordant and detrimental feature. They would not be in keeping with Section 64 of the NPPF which states that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”. The proposals would not improve either of these points.</p> <p>The application fails to address all the concerns in the recent planning history and appeal.</p>	<p>The previous application sought consent for three dwellings 2. no three bedroom dwellings and 1 no. two bed bungalow with two dwellings sited along the building line and one positioned in front of the building line. The application was refused for not meeting the local housing needs and due to the forward projecting dwelling not being in character with the area due to its strong building line and lack of ecology information.</p> <p>The Planning Inspector agreed that the projecting dwelling would not be in character with the area but accepted that the site could accommodate two dwellings on the site. He stated that frontage dwellings are not a common feature in this part of the area and concluded that the grant of the permission would result in the location of built development beyond the established building line which would be inconsistent with the distinctive layout of the settlement pattern. This he concluded would visually harm the appearance of the street scene and the development would not harmonise with its surrounding. The Inspector did not agree that the larger 3 bed units would have a detrimental impact upon the housing stock for the Borough and commented that it is reasonable to consider the location of the site and the scale of the development rather than taking a broad brush approach and considered the that two three bedroom dwellings would be complementary to the type and size of adjacent housing.</p> <p>The Inspector also concurred with the Highways Authority that the proposal would not present a material increase in traffic to and from the site and would therefore not have a detrimental impact upon highway safety.</p> <p>With regards to the matter of ecology the inspector agreed that the Council did not have sufficient information to assess the impacts however this application has addressed that matter which has been deemed to be satisfactory.</p> <p>The Inspector concluded that the proposed development would not undermine the Council’s aim to achieve a balanced housing supply and it would make a limited contribution towards the undisputed shortfall in the 5 year housing land supply. The site is located in a sustainable area and would not harm highway safety. These findings he said carried significant weight in favour of grant of outline planning permission but on balance the harm to the character of the area from the frontage dwellings attracted much greater weight to withhold planning permission.</p>

	<p>This proposal has addressed the appeal refusal and subject to appropriate design, scale, layout and landscaping it is accepted that the site can be developed in a sensitive way and permission should not be withheld in this instance.</p>
<p>Other Matters</p> <p>Who will maintain the front garden which is not properly split by the driveway?</p> <p>The suitability of a single driveway to two properties which emerges onto a side road and designated walkway is also questionable on safety grounds.</p> <p>The applicant states that the layout is for illustrative purposes only and specifications could be considered at a later stage, we are of the opinion (bearing in mind recent events concerning the granting of outline permission) that it could be prudent to specify certain matters such as size and subsequent overlooking/loss of privacy and access, plus clarification of the bat issues/regulations at this stage in order that there is no room for misunderstanding or error.</p> <p>There are overhead cables running through the site and would be in breach of cable regulations.</p>	<p>The application is seeking outline approval for use of the access to the site. An indicative plan has been provided which shows how the site could be laid out this is not fixed. The Highways Authority has been consulted and is not objecting to the proposal.</p> <p>The procedure used is legitimate and outline consents can be granted without further details being submitted. Details not approved will require approval through the reserved matters process and will be subject to public consultation.</p> <p>Noted this is not part of the planning process and consent would be required from the statutory undertaker prior to any works commencing.</p>

Conclusion

The application seeks outline approval for demolition and redevelopment of the site with two dwellings on a site that lies within the village envelope and thus benefits from a presumption in favour of development under policies OS1, BE1 and H6. The redevelopment of the site is capable of being designed to have limited impact on adjoining properties, and is reflect the character and appearance of the surrounding area; and complies with highway requirements. Accordingly, the proposal is recommended for approval subject to conditions.

Recommendation: PERMIT, 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 "external appearance of the building(s), layout, scale and the landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. Details submitted under condition 2 shall ensure that the layout of the development does not breach the front building line and reflects the scale of the surrounding properties along this part of Grantham Road.

4. No development shall start on site until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
5. 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.
6. 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.
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 (back of verge) 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.
10. Before first occupation of any dwelling hereby permitted, turning facilities shall be provided, hard surfaced 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.
11. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.
12. Before first occupation of any dwelling, the shared private access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary (back of verge) and shall be so maintained at all times.
13. The shared private drive serving the site shall have a minimum width of 4.25 metres with 0.5 metre clear margins on each side, for at least the first 5 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.
14. Notwithstanding the details submitted, a bin storage area shall be provided within the site, clear of the access, for use on collection days. The details of this storage shall be submitted to and approved by the lpa before development commences. The approved scheme shall then be implemented before any dwelling hereby permitted is first occupied and shall thereafter be permanently maintained and available for use in accordance with the approved details.

Reason:

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. In the interest of preserving the character of the area
4. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted
5. To ensure satisfactory landscaping is provided within a reasonable period.
6. To provide a reasonable period for the replacement of any planting.
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 highway 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.
10. To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.
11. To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.
12. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
13. To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.
14. To ensure that bins are not left within the access road, or within the highway so that they do not cause obstructions to the detriment of highway safety.

Officer to contact: **Mrs D Knipe**

Date: 27th February 2015