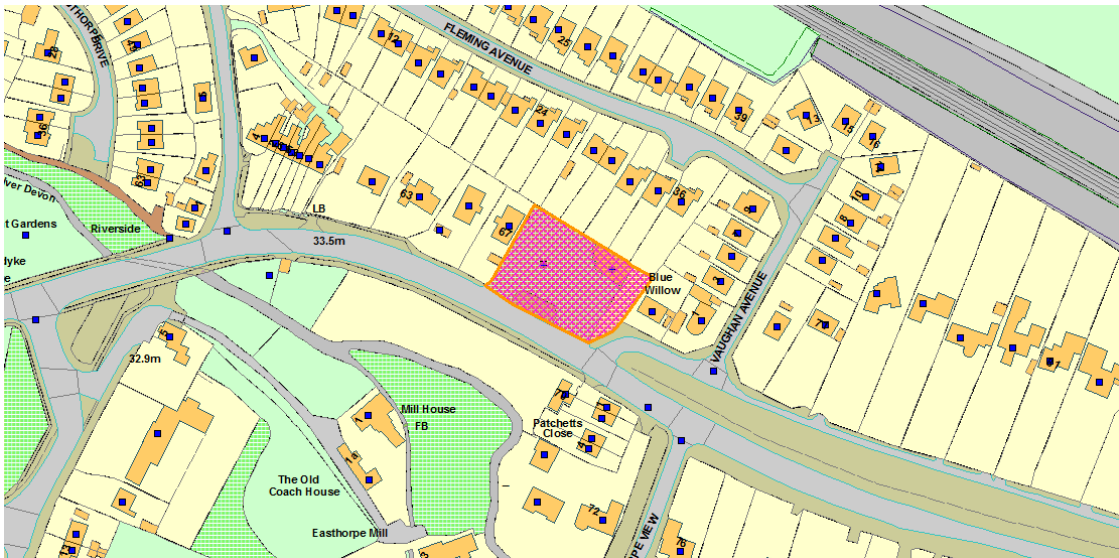


**Reference:** 15/00854/OUT  
**Date submitted:** 27<sup>th</sup> October 2015  
**Applicant:** Ian Sparrow Equipment Ltd – Mr Ian Sparrow  
**Location:** Ian Sparrow Equipment Ltd, Grantham Road, Bottesford NG13 0EE  
**Proposal:** Proposed residential development of 5 dwellings on the site of previously demolished petrol station



**Introduction:-**

The application is for outline planning permission for the erection of 5 dwellings on land formally used as a petrol filling station at 69 Grantham Road, Bottesford. The site is within a largely residential area, located to the east of the village centre, south of the railway line. At present, the site comprises a flat concrete covered rectangular plot with a frontage of approximately 45 metres along its southwest site onto Grantham Road, and extending back north-eastwards for approximately 40 metres. There is a 5 metre wide extension of grass covered ground to the south east site of the site. There is a small office block to the east side of the site which would be demolished. The site is within the village envelope for Bottesford, outside of the designated conservation area.

The application seeks outline planning permission with all matters reserved.

**It is considered that the main issues relating to the application are:**

- **Impact upon the character and appearance of the area**
- **Impact upon residential privacy and amenity**
- **Impact upon highway safety**

The application is required to be considered by the Committee due to the level of representations received.

### **Relevant History:**

15/00407/OUT – 8 dwellings on the site of the previously demolished petrol station. Application withdrawn.

### **Development Plan Policies:**

#### **Melton Local Plan (saved policies):**

#### **Policies OS1, BE1**

**OS1** states that planning permission will only be granted for development within village envelopes 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 development would not have a significantly adverse effect upon the historic built environment 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;
- Satisfactory access and parking can be made available.

**BE1** states that planning permission will not be granted for new buildings unless among other things, they are designed to harmonise with their surroundings, they would not adversely affect the amenity of neighbours and there is adequate access and parking provisions.

**Policy H6** states that planning permission for residential development within village envelopes shown on the proposals map will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

**The National Planning Policy Framework was published 27<sup>th</sup> March 2012 and replaced the previous collection of PPS. 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 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 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. Every effort should be made to respond positively to wide opportunities for growth.
- Not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.
- Always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- 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:**

**Delivering a wide choice of high quality homes**

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. At paragraph 50 it states that local planning authorities should deliver a wide choice of high quality homes, widen opportunity for home ownership and create sustainable, inclusive and mixed communities. Local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. In addition they should identify the size, type, tenure and range of housing that is required in particular locations reflecting local demand.

Paragraph 55 states that housing should be located where it will enhance or maintain the vitality of rural communities to promote sustainable development in rural areas, and to avoid the development of new isolated homes in the countryside unless there are special circumstances.

**Requiring good design**

The Government attaches great importance to the design of the built environment; good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At paragraph 64 the NPPF goes on to state 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.

**Conserving and enhancing the historic environment**

Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness

At paragraph 132 the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paragraph 137 offers further advice for development within the conservation areas, and within the settings of heritage assets, and states that local planning authorities should look for opportunities for new developments in these areas to enhance or better reveal their significance. Where proposals preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset, they should be treated favourably.

**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 paragraph 12).**

The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states at section 72 that there is a general duty with respect to Conservation Areas in the exercise of planning functions. Section 72(1) states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.

**Consultations:-**

Consultation reply	Assessment of Head of Regulatory Services
<p><b>Highway Authority:</b> No Objections</p> <p>The Highway Authority advise that the residual cumulative impacts of the development are not considered severe in accordance with paragraph 32 of the NPPF. Whilst the application is for outline planning permission with all matters reserved the submitted plans show a relatively detailed site layout. The details shown are generally acceptable, given the details have not been submitted for approval, the highways observations are made of the principal of the development, and the applicants will have to submit a formal scheme in the future for detailed approval.</p> <p>Conditions recommended by the Highways Authority include a traffic management plan, detailed submission of parking / turning arrangements in line with the Leicestershire County Council design standards and the closing of the existing vehicular access that would become redundant.</p>	<p>Noted.</p> <p>The application proposes 5 dwellings in total, with the submitted site plan indicating two access – one to provide for plots 1-3, and one for plots 4 and 5. Both accesses are on to the Grantham Road, and each dwelling has been shown to have two parking spaces which is considered satisfactory for the indicative size of the dwellings proposed. There is indicative space for cars to turn around before entering the highway.</p> <p>The details are at this stage indicative, and the conditions recommended by the highways officer would ensure that the parking / turning arrangements are satisfactory. Furthermore, the imposition of a condition requiring the submission of a traffic management plan will ensure that the disruption to users of Grantham Road would be minimised during the construction phase.</p> <p><b>The proposal is considered, subject to the imposition of conditions, to meet the objectives of policies OS1 and BE1 in regards to highways safety.</b></p>
<p><b>Parish Council:</b> No representation received to date.</p>	<p>The Parish Council were informed of the original plans and the two amendments made.</p>
<p><b>Environment Agency:</b> No Objections</p> <p>The site has a history of potentially contaminating land use (former petrol station), and therefore the Environment Agency consider that planning permission could be granted to the proposed development if a planning condition can be included as set out fully in their consultation response. Without the condition, the proposed development on the site proposes an unacceptable risk and the EA would object.</p> <p>The condition relates to the submission of a preliminary risk assessment, a site investigation scheme, remediation measures and verification.</p> <p>This is to ensure that the development complies with paragraph 109 of the NPPF in contributing to and enhancing the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).</p>	<p>Noted.</p> <p>The condition as requested by the Environment Agency can be attached to any planning permission granted at the site.</p>

<p><b>Housing Policy:</b> No Objections</p> <p>The Leicester and Leicestershire Strategic Housing Market Assessment (Blinc Housing, 2009) supports the findings of the Housing Market Analysis and states that controls need to be established to protect the Melton Borough (particularly its rural settlements) from the over development of large executive housing, and to encourage a balanced supply of suitable family housing (for middle and lower incomes), as well as housing for smaller households (both starter homes and for downsizing). It continues to state that the undersupply of suitable smaller sized dwellings needs to be addressed to take account of shrinking household size which if not addressed will exacerbate under-occupation and lead to polarised, unmixed communities due to middle and lower income households being unable to access housing in the most expensive and the sparsely populated rural areas.</p> <p>A recent appeal decision in Bottesford questioned the Council’s reliance upon the evidence base. The inspector considered that the evidence base is weak due to its age, and that caveats appear in the most up-to-date evidence (2014 SHMA) that specifically state that house-size apportionment is undesirable. Furthermore, in the northern edge of the Borough, the evidence base is weaker still because of the interaction with the Nottingham HMA.</p> <p>The need to plan for housing that meets demographic need is a stated objective of the NPPF, however at the present time the Council is ill-equipped to pursue it in the northern edges of the Borough for the reasons set out above relating to the quality and content of the evidence base.</p>	<p>Noted.</p> <p>The proposed dwellings are dormer bungalows, ranging from 1 to 3 bedrooms in size. It is considered that these proposed dwellings meet the identified housing need for the Borough and would contribute to the mix of dwellings available in the rural north.</p>
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**Representations:**

9 neighbouring dwellings were notified of the application, and this included all of those who share a boundary with the site. As a result **seven letters of representation were received from six households** in response. Amended plans were submitted firstly to reduce the number of dwellings on site from 6 to 5, and secondly to address the issue of the ‘kink’ in the site boundary. To date, no further letters of representation have been received.

Consideration	Assessment of Head of Regulatory Services
<p><b>Residential Privacy and Amenity</b></p> <p>Dormer bungalows will overlook the properties on Fleming Avenue causing a loss of privacy. The plans should be amended to be bungalows.</p> <p>The proposed dormer bungalows will have windows directly overlooking existing properties on Fleming Avenue. This will be visually intrusive and will mean a loss of privacy.</p>	<p>At the closet point the rear elevations of the dwellings on Fleming Avenue are 28 metres from the rear elevations of the proposed dwellings. This is in excess of the 23 metres that is usually required as a separation distance between habitable windows (such as bedrooms) to maintain adequate residential privacy and amenity. <b>As such, it is not considered that the proposed dwellings would adversely affect the residential privacy and amenities of residential dwellings on Fleming Avenue due to</b></p>

<p>Smaller houses appear to have more windows than larger houses – why?</p> <p>The fence between the development and the properties to the north is proposed to be 6’ high. Whilst a 6’ high fence would normally be sufficient, because of the way that the ground slopes away the effective height of the fence would be approximately 4’ which is not appropriate and needs to be addressed before any decision can be made.</p> <p>Plot 6 is positioned only 0.5 metres from the existing boundary and only 2 metres from Blue Willow, 69 Grantham Road, meaning that this dwelling would be overlooked and residential privacy eroded to the detriment of residential amenity of the existing dwelling. The revised plot 5 (in place of plot 6) has a window to the north end gable and the roof light window which would affect privacy.</p>	<p><b>the separation distances involved.</b></p> <p>The application at this stage is for outline planning permission with all matters reserved. As such, the plans submitted are for indicative purposes only, and do not in any way represent the final designs of the dwellings on the site. As discussed above, the separation distances as indicated are in excess of those required to maintain residential privacy and amenity.</p> <p>Noted. A condition can be included on any permission granted to ensure that a taller fence is required on the northern boundary of the site to maintain the residential privacy of the residents of both the proposed development and the existing development on Fleming Drive.</p> <p>The original plans showed that six dwellings were proposed on the site, however this was revised down to 5. Plot 5 is proposed to be adjacent to the dwelling known as Blue Willows to the east of the site. Blue Willows is a 1 ½ storey dwelling with a bedroom window in the gable end facing directly into the development site. Plot 5 as shown on the amended plans is approximately 2.8 metres from this dwelling. The boundary treatment is a 2 metre high close boarded wooden fence.</p> <p>The indicative plans show a velux style roof window on the east elevation of plot 5 which is marked on the plans as being obscure glazed. <b>It is considered important that the height of plot 5 does not have an undesirable impact upon the residential amenity of Blue Willows, and that any windows are obscure glazed due to the close proximity of the dwellings. The west elevation is not the principal elevation of Blue Willows, nevertheless, the residential privacy and amenity needs to be preserved to ensure that the proposal meets with policies OS1 and BE1 of the Melton Local Plan.</b></p>
<p><b>Highways Safety</b></p> <p>One of the proposed access roads is within 5 metres of the existing vehicle access, creating an even more hazardous entry for vehicle users negotiating entry onto the Grantham Road.</p> <p>Car parking is a concern and if cars are parked on the Grantham Road they would block the bus stop.</p>	<p>It is considered that the proposal would generate significantly less traffic than the previous use of the site as a petrol filling station. As such, the highways officer considers that the proposed use of the site for 5 dwellings is acceptable, subject to the imposition of conditions that can be satisfied at the reserved matters stage.</p> <p>There is sufficient parking on site shown on the plans for the sizes of dwellings proposed. This will be further clarified at the reserved matters stage. It is therefore highly unlikely that the proposed dwellings would lead to on street parking problems in the area to such an extent that the bus stop would be blocked.</p>

	<p><b>The proposal is therefore considered to meet the objectives of policies OS1 and BE1 in regards of highways safety.</b></p>
<p><b>Character and Appearance of the Area</b></p> <p>The construction of dormer bungalows would be out of character with the adjacent bungalows.</p> <p>The design is out of keeping with the area.</p> <p>Dormer bungalows are not significantly different to a house.</p> <p>6 properties is too crowded and out of character with the area.</p> <p>4 normal bungalows would be more in keeping and would enhance the street view. Development of two storey of more properties will compromise the environment for existing residents.</p> <p>Bottesford is very short of sites close to the village centre for bungalows and there is a housing need for these. The plot is surrounded by bungalow style houses and would be ideal for further bungalows both aesthetically and for meeting demand.</p>	<p>The neighbouring dwellings to the west of the site are bungalows, and the neighbouring dwelling to the east of the site is a 1 ½ storey dwelling. To the north of the site, the dwellings on Fleming Avenue are bungalows. To the south of the site are four two storey dwellings. Further to the west are two storey dwellings. The housing density of the area is generally quite low, and the character of the area could be summarised as dwellings with low – medium ridge heights, set back from the road with gable features.</p> <p>It is considered that dormer bungalows would be acceptable and would be in keeping with the character and appearance of the area subject to them retaining a relatively low ridge height so as not to have an over-dominant effect on the streetscene and the character and appearance of the area. The dwellings proposed are not simple two storey properties; they are dormer bungalows, i.e. 1 ½ storey dwellings. Subject to the ridge height, it is considered that these dwellings would be in keeping with the character and appearance of the area. The reduction to 5 dwellings on the plot is also considered to blend in relatively well with the generally low density housing of the area without compromising optimum land use.</p> <p>As discussed above in the ‘Housing Policy’ section, there is a demand for all house types in the area as Bottesford is also impacted by the Nottingham HMA. The dwellings proposed are relatively small and will provide for those looking for their first home, and should also be suitable for those wishing to downsize. It is not considered that there is sufficient evidence to show that there is such a demand for bungalows so as to refuse this application. Bottesford has been identified as a sustainable location for further development, and policy H6 of the Melton Local Plan allows for small scale development within the village envelope</p>
<p><b>Other Considerations</b>The plans show a kink in the site boundary adjacent to the proposed plot 5. This appears to put the dyke that belongs to the occupants of Fleming Avenue into the proposed development site and should be amended.</p> <p>The proposed grass verges whilst pleasing in theory, in practise turn out to be areas of neglect and overgrown.</p>	<p>Noted. This matter was raised with the agent and a revised site plan and location plan has been submitted that removes this ‘kink’ and removes the dyke from the plans.</p> <p>The grass verges remain under the highways control and would therefore fall part of the normal maintenance schedule for grass cutting.</p>

**Other Material Considerations Not Raised In Consultations:**

Consideration	Assessment of Head of Regulatory Services
<p><b>Policy</b></p>	<p>The proposed dwellings are within the Bottesford village envelope. As such, saved policies OS1, BE1 and H6 of the Melton Local Plan apply. The proposed outline application for 5 dwellings is considered to be acceptable in principal subject to satisfactory details being submitted to include the layout, design, access and landscaping (the reserved matters).</p> <p>Policy H6 supports residential development within the village envelopes, if they are confined to small groups of dwellings or single plots. The proposal is considered to meet with the objectives of policies OS1, BE1 and H6 as detailed above.</p> <p>With regards to the NPPF, Bottesford is considered to be a sustainable location for new housing development. The village has a good level of facilities and services that reduce reliance upon the private motor car for day-to-day needs. The NPPF advises that there is a presumption in favour of sustainable development and that for decision taking this means proposals that accord with the development plan should be approved without delay.</p> <p><b>The application is therefore considered to be supported by both the saved policies of the Melton Local Plan, and the National Planning Policy Framework.</b></p>

**Conclusion**

The application seeks outline planning permission with all matters reserved for five dwellings on the site of the old petrol station on Grantham Road, Bottesford. The proposal gives a suggested layout, and states that the dwellings would likely be dormer bungalows. The site is surrounded mainly by bungalows, with some two storey dwellings to the south east, and an adjacent dwelling to the east being 1 ½ stories. It is considered, subject to submission of detailed designs that the proposal could meet the objectives of policies OS1, BE1 and H5 of the Melton Local Plan. The positioning and height of plot 5 as indicated on the submitted plans will need to be carefully assessed to ensure that there is no unacceptable loss of residential privacy and amenity to the dwelling known as Blue Willow to the east.

**It is considered that the application meets the requirements of the saved policies OS1, BE1 and H6 of the Melton Local Plan, and accords with the objectives of the NPPF in promoting sustainable development. Accordingly the proposal is recommended for approval.**

**RECOMMENDATION: Permit, subject to 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 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. This decision relates to the approved amended plans submitted to these offices on 8th January 2016.
  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. The dwelling referred to as plot 5 on the approved plans shall have only obscure glazed windows on the south east elevation facing towards the dwelling known as 'Blue Willows'. Any windows on this elevation shall only be to serve non-habitable rooms.
  7. The dwelling referred to as Plot 5 on the approved drawings shall have a ridge height and eaves no higher than the neighbouring dwelling to the south east known as Blue Willows.
  8. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities (or other method designed to keep the highway clear of mud, stones etc.) 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.
  9. Notwithstanding the details submitted, all details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development commences.
  10. Notwithstanding the details submitted, before first occupation of any dwelling hereby permitted, the existing footway across the site frontage on Grantham Road shall have been widened to a minimum width of 2 metres, to include raised kerbs at the existing bus stop location, all in accordance with Local Highway Authority standards.
  11. The existing vehicular access that become redundant as a result of this proposal shall be closed permanently and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved by the LPA in consultation with the Highway Authority within one month of the new access being brought into use.
  12. No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
    - A preliminary risk assessment which has identified:
      - 1)all previous uses, potential contaminants associated with those uses
      - 2)a conceptual model of the site indicating sources, pathways and receptors
      - 3)potentially unacceptable risks arising from contamination at the site.
      - 4) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
      - 5)The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
      - 6)A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
  13. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved .If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local

planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

14. No development shall start on site until all materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.

Reasons:

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. For the avoidance of doubt; the initial plans being considered unsatisfactory.
4. To ensure satisfactory landscaping is provided within a reasonable period.
5. To provide a reasonable period for the replacement of any planting.
6. In the interests of residential amenity and privacy.
7. In the interests of residential amenity.
8. 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.
9. To ensure a satisfactory form of development and in the interests of highway safety.
10. In the interests of pedestrian safety.
11. To protect footway users in the interests of pedestrian safety, and to reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.
12. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).
13. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).
14. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted

Officer to contact: **Mrs Sarah Legge**

**Date: 15<sup>th</sup> January 2015**