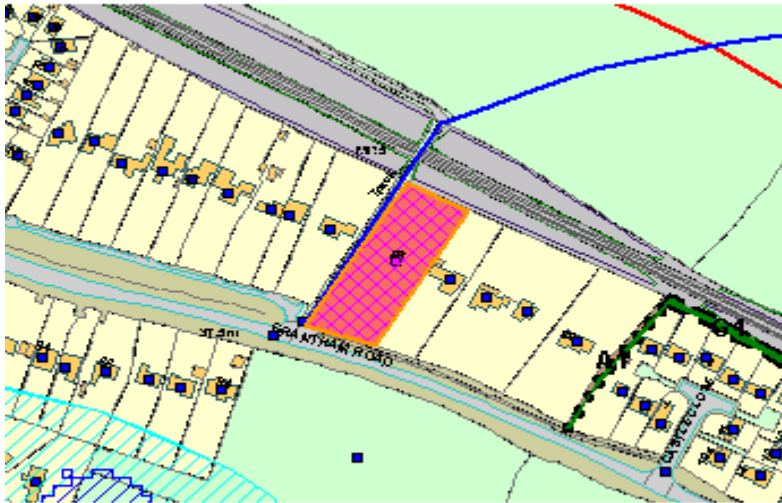


Reference: 15/00924/VAC
Date submitted: 19 November 2015
Applicant: Mr Ross Whiting
Location: Eastcote, 91 Grantham Road, Bottesford
Proposal: Variation of condition 2 of 15/00604/REM



Introduction:-

The application comprises the variation of Condition 2 of 15/00604/REM which stated “The proposed development shall be carried out strictly in accordance with plans received by the Authority on 10th August 2015”. The application seeks permission to substitute the approved plans with revised plans which comprises minor changes to the elevations of Plot 1 with more substantial alterations proposed to the elevations of Plot 2. The second access, approved under a separated application, is also included.

The original dwelling has been demolished and work has commenced on the replacement dwellings. The area is characterised by dwellings set well back from the highway with access points onto Grantham Road.

Revised plans have been received reducing the height of Plot 1 from 9 metres to the ridge to 8 metres.

It is considered the main issues relating to the proposal are:-

- **The visual impact of the proposal;**
- **The impact on the residential amenities of occupiers of neighbouring properties;**
- **Highway safety;**
- **Ecology.**

The application is to be heard by the Development Committee due to the number of representations received.

Relevant History:-

There is a detailed history on the site. This includes 15/00035/OUT which approved the development of 2 dwellings and 15/00604/REM which approved the reserved matters for the two dwellings. There is also an application pending to discharge conditions (15/00842/DIS). Permission has been granted under 15/00823/FUL to provide a separate access for each dwelling.

Enforcement Action has been taken in respect of the breaches of conditions that have taken place which has resulted in work on the site being suspended.

Development Plan Policies:

Melton Local Plan (saved policies):

Policies OS1 and BE1

Policies OS1 and BE1 allow for development within 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.

Policy C15 – states permission will not be granted for development that would have an adverse effect on the habitat of protected species unless no other suitable site is available and the development is designed to protect the species.

National Planning Policy Framework – Introduces the ‘Presumption in favour of Sustainable Development’ and states that development proposals should be approved if they accord with the Development Plan, or, if it is out of date or does not address the proposal, approve proposals unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits,
- specific policies in this Framework indicate development should be restricted.

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 business 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;
- deliver sufficient community and cultural facilities and services to meet local needs;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focusing development in locations which are or can be made sustainable.

On Specific issues relevant to this application 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;
- Securing high quality and inclusive design goes beyond aesthetics considerations and should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Bottesford Parish Council: no comments received from the original consultation. Comments awaited on the revised plans.	Noted.

Representations

A site notice was posted and neighbouring properties consulted. 8 representations were received objecting to the proposal. Following the receipt of revised plans re-consultation with neighbours has taken place and to date no further comments have been received. The comments below relate to the original plans.

Representation	Assessment of Head of Regulatory Services
<p>Condition 5 should be upheld as bat mitigation in the roofspace must remain available in perpetuity. The bat lofts have been omitted completely.</p> <p>Ensuring existing homes are not overlooked (Condition 4) is a key issue for this site and must be upheld. Windows have been replaced with different designs impeding on privacy with obscured glazing and fixed shut windows now shown as opening. The bay windows allow for potential overlooking of the neighbouring garden and would negate the conditions relating to obscure glazing.</p> <p>The addition of substantial double height bays on a key front elevation is a major material change and not a minor amendment which should be considered as a new application. The proposed changes are completely different to the original drawings and are not in keeping. Houses of this size need a large garden and separation distances between them. The changes to Plot 2 include an enlargement and enormous bay windows.</p> <p>Prior to the commencement of construction of the garden wall there was a hedge running all along the southern boundary which soaked up much of the excess water that runs down the garden over the solid clay soil. The hedge has been removed and the ditch filled in and needs to be re-instated.</p> <p>The site access is a danger to pedestrians attempting to traverse the public footpath due to the mud that is accumulating on a daily basis and is not being removed. Cars and vans are not being parked on the site and are being parked on the grass verge.</p>	<p>In the event of permission being granted the conditions imposed on the previous application will be imposed on the current proposal. These include bat mitigation measures and obscure glazing.</p> <p>It is considered the changes to Plot 2 are minimal and would result in a similar relationship with neighbouring properties. The changes sought to Plot 1 are more significant; however, it is also considered these would have a satisfactory relationship with neighbouring properties. Although the bay windows would introduce a greater impact on neighbouring properties this would be only at an oblique angle and would not significantly increase the impact on residential amenity. The changes to windows would be also have a limited impact on amenity. A condition can be imposed to ensure the obscure glazing of windows as required in perpetuity.</p> <p>The proposed changes to Plot 1 on the revised plans lower the ridge height from a maximum of 9 metres to 8 metres. This would result in an enhanced street scene with Plot 1 relating well with the neighbouring property to the east with the difference in levels between these properties reduced.</p> <p>A condition can be imposed requiring a landscaping scheme to include additional planting along the front boundary. In terms of the ditch this is on highway land and the Highway Authority are in dialogue with the developer.</p> <p>The access has been approved previously and was considered acceptable by the Highway Authority. The applicant has been requested to ensure mud on the road is cleared regularly to maintain highway safety.</p> <p>It is considered the proposal is acceptable in terms of visual and residential amenity, highway safety and ecology. Any permission would be subject to the same conditions as previously imposed on the permissions for the dwellings and access points.</p>

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Application of Development Plan and other planning policy</p> <p><u>Policies OS1 and BE1</u> allow for development within Village Envelopes providing that:-</p> <ul style="list-style-type: none"> • 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; • development harmonises with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing; • the development would not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight or daylight; • adequate space around and between dwellings is provided. 	<p>The proposal relates to amendments to the elevations of the permitted dwellings. The site is within the village envelope and the principle of the development has already been established. The key issues are therefore the visual impact and the relationship between the proposed revised dwelling types and neighbouring properties.</p>
<p>Visual Amenity</p> <p><u>Policy OS1</u> states permission will be granted for development where the form, character and appearance of the settlement is not adversely affected and the form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality.</p> <p><u>Policy BE1</u> states permission will be granted for development where the form, character and appearance of the settlement is not adversely affected.</p>	<p>The changes sought to Plot 1 comprise minor changes to the elevations and include larger first floor windows on the front and rear elevations and the replacement of windows with folding glass doors and doors on the façade and rear elevation. The revised plan also reduces the overall height by 1 metre.</p> <p>The changes sought to Plot 2 include a small increase in the overall size of the dwelling, with an approved depth of 11 metres compared to a proposed maximum depth of 11.9 metres, which incorporates the bay windows on the façade. The changes also include the provision of a porch, two storey bay windows, two chimneys, larger first floor windows on the rear elevation and additional obscure glazed windows on the side elevations.</p> <p>The proposed reduction in the height of Plot 1 would reduce the visual impact and massing of the dwelling. The other changes are considered relatively minor and would not have a significant impact on the external appearance of the dwelling.</p> <p>Although the changes proposed to Plot 2 are more significant the amendments are considered to be acceptable. The resultant dwelling would be of a more demonstrative design and appearance although the area has a mix of house types and the dwellings would be set well into the site.</p>

	<p>The proposal is considered to be visually acceptable subject to conditions as previously imposed and complies with the above policies relating to visual amenity.</p>
<p>Residential Amenity <u>Policy OS1</u> states development should not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity;</p> <p><u>Policy BE1</u> allows for development providing that (amongst other things):-</p> <ul style="list-style-type: none"> • The development would not adversely affect occupants of neighbouring properties; 	<p>The proposal would maintain the siting of the previously approved dwellings and although Plot 2 would have a greater depth this would be marginal as the majority of this would comprise the depth of the bay windows. The window positions on Plot 1 would be as the approved scheme albeit some openings would be enlarged. The side elevations would be as approved with the windows previously shown as obscure glazed maintained.</p> <p>Plot 2 would introduce bay windows which would lead to a marginally greater degree of potential overlooking and loss of privacy. However, any such overlooking would be at an oblique angle and would only increase the loss of residential amenity to a small degree on the front gardens of Plot 1 and the neighbouring dwelling. To the rear window positions would be as the approved dwelling although two first floor windows would be enlarged. It is not considered this would lead to a greater impact on residential amenity.</p> <p>On the side elevations the number of windows to be inserted would be reduced and all would be small scale and obscure glazed.</p> <p>The proposal would be acceptable in terms of residential amenity and would comply with the above policies.</p>
<p>Highway Safety</p> <p><u>Policy OS1</u> states permission will be granted for development where satisfactory access and parking provision can be made available.</p> <p><u>Policy BE1</u> states permission will be granted where adequate vehicular access and parking is provided.</p>	<p>The application comprises two access points, as previously approved. Parking within the site is also as permitted.</p> <p>The proposed access is therefore considered acceptable in terms of visibility and complies with the above policies.</p>
<p>Ecology</p> <p><u>Policy C15</u> seeks to ensure development would not have an adverse impact on species protected by law.</p>	<p>The original application was subject to a bat survey which demonstrated the development could take place without harm to the protected species. The current proposal would have a limited impact on the landscaping and foraging areas for bats and as such there would be no harm to these protected species. A condition to provide mitigation can be imposed as before.</p> <p>The proposal would not have an adverse impact on bats and complies with Policy C15.</p>

Conclusion

The proposal relates to changes to the approved dwellings and includes the second access previously approved. The principle of development remains acceptable and the proposal is considered acceptable in terms of visual and residential amenity, highway safety and ecology. Conditions can be imposed to ensure the site is developed satisfactorily. The proposal complies with the above policies and NPPF.

RECOMMENDATION:- Approve, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be built in accordance with the following plans: 1:2500 Location Plan, 1:500 Block Plan, Revised 1:100 Plot 1 Elevations dated July 2015 including revisions dated 20th January 2016 reducing the height by 1 metre, 1:100 Plot 2 Elevations dated November 2015, 1:100 Layout Plot 1 dated 19th October 2015, 1:100 Layout Plot 2 dated November 2015 and A4 Plan received 21 January 2016 showing finished floor levels.
3. The following windows shall be obscurely glazed and fixed shut in perpetuity: windows on the east elevation of plot 1, first floor windows on the west elevation of plot 1, windows on the west elevation of plot 2, windows on the east elevation of plot 2 and the windows shown on the rear elevation of plot 2 as obscure glazed.
4. Bat mitigation shall be provided within the roof space of plot 2 as agreed under 15/00604/REM prior to the first occupation of that dwelling and shall remain available in perpetuity.
5. The boundary hedge along the western boundary shall be retained and any gaps replanted at the next available planting season. The hedgerow shall remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
6. Within two months of the date of this permission, a plan showing a detailed soft and hard landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall include details of:
 - (a) any existing trees, shrubs, hedges, water bodies to be retained and measure of protection in the course of development;
 - (b) new tree and shrub planting, including plant type, size, quantities and locations;
 - (c) other surface treatments;
 - (d) any changes in levels or contours;
 - (e) boundary treatment.
7. The approved landscaping scheme shall be carried out within one year of completion of the development and any trees, hedges, shrubs or plants which within a period of 5 years from the completion of the planting 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 District Planning Authority gives written consent to any variation.

Reasons:

1. To prevent the unnecessary accumulation of unimplemented permissions, to encourage early implementation and to enable the Local Planning Authority to review the consent if a further application is made.
2. For the avoidance of doubt.
3. To protect the residential amenities of occupiers of neighbouring properties.
4. In the interest of ecology and safeguard protected species.
5. In the interest of preserving the character of the area.
6. To ensure that the Local Planning Authority can exercise proper control over the visual appearance of the area and in the interests of visual amenity.
7. To ensure that the Local Planning Authority can exercise proper control over the visual appearance of the area and in the interests of visual amenity.

Officer to contact: **Mr Joe Mitson**

Date: 8.2.2016

