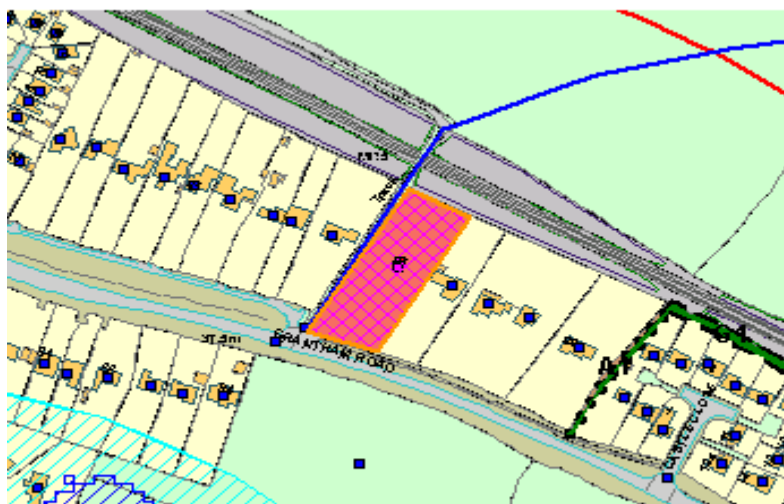


Reference: 16/00421/VAC
Date submitted: 16 June 2016
Applicant: Mr Ross Whiting
Location: Eastcote, 91 Grantham Road, Bottesford
Proposal: Variation of condition 2 of planning approval 15/00924/VAC (Approved Plans)
Residential development of 2 Dwellings



This application is brought back to committee following the decision to defer this application on 29th September 2016 in order to fully assess the new plans submitted by the applicant. These specific changes are listed below. During this time we have received further comments from interested parties. This is included below under the Representations Section

Introduction:-

The application comprises the variation of Condition 2 of 15/00924/VAC which stated:

“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”.

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.

The proposed plans vary from the approved plans through the insertion of two dormer windows in the front elevation and four rooflights proposed in the rear roof of Plot 1 and the replacement of an approved window with a door on the ground floor rear elevation of Plot 2.

The other changes include:

Plot 1

- Removal of link to garage

Plot 2

- Front design changes incorporating new window and roof gable
- More windows at the ground floor west elevation
- Change of window at rear first floor to provide for extra bedroom

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 Committee due to the number of representations received and was deferred at the last meeting to consider the revised plans. This follows a previous deferral to consider clarification on the means of access, specifically how a level access would be provided to Plot 1.

The Agent has stated *“Building Regulation requirements are fully noted. Section 6 - Means of Access to and into the dwelling - states at item 6.2 - On plots which are reasonably level, wheelchair users should normally be able to approach the principal entrance.*

Exceptionally, for more steeply sloping plots it is considered reasonable to provide for stick or crutch users. Item 6.9 states it is important that the surface of an approach available to a wheelchair user should be firm enough to support the weight of the user and his or her wheelchair and smooth enough to permit easy manoeuvre. It should also take account of stick and crutch users. Loose laid material such as gravel and shingle are unsuitable for the approach. So the general requirement is to provide a ramped front path made with a hard bound material (slabs, paving blocks, tarmac of concrete) from the level of the car park to the front house doors.

The Building Regulations (Part M) section 6, requires a ramped path to be not steeper than 1 in 20 made with a firm surface (not gravel) and not less than 900mm wide. However on sloping sites, the ramp gradient can be steeper up to 1 in 15 provided it is not longer than 10m (before the ramp turns a corner) or not steeper than 1 in 12 provided the ramp length is not longer than 5m before turning.

If the site has a slope (which this site does have) and it is a greater slope than 1 in 15 you do not need to provide a ramped entrance path and instead (or as well) you can have steps up to the front of the house from the front car parking area. These steps need to be minimum 900mm wide and one set of steps in a flight must not rise more than 1.8m between flat landings. Top bottom and any intermediate landings must be minimum 900mm long and the rise of each step must be between 75mm and 150mm. (This is so the steps are easy to walk up for disabled people).

Overall we can conclude that access into both (already approved) houses, to all persons, is achievable and will be achieved without the need for further planning permission”.

This submission has been assessed by the Council’s Lead Building Control Officer who confirms this complies with the Building Regulations. Provided the steps are build to meet with this specification there will be no further action required. The steps are not the subject of amendments proposed by their application.

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. 15/00924/VAC approved revisions to the elevations of the approved dwellings. 16/00114/FUL for the erection of a garage to serve Plot 2 was refused and is now the subject of an appeal.

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, and Breach of Conditions notices in respect of hours of work, off site parking and wheel washing and removal of part of the hedge (requiring its replacement)

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.	Noted.

Representations

A site notice was posted and neighbouring properties consulted. 7 representations were received objecting to the proposal.

Representation	Assessment of Head of Regulatory Services
<ul style="list-style-type: none"> • The development as carried out should be assessed for breaches; • The garage shown on the plans for Plot 2 has already been refused; • The removal of the hedges to the footpath is unacceptable, spoiling the rural aspect, object to any further removal of hedges as it affects wildlife; • The application ignores existing conditions regarding obscure glazing and windows being fixed shut; • The development is at odds with the local area through overcrowding; • An extra bedroom would lead to overlooking and loss of privacy to several neighbours; • Dormers are aesthetically unpleasing and not in keeping which together with the gables are an unattractive elevation; • Plot 1 roof is higher than the standard; • Bat loft should be kept in perpetuity. <p>Later submissions: Plot 2, west side - The bat box has disappeared and a large chimney has replaced it.</p> <p>The hedge has been removed, and the fence shown could be removed at any time.</p>	<p>There are known breaches of planning control on the site and these have been, and continue to be, the subject of enforcement action. However, none of these impact upon the aspects that are the subject of the application, nor indeed would the proposals conflict with the action taken (and that underway).</p> <p>In the event of permission being granted the conditions imposed on the previous application will be re-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 only change relates to the replacement of a ground floor rear elevation window with a door. The application does not seek permission for the garage which is shown on the plan for indicative purposes only.</p> <p>The changes sought to Plot 1 are more significant; however, it is also considered these would have a satisfactory relationship with neighbouring properties and be visually acceptable. Although the dormer windows would introduce habitable windows they would be set into the roof and would have a similar relationship with neighbouring properties as the approved accommodation. The dormer windows to the front elevation are not considered to be visually ideal; however, they would be inset and of a relatively small scale. The rooflights to the rear would not be unduly visible from the public realm and would be high level.</p> <p>As the proposal does not relate to the garage the scheme does not seek to remove any further areas of hedging and therefore would not have a greater impact on wildlife.</p> <p>It is considered the proposal is acceptable in terms of visual and residential amenity and ecology. Any permission would be subject to the same conditions as previously imposed on the permissions for the dwellings and access points.</p> <p>Condition 4 as recommended states that bat mitigation shall be provided and this will be enforced.</p> <p>The length of hedge removed is the subject of a Breach of Condition Notice requiring its replacement during the current planting season. Proposed condition 3 states that on plot 1, east elevation, first floor windows must be obscurely</p>

<p>The window needs to be fixed closed, with the most obscure glass available.</p> <p>Another bedroom has been added to plot 2.</p> <p>Plot 1 - the covered way to garage has been removed - the garage was only originally permitted by the officer because it WASN'T a separate unit - removing the covered way will make it a separate unit.</p> <p>Obscure glass and fixed windows do not appear to be indicated on the latest plan for the western side of the property near the lane</p> <p>As prior stated, we strongly object to the increased number of ground floor windows on the western elevation of Plot 2.</p> <p>When the original application was given permission for 2 windows on this elevation, they were conditioned to be obscure glazed and fixed closed in perpetuity due to overlooking problems as they directly overlook ground floor windows at the neighbouring property, No. 89.</p> <p>Obscure glazing comes in 5 grades from Level 1 (least obscure) to Level 5 (most obscure). Lower level grades can in fact be easily seen through and in view of the proposed further overlooking of windows at No. 89 we would ask for the existing condition for all windows on this western elevation to be obscure glazed and fixed closed in perpetuity to be increased to include a further condition that all obscure glass must be Level 5 (i.e. the most obscure) in order to protect our privacy both now and in the future.</p> <p>We also object to what we perceive to be a ghastly glass frontage now proposed above the front door extending up beyond eaves level. One has to ask why the applicant feels it to be so necessary to be able to observe all that is going on for miles around whilst building fences and walls all around to protect the privacy of the occupants of both plots. Whilst the</p>	<p>glazed and on the west elevation of plot 2 – windows similarly treated. There is a condition about rear windows but this need not be imposed as there is no need for this owing to no significant loss of privacy caused by these windows. Furthermore as main windows for principal rooms, having obscure windows here is considered to be unreasonable.</p> <p>There is not considered to be an issue with this as the internal layout is only being changed and would not need planning permission.</p> <p>If the garage is used as a separate unit of planning permission then this is a separate planning issue enforceable through the usual processes. Its detachment from the dwelling is not considered to have any impact on the visual impact of the proposal</p> <p>All window obscurity conditions have been checked and therefore are reasonable to protect amenity whilst giving the occupants of the property also good levels of amenity.</p> <p>With window obscurity conditions there should be no significant loss of amenity caused by more windows. The design of these is satisfactory to not impact residential amenity.</p> <p>This has been maintained on proposed condition 3</p> <p>Noted; the condition can specify the levels and proposes level 3</p> <p>Design details are clearly a subjective view and this instance it is considered that the replacement is acceptable and will not unacceptably harm the visual amenity for the area.</p>
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<p>original dwelling proposed could perhaps have been seen as a dwelling that could sit within a rural setting, what is now proposed quite clearly cannot – it is very much a dwelling that should sit in an urban environment.</p>	
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Other material considerations (not raised through consultation or representation)

<p style="text-align: center;">Consideration</p>	<p style="text-align: center;">Assessment of Head of Regulatory Services</p>
<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 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 the insertion of dormer windows to the front elevation and rooflights to the rear. The proposal also seeks to secure second floor accommodation.</p> <p>The change sought to Plot 2 is limited to the replacement of a ground floor window with a door on the rear elevation.</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</p> <p><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 	<p>The proposal would maintain the siting of the previously approved dwellings and the changes sought are limited to those set out above. It is not considered there are adequate grounds to refuse the proposal on the relationship with neighbouring properties. Conditions relating to obscure glazing can be imposed as before.</p> <p>The proposal would be acceptable in terms of residential amenity and would comply with the</p>

occupants of neighbouring properties;	above policies.
<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. 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 permitted shall be in accordance with the following approved plans:
 - Site Block plan – as proposed November 2015 received on 6th September 2016
 - Proposed Elevations – Right (East) New House (Plot 1) Date: July 2015 received 6th September 2016
 - Plans as proposed – right (east new house (Plot 1) received 6th September 2016
 - Proposed alternative design for the new house on plot 2 – proposed elevations November 2015 received 3rd October 2016
 - Proposed alternative design for the new house on plot 2 – proposed floorplans November 2015 received on 3rd October 2016.
3. The following windows shall be obscurely glazed no less than level 3 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.

All obscure glazing will be of obscurity level three or greater.
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.
8. This permission does not convey approval for the garage on Plot 2.

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.
8. For the avoidance of doubt and in the interests of visual amenity.

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

Date: 24.10.2016