

Reference: 12/00095/VAC, 12/00096/VAC

Date Submitted: 08.02.2012

Applicant: Holme Developments Limited

Location: 72 Grantham Road, Bottesford, Nottingham NG13 0EG

Proposal: 1.Variation of plot type C previously approved under 11/00288/VAC and
2.Variation of plot type B previously approved under 11/00358/VAC



Introduction:-

Application 11/00095/VAC seeks permission to vary condition 5 on planning application 11/00288/FUL relating to plot C “Prior to the first occupation of the dwelling hereby approved, the access parking and turning shown on the submitted plans a turning space shall be provided and thereafter retained.”

Application 11/00096/VAC seeks permission to vary condition 5 on planning application 11/00358/FUL relating to plot B “Prior to the first occupation of the dwelling hereby approved, the access, parking and turning shown on the submitted plans shall be provided and thereafter retained.”

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

- **Relocation of the access from Grantham Road to Easthorpe View (as applied for in 12/00097/FUL)**
- **Ownership of the land where the proposed access is to be created on Easthorpe View**

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

Relevant History:-

06/00026/FUL: Demolition of existing bungalow and construction of 3 detached dwellings – permitted 5th April 2006

11/00288/FUL: Variation of type - Plot C - previously approved under Planning Application Ref: 06/00026/FUL – permitted 24th May 2011

11/00358/FUL: Variation of type - Plot 2 (B) - previously approved under Planning Reference 06/00026/FUL – permitted 4th July 2011

11/00439/DIS: Discharge of condition 2,3 and 6 of planning permission 11/00288/FUL – permitted 7th July 2011

11/00578/DIS: Conditions 2 materials, 3 landscaping and 6 levels and flood risk assessment of 11/00358/FUL – permitted 1st September 2011

12/00066/NONMAT: Non-Material amendment relating Planning Approval 11/00358/FUL to increase the depth of the rooflights to front elevation (hall) and rear elevation (master bedroom only) from 780 x 1180mm to 780 x 1800mm – permitted 23rd February 2012.

Planning Policies:-

The National Planning Policy Framework was published 27th March 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 also offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- promote sustainable transport
- seek a high quality design and good standard of amenity for all existing and future occupants of land and building
- encourage the effective use of land by reusing land that has been previously developed, providing that it is not of a high environmental value.

On Specific issues relevant to this application it advises:

Sustainable Transport:

- Safe and suitable access to the site can be achieved for all people.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

Regional Spatial Strategy

Policy 1 of the Regional Plan seeks to ensure that development within the East Midlands is sustainable. It sets out Regional Core Objectives which should be met through Local Development Frameworks and planning applications.

Policy 2 – Promoting Better Design – states that the layout, design and construction of new development should be continuously improved.

Policy 3 – relates to the distribution of new development and states that development in rural areas should;

- maintain the distinctive character and vitality of rural communities;
- shortening journeys and facilitating access to jobs and services;
- strengthening rural enterprise and linkages between settlements and their hinterlands; and
- respecting the quality of the tranquillity, where that is recognised in planning documents

Policy 48 – Regional Car Parking Standards – states that Local Planning Authorities should apply the maximum amounts of vehicle parking for new development as set out in PPG13.

Adopted 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 Melton Local Development Framework Core Strategy (Publication) Development Plan document February 2012 seeks to address the housing needs for the borough by providing two and three bedroom dwellings within new development to support the policy objective of the NPPF.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: Officers are to ensure that all details of the new access conform with current standards, also to ensure that the redundant access off Grantham Road is reinstated as footway with full height kerb.</p>	<p>Noted. The proposed access is dealt with under application 12/00097/FUL (see separate report on this agenda). This report deals with the variation of the conditions relating to the access, parking and turning being required to comply with the approved plans to enable a revised access and parking to be applied for.</p> <p>The proposed access applied for under application 12/00097/FUL is acceptable to the Highways Authority subject to conditions.</p> <p>The redundant access from Grantham Road can also be conditioned to ensure that it is reinstated as a footway with a full height kerb.</p>
<p>Bottesford Parish Council: No specific comments made from the Parish Council, comments were submitted regarding objection letters received by the Parish Council that were read at their meeting.</p>	<p>Noted. The same objection letters were received by Melton Borough Council and are summarised below.</p>

Representations:

8 letters of objection representing 9 residents have been received.

Representations	Assessment of Head of Regulatory Services
Highways safety	Noted.

<ul style="list-style-type: none"> • Additional traffic into and out of Easthorpe View 	<p>The vehicle movements of a further three dwellings onto this residential road reasonably close to the access onto Grantham Road would not negatively impact upon the residential amenity of the residents of Easthorpe View.</p> <p>The Highways Authority also does not believe that this will have a detrimental impact upon the safety of the residents of Easthorpe View as the access proposed under application 12/00097/FUL is satisfactory subject to conditions.</p>
<p>Ownership of the land</p>	<p>It was initially raised by residents of Easthorpe View that the applicant does not own the strip of land which these proposals show to construct the new proposed access to the site.</p> <p>Upon further investigation it was discovered that the land was subject of a conveyance dated 26th July 1979 between Stateglade Limited and The Awsworth Building Company Limited. It was registered at the Land Registry with the Title Number FT187120 and is separate from the land belonging to 72 Grantham Road. Most of the original parcel of land was used to build the 11 bungalows that make up Easthorpe View, however a small strip of land where this access is proposed was retained by The Awsworth Building Company. This company was acquired by Hugh Bourn Developments in 1981 and it would appear that they were bought by the Keir Group in 2006.</p> <p>It is not apparent who owns the land to this date, therefore the relevant Certificate of Ownership (Certificate D) was placed in the press. The owner of the land has yet to come forward, therefore the possibility of being able to build the access onto Easthorpe View is questionable due to the land ownership issues.</p> <p>Ownership in itself is not a planning consideration and equally any planning determination does not override landowner privileges. The applicant has submitted the correct ownership certificate and therefore the question of ownership of the land does not have a bearing on the consideration of this application.</p>

Other material considerations (not raised through consultation or representation)

<p>Consideration</p>	<p>Assessment of Head of Regulatory Services</p>
<p>Impact upon the streetscene</p>	<p>The revised access would not have a negative appearance in the streetscene of Easthorpe View, appearing to look mostly like a residential driveway. The additional parking proposed for Plot A (as described within 12/00097/FUL) should also help to restrict the levels of onstreet parking in the area. It is not considered that the proposal has an overbearing or dominant presence upon the streetscene, in line with policies OS1 and BE1.</p>

Impact upon neighbouring properties:	The proposal would have a very minimal impact upon neighbouring properties both in Grantham Road and Easthorpe View due to the proposed location of the revised access. The proposal is therefore deemed to comply with policies OS1 and BE1. It is considered that the proposal would have no unduly adverse impact on neighbouring properties.
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Conclusion

The proposal is for the alteration of an access and location of some of the proposed parking for the site. The access and parking complies with Highways standards subject to conditions and will not affect the amenity of the neighbouring dwellings. Whilst there are issues surrounding the ownership of the land, the applicant has satisfied the legal requirements, insofar as the advertisement in the Local Press. The proposal is in accordance with policies OS1 and BE1 of the Melton Local Plan.

Therefore, for the reasons stated above the application is recommended for approval subject to the imposing of conditions.

RECOMMENDATION: Permit both applications, subject to the following conditions (adjustments for 12/00097/VAC in brackets):

1. All materials to be used in the development should be those as approved in application 11/00439/DIS dated 7th July 2011. *(11/00578/DIS dated 1st September 2011)*.
2. The landscaping scheme shall be provided as approved in the application 11/00439/DIS dated 7th July 2011. *(11/00578/DIS dated 1st September 2011)*.
3. Hard and soft landscaping works shall be fully carried out in accordance with the approved details in condition 2, including the approved timetable, and to a reasonable standard in accordance with the relevant provisions of appropriate British Standards or other recognised codes of good practice.
4. Any trees or plants which, within a period of five years after planting are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of similar species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.
5. Prior to the first occupation of the dwelling hereby approved, the access, parking and turning shown on the plan received at these offices on 8th February 2012 numbered 6440A-10A shall be provided and thereafter retained.
6. The development hereby permitted shall be built in accordance with the scheme submitted to the local planning authority as approved on 7th July 2011 *(1st September 2011)* ensuring that the finished floor levels are set no lower than 33.35m above Ordnance Datum (AOD). The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
7. Notwithstanding the provisions of Part 1 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order), no window or opening (other than any that may be shown on the approved drawing(s)) shall be formed in the northern and southern elevation(s) of the building unless planning permission has first been granted by the Local Planning Authority.

8. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 as amended (or any Order revoking and re-enacting that Order) in respect of the dwelling hereby permitted no development as specified in Classes A, B, C or E shall be carried out unless planning permission has first been granted by the Local Planning Authority.

The reasons for the conditions are:-

1. To ensure a satisfactory standard of external appearance.
2. To ensure that satisfactory landscaping is provided within a reasonable period
- 3 and 4. To ensure the provision, establishment and maintenance of landscaping to a reasonable standard in accordance with the approved proposals.
5. In the interests of highways safety
6. To reduce the impact of flooding on the proposed development and future occupants.
7. To avoid the possibility of overlooking in the interests of preserving the amenities of residents.
8. To enable the local planning authority to retain control over future extensions in view of the form and density of the development proposed and to prevent the erection of structures within the flood risk area that could exacerbate flooding elsewhere.

Officer to contact: **Mrs Sarah Legge**

13th April 2012