

Reference: 12/00097/FUL

Date Submitted: 08.02.2012

Applicant: Mssrs King, Coffey & Dunn

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

Proposal: New shared private drive entrance to serve plots A,B and C – replacing original approval 06/00026/FUL and new double garage to serve plot A.



Introduction:-

The application seeks planning permission to create an entrance to the site from Easthorpe View, close the approved entrance onto Grantham Road and build a new double garage to serve plot A. Planning permission was granted in 2006 for the erection of three detached dwelling houses on the site with a shared access from Grantham Road (originally the access for No. 72 Grantham Road).

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

- **Relocation of the access from Grantham Road to Easthorpe View**
- **Impact upon the streetscene of Grantham Road by the proposed garage**
- **Impact on road safety and the appearance of Easthorpe View of the new point of access**

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 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: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: Recommend to approve, subject to conditions relating to the access including the gradient, any gates, drainage, closing up of the old access, pedestrian visibility.</p>	<p>Noted. The proposed access is acceptable to the Highways Authority subject to conditions. The redundant access from Grantham Road can also be conditioned to ensure that it is reinstated as a footway with a full height kerb. It is not considered that the proposal would have an adverse impact on highway safety.</p>
<p>Bottesford Parish Council: The Parish Council feels that this development will completely change the streetscene. They also have concerns that the access is across private land that is not owned by the applicant and that the raised access road would increase the flood risk to neighbouring properties. They also state that the development is overbearing on Patchett’s Close.</p>	<p>Noted. The amended access will change the appearance of the streetscene within the first 100m of Easthorpe View, however it is not considered that this would be detrimental to the appearance of the streetscene. Matters relating to the ownership of the verge are detailed below. The proposed garage would also impact upon the streetscene of Grantham Road, however the area is already built up and the addition of a single storey double garage would not have an adverse impact upon the streetscene to Grantham Road. The location and siting of the proposed garage will minimise the impact of the garage proposal on the residents of Patchett’s Close due to the dual pitch roof proposed which also minimised the mass of the proposal.</p>

Representations:

Ten neighbouring properties were consulted, a site notice was posted and Certificate D - Certificate of Ownership, Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12 was placed in the local press. As a result 8 letters of objection were received.

Representations	Assessment of Head of Regulatory Services
<p>Highways safety</p> <ul style="list-style-type: none"> Additional traffic into and out of Easthorpe View 	<p>Noted.</p> <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 Highway Authority also does not believe that this will have a detrimental impact upon the safety of the residents of Easthorpe View of other road users as the access proposed 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)

Consideration	Assessment of Head of Regulatory Services
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<p>Impact upon the streetscene</p>	<p>The revised access would not have a negative appearance in the streetscene of Easthorpe View, as it would appear to look like a residential driveway characteristic of the area. The additional parking proposed for Plot A, provided by the new double garage, should also help to restrict the levels of on street parking in the area.</p> <p>The proposed double garage would have a ridge height of 5.42m and have a double pitched roof. The side elevation would be visible to Easthorpe View and the gable end to Grantham Road above a 900mm high fence panel. The garage has been set back from Grantham Road to maintain good lines of visibility when exiting the junction into Easthorpe View.</p> <p>It is not considered that the proposal has an overbearing or dominant presence upon the streetscene, in line with policies OS1 and BE1.</p>
<p>Impact upon neighbouring properties:</p>	<p>The revised access would have a very minimal impact upon neighbouring properties both in Grantham Road and Easthorpe View due to the proposed location. The proposed garage could be considered to have an impact upon the properties in Patchett's Close, however as the garage would be side-on to their rear gardens the mass of the roof of the structure is minimised.</p> <p>The proposal is therefore deemed to comply with policies OS1 and BE1. It is considered that the proposal would have no adverse impact on neighbouring properties.</p>

Conclusion

The applications proposes to move the access to the site from Grantham Road to Easthorpe View and to build a new double garage on the site of the old access for the use of Plot A. The proposed access and parking complies with Highways standards subject to conditions and will not adversely affect the amenity of the neighbouring dwellings. The proposed garage will not have a significantly negative impact upon the occupiers of Patchett's Close by virtue of its massing and design and will contribute to the off street parking available in the area.

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, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details
3. The new shared private drive entrance and garage shall be built in accordance with the plans submitted to these offices on 8th February 2012 numbered 6440A-11A and 6440A-10A.
4. 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 and shall be hung so as to open inwards only.
5. The gradient of the access drive shall not exceed 1:12 for the first 5 metres behind the highway boundary.
6. 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.
7. The existing vehicular access that becomes redundant as a result of this proposal shall be closed permanently and the existing vehicular crossings reinstated as footway in accordance with Highway Authority standards within one month of the new access being brought into use.
8. Within one month of the proposed access being provided and made available for use, the proposed parking facilities for Plot A shall have been provided, hard surfaced and made available for use. Once provided these spaces shall thereafter be permanently so maintained.
9. Within one month of the new access being brought into use, the 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 and shall be so maintained at all times.
10. Before first use of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure a satisfactory standard of external appearance.
3. For the avoidance of doubt.
4. 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.
5. To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.
6. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users..
7. In the interests of highway safety

8. To ensure adequate off street parking is provided within the site.
9. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
10. In the interests of pedestrian safety.

Officer to contact: **Mrs Sarah Legge**

3rd April 2012