

Erection of a detached 3 bed dwelling (resubmission)

Report Item No
A8

Land Adjacent To 51 The Green Long Whatton Leicestershire
LE12 5DA

Application Reference
17/01661/FUL

Applicant:
Mr Richard Waldron

Date Registered:
1 November 2017

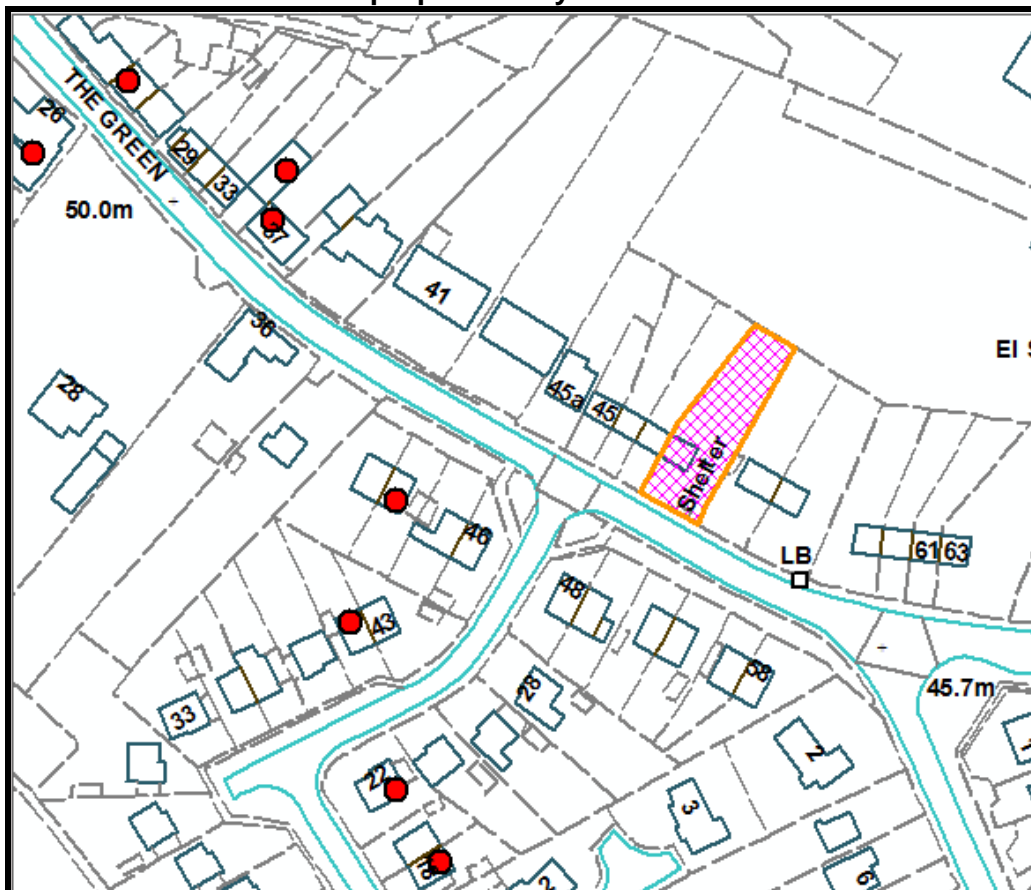
Case Officer:
Rob Duckworth

Consultation Expiry:
4 December 2017

Recommendation:
PERMIT

8 Week Date:
27 December 2017
Extension of Time:
None Agreed

Site Location - Plan for indicative purposes only



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office ©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329)

EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought to the Planning Committee as the Ward Member (Councillor Rushton) has requested it to be considered by Planning Committee if the recommendation is to approve the application owing to the large amount of local interest in the application as a result of the loss of a bus shelter and retrospective changes to the design of the dwelling.

Proposal

The application seeks permission for the retention of a dwelling that has not been built in accordance with the approved drawings, including the omission of a bus shelter from the proposals.

Consultations

A total of two individual representations have been received commenting on the contradictions of the application and whether a bus shelter can be installed on the street. Long Whatton and Diseworth Parish Council has objected to the development. There are no objections from other statutory consultees subject to conditions.

Planning Policy

The site lies within the Limits to Development as identified in the North West Leicestershire Local Plan 2017. The application has been assessed against the relevant policies in the NPPF, the Local Plan and other relevant guidance.

Conclusion

The resubmission of the proposals for the retention of a detached property adjacent to No.51 The Green are to make lawful the dwelling which has not been constructed in accordance with the approved drawings under reference 12/00090/FUL. The property as built, apart from the small window on the front elevation which is to be improved by enlargement, is considered acceptable and does not result in deleterious impacts on the street scene or character of the area. The loss of the bus shelter shown on the originally approved plans is regrettable from the local community's perspective but there is no legal requirement nor planning policy reasons for such a structure to be included in the current scheme. Based on the above it is considered that the proposal accords with the policies of the Local Plan 2017, the Good Design SPD, the 6Cs Design Guide and the NPPF.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to conditions;

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the retention of a detached 3 bedroom dwelling with associated parking adjacent to No.51 The Green, Long Whatton which was not built in accordance with approved plans. The property is a two-storey property with hipped roof and canopy porch.

The approved scheme was for a property similar to that now erected but with shared parking with the host property and a replacement bus shelter to the front.

Following approval and discharge of conditions the property was erected with the following changes to the approved plans:

- a very small bathroom window to the front elevation;
- no chimney;
- deeper construction (projects further into rear garden);
- a step in the side elevations;
- no bus shelter; and,
- independent car parking for both No.51 and the application property.

The space where the bus shelter was to go has been block paved for access to the drive. Access to the side of the property so that No's 51 and 49 can access their rear gardens has been maintained.

The site is situated within the defined Limits to Development, as identified in the Local Plan 2017, and the surrounding area consists of residential properties which vary in their type and design including a relatively new build property a few doors down (No.45a).

Relevant planning history:

12/00090/FUL - Erection of a detached 3 bedroom dwelling with associated parking for the proposed dwelling and No. 51 as well as the removal and replacement of a bus shelter. Permitted

06/00520/FUL - Erection of a two storey dwelling.

2. Publicity

7 neighbours have been notified.
Site Notice displayed 13 November 2017.

3. Summary of Consultations and Representations Received

Long Whatton and Diseworth Parish Council - Objection - there is no bus shelter and granting the application would lead to a precedent of retrospective applications.

LCC Highways (Informal Consultation) - No objections to the proposals and no requirement for a bus shelter. The parking arrangement is improved over previous scheme.

NWLDC Legal - There is no legal obligation to provide the bus shelter.

NWLDC Environmental Health - No objections.

Third Party Representations - Two letters commenting on the proposal have been received regarding the issue of the Design and Access Statement mentioning a replacement bus shelter which would result in access issues and whether a bus shelter can be installed on the street.

(The Design and Access Statement was subsequently updated with the section referring to the bus shelter and access being removed.)

4. Relevant Planning Policy

National Planning Policy Framework

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 7, 17 (Achieving sustainable development)
Paragraph 14 (Presumption in favour of sustainable development)
Paragraph 32, 34 (Promoting sustainable transport)
Paragraph 47, 49 (Delivering a wide choice of high quality homes)
Paragraph 57, 59, 61 (Requiring good design)

North West Leicestershire Local Plan 2017

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded weight in the determination of this application:

S2 - Settlement Hierarchy
D1 - Design of new development
D2 - Amenity
IF4 - Transport Infrastructure and new development
IF7 - Parking provision and new development

Other Guidance

National Planning Practice Guidance - March 2014
6Cs Design Guide (Leicestershire County Council)
Good Design for North West Leicestershire SPD - April 2017

5. Assessment

Principle and Sustainability

The site is located within the Limits to Development where the principle of residential development is considered acceptable subject to compliance with the relevant policies of the Local Plan 2017 and other material considerations. Policy S2 of the Local Plan aims to direct new development to sustainable locations. The principle of development was established under application 12/00090/FUL. The matter of principle will not be discussed in any further detail apart from stating that the original application included the provision of a replacement bus shelter; it was subsequently conditioned and was not requested by the Council.

Bus Shelter

The loss of the bus shelter from the proposals has caused some concern from the Parish Council and local community. The main issue is that the original application was submitted and approved with a replacement bus shelter and this submission omits the structure. Aforementioned, the bus shelter was submitted with the original application as part of the proposals, which was welcomed by all at the time. This revised application does not contain the provision of the shelter which is within the rights of the applicant. Whilst it is regrettable that the bus shelter is not included there is no legal obligation nor planning reason for its inclusion.

The deeds and details from the original sale of the building by the Council have been obtained and as it is unclear whether the bus shelter was included in that sale or not, advice was sought from the Council's Legal Team. The legal advice obtained concluded that there was no evidence to suggest that the property (No.51 The Green) had not been purchased by the applicant in good faith, relying on the information registered with the Land Registry. The Council is unclear as to whom demolished the bus shelter (the current owner or a predecessor) but going on the assumption that the applicant demolished the bus shelter, he was within his rights to do so as it was contained within the curtilage of his property.

Furthermore, while not a District Council bus stop, the Council's Waste Services Manager has confirmed that it is their practice that when a bus shelter is damaged or removed, they do not replace the structures due to maintenance costs. In any event, there is no planning requirement for a replacement shelter.

The Environmental Protection Team has confirmed that three letters regarding the site were received:

- 01.01.17 - House not constructed in accordance with the approved plans.
- 11.07.17 - House not built in accordance with the approved plans and yet to reinstate bus shelter.
- 18.10.17 - Almost one year since approval and bus shelter not reinstated and fence erected that is not shown on the plans.

Based on the above it is considered that the omission of the bus shelter is regrettable but acceptable nonetheless from a planning point of view. As there is no legal requirement to provide a replacement shelter there are no objections to its omission and conditions cannot reasonably be applied to enable the provision.

Residential Amenity

It is considered that the properties most immediately affected by the proposal would be No's 51 and 53 The Green flanking the application site.

Whilst the constructed property is deeper than that originally approved, the additional depth will not result in impacts significantly greater than that previously assessed. The upper floor side window on the house serves a landing and is obscure glazed and non-opening, and will not result in any loss of privacy for the neighbouring property (No.51). There are no side windows on either side elevations of No's 51 and 53 The Green. Furthermore, the neighbouring property, No.51, has been extended at ground floor to the rear and now projects further back than the application property. There are no other concerns with regards to amenity in terms of overlooking, overshadowing nor overbearing impacts.

The proposal would not have a significant impact on the amenities of any other residential properties and as such it would accord with Policy D2 of the Local Plan 2017, The Good Design SPD and the NPPF.

Design

The property has been constructed similarly to how it was approved apart from several details. The main changes that have the most impact are the front bathroom window which is about one fifth the size it is supposed to be and the lack of chimney. The porch has a slightly different design but is roughly the same as approved.

Through negotiation, the bathroom window will be enlarged so that the front elevation of the dwellings appears more balanced. Installation of a larger window will be conditioned with a 6-month implementation limit. The provision of a chimney was requested by the case officer but the applicant has argued that the new house at 45a The Green has no chimney and there would be no physical need for one. In this instance, as there is no chimney at No. 45 The Green, it is considered that a reason for refusal on the grounds of lack of provision of a chimney alone could not be justified. The other changes to the building are considered acceptable and do not affect the general character nor appearance of the property considerably.

The parking area is mostly paved with a planted boundary which does not accord directly with The Good Design SPD which calls for frontages to be an even split of landscaping and parking. Whilst the proposal does not accord with this policy it would be very difficult to achieve this split based on the plot size and the original approval which showed a mostly paved frontage. A landscaping strip has been installed between No.51 and the property helping to demarcate the separate properties visually and soften the development to some degree. There still exists a large expanse of parking but in this instance it is considered acceptable.

On this basis the development would accord with Policies D1 of the Local Plan 2017 and the NPPF.

Highway Safety

Four off-street parking spaces were to be provided for the new dwelling and No.51 The Green resulting in two each. These were accessed by one drive to the west of the proposed bus shelter. As previously stated, this application omits the bus shelter and allows for the access to be made independent and parking provision increased. With no bus shelter the visibility from the site is improved and parking provision is greater than previously proposed which is acceptable. In addition, County Highways have no objections to the proposals.

It is considered in highway safety and parking terms that the proposal is acceptable and accords with Policies IF4 and IF7 of the Local Plan 2017, the 6Cs Design Guide and the NPPF.

Conclusion

The resubmission of the proposals for the retention of a detached property adjacent to No.51 The Green are to make lawful the dwelling which has not been constructed in accordance with the approved drawings under reference 12/00090/FUL. The property as built, apart from the small window on the front elevation which is to be improved by enlargement, is considered acceptable and does not result in deleterious impacts on the street scene or character of the area. The loss of the bus shelter shown on the originally approved plans is regrettable from the local community's perspective but there is no legal requirement or planning policy reason for such a structure to be included in the current scheme. Based on the above it is considered that the proposal accords with the policies of the Local Plan 2017, the Good Design SPD, the 6Cs Design Guide and the NPPF.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 Approved plans
- 2 Enlargement of bathroom window to front elevation
- 3 Boundary treatment
- 5 Restriction of access gates, barriers, bollards or chains
- 6 Removal of permitted development rights