COMMITTEE 18th February 2016

Reference: **15/00826/FUL**

Date submitted: **19 October 2015**

Applicant: **Mr David Jinks**

Location: **The Hall, 2 Main Street, Gaddesby**

Proposal: **Erection of a dwelling.**

Introduction:-

The application comprises the erection of a dwelling on land to the north-east of Gaddesby Hall. The dwelling would be located on a parcel of land between two existing dwellings and served off North Hall Drive. The building would be two storey at the front, reducing to a single storey at the rear to reflect the change in land levels and would provide three bedrooms on the first floor with a further bedroom on the ground floor. A double garage is proposed towards the front of the site.

The site comprises a grassed area and tennis court with well treed boundaries and forms a large open space with gardens to the south-east and west and countryside to the north.

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

- **The principle of a dwelling;**
- **Visual impact of the proposal including on heritage assets;**
- **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 objections received.

Relevant History:-

There is a detailed history that includes 00/0237/FUL and 00/00238/LBC – proposed garages, gardener's workshop and stable together with the conversion of existing garages to staff flat – both permitted; 13/00367/FULHH – construction of underground extension within existing courtyard area to rear of Gaddesby Hall, comprising domestic swimming pool, home cinema, gymnasium and new staircase housed within the existing garage building – permitted. More recently two applications for housing were withdrawn, 14/00967/FUL related to the erection of a dwelling within the grounds of Gaddesby Hall and 14/00965/FUL related to the erection of two dwellings on the site of the current application.

Development Plan Policies:

Melton Local Plan (saved policies):

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 OS2 - Policy OS2 seeks to generally restrict development in the countryside and allows limited small scale development for uses including recreation which is not significantly detrimental to the appearance and rural character of the open countryside.

Policy H6 states permission will be granted in village envelopes for residential development comprising small groups of dwellings or single plots.

Policy BE11 states permission will only be granted for development that would be harmful to archaeological remains if the importance of the development outweighs the local value of the remains.

Policy BE12 states permission will only be granted for development within protected open areas where the development is in conjunction with an existing use and would not adversely affect the intrinsic character of the site.

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.

Delivering a Wide Choice of High Quality Homes

- Local Planning Authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities and to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities.

Conserving and enhancing the historic environment

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

In determining planning applications, LPA'sshould take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

The site lies within the Gaddesby Conservation Area and adjacent to Gaddesby Hall, a Grade II listed building. Members are reminded of the general duty to give special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas and the setting of listed buildings (s66 and s72 of the LB and CA Act 1990).

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Gaddesby Parish Council: Object on the following grounds: The proposed new dwelling is adjacent to two important grade I listed buildings, within the Conservation Area and including an area being previously identified as a particularly attractive landscape. No provision has been made to make improvements to the vision splay to the right. Vehicles travel at speed along Main Street so have serious concerns regarding the limited vision when exiting North Hall Drive. A	The site is within the conservation area with listed buildings to the south comprising Gaddesby Hall (grade II) and St Lukes Church (grade I) and forms part of the surrounding countryside that serves as part of the setting to the village. The dwelling would be set well away from the rear boundary of Gaddesby Hall beyond the existing dwellings to the west of the site. Given the distances involved and the relationship between the proposed dwelling and listed buildings it is not considered the setting of these heritage assets would be materially

community speed watch study carried out during the Summer of 2012 showed motor vehicles do travel in excess of the speed limit when travelling along Main Street. The yew hedge would be re-aligned by an insignificant amount and cannot see this will address the visibility for access onto the public highway. The removal and replacement of the yew hedge has a significant impact on the street scene, it is understood the hedge is approximately 120 years old, has historic interest and is valued by residents and visitors. The private drive is some 400 metres long and will only allow single lane traffic, this is unsatisfactory for the current traffic and would be unsuitable for increasing the number of vehicles. There is a lack of access through the private drive for delivery and emergency vehicles, waste disposal lorries do not currently use the driveway, waste bags are placed at the entrance to the drive which is unhygienic and a potential environmental hazard. Serious concerns emergency vehicles would not be able to access the proposed property without encountering problems. The proposed garage is too large in relation to the dwelling and request the accuracy of the plans is considered, particularly the elevations. The entrance to the new dwelling is too close in proximity to the existing dwelling on North Hall Drive.	affected. The dwelling would be separated from the church by Paske Grove and would not impact on the setting of the Hall being set well off the boundary. The Hall fronts onto the southern aspect with a strong boundary to the rear and the dwelling would be sufficiently detached from this to ensure there would be no undue adverse impact. The proposed dwelling would be read as forming a loose group of buildings with existing dwellings to the west and south-east. The site would be well landscaped to ensure a rural setting would be maintained and the proposal would preserve the character and appearance of the Conservation Area. Although a number of trees would be removed from the site the majority would remain and a landscaping scheme can be secured by a condition to achieve further landscaping. The site would be accessed via North Hall Drive onto Main Street. The Highway Authority were consulted on the previous application and originally stated the residual cumulative impacts of development would be severe in accordance with paragraph 32 of the NPPF and recommended refusal as safe and suitable access could not be achieved for all people. The access was considered unsuitable as the proposed site is served by a long and narrow shared vehicular access which does not allow two vehicles pass and its increased use as a result of this development could increase the dangers caused by vehicles having to wait within the highway or reverse back into the highway to let another vehicle leave before being able to enter the driveway. This problem is exacerbated on bin collection days when waste awaiting collection is left on the access drive, narrowing the effective width of the access further, as well as potentially impeding visibility splays. Furthermore, due to parking in the highway on Main Street on the opposite side of the access, vehicles waiting in the highway or reversing back out on the access into the highway would create an unacceptable hazard to highway users. The access also lacks adequate visibility splays in each direction out onto Main Street and therefore increases the number of vehicles turning out of the access onto Main Street would create additional dangers for highway users, especially as on street car parking would mean all vehicles on Main Street are likely to be on the near side of the carriageway to the access. However, the Highway Authority also stated if the applicant was prepared to consider improvements to the private access road, by way of widening it to enable two vehicles to pass, improving visibility splays out of the access onto Main Street and by providing a bin storage area clear of the drive and visibility splays, close to the highway, the Highway

	Authority would look more favourably upon the application. Following this revised plans were submitted as part of the previous application (which mirror those now proposed on the current application) widening the access with the highway, providing passing places and enhancing visibility splays. The Highway Authority were consulted and stated the improvements shown are considered to offer a highway benefit and although concerns regarding sustainability remain the application can now be viewed favourably. As such no objection is now raised subject to conditions relating to visibility splays, the provision of bin stores, drainage etc. Although the proposal would result in changes to the landscaping on the site, including to the Yew hedge, such works to the landscaping could take place outside of the planning application. As such, although alterations to the hedge would not be visually beneficial it is not considered the proposal could be resisted on this issue. On balance therefore, and based on the revised consultation response from County Highways, it is not considered the proposal could reasonably be resisted on highway grounds despite the objections raised by occupiers of neighbouring properties. The Footpaths Officer has confirmed there would be no adverse impact on the footpaths as a result of the development proposed. The proposed garage would be set towards the south-western corner of the plot, adjacent to the driveway serving the neighbouring dwelling. The garage would be set back from the front of the site within a well landscaped site. As the site of the proposed garage would be on significantly higher ground compared to the dwelling to the west a condition requiring details of levels to be submitted would ensure the garage would have a lower floor level compared to the current site level in order to reduce the visual impact and to reduce the impact on the amenities of the occupiers of the neighbouring dwelling. The proposed dwelling would be served by an access from North Hall Drive adjacent to the gates at the entrance to Paske Grove. A condition can be imposed to ensure any gates or form of enclosure are set into the site allowing vehicles accessing the proposed dwelling to pull clear of the access road to ensure waiting vehicles would not block the entrance to Paske Grove. **It is considered the proposal would not result in harm to the setting of the adjacent listed hall or church and would preserve the character and appearance of the Conservation Area. As such**

	the Council has fulfilled the requirements of sections 66 and 72 of the Listed Buildings and Conservation Area Act 1990. **The junction of Main Street and North Hall Drive would be amended in accordance with the submitted plans which would enhance visibility and provide passing bays. Although the limitations of the access road are acknowledged it is not considered there are reasonable grounds to refuse the application on the nature or condition of this road given the limited additional traffic likely to be generated by one further dwelling.** **Although the loss of part of the Yew hedge is regrettable this would facilitate improvements to the junction which would improve highway safety for drivers and pedestrians. On balance it is considered the removal of a section of the hedge and the re-planting of the hedge on a new alignment is acceptable given the gains in highway safety.**
Highway Authority: The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011. Please refer to previous highway advice relating to the improvements required to the vehicular access.	The revisions to the access and resultant highway gain are discussed above. Conditions can be imposed requiring the access improvements to be carried out prior to the first occupation of the dwelling, the location of gates, drainage and the provision of on site turning and parking facilities. **It is considered the proposed junction improvements would lead to a gain in terms of highway safety which would benefit the existing properties on North Hall Drive and conditions can be applied to ensure a timely provision of access and parking arrangements.**
LCC Ecology: initially commented the ecology report submitted was satisfactory and no protected species were identified. Following concerns raised by neighbours that the adjacent pond may potentially provide a habitat for great crested newts County Ecology stated: As the pond has a good potential to support great crested newts there is an increased likelihood of them being present within the pond. The pond is within 30 metres of the site and if great crested newts are present in the pond it is very likely the development will need some mitigation. This should comprise temporary amphibian fencing and require a Natural England EPS licence. It is not considered that the development is mitigatable if great crested newts are found to be present. Are aware the desired determination time for the application would not allow the surveys to be completed and these should be carried out prior to the determination of the application. Imposing a preventative mitigation condition could be an option although the additional survey would still be	A protected species survey has been submitted as part of the application which was considered satisfactory. However, it then emerged the pond on the adjacent site (to the north) may provide habitat for great crested newts. The Agent was informed of the need for a survey of the pond and has no objection to carrying the necessary survey. However, these surveys are time constrained with at least two surveys in the programme required between mid-April and mid-May. Due to the ill health of the applicant the Agent has suggested such a survey could be subject of a condition to allow the planning application to move forward. The recommended approach is to carry out surveys prior to the determination of an application in order that any mitigation is relevant and follows the findings of the survey. Only in exceptional circumstances should surveys be subject to a condition. In this case it is considered any permission could be

required due to the potential requirement for an EPS licence. It is considered suitable mitigation could be in place fairly easily with the use of fencing and trapping as the long term habitat loss would not be significant. However, the use of fencing and trapping would need an EPS licence which would only be granted on the basis of known a great crested newt population, informed by surveys in the last couple of years. If it is considered there are exceptional circumstances in this case it may be appropriate to consider conditioning the further survey on the basis that mitigation can be incorporated without a change to the development if great crested newts are found to be present. The end of February is the start of the sub-optimal period with March to May being optimal although at least two surveys in the programme are required between mid April and mid May. Conditioning the survey would allow other aspects of the application to be considered but would still constrain the commencement of development including site clearance until after the surveys have been carried out and any necessary mitigation was in place.	subject of a condition requiring the carrying out of a survey. This would allow the application to be determined but would still prevent development from starting until such time as the survey has been carried out and the required mitigation approved by the Council. In addition, a further ecology report has been submitted to provide a great crested newt mitigation plan. This states it is currently unknown whether there is a breeding colony of great crested newts in a nearby pond and a full presence/absence survey will be carried out. The report is drawn up on the assumption that great crested newts are present and that a licence from Natural England will be needed. The report provides a method statement for work to be undertaken in relation to great crested newts to satisfy legislative requirements. It outlines the likely impact on great crested newts and provides a method statement for the works on site and post-development mitigation. County Ecology has been consulted on the report and a response is awaited. **Given the circumstances of the applicant it is considered there is are exceptional circumstances in this case to recommend a condition for the protected species survey rather than prior to determination. The survey is still required and development could not commence without the mitigation being approved and any licence from Natural England could not be issued without the survey being carried out. It is therefore considered there are sufficient safeguards in place to ensure the protection of the species that may be present in the adjacent pond.**
LCC Archaeology: the Leicestershire and Rutland Environmental Record shows the application site lies within an area of archaeological interest. It is located within the medieval and post-medieval settlement core of the village and close to the parish church of St Luke. Evidence has been recorded for two Roman sites just to the north and north-west of the application site and consequently there is potential for the presence of below ground archaeological remains within the application area which are likely to be affected by the groundworks associated with the proposed development. It is recommended a condition be imposed to require a written scheme of investigation.	Noted. A condition can be imposed.

Representations

A site notice was posted, the application advertised and neighbouring properties consulted. Representations have been received from 13 households.

Representation	Assessment of Head of Regulatory Services
	The issues of the removal of part of the Yew hedge and the access and highway safety, conservation and ecology have been discussed above.
Principle of Development There is no material change to the originally rejected application especially as far as dangers to residents of North Hall Drive are concerned and other users of Main Street. The proposal relates to a building outside of the village envelope which is there to protect the nature of the village and anything proposed outside of this should be of real benefit to the village and the proposal will not do this. There was a similar application in 1990 dismissed on appeal. The site contributes to the look and feel of Gaddesby **Highway Safety** The suggested widening of the junction with Main Street in unlikely to help much and the proposal to remove the attractive Yew hedge that has been in place for 150 years is possibly going to encourage motorists to go even faster down Main Street than currently which is used by cars, buses, tractors etc. The junction is dangerous and the changes proposed are inadequate and it is unsafe to increase traffic movements. The improvements to the access could be carried out outside of this planning application. Main Street has cars parked opposite the access as most houses have no off street parking. Access into the proposed dwelling is ill thought out as it would be adjacent to the neighbouring entrance where vehicles wait for the electric gates to open, this could lead to access problems into the existing dwelling, including access for emergency vehicles. Questions why the existing access cannot be used. The proposed dwelling should be accessed via the main hall. North Hall Drive remains a long, single track winding road which is in poor repair and not suitable for extra traffic, there are limited passing places or illumination and there are overhanging trees. Reversing long distances is required to get to the only passing place. **Loss of Yew Hedge** The hedge is an attractive historic feature of the village and a new hedge planted slightly further back would take many years to match the existing hedge. Also concerned about the proposed bin storage and trust a condition would be to ensure this is out of sight..	**Principle of Development** The southern portion of the site falls within the village envelope where the access and driveway would be sited. The remainder of the site is beyond the village envelope on land classed as countryside. Policies OS1 and H6 support the principle of residential development within settlements and Gaddesby is considered to be a sustainable settlement with community facilities including a primary school, village hall and pub. As such consideration could be given to small scale housing within the village. However, a large part of the site is outside the village envelope. The Council does not have a five-year supply of housing land and Policies OS1 and OS2 cannot now be relied on to control housing on sites adjacent to but outside of the village envelope. The settlement is sustainable and therefore in line with the NPPF there is general support for the principle of a dwelling at such a location. The site is well related to neighbouring properties with dwellings to the west and south and the north-western part of the site borders rear gardens of dwellings fronting onto Main Street. The site is not therefore isolated and is adjacent to the village envelope. As such, the proposal comprises the erection of a dwelling adjacent to the village boundary of a sustainable settlement and complies with the sustainable development sought by the NPPF. The site has been subject to an application for the erection of a dwelling partially on and to the west of the tennis court. This was dismissed on appeal in 1990 on the grounds that the dwelling would not be well related to the existing pattern of development within the settlement which would increase the spread of Gaddesby beyond the settlement limits. The current scheme differs from the appeal scheme in that the dwelling is better related to the neighbouring buildings, being set closer to the highway with the orientation mirroring the neighbouring dwelling. Furthermore, there has been a significant shift in policy since 1990 with the NPPF in particular placing greater emphasis on sustainable development rather than seeking to restrain development via village envelopes. It is not

	therefore considered the dismissed appeal is comparable to the current application.
Visual Impact The design of the dwelling has been poorly considered. It would be elevated above neighbours and would be overly dominant and in an overbearing position in relation to adjacent properties. The dwelling fails to take account of the views over the fields and the design seeks to replicate a neighbouring property rather than to use a traditional village aesethic. The proposal is in the Conservation Area and very close to the grade I listed church and grade II Gaddesby Hall.	**Visual Impact** The design of the dwelling has been based on the dwelling to the west, incorporating a formal façade and to be built of brick, slate and stone quoins. The dwelling would have a two storey element to the front which would reduce to a single storey at the rear, to reflect the rise in land levels within the site. A street scene plan has been submitted showing the dwelling within the plot in relation to the neighbouring properties. It is considered the design and appearance would be acceptable; however, due to the higher land levels on the site a condition requiring the finished floor levels can be imposed. This can ensure the dwelling is set significantly below the current site level in order to reduce the visual impact and also to reduce the impact on neighbouring amenity.
Residential Amenity The dwelling would have windows facing Paske Grove and only a bungalow should be considered. All windows would look into three bedroom windows on Paske Grove along with the front door and front windows and impacts on privacy. The plans are inaccurate in terms of the proposed and existing dwelling (Paske Grove). The siting of the house is too close to the boundary of no.6 and windows overlook the private aspect, a more central siting on the plot would be more acceptable. The siting of the garage is intolerable being of a substantial size with a large hipped roof. The level at the top of the retaining wall is 1.5 metres and the garage will lead to a substantial loss of light with a window in the far end that will look into the sitting room on the ground floor and the bedroom and bathroom on the first floor. The proposed garage would be in close proximity to no.4 and would not provide easy access for residents to village facilities. The plans need amending as the layout is inadequate and would need to be changed at a later time.	**Residential Amenity** The proposed dwelling would be set back into the site from the highway boundary with the garage to towards the front of the site. This would be sited adjacent to the boundary with the dwelling to the west and would be on higher ground. The garage serving the neighbouring dwelling is also set adjacent to this boundary further into the site. The proposed garage would therefore be located adjacent to the side elevation of the dwelling but would be set a significant distance away. Although it is acknowledged the garage would have an impact on the amenities of the neighbouring property the separation distance would ensure the proposal would not be overbearing and the condition to establish development levels would further reduce the impact. Although the garage would have a window in the side elevation the impact of this would be effectively negated by boundary treatment. The proposed dwelling would be sited with the front elevation following the angle of the dwellings to the west but set further into the site. As such bedroom windows in the façade would look towards the highway with views to the property to the west at oblique angles. There would be approximately 20 metres between the dwellings at the closest point. No windows are proposed at first floor level on the side elevation and a condition can be imposed to remove permitted development rights for the insertion of additional windows. Furthermore, with setting the building below the current site level the impact on the neighbouring property would be significantly reduced. There are no dwellings to the north and Gaddesby Hall to the south is set well off the boundary which has mature landscaping to mitigate any impact.

	The proposed dwelling would have an impact on the bungalow to the south, Paske Grove. This has bedroom windows on the northern elevation. The proposed dwelling would be set approximately 24 metres from this bungalow at the nearest point and would be separated by the existing boundary landscaping. The distance between the bedroom windows would be approximately 26 metres. Although there would be an impact on the amenities of occupiers of Paske Grove the distances between dwellings and the orientation of the proposed dwelling, set towards the highway, would result in the interaction at an oblique angle. The impact would be further reduced by setting the dwelling down into the site to achieve a lower finished floor level than the current land level. It is acknowledged the proposal would have an impact on neighbouring properties. However, given the distances between the existing and proposed buildings, the respective angles between the dwellings and the conditions relating to levels and landscaping, it is considered the proposals would have an acceptable relationship with neighbouring properties.
Ecology Challenge the ecology report as the pond has not been assessed and the proposal would be harmful to wildlife. The original ecology survey does not consider the pond and there are few fish in the pond with no fishing having taken place for 16 years, there is a good chance great crested newts are present. The pond and compost heap have a large population of endangered grass snakes and many species of birds, animals, reptiles and insects live and are supported by the site. Understand trees will be lost.	**Ecology:** Issues relating to the ecological quality of the site are addressed above.
Future Applications The siting of the dwelling allows for the potential for future development.	**Future Applications** The application relates to the erection of a single dwelling. As such the potential for future applications cannot be taken into account in assessing this application. **The proposal is considered acceptable in land use terms being well related to the built up part of the village, adding a dwelling to a sustainable settlement. The visual impact of the proposed dwelling is considered acceptable subject to conditions relating to materials, land levels, landscaping and removal of permitted development rights. Furthermore, the relationship with neighbouring properties would be acceptable with the impact reduced by setting the dwelling into the site, to achieve a significantly lower finished floor level compared to the current land level and a condition requiring comprehensive landscaping.**

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
Application of Development Plan and other planning policy 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; • 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. **Policy OS2** - Policy OS2 seeks to generally restrict development in the countryside and allows limited small scale development for uses including recreation which is not significantly detrimental to the appearance and rural character of the open countryside. **Policy H6** states permission will be granted in village envelopes for residential development comprising small groups of dwellings or single plots. **Policy BE12** states permission will only be granted for development within protected open areas where the development is in conjunction with an existing use and would not adversely affect the intrinsic character of the site.	Policy BE12 states permission will only be granted for development within protected open areas where the development is in conjunction with an existing use and would not adversely affect the intrinsic character of the site. The site forms part of a large area of protected open space which incorporates land around Gaddesby Hall and the church and extends significantly to the south. The southern part of the application site is included in this area where the access and drive would be located. The majority of the proposed dwelling would be beyond this designation. As such, it is considered the dwelling would not be harmful to this protected open area. **The proposal would not be harmful to the protected open space, being largely set beyond the designation.**

Conclusion

The proposal relates to the erection of a dwelling. Although the site is beyond the village envelope the settlement is sustainable and as the Council cannot demonstrate a five-year land supply the principle of a dwelling can be supported. Furthermore, as the majority of the dwelling would be outside of the protected open area the impact on this designation would be limited. The dwelling is considered of a suitable design, echoing the adjacent dwelling and with conditions relating to landscaping and finished land levels, would be well integrated into the site. The dwelling would have an impact on the amenities of neighbouring properties; however, the distances between dwellings, the layout and the levels and landscaping conditions would ensure there would be a satisfactory relationship. It is expected the dwelling would be set at a floor level significantly below the current land level with a comprehensive landscaping scheme significantly strengthening planting especially on and close to the boundaries of the site. The plans incorporate revisions to the junction between North Hall Drive and Main Street which would improve visibility and ensure a gain in terms of highway safety. The proposal would not have an adverse impact on the character or appearance of the Conservation Area or on the setting of nearby listed buildings. A condition requiring a protected species survey can be imposed to ensure any species are adequately safeguarded from the

development. This would preclude the undertaking of any work on site until such time as a suitable survey has been carried out and any required mitigation agreed and implemented. On balance, the proposal is considered to be acceptable and to comply with the above policies and NPPF.

RECOMMENDATION:- Approve, subject to the following conditions:

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: 2725/2 B, 2725-3 B2725/4 C, 2725-ent-10 and 2725-ent-11.

3. Before the commencement of development 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 (with particular attention paid to the boundaries to the west and south/south-east);

(f) details of planting to replace the removed part of the Yew hedge along the highway boundary to include species, densities, height of plants and location of planting.

4. 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.

5. Before development commences the following shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details prior to the first occupation of the dwelling hereby approved:

   a) Details of the proposed bin store;
   b) Drawings, at a scale of not less than 1:20, of the windows, doors and garage doors to detail profile, furniture, reveal and materials;
   c) Details, at a scale of not less than 1:20 of the door hood, corbelling, cills and lintels;
   d) Details of the rainwater goods including profile, location and materials;
   e) Details of any gas or electricity boxes.

6. Before development commences samples of all external materials to be used on the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details.

7. Before development commences (including any site clearance) a great crested newts survey shall be carried out and submitted to the Local Planning Authority along with any required mitigation strategy. The survey and mitigation shall be approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the mitigation strategy. The development shall also be carried out in accordance with the mitigation specified in the original Ecology Survey dated 19.10.15.

8. Before building works commence the proposed improvement to the visibility splays shown out of the site access on to Main Street shall have been provided. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

9. Before building works commence, the proposed improvements shown to the existing vehicular access serving the site from Main Street on drawing numbers 2725-ent10 & 2725-ent-11, including the provision of the bin store and passing bays, shall have been provided, hard surfaced and made available for use. Once provided the access shall be permanently so maintained.

10. Before first occupation of the dwelling hereby permitted, the improved shared access road shall have been surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary and shall be so maintained at all times.

11. 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 10 metres behind the highway boundary and shall be hung so as not to open outwards.

12. 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 including private access drives, and thereafter shall be so maintained.

13. The car parking and any turning facilities shown within the curtilage of the dwelling hereby permitted shall be provided, hard surfaced and made available for use before the dwelling is first occupied and shall thereafter be permanently so maintained.

14. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 or any subsequent amendment to that order, no development within class A, specified in A, B, C and E shall be carried out and no additional openings shall be inserted into the dwelling unless planning permission has first been granted for that development by the Local Planning Authority.

15. No development shall take place on site until details of existing and finished site levels have been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall show the respective floor levels and ridge heights of the neighbouring dwellings and the floor levels and ridge heights of the dwelling and garage hereby approved. The plan shall show the proposed dwelling set at approximately 1mfloor level than the current land level. The development shall be carried out in accordance with the agreed details.

16. No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. No development shall take place other than in accordance with the Written Scheme of Investigation.

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 ensure that the Local Planning Authority can exercise proper control over the visual appearance of the area and in the interests of visual amenity.

4. 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.

5. In the interests of visual amenity to ensure the details are suitable for the character and appearance of the Conservation Area.

6. In the interests of visual amenity to ensure the details are suitable for the character and appearance of the Conservation Area.

7. To provide adequate safeguarding for protected species.

8. To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

9. In the interests of highway safety.

10. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.).

11. 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.

12. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.

13. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

14. In the interests of visual and residential amenity.

15. In the interests of visual and residential amenity.

16. To ensure satisfactory archaeological investigation and recording.

Officer to contact: **Mr Joe Mitson** **Date: 7.2.2016**