

- **whether the reason for refusal of application 10/00656/FUL(below) has been overcome**

The application is presented to Committee due to the history associated with the site.

Relevant History:-

10/00656/FUL - Construction of 7 new dwellings and the rebuilding of an existing double garage/studio and new access was refused on the 26th November on the grounds that **the proposal would adversely affect the setting of the nearby listed building known as 'The Willows' and the character and appearance of Ab Kettleby Conservation Area, by virtue of the introduction of a substantial dwelling on land currently an undeveloped area of garden land and the proposed development would, by virtue of its scale and position, result in an adverse impact on the residential amenity of adjacent properties, namely no.4 Old Vicarage Gardens, 'The Willows' Wartnaby Rd, and nos. 3 and 5 Wartnaby Rd**

10/00678/LBC - Proposed alterations to the existing farm buildings was approved on the 27th October 2010.

10/00231/LBC - Extend the time limit for implementation for the erection of 7 dwellings relating to a Listed Building was approved on the 4th May 2010.

10/00066/EXT - Extension of time limit for residential development of 7 dwellings relating to approved Planning Application 07/00266/OUT was approved 27th March 2010.

07/00266/OUT – Outline consent for residential development of 7 dwellings, including garaging together with new access to Home farm and alterations to outbuilding to form garage was approved on 27th April 2007.

05/01049/OUT – Outline planning permission for five dwellings was refused in January 2006 on the grounds of highway hazard from access onto Wartnaby Road, unacceptable overbearing impact from Plot 4 upon 4 Old Vicarage Gardens and demolition works to create access to Watnaby Road would have an unacceptable impact on a Listed Building.

04/00289/OUT – Outline planning permission for seven dwellings was refused in September 2005 and subsequent appeal dismissed only on the grounds of the impact of the proposed access to Wartnaby Road to the Listed Building and Conservation Area.

95/0319 – outline planning permission or residential development was granted.

Planning Policies:-

PPS 1: Delivering Sustainable Development - The guidance says that planning should promote sustainable and inclusive patterns of development. PPS1 requires local authorities to deliver development that is located in areas which reduce the need to travel by car and provide access to all members of the community to jobs, health, housing, education, shops, leisure, and community facilities. PPS1 suggests that the focus for development should be existing centres and discourages any new development which would impact negatively on the environment and actively encourages development which reduces the impacts of climate change.

PPS 3: Housing - amplifies the advice set out in PPS1, and particularly that housing should be developed in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure. The priority for development in such locations should be previously developed land, where appropriate. The amended statement has removed residential garden are from the brownfield classification. PPS3 also sets out clear advice on determining planning applications, stating that we should have regard to the suitability of a site for housing (including its environmental sustainability) and that we should ensure that proposals are

in line with housing objectives and do not undermine wider policy PPS3 specifically states that “Developers should bring forward proposals for market housing which reflect demand and the profile of households requiring market housing, in order to sustain mixed Communities” (Para 23). In relation to market housing PPS3 states that “One of the Government’s key objectives is to provide a variety of high quality market housing. This includes addressing any shortfalls in the supply of market housing and encouraging the managed replacement of housing, where appropriate. Local Planning Authorities should plan for the full range of market housing. In particular, they should take account of the need to deliver low-cost market housing as part of the housing mix” (Para 25 & 26) objectives.

PPS5 ‘Planning for the Historic Environment’ outlines the Government's policies for effective protection of all aspects of the historic environment. Planning has a central role to play in conserving our heritage assets and utilising the historic environment in creating sustainable places. The Government’s overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. To achieve this, the Government’s objectives for planning for the historic environment seek to recognise that heritage assets are a non-renewable resource, recognise that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term and wherever possible, heritage assets are put to an appropriate and viable use that is consistent with their conservation.

PPS 7 - Sustainable Development in Rural Areas - states that many country towns and villages are of considerable historic and architectural value, or make an important contribution to local countryside character. Planning authorities should ensure that development respects and, where possible, enhances these particular qualities. It should also contribute to a sense of local identity and regional diversity and be of an appropriate design and scale for its location, having regard to the policies on design contained in PPS3.

East Midlands Regional Plan (March 2009)

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

In assessing the suitability of sites for development priority is given to making best use of previously developed and vacant land or under-used buildings in urban or other sustainable locations, contributing to the achievement of a regional target of 60% of additional dwellings on previously developed land or through conversions.

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 H6 states that planning permission for residential development within village envelopes will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

Policy BE11 :- recognises the preservation of archaeological sites to be a material consideration in the planning process seeks to ensure that development which detrimentally effect archaeological remains should only be permitted if the importance of the remains outweighs the local value of the remains.

Melton LDF Core Strategy: seeks to focus development in Melton Mowbray with a small balance (20%) in the surrounding Borough, with provision/contribution of 40% affordable housing from all developments, and expectations to produce mixed, integrated housing developments and meet local needs by addressing identified imbalances in housing stock in all locations. The strategy identifies villages by virtue of a hierarchy reflecting their sustainability and, therefore, suitability for development.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority – the Highway Authority objected to the proposal on the grounds that the proposed layout does not provide sufficient visibility splays and as such is undesirable and could create dangers for highway users to the detriment of highway safety.</p> <p>An amended plans was submitted on the 14/01/11</p> <p>Comments on amended plans; The highway authority are prepared to recommend conditional approval of the revised layout.</p>	<p>Noted, the objection was conveyed to the applicant and discussions took place between the applicant and the Highway Authority. The applicant submitted the incorrect plan with the resubmission and this was rectified by the submission of amended plans to address the concerns.</p> <p>Planning permission for seven dwellings has already been granted on this site and remains extant. Whilst the highway authority would have liked the access moved further to the south they have agreed that it would be unreasonable to recommend a refusal based on the extant approval. The amended plans have made improvements to the access and the pedestrian footway. Subject to conditions the Highway Authority are satisfied with the proposal and that the development would not adversely impact on highway safety.</p>
<p>Ab Kettleby Parish Council –</p> <p>Cllrs were pleased to see that the house on plot 1 has been replaced by a bungalow but would, if the application were to be permitted, wish to see the roof height reduced to that of the original approved application.</p> <p>Cllrs agree with the comments made by Highways regarding the access and overall remain opposed to</p>	<p>The extant permission (renewed in March 2010) approved 7 houses with a similar layout to this application. However, the 2007 and 2010 application proposed a bungalow to Plot 1 (previously Plot 4). The approved bungalow had a height of 4.5 metres and was sited further into the site (to the western boundary) than the proposed bungalow. A number of objections have been received in relation to the impact on neighbouring properties and the Conservation Area and this issue will be addressed in the report below.</p> <p>The highway authority had some concerns with regards to visibility and amended plans have been</p>

<p>the application.</p>	<p>submitted to overcome them. The access for seven houses already has planning approval and the proposal is considered acceptable in highway safety terms.</p>
<p>Conservation Officer – Home Farmhouse is a grade II listed building. part of the site is within the CA (Plot 1 falls within the other 6 plots are outside).</p> <p>The Conservation Area Appraisal for Ab Kettleby notes that the village as a whole demonstrates a wide variety of building styles and materials with ironstone and red brick predominating whilst Welsh slate, pantiles , Swithland slate and thatch are used for roofing materials.</p> <p><i>The CA Management Plan advises:</i></p> <ul style="list-style-type: none"> • Any new development, including extensions should be constructed in natural materials appropriate to its location and should have regard to the scale, siting and detailing of existing surrounding development • Development within a designated Conservation Area should be of a high standard of design and should preserve or enhance the traditional character of the area. • The Council will strive to ensure that new development makes a positive contribution to the character of a Conservation Area through the development control process, and enforcement powers, in accordance with its statutory obligations <p>The design of the new dwellings is clearly based on a farmyard ethos employing agricultural detailing, random openings, etc. Plots 2 & 3 clearly resemble a barn, 5,6 & 7 a stable and 1 (formerly 4) the farmhouse. This will add to the diversity of styles within the Conservation Area and reflect the host farmhouse (LB)</p> <p>Whilst materials are not specifically mentioned it assume the intention is to employ a mixture of natural stone and red brick which clearly complement each other. Likewise a mixture of roofing materials.</p> <p>There is no doubt that these proposals represent an improvement on the previous sketch elevations.</p>	<p>Noted.</p> <p>Noted, the design of the units is considered to be an improvement to the previous approval. The dwellings have been designed to resemble farm buildings, stables and are considered appropriate to the site and the edge of the Conservation Area. Plot 1 falls within the Conservation Area and is discuss within the report.</p> <p>Materials would be the subject of condition, however, sample red brick on site and the applicant has stated that they would like to use Hampton Rural Blend with a red sand mortar. This is considered acceptable, however, some stone would be ideal. With regards to the roof the applicant proposes grey slate or red pantile.</p> <p>Noted</p>

<p>There is of course currently consent for 7 dwellings in a slightly different layout which includes retention of the fire damaged garage for conversion. In that regard the loss of the fire damaged building, proposed under this application, which is curtilage listed is not desirable. It is noted, however, that the proposed replacement building is in a similar style employing design details that reflect its character and that of the local vernacular. In that regard re-use of materials salvaged from the demolition with the shortfall made up of reclaimed matching materials would ensure that the replacement build respects the nearby listed building.</p> <p>Furthermore it is not considered that the impact on the setting of the host listed building is to be compromised further by the new layout</p> <p>Clearly concerns raised to the previous application have been addressed in this submission. The building on Plot 1 is now an ‘H’ shape bungalow with a maximum ridge height of 5.1 m. As a result the potential adverse effect on the setting of the Willows is substantially reduced and no longer consider this to be a problem.</p>	<p>Noted, the proposal is considered to be sympathetic to the adjoining Listed Building, Home Farm. The demolition of the fire damaged building has been approved under application reference 10/00231/LBC.</p> <p>Noted, the layout is considered to be sympathetic and would not harm the setting of Home Farm, a designated Listed Building.</p> <p>This proposal has been amended by removing the proposed one and a half/two storey dwelling to the rear of the site, plot 1, with a bungalow. The previous approval was for a single storey dwelling in this location (previously plot 4). The proposed dwelling would be some 25 metres from the rear of The Willows, No. 13 Wartnaby Road, at the closest point and would be separated by existing boundary treatments and private gardens. Due to these distances involved and the single storey nature of the building it is not considered that the proposal would affect the setting of The Willows, a grade II Listed Building.</p> <p>The proposed layout and design is considered acceptable, it is not considered that the development would impact on the setting of adjoining listed buildings and would enhance this part of the Conservation Area.</p>
<p>LCC Archaeology- The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site lies in an area of archaeological interest. The site lies within the historic medieval and post-medieval settlement core of Ab Kettleby (HER ref. MLE9111), to the rear of a Grade II Listed farmhouse dating from the mid to late 17th Century (LB ref. 1835/32/23/234; HER ref. MLE12511) and incorporating buildings associated with the farmhouse that appear on the late 19th century 1st edition Ordnance Survey map for Ab Kettleby. Consequently, there is likelihood that buried archaeological remains will be affected by the development.</p> <p>To ensure that any archaeological remains present are dealt with appropriately, the</p>	<p>Noted, this can be imposed by means of a condition</p>

<p>applicant should provide for an appropriate level of archaeological investigation and recording.</p> <p>This should consist of a programme of archaeological work, to be conducted as an initial stage of the proposed development. It should include an archaeological soil strip of the development area; any exposed archaeological remains should then be planned and appropriately investigated and recorded. In addition, all services and other ground works likely to impact upon archaeological remains should be appropriately investigated and recorded. Provision must be made within the development timetable for archaeologists to be present during these works, to enable the required level of archaeological supervision.</p> <p>A contingency provision for emergency recording and detailed excavation should be made.</p> <p>The applicant should, if planning permission is granted, also obtain a suitable written Specification and costings for the archaeological recording from an archaeological organisation acceptable to the planning authority. This should be submitted to this Archaeology Section, as archaeological advisors to your authority, for approval before the start of development.</p> <p>We therefore recommend that any planning permission be granted subject conditions to safeguard any important archaeological remains potentially present:</p>	
<p>Severn Trent Water – no objection, subject to the imposition of condition in relation to surface and foul drainage.</p>	<p>Noted, this could be imposed by means of a condition.</p>
<p>Environmental Health –</p> <p>The Phase 1 and Phase 2 Geo-Environmental Assessment submitted in support of the proposed development at Home Farm Ab Kettleby addresses the concerns that would be expected at such a site and development.</p> <p>Acceptance of the Assessment and in particular the contents of Section 9 Risk Management and Remediation and Section 10 Conclusions and Recommendations is recommended.</p> <p>With regards to the validation of the top soil capping (9 Risk Management and Remediation), clean backfill to service trenches and upgraded water pipes should all include a proper chain of evidence or appropriate statement confirming what</p>	<p>The application has been accompanied with a Phase 1 and Phase 2 Geo-Environmental Assessment and the outcomes are considered satisfactory. Conditions can be imposed to ensure that the recommendations are undertaken.</p>

<p>has been carried out in relation to these matters.</p> <p>With regards to 10 Conclusions and Recommendations, should any signs of organic contamination (solvents/oils/fuels) be evident during demolition, site clearance or construction activities, this authority to be informed of the outcome of the assessment carried out in respect of the risk posed to the end users and the environment.</p> <p>This authority should also be informed of the outcome of the type3 asbestos survey.</p>	
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Representations:

A site notice was posted in line with consultation procedures; as a result 5 letters of objection from 5 households have been received. The letters are summarised below;

Representation	Assessment of Head of Regulatory Services
<p>Development in the Conservation Area</p> <p>The demolition and rebuilding of the current dilapidated farm buildings would be an improvement. However, plot 1, will be visible and would impact on the Conservation Area.</p> <p>The development does not respect the visual and historical heritage of the site. Plot 1 is being placed in an area which is currently an old walled garden and it is overwhelmingly large for this plot. The building of seven houses within the conservation area is excessive and is out of keeping with the character of the surrounding properties.</p> <p>The height of the roof line is unusually high for a bungalow, it remains dominant in the area and continues to adversely affect the conservation area, surrounding properties and adjacent listed buildings. It appears much higher than the neighbouring bungalow. The roof line of the bungalow proposed for Plot 1 should be the same level as the bungalow to the southern aspect (The Cloisters).</p> <p>The footprint of the proposed bungalow is nearly 10% larger than the previous ground area of unit 1 and this is exacerbated by the separation of the house and its garage. It remains an overwhelmingly large structure on a currently undeveloped area of garden land within the Conservation Area. The developers are proposing an unsuitably large, overwhelming structure given the area of ground and its place within the Conservations Area.</p>	<p>Planning permission was granted in 2007 and extended in 2010, therefore there is an extant planning permission on this site. As stated above, the extant approval included a single storey dwelling sited in the now proposed location of Plot 1. The recently refused application proposed a 1 ½/2 storey dwelling in the location of the previously approved bungalow and this application reverts back to a bungalow in order to try and address the recent refusal. The proposed bungalow lies within the designated Conservation Area for Ab Kettleby.</p> <p>The siting of the bungalow would be 6.3 metres from the western boundary of the site at the closest point. The unit would be 2.3 metres to eaves with a ridge height of 5.2 metres. The previously approved bungalow had a height of 4.5 metres. The bungalow has been designed with a 45 degree roof pitch with a simple ‘H’ shape with a narrow roof span to reduce the scale and mass. The buildings in the Conservation Area are traditionally two storey with roof pitches of at least 45 degrees. The applicant has stated that the design better reflects the architectural characteristics of traditional dwellings within the Conservation Area.</p> <p>The previous approved bungalow on this plot was designed with a ‘H’ layout, not too dissimilar to this proposal. The footprint is considered to be slightly larger but has been brought further into the site retaining a larger distance separation to the rear.</p> <p>It is considered that the design of the dwelling is</p>

	<p>more traditional It is considered that the design is more appropriate and would preserve the appearance of the designated Conservation Area.</p>
<p>Impact on the village</p> <p>Whilst the development is welcome in some respect, for example, the appearance of the corner of Wartnaby Road and the A606. However, the building of seven houses on the site is too many.</p> <p>Plot 1 will give a very 'built-up' feeling to the area and one not in keeping with the current level of development.</p> <p>Extensive loss of mature trees associated with the development. There is a number of large trees and well established hedge which the development will have to remove if it goes ahead. A tree survey should be carried out before the application is approved in order to assess the extent of this aspect of environmental damage. Impact on wild birds.</p>	<p>A scheme for 7 units has already been approved on this site and therefore the principle of the units and number of dwellings has been approved.</p> <p>Plot 1, to the rear of the site would be the least visible within the site, however, it is the only plot to lie within the Conservation Area. The extant permission on the site has already approved a bungalow in this location. An assessment of the Conservation Area and the impact of Plot 1 has already been considered within the report.</p> <p>Whilst the loss of some trees is regrettable suitable landscaping treatment will need to be included in the development reducing the overall loss of the trees within the site. The landscaping scheme submitted proposes the planting of new trees such as Cherry and Silver Birch to offer amenity value and smaller shrub planting is also proposed. A development already has approval on the site which would also lead to the loss in a number of trees.</p>
<p>Impact on neighbouring properties</p> <p>The bungalow has been moved closer to the boundary with The Willows, we feel that the proposed new build is too close to the boundary walls.</p>	<p>The application has received a number of objections on the grounds of impact to neighbouring properties by loss of privacy, overlooking and being visually intrusive. The objections relate to the changes to Plot 1.</p> <p>Plot 1 is sited to the south west corner of the development site where there is an extant approval for a bungalow. The scheme has been amended from the previous refusal to a single storey dwelling. The siting of the unit has changed from the extant approval and it now lies further into the site to the east and would be 6.3 metres (at the closest point) increasing to 9 metres from the western boundary of the site. The unit would be 2.3 metres at eaves level with a ridge height of 4.9 metres to the southern elevation rising to a height of 5.2 metres to the north. The proposed bungalow would be sited some 25 metres from the rear elevation of The Willows, 13 Wartnaby Road and is only single storey. The eaves and roof would only be visible above the existing boundary treatment. This distance and design of the bungalow is considered sufficient so as not to adversely impact on the residential amenities of this dwelling.</p>

<p>The two main bedrooms are shown on the 'H' shaped bungalow nearest to the garden of No. 3 Wartnaby Road. Each bedroom has a velux which due to an earth bank in No 3 could result in the possibility of being able to see into the bedrooms.</p> <p>The bungalow is too high and too near to No. 3 Wartnaby Road and will impinge unfavourably on privacy and the amenity value of the garden.</p> <p>Plot 1 will impact on 5 Wartnaby Road. It seems overly large for the size of the plot and too close to the adjacent properties.</p> <p>The bungalow (unit 1) is a mere 1.5 metres (max) from No 7 and No. 5 Wartnaby Road. With an apex of 5.1 metres this will result in considerable loss of light and detrimental visual impact from our properties. The new plans brings the house much closer to No. 7 and the boundary wall of The Willows, which is a listed building.</p> <p>The design is an irregular 'H' shape with its northern side close to the boundary with 7 Wartnaby Road and extends across it for a considerable length. The former proposal did not extend to this extent and was less intrusive. A long wall and high roof line within a metre and a half of a property boundary cannot be respectful of its outlook and amenities; it will reduce light and have an adverse affect on outlook.</p> <p>If designed to be more considerate to neighbours and the Conservation Area then the proposal would be more acceptable. It currently fills nearly all the plot and is inconsiderately close to the boundaries of adjacent properties.</p>	<p>Concern has also been expressed with regards to privacy to neighbouring gardens, particularly on Warntaby Road. The proposed dwelling has been designed to be a 'H' shape with a single storey projection to the northern edge adjacent to the gardens of No. 3, 5 and 7 Wartnaby Road. The elevation projects 12 metres along the boundary and is separated by 1 metre from the existing boundary wall. Due to the proposed eaves height of the bungalow the roofline will only be visible above the boundary wall which has been pitched to slope away from these gardens. The distance to full height of the bungalow would be some 3.6 metres from the shared boundary. The bungalow has two velux rooflights on this elevation serving bedrooms, due to the angle of the roof and height of the velux no overlooking would be created. The proposed bungalow, due to the size and height is not considered to create any overlooking and would not be overbearing. The siting of Plot 1 is not considered to unacceptably impact on the privacy of properties on Wartnaby Road.</p> <p>The previous approval on the site granted permission for a 'H' shape bungalow. However, this design does have a length of 12 metres adjacent to the properties on Wartnaby Road. The mass of the elevation will be obscured by the boundary wall and only the roof will be visible above the boundary treatment. The roof has been designed to slope away and it is not considered that the outlook and amenities of neighbouring properties would be adversely affected.</p>
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Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Application of Development Plan and other planning policy.</p> <p>The proposed development is located with the village envelope for Ab Kettleby where there is a presumption in favour of development under the local plan created by Policy OS1.</p> <p>PPS1 and PPS3 strongly supports the location of development within existing settlements and requires local authorities to deliver development that is located in areas which reduce the need to</p>	<p>The principle of the development has been approved under recent applications in 2007 and more recently an extension of time in 2010. The application lies within the village envelope of Ab Kettleby, a category 2 village, which has a range of facilities. As such the village is considered to be a relatively sustainable location for new residential development. The site partially constitutes previously developed land by virtue of its lawful</p>

<p>travel by car and provide access to all members of the community to jobs, health, housing, education, shops, leisure, and community facilities. Both guidance's support development that reduces energy emissions and climate change but the emphasis is on locations which reduces the need to travel by private car.</p>	<p>commercial use and as such the proposal is considered to constitute an appropriate form of development in terms of national and local policy.</p>
<p>Impact on the character of the area</p>	<p>The application would result in the demolition of utilitarian storage sheds which currently forms the frontage to the site. The application proposes a terrace of three units and a single unit to the Melton Road. The single unit would have a side gable and garage fronting the highway but has been designed to have a detailing on the gable to add interest to the streetscene. The proposed terrace includes traditional details such as stable doors, low eaves and would create an attractive frontage to the site. Units 4 to 7 would be the most prominent in the streetscene and the proposed design is considered to be an attractive addition in this location. Units 2 to 7 lie outside the Conservation Area, however, their impact on its character and appearance remains a material consideration. The layout and design of the units are considered to be acceptable in the streetscene and a visual improvement to the site.</p> <p>Of significance in considering the proposal is the removal from the site of a large, unattractive barn which currently makes a negative contribution to the character and appearance of the adjacent Conservation Area and neighbouring Listed Building. This aspect of the proposal will result in an improvement to the setting of both the adjacent Conservation Area, Listed Building and the streetscene.</p>
<p>Impact on neighbouring properties</p>	<p>The proposed layout has changed from the extant permission, 10/00066/EXT. The application still includes a row of three terraced properties fronting the A606 which are some distance from any adjoining properties. The units would be 23 metres from a side elevation of Home Farm separated by a garage. They are separated from other properties on the Melton Road by the highway. It is considered that the siting of these units is considered acceptable in relation to adjoining properties.</p> <p>Plot 4 is sited to the south of the site, with a gable end to Melton Road. The siting of this unit has changed from the extant permission as it previously fronted Melton Road. The rear elevation of Unit 4 would be 12 metres from the rear of an extension to No 2 Old Vicarage Gardens. There is a wall separating the proposed unit and existing bungalow. The relationship is considered to be an improvement on the existing scheme and this</p>

	<p>relationship is considered to be acceptable.</p> <p>A pair of semi-detached units are proposed on Plot 2 and 3. These would be sited 13 metres (to the main body of the dwelling) to the rear of No. 2 Old Vicarage Gardens. The previous approval granted permission for unit 2 within 14 metres of this property. There is a substantial brick wall on the southern site boundary which provides a significant degree of screening to the existing property. The boundary wall and distance separation is considered sufficient to safeguard the amenities of the occupiers to No. 2 Old Vicarage Gardens.</p> <p>To the south of plot 1 is a detached bungalow, No. 4 Old Vicarage Gardens. There is an existing 1.5 metres high brick wall which partially screens the existing windows on the north elevation of the bungalow. The windows on the north elevation of the bungalow serve a bathroom, toilet, small kitchen and a secondary high level window to the sitting room. None of these windows are principal windows; the lounge is served by other windows on the south elevation therefore loss of light would be limited. The views from these windows are presently severely restricted by the presence of the wall. It must also be noted that a 2 metre high boundary could be erected on this boundary under permitted development which would restrict these windows even further. The proposed unit has been designed to have a similar eaves height to the existing bungalow (2.3 metres) and whilst it has a steeper roof pitch it would not reach its full height of 4.9 metres (of this wing) until it is 8 metres to the north of the bungalow. The full height of the bungalow, 5.2 metres, is over 16 metres away.</p> <p>The dwelling has been designed to have a 45 degree roof pitch to be in keeping with the Conservation Area. There are three roof lights on this elevation and a utility window and patio door at ground floor level.</p> <p>Due to the proposed height of the bungalow, relationship to No. 2 and existing boundary treatments it is not considered that the proposal would adversely impact on the residential amenities of No. 2 Old Vicarage Gardens.</p> <p>The proposal is considered to be acceptable and would not impact on the residential amenities of adjoining properties.</p> <p>The internal layout is also considered acceptable and would not compromise the amenities of any</p>
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	future occupants of the properties.
Housing need	The extant approval granted planning permission for 3 detached dwellings, 1 detached bungalow and 3 terraced properties. This application proposes the erection of 3 no. 2 bed terrace, 1no. 3 bed detached, 1no. 3 bed semi-detached, 1no. 4 bed semi-detached and 1no. 4 bedroom property. This is considered to be a suitable mix of development with a variety in unit sizes.
Building for life assessment	Under the building for life assessment the scheme for 7 dwellings meets the Councils target. The scheme does fail to score well in terms of outperforming standard building regulations. The score could be improved by encouraging the applicant to think about sustainable coding to encourage energy efficiency methods within the scheme. However, due to the extant permission on the site and that the scheme does meet the Councils target it would be difficult to resist the proposal on these grounds.

Conclusion:

This application seeks planning permission for the erection of seven dwellings. Part of the site is within the Conservation Area for Ab Kettleby and the site is surrounded by a number of designated Listed Building. An extant permission exists of the site for the same number of dwellings, however, this scheme alters the siting of some of the proposed units, design and scale of some of the properties. The application is considered to be acceptable in highway terms, design terms, and is not considered to impact on the Conservation Area or the streetscene. A number of objections have been received in relation to Plot 1 to the west of the site particularly with regards to overlooking, loss of privacy and impact on the Conservation Area. Plot 1 has been revised from the previously refused scheme to be single storey. These issues have been assessed in the report and it is considered that due to distance separations, design, size and relationship to windows of adjoining properties that the proposal would not have an adverse impact on the amenities of adjoining properties. Accordingly the proposal is recommended for approval.

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. No development shall start on site until all materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.

3. The hereby approved landscape scheme (both hard and soft), plan reference 2010.037-001f shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development 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 Local Planning Authority gives written consent to any variation.
4. 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 dwellings hereby permitted, no development as specified in Classes A, B or E shall be carried out unless planning permission has first been granted by the Local Planning Authority.
5. Prior to the commencement of the main site works, the approved remediation works as detailed in the submitted Geo-Environmental Investigation Report received on the 4th January 2011, shall be completed in accordance with the approved Method Statement, conclusions and recommendations to the satisfaction of the Local Planning Authority. This includes all proposed remediation works and treatment of organic contamination and asbestos. Appropriate validation of the remedial scheme shall be submitted to the Local Planning Authority for written approval.
6. No development shall take place within the application area until the applicant has secured the implementation of an appropriate programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved by the planning authority. The development shall be undertaken only in full accordance with the approved written scheme. No variation shall take place without the prior written consent of the local planning authority.
7. The applicant shall notify the local planning authority of the intention to commence works (including site works of any kind) at least one week before such commencement. Thereafter, the programme of archaeological work shall be completed in accordance with the approved written scheme of investigation, including any necessary fieldwork, post-excavation analysis, report writing and archive deposition, as detailed in the approved scheme. The report and archive shall be prepared and deposited no later than six months after the commencement of fieldwork. No variation shall take place without the prior written consent of the local planning authority.
8. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme before the development is first brought into use.
9. The proposed development shall be carried out strictly in accordance with the revised plans deposited with the Local Planning Authority on the 14th January 2011, reference 2010.037-002E and 2010.37-001F, showing revisions to the footpath and highway verge.
10. No building works shall commence until such time as the proposed visibility splays shown across the site frontage both out of the site entrance and out of Warton Road have been provided, and cleared of all obstruction that exceeds the level of the adjacent footway. Once provided these splays shall thereafter be permanently so maintained.
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 15 metres behind the highway boundary and shall be hung so as to open inwards only.
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 and thereafter shall be so maintained.

13. Before first occupation of any dwelling hereby permitted, the shared private turning facilities shown within the curtilage of the site shall be provided, hard surfaced and made available for use, in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.
14. No dwelling hereby permitted shall be occupied until such time as the proposed footway alterations on the site frontage shown on the amended plans, have been provided in accordance with current Highway Authority standards.
15. For the period of the construction of the development the applicant shall take measures to ensure that the highway is kept free of deleterious material in accordance with a scheme that shall first have been submitted to and approved by the Local Planning Authority.
16. For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
17. The car parking and any turning facilities shown within the curtilage of each dwelling shall be provided before the dwelling is occupied and shall thereafter permanently remain available for such use.
18. The proposed access road shall be provided as shown on the amended plan and shall be hard surfaced in tarmacadam, concrete or other hard bound material before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.
19. The proposed parking spaces shown for plots 5, 6 and 7 shall be communal spaces for these properties and shall not be individually allocated to any one plot.
20. Before first occupation of plots 5, 6 or 7, the proposed bin and refuse collection area shall have been provided, hard surfaced and made available for use.
21. Before first occupation of plots 5, 6, or 7, the proposed railings shown on the amended plan at the back the footway across the frontages to plots 5 to 7 shall have been provided and shall thereafter be permanently so maintained.

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 enable the Local Planning Authority to retain control over the external appearance as no details have been submitted
3. To ensure the provision, establishment and maintenance of landscaping to a reasonable standard in accordance with the approved proposals.
4. To enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed.
5. To ensure the site is suitable for its intended use and to protect the quality of the water environment.
6. To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation.

7. To ensure satisfactory archaeological investigation and recording
8. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of flooding.
9. For the avoidance of doubt; the initial proposals being considered unsatisfactory.
10. 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.
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 road users.
13. To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.
14. The highway fronting the site has no separate facility for pedestrians and the proposal would lead to an increase in pedestrian movement along the highway. The footway is therefore required for the safety of pedestrians.
15. To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users.
16. To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.
17. 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.
18. In the general interests of highway safety.
19. To ensure these spaces are used to their maximum and to try to reduce the possibility of indiscriminate parking taking place within the site.
20. In the general interests of highway safety
21. To deter vehicles from stopping on Nottingham Road to drop off/pick up directly outside these properties, as such parking would cause a danger for highway users to the detriment of highway safety.

Officer to contact: **Mrs Jennifer Wallis**

25th January 2011