

Reference: 12/00530/FUL
Date submitted: 26.07.2012
Applicant: Westminster Developments
Location: Land adjacent 7 Ashby Road Gaddesby
Proposal: Erection of 5 new build houses



Proposal :-

This application relates to full planning permission for the development of the former petrol station with 5 dwellings consisting of 3 no. two/three (small study) bed terraced dwellings, 1 no. three bed bungalow with detached double garage and 1 no. five bed detached dwelling with 2 storey detached double garage with external staircase to access the office space above. The site sits within a prominent position along Ashby Road and the corner of Church Lane. No 7 Ashby Road has been rebuilt to a modern design and sits within the south corner of the site. The access serving No 7 will serve the development with parking to the rear of the proposed terraced dwellings.

It is considered that the main issues for consideration of the application are:-

- **Compliance within meeting the Borough's Housing Needs**
- **Impact upon the Character of the Area**
- **Impact upon Neighbouring Properties**
- **Impact upon Highway Safety**

The application is presented to Committee due to previous committee involvement.

Relevant History:-

05/00361/OUT – Outline Planning Permission granted for all matters reserved for Residential development of the site.

07/00133/FUL – Planning permission refused for the erection of 5 detached dwellings with detached garages. The proposal included the demolition of no. 7 Ashby Road. It was considered that development would result in an over intensive form of development by virtue of the size and number of dwellings on the site.

08/00631/FUL – Withdrawn - Demolition of existing dwelling and outbuilding and erection of 5 new detached dwellings with associated garaging and 2 new vehicular accesses.

09/00106/FUL – Permitted - Erection of replacement dwelling and garage, with associated access no. 7 Ashby Road.

10/00342/OUT – Outline Planning permission for the access and layout was refused for the erection of 3 large ‘executive’ detached dwellings. It was considered that the three large dwellings proposed would not comply with the borough’s housing needs and were considered to constitute over-development of the site, leading to a cramped form of development with only narrow gaps between the dwellings and the neighbouring properties and no significant open spaces around the dwellings. The proposed development would create an unsatisfactory level of residential amenity for the occupants of the proposed dwellings due to the distances between dwellings and the consequential loss of privacy, and the limited sizes of the private amenity space/rear gardens which is not commensurate with the size of the family dwellings proposed and the form of the development would be detrimental to the visual amenity of the locality and therefore fails to reflect the locally distinctive character or the spacious form of the surrounding development.

12/00028/FUL – Erection of 5 dwellings - Withdrawn

12/00208/FUL – Erection of 5 dwellings was refused due to plot 4 (two storey dwelling at the top of the site) was out of character with the area due to size, scale and mass and constituted a cramped form of development. The dwelling was also considered to have an impact on the privacy, outlook and amenities of the neighbouring properties.

Planning 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 H6: planning permission for residential development within Village Envelopes shown on the proposals map will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

The Melton LDF Core Strategy (Publication) Development Plan document:

The Core Strategy has been published and has come to the of a 6 week consultation period. Seeks to focus development in Melton Mowbray with a small balance (20%) in the surrounding Borough, with expectations to produce mixed, integrated housing developments and meet local needs by addressing identified imbalances in housing stock in all locations.

There are a number of policy objectives contained within the Core Strategy which apply to this proposal and will attract some weight given its close reflection to the NPPF.

CS3 Sustainable Villages:

To qualify as a sustainable village there will have to be at least three public services available to support new housing development. Gaddesby has been identified as a sustainable village and therefore is capable of supporting new infill development.

CS4 Making Effective use of Land: Supports the use of brownfield land which will assist in meeting the target of 50% of development on brownfield land by 2026.

CS5 Strategic Housing: Seeks to manage the delivery of homes to provide a balanced housing market taking into account local needs. Promoting accessible design and apply Lifetime Homes Standards where appropriate to ensure new dwellings are flexible and able to meet the housing of a wider section of society, including people with disabilities and older people.

East Midlands Regional Plan

Policy 1 – Regional Core Objectives – to secure the delivery of sustainable development within the East Midlands which includes a core objective to ensure that new affordable and market housing address the need and choice in all communities in the region.

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

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

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

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.

The National Planning Policy Framework was published 27th March and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict the NPPF should prevail. It also offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

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**
- **encourage the effective use of land by reusing land that has been previously developed (brownfield land)**
- **Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable**

On Specific issues relevant to this application it advises:

Delivering a Wide choice of High Quality Homes

- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.
- Set out own approach to housing densities to reflect local circumstances
- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

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.

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highways Authority: No objections subject to conditions relating to:-</p> <ul style="list-style-type: none"> • Visibility Splays • Widening of the footpath to the front of the dwellings • Gates • Surfacing • Car parking and turning 	<p>The amended proposal has proposed no changes to the highways. Plots 4 and 5 have switched house types. The proposal will utilise the existing access that serves No. 7 Ashby Road which will need to be improved to comply with highway standards. The existing footpath to the front of the site is to be improved and widened to 2 metres and will have proper radii kerbing to the entrance of the site. Each dwelling will have its own allocation of parking with plots 1-3 having</p>

<ul style="list-style-type: none"> • Construction traffic 	<p>parking spaces to the rear of the dwellings within the shared courtyard, whilst plots 4 and 5 both have double garages with parking for 2 vehicles in front. The courtyard area will provide adequate turning facilities to ensure that all vehicles leave the site in forward gear.</p> <p>It is considered that the proposal has adequate parking provisions within the site however concerns have been raised by residents in regards to on street parking in front of plots 1-3 which is perceived as restricting visibility out of Church Lane. There currently is no restriction along Ashby Road and parking is permitted, furthermore the footpath is to be widened with the dwellings set back from the edge of the pavement. The Highways Authority have not objected to the proposal and consider that the development would not cause a detrimental impact upon highway safety and a refusal is not warranted on highway safety grounds.</p>
<p>Parish Council: Objects</p> <p>Highways safety:</p> <ul style="list-style-type: none"> • Lack of visibility out on to Ashby Road • Lack of parking within the site to accommodate visitors • Parking along Ashby Road could lead to a danger for pedestrians especially for school children and families with small children in pushchairs <p>Density of Development:-</p> <ul style="list-style-type: none"> • The large 5 bed dwelling (plot 4) is too large for the size of the overall development 	<p>See above Highway comments. No objections have been raised by the Highways Authority.</p> <p>The proposal seeks to construct 5 dwellings consisting of (plots 1-3) 3 two/three bed terrace dwellings (study shown on plan which could be a small third bedroom) which would be sited to the front of the site between Church Lane and the access to the site. One. 3 bed bungalow (plot 5) repositioned at the top of the site (north) and 1 No. five bed dwelling (plot 4) sitting adjacent No. 7 Ashby road and along the eastern boundary.</p> <p>Planning permission (07/00133/FUL) was refused on the site in 2007 for the construction of 5 dwellings on matters relating to density however they were large executive type detached dwellings with little space around the buildings. Recent planning proposal 12/00208/FUL was refused as it was considered that plot 4 (two storey dwelling at the top of the site) was out of character with the area due to size, scale and mass and constituted a cramped form of development.</p>

	<p>The dwelling was also considered to have an impact on the privacy, outlook and amenities of the neighbouring properties.</p> <p>Plot 4 is a large 5 bedroom dwelling with an overall footprint of approx 205 square metres. It has amenity space around the dwelling having a drive and turning area to the front with private amenity space to the rear. The Council does not have any adopted space standards however there is sufficient space to accommodate outdoor storage for refuse/garden equipment/cycles and provide outdoor drying facilities as required.</p> <p>This amended proposal revises the layout of the dwellings swapping the two storey larger dwelling with the 3 bed bungalow. The proposal still ensures that adequate space between dwellings; proposed and existing, can be provided. It is not considered that the development can constitute an over development of the site given the type of dwellings proposed and all dwellings benefiting from having adequate amenity space, parking and turning available within the site.</p>
<p>Housing Policy Officer – The National Planning Policy Framework (NPPF) recognises that housing should meet the needs of present and future generations (Para 10). The NPPF continues to recognise the importance for local planning authorities to understand the housing requirements of their area (Para 28) by ensuring that the scale and mix of housing meets the needs of the local population. This is further expanded in Para 110 – 113, which follows the principle of PPS3; in seeking to ensure that housing mix meets local housing need.</p> <p>David Couttie Associates conducted a Housing Market Analysis for Melton Borough Council (Housing Stock Analysis 2006-2011; 2006) which clearly demonstrated that there is a surplus of larger private market homes and a significant lack of smaller sized properties within Melton Borough. It was determined that future development should address the imbalance of stock type and size, both by tenure and location to create a more sustainable and balanced housing market. This requires a bias in favour of small units to address both the current shortfall and future demographic and household formation change which will result in an increase in small households and downsizing of dwellings.</p> <p>Within the Rural South of the Melton Borough the study indicated that there is limited need for additional market housing overall, however when</p>	<p>The amended proposal does not alter the proposed house types from the previous application.</p> <p>The development proposes a mix of dwellings which meets the local need, albeit the 5 bed dwelling, however in general the mix is considered to be acceptable and comply with meeting the housing needs as the development offers a choice.</p> <p>Plots 1-3 are two bedroom and have a small study area at first floor which could double up as a small third bedroom however the overall floor space is comparable with that associated with a 2 bedroom dwelling, being less than 85 square metres and therefore even as three bed dwelling they would still be considered to support the Borough’s housing needs. Furthermore, due to being designed as terraced properties they are likely to attract a lower value than detached dwellings making them more affordable.</p> <p>Plot 5 is a bungalow with level access from the parking area. Whilst the floor space is larger than usually required for a 3 bedroom bungalow it still meets the needs of the Borough given it is a bungalow which is a house type that is under provided.</p>

looking at the local mix of properties there is a small need for 2-3 bedroom older people/downsizing accommodation (such accommodation may include level access bungalows) and 3 bedroom sized family homes. The strong need for smaller market housing such as 2 bedroom houses across the borough and no local surplus would support such accommodation in this location as well. The only type of property which is in surplus locally is larger family accommodation, such as executive/detached housing with 4 or more bedrooms. There are limited opportunities within village envelopes for significant new residential developments and therefore residential developments in the area should contribute towards the creation of a mixed community and have regard to local market housing needs.

The application seeks consent for the erection of five residential dwellings; the proposed mix of units is as follows: three 2-bed terrace, one 3-bed detached bungalow and one 5-bed detached house. The large 5 bed detached unit, on its own, it is not in accordance with policy, since it does not meet local housing needs, but given the overall mix of units on the scheme this unit could be deemed acceptable because the other four units provided are in accordance with the policy position and suited to local housing needs.

The Leicester and Leicestershire Strategic Housing Market Assessment (Blinc Housing, 2009, updated 2010) supports the findings of the Housing Market Analysis and states that controls need to be established to protect the Melton Borough (particularly its rural settlements) from the over development of large executive housing, and to encourage a balanced supply of suitable family housing (for middle and lower incomes), as well as housing for smaller households (both starter homes and for downsizing). It goes on to state that the undersupply of suitable smaller sized dwellings needs to be addressed to take account of shrinking household size. The Assessment recognises that if this is not addressed it will exacerbate under-occupation and lead to polarised, unmixed communities due to middle and lower income households being unable to access housing in the most expensive and more sparsely populated rural areas.

Three of the five dwellings indicated on the layout plans are smaller units, another being a 3-bed bungalow suitable for downsizing households or the elderly. These four units are supported since they meet local housing needs. The remaining 5-bed detached unit is not in accordance with policy and

Plot 4 proposes a large 5 bedroom dwelling in excess of 200 square metres and therefore does not support the Borough's objective to readdress the housing market from an oversupply of large executive dwellings. However four of the properties do contribute and the development on the whole will provide a mix of dwellings contributing positively to the housing stock .

An Appeal decision in 2011 (APP/Y2430/A/10/2133982) granted consent for a similar type of development in the village of Harby (2 x three bed semi, 1 x 4 bed detached and 2 five bed detached dwellings). The Inspector considered that the development of 5 dwellings, whilst not fully meeting the local identified need (none of the properties did), considered that the development extended the choice as required by East Midlands Regional Plan policy 1a and provided a mix of size and type of high quality housing which would contribute towards mixed communities.

It is considered that the appeal decision is a material consideration. Whilst the decision was based upon the now withdrawn PPS3 the objectives to meet local housing need is still endorsed within the NPPF.

It is considered that the proposal can provide a choice of dwellings and largely meet the housing needs for the borough and a refusal on housing needs could not be supported in this instance and did not form a reason for refusal on the previous application.

not supported, but on the basis of the development as a whole, with the mix of units predominately supporting local housing need there is little reason to refuse this application on the grounds of housing need.	
Seven Trent Authority <ul style="list-style-type: none"> No objections subject to conditions requiring full plans showing how foul and service water will be managed. 	Noted.

Representations:

A site notice and press notice was posted and neighbouring properties consulted. As a result 3 letters of objection from separate households have been received to date objecting on the following grounds;

Representation	Assessment of Head of Regulatory Services
Highway Safety:- <ul style="list-style-type: none"> The roadside dwellings will encourage parking on the road in front of development and will obstruct views out of the Church Road Junction. This part of Ashby Road is narrow and parking in the road would create a danger on this narrow road Increase in traffic on top of visitors and functions at the church Insufficient parking within the site Could create illegal parking on the path which would create a danger to pedestrians A considerable amount of traffic will be created from the development The footpath is well used by residents parking on the path will cause dangers There will be five new dwellings and consequently an increase in the traffic wanting to turn onto Ashby Road. This is at what is already a difficult junction on a road where traffic regularly exceeds the speed limit One vehicular access for 14 cars, opposite my garage Access road 4.25 metres not wide enough for two emergency vehicles to pass, cars will also be parked on this anyway 	<p>The footpath to the front of the site is to be widened to 2 metres in width and is to wrap around the corner to Church Lane. Plots 1-3 have been set back from the back edge of the highway by a minimum of 0.7 metre and positioned further into the site from Church Lane by 3.5 metres. This arrangement is considered acceptable and to not have a detrimental impact upon highway safety.</p> <p>The pavement at present is narrow and the improvements will provide a better facility for pedestrians. There are no parking restrictions along Ashby Road and should obstruction occur from inconsiderate parking this would be a matter for the police.</p> <p>The Highways Authority has not objected to the proposal and considers that the access is suitable and parking requirements are sufficient for the type of dwellings proposed.</p>
Out of Keeping with the character of the area:- <ul style="list-style-type: none"> Previous application were refused on density which were for less development than proposed as they included no. 7 Ashby Road which has now been built 5 dwellings on this site would be over development which is not in keeping with 	<p>There has been a number of planning proposal for this site which have been refused based on issues with density and impact upon neighbouring properties. Whilst those decisions remain a material consideration for development of this site the nature of the development in terms of size, scale and layout are also factors to be considered. The difference with this current proposal is that the development proposes different house types;</p>

<p>the village of Gaddesby</p> <ul style="list-style-type: none"> Development too intense for the site, the size and scale is not in keeping and impacts upon the setting of the conservation area and will affect the view onto Lukes Church which is a grade 1 Listed Building. The limited sizes of the private amenity space/gardens is not commensurate with the size of the family dwellings proposed and the form of the development would be detrimental to the visual amenity of the locality and therefore fails to reflect the locally distinctive character or the spacious form of the surrounding development 	<p>previous refusals were for large executive family detached dwellings, which in turn were considered to be not suitable for the site due to being so dominant and created impact upon future and existing neighbours which was considered to be unacceptable. Recently a refusal (12/00208/FUL) was issued as it was considered that the large 2 storey dwelling did not respect the character of the area due to its scale, size and massing and would have an impact upon residential amenities of neighbouring properties. This proposal seeks to swap the house types so that the bungalow sits at the highest part of the site with the two storey dwelling sitting along the eastern boundary half way up. The village of Gaddesby is characterised by a mix of dwellings of different sizes. The site is not within a Conservation Area but sits adjacent to it. St Luke's Church is further to the north and it is considered that the proposal would not impact upon the setting of either heritage asset. It is considered that this proposed development represents a mix of size and types of dwellings and should be supported.</p> <p>The proposal seeks consent for three 2/3 bed terrace properties each with a modest footprint of approximately 83 square metres. They have been design to eliminate any potential overlooking to existing and future residents by not having main windows on facing elevations. They are positioned to the front of the site to create a positive street frontage with amenity space to the rear. The principle elevation is stepped with the ridge heights stepping down. Whilst the overall height is proposed at approximately 9.47 metres this is comparable with No. 8 Ashby Road and No. 2 Church Lane and is not considered out of keeping with the streetscene.</p> <p>Plot 4 albeit a large dwelling with a footprint of 204 square metres has been repositioned along the eastern boundary, seeking to remove the impact on no. 2 and no. 4 Church Lane as previously identified by the Planning Authority and previous objectors. The ridge height is comparable with the previous proposal and will be 7.2 sloping to eaves height of 4.3.</p> <p>Plot 5 is a 3 bedroom bungalow with a foot print of approximately 111 square metres. It has been repositioned to the top of the site (north).</p> <p>When viewed from Ashby Road and Church Lane the ridge heights will follow eye level which is assisted with the sloping topography from south</p>
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	<p>to north. The layout of the proposal along with the types and size of dwellings is considered to represent an improvement from the previous proposals and is considered to overcome the recent refusals for the site through sensitive design which is considered to be in keeping with the area. Furthermore the house types better reflect the local housing needs for the borough and provide a level of amenity for future occupiers. The smaller units along with the larger unit is considered to be an efficient use of land and would not constitute as a cramped development when viewed from public advantage points.</p> <p>The NPPF seeks to boost housing growth with a presumption in favour of sustainable development whilst making efficient use of brownfield land. It also emphasis the need to provide housing to meet local needs and promotes design as a key factor for connection of people and places. It is considered that the proposal complies with the objectives of the NPPF which attracts significant weight when considering the proposal.</p>
<p>Impact upon Neighbouring properties:-</p> <ul style="list-style-type: none"> Plot 4 and 5 will over bear nos. 2 and 4 Church Lane affecting their amenity as will no 9 Ashby Road 	<p>This proposal has amended the layout from that previously refused (12/00208/FUL). Plots 4 and 5 have been relocated , removing the large two storey dwelling from the top of the site and replacing with the bungalow in order to address the previous refusal on impact upon neighbours.</p> <p>Plot 4 is the two storey large dwelling which will now sit along the eastern boundary, centrally located within the development site. The principle elevation will face out into the development site looking onto the rear of no. 2 Church Lane set apart by a distance of 12 metres however there are no habitable windows facing on to the proposal. No 4 Church Lane is a bungalow with rooms in the roof space with the detached garage. This property sits further to the northeast of plot 4 at a distance 18.5 metres (corner to corner) and it is considered that this relationship is acceptable and will not cause any overlooking due to the orientation of the dwellings.</p> <p>Plot 5; now the bungalow, will sit slightly higher than no. 2 Church Lane and is positioned further to the west. Replacing the two storey dwelling with a bungalow has removed any overbearing impact no 2 or no. 4 church Lane which was a reason for refusal on the previous proposal. The separation distances are adequate and the single storey dwelling on higher land level ensures that</p>

<ul style="list-style-type: none"> Noise disturbance from the proposed parking areas will be an issue on no. 2 Church Lane as there are 1st floor windows. Plots 1-3 are too close to the road and will overlook no. 8 Ashby Road 	<p>it will not create an over bearing nature and will not have a detrimental impact upon the residential amenities of the neighbouring occupiers.</p> <p>There are parking areas to the east of No. 2 Church Lane which will have a landscaped area between. There may be some noise resulting from activity within the site but this would be comparable with road noise and is not considered to have an unduly detrimental impact upon residential amenities.</p> <p>The separation distances from plots 1-3 with no, 8 Ashby road which sits opposite the highway is considered to be more than adequate to not have a detrimental impact. It is therefore considered that there will not be detrimental impact upon the residential amenities of residents of no. 8 Ashby Road.</p>
<p>Contamination:-</p> <ul style="list-style-type: none"> The petrol tanks are still in the ground and will require expert removal. There is asbestos on the site 	<p>Noted. A condition will be required to ensure contamination is dealt with in an appropriate manner.</p> <p>The asbestos on the site is cement bonded asbestos corrugated sheeting and a permit would not be required for its removal but would need to be disposed of responsibly.</p>
<p>Planning Policy:-</p> <ul style="list-style-type: none"> No changes to the current application which have not overcome previous reasons for refusal. The application is still contrary to the councils own planning policies OS1, BE1, PPS1, PPS3 and PPS7 	<p>It is considered that there have been sufficient amendments to the current proposal to ensure that the development will respect the character of the area and not have a detrimental impact upon the residents. Policy OS1 and BE1 seek to ensure that development respects the character of the area and that there would be no loss of residential amenities and satisfactory access and parking provisions can be complied with. It is considered that the proposal achieves these objectives and no longer warrants a refusal.</p> <p>In regards to National Policy the previous PPS's have been removed and replaced with the National Planning Policy Framework. The proposal seeks to provide housing in the village of Gaddesby which is considered to be suitable for infill development to support local housing needs. The dwellings proposed provide a choice of housing and will contribute to mixed communities.</p> <p>The application needs to be consider in terms of the Development Plan as a whole and the NPPF is required to be balanced against the need for Local</p>

<ul style="list-style-type: none"> • Only the front of the site can be considered as brownfield as the rear of the site was formally residential garden area 	<p>Planning Authorities to support the delivery of housing. It is considered that the NPPF is not in conflict with the local plan policies which directs housing within the village envelopes and seeks to safeguard the character of the area and impact upon residential amenity.</p> <p>The site in its present form provides no contribution to the village of Gaddesby nor does it respect the setting of the Conservation Area. Development of the site can only seek to enhance the village. The site represents brownfield that is within the village envelope and is therefore considered suitable for development.</p>
<p>Other Matters:-</p> <ul style="list-style-type: none"> • Little change to warrant the council to come to a different conclusion to that considered earlier this year • No. 8 Ashby Road has an ancient covenant upon the proposed development • The compass points on the plans are not correct and the statements says the site rises west to east when it is south to north. • If plans are passed would a new owner have to adhere to them or could he apply for a design of his own? • Development will devalue Nether House. 	<p>The proposal seeks to address the reason for refusal based upon the impact upon the neighbouring dwellings and impact upon the character of the area due to the size, scale and mass being out of keeping. Substituting the two storey dwelling with the bungalow has removed the impact upon the neighbouring properties and has reduced the impact upon the character of the area. Re-siting the two storey dwelling to the middle of the site ensures that the ridge height is in line with the whole development when viewed from the highway. It no longer commands a prominent position and it is considered that the amended proposal is more in keeping with the character of the area and a refusal could not be sustained.</p> <p>Noted. This issue is not a planning consideration.</p> <p>The compass point clearly shows the direction of north which is consistent with the ordnance survey map. The site rises dramatically from north to south but also rises from west to east.</p> <p>Development would be required to adhere to the plans as approved <u>unless</u> further planning applications were submitted.</p> <p>This is not a planning consideration. Planning is to control the use of land in the public interest and cannot protect a persons' private interest.</p>

Conclusion

The application proposes a development of five residential dwellings on a former petrol station site (brownfield) that is located in the middle of the village. The site lies outside of the Conservation Area but is adjacent to it, however, the design of the dwellings are considered to be of a high standard taking into account the local distinctiveness and is respectful to the character of the area. The house types proposed meets the identified local need, apart from the larger 5 bedroom dwelling, however the mix does increase the choice of housing which will contribute to mixed communities. The scheme provides satisfactory highway improvements and has adequate parking for future residents. The proposal is considered to accord

with the development plan policies and to have overcome previous reasons for refusal. Accordingly the application 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. Development shall be carried out in accordance with plan drawing nos. 6128P 100D, 6128P 101B, 6128P 102B, and 6128P 103B unless otherwise agreed in writing by the Local Planning Authority.
3. No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.
4. The approved landscape scheme (both hard and soft) 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.
5. No development shall commence on site until provision has been made for the satisfactory disposal of foul and surface water from the site in accordance with a scheme which shall first have been submitted to and approved by the Local Planning Authority.
6. Before building works commence, minimum visibility splays of 2.4 metres by 45 metres shall be provided in each direction out of the access on to Ashby Road and Nether End. 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
7. The proposed vehicular access shown on Drawing No. 6128P 100D, including the provision of the junction radii, turning facilities, the pedestrian visibility splays and 0.5 metre wide clear margins on each side, shall have been provided before any dwelling is first occupied and shall thereafter be permanently so maintained.
8. Before first use occupation of any dwelling hereby permitted, the existing footway fronting the site shall be widened to a minimum width of 2 metres in accordance with Highway Authority standards, the details of which shall first have been submitted to and approved by the local planning authority.
9. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.
10. The gradient of the access drive shall not exceed 1:12 for the first 5 metres behind the highway boundary.
11. 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.

12. Before the development hereby permitted is brought into use, the hedge fronting the site shall be reduced in height and maintained in perpetuity at a maximum of 0.6 metres above the level of the adjacent carriageway. Any new or replacement hedge shall not be set with, nor allowed to grow to a height exceeding 0.6 metres above the level of the adjacent carriageway and thereafter shall be so maintained.
13. For the period of the construction, the applicant shall take measures to ensure that the highway is kept free of mud, water, stones etc, in accordance with details that shall have first been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
14. 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.
15. The car parking (including garaging) and any turning facilities shown within the curtilage of each dwelling shall be provided, hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.
16. Before first occupation of any dwelling, the approved shared access drive serving the development shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
17. 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 replacement dwelling hereby permitted no development as specified in Classes A, B, C with the exception of C.1. (c) (ii), D or F shall be carried out unless planning permission has first been granted by the Local Planning Authority
18. In the interests of pedestrian safety.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt; the initial proposals being considered unsatisfactory.
3. To ensure satisfactory landscaping is provided within a reasonable period.
4. To provide a reasonable period for the replacement of any planting.
5. To ensure satisfactory landscaping is provided within a reasonable period.
6. To afford adequate visibility at the access in the interests of highway safety.
7. In the general interests of highway safety.
8. 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.
9. To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety

10. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.
11. 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.
12. To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users.
13. 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.
14. 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.
15. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
16. To allow the local planning authority to retain control over the development site in the interest of residential and visual amenity

Officer to contact: Mrs Denise Knipe

Date: 17.09.12