

Committee date: 10th June 2010

Reference: 10/00268/EXT
Date submitted: 15.04.2010
Applicant: The Belvoir Estate
Location: Home Farm, 11 Main Street, Branston
Proposal: Extend to the time limit for implementation for the erection of 2 dwellings, one new garage and conversion of existing building into garage, planning approval 07/00493/FUL

Proposal :-

This application relates to the extension of time of a previously approved scheme granted in June 2007 under application reference 07/00493/FUL. The previous application related to the erection of a pair of semi detached dwellings with detached garages. The application also proposed the erection of a new triple garage serving plot 2 and the conversion of existing outbuildings to a garage serving plot 1. The dwellings are to be accessed from Main Street via an altered access to serve the existing dwelling, Home Farm, and the proposed dwellings. The site is situated within the designated village envelope and Conservation Area for Branston.

The application is presented to Committee because of the history of the site.

Relevant History:-

10/00269/EXT Extension of time limit for implementation relating to Conservation Area Consent to demolish an existing wall to provide for an altered access previously approved 07/00496/CON has been received by the Local Planning Authority and is currently under consideration.

07/00493/FUL Erection of 2 dwellings, one new garage and conversion of existing building to garage granted 13th June 2010.

07/00496/CON for the demolition of existing wall to provide for an altered access granted on the 25th June 2010.

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 says 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. 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 objectives.

PPS 7 - says that development in the rural areas should be allowed, as long as it is carefully sited within existing towns and villages, benefits the local economy and/or community, maintains or enhances the local environment; and does not conflict with other planning policies. Specifically, new development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled. PPS7 recognises that some limited development should be allowed in, or next to, rural settlements that are not designated as local service centres, but these should generally be small scale. PPS7 says that the focus for most additional housing in rural areas should be on existing towns and identified service centres to promote more sustainable patterns of development and make better use of previously developed land. New house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans should be strictly controlled.

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.

Adopted 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 :- residential development within village envelopes will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

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 Core Strategy states that new development should be of high quality and inclusive design.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Highway Authority – comments are the same as the previous application.	The Highway Authority commented on the previous application in 2007 and stated that the proposed access lacks suitable visibility splays and under normal circumstances would be resisted by the Highway Authority. However, the site use to be a working farm and as the proposal does include

	improvements to the existing access, the Highway Authority are prepared to look favourably upon the proposal subject to the imposition of conditions. In view of the previous comments and approval on the site a refusal on highway grounds would be difficult to sustain
Croxton Kerrial and Branston Parish Council - do not wish to make any objections or observation to the proposed application	Noted
Severn Trent Water – has no objection to the proposal subject to the imposition of a condition relating to drainage plans for the disposal of surface water and foul sewage.	Noted, a condition can be imposed.
Conservation Officer - remains supportive of this application to build 2 dwellings in the vernacular style and matching materials of the barns and associated outbuildings in the vicinity.	Noted
<p>Ecology – records show that bats and several birds of conservation concern, including barn owl, have been recorded in the area. Therefore, we recommend that surveys for barn owl and nesting birds be undertaken on the building to be converted into garaging. Should works to the roof of the building be proposed, or if there is an enclosed roof space, we recommend that it be surveyed for the presence of bats.</p> <p>Any clearance of scrub or trees should be undertaken outside of the bird-breeding season - i.e. work to commence between September and end of February.</p> <p>Our maps show that this application will have no impact on any designated sites of ecological importance.</p>	Noted, consent exists on the site for the works and this could be undertaken without requiring an ecology survey. It is considered that taking into account the permission on the site that a watching brief be maintained throughout the development for protected species. This could be imposed by a condition.

Representations:

A site and press notice was posted and neighbouring properties consulted. As a result no letters has been received at the time of drafting the report. ,

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 Branston 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</p>	<p>The application presents a conflict between the approach of the Local Plan and the policy content of more recent national guidance in PPS1 and PPS3 and the emerging core strategy. Branston is identified as a Category 3 village in the Core Strategy Preferred Options statement which is a</p>

<p>development within existing settlements and 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. 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>village identified as having limited facilities. The application in 2007 was reported to the development committee as being a site located in an isolated village with severely limit facilities. The community facilities within the village are restricted and the reliance is heavily on the motor car. The application was recommended for refusal by the Officer but Members at the time were mindful to approve the application.</p> <p>The application process for making extensions of time applications was implemented through the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009. Guidance in relation to extension of time applications, "Greater Flexibility for Planning Permission", clearly states that the application process is not a 'rubber stamp' and 'Local Planning Authorities may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably'.</p> <p>This application proposes to extend the time limit of the permission for a further three years. The proposal is still considered to be in an unsustainable location and on the basis of national policy PPS1 and PPS3 is unlikely to be supported. However, as there has been no significant change in Policy since the application was approved in June 2007 it is not considered that it would be reasonable to recommend refusal on this basis in light of the previous Committee decision.</p>
<p>Impact on the character and appearance of the area.</p>	<p>There are no alterations to the proposed siting or design of the dwellings.</p> <p>The application in 2007 proposed the erection of a pair of semi-detached four bedroom dwellings with separate garages. The dwellings have been designed to reflect the style of the existing outbuildings to Home Farm and proposes traditional materials such as natural ironstone, brick quoins and lintels and pantiles to the roof. The proposed and converted garages have been designed to reflect the existing outbuildings and character of the village. The proposed buildings replicate existing architectural features such as the half-hipped pantile roof and brick window heads. The design of the proposed dwellings are considered to be acceptable and will respect the character and appearance of the surrounding area. The agricultural buildings within the site which will be demolished as part of the proposal add nothing to the character and appearance of the Conservation Area. It is considered that the proposal would enhance the</p>

	<p>character and appearance of this part of the Conservation Area.</p> <p>It is not considered that this development would be out of keeping with the general character of the locality.</p> <p>The application proposes the alteration to the existing access off Main Street which currently serves No. 11 and the existing farm buildings within the site. The proposal involves the repositioning of the access and the removal and rebuilding of the ironstone wall to the frontage of the site and the demolition of walls within the site. Conservation Area consent is sought for the removal of the wall to Main Street. Ironstone walls are a prominent feature in Branston and the removal if the wall is likely to alter the character of this part of the streetscene and Conservation Area. Although a section of wall is to be removed a new wall is to be built to the access and closing part of the existing access. If existing materials are reused and the style replicated then stone walling will still be evident in this location limiting the impact of the proposal. Therefore, it is not considered that the alterations to the access would be detrimental to the character of the streetscene or the Conservation Area.</p> <p>It is still considered, despite the time lapse, the proposal would not adversely affect the character of the streetscene and would enhance this part of the designated Conservation Area.</p>
<p>Impact on adjoining residential properties</p>	<p>There are no alteration proposed to the siting of the dwellings.</p> <p>The application in 2007 was assessed in relation to the neighbouring properties. The pair of dwellings would be sited to the rear of a large detached barn forming a courtyard to the rear of Home Farm. The barn in effect screen the proposed dwellings from the rear elevation of Home Farm and the proposal would be some 29 metres from rear of Home Farm. To the north of the site is the parking area/beer garden to the adjoining public house and to the south of the site is the rear garden area of No. 9 Main Street. The proposed development is some 40 metres from the rear of No. 9 Main Street and partially screened by an existing outbuilding. The proposed access to the dwellings would adjoin the boundary to No. 9 Main Street, however, part of the garden to No. 9 separates the access from neighbouring property and there is already an existing access to the site serving Home Farm and previous farm yard. To the west of the site is open countryside. Therefore, it is not considered that the</p>

	proposed dwellings would adversely impact on the amenities of adjoining properties.
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Conclusion:

This application relates to the extension of time of a planning approval granted in June 2007. This application proposes to extend the time limit by three years and does not propose any amendments to the previously approved scheme. Guidance in relation to extension of time applications clearly states that the application process is not a ‘rubber stamp’ and ‘Local Planning Authorities may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably’. There has been no relevant changes in planning policy or other relevant material considerations since approval was granted in June 2007 and therefore in light of this and the previous decision of members the application is recommended for approval.

RECOMMENDATION:- Permit, subject to the imposition of 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. 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. 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, C, and E shall be carried out unless planning permission has first been granted by the Local Planning Authority.
6. Before development commences the proposed visibility splays shown out of the shared private access drive by realigning the wall, shall be carried out, and any obstruction that exceeds a height of 0.9 metres above the level of the adjacent carriageway shall be removed and thereafter these splays shall be permanently kept clear of any obstruction that exceeds a height of 0.9 metres above the level of the adjacent carriageway.

7. No development shall commence on site until such time as a scheme for parking and turning facilities for the existing farmhouse have been submitted and approved by the Local Planning Authority. These facilities shall then be provided, hard surfaced and made available for use before either of the proposed dwellings have been occupied and shall thereafter be permanently so maintained.
8. The proposed shared private access drive shown serving the site shall be provided as shown on the submitted plans, and shall be surfaced in tarmacadam, concrete or other similar hard bound material for a minimum distance of 5 metres from the highway boundary before either of the proposed dwellings is first occupied, and shall thereafter be permanently so maintained.
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 10 metres behind the Highway boundary and shall be hung so as to open inwards only.
10. Before first use of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the Highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.
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. The existing vehicular access shall be closed permanently within one week of the new access being brought into use and the existing vehicular crossings reinstated to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.
13. The car parking and 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.

Reasons

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 satisfactory landscaping is provided within a reasonable period.
4. To provide a reasonable period for the replacement of any planting.
5. To enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed.
6. 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.

7. 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.
8. In the general interests of Highway safety.
9. 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.
10. In the interests of pedestrian safety.
11. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.
12. To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.
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.

Officer to contact: **Mrs Jennifer Wallis**

28th May 2010