

Committee date: 25th November 2010

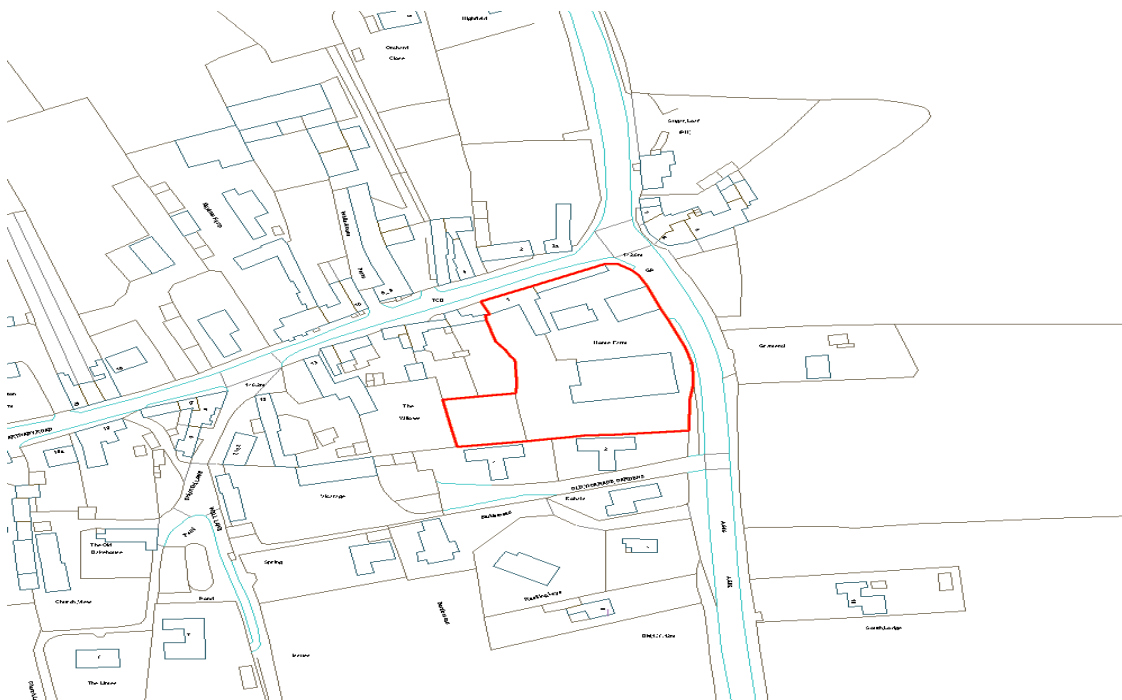
Reference: 10/00656/FUL

Date submitted: 31.08.10

Applicant: Hayward Exclusive Homes Ltd

Location: Home Farm, 1 Wartnaby Road, Ab Kettleby

Proposal: Construction of 7 new dwellings and the rebuilding of an existing double garage/studio and new access



Proposal :-

The application seeks planning permission for 7 dwellings within the village envelope of Ab Kettleby.

The site was formerly an agricultural site in the defined village envelope for Ab Kettleby. The westernmost part of the site lies within the designated Conservation Area and part of the site lies within the curtilage of a Listed Building. The site is currently occupied by substantial barns and a mix of hardstanding and domestic garden. The application proposes the erection of 3no. two bed terraced properties, 2no. 3 bed properties and 2no. 4 bed properties. The site is proposed to be access off a single point of access from Melton Road, the A606

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

- **Principle of the use in the village envelope**
- **Impact on adjoining properties**
- **Impact on the Conservation Area and setting of a Listed Building**
- **Highway Safety**

The application is presented to Committee due to the number of representations received and the history associated with the site.

Relevant History:-

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. Long Clawson is now identified as a Rural Centre (Category 1) village with a good range of local community facilities and regular public transport and is suitable for some housing development to meet local need and help retain services and facilities.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority – the Highway Authority objected to the proposal on the grounds that it was unacceptable as it does not provide adequate visibility splays out of the site access, out of the adjacent road junction and forward visibility splays to right turning traffic. The layout also lacks adequate turning provision to enable all vehicles to enter and leave in a forward direction. The layout is also likely to lead to parking within the A607 to the detriment of highway safety. As such the proposal is likely to lead to additional dangers to the detriment of highway safety.</p> <p>An amended plans was submitted on the 09/11/10.</p> <p>Comments on amended plans; Alterations to the footway on Nottingham Road have been shown on the plan along with alterations to the way the visibility splays are to be provided which are now acceptable. Internal alterations to provide a bin store, improved turning and low railings to prevent/deter pedestrians walking straight out of the dwellings fronting on to Nottingham Road on to the highway, are now also shown to highway satisfaction. Therefore 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. Amended plans were submitted 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 - Cllrs are opposed to this application.</p> <p>Firstly the proposed access and the bringing forward of plots 5,6 and 7 does not improve visibility from Wartnaby Road to A606 as on the previous application and does in fact restrict visibility from both areas.</p> <p>Secondly the change on plot 1 from a bungalow to a house is unacceptable. The proposed house would be over powering on surrounding properties and would be very close to existing properties boundaries. It would be intrusive on the area which is of course in the conservation area.</p>	<p>The highway authority had some concerns with regards to visibility and amended plans have been submitted to overcome them. The access for seven houses already has planning approval and the proposal is considered acceptable in highway safety terms. With regard to the existing Wartnaby Rd/A606 junction, the proposals include removal and replacement of the existing boundary wall with resultant improvement to the visibility to this junction.</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 proposed bungalow had a height of 4.5 metres and was sited further into the site than the proposed dwelling. A number of</p>

	<p>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>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 and the roof materials have not been specified so a material condition would be required.</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>That said having recently visited The Willows, a grade II listed building adjacent the site there are some concerns that its setting will be compromised by the close proximity of substitution 1½/2 storey building (for single storey) on plot 1 (formerly plot 4). It may be prudent to revert to the previous plot layouts.</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>The scheme proposes the erection of a one and a half/two storey dwelling to the rear of the site, plot 1. The previous approval was for a single storey dwelling in this location (previously plot 4). The proposed dwelling would be some 31 metres from the rear of The Willows, No. 13 Wartnaby Road and would be separated by existing boundary treatments and private gardens. Due to these distances involved 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 applicant should provide for an appropriate level of archaeological investigation and recording. This should consist of a programme of</p>	<p>Noted, this can be imposed by means of a condition</p>

<p>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>Contaminated Land The application involves the change of use from agricultural use, that of a farm yard to residential. Having regard to the potential for farm yard activities to give rise to contamination of the soil, it is recommended that an investigation of the site is carried out</p> <p>Noise and Vibration</p> <p>The application involves the construction of residential dwellings in very close proximity to a main road, accordingly it is recommended that a noise assessment is undertaken having regard to Planning Policy Guidance Note 24 and depending on the result of that survey appropriate design features be incorporated in the design of the properties. Similarly it is recommended a survey is carried out to determine the extent to which properties may be subjected to vibration from traffic</p>	<p>Noted, this could be imposed by means of a condition.</p> <p>While the comments of the Environmental Health Officers is noted, the fact that an extant permission for seven dwellings in similar positions exists which could commence on the receipt of reserve matters approval. Therefore, in this instance it is not considered reasonable to request such surveys.</p>

and again depending on the result of that survey appropriate design features be incorporated in the structure of the properties.	
--	--

Representations:

A site notice was posted in line with consultation procedures; as a result 12 letters of objection from 9 households have been received. Two additional letters have been received in relation to amended plans. The letters are summarised below;

Representation	Assessment of Head of Regulatory Services
<p>Development in the Conservation Area</p> <p>Planning permission was granted in 2007 for a single storey plot within the Conservation Area (now Plot 1), this proposal is to build an obtrusive and dominant two storey house on an attractive, old, walled garden which lies within the Conservation Area.</p> <p>The ideal way to enhance the Conservation Area would be to proceed with the demolition of the run down steel buildings whilst protecting the conservation walled garden completely. If any development is allowed it is incumbent upon the Planning and Conservation Departments to minimise the effects on the surrounding Conservation Area. The previous approval for single storey would still seem to be the best solution.</p> <p>The redesigning of Plot 1 has not taken into account the surrounding dwellings and listed buildings. The siting of a two storey house less than 2 metres from existing properties is not taking any regard to the Conservation 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 previous approval included a single storey dwelling sited in the now proposed location of Plot 1. This application now proposes a 1 ½/2 storey dwelling in the location of the previously approved bungalow which lies within the designated Conservation Area for Ab Kettleby. The siting of the unit has changed and it now lies further into the site to the east and would be 12 metres from the western boundary of the site. The unit would be 2.8 metres to eaves to the southern elevation raising to a height of 6 metres to the south and a eaves height of 4.2 metres and ridge height of 7 metres to the north. The applicant has stated that the dwelling has been designed to cover less floor area than the approved bungalow and has been designed to be more appropriate to the Conservation Area. 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>In response to this, it is considered that the design of the dwelling is more traditional than a single storey dwelling and so is the proposed 45 degree pitch of the proposed roof. It is considered that the design is more appropriate and would preserve the appearance of the designated Conservation Area.</p>
<p>Site Plan</p> <p>The plans on line do not give sufficient details of the properties directly neighbouring the proposed development site and could be interpreted as being misleading. For instance The Willows, 13 Wartnaby Road, a property directly borders plot 1 and is not shown at all.</p>	<p>The neighbouring properties are identifiable on the OS plans and the impact on neighbours is assessed against plans submitted, OS plans and the Officers site visits. The location plan submitted with the application clearly shows the proposal in relation to neighbouring properties.</p>

<p>Access</p> <p>Compared to the 2007 approval there has been a redesign of the access to the site and the layout of plots 2 -7. There is a road safety concern regarding the access to this development as it involves a difficult 'blind' corner on the busy A606 between Melton and Nottingham.</p> <p>The number of properties proposed is likely to lead to problems with roadside parking.</p> <p>The proposed increases the capacity for residents to even greater numbers and, consequently, the potential for greater vehicle numbers and, consequently, the potential for greater vehicle movements. The access to the overall estate is in an extremely dangerous position and is a catastrophe waiting to happen.</p> <p>The amount of traffic would be increased on entering and leaving the development.</p> <p>This is a case for effective traffic-calming measures to be taken on this main road as traffic does not observe the 30mph limit.</p> <p>Visibility is extremely restricted when turning right out of Wartnaby Road towards Melton Mowbray and the egress of additional vehicles from the Home Farm site can only result in a greater threat of accidents than which already exists.</p> <p>Plot 1, as a four bed dwelling, will put an additional strain upon traffic movements within the development.</p> <p>Home Farm is planning to increase its accommodation by adding a studio flat (10/00678/LBC) which again puts strain on the site.</p> <p>Comments on amended plans; Little change other than the verge on the main A606, the access in and out is still extremely dangerous and visibility towards the bend at the junction of the A606 and Wartnaby Road has not changed. With the increase amount of traffic due to the new residents and associated services that will be entering and exiting the site this access will inevitably become an accident black spot if it is allowed to progress.</p>	<p>Commentary in relation to the proposed access and highway safety is contained above within the report. This application proposes seven units off a single access onto the A606, the same as the previous extant approval. Whilst the highway authority has expressed a view that they would prefer to see greater visibility by moving the access slightly they have conceded that this would not be sufficient for grounds for refusal. The applicant has amended the scheme to include improvements to the footway, turning and pedestrian access and the highway authority are satisfied with the proposal. The scheme provides sufficient off street parking and it is not considered that the development would have a detrimental impact on highway or pedestrian safety.</p>
--	--

<p>Impact on the village</p> <p>The removal of some of the newer agricultural buildings would enhance the appearance of the village. However, it would only improve the appearance of the village from the main Melton to Nottingham Road (A606), the buildings in question cannot be seen from the main body of the village.</p> <p>Plot 1 is too large amongst the surrounding properties and will in no way be in harmony with them. In a Conservation Area it will not be inkeeping.</p> <p>The development apart from Plot 1 will improve the village and does not harmonise with the surroundings. Plot 1 will be too imposing and overwhelm surrounding properties and gardens.</p> <p>Loss of beautiful old trees will be a loss to the environment.</p>	<p>Noted, 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 and Listed Building</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. An assessment of the Conservation Area and the impact of Plot 1 has already been considered within the report.</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. 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.</p>
<p>Impact on neighbouring properties</p> <p>The new plans will have a profound and detrimental effect on neighbouring houses, the change from the previous plan will have most serious effects on those properties bordering plot 1.</p> <p>Visual intrusiveness, loss of privacy, and light</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 majority of the objections relate to the changes to Plot 1 from the previously approved scheme (formerly plot 4).</p>

<p>deprivation directly affect at least five of the neighbouring properties, four of which are within the Conservation Area.</p> <p>Plot 1 will be dominant and oppressive.</p> <p>Privacy – loss of privacy to The Willows, 13 Wartnaby Road. A major refurbishment at The Willows is about to be completed. The design was in agreement with the Conservation Officer and Planning Officers. Of particular note is the inclusion of a large, glazed, oak framed extension which lies in an elevated position and which opens onto the main living area in the property. The proposed new build would result in direct overlooking with little prospect of privacy in any part of the main room. In addition to this an adjacent ground floor and first floor room would be directly overlooked. Nearly all of the garden would be directly overlooked. The first floor windows of Plot 1 will have unimpeded views through the main living area of The Willows.</p> <p>Plot 1 will impinge on the privacy and outlook from the garden of No. 3 Wartnaby Road.</p> <p>Plot 1 will directly overlook the garden of No. 7 Wartnaby Road resulting in the loss of privacy.</p> <p>Plot 1 was originally a bungalow which now is a 4 bed house which towers over The Cloister, Old Vicarage Gardens, depriving lights from the bathroom, dining/kitchen room, dining room and lounge. The development would totally change the character of the property and affect the quality of life in the bungalow.</p> <p>The upstairs window to Plot 1 will overlook the garden of The Cloisters and deprive of privacy.</p> <p>Plot 1 will impinge on the privacy of The Old Vicarage, a Listed Building, as it will be built next to the wall of this property and overlook the house and gardens.</p> <p>The previous design minimised intrusion onto neighbouring properties.</p> <p>The proposed design of Plot 1, a large 4 bedroom dwelling, occupies virtually the whole dimension of the plot, presenting double height walls to within a few metres of neighbouring houses and would overlook private aspects of a least four neighbouring properties.</p> <p>The windows to Plot 1 will be visually intrusive for a number of adjacent properties which it will</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 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>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 changed to a 1 1/2 storey rising to two storey dwelling. The siting of the unit has changed and it now lies further into the site to the east and would be 12 metres from the western boundary of the site. The unit would be 2.8 metres to eaves to the southern elevation raising to a height of 6 metres to the south and a eaves height of 4.2 metres and ridge height of 7 metres to the north. The proposed dwelling would be sited some 31 metres from the rear elevation of The Willows, 13 Wartnaby Road and whilst concern has been expressed with regards to an elevated principle ground floor window this distance is considered sufficient so as not to adversely impact on the privacy of this dwelling.</p> <p>Concern has also been expressed with regards to privacy to neighbouring gardens, particularly on</p>
--	--

overlook. It is too large, too close to the boundaries, windows overlook and it will over-dominate the plot, resulting in substantial visual intrusiveness.

Wartnaby Road. The proposed dwelling has a first floor ensuite obscurely glazed window on the north elevation to the gardens of No's 3, 5 and 7 Wartnaby Road. The first floor rear bedroom windows would be angled away and views to the gardens of these properties would be limited and not considered to view private amenity space, that closest to the dwellings. There would be views to the rear of the garden to The Willows but the property would be some 12 metres from the shared boundary which is considered a sufficient distance. **The siting of Plot 1 is not considered to unacceptably impact on the privacy of properties on Wartnaby Road.**

To the south of plot 1 is a detached bungalow, No. 4 Old Vicargae 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, and whilst it has a steeper roof pitch it would not reach its maximum height until it is 7.2 metres to the north of the bungalow (of this wing). The full height of the dwelling, 7 metres, is over 16 metres away. The proposed ridge height is only 1.5 metres above the ridge heights of the adjoining bungalow.

The applicant has stated that the proposed roof structure is not higher or more extensive than it would be if there were no living space within it. The design simply makes use of roof space that would be created following the use of the correct roof pitch. The dwelling has been designed to have a 45 degree roof pitch to be in keeping with the Conservation Area and as such creates space within the roof. There are not windows, except two roof lights, at first floor facing No. 2.

The floor level of Plot 1 has been reduced by 300mm to reduce the overall impact of the proposal. However, they have stated that to reduce it further would create difficulties with regards to drainage gradients and suitable connections into existing

	<p>drains on the A606.</p> <p>Due to the proposed height of the property, 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>Concern has also been expressed with regards to privacy The Vicarage, however, the distance separations involved and orientation is such that the proposal is not considered to impact on the amenities of this property.</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 future occupants of the properties.</p>
<p>Housing need</p> <p>The requirement of the village is for young and older members of the community who currently find it difficult to stay within the village. To this end the original submission for a single storey dwelling on plot would be more suitable.</p>	<p>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.</p>
<p>Impact on Listed Building</p> <p>The Willows is a grade 2 listed building which directly and closely border plot 1. The proximity does not comply with PPS5, specifically HE10 which deals with the environment around a listed building.</p> <p>The East aspect from The Willows towards the new development at the moment is very attractive comprising mature trees, for this to be replaced with a new intrusive building is not in line with PPS5.</p> <p>A large modern building in close proximity to Listed Buildings is felt to be inappropriate and undesirable. The construction of a large house so close to a listed building will have a negative impact. Particularly Home Farm house and The Willows.</p>	<p>The site has a number of listed buildings surrounding the site, including the host dwelling, Home Farm.</p> <p>An assessment on the setting of Home Farm and The Willows is detailed above in the report. The development is considered acceptable in relation to Home Farm and the distance separations involved in relation to The Willows and the Old Vicarage are considered sufficient and the proposal would not impact on the setting of these properties.</p>
<p>Amended plans</p> <p>The amendments only involve the access and therefore all objections still stand.</p>	<p>Noted.</p>

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 within 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 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>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 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>Building for life assessment</p>	<p>Under the building for life assessment the scheme for 7 dwellings meets the Councils target. The scheme does not 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.</p>

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. Considerable 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. These issues have been assessed in the report and it is considered that due to distance separations, design 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 2010.037-001 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. No development approved by this planning permission shall be commenced until:
 - a) A desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) of the site for all potential contaminant sources, pathways and receptors shall be produced.
 - b) A site investigation has been designed for the site using the information obtained from the desk study and any diagrammatical representations (Conceptual Model). This shall be submitted to and approved in writing by the Local Planning Authority prior to that investigation being carried out on site. The investigation must enable a risk assessment to be undertaken relating to ground and surface waters both on and off the site which may be affected, and refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirements.
 - c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been completed.
 - d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This shall be approved in writing by the Local Planning Authority prior to that remediation being carried out on site.

Prior to the commencement of the main site works, the approved remediation works shall be completed in accordance with the approved Method Statement to the satisfaction of the Local Planning Authority. 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 amended plans deposited with the Local Planning Authority on the 8th November 2010 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 Wartnaby 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.

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.

Officer to contact: **Mrs Jennifer Wallis**

15th November 2010