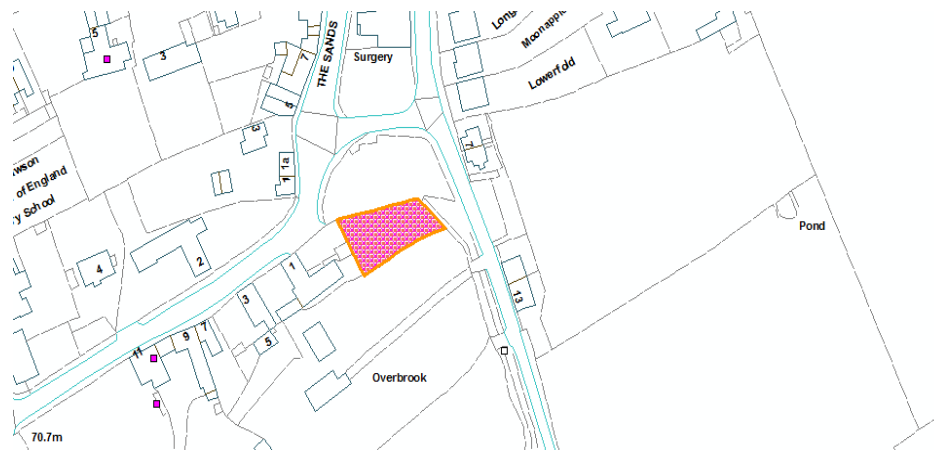


Reference: 14/00870/FUL
Date submitted: 24 October 2014
Applicant: M Timberlake
Location: The Old Star Inn, 1 Back Lane, Long Clawson
Proposal: Development of a two storey private dwelling



Introduction:-

The application comprises the erection of a detached two bedroom dwelling on part of the garden of The Old Star Inn, Back Lane, Long Clawson. The two storey dwelling would be sited to the east of the former public house and to the south of the children's play area. The dwelling would be accessed off Mill Lane and would require the culverting of the ditch adjacent to the highway.

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

- **The principle of development;**
- **The visual impact on the site and surroundings;**
- **The impact on the residential amenities of occupiers of neighbouring properties;**
- **Highway Safety;**
- **Flood risk.**

The application is to be heard by the Development Committee due to the number of letters of objection received. Members may recall that this application was deferred from the Planning Committee on the 12th March to address concerns over drainage. The issues raised are addressed within the report.

Relevant History:-

There is no relevant history.

Development Plan Policies:

Melton Local Plan (saved policies):

Policies OS1 and BE1

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 BE12

Policy BE12 states permission will not be granted for development within a protected open space except where a proposal is in conjunction with an existing use and the development would not adversely affect the intrinsic character of the area.

National Planning Policy Framework – Introduces the ‘Presumption in favour of Sustainable Development’ and states that development proposals should be approved if they accord with the Development Plan, or, if it is out of date or does not address the proposal, approve proposals unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits,
- specific policies in this Framework indicate development should be restricted.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively support sustainable economic development to deliver homes and business that local areas need;
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- deliver sufficient community and cultural facilities and services to meet local needs;
- conserve heritage assets in a manner appropriate to their significance.

On Specific issues relevant to this application it advises:

Require Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people;
- Securing high quality and inclusive design goes beyond aesthetics considerations and should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Delivering a Wide Choice of High Quality Homes

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

Conserving and enhancing the historic environment

- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.
- In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Clawson, Hose & Harby Parish Council – objects on the grounds that it is designated an important open area, the dwelling is too large for the plot leaving little amenity space, it is out of keeping with the surrounding area, it would be over dominating in the landscape and has concerns over the safety of the highway access onto Mill Lane.</p>	<p>The site is within the heart of the village Long Clawson and forms part of a larger parcel of land designated as a Protected Open Area. This also includes land to the north which forms the children’s play area and land to the south, which forms land to the front of the adjacent dwelling.</p> <p>The application proposes a dwelling located on the south-western part of the site with land to the north and east remaining open. The land currently forms part of the side garden of The Old Star Inn.</p> <p>Policy BE12 states permission will not be granted for development except where a proposal is in conjunction with an existing use and the development would not adversely affect the intrinsic character of the area.</p> <p>The proposed dwelling would be separate to The Old Star Inn and it could therefore not be argued that the proposal would be in conjunction with the existing use. However, this needs to be balanced with other factors including the need for housing.</p> <p>The proposed dwelling would be a relatively modest structure, of two storeys with a staggered roofline reflecting the change in land levels. The dwelling would be set into the existing bank and would occupy only a small part of the overall open space. The site forms part of the garden serving The Old Star Inn where associated domestic paraphernalia could be sited. As such the Council could not ensure</p>

	<p>the continued open nature of the site. Although this does not itself justify the erection of a dwelling, it is a material consideration.</p> <p>When viewed from the village centre the children’s play area would remain an open space with mature trees remaining adjacent to the boundary. Although the dwelling would be visible on the approach into the village along Mill Lane it would be set well into the site with open foreground adjacent to the highway. The dwelling has been designed to reflect agricultural buildings on the southern elevation with a narrow side elevation visible from Mill Lane. On balance it is considered that the intrinsic character of the open space would be maintained.</p> <p>Within the plot the dwelling would occupy approximately one third of the site with garden to the north and garden, access and parking to the east. It is not considered the proposal would result in the over-development of the site. Furthermore, adequate space around The Old Star Inn would remain.</p> <p>The proposed dwelling reflects a modern design approach with dark stained timber cladding, grey aluminium framed fenestration and modern openings. Although this would contrast with the more traditional buildings in the locality it is considered the dwelling would complement the character and appearance of the locality and with the modest proportions proposed would not be a dominant feature within the street scene.</p> <p>The proposed dwelling would be served by an access onto Mill Lane. A revised plan amending the access to achieve satisfactory visibility splays has been submitted and the Highway Authority raise no objections subject to conditions.</p>
<p>Environment Agency – the site lies within Flood Zone 1 and is located near to an Ordinary Watercourse and recommends consultation with the Lead Local Flood Authority and would not wish to comment further. Recommend informatives.</p>	<p>Noted.</p>
<p>Local lead Flood Authority – The Flood Map for Surface Water shows areas where surface water would be expected to flow or pond as a result of the 1 in 30 year event. The proposed site is situated within the Stroom Dyke catchment which leads into the River Smite, north of Langar. There are two flooding incidents reported within this catchment, internal property flooding and highway flooding due to system capacity issues and maintenance of culverted ordinary watercourses and highway flooding due to issues on a culverted watercourse.</p> <p>Although no flooding has been reported the proximity of the proposed development and relationship of the hydraulic system within the first reported incident indicates a high probability of flooding at this location. The proposed development therefore has the potential to</p>	<p>Following the initial comments of the Flooding Officer additional information has been submitted in relation to flood risk. The Agent has stated that with the proposal the flood levels along Mill Lane would remain the same as existing. At the proposed bridge the water level is expected to rise due to the constriction effect of the bridge; however this would remain within the bank at this location. The Agent also states that in the extreme event of a 50% blockage of the existing culvert or proposed bridge it is estimated there may be a small increase of water level on the road (an approximate 2 cm increase). However, the Agent concludes that such a small increase would not impact on neighbouring properties.</p> <p>This information, in conjunction with the submitted</p>

<p>substantially impact on an existing flooding issue as the watercourse across the proposed site flows immediately into the system that was at capacity. As such it is recommended that no increase to flows within this system is permitted and would prefer permeable areas for driveways and car parking and that the crossing of the watercourse is designed as an open span bridge or oversized culvert.</p> <p>Following the submission of additional information the proposals appear acceptable. The standard approach is to design the 1 in 100 year event (1%) + 30% for climate change is correct. Appropriate maintenance of the culvert should prevent the occurrence of a 50% blockage and the emergency escape route resolves the isolation issues. As such no objection is raised in principle.</p> <p>The Lead Local Flood Authority is not in a position to review the Hydraulic model; however it should be noted the primary aim of the flood risk assessment is to indicate the impact of the proposed bridge rather than the flood outline as this site is within flood zone 1. The scenarios indicate the bridge would have a minimal impact on the flood level.</p>	<p>Flood Risk Assessment, is considered to make a convincing case that the proposed dwelling would not lead to an increase in flood risk. This view is substantiated by the Flooding Officer who raised no objection.</p> <p>Conditions can be imposed to ensure permeable materials are used for hard surfacing, below ground attenuation devices installed and water butts used to ensure there would be no increase in run off.</p>
<p>LCC Highway Authority – the relocated access details are acceptable to serve the proposed dwelling and request conditions relating to hard surfaced access, drainage and parking provision. Informatives relating to the requirement for separate licences from the County Council for highway and culverting works would be needed.</p>	<p>The proposed dwelling would be served by an access onto Mill Lane. A revised plan amending the access to achieve satisfactory visibility splays has been submitted and the Highway Authority raise no objections subject to conditions and informatives.</p> <p>It is consider that the proposal would not have a detrimental impact on highway safety</p>
<p>LCC Ecology – the site has not been triggered for a great crested newt survey as it is over 100 metres from a pond. There are however many records of great crested newts within Long Clawson although not directly on this side of the village. 7 Mill Lane is adjacent to fields with ponds to the rear and it seems reasonable that great crested newts may be present there. Evidence would be required to demonstrate this.</p> <p>The proposed development is minor and given the abundance of great crested newt habitat in the locality do not consider the loss of this small area to be significant and it is extremely unlikely that it will have any impact on the sustainability of the local great crested newt population. Should great crested newts be confirmed it is likely that precautionary mitigation will be required, such as careful site clearance (strimming etc.), the clearance of any rubble and the storage of all materials on pallets, off the ground. This would ensure that the building works do not make the site more suitable to great crested newts by providing refugia.</p>	<p>The Council were alerted to the possibility of great crested newts being present on the site and sought the views of the Ecology advisors. No evidence has been provided and as such the precautionary approach suggested can be the subject on an informative.</p> <p>It is considered the proposal would not have a detrimental impact on great crested newts.</p>

Representations

A site notice was posted, the application was advertised and neighbouring properties consulted. 19 letters of objection have been received raising the following points:

Representation	Assessment of Head of Regulatory Services
<ul style="list-style-type: none"> • The proposed access is over land not owned by the applicant; • The access is proposed onto an already congested Mill Lane with restricted access caused by parked vehicles attending the surgery and business on The Sands, approving the dwelling would exacerbate this, the road infrastructure in the village is a major problem with safety issues due to the number of bends and parked vehicles, vehicles have been damaged, parking is a major issue in this area with limited visibility at adjacent junctions, access and parking difficulties for existing residents and emergency services; • Flooding is already a frequent problem on The Sands and approval will add to this through additional runoff, not convinced by the flood statement, if the brook is not cleared regularly it can cause major flooding, a further bridge/obstacle would lead to more potential for branches etc. being caught and accumulating; • The proposed access will not allow future repair/maintenance work to be carried out on the nearby culvert as there is no space to move heavy machinery. • A 2cm increase is enough to flood into a further 4 properties on Mill Lane, the Doctor's surgery and public house have already been flooded 4 times, the further 4 properties have already had water lapping at their doors and there has been flooding in 2005, 2012 and 2013. • The proposed bridge shows the abutments into the graduation of the bank; this will restrict flow during a flood causing back flow up stream and increase the velocity of water straight onto the culvert. The brook has not been dyked out for 30 years and there is considerable silting in this area of the brook. There are great crested newts that over winter in the gardens along Mill Lane and it is doubtful Natural England would allow this section to be dyked. • The area is a designated open space and conservation area next to the play area, approval 	<p>The issue of land ownership for the access is not a planning matter as the highway works and culverting will require the separate consent of the Highway Authority.</p> <p>The issue of highway safety has been assessed and it is noted the Highway Authority raise no objection in principle. The current on street parking issue is also noted as is the limited visibility at adjacent junctions and the difficulties experienced by residents in terms of access and parking. However, the creation of an additional access point, together with the limited increase in traffic generation, is not considered to be a sufficient reason to resist the proposal. Adequate on-site parking would be provided to serve the proposed dwelling and there should be no significant increase in demand for on street parking. As a result it is considered the proposal is acceptable in highway safety terms.</p> <p>The comments relating to flood risk are noted and have been addressed above. Furthermore an informative relating to ensuring the culvert is kept clear can be added to any permission.</p> <p>In terms of maintenance the gap between the proposed bridge and the culvert is between 2-3 metres on the bridge section, this would not make maintenance impossible to carry out.</p> <p>It is appreciated flooding has already taken place in the village and the scenario outlined takes an approximate 50% blockage resulting in a 2cm increase during a 1 in 100 year storm event plus climate change. This goes beyond the level of assessment that most flood risk assessments are required to take and a 50% blockage should be prevented through suitable maintenance of the ditch and culvert. A lack of such maintenance could be managed through the enforcement of the Land Drainage Act as amended by the Flood and Water Management Act.</p> <p>The bridge is indicated to have significantly larger capacity than the upstream bridge and the culvert and it is unlikely to impact on the rate of sediment dropped at this location.</p> <p>The issue of the protected open space has been discussed above and the number of objections from occupiers of neighbouring properties is noted. In terms of the potential conflict between future occupants of the proposed dwelling and users of the children's playground it is considered the two uses are compatible. The playground is already in close</p>

<p>would be against the wishes of villagers and will overshadow and make the play area unwelcoming with possible future conflict between the residents of the proposed dwelling and the children and parents of children using the play area due to noise;</p> <ul style="list-style-type: none"> • The development would affect the open space and represents garden grabbing, the proposal is at odds with the character of the rest of the buildings surrounding the proposed property and should be more sympathetic; • The primary school is at its maximum capacity and if overloaded the quality of education would be affected; • Reference to Long Clawson being a Category 1 village is misleading as it does not have such status; • The dwelling is at a height where the feature window at the upper floor would directly overlook the neighbouring property enabling occupants to look into both living room and bedrooms, should the trees remain this would not be a problem in summer but in winter months would allow direct overlooking. 	<p>proximity to existing dwellings and the mature trees on the boundary would remain. As such it is not considered the proposal could be refused on this issue.</p> <p>The issue of the visual impact is addressed above.</p> <p>The proposed dwelling would be a two bedroom unit which is unlikely to generate a significant demand for primary school places. As such it is not considered the application could be resisted on this issue.</p> <p>The Design & Access Statement referring to Long Clawson being a Category 1 village is noted and is not referred to in the assessment of the application.</p> <p>The proposal would have no openings on the southern and western elevations and would have bedrooms on the ground floor with living accommodation on the first floor. The impact of the proposed bedroom windows would be largely mitigated by boundary treatment and the distance between the windows and neighbouring properties. The windows on the northern elevation would look towards the children's play area and would not unduly impact on residential amenity. The proposed window and balcony serving the living room on the first floor on the eastern elevation would look towards properties on Mill Lane. However, there would be a distance of approximately 20 metres between this balcony and the highway boundary with the dwellings on the eastern side of Mill Lane separated by the highway. As such it is considered this distance would ensure there would be no undue overlooking or loss of privacy.</p>
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Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Application of Development Plan and other planning policy</p> <p><u>Policies OS1 and BE1</u> allow for development within Village Envelopes providing that:-</p> <ul style="list-style-type: none"> • 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 	<p>Policies OS 1 and BE 1 are considered to be compatible with the NPPF and therefore maintain their weight (this position has also been endorsed by several appeal decisions). The site is within a location there is a presumption in favour of residential development subject to certain issues being addressed. It is considered the principle of the development can be supported at this location.</p>

<p>locality;</p> <ul style="list-style-type: none"> • 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. 	
<p>Impact on Heritage Assets</p>	<p>The site lies within the Conservation Area for Long Clawson; the Committee is reminded of the duties to give special attention to the desirability of preserving or enhancing the character and appearance of the area under section 72 of the Listed Building and Conservation Area Act 1990.</p> <p>It is considered the proposed dwelling would be of a modest size, sited towards the south-western boundary of modern design and materials. It is considered the proposal would complement the site and surroundings and would preserve the character and appearance of the conservation area.</p>

Conclusion

The proposal relates to the erection of a dwelling within Long Clawson. Although the site forms part of a Protected Open Area it is considered the siting, design and modest size of the dwelling, the existing mature landscaping and the fact that the land is part of a garden not open to the public, would not unduly affect the intrinsic character of the open space. Furthermore, the proposal would preserve the character and appearance of the Conservation Area and would be served by adequate access and parking. The issue of flood risk has been adequately addressed and the proposal would not materially add to run off. Furthermore, the proposed dwelling would not be harmful to the residential amenity of occupiers of neighbouring dwellings. As such the proposal is recommended for approval.

RECOMMENDATION:- Approve subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. This permission relates to the following plans: 6832S-001 Location Plan, 6832A-004 Rev 2 (Revised Access), 6832K-02 Rev 1 Elevations and Layout, 6832K-06 Levels, 6832A-007 Rev 2 Bridge Section.
3. No above ground construction shall take place until details of the materials to be used on the external elevations (including doors and windows) and roofs have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
4. Within one month of the commencement of works on site, a plan showing a detailed soft and hard landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall include details of:
 - (a) any existing trees, shrubs, hedges, water bodies to be retained and measure of protection in the course of development;
 - (b) new tree and shrub planting, including plant type, size, quantities and locations;
 - (c) other surface treatments;
 - (d) boundary treatments;
 - (e) any changes in levels or contours;
 - (f) the position of service and/or drainage runs (which may affect tree roots).
5. The approved landscaping scheme shall be carried out within one year of completion of the development and

any trees, hedges, shrubs or plants which within a period of 5 years from the completion of the planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 1995 (or any subsequent re-enactment with or without modification) no additional windows or openings shall be inserted without the prior permission of the Local Planning Authority.
7. Before the dwelling hereby permitted is first occupied, provision shall be made for the two off street parking spaces within the curtilage of the dwelling and the access hard surfaced for at least the first five metres which shall be surfaced with hardbound but permeable material and thereafter retained available for such use.
8. If any vehicular access gates/barriers 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.
9. Before first use of the development hereby permitted the visibility splays shown on the approved plans shall be provided and nothing within those splays shall be 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.
10. Before development commences details of all hardsurfacing materials and methods to minimise water run off shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details prior to first occupation and shall thereafter be so maintained. It is expected these details should include permeable materials, below ground water attenuation, water butts etc.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 1995 (or any subsequent re-enactment with or without modification) no development shall take place under Classes A-F without the prior permission of the Local Planning Authority.

Reasons:

1. To prevent the unnecessary accumulation of unimplemented permissions, to encourage early implementation and to enable the Local Planning Authority to review the consent if a further application is made.
2. For the avoidance of doubt.
3. To ensure that the Local Planning Authority can exercise proper control over the materials used and the appearance of the building when completed, in the interest of visual amenity.
4. To ensure that the Local Planning Authority can exercise proper control over the visual appearance of the area and in the interests of visual amenity.
5. To ensure that the Local Planning Authority can exercise proper control over the visual appearance of the area and in the interests of visual amenity.
6. To safeguard the privacy and living conditions of nearby residents.
7. In the interests of highway safety.
8. In the interests of highway safety.
9. In the interests of highway safety.
10. 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.
11. To safeguard the privacy and living conditions of nearby residents and in the interests of visual amenity.

Informative

1. Great crested newts are a protected species. Should great crested newts be found at the site precautionary mitigation will be required, such as careful site clearance (strimming etc.), the clearance of any rubble and the

storage of all materials on pallets, off the ground. The Council should be contacted in the event of great crested newts being present on the site to ensure satisfactory mitigation measures can be agreed and implemented.

Officer to contact: **Mr Joe Mitson**

Date: 09.04.2015