

Committee Date: 16th June 2011

Reference: 11/00302/FUL
Date submitted: 11.04.11
Applicant: Mr Glen Arnold
Location: Culfers Hey, 2 Melton Road, Long Clawson, LE14 4NR,
Proposal: Erection of 1 two bed cottage and 1 three bed timber frame home with associated garage.

Introduction:-

The site is the rectangular shaped rear garden to Headlands farm, an imposing dwelling at the western end of Long Clawson village and a similar 'plot' adjacent to No 2 Melton Road. The site consists of half of the garden to each dwelling, leaving a modest area with the existing dwelling to create 2 plots.

The proposal is for the erection of a 3 bedroomed detached chalet-style dormer and a 2 bedroomed cottage bungalow, located towards the northern end of the plot at 90 degrees and to the rear of the main house 'Headlands Farm'. A double garage at the rear of the site would provide parking with storage within the roof. There would be an area of parking/turning and a modest garden area. Similarly, the existing dwelling would be left with a modest garden and parking spaces served from the shared drive.

The proposed dwelling is a simple design, basically a rectangular bungalow with rooms within the roof and a projecting first floor porch feature and would be built to "life-time homes" standard.

The 2 bedroom cottage would lie to the south of and would be served from the existing access to 'Culfers Hay' and has the appearance of a bungalow and rooms within the roof. The access serves 2 spaces for each dwelling at the front of the properties with a communal turning area.

The application is presented to the Committee due to the tension of planning policies that the application presents

Relevant History:-

10/00942/FUL- 1 two bed cottage and 1 three bed timber frame home with associated garage : **withdrawn**
08.03.2011

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 area 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.

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 – Recommend approval and 6 conditions relating to visibility, the formation of the accesses, parking and turning provision and positioning of gates.</p>	<p>Noted, the Highway Authority has no concern with regards to the proposed access or parking arrangements in the site.</p> <p>The site is close to the corner, but there is good visibility and no highway safety issues will arise. There is adequate parking available for the existing dwellings as well as the proposed units, along with turning on-site.</p> <p>PPG 13 indicates that developers should not be compelled to provide more parking than they wish to provide, unless the development would exacerbate a known problem.</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 is situated within the historic medieval and post-medieval settlement core of Long Clawson (HER ref. MLE8746), adjacent to the recorded location of a post-medieval road surface (MLE5957) and to the south of where archaeological works produced post-medieval pottery in 2009 (MLE17354). 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 professional archaeological Attendance for inspection and recording during the groundworks for the proposed development. A contingency provision for emergency recording and detailed excavation should be made, to the satisfaction of your authority in conjunction with your archaeological advisors in this Department’s Historic & Natural Environment Team (HNET). HNET will provide a formal Brief for the work at the applicant’s request. – advises 3 conditions</p>	<p>Noted, no further archaeological investigation is required and the conditions recommended can be applied to any permission granted.</p>
<p>MBC Housing Policy Officer - The 2 and 3 bed (lifelong) dwellings are considered to meet the local housing need – no objections.</p> <p>Within the Rural North of the Melton Borough there is a strong need for smaller market housing such as 2 bedroom houses and 2-3 bedroom older people/downsizing accommodation and a surplus of larger family accommodation. There are limited opportunities within village envelopes for significant new residential developments and therefore residential developments in the area should contribute towards the creation of a mixed community and have regard to local market housing</p>	<p>The appropriate conditions can be applied to ensure that the development meets local housing need.</p> <p>The ‘local housing need’ in the Long Clawson area, is for 2 bedroomed houses and bungalows, and whilst one of the proposed dwellings is a modest 3 bed unit – built to life-time homes standard - and the Housing Policy Officer considers that the development as a whole represents an appropriate mix that meets the policy requirement. It will however be necessary to impose a condition to require that the 2 bedroomed unit is constructed first and to ensure that the 3 bed unit is not</p>

<p>needs.</p>	<p>constructed in isolation. The proposal introduces a much-needed smaller unit, suitable for first-time buyers and young families as identified by the housing need surveys of the core strategy.</p> <p>The proposed layout and size of dwellings is considered acceptable in relation to satisfy housing needs requirements.</p>
<p>Environment Agency – The proposed development will only be acceptable if a planning condition is imposed requiring a surface water drainage limitation scheme for the site, based on sustainable drainage principles, to include:</p> <ul style="list-style-type: none"> • details of how the scheme shall be maintained and managed after completion • sustainable drainage techniques or SuDS incorporated into the design. • Details to show the outflow from the site is limited to the maximum allowable rate, i.e. greenfield site run-off. Calculations must be included to demonstrate this. 	<p>The site contains a ditch that links into watercourses that have experienced flooding issues in the past, and which have been found to be inadequate to accommodate any additional water flow.</p> <p>However in this instance, the surface water is to be restricted and discharged to the public sewer and will not therefore exacerbate any flooding associated with the ditch/culverted watercourse in the immediate area and the Environment Agency raises no objections.</p> <p>Accordingly, the development is considered to meet with national Policy in PPS25 regarding the treatment of water and protection against flooding.</p>
<p>Parish Council – The Parish Council objects to this application on the following grounds:</p> <ul style="list-style-type: none"> • It is against PPS3 as it is classed as greenfield land; • It does not comply with BE1 c) of the MLDF i.e. not enough amenity space around the dwellings; 	<p>The Government had responded to the issues of overdevelopment in neighbourhoods and ‘Garden Grabbing’ by amended PPS3 which reclassified residential garden area from brownfield to Greenfield, which removes the presumption that all development is favourable. If new housing is to be provide to address the shortfall in housing provisions it will be necessary to consider some development on residential gardens where the locations are considered to be sustainable and the proposed house type meets the local indentified housing need.</p> <p>Not all development on residential gardens would have a detrimental impact upon the character of a neighbourhood and it will be a matter of judgement to assess the harm development may have (addressed below). The location is regarded as sustainable as it is within the village envelope where the focus of new development should be through the formulation of the LDF.</p> <p>It is not considered that the spaces between the dwellings are unacceptable. The immediate area and wider village has many examples of houses in close proximity to one another and being joined in a semi detached and terraced arrangement.</p>

<ul style="list-style-type: none"> • It would exacerbate the problem of surface water in this part of Long Clawson; • It would mean more vehicle activity on this dangerous corner near the junction of Hickling Lane, West End 	<p>Please see commentary above in respect of Environment Agency comments.</p> <p>Please see commentary above in respect of the Highway Authority comments.</p>
<p>Ecological Advisors The ecology report submitted in support of this application is satisfactory. No protected species were identified. However, we would recommend that the applicants attention is drawn to the recommendations in the report. In addition, we would request that the wooded area to the south of the site is retained as much as possible.</p>	<p>Noted. The measures identified can be secured through conditions.</p>

Representations:

A site notice was posted and neighbouring properties consulted. As a result 2 letters of objection have been submitted representing 3 residents.

Representation	Assessment of Head of Regulatory Services
<p>Planning Policy</p> <ul style="list-style-type: none"> • PPS 3 allows Councils greater scope to refuse ‘garden’ development and there are few such developments in the locality 	<p>Please see commentary above in respect Parish Council comments.</p>
<p>Impact on residential amenity:</p> <ul style="list-style-type: none"> • Development is elevated above no 1 Hickling Lane and will impact due to loss of privacy, over-looking, loss of aspect and light and being over-bearing – impacts on tranquillity of the dwelling. • There should be no door facing our property and all windows should be obscure glazed and fixed shut • Will impact on future occupants of dwellings currently in applicants ownership • No.1 will be surrounded by a building site again and our home is being surrounded by developments that were not shown on searches 	<p>The ‘infill’ plot adjacent to No 2 Melton Road is of modern style with all windows looking forward and rearward and with few side windows and as a result, it will not cause any privacy issues and its reduced scale and size will ensure that it is not oppressive for the neighbours, nor will there be any overlooking or loss of privacy.</p> <p>The dwelling to the rear of Headlands Farm, has been similarly designed such that due to the orientation in relation to existing property and their gardens, it will ensure that no appreciable loss of privacy would result from the proposals from overlooking. No habitable room windows will face the neighbouring dwelling at first floor level thereby ensuring that there will be no overlooking or a loss of privacy.</p> <p>The 1 1/2 storey scale of the dwelling in relation to the adjacent dwelling, and the fact that the roof pitches away from the boundary and the proposal ‘dug in’ have been included to reduce the impact on the adjacent dwelling, No1 Hickling Lane.</p> <p>However, no 1 Hickling Lane already has a limited outlook from the rear and a sense of enclosure in the part of its garden immediately to the rear of the house, arising from its own double garage and the newer bungalow recently constructed to the north. The effect of these, together with the house itself,</p>

	<p>is to 'box in' 3 sides of the rear of no.1 and the proposal would introduce a substantial structure along the south boundary. It is considered that this impact would reduce the amenity of no.1 from its already compromised condition to a level that is considered unacceptable.</p> <p>The garage to the rear of the site would also impact upon no.1. In isolation, and taking into account the size of the garden and the distance from the house, it is considered this would be within acceptable. However, it forms part of a wider scheme and when understood in conjunction with the proposed house, it is considered that it would exacerbate further the unacceptable impact on residential amenity described above.</p>
<p>Highway Safety:</p> <ul style="list-style-type: none"> • Access is dangerous – more so since the dairy relocated its access • Extra use of access for 2 dwellings as well as existing will result in 8 cars exiting on a bad bend and are a danger and a significant increase in traffic – Hathaway Cottage development was refused due to traffic 	<p>Please see commentary above in respect of the Highway Authority comments.</p> <p>The application at Hathaway Cottage comprised 5 dwellings was not refused on Highways grounds. Recently, improvements have been made to the junction in front of the application site, associated with the new access to Long Clawson Dairy further north on Hickling Lane</p>
<p>Impact on Character and Appearance of the Area:</p> <ul style="list-style-type: none"> • Headlands farm curtilage has already been sub-divided to create 1 Hickling Road, and further dwellings will be out-of-character • Dwelling on Melton Road will appear cramped and out-of-place • Contrary to policies OS1 and BE1 as backland is out-of-character with form of village, development has little amenity space, surrounding housing is at a lower density and headlands in an important historical village asset • There are few oak-framed properties within the village • Design and access statement contains factual errors • Other sites allowed in backland form have been farmyard re-developments 	<p>The proposal is considered to be of satisfactory appearance, as there is no single identifiable character in the locality and a large variety of dwelling designs exists along the village street. Whilst the larger unit is a timber-framed construction, this is not considered to be so out-of-character so as to warrant a refusal of permission and the dwelling will be partially screened from public vantage points.</p>
<p>Drainage and Flooding:</p> <ul style="list-style-type: none"> • Agent is incorrect in stating that there are no water-courses and the development will add to flooding elsewhere on Claxton Rise • The Council commissioned report and S.F.R.A indicates that the water-course needs to be improved • Surface water from the development will add to flooding as land is waterlogged and 	<p>Please see commentary above in respect of Environment Agency comments.</p> <p>Surface water is to be restricted and discharged to the public sewer and will not therefore exacerbate any flooding associated with the ditch/culverted watercourse in the immediate area and the Environment Agency raises no objections. Indeed,</p>

<p>government guidance states that this is a major factor to be considered</p> <ul style="list-style-type: none"> • Approval of the development will leave the Council open to negligence claim if further flooding occurs 	<p>the drainage scheme will collect surface water that currently enters the ditch naturally and divert it away.</p>
<p>Wildlife</p> <ul style="list-style-type: none"> • Impact on trees and wildlife should be considered and applicant has removed several trees 	<p>Please see commentary above in respect of Ecological advisors comments. There is no evidence to suggest that the application would have an adverse impact on wildlife.</p>
<p>Heritage Assets</p> <ul style="list-style-type: none"> • Headlands farm is a heritage asset of local interest at the important pump corner 	<p>PPS 5 seeks the protection of heritage assets, and that demolition needs to be fully justified, and the more important the heritage assets, the less likely it is that demolition could be justified.</p> <p>Headlands Farm is not listed nor within the Conservation Area – although it is an attractive and imposing building of local interest – however no actual demolition is proposed in this instance and the sole issue in relation to heritage assets is the impact on the setting of the building within the street scene.</p> <p>The setting of the building will be unharmed and the development will not detract from its character as the dwelling and garage is both to the rear of the farmhouse and very well screened from public vantage points and the proposed buildings are clearly subservient to the farmhouse.</p> <p>The status of the farmhouse and its imposing position in the village street will be unharmed by the proposal</p> <p>The other proposed dwelling is a significant distance from the farmhouse and will not detract from its character.</p>
<p>Miscellaneous</p> <ul style="list-style-type: none"> • Garage should only be used for cars/storage • Council officers have held discussions with the applicant to assist them in amending the proposal- - and therefore the matter should be considered by Committee to ensure objectivity • The 2 bed roomed dwelling is a cynical attempt to score points, and we are concerned that it would never be built – should be conditioned that it be provided before the 3 bed units 	<p>The use of the garage could be controlled by a condition.</p> <p>Noted. It is not accepted that this is grounds to present the application to the Committee. Pre-application advice are offered to all prospective developers (and to interested parties, including objectors) but do not detract from the Council’s duty to consider applications objectively.</p> <p>Please see commentary above on page 3</p>

Conclusion

The application site lies within the village envelope of Long Clawson and thus benefits from a presumption in favour of development under policies OS1 and BE1, and fulfils the objectives of PPS3 in terms of

sustainability and housing need. Detailed issues of access and drainage have been addressed by the applicant and can be overcome by the use of conditions.

The application is considered to provide adequate access and internal parking/turning arrangements. However, the proposed development would have an adverse effect on the amenities of an adjacent property and as such is considered to be unacceptable in this respect.

RECOMMENDATION:- Refuse :-

- 1. In the opinion of the Local Planning Authority the proposal would, if approved, result in a development which would unacceptably affect the residential amenities of the adjacent property, no.1 Hickling Lane, by virtue of the introduction of an overbearing structure and resultant loss of outlook. Accordingly, the development is contrary to Policy OS1 of the Adopted Melton Local Plan.**

Contact: Mr J Worley

7th June 2011