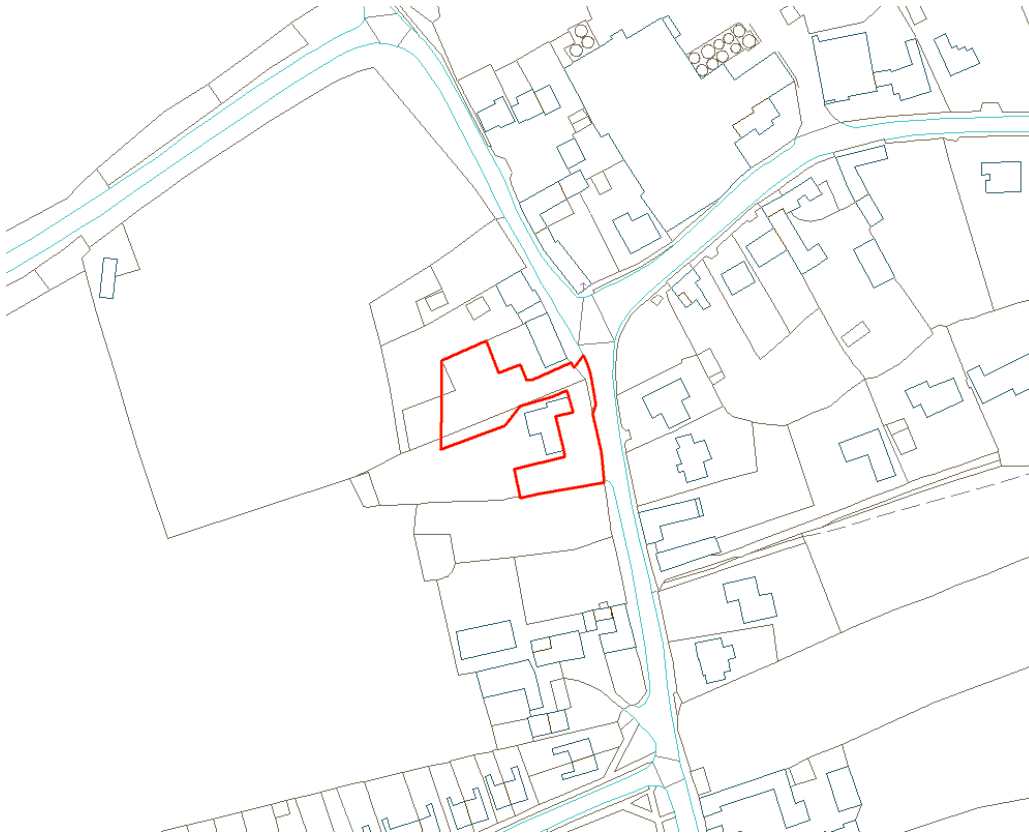


**Reference:** 11/00632/FUL  
**Date submitted:** 11.08.11  
**Applicant:** Mr Glen Arnold  
**Location:** Culfers Hey, 2 Melton Road, Long Clawson, LE14 4NR,  
**Proposal:** Erection of 2 dwellings to include 1 two bed cottage and 1 three bed timber frame home with associated garage.



**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 key issue for the Committee is considered to be whether the amendments successfully overcome the previous reason for refusal by siting the three bedroom dwelling further away from no. 1 Hickling Lane.** There have been no other changes to proposal to that considered by the Committee on the 16<sup>th</sup> June 2011.

**Previously it was determined that - *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.***

The application is being presented to the Development Committee due to the previous Committee involvement.

#### **Relevant History:-**

**10/00616/FUL** - New detached three bedroom house and detached garage - **Withdrawn**

**10/00942/FUL**- 1 two bed cottage and 1 three bed timber frame home with associated garage : **withdrawn**  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

**11/00302/FUL** - Erection of 1 two bed cottage and 1 three bed timber frame home with associated garage. Refused as it was considered to affect the residential amenities of no. 1 Hickling lane by virtue of the introduction of an overbearing structure.

#### **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.

**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><b>Highway Authority</b> – 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><b>This amended application has made no changes to the access and parking arrangements.</b></p>
<p><b>LCC Archaeology</b> –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 &amp; 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><b>MBC Housing Policy Officer - The 2 and 3 bed (lifelong) dwellings are considered to meet the local housing need – no objections.</b></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 needs.</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 bedrooled 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.</p> <p>It will however be necessary to impose a condition to require that the 2 bedrooled unit is constructed first and to ensure that the 3 bed unit is not 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><b>The proposed layout and size of dwellings is considered acceptable in relation to satisfy housing needs requirements. The Council is seeking to provide dwellings that can conform to</b></p>

	<p><b>Life Time Home standards in order to address housing needs of the borough’s older residents. A condition is to be imposed to ensure that the 3 bedroom dwelling is built to the Life Time Home standards.</b></p>
<p><b>Environment Agency</b> – 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"> <li>• details of how the scheme shall be maintained and managed after completion</li> <li>• sustainable drainage techniques or SuDS incorporated into the design.</li> <li>• 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.</li> </ul>	<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><b>Accordingly, the development is considered to meet with national Policy in PPS25 regarding the treatment of water and protection against flooding.</b></p>
<p><b>Parish Council</b> – The Parish Council objects to this application on the following grounds:</p> <ul style="list-style-type: none"> <li>• It is against PPS3 as it is classed as greenfield land;</li> <li>• It does not comply with BE1 c) of the MLDF i.e. not enough amenity space around the dwellings;</li> <li>• It would exacerbate the problem of surface water in this part of Long Clawson;</li> </ul>	<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> <p>Please see commentary above in respect of Environment Agency comments.</p> <p>Please see commentary above in respect of the</p>

<ul style="list-style-type: none"> <li>It would mean more vehicle activity on this dangerous corner near the junction of Hickling Lane, West End</li> </ul>	Highway Authority comments.
<p><b>Ecological Advisors</b> The ecology report submitted in support of this application is satisfactory. No protected species were identified. However, we would recommend that the applicant's 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>	Noted. The measures identified can be secured through conditions.

**Representations:**

A site notice was posted and neighbouring properties consulted. As a result 2 letters of objection have been submitted representing 2 separate households. The amended proposal has not alleviated any of the previous objections as presented to the Committee on application 11/00302/FUL. The objections are summarised below:

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Planning Policy</b></p> <ul style="list-style-type: none"> <li>PPS 3 allows Councils greater scope to refuse 'garden' development and there are few such developments in the locality</li> <li>The development of a 3 bedroom dwelling does not support local housing needs therefore not a reason to justify being built on Greenfield land contrary to PPS3</li> </ul>	<p>PPS3 was re-issued in 2010 and private residential gardens are now excluded from the definition of previously developed land. However, the Government's strategic housing and planning policy objectives in PPS3 have not changed. These include creating sustainable, inclusive, mixed communities, and delivering well designed housing developments in suitable locations, offering a good range of community facilities and with good access to jobs, key services and infrastructure. Although private residential gardens are now excluded from the definition of previously developed land, if they are in relatively sustainable and accessible locations they are potentially suitable for housing development in policy terms, because they reduce the pressure for development elsewhere. The village of Long Clawson is considered to be sustainable and this proposal is considered to contribute towards the objectives of PPS3.</p> <p>In considering development on residential garden the Council has to have regard to harm the development would have upon the character of the area. The issue relating to not meeting local housing needs has been considered to be addressed due to the dwelling being constructed to Life Time Homes Standards. This is an objective of the Preferred Options Core Strategy in addressing the Borough's Ageing population.</p> <p><b>The proposed 2 storey dwelling will sit on the linear form of Melton Road adjacent the host dwelling. The larger dwelling would sit to the rear of Headland Farm tucked behind with the garage visible from the highway. It is</b></p>

	<p><b>considered that the design is in keeping and no harm will result from the proposal.</b></p> <p><b>The recent refusal did not result from the proposal having a detrimental impact upon the character of the area and it is considered that this amended application could be refused on that ground.</b></p>
<p><b>Impact on residential amenity:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• There should be no door facing our property and all windows should be obscure glazed and fixed shut</li> <li>• Will impact on future occupants of dwellings currently in applicants ownership</li> <li>• No.1 will be surrounded by a building site again and our home is being surrounded by developments that were not shown on searches</li> </ul>	<p>The proposal has been amended to overcome the recent refusal which considered that the proposed three bedroom dwelling would have an impact upon the occupiers of no 1 Hickling Lane. No further changes are proposed and the previous assessment as set out below remains unchanged.</p> <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 amended proposal presents the 3 bedroom dwelling to the rear of Headlands Farm repositioned away from the northern boundary to no 1 Hickling Lane by approx 3.9 metres, previously approx. 1.7 metres. The design remains the same as previously reported and will still be of 1 ½ storey scale. The proposal 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. The reposition of the plot away from the boundary is considered to address the previous reason for refusal.</p> <p><b>It is considered that the amended proposal has addressed the reason for the previous refusal and by setting the dwelling further away from no. 1 Hickling Lane that a dwelling in this location would be acceptable and comply will policy BE1.</b></p>

<p><b>Highway Safety:</b></p> <ul style="list-style-type: none"> <li>• Access is dangerous – more so since the dairy relocated its access</li> <li>• 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</li> </ul>	<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><b>The access arrangements remain the same as previously presented to committee. Highway safety did not form a ground for refusal.</b></p>
<p><b>Impact on Character and Appearance of the Area:</b></p> <ul style="list-style-type: none"> <li>• Headlands farm curtilage has already been sub-divided to create 1 Hickling Road, and further dwellings will be out-of-character</li> <li>• Dwelling on Melton Road will appear cramped and out-of-place</li> <li>• 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</li> <li>• There are few oak-framed properties within the village</li> <li>• Design and access statement contains factual errors</li> <li>• Other sites allowed in backland form have been farmyard re-developments</li> </ul>	<p>The amended proposal only sees the repositioning of the 3 bedroom dwelling with no other changes proposed.</p> <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><b>Drainage and Flooding:</b></p> <ul style="list-style-type: none"> <li>• Agent is incorrect in stating that there are no water-courses and the development will add to flooding elsewhere on Claxton Rise - This is a blatant misrepresentation of the facts and the application should be null and void.</li> <li>• The Council commissioned report and S.F.R.A indicates that the water-course needs to be improved</li> <li>• Surface water from the development will add to flooding as land is waterlogged and government guidance states that this is a major factor to be considered</li> <li>• Approval of the development will leave the Council open to negligence claim if further</li> </ul>	<p>Please see commentary above in respect of Environment Agency comments.</p> <p>The applicant has had regards to the EA records which show's watercourses in the vicinity of the site, as well as the Melton Borough Council SFRA, neither of which detail a watercourse within 20m of their site. It is not considered that the agent has incorrectly completed the application form.</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, the drainage scheme will collect surface water that currently enters the ditch naturally and divert it</p>



flooding occurs	away.  <b>This amended proposal seeks no changes to the provisions outlined above and did not form a reason for refusal on the previous application.</b>
<b>Wildlife</b> <ul style="list-style-type: none"> <li>Impact on trees and wildlife should be considered and applicant has removed several trees</li> </ul>	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.
<b>Heritage Assets</b> <ul style="list-style-type: none"> <li>Headlands farm is a heritage asset of local interest at the important pump corner</li> </ul>	<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>
<b>Miscellaneous</b> <ul style="list-style-type: none"> <li>Garage should only be used for cars/storage</li> <li>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</li> <li>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</li> </ul>	<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 4</p>
<b>Other matters raised through consultation:</b>  The proposal does not address any previous concerns that were raised with the past 3	Previous applications submitted were withdrawn due to concerns raised at that time. Pre application discussions have taken place to help the applicant understand the key issues and concerns.

<p>applications. We ask that you recommend refusal of this proposal which is poorly conceived and cynical in its attempt to justify the 3 bed by shoe-horning in a 2 bed</p> <p>The whole plan is badly conceived and results in 2 well proportioned properties being turned into 4 substandard properties each with significant issues;</p> <p>The proposed 2 bed property is too close to 2 Melton Road and will significantly obscure light to the South of that property;</p> <p>The 2 bed property itself is likely to suffer from poor levels of light, bounded as it is by trees on 3 sides and 2 Melton Road on the other. Indeed the site is totally unsuitable and too cramped, squashed as it is between 2 Melton Road and an open water course;</p> <p>Only the proposed 3 bed house, which the developer himself will occupy, has a garage;</p> <p>The proposal creates 2 shared driveways which are not desirable. The shared driveway between the proposed 2 bed and 2 Melton Road seems particularly problematic. It is shallow and small and will inevitably lead to cars reversing out into this dangerous junction.</p> <p>The 3 bed is too close to our boundaries and very close to the West boundary that meets the L part of our garden. This secluded area was a key feature of our decision to buy our house as it affords us a private and quiet part of our garden to enjoy away from the busy junction. The siting of the 3 bed would severely impact on our enjoyment of this part of the garden and irrevocably change its character.</p> <p>The additional sections provided by the architect show clearly on Section A_A how much the proposed 3 bed would dominate the rear aspect of our property. The combination of the bungalow at 3</p>	<p>Developers are encouraged to engage with Officers prior to submitting proposal to ensure that they are in line with key policy objectives.</p> <p>The site lies in the Village Envelope for Long Clawson where there is a presumption in favour of development and highly sustainable location given the high provisions of services available. PPS3 promotes efficient use of land and advises that housing should meet the local need. The 3 bed house, though not supporting the local housing need will be constructed to comply with Life Time Homes. (Housing Policy comments) This is an objective for the Borough as it will help support elderly residents. The 2 bedroom dwelling meets identified need Overall, it is considered that the development proposal will offer a mix of housing that can continue to support the needs of the rural north.</p> <p>The amended application has not altered the positioning or design of the two bedroom property and is considered to be acceptable and not form a reason for refusal.</p> <p>The highways authority has not objected to the proposal and is satisfied that Highway Safety will not be compromised.</p> <p>The dwelling has been moved away from the northern boundary allowing a separation distance from the corner of no. 1 Hickling Lane of approx. 12.5 metres. Due to the orientation and staggered arrangement of both dwellings no direct overlooking can be gained and there will be no loss of privacy to any habitable rooms. The garden area to the West of the dwelling will not be overlooked as there is only a bathroom window at 1<sup>st</sup> floor level which will be obscurely glazed. The windows serving the ground floor sitting room will be screen by the existing boundary treatment.</p> <p>The sections provided clearly shows the relationship between the proposed 3 bedroom dwelling and the objectors dwelling. The low ridge and eaves show that the arrangement would</p>
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<p>Hickling Lane (missing from the sections); our own garage; and the proposed 3 bed would completely enclose our rear aspect and that of Headland Farm.</p> <p>Both the sections completely misrepresent the trees to the rear of the proposed 3 bed which would be removed and we remain completely opposed to removal of the lovely old fruit tree that currently forms a handsome and significant boundary between our two properties.</p> <p>The applicant's desire to downsize is not a planning consideration and should not be taken into account. There are always suitable properties available in the area that would enable this, indeed there was a newly refurbished property for sale immediately opposite 2 Melton Road that would have been perfect.</p> <p>The proposed lifetimes homes configuration of the 3 bed shows a bedroom clearly too small and not fit for purpose</p> <p>In summary we do not believe that the minor amendments put forward in 11/00632/FUL could possibly justify over-turning a very clear refusal from the Development Committee on 11/00302/FUL.</p>	<p>not be over dominate and the separation distances along with the boundary treatment ensure that privacy remains unaffected.</p> <p>The site lies outside of the Conservation Area and the trees could be removed at any time. The trees are not considered worthy of protecting with a Tree Preservation Order as they are not considered to offer high amenity value and cannot be viewed from a public place.</p> <p>Housing proposals are required to contribute to creating mixed sustainable communities, having regards to meeting the borough's housing needs. Whilst the applicant intends to move into the 3 bedroom property it is still considered to be a market dwelling capable of being available on the open market. In that regards conditioning the dwelling to be built to LifeTime Homes is considered to support the Councils objectives.</p> <p>The Lifetime Homes Standard was established in the mid-1990s to incorporate a set of principles that should be implicit in good housing design. It is not prescriptive in terms of room sizes but seeks flexibility and adaptability; they are not 'special', but are thoughtfully designed to create and encourage better living environments for everyone. From raising small children to coping with illness or dealing with reduced mobility in later life.</p> <p>The application was refused as it was considered that the positioning of the 3 bedroom dwelling created an unacceptably affect upon the residential amenities of no. 1 Hickling Lane, by virtue of the introduction of an overbearing structure and resultant loss of outlook.</p> <p><b>It is considered that the repositioning of the dwelling further away from the neighbouring dwelling has addressed the reason for refusal and is considered to be acceptable and comply with the local plan policies OS1 and BE1.</b></p>
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**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 amended application is considered to be an improvement upon the recently refused application in terms of impact upon residential amenities. The siting of the dwelling, away from the boundary coupled with the low ridge and eaves height, will ensure that there will be no loss of residential amenity upon no. 1 Hickling

Lane. The access and internal parking/turning arrangement have not been altered from the previous application which were previously considered to be acceptable. Accordingly the application is recommended for approval.

**RECOMMENDATION:- Approve subject to conditions :-**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. No development shall start on site until all materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
3. No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.
4. The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
5. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 as amended (or any Order revoking and re-enacting that Order) in respect of the dwellings hereby permitted no development as specified in Classes A, B, C, and E shall be carried out unless planning permission has first been granted by the Local Planning Authority.
6. Notwithstanding the details submitted, no building works shall commence on site until such time as the visibility splays shown out of each access have been cleared of all obstructions that exceed a height of 0.6 metres above the level of the adjacent carriageway. Once provided these visibility splays shall thereafter be permanently so maintained.
7. No building works shall commence on site, until the replacement parking and turning facilities shown for the existing dwellings has been provided, hard surfaced and made available for use. Once so provided these facilities shall thereafter be permanently so maintained.
8. Neither of the proposed dwellings shall be occupied until such time as the access from which they are to be served has been widened as shown on the submitted plan, and has been surfaced in tarmacadam, concrete paving or other similar hard bound material for a minimum distance of 5 metres behind the highway boundary. Once provided the access shall thereafter be permanently so maintained.
9. Neither of the proposed dwellings shall be occupied until such time as the access from which they are to be served has been positively drained such that surface water does not drain into the public highway and thereafter shall be so maintained.
10. Neither of the proposed dwellings shall be occupied until such time as the proposed parking and turning facilities shown serving each property has been provided, hard surfaced and made available for use. Once so provided these facilities shall thereafter be permanently so maintained.

11. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected across either of the site accesses, 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.
12. Development shall not begin until a surface water drainage limitation scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- 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 (e.g. MicroDrainage or similar sewer modelling package calculations which include the necessary attenuation volume)
- 13 No demolition/development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
    - The programme and methodology of site investigation and recording
    - The programme for post-investigation assessment
    - Provision to be made for analysis of the site investigation and recording
    - Provision to be made for publication and dissemination of the analysis and records of the site investigation
    - Provision to be made for archive deposition of the analysis and records of the site investigation
    - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
  - 14 No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (1).
  15. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (1) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
  16. The development hereby approved shall be carried out in accordance with the submitted drawings nos. 6383P 01, 6383P 02A, 6383P 03A, 6383P 04D, 6383P 05A, 6383P 06, 6383P 07, P3 (12/10), P4(12/10), P5(12/10) Rev A and P7 (12/10) Rev A received by the Local Planning Authority on the 10th August 2011.
  17. The 3 bedroom property hereby permitted shall not be occupied, nor marketed for sale, until such time that the construction of the approved two bedroom dwellinghouse has been substantially completed and is in such a condition that it is ready for occupation for residential purposes.

Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted
3. To ensure satisfactory landscaping is provided within a reasonable period.
4. To provide a reasonable period for the replacement of any planting.
5. To enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed.
6. To afford adequate visibility at the accesses to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
7. In the general interests of highway safety.
8. In the general interests of highway safety.
9. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.
10. In the general interests of 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 prevent the increased risk of flooding and to improve and protect water quality.
13. To require the developer to record and advance understanding of the significance of the heritage asset(s) prior to the impact of development
14. To require the developer to record and advance understanding of the significance of the heritage asset(s) prior to the impact of development
15. To require the developer to record and advance understanding of the significance of the heritage asset(s) prior to the impact of development
16. For the avoidance of doubt
17. In the interest of sustainable mixed communities having regards to the Borough's housing needs.

**Contact: Mrs Denise Knipe**

**10<sup>th</sup> October 2011**