

Committee Date: 10th November 2011

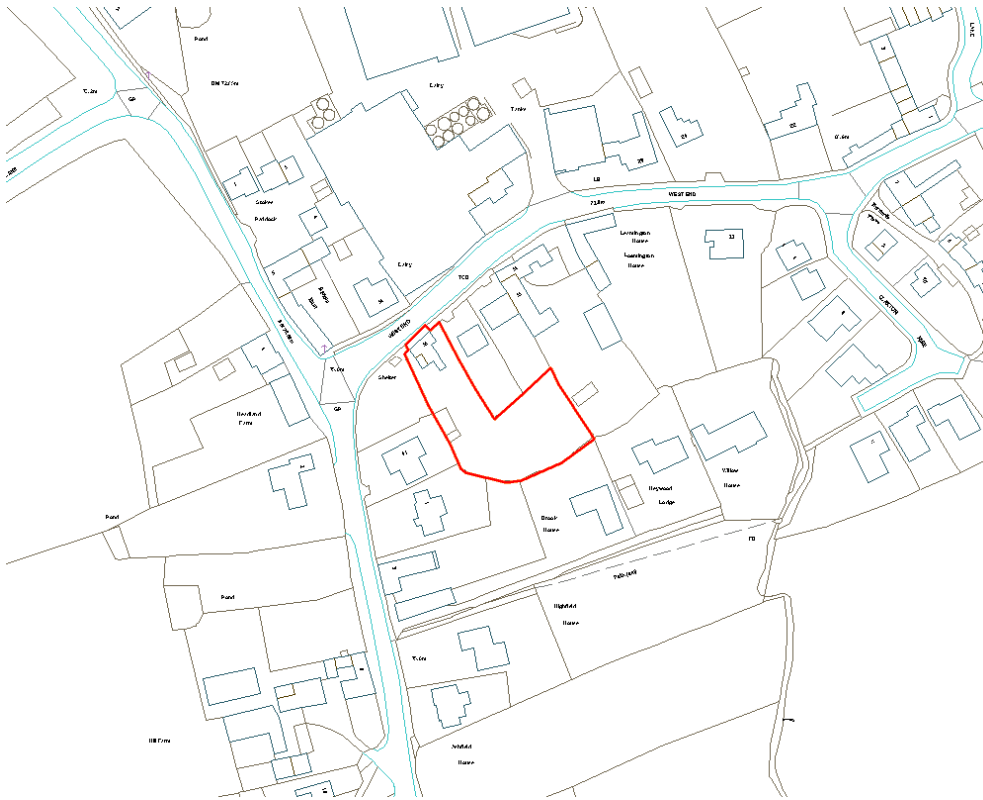
Reference: 11/00556/OUT

Date Submitted: 20.07.11

Applicant: Mr.C.Bailey

Location: Hathaway Cottage, 39 West End, Long Clawson, LE14 4PE

Proposal: Demolition of existing dwelling and outline application for a replacement dwelling and 2 new dwellings.



Introduction:-

This application seeks outline planning permission for the demolition of an existing two storey cottage and the erection of a replacement dwelling and two new dwellings (3 bedroom bungalow and 3 bedroom house). Approval is sought for the access and layout at this stage. The site is located within the Village Envelope but outside the Conservation Area for Long Clawson. The site has an area of approximately 1500 square metres with the cottage to be demolished fronting the highway and a large L shaped garden to the rear. The proposal is to replace the existing dwelling with a property set back slightly from the highway boundary to improve visibility with two additional dwellings located in the rear garden area.

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

- **Impact upon the character and appearance of the streetscene and surrounding area**

- **Loss of a heritage asset**
- **Whether the revised scheme has overcome the previous grounds for refusal**

The application is presented to the Committee due to the number of letters of representation received and the history behind the application.

Relevant History:-

09/00551/OUT - Demolition of existing dwelling and construction of a replacement with 4 new dwellings, refused 13.08.2010 on the grounds that the proposal would result in a development not in keeping with the form, character and appearance of the area. The dwellings would occupy the site predominantly to the south and south east which would not reflect the character and density of the surrounding area and would also result in the demolition of a heritage asset, as identified in PPS5, which would have an adverse impact upon the visual amenity of the surrounding area.

08/00625/OUT - Demolition of existing dwelling and construction of replacement with 4 dwellings, withdrawn 31.10.2008

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.

PPG13: states that ‘to promote more sustainable patterns of development and make better use of previously developed land, the focus of additional housing should be existing towns and cities’ and goes on to state that local authorities should “place the needs of people before ease of traffic movement in designing layout of residential development”.

East Midlands Regional Plan

Policy 1 – Regional Core Objectives – to secure the delivery of sustainable development within the East Midlands which includes a core objective to ensure that new affordable and market housing address the need and choice in all communities in the region

Policy 2 – Promoting Better Design – states that the layout, design and construction of new development should be continuously improved.

Policy 3 – relates to the distribution of new development and states that development in rural areas should;

- maintain the distinctive character and vitality of rural communities;
- shortening journeys and facilitating access to jobs and services;
- strengthening rural enterprise and linkages between settlements and their hinterlands; and
- respecting the quality of the tranquillity, where that is recognised in planning documents

In assessing the suitability of sites for development priority is given to making best use of previously developed and vacant land or under-used buildings in urban or other sustainable locations, contributing to the achievement of a regional target of 60% of additional dwellings on previously developed land or through conversions.

Melton Local Plan (saved policies):

Policies OS1 and BE1 allow for development within Village Envelopes providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

Policy H6 states that planning permission for residential development within village envelopes will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

Policy BE11 :- recognises the preservation of archaeological sites to be a material consideration in the planning process seeks to ensure that development which detrimentally effect archaeological remains should only be permitted if the importance of the remains outweighs the local value of the remains.

Melton LDF Core Strategy: seeks to focus development in Melton Mowbray with a small balance (20%) in the surrounding Borough, with provision/contribution of 40% affordable housing

from all developments, and expectations to produce mixed, integrated housing developments and meet local needs by addressing identified imbalances in housing stock in all locations. The strategy identifies villages by virtue of a hierarchy reflecting their sustainability and, therefore, suitability for development. Long Clawson is now identified as a Rural Centre (Category 1) village with a good range of local community facilities and regular public transport and is suitable for some housing development to meet local need and help retain services and facilities.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority – the highway authority comments that the proposal is generally acceptable, although the proposed turning area is a little too small and will need enlarging to allow service, delivery and emergency vehicles to be able to enter and leave the site in a forward direction. No objections, subject to the imposition of a number of conditions relating to visibility splays, turning, width, gates, hard surfacing and drainage.</p>	<p>Noted, the Highway Authority have no objection with regards to the proposed access or parking arrangements in the site subject to the imposition of conditions.</p> <p>With regard to the concerns of the volume of traffic on West End, whilst West End is undoubtedly one of the busier roads in Long Clawson, it is only relative and compared, for example, to some roads in Melton it is not excessively high. The proposed development would not result in capacity issues for West End, and given that the access provides adequate visibility out on to West End, it would not be possible to form a reason for refusal on the basis of the volume of traffic on West End.</p> <p>It is therefore considered that there is a satisfactory access and parking within the site and therefore there is considered to be no detrimental impact to highway safety.The previous refusal did not include a highway safety ground for refusal and this is smaller in number with a similar access..</p>
<p>LCC Archaeology – Following the archaeological evaluation of the application area completed by the University of Leicester Archaeological Services (ULAS) in relation to the previous outline planning application (09/00551/OUT), it was established that the site, whilst containing later post-medieval structural features, had a limited archaeological interest. Consequently, we do not wish to comment further in relation to the current scheme.</p> <p>Further comments were sought on the heritage statement submitted with the application. The Heritage Statement adds information regarding the identification of the rear outbuilding, indicating that the standing building includes elements (the mud walling) of an earlier structure, it is very likely that this formed party of the building shown on the 1st Edition OS (1880's) and possibly might be part of the structure depicted on the 1779 enclosure plan. This complements the data provided in the previous ULAS evaluation report.</p> <p>Having said that in their opinion regarding the</p>	<p>Noted, no further archaeological investigation is required.</p>

<p>archaeological impact of the scheme, the buried archaeological deposits have been evaluated satisfactorily and it is not considered that the buildings discussed in either the ULAS or TCP heritage statement warrant further archaeological attention.</p>	
<p>MBC Housing Policy Officer – a Housing Market Analysis for Melton Borough Council clearly demonstrated that there is a surplus of larger private market homes and a significant lack of smaller sized properties within Melton Borough. Future development has therefore to address the imbalance of stock type and size, both by tenure and location to create a more sustainable and balanced housing market. This will require a bias in favour of small units to address both the current shortfall and future demographic and household formation change which will result in an increase in small households and downsizing of dwellings.</p> <p>Within the Rural North of Melton Borough the study indicated that 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 application proposes a development comprising two 3 bed dwellings and one 3 bedroom bungalow. An existing 3 bed dwelling on the site would be replaced with a similar sized property and the new 3 bed dwelling would be built to Lifetime Homes standards, the 3 bed bungalow would contribute towards meeting identified need. Whilst there is a surplus of both 3 bed and 4+ bed dwellings in the local area and the current proposal would add to this oversupply the bungalow would meet local need. Given the inclusion of a bungalow, the presence of the existing dwelling and the fact that Lifetime Homes standards are proposed it is not felt that a refusal based upon housing needs could be justified.</p> <p>If the application is approved, as the application is outline, a condition should be sought to ensure that the type of dwelling granted permission on this site has regard to local housing market requirements and it is recommended that the applicant seek advice from the Council prior to submitting any detailed planning approval. This would then ensure that</p>	<p>The appropriate conditions can be applied to ensure that the development meets local housing need.</p> <p>The proposed layout and indicative size of dwellings is considered acceptable in relation to satisfy housing needs requirements.</p>

Lifetime Homes standards could be required to create flexible, accessible and adaptable dwellings.	
Severn Trent Water – no objection to the proposal and no comment to make.	Noted.
Environment Agency – The proposed development will only be acceptable if a planning condition is imposed requiring the following drainage details.	<p>A Flood Risk Assessment was submitted with the application.</p> <p>An extensive area of void space for surface water storage is proposed as part of the application. The calculations provided in the Flood Risk Assessment estimate that surface water from the site will be at greenfield rate or less (i.e the same rate at which water flows from the site at present). A requirement of PPS25 is to ensure that run-off from the site is no greater than existing. It is considered that this has been achieved in the submitted information.</p> <p>The Pick Everard report for the watercourse in Long Clawson examines the culvert under Claxon Rise rather than the culverted watercourse next to the application site. The historical flooding events are located away from this site next to Claxon Rise, and not at the West End site. However, the culvert serving this site flows into that at Claxton Drive and the wider implications are therefore significant.</p> <p>A flapped outfall is proposed. If the culvert is running full, additional storage will be utilised beneath the site. For this reason it was argued that a large area of sub-surface storage would be required.</p> <p>The Environment Agency has stated that they are unable to confirm or dispute whether the “line” of the culvert is underneath the site as they have no records. They have made their comments based on the information provided in the FRA and especially the use of a ‘sond’ test and site investigations to locate the culverted watercourse. As a consultee in the planning system they Environment Agency do not have sufficient reason to object to the development on flood risk grounds and would be unable to substantiate a refusal at appeal.</p> <p>On this basis and lack of any evidence to suggest that the proposal would lead to flooding it is not considered that there are reasonable grounds to recommend refusal with regards to flooding.</p>
Environmental Health Officer – no objection to the proposal	Noted

<p>MBC Conservation Officer - Whilst this cottage is neither listed nor within the Conservation Area it is notified as being of local interest and is therefore a historically important building within the street scene and wider village. Such notification indicates that the building was once a grade III listed building but was downgraded to Building Of Local Interest (BOLI) status.</p> <p>It is one of several buildings of local interest on West End (6) supplemented by 4 listed buildings making this vicinity an architecturally rich part of the village although outside the Conservation Area. As such this building is inter-related to the other historic buildings around it including one Listed Building and 2 BOLI directly opposite.</p> <p>It is understand that there is a section of mud walling associated with this cottage also quite rare within the Borough and therefore equally as important as the building itself.</p> <p>For the above reasons it is considered that the demolition of the building should be resisted</p> <p>In addition this part of the village is to be actively considered as an extension to the existing conservation area or as a separate conservation area and this building, whilst it has clearly been altered and modernised to a degree is an intrinsic element within that proposal.</p> <p>It is noted that this current proposal includes a street scene drawing which indicates the replacement of the demolished building with a very similar pastiche. Whilst this may maintain the ethos of the current street scene to a large extent in my view it cannot be considered as a substitute for the original building or its historic integrity etc.</p>	<p>The dwelling is not listed nor situated within the Conservation Area; therefore, it has no status which would prevent its demolition at any time. It should also be considered that a reserved matters application should ensure that the replacement buildings are similar in design and impact upon the streetscene as the existing dwelling which is to be replaced.</p> <p>PPS5 which should have a bearing on the consideration of this application refers to properties such as this as a “non-designated heritage asset” and forms part of a group of similar status properties. Guidance with the introduction of PPS5 states that such assets can, singularly and collectively, make an important, positive contribution to the environment. The desirability of conserving them and the contribution their setting may make to their significance is a material consideration, but individually less of a priority than for designated assets. This policy directive does restate the importance of such a historic asset and is a material consideration in the determination of this application.</p> <p>However, this still needs to be balanced against the argument that the property could be demolished without requiring planning permission and could not be prevented through planning powers and a refusal on this basis would be difficult to sustain. Indeed, if founded only on this issue, it would create an incentive to demolish the cottage.</p>
<p>Parish Council – The Parish Council has no objection to this application.</p>	<p>Noted.</p>

Representations:

A site notice was posted and neighbouring properties consulted. As a result 8 letters of objection have been submitted from 8 households and 7 letters households.

Objections

Representation	Assessment of Head of Regulatory Services
<p>Impact on residential amenity:</p> <ul style="list-style-type: none"> • No elevation details have been provided and overlooking may result. • The dwellings would introduce overlooking and loss of privacy, access is close to boundary with rear gardens disturbing privacy. • Proposal would introduce an overbearing impact, loss of outlook and amenity to Nos.35, 37 and 41 West End and Brook House. • Disapprove of this type of backyard development which generally detract from the amenity and outlook of neighbouring properties. • The density of the proposal forces each proposed plot to sit in neighbouring properties. This would have a significant impact on the outlook and amenities of No. 35, 37 and 41 West End and Brook House. 	<p>The application is outline, seeking consent for access and layout at this stage. Careful design would ensure that the proposals did not overlook existing properties. It is considered that it could not be demonstrated that the site is incapable of development without undue overlooking.</p> <p>South of the site is Brook House, plot 2 would be sited 16 metres from the rear elevation at the closest point and 15 metres from the corner of an extension to this property (extant planning permission). Plot 2 is proposed to be a bungalow and as such any impact would be reduced by it being single storey. The site is also set down from this property further reducing such impact. Overlooking of this property could be avoided through careful design at the reserved matters stage and suitable landscaping/boundary treatment. Heywood House is further away to the southeast and as such the impact upon the residential amenities of this property would be acceptable</p> <p>West of the site are 41 West End and No.1 Melton Road. To this boundary the existing outbuildings are to be retained and there is a proposed garage to serve Plot 2. Given adequate boundary treatment, the single storey nature of the proposal and the existing building it is not considered that there would be a detrimental impact to these properties.</p> <p>North of the site are Nos.35 and 37 West End which would be over 25 metres from the proposed side elevation of Plot 3. This would meet normally expected separation distances and overlooking could be further reduced by careful design at the reserved matters stage. The properties across West End would suffer no greater impact upon amenities than that which result from the existing property.</p> <p>East of the site is the rear garden to No.33 West End. The rear elevations of the dwellings on plots 2 and 3 would have the potential to overlook this land. However, plot 2 is proposed to be single storey and they are both some distance from the host property and could not be considered to represent amenity space to the dwelling which</p>

<ul style="list-style-type: none"> The plan shows the access road to the development running adjacent to No. 37 West End, close to the boundary hedge. This infringes on privacy and the intensification of the existing drive is detrimental to this property. 	<p>required protection from possible overlooking.</p> <p>Separation distances to No.37 to the North and Brook House to the South meet normally expected distances. To the south Brook House is unlikely to be affected due to the proposed single storey dwelling and the distance separation involved. To the West the retention of an outbuilding and single storey garage would limit the impact of the proposal.</p> <p>The existing access drive follows a similar route, No.37 has an integral garage adjacent to this drive with accommodation above. It contains no first floor fenestration to the gable end with ground floor garage window and door, boundary treatment would screen the access at ground floor level. As such it is not considered vehicle movements from 2 additional properties could justify a refusal.</p> <p>It is considered that the proposed siting of the properties and the distances to adjoining properties is acceptable. With careful design it is considered that the proposal could be accommodated without having an adverse impact on the amenities of adjoining properties</p> <p>The previous refusal did not include impact on neighbouring properties as a ground for refusal.</p>
<p>Highway Safety:</p> <ul style="list-style-type: none"> The access road is too close to the difficult Hickling Lane junction and in a position where the service and school buses stop. Extremely concerned over any proposals that increase traffic at what is a very busy junction. There is already a considerable accident risk in this area given the huge volume of HGV traffic associated with the dairy, the former Brinvale site and general farm traffic. The proposed development and creation of a considerable new entrance/exit point would add a further hazard. The proposed shared access is still at the bare minimum of allowable tolerances and even then doesn't allow for pedestrian access for a distance of over 25 metres. One has to therefore consider the high likelihood of two cars and pedestrians meeting at some point along this drive, with no available relief for any party. 	<p>There has been numerous objections received in relation to the access and the addition of two dwellings utilising this access. There is strong objections in relation to suitability of the access and its proximity to a busy, and what is perceived to be, a dangerous junction. The access and vehicular movements have been assessed by the Highway Authority who are content that the proposal is acceptable and would not constitute a danger to highway users, pedestrians or highway safety (See commentary above).</p> <p>The development is not considered to introduce further hazards, and, the proposed demolition and relocation of the building fronting West End would improve the highway safety of the existing access.</p>

<ul style="list-style-type: none"> • The turning area is insufficient to allow delivery vehicles to turn round within means they will have to reverse in or out of the site onto a main road, which would be hazardous. • Hathaway Cottage is situated near a busy junction on a sharp bend in the road, opposite a busy dairy, bus stop, school buses, bins and recycling boxes at the entrance. This is already a dangerous bit of road and forcing cars onto the wrong side of the road. • The highways department should undertake a traffic survey at peak times. • The access to the proposed development adversely affect the entrance done to No. 37 West End. • Concern over safety if pedestrians and road users if this development were to proceed and a new access built close to this difficult junction. • There appears to be no roadside pavements and the requirements of pedestrians have not been taken into account • The widened road into the site with presumably cars coming and going will make a new hazard for pedestrians using the pavement going to the dairy or the village centre. • The proposed shared access is the bare minimum of allowable tolerances and doesn't allow for pedestrian access for a distance of over 25 metres. • Parking, the plan only shows 6 parking spaces yet the likely total would be 9 cars. Where would the additional cars and visitor cars park? This would lead to parking on the highway. • The road structure of the village can no longer cope with the volume of traffic. New developments without the provision of new and improved road structure is unacceptable. 	<p>The Highway Authority examine pedestrian requirements as part of their assessment and have no objection to the proposal .</p> <p>The development to provide 6 spaces based on DCLG 'Residential car parking research'; these have been accommodated. Turning area, subject to a condition, meets highways standards. The highway authority consider that the parking provision is acceptable.</p> <p>It is considered that with the imposition of</p>
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	<p>suitable conditions that the proposal could be accommodated without having a detrimental impact on highway safety.</p>
<p>Impact on Character and Appearance of the Area:</p> <ul style="list-style-type: none"> • Proposal would result in the loss of historic cottage. The site forms an extremely important part of the history of the village and consideration should be given to the demolition of this historic ‘building of local interest’ and was a former Grade III Listed Building. • Hathaway Cottage is a heritage asset and its demolition would distract considerably from the feel and look of ‘Pump Corner’. • The entrance to Long Clawson when travelling from Hickling (Nottinghamshire) is currently an invaluable streetscene. The view from this junction sets a tone for the whole village, with Hathaway Cottage and the green directly in front. • It is essential that Hathaway Cottage is retained otherwise we may as well disregard the past completely. • Loss of cottage would have detrimental impact on listed building opposite, Stokes Farmhouse. • Demolition of a perfectly good house, which feature on the Leicestershire Villages Website Home Page for Clawson. • Object to the demolition of the cottage. • There is a proposed western extension of the conservation area • The development is extremely intensive and not in keeping with the form, character and appearance of the area. This is clear infill of Greenfield garden land and not in keeping with the surrounding form of development/streetscene. 	<p>The cottage is not listed nor within the Conservation Area and as such the demolition of the property would not require consent. See commentary above in relation to the Conservation Officers comments.</p> <p>The value of Hathaway Cottage is not disputed and has been recognised as a ‘heritage asset’ by the Conservation Officer. However, the cottage is not protected and its demolition could not be resisted. This must also be judged against the knowledge that a detailed application would allow a suitable replacement which could preserves the street scene and reflects the prominent location at the entrance to the village.</p> <p>No details of design of the replacement dwelling have been submitted for approval at this stage; however, when reserved matters details are submitted these should reflect the details of the existing property in terms of design and scale. An indicative streetscene elevation has been submitted showing a ‘replica’ style property. The existing dwelling fronts the highway and the replacement has been sited in a location which most closely reflects this whilst allowing highway standards for the access to be met to preserve the street scene as far as possible.</p> <p>Plot 1 is positioned in a similar location to the existing cottage.</p> <p>The possibility of an extension to the Conservation Area is noted above, however, the site is not in the designated Conservation Area and the level of protection afforded to Conservation Areas is not yet applicable to this application site.</p> <p>The site is within the village envelope where policy OS1 applies and there is a presumption in favour of development under the adopted Melton Local Plan. The Melton Local Development Framework identifies Long Clawson as a category 1 village, rural centre, where there is a good range of facilities and public transport. Therefore, provision is made for development within the village</p>

<ul style="list-style-type: none"> • A new modern house would not be acceptable. • Density of development is too high, overdeveloped in one corner of the site and is overbearing and overly intensive. • Detrimental impact on street scene at entrance to the village • The reduction in garden land and associated planting will reduce the amenity value of the area. • Residential garden land should no longer treated as “previously developed” or “brownfield” land (PPS3),there should therefore be no presumption in favour of this development • Does not conform to government policy in regards to garden land developments which should be curbed where the development is not in keeping with the surrounding area and where there is significant local opposition. • The southern end of the development is now even more intensive than the previous application, considering the footprint of the proposed new dwellings. 	<p>envelope. The Borough has a substantial underprovision of housing and Long Clawson has been identified as an appropriate location to accommodate a proportion of the requirements (see Policy section above).</p> <p>The amendments to PPS3 has reclassified garden land and it is no longer considered to be “previously developed” (or “brownfield”), in respect of which there is a priority to develop, Therefore, the balance of factors in favour of development of this site has been reduced and Policy OS1 and BE1 of the Local Plan are considered to be the most applicable policies.</p> <p>OS1 and BE1 state that presumption within the village envelope is in favour of development provided certain criteria are met; on such criteria being that development reflects the character of the surrounding built form. It is considered that there is no regular pattern of development in the vicinity this part of the village is characterised by larger properties in more generous grounds. This application has reduced the number of units proposed from 5 to the addition of 2, one being a bungalow. The dwellings would be sited to the south west of the site and have sufficient amenity space reflective of surrounding properties. Plot 1, the replacement cottage, retains the majority of its garden, particularly when viewed from West End. The two additional dwellings would have limited visibility from the street frontage and as such would not be considered harmful on the streetscene. The two additional units do still appear to be slightly cramped in one corner.</p> <p>Density requirements have also been removed from PPS3 and this application has reduced the number of units proposed from the previous refusal and is considerably less dense in form and character.</p> <p>The two new units are proposed in the south east corner and could be considered to be an over intensification of this part of the site. However, it remains necessary to consider the application in terms of its contribution to housing supply and as an application which is supported in terms of identified housing need. These factors remain a key component of PPS3.</p> <p>On balance, whilst the two additional units on the site are sited in one corner and may not particularly conform with the form, character and appearance of the area they would have</p>
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<ul style="list-style-type: none"> • Mature trees will have to be felled for the development • Infill development will set an appalling precedence within the village, parish and borough to allow access to plots for building. 	<p>limited impact on the streetscene when viewed from West End and the properties proposed do meet an identified housing need. The development would lead to a loss of a ‘heritage asset’ however, as discussed above, a detailed application would allow a suitable replacement which could preserves the street scene and reflects the prominent location at the entrance to the village. On balance, it is considered that the revised application has overcome the previous grounds for refusal and would not have a detrimental impact on the streetscene to warrant a refusal.</p> <p>The trees are not protected and they could be removed at any time without consent. The trees are not specimens which would be considered suitable for a Tree Preservation Order and do not contribute substantially to public amenity.</p> <p>Precedent is not considered reasonable grounds for refusal and each application should be considered on its own merits.</p>
<p>Drainage and Flooding:</p> <ul style="list-style-type: none"> • Flooding has occurred on this site and will occur. • Flood risk would be accentuated by the proposed surface water drainages from all the dwellings into a culverted water course that was a major contributor to at least 8 flooding events at Claxton Rise. The recommended watercourse improvements (2004) have not been carried out. • The proposals still call for a hydro-brake to regulate the flow of water into the existing culvert. There appears to be no proposal to stone surface water on site. Being in mud the large are of hard surfacing, is bound to adversely affect neighbouring gardens. • Discharging water into inadequate infrastructure is not a responsible thing to do. • Dispute the line of the culvert shown on the flood risk assessment. Requesting photographic evidence. • Suitability of the culvert, the culvert acts as 	<p>There has been considerable objection received in relation to concerns over drainage and flooding and the suitability of the culvert within the site. All these issues have been previously raised with the Environment Agency and are comprehensively reported above.</p> <p>There is no evidence that the proposal could not be accommodated within the site in relation to drainage and flooding issues and the Environment Agency are satisfied that the drainage system is designed to prevent there from being any additional run off (i.e. to ensure run off rates are equal to the existing run off rates as an undeveloped site). Due to the advice of the Environment Agency and the lack of any evidence it is not considered reasonable to introduce a ground for refusal on the basis of flooding.</p> <p>The issue of flooding did not form a ground for refusal on the previous application and this application proposes less development than previous applications.</p>

<p>a significant drain from secondary sources, ponds and watercourse which are not shown on the SFRA map. The culvert was the cause of flooding at Claxton Rise. It seems incomprehensible that the applicants should believe it appropriate to now discharge all surface water to this development.</p> <ul style="list-style-type: none">• The numerous flooding events only a hundred or so yards away were caused by inadequate infrastructure at the confluence of these two documented culverted watercourses. This should not be ignored.• Hydrobraking the discharge of surface water does not take away the fact that yet another water source is being added to an existing problem.• The 'hydrobrake' will not work in what is proven to be an inadequate system. The fact is yet another water source is being added to an existing problem• The FRA states that there is no history of flooding. PPS 25 key principle is that FRA's should be supported by appropriate date and information, including historical information on previous events.• The proposed hydrobrake has a clear recommendation from the manufacturer that the unit must be inspected monthly for the first three month and thereafter every six months raising maintenance issues. If not maintained and it fails there will be significant leaking into neighbouring properties.• Concern over stone filled trench and impact on neighbouring property, if not maintained will flow into adjoining garden.• Well present on site, this draws on the narrow subsurface aquifer. Building on or near the well, or indeed filling it in, would increase the flood risk in the vicinity.• Should the development go ahead and result in adverse flooding will White Lodge be responsible? It is the responsibility of the Environment Agency and the Council to prevent this application and further adding to the risk of flooding.	
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<p>Archaeology:</p> <ul style="list-style-type: none"> • There is a surviving section of mud wall that was part of the Old Pinfold, this type of mud wall is old and should be protected. • The site required further investigation. 	<p>The mud wall forms part of the existing site boundary and outbuilding/garage on the west of the site and would be unaffected. LCC Archaeology have raised no concern with regards to this issue.</p> <p>The County Council confirmed that no further archaeological work are required. See commentary above.</p>
<p>Incorrect Plans</p> <ul style="list-style-type: none"> • The boundary marked on the plans is incorrectly shown. The culvert into which there is a proposal to drain, is not shared. It sits on neighbouring land outside of the fence and bushes which are on the applicants land. A simple site visit will show this and clear up the confusion. • The plan describes the former ‘open dyke’ or ‘ditch’, this is simply a different level of land. It should not be referred to as such and therefore makes the drawings/plans materially incorrect. 	<p>The agent has commented on this allegation and has stated that the drawings show the boundary line on the existing fence line and there is no error in this regard. It does however note that Mr Bailey believes he owns land to the centre of the ditch in which the culverted pipe has been laid. There is clearly some disagreement on this matter, however, the location of the boundary in this area has no effect on the application, the drawing shows the current situation (ie the current fenceline) which from the applicants point of view is the ‘worse case’ scenario.</p> <p>With regards to the connection to the culvert, the red line included land not in the ownership of the applicant and the relevant notices have been served.</p> <p>Noted, it is not considered that this reference materially affects the consideration of the application.</p>
<p>Bin Collection and Storage</p> <ul style="list-style-type: none"> • Planning policy has clear guidelines on the maximum distance a householder should be forced to carry their bins or boxes to waste collection point and a policy on the maximum distance a collection point should be from the highway. This application breaches those guidelines being 70 m away. • The carrying distance quoted of 67m is unacceptable particularly for older people and breaks the statutory limit of 30m. • The bin collection are sited adjacent to driveway will be detrimental due to the smell and general untidy nature. 	<p>Each property has a refuse storage area which would be within the curtilage of the property. The collection point would be approximately 52 metres from the furthest refuse storage to Plot 2. Advice has been sought from Building Control and they are satisfied that the regulations state that householders can carry their waste up to 30 metres and the bins should be no more than 25 metres from the collection point, a total of 55 metres. Building control are satisfied that the proposal could comply with these standards.</p> <p>The waste collection from properties is commonly carried out with bins stored on the roadside and in this respect the application would be no different. The location of bins at the end of an access drive, some distance from the properties they serve, is a common occurrence</p>

<p>Petition</p> <ul style="list-style-type: none"> • A petition was completed as part of the previous application. Letters have been submitted stating that this application is not materially different to discount the petition of 108 signatures. <p>The petition previously submitted was objecting on the following grounds:</p> <ul style="list-style-type: none"> • Invaluable streetscene, loss of cottage, precedent, highway and amenity considerations and is an over intensified development. • Infill development may have its place, but not at the cost of destroying heritage, a wonderful streetscene, public safety and privacy. 	<p>The petition previously submitted is noted and the issues raised are addressed within the report.</p>
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Support

Representation	Assessment of Head of Regulatory Services
<p>Housing Provision</p> <p>Long Clawson Dairy support the application as affordable housing within the local authority can only be beneficial to both current and future employees of their business.</p> <p>Supports affordable housing as currently in rented accommodation.</p> <p>Would like to move to Long Clawson as currently work in village and have to make a 48 mile round trip.</p> <p>Supports affordable homes as would like to return to the village.</p> <p>It would bring affordable housing to the local community and village.</p> <p>Have family members who would like to buy affordable homes in the village.</p>	<p>The dwellings proposed on site are open market housing and not by definition “affordable housing”.</p> <p>However, the scheme does propose two 3 bed dwellings and one 3 bedroom bungalow. An existing 3 bed dwelling on the site would be replaced with a similar sized property and the new 3 bed dwelling would be built to Lifetime Homes standards, the 3 bed bungalow would contribute towards meeting identified need. Whilst there is a surplus of both 3 bed and 4+ bed dwellings in the local area and the current proposal would add to this oversupply the bungalow would meet local need. Given the inclusion of a bungalow, the presence of the existing dwelling and the fact that Lifetime Homes standards are proposed it is considered that the proposed units would be of benefit to housing supply within the village.</p>

Other Material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Impact of Draft National Planning Policy Framework</p> <p>The Government released for consultation purposes a review of National Planning Policy in July 2011 and has stated that it should be taken into account as a material consideration. This included some</p>	<p>It is considered that the content of the NPPF can only be afforded minimal weight. The proposals for NPPF are at their very earliest stages and there can be no certainty if they will be adopted in the form they take in the consultation document nor when this may take place. The</p>

<p>amendments to existing national policy that relate to this application as follows:</p> <ul style="list-style-type: none"> • presumption in favour of sustainable development • Removing the brownfield target for housing development (60%); allowing local areas decide the most suitable locations for housing growth based on their local circumstances. • Requiring Councils to identify an additional 20% to their five year housing land supply; a minimum additional 20% on top of current five year land supply. 	<p>consultation period began on 25th July 2011 and ran until 17th October 2011 and as such only after this date will there be any evaluation of its content take place. In accordance with advice provided to Inspectors by PINS, account should be taken of the stage that new considerations have reached when assessing the weight they should attract. This policy document is at the earliest possible stages of its formulation and accordingly can be given only minimal weight, if any at all. S 38(6) of the Planning and Compulsory Purchase Act 2004 defines how determinations on planning applications must be made and there is no suggestion that this primary legislation is to be amended. Accordingly, the decision must be led by the development plan policies and existing national policy and they can be departed from only if material considerations are present that indicate it is appropriate to do so. A policy statement of such early stage of formulation cannot be regarded as a material consideration sufficient to outweigh the development plan. Since the publication of the NPPF the above position has been supported by an Inspector at appeal.</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 some of the objectives of PPS3 in terms of sustainability and housing need. The proposed development is in outline, with details of layout and access applied for at this stage and involves the loss of a cottage for which demolition would not require consent. The application is considered to have an acceptable impact on adjoining properties and to provide adequate access and internal parking/turning arrangements. The revised scheme reduces the impact on the form, character and appearance of the area by reducing the number of new dwelling proposed to two and by restricting views of the development from the street frontage.

Whilst the two additional units on the site are sited in one corner and may not conform strongly with the form, character and appearance of the area they would have limited impact on the streetscene when viewed from West End and the properties proposed do meet an identified housing need. The development would lead to a loss of a ‘heritage asset’ however, as discussed above, a detailed application would allow a suitable replacement which could preserve the street scene and reflects the prominent location at the entrance to the village.

The previous application was refused on the basis that the combined effect of the out of keeping layout and loss of Hathaway Cottage would detract from the character of the area. This application substantially reduces the first of these concerns both numerically and in terms of their visual impact and, on balance, it is considered that the revised application has overcome the previous grounds for refusal and would not have a detrimental impact on the streetscene to warrant a refusal. Accordingly the application is recommended for approval.

Concerns have been raised regarding access and drainage issues and these have been thoroughly considered by the relevant statutory agencies. In both cases, the agencies have advised that the information provided by the application is sufficient to satisfy them that there are no grounds for

refusal emerging from these issues. These did not form a ground for refusal as part of the previous application.

RECOMMENDATION:- Permit, subject to the following conditions;

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence on the site until approval of the details of the "layout, scale, external appearance of the building(s), access and the landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. 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.
4. 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.
5. 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.
6. Development shall not begin until details of a sustainable drainage system have 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
- That the surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including a allowance for climate change (i.e. for the lifetime of the development). Drainage calculations must be included to demonstrate this (e.g. MicroDrainage or similar sewer modelling package calculations which include the necessary attenuation volume)

7. 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.
8. The development hereby permitted, as detailed in the submitted and approved drawings, shall be built to Lifetime Home Standards, and thereafter retained to those standards.
9. The type of dwelling proposed under condition 2 shall have regard to local market housing needs.
10. Before development commences, the proposed visibility splays shown out of the access from a 2.4 metre setback in each direction on to West End, shall have been provided and cleared of all obstruction that exceeds a height of 600mm above the level of the adjacent carriageway. Once provided these splays shall thereafter be permanently so maintained.
11. Notwithstanding the details submitted, the proposed shared turning area shall be enlarged to enable all vehicles, including service, delivery and emergency vehicles. Before development commences the applicant shall submit to for the approval of the local planning authority an amended plan showing increased turning facilities within the site. The approved details shall then be provided, hard surfaced and made available for use before any dwelling is first occupied and shall thereafter be permanently so maintained.
12. The proposed private access road serving the site shall have a minimum width of 4.25 metres with 0.5 metre wide clear margins on each side for a minimum distance of 10 metres behind the highway boundary and shall have minimum entry and exit radii at its junction with West End of 4 metres. The access shall be so provided and hard surfaced in tarmac, concrete block paving or other similar hard bound material before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.
13. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.
14. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.
15. Before first occupation of any dwelling hereby permitted, the footway fronting the site on West End shall be widened to provide a minimum width of 2.0 metres adjacent to the site, as shown on the submitted plan. Once widened any land over which the footway is provided, that does not form part of the public highway shall be dedicated as such.
16. Before first occupation of any dwelling, car parking facilities shall have been provided, hard surfaced and made available for use within the curtilage of the site in accordance with Highway Authority standards. Once provided these facilities shall thereafter be permanently so maintained.
17. For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway.
18. Before the development commences, details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the Local Planning Authority.

19. For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

The reasons for the conditions are:

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline only.
3. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted
4. To ensure satisfactory landscaping is provided within a reasonable period.
5. To provide a reasonable period for the replacement of any planting.
6. To prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the drainage system.
7. To enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed.
8. To produce flexible, accessible and adaptable homes appropriate to diverse and changing needs
9. To make sure the development contributes to a balanced housing market.
10. To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
11. To ensure that vehicles can enter and leave the site in a forward direction in the general interests of highway safety.
12. In the general interests of highway safety.
13. 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.
14. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.
15. In the interests of pedestrian safety.
16. In the interest of highway safety.
17. To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users.
18. To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.
19. To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.

Contact: Mrs Jennifer Wallis

31st October 2011