

**Committee Date: 12<sup>th</sup> August 2010**

**Reference:** 09/00551/OUT  
**Date Submitted:** 22.07.10  
**Applicant:** Mr.C.Bailey  
**Location:** Hathaway Cottage, 39 West End, Long Clawson, LE14 4PE  
**Proposal:** Demolition of existing dwelling and construction of replacement with 4 dwellings.

**Introduction:-**

This application seeks outline planning permission for the demolition of an existing two storey cottage and erection of five dwellings (two 2 bed semi-detached houses, one 2 bed bungalow, and, two 3 bed detached dwellings). 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 four additional dwellings located in the rear garden area.

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

**Relevant History:-**

08/00625/OUT - Demolition of existing dwelling and construction of replacement with 4 dwellings, withdrawn 31.10.2008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 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
<b>Highway Authority</b> – the highway authority raises no objections, subject to the imposition of a number of conditions.	Noted, the Highway Authority have no concern with regards to the proposed access or parking arrangements in the site.

<p>welcomed. The proposal is acceptable and the previous highway comments and recommended conditions remain relevant to the amended details and therefore would request that you impose the conditions contained therein, in the interests of highway safety.</p>	<p>The Highway Authority were requested to provide information in reponse to objections received in relation to highway safety and parking issues; 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. There is also a concern about lack of parking within the site, as there are only 3 spaces (combined) provided for plots 4 and 5 which are 2 bed properties. Whilst ideally it would prefer there to be 2 spaces for each property, it is not unusual for 3 spaces to be provided for two 2 bed properties. Indeed using the calculation in DCLG Residential Car Parking Research Document, the requirement for off street car parking is only 3 spaces for these two dwellings. Given the above, and in view of recent appeal decisions which generally back reduced car parking standards, it would be very difficult to seek to resist the proposal grounds of inadequate car parking. Furthermore there is sufficient space within the access road and adjacent to the visitor parking space shown, for additional parking within the site, which would not impede the access and therefore it is unlikely that the proposal would lead to car parking within the public highway.</p> <p>Amended plans were then submitted showing the provision of an additional parking space. The Highway Authority welcomed the additional space and considered the proposal to be acceptable and the previous highway comments and recommended conditions remain relevant to the amended details.</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.</p>
<p><b>LCC Archaeology</b> – An archaeological Desk-Based Assessment was carried out in 2008 (ULAS Report No. 2008-138). The report concluded that there was a potential for archaeological remains to be present, particularly those dating from the medieval/post-medieval periods. Any archaeological features present to the rear of the plot are likely to be well preserved. Consequently, there is likelihood that buried archaeological remains and historic buildings will be affected by the development and a field survey was requested.</p>	<p>Noted, no further archaeological investigation is required.</p>

<p>A further field survey was undertaken and following submission of the interim archaeological statement for the above site, I can confirm that no further archaeological work is required, they would therefore like to withdraw their objection to the determination of the application. Given the negative archaeological result we do not recommend further archaeological is necessary.</p>	
<p><b>MBC Housing Policy Officer</b> - 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 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>A significant amount of the need for additional dwellings in the area was found to be for dwellings to meet the requirements of older and disabled households such as the bungalow proposed in this application which is therefore supported. The remaining four dwellings are a mixture of 2 and 3 bedroom houses. 2-bedroom houses are in deficit in the area and therefore supported. Additional 3 and 4 bedroom houses are not required; however, overall this proposal is supported as one of the 3-bedroom properties will be a replacement dwelling and because the majority of the other properties proposed will be for housing that is required.</p> <p>The application seeks outline approval and if planning permission is granted then a condition should be included to ensure that the type and scale of properties granted permission under the reserved matters application have regard to local housing market requirements. It is recommended that the</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>

<p>applicant seek advice from the Council prior to submitting any detailed planning approval.</p>	
<p><b>MBC Street Scene and Environment</b> - applications for planning / development at the site in question have been submitted for consideration previously. As previously, following internal discussion, the site as a known area subject to flooding issues, uncertainty about the existing surface drain (or combined drain if that is the case) having the capacity to manage increased water, from both run off due to the proposed development likely increased hard standing, as well as having a likely reduction in the natural capacity for open ground such as gardens to absorb water, still remain. As before a hydrological study of the area, which includes consideration of the above issues as well as Seven Trent Water and or the Environment Agency consideration and views are essential before any development could or should be progressed.</p>	<p>Noted. See commentary in relation to Severn Trent Water and the Environment Agency. It is not considered that sufficient evidence is available to demonstrate that increased flooding will occur nor that it cannot be prevented through measures on the site.</p> <p>It is not considered that these concerns are appropriate grounds for refusal.</p>
<p><b>Severn Trent Water</b> – no objection subject to the imposition of a condition in relation to the disposal of surface water and foul sewage.</p>	<p>Noted, a condition could be imposed in relation to foul and surface water.</p>
<p><b>Environment Agency</b> – In the absence of a Flood Risk Assessment (FRA) the EA objected to the proposal.</p> <p>On receipt of a revised flood risk assessment dated March 2010 the Environment Agency withdraws its objection. The Environment Agency as a statutory consultee on flood risk grounds provides technical advice on planning applications as submitted. We are unable to confirm or dispute whether the “line” of the culvert is underneath the site as we have no records which indicate the route of non main river drainage systems. The information on non main river drainage systems is held by drainage departments of the Local Authority. Therefore our comments are made in accordance with paragraph 7.03 of the Flood Risk assessment which states that the route of the culvert has been ascertained by a “Sond” trace and site investigations.</p> <p>We have studied the information supplied and in view of the extensive area of void storage for surface water proposed beneath the access road, we have no substantive reason to oppose the development.</p> <p>The proposed development will only be acceptable if a planning condition is imposed requiring the full drainage details.</p>	<p>The applicants were informed of the Environment Agency objection and a further Flood Risk Assessment was submitted.</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</p>

	<p>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><b>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.</b></p>
<p><b>MBC Conservation Officer</b> - Whilst this cottage is neither listed nor within the CA 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. 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 CA. As such this building is inter-related to the other historic buildings around it including one LB and 2 BOLI directly opposite.</p> <p>I also 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 I would advocate that the demolition of the building should be resisted</p> <p>In addition I would add that 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>Since the submission of the application PPS5 has been published and revised comments have been received commenting on the proposal as follows; previous comments on this Application, dated 11/08/09 remain relevant. Additionally the following observations pertinent to PPS5:</p> <p>Whilst this cottage is neither listed nor within the CA it is notified as being of local interest and is therefore, under the terms of PPS5, a non designated heritage asset. It is one of several buildings on West End (6) which will benefit from the same designation supplemented by 4 listed buildings making this vicinity an architecturally rich part of</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>Since submission of the application there has been the publication of PPS5 which should have a bearing on the consideration of this application. PPS5 refer 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 new 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 alone may be difficult to sustain. Indeed, if founded only on this issue, it would create an incentive to demolish the cottage.</p>

<p>the village although outside the CA. As such this building is inter-related to the other historic buildings around it.</p> <p>Policy HE1.1 (Heritage assets and climate change) of PPS5 amongst other things states that: .... Keeping heritage assets in use avoids the consumption of building materials and energy and the generation of waste from the construction of replacement buildings....</p> <p>The Practice Guide adds - The historic environment has an important role to play in addressing climate change. The retention and reuse of heritage assets avoids the material and energy costs of new development.</p> <p>Policy HE8.1 applies to the consideration of applications relating to non designated heritage assets. It states that the effect of an application on the significance of such a heritage asset or its setting is a material consideration.</p> <p>The Practice Guide adds – Some non designated assets, such as buildings of good local character.... are of heritage significance but not at a level that would pass the threshold for national designation. 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.</p> <p>For the above reasons I would advocate that the demolition of the building should be resisted</p> <p>However, should it ultimately be agreed that the loss of the whole or material part of the heritage asset’s significance is justified the Policy HE12 (recording of information related to the heritage assets) must be considered.</p>	<p>Noted, if considered necessary this could be imposed by means of a condition.</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>• too intensive, over-development of the site;</li> </ul>	<p>The development would have a density of 33.3 dwellings per hectare. Since submission of the application PPS3 has been republished which no longer specifies density requirements. However, when judging the application it is considered that the proposal is not deficient in parking nor garden provision, and distances between buildings on the site and surrounding it are satisfactory. As such, the concern regarding ‘over development’ is not</p>

<ul style="list-style-type: none"> <li>concern over historic drainage problems with this site and surrounding area. The existing system will not cope with the extra water run-off. Please see report from consultants Pick Everard dated 12 July 2004 re Claxton Rise, West End, on the regular flooding of the area.</li> </ul> <p>The Parish Council requests that, if the application is approved, the followings conditions be included in a 106 agreement:</p> <ul style="list-style-type: none"> <li>Necessary drainage work must be undertaken by the developer to alleviate possible flooding;</li> <li>the dwelling to replace Hathaway Cottage should be a replica of the present dwelling and no further applications should be accepted to change this after the demolition of the existing cottage.</li> </ul> <p>The Parish Council has no objection to the amended plans but has the following concerns:</p> <ul style="list-style-type: none"> <li>historic drainage problems with this site and surrounding area. The existing system will not cope with the extra water run-off. Please see report from consultants Pick Everard dated 12 July 2004 re Claxton Rise, West End, on the regular flooding of the area which should be addressed by the Borough Council and County Council.</li> <li>It regrets the demolition of Hathaway Cottage. The replacement dwelling should be a replica of the present dwelling and no further applications should be accepted to change this after the demolition of the existing cottage.</li> </ul>	<p>evidenced and is considered to be inappropriate as a ground for refusal.</p> <p>The comments in relation to drainage and flooding are noted. See commentary above.</p> <p>Noted, if considered necessary this could be imposed by means of condition and would not necessarily require a Section 106 legal agreement.</p> <p>Noted, see comments above. 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) and to detain water at times when flows are high. Accordingly, the concern regarding the ability of the system to accommodate additional water is negated.</p> <p>Noted, see commentary in relation to the Conservation Officers comments.</p>
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**Representations:**

A site notice was posted and neighbouring properties consulted. As a result 22 letters of objection have been submitted from 21 households and it should be noted that a number of objectors have written more than one letter in connection with the application, particularly in relation to amended plans submitted and revised flood risk assessment. A petition of 108 signatures (limited to 2 per household) has also been received which has been forwarded from the previous application. A letter of support has also been received.



## Objections

Representation	Assessment of Head of Regulatory Services
<p><b>Impact on residential amenity:</b></p> <ul style="list-style-type: none"> <li>• No elevation details have been provided and overlooking may result.</li>   <li>• Detrimental impact on residential amenities of surrounding properties, it is likely that there will be windows in Plot 5 which will create overlooking.</li>   <li>• Visual intrusive</li>   <li>• Plot 5 would introduce overlooking and loss of privacy, access is close to boundary with rear gardens disturbing privacy.</li>   <li>• Proposal would introduce an overbearing impact, loss of outlook and amenity to Nos.35, 37 and 41 West End and Brook House.</li>   <li>• Plot 2 would impact upon No.41 affecting the aspect of the garden</li> </ul>	<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 3 would be sited 15 metres from the rear elevation at the closest point and 12 metres from the corner of an extension to this property (extant planning permission) from the rear corner of plot 3. The extension is at an angle from Plot 3 and the orientation is such that it would not have an overbearing impact. 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. 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. The bungalow on plot 2 is the closest proposed dwelling to these properties. This would replace an existing garage/outbuilding and given adequate boundary treatment, the single storey nature of the proposal and the existing building any detrimental impact could not be considered sufficient for a refusal.</p> <p>North of the site are Nos.35 and 37 West End which would be 23 metres from the dwelling on plot 5 at the closest point. 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 3, 4 and 5 would have the potential to overlook this land. However, this is some distance from the host property and could not be considered to represent amenity space to the dwelling which required protection from possible overlooking.</p> <p>Separation distances to No.37 to the North and Brook House to the South meet normally expected</p>

<ul style="list-style-type: none"> <li>• The extension to No. 5 Melton Road is not shown on the plans.</li> <li>• Ancient hawthorn hedge bordering Brook House and Hathaway Cottage. The hedge provides some degree of privacy during the summer months and should not be removed.</li> </ul>	<p>distances. Brook House has an extant permission for single storey extensions; however, the impact of the proposal upon these would not justify a refusal. To the West of the site No.41 West End would be only 9 metres from the bungalow proposed on plot 2; however this would replace an existing outbuilding and as such the impact of the proposal would be limited.</p> <p>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 5 properties could justify a refusal.</p> <p>Amended plans have been submitted showing the extension and the relationship to this extension is discussed above.</p> <p>Provided the hedge is under the applicants ownership this could be removed at any time; a condition could be imposed requiring suitable boundary treatment be provided.</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><b>Highway Safety:</b></p> <ul style="list-style-type: none"> <li>• The access road is too close to the difficult Hickling Lane junction and in a position where the service and school buses stop. Traffic too and from 5 properties would create new dangers for other traffic and pedestrians. This is a dangerous junction with high density of road parking at peak times. The junction is an accident waiting to happen.</li> <li>• There has been an accident near this junction and a pedestrian has also nearly been knocked down.</li> <li>• Access drive has no footpath and width is inadequate</li> </ul>	<p>There has been numerous objections received in relation to the access and the addition of four 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> <p>The Highway Authority would examine pedestrian requirements as part of their assessment and have no objection to the proposal .</p>

<ul style="list-style-type: none"> <li>• Hathaway Cottage is situated near a busy junction on a sharp bend in the road, opposite a busy diary, 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.</li> <li>• The highways department should undertake a traffic survey at peak times.</li> <li>• Visibility splay encroaches on land not under the applicant's ownership.</li> <li>• Concern over safety if pedestrians and road users if this development were to proceed and a new access built close to this difficult junction.</li> <li>• 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.</li> <li>• Request that the Committee visit the site to see the road safety hazards which would be caused by a proposed access road so close to the junction.</li> <li>• There appears to be no roadside pavements and the requirements of pedestrians have not been taken into account</li> <li>• The application provides just 9 spaces and does not meet parking requirements. The site is simply not able to accommodate further parking and this would lead to parking on the highway.</li> <li>• Communal parking will lead to parking problems in the future.</li> </ul>	<p>It is considered that with the imposition of suitable conditions that the proposal could be accommodated without having a detrimental impact on highway safety.</p> <p>The Highways Authority has been consulted and would require the development to provide 9 spaces based on DCLG 'Residential car parking research'; these have been accommodated. Turning area meets highways standards. However, amended plans have been submitted and an additional visitor parking space has been provided. The highway authority consider that the parking provision is acceptable.</p>
<p><b>Impact on Character and Appearance of the Area:</b></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Hathaway Cottage is an important element</li> </ul>	<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 building a heritage asset by the Conservation Officer. However, the cottage is</p>

<p>of the harmonious group of old buildings at Pump Corner.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• It is essential that Hathaway Cottage is retained otherwise we may as well disregard the past completely.</li> <li>• Loss of cottage would have detrimental impact on listed building opposite, Stokes Farmhouse.</li> <li>• There is a proposed western extension of the conservation area</li> <li>• New build would be close to highway boundary and have a detrimental visual impact</li> <li>• The development fails to harmonise or be in keeping with the surrounding form of development/streetscene.</li> <li>• Density of development is too high, overdeveloped in one corner of the site and is overbearing and overly intensive.</li> <li>• Loss of green space, feel that the general environmental value of gardens is often overlooked. They are lost and their value is unrealised until it is too late.</li> <li>• Detrimental impact on street scene at entrance to the village</li> <li>• The reduction in garden land and associated planting will reduce the amenity value of the area.</li> <li>• The new government has reclassified residential garden land so that it should be no longer treated as “previously developed” or “brownfield” land (PPS3). This will dramatically transform councils ability to prevent unwanted development on gardens where local people object, and</li> </ul>	<p>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 preserve 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 provided 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. 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>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>Plot 1 is positioned in a similar location to the existing cottage.</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 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 recent amendment 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. 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. Whilst it must be considered that there is no regular pattern of</p>
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<p>protect the character of their neighbourhoods. The number of objections and petition indicate the strong feeling in the village against the proposed development.</p> <ul style="list-style-type: none"> <li>• Mature trees will have to be felled for the development</li> <li>• Infill development will set an appalling precedence within the village, parish and borough to allow access to plots for building.</li> <li>• When the current policy of “infilling” was developed for the village it was not envisaged that perfectly good solid houses that add to the character of the village should be demolished to facilitate the plans</li> <li>• Old pinfold mud wall incorporated into existing garage could be destroyed. This type of mud walling is rare.</li> </ul>	<p>development in the vicinity this part of the village is characterised by larger properties in more generous grounds. Density requirements have also been removed from PPS3 and this application is considered to present a high density of development particularly located to the south and south east of the site. This is not considered to be in keeping with the character and appearance of the area.</p> <p>However, it remains necessary to consider the application in terms of its contribution to housing supply and as an application which meets the requirements of identified housing need. These factors remain a key component of PPS3.</p> <p>On balance, it is considered that whilst the application proposes properties to meet an identified housing need, the proposed density and layout is not in keeping with the form, character and appearance of the area coupled with the loss of a heritage asset, as identified in PPS5, is considered sufficient, on balance, as grounds for 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>Noted, commentary on the application of the relevant policies is considered within the report.</p> <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><b>Drainage and Flooding:</b></p> <ul style="list-style-type: none"> <li>• Flood risk would be accentuated by the proposed surface water drainages from all 5 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.</li> </ul>	<p>There has been considerable objections received in relation to concerns over drainage and flooding and the suitability of the culvert within the site. All these issues have been raised with the Environment Agency and are comprehensively reported above.</p> <p>One issue has been the line of the culvert and its</p>

<ul style="list-style-type: none"> <li>• Risk of flooding as water will run off rather than be absorbed into the ground.</li> <li>• Pick Everard report described the culvert pipe as unsuitable for continued use. The watercourse improvements have not been carried out and this narrow culvert pipe remain in use. The culvert is not fit for purpose.</li> <li>• Dispute the line of the culvert shown on the flood risk assessment.</li> <li>• Suitability of the culvert, the culvert acts as 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.</li> <li>• The precise location and exit point of the culvert should be proven.</li> <li>• A small beck collects rainwater from the fields and goes under Melton Road. If the pipe were to fail then No. 1 Melton Road would be flooded during heavy rain.</li> <li>• 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</li> <li>• If all future developments were to submit a hydro brake and then discharge into the problematic culvert, when would it end?</li> <li>• 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.</li> <li>• 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.</li> <li>• Concern over stone filled trench and impact on neighbouring property, if not maintained will flow into adjoining garden.</li> </ul>	<p>location. Evidence of the line of the culvert has been submitted to the authority and it is considered that the culvert follows the boundary to the south and would not be affected by the construction of the properties.</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>
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<ul style="list-style-type: none"> <li>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.</li> <li>Should the development go ahead and result in adverse flooding will the Council be responsible or guarantee that no detrimental effects in respect of flooding to our properties.</li> <li>Gardens have flooded as a direct result of inadequate drainage in this area and any further development will threaten this situation.</li> </ul>	
<p><b>Archaeology:</b></p> <ul style="list-style-type: none"> <li>The Archaeology report indicates the probability of there being archaeological remains and this should be investigated further.</li> </ul>	<p>LCC Archaeology recognised the potential for archaeological remains to be present on the site on completion of the desk-based study and a further study was requested prior to determination.</p> <p>A further field survey was undertaken and following submission of the interim archaeological statement for the above site and the County Council confirmed that no further archaeological work are required. See commentary above.</p>
<p><b>Wildlife</b></p> <ul style="list-style-type: none"> <li>There will be an environmental impact when a garden is placed by buildings and driveways. Wildlife will suffer.</li> </ul>	<p>Noted, there is no evidence to suggest that the application would have an adverse impact on wildlife.</p>
<p><b>Long Term Impact</b></p> <ul style="list-style-type: none"> <li>Clawson has been a dumping ground for new builds with many inappropriate developments, which have had a negative impact on the quality of life in the village. Clawson does not have the facilities required for large number of residents and as such there is pressure on services such as doctors, school and congestion with extra traffic and parking.</li> <li>Applications have been waved through without any 'big picture' vision of what the village should look like in the future.</li> </ul>	<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 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><b>Bin Collection and Storage</b></p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<p>Each property has a refuse storage area which would be within the curtilage of the property. The collection point would be approximately 54 metres from the furthest refuse storage to Plot 3. 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.</p>

<ul style="list-style-type: none"> <li>The bin collection are sited adjacent to driveway will be detrimental due to the smell and general untidy nature.</li> </ul>	<p>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><b>Petition</b></p> <ul style="list-style-type: none"> <li>A petition was completed as part of the previous application but has been accepted as part of this application. In total there are 108 signatures objecting on the following grounds;</li> </ul> <p>Invaluable streetscene, loss of cottage, precedent, highway and amenity considerations and is an over intensified development.</p> <p>Infill development may have its place, but not at the cost of destroying heritage, a wonderful streetscene, public safety and privacy.</p>	<p>The petition is noted and the issues raised are addressed within the report.</p>

**Support**

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<p>Supports the application, as anything that brings affordable housing to the local community can only be beneficial to both current and future employees of local business.</p>	<p>The dwellings proposed on site are open market housing and not by definition “affordable housing”. However, the scheme does proposed smaller units which would be compliant with identified local housing need.</p>

**Conclusion**

The application site lies within the village envelope of Long Clawson and thus benefits from a presumption in favour of development under policies OS1 and BE1, and fulfils 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. However, the proposed layout and density of the development is not considered to be in keeping with the form, character and appearance of the area and coupled with the loss of a heritage asset, as identified in PPS5, is considered sufficient, on balance, as grounds for refusal. Accordingly the application is recommended for refusal.

**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.**

**RECOMMENDATION:- Refuse :-**

- In the opinion of the Local Planning Authority the proposal would, if approved, 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. The proposal is therefore considered to be contrary to policies OS1 and BE1 of the adopted Melton Local Plan which seeks to ensure development is in keeping with the character of the locality and that development is designed to harmonise with surroundings.**

**Contact: Mrs J Wallis**

**2nd August 2010**