

Conversion of part of existing outbuilding and erection of two storey extension to outbuilding to form one dwelling

**Report Item No
A3**

**Rear Of 66 Leicester Road New Packington Ashby De La
Zouch Leicestershire LE65 1TQ**

**Application Reference
16/01229/FUL**

**Applicant:
Mrs Irons**

**Date Registered:
12 October 2016**

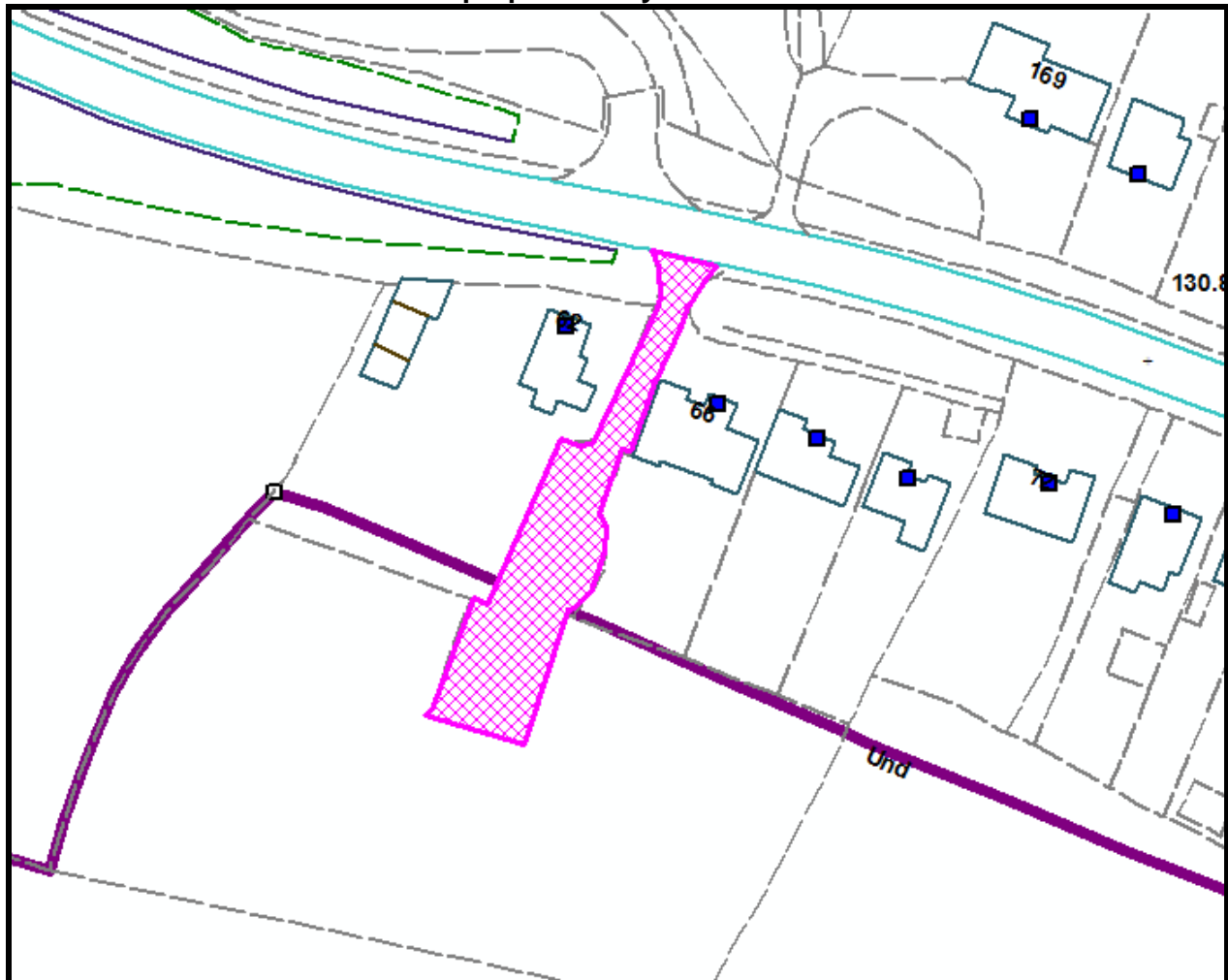
**Case Officer:
Jenny Davies**

**Consultation Expiry:
28 June 2017
8 Week Date:**

**Recommendation:
PERMIT subject to S106 Agreement**

**7 December 2016
Extension of Time:
None Agreed**

Site Location - Plan for indicative purposes only



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office
©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329)

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Call In

The application is brought before Planning Committee as the application site is owned by a serving councillor (Councillor Coxon) and contrary representations to the recommendation to permit the application have been received.

Proposal

Planning permission is sought for the conversion of part of an existing outbuilding and the erection of a two storey extension to the outbuilding to form one dwelling, on land to the rear of No. 66 Leicester Road, New Packington. The existing building is of modern construction and currently used for garaging and storage.

Consultations

One letter of representation has been received. Ashby de la Zouch Town Council supports the application. The Environment Agency objected in relation to use of a non-mains drainage system; however use of the mains sewer is now proposed. There are no objections raised by other statutory consultees.

Planning Policy

The majority of the site lies within the Limits to Development as identified in the adopted North West Leicestershire Local Plan, and the whole site lies outside the Limits to Development in the submitted North West Leicestershire Local Plan. The application has been assessed against the relevant policies in the NPPF and the adopted and submitted Local Plans and other relevant guidance.

Conclusion

As set out in the main report below, it is considered that the proposal is acceptable in principle, and would not have an adverse impact in terms of design, the character and visual amenities of the area, residential amenities, highway safety, protected species, the River Mease SAC/SSSI, contaminated land, trees/hedgerows, and drainage and flood risk. As such the proposal is considered to constitute a sustainable form of development. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted, subject to the signing of a legal agreement and imposition of planning conditions.

RECOMMENDATION - PERMIT subject to conditions and the signing of a Section 106 Agreement

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the conversion of part of an existing outbuilding and the erection of a two storey extension to the outbuilding to form one dwelling, on land to the rear of No. 66 Leicester Road, New Packington. The existing building is of modern construction and currently used for garaging and storage. The dwelling would occupy its southern end (including the proposed extension) with garaging for the new dwelling and No. 66 at its northern end. The extension would project 5.9 metres from the southern end and part of the outbuilding would be altered by an increase in the height of its roof and insertion of new openings, including rooflights. Two timber storage buildings at the southern end of the building would be removed. Access would be via the existing driveway off Leicester Road that serves four existing dwellings, and parking and turning space and a private garden for the new dwelling are proposed adjacent to the existing outbuilding. Residential development and open fields adjoin the site.

The majority of the site lies within the Limits to Development as identified in the adopted North West Leicestershire Local Plan (with the southern part of the site lying outside the Limits to Development) and the whole site lies outside the Limits to Development in the submitted North West Leicestershire Local Plan. The site lies within the catchment area of the River Mease Special Area of Conservation.

Planning permission was granted for the building (as a triple garage and store) in October 1999 (99/0653), and permission was subsequently granted for an extension to the building in November 2004 (04/01483/FUL). There are no records of planning applications having been submitted for the timber structures to the south of the building. No objection was raised to an application for prior notification for a steel barn (11/00141/AGP) in February 2011, which has not been constructed and was proposed in the location of the two timber structures.

2. Publicity

5 Neighbours have been notified (date of last notification 20 October 2017)
Site Notice displayed 22 October 2016.

3. Summary of Consultations and Representations Received Statutory Consultees

Ashby de la Zouch Town Council supports the application.

Packington Parish Council has no comments to make.

The Council's Environmental Protection team has no environmental observations subject to conditions.

The County Ecologist has no objections.

Natural England has no objections subject to conditions.

The Environment Agency objected to the application when a non-mains drainage system was proposed.

The County Highway Authority refers to its Standing Advice.

No comments have been received from Severn Trent Water by the date of this report. Any comments received will be reported on the Update Sheet.

Third Party Representations

One letter of representation has been received which makes the following comments:

- blocked sewage pipes and flooding of the neighbouring garden would be exacerbated;
- discrepancies on the submitted plans relating to the position of the boundary with No. 62 Leicester Road;
- covenants in place relating to the drive over which the owners of the neighbouring property have a right of access.

All responses from statutory consultees and third parties are available for Members to view on the planning file.

4. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 10 (Achieving sustainable development)

Paragraph 14 (Presumption in favour of sustainable development)

Paragraph 17 (Core planning principles)

Paragraphs 32 and 35 (Promoting sustainable transport)

Paragraphs 47, 49, 53 and 55 (Delivering a wide choice of high quality homes)

Paragraphs 57, 58, 60, 61 and 64 (Requiring good design)

Paragraph 69 (Promoting healthy communities)

Paragraphs 96, 99, 100 and 103 (Meeting the challenge of climate change, flooding and coastal change)

Paragraphs 109, 111, 118, 119, 120 and 121 (Conserving and enhancing the natural environment)

Paragraph 203, 204 and 206 (Planning conditions and obligations)

Adopted North West Leicestershire Local Plan (2002):

The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application:

Policy S1 - Overall Strategy

Policy S2 - Limits to Development

Policy S3 - Countryside

Policy E2 - Landscaped Amenity Open Space

Policy E3 - Residential Amenities

Policy E4 - Design

Policy E7 - Landscaping

Policy E8 - Crime Prevention

Policy E24 - Re-use or Adaptation of Rural Buildings

Policy F1 - National Forest - General Policy

Policy F2 - Tree Planting
Policy F3 - Landscaping & Planting
Policy T3 - Highway Standards
Policy T8 - Parking
Policy H4/1 - Housing Land Release
Policy H6 - Housing Density
Policy H7 - Housing Design

Submitted North West Leicestershire Local Plan

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. Examination hearing sessions were held in January and March 2017 and the Council commenced consultation on its Main Modifications on 12 June 2017. The weight to be attached by the decision maker to this submitted version (as proposed to be modified) should be in accordance with the approach set out in Paragraph 216 of the NPPF, having regard to the stage now reached towards adoption, the extent to which there are unresolved objections to the policies relevant to the determination of this application, and the degree to which the emerging policies are consistent with the NPPF.

S1 - Future Housing and Economic Development Needs
S2 - Settlement Hierarchy
S3 - Countryside
D1 - Design of New Development
D2 - Amenity
IF4 - Transport Infrastructure and New Development
IF7 - Parking Provision and New Development
En1 - Nature Conservation
En2 - River Mease Special Area of Conservation
En3 - The National Forest
En6 - Land and Air Quality
Cc2 - Water - Flood Risk
Cc3 - Water - Sustainable Drainage Systems

Pre-Submission Ashby Neighbourhood Local Plan

The Pre-Submission Ashby Neighbourhood Local Plan was out for consultation until 13 March 2017. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the pre-submission Neighbourhood Plan has progressed, only very limited weight can be attributed to its policies at this stage.

Policy S1 - Presumption in favour of Sustainable Development
Policy S2 - Limits to Development
Policy S3 - Development proposals outside of the Limits to Development
Policy S4 - Design Principles
Policy S5 - Priority to be given to Brownfield Sites
Policy H1 - Sustainable Housing Growth
Policy H3 - Windfall Sites
Policy T1 - Traffic Management
Policy T6 - Car Parking
Policy NE4: Biodiversity
Policy NE 5: Trees and Hedgerows
Policy DC1: Community Infrastructure

Other Guidance

National Planning Practice Guidance 2014

The Conservation (Natural Habitats &c.) Regulations 2010 (the 'Habitats Regulations')

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

River Mease Water Quality Management Plan - August 2011

The River Mease Developer Contributions Scheme (DCS)

The Community Infrastructure Levy Regulations 2010

6Cs Design Guide - Leicestershire County Council

Good Design for North West Leicestershire SPD

5. Assessment

The main issues for consideration in the determination of this application relate to the principle and sustainability of the development, its design and visual impact and its impact on residential amenities, highway safety, protected species and on the River Mease Special Area of Conservation.

Principle

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2002 (as amended)).

The majority of the application site lies within the defined Limits to Development within the adopted Local Plan (with the southern part lying outside the Limits to Development), and the whole site lies outside the Limits to Development within the submitted North West Leicestershire Local Plan. Under Policy S2 of the submitted Local Plan New Packington is considered to be a hamlet, which is defined as a small group of dwellings with no services and facilities, where development will be considered in the context of the countryside policy (i.e. Policy S3). Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside, but does not specifically preclude development within the countryside.

The NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Council is able to demonstrate a five year supply of housing (with 20% buffer) against the housing requirement contained in the submitted Local Plan.

The re-use of rural buildings can be acceptable under Policies S3 and E24 of the adopted Local Plan and Policy S3 of the submitted Local Plan and is supported at paragraph 28 of the NPPF. No information in relation to an assessment of alternative uses, as required by Policy E24, has been submitted. However there is no such requirement under Policy S3 of the submitted Local Plan or the NPPF.

Also under Policy E24 buildings must be of permanent and substantial construction, structurally sound and capable of conversion without major or complete reconstruction or significant alteration or extension. However whilst this element of Policy E24 is not consistent with the requirements of the NPPF and Policy S3 of the submitted Local Plan, it is considered to have some weight as it is a material consideration as to whether the buildings are capable of conversion, given the in-principle support for this type of development in the countryside as opposed to many forms of new-build development. Whilst a full structural survey has not been undertaken, the agent has advised that the building has cavity walls, concrete strip foundations, a concrete floor and a tiled roof. On this basis it is considered that a reason for refusal on the

basis of lack of alternative use assessment and it not being satisfactorily demonstrated that the building is not structurally sound could not be justified in this case.

It is considered that the proposal would comply five of the six criterion set out under the second part of submitted Policy S3, as it would not be significantly harmful to the appearance and character of the landscape (as discussed in more detail below), would not undermine separation between settlements, would not create ribbon development and would be well integrated with existing development and buildings. The proposal would not comply with the sixth criterion, which is discussed in more detail below in relation to social sustainability.

Consideration must also be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF.

In terms of social sustainability, whilst the proposal would not result in an 'isolated' dwelling in the countryside given the proximity of other dwellings, New Packington does not benefit from any services or facilities and does not appear to have a bus service. The closest settlement with facilities/services and public transport is Ashby de la Zouch. Whilst the site has good accessibility to Ashby, given the lack of services within New Packington itself, it is considered that future residents are likely to choose to use the private car to make journeys to both settlements. The lack of a bus service would also severely limit the opportunities for residents to travel to work by public transport. As such the site would not be socially sustainable in terms of access to services/facilities.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. However in this case on balance the use of an existing rural building, which is previously developed land, both of which are encouraged within the NPPF, are considered to outweigh the conflict with the social strand of sustainable development.

In terms of environmental sustainability as set out in more detail below, the proposal would not result in any unacceptable impacts on the natural, built or historic environment. There would also be very limited economic benefits which would include local construction jobs and helping to maintain local services in the area.

In conclusion, the proposal would not have unacceptable impacts on the natural, built or historic environment and would have very limited economic benefits. Whilst future occupiers of the dwellings would be reliant upon the private motorcar to access basic day to day needs, which weighs against the site being socially sustainable, the use of an existing building which is previously developed land is considered to outweigh the conflict with the social strand of sustainable development. Therefore in the overall balance it is considered that whilst the proposal would not fully comply with Policy S3 of the submitted Local Plan it represents a sustainable form of development as it would not significantly conflict with paragraphs 14 and 17 of the NPPF and would comply with both Policies S2 of the adopted and submitted Local Plans.

Design and Visual Impact

The need for good design in new residential development is outlined in adopted Local Plan Policies E4 and H7, as well as Policy D1 of the submitted Local Plan and Paragraphs 57, 60 and 61 of the NPPF.

The alterations and extension to the building would be in keeping with its scale and design, and a large extent of the site is already hardsurfaced. Given that the building is at a lower land level

than Leicester Road, the set back from the road and the development would be seen alongside existing dwellings, it is considered that the proposal would not be overly prominent in the streetscene. The development is likely to be visible from public bridleway P20 located to the west, but would be some distance away and seen against the backdrop of existing dwellings. The site could accommodate all of the necessary requirements (private garden, parking/turning space, bin collection area) and would not be cramped or overdeveloped. As such it is considered that the proposal would not be significantly harmful to the character and visual amenities of the streetscene and countryside and would comply with the provisions of adopted Policies E4 and F1 and submitted Policy S3 and would not be significantly contrary to submitted Policy D1.

Residential Amenities

The proposal is likely to result in an increase in traffic using the driveway which runs adjacent to existing dwellings and rear gardens. However the situation would not be dissimilar to a development on a corner site with a side road running close to dwellings and rear gardens, which was considered in an appeal decision to be a yardstick for an acceptable standard.

The proposed extension (which includes rooflights) would be over 30 metres from the rear windows to Nos. 62 and 66 Leicester Road, and the raised roof would be over 25 metres away from both dwellings. Whilst the raised roof would in part be adjacent to No. 62's garden, it does not have any rooflights, and whilst the extension would be within four metres of No. 62's garden, its rear rooflight serves a staircase. Furthermore No. 62's rear garden area is large in size. The extension would be nine metres from No. 66's rear garden, and the raised roof would be six metres away. The front rooflights would serve habitable rooms, although they would face towards the rear part of No. 66's garden. All other new openings would be at ground floor.

As such it is considered that the proposal is unlikely to result in significant detriment to residential amenities in terms of loss of light, loss of privacy and oppressive outlook or noise and disturbance, and as such would comply with the provisions of Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

Highway Safety

The County Highway Authority refers to its Standing Advice. The dwelling would be served by an existing access onto Leicester Road, which currently serves four other dwellings. There is adequate space within the site for parking and turning provision. It is therefore considered that the proposal would not result in a severe impact on highway safety, and would comply with Policies T3 and T8 of the adopted Local Plan, Policies IF4 and IF7 of the submitted Local Plan and paragraph 32 of the NPPF.

Protected Species

The site is adjoined by open fields and large gardens, a pond is nearby and a building would be converted. All of these are features that could be used by European Protected Species (EPS) or national protected species. As EPS may be affected by a planning application, the Local Planning Authority has a duty under regulation 9(5) of the Habitats Regulations 2010 to have regard to the requirements of the Habitats Directive in the exercise of its functions. The County Ecologist advises that as the proposal relates to conversion of a modern building and is minor in nature, with poor connectivity to the pond, there is no need for ecological surveys. Part of the building would not be converted and would be retained in its current use, and there are large areas of grassland habitat adjacent to the site. As such it is considered that protected species would not be adversely affected and the proposal meets the requirements of the Habitats Regulations 2010 in respect of protected species, and would also comply with Policy EN1 of the submitted Local Plan.

River Mease Special Area of Conservation

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC)/SSSI. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required.

The River Mease Developer Contribution Scheme First and Second Development Windows (DCS1 and 2) have been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). Both DCS1 and DCS2 are considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF.

The application initially included use of a non-mains drainage system as it was submitted before DCS2 was adopted by the Council on 20 September 2016. However there is only limited capacity available for new development until pumping out of foul drainage discharge from the SAC catchment area takes place. It is considered that this limited capacity should be directed to the most sustainable locations for new development within the District as set out in Policy S2 of the submitted Local Plan. Therefore as the application lies partly within the Limits to Development in the adopted Local Plan and relates to conversion of an existing building, the Authority is of the view that the proposal is acceptable under DCS2. As such the application has been amended so that the mains sewer would be used. The applicant has indicated they are willing to pay the required DCS contribution and the Council's solicitors have been instructed.

A condition could be imposed requiring surface water from the extension and additional hardsurfacing to discharge to soakaway or other sustainable drainage system.

The flows from the additional dwelling needs to be taken into account against the existing headroom at Packington Treatment Works. At March 2016 capacity was available for 3368 dwellings but this is reduced by the number of dwellings that already have consent or are under construction at March 2016 (1444), and the number of dwellings that have subsequently been approved or have a resolution to permit (376). As such it is considered that capacity is available at the relevant treatment works for the foul drainage from the site.

Therefore it can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI, and would comply with the Habitat Regulations, the NPPF and Policies S2, EN1 and EN2 of the submitted Local Plan.

Other Matters

The Environmental Protection team has requested the imposition of conditions relating to contaminated land due to the unknown use of the building and as such the proposal complies with Policy EN6 of the submitted Local Plan.

Concerns have been raised that the proposal would exacerbate blocked sewers in the vicinity of the site, Severn Trent Water has been consulted twice but no response has been received to date. Any comments received will be reported on the Update Sheet. The site is within Flood Zone 1 and a small area at low risk of surface water flooding covers part of the existing driveway. As such it is considered that the proposal would not impact on flood risk and would therefore comply with Policies CC2 and CC3 of the submitted Local Plan.

In respect of matters raised in the letter of representation that have not been addressed above, matters relating to covenants are not a planning matter and are a private matter which afford no weight in the determination of this application. This letter also indicates that the boundary between No. 62 Leicester Road and the site is shown incorrectly on the site plan, and that the boundary runs along the rear wall of the outbuilding, rather than following an existing hedge line. The agent has been informed of the comments in respect of the covenants and the boundary. However development is not proposed within the area in question, and the occupiers of No. 62 have been notified of the application. As such it is considered that this is private matter to be addressed between the two parties.

Conclusion

The proposal is acceptable in principle, and would not have an adverse impact in terms of design, the character and visual amenities of the area, residential amenities, highway safety, protected species, the River Mease SAC/SSSI, contaminated land, trees/hedgerows, and drainage and flood risk. As such the proposal is considered to constitute a sustainable form of development. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

RECOMMENDATION, PERMIT, subject to the signing of a Section 106 Agreement and the following condition(s):

- 1 Time limit
- 2 Approved plans
- 3 Demolition - timber structures
- 4 Materials
- 5 Surface water drainage
- 6 Parking and turning space
- 7 Landscaping and boundary treatments and replanting
- 8 Extent of curtilage
- 9 Removal of permitted development rights
- 10 Contaminated land - investigation and verification