

Change of use of land as an extension to the residential curtilage

Report Item No  
A2

Land Adjacent To 25 Buckingham Road Coalville  
Leicestershire LE67 4PB

Application Reference  
17/00459/FUL

Applicant:  
Mr John Iliffe

Date Registered:  
10 April 2017

Case Officer:  
Robert McKillop

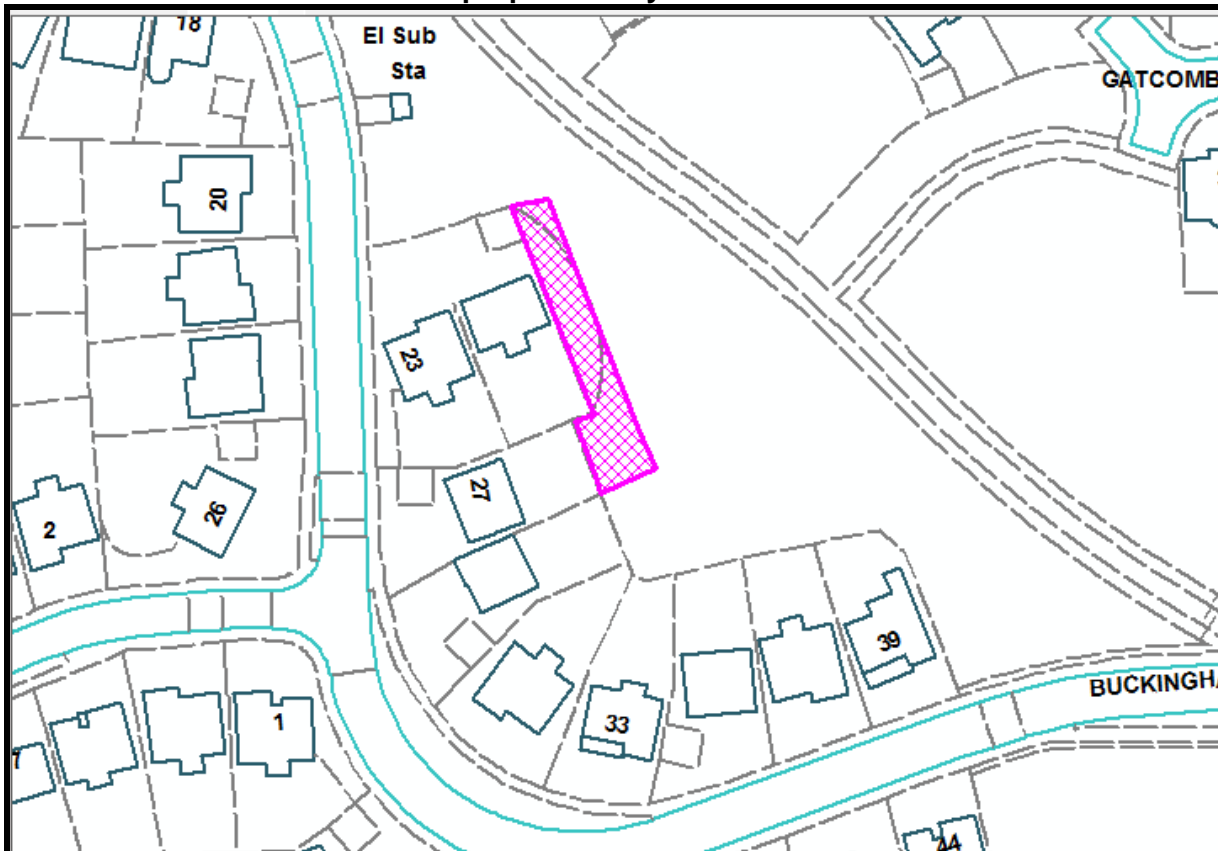
Consultation Expiry:  
1 September 2017

Recommendation:  
PERMIT subject to S106 Agreement

8 Week Date:  
5 June 2017

Extension of Time:  
None Agreed

Site Location - Plan for indicative purposes only



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## **Executive Summary of Proposals and Reasons for Approval**

### **Reason for Call In**

The application has been called to the Planning Committee by Councillor Cotterill on the grounds of the loss of open space and significant public concern.

### **Proposal**

The site currently comprises an area of dense landscaping associated with the original development of this residential estate. This application seeks full planning permission for the change of use of land as an extension to the residential curtilage at No.25 Buckingham Road, Coalville.

### **Consultations**

Members will see from the main report below that 16 objection letters have been received from neighbours. There are no other objections raised by statutory consultees.

### **Planning Policy**

The application site lies within the Limits to Development as defined in the adopted and submitted North West Leicestershire Local Plans. The application has also been assessed against the relevant policies in the NPPF and other relevant guidance.

### **Conclusion**

The site is located within the Limits to Development where the principle of development is considered acceptable. The development would appear sufficiently in keeping with the character and appearance of the surrounding area, would not have any adverse impacts on residential amenities or highway safety and while some trees would be lost, this would not be significant and a dense area of trees would be retained. In addition, a contribution for off site National Forest planting would also be secured. There are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions and Section 106 contributions, is considered acceptable for the purposes of the policies referred to in the main report below.

### **RECOMMENDATION - PERMIT, subject to conditions and the completion 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 and the Officer's assessment, 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 change of use of land as an extension to the residential curtilage at land adjacent to No.25 Buckingham Road, Coalville. The land in question measures 44m in length and 6m in width running along the eastern side boundary of No.25 and the rear boundary of No.27 Buckingham Road. There is a public footpath running to the north east and the land in question, along with other surrounding land, represents part of a now mature landscape planting scheme associated with permission 99/00600/FUL, which was secured by a legal agreement.

The site is within the limits to development in both the adopted and submitted Local Plans. The application proposes that land would accommodate a lawn, vegetable plot with greenhouse and orchard/wild garden area.

#### Relevant Planning History

99/00600/FUL - Erection of 28 semi-detached dwellings and 91 detached dwellings and associated garages plots 105-228 (Land off Broom Leys Road, Coalville).

### 2. Publicity

4 neighbours notified.

Site Notice displayed 19 May 2017.

### 3. Summary of Consultations and Representations Received

16 public representations have been received raising the following points of objection:

- The land enhances the area and is used for public walks and children's play;
- The application would set a precedent for similar development resulting in a total loss of open space in the area;
- It would be disruptive to have building on this area and the application would reduce the value of neighbouring properties, particularly if the land was used for parking or further building;
- The applicant has extended their property and now wants this land to off-set the reduction in garden area;
- The loss of existing trees would affect the local character of the area which was designated as woodland though the original planning permission and should be retained as such;
- The land is a good habitat for birds and wildlife and the application would be detrimental to nature if approved;
- The applicant has submitted photos of a different area to support the application and has completed the application form incorrectly as the application would impact on trees. Some trees have already been removed;
- The change of use could lead to flooding issues in the area, particularly if trees are removed;
- The application would result in overlooking to the rear of No.27 Buckingham Road.

The National Forest Company has no objections subject to contributions towards off-site replacement planting.

NWLDC Environmental Protection has no observations on this application.

## 4. Relevant Planning Policy

### National Policies

#### *National Planning Policy Framework*

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.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below 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.

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

Paragraph 14 (Presumption in favour of sustainable development)  
Paragraph 56 (Requiring good design)  
Paragraph 64 (Requiring good design)  
Paragraph 203 (Planning conditions and obligations)

### Adopted North West Leicestershire Local Plan (2002)

The site lies within Limits to Development as defined in the adopted North West Leicestershire Local Plan. No other site-specific policies apply.

The following adopted Local Plan policies are considered relevant:

Policy E2 - Landscaped Amenity Open Space  
Policy E3 - Residential Amenity  
Policy E4 - Design  
Policy E7 - Landscaping

### Other Policies

#### 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 undertook a six week consultation on its Main Modifications from 12 June 2017. The comments received have been considered. The Council's position is that no further changes are required. All of the comments received, together with the Council's response, have been forwarded to the Inspector who will, in due course, advise of the next steps. 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.

Policy D1 - Design of New Development  
Policy D2 - Amenity

### National Planning Practice Guidance - March 2014.

## 5. Assessment

### Principle

The subject strip of land is outside of the boundary of the residential curtilage belonging to the application dwelling. The site is located within the Limits to Development as set out on the Proposals Map to the adopted and submitted Local Plans where the principle of development is considered acceptable subject to impacts upon residential amenity, the character of the area, loss of trees and any other material considerations.

### Residential Amenity

No built development is proposed as part of this application and given the nature of the proposed development and presence of boundary fences to the rear boundaries of adjacent neighbours, there would not be any undue loss of privacy or overlooking conflicts, nor is the application likely to result in any significant disturbance to neighbours over and above that of the existing garden area at No. 25 Buckingham Road.

Although letters have been received objecting to the application on grounds of devaluation of surrounding properties, this is not a material planning consideration and would not represent a reason to refuse the application.

It is, therefore, deemed that the development would have an acceptable impact on residential amenities and would accord with Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

### Character of the area

Consideration has also been given to whether the development would have an acceptable impact upon the character of the surrounding area. The proposal would result in a limited loss of an area of dense trees which formed part of the landscaping scheme when this residential estate was built. The application site is extremely well screened from views within the public realm by an area of dense and mature tree planting and given that a large area of trees, shrubs and public open space would be retained to the east of the application site, on balance, there would be a limited detrimental impact on the character and appearance of the surrounding area. No structures are proposed in this application, however it is considered that given the potential for outbuildings to be constructed in the future, permitted development rights for outbuildings should be removed. Furthermore, a landscaping scheme could be secured by way of planning conditions to ensure that the proposal would have an acceptable visual impact. On this basis the application is considered to accord with Policy E4 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

### Trees

It is noted that some of the trees in the area appear to have already been removed. These trees are not protected by a TPO and whilst it is noted that collectively they provide some amenity value in the area, this would only represent a relatively small loss when compared to the area of dense planting to be retained. With regard to the loss of this planting area secured under permission 99/00600/FUL, the National Forest Company has advised that whilst its loss is undesirable, they would not object to the application should an area of off-site planting be provided elsewhere in the district that is twice the size of the planting area to be lost. The applicant has confirmed that they will enter into a legal agreement to secure this off-site planting. In view of the minor impact of the loss of trees and the provision of off-site planting twice the size of that being lost, on balance, it is considered that the application would not have such a significantly detrimental impact on tree loss to warrant refusal of this application.

### **Other Matters**

The application would be unlikely to exacerbate any flooding and the application site is not in Flood Zones 2 or 3 and is not in an area at risk of surface water flooding either.

The application site is likely to have some minor habitat value however it is noted that a significant area of dense planting would still be retained, and the application is considered not to result in any significant detrimental impact on wildlife or ecological features.

In relation to other matters raised in the public objection letters, any future applications would be judged on their individual merits and this application would not, therefore, set a precedent for similar development in the area.

### **Conclusion**

The development would be acceptable in principle and is considered to have an acceptable impact on residential amenity, character of the area and trees. There are no other material planning considerations and the application is deemed to accord with the relevant policies in the adopted and submitted Local Plans and advice in the NPPF. It is therefore recommended that the application be permitted.

### **RECOMMENDATION, PERMIT subject to a Section 106 Agreement and the following conditions:**

1. Time limit
2. Approved plans
3. Landscaping
4. Replacement planting
5. Boundary treatment
6. Restriction on removal of vegetation between March and August
7. Removal of permitted development rights
8. Use of the land as specified