

Erection of 4 bungalows and associated infrastructure

Report Item No
A3

Site At Staley Avenue Ashby De La Zouch Leicestershire LE65
2PP

Application Reference
16/01224/FUL

Applicant:
Mr Glyn Jones

Date Registered:
3 November 2016

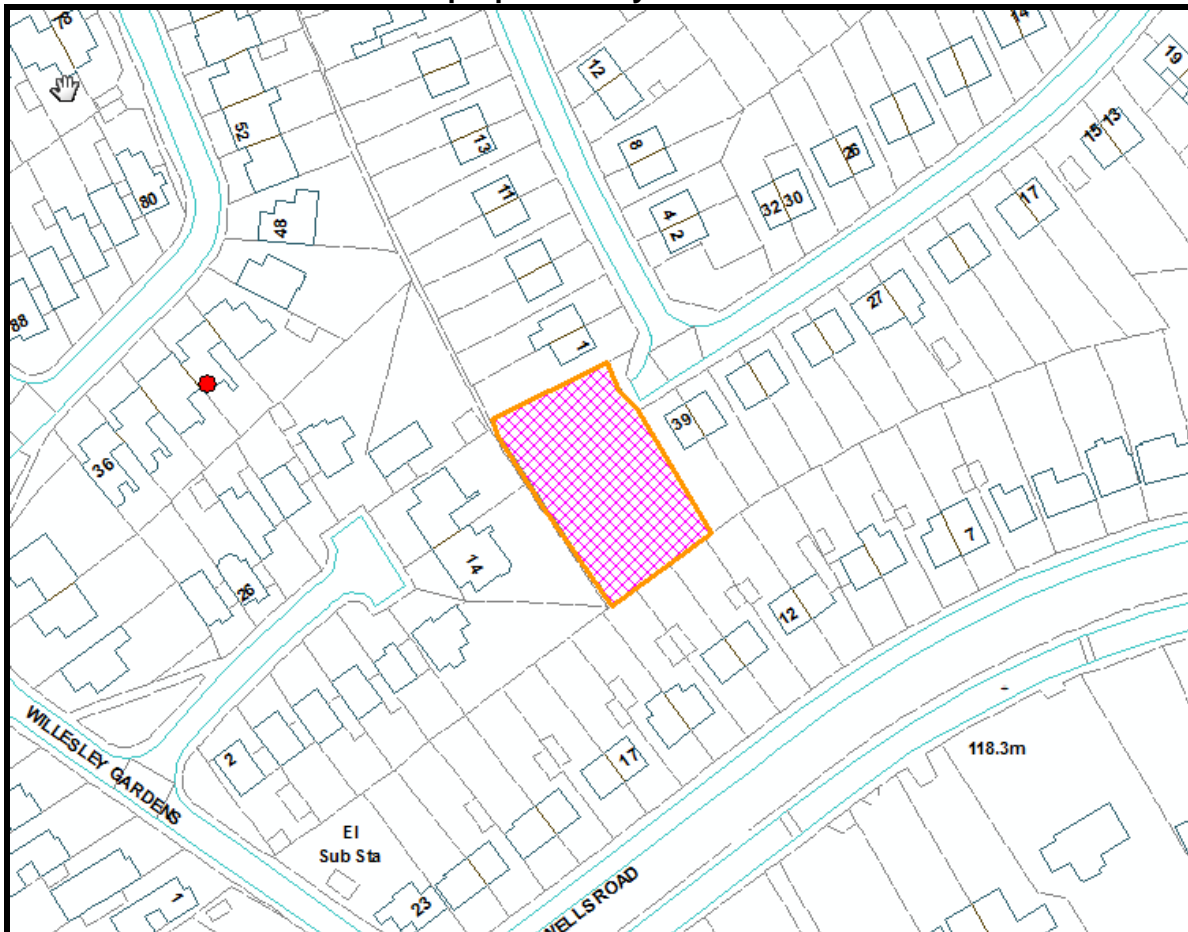
Case Officer:
Ebony Mattley

Consultation Expiry:
3 January 2017

Recommendation:
PERMIT

8 Week Date:
29 December 2016
Extension of Time:
13 January 2017

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Reasons for Approval

Reason for Call In

In accordance with the North West Leicestershire District Council Constitution, the application has been referred to Planning Committee, as the application is submitted by the Council for its own development and objections have been received.

Proposal

This application seeks full planning permission for the erection of 4 no. bungalows and associated infrastructure at Staley Avenue, Ashby de-la Zouch.

Consultations

Members will see from the main report below that there are objections from 2 addresses to the scheme. There are no other objections raised from statutory consultees.

Planning Policy

The application site is located within Limits to Development, as defined by the adopted North West Leicestershire Local Plan Proposals Map 2002 and submitted Publication Policies Maps June 2016.

Conclusion

The NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the discussions within the main body of the report, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

The proposed development would be acceptable in terms of layout, scale, design, impact upon trees, residential amenities, highway safety, flood risk and drainage and impact on the River Mease SAC/SSSI and no other technical issues are considered to arise. 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 conditions.

RECOMMENDATION - PERMIT, subject to no new significant material objections being received prior to the expiry of the consultation period on 3 January 2017 and the imposition of conditions

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 erection of 4 no. bungalows and associated infrastructure at Staley Avenue, Ashby de-la Zouch.

All four bungalows are of two bed configuration and are to be affordable housing (social rented).

Access is proposed from Staley Avenue. The site is located within Limits to Development, as defined by the adopted North West Leicestershire Local Plan Proposals Map 2002 and submitted Publication Policies Maps June 2016.

Recent Planning History:-

None.

2. Publicity

10 neighbours notified.

Site Notice displayed 14 November 2016.

Press Notice published Leicester Mercury 16 November 2016.

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

Ashby Town Council raise no objections.

Natural England raise no objections, subject to the imposition of conditions.

Leicestershire County Council - Highways raise no objections, subject to the imposition of conditions.

Leicestershire County Council - Lead Local Flood Authority any comments received will be reported on the update sheet.

NWLDC Street Action Team has no objection subject to a conditions requiring a further risk based land contamination assessment prior to any development.

NWLDC Environmental Protection has no environmental observations.

Third Party Representations

Two letters have been received raising the following objections, concerns and points:-

- o Flooding - existing drains unable to cope with the large volume of water and reports do not deal with the issue of water from the proposed development causing problems downhill from the development; floor plans have been raised but what about the impact on existing properties; additional drainage may well be beneficial both to neighbours and the new home owners;
- o Impact upon wildlife - hedgehogs are setting up nests and the development will eliminate good hedgehog habitat and measures should be imposed to minimise the loss and there are small ponds in surrounding gardens which would support amphibians; frogs, Great

- Crested Newts
- o Visibility and privacy - the plots will be in close proximity to the boundary of properties on Wells Road. There is not a 6ft fence, but a trellis fence and even if the fence were solid the rear view would be obstructed.
 - o Lighting - additional lights would be unwelcome and would spill onto neighbouring properties and vehicles pulling on to the drive between plots 3 and 4 would illuminate the garden and house, through the trellis fence.
 - o Clarification on boundaries, fencing and hedgerows
 - o False statements in the planning applications and the surveys and mistakes in the drawings submitted; false statements in the planning application; the land was last used as allotments and error in plans on plot 1; Wells Road is not mentioned in any of the plans or documents.

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

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 28 (Supporting a prosperous rural economy)
- Paragraph 49 (Delivering a wide choice of high quality homes)
- Paragraph 57 (Requiring good design)
- Paragraph 64 (Requiring good design)
- Paragraph 118 (Conserving and enhancing the natural environment)

Adopted North West Leicestershire Local Plan (2002)

The application site is within Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

- Policy S2- Limits to Development
- Policy E3 - Residential Amenities
- Policy E4 - Design
- Policy H4/1 - Housing Land Release
- Policy T3 - Highway Standards

Policy T8 - Parking
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. The weight to be attached by the decision maker to this submitted version should be commensurate to the stage reached towards adoption.

S1 - Future Housing and Economic Development Needs
S2 - Settlement Hierarchy
D1 - Design of New Development
D2 - Amenity
H6 - House Types and Mix
IF7 - Parking Provision and New Development
EN2 - River Mease Special Area of Conservation
CC2 - Water - Flood Risk
CC3 - Water - Sustainable Drainage Systems

Emerging Ashby de la Zouch Neighbourhood Plan

On 2 May 2016 Ashby de la Zouch Town Council commenced public consultation on a pre-submission Neighbourhood Plan. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft 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 S4 - Design
Policy TC4 - Residential Development

Other Guidance

National Planning Practice Guidance - March 2014.
The Conservation of Habitats and Species 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.
River Mease Water Quality Management Plan - Developer Contribution Scheme June 2016.

6Cs Design Guide (Leicestershire County Council)

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development.

5. Assessment

The main issues for consideration in the determination of this application relate to the principle of development, layout, scale and design, impact upon residential amenity, highway considerations, impact upon the River Mease Special Area of Conservation/SSSI, drainage and floodrisk, impact upon trees and other matters.

Principle of Development

Insofar as the principle of development is concerned, and 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)).

There are three core strands underpinning the presumption in favour of sustainable development promoted within the NPPF. These are economic, social and environmental. So long as a development is consistent with these criteria, in principle the development should be considered acceptable.

The NPPF also requires that the District 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 Local Authority is able to demonstrate a five year supply of housing (with 20% buffer) against the requirements contained in the submitted Local Plan.

The site is located within limits, within the adopted Local Plan where there is a presumption in favour of sustainable development and would also fall within limits within the submitted Local Plan and would fall to be considered against Policy S2, which supports significant growth in Ashby and therefore is supportive of infill residential development.

Furthermore, in respect of sustainability, in the context of the River Mease, in the Authority's opinion, the limited capacity DCS2 should be directed to the most sustainable locations for new development within the District. Therefore as the site lies within the Limits to Development, the Authority is of the view that this application is acceptable under DCS2.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. The settlement of Ashby benefits from a wide range of local services and is readily accessible via public transport. On this basis future residents would not be heavily reliant on the private car to access the most basic of services.

All four bungalows are of two bed configuration and are to be affordable housing (social rented) which is considered to make a contribution to the Council's supply of affordable housing.

In conclusion, it is considered that the site would be socially sustainable and there would be some limited economic benefits associated with the construction of the dwellings and these benefits would not be significantly or demonstrably outweighed by any potential negative environmental impacts of the proposal.

Overall the proposal is considered to represent sustainable development and, therefore, the application is considered acceptable in relation to the NPPF. Furthermore, as the site falls within limits, the site is considered to be sustainable in the context of the River Mease.

The NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

Layout, Scale and Design

The site is surrounded by residential development to all boundaries. The existing dwellings in the immediate vicinity predominantly comprise two storey proportions, however a scheme proposing single storey proportions is not considered contrary to the character to the area, to sustain a reason for refusal.

In terms of footprint, the proposed bungalows occupy fairly similar footprints to existing surrounding dwellings and the scheme proposes one pair of semi-detached bungalows and two detached bungalows, which is also reflective of the semi-detached and detached, existing surrounding dwellings.

The scheme proposes the pair of semi-detached bungalows fronting Staley Avenue, to provide an active street frontage, with the two detached bungalows facing into the site.

The bungalows provide appropriately sized gardens commensurate to the size of the dwellings they serve.

Officers have requested that the plots be angled to be perpendicular to the surrounding properties, however the angle of the plots has been specifically designed due to constraints on the site (sewer easements) and therefore the siting is considered to be acceptable, in this case.

With regards to the specific design of the properties, the Council's Urban Design Officer has commented upon and sought amendments to the design and materials during the course of the application. Subject to conditions to secure the precise materials, it is considered that the design approach is acceptable.

In summary, the proposed development accords with the general siting and scale of dwellings within the vicinity, ensuring that the development appears in keeping with the scale and character of the area. The scheme is therefore considered to be in accordance with Saved Policy E4 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

Impact upon Residential Amenity

There is a distance of 13 metres between the front of Plot 2 to the side elevation of No.39 Staley Avenue, which is considered sufficient distance (and given the single storey nature of the proposals) to ensure there is no significant adverse impacts upon the occupiers of No.39. Plot 3 is also considered to be sited at an acceptable distance from the rear of No. 39 with plot 3's parking also proposed in between.

There is a distance of 7 metres between the side wall of Plot 1 and the side elevation neighbouring No. 1 Baker Avenue. Given the distances and scale of the bungalow, this is not considered to lead to any significant detrimental impacts upon the dwelling.

There is a back to back relationship and distance of a minimum of 20 metres between the rear walls of plots 1 and 2 and the neighbouring dwellings No's 14 and 16 Willesley Gardens to the west and there is also a back to back relationship between plots 3 and 4 and No's 13 and 14 Wells Road to the south, with a minimum separation distance of 22 metres. Accordingly the distances are considered to be sufficient, and combined with the single storey proportions of the proposed bungalows, are not considered to give rise to any significant loss of light, overshadowing or overbearing impacts.

The internal arrangements of the plots within the site are not considered to give rise to any significant overbearing, overlooking and overshadowing upon the future occupiers. It is considered necessary to impose a condition to obscure glaze the windows shown to be the serving bathrooms, which is in the interests of preserving the amenities of existing and future occupiers.

Overall, it is considered that the development would not have any significant detrimental impact upon the amenity of neighbouring residential properties (or future neighbouring residents) and the proposal is considered to be acceptable in relation to Saved Policy E3 of the adopted Local Plan and D2 of the submitted Local Plan.

Highway Considerations

Access is proposed from Staley Avenue. The scheme proposes four, two bedroom dwellings and each plot proposes two on-site parking spaces each, which conforms with the advice in the County Highway Authority's 6Cs Design Guide.

The County Highway Authority (CHA) raises no objections, subject to the imposition of planning conditions.

In summary, subject to the imposition of conditions it is considered that the scheme is acceptable in relation to Saved Policies T3 and T8 of the adopted Local Plan and Policy IF7 of the submitted Local Plan.

Impact on the River Mease Special Area of Conservation/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). 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 (DCS) has been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS is considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF.

The Authority has been holding applications within the SAC catchment area in abeyance due to capacity within the River Mease Developer Contribution Scheme First Development Window (DCS1) having been exhausted. The River Mease Developer Contribution Scheme Second Development Window (DCS2) was adopted by the Council on 20 September 2016 which has limited capacity available for new development. Having regard to this limited capacity the Authority has had to decide how to deal with applications within the catchment area. In the Authority's opinion, the limited capacity should be directed to the most sustainable locations for new development within the District. Therefore as the site lies within the Limits to Development, the Authority is of the view that this application is acceptable under DCS2.

As the scheme proposes 4 x 2 bed units the contribution would be £1,340.00. Following advice from the Council's legal team it is advised that a condition be imposed, due to the applicant being the Council, it is not possible for the Council to enter into a legal agreement with itself.

Accordingly an appropriately worded condition is to be imposed, which allows flexibility, for example in the event the land is sold, any future applicant would need to enter into a legal agreement to secure the payment.

The flows from the new dwellings will need to be taken into account against the existing headroom at Packington Works. At the time of writing there is sufficient capacity for 4 dwellings.

Natural England confirms that they note that both foul and surface water are to be discharged to the mains sewer and that the scheme should be implemented in accordance with the River Mease Developer Contribution scheme.

With regards to the surface water drainage, the Authority seeks that surface water should be discharged to a soakaway(s) or other sustainable drainage features which do not discharge to the mains, however in this case the submitted details confirm that the ground conditions are not suitable to provide soakaways and Natural England raise no objections to the connection to the mains.

Therefore it can be ascertained that the proposal on the site 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.

Drainage and Floodrisk

The site is located in Flood Zone 1 and is 'low risk' for surface water flooding.

The scheme proposes green roofs and permeable paving which will improve the quality of the water and the green roofs will assist in storing some rainwater in plants, before discharging to the mains, and would assist in reducing the likelihood of local flooding.

The Lead Local Flood Authority have been consulted on the application and their comments will be reported via the update sheet.

Impact upon Trees

The scheme proposes the removal of 1 no. tree. The tree does not afford any formal protection (either by a Tree Preservation Order or by being located in a Conservation Area) and therefore no objection is raised in relation to its removal.

Other Matters

Letters of Representation

In response to neighbouring letters of objection which have not been addressed within the report above:-

A right to a view is not a material planning consideration.

No new street light is proposed within the development. The site is surrounded by existing residential properties with existing lighting, therefore any new lighting resultant of the development is not considered to give rise to an un-acceptable adverse impact in this residential setting.

In respect of fencing, the intention is for new 1.8 metre close boarded fencing. A condition is recommended to be imposed to secure the details.

The applicant has confirmed that the site has never been used as a formal allotment. The site has been grassed and maintained by the council for an indeterminable time. Any reported historical use of the land would have been an informal agreement.

Conclusion

The NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

The proposed development would be acceptable in terms of layout, scale, design, impact upon trees, residential amenities, highway safety, flood risk and drainage and impact on the River Mease SAC/SSSI and no other technical issues are considered to arise. There are no other relevant material planning considerations that indicate planning permission should not be granted.

Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION:- Permit, subject to no new significant material objections being received prior to the expiry of the consultation period on 3 January 2017 and the imposition of conditions.

- 1 The development shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission: Site Layout Scale 1/1250 and Proposed Site Layout Scale 1/200 shown on Drawing No. DSA-16127-PL-PRO-03-E; Site B Plot 1 & 2 Planning Information Ref. DSA-16127-PL-PRO-03-E and Site B Plot 3 & 4 Planning Information Ref. DSA-16127-PL-PRO-04-C received by the Local Planning Authority on 12 December 2016.

Reason - For the avoidance of doubt and to determine the scope of the permission.

- 3 Notwithstanding the submitted plans, nor Condition 2 above, no building shall be erected on site above damp proof course level until details/samples (as appropriate) of the external surfaces of the bungalows have first been submitted to and agreed in writing with the Local Planning Authority. The works shall be undertaken in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain control over the external appearance

in the absence of details.

- 4 Notwithstanding the submitted plans, nor Condition 2 above, no building shall be erected on site above damp proof course level until a detailed scheme for the boundary treatment of the site have first been submitted to and agreed in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until such time as the approved scheme has been implemented in full (unless an alternative timescale is first agreed in writing by the Local Planning Authority). Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no gates, fences, walls or other means of enclosure (other than any approved pursuant to this condition) shall be erected, unless planning permission has first been granted by the Local Planning Authority.

Reason - To preserve the amenities of the locality.

- 5 Notwithstanding the submitted plans, nor Condition 2 above, no building shall be erected on site above damp proof course level until a detailed landscaping scheme (showing existing planting to be retained and proposed planting) including densities and species has first been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting and seeding season following the first occupation of the first dwelling hereby approved unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter and during a period of 5 years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

Reason - To ensure satisfactory landscaping is provided within a reasonable period and to provide a reasonable period for the replacement of any trees.

- 6 No development shall commence on site until such time as precise details of the finished ground levels on the site and the finished floor levels of the bungalows in relation to an existing datum point have first been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority.

- 7 The window servings bathrooms shall be glazed with obscure glass to Pilkington Standard 3 (or equivalent) and non-opening only which shall thereafter be retained unless planning permission has first been granted by the Local Planning Authority.

Reason- To ensure that the development is not detrimental to the privacy and amenities of the neighbouring property.

- 8 No development shall commence until a legal agreement under Section 106 of the Town and Country Planning Act 1990, Undertaking or other agreement (in the form annexed to this consent) has first been entered into,

Reason - To ensure the development is carried out in accordance with the mitigation measures

to prevent an adverse impact on the River Mease Special Area of Conservation/SSSI.

- 9 Prior to the first occupation of the residential units hereby approved a scheme that makes provision for waste and recycling storage across the site shall first be submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities for residents/collection crews, and adequate collection point space at the adopted highway boundary.

Reason - In the interests of visual amenity.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 development within Schedule 2, Part 1 Classes A to E inclusive shall not be carried out on the residential units unless planning permission for such development has first been granted by the Local Planning Authority.

Reason - To ensure that existing standards or privacy and visual amenity are maintained.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no windows or dormer windows other than those expressly authorised by this permission shall be constructed within the roofslopes.

Reason - To ensure that the development is not detrimental to the privacy and amenities of the neighbouring properties.

- 12 The gradient of the access drive shall not exceed 1:12 for the first 10 metres behind the highway boundary.

Reason - To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.

- 13 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason - To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

- 14 Before first occupation of any dwelling hereby approved, the respective car parking provision shall be made within the curtilage in accordance with the approved plans Proposed Site Layout Scale 1/200 shown on Drawing No. DSA-16127-PL-PRO-03-E received by the Local Planning Authority on 12 December 2016). The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.

Reason - To ensure that adequate off-street parking facilities are available.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.