

Erection of one detached dwelling (outline - means of access and layout approval)

Report Item No
A3

78 Loughborough Road Peggs Green Coalville Leicestershire
LE67 8HG

Application Reference
16/01269/OUT

Applicant:
Mr & Mrs Hildreth

Date Registered:
3 November 2016

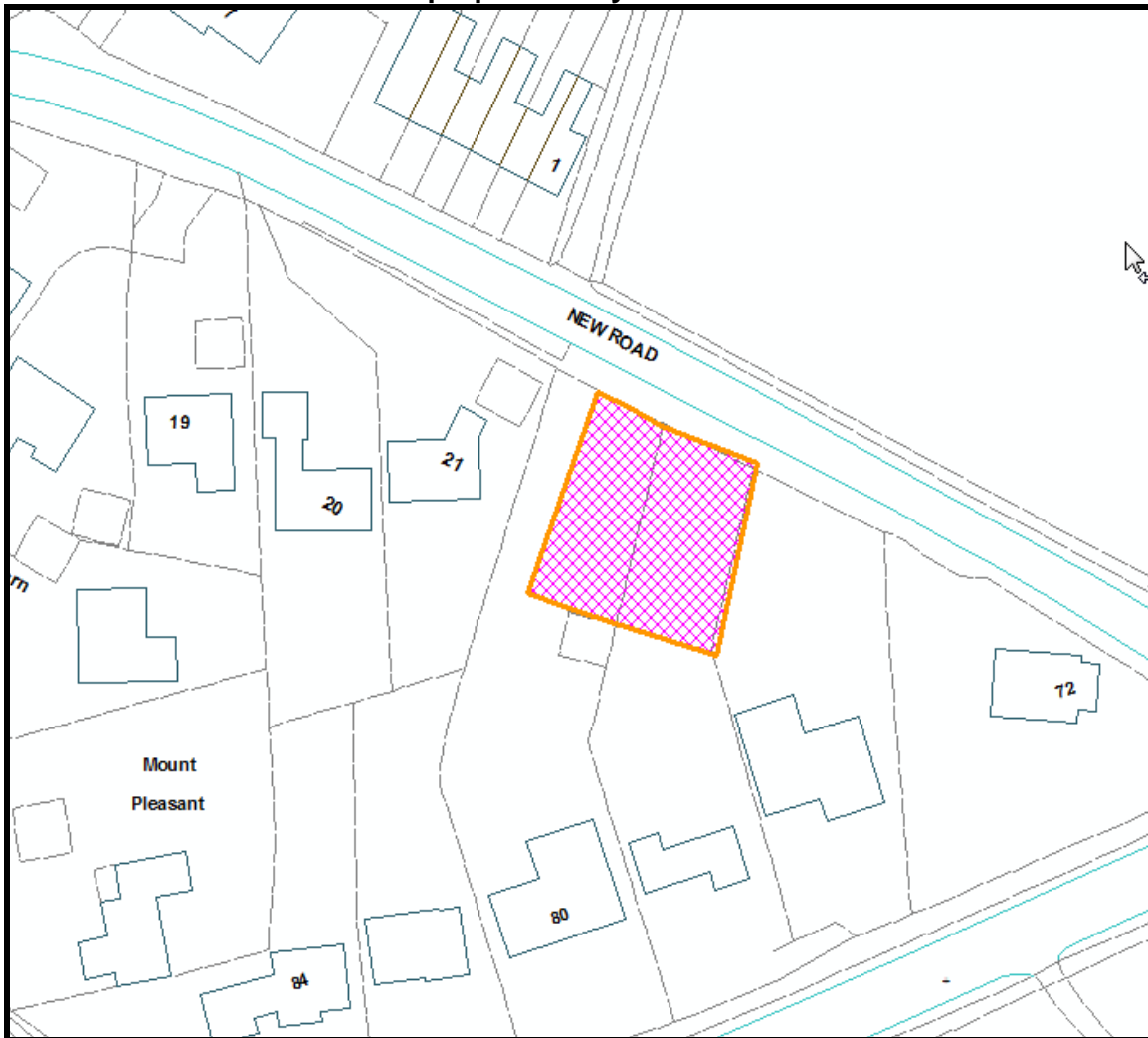
Case Officer:
Adam Mellor

Consultation Expiry:
20 December 2016

Recommendation:
PERMIT

8 Week Date:
29 December 2016
Extension of Time:
None Agreed

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought to the Planning Committee as the planning agent is related to a serving councillor (Councillor Blunt) and contrary representations to the recommendation to permit the application have been received.

Proposal

Outline planning permission is sought for the erection of one detached dwelling at 78 Loughborough Road, Peggs Green, Coleorton with the access and layout for approval at this stage. The 0.06 hectare site is situated on the south-western side of New Road, to the north-west of no. 78, and is within the defined Limits to Development.

Consultations

One individual representation has been received which supports the development proposals. Swannington Parish Council object to the application. All other statutory consultees, with the exception of Severn Trent Water and the Coal Authority whose comments are awaited, have raised no objections subject to the imposition of conditions on any consent granted.

Planning Policy

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

Conclusion

The application site is located within the Limits to Development where the principle of this form of development would be acceptable with the application site being within an acceptable walking distance of services in order to ensure the development is socially sustainable. It is also considered that the site could be developed in a manner which would not appear out of keeping with the character and appearance of the surrounding locality, and which would not adversely impact on the amenities of neighbouring residents, highway safety, soft landscaping or ecology. There are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is considered acceptable for the purposes of National and Local planning policies.

RECOMMENDATION - PERMIT, subject to 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, 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

Outline planning permission, with means of access and layout for approval, is sought for the erection of a detached dwelling at 78 Loughborough Road, Peggs Green, Coleorton. The 0.06 hectare site is situated on the south-western side of New Road and currently comprises residential garden associated with nos. 78 and 80 Loughborough Road, it is situated within the defined Limits to Development. Residential dwellings of varying designs and scales are concentrated around the site with open countryside to the north-east.

It is proposed that a dwelling would be provided to the north-west of these dwellings and would cover a ground area of 127.5 square metres. Whilst the scale is not for approval at this stage the indicative elevation details highlight that the dwelling would be two-storey in height.

In terms of vehicular access this would be achieved via a newly created access off New Road with off-street parking and manoeuvring facilities being provided within the site. A detached single garage, covering a ground area of 22.75 square metres, would also be provided.

A design and access statement and coal mining risk assessment have been submitted in support of the application.

An outline application for the erection of one dwelling with means of access for approval was refused on the 12th September 2006, under application reference 06/01179/OUT, on the basis that the site was not in a socially sustainable location.

No recent or relevant planning history was found.

2. Publicity

9 no neighbours notified.

Site Notice displayed 29 November 2016.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. Members may inspect full copies of correspondence received on the planning file.

Coal Authority no representation received at the time of this report. Any comments will be reported to Members on the update sheet.

Leicestershire County Council - Ecology has no objections.

Leicestershire County Council - Highways Authority has no objections subject to their standing advice being considered.

NWLDC - Environmental Protection has no objections.

Severn Trent Water no representation received at the time of this report. Any comments will be reported to Members on the update sheet.

Swannington Parish Council object to the application as it is outside the Limits to Development and is a backland form of development setting an undesirable precedent.

Third Party Representations

One representation has been received in support of the development with the comments raised summarised as follows: -

- Development fits in well with existing properties.
- Addition housing stock will bring more people into the community.
- The garden is too large to maintain by the current occupants.
- A reduction in the garden sizes will allow the existing occupants to remain in their properties.

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 NPPF. The closer the policies in the development plan to the policies in the NPPF, the greater weight they may be given.

Save where stated otherwise, the policies of the adopted 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 10 (Achieving sustainable development);
Paragraph 14 (Presumption in favour of sustainable development);
Paragraph 17 (Core planning principles);
Paragraph 28 (Supporting a prosperous rural economy);
Paragraph 32 (Promoting sustainable transport);
Paragraph 39 (Promoting sustainable transport);
Paragraph 49 (Delivering a wide choice of high quality homes);
Paragraph 53 (Delivering a wide choice of high quality homes);
Paragraph 55 (Delivering a wide choice of high quality homes);
Paragraph 57 (Requiring good design);
Paragraph 60 (Requiring good design);
Paragraph 61 (Requiring good design);
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
Paragraph 118 (Conserving and enhancing the natural environment);
Paragraph 120 (Conserving and enhancing the natural environment);
Paragraph 203 (Planning conditions and obligations); and
Paragraph 204 (Planning conditions and obligations).

Adopted North West Leicestershire Local Plan (2002)

The application site is within the 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 E7 - Landscaping;
Policy F1 - General Policy;

Policy F2 - Tree Planting;
Policy F3 - Landscaping and Planting;
Policy T3 - Highway Standards;
Policy T8 - Parking;
Policy H4/1 - Housing Land Release; and
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: -

Policy S1 - Future Housing and Economic Development Needs;
Policy S2 - Settlement Hierarchy;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy H6 - House Types and Mix;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En3 - The National Forest;
Policy En6 - Land and Air Quality;
Policy Cc2 - Water - Flood Risk; and
Policy Cc3 - Water - Sustainable Drainage Systems.

Other Policies

National Planning Practice Guidance

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The Guidance does not change national policy but offers practical guidance as to how such policy is to be applied.

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.

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

Circular 06/2005 sets out that local planning authorities should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system.

5. Assessment

Principle of the Development and Sustainability

The application site is located within the Limits to Development where the principle of residential development is considered acceptable subject to compliance with the relevant policies of the adopted and submitted Local Plans and other material considerations. The application site would be outside of the Limits to Development as defined by the submitted Local Plan. Within the NPPF there is a presumption in favour of sustainable development and proposals which accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should

be restricted.

Policy H4/1 of the adopted Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential test is outdated in the context of the NPPF, the sustainability credentials of the scheme would still need to be assessed against the NPPF.

In assessing the social sustainability aspects of the site location consideration is given to a recent appeal decision at 85 Loughborough Road (ref: APP/G2435/W/15/3133687) which concluded that convenience goods could be purchased from a shop at Redhall Garage and that a recreation ground, village hall, public houses and a restaurant were also within walking distance of no. 85 with these services being accessed via lit pavements. It was also concluded that an hourly bus service to Coalville and Ashby De La Zouch, as well as a dedicated bus service to a secondary school, were available from a bus stop directly outside no. 85.

With regards to the application site it would be located the following distances from relevant services some of which are highlighted in the above appeal decision.

- Shop (Redhall Garage, Loughborough Road) - 156 metres;
- Church (St Georges Church, Church Hill) - 125 metres;
- Public House (New Inn, Zion Hill) - 271 metres;
- Recreation Ground (Zion Hill) - 316 metres;
- Social Centre (Beaumont Centre, Nottingham Road) - 519 metres;

A bus stop served by the service referred to in the appeal decision at 85 Loughborough Road would also be 353 metres from the site. In terms of the closest school this would be Griffydram County Primary School, Top Road) which would be 1189 metres from the site. It is considered that the distance to the school is only just in excess of the threshold deemed to be an acceptable walking distance to a school in a rural environment (1000 metres) and therefore there is a reasonable likelihood that future occupants would walk to utilise this service. Access to the above services could also be undertaken on raised footways which are well lit.

In conclusion on the social sustainability credentials of the development it is considered that residents of the development would have access to services which would meet their day to day needs (i.e. a convenience store) with other facilities and employment opportunities being accessible by utilising the public transport options. In this circumstance it is considered that a scheme for one dwelling would score well against the social sustainability advice contained within the NPPF with occupants of the property also assisting in sustaining these services for the future which is a key intention of Paragraphs 28 and 55 of the NPPF.

The site is currently used as garden land, which is excluded from the definition of previously developed land set out in the NPPF, and therefore effectively constitutes a greenfield site. It is highlighted within the NPPF that decisions should encourage the effective use of land by re-using land that has been previously developed and that Local Planning Authorities should consider the use of policies to resist inappropriate development of residential gardens (Paragraph 53). Neither the adopted or submitted Local Plans contain a specific policy which restricts development on garden land and in the circumstances that the proposal would not impact adversely on the character and appearance of the wider area and streetscape, as assessed in more detail below, and that an adequate amenity area is retained for both no. 78 and 80 Loughborough Road it is considered that there is no conflict with the intentions of Paragraph 53 of the NPPF.

Overall the principle of development would be considered sustainable in accordance with the core principles of the NPPF.

Accessibility

The County Highways Authority have raised no objections subject to their standing advice being considered in respect of access widths, visibility splays, surfacing and car parking.

A new access would be formed onto New Road and this would be of a width which would be sufficient to serve one property with the set back of the access also allowing adequate visibility splays to be provided particularly given that no raised footway exists on this side of New Road at this point, thereby reducing the conflict with pedestrians. Within the site itself the layout demonstrates that a suitable sized area could be provided to enable vehicles to manoeuvre and exit the site in a forward direction.

Whilst the indicative street elevation suggests that the vehicular access would be gated it is determined that there would be insufficient depth at the site frontage to provide such gates so that a vehicle is clear of the highway whilst the gates are opened. Given the level of vehicular traffic which utilises New Road it is considered necessary to ensure that such obstructions in the highway do not occur, therefore a condition would be imposed on any consent granted to specify that no gates (or other such obstruction) shall be provided at the vehicular access.

In conclusion the development would not impact severely on pedestrian or highway safety and therefore it would be considered compliant with Paragraph 32 of the NPPF, Policy T3 of the adopted Local Plan and Policy IF4 of the submitted Local Plan.

Compliance with Paragraph 39 of the NPPF, Policy T8 of the adopted Local Plan and Policy IF7 of the submitted Local Plan would be achieved at the reserved matters stage once the total number of bedrooms in the proposed dwelling was known.

Neighbours and Future Occupants' Amenities

It is considered that the properties most immediately affected by the proposed development would be nos. 78 (the applicants property) and 80 Loughborough Road, to the south, no. 76 Loughborough Road to the south-east and no. 21 New Road, to the west.

The proposed layout is for approval at this stage and it is intended that the south-western (rear) elevation of the dwelling would be set 21, 28 and 32 metres, respectively, from the north-western facing (rear) elevations of nos. 76, 78 and 80. The proposed dwelling would also be set, excluding a rear projection, 10 metres from what would become a shared boundary with nos. 78 and 80. Given these relevant distances, as well as the orientation of the new dwelling to these neighbouring properties, it is considered that no adverse overbearing or overshadowing impacts would arise. A rear projection to the new dwelling would be set 5 metres from what would become a shared boundary with no. 80 and as such careful consideration would need to be given to the scale of this element when assessing any reserved matters submission given that a two-storey projection may have the potential to create an overbearing impact.

It is proposed that the dwelling would be set 10 metres from the south-eastern (side) elevation of no. 21 New Road and given the orientation of the dwelling no adverse overbearing or overshadowing impacts would arise.

A detached single garage would be set 9.5 metres, at its closest point, from the north-western

(rear) elevation of no. 76 but given the orientation of the site to this dwelling it is considered that no adverse overbearing or overshadowing impacts would arise subject to the scale of this building being carefully considered at the reserved matters stage.

An assessment in respect of overlooking impacts to neighbouring properties would need to be undertaken once the scale and appearance of the dwelling was known at the reserved matters stage but, on the basis of the proposed layout, it is considered that a dwelling could be provided which would not result in any adverse overlooking impacts to neighbouring properties.

In terms of future amenities it is considered that the above separation distances would ensure that no substantially adverse overbearing or overshadowing impacts would arise even though the proposed dwelling is orientated to the north of existing dwellings. The windows in the north-western elevation of no. 76 would also not result in any adverse overlooking implications particularly as any direct views would be towards the detached single garage and off-street parking area associated with the proposed dwelling.

Overall the proposed development would accord with Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

Impact on the Character and Appearance of the Streetscape and Wider Area

The need for good design in new residential development is outlined not only in adopted Local Plan Policies E4 and H7, as well as Policy D1 of the submitted Local Plan, but also Paragraphs 57, 60 and 61 of the NPPF.

In terms of topography the application site slopes downwards, slightly, from south-east to north-west with a 2.0 metre high mature hedgerow and 1.8 metre high brick wall being present to the roadside boundary with New Road and hedgerows also defining the garden boundaries between nos. 76 and 78 and nos. 78 and 80. Properties on the south-western side of New Road are generally orientated to face towards the highway although their separation distances from this carriageway vary. Such a development character is also reflected in the properties on the north-eastern side of New Road.

Scale, appearance and landscaping are all included as matters to be considered at a later stage although the layout is for approval under this application. Dwellings initially were concentrated on Loughborough Road and the north-eastern side of New Road however, over time, dwellings have spread to be concentrated around the junction of New Road and Nottingham Road and along the south-western side of New Road where the size of gardens to those dwellings fronting onto Loughborough Road has permitted. In this context an expansion of 'backland' development is already well established and as such it would be difficult to support the view that the dwelling would be 'inappropriate' backland development given that it is laid out to reflect the dwellings on the south-western side of New Road (i.e. it is orientated to address the highway and respects the irregularity in the proximity of properties to the highway). On this basis the layout would accord with the pattern of development in the area and thereby would not be detrimental to the character of the streetscape. It is also considered that the footprint of the dwelling would be consistent with dwellings in the area with its visual association with other properties ensuring it has no significant impact on the appearance of the wider area.

With regards to the detached garage it is considered that this would be of a scale that would be subservient to the property and would not impact significantly on the visual amenities of the streetscape or wider area given its position to the rear of the property.

The appearance of the dwelling would be agreed at the reserved matters stage and it is considered that at this point an appropriate design could be achieved which would accord with the Council's current design agenda. This is by responding to the positive characteristics of the dwellings within the immediate area as well as having a National Forest identity. A scheme progressed along the details shown on the indicative street elevation drawing is likely to be considered appropriate although consideration should be given to the use of a 'hipped roof on the basis of their usage on neighbouring properties.

Overall the development is considered to be compliant with Paragraphs 57, 60 and 61 of the NPPF as well as Policy E4 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

Ecology

The County Council Ecologist has raised no objections to the proposal and considers that no ecological mitigation will be required as part of the development. In these circumstances it is considered that ecology would not act as a constraint on development and therefore it would accord with Paragraph 118 of the NPPF, Circular 06/05 and Policy En1 of the submitted Local Plan.

Landscaping

As the application site is situated within the National Forest a strong landscaping scheme would be encouraged for the development with Policies E7 and F2 of the submitted Local Plan, and Policy En3 of the submitted Local Plan, seeking to ensure existing vegetation is retained and enhanced. The application site is grassed with a mature hedgerow being present to the boundary of the site with New Road as well as currently defining the shared boundary between nos. 78 and 80 Loughborough Road.

The layout is for approval at this stage and it is proposed that the hedgerow between the two properties would be removed to facilitate the development with the new vehicular access being formed in the hedgerow to New Road. In respect of the width of the vehicular access this has been kept to the minimum necessary so as to ensure that the majority of the hedgerow can be retained albeit it is trimmed back to provide the necessary visibility splays. The loss of the hedgerow on the boundary between nos. 78 and 80 could also be mitigated against by the provision of replacement hedgerow planting as part of a boundary treatment/landscaping scheme.

On the basis that a suitable landscaping scheme could be secured under any subsequent reserved matters submission, as well as the fact the roadside hedgerow would not be compromised by the provision of the vehicular access, it is considered that the proposal would not conflict with Policies E7, F1, F2 or F3 of the adopted Local Plan or Policy En3 of the submitted Local Plan.

Other Matters

The application site lies within a Coal Mining Referral Area and whilst a response from the Coal Authority is awaited to the application it is noted that new residential properties have been constructed to the immediate north-west of the site, also within the referral area, which have been considered to be acceptable in respect of the risk to future occupants associated with former coal mining activity in the area. On the basis that an appropriately worded condition would likely address the comments that would be raised by the Coal Authority it is considered that the development would accord with Paragraphs 120 and 121 of the NPPF. Any comments

received from the Coal Authority will be provided to members on the Committee Update Sheet.

Summary Reasons for Granting Outline Planning Permission

The application site is located within the Limits to Development where the principle of this form of development would be acceptable with the application site being within an acceptable walking distance of services in order to ensure the development is socially sustainable. It is also considered that the site could be developed in a manner which would not appear out of keeping with the character and appearance of the surrounding locality, and which would not adversely impact on the amenities of neighbouring residents, highway safety, soft landscaping, ecology or former coal mining activity in the area. There are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is considered acceptable for the purposes of the above mentioned policies.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1. Outline Time Limit**
- 2. Submission of Reserved Matters**
- 3. Approved Plans**
- 4. REM to Include Levels**
- 5. Boundary Treatments**
- 6. Hedgerow Protection**
- 7. Access Gradient**
- 8. Highway Safety**
- 9. No Gates to Access**
- 10. Ecology**
- 11. Coal Authority**