

Erection of one detached dwelling including demolition of existing garage (outline - layout and access included)

Report Item No
A4

Mount Pleasant Nottingham Road Peggs Green Coalville
Leicestershire LE67 8HN

Application Reference
16/01080/OUT

Applicant:
Mr A Greenwood

Date Registered:
25 October 2016

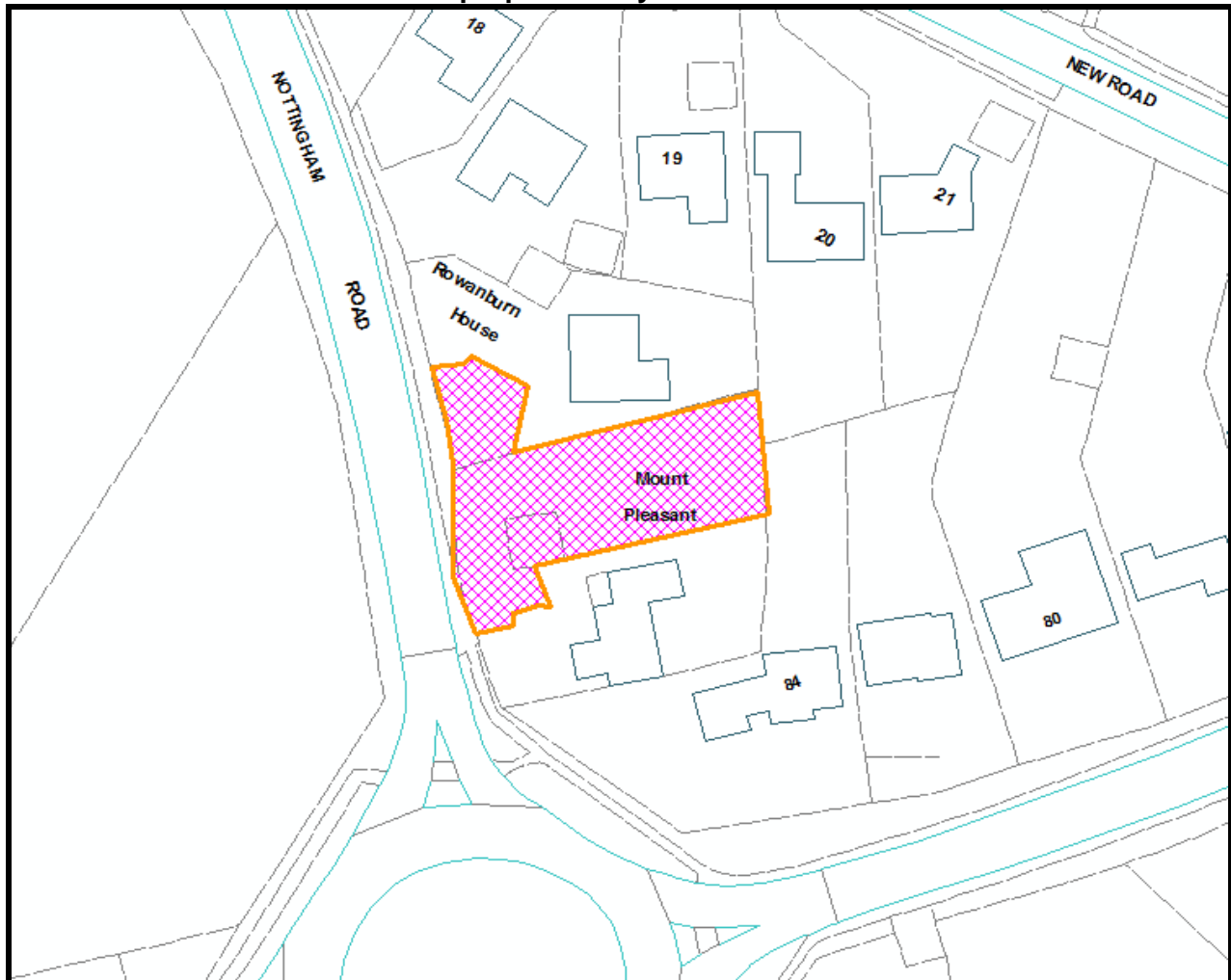
Case Officer:
Hannah Exley

Consultation Expiry:
7 February 2017

Recommendation:
PERMIT

8 Week Date:
20 December 2016
Extension of Time:
3 February 2017

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 on land at Mount Pleasant, Nottingham Road, Peggs Green, Coleorton with the access and layout for approval at this stage. The 0.07 hectare site is situated on the eastern side of Nottingham Road and is within the defined Limits to Development.

Consultations

Five letters of representation have been received; four which raise objection to the development proposals and one which supportive of the proposals. Swannington Parish Council object to the application. All other statutory consultees, with the exception of NWLDC Environmental Protection, Severn Trent Water and the Coal Authority whose comments are awaited, have raised no objections subject to the imposition of conditions on any permission granted.

Planning Policy

The application site is within the Limits to Development as defined in the adopted 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 on land currently used as garden to Mount Pleasant, Nottingham Road, Peggs Green, Coleorton. The 0.07 hectare site is situated on the eastern side of Nottingham Road and 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 east and south.

It is proposed that a dwelling would be provided to the north of the existing dwelling and would cover a ground area of 89.5 square metres. Whilst the scale is not for approval at this stage the indicative elevation details highlight that the dwelling would be two-storeys in height.

In terms of vehicular access this would be achieved via an existing access off Nottingham Road which would be shared with the existing dwelling and the dwelling known as Rowanburn House to the north of the site. Off-street parking and manoeuvring facilities would be provided within the site for the proposed dwelling and there is sufficient space within the remaining curtilage of Mount Pleasant for three car parking spaces to be provided for the existing dwelling.

The application submission was accompanied by a Tree Survey, Coal Mining Risk Assessment and Design and Access Statement.

No recent or relevant planning history was found.

2. Publicity

6 Neighbours have been notified.

Site Notice displayed 16 November 2016.

Press Notice published Leicester Mercury 23 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 received will be reported 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 no representation received at the time of this report. Any comments received will be reported on the update sheet.

Severn Trent Water no representation received at the time of this report.

Swannington Parish Council object to the application as it is outside the Limits to Development.

Third Party Representations

Five letters of neighbour representation have been received both objecting to and in support of

the application.

Original Submission

Two letters of objection have been received from one neighbouring property, raising the following concerns:

- Peggs Green has limited services and the development of a greenfield site here would be unsustainable and conflict with policy;
- insufficient parking and turning for the proposed and existing dwelling;
- the driveway is incorrectly drawn and includes land within the neighbouring property;
- loss of trees and hedgerows and the introduction of a two-storey dwelling would have an urbanising effect on the area;
- noise and disturbance to neighbouring dwelling as a result of an increase in vehicles using the shared private drive;
- loss of light to the south west Rowanburn House and its garden;
- concern about overlooking from a two-storey dwelling and therefore, loss of privacy;
- concern about the suitability of the access for increased use given its close proximity of the access to the traffic island on the A512;
- concern about vehicles turning right into the access due to restricted visibility of drivers travelling in a northerly direction as they exit the traffic island (which is close to the access) at speed;
- vehicles have come off the road further along Nottingham Road due to the speed at which vehicles travel along this stretch of road;
- concern about whether a dwelling can fit on the site;
- the site is higher than the neighbouring property to the north and therefore, any dwelling on the site would be higher than the neighbouring property which is not clear on the illustrative streetscene drawing which shows both sites to be at the same level;
- the development of the site would conflict with a covenant in the deeds for the property;
- loss of property value;
- disturbance and inconvenience during construction works;
- concern about damage to the shared driveway.

One letter of neighbour representation has been received, stating support for the application for the following reasons:

- the number of dwellings on the triangle of lane between New Road, Loughborough Road and Nottingham Road has increased over the last 30 years from 4 to 14 without detriment to the area;
- the increase in the number of dwellings helps to diversify the community and supports local services.

Amended Plans

Two letters of objection have been received from two neighbouring properties, raising the following additional concerns:

- Part of the site (driveway/hedgerow fronting the neighbouring dwelling) are not owned by the applicant and cannot be changed as indicated by the application site area;
- the plans are not to scale as it indicates a large space between the site and the neighbouring dwelling which does not exist;
- there is insufficient space available to provide turning and three parking bays for the existing and proposed dwellings and the neighbouring driveway is not available for use as a turning space;
- delivery/service vehicles already struggle to turn around on the site and the proposal will make this worse;
- increased turning traffic on this section of Nottingham Road close to the traffic island will make

the road more dangerous;

-loss of vegetation at the front of the site would reveal unsightly highway signs which would affect the aesthetics of the area.

Where concerns submitted in respect of the amended plans are a duplication of comments made in respect of the original submission, these have not been repeated as they are already set out above.

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 135 metres from the site. In terms of the closest school this would be Griffydham County Primary School, Top Road) which would be 1180 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 the proposed and existing dwellings, 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.

Means of access into the site would be via an existing vehicular access off Nottingham Road and would be shared by Mount Pleasant and Rowanburn House. The access has a suitable width and visibility splays for the speed limit of the road. The applicant does not own the land on which the vehicular access is sited but has a right of way over the neighbouring land. No alterations to the vehicular access are proposed as part of the application submission and no cutting back of vegetation along the site front would be required to achieve visibility splays. The existing access is covered by planning permission 96/0546 for the dwelling now known as Rowanburn House and the conditions to that planning permission cover the surfacing and gradient of the access drive and the required set back distance for any gates installed.

Within the site itself the layout demonstrates that a suitably sized area could be provided to enable vehicles to manoeuvre and exit the site in a forward direction. The indicative streetscene shows a large two storey dwelling which could have four bedrooms. The layout also shows how three car parking spaces could be provided for the existing four bedroomed dwelling and that three parking spaces could also be provided on the site for a new dwelling. Neighbour concern has been raised about turning space for delivery/service vehicles but the turning space available for both the existing and proposed dwellings would cumulatively provide a greater area than is currently available for vehicle turning.

Neighbour representations indicate that vehicles travel in excess of the speed limit in this location and that dangers exist to drivers waiting to turn off the road into private drives due to the speed of vehicles and the close proximity of the traffic island to the site. However, the County Highways Authority has no records of any reported Personal Injury Collisions in close proximity to this junction within the last 5 years. On this basis, it is not considered that a reason for refusal on the basis of increased highway dangers could be sustained.

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 Mount Pleasant, Rowanburn House, No.84 Loughborough Road and No.20 New Road.

Mount Pleasant is a two-storey dwelling located to the south of the application site. The proposed layout is for approval at this stage and it shows the south facing elevation of the dwelling to be 4m from the side elevation of this existing dwelling which contains 6 windows serving a lounge, study, a bedroom, en-suite and bathroom. Of these, only the lounge and bedroom are habitable rooms, with the bedroom window functioning as a secondary window and the two lounge windows being secondary to the main windows serving the lounge in other elevations. Therefore, whilst it is accepted that there would be some overshadowing/overbearing impact on this neighbouring dwelling, it is not considered to be significantly detrimental to warrant a refusal of permission on this ground.

Rowanburn House is a two-storey dwelling located to the north of the application site. The land levels drop from the site to this neighbouring property by between 0.5-1m (approx.). The layout shows the north facing elevation of the proposed dwelling to be between 5m at its closest and 7m at its furthest from the side elevation of this existing dwelling which contains 3 windows serving a bathroom, WC and lounge. Of these, only the lounge is a habitable room and the window functions as a secondary window to the main rear windows serving the lounge. Due to the orientation of the dwelling, the rear windows to this neighbouring property do not benefit from direct sunlight for most of the day and therefore, the side windows are a source of sunlight for this dwelling and therefore, these would be affected by the siting of the dwelling as proposed. Whilst this is noted, in view of the non-habitable/secondary status of these windows, it is not considered that a reason for refusal on the ground of there being a significant overbearing/overshadowing impact on the amenities of the occupiers of this neighbouring dwelling could be sustained.

The occupiers of this neighbouring dwelling have raised concern about the loss of light to their rear garden. The garden is located to the north/north east of the proposed dwelling and during the afternoon/evening, the proposal would cast a shadow over the neighbouring property. However, the garden is already overshadowed by a large hedgerow and trees occupying the common boundary and the neighbouring dwelling also casts a shadow over its own garden, such that only the northern section of the garden currently gets direct sunlight in the afternoon/evening. When having regard to the siting of the proposed dwelling in relation to the neighbouring dwelling, it is not considered that the proposed dwelling would result in any overshadowing impacts upon the garden that would be significantly detrimental to the amenities of the occupiers of this dwelling.

Concern has been raised by the occupier of Rowanburn House about noise and disturbance from comings and goings along the access drive as a result of the occupation of the proposed dwelling. The access drive is already used by the occupiers of Mount Pleasant and it is not considered that the additional movements associated with one further dwelling would result in an impact that would be significantly detrimental to the amenities of the occupiers of this existing dwelling.

No.s 20 New Road and 84 Loughborough Road are located to the east of the site and have their side garden boundaries abutting the rear boundary of the application site. There would be a distance of between 12-15m between the rear elevations of the dwelling and these neighbouring gardens. The dwellings to these properties would be at least 20m from the proposed dwelling. These distances are considered to be sufficient to prevent any significant overbearing or overshadowing impacts on these dwellings or their gardens areas as a result of the proposed dwelling.

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 direct overlooking impacts to neighbouring properties.

In terms of future amenities, it is considered that a dwelling could be provided on the site without any significant overbearing, overshadowing impacts arising. Any first floor windows overlooking the site, either serve non-habitable rooms or are secondary windows to habitable rooms and therefore, it is not considered that any adverse overlooking implications would arise.

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.

Peggs Green is characterised by a mix of new and old properties, predominantly two-storeys high but with examples of single storey dwellings. Properties are typically sited back from the highway boundary and front elevations are sited both parallel with and at an angle to the road. This section of Nottingham Road is occupied by predominantly modern development with gardens of varying sizes. The front elevation of the proposed dwelling would be in line with the general building line of the two neighbouring dwellings and the depth of the dwelling would reflect that of the existing dwelling on the site. It is considered that the erection of a new dwelling in the layout proposed would not appear out of keeping with the existing pattern of development and would not be harmful to the character and appearance of the streetscape or locality generally.

It is noted that there is a change in level between the application site and the neighbouring property to the north and therefore, the scale of the proposed dwelling would need to be carefully considered at the reserved matters stage to ensure that the scale of the building respects that of the neighbouring dwellings. 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.

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.

There are a number of trees on the site and mature vegetation along the boundaries of the site, including fronting Nottingham Road. A number of trees would need to be removed on the site to accommodate a dwelling in the proposed. There are no Tree Preservation Orders on the site that would indicate that the trees should not be removed but the vegetation along the front boundary contributes to the rural amenities of the locality and should be retained. As landscaping is reserved for consideration at a later stage, it is considered that a note to application would be appropriate to cover this issue.

On the basis that a suitable landscaping scheme could be secured under any subsequent

reserved matters submission, 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 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.

In response to matters raised by neighbours that have not been covered in the above text, loss of property value is not a planning matter and therefore, cannot be considered in the determination of this application. Noise and disturbance during construction works are covered by separate Environmental Health legislation and the restrictions imposed by legal covenants, along with any damage to the neighbouring driveway are civil matters and therefore, are not relevant to the determination of the application. As for comments about whether the plans were accurate, the plans have been checked and the dimensions on the site plan reflect ordnance survey data. With regard to concerns about the shared access drive being drawn incorrectly, this has been addressed through the submission of amended plans.

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. Parking and turning facilities**
- 7. Ecology**
- 8. Coal Authority**