

**Demolition of existing garage and erection of detached building to provide two self-contained flats**

**Report Item No  
A4**

**9 Grange Close Ashby De La Zouch Leicestershire LE65 2PQ**

**Application Reference  
17/00034/FUL**

**Applicant:  
Mr Nitesh Patel**

**Date Registered:  
17 January 2017**

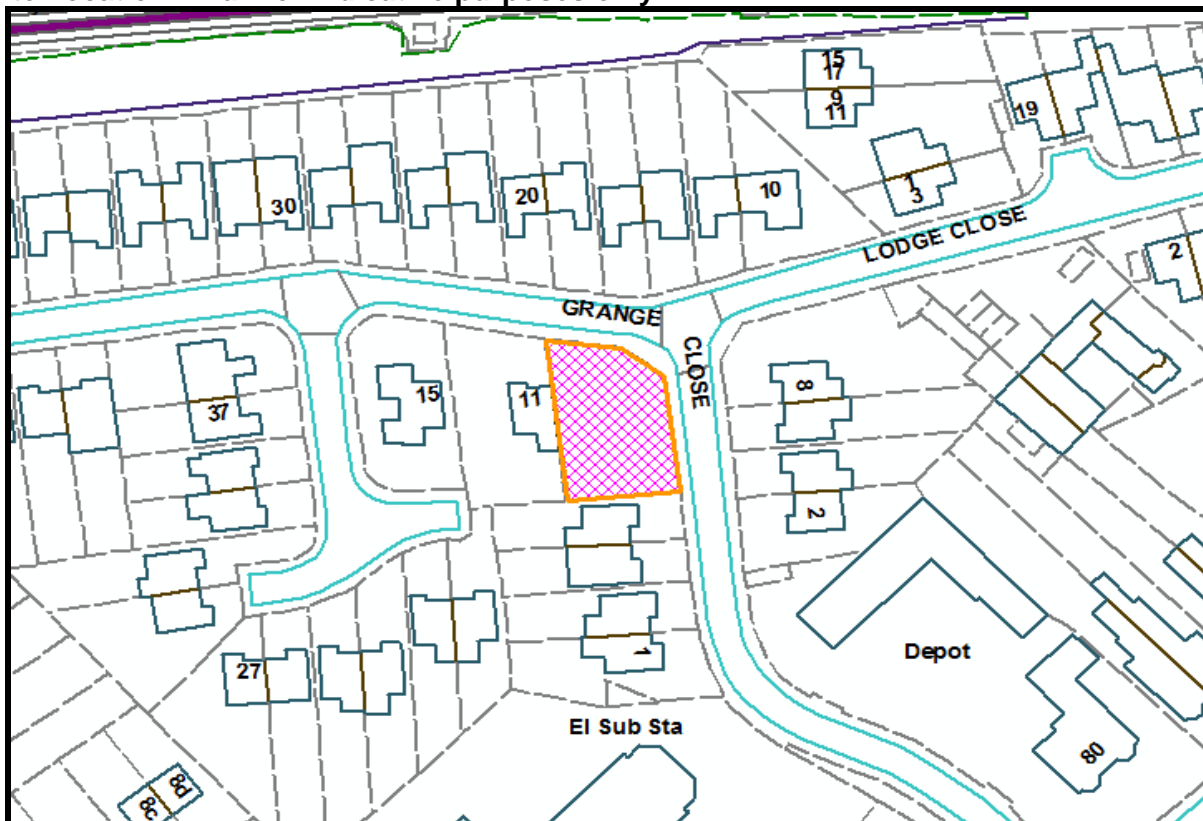
**Case Officer:  
Eleanor Overton**

**Consultation Expiry:  
23 February 2017**

**Recommendation:  
PERMIT Subject to a Section 106 legal agreement:**

**8 Week Date:  
14 March 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**

In accordance with the North West Leicestershire District Council Constitution, the application has been referred to Planning Committee, at the request of Councillor Jones on grounds of overdevelopment and highway safety and parking concerns.

### **Proposal**

This application seeks full planning permission for the demolition of an existing garage and the erection of a detached building to provide two self-contained flats.

### **Consultations**

Members will see from the main report below that there are objections from 7 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. 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 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 the completion of the legal agreement 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

Full planning permission is sought for the erection of two, 2 bedroomed flats adjacent to No.9 Grange Close, Ashby De La Zouch. The application site comprises the side garden of this property. No. 9 Grange Close comprises a semi-detached, extended dwelling of simplistic design.

The site has an area of approximately 271 square metres and comprises a corner plot. The site is currently host to a single garage, which is to be demolished to facilitate the proposal and also provides an area of hardstanding and an enclosed amenity space. There is an existing pedestrian access part way along the eastern boundary of the site. The site is enclosed by a combination of maintained hedgerow, along its northern boundary, followed by a picket fence and then a 1.8 metre high close boarded fence, which runs for the extent of its eastern boundary.

The submitted plans show a dual fronted, two storey, detached building with a pitched roof. The layout illustrates two vehicular accesses and two off road parking spaces, along with a shared amenity space to the south.

The wider area has a strongly defined and legible residential character; with dwellings being of similar design, form and scale, occupying uniform plot size and consistent front and rear building lines.

The site is within the Limits to Development as identified by Policies S2 of the adopted and submitted Local Plans and lies within the catchment area for the River Mease Special Area of Conservation.

*Planning history: -*

01/01365/FUL - Erection of a single storey side extension to form a garage - Approved

### 2. Publicity

14 neighbours notified.

Site Notice displayed 2 February 2017.

Press Notice published Leicester Mercury 1 February 2017.

### 3. Summary of Consultations and Representations Received

**Leicestershire County Council Highway Authority** has no objections subject to conditions.

**Leicestershire County Council Lead Local Flood Authority** has no objections to the proposal.

**NWLDC Environmental Protection** has no environmental observations.

No comments have been received from Ashby De La Zouch Town Council and Severn Trent Water by the date of this report. Any comments received will be reported on the Update Sheet.

Third Party Representations

Severn letters of representation have been received. These raise the following issues:-

- The proposal will result in a loss of light
- Highway safety/parking concerns - the position of the proposed accesses are dangerous and would be difficult to navigate. The area already suffers from high levels of congestion due to extensive off street parking which is dangerous for parents walking their children to school; the proposal will worsen this. The position of the proposal will restrict views in all directions. The area has already been subject to a number of car accidents. The parking/highway situation is made worse by the vehicles associated with Ashby Court Nursing Home.
- Overdevelopment - the site is not large enough to accommodate the three properties proposed along with the parking, garden and refuse storage space proposed.
- Out of character - the design and type of property (flats) is not in keeping with the existing character/properties on the estate.
- Layout - the developments position on this corner plot is not in line with the existing properties and will reduce openness.
- Inaccuracies on the Plans - two properties are numbered No.9 on the submitted plan.
- If the development is granted it is requested that the developers will be instructed to leave existing residents accesses free from obstruction.

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 (NPPF) - March 2012**

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

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)
- Paragraph 203 (Planning conditions and obligations)
- Paragraph 204 (Planning conditions and obligations)

##### **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  
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 the development, impacts on character and appearance, residential amenities, highway safety, drainage and floodrisk and on the River Mease Special Area of Conservation/SSSI.

### **Principle**

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 to Development, within Policy S2 of the adopted Local Plan where there is a presumption in favour of sustainable development and would also fall within Limits to Development within Policy S2 of 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 available in 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.

In conclusion, it is considered that the site would be socially sustainable, given that the scheme would provide small, starter type homes which are in high demand and there would be some limited economic benefits associated with the construction of the dwellings. 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 to Development, 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, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

## Character and Appearance

The residential characteristics of the surrounding area are strongly defined. Dwellings are semi-detached, two storey, gabled properties of simplistic design. They share a common pallet of materials and occupy regimented building lines and plot size. The dwellings are set back from highway edge resulting in a sense of openness.

The host dwelling, No.9 comprises one in a row of three properties (9 - 15) Grange Close. The characteristics of this group varies slightly from the other dwellings on Grange Close. These dwellings occupy larger than average plot size and No. 15 comprises an extended detached dwelling.

The proposed building would be situated on the same front and rear building lines as the host dwelling (No.9) and would be similar in terms of its scale and footprint. The materials proposed are also considered in keeping with those of existing dwellings and would therefore be secured by way of condition.

Notwithstanding this, the design proposed does differ from the simplistic style of surrounding properties, and the building's siting would breach the established front building line along Grange Close to the east, resulting in a loss of openness from this approach.

In terms of openness, such is already compromised by the existing 1.8 metre high close boarded fence which runs along the extent of the eastern boundary. As such, in this regard, impacts over and above those existing are not considered to be materially harmful.

On consideration of the design proposed, which includes well detailed and portioned elevations, resulting in active frontages to both road facing elevations, and incorporates some common features of the locality; on balance, the inconsistencies identified above are not considered to result in a level of harm that would sustain a reason for refusal.

Concerns have been raised on grounds of overdevelopment. Whilst the existing plot would be sub-divided, adequate amenity and parking space would be retained for the host dwelling. Four parking spaces and a shared amenity area is to be provided for the flats. Queries have been raised by residents in regards to the usability of the parking spaces, however although the County Highway Authority has acknowledged these concerns, they do not consider that the development could be refused on the basis of inadequate parking provision. Although the scheme would result in smaller than average plots sizes (on the basis of surrounding characteristics) for both the host and proposed dwellings, which would not be consistent with the surrounding character, given that the site could provide the necessary ancillary facilities, the development is not considered to constitute overdevelopment.

In summary, although there are inconsistencies between the existing dwellings and the elevational detail and siting of the proposal; given that the scale and overall form of the development is reflective of existing dwellings and some common features of the locality have been incorporated within the design, on balance a refusal on design grounds could not be sustained. 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

Windows serving principle rooms are proposed on all elevations of the building, at both ground and first floor.

There would be a distance of 23 metres between the northern elevation of the proposal and the facing dwelling on the opposite side of Grange Close. Given that the elevations would be staggered, there would be no direct overlooking into principle rooms. Furthermore as a result of the separation distance and the presence of the highway between, this relationship is considered acceptable.

There would be a distance of approximately 20 metres between the eastern elevation of the proposal and the principle elevations of numbers 6 and 8 Grange Close. Given the position of the windows within the facing elevations, there would be no direct overlooking and the presence of the highway and the considerable separation distance would render this relationship acceptable.

The distance between the rear elevation of the proposal and the side gable of the dwelling at 7 Grange Close to the south would be just under 13 metres. There is a first floor window within this facing elevation, however this appears to be a secondary window. Although the first floor facing window within the proposed development would serve a bedroom, given that it would have views towards a secondary window and would not be positioned directly in line with this, impacts in terms of privacy are, on balance are considered acceptable.

Two obscurely glazed windows are proposed at ground and first floor of the western elevation of the development. These would face the side gable of No.9. There would be a separation distance of 1 metre between these elevations. Given that these windows would serve bathrooms and would be obscurely glazed, there are considered to be no arising impacts in terms of privacy.

Although there would only be a distance of 1 metre between the gables of the host property and the proposed building, such a relationship is commonplace on residential developments and thus is considered acceptable. Given that the proposal would occupy a similar footprint and would reflect the scale of the adjacent property, No.9, there will be no material harm in terms of loss of light, overshadowing or overbearing impacts.

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**

A number of objections have been raised on highway safety and parking grounds within the letters of representation. It is stated that the area is heavily congested with parked vehicles, which is augmented at school drop-off and collection times and has also been worsened by the nearby Lychgate Homes development.

Two accesses are proposed; access 1 is identified adjacent to the northern boundary (and existing access for No.9) of the site, and access 2 would be adjacent to the southern boundary of the site (and the access serving the dwelling to the south).

Grange Close is an unclassified road and therefore planning permission would not be required for the creation of a new access. In this regard therefore, no objections have been received from the County Highway Authority in terms of highway safety.



Two parking spaces are proposed for each flat. This conforms with advice contained within the County Highway Authority's 6Cs Design Guide. Notwithstanding this, concerns have been raised both within the letters of representation and by the County Highway Authority in relation to the usability of the spaces. Despite their concerns however, on the basis that the site is situated within a sustainable location, in close proximity to a range of public transport and services, they do not consider that the potential under provision of off road parking would in this case result in a severe impact on the highway and could not support a refusal on such grounds. Consequently, the County Highway Authority (CHA) raises no objections, subject to the imposition of planning conditions.

In regards to the concerns raised in relation to the existing level of congestion, this is not a matter that can be addressed through the planning process. If vehicles are parked illegally, it is a matter for the police, if not, no action can be taken against them.

Whilst it is accepted the proposed development would result in a further increase in vehicles within the area, when considered in relation to the existing situation (in terms of congestion and on street parking) the impacts directly associated with this development would be negligible and could not sustain a reason for refusal.

A number of concerns have also been raised in regards to the unsuitable siting of the proposed accesses. Similarly, whilst this is noted, and their positioning may not be ideal, given that they are onto an unclassified road, they are not subject to County Highway Authority control.

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 River Mease Developer Contribution Scheme Second Development Window (DCS2) was adopted by the Council on 20 September 2016. This 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 lies within the Limits to Development, the Authority is of the view that this application is acceptable under DCS2.

As the scheme proposes 2 x 2 bed units the contribution would be £670.00. To secure this a legal agreement is being pursued with the Councils legal department.

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 available capacity.

Foul water is to be discharged to the mains sewer and therefore 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. This development is proposing to discharge all surface water to a precast concrete soakaway within the rear garden of the proposal or to an attenuation tank beneath the southern parking area. As no specific details have been provided for these features, it is considered necessary to impose a planning condition to secure such.

Therefore it can be ascertained, subject to the legal agreement and recommended planning conditions, 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 would result in an improvement in terms of surface water drainage, for existing impermeable surfaces are to be removed and replaced with permeable ones. Strip drains would also be provided along the north and eastern boundaries, which will help prevent run off onto the highway.

Leicestershire County Council Flood Management have raised no objections to the development.

### **Other Matters**

#### Letters of Representation

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

It has been raised that there are inaccuracies on the submitted plan, as two properties have been numbered No.9. A site inspection has been undertaken and the surrounding dwellings have been accurately illustrated on the submitted plans. As such, this inaccuracy would not have a material impact the determination of the application and would not result in prejudice. This said, for consistency, an amended plan will be requested from the agent.

A request has been made that if permitted, the developers should be instructed to leave existing residents accesses free from obstruction. This is not a matter which can be controlled by the planning system and consequently it would not be reasonable to impose a planning condition to secure such.

### **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 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 and the completion of a S106 Legal Agreement.

**RECOMMENDATION - PERMIT, subject to conditions in relation to the following: and the completion of a Section 106 legal agreement:**

- 1. Time limit**
- 2. Approved plans**
- 3. External materials**
- 4. Flooding and drainage**
- 5. Highway safety**
- 6. Finished floor levels**
- 7. River Mease**