

Demolition of existing buildings and erection of 7 no. dwellings and associated infrastructure (sizes and design of dwellings amended from previous approval 15/01005/FUL)

Report Item No
A5

Land At Queens Street Measham Derby

Application Reference
17/01053/FUL

Applicant:
Queens Bridge Homes

Date Registered:
18 August 2017

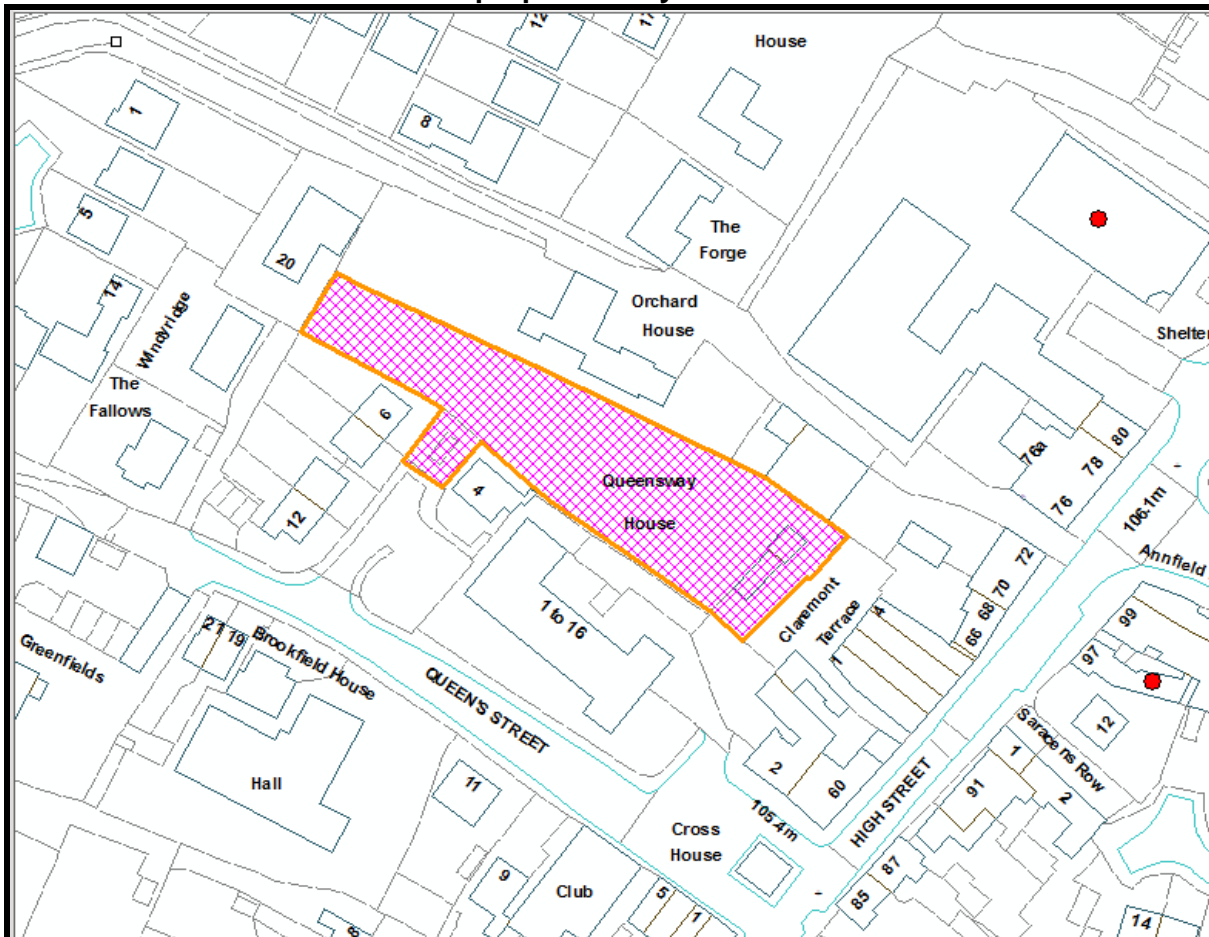
Case Officer:
James Mattley

Consultation Expiry:
13 February 2018

Recommendation:
PERMIT

8 Week Date:
13 October 2017
Extension of Time:
None Agreed

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Reasons for Approval

Reason for Call In

The application is reported to the Planning Committee, at the request of Councillor Gill Hoult on the basis that the application is a matter of concern, has significant detrimental effects on residents properties, the proposed access is poor, inadequate parking and the scheme is contrary to policies in the adopted Local Plan.

Proposal

Planning permission is sought for the demolition of existing buildings and erection of 7 no. dwellings and associated infrastructure (sizes and design of dwellings amended from previous approval 15/01005/FUL) at land at Queens Street, Measham.

Consultations

Members will see from the main report below that there are objections raised from surrounding neighbours and objections from Measham Parish Council.

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 Local Plan. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The principle of residential development is already established and cannot be reconsidered by the application. The key issues arising from the amended application details are:

- Design
- Impact on surrounding residents

The access details are identical to those that have already been approved as are the ownership details and the site boundary. Legal issues regarding boundary disputes are not material planning considerations.

The report looks into the relevant planning issues in detail, and officers conclude that the details are satisfactory. The detailed scheme meets the requirements of relevant NWLDC policies, including the adopted Good Design for North West Leicestershire SPD.

RECOMMENDATION - PERMIT, APPROVE SUBJECT TO A 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

This application seeks full planning permission for the demolition of existing buildings and erection of 7 no. dwellings and associated infrastructure (sizes and design of dwellings amended from previous approval 15/01005/FUL) at land at Queens Street, Measham.

The following amendments are proposed in comparison to the original approval on the site:

- increasing the depth of plots 1 to 6 by approximately 440mm, and incorporating a bedroom within the roof volume.
- increasing the ridge lines by 150mm.
- plot 7 is to have a bedroom within the roof volume above the garage, and associated velux rooflight to the rear.

Relevant Planning History:-

15/01005/FUL - Demolition of existing buildings and erection of 7 no. dwellings and associated infrastructure - Permitted - 16.06.2017.

13/00969/FUL - Demolition of existing buildings and erection of 7 new affordable dwellings, including access and parking arrangements and parking for No. 6 Queen's Street - Refused - 04.09.2014.

11/00378/OUT - Residential development with access off Queens Street (Outline application with appearance, landscaping, layout and scale reserved) - Approved - 07.12.2011.

2. Publicity

35 Neighbours have been notified.

Site Notice displayed 30 August 2017.

Press Notice published Leicester Mercury 6 September 2017.

3. Summary of Consultations and Representations Received

Measham Parish Council raise the same concerns as with the previous application along with the following additional concerns:

- Consider that part of the application site falls within the Conservation Area;
- Increase in height of the properties will overshadow adjacent properties;
- Lack of car parking.

Leicestershire County Council - Archaeology raises no objection, subject to the imposition of a planning condition.

Leicestershire County Council - Ecology raises no objection, subject to the imposition of a planning condition.

A total of 5 representations have been received raising the following objections:

- there will be extra bedrooms and extra residents;
- lack of parking for the proposed plots;
- concern regarding access road;
- a different scheme incorporating Queensway House would be more appropriate;
- damage to surrounding property;
- impact upon residential amenities;
- concern regarding the developers work on other sites;
- archaeology concerns;
- impact on trees;
- a tree protection plan and suitable boundary treatment is required;
- inadequate and misleading information;
- ownership issues;
- site levels are not shown.

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

4. Relevant Planning Policy

The following planning policy is considered relevant to the determination of this planning application.

National Planning Policy Framework

The policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF. The following paragraphs of the NPPF are considered relevant to the determination of this application:

- Paragraph 14 (Presumption in favour of sustainable development)
- Paragraph 32 (Promoting sustainable transport)
- Paragraph 34 (Promoting sustainable transport)
- Paragraph 47 (Delivering a wide choice of high quality homes)
- Paragraph 49 (Delivering a wide choice of high quality homes)
- Paragraph 57 (Requiring good design)
- Paragraph 59 (Requiring good design)
- Paragraph 61 (Requiring good design)
- Paragraph 64 (Requiring good design)
- Paragraph 118 (Conserving and enhancing the natural environment)

Adopted North West Leicestershire Local Plan (2017)

The following policies are relevant to this application:

- 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
- HE1 - Conservation and Enhancement of North West Leicestershire's Historic Environment

Other Policies/ 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)
- Good Design for North West Leicestershire SPD - April 2017
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

5. Assessment

Principle

The principle of developing the site for 7 dwellings has already been established by the granting of planning permission 15/01005/FUL which remains an extant planning permission that does not expire until 16 June 2020. The sole issue in the determination of this application is whether the scheme would be acceptable when having regard to the changes that are now proposed to the plans and detailed within the 'Proposals and Background' section of this report.

Design and Impact upon Heritage Assets

It was previously concluded that subject to conditions to secure materials, the design approach is acceptable and is reflective of the more traditional properties to the east of the site, on High Street. The previous proposal had an acceptable density and spaces between buildings, adequate amenity spaces, well related parking spaces, suitable proportions and an acceptable appearance. It was not deemed that any harm would arise to the Conservation Area.

The alterations which are proposed as part of this proposal include for plots with an increased depth (0.4m deeper), increased ridge heights (0.15m higher) and additional rooflights. These alterations are not considered to fundamentally alter the design or appearance of the plots and would not alter the previous conclusions reached regarding the acceptability of the scheme.

Overall, the proposal is considered to have an acceptable design that would be in keeping with the character and appearance of the existing property and the surrounding area. In view of the above this development would be compliant with The Planning (Listed Buildings and Conservation Areas) Act 1990, Policies He1 and D1 of the adopted Local Plan, the Council's Good Design SPD and the advice contained in the NPPF.

Impact on Residential Amenities

It is noted that concerns have been expressed from surrounding neighbours and from the Parish Council in relation to overlooking impacts.

Plots 1-6 would include for two additional rooflights located on the rear elevation in order to provide light for the proposed bedrooms within the roofspace. Given the distances between the rooflights and adjacent boundaries and their angled nature within the roofslope, it is not considered that the proposal would result in direct overlooking of neighbouring properties over and above the existing approved situation on the site.

The increase in height of the dwellings by 0.15 metres and increase in depth of 0.4 metres is not considered to result in any significant overbearing or overshadowing impacts upon surrounding residential properties.

Overall, the proposal is not considered to result in significant impacts upon surrounding residential amenity. Therefore, the proposed development is considered to be in accordance with Policy D2 of the adopted Local Plan and the Council's Good Design SPD.

Highway Considerations

The access arrangements into and around the site remain unchanged from the previous approved application on the site.

In terms of car parking, the plans still show for dwellings that would have three bedrooms and two car parking spaces each which would be the same as the previous approved application on the site.

As the highway access and parking levels on the site remain unchanged, it is still considered to be acceptable in relation to Policies IF4 and IF7 of the adopted Local Plan as well as the County Council 6Cs design guidance.

Impact on the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC), which was designated in 2005. The 2010 Habitat Regulations and Circular 06/2005 set out how development proposals within an SAC should be considered. Regard should also be had to paragraph 118 of the National Planning Policy Framework. During 2009 new information came to light regarding the factors affecting the ecological health of the River Mease SAC, in particular that the river is in unfavourable condition due to the high level of phosphates within it. Discharge from the sewerage 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 will have a significant effect on the SAC is required.

The River Mease Developer Contribution Scheme First and Second Development Windows (DCS1 and 2) have been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). Both DCS1 and DCS2 are considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF.

As the scheme proposes 7 x 3 bed units the contribution would be £3,171.00. The applicant has confirmed that they are agreeable to paying the contribution which is to be secured by way of a legal agreement.

The flows from the new dwellings will need to be taken into account against the existing headroom at Measham Treatment Works. At the time of writing there is sufficient capacity for 7 dwellings.

Therefore it can be concluded that the proposal will not, either alone or in combination with other plans or projects, have a significant adverse 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.

Other

Issues regarding the impact of the foundations on adjacent properties, ownership matters and the developers involvement in other sites are not material planning considerations and, therefore, have not been considered as part of this assessment. It should also be noted that there is an extant planning permission that already exists on the site for the erection of 7 dwellings.

There are conditions proposed in relation to boundary treatments, levels and to ensure that the existing tree is protected (as there were with planning permission 15/01005/FUL).

Conclusion

The principle of the development has previously been considered acceptable. The proposal is not considered to have any significant detrimental design, residential amenity or highway impacts. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, the advice in the NPPF and the Council's Good Design SPD. It is therefore recommended that the application be permitted.

RECOMMENDATION:- Permit, subject to a legal agreement and the following conditions:-

1. Time limit
2. Approved plans
3. Levels
4. External materials
5. Boundary treatments
6. Landscaping
7. Hard surfacing
8. Recycling
9. Archaeology
10. Vegetation clearance
11. River Mease soakaways
12. Tree protection
13. Demolition method statement
14. Construction management plan
15. Access and turning
16. Parking
17. Gradient
18. Obscure glass to first floor bathrooms
19. Permitted development rights removal
20. Black utility boxes