

Erection of three dwellings with associated vehicular accesses and off street parking (outline - means of access and layout for approval)
2 Newton Road Heather Coalville Leicestershire LE67 2RD

Report Item No
A2

Application Reference
19/00105/OUT

Grid Reference (E) 439014
Grid Reference (N) 310668

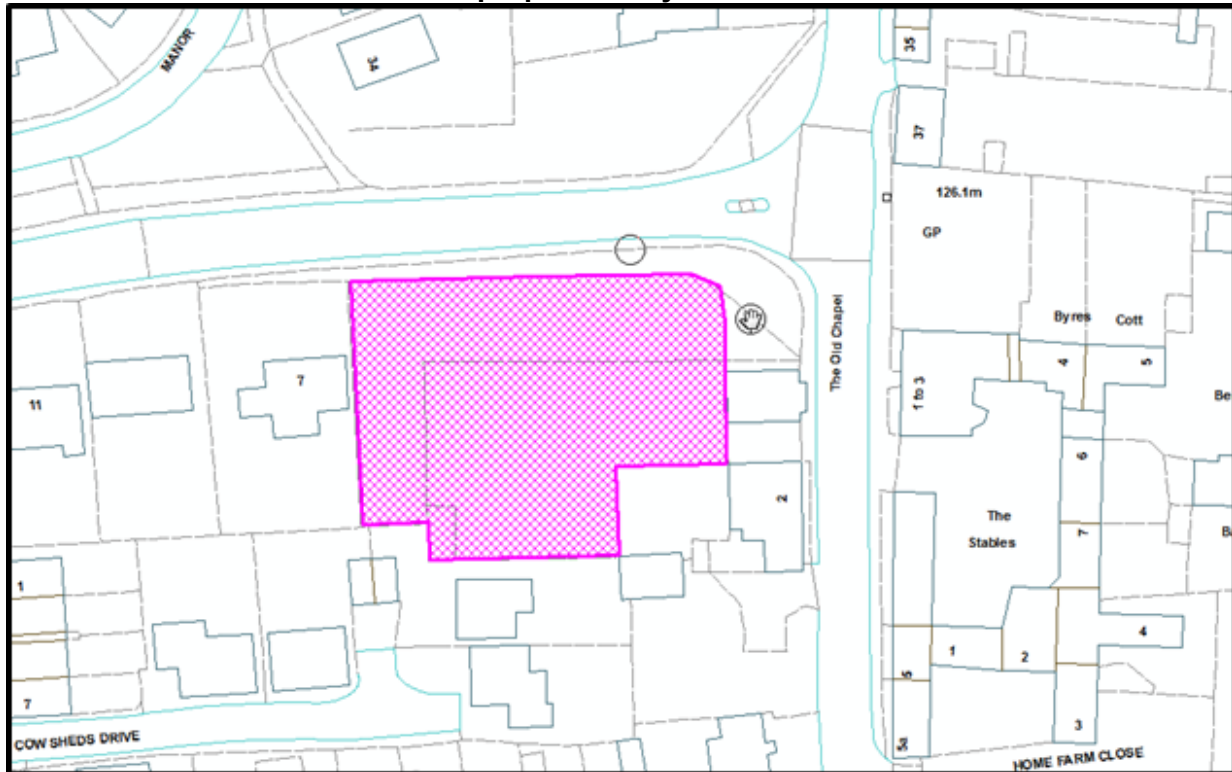
Date Registered:
22 January 2019
Consultation Expiry:
6 March 2019
8 Week Date:
19 March 2019
Extension of Time:
18 April 2019

Applicant:
Executors Norah Evelyn Allen Deceased

Case Officer:
Adam Mellor

Recommendation:
PERMIT

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 a close relative of Councillor Blunt.

Proposal

This is an outline application, with means of access and layout for approval, and relates to the erection of three dwellings with associated vehicular access and off-street parking at land to the north-east of 2 Newton Road, Heather.

Consultations

An objection has been received from a third party. No objections have been received from statutory consultees who have responded during the consultation process with a revised response from the County Council Archaeologist awaited.

Planning Policy

The application site is within the Limits to Development in the adopted North West Leicestershire Local Plan.

Conclusion

As the site is within the Limits to Development the principle of the development is acceptable. The key issues are:

- Design and impact on the character and appearance of the streetscape;
- Impact on heritage assets;
- Residential amenity;
- Highway safety; and
- Archaeology.

The report below looks at these details, and Officers conclude that the details are satisfactory. The proposals meets the requirements of relevant NWLDC policies, including the adopted Good Design for North West Leicestershire SPD, and the NPPF (2019).

RECOMMENDATION - PERMIT, SUBJECT TO CONDITIONS AND NO OBJECTION BEING RAISED BY THE COUNTY COUNCIL ARCHAEOLOGIST.

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.

1. Proposals and Background

Outline planning permission is sought for the erection of three dwellings with means of access and layout for approval at this stage at land to the north-east of no. 2 Newton Road, Heather. The 0.18 hectare site is situated on the southern side of Swepstone Road and is within the Limits to Development with the surrounding area being predominately residential in nature with dwellings that vary in their type and design. The Grade II listed nos. 1 & 3 Newton Road (Beresford House) and the farm buildings to the right of Beresford House, Newton Road are set to the east of the site.

An outline application for the erection of two dwellings with means of access and layout for approval is also under consideration with the Local Planning Authority (ref: 19/00104/OUT) on land to the south of no. 2 Newton Road and forms the basis of a separate report.

The application site comprises garden land associated with no. 2 Newton Road and it is proposed that the three dwellings would be positioned so as to accord with the building line established by nos. 7, 9 and 11 Swepstone Road with vehicular accesses formed onto Swepstone Road which would provide access to off-street parking to the front and side of the dwellings, which includes garage spaces. Although scale is not for approval at this stage an amended indicative street scene drawing identifies that the properties would comprise 2 x two-storey (with habitable accommodation in the roof slope) and 1 x single storey with 1 x 4 bed, 1 x 5 bed and 1 x 2 bed dwellings being proposed.

A design and access statement and heritage statement have been submitted in support of the application with an archaeological desk-based assessment being provided following a consultation response from the County Council Archaeologist. Reconsultation on this document has been undertaken.

The relevant planning history of the site is as follows:

- 91/0385/P - Residential development (outline) - Approved 2nd July 1991.
- 94/0199/P - Erection of a single storey dwelling - Approved 18th April 1994.

2. Publicity

11 Neighbours have been notified.
Site Notice displayed 7 February 2019.
Press Notice published Leicester Mercury 13 February 2019.

3. Summary of Consultations and Representations Received

The following summary of representations have been provided.

Heather Parish Council no representation received at the time of this report any comments received will be reported to Members on the Committee update sheet.

Leicestershire County Council - Archaeology a revised consultation response is awaited so any revised comments will be reported to Members on the Committee update sheet.

Leicestershire County Council - Ecology has no objections.

Leicestershire County Council - Highways Authority has no objections subject to conditions.

Leicestershire County Council - Minerals and Waste Planning no representation received at the time of this report any comments received will be reported to Members on the Committee update sheet.

NWLDC - Conservation Officer has no objections.

NWLDC - Environmental Protection has no objections.

NWLDC - Environmental Protection (Contaminated Land) has no objections subject to conditions.

Third Party Representations

One third party representation has been received objecting to the application with the comments raised summarised as follows:

Highway safety:

- The position of the accesses in close proximity to the junction of Sweystone Road with Newton Road will result in detriment to highway safety.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2019)

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraphs 8 and 10 (Achieving sustainable development);
Paragraphs 11 and 12 (Presumption in favour of sustainable development);
Paragraphs 38, 39, 40, 41, 42, 44 and 47 (Decision-making);
Paragraphs 54 and 55 (Planning conditions and obligations);
Paragraphs 59, 60, 61, 68, 73, 74 and 76 (Delivering a sufficient supply of homes);
Paragraphs 105, 108, 109 and 110 (Promoting sustainable transport);
Paragraphs 117, 118, 122 and 123 (Making effective use of land);
Paragraphs 124, 126, 127 and 130 (Achieving well-designed places);
Paragraphs 163 (Meeting the challenge of climate change, flooding and coastal change);
Paragraph 175, 178, 179 and 180 (Conserving and enhancing the natural environment); and
Paragraphs 192, 193, 194, 196 and 199 (Conserving and enhancing the historic environment).

Adopted North West Leicestershire Local Plan (2017)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S1 - Future Housing and Economic Development Needs;
Policy S2 - Settlement Hierarchy;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
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 He1 - Conservation and Enhancement of North West Leicestershire Historic Environment;
Policy Cc2 - Water - Flood Risk; and
Policy Cc3 - Water - Sustainable Drainage Systems.

Other Policies

National Planning Practice Guidance.
Good Design for North West Leicestershire Supplementary Planning Document - April 2017.
Leicestershire Highways Design Guide (Leicestershire County Council).
Planning (Listed Buildings and Conservation Areas) Act 1990 - Section 66.
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).

5. Assessment

Principle of Development and Sustainability

The site is located within the Limits to Development where the principle of residential development is considered acceptable subject to compliance with relevant policies of the adopted Local Plan and other material considerations. Within the NPPF (2019) 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.

The sustainability credentials of the scheme would need to be assessed against the NPPF and in this respect Policy S2 of the adopted Local Plan highlights that Heather is a Sustainable Village where a limited amount of growth will take place within the defined Limits to Development.

On the basis that the application site is within the Limits to Development and is within a location whereby it could easily access the services which are available within the settlement, with future residents also having the possibility to access a more extensive range of services within the neighbouring settlement of Ibstock. On this basis there would not be a heavy reliance on the private car to access the most basic of services and consequently the development would be socially sustainable.

The site currently represents part of the residential garden associated with the host property, no. 2 Newton Road. Garden land in built up areas is excluded from the definition of previously developed land as set out in the NPPF and it therefore effectively constitutes a greenfield site. Whilst the land comprises greenfield land, which is not the most sequentially preferable land on which to provide new development, it is noted that it is within the Limits to Development and the redevelopment of the land would be viewed as a natural progression of built development on the southern side of Swepstone Road. In this context it is considered that the loss of the greenfield site would not result in significant conflict with the environmental objective enshrined within the NPPF.

Overall there would be no substantial harm to the built and natural environment with any harm being outweighed by the limited economic benefits associated with the construction of the dwellings and the positive social sustainability aspects of the scheme which would support the move towards a low carbon economy as required by the environmental objective. As a result the proposal would be considered sustainable in accordance with Policy S2 of the adopted Local

Plan and the core objectives of the NPPF.

Design and 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 Policy D1, as well as the Council's adopted Good Design for NWLDC SPD, but also Paragraphs 124 and 127 of the NPPF.

In terms of topography the application site fall from north to south as well as from west to east with the part of Swepstone Road where the development would be carried out being predominately defined by dwellings which have a degree of separation from the highway, so as to allow off-street parking and a mix of hard and soft landscaping to their frontage, and which are orientated so as to have principal elevations which front onto Swepstone Road.

It is noted that scale, appearance and landscaping are all included as matters to be considered at a later point although the layout is for approval at this stage. The proposed dwellings are positioned so as to have consistency with the building line established by nos. 7, 9 and 11 Swepstone Road and this which will enable them to accommodate off-street parking and turning facilities to their frontage whilst also having principal elevations that address Swepstone Road. The layout, as proposed, would also ensure that the plots have private amenity areas which would be, as a minimum, the equivalent of the footprint of the of the dwellings, in accordance with the Council's Good Design SPD, with the linear nature and size of the plots being commensurate with those associated with detached units within the immediate area. Whilst landscaping is reserved for subsequent approval the layout would also enable an appropriate balance between hard and soft landscaping to be provided to the frontage of the dwellings so as to be consistent with the character of the streetscape in this respect. Overall the layout of the proposed development would contribute positively to the character of the streetscape and ensure that it would successfully integrate into the environment in which it is set.

Whilst scale is not for approval at this stage concern was expressed that the indicative streetscape image showed dwellings with heights that would result in them being visually dominant over those properties which front onto Newton Road, in particular plots 2 and 3. A revised indicative streetscape image has been submitted and this shows a reduction in the heights of plots 2 and 3 (plot 3 now being single storey). It is considered that in developing the scheme at the reserved matters stage the heights of the dwellings should be consistent with those shown on the revised indicative streetscape and a note to the applicant would be imposed on any permission granted to make them aware of this circumstance.

The appearance of the dwellings would be assessed 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 adopted Good Design SPD.

Overall the layout of the development is considered to be compliant with Policy D1 of the adopted Local Plan as well as the Council's adopted Good Design SPD and Paragraphs 124 and 127 of the NPPF.

Impact on the Historic Environment

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, when considering whether or not to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest that the building may possess and to the desirability of preserving or enhancing the character or appearance of that area. Such an approach is also supported by Paragraphs

192, 193, 194 and 196 of the NPPF.

In terms of heritage assets the application site lies to the west of the Grade II listed nos. 1 & 3 Newton Road (Beresford House) and the farm buildings to the right of Beresford House, Newton Road. Therefore the impact of the development on the fabric and setting of these heritage assets should be given special regard by the 1990 Act.

The Council's Conservation Officer has been consulted on the application and has raised no objections to the application.

It is considered that the heritage assets which exist are set to the east and are screened from the site by the presence of buildings on Newton Road. Whilst scale is not for approval at this stage concern was expressed that the height of the proposed dwellings on the initial streetscape image would be dominant over those fronting onto Newton Road. Following subsequent amendments to the indicative streetscape image it is considered that a scale of development could be brought forward at the reserved matters stage that would lead to dwellings that are not dominant in relation to those on Newton Road. On this basis it is considered that views towards and out of the heritage assets would not be impacted on and therefore there would be no harm to the significance of their setting. On the basis that no harm to the significance of the setting of heritage assets would arise an assessment in the context of Paragraph 196 of the NPPF is not required.

Overall the proposed development would be acceptable and accords with Policy He1 of the adopted Local Plan, Paragraphs 192, 193, 194 and 196 of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Accessibility

The County Highways Authority (CHA) has raised no objections subject to the imposition of conditions on any permission granted with their assessment being based on guidance within the Leicestershire Highways Design Guide (LHDG).

It is proposed that two new vehicular accesses would be formed onto Swebstone Road in order to serve the dwellings with plots 1 and 2 sharing an access and plot 3 having a separate access. In commenting on the application the CHA have identified that the width of the accesses is in accordance with the LHDG and that adequate levels of visibility are achieved in both directions for the speed of traffic on Swebstone Road. The CHA are also satisfied that the quantum of development proposed would not significantly increase the overall level of vehicular activity on the highway network to an extent which would lead to additional Personal Injury Collisions.

With regards to the manoeuvring of vehicles from the proposed dwellings it is proposed that space would be provided within the confines of the site so as to enable vehicles to exit in a forward direction and this would be important in the context of the proximity of the accesses, in particular that to plot 3, to the junction of Swebstone Road with Newton Road.

Overall the impact on highway and pedestrian safety would not be detrimental, nor would the cumulative impacts of development on highway and pedestrian safety be severe, as such the proposal accords with Policy IF4 of the adopted Local Plan and Paragraphs 108 and 109 of the NPPF.

In respect of off-street parking the plans identify that plot 1 would have four bedrooms, plot 2 would have five bedrooms and plot 3 would have two bedrooms as such a minimum of three off-

street parking spaces would be required for plots 1 and 2 and a minimum of two spaces for plot 3, this is so as to accord with the Council's adopted Good Design SPD. The layout as submitted demonstrates that the required level of off-street parking can be accommodated on the site to serve the number of bedrooms proposed with the dimensions of the spaces also according with those stated within the LHDG. A condition would be imposed for the off-street parking to be provided and on this basis the development would accord with Policy IF7 of the adopted Local Plan and Paragraph 105 of the NPPF.

Neighbours and Future Occupants Amenities

It is considered that the properties most immediately affected by the proposed development would be no. 2 Newton Road, set to the south-east and which is in the control of the applicants, no. 15 Old Cow Sheds Drive, set to the south, no. 7 Swebstone Road, set to the west, and The Old Chapel on Newton Road, set to the east.

The proposed layout is for approval at this stage and it is noted that the eastern (side) elevation of no. 7 Swebstone Road would be set 1.5 metres from the western boundary of the application site with the northern (side) elevation of no. 15 Old Cow Sheds Drive set 1 metre from the southern boundary of the application site and the western (rear) elevation of The Old Chapel, Newton Road set on the eastern boundary of the application site.

It is proposed that the front elevation of the dwellings would face in a northern direction onto Swebstone Road with the rear elevations facing in a southern direction and as such they would have a 'side to side' relationship with no. 7 Swebstone Road and 'side to back' relationship with The Old Chapel and a 'back to side' relationship with no. 15 Old Cow Sheds Drive.

No principal habitable room windows are present in the eastern (side) elevation of no. 7 Swebstone Road and given that plot 1, the closest plot to no. 7, would not extend beyond the northern (front) or southern (rear) elevation it is considered that no adverse overbearing or overshadowing impacts would arise.

With regards to no. 15 Old Cow Sheds Drive there would be a minimum separation distance of 14.5 metres from the southern (rear) elevations of plots 1 and 2 to what would become a shared boundary with no. 15 which therefore provides a 15.5 metre separation distance between elevations. Given that the separation distance between elevations would accord with guidance within the Council's adopted Good Design SPD, as well as the fact that the proposed site is set to the north of no. 15, it is considered that no adverse overbearing or overshadowing impacts would arise.

In terms of The Old Chapel on Newton Road concerns were expressed that the initial positioning of plot 3, as well as its indicative height as outlined on the original streetscape image, would result in detriment to the amenities of The Old Chapel given the position of habitable room windows on its northern (side) elevation. Subsequent amendments made to the position of plot 3 now ensure that it would not breach a 45 degree line taken from the centre of the closest habitable room window on the northern (side) elevation and therefore it complies with guidance within the Council's adopted Good Design SPD. Although windows exist in the western (side) elevation of The Old Chapel these are internally boarded up and therefore do not serve habitable rooms. Overall no adverse overbearing or overshadowing impacts would arise to the amenities of occupants of The Old Chapel.

Plot 2 would be set 16 metres to the north-west of the western (rear) elevation of no. 2 with plot 3 set 5.5 metres to the north of what would become a shared boundary with no. 2. It is considered that plot 3 has been positioned so as not to breach a 45 degree line taken from the

centre of the closest habitable room window on the rear elevation of no. 2 with the separation distance to plot 2 also being acceptable. Taking into account the development is predominately contained to the north of no. 2 no adverse overbearing or overshadowing impacts would arise.

An assessment in respect of overlooking impacts to neighbouring properties would be undertaken once the scale and appearance of the dwellings was known at the reserved matters stage. In this respect it is considered that plot 3 would be required to be single storey given that its proximity to what would become a shared boundary with no. 2 would result in adverse overlooking impacts should first floor windows be proposed.

With regards to future amenities it is considered that the above separation distances and relationships with existing development would ensure that no adverse overbearing, overshadowing or overlooking impacts would arise. In any event any future occupant would be aware of the relationship with neighbouring built forms prior to their purchase.

Overall the proposed layout of development would be considered compliant with Policy D2 of the adopted Local Plan.

Landscaping

Trees within the site were removed prior to the submission of the application and consequently there is no soft landscaping which would act as a constraint to the development proposal. However, in light of the site being within the National Forest the provision of appropriate soft landscaping, including tree planting, would be encouraged and therefore at the reserved matters stage it would be ensured that an appropriate soft landscaping scheme is provided.

The details of any hard landscaping to be provided on the site would also be agreed under any subsequent reserved matters application associated with landscaping.

Overall the proposed development is considered to be compliant with the aims of Policies D1 and En3 of the adopted Local Plan.

Ecology

The County Council Ecologist has been consulted on the application and has raised no objections in the circumstances that trees on the site which had the potential to be utilised by protected species have been removed prior to the submission of the application.

On the basis that there are no ecological constraints associated with the site which would require mitigation it is considered that the proposal would accord with Policy En1 of the adopted Local Plan, Paragraph 175 of the NPPF and Circular 06/05.

Drainage and Flood Risk

The site lies within Flood Zone 1 (which has the lowest risk of flooding) and is not within an area impacted by surface water flooding as defined on the Environment Agency's Surface Water Flood Maps. The application forms indicate that surface water run-off would be addressed by the provision of a soak-away. Given the location of the development such a surface water drainage solution would be acceptable and as such the development is considered to be compliant with Policies Cc2 and Cc3 of the adopted Local Plan and Paragraph 163 of the NPPF.

Insofar as foul drainage is concerned, it is indicated that this would be discharged to the mains sewer and a connection would need to be agreed with Severn Trent Water under separate legislation. Given the above conclusion it is considered that the foul drainage can be met by the

existing sewerage system in place. On this basis the proposed development would accord with Paragraph 180 of the NPPF.

Archaeology

The County Council Archaeologist has indicated that an appraisal of the Leicestershire and Rutland Historic Environmental Record (HER) notes that the site is located within the centre of Heather and falls within the historic settlement core of Heather as well as being adjacent to Grade II listed buildings. Given the extent of development proposed any buried archaeological remains may be disturbed as a result of the works.

Given the opportunities which exist for archaeological remains to be present on the site, the County Council Archaeologist considered it necessary for an archaeological desk-based assessment and field evaluation to be undertaken to determine the archaeological significance of the site. A desk-based assessment has been submitted in support of the application which is now under consideration by the County Council Archaeologist. Subject to the County Council Archaeologist raising no objections to the application, and any suggested conditions being imposed on any permission granted, it is considered that the proposal would comply with Policies He1 of the adopted Local Plan and Paragraph 199 of the NPPF.

Other Matters

The Council's Contaminated Land Officer has reviewed the application and has determined that there are no objections to the application subject to the imposition of conditions associated with the submission of a Risk Based Land Contamination, and relevant Verification Investigation should remediation be required, due to the former use of the adjacent site as a vehicle repair garage and petrol filling station. It is considered that the imposition of such conditions are reasonable given that the proposal comprises residential development and therefore there is a need to ensure the health and safety of future residents.

On the basis of the above, and subject to the imposition of relevant conditions, it is considered that the proposal would accord with Policy En6 of the adopted Local Plan as well as Paragraphs 178 and 179 of the NPPF.

Conclusion

The application site is located within the Limits to Development where the principle of this form of development would be acceptable with the development also being within a socially sustainable location and not impacting adversely on the environment even though a greenfield site would be built upon. 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, the significance of heritage assets, highway safety, ecology, soft landscaping, archaeology or contaminated land nor would the proposal exacerbate any localised surface water flooding impact. There are no other material planning considerations that indicate outline planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is acceptable for the purposes of the above mentioned policies.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to conditions and no objection being raised by the County Council Archaeologist.

- 1. Timeframe for reserved matters.**
- 2. Approval of reserved matters details.**

3. **Approved plans.**
4. **Finished ground and floor levels as part of reserved matters.**
5. **Provision of access.**
6. **Vehicular and pedestrian visibility splays.**
7. **Vehicle manoeuvring facilities.**
8. **Off-street parking.**
9. **Land contamination.**
10. **Remediation/verification scheme.**
11. **Archaeology.**