

Erection of two dwellings with associated vehicular access and off street parking (outline - means of access and layout for approval)

2 Newton Road Heather Coalville Leicestershire LE67 2RD

Report Item No  
A3

Application Reference  
19/00104/OUT

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

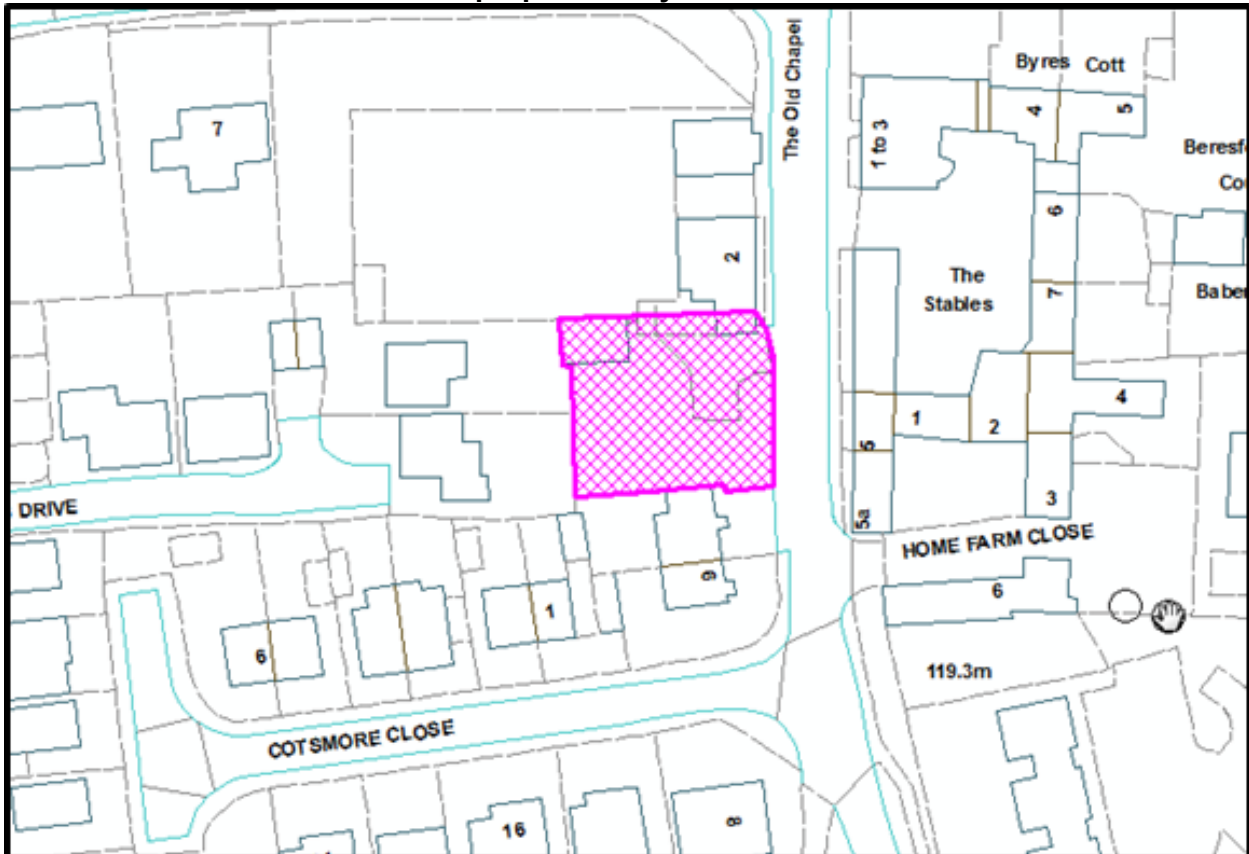
Date Registered:  
22 January 2019  
Consultation Expiry:  
6 March 2019  
8 Week Date:  
19 March 2019  
Extension of Time:  
18 April 2019

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 two dwellings with associated vehicular access and off-street parking at land to the south of 2 Newton Road, Heather.

### **Consultations**

Objections have been received from third parties. No objections have been received from statutory consultees who have responded during the consultation process.

### **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; and
- Highway safety.

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.**

**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 two dwellings with means of access and layout for approval at this stage at land to the south of no. 2 Newton Road, Heather. The 0.05 hectare site is situated on the western side of Newton 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 north-east and east of the site on the opposite side of Newton Road.

An outline application for the erection of three dwellings with means of access and layout for approval is also under consideration with the Local Planning Authority (ref: 19/00105/OUT) on land to the north-west of no. 2 Newton Road and forms the basis of a separate report.

The application site formerly comprised a petrol filling station with associated garage and it is proposed that the two dwellings would be positioned so as to accord with the building line established by no. 2 Newton Road and The Old Chapel, Newton Road with existing vehicular accesses onto Newton Road providing access to the off-street parking set to the side of the properties, which includes garage spaces. Although scale is not for approval at this stage the indicative street scene drawing identifies the properties would be two-storey in height and have two bedrooms.

A design and access statement and heritage statement have been submitted in support of the application.

No recent or relevant planning history was found.

## 2. Publicity

19 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 is 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** has no objections subject to conditions.

**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**

Two third party representations have been received which the comments raised summarised as follows:

Residential amenity

- There would be a loss of privacy as a result of the provision of two-storey dwellings.
- There would be an adverse over shadowing impact as a result of the provision of two-storey dwellings.
- There would be an increase in noise and disturbance as a result of the development.
- The extension to the outbuilding will result in overshadowing and overbearing impacts.

Non-material planning matter:

- The property would be devalued as a result of the development.

## **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.

From an environmentally sustainable perspective the proposed dwellings would be provided on land which was formerly associated with a petrol filling station and garage and as such the development would be on brownfield land which is the most appropriate land for new development in the context of Paragraph 117 of the NPPF.

Overall the proposal would result in no harm to the built environment, as assessed in more detail below, and would also have limited economic benefits as well as positive social sustainability aspects. 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 rises from east to west as well as from south to north with the part of Newton Road where the development would be carried out being predominately defined by dwellings which are either set against the back edge of the pavement or which are slightly set back from the highway, there is therefore a strong sense of enclosure to the streetscape.

It is noted that scale, appearance and landscaping are all included as matters to be considered at a later stage although the layout is for approval at this stage. The proposed dwellings are positioned so as to accord with the building line established by the traditional properties on this part of Newton Road (as set by no. 2 and The Old Chapel) and therefore will contribute positively to the character of the streetscape and the strong sense of enclosure which exists. The layout as proposed would also ensure that the plots have private amenity areas which are greater than the footprint of the dwellings, in accordance with the Council's adopted Good Design SPD, with the linear nature and size of the plots being commensurate with those associated with semi-detached units within the immediate area. Overall the layout of the proposed development would ensure that it would successfully integrate into the environment in which it is set.

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 east 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 given that the dwellings have been positioned to accord with the building line of traditional development on Newton Road as well as the fact that an existing building would be retained and adapted to serve as garaging for no. 2 Newton Road and one of the proposed dwellings.

Given the historic use of the site as a petrol filling station with associated garage and the removal of infrastructure associated with this use as part of the permission (including petrol pumps and dismantled vehicles and parts) it is considered that any redevelopment would only serve to enhance the setting of the identified heritage assets, therefore no harm to the significance of their setting would arise. On the basis that no harm would arise to the significance of the setting of the heritage assets 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 existing vehicular accesses into the site off Newton Road would be utilised with one access serving no. 2 Newton Road and what is identified as plot 4 on the submitted plan and the other serving what is identified as plot 5. As existing accesses the CHA are satisfied that adequate levels of visibility can be achieved in both directions for the speed of traffic on Newton 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, as well as no. 2 Newton Road, it is considered that they would likely reverse into the highway. Whilst this is the case it is noted that vehicular movements at The Old Chapel on Newton Road, as well as nos. 4 and 6 Newton Road, result in vehicles reversing into the highway and in this context, as well as the fact that the CHA have no objections, such movements would not result in detriment to highway safety.

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

In respect of off-street parking the application forms indicate that the dwellings to be created would have two bedrooms and therefore a minimum of four off-street parking spaces (two for each property) would be required in accordance with the Council's adopted Good Design SPD. The layout as submitted demonstrates that the required level of off-street parking could 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 total of three off-street parking spaces, including one within a detached garage, would also be retained for the existing dwelling (no. 2 Newton Road). 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 north and which is in the control of the applicants, no. 4 Newton Road, set to the south, and nos. 15 and 17 Old Cow Sheds Drive, set to the west.

The proposed layout is for approval at this stage and it is noted that the eastern (rear) elevations of nos. 15 and 17 Old Cow Sheds Drive would be set 10 and 12 metres, respectively, from the western boundary of the application site with the northern (side) elevation of no. 4 Newton Road set around 1 metre from the southern boundary of the application site.

It is proposed that the front elevation of the dwellings would face in an eastern direction onto Newton Road with the rear elevation facing in a western direction towards the properties on Old Cow Sheds Drive and as such they would have a 'back to back' relationship with nos. 15 and 17 Old Cow Sheds Drive and a 'side to side' relationship with nos. 2 and 4 Newton Road.

In terms of the separation distance to what would become shared boundaries with nos. 15 and 17 Old Cow Sheds Drive this would be 14 metres which therefore results in a separation between elevations of a minimum of 24 metres. It is also the case that nos. 15 and 17 Old Cow Sheds Drive are set at a higher land level to the part of the application site where the dwellings would be positioned. Whilst noting the concerns of the occupants of these dwellings the Council's adopted Good Design SPD outlines that a 'back to back' separation distance of a minimum of 20 metres would be acceptable and therefore it is considered that the provision of the dwellings would not result in any adverse overbearing or overshadowing impacts.

With regards to the relationship with no. 2 Newton Road it is considered that the dwellings would be positioned so as not to extend significantly beyond the front and rear elevation of this property and given the absence of any principal habitable room windows in the side elevation of no. 2 no adverse overbearing or overshadowing impacts would arise.

The dwellings would be positioned forward of the front elevation of no. 4 Newton Road and it is noted that ground and first floor bedroom windows exist in the part of the elevation closest to what would become the shared boundary. Whilst this is the case no. 4 is orientated to the south of the site and a line taken at a 45 degree angle from the centre of these bedroom windows, as required by the Council's adopted Good Design SPD, would not be breached by the position of the dwellings. On this basis 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 but, on the basis of the proposed layout, it is considered that the dwellings could be provided so as not to result in any adverse overlooking impacts to neighbouring properties particularly in light of compliance with separation distances outlined in the Council's adopted Good Design SPD. In assessing the scale of development due regard would also be given to ensuring that the provision of an extension to the existing detached outbuilding (to serve as a garage to plot 4 as identified on the submitted plan) would not result in detriment to the amenities of no. 15 Old Cow Sheds Drive.

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.

The impact of development on the value of a property is not a material planning consideration which could be taken into account in the consideration of the application and no objection is raised by the Council's Environmental Protection Team in relation to the proposed development causing noise or disturbance to the amenities of neighbouring properties particularly when assessed against the existing land use.

Overall the proposed layout of development would be considered compliant with Policy D2 of the adopted Local Plan and Paragraph 180 of the NPPF.

### **Landscaping**

The site is devoid of any soft landscaping of merit 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 initially commented that whilst having no objections to the creation of the dwellings they considered that the submission of a bat survey would be required to assess the occupation potential of the retained outbuilding. Following the submission of further information by the agent, detailing that the internally the building is open to the eaves and has no ceiling or enclosed space, the County Council Ecologist has determined that the submission of a bat survey will not be necessary as the building is not suitable for habitation by bats.

On the basis that there is no ecological constraints associated with the site which would require mitigation 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 considers it necessary for conditions to be imposed on any consent for a programme of archaeological works to be carried out, in advance of the development commencing, in order to record and advance the understanding of the significance of any heritage assets. Such conditions are considered reasonable given the archaeological potential of the site and their inclusion ensures compliance with Policy 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 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 being an appropriate re-use of a brownfield site. 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, 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;**

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. **Vehicle manoeuvring facilities.**
7. **Off-street parking.**
8. **Land contamination.**
9. **Remediation/verification scheme.**
10. **Archaeology.**