

Erection of two dwellings

Report Item No
A4

Land Adjacent To 5 Cedar Grove Moira Derby, DE12 6HJ

Application Reference
20/00699/FUL

Grid Reference (E) 432786
Grid Reference (N) 316717

Date Registered:
6 May 2020

Applicant:
Sarah Robinson

Consultation Expiry:
2 July 2020

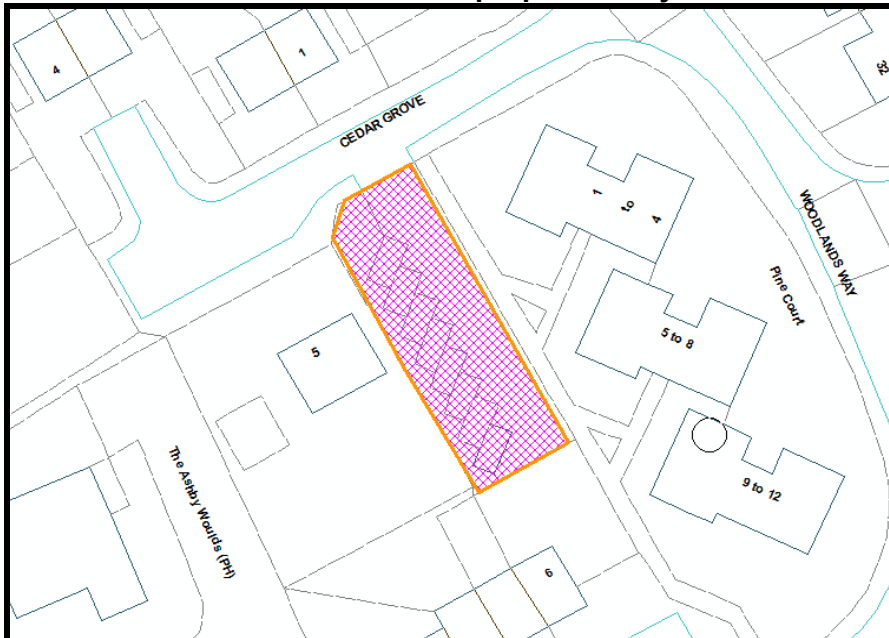
Case Officer:
Sarah Booth

8 Week Date:
1 July 2020

Extension of Time:
5 August 2020

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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Call In

The application is brought before Planning Committee as the application has been submitted by North West Leicestershire District Council and contrary representations to the recommendation to permit the application have been received.

Proposal

Planning permission is sought for the erection of two dwellings on land adjacent to 5 Cedar Grove, Moira.

Consultations

A total of 2 letters of neighbour representation have been received. One of the objection letters has been withdrawn following further communication with the neighbour, however all matters raised by the neighbours have been included in this report for the avoidance of doubt. No objections have been received from statutory consultees who have responded during the consultation process.

Planning Policy

The site is located within the Limits to Development on the Policy Map of the adopted Local Plan. The application has also been assessed against the relevant policies within the NPPF (2019), the adopted Local Plan, the Council's Good Design Supplementary Planning Document (SPD) and other relevant guidance.

Conclusion

The principle of the development is acceptable. The proposal is not considered to have any significant detrimental impacts on residential amenity, design, the River Mease SAC or highway safety. 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, subject to the imposition of planning conditions.

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 and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

Planning permission is sought for the construction of two new dwellings on land located between flats at Pine Court and No.5 Cedar Grove in Moira. The proposed new dwellings would be for council housing for social affordable rent through North West Leicestershire District Council.

The application site is currently used for parking for the adjacent Pine Court flats, which are also owned by the Council. This land was previously occupied by detached garages serving Pine Court however these buildings have now been demolished.

The site is located within Limits to Development, as defined by the Policy Map to the adopted Local Plan.

Amended plans have been received during the course of the application to address design concerns. The proposal now includes a chimney and the porch design has been amended.

Recent Planning History

18/02260/DEM - Demolition of 8 brick garages (PER 21.01.2019).

The following application on a nearby site at Woulds Court, Willow Close, Moira is also relevant to this application:

18/02261/DEM - Demolition of Woulds Court flats and associated buildings (PER 21.01.2019).

2. Publicity

27 Neighbours have been notified.

Site Notice displayed 18 May 2020.

3. Summary of Consultations and Representations Received

No objection from:-

Ashby Woulds Town Council
Leicestershire County Council Ecology
NWLDC Waste Services

No objection, subject to condition(s) from:-

NWLDC Environmental Protection - Land Contamination
Leicestershire County Council Highways - access, parking, turning and visibility splays

No response received from:-

Severn Trent Water

Third Party Representations

Two letters of neighbour representation have been received raising objections to the proposal. One of the letters of objection has now been withdrawn following more detailed discussions with the neighbour, however all matters raised are summarised as follows for the avoidance of doubt:

Objections

- Highway safety / on street parking concerns.
- Responsibility for the upkeep of Cedar Grove.

Withdrawn objections

- Potential for damage to neighbouring properties.
- Concerns with dust / fumes during construction.
- Materials for boundary treatment / boundary / maintenance issues.
- Security / privacy during construction of boundary treatments.

4. Relevant Planning Policy

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);
Paragraph 11 (Presumption in favour of sustainable development);
Paragraphs 54, 55 and 56 (Decision-making);
Paragraphs 59, 68, 73, 74 and 78 (Delivering a sufficient supply of homes);
Paragraphs 102, 103, 108, 109 and 110 (Promoting sustainable transport);
Paragraphs 117, 118, 121 and 122 (Making effective use of land);
Paragraphs 124, 127, 128 and 130 (Achieving well-designed places);
Paragraphs 148, 150, 153, 155 and 163 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 170, 177, 178, 179, 180 and 181 (Conserving and enhancing the natural environment).

Adopted North West Leicestershire Local Plan (2017):

The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan are relevant to the determination of the application:

S1 - Future Housing and Economic Development Needs
S2 - Settlement Hierarchy
D1 - Design of New Development
D2 - Amenity
IF4 - Transport Infrastructure and New Development
IF7 - Parking Provision and New Development
En1 - Nature Conservation
En2 - River Mease Special Area of Conservation
En3 - The National Forest
En6 - Land and Air Quality
Cc3 - Water - Sustainable Drainage Systems

Other Guidance

The Conservation of Habitats and Species Regulations 2017
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System
National Planning Practice Guidance - March 2014
River Mease Water Quality Management Plan - August 2011
The River Mease Developer Contributions Scheme (DCS) - September 2016
Leicestershire Highways Design Guide (Leicestershire County Council)
Good Design for North West Leicestershire SPD - April 2017
National Design Guide - October 2019

5. Assessment

Principle of Development

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 (2017).

The site is located within Limits to Development as defined by the adopted Local Plan. Policy S2 defines Moira as a 'Sustainable Village' which is supportive of a limited amount of new development within Limits to Development.

It is proposed that these two dwellings would provide additional housing for the Council to rent as affordable units, the principle of which is encouraged by the NPPF and the Council's Local Plan.

Overall, it is considered that the proposal would represent a sustainable form of development and would accord with the policy aims of both the adopted Local Plan and would be acceptable in relation to the NPPF. Therefore the development is acceptable in principle subject to other material considerations.

Siting and Design and Impact upon Character

The need for good design in new residential development is outlined not only in adopted Local Plan Policy D1 and the Council's Good Design Supplementary Planning Document (SPD) but also paragraphs 127 and 130 of the NPPF.

The wider area consists of a mixture of property types including flats, bungalows and detached and semi-detached dwellings, which are all set back from the public highway. The existing street scene primarily comprises brick built, side gable properties with chimneys and some elements of cladding. The majority of dwellings in this location are semi-detached.

The proposed new dwellings would be two storey semi-detached dwellings with a set back from the highway in line with No.5 Cedar Close and would be constructed in brick and vertical cladding. During the course of the application amended plans have been provided to include a chimney and to amend the detailing of the porch designs so that the two new properties would be symmetrical. The new dwellings are now considered to be more consistent with the design of neighbouring properties.

It is noted that the proposed design includes a protruding front gable element which differs somewhat from the other dwellings in Cedar Grove. However, this feature is similar in appearance to certain aspects of the adjacent Pine Court flats. On that basis it is considered that the proposal would not be harmful to the street scene.

The overall plot sizes, floor area and height of the proposed new dwellings would also be comparable to surrounding neighbouring properties.

It is noted that the proposal includes tandem parking which is not the Council's preferred type of off street parking as advised in the Council's Good Design SPD. However, the design includes an almost equal ratio of landscaping to parking and hardstanding which softens the appearance of the frontage of the new development and accords with the aims of the Council's Good Design SPD.

Whilst some materials have been referred to in the application submission it is recommended to condition more specific details of the proposed materials, especially the cladding, to ensure they

would be in keeping with the visual amenity of the area.

The adjacent neighbour at No.5 Cedar Grove has raised some queries regarding what would be proposed for boundary treatments. The location and appearance of any boundary treatments will need to be considered to ensure they would be in keeping with the character of the area. However, other matters raised by the neighbour such as boundary disputes, access to land for maintenance of a neighbour's fence and security and privacy during construction are not materials planning considerations. Notwithstanding this, the applicant has advised that they can discuss any details with the neighbour, outside of the planning application process, to address the civil matters which the neighbour has raised.

Precise details for the proposed boundary treatments have not been included in the application at this stage. The applicant has requested that these details could be agreed by condition if this application is approved. It is therefore recommended that such a condition be included.

Overall the proposed development accords with the general siting and scale of existing dwellings within the vicinity, the development appears in keeping with the scale and character of existing dwellings and the design approach is considered acceptable. Therefore, the proposal is considered to be in accordance with Policy D1 of the adopted Local Plan, the Council's Good Design SPD and the advice contained in the NPPF.

Impact upon Residential Amenity

The residential dwellings most immediately impacted upon as a result of the proposal would be No.5 Cedar Grove to the west, the flats in Pine Court to the east (No's 1- 12), No's 1 and 2 Cedar Grove opposite the site (to the north) and No.6 Koppe Close which borders the rear of the site (to the south).

With regard to No's 1 and 2 Cedar Grove and No.6 Koppe Close to the front and rear of the site, these neighbouring dwellings would be at least 20 metres away from the proposed new dwellings. This would accord with the separation distances set out within the Council's Good Design Supplementary Planning Document (SPD) and therefore the development is not considered to adversely impact on the residential amenities of these properties.

As the new dwellings would be located in a parallel position to No.5 Cedar Grove the new development would accord with the 45 degree code of practice as per the Council's Good Design SPD and it is considered that the new dwellings would not significantly impact on No.5.

The neighbour at No.5 Cedar Grove has raised concerns with regard to the potential loss of privacy if any existing boundary fencing needs to be removed during construction. This is not a material planning consideration however the applicant has advised that if this work is required then they can arrange for temporary fencing to be erected if there was an issue of security and privacy.

It is noted that there are proposed first floor side facing windows on both the east and west side elevations of the new dwellings. It is recommended that these should be conditioned to be obscurely glazed and fixed shut below in internal height of 1.7 metres to prevent any overlooking impacts of either the flats at Pine Court to the east or No.5 Cedar Grove to the west.

With regard to the flats at Pine Court, it is noted that there are some first floor windows serving the flats which would be in close proximity to the application site. Notwithstanding this, there is a distance of at least 10 metres from the Pine Court first floor windows to either the side elevation of the proposed Plot 2 or its garden. In addition to this the flats are rotated at an oblique angle to

the application site which further reduces the impact. Overall it is considered that this proposal would not result in any harmful overlooking, overbearing or overshadowing impacts on the flats of Pine Court.

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 site is located on Cedar Grove, an adopted, unclassified residential street subject to a 30mph speed limit. The scheme proposes two dwellings each with two bedrooms and two off street parking spaces are proposed for each dwelling. This is in accordance with the Local Highways Design Guide (LHDG). The proposed access would be approximately 5.5m in width which also accords with the LHDG.

The County Highway Authority (CHA) have advised that the site layout indicates that the position of the existing dropped kerb would require a minor amendment, therefore the applicant is advised that any amendments to this would require approval from the CHA.

The CHA have also advised that whilst visibility splays have not been demonstrated, considering the former use of the site and the cul-de-sac location, the CHA are satisfied that the access has appropriate visibility.

Neighbour concerns have been raised with regard to on-street parking problems that could arise as a result of building on the existing car parking area for Pine Court. The applicant has advised that the garages that were previously located on the application site, had not been occupied since 2015, with all being vacant between 4 and 11 years prior to their demolition in 2019. The applicant therefore considers that there was a lack of demand for garages from the residents of Pine Court. It is understood that a small number of cars of residents of Pine Court park on the application site, but most appear to already park on the highway.

Additional advice has been sought from the CHA with regard to parking concerns raised by the neighbour. The CHA note that there are no current planning restrictions which secure the application site to be available for use by the flats. Notwithstanding this the CHA are satisfied that the loss of the existing parking area and the impacts of any displaced parking onto the surrounding highway would not cause severe harm to the highway network in this location. As such a reason to refuse the application on highway safety grounds could not be justified.

Overall, therefore, the highway safety aspects of the scheme are considered to be acceptable. The proposal is considered to comply with the aims of Policies IF4 and IF7 of the adopted Local Plan and the LHDG.

River Mease Special Area of Conservation/SSSI - Habitat Regulations Assessment

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). A tributary of the river lies around 150 metres to the north of the proposed development. Discharge from the sewerage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river.

As a result of the proposed development there could be an impact on the River Mease SAC, which may undermine its conservation objectives, from an increase in foul and surface water drainage discharge as well as due to its proximity to tributaries of the River Mease. Therefore an

appropriate assessment of the proposal and its impacts on the SAC is required.

The proposed development would result in an increase in foul drainage discharge from the site which would therefore adversely impact on the SAC as it would pass through the sewage treatment works within the catchment area of the River Mease SAC and contribute to the raised phosphate levels in the river.

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 177 of the NPPF. DCS2 was adopted by the Council on 20th September 2016 following the cessation of capacity under DCS1.

This application has been submitted by North West Leicestershire District Council. In the application submission the Council have highlighted that they own other sites within close proximity to the application site. The Council have recently demolished a sheltered accommodation building on the site of Woulds Court in Moira, this was located on Willow Close which is approximately 90 metres to the north-east of the application site.

The Woulds Court sheltered accommodation building previously comprised of 20 one-bedroom flats and 1 three-bedroom flat. DCS2 advises that this is an average foul discharge rate of 140.4 litres per day for a 1-bedroom dwelling and 278.4 litres per day for a 3-bedroom dwelling, this equates a foul discharge rate of 3086.4 litres per day. Given that the sheltered housing building has been recently demolished then this foul drainage discharge has now ceased. As such it could be possible for new development to be built and offset against the former usage of the Woulds Court site.

The offsetting of foul drainage of a previous use is usually limited to a redevelopment scheme on the same application site. However, in this instance the applicant is the same land owner, the two sites are in close proximity to each other and both sites also discharge to the same sewage treatment works. Given these specific circumstances, and that there is no extant planning permission for redevelopment of the sheltered housing site, it is considered that the proposed two new dwellings for this Cedar Grove applicant can be offset against the foul drainage previously associated with Woulds Court.

The foul drainage associated with the proposed 2 x two-bedroom dwellings would equate to 412.8 litres a day, which would not exceed the amount used by the former sheltered housing site. Therefore, there would be no further impacts on the River Mease SAC and as such a DSC2 contribution would not be required in this case.

It is recommended to include a note to applicant, should permission be forthcoming, to remind the applicant that this scheme would need to be included in the total new foul drainage output if a new application is proposed to redevelop the Woulds Court site.

The flows from the new dwellings need to be taken into account against the existing headroom at Packington Treatment Works. At the time of writing this report capacity is available at the treatment works for the proposed 2 dwellings.

Discharge into the river from surface water disposal via a sustainable drainage system or via the mains sewer system can also result in an adverse impact on the SAC, including in relation to water quality and flow levels.

With regard to surface water and flood risk the site is within Flood Zone 1 which has the lowest risk of flooding and the proposed development does not fall within an area identified as having a risk of surface water flooding.

In this case the development is located on an area of existing impermeable hard standing and the proposed development would include new areas of grass and landscaping which would improve the surface water drainage situation from the existing arrangements. Therefore it is not considered reasonable to condition a sustainable surface water drainage scheme in this instance and it is considered that the proposal would comply with the aims of Policies CC2 and CC3 of the adopted Local Plan.

Therefore it can be ascertained that the proposal would, either alone or in combination with other plans or projects, have no adverse effect on the integrity of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI, and would comply with the Habitat Regulations 2017, the NPPF and Policies En1 and En2 of the Local Plan.

Land Contamination

The Council's Environmental Protection Land Contamination Officer has requested that conditions be imposed requiring a risk based land contamination assessment. The applicant is in agreement for these conditions to be attached should planning permission be granted. Subject to these conditions the development would accord with Policy En6 of the adopted Local Plan and paragraphs 178 and 179 of the NPPF regarding land and air quality.

Other

Neighbours have raised some concerns regarding the new dwellings impact on the future upkeep of Cedar Grove, which is not a material planning consideration.

A neighbour has raised concerns with the construction of the development and its impacts on any dust and fumes. Environmental protection have not raised any objections in relation to this and the work on site is governed by separate legislation. As such it is not considered that the development would be harmful to the neighbouring properties.

No objections have been raised by the Council's Waste Services team or County Ecology.

Conclusion

The principle of the development is 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 the following conditions;

- 1 Time limit.
- 2 Approved Plans.
- 3 Materials.
- 4 Levels.
- 5 Land contamination.
- 6 Land contamination - Verification Investigation
- 7 Hard and soft landscaping and boundary treatments.
- 8 Replacement planting.
- 9 Obscure glazing.
- 10 Highways - access.
- 11 Highways - turning.
- 12 Highways - visibility splays.