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**Erection of a detached dwelling with associated vehicular access and off street parking**

**Report Item No  
A5**

**142 Melbourne Road Ibstock Coalville Leicestershire LE67  
6NN**

**Application Reference  
20/00894/FUL**

**Grid Reference (E) 440587  
Grid Reference (N) 310238**

**Date Registered:  
5 June 2020**

**Applicant:  
Mr Lee Alesbrook**

**Consultation Expiry:  
26 August 2020**

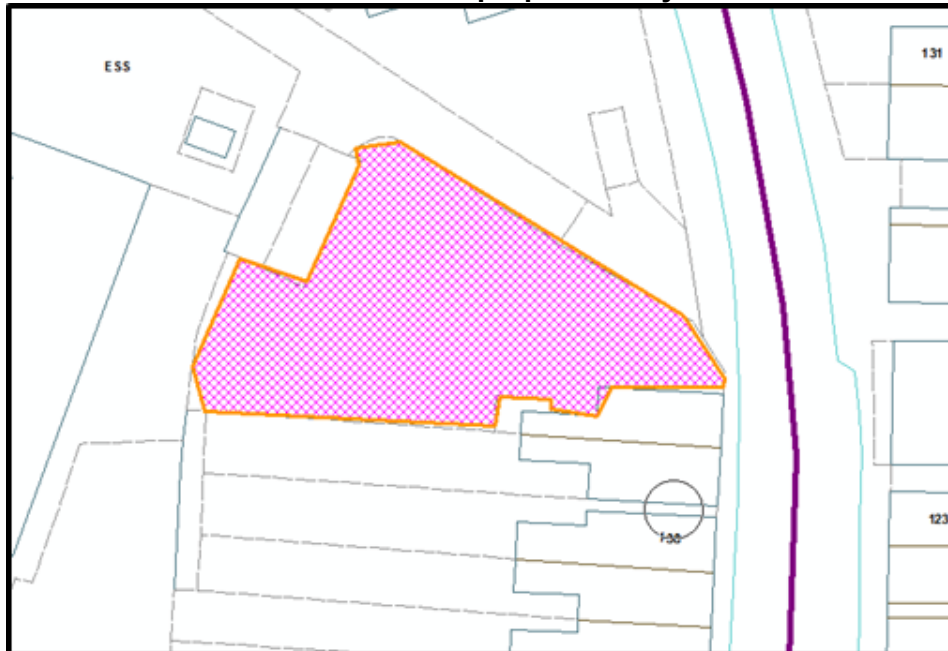
**Case Officer:  
Joe Mitson**

**8 Week Date:  
31 July 2020  
Extension of Time:  
21 August 2020**

**Recommendation:  
PERMIT**

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**Site Location - Plan for indicative purposes only**



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## **Executive Summary of Proposals and Recommendation**

### **Call In**

The application has been called in by Councillor Clarke on the basis of highway safety and because the land owner is a close relative of a serving Councillor and objections have been received.

### **Proposal**

Full permission is sought for the erection of a detached dwelling, detached garage and associated access and parking at 142 Melbourne Road, Ibstock.

### **Consultations**

One objection has been received. All statutory consultees who have responded have raised no objections subject to the imposition of conditions.

### **Planning Policy**

The site lies within the Limits to Development as defined in the adopted Local Plan.

### **Conclusion**

The principle of development is acceptable. The proposal would not adversely impact on residential amenity, design or highway safety. The development would comply with the relevant policies in the adopted Local Plan and the NPPF.

### **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

### 1. Proposals and Background

Planning permission is sought for the erection of a single storey two-bedroom dwelling with detached garage and associated off street parking at 142 Melbourne Road, Ibstock.

No. 142 Melbourne Road is a two-storey end terrace property situated on the western side of the highway and is within the Limits to Development. The surrounding area is predominantly residential in nature with St Denys Church of England School being set to the north-west of the site.

The proposed dwelling has been considered previously and was refused under ref. 19/00148/FUL on visual grounds but subsequently allowed at appeal. This application proposes a dwelling identical to that previously approved but with the addition of a detached single garage to the north-east of the dwelling. The dwelling comprises a two-bed single storey detached dwelling which would cover a ground area of 69.5 square metres and utilise a pitched hipped roof with a ridge height of 5 metres. Vehicular access is proposed from Melbourne Road and partially over public right of way (PROW) Q69. Off-street parking and vehicle manoeuvring facilities would be provided within the confines of the site.

A materials schedule, construction management plan, drainage plan, construction method statement, boundary plan and highways report have been submitted in support of the application. During the course of the application an amended layout plan was submitted which altered the siting of the proposed garage, relocating the garage to the north-east of the proposed dwelling.

### Planning History

19/00148/FUL Erection of detached dwelling with associated off-street parking - Refused and allowed at appeal (APP/G2435/W/19/32314).

19/00669/FUL Two storey rear extension (retrospective application) - Permitted.

20/00693/DIS Approval of details reserved by conditions 3 (External Materials), 4 (Soft Landscaping), 6 (Hard Landscaping), and 9 (Construction Method Statement) relating to planning permission ref. 19/00148/FUL - Permitted.

### 2. Publicity

16 Neighbours have been notified.  
Site Notice displayed 26 June 2020.

### 3. Summary of Consultations and Representations Received

**Ibstock Parish Council** No comments received.

**County Highway Authority** No objection subject to conditions.

**Environmental Protection** No objection.

**County Ecology** No objections subject to conditions

**Third Party Representations** One representation objecting on the grounds that although the application has been improved to make vehicle safety better, as the vehicle access is less than 250 metres from St Denys CE Infant school main access and also the access to Ibstock Junior School there could still be some serious issues. The Infant school is for children of 4 to 7 years old who will have no sense of danger as they approach the property which could lead to serious accidents. Suggest that vehicles cannot enter or leave at the main school times at the start of the day 8.30 to 9.00 and at the end of the day 3.00 to 3.30 in term time.

#### **4. Relevant Planning Policy** **National Planning Policy Framework (2019)**

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.

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);  
Paragraph 98 (Promoting healthy and safe communities);  
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);  
Paragraph 163 (Meeting the challenge of climate change, flooding and coastal change); and  
Paragraphs 175, 178, 179 and 180 (Conserving and enhancing the natural environment).

#### **Adopted North West Leicestershire Local Plan**

The following policies of the adopted Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this 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  
En3 - The National Forest  
En6 - Land and Air Quality  
Cc2 - Water - Flood Risk and  
Cc3 - Water - Sustainable Drainage Systems.

#### **Other Policies and Guidance**

National Planning Practice Guidance - March 2014.  
Leicestershire Highways Design Guidance (Leicestershire County Council)  
Good Design for North West Leicestershire SPD - April 2017

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System).

## **5. Assessment**

### **Principle of Development**

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 Ibstock is a Local Service Centre which is a settlement that provides some services and facilities primarily of a local nature and meeting day-to-day needs and where a reasonable amount of new development will take place.

On the basis of the above the application site would be considered a sustainable location for new development due to it benefitting from a range of local services and being readily accessible via public transport; as such, future residents would not be heavily reliant on the private car to access the most basic of services.

It is also acknowledged that the site has the benefit of an extant approval for the erection of a dwelling that was allowed on appeal.

The application site predominately formed part of the residential garden associated with the former host property, 142 Melbourne Road, with only the area where the previous garage was sited being considered previously developed land on the basis of its association with a business. 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 constituted a greenfield site. However, whilst the land is not the most sequentially preferable on which to provide new development, it is within the Limits to Development and is bordered by residential and educational buildings. Therefore, from a principle perspective it is considered that the loss of this greenfield site for a residential development remains acceptable and circumstances since the dwelling was allowed on appeal have not materially altered.

### **Siting and Design and Impact on Character of Area**

The need for good design in new residential development is outlined not only in adopted Local Plan Policy D1 and the Councils Good Design SPD but also paragraphs 127 and 130 of the NPPF.

There is a significant degree of variety in dwelling types and plot layouts in the surrounding area, including terraced, semi-detached, detached and bungalow style dwellings. Whilst many of the surrounding dwellings face directly onto Melbourne Road and have only on-street parking, there are notable exceptions to this, including the dwellings at 113 and 113a Melbourne Road which are orientated perpendicular to the Road. Further variety in the street scene and building line is provided by the detached bungalow at 2A Central Avenue, the car dealership buildings to

the south of 128 Melbourne Road, and by Ibstock Junior School.

The proposed dwelling is a hip-roofed bungalow which would be visible from Melbourne Road and its frontage, whilst set back, would form part of the street scene. The dwelling would not particularly reflect the scale, design or building line of the adjacent terraces. However, permission for the bungalow has already been allowed at appeal and this application seeks a dwelling of identical size, design and location. The only exception is the addition of a detached single garage which is addressed below.

The scale of the proposed garage is subservient in relation to the main dwelling and the roof design and materials match those of the main dwelling to give a compatible appearance. The re-sited garage means it would be better related to the dwelling than the originally proposed siting and would be set back from the highway. It is not considered the proposed garage would lead to significant visual harm.

Overall, given the existing mixed character of the area and the dwelling allowed on appeal, it is considered the proposal would respect the character of the surrounding area. The addition of a detached single garage is not considered to adversely affect the character and appearance of the area. In view of the above the proposal is considered to comply with the provisions of Policy D1 of the adopted Local Plan and the Council's Good Design SPD. Furthermore, it would support the aims of the National Planning Policy Framework which promotes high quality in design and requires development to be sympathetic to local character.

### **Impact upon Residential Amenity**

It is considered that the properties most immediately impacted on as a result of the development would be 140 and 142 Melbourne Road, set to the south-east of the site, and 144 Melbourne Road, set to the north-east of the site.

140 and 142 Melbourne Road comprise two-storey terrace dwellings (142 being an end terrace) and it is proposed that the dwelling would be set 5 metres, at its closest point, from what would become a shared boundary with no. 142 and 15.2 metres, at its closest point, from its western (rear) elevation. The dwelling would also be 5.9 metres from the boundary with no. 140 and 16 metres from its western (rear) elevation. The size, design and siting of the dwelling is identical to that previously approved. The proposed garage would be sited adjacent to the side elevation of the dwelling, away from these neighbouring properties.

Taking into account the separation distances to nos.140 and 142, as well as the positioning of the dwelling and garage to the north-west of these properties, it is considered that no adverse overbearing or overshadowing impacts would arise. It is also considered that no adverse overlooking impacts would arise given that the provision of a suitable boundary treatment would prevent direct views from ground floor windows in the proposed dwelling.

In terms of No. 144 Melbourne Road (a two-storey end terrace) it is proposed that a separation distance from the dwelling of 7.8 metres would be provided to the boundary and 13.8 metres to the south-eastern (side) elevation. The proposed detached garage would be to the north-east of the dwelling immediately adjacent to the public right of way. The garage would be single storey and have a hipped roof and would be well screened by the proposed boundary treatment. Taking into account the separation distances, scale of the proposal and ground floor position of windows it is considered that no adverse overbearing, overshadowing or overlooking impacts would arise.

With regards to the future amenities of any occupants of the proposed dwelling it is considered that an acceptable relationship would be established on the basis of the separation distances referred to above. Any future occupants would also be aware of these relationships prior to their purchase.

The Council's Environmental Protection Team have been consulted on the application and have raised no objections. On this basis it is considered that the relationship the dwelling would have with St Denys Church of England Infant School would not result in noise detriment to the amenities of any future occupants with vehicular movements undertaken to the rear of nos. 140 and 142 not resulting in noise detriment to existing residential amenities particularly given the low number of vehicular movements associated with one dwelling.

Overall, the proposal would be compliant with Policy D1 of the adopted Local Plan and Paragraph 180 of the NPPF.

### **Highway Considerations**

The County Council Highways Authority have been consulted on the application and have raised no objections subject to the imposition of conditions on any permission granted. Their advice is based on an assessment against the Leicestershire Highways Design Guide (LHDG).

An objection has been raised by a third party in relation to highway safety including the movement of vehicles upon public right of way (PROW) Q69 which serves as a route to the neighbouring schools (St Denys Church of England Infant School and Ibstock Junior School), residential properties and a new community library.

The current planning application seeks approval for a scheme which has identical access and similar parking arrangements to that permitted by the Planning Inspectorate, with the addition of a detached garage at the site. The proposals continue to be for a two-bed dwelling, as with 19/00148/FUL.

The location of the proposed garage and parking space within the site have been amended during the course of the application. As a two-bed dwelling it would be necessary for two off-street parking spaces to be provided so as to accord with the LHDG and Council's adopted Good Design SPD. The submitted plans show that a sufficient level of off-street parking would be provided within the site with these spaces having adequate dimensions in accordance with the LHDG and Council's adopted Good Design SPD. Whilst no off-street parking would be provided for no. 142 Melbourne Road the Highway Authority raised no objections to the application in this respect with there being restrictions in the highway (single yellow line and white zig-zags) which would prevent the parking of vehicles in a manner which would disrupt the free and safe flow of traffic along Melbourne Road.

It is noted that the submitted Construction Method Statement states that "Between the hours of 8:30 - 9:30 and 14:30 - 15:30 on any school day there will be no deliveries allowed". This is welcomed.

In summary, on the basis of the above the highway safety aspects of the scheme are considered acceptable. Accordingly, the proposal would accord with Policies IF4 and IF7 of the adopted Local Plan, the Leicestershire Highways Design Guide and the NPPF.

## Ecology

The County Council Ecologist has no objections to the application and stated no ecological mitigation would be required as part of any permission granted. Whilst they have suggested conditions in respect of when vegetation is removed on the site it is noted that the permission would not be required for the removal of the hedge, with or without the development, and consequently the imposition of such a condition would be unreasonable and would not meet the tests outlined in Paragraph 55 of the NPPF. Furthermore, work has commenced under the previous permission.

Overall, it is considered that the proposal would be compliant with Policy En1 of the adopted Local Plan as well as 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. It is proposed that surface water run-off would be addressed by the provision of a soakaway and given the location of the development this surface water solution would not result in drainage or flooding issues. It is considered the proposal is 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 via a new foul connection to the existing system for No. 142. No representation to the application has been received from Severn Trent Water advising that this would not be appropriate and as such it is considered that the 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.

## 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 and the advice in the NPPF. 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. Boundary treatment and hard landscaping
5. Landscaping
6. Highways
7. Construction method statement