
Erection of detached dwelling and detached garage
(retrospective)

Report Item No
A11

65 Park Lane Castle Donington Derby Derby

Application Reference
14/00642/FUL

Applicant:
Mr And Mrs Crossley

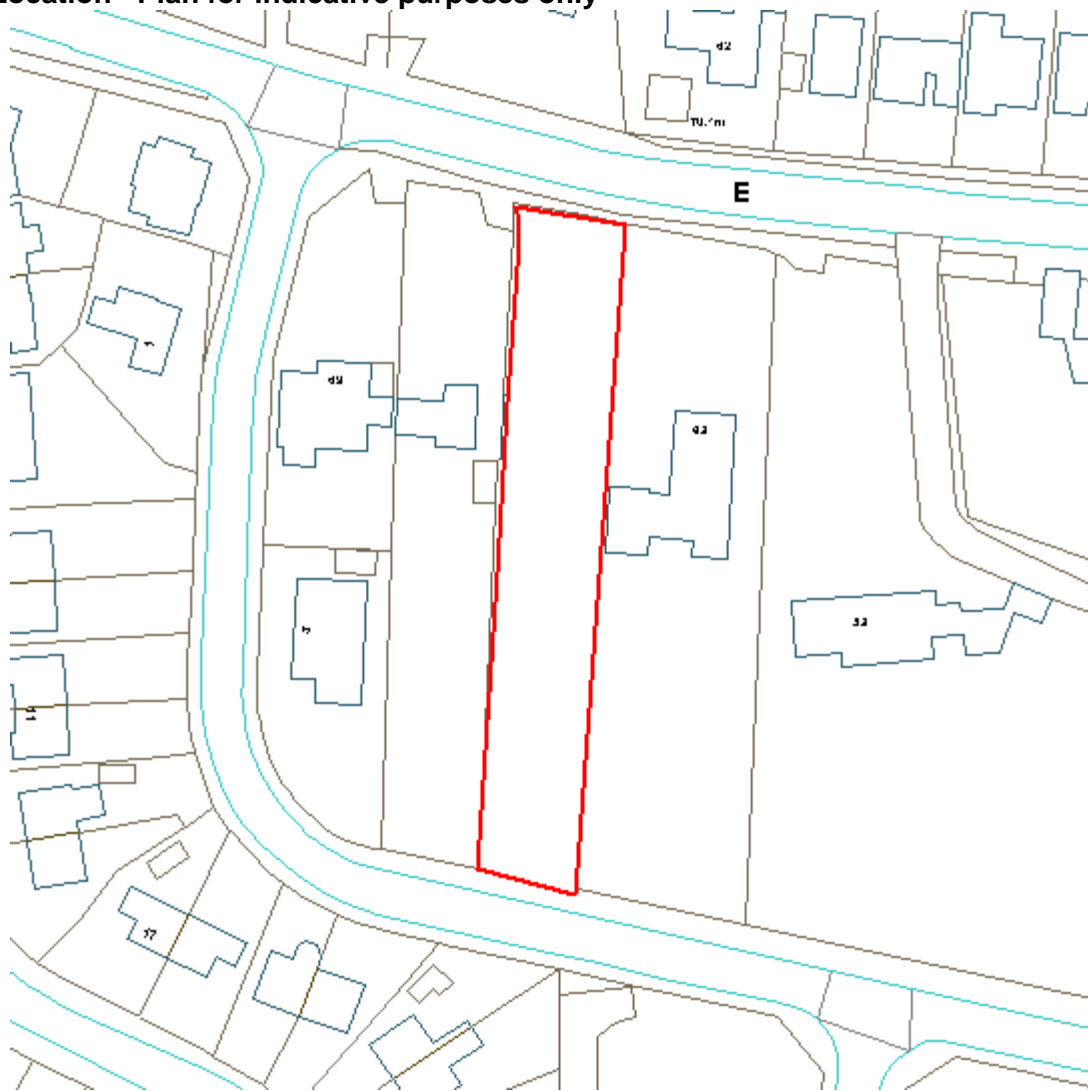
Date Registered
17 July 2014

Case Officer:
Adam Mellor

Target Decision Date
11 September 2014

Recommendation:
PER

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 applicant is a former officer of the District Council.

Proposal

Planning permission was granted by the Planning Committee on the 4th September 2012 for the erection of a two-storey dwelling and detached garage together with the creation of a new vehicular access off Towles Pastures (amended scheme) under application reference 12/00580/FUL. This scheme proposes an amendment to the approved scheme by virtue of the provision of a half-hipped roof, in lieu of the previously approved fully hipped roof, on the projection on the southern (front) elevation, a reduction in the size of the roof lights on the northern (rear) elevation and the provision of two minor single storey projections from the eastern and western (side) elevations of the front projection. Works commenced on the site in relation to the construction of the dwelling on the 15th June 2014.

Consultations

No letters of representation to the application have been received from third parties, to date, although it is noted that Castle Donington Parish Council object to the application. No adverse comments have been received from statutory consultees. Any relevant comments received following the publication of the Planning Committee Agenda will be reported to Members on the Committee Update Sheet.

Planning Policy

It is considered that the development would accord with all relevant policies of the North West Leicestershire Local Plan, the general principles of the National Planning Policy Framework (NPPF) as well as relevant supplementary planning guidance.

Conclusion

The site has the benefit of permission for residential development and this has been implemented on the site. The revisions to the dwelling now under consideration, in lieu of them previously deemed appropriate under application reference 12/00580/FUL, are considered to be acceptable and would not impact adversely on the amenities of existing or proposed residents in accordance with Policy E3 of the Local Plan. It is also considered that the development form, particularly the amendments to the front projection, would mimic the scheme approved under application reference 12/00023/FUL and as a result of this it is considered that the dwelling would not impact adversely on the character and appearance of the streetscape or surrounding area. As such the development would accord with Paragraphs 57, 60, 61 and 64 of the NPPF and Policies E4 and H7 of the Local Plan. It is therefore recommended that the application be permitted.

RECOMMENDATION - APPROVE SUBJECT TO CONDITIONS and no contrary observations being received by the 21st August 2014;

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 recommended conditions, 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 detached dwelling and detached garage (retrospective) at 65 Park Lane, Castle Donington. No. 65 is a two-storey detached dwelling situated on the southern side of the street, where it is set back 24.0 metres from the public highway. An existing vehicular access exists off Park Lane which provides off-street parking to the site frontage. The site is situated within the defined limits to development, as identified on the North West Leicestershire Proposals Map, and the surrounding area is predominately residential with properties varying in their types and design.

Planning permission was granted, by the Planning Committee, on the 4th September 2012 for the erection of a two-storey dwelling and detached garage together with the creation of a new vehicular access off Towles Pastures (amended scheme) on the application site under application reference 12/00580/FUL. The conditions of this planning consent were discharged and work commenced on the construction of the dwelling on the 15th June 2014. The application now submitted for consideration seeks approval for a revised scheme which still proposes a two-storey dwelling, with first floor level accommodation in the roof space, with slight alterations proposed to the roof design.

The principal differences between the approved dwelling and that now under consideration relates to the provision of a half hipped roof rather than a fully hipped roof on the projection from the southern (front) elevation, a reduction in the size of the roof lights on the northern (rear) elevation, the provision of a single storey lean-to canopy extending from the western (side) elevation of the front projection and a single storey extension projecting from the eastern (side) elevation of the front projection to provide a slight increase in the floor space of the lounge.

It is proposed that the position of the dwelling in the plot would be the same as that approved under application reference 12/00580/FUL, given that construction works have commenced, with vehicular access to the dwelling being provided off Towles Pastures and off-street parking, as well as a detached single garage, being provided to the front of the dwelling adjacent to the eastern boundary of the site.

The planning history of the application site is as follows: -

- 10/00866/FUL - Erection of a single storey dwelling - Approved 5th November 2010;
- 12/00023/FUL - Erection of a two-storey dwelling and detached garage together with the creation of a new vehicular access off Towles Pastures - Approved 5th May 2012.

2. Publicity

7 no. Neighbours have been notified (Date of last notification 31 July 2014)

3. Consultations

Castle Donington Parish Council consulted 31 July 2014

County Highway Authority consulted 4 August 2014

Severn Trent Water Limited consulted 4 August 2014

NWLDC Tree Officer consulted 4 August 2014

Airport Safeguarding consulted 4 August 2014

4. Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of

correspondence received are available on the planning file.

Castle Donington Parish Council objects to the application as previously outlined under application references 10/00866, 12/00023 and 12/00580 which consisted of Policies E3 (proximity would be detrimental to the amenities enjoyed by the occupiers of nearby dwellings, produce excessive traffic generation), E4 (does not respect the character of the surroundings in terms of scale, massing, spaces between and around buildings and the street scene generally), E5 (too restricted in size to satisfactorily accommodate access); would set a precedent which could result in a proliferation of houses in back gardens off Towles Pastures.

East Midlands Airport Safeguarding has no objections.

Leicestershire County Council - Highways has no objections subject to their previous advice on application reference 12/00023/FUL being considered. The advice provided on this particular application was that no objections were raised subject to the imposition of relevant conditions on any consent granted.

NWLDC - Tree Officer has no objections.

Severn Trent Water no representation received to date. Any comments to be reported on the Committee Update sheet.

Third Party Representations

No third party representations received to date. Any representations to be reported on the Committee Update sheet.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent or where relevant policies are out of date unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The NPPF (Para 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Paragraph 17 indicates, amongst other things, that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

Paragraph 39 indicates that if setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles;

Paragraph 47 outlines that to boost significantly the supply of housing, local planning authorities should, amongst other things, identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;

Paragraph 49 outlines that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites;

Paragraph 57 outlines that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes;

Paragraph 60 outlines that planning policies and decisions should not impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness;

Paragraph 61 outlines that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment;

Paragraph 64 outlines that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions;

North West Leicestershire Local Plan

Policy S2 indicates that development will be permitted on allocated sites and other land within Limits to Development, provided it complies with other policies of the Plan;

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees;

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings;

Policy E4 seeks to achieve good design in new development and requires new development to respect the character of its surroundings;

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows;

Policy T3 requires development to make adequate provision for vehicular access, circulation and servicing arrangements;

Policy T8 requires that parking provision in new developments be kept to the necessary minimum, having regard to a number of criteria;

Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst others, public transport and services;

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account housing mix, accessibility to centres, design etc. Within Coalville and Ashby-de-la-Zouch town centres, local centres and other locations well served by public transport and accessible to services a minimum of 40 dwellings per ha will be sought and a minimum of 30 dwellings per ha elsewhere (in respect of sites of 0.3 ha or above).

Policy H7 seeks good quality design in all new housing development;

Submission Version Core Strategy

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy;

Other Guidance

6C's Design Guide (Highways, Transportation and Development) - Leicestershire County Council

Paragraphs 3.171-3.176 set out the County Council's guidance in relation to parking standards for residential development. This document also provides further info in relation to motor cycle/cycle parking, the design of on/off-street parking and other highway safety/design matters;

National Planning Practice Guidance

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The Guidance does not change national policy but offers practical guidance as to how such policy is to be applied.

6. Assessment

The principle of the proposed development was assessed and found to be acceptable under both application references 12/00023/FUL and 12/00580/FUL. In these circumstances the only matters for consideration relate to whether the amendments proposed to the dwelling would be acceptable from a design point of view and whether residential amenities would be adversely affected. Any other issues, i.e. highway safety, would not be of relevance in the consideration of this application given that the application still proposes only one dwelling and that its position would be the same as that previously approved.

Residential Amenity

Given the nature of the differences between the dwelling now under consideration and that previously approved, it is considered that the development would not result in any greater harm

to the amenities of occupiers of any surrounding properties. At the nearest points, the proposed dwelling would be approximately 18.0 metres from the rear of the single storey dwelling at No. 63 Park Lane and 29.5 metres from the rear of the two-storey dwelling at No. 67 Park Lane, which are deemed to be sufficient distances in preventing any significant overbearing or overshadowing impacts. A reduction in the size of the roof lights in the northern (rear) elevation roof slope would also reduce the perception of overlooking which would further minimise the impacts on the amenities of these dwellings. A distance of over 24.0 metres would exist between the southern (front) elevation of the dwelling and the rear boundary of the property at 25 Shields Crescent and as such the provision of the half-hipped roof, in lieu of the previously approved full-hipped roof, would not result in any adverse impacts of the amenities of the occupant of this property given the distances involved and the fact that this development form is the same as that approved under application reference 12/00023/FUL.

In these circumstances the scheme would remain compliant with Policy E3 of the Local Plan.

Design

The need for good design in new residential development is outlined not only in Local Plan Policies E4 and H7 but also Paragraphs 57, 60 and 61 of the NPPF with Paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

As outlined in the Proposals and Background section of this report the proposed scheme includes the same footprint as that approved under application reference 12/00580/FUL with the principal differences being the provision of a half-hipped roof, in lieu of a fully hipped roof, on the front elevation of the projection from the southern (front) elevation, a reduction in the size of the roof lights on the northern (rear) elevation and the provision of two single storey lean to additions from the western and eastern (side) elevations of the front projection. Aside from these alterations, the main ridge and eaves height of the dwelling would be the same as that approved, at 6.4m and 2.8m above ground level respectively.

It was reported under the consideration of the previous application that the design of the dwelling was not of particularly high quality but that its implications to the streetscape and rural environment would not be sufficiently detrimental to warrant a refusal of the application. The amendment proposed to the roof of the front projection would result in a development form which would match that previously considered acceptable under application reference 12/00023/FUL and as a result of this, along with the other minor alterations which would be carried out, it is considered that the overall design of the dwelling would not be sufficiently detrimental to character and appearance of the streetscape or wider area.

The materials to be used in the construction of the dwelling have already been agreed and are considered acceptable in providing a development form which would not be at odds with the character of the immediate environment. Overall the design of the revised dwelling would be acceptable and would accord with Paragraphs 57, 60, 61 and 64 of the NPPF as well as Policies E4 and H7 of the Local Plan.

Summary Reasons for Granting Planning Permission

The site has the benefit of permission for residential development and this has been implemented on the site. The revisions to the dwelling now under consideration, in lieu of them previously deemed appropriate under application reference 12/00580/FUL, are considered to be acceptable and would not impact adversely on the amenities of existing or proposed residents in

accordance with Policy E3 of the Local Plan. It is also considered that the development form, particularly the amendments to the front projection, would mimic the scheme approved under application reference 12/00023/FUL and as a result of this it is considered that the dwelling would not impact adversely on the character and appearance of the streetscape or surrounding area. As such the development would accord with Paragraphs 57, 60, 61 and 64 of the NPPF and Policies E4 and H7 of the Local Plan. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 The development shall be carried out in strict accordance with the site plan (1:2500), block plan (1:500) and drawing number 43/1/2014, received by the Local Authority on the 17th July 2014, unless otherwise required by another condition of this permission.

Reason - for the avoidance of doubt and to determine the scope of the permission.

- 2 The materials to be used in the development, hereby approved, shall be in strict accordance with those specified in the application forms, being Charnwood Multi-Brindle bricks, Marley Heather Sandface plain clay tiles, aluminium window frames powder coated light green and cast iron effect plastic rain water goods, unless alternative materials and colour finishes are first submitted to and agreed in writing by the Local Planning Authority.

Reason - to ensure a satisfactory standard of external appearance.

- 3 The hard and soft landscaping scheme for the site shall be provided in strict accordance with that shown on the block plan (1:500), received by the Local Authority on the 17th July 2014, unless an alternative landscaping scheme is first submitted to and agreed in writing by the Local Planning Authority. The approved soft landscaping scheme shall be implemented in the first planting and seeding season following the first occupation/use of the dwelling unless an alternative implementation programme is first agreed in writing by the Local Planning Authority. The approved hard landscaping scheme shall be provided in full prior to the occupation of the dwellings unless otherwise agreed in writing by the Local Planning Authority.

Reason - to ensure a satisfactory landscaping scheme is provided within a reasonable period and in the interests of visual amenity.

- 4 Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first planting season thereafter and during a period of 5 years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping is agreed in writing by the Local Planning Authority.

Reason - to provide a reasonable period for the replacement of any trees.

- 5 The boundary treatment scheme for the site shall be provided in strict accordance with that shown on the block plan (1:500), received by the Local Authority on the 17th July 2014, unless an alternative scheme is first submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be provided in full prior to the first occupation of any dwelling hereby approved unless an alternative timescale is first

agreed in writing by the Local Planning Authority.

Reason - to preserve the amenities of the locality and in the interests of highway safety.

- 6 Notwithstanding the provisions of Part 1 of Schedule 3, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the dwelling hereby permitted shall not be enlarged, improved or altered, unless planning permission has first been granted by the Local Planning Authority.

Reason - to enable the Local Planning Authority to retain control over future development in view of the form and density of the development proposed.

- 7 The drainage scheme for the site will be provided in strict accordance with that shown on the block plan (1:500), received by the Local Authority on the 17th July 2014, unless an alternative drainage scheme is first submitted to and agreed in writing by the Local Planning Authority.

Reason - to ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 8 Any vehicular access gates, barriers, bollards, chains or other such obstructions erected shall be erected so as to open inwards only.

Reason - to protect the free and safe passage of traffic in the public highway.

- 9 The gradient of the access drive shall not exceed 1:12 for the first 5.0 metres behind the highway boundary.

Reason - to enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.

- 10 Before first use of the development, hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and once provided shall thereafter be so maintained.

Reason - to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.

- 11 The access drive, car parking and manoeuvring as shown on the block plan (1:500), received by the Local Authority on the 17th July 2014, shall be provided before the first occupation of the dwelling and shall thereafter be so maintained.

Reason - to provide a satisfactory form of access and to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

- 12 Before first occupation of the dwelling its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose

aggregate) for a distance of at least 7.0 metres from its junction with Towles Pastures and shall thereafter be so maintained.

Reason - to reduce the possibilities of deleterious material being deposited in the highway (loose stones etc.)

- 13 Before first use of the development hereby permitted, the visibility splays as shown on the block plan (1:500), received by the Local Authority on the 17th July 2014, shall be provided at the junction of the access with Towles Pastures and once provided shall thereafter be so maintained. The said splays shall be kept clear of all obstructions exceeding 0.9 metres in height above the level of the adjoining carriageway.

Reason - to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

- 14 No doors/gates etc shall be provided/erected to the southern elevation of the garage.

Reason - the set back of the garage in relation to the road is considered substandard and therefore to allow such a detail could result in a vehicle blocking the road to the detriment of the free flow of traffic and general road safety.

- 15 The proposed site levels and finished floor levels shall be provided in strict accordance with those shown on the block plan (1:500), received by the Local Authority on the 17th July 2014, unless alternative levels and finished floor levels are first submitted to and agreed in writing by the Local Planning Authority.

Reason - to determine the scope of the permission and in the interests of residential amenity.

- 16 All openings within the eastern and western facing roof slopes of the building shall be glazed with obscure glass, to Pilkington Standard 3 or its equivalent, which shall thereafter be retained unless planning permission has first been granted by the Local Planning Authority.

Reason - to avoid the possibility of overlooking in the interests of preserving the amenities of residents.

Notes to applicant

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 As of the 22nd November 2012 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 3 The applicant is advised to note the recommendations of the Tree Survey, submitted in support of application reference 12/00580/FUL, compiled by Curious Ecologists dated 27th August 2012, and particularly to that relating to Tree 10 (Hawthorn) which suggests a root protection radius of 4.2 metres should be fenced or covered during construction works to avoid damage to the tree.

PLANNING APPLICATIONS- SECTION A