

Erection of three dwellings (Outline - access and layout only)

Report Item No  
A1

Land To The Rear Of 68 And 70 Fairfield Road Hugglescote  
LE67 2HG

Application Reference  
22/00126/OUT

Grid Reference (E) 442410  
Grid Reference (N) 313054

Date Registered:  
24 January 2022

Consultation Expiry:  
16 June 2022

Applicant:  
Mr K Middleton

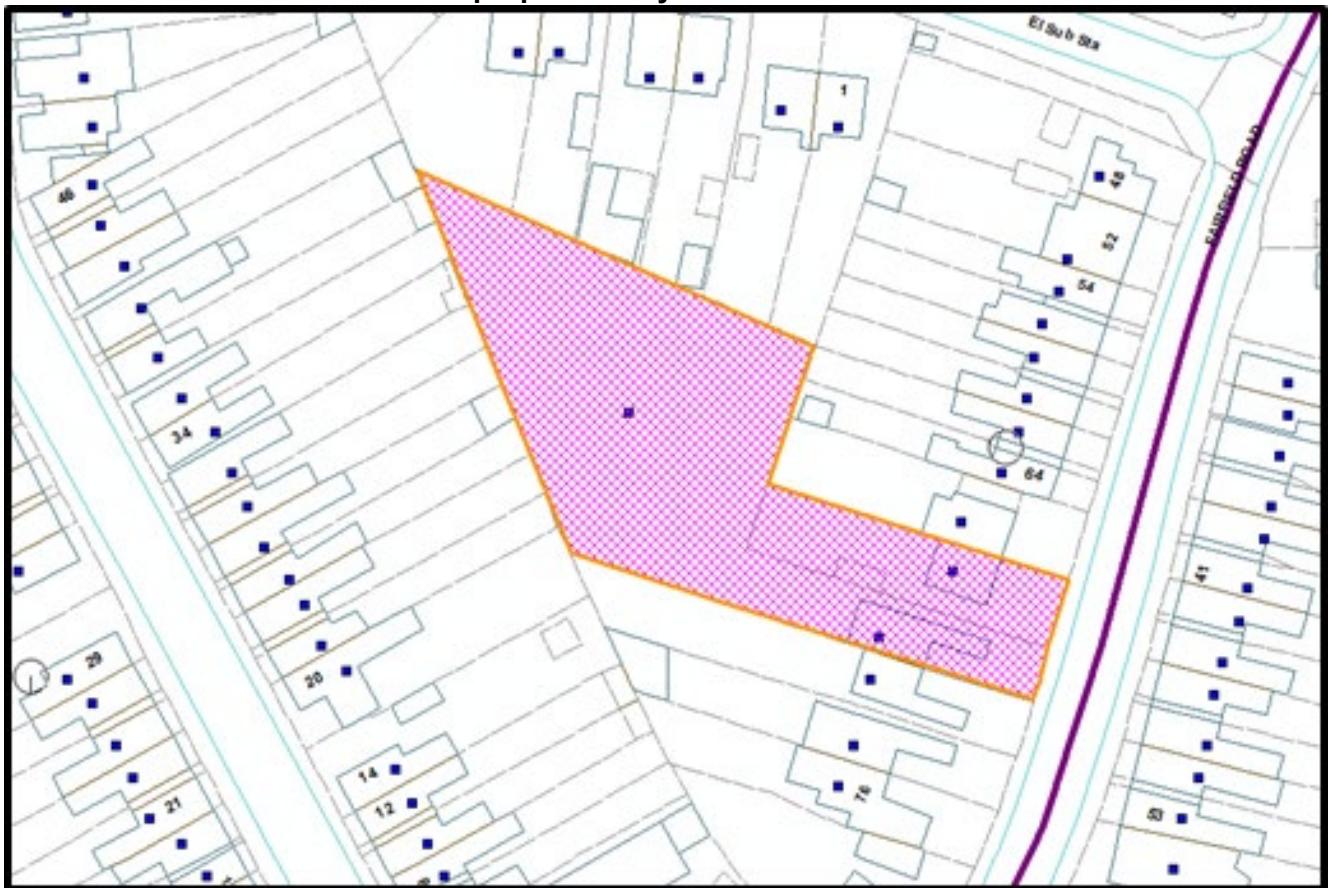
8 Week Date:  
21 March 2022

Case Officer:  
Robin Forrester

Extension of Time:  
5 August 2022

Recommendation:  
PERMIT

Site Location - Plan for indicative purposes only



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**RECOMMENDATION- PERMIT, subject to the following condition(s):**

- 1 Outline permission / submission of reserved matters
- 2 Plans
- 3 Access / visibility splays
- 4 Parking / turning
- 5 Access surfacing
- 6 Contaminated land
- 7 Surface water drainage

## MAIN REPORT

### 1. Proposals and Background

The site is a triangular shaped parcel of land set to the rear of the gardens to dwellings on Fairfield Road, Crescent Road and Garfield Road in Hugglescote. It is a slightly sloping site believed to be former gardens, and is accessed via a narrow drive between 68 and 70 Fairfield Road. It is within a predominantly residential area with the 3 roads being a mix of traditional terraced housing and more modern semis and detached houses. All the surrounding property is 2-storey in nature. The access track to the site is narrow and is the drive to No 68, No 70 having its own garage and frontage parking.

The proposal is to erect 3 dwellings on the rear land, served from No 68's drive and alternative parking for No 68 would be provided within that dwelling's front garden. The application is in outline form, with access and layout shown, and was originally submitted as 4 dwellings, but was reduced in response to concerns regarding the density of the development. The amended layout shows one 3-bedroomed detached house at the end of the drive with 2 parking spaces to the front, and two further 3/4-bedroomed dwellings served from the side of the drive with separate detached garages and 2 further parking spaces. A bin collection area is provided part-way along the drive for bins on collection days.

The application is accompanied by a Transport Assessment and a Design and Access Statement.

The application is referred to Committee at the request of Cllr Eynon.

#### Planning History

There is no relevant planning history.

### 2. Publicity

48 Neighbours have been notified.  
Site Notice displayed 26 January 2022.

### 3. Summary of Consultations and Representations Received

#### Hugglescote and Donington le Heath Parish Council

Comments in relation to original plans:-

- Fairfield Road is restricted with on-street parking
- New access will result in the loss of a parking space
- Access is a tight hidden access and emergency vehicles will have difficulty in accessing it due to parked cars
- Visibility restricted due to parked cars
- Access problems are contrary to Policy H3(e) of the Neighbourhood Plan
- Policy H3(b) of the Neighbourhood Plan says windfall sites are supported when they help to meet the local need and mix of dwellings
- With in excess of 3,500 dwellings being built in the Parish, 4 dwellings squeezed on this small plot are not assisting housing need and should not be supported
- Traffic survey should be undertaken in term time and at start and end of the day

- If permission is granted, elec vehicle charging-points should be provided as required by Policy H3(g)

Comments in relation to revised plans:

- The Parish Council Planning Group still object
- Application is still stated as 4 but the plans show 3 units
- Topo survey and overlay still shows 4 units - need new topo plan
- Information needed to show how the levels will impact on the two existing properties 68/70 Fairfield Road
- It is noted that plot three is very close to the boundary wall with adjacent properties driveway width is accessible for emergency vehicles but comment that the length of drive to the furthest dwelling would appear to be too long for any fire appliances to reach
- Building Regulations have maximum distances from a fire hydrant - have Building Control been consulted on this development proposal?
- Will it be the intention for homeowners to present bins on Fairfield Road or is it intended to have bin stores?

**Leicestershire County Council Local Highway Authority** has no objections subject to conditions.

**Leicestershire County Council Ecology** advises that, as the site has been cleared, bat surveys are not required.

**Leicestershire County Council Archaeology** has no objections

**North West Leicestershire District Council Environmental Protection** has no objections subject to conditions

### **Third Party Representations**

9 letters of representation have been received from surrounding neighbours in relation to the initial scheme, which make the following points:-

- Traffic/speed survey does not reflect a true record of how congested this road is. Traffic survey was undertaken during Covid restrictions when traffic flow was low, and at around 11.30am so could not take into account the amount of small children that would be walking past this blind access twice a day.
- Chaos, disruption and pollution caused by construction traffic
- Inadequate visibility at the access
- Vehicles leaving the proposed site would have to navigate an incline giving more loss of privacy into the rear of adjacent property, also the noise pollution with associated vehicles at these dwellings
- Hugglescote & Donington le Heath Neighbourhood Plan states that there is a need for one to two-bedroom homes as the Parish is underrepresented in this area, and this development, therefore, does nothing to meet this need as identified in the NP and should either be re-submitted so as to comply with the NP, or refused
- The need for three-bedroom homes is amply provided for elsewhere in the district
- No benefits to anyone other than the landowners and increased risk and strain to the community
- Neighbours threatened by a narrow, potentially dangerous road pointing directly at their front door
- Loss of wildlife habitat
- The houses in his plans all directly overlook the garden of 72 Fairfield Road and will

- reduce privacy
- Loss of property value
- Neighbour's fence has already been damaged and the replacement is set in from the boundary leaving an inaccessible gap
- Removal of the trees followed by the building of a house will affect natural light to neighbouring garden
- Waste bins will block the pavements on waste collection days with an additional 4 waste bins outside neighbour's property
- Land not suitable for building as it is a sink hole
- Sewage issues due to land height
- Removal of trees and formation of access from Garfield Road undertaken before a planning decision is made
- Danger to traffic, residents, emergency service vehicles and children
- Loss of on-street car parking leading to increased highway danger
- Application form states that there are no trees or hedges, therefore no need for a full tree survey
- Neighbours adjacent to the land will also lose privacy if this application is allowed to go ahead

One letter in relation to the amended scheme states:-

- Amended plans still don't take into account emergency services, children going to school and walking past a blind exit, or parking for existing residence as this will add to existing parking problems along Fairfield Road

All responses from statutory consultees and third parties are available to view in full on the Council's website.

#### **4. Relevant Planning Policy**

##### **National Policies**

*National Planning Policy Framework (2021)*

Paragraph 11 (Achieving sustainable development)

Paragraph 111 (Promoting sustainable transport)

Paragraphs 126 and 130 (Achieving designed places)

Paragraph 180 (Conserving and enhancing the natural environment)

##### **Adopted North West Leicestershire Local Plan (2021)**

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:

S2 - Settlement Hierarchy

D1 - Design of new development

D2 - Amenity

IF4 - Transport Infrastructure and new development

IF7 - Parking provision and new development

##### **Hugglescote and Donington le Heath Neighbourhood Plan (2021)**

G1 - Limits to Development

G3 - Design  
H1 - Housing Mix  
H3 - Windfall Sites  
H4 - Brownfield Sites  
ENV6 - Biodiversity and Habitat Connectivity  
T2 - Residential and Public Car Parking

**Other**

Good Design for North West Leicestershire Supplementary Planning Document (SPD)

**5. Assessment**

The site falls inside the built-up limits of the settlement and is within a residential area, so the principle is well established and raises no particular policy concerns. The site is considered to be a logical infill plot, and so the key issues are other policy matters, highway safety, visual appearance, impact on neighbours' amenity and biodiversity. These issues are discussed below:

**Other Policy Matters**

The site contained several buildings and is therefore a brownfield one, and its development is supported by Policy H4 of the Neighbourhood Plan. The site is considered to represent a suitable windfall site and its development is advocated by both the NPPF and Policy S2 of the Adopted Local Plan.

There is a suggestion by the Parish Council and the neighbour representations, that because the dwellings are not 1 or 2 bedroomed units, and there is significant housing development in the Parish, then the development does not meet a local need and preferred housing sizes, and therefore is not supported by Neighbourhood Plan Policy H3. However this is not considered to be the case.

Policy H3 states that windfall sites will be supported where they meet a local housing need, but it does not indicate that other 'need' should be refused. Being part of the Coalville Urban Area, available housing sites within Hugglescote would meet a wider general housing need and not just those originating from the Parish, and a Policy seeking to resist such development would not accord with the Adopted Local Plan or the NPPF, which directs new housing to sustainable locations in urban areas.

Similarly, whilst the greatest housing requirement in Hugglescote Parish is for smaller dwellings, this does not preclude other developments, and the proposal is considered to be an efficient use of land - as required by the NPPF - and provides useful 'family' housing in close proximity to schools and other facilities, and is therefore considered to be an appropriate scale of development.

**Highway Safety**

The site is accessed via the drive to No 68 Fairfield Road, suitably improved, and whilst it is narrow, the County Highway Authority has indicated that, despite a modest shortfall in visibility, the proposal would be acceptable in highway safety terms. Whilst the widened access and new parking for No 68 may displace an on-street parking space, a visitor space is proposed to be provided within the scheme and adequate parking is provided for the new dwellings, in addition to fire tender parking, and a bin collection point is shown near to the entrance for wheelie-bin storage on collection days. Frontage parking is shown for No.68 and 70 Fairfield Road.

Representations have made reference to a potential conflict with pedestrians, particularly in relation to the nearby school, however this will have been taken into account by the County Highway Authority, and as noted by the NPPF, permission should not be refused unless any impacts would be severe.

### **Visual Appearance**

The site is set back from the highway and public vantage points and so little of the development would be visible, and the proposal is for 2-storey family houses that would not, in principle, appear out of place in the locality. The position of the dwellings on the site would not give rise to any concerns in relation to the ultimate appearance of the development, as the proposal is in 'outline' form at present.

### **Impact on Neighbours' Amenity**

The position indicated for the dwellings, and the distances to other property, is such that no appreciable loss of privacy or other amenity would be considered to result from the proposal. The surrounding dwellings have long gardens, and the orientation of the proposed dwellings is such that any impact would be minimal and would not warrant the refusal of planning permission.

### **Biodiversity**

It is understood that the site previously had some tree cover, which was removed prior to the submission of the application. However this situation is accommodated for by the new Environment Act, and the 'baseline' level for calculating biodiversity net gain would be based on the previous situation. There are areas within the indicated layout where new planting could be achieved and it is expected that any landscaping scheme would be expected to show biodiversity net gain.

### **Other Matters**

It is noted that neighbour objections have suggested that the site includes a sink hole; whilst the agents advise that no detailed ground investigation surveys have been undertaken at this time, they confirm that they are unaware of any subsidence issues in the locality. Whilst any development would be subject to the usual requirements in respect of seeking approval under the Building Regulations at the appropriate time, the principle set out in Paragraph 184 of the NPPF (i.e. that responsibility for securing a safe development in respect of sites affected by contamination or land stability issues rests with the developer / landowner) would apply. To this end, it is noted that the site does not lie within a Coal Authority referral area, and that conditions are recommended to be imposed in respect of assessment (and, where required, remediation) of any contamination affecting the site in accordance with the advice of the District Council's Environmental Protection team.

### **Conclusions**

The site is considered to be a logical one to develop, being a windfall site that is surrounded by residential development. The modest development proposed would provide for useful family housing served from a private drive with adequate parking and, whilst it is narrow and not ideal, the County Highway Authority does not object to the access arrangements.

The development would not have an appreciable impact on residential amenity and visually, would not appear out of place.