

Erection of a detached two storey dwelling with integral garage along with conversion of existing detached garage to residential dwelling with associated off-street parking

Report Item No  
A4

23 High Street Castle Donington Derby DE74 2PP

Application Reference  
15/00652/FUL

Applicant:  
Mr Stuart Ellis

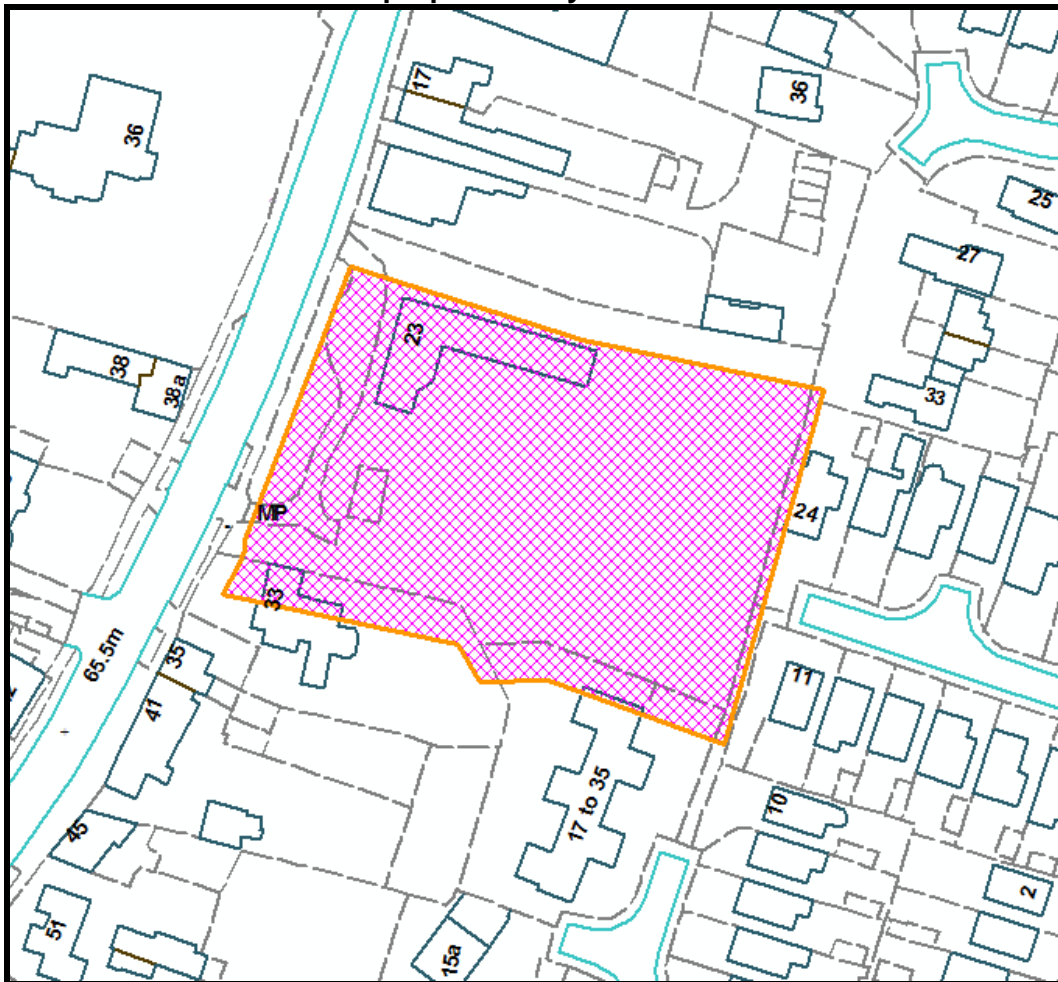
Date Registered  
10 July 2015

Case Officer:  
Adam Mellor

Target Decision Date  
4 September 2015

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 in order to allow the Committee to assess the modern design approach to the new dwelling given its location within the Castle Donington Conservation Area.

### Proposal

The application relates to the construction of a detached two-storey dwelling within the garden area of No. 23 High Street with an existing detached garage also being converted to form a dwelling. As the site currently benefits from two vehicular access points one would be utilised by the new dwellings with the other being retained for the benefit of No. 23. The site is within the limits to development as well as the Castle Donington Conservation Area.

### Consultations

No letters of representation from third parties have been received but Castle Donington Parish Council have objected to the application. All other statutory consultees have raised no objections.

### Planning Policy

It is considered that the development would remain compliant with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant Policies of the current, and draft emerging, North West Leicestershire Local Plan, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and other guidance.

### Conclusion

The site is located within the limits to development with Castle Donington being considered a sustainable settlement for new development and as such the principle of the development would be acceptable and would accord with the key principles and Paragraphs 28 and 55 of the NPPF. A new dwelling of the size identified would also not result in conflict with Paragraph 53 of the NPPF which seeks to protect inappropriate development of residential gardens given that a suitable sized garden would be retained for No. 23 with the development itself not being detrimental to the character and appearance of the area

It is considered that, subject to the imposition of relevant conditions, an acceptable relationship between the proposed dwellings and No. 23 High Street could be established in order to accord with Paragraph 123 of the NPPF and Policy E3 of the Local Plan. No other neighbouring properties would be directly affected.

With regards to the impacts on the character and appearance of the streetscape and wider area it is considered that the works proposed to Plot 2 would be acceptable, given that they are fairly minimal, with the position and scale of Plot 1 being commensurate to the forms and position of dwellings in the locality and not readily visible from the public domain. It is also considered that there would be less than substantial harm to the historic significance of heritage assets given that the setting of neighbouring listed buildings would be protected by intervening land forms and the impacts to the conservation area setting being minimal by virtue of the position of the new dwelling. The modern design approach and materials of construction would also be welcomed and would allow the property to have a distinctive character. Overall the development would accord with Paragraphs 57, 60, 61, 131, 132, 134 and 137 of the NPPF, Policies E4 and H7 of the Local Plan and Sections 66 and 72 of the Listed Buildings and Conservation Areas

Act 1990.

With regards to highway safety it is considered that the existing set back of the vehicular access, to be used for the new dwellings, from High Street would ensure that vehicles wishing to enter the site could pull clear of the highway whilst another vehicle exits with it being noted that such conflict would be fairly infrequent given the visibility afforded from the new plots to the access point. Sufficient off-street parking and manoeuvring facilities would also be provided. Overall the development accords with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the Local Plan.

There are no ecological or archaeology constraints associated with the site, subject to the inclusion of a condition associated with when vegetation should be removed. On this basis the proposal accords with Paragraphs 118 and 141 of the NPPF and Circular 06/05.

Suitable conditions could also be imposed to ensure that relevant fencing to protect trees is provided and that an appropriate landscaping scheme is also secured. It is also considered that the amenities of any future occupant of the Plots would not be adversely impacted on by virtue of their relationship with mature protected trees. On this basis the development accords with Policy E7 of the Local Plan.

Details of the surface water drainage scheme for the site would be agreed under separate legislation and as the site is not located within a flood zone it is considered that any surface water solution agreed would not further exacerbate any localised flooding impact. The scheme would therefore accord with Paragraph 103 of the NPPF.

It is therefore recommended that the application be permitted.

**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.**

## MAIN REPORT

### 1. Proposals and Background

Planning permission is sought for the erection of a detached two-storey dwelling with integral garage along with conversion of existing detached garage to residential dwelling with associated off-street parking at 23 High Street, Castle Donington. No. 23 is a three-storey (with habitable accommodation within the roof slope) detached dwelling situated on the south-eastern side of the street, where it is set back 12.0 metres from the highway. Two vehicular access points exist into the site which is within the defined limits to development, as identified on the Proposals Map to the North West Leicestershire Local Plan, as well as the Castle Donington Conservation Area. The surrounding area is residential with properties varying in their type and design.

It is proposed that the existing stone built detached garage would be converted to a detached two-storey (first floor accommodation within the roof slope) dwelling involving the provision of a minor single storey extension. This dwelling would provide an open plan kitchen/dining area/living area, living room and water closet at ground floor level and two bedrooms and a bathroom at first floor level for the occupants.

A second new build dwelling would be constructed 9.5 metres from the converted garage and would have a footprint of 213.12 square metres and an overall height of 7.2 metres. A sun room/garden room, living area, kitchen/dining area, utility room, water closet, study, snug, cloak room and lobby/entrance hall would be provided at ground floor level with four bedrooms, three en-suites, a changing room and bathroom being supplied at first floor level for the occupants. A separate attached garage, with a footprint of 48.8 square metres and height of 4.2 metres would also be provided.

With regards to vehicular access one of the existing accesses would be used solely for No. 23 High Street with the other access being used to serve the two new dwellings.

Following concerns raised by Officer's the amenity space which was retained to be used by No. 23 High Street has been edited so that it is now incorporated into the amenity area associated with Plot 1 in order to prevent adverse overlooking impacts. Amended plans showing this change have been received.

A design and access statement, heritage statement, protected species assessment and arboricultural survey report and method statement have been submitted in support of the application.

The planning history of the site is as follows: -

- 11/00182/FUL - Erection of solar panels on low level flat roof of rear addition - Approved 26th April 2011.

### 2. Publicity

19 Neighbours have been notified (Date of last notification 20 July 2015)

Site Notice displayed 29 July 2015

Press Notice published 29 July 2015

### 3. Consultations

Castle Donington Parish Council consulted 20 July 2015

County Highway Authority  
Severn Trent Water Limited  
Head of Environmental Protection  
NWLDC Tree Officer  
County Archaeologist  
LCC ecology  
Airport Safeguarding  
NWLDC Conservation Officer

#### **4. Summary of Representations Received**

The following summary of representations is provided.

**Castle Donington Parish Council** has no objections to the conversion of the garage to a dwelling but strongly objects to the new build dwelling due to the use of inappropriate materials in a conservation area.

**East Midlands Airport Safeguarding** has no objections.

**Leicestershire County Council - Archaeology** no representation received.

**Leicestershire County Council - Ecology** has no objections subject to the imposition of a condition associated with the timing of vegetation removal.

**Leicestershire County Council - Highways** has no objections subject to their standing advice being considered associated with visibility splays, pedestrian visibility, access width, access radii, car parking and turning facilities, access surfacing, gates set back distance and access drainage.

**NWLDC - Conservation Officer** has no objections subject to the finished floor level of the new build dwelling being appropriate to prevent views being established from the public domain.

**NWLDC - Environmental Protection** has no objections.

**NWLDC - Tree Officer** has no objections subject to conditions.

**Severn Trent Water** has no objection subject to the inclusion of a note to applicant on any permission granted.

#### **Third Party Representations**

No third party representations have been received.

#### **5. Relevant Planning Policy**

##### **National Policies**

##### *National Planning Policy Framework*

The NPPF (Paragraph 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.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where

indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 10 (Achieving sustainable development);  
Paragraph 14 (Presumption in favour of sustainable development);  
Paragraph 17 (Achieving sustainable development);  
Paragraph 28 (Supporting a prosperous rural economy);  
Paragraph 32 (Promoting sustainable transport);  
Paragraph 39 (Promoting sustainable transport);  
Paragraph 49 (Delivering a wide choice of high quality homes);  
Paragraph 53 (Delivering a wide choice of high quality homes);  
Paragraph 55 (Delivering a wide choice of high quality homes);  
Paragraph 57 (Requiring good design);  
Paragraph 60 (Requiring good design);  
Paragraph 61 (Requiring good design);  
Paragraph 111 (Conserving and enhancing the natural environment);  
Paragraph 118 (Conserving and enhancing the natural environment);  
Paragraph 123 (Conserving and enhancing the natural environment);  
Paragraph 128 (Conserving and enhancing the historic environment);  
Paragraph 129 (Conserving and enhancing the historic environment);  
Paragraph 131 (Conserving and enhancing the historic environment);  
Paragraph 132 (Conserving and enhancing the historic environment);  
Paragraph 134 (Conserving and enhancing the historic environment);  
Paragraph 137 (Conserving and enhancing the historic environment);  
Paragraph 141 (Conserving and enhancing the historic environment);  
Paragraph 203 (Planning conditions and obligations);  
Paragraph 206 (Planning conditions and obligations);

### **Adopted North West Leicestershire Local Plan (2002)**

The application site is within the Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S2 - Limits to Development;  
Policy E3 - Residential Amenities;  
Policy E4 - Design;  
Policy E7 - Landscaping;  
Policy T3 - Highway Standards;  
Policy T8 - Parking;  
Policy T20 - Airport Safeguarding;  
Policy H4/1 - Housing Land Release;  
Policy H7 - Housing Design;

### **Emerging North West Leicestershire Local Plan**

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

Policy S1 - Presumption in Favour of Sustainable Development;  
Policy S2 - Future Housing and Economic Development Needs;  
Policy S3 - Settlement Hierarchy;  
Policy S5 - Design of New Development;  
Policy H6 - House Types and Mix;  
Policy Ec6 - East Midlands Airport: Safeguarding;  
Policy IF4 - Transport Infrastructure and New Development;  
Policy IF7 - Parking Provision and New Development;  
Policy En1 - Nature Conservation;  
Policy En6 - Land and Air Quality;  
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;  
Policy Cc2 - Sustainable Design and Construction;  
Policy Cc3 - Water - Flood Risk;  
Policy Cc4 - Water - Sustainable Drainage Systems;  
Policy IM1 - Implementation and Monitoring of the Local Plan;

### **Other Policies**

#### **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.

#### **6Cs Design Guide (Leicestershire County Council)**

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development;

#### **Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)**

Circular 06/2005 sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites;

#### **Planning (Listed Buildings and Conservation Areas) Act 1990**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) requires that special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

## **6. Assessment**

### **Principle of the Development**

The site is located within the limits to development where the principle of residential development is considered acceptable subject to compliance with the relevant policies of the

adopted North West Leicestershire Local Plan and other material considerations. Within the NPPF there is a presumption in favour of sustainable development and that 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.

Policy H4/1 of the Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential approach is outdated in the context of the NPPF, the sustainability credentials of the scheme would still need to be assessed against the NPPF.

Castle Donington benefits from a range of services and excellent public transport links which all lie within an acceptable walking distance of the application site, as such the settlement scores well against the sustainability advice contained within the NPPF. A residential development of this nature would also help to sustain these services for the future which is a key intention of Paragraphs 28 and 55 of the NPPF.

Paragraph 53 of the NPPF outlines that inappropriate development of residential gardens should be resisted where there is potential that development would cause harm to the local area. No. 23 High Street would retain an appropriate level of private amenity space, with the provision of a detached dwelling not resulting in a cramped or constrained form of development given the site area. Overall, the implications of the development to the character and appearance of the streetscape, surrounding area and conservation area (as discussed in more detail below) would not be sufficiently detrimental to justify a refusal of the application, given the above conclusion, and as such there would not be conflict with the aims of Paragraph 53.

The principle of the development would therefore be acceptable.

### **Residential Amenity**

No. 23 High Street is within the ownership of the applicant and is the property which would be immediately affected by the development proposals.

The garden of No. 23 would be subdivided to provide Plot 1 (new dwelling) with it being located 9.6 metres from the south-eastern corner of No. 23 and 14.4 metres from the southern (side) elevation of a two and single storey projection from the eastern (rear) elevation of No. 23 which contains a pool at ground floor level and a sun lounge at first floor level. It is proposed that Plot 1 would be located on an area of the site which is at a higher level than the floor level of No. 23 and has been designed so that its overall height is kept low and that there is variance in the roof design. Whilst being situated at a higher land level it is considered that the overall distance between the side elevation of the rear projection to No. 23 and the rear elevation of Plot 1 would be sufficient in ensuring that there would not be a significantly detrimental overbearing or overshadowing impact on the amenities of No. 23 as to justify a refusal of the application.

In respect of overlooking impacts it is considered that views from the ground floor windows in the northern (rear) elevation of Plot 1 could be mitigated by the provision of a suitable boundary treatment with the majority of first floor windows being conditioned to be obscure glazed and with a restricted opening. It is noted that the only window serving bedroom 2 would be located in this elevation, albeit this window also marginally wraps round the corner of the building so glazing also exists on the eastern (side) elevation. The garden area for Plot 1 would incorporate some of the land associated with No. 23 and as a result the 'direct' view out of the proposed window would be towards the proposed amenity area for Plot 1. Any views established towards



the elevations and private amenity area of No. 23 could also be mitigated by the provision of landscaping against the immediate boundary to prevent such a view although it is noted that the type of window proposed for the room, being full glazing, would not be opened apart from the top part which would be at a sufficient height above the internal floor level. In any event as No. 23 is within the ownership of the applicant they would be willing to accept this relationship between the properties with any future occupant (not currently connected with the site) being aware of this relationship prior to their purchase.

Views from the windows at first floor level within the eastern (side) elevation of Plot 1 would be at an oblique angle towards the latter parts of the amenity area associated with No. 23 and whilst a balcony is also proposed on this elevation this would be set 7.8 metres from the shared boundary with views towards the immediate rear amenity area and elevations of No. 23 being restricted by the presence of the built walls of Plot 1. The view from a first floor bedroom window in the western (side) elevation would also not result in any direct overlooking impacts onto or into No. 23 given the oblique angle of view. Views from No. 23 towards the northern (rear) elevation of Plot 1 would be restricted by the proposed boundary treatments, or at an oblique angle, with no views onto the private amenity area for Plot 1.

Given that Plot 2 (being the converted outbuilding) would not be substantially altered and is in line with the western (front) elevation of No. 23 it is considered that the relationship between the two dwellings would be acceptable in respect of overbearing and overshadowing impacts. A first floor window serving a bedroom would be provided within the northern (side) elevation of Plot 2 but the relative size of this window, as well as its low height above the internal floor level, would ensure that there would not be a direct overlooking impact which would warrant a refusal of the application. A first floor window, serving an en-suite, exists in the southern (side) elevation of No. 23 and it would be necessary for this window to be edited to be obscure glazed and non-opening in order to prevent overlooking impacts towards the rear amenity area of Plot 2. It is possible for a condition to be imposed in this instance as the applicant is in ownership of No. 23.

With regards to the relationship between Plots 1 and 2 it is noted that a distance of 10.0 metres would exist between the eastern (rear) elevation of Plot 2 and the western (side) elevation of Plot 1 which is single storey in height and 16.4 metres between the part which is two-storey in height. These distances are considered to be sufficient in ensuring that there would be no adverse overbearing or overshadowing impacts. A first floor window serving a bedroom would be situated in the western (side) elevation of Plot 1 but given the distances involved, as well as the fact that the first floor accommodation within Plot 2 is within its roof slope, it is considered that there would be no direct overlooking impacts which would warrant a refusal of the application.

Plot 1 would be set 14.8 metres, 18.8 metres and 26.4 metres, respectively, from the boundaries of No. 33 High Street, a building containing Nos. 31, 33 and 35 Cavendish Close and 11 Orly Avenue (although the boundary with this property is dissected by a footpath link) with Plot 2 being set 10.0 metres from the boundary with No. 33 High Street. Given these distances, the scale of the dwellings as well as the presence of substantial vegetation it is considered that there would be no adverse impacts on the amenities of neighbouring properties in respect of overbearing, overshadowing or overlooking impacts.

Whilst it would be necessary for vehicles associated with Plot 1 to pass by the western (side) elevation, and part of the garden, of Plot 2 it is considered that the level of vehicular activity associated with one dwelling would not be significant. The level of movements would also be no different to those experienced by a dwelling on a corner plot where two of the boundaries lie in close proximity to the highway which was considered in a 2008 appeal to be an acceptable

yardstick to an acceptable standard under Appeal Ref: APP/G2435/A/08/2065885/WF.

It is noted that trees of a mature stature exist to the western (side) and southern (rear) boundaries which are proposed to be retained as part of the development and would also be protected due to their location within a conservation area. Whilst it is inevitable that some overshadowing impacts would be associated with the private amenity areas the dwellings have been positioned so as to ensure ample private amenity space is provided which would not be significantly impacted on. In this circumstance it is considered that the extent of shadowing would not be of sufficient detriment to the occupant's amenities as to warrant a refusal of the application with it being noted that any future occupants would be aware of this relationship prior to their purchase.

Overall the scheme accords with Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

### **Impact on the Historic Environment and Streetscape**

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."*

In respect of the characteristics of the immediate environment it is noted that the position of properties, with regards to their proximity to the highway, vary with some abutting the highway (Nos. 35, 38a and 41 High Street), some being slightly set back (Nos. 17, 19 and 21 High Street) and others being significantly set back (Nos. 23, 33 and 36 High Street). The overall heights of properties also vary mainly ranging from two to three storeys with a site section drawing showing that the land levels rise from High Street through the site onto Orly Avenue with it also being noted that on the application site land levels rise from north to south.

It is proposed that Plot 1 would be set 31.0 metres from the western (front) boundary of the site, however, given the variation in the proximity of dwellings to the highway as identified above it is considered that the position of the dwelling would not impact adversely on the character of the area with its linear form being consistent with the manner in which No. 23 High Street has been developed as well as No. 34 High Street and the barn adjacent to No. 15 High Street. This set back would also limit the visual impacts of Plot 1 given that it would not be readily visible from the public domain on High Street apart from when directly opposite the site on the western pavement. Plot 2 would have a building line similar to that of No. 23, which would respect the characteristics of the area, with there not being significant alterations to the elevation which is currently presented to High Street. It is considered that the precedent of one dwelling behind another is set by Nos. 38 and 38a High Street, as well as Nos. 50, 52, 54, 56-58, 60, 64 and 66 High Street behind Nos. 44, 46, 48 and 66 High Street, and as such this element of the development would not result in a significant impact on the characteristics of the streetscape or surrounding area.

The site is located within the Castle Donington Conservation Area and as such the Council's Conservation Officer has been consulted on the proposals. In response no objections have been raised with it being stated that: -

*"The site formerly accommodated three dwellings which have been removed leaving the host dwelling and outbuilding. Although the area is generally characterised by buildings set close to the highway the host dwelling is set back further and the proposed new dwelling would*

*correspond with that setting projecting significantly into the site. I welcome the modern design approach and given the siting, and retention of the outbuilding, together with the mature landscaping, would reduce the visibility of the new dwelling from the public highway....The conversion of the outbuilding would also utilise a modern design approach which is welcomed. Again the visual impact on the conservation area would be limited and the subdivision of the site appears to work well."*

The only matter that raised concern for the Councils Conservation Officer was associated with the levels on the site given that Plot 1 would be located on a higher area of land, however, following the receipt of a site section drawing to show the relationship between No. 23 High Street and Plot 1 these concerns have been alleviated.

It is considered that the new dwelling would not be readily visible from the public domain on High Street and as a result would not have a significantly adverse impact on the significance of the conservation area with the setting of listed buildings being preserved due to their separation distance from the application site and presence of intervening built forms. Whilst Plot 1 would be visible in views established into the conservation area from Orly Avenue in the context of this view would be modern properties associated with Orly Avenue and as such there would be a less than substantial impact on the historic significance of this setting.

Although the proposed dwellings would be of a modern design it is noted that Paragraph 60 of the NPPF indicates that *"decisions should not attempt to 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."* In the circumstances that the Council's Conservation Officer has raised no objections it is considered that the modern design approach would be welcomed in providing a property with distinctive character and which would separate itself from the host dwelling (No. 23). In respect of the materials of construction it is also considered that these would be acceptable and would not detract from the character of the area, or the significance of the conservation area, given that existing properties in the area could be amended to introduce the types of materials which would be utilised as a form of permitted development.

Overall the layout, design and scale of the dwellings are considered to be appropriate and would ensure that the development accords with Paragraphs 57, 60, 61, 131, 132, 134 and 137 of the NPPF, Sections 66 and 72 of the 1990 Act as well as Policies E4 and H7 of the Local Plan.

### **Highway Safety**

The County Highways Authority has raised no objections to the development, subject to their standing advice being considered.

No. 23 benefits from two vehicular access points onto High Street and it is proposed that one access point, located within the north-western corner, would be retained for No. 23 with the other access point, in the south-western corner, being utilised for the two new dwellings. It is considered that the vehicular access point retained for No. 23 would be suitable given that it currently serves one dwelling and would continue to do so. The proposed access point to serve the new dwellings has a width of 6.8 metres, at a distance of 3.6 metres from the kerb of the pavement, with it narrowing to 4.0 metres at a distance of 6.0 metres from the kerb of the pavement. Whilst, at its narrowest point, it would not be possible for two cars to pass each other it is considered that as the proposal only leads to the creation of two dwellings the potential for conflict between vehicles entering the site and those exiting the site would be an infrequent occurrence due to the fact that clear visibility is provided from both the plots towards the point of

access. As such if a vehicle was to enter the site any vehicle attempting to exit the site could easily wait clear of the access before proceeding. The presence of designated on-street parking areas in both directions of the access point would also mean that should any conflict occur vehicles would not be restricting the safe movement of traffic on High Street given that they would be clear of the highway. As the vehicular access point exists, with the frontage boundary wall being low in height, it is considered that adequate visibility splays would be provided to serve the new dwellings. Overall it is noted that Paragraph 32 of the NPPF outlines that *"development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe,"* and given the above assessment it is considered that the development would not conflict with the aims of this Paragraph or Policy T3 of the Local Plan.

In respect of off-street parking the two bedroom converted garage would benefit from two off-street parking spaces with at least three off-street parking spaces being provided for the new dwelling. No. 23 High Street would also retain ample parking to its site frontage. Suitable manoeuvring facilities would also be provided within the curtilage of the dwelling(s), as well as within the grounds of No. 23 High Street. On this basis the proposed development would accord with Paragraph 39 of the NPPF and Policy T8 of the Local Plan.

### **Ecology**

The County Council Ecologist has assessed the submitted protected species survey and has no objections subject to the inclusion of a condition to highlight that vegetation clearance should only be carried out between March and July to protect nesting birds. Subject to the inclusion of such a condition on any consent granted it is considered that the development accords with Paragraph 118 of the NPPF and Circular 06/05.

### **Landscaping**

The Council's Tree Officer has assessed the findings of the submitted Arboricultural Report and has raised no objections subject to the imposition of a condition relating to the submission of a site specific tree protection plan due to trees being protected by their setting in the Conservation Area.

As identified in the Residential Amenity section of this report it is noted that it is inevitable that the private amenity area for the dwellings, as well as the southern (side) elevation of Plot 2 and southern (front) elevation of Plot 1, would be subjected to some shading when the sun is positioned to the south due to the relationship with mature trees on the site. However BS5837 (2012) outlines that *"NOTE The presence of large species trees is increasingly being seen as advantageous, since it contributes to climate change resilience, amongst other benefits;"* and *"NOTE 1 Shading can be desirable to reduce glare or excessive solar heating, or to provide for comfort during hot weather. The combination of shading, wind speed/turbulence reduction and evapo-transpiration effects of trees can be utilised in conjunction with the design of buildings and spaces to provide local microclimate benefits."* The properties have been positioned so as to maximise the amount of sunlight received to the elevations and overall it is considered that such a shading impact would not be detrimental to the future occupants' amenities. It is also noted that the dwellings would be located outside of the root protection area of the trees, with the trees themselves being protected by their location within a conservation area, and this would ensure they would have a degree of protection and would not be under any undue pressure to be removed.

On this basis the development accords with Policy E7 of the Local Plan.

### **Archaeology**

No representation has been received from the County Council Archaeologist associated with the need for investigations to be carried out on the site and as such archaeology is considered to not be a constraint on the development proposals. On this basis there would be no conflict with Paragraph 141 of the NPPF.

### **Other Matters**

It is noted that the application site and the properties within the vicinity of the site do not fall within a Flood Zone. Details of drainage would be dealt with under separate legislation (Building Regulations and Severn Trent Water), with it being noted that Severn Trent Water have raised no objections, and as such any issues relating to how surface water run-off would be managed would be addressed at that time, although the application submission indicates that surface water run-off would be directed to a combination of the mains sewer and a soak-away. In the circumstances that the site is not within a Flood Zone it is anticipated that any surface water run-off solution would not further exacerbate any localised flooding issue. As such the development would not conflict with Paragraph 103 of the NPPF.

The site is located within the limits to development with Castle Donington being considered a sustainable settlement for new development and as such the principle of the development would be acceptable and would accord with the key principles and Paragraphs 28 and 55 of the NPPF. A new dwelling of the size identified would also not result in conflict with Paragraph 53 of the NPPF which seeks to protect inappropriate development of residential gardens given that a suitable sized garden would be retained for No. 23 with the development itself not being detrimental to the character and appearance of the area

It is considered that, subject to the imposition of relevant conditions, an acceptable relationship between the proposed dwellings and No. 23 High Street could be established in order to accord with Paragraph 123 of the NPPF and Policy E3 of the Local Plan. No other neighbouring properties would be directly affected.

With regards to the impacts on the character and appearance of the streetscape and wider area it is considered that the works proposed to Plot 2 would be acceptable, given that they are fairly minimal, with the position and scale of Plot 1 being commensurate to the forms and position of dwellings in the locality and not readily visible from the public domain. It is also considered that there would be less than substantial harm to the historic significance of heritage assets given that the setting of neighbouring listed buildings would be protected by intervening land forms and the impact to the conservation area setting being minimal by virtue of the position of the new dwelling. The modern design approach and materials of construction would also be welcomed and would allow the property to have a distinctive character. Overall the development would accord with Paragraphs 57, 60, 61, 131, 132, 134 and 137 of the NPPF, Policies E4 and H7 of the Local Plan and Sections 66 and 72 of the Listed Buildings and Conservation Areas Act 1990.

With regards to highway safety it is considered that the existing set back of the vehicular access, to be used for the new dwellings, from High Street would ensure that vehicles wishing to enter the site could pull clear of the highway whilst another vehicle exits with it being noted that such conflict would be fairly infrequent given the visibility afforded from the new plots to the access point. Sufficient off-street parking and manoeuvring facilities would also be provided. Overall the development accords with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the Local Plan.

There are no ecological or archaeology constraints associated with the site, subject to the inclusion of a condition associated with when vegetation should be removed. On this basis the proposal accords with Paragraphs 118 and 141 of the NPPF and Circular 06/05.

Suitable conditions could also be imposed to ensure that relevant fencing to protect trees is provided and that an appropriate landscaping scheme is also secured. It is also considered that the amenities of any future occupant of the Plots would not be adversely impacted on by virtue of their relationship with mature protected trees. On this basis the development accords with Policy E7 of the Local Plan.

Details of the surface water drainage scheme for the site would be agreed under separate legislation and as the site is not located within a flood zone it is considered that any surface water solution agreed would not further exacerbate any localised flooding impact. The scheme would therefore accord with Paragraph 103 of the NPPF.

It is therefore recommended that the application be permitted.

**RECOMMENDATION - PERMIT, subject to the following conditions;**

- 1 The development shall be begun before the expiration of three years from the date of this permission.

*Reason - to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).*

- 2 The proposed development shall be carried out strictly in accordance with the following drawing numbers: -
  - 937-AL01 Revision B (Site Location Plan), received by the Local Authority on the 18th September 2015;
  - 937-AL02 Revision B (Block Plan as Existing), received by the Local Authority on the 18th September 2015;
  - 937-AL03 (Site Plan as Existing), received by the Local Authority on the 10th July 2015;
  - 937-AL04 Revision B (Block Plan as Proposed), received by the Local Authority on the 18th September 2015;
  - 937-AL05 Revision G (Site Plan as Proposed), received by the Local Authority on the 18th September 2015;
  - 937-AL06 (Plot 1 - Floor Plans), received by the Local Authority on the 10th July 2015;
  - 937-AL07 (Plot 1 - Sections and Elevations), received by the Local Authority on the 10th July 2015;
  - 937-AL08 (Plot 2 - Floor Plans and Elevations), received by the Local Authority on the 10th July 2015;
  - 937-AL11 (Site Section as Proposed), received by the Local Authority on the 14th September 2015;unless otherwise required by another condition of this permission.

*Reason - to determine the scope of the permission.*

- 3 The external materials to be utilised in the development, hereby permitted, shall be in strict accordance with those specified in the application forms and as shown on drawing numbers 937-AL07 (Plot 1 Sections and Elevations) and 937-AL08 (Plot 2 Floor Plans and Elevations), received by the Local Authority on the 10th July 2015, unless

alternative materials are first submitted to and approved in writing by the Local Planning Authority.

*Reason - to ensure that the development takes the form envisaged by the Local Planning Authority and in the interests of the visual amenities of the area and heritage assets.*

- 4 Notwithstanding the provision of Part 1 (Classes A - E) of Schedule 2, Article 3 of the Town and County Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) the dwellings, 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 maintaining the overall appearance of the scheme, given its setting with heritage assets, and in the interests of preserving the amenities of neighbours.*

- 5 The first floor windows serving bedroom 3 and bathroom in the northern (rear) elevation of Plot 1 shall be glazed with obscure glass, to Pilkington Standard 3 (or its equivalent), and non-opening, unless the opening part is more than 1.7 metres above the internal floor level of the room in which the window is installed, which once provided shall thereafter be so retained.

*Reason - in the interests of preserving the amenities of No. 23 High Street.*

- 6 Before first occupation of Plot 2, hereby approved, the existing en-suite window at first floor level within the southern (side) elevation of No. 23 High Street shall be replaced with a window which shall be obscure glazed, to Pilkington Standard 3 (or its equivalent) and non-opening, unless the opening part is more than 1.7 metres above the internal floor level of the room in which it is installed, which once provided shall thereafter be so retained.

*Reason - in the interests of preserving the amenities of the future occupants of Plot 2.*

- 7 Notwithstanding the details shown on the approved plans before first occupation/use of the dwellings, hereby permitted, a scheme of soft and hard landscaping (which shall identify the retention of any trees) shall be 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 any of the dwellings with the hard landscaping scheme being provided in full prior to the first occupation/use of any dwelling unless alternative implementation programmes are first agreed in writing with the Local Planning Authority.

*Reason - to ensure a satisfactory landscaping scheme is provided within a reasonable period and in the interests of residential and visual amenity given the site's relationship with heritage assets and neighbouring properties.*

- 8 Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available 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 scheme is agreed in writing with the Local Planning Authority.

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

- 9 Notwithstanding the details shown on the approved plans before occupation/use of the dwellings, hereby permitted, a detailed scheme for the boundary treatment of the site (including all walls, fences, gates, railing, other means of enclosure) and the relevant elevation details (should brick walls be proposed than the brick bond shall also be specified) shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be provided in full prior to the first occupation/use 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, in the interests of highway safety and in the interests of the significance of heritage assets.*

- 10 Before first occupation/use of the dwellings, hereby permitted, the following shall be provided:-
- The access drive and any turning space for Plots 1 and 2 shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary;
  - The car parking and turning facilities as shown on drawing numbers 937-AL05 Revision G (Site Plan as Proposed), received by the Local Authority on the 18th September 2015, and 937-AL06 (Plot 1 Floor Plans), received by the Local Authority on the 10th July 2015;
  - Drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives;

Once provided the above shall thereafter be so permanently maintained.

*Reasons - to reduce the possibility of deleterious material being deposited in the highway (loose stones etc); 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; to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users; to reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.*

- 11 For the period of construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

*Reason - to ensure that adequate off-street parking provision is made to reduce the possibilities of development on the site leading to on-street parking problems in the area during construction.*

- 12 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected to the access within the south-western corner (serving the new dwellings) they shall be set back a minimum distance of 5.0 metres behind the highway boundary and shall be hung as not to open outwards.

*Reason - to enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.*

- 13 Before first occupation/use of the dwellings, hereby permitted, details of suitable signage



at the access to be sited clear of the access drive, visibility splays and public highway shall be submitted for approval in writing to the Local Planning Authority in consultation with the County Highways Authority. The approved signage scheme shall be provided in full before first occupation/use of any of the dwellings and once provided shall thereafter be so permanently maintained.

*Reason - given the hidden nature of the site from the Class II road, drivers may not readily locate the premises from the highway. The signing is in the interests of the safety of road users.*

- 14 The finished floor level of Plot 1 shall be provided in strict accordance with that shown on drawing number 937-AL11 (Site Section as Proposed), received by the Local Planning Authority on the 14th September 2015, unless an alternative finished floor level has first been submitted to and agreed in writing by the Local Planning Authority.

*Reason - to ensure that the development takes the form envisaged by the Local Planning Authority and in the interests of the amenities of No. 23 High Street.*

- 15 There shall be no alterations to the existing ground levels unless details of the proposed ground levels, in relation to a fixed datum point off the site, have first been submitted to and agreed in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

*Reason - to enable the Local Planning Authority to fully assess the development in light of the ground levels on the site and to ensure a satisfactory relationship with existing residential properties.*

- 16 No development shall commence until a tree protection plan to ensure that retained trees are adequately protected has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall then be provided before the development commences and shall be retained until such time as the development is completed. Within the designated tree protection area there shall be no alterations to the ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand, unless any alteration is first agreed in writing by the Local Planning Authority.

*Reason - to ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.*

- 17 Operations that involve the destruction or removal of vegetation shall not be undertaken during the months of March to July inclusive unless otherwise agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist.

*Reason - in the interests of the protection of nesting birds which are a protected species.*

### **Notes to applicant**

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at pre-application stage and during the determination process which led to improvements to the scheme. 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 2015.
- 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 Any works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager (telephone 0116 3050001).
  - 4 The highway boundary is the wall fronting the premises and not the edge of the carriageway/road.
  - 5 Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.
  - 6 Bats are a rare and declining group of species. Hence, all British species of bat and bat roosts are fully protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 making it an offence to intentionally kill or injure or disturb these species whilst in a place of shelter or protection or disturb bat roosts. If bat or bat roosts are discovered during work on the development, the relevant work should be halted immediately and Natural England (Tel. 0115 929 1191) should be notified and further advice sought. Failure to comply with this advice may result in prosecution and anyone found guilty of an offence is liable to a fine of up to £5,000.00 or to imprisonment for a term not exceeding six months, or both.
  - 7 The applicant must ensure that people carrying out the works are made aware of the legal status of breeding birds, and that they proceed with care to ensure that if any breeding birds are present, they are not killed, injured or disturbed. If a breeding bird is discovered it should be left undisturbed and the relevant work should be halted immediately until the young birds have flown. Failure to comply with this may result in prosecution any anyone found guilty of an offence is liable to a fine of up to £5,000.00 or to imprisonment for a term not exceeding six months, or both, as it is an offence to disturb nesting/breeding birds.