

Erection of one dwelling

Report Item No  
A4

Ivy House Nottingham Road Peggs Green Coleorton Coalville  
Leicestershire LE67 8HN

Application Reference  
16/00683/FUL

Applicant:  
Mrs J Hall

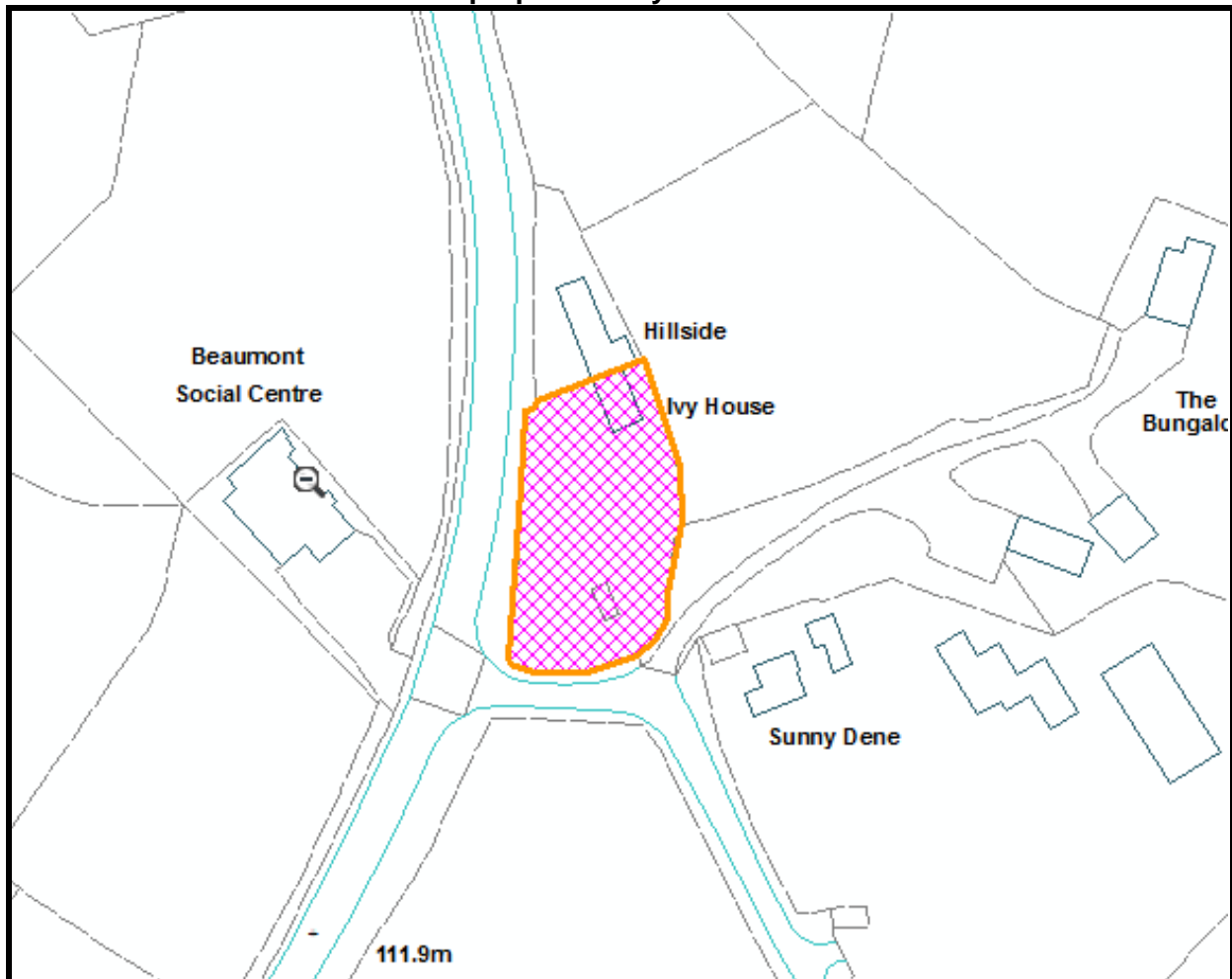
Date Registered  
13 June 2016

Case Officer:  
James Mattley

Target Decision Date  
8 August 2016

Recommendation:  
PERMIT

Site Location - Plan for indicative purposes only



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office  
©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329

## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **Proposal**

Planning permission is sought for the erection of one dwelling at Ivy House, Nottingham Road, Peggs Green.

### **Consultations**

Members will see from the report below that no objections have been received from surrounding neighbours and that two letters of support have been received. Coloerton Parish Council object to the application but no other objections have been received from any other statutory consultees.

### **Planning Policy**

The application site lies outside Limits to Development as defined in the adopted Local Plan and in the publication version Local Plan. The application has also been assessed against the relevant policies in the NPPF and the adopted and publication version Local Plans.

### **Conclusion**

The site is located outside of the limits to development where the principle of residential development is not normally considered acceptable. However, in this instance, when having regard to the social, economic and environmental impacts of the proposal it is considered to represent sustainable development. On this basis the principle of the proposal is considered to be acceptable. The site could be developed as proposed without appearing out of character and appearance with that of the surrounding locality, and without significant adverse effect on the amenities of neighbouring residents and highway safety. There are no other material planning considerations that indicate planning permission should not be granted. The proposal, subject to relevant conditions, is therefore considered acceptable for the purposes of relevant planning policies.

Therefore, it is recommended that the application be permitted.

### **RECOMMENDATION:- PERMIT**

**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 one dwelling at Ivy House, Nottingham Road, Peggs Green. The site is located to the east of Nottingham Road and to the north of Anchor Lane. The application site is located outside of the Limits to Development as defined by the adopted Local Plan.

The scheme proposes a two storey detached dwelling that would be positioned toward the front of the site with a single storey garage structure located to the rear. The access into the site would come off Anchor Lane.

Pre-application advice has been carried out prior to the submission of this application.

### 2. Publicity

3 neighbours have been notified (Date of last notification 20 June 2016)

Site Notice displayed 27 June 2016

### 3. Consultations

Coleorton Parish Council consulted 20 June 2016

County Highway Authority

Severn Trent Water Limited

Head of Environmental Protection

LCC ecology

Head Of Street Management North West Leicestershire District

### 4. Summary of Representations Received

**Coloerton Parish Council** objects to the proposal on the basis that the site is outside the Limits to Development.

**Environmental Protection Section** has no environmental observations

**County Ecologist** has no objections.

**County Highway Authority** has provided standing advice.

Two letters of support have been received raising the following issues:

- \* new dwellings are required to support local services;
- \* the plot has been run down for years; and
- \* it will improve the street scene.

### 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 NPPF. The closer the policies in the development plan to the policies in the NPPF, the greater weight they may be given.

Save where stated otherwise, the policies of the adopted 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 (Core Planning Principles);  
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 75 (Promoting healthy communities);  
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);  
Paragraph 118 (Conserving and enhancing the natural environment);  
Paragraph 120 (Conserving and enhancing the natural environment);  
Paragraph 121 (Conserving and enhancing the natural environment);  
Paragraph 203 (Planning conditions and obligations);  
Paragraph 204 (Planning conditions and obligations);

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

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

Policy S3 - Countryside;  
Policy E3 - Residential Amenities;  
Policy E4 - Design;  
Policy E7 - Landscaping;  
Policy T3 - Highway Standards;  
Policy T8 - Parking;  
Policy H4/1 - Housing Land Release;  
Policy H6 - Housing Density;  
Policy H7 - Housing Design.

#### **Publication Version North West Leicestershire Local Plan**

The publication version of the Local Plan was agreed by Council on 28th June 2016 with a view to its submission for examination in September 2016. Given the advanced stage that has now been reached it is considered that weight can be attached to the following policies: -

Policy S1 - Future Housing and Economic Development Needs;  
Policy S2 - Settlement Hierarchy;  
Policy S3 - Countryside;  
Policy D1 - Design of New Development;  
Policy D2 - Amenity;  
Policy H6 - House Types and Mix;

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 Cc2 - Water - Flood Risk; and  
Policy Cc3 - Water - Sustainable Drainage Systems.

### **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.

### **6. Assessment**

#### **Principle**

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted Local Plan (2002 (as amended)).

The application site lies outside the defined Limits to Development with residential dwellings not being a form of development permitted by Policy S3 of the adopted Local Plan, or Policy S3 of the publication version Local Plan. The NPPF requires that the District Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Local Authority is able to demonstrate a five year supply of housing (with 20% buffer) against the requirements contained in the publication version Local Plan.

Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside, but does not specifically preclude development within the countryside. Consideration must therefore be given as to whether the proposals constitute sustainable development (inclusive of its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. Further consideration of the proposals' compliance with the three dimensions of sustainable development is set out below.

With regards to the social sustainability credentials of the site, it is considered that whilst the Peggs Green area would not generally be socially sustainable due regard is given to the fact that a recent appeal decision concerning residential development at 85 Loughborough Road (ref: APP/2435/W/15/3133687) highlighted that convenience goods could be obtained from a garage situated along Loughborough Road (Redhall Garage) which aided the sustainability of the site location. It is noted that this site would be 681.07 metres from this service. Taking this into account, as well as its proximity to other services, public transport and Griffydham County Primary School, and that walking to such services could be undertaken on maintained footpaths which are well lit, it is concluded that the site would be in a socially sustainable location. On this basis future residents would not be heavily reliant on the private car to access the most basic of services.

In respect of the implications to the environment, it is considered that the development would be on residential garden land which would be classed as 'greenfield' land. Whilst this is the case

the dwelling would be closely associated with existing built forms (including the existing dwellings on the site and along Anchor Lane) and therefore the proposal would not impact adversely on the 'openness' of the rural environment or result in the provision of an 'isolated' dwelling.

There would be some limited economic benefits associated with the scheme which would include local construction jobs and helping to maintain local services in the area.

In conclusion, it is considered that the site would be socially sustainable and there would be some limited economic benefits associated with the construction of the dwellings and these benefits would not be significantly or demonstrably outweighed by negative environmental impacts of the proposal. Whilst the application site lies outside the defined Limits to Development with residential dwellings not being a form of development permitted by Policy S3 of the adopted Local Plan, or Policy S3 of the publication version Local Plan, the proposal is considered to represent sustainable development and, therefore, the application is considered acceptable in relation to the NPPF.

### **Residential Amenities**

Consideration has been given to the impact of the development on surrounding residential properties despite not receiving any letters of representation during the course of the application. The most immediately affected dwelling would be Ivy House which is located within the application site and who are the applicants of this proposal.

Ivy House is a two storey detached dwelling located to the north. There would be a distance of 18 metres between the two storey side elevation of the existing property and the two storey side elevation of the new property. There would be a distance of 15 metres between the single storey side elevation of the existing property and the two storey side elevation of the new property. Having regard to the nature of this relationship, it is not considered that any significant overbearing or overshadowing issues would arise. In terms of overlooking, some windows are proposed at first floor level on the northern side elevation and these would look directly towards Ivy House to the north. However, the area to the north which would be overlooked does not represent private residential amenity space and is more akin to scrubland and, therefore, significant overlooking impacts would not be established.

It is not considered that any other residential property would be significantly affected by the proposed development.

For the reasons set out above, it is not considered that there would be any significant loss of amenities by means of overbearing, overshadowing or overlooking impacts. The proposal therefore complies with the provisions of Policy E3 of the adopted Local Plan and Policy D2 of the publication version Local Plan.

### **Design and Visual Amenity**

The need for good design in new residential development is outlined not only in adopted Local Plan Policy 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. Policy E4 of the adopted Local Plan indicates that in the determination of planning applications regard will be

had to the wider settings of new buildings; new development should respect the character of its surrounding, in terms of scale, design, height, massing, materials of construction, the spaces between and around buildings and the street scene generally.

The wider area is characterised by sporadic and loose knit development. However, in the immediate area there are existing residential dwellings to the north and to the east of the site. The Beaumont Social Centre is located over the road from the application site. The existing site has the appearance of scrubland and development of the site offers an opportunity to enhance the appearance of the current site. Given the clustering of dwellings in close proximity to the application site, and the presence of two roads along the western and southern boundary, it is not considered that the proposal would result in wider harm to the countryside or the character and appearance of the immediate area.

There is no set design character prevalent in the area with all dwellings exhibiting differing features. Given this context it is considered that the design of dwellings proposed would be acceptable and would include features which the Local Authority consider desirable (chimneys, eaves and verge detailing, dentil courses and timber framed canopies). Such features would be consistent and in keeping with properties in the immediate area which make a positive contribution to the visual amenity of the area. The size of the dwelling is considered to be commensurate with the size of the site and the design put forward shows for an adequate level of amenity space and for car parking and turning.

Overall, the design, appearance and scale of this proposal is acceptable and would not look out of keeping with the character and appearance of the surrounding area, and is considered to be compliant with the advice in the NPPF, Policy E4 of the adopted Local Plan and would also accord with the provisions of Policy D1 of the publication version Local Plan.

### **Highway Safety**

The existing access off Anchor Lane would be utilised to provide access to the proposed development. The County Highway Authority has been consulted specifically regarding the proposed access arrangements and has raised no objections subject to consideration of standing advice. Such matters including visibility splays, car parking, turning and surfacing could be dealt with through suitable planning conditions.

In terms of car parking, the proposed dwelling would benefit from at least three off-street car parking spaces which is considered to be an acceptable amount given that the dwelling would have four bedrooms. Subject to a condition being imposed to secure these off-street parking spaces, it is considered that the development would be compliant with Paragraph 39 of the NPPF, Policy T8 of the adopted Local Plan and Policy IF7 of the publication version Local Plan.

The County Highway Authority has no objections to the proposed development subject to relevant highway conditions. Therefore, it is not considered that the proposal would conflict with highway safety policies T3 and T8 in the adopted Local Plan, policies IF4 and IF7 of the publication version Local Plan, the advice in the NPPF or the County Council's 6Cs document.

### **Summary Reason for Granting Planning Permission**

The site is located outside of the Limits to Development where the principle of residential development is not normally considered acceptable. However, in this instance, when having regard to the social, economic and environmental impacts of the proposal the scheme is considered to represent sustainable development. On this basis the principle of the proposal is

considered to be acceptable. The site could be developed as proposed without appearing out of character and appearance with that of the surrounding locality, and without significant adverse effect on the amenities of neighbouring residents and highway safety. There are no other material planning considerations that indicate planning permission should not be granted. The proposal, subject to relevant conditions, is therefore considered acceptable for the purposes of the above-mentioned policies.

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

- 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 plans, unless otherwise required by a condition of this permission:

Site Location Plan deposited with the Local Planning Authority on 13 June 2016;  
Block Plan deposited with the Local Planning Authority on 13 June 2016;  
Topographical survey deposited with the Local Planning Authority on 13 June 2016;  
Drawing No. IVY.PFP.005 deposited with the Local Planning Authority on 13 June 2016;  
Drawing No. IVY.SBR.001 deposited with the Local Planning Authority on 13 June 2016;  
Drawing No. IVY.PFP.003 deposited with the Local Planning Authority on 13 June 2016;  
Drawing No. IVY.PFP.004 deposited with the Local Planning Authority on 13 June 2016;  
Drawing No. IVY.SEC.006 deposited with the Local Planning Authority on 13 June 2016.

*Reason - To determine the scope of this permission.*

- 3 Off-street car parking shall be provided within the application site in accordance with the details shown on drawing number IVY.SBR.001; the parking areas shall be surfaced and marked out prior to the development being brought into use, and shall thereafter be so maintained at all times.

*Reason - 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, in the interests of the safety of road users.*

- 4 Notwithstanding the submitted plans, nor Condition 2 above, no dwelling shall be erected above damp proof course until such time as representative samples of the materials to be used in all external surfaces have been submitted to and agreed in writing with the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

*Reason - To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.*

- 5 Notwithstanding the submitted plans, nor condition 2 above, the dwelling shall not be erected above damp proof course until full details of both hard and soft landscaping works and boundary treatments have first been submitted to and approved in writing by the Local Planning Authority. These details shall include:



- a) Means of enclosure and boundary treatments to and within the site;
- b) Hard surfacing materials;
- c) Details of soft landscaping including schedules of plant species, plant sizes, planting plans and proposed numbers/densities where appropriate;
- d) An implementation programme for the hard and soft landscaping and boundary treatments.

*Reason - In the interests of visual and residential amenities.*

- 6 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.*

- 7 No development shall commence on site until such time as detailed finished floor levels and site levels (in relation to a fixed datum point) have been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the agreed details.

*Reason - To ensure appropriate land levels.*

- 8 Before the first occupation of the dwelling hereby approved, details of visibility splays shall be submitted to and agreed in writing with the Local Planning Authority. These shall be in accordance with the standards contained in the current County Council design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

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

- 9 Before first occupation of the dwelling hereby approved, 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 5 metres behind the highway boundary and shall be so maintained at all times.

*Reason - To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)*

- 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 including private access drives, and thereafter shall be so maintained.

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

- 11 The gradient(s) of the access drive(s) shall not exceed 1:12 for the first 5 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.*

**Notes to applicant**

- 1 Written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97 per request. Please contact the Local Planning Authority on 01530 454666 for further details.
- 2 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the 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 (as amended).
- 3 All 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)