

Erection of three terraced dwellings, a triple garage block and highway improvements to existing access from Private Road onto Standard Hill

Report Item No  
A3

Land Off Private Road Standard Hill Coalville Leicestershire

Application Reference  
16/01043/FUL

Applicant:  
Mr Kyle Middleton

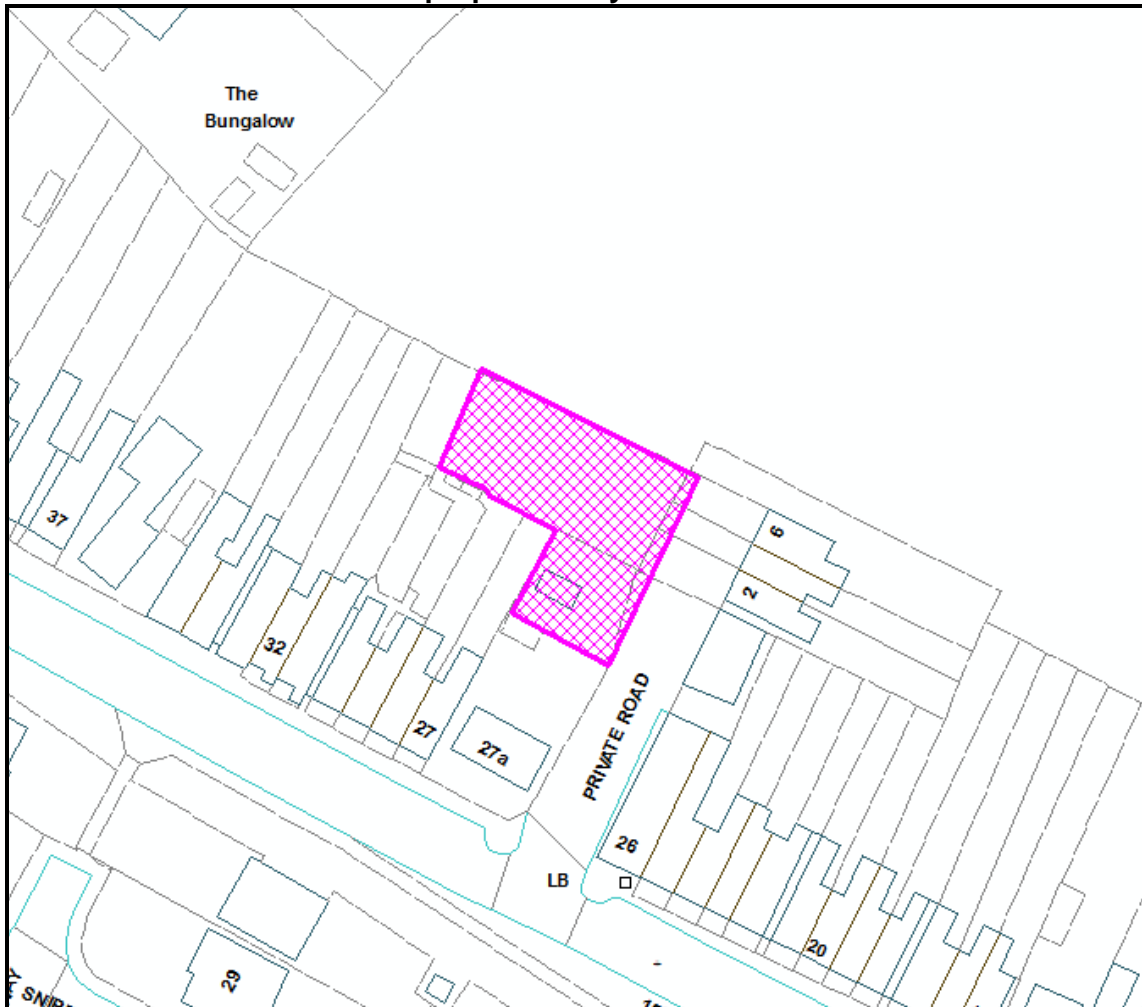
Date Registered  
24 August 2016

Case Officer:  
James Mattley

Target Decision Date  
19 October 2016

Recommendation:  
PERMIT

Site Location - Plan for indicative purposes only



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## **EXECUTIVE SUMMARY OF PROPOSALS**

### **Call In**

The application has been called in by Councillor Geary on the grounds of highway safety.

### **Proposal**

Planning permission is sought for the erection of three terraced dwellings and a triple garage block on land at Private Road, Standard Hill, Coalville. The application site which measures some 0.049 hectares is located within the Limits to Development.

### **Consultations**

A total of four representations have been received opposing the development. All statutory consultees have raised no objections subject to the imposition of conditions on any consent granted.

### **Planning Policy**

It is considered that the development would be compliant with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant policies of the adopted and submitted North West Leicestershire Local Plan and other guidance.

### **Conclusion**

The site is located within the limits to development where the principle of residential development is considered acceptable. The site is a sustainable location for new residential development. The site could be developed as proposed without appearing out of character and appearance with that of the surrounding locality, and without significant adversely affecting 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.

It is therefore recommended that full planning permission be granted subject to conditions.

### **RECOMMENDATION - PERMIT, subject to the following 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 three terraced dwellings and a triple garage block on land at Private Road, Standard Hill, Coalville. The application site which measures some 0.049 hectares is located within the Limits to Development.

The submitted plans show for three terraced units which would be two storeys in height and a separate single storey garage block. Each unit would benefit from two car parking spaces and the existing access arrangements would be utilised. Private Road is not adopted highway.

A planning application for a similar development (16/00372/FUL) was refused in June 2016 for the following reasons:

*The on-street parking on Standard Hill, either side of the junction with Private Road, results in inadequate visibility to allow safe egress onto Standard Hill from the application site. As a result, the proposal would be severely detrimental to highway safety, contrary to 'saved' Policy T3 of the Local Plan and paragraph 32 of the NPPF.*

The current application proposes to extend the build-outs either side of the private drive in order to alleviate the visibility concerns raised by the previously refused application.

No relevant planning history found.

### 2. Publicity

16 Neighbours have been notified (Date of last notification 12 September 2016)

Site Notice displayed 29 September 2016

### 3. Consultations

County Highway Authority  
Head Of Street Management North West Leicestershire District  
Head of Environmental Protection  
LCC ecology

### 4. Summary of Representations Received

A total of 32 representations have been received objecting to the application on the following basis:

- the existing road is unadopted;
- the highway data submitted with the application is inaccurate and cannot be relied upon;
- the junction is unsafe and there have been numerous accidents along Standard Hill;
- the existing road surface is inadequate along Private Road;
- access for emergency services;
- the private road is often used for parking in association with the shop;
- already parking issues along Standard Hill and the off-site works would further restrict the amount of car parking which would be available;
- garages unlikely to be used for parking;
- proposal could result in the loss of shop trade;
- any improvements in respect of surfacing of the unadopted road should be provided prior to any planning permission being considered;

- the behaviour of the applicant;
- maintenance of existing boundaries;
- Right to Light issues;
- ownership and right of way issues;
- overlooking, overbearing and overshadowing impacts;
- separation distances between existing and proposed properties;
- not in accordance with the District Council's Development Guidelines;
- rear gardens to the proposed dwellings are not large enough;
- overdevelopment of the site;
- trees have previously been removed on the site.

**Leicestershire County Council - Ecology** has no objections to the development.

**Leicestershire County Council - Highways** concludes that a road safety problem could not be demonstrated by restricted visibility at the junction. Therefore, no objections are raised subject to the imposition of conditions.

**NWLDC - Environmental Protection** has no environmental observations to make.

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

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

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.

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

- Paragraph 14 (Presumption in favour of sustainable development)
- Paragraph 17 (Core planning principles)
- Paragraph 18 (Building a strong, competitive economy)
- Paragraph 19 (Building a strong, competitive economy)
- Paragraph 32 (Promoting sustainable transport)
- Paragraph 34 (Promoting sustainable transport)
- Paragraph 39 (Promoting sustainable transport)
- Paragraph 56 (Requiring good design)
- Paragraph 57 (Requiring good design)
- Paragraph 58 (Requiring good design)
- Paragraph 60 (Requiring good design)
- Paragraph 61 (Requiring good design)
- Paragraph 203 (Planning conditions and obligations)

The policies of the North West Leicestershire Local Plan as set out in more detail 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. In March 2014 the Government published National Planning Practice Guidance (NPPG) to

supplement the NPPF. The NPPG does not change National Policy but provides practical guidance as to how such policies should be applied.

The following policies of the North West Leicestershire Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

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

The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan 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:

Policy S2 - Limits to Development  
Policy H4/1 - Housing Land Release  
Policy H6 - Housing Density  
Policy H7 - Housing Design  
Policy E3 - Residential Amenities  
Policy E4 - Design  
Policy T3 - Highway Standards  
Policy T8 - Parking

#### **Other Policies**

##### **Submitted North West Leicestershire Local Plan**

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. The weight to be attached by the decision maker to this submitted version should be commensurate to the stage reached towards adoption.

Policy S1 - Future Housing and Economic Development Needs;  
Policy S2 - Settlement Hierarchy;  
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;

#### **6Cs Design Guide (Highways, Transportation and Development) - 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 and Sustainability**

The site is located within the limits to development within the Local Plan, where the principle of residential development is considered acceptable subject to highway, design and amenity criteria and compliance other relevant policies of the Local Plan and other material considerations.

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.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. The site is located within Greater Coalville where there is a range of day to day services and facilities that would be readily accessible via public transport to future occupiers. Taking this into account, it is considered that the application site is located within a sustainable location.

Having regard to all of the above it is considered overall that the proposed development of the site is acceptable in principle.

### **Residential Amenities**

With regard to impact on residential amenity, the dwellings most immediately affected would be the three terraced units located to the east of the application site (No's 2, 4 and 6 Private Road) as well as No.27 and No.27a Standard Hill to the south of the application site.

In terms of the impact upon No's 2, 4 and 6 Private Road the original plans submitted as part of the previous application showed a distance of 11.3 metres between first floor windows of the existing and proposed dwellings. Concern was expressed by local residents regarding this relationship and following discussions with the applicant amended plans were received as part of that application. Those amended plans now form the basis of this application and have improved this relationship and there is now a distance of 13.2 metres between the front elevations of the existing and proposed properties. Although concern is still expressed from surrounding residents, the relationship proposed is not uncommon in the surrounding area and similar relationships exist along Highfield Street and Crescent Road. It is not considered that any significant overbearing, overshadowing or overlooking issues would arise to the occupiers of these properties.

Reference has been made in letters of objection regarding the District Council's Development Guidelines. The Development Guidelines were adopted as Supplementary Planning Guidance (SPG) in North West Leicestershire when the Local Plan was originally adopted but since this time Policy H17 is no longer a 'saved' policy. As such, although the Development Guidelines can be used as a starting point, they should not be attached any weight in the determination of planning applications. It is also noted that the Development Guidelines do not offer any advice in respect of first floor distances between two front elevations. The Council will be progressing updated Development Guidelines as part of the new Local Plan.

In terms of the impact upon No.27 and No.27A Standard Hill, a single storey garage block would be located immediately adjacent to parts of the rear gardens to these properties. Whilst this would be located in close proximity to the boundary, the structure would be single storey only measuring 2.1 metres in height to the eaves and 4.2 metres in height to the ridge. The boundary is currently formed by a 2m high hedge and existing single storey garage structure which would help to screen the proposed single storey garage and the development proposes 1.8m high close boarded timber fencing to both boundaries. Having regard to the single storey nature of the proposed garage and the proposed boundary treatments, it is not considered that this element of the scheme would cause any significant overlooking, overbearing or overshadowing issues.

The closest part of the proposed two storey dwelling would be located on the rear corner boundary of the residential garden belonging to No.27 Standard Hill. As this property benefits from a rear garden of some 17 metres and having regard to the orientation on site, it is not considered that any significant overbearing or overshadowing issues would arise. In terms of overlooking there would be some views towards the bottom end of the rear garden belonging to

No.27 but most of these would be from an oblique angle and would only impact on a small section of the rear garden. Overall, the proposal is not considered to cause significant overlooking impacts upon the occupiers of the existing dwellinghouse.

The side elevation of the proposed two storey dwelling would be located around 9.7 metres away from the rear boundary of No.27A Standard Hill. Taking into account this distance and the orientation of the existing and proposed development, no significant overlooking, overbearing or overshadowing issues are considered to arise.

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 Local Plan and D2 of the submitted Local Plan.

### **Design**

The need for good design in new residential development is outlined not only in adopted Local Plan policy H7 and D1 of the submitted Local Plan, 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 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 area to the north of Standard Hill is characterised predominantly by traditional terraced properties located toward the front of linear plots with boundaries well defined and with buildings that are well detailed with strong chimneys and window and brick detailing, and well-proportioned properties with a strong vertical emphasis that provides a rhythm to the streetscene. The street contains buildings that generally have strong characteristics and make a positive contribution to the locality. It is considered that surrounding properties in the locality should be used to inform the development of the application site.

The proposed dwellings have been designed to reflect the character of properties in the surrounding area. The terraced units would have a vertical emphasis and includes for stone lintels and chimneys which would ensure that the design and appearance of the properties are in keeping with the surrounding area. Planning conditions would be attached to any planning permission granted to ensure that suitable materials and boundary treatments are agreed that are in keeping with surrounding properties.

Each property would benefit from two car parking spaces, front and rear amenity areas as well as a dedicated bin storage area. Given this it is not considered that the proposal would represent an overdevelopment of the site with the development similar to that which currently exists on Private Road.

Overall, the design, appearance and scale of this proposal is considered to be acceptable and would not look out of keeping with the character and appearance of the surrounding area and is considered to be compliant with Policy E4 and H7 of the Local Plan, D1 of the submitted Local Plan and the design advice in the NPPF.

### **Highway Safety**

The existing access off Standard Hill would be utilised to provide access to the proposed development. This leads onto Private Road which is unadopted highway. Concern has been expressed in letters of representation regarding the suitability of the access road and the junction. It is also understood that there is an existing accident record along Standard Hill. A planning application for a similar development (16/00372/FUL) was refused in June 2016 for the following reason:

The on-street parking on Standard Hill, either side of the junction with Private Road, results in inadequate visibility to allow safe egress onto Standard Hill from the application site. As a result, the proposal would be severely detrimental to highway safety, contrary to 'saved' Policy T3 of the Local Plan and paragraph 32 of the NPPF.

The County Highway Authority (CHA) did not object to the original application but has been consulted again on the highway safety aspects of this scheme now that the applicant has proposed to extend the build-outs either side of the private drive in order to alleviate the visibility concerns raised by the previously refused application.

The CHA conclude that it would still be difficult to resist the proposals on highway safety grounds. The proposed build-outs would be acceptable in principle in order to provide additional visibility. While the build outs would remove approximately two on-street car parking spaces, the CHA consider it would be difficult to resist the application solely on this basis alone. The applicant has confirmed that he is willing to accept a planning condition requiring the build-outs to be constructed prior to construction works commencing on the site.

The response from the CHA also states that the applicant has offered to provide a single Vehicle Activated Sign in the vicinity of the site access in order to slow vehicles down in addition to the proposed build-out extensions. The CHA consider that the most appropriate location for a VAS would be on the approach to the built up area of Standard Hill, however a sign at this location is likely to be obscured by parked vehicles or vegetation, and would not be in close proximity to the site access. It is also considered that it would be excessive to request installation of a VAS in addition to the build-out improvements, particularly when CHA advised approval of the previous proposal without requiring any highways works.

In terms of car parking, each of the new dwellings would have access to two off-street car parking spaces which would be of adequate dimensions and which would be sufficient to serve the proposed two bed dwellings. 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 and Policy T8 of the adopted Local Plan.

Whilst the concerns of local residents in relation to highway safety are noted, the CHA 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 or the advice in the NPPF or the County Council's 6Cs document.

### **Other**

A "right to light" is an easement that gives a landowner the right to receive light through defined apertures in buildings on his or her land. It is a legal matter and not a material planning consideration. In terms of other objections received which have not already been addressed



matters in respect of ownership, maintenance and private rights of ways are not material planning considerations.

With regard to access to emergency vehicles, the site would be located less than 45 metres from the public highway which is the distance specified in separate building control legislation. It is also noted that the proposed arrangements would be no different than those which currently exist for No.2, 4 and 6 Private Road.

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

The site is located within the limits to development where the principle of residential development is considered acceptable. The site is a sustainable location for new residential development. The site could be developed as proposed without appearing out of character and appearance with that of the surrounding locality, and without significantly adversely affecting 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:

Drawing No. 01 deposited with the Local Planning Authority on 24 August 2016;  
Drawing No. 02 deposited with the Local Planning Authority on 24 August 2016;  
Drawing No. 03 deposited with the Local Planning Authority on 24 August 2016;  
Drawing No. 04 deposited with the Local Planning Authority on 24 August 2016;  
Drawing No. 05 deposited with the Local Planning Authority on 24 August 2016;  
Drawing No. 06 deposited with the Local Planning Authority on 24 August 2016;  
Drawing No. 07 deposited with the Local Planning Authority on 24 August 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 05; 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, no dwelling shall be erected above damp proof course until such time as a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting and seeding season following either the first occupation or the bringing into use of the development hereby approved unless an alternative implementation programme is first agreed in writing with the Local Planning Authority.

*Reason - To ensure satisfactory landscaping is provided within a reasonable period.*

- 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 Notwithstanding the submitted plans, nor Condition 2 above, no dwelling shall be erected above damp proof course until such time as a detailed scheme for the boundary treatment of the site (including all walls, fences, gates, railings and other means of enclosure) has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until such time as the approved scheme has been implemented in full (unless an alternative timescale is first agreed in writing by the Local Planning Authority).

*Reason - To preserve the amenities of the locality, and to ensure an appropriate form of design.*

- 8 Notwithstanding the submitted plans, nor Condition 2 above, no dwelling shall be erected above damp proof course until such time as precise details of the positioning and treatment of utility boxes to the dwelling have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

*Reason - To ensure an appropriate form of design.*

- 9 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.*

- 10 Notwithstanding the provisions of Part 1 of Schedule 2, Article 3 of the Town and

Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), the dwellings hereby approved shall not be enlarged, improved or altered, nor shall any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouses be provided unless planning permission has first been granted by the Local Planning Authority.

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

- 11 No part of the development shall commence until such a time a detailed design of the build-outs generally in accordance with 162 Properties Ltd Drawing No. 07 has been submitted to and agreed in writing by the Local Planning Authority. The build outs shall be constructed in accordance with the approved plans prior to development commencing on site.

*Reason - In the interests of Highway Safety.*

### Notes to applicant

- 1 The County Highway Authority has provided the following notes to applicant:  
- The detailed design of the build-out should take on board the following comments:
1. Drainage proposals should be shown as appropriate, including footway drainage,
  2. Road markings will be subject to a detailed design check,
  3. Bollard type should be shown and be in accordance with the County Council's specification
  4. Details of materials and construction makeup should be shown
  5. The tapers on the carriageway parking side of the build-outs should be straight at 45 degrees as opposed to curved.
- You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.
- Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.
- The highway boundary is the back of the footway crossing the private drive and not the edge of the carriageway/road.
- 2 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.
- 3 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).

**PLANNING APPLICATIONS- SECTION A**