

# Officer Recommendation Report

Site address: 196 Seagrave Road, Sileby

Proposal: Erection of two detached houses and one detached bungalow following demolition of existing dwelling.

App No:

P/21/1125/2

Officer: Deborah Liggins

Date of Site Visit:

1<sup>st</sup> July 2021

Date of report 5<sup>th</sup> May 2021

Date authorised: 23.08.2021

By LW

## Short description of proposal/site.

The application site is a single storey bungalow located on the east side of Seagrave Road and occupying a spacious plot. The dwelling is currently flanked by 2 storey houses which follow a more general arrangement of dwellings with deep frontages and gardens which slope downwards to the east and meet the gardens of the new Jenham Drive development and existing properties off Pryor Road to the east. There is evidence of a number of former trees within the rear garden but these were all removed at the time of the site visit.

The existing property is of brick and clay tile construction and features an attractively glazed eyebrow window in its front roof slope but which otherwise is architecturally unremarkable and showing signs of neglect through vacancy. A flat roofed garage lies to the north side of the dwelling and sits alongside the boundary with No. 208 which is a detached hipped roof dwelling with a driveway and garage on the southern side. The southern side of the house also has 2 small secondary ground floor windows and 2 secondary first floor windows in this chimney breast elevation. Ground levels at 208 are slightly elevated to reflect the rising topography of Seagrave Road in a northerly direction. Trees to the front of the site have also been removed and the front boundary with the highway features a low brick wall, recessed gates and shrubbery.



To the south is 104 Seagrave Road which is a semi-detached hipped roof dwelling which has received a two storey extension on its northern side. This extension is devoid of principal windows in its flanking elevation which includes a ground floor garage and the property has a driveway leading to this and frontage parking.



To the north-east are the side blank 2 storey gable of No. 19 Jenham Drive and the rear elevations of No's 15 & 17 Jenham Drive which adjoin a slither of land between them and the rear garden of No. 202 Seagrave Road. To the east lies 15a Pryor Road which is a 2 storey dwelling with principal ground floor windows in its rear elevation which would face the application site. This property adjoins the rear garden of No. 194 Seagrave Road.

The proposal would see the demolition of the existing dwelling and garage and the erection of 2 No. 2 storey dwellings towards the front of the site and a single storey bungalow in the rear, lower portion of the site and accessed via a driveway running alongside No. 202.



Full elevational plans and floor plans can be found on the Council's website.

Plot 1 – is the southern of the 2 storey dwellings and would have 4 bedrooms and a galleried hallway, an integral garage with utility room behind, and an open plan kitchen/dining room to the rear with a study off. This property would have a main ridge height of 8.3m and a rear facing recessed balcony to the master bedroom.

Plot 2 - is the northern of the 2 storey dwellings and would have 4 bedrooms, a galleried hallway, integral garage with utility room behind, and a n open plan, kitchen/dining room to the rear with a study off. The dwellings would have a similar layout and character with minor design differences. This property would have a main ridge height of 8.3m and a rear facing recessed balcony to the masterbedroom.

To the street, the houses would have stepped ridges and floor levels, allowing for the changes in ground levels between the 2 dwellings either side of the site and the existing vehicular access onto Seagrave Road would be modified to create 2 separate vehicular accesses incorporating visibility splays. Both properties would sit below street level as existing properties do and as shown on the submitted plans. To the rear, the dwellings would have patio terraces and steps leading down to rear lawns. Boundary treatment to the east would be a brick wall.



Plot 3 to the rear would be a single storey hipped roof 3 bed bungalow with an attached flat roof which would be accessed via a private drive running to the north of Plot 2. This would be flanked by a new boundary wall with a gated access into Plot 3. The driveway would be 5m wide for its first 15m and then would narrow to 3.75m. The floor level of this dwelling would be approximately 2m lower than those of the proposed 2 storey properties.

The application is accompanied by the following documents:-

**Planning and Design Statement** – this sets out the context of the existing site and explains the relevant policies to be considered in reaching a decision. The proposal describes how each dwelling would be provided with its own access, parking and turning. The document sets out that the dwellings on Plots 1 & 2 would be sited forward of the position of the existing bungalow but would maintain the well-established building line of dwellings to the south. All dwellings take account of the separation distances recommended in the Council’s adopted SPD on Design. The document also sets out that whilst new landscaping is indicated within the submitted plans, this can be controlled by condition. Proposed materials are also described.

**Bat/Protected Species Survey** – prepared by Wildlife Consultants Ltd – this reports on the findings of a survey of the existing property conducted in Spring 2021. The report concludes that the property is in good condition and offers negligible potential for roosting bats due to the lack of access points and low habitat valuation. There was also no evidence of nesting birds or other protected species such as badgers or great crested newts. The surveyor also considered that no further surveys were required and no mitigation was required. He does however suggest that biodiversity enhancement can be achieved by the inclusion of bat bricks into each new development and hedgehog gravel boards if fencing is proposed.

**List of relevant Development Plan policies:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 require that planning applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Adopted Local Plan for the area comprises the Charnwood Local Plan 2011-2028 Core Strategy (CS) and the saved policies of the Charnwood Borough Local Plan 1999-2006 (LP).

**Charnwood Local Plan 2011-2028 Core Strategy**

Policy CS1 – Development Strategy – sets out the housing directions for growth over the plan period and establishes a settlement hierarchy of locations in terms of their sustainability.

Policy CS2 – High Quality Design requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the

character of the area, having regard to scale, massing, height, landscape, layout, materials and access; protect the amenity of people who live or work nearby, provide attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

Policy CS3 – Strategic Housing Needs – seeks to manage the delivery of the Borough’s housing need and ensure a good mix of house types, tenures and size of properties, having regard to identified housing needs and the character of the area.

Policy CS13 – Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment to ensure development protects, enhances or restores biodiversity.

Policy CS16 – Sustainable Construction and Energy – encourages sustainable design and construction and the provision of renewable energy including supporting developments that reduce waste, provide for the suitable storage of waste and allow convenient waste collections.

Policy CS25 – Presumption in Favour of Sustainable Development – sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It pledges to work proactively with applicants to jointly find solutions to approve development wherever possible to secure improvements to the economic, social and environmental conditions in an area. Planning applications that accord with the policies in the Core Strategy will be approved without delay unless material considerations indicate otherwise.

#### Borough of Charnwood Local Plan

Policy ST/2 – Limits to Development - States that built development will be confined to allocated sites and other land within the Limits to Development identified on the proposals map, subject to specific exceptions.

Policy EV/1 – Design - seeks to ensure a high standard of design for developments, which, inter alia, respects and enhances the local environment, is of a design, layout, scale and mass compatible with the locality and utilises materials appropriate to the locality.

Policy TR/18 indicates that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimize harm to visual and local amenities. The policy promotes standards that would require 3 parking spaces for a 4 or more bedroom dwelling, although it states that this will be used as the starting point in assessing the level of provision and represent the maximum level. The quantity of parking allowed should reflect the proposed use and the location of development, the availability of public off-street parking; the current, or potential accessibility by non-car modes and the scope for practical measures to significantly reduce the use of private car trips to and from a site.

As the Borough of Charnwood Local Plan pre-dates the NPPF, paragraph 213 indicates that due weight should be given to relevant policies according to their consistency with the NPPF. These policies are considered to be broadly consistent with the aims to the NPPF and, as such, should be given significant weight.

Sileby Neighbourhood Plan – this was ‘made’ in January 2020 and now forms part of the

Charnwood development plan. Relevant policies are:

Policy G1 – Limits to Development

Policy G2 – Design - this requires new development to enhance and reinforce the local distinctiveness and character of the area in which it is situated. Contemporary or innovative design will be encouraged and supported where it makes a positive contribution to the character of the area and is compatible with the surrounding historic context. – Development should aim to maintain and enhance biodiversity and preserve, as far as is possible, existing trees, hedges and wildlife habitats and include measures to enhance biodiversity including the use of bird nesting boxes and hedgehog fencing.

Policy T1 – Public Car Parking – sets out that new development within the limits to development are to incorporate additional car parking spaces in accordance with the LCC standards for residential and commercial development.

Policy H2 – Windfall Development - – residential development on infill and redevelopment sites within the settlement boundary will be supported where the development meets criteria as set out in the policy.

Policy H3 – Housing Mix – this sets out that new housing development should seek to create sustainable, inclusive and mixed communities by providing a mix of house types and size that reflect up to date published evidence of local need in Sileby.

ENV8 – Biodiversity Protection in new development – this requires that for new development of 2 or more houses to include measures for the protection and enhancement of local biodiversity and sets out how this can be achieved.

### **Material planning considerations:**

#### The National Planning Policy Framework 2021 (NPPF)

#### National Planning Policy Framework (NPPF)

The NPPF is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development.

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are 3 dimensions to this;

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation
- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services;
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment.

Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of An environmental objective – contributing to protecting and enhancing our natural, built and historic environment.

Paragraph 10 states at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 11 sets out the presumption in favour of sustainable development and makes it clear that where there is an under-supply of housing land, the most important policies for the determination of housing proposals would be considered out of date.

Paragraphs 15-33 set out that the planning system should be genuinely plan-led and that succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities and a platform for local people to shape their surroundings. Paragraph 31 states that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence.

Paragraph 38 indicates that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers should seek to approve applications for sustainable development where possible.

Paragraph 47 of the NPPF states that planning law requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 60 states that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 62 sets out that the size, type and tenure of housing need for different groups in the community should be assessed and reflected in planning policies (including but not limited to, those who require affordable housing, families with children older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.

Paragraph 69 explains that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built out quickly. The paragraph then goes on to explain how such sites might be promoted.

Paragraph 74 sets out that local planning authorities are expected to maintain a 5 year housing land supply and should identify and annually update their supply of specific deliverable sites as measured against the overall housing requirement for the plan period. This should include a buffer and in Charnwood this is an additional 5% in order to ensure choice and competition in the market for land.

Chapter 8 of the NPPF relates to the promotion of healthy and safe communities and sets out how planning policies and decisions should aim to achieve healthy, inclusive and safe places

Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 119 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Chapter 12 (Paras 126-136) of the NPPF concerns itself with achieving well-designed places and sets out that good design is a key aspect of sustainable development. The use of visual tools and design codes is encouraged as is the development of design policies alongside local communities and neighbourhood plans.

Paragraph 134 states that development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Paragraph 185 requires that decisions on planning applications should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions

#### The Tilted Balance

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Charnwood Local Plan 2011-2028 Core Strategy (2015), those "saved" policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy. It is acknowledged that several of these policies are over 5 years old; therefore it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. These policies are compliant with the NPPF and there is no reason to reduce the weight to be given to them.

As the Core strategy is now five years old, its policies for the supply of housing are considered out of date and the Authority must instead use the standard method to calculate a housing requirement. In light of this, the Authority cannot currently demonstrate a 5 year supply of housing land (3.34 years), and as a result, any policies which directly relate to the supply of housing cannot be afforded full weight if they restrict the provision of this supply.

The shortfall in the supply of deliverable housing sites means that, in accordance with the

presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused.

In situations where para 11d of the presumption applies consideration should be given to paragraph 14 in relation to Neighbourhood Plans in the context of the Authority having more than three years supply of deliverable housing sites and good housing delivery

#### Department for Communities and Local Government – Technical Housing Standards – nationally described space standard (March 2015)

These standards deal with internal spaces within new dwellings and sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling heights. The standard sets out the minimum space requirements dependent on different combinations of single and double/twin bedrooms. In terms of the proposal, the minimum gross internal areas for each 4 bed 6 person dwelling should be 106 square metres and the 3 bed, 6 person bungalow should be a minimum of 95 sq.m.

#### Conservation of Habitat and Species Regulations 2010 (as amended)

These Regulations contain certain prohibitions against activities affecting European Protected Species, such as bats. The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

#### Building for Life 12

This document provides a framework by which to consider the quality of housing proposals to enable a conclusion to be reached of their overall design quality. development plan policies and are regarded as guidance at present. However, the standards have some weight in the planning balance.

#### The Equality Act 2010

This Act requires local planning authorities, when making strategic decisions about the exercise of their functions to have regard to the desirability of reducing socio-economic inequalities in society. It consolidates 7 Acts including the Disability Discrimination Act. Whilst the accessible design of buildings is regulated by Part M of the Building Regulations, the Equality Act does require 'reasonable adjustments' to be made when providing access to goods, facilities, services and premises and this also applies to the design of proposed development. In terms of planning decisions, there is a need to have 'due regard' to the impact of planning application decisions and policies on anyone with a Protected Characteristic who may be affected by the decision.

#### National Design Guide (2019)

The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This design guide, the National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the

separate planning practice guidance on design process and tools.

As well as helping to inform development proposals and their assessment by local planning authorities, it supports paragraph 130 of the National Planning Policy Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

#### The Leicestershire Highways Design Guide (2018)

This is a guide for use by developers and published by Leicestershire County Council and provides information to developers and local planning authorities to assist in the design of road layouts. The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; and help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking required to be provided in new housing development.

#### The Crime and Disorder Act 1998

This places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of planning applications.

#### Supplementary Planning Document - Housing (July 2018)

This document sets out the Council's goals for the delivery of housing and how it will deal with applications for new development. The document seeks to provide clarity for those who live in the Borough and for the developers who deliver the new homes. It includes guidance on affordable housing, houses in multiple occupation and purpose built and campus student accommodation. The SPD will be a material consideration in the determination of planning applications in the Borough. It should be noted that the SPD cannot and does not propose new policy; rather it explains how Policies CS3, CS4, H/12 and CS23 will be used.

#### Housing and Economic Development Needs Assessment (HEDNA)

The Leicester and Leicestershire local planning authorities and the Leicester and Leicestershire Economic Partnership published a Housing and Economic Development Needs Assessment (HEDNA) in January 2017. The study investigated government household and population projections, the impacts of migration, births, and deaths and where people work, along with market signals and economic trends and forecasts to assess the need for housing and employment land over the next 20 years to 2036. The report says there is a need for 117,900 homes in Leicester and Leicestershire between 2011 and 2036 to meet the demands of a growing population. For Charnwood this equates to 994 dwellings per annum between 2011 and 2036.

#### Supplementary Planning Document - Charnwood Design (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life. The document is a material consideration

in the determination of planning applications.

#### Draft Charnwood Local Plan 2021-2037

The Draft Local Plan sets out the Council's preferred options for draft policies which are yet to be tested through an Examination in Public before they can become part of the development plan for Charnwood. The policies therefore carry limited weight at the current time. These include policies which would seek to make provision for at least 19,716 homes between 2019 and 2036 and require these to be delivered to a high standard of design quality.

#### **Relevant Planning History**

Reference	Description	Decision & Date
None relevant		

#### **Comments received from Consultees**

Sileby Parish Council objects to the proposal stating:-

- A Design and Access Statement has not been submitted (it has)
- Concerns about the height of the buildings
- Potential loss of privacy and light
- Position of dwellings further forward than the existing property.
- The proposal conflicts with Policy G2 of the Sileby Neighbourhood Plan.
- It is unclear if the proposal has adequate off-street car parking.
- Questions where and how surface water drainage would be disposed to

The Local Highway Authority – Advises that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions the LHA recommends.

#### **Comments received from Neighbours**

Comments have been received from the following nearby occupiers

Jenham Drive – 17  
Pryor Road – 15a  
Seagrave Road - 208

Concerns relate to:-

- loss of daylight and sunlight to neighbouring dwellings
- loss of privacy to neighbouring dwellings through window positions and balconies
- The proposed 2 storey houses are higher and further forward than the existing bungalow.
- additional noise and disturbance from cars using the drive to Plot 3
- Sileby has seen significant growth with little provision for infrastructure
- The design of the proposed dwellings are not in keeping with the existing properties on the street, many of which date from the 1930's

- Traffic problems in the area would be exacerbated through increased dwelling numbers

**List of issues to be considered:**

The Principle of the Development & Housing Mix  
The impact on the character of the area & Street Scene  
Amenity  
Impact on Biodiversity  
Highways Issues

**Any non planning matters that have been raised.**

None

**Consideration and Recommendation:**

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Charnwood Local Plan 2011-2028 Core Strategy (2015), those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy. It is acknowledged that several of these plans are over 5 years old; therefore, it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. With the exception of those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national advice. Accordingly, there is no reason to reduce the weight given to them.

As the Core strategy is now five years old the Authority must use the standard method to calculate a housing requirement. In light of this, the Authority cannot currently demonstrate a 5 year supply of housing land (3.34 years), and as a result, any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight.

The shortfall in the supply of deliverable housing sites also means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused.

Part i) of paragraph 11d sets out that where there are NPPF policies that protect areas or assets this can be a clear reason to refuse an application. These are set out in footnote 6 and are generally nationally designated areas such as SSSI's although Local Green Space and areas of archaeological interest demonstrably equivalent to ancient monuments can be included. In this case the site is within the defined limits to development and does not therefore benefit from any designations to qualify as an area or asset of particular importance as set out in footnote 6. For these reasons it is not considered by officers that in this instance paragraph 11d i) would apply

**The Principle of the Development & Housing Mix**

The proposal is located within the Sibley Limits to Development and within a settlement identified as a ‘Service Centre’ in the adopted Core Strategy. The proposed development would be on a brownfield site which is well related to public transport connections and the site is considered to be sustainably located. The development is also ‘small scale’ and falls below the threshold of development whereby developer contributions to local infrastructure may

otherwise be required. The proposal would also provide a mix of 3 and 4 bed homes which are both single and 2 storey dwellings and this is considered to be in general conformity with the neighbourhood plan and Core Strategy. As such, the proposal would accord with Policies CS1a and CS3 of the Core Strategy and Policies G1 and H3 of the Neighbourhood Plan and the development is acceptable in principle.

#### The impact on the character of the area & street scene

Policies CS2 and EV/1 seek high quality design for all new development and also require development to be in context with its surroundings. These policies generally accord with the NPPF and do not frustrate the supply of housing. As a result, it is considered that there is no need to reduce the weight that should be given to them.

The proposal is within an established residential area which is characterised by good quality family housing, with later additional units taking place on some back land sites off Seagrave Road or resulting from the demolition of larger homes and their replacement with increased numbers of homes on large plots. The street therefore features dwellings of varying styles and finishes and the new dwellings have been designed to utilise a common palette of materials and forms within the scheme. Projecting gables, articulated porches and contemporary bay windows are combined with the use of high quality stone, timber cladding and render to give the proposed homes a modern quality based around traditional forms. The steeply pitched roofs feature a mix of dormers and roof lights which are well proportioned and the use of dark window frames, soffits and fascias provide a contemporary style.

It is considered that the proposal with the inclusion of the 'backland' dwelling at Plot 3 has sufficient regard for its surroundings to assimilate successfully into the street scene and take account of the topography of the site. The proposals are considered to comply with the relevant provisions of CS2 and EV/1 and Policy G2 of the Sibley Neighbourhood Plan.

#### Amenity

Policies CS2 and EV/1 are also concerned with amenity both for new and existing residents. The layout and design of the dwellings are such that directly overlooking windows are avoided. The neighbour at No. 208 refers to proposed windows in the side elevation of Plot 2 but these will be a ground floor w.c. and a first floor bathroom and would have obscure glazing and would not lead to any loss of privacy to No. 208.

Both new dwellings also include a first floor balcony which would be recessed into the roof above the proposed study and which would serve the master bedroom. Because of the small and recessed nature of the balconies, the flaking edges of the roof would also provide a privacy screen and prevent direct overlooking of existing properties and gardens although distant oblique views would be possible, as would be possible from any potential dormer roof extension to the existing bungalow (which could be undertaken under permitted development rules). Mention is also made of the noise and disturbance caused by the use of the proposed private drive to access Plot 3. However, this is to be constructed below the floor level of No.208 with new boundary treatment proposed which would have some noise absorbing/reflecting properties. The garage to No.208 would also be situated directly adjacent to the boundary with the new access drive. Windows within the southern elevation of No. 208 do not also serve principal rooms and it is considered that there would be no significant loss of privacy or increased noise as a result of the use of this access drive.

#### Impact on Biodiversity

The submitted ecological appraisal provides a basic assessment of the presence/absence of protected species at the site including the spaces within the existing building. However the document makes no assessment of the loss of vegetative habitat. In this instance, it is important to acknowledge the site has an existing dwelling and what would have been a cultivated rear garden with an assortment of lawn, path, rockery and bedding plant areas but which would have most likely been species poor and not provided quality habitat for ground-based wildlife. The site did feature some trees which were not statutorily protected and which have now been removed and an argument could be made that their loss has contributed to biodiversity loss at the site although without knowing what these trees were or their age/condition, this is difficult to quantify.

It would be common practice to require an applicant to provide a Biodiversity Impact Assessment to fully quantify any losses or gains in biodiversity. However, this site is small scale and would provide a net gain of just 2 dwellings within an existing cultivated domestic setting and a full scale assessment would appear onerous. Notwithstanding, the proposed use of integrated roosting/nesting features is welcome and it is recommended that a scheme be submitted for approval via a planning condition in order to secure some biodiversity benefits within the scheme. In addition, new tree planting and landscaping is also required to be provided which would go some way to enhancing biodiversity. It is therefore concluded that the proposal would generally accord with Policy CS13.

#### Drainage and Flooding

The site is within Flood Zone 1 as identified on Environment Agency mapping and is land at low risk of flooding. Proposed surface water drainage is indicated to be disposed of to a soakaway system and proposed foul drainage into the main sewer. There is no evidence to suggest that the development would increase local flooding in the area and the proposal is acceptable in flood risk terms.

#### Highways issues

The applicant has responded to the LHA's original request to demonstrate adequate visibility splays for the scheme can be achieved and these are shown on the additional plans received on 26<sup>th</sup> July 2021. Upon reviewing the additional plans the LHA notes that required visibility splays of 2.4m x 43m in either direction of the site can be achieved. Drawing number 10 Rev A also adequately demonstrates 1m x 1m pedestrian visibility in either direction of the site access. In addition to the above, drawing number 10 Rev A demonstrates that the access width to Plot 1 has been increased to 3m, however it should be borne in mind that the access width for a single dwelling is required to be 2.75m for a minimum distance of 5m from the highway boundary with an additional 0.5m added to the initial access width requirement if bounded by a wall, fence, hedge, or other similar obstruction on one side and an additional 1m if bounded on both sides. As the access will be bound north of the site by the proposed parking, the access width is required to be 3.25m. However, and notwithstanding the submitted plans, the LHA would not seek to resist the application due to a 0.25m shortfall as it could not be demonstrated that this minor deviation would be considered severe in the context of paragraph 111 of the NPPF.

In terms of the proposed parking provision and internal layout, the LHA previously deemed the parking layout for Plot 3 acceptable as shown on additional Drawing Number 10 which also slightly revised the internal dimensions of the single garages at Plots 1 and 2 to be in accordance with standards set out in the Leicestershire Highways Design Guide. Drawing number 10 Rev A now demonstrates internal garage dimensions of 6m x 3.5m therefore will

be considered towards the parking provision at the site. The LHA is satisfied that the overall parking provision at the site is acceptable in accordance to the LHDG.

### **Conclusion**

The development would contribute 2 new dwellings at a time when the Council is unable to demonstrate a 5 year supply of housing land and at a time when they are most needed. The dwellings are also proposed in what is considered to be a sustainable location, with suitable accesses capable of being achieved and these are significant positive benefits of the scheme. The proposal would also provide some small term economic benefits throughout the construction period and following occupation of the dwellings and there would be some economic and biodiversity benefits derived and these benefits are afforded limited positive weight in the planning balance.

The development is considered to be of good design, with acceptable amenity impacts for neighbours and on a brownfield site within the existing street scene.

It is therefore concluded that any adverse impacts of granting planning permission would be significantly and demonstrably outweighed by the benefits. Consequently, the application of paragraph 11(d) of the NPPF does not indicate planning permission should be refused and the proposal represents sustainable development in accordance with the policies and advice set out above.

### **Recommendation:**

Under the terms of the constitution, there is no requirement that this decision be referred to the elected members of the planning committee. Therefore the decision is recommended under delegated authority.

Taking account of the above, it is recommended that planning permission is granted, subject to conditions

### **Conditions:**

Time Limits

Plan numbers

Materials to be agreed

Boundary Treatments to be agreed

Boundary treatments to be implemented

Landscaping scheme to be agreed

Landscaping to be implemented

Access/visibility arrangements to be done prior to occupation

Parking/turning facilities to be provided prior to occupation and maintained

Access drive hard-surfacing

Submission of details of roosting/nesting boxes, implementation and retention.