DELEGATED REPORT

Recommendation Made: 20 March 2008

Reference:- 08/00076/FUL **Parish:- Bagworth Parish Council**

Applicant:- Mr A Smith
75A Newbold Road
Barlestone
Nuneaton
Warwickshire

Location:- Land North Of 359 Station Road Bagworth Leicestershire

Proposal:- ERECTION OF FOUR DWELLINGS

Introduction:-

The application relates to an area of land located on the west side of station road on the northern edge of the village of Bagworth. To the south of the application site is located a row of terraced houses with parking located to the rear by a communal access track. The land used to be allotments however these are now derelict and over time have become overgrown and litter being dumped.

Planning permission is sought for the construction of four dwellings to be constructed as two semi-detached block with a central access drive leading to a parking area with a garage for each dwelling. Each dwelling would be have three bed rooms spread over three floors. Each dwelling block would have a central chimney to match those on the terrace properties adjacent to the site.

Relevant Planning History.

04/00138/OUT	Erection of three dwellings and associated access 07.06.04	Withdrawn
04/00787/OUT	Residential development for three dwellings 18.08.04	Permitted
06/01223/FUL	Erection of three dwellings with associated parking and access 02.02.07	Permitted

Consultations:-

To date one letter of objection has been received objecting to the proposal on the ground that it is a green field piece of land which should not be developed. The foul sewer already suffers from capacity issues and additional dwellings will make this worse.

Director of Highways, Transportation and Waste Management (highways) has objected to the proposal on the grounds of increased on street parking causing a danger to other road users.

No objections subject to conditions have been received from
Seven Trent Water
The Environment Agency
Head of Community Services (pollution)
Head of Community Services (land drainage)

Development Plan Policies:-

Hinckley and Bosworth Local Plan
-RES5- None allocated residential development
-BE1- Siting and design of development
-T5- Parking standards and highway design
-NE14- Contamination of water sources.
-REC3- Provision of play and open space

Supplementary planning guidance- New residential development

Appraisal:-

The main issues for consideration are the principled of development, highway safety, design of the proposal and landscaping issues.

The site lies within the settlement boundary of Bagworth and therefore the principle of residential development on the site is supported by Policy RES5 of the Hinckley Local Plan. The land benefits from a current planning permission for three properties.

The proposed access width and number of parking spaces provided is acceptable and comply with standards. The County highway engineer has objected to the proposal on the grounds that the remoteness of the parking to the rear of the site will lead to people parking to the front on the public highway, leading to a decrease in highway safety. However the site already has planning permission for three dwellings with the same parking arrangement. The County highway engineer did not object to the previous scheme and it is not considered that the additional dwelling now proposed would have such a detrimental impact on highway safety as to warrant a refusal of planning permission. The highway Authority have powers under separate legislation to control on street parking should it become an issue.

The site is on the edge of the settlement and boarders open countryside. It is proposed to plant hedges on the north and west boundaries of the site with a post and rail fence to defined the boundary until the hedge is mature. Whilst the principle of this is acceptable there is an existing hedgerow along the northern boundary which should be retained where possible, it is therefore proposed to insert conditions to this effect.

There are no amenity issues arising to neighbouring properties or neighbouring properties in connection with this application. The design of the proposed dwellings is considered in keeping with the surrounding terrace block and the siting of the proposal continues the building pattern of the area.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, RES5, T5, REC3, NE2, NE14, of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

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

2 This permission relates to the application as revised by amended plan 3880/B2 received by the Local Planning Authority on 25.02.08.

3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

4 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

5 No development approved by this permission shall be commenced until such a time as a scheme for the monitoring of landfill gas has been submitted to and agreed in writing with the Local Planning Authority. The development and monitoring of landfill gas shall be carried out in accordance with the agreed details.

6 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

7 The car parking and any turning facilities shown within the curtilage of each dwelling shall be provided before the dwelling is first occupied and shall thereafter permanently remain available for such use unless otherwise agreed in writing by the Local Planning Authority.

8 Before the first occupation of any dwelling hereby permitted, a footway shall be completed to the satisfaction of Local Planning Authority in consultation with the Highway Authority across the sites Highway frontage.

9 For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway.

10 Before first occupation of the dwellings hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained in perpetuity, where in the control of the applicant.

11 The shared private drive shall have a 4 metres control radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times.

12 The development hereby permitted shall not commence before the provision and maintenance of off-site open space or facilities whether by off-site physical provision or financial contributions as required in accordance with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide has been secured in such a manner as is approved in writing by the Local Planning Authority.

13 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

(i) proposed finished levels or contours
(ii) means of enclosure
(iii) hard surfacing materials
(iv) planting plans
(v) written specifications
(vi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
(vii) implementation programme.

14 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

15 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the aproved details before the development is first brought into use.

Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 To define the permission.

3 To ensure that the development has a satisfactory external appearance to accord with policy of the adopted Hinckley & Bosworth Local Plan.

4 To safeguard the amenities of the future occupants of the dwellings to accord with with Policy NE2 of the Hinckley and Bosworth Local Plan.

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7 To ensure that adequate off-street parking facilities area avaliable to accord with policy T5 of the adopted hinckley and Bosworth Local Plan.

8 The Highway fronting the site has no seperate facility for pedestrians and teh proposal would lead to an increase in pedestrian movement along the Highway. The footway is therefore required for teh safety of pedestrians in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.

9 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the Highway and becoming a hazard for road users in accordance with Policy T5 of the adopted Hinckley and bosworth Lcoal Plan.

10 To ensure that an adequate line of vision is avaliable in the interests of road safety to accord with policy T5 of the Hinckley and Bosworth Local Plan.

11 To ensure that vehicles entering and leaving the site may pass each other clear of the Highway and not cause a problems or dangers within teh highway in accordance with policy T5 of the adopted Hinckley and bosworth Local Plan.

12 To ensure the provision of Play and Open Space to accord with policies REC3 of the adopted Hinckley and Bosworth Lcoal Plan.

13 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

14 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

15 To ensure that the development is provided with a satisfactory means of drainage as well as to rduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with policy NE14 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 Condition 12 refers to play and open space contribution. In this instance a contribution of £4964 is required towards the provision and maintenance of off-site Public Open Space.

4 The proposed vehicular access position impacts upon existing street furniture adjacent to the site. The village name plate, speed limit signs & posts on both sides of the road will need relocating by a few metres. The signs should be positioned such that they do not impede visibility for drivers emerging from the new access. The repositioning of the speed limit signs may involve a legal procedure. It may also be necessary to pipe the existing ditch across the sites frontage. All works shall be carried out entirely at the applicants expense.

5 The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.

6 If the ground is found to be unsuitable for infiltration drainage the developer should consider use of the open drain at the western apex of the site, if accessible. The developer should also consider permeable paving for driveway, turning and parking areas.

7 Condition 14 refers to landscaping. The existing hedgrerow boundaries to the north and west of the site should be retained and enhanced as part of a wider scheme. The proposed scheme should take into account the sites designation as National Forest

8 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (01530 262380)

Contact Officer:- Sarah Humphries Ext 5680