DELEGATED REPORT

Recommendation Made: 3 June 2011

Reference:- 11/00319/FUL **Parish:- Hinckley**

Applicant:- Mrs Jenny Dolman-Thomas
2 Soar Way
Hinckley
Leicestershire
LE10 0XU

Location:- 2 Soar Way Hinckley Leicestershire LE10 0XU

Proposal:- FORMATION OF NEW ACCESS

Introduction:-

This is a full application for the formation of a vehicular access to the front of 2 Soar Way, Hinckley.

An existing hard standing is located to the front of the property which appears to be accessed by vehicles crossing the pavement. This application is to assist with ease of access into the premises.

There is no relevant planning history on this property.

Consultations:-

No comments have been received from: -
Director of Environment and Transport (Highways)
Head of Community Services (Land Drainage)

One letter of objection has been received raising the following concerns: -

The proposed development would be in breach of the terms of the transfer deeds with the developer due to a covenant being in place advising that the transferee is not able to create a hard standing for vehicles of any kind of description.

At the time of writing the report no comments have been received from: -
Ward Members
Neighbours
Site Notice

Development Plan Policies:-

Adopted Hinckley and Bosworth Local Plan

The site lies within the settlement boundary of Hinckley as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1 - Design and Siting of the Development
Policy T5 - Highway Design And Vehicle Parking Standards

Supplementary Planning Guidance: House Extensions Design Guidance (SPG)

Appraisal:-

The main considerations in respect of this application are its impact on the highway safety and visibility.

Impact on the Street Scene.

Soar Way is not a classified road and the creation of access would normally be permitted development providing it is carried our in accordance with the creation of a hard standing. The dwelling benefits from permitted development rights. Given that the dwelling already has a hard standing, the creation of the access (dropped kerb) is not permitted development.

However notwithstanding this point, the formation of the vehicular access at the application site will have a minimal impact on the street scene as a hard standing already exits at the dwelling. Even though none of the properties within the street scene have had kerbs dropped in order to gain access to properties, this should not be a reason to resist the proposal.

Highway Visibility and Safety.

No objection has been raised by the County Highways Authority. Adequate space is provided to the front of the premises to accommodate off street parking. Hard standing is available within the application site comprising of block paving. There is adequate visibility from both sides of the access ensuring the continued safety of pedestrians along with safe access onto and off the drive.

Other Matters.

In response to the concerns raised over the breach of covenant this is not a material planning consideration and is not relevant in the determination of this application.

Conclusion.

Overall the proposal is considered to be acceptable and it is recommended that planning permission be granted.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1 and T5
Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, the proposed development would not be to the detriment of highway safety or visual or residential amenity and it is therefore considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan

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

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan to a scale of 1:1250 received 04 May 2011; Site Block Plan to a scale of 1:500 received 04 May 2011; Existing and Proposed Elevations to a scale of 1:50 received 04 May 2011.

Reasons :-

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

2 To ensure that the development has a satisfactory external appearance to accord with policy of the adopted Hinckley & 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 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 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 (0116 3052202).

Contact Officer:- Joanne Orton Ext 5666