DELEGATED REPORT

Recommendation Made: 18 June 2008

Reference:- 08/00450/FUL **Parish:-** Burbage Parish Council

Applicant:- Mr Peter Hunt
16a Cadle Close
Stoney Stanton
Leicestershire
LE9 4HD

Location:- 20 Coventry Road Burbage Hinckley Leicestershire LE10 2HP

Proposal:- ERECTION OF FOUR BEDROOMED DETACHED DWELLING RE-SUBMISSION OF 07/01061/FUL

Introduction:-

The application relates to a corner of a residential garden within the settlement boundary of Burbage. The site has a protected Beech tree to the frontage which is of considerable amenity value.

Planning permission is sought for the erection of a single detached dwelling with a new vehicular access and integral garage.

Relevant planning history

07/01061/FUL	Erection of one dwelling	Withdrawn	15.10.07

Consultations:-

Councils Arbourcultural Consultant - raised concerns due to the impact on the protected tree.

Burbage Parish Council- no objections

Director of Transportation, Highways and Waste Management (highways)- has referred the case officer to the Hdt document in-practically the number and position of car parking spaces.

Environmental Health Officer- has recommended soakaway system providing the ground strata is suitable.

Development Plan Policies:-

BE1- Design and siting of development
RES5- New residential development
T5- Highway design and vehicle parking standards.

SPG- New residential development.

Appraisal:-

The main issues for consideration are the effect of the proposal on the appearance of the streetscene, the impact on the protected tree and on the amenities of surrounding neighbours.

Coventry Road contains a variety of different styles and heights of residential properties, with no one dominant character of dwelling. The proposed design with a projecting front gable, coin detail and a chimney is considered to be of good design and is not considered that the proposal would be incongruous within the street scene.

In 2007 planning permission was granted for a dwelling to the north of the site. The proposal maintains an adequate degree of privacy for the perspective occupiers of both properties and those in

surrounding existing properties. There are no windows overlooking any neighbouring properties. Due to the orientation of the proposal in relation to surrounding properties it is not considered that the proposal would significantly affect the daylight or sunlight of surrounding properties.

The County Highway engineer has requested that the case officer consider the parking arrangements and the distance of the garage to the rear of the highway. The proposal provides two off street spaces, which for a four bedroomed house is one less than is usually required. However, although there is space to provide a third parking space however this would further compromise the health of the tree. In these circumstances it is considered that the two parking spaces will be adequate. The proposed garage is sufficiently set back from the public footpath to enable a car to pull up on the driveway without obstructing other users of the highway.

The proposal has been designed to limit the impact on the tree as much as possible. The Councils Arbouriculture Officer has raised concerns about the development on the grounds that the proposal could affect the health of the tree. The applicant has been involved in lengthy discussions with the planning officer since the 2007 application was withdrawn, during which the opinion of the arbouricultural consultant was sought. No objection was raised regarding the principle of development on this site and therefore to maintain a consistent approach and give that all development is outside the canopy spread of the tree, it is considered that in this instance planning permission should be allowed.

RECOMMENDATION :- Permit subject to the following conditions :-

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

1 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 'Frontage details' received by the Local Planning Authority on 18.06.08.

3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order l995 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A, B, C, D and F shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

5 The materials to be used on the proposed hard landscaping shall be submitted to and approved in writing by the local planning authority.

6 Before any development is commenced on the site, including site works of any description, the protected beech tree to the front of the site, shall be securely fenced off by protective fencing on a scaffolding framework in accordance with B. S. 5837 erected in a circle round each tree at a radius from the bole of 3 metres or to coincide with the extremity of the canopy of the tree, whichever is the greater. Within the areas so fenced off, the existing ground level shall be neither raised or lowered, (except as may be approved by the Local Planning Authority as part of the development) and no materials, equipment, machinery or temporary buildings or surplus soil shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

7 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 REC2 and 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.

8 The use of the garage(s) shall remain at all times for the purpose of parking a motor vehicle and shall not be converted to additional living accommodation, unless otherwise agreed in writing with the Local Planning Authority.

9 No gates shall be erected to the vehicular access.

10 The proposed development shall be carried out in accordance with the recommendations contained within the submitted 'Tree Report and Arboricultural Impact Assessment' dated 19.11.07.

Reasons :-

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

2 For the avoidance of doubt.

3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

4 To safeguard amenities of neighbouring properties, and to protect the health of the protected tree, to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

5 To ensure that the surfacing used is permeable in the interests of protecting the health of the protected tree in accordance with Policy BE1 of the Hinckley and Bosworth Lcoal Plan.

6 The trees on this site are subject to a Tree Preservation Order and this condition is necessary to ensure that proper steps are taken to safeguard the trees during the course of development.

7 To ensure the provision of adequate play and open space within the vincinity of the site in accordance with Policy REC3.

8 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

9 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.

10 To protect the TPO tree in accordance with Policy BE1 of the 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. As from 6th 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 Condition 7 refers to public open space. In accordance with the Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide public open space should be provided either on site, or a contribution made towards off-site provision. In this instance a contribution of £1241 is required towards the provision of off-site public open space.

5 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

6 The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in the BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete lined perforated chamber with access for maintenance or, alternatively, assembled from units of one of the newer, modular systems, comprising cellular tanks and incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the building Control Surveyor.

7 The plans approved as part of this desision are A.042008.1. and 'frontage details' received by the Local Planning Authority on 01.05.08 and 18.06.08 respectively.

Contact Officer:- Sarah Humphries Ext 5680