COMMITTEE EXTRACT

Committee Date: 6 May 2008

Reference:- **08/00326/FUL** **Parish:-** **Groby Parish Council**

Applicant:- **Mrs J Axon**
7 Tudor Grove
Groby
Leicester
Leicestershire

Location:- **7 Tudor Grove Groby Leicester Leicestershire LE6 0YL**

Proposal:- **ERECTION OF ONE DWELLING INCLUDING ALTERATIONS TO 7 TUDOR GROVE RE-SUBMISSION OF 07/01002/FUL.**

Introduction:-

This application seeks full planning permission for the erection of a two storey dwelling with two attached single garages, one serving No. 7, which links to the new dwelling. This application is an amended scheme to a previously approved scheme considered by the planning committee on 23 October 2007. The differences include changes to the design and floorspace.

The site is located to the west of No. 7 Tudor Grove (a detached two storey dwelling), on land currently used as garden area. The proposed dwelling has similar design features and scale to No. 7. The proposal indicates off- street car parking provision for both the new dwelling and existing dwelling No. 7.

A conservatory erected to the side elevation of No. 7 and detached double garage are proposed to be demolished to accommodate the proposed development.

The front boundary is planted with mature trees and foliage with iron gates and railings located at the back edge of the footway enclosing the garden. Mature trees are also planted to the rear of the site within a landscaping buffer screen to Sacheverall Way.

The trees within the estate are protected by an Area Tree Preservation Order. Two trees are proposed to be removed from within the site, however these trees appear to have been planted after the Order was placed.

A Design and Access Statement was submitted with the application which states "the revised scheme is for a smaller dwelling to reduce the build costs and enable the current owner of the site to develop the site personally."

History:-

07/01002/FUL	Erection of one dwelling including alterations to No. 7 Tudor Grove	Approved 24/10/07
02/00441/FUL	Erection of boundary fence	Approved 31/05/02

Consultations:-

No objection has been received from:

Head of Community Services (Land Drainage)
Head of Community Services (Pollution)

Site notice displayed and neighbours notified.

At the time of writing the report comments have not been received from

Groby Parish Council
Director of Community Services (Ecology)
Director of Highways, Transportation and Waste Management (Highways).

Development Plan Policies:-

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

Policy RES5 of the adopted Hinckley and Bosworth Local Plan refers to residential proposals on unallocated sites and states that residential proposals on such sites will be granted planning permission if they lie within the boundaries of a settlement area and the siting, design and layout does not conflict with the relevant plan policies.

Policy BE1 of the adopted Local Plan seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Planning permission will be granted where the development: complements or enhances the character of the surrounding area with regard to scale, layout, design, materials and architectural features; avoids the loss of open spaces and features that contribute to the quality of the local environment; ensures adequate provision for off street parking for residents and visitors; does not adversely affect the occupiers of neighbouring properties.

Policy T5 of the adopted Hinckley and Bosworth Local Plan states that planning permission for development proposals will be granted providing they comply with the parking standards unless a different level of provision can be justified.

The Council's Supplementary Planning Guidance for new residential development sets out additional criteria for layout and design.

Appraisal:-

Principle.

The site is located within the settlement boundary of Groby therefore residential development is considered acceptable in principle. A similar, slightly larger scheme has been granted planning permission in October 2007.

Design and landscaping

Tudor Grove is located off Lime Avenue and serves 15 dwellings. The house types consist of a mixture of two storey semi-detached and detached dwellings. Although the application has reduced the size of the dwelling and changes its design and changed its design, primarily for financial reasons, the proposal is considered in keeping with the street scene generally, whilst the scheme proposes the removal of trees the scheme retains several other trees around the boundaries of the site. A condition is imposed to secure their retention and protection whilst the development is under construction.

Impact on amenity

With regard to the impact of the proposal on neighbouring properties, Nos 8 and 9 Tudor Grove are located to the west of the application site. The boundary of the application site runs alongside the private drive to No. 8. A distance of 14.7m is maintained between the two storey elements of the proposal and No. 8. No. 14 and 15 are located to the north of the application site on the opposite side of the road. On the basis of this information it is considered that there would not be any significant impact on the occupiers of nearby dwellings.

Highway

Whilst the scheme removes the existing off-street parking provision for No. 7 the proposal includes sufficient off-street parking provision for both properties.

Financial contributions

The site is within 400 metres of an informal public play and open space, therefore a financial contribution of £1241 towards the provision and maintenance of informal public play and open space will be required in line with policy REC3 of the adopted Hinckley and Bosworth Local Plan, the Council's Play and Open Space Guide together with the objectives of both the adopted Green Space Strategy and recommendations of the Parish Open Space Quantity/Accessibility Audit 2005.

Conclusion

The development is located within the settlement boundary of Groby where the principle of residential development is acceptable. Planning permission has been granted for a similar scheme and whilst works have not commenced on site the planning permission remains extant. This revised scheme is considered to be in keeping with the surrounding area and would not result in any significant harm to residential amenity and is therefore considered acceptable.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies RES5, BE1 and T5 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 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling and garages 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.

3 The car parking (including garage spaces) shown on the submitted plan shall be provided before the new dwelling is first occupied and shall thereafter permanently remain available for such use unless otherwise agreed in writing by the Local Planning Authority.

4 Prior to the development commencing on site the car parking (including garage) space shown hatched on the attached plan shall be provided solely for the use of No. 7 Tudor Grove and shall thereafter permanently remain available for such use unless otherwise agreed in writing by the Local Planning Authority.

5 Before any development is commenced on the site, including site works of any description, each of the trees (indicated by number on the attached plan) shall be securely fenced off by protective fencing, in a scheme to be agreed in writing by the Local Planning Authority. 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.

6 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.

7 Before development commences on the site a detailed scheme for the boundary treatment of the site shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the dwelling is occupied.

8 No development shall take place until a drainage scheme for the disposal of surface water and foul water have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented according to the approved plans.

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 BE1 of the adopted Hinckley & Bosworth Local Plan.

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

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

5 To ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

6 To ensure the provision of Play and Open Space to accord with policy REC3 of the adopted Hinckley and Bosworth Local Plan.

7 In the interests of visual amenity to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

8 To ensure satisfactory provisions are made for the drainage of the site.

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 6 refers to public open space. In accordance with the adopted 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 £1, 241 per dwelling is required towards the provision of off-site public open space. This can be provided by a one off payment or secured by the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

4 The applicant is advised that soakaways are preferred if the ground strata is suitable.

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.

Contact Officer:- Cathy Horton Ext 5605