**DELEGATED REPORT**

**Recommendation Made: 14 April 2009**

**Reference:- 09/00096/FUL** **Parish:- Earl Shilton Town Council**

**Applicant:- Ms Stuart Gibbs**
**171 Station Road**
**Earl Shilton**
**Leicester**
**Leicestershire**

**Location:- 171 Station Road Earl Shilton Leicester LE9 7GG**

**Proposal:- ALTERATIONS TO VEHICLE ACCESS**

**Introduction:-**

This is a full application for the creation of a new front vehicular access at 171 Station Road, Earl Shilton.

The existing access stands toward the southern end of the sites front boundary opposite Stoneycroft Road. The proposed development includes the removal of this access through the plantation and extension of the adjacent Yew Tree hedge to block the access. A new access is proposed on the northern side of the front boundary, situated approximately 4 metres from the existing access, and separated from the sites boundary with 169 Station Road by a 0.6 metre high and 1 metre wide Yew Tree hedge. The proposed access will remove a 3.9 metre wide section of the existing hedge and will lead into an existing tarmac front drive.

This application relates to amended plans which were submitted on 31st March 2009 to address the County Highways Officers concerns regarding visibility.

History
None

**Consultations:-**

The Highways Agency has no objection to this application.

Earl Shilton Town Council have no objection to this application

Leicestershire County Council Highways Officer has commented the proposed access is substandard but because the development will replace an existing substandard access which will be permanently closed a reason for refusal could not be sustain on highway grounds. The Officer has no objection with conditions relating to distance of gates from the highway, adequate drainage and turning facilities to be provided and the permanent closure of the existing access. In addition a condition on car parking provision within the curtilage, surface material of the drive and provision of adequate visibility splays has been recommended.

Leicestershire County Council Ecology Officer has recommended that works to the existing hedgerow should be done outside the bird nesting season between end of August and beginning of March. If works are to be undertaken during this time an ecologist should survey the tree for nesting birds and if any are discovered, work should be postponed till the young have the left the nest.

No response has been received from neighbours.

**Development Plan Policies:-**

Local Plan
- BE1- Design and Siting of Development

- T5- Highway Design and Vehicle Parking Standards

**Appraisal:-**

The central concerns to address in this application are the impact of the development on the character of the surrounding area, the occupiers of the application property, highway safety and nesting birds.

The development will block the existing access with a Yew Tree hedge to match existing which will appear immature initially but this visual impact will be limited and will diminish as the hedge matures. The 3.9 metre section of hedge to be removed will have no additional impact on the street scene due to the planting over the existing access.

The removal of the hedge has the potential to disturb nesting birds but the hedge is not covered under a Tree Preservation Order.
To ensure the protection of nesting birds on site the County Council Ecologists recommendations will be applied as a note to applicant.

A habitable window of the applicants' property currently stands directly opposite StoneyCroft Road. The position of the existing access currently provides no screening from vehicles headlights into this window. The removal of this access with the planting of a new hedge will mitigate some of this impact on the applicants' property and would improve the amenity of this property.

The amended scheme illustrates that adequate visibility splays will be provided for pedestrians and vehicles through the reduction of the hedge height to 0.6 metres. Whilst an access on the sites front boundary is not ideal in highway terms the scheme meets highways specifications for safety and as such is acceptable with highway conditions.

Overall the submitted scheme is acceptable in terms of impact on the character of the area, the occupiers of the application property, highway safety and nesting birds with conditions relating to distance of gates from the highway, adequate drainage and turning facilities to be provided and the permanent closure of the existing access. In addition a condition on car parking provision within the curtilage, surface material of the drive and provision of adequate visibility splays will be applied.

**RECOMMENDATION :- Permit subject to the following conditions :-**

**Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan and would not harm the character or appearance of the area or highway safety.
SUMMARY OF DECISION - The proposal is in conformity with Policies 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 This permission relates to the application as revised by amended plan 'Proposed change to vehicular access' received by the Local Planning Authority on 31st March 2009.

3 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.

4 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway and thereafter shall be so maintained.

5 Before first use of the development hereby permitted, turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.

6 The existing vehicular access shall be closed permanently within one week of the new access being brought into use and the existing vehicular crossing reinstated to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

7 Before first use of the development hereby permitted, pedestrian visibility splays shall be provided on the highway boundary on both sides of the access in accordance with the details shown on the amended plan, with nothing within those splays higher than 0.6 metres above ground level, and shall be so maintained at all times.

**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 enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

4 To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

5 To ensure that vehicles may enter and leave the site in a forward direction in the interests of road safety to accord with policy T5 of the Hinckley and Bosworth Local Plan.

6 To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points, to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

7 In the interests of pedestrian safety, to accord with policy T5 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 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. 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).

5 All birds, their nests and eggs are protected by the Wildlife and Countryside Act. We recommend that work to trees/ hedgerows is done outside the bird-nesting season- i.e. between the end of August and beginning of March. If work to the hedgerow is to be undertaken during the bird nesting season, we recommend that a suitably qualified ecologist surveys the hedgerow for nesting birds. If nesting birds are present, work must be postponed until the young have left the nest.

6 List of plans used in the determination of this application:-
Amended drawing- Proposed Change to Vehicular Access

**Contact Officer:-** **David Kiernan** **Ext 5898**