DELEGATED REPORT

Recommendation Made: 21 October 2008

Reference:- 08/00865/FUL **Parish:-** Burbage Parish Council

Applicant:- Mr Paul Collis
2 Paddock Lane
Burbage
Hinckley
Leicestershire

Location:- Land Rear Of 39 Coventry Road Burbage Leicestershire

Proposal:- ERECTION OF NEW DWELLING AND GARAGE

Introduction:-

This application seeks full planning permission for the erection of a new bungalow and garage granted planning permission under a previous application (Ref. No. 06/00029/FUL). The site, formerly part of the rear garden of 39 Coventry Road, is within the settlement boundary of Burbage with residential properties to three sides and an open public recreation area to the south. The site is accessed by a narrow unmade track known as Paddock Lane leading off Coventry Road. The details of the application and plans are the same as previously submitted and approved. This application has been submitted merely to extend the time period limited by Condition 1 of the previous approval.

History

06/00029/FUL - Erection of New Bungalow and Detached Garage - Approved - 23.03.06

83/00725/4 - Erection of One Detached Bungalow and Garage - Refused - 27.09.83

Consultations:-

No objections have been received from:-

Director of Community Services (Rights of Way)
Head of Community Services (Pollution)
Head of Community Services (Land Drainage)

No objections have been received subject to conditions from:-

Director of Highways, Transportation and Waste Management (Highways)
Severn Trent Water Limited

Director of Community Services (Ecology) does not object but refers to Trigger Note 8 (Land within a radius of 500 metres of a pond) and comments that bats have been recorded within the vicinity of the site.

Burbage Parish Council comment that the proposed development would have an unsatisfactory relationship with other nearby uses and would be significantly detrimental to the amenities enjoyed by the occupiers of those properties due to considerations of vehicular activity and that the proposal results in tandem development.

No response has been received at the time of writing this report from:-

Press notice
Site notice
Neighbours.

Development Plan Policies:-

BE1 - Design and Siting
RES5 - Residential Proposals on Unallocated Sites
T5 - Highway Design and Vehicle Parking Standards
SPG on New Residential Development
Leicestershire County Council's highway design guidance, 'Highways, Transportation and Development'
Burbage Village Design Statement

Appraisal:-

The site is within the settlement boundary of Burbage therefore residential development is acceptable in principle subject to siting, design and layout etc as detailed in Policy RES5 of the adopted Hinckley and Bosworth Local Plan (HBLP). The details of the application and plans are the same as previously approved in 2006. The site is located within Zone 2 as defined in the Burbage Village Design Statement 2006 (BVDS) which is generally described as having a mix of housing ranging from Victorian terraces to large modern detached homes. The BVDS requires houses to be matched in terms of design and scale with neighbouring properties and to front onto lanes and roadways. Whilst the proposal results in a new dwelling to the rear of the properties fronting onto Coventry Road, there are three existing dwellings of a similar scale and in a similar relationship to the south of the site accessed by Paddock Lane, therefore the development is not out of character.

The siting, design and layout of the proposed dwelling and garage has already been assessed as part of the previous planning permission and is considered acceptable in terms of the policies of the adopted Hinckley and Bosworth Local Plan and the BVDS. The proposal is only single storey and its relationship to surrounding dwellings is considered to be acceptable in terms of separation distances. The proposed dwelling is not unduly detrimental to the privacy or amenity of neighbouring dwellings and conditions in respect of details of boundary treatments and landscaping are recommended if the application is approved. The BVDS states that garages should be of a scale compatible with the dwelling they serve, should have pitched roofs and not be visually obtrusive. The proposed garage meets with this guidance.

Whilst the access to the site is narrow, the Director of Highways, Transportation and Waste Management (Highways) does not object to the application subject to a number of standard conditions and is satisfied that the proposed improvements to the access at the junction of Coventry Road and Paddock Lane will mitigate against the additional use of the access that this development is likely to generate, whilst benefitting all users of the access, yet accepting that the access will remain substandard in terms of the LCC's highway design guidance, 'Highways, Transportation and Development'. The use of the access by additional vehicles is not considered to be so detrimental to the amenities of the occupiers of adjacent properties to warrant refusal of the application.

There is no water body within the application site which comprises of overgrown garden. There are no existing buildings on the site that would provide a habitat for bats. A standard note to applicant is included in respect of protected species.

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 as the proposal would be in keeping with the character of the area, would not have a detrimental impact on the amenities of neighbouring properties and would not be detrimental to highway safety.

Hinckley & Bosworth Borough Council Local Plan (2001):- BE1, RES5 and T5

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 garage 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 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.

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 to E inclusive shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

5 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 approved details before the development is first brought into use.

6 Before any development is commenced on site a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the treatment proposed for all ground surfaces together with the species and materials and their disposition.

7 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be implemented during the next available planting season following completion of the dwelling and 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.

8 Details of all boundary treatment to the site including retaining walls shall be submitted to and approved in writing before development commences, and implemented in accordance with the approved scheme before first occupation of the dwelling hereby approved.

Prior to the development commencing, the proposed access improvements works as indicated in Dwg. No. 05/782 - 1003a shall be provided in accordance with Leicestershire County Council current design standards and as generally shown including widening, pedestrian visibility and junction visibility improvements. Once provided the improved access arrangements shall be maintained as such at all times thereafter.

10 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.

11 Before first occupation of the dwelling hereby permitted, the car parking and turning facilities shall be provided within the site as indicated on the approved plan No. 05/782 10002a and once provided shall be retained for such use at all times thereafter.

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 To ensure the provision of adequate play and open space within the vicinity of the site to accord with policy REC3 of the adopted Hinckley and Bosworth Local Plan.

4 To safeguard the privacy and amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

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

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

7 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.

8 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

9 In the interests of road safety to accord with policy BE1 of the Hinckley & Bosworth Local Plan.

10 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 BE1 of the adopted Hinckley and Bosworth Local Plan.

11 To ensure that adequate off-street car parking and turning facilities are available to accord with policy BE1of 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 List of Plans used in the determination of this application:- Site Location Plans (Scales 1;1250 and 1:500); No. 05/782 10002a and 05/782 1003a.

5 It will need to be demonstrated that adequate facility is available for the disposal of surface water.

6 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.

7 Condition 3 refers to a financial contribution towards public play and open space. In this instance a contribution of £1250.80 is required towards the provision and maintenance of off-site Public Open Space.

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 - (telephone 0116 3052202).

9 The proposal is situated in excess of 45 metres from the Highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service

vehicle in accordance with British Standard B.S.5906, 1980 and Building Regulations Approved Document B, Fire Safety 2004.

10 Nothing within the pedestrian visibility splays shall be erected or allowed to grow any higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority.

Contact Officer:- Richard Wright Ext 5894