**DELEGATED REPORT**

**Recommendation Made: 29 April 2010**

**Reference:- 10/00219/OUT** **Parish:- Groby Parish Council**

**Applicant:- Mr Andrew Smith**
**53 Zion Hill**
**Peggs Green**
**Coaleorton**
**Leicestershire**

**Location:- 40 Ratby Lane Markfield Leicestershire LE67 9RJ**

**Proposal:- ERECTION OF ONE DWELLING.**

**Introduction:-**

This is an outline application with all matters reserved for the erection of a detached dwelling on land to the south of 40 Ratby Lane, Markfield. A conifer hedge marks the boundary to the south.

The site is within the settlement boundary of Markfield, within a residential area consisting of detached two storey dwellings. The properties on the west side of Ratby Lane are set back from the highway, with projecting single storey garages to the front. On the opposite side of the road the dwellings are of individual design, however again set back from the highway behind off street parking areas.

It is proposed for a two storey dwelling to be constructed and the indicative plans indicate a dwelling with an internal garage, three bedrooms and sited in line with No. 40.

Relevant Planning History

None relevant

**Consultations:-**

No objection received from
- Head of Community Services (Pollution)
- Director of Environment and Transport (Highways)
- Head of Business Development and Street Scene Services

No objection subject to conditions have been received from
- Head of Community Services (Land Drainage)

Site was displayed and neighbours notified.

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

a) Damage to the conifer trees to the south of the site
b) Tree in the back garden should be taken down as it is dangerous.

**Development Plan Policies:-**

Local Development Framework-
Core Strategy- Policy 8, Key Rural Centres Relating to Leicester.

Hinckley and Bosworth Local Plan

Policy RES5- residential development on unallocated sites.
Policy BE1- design and siting of development.
Policy T5- highway design and vehicle parking standards.

Policy REC3- Outdoor play space for children
Policy IMP1- Contributions towards the provision of infrastructure and facilities.

Supplementary Planning Document
Play and Open Space Guide.

**Appraisal:-**

The main issues for consideration are the impact of the development on the street scene, the amenities of neighbouring residents, highway safety and impact on surrounding facilities.

Whilst the application is in outline with all matters reserved, an indicative scheme has been submitted, demonstrating that a two storey property can be accommodated on the site. It is considered that a dwelling as indicated is possible of continuing the character of the street scene.

The proposal would be located to the south of no. 40 and north of No. 42. No.42 is separated by a tall conifer hedge which is within the curtilage of this property. Due to the orientation of No. 42, and the distance from the site it is considered that with the appropriate placement of windows, no overlooking, loss of privacy or overshadowing would occur.

There is an existing access to the property serving the detached garage to the rear garden. Given that this is already used to serve one dwelling the access would be acceptable. There is considered to be sufficient space within the plot to provide sufficient off street parking to satisfy the requirements of the Highway Authority. No. 40 would be served by a separate access to the integral garage. This provides enough off street parking for the existing dwelling.

The site is located within 400m of the Countryman Way and Launde Road, recreational facilities. To comply with Policy REC3 the application attracts a contribution towards the maintenance and provision of facilities on these sites. This is calculated in accordance with the Supplementary Planning Document title Play and Open Space Guide, adopted September 2008 and requires a contribution towards maintenance of £433.00 and provision of facilities of £817.80 which equates to a total contribution of £1250.80.

An objection has been received on the grounds that the development would result in the loss of a number of the conifer trees that currently form the southern boundary of the site. The trees are not protected and are not species which would be considered for protection, and there are building methods that could be employed to protect the roots if considered necessary by building regulations. The replacement of any trees lost is a civil matter between both landowners.

**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 by virtue of the acceptability of the principle of development of this site and the additional information submitted that demonstrates that a dwelling can be accommodated without harm to the street scene or amenities of neighbouring residents the proposal would be in accordance with the development plan.
Hinckley and Bosworth Core Strategy (2009) :- Policy 8

Hinckley & Bosworth Borough Council Local Plan (2001) :- RES5, BE1, T5, REC3 and IMP1

1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:

i) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
ii) The scale of each building proposed in relation to its surroundings.
iii) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
iv) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

3 The reserved matters application shall include the following information for the prior approval by the Local Planning Authority.

i) The external building materials
ii) The provision to be made for vehicle parking on the site
iii) The existing trees and hedges on the site, which are to be retained
iv) The provision to be made for screening by walls and fences
v) The floor levels of the proposed dwelling in relation to the existing ground level and the finished levels of the site.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

4 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
site location plan scale 1:1250 and block plan scale 1:500 received 17.03.10

5 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.

**Reasons :-**

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

2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

3 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

4 For the avoidance of doubt and in the interests of proper planning.

5 To ensure the provision of adequate paly and open space within the vincinity of the site in accordance with Policy REC3 of the adopted 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. 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 Condition 4 of the outline application refers to play and open space contribution. In this instance a contribution of £1,250.80 is required towards the provision and maintenance of off-site play and open space, consisting of £817.80 towards the provision of equipment and £433.00 towards maintenance over a 10 year period. .

**Contact Officer:- Sarah Humphries Ext 5680 Date Printed: 4 May 2010**