COMMITTEE EXTRACT

Committee Date:

Reference:- 11/00721/OUT **Parish:- Ratby Parish Council**

Applicant:- Leicester Diocese Board Of Finance
C/o Agent

Location:- Ratby Former Vicarage 15 Groby Road Ratby Leicester Leicestershire

Proposal:- ERECTION OF TWO DWELLINGS AND FORMATION OF VEHICULAR ACCESS AND SITING.

Introduction:-

Application Proposal

This application seeks outline planning permission (siting and access) for the erection of two dwellings on the garden land to the front of the Old Vicarage on Groby Road in Ratby and a new access off Groby Road. The site plan submitted indicates two detached properties and a detached double garage. The dwellings are sited parallel to one another, adjacent to the northern boundary. The proposed access is situated towards the south western end of the front boundary and the driveway will run in a roughly north eastern direction to the garage, which is sited in the north eastern corner of the site.

This application follows a previously withdrawn scheme (11/00374/OUT) this was withdrawn on highway grounds, impacts on the protected trees and siting issues. Prior to the submission of this scheme a number of meetings have been held between the Local Planning Authority and the agent, in order to resolve the previous issues raised.

The Site and Surrounding Area

The site is irregular in shape and comprises the grounds of the former rectory. The plot is situated to the south of the Rectory building. The Rectory is a large detached dwelling of stone and tile construction with red brick detailing on the corners and around the fenestration. The site comprises an area of roughly 0.26 hectares. The ground level raises slightly to the north and is characterised by a number of mature trees. All the trees on site are protected by a Tree Preservation Order. The existing access leads off Groby Road and follows the eastern boundary. Main Street forms the southern boundary of the site, and is well stocked with mature landscaping which screens the site. The western boundary adjoins an access to further houses and Oaklands Stables. This is lined with a formally planted row of mature lime. Further north east of the site are dwellings which vary in style and age. To the north of the site is the Ratby Green Wedge.

Technical Document submitted with application

The application has been accompanied by a Design and Access Statement and an Arboricultural Assessment. The Design and Access Statement provides an overview of the site and an appraisal of the scheme against planning policies and the Ratby Village Design Statement. In addition it provides an overview of the pre application advice received. It concludes that two large dwellings can be easily accommodated on the site and that the intention of the scheme is to enable sympathetic development within the extensive grounds of the former Vicarage.

The Arboricultural Assessment provides and assessment of each tree on site, indicating those which will be affected by the proposal, and includes a number of recommendations and mitigation measures to ensure their protection.

History:-

11/00374/OUT	Erection of two dwellings and formation of Vehicular access and Siting	Withdrawn	11.07.11
08/00106/CTPO	Removal of two trees	No Objection	20.02.08
03/00359/CTOP	Removal of one Lime Tree	No Objection	13.05.03

Consultations:-

No objection has been received from the Head of Community Services (Pollution).

No objection subject to conditions have been received from:-
Severn Trent Water
The Director of Environment and Transport (Highways).

No objection subject to notes to applicant have been received from the Head of Community Services (Land Drainage).

Ratby Parish Council have objected to the application on highway grounds and potential impacts on the TPO trees.

One letter of neighbour representation has been received, however the comments made related to the original layout. Subsequently confirmation has been received that there are no objections to the revised application.

No comments have been received from:-

The Borough Council's Arboricultural Consultant
Head of Business Development and Street Scene Services (Waste).

Development Plan Policies:-

National Policy Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' refers to the delivery of sustainable development through the planning system. It advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

The Planning System: General Principles, forms a supplement to PPS1. This states that "planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging Development Plan Documents. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached".

Planning Policy Statement 3 (PPS3): 'Housing' sets out the national planning policy framework for delivering the Government's housing objectives.

This document states at paragraph 12 that good design is fundamental to the development of high quality new housing. Paragraph 13 reflecting policy in PPS1 states that good design should contribute positively towards making places better for people. Design which is inappropriate in its context, or which fails to improve the character and quality of an area and the way it functions, should not be accepted. Paragraph 16 lists matters to be considered when assessing design quality; this includes assessing the extent to which the proposed development is well integrated with and compliments, the neighbouring buildings and the local area more generally in terms of scale, density layout and access.

PPS3 has recently been updated, of relevance to this development is Paragraph 47 which has been amended stating that 30 dwellings per hectare is no longer a national indicative minimum density to allow local planning authorities to develop their own range of policies whilst having regard to the continued need to develop land in the most efficient manner.

The PPS states the need for Local Planning Authorities to set out policies and strategies for delivering housing provision which will enable continuous delivery of housing for at least 15 years. Further to this, sufficient specific deliverable sites to deliver housing in the first five years should be identified. Paragraph 71 of PPS3 states that where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites they should consider favourably planning applications for housing having regard to the policies within the PPS and particularly paragraph 69 which lists the following considerations:-

a) achieving high quality housing
b) ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people
c) the suitability of a site for housing, including its environmental sustainability
d) using land effectively and efficiently
e) ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

Planning Policy Statement 9 (PPS9): 'Biodiversity and Geological Conservation' requires Local Authorities to fully consider the effect of planning decisions on biodiversity including protected species and biodiversity interests in the wider environment. The broad aim is that development should have minimal impacts on biodiversity and enhance it where possible.

Planning Policy Guidance Note 13 (PPG13): 'Transport' set out the Government's commitment to transport and planning and confirms that highway safety is a paramount consideration in the determination of any planning application. Paragraph 6 states that Local Planning Authorities should accommodate housing principally within urban areas and promotes accessibility to services by public transport, walking and cycling and reduces the need to travel. Paragraph 29 states that when thinking about new development the needs and safety of the community should be considered and addressed in accompanying Transport Assessments.

Planning Policy Guidance 17 (PPG17): 'Planning for Open Space, Sport and Recreation' sets out the Government's commitment to the need for sport and recreation development and seeks to deliver rural renewal, social and community inclusion, health and well-being and promotes sustainable development. The PPG encourages development for sport and recreation in appropriate rural locations.

The Community Infrastructure Levy (CIL) Regulations 2010, Part 11, Regulation 122 provides a statutory duty in respect of planning obligations and requires them to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. The Regulation does not replace Circular 05/2005 but gives it a statutory foothold in planning legislation.

Government Circular 05/2005: Sets out the Secretary of State's policy on Planning Obligations, and should be given significant weight in decision making and developer contributions.

Regional Policy Guidance

The Localism Act received the Royal Assent on 15 November 2011 and part 6 is the key section referring to regional strategies.

In so far as Hinckley and Bosworth Borough Council is concerned, it should be noted that the Secretary of State has power by Order to revoke existing regional strategies, in Hinckley's case, the East Midlands Regional Plan 2009. That power is effective from the date of Royal Assent, but the specific proposals and timing of a revocation order are not yet known

Until that revocation, the East Midlands Regional Plan remains a material planning consideration but the weight to be given to its provisions is as always a matter for the committee. However, the coming into force of the Act, the power given to the Secretary of State to revoke the Plan, and the government's `Environmental report on the revocation of the East Midlands Regional Plan` published in October 2011 obviously have an impact on the weight to be given to the Plan

That said, members should be aware of proposals set out in the Environment report in relation to which

documents would form the relevant development plan for Hinckley if the regional strategy and saved structure plan policies were revoked.

These are the following;

a) Hinckley and Bosworth Core Strategy;
b) Hinckley Town Centre Action Plan
c) Hinckley and Bosworth Local Plan (with the annotation in the report that until all elements of the LDF are adopted some of the policies `saved` from the Local Plans by the Secretary of State remain extant for determining applications.

East Midlands Regional Plan 2009

This is the Regional Spatial Strategy for the East Midlands and provides a broad development strategy for the East Midlands. The following relevant policies apply to this proposal:-

Policy 1 seeks to secure the delivery of sustainable development.

Policy 2 promotes better design including highway and parking design that improves community safety.

Policy 3 directs development towards urban areas with Hinckley being defined as a Sub-Regional Centre and the main focus for development at the local level. Policy 3 also states that in assessing the suitability of sites for development priority should be given to making the best use of previously developed land in urban or other sustainable locations.

Policy 43 seeks to improve highway safety across the region and reduce congestion.

Local Development Framework Core Strategy 2009

Policy 8: 'Key Rural Centres relating to Leicester' this seeks to support services in Ratby to ensure local people have access to a range of services and housing. This suggests that land should be allocated for 75 new homes and that the existing deficiencies in the quality, quantity and accessibility of Green Space and play provision be addressed.

Policy 21: 'National Forest' this seeks to ensure that the siting and scale of the proposed development is appropriately related to its setting within the forest and that landscaping proposals accompanying applications are reflective of the fact that the development is situated within the Forest.

Policy 14: 'Rural Areas: Transport' this supports the delivery of viable, high quality public transport network between the Key Rural Centres and to deliver safe cycle paths as detailed in the Hinckley and Bosworth Council's Rural Parishes Cycling Network Plan. This seeks to deliver safe routes to school, residential and employment areas, key rural centres, community and leisure facilities and into the countryside. Developers will be required to contribute towards these facilities through developer contributions.

Policy 19: 'Green Space and Play Provision' seeks to ensure that all residents have access to sufficient, high quality and accessible green spaces and play areas.

Hinckley and Bosworth Local Plan 2001

The site is situated within the settlement boundary of Ratby as defined within the adopted Local Plan.

Policy RES5: 'Residential Proposals on Unallocated Sites' states that on sites that are not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies.

Policy IMP1: 'Contributions Towards the Provision of Infrastructure and Facilities' requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Policy BE1: ‘Design and Siting of Development’ of the adopted Local Plan states that the Borough Council will seek to ensure a high standard of design in order to safeguard and enhance the existing environment and that planning permission will be granted where the development complements or enhances the character of the surrounding area with regard to design, materials and architectural features, and is not prejudicial to the comprehensive development of a larger area and does not adversely affect the occupiers of neighbouring properties.

Policy REC3: ‘New Residential Development - Outdoor Play Space for Children’ requires the appropriate level of open space to be provided within development sites or, alternatively, a financial contribution to be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area.

Policy T5: ‘Highway Design and Vehicle Parking Standards’ refers to the application of appropriate standards for highway design and parking provision for new development.

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance (SPG): ‘New Residential Development’ provides a series of standards that new residential development should achieve in respect of density, design, layout, space between buildings and highways and parking. It specifically states that the appropriate density of the development will be determined by the general character of the surrounding area.

The Council’s Supplementary Planning Document (SPD): ‘Play and Open Space’ provides a framework for the provision of play and open space and financial contributions to support the requirements of Policy REC3.

The Council’s Supplementary Planning Document (SPD): ‘Sustainable Design’ aims to support and encourage developers and applicants in delivering homes in line with national best practice guidance primarily the Code for Sustainable Homes for housing and delivery of sustainable development through the planning system.

Other material policy guidance

The National Planning Policy Framework (Draft)

The draft National Planning Policy Framework was published for consultation on 25 July 2011.

The government’s intention is to reduce the current 1,000 pages of national planning policy [some of which are referred to above] into a `clearer, simpler, more coherent framework, easier to understand and easier to put into practice`

The Inspector in a recent inquiry considered that although the draft was a material consideration he gave it little weight because it is a consultation and subject to change.
This approach was accepted by the Secretary of State in a letter of 24 October 2011, in his consideration of the inspector’s report.

The current national policies therefore continue to apply with significant weight

Officers will continue to advise on the progress of this consultation and update members on that progress

The Ratby Village Design Guide (VDS) (2011) subdivides Ratby into four zones based on their location and history. The application site lies within zone ‘D’; Church Farm Estate to the east (late 20/21st century). The VDS states that the Vicarage (1904) was the first house in Ratby. The guide goes on to explain the specific characteristics of the area and suggests that proposals should be in keeping with the size, scale and design of the local area.

Ministerial Statements

Planning For Growth (2011) This suggests that the planning system has a key role to play in ensuring that the sustainable development needed to support economic growth is able to proceed as quickly as possible. When

deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. This statement confirms that particular weight will be attached to the need to secure economic growth and employment

Appraisal:-

As this application seeks outline approval for siting and access only, the main considerations with regards to the proposal are the principle of development, impacts on the trees, the proposed layout and impacts on residential amenity, highway safety, developer contributions and other issues. All other matters are for consideration at a later date under the reserved matters application.

Principle of Development

The site is located within the settlement boundary of Ratby, as defined on the Adopted Hinckley and Bosworth Local Plan proposals map and therefore there is a presumption in favour of development subject to all other planning matters being appropriately addressed.

Planning Policy Statement 3 (PPS3) was revised on 9th June 2010 and removed private residential gardens from the definition of previously developed land and removed the national indicative minimum density of 30 dwellings per hectare. The exclusion of private residential gardens from the definition of 'Brownfield' land was considered a reaction to the increasing pressures placed on local communities when developers propose the demolition of large dwellings and the construction of a number of dwellings in its place. The subsequent letter from the Chief Planning Officer on 15th June 2010 makes clear these amendments provide Local Authorities the opportunity to prevent over development and to determine for themselves the best locations and types of development. It is also interpreted that the changes are to primarily prevent over development within residential areas that are considered out of character.

Following the changes to PPS3, as the application comprises the front garden area of the Rectory, the application site falls outside the definition of brownfield land. The Council has considered that where development falls within outside this classification but is within a defined settlement boundary, the character density, mass, layout and design should be fundamental to the determination of the application alongside the development being carried out in accordance with relevant plan policies.

This judgement is supported by Policy RES5 of the Adopted Local Plan that states that on sites not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies.

Accordingly the impact of the development on the defined character of the area will be considered.

Layout and Character

Local Plan Policy BE1 seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features'. This consideration ties in with the intention of the amendments to PPS3 for local authorities to prevent overdevelopment.

The area is predominantly characterised by detached properties accommodating long, relatively narrow plots, set back a uniform distance from the highway. However, immediately adjacent to the site, to the east are two detached properties which do not follow the general pattern. These have an 'L' shaped footprint, are set further back from the highway, and accommodate lager plots. In addition, adjacent to the site to the west are a pair of tandem properties. The design, style and age of dwellings in the surrounding area is varied. The exception to the character of the area is the Rectory, which accommodates an extensive, well vegetated plot and is set back a considerable distance from the highway.

The layout plan illustrates the proposed siting of the development and the approximate footprint of the dwellings. The siting proposed does not follow the common pattern of the area, in that the dwellings do not front the road and do not accommodate regular sized, vertically emphasised plots. This said, the proposals

parallel positioning to one another, is similar to that of the dwellings further west, and they are set at a similar depth to number 5a Groby Road. Further the indicative footprints illustrated are a similar size to those of surrounding dwellings. Although the proposed siting of the dwellings is not reflective of the dominant character of the area on the north of Groby Road, as these plots are generally smaller and the area is developed at a much higher density, by virtue of the dense landscaping to the boundaries of the site, which is protected by a County TPO, only fleeting views of the dwellings will be visible from the street scene. Accordingly, the proposal is not considered to have a material impact on the character of this area. In addition, the plot size proposed is more than adequate for the size of properties, and the amenity spaces provided complies with the guidance outlined within the SPG on new residential development.

By virtue of the above, the character of the area is not considered to be compromised by the proposal and the scheme does not constitute over development of the plot. Therefore the principle of development is considered acceptable and will be in general accordance with guidance contained with PPS3, Policy BE1 of the adopted Hinckley and Bosworth Local Plan and with the principles outlined in the Council's SPG on New Residential Development.

Access and Highways Issues

A key issue in this application is the acceptability of the access arrangements. A new vehicular access is proposed towards the south western end of the application site, the driveway will then run through the site in a north eastern direction. The location of the access has been subject of much discussion at pre application stage. Initially it was sited more centrally along the front boundary; however this resulted in the loss of some important tree species and required the removal of too much vegetation along the front boundary of the site in order to achieve the visibility splays. This was considered to compromise the character of this stretch of road, which is characterised by a maturely vegetated frontage, to a detrimental level. The proposed access will provide 2.4 metre x 50 metre visibility spays in each direction, which will involve minimal loss of vegetation. The Director of Environment and Transport (Highways) has recommended approval subject to standard conditions.

Accordingly, subject to these conditions there are considered to be no adverse impacts in terms of highway safety and the development is in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.

The Parish Council have raised concerns that the proposal will result in increased traffic movements from the site. Whilst this will be the case, by virtue of the fact that two additional dwellings are proposed. It is not considered, subject to the conditions suggested by the Director of Environment and Transport (Highways) that the additional vehicle movements will result in an adverse impact in terms of highway safety. Therefore there is no justification for refusal on these grounds.

Impact upon Residential Amenity

The neighbouring dwellings most affected by the proposal will be the former Rectory, numbers 5 and 5a Groby Road and number 21 Groby Road. As the application proposes siting only, and no elevational details have been submitted, impacts of overlooking cannot be assessed. That said, it can be considered whether the proposed siting will result in the development being over bearing, causing loss of light or being over dominant. To reduce the likelihood of the above occurring, the SPG on new residential development suggests that there should be 25 meters between elevations containing principle windows, and 14 meters where a window faces a blank elevation.

Measurements have been taken from the proposed dwelling to the surrounding properties. The dwellings to the east and west of the site are both in excess of 25 meters from the proposed dwellings, further as the boundaries of the site are maturely vegetated, it is considered that there will be no impacts on these properties in terms of loss of light, over dominance or overshadowing.

The Rectory is sited to the north of the proposed dwellings and sits on a slightly higher ground level than the proposed dwellings. There is 5 metres between the side elevation of this, and that of the plot b. In terms of overshadowing caused by the Rectory; as the proposed dwellings are sited to the south of this, any overshadowing will be limited. As plot b is sited on a lower ground level that the Rectory and the separation distance between the properties will only be 5 metres, the Rectory may feel overbearing. To reduce such impacts, a close board boundary fence and landscaping will be required along the northern boundary of the

site. Specific details of such can be requested by condition.

As plot b is sited to the south of the Rectory, it may result in some overshadowing to the adjacent garden area of the Rectory. This said, following the development, the Rectory will still accommodate a large plot and there is adequate remaining garden area which will not be overshadowed by the proposal. Accordingly, any overshadowing caused, is not considered material. There are windows in the southern elevation of the Rectory ,which may be overshadowed by plot b, however as the footprint of plot b is set further towards the western boundary than that of the Rectory, and accommodates a lower ground level, the level of overshadowing caused to these rooms would be marginal and would not justify refusal of the application.

Based on the above, the relationship between the proposed dwellings and the Rectory, subject to conditions, is considered acceptable and will not result in any material impacts in terms of overshadowing, loss of light and overbearing impact.

In summary, it is considered that the scheme does not result in any significant material impacts upon residential amenity and accords with Saved Policy BE1 of the adopted Hinckley and Bosworth Local Plan and with the principles outlined in the Council's SPG on New Residential Development.

Other Issues

Impact on trees

An Arboricultural Assessment has been conduced, this assesses and categorises all trees on site according to their amenity value and individual health. There are four categories A – High Quality, B – Moderate Quality, C – Low Quality and R – Remove. The survey categorises no trees as category A or R, with the majority of trees falling within category B and C.

On site the majority of trees are situated along the boundaries, with the exception of a smaller number which are situated internally.

The position of the proposed access has been carefully considered to reduce impacts on the trees located within the front boundary. Trees T11 and T12 have been recommended for removal. Within the assessment these were categorised as low arboricultural quality and value. These two trees are considered to have a limited future value to the group of trees they form part of, due to their suppressed and poorly formed shapes and thus their loss is considered justified. Trees T10, T13 and T14 would be affected by the proposed internal driveway, however to overcome construction impacts associated with this, it has been recommended that the road be constructed using a 'no-dig' construction method. This construction can be secured by way of condition.

To facilitate the proposed siting of the two dwellings, trees T27, T28, T19, T20 and TG2 will need to be removed. These are all categorised as Category C specimens, which constitute either specimens of a poor quality, or young trees with a stem diameter below 50mm. Accordingly these trees are not considered to contribute greatly to the amenity of the area. Accordingly their loss is considered acceptable. The plan also shows T8 to be removed. However, T8 is considered to be fine specimen which, does contribute to the amenity value of the area. Accordingly it is considered necessary to require retention of this tree and that 'Tree Friendly' construction methods are used. This can be secured by way of condition.

As this application is for the siting of the dwellings, various conditions can be imposed to ensure that the trees on site are adequately protected, and where species are lost, suitable mitigation is secured.

Developer Contributions

Play and Open Space Contributions

Core Strategy Policy 19 and Saved Local Plan Policy REC3 seek to deliver open space as part of residential schemes. Policy REC3 is accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update). In time it is intended that Policy REC3 will be superseded by Core Strategy Policy 19 and the evidence base of the Open Space, Sport & Recreation Facilities Study once the Green Spaces Delivery Plan has been completed.

To date only the Open Space, Sport & Recreation Facilities Study has been completed and as such the evidence base is not complete to complement Policy 19. Accordingly, this application is determined in accordance with the requirements of Policy REC3, SPD on Play and Open Space and the Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

The site is located within 400 metres of Cottage Close Recreational Facility. The proposal triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policy REC3 supported by the Council's SPD on Play and Open Space.

The request for any developer must be considered alongside the guidance contained within Circular 05/05 and more recently in the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. In Ratby the contribution would be required for the protection and improvement of existing open space. The estimated cost for this would be £40,000.

Within the Green Space Strategy 2005-2010, Ratby was found to have a deficiency of equipped play space (-.22) and a deficiency of informal play space (-0.06) when compared with the National Playing Fields Standard.

The quality of the space has been considered within the Quality and Accessibility Audit update of 2007 which awarded Cottage Close recreational facility a quality score of 54.3%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. As the scheme results in a net gain of 2 dwellings a total figure of £2,501 is sought; £1635.60 for provision and £866 for maintenance.

It is considered that Ratby has a deficit of both equipped and outdoor sports areas. The size of units proposed would appeal to families and given the proximity of the application site to these open spaces it is considered that the future occupiers would use the facility, increasing wear and tear and requiring more equipment. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance.

A Unilateral Undertaking is under negotiation to secure the play and open space contributions.

Conclusion

Although this site has various constraints, the siting and access of the proposed dwelling are not considered to give rise to any material impacts on the residential amenity of surrounding properties, highway safety or the protected trees on site. Appropriate conditions will be imposed to ensure that the character of the area will be not be harmed through the loss of trees. Accordingly the proposal is considered acceptable and in accordance with adopted planning policies.

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 and receipt of an acceptable Unilateral Undertaking, the proposed development would be in accordance with the development plan. By virtue of the siting and position of the access proposed there are considered to be no material impacts in terms of residential amenity, highway safety, on the character of the area or on the protected trees. Accordingly the proposal is considered acceptable. Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009): - Policy 8, Policy 21, Policy 14, Policy 19
Hinckley and Bosworth Borough Council Local Plan (2001):- RES5, IMP1, BE1, REC3, T5

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 In respect of each part of the development to be the subject of a separate reserved matters approval, that phase or part of the development as hereby permitted shall not be commenced until approval of the following details (hereinafter called “reserved matters”) has been obtained from the Local Planning Authority in writing:

i) Scale
ii) Appearance
iii) Landscaping

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

3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Drg Nos:- 2226/1 received by the Local Planning Authority on the 12.10.11, Drg No:- 1723-05d received by the Local Planning Authority on the 27/10/11

4 The access driveways shall be a minimum of 4.25 meters wide for the first 5 meters behind the Highway boundary. The access drive once provided shall be retained thereafter.

5 Before first occupation of the dwellings hereby permitted, its access drive and any turning space shall be surfaced with a hard bound porous material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

6 Prior to commencement a scheme for the construction of the internal access road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and retained thereafter.

7 No development shall take place until a scheme for the protection of trees on site has been submitted to and agreed in writing with the Local Planning. The scheme shall be implemented in accordance with the approved details and retained for the duration of the development.

8 Prior to commencement a scheme of mitigation to compensate for the tree lost as a result of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be 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.

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

4 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause a danger to highway safety in accordance with Policy T5 of the adopted Local Plan.

5 To reduce the possibility of deleterious material being deposited in the highway to accord with Policy T5 of the adopted Hinckley and Bosworth Local 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. To accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

7 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. To accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

8 In the interests of visual amenity to accord with policy BE1 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 6 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 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:- Eleanor Shaw Ext 5680