

Item No. 2

Application No: P/09/0472/2

Application Type:	Full	Date Valid:	6th March 2009
Applicant:	Mr D.R Campbell		
Proposal:	Demolition of existing bungalow and erection of 5 new bungalows. (revised scheme P/08/2762/2 refers)		
Location:	61 Highway Road, Thurmaston, Leicester, LE4 8FR		
Parish:	Thurmaston	Ward:	Thurmaston Ward
Case Officer:	Mrs D Liggins	Tel No:	01509 634733

Description of the Application

This application is reported to Plans Committee in the interests of probity as the application site belongs to a serving member of the Borough Council.

The proposal is for the erection of 5 two-bedroom bungalows following the demolition of the existing dwelling. The proposal includes the provision of a private drive, car parking, gardens and a bin store and extends to approximately 1.6ha of land on the east side of Highway Road.

The application is accompanied by a design and access statement which states that the rear garden comprises mainly amenity garden land with shrubs, conifers and fruit trees and that there are no significant trees worthy of protection within the application site. Members should be aware that whilst this statement is now true, the most attractive tree on the site (a large Monterey Pine tree) was removed in early March following the applicant being informed that steps were being taken to make this tree the subject of a tree preservation order. Had the tree remained the dwellings proposed on Plots 3, 4 and 5 would have been compromised.

The application site is located within a Primarily Residential Area as defined in the Borough of Charnwood Local Plan and is well-served by public transport and within 0.6km of Thurmaston District Centre.

Development Plan Policies and other material considerations

- **Development Plan Policies**

East Midlands Regional Plan (RSS8) 2009

This sets out the strategic framework for the preparation of local authority planning documents and local transport plans. It promotes economic prosperity, the protection of the environment in urban and rural areas, improved access to jobs, homes and services and the protection of the region's bio-diversity.

RSS8 provides a broad development strategy for the East Midlands up to 2021. A core principle of the document includes an intention to create sustainable communities in a way that manages the region's resources to contribute to a safer, more inclusive society. It indicates that this will be achieved through sustainable patterns of development that make efficient use of land resources and infrastructure and reduce the need to travel.

Policy 3 sets out the locational criteria that should be considered when allocating land for new development. Development should be concentrated within the areas five principle urban areas. Smaller scale development is appropriate within Loughborough. The development needs of other settlements and rural areas should maintain the character and vitality of rural communities, shorten journeys to jobs and services, strengthen rural enterprise and linkages between settlements and their hinterland, and respect the quality of tranquillity. Priority should be given to achieving the regional target of 60% of additional dwellings on previously developed land.

Policy 13 sets out the Regional Housing Provision for each district 2006-26. Charnwood's annual apportionment is 790 dwellings per year, totalling 15,800.

Borough of Charnwood Local Plan (adopted 12th January 2004)

Policy H/16 states that new housing development should respect the character and appearance of the street scene and overall settlement form. The policy also states that significant landscaping should be retained and that existing trees and features should be used as a focus for the development.

Policy EV/1 is concerned with achieving high standards of design for all new development and states that new development must respect and enhance the local environment.

Policy EV/17 states that in determining planning applications, the Council will have regard to the need to make provision in the design and layout of new development for the purposes of creating a safer environment, particularly for women, children and the elderly in recognition that crime prevention and the fear of crime can be taken into account in design.

• **Other Policies**

Planning Policy Statement 1 (PPS1) (Delivering Sustainable Development) was published in January 2005. It sets out the overarching planning policies on the delivery of sustainable development through the planning system by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;

- ensuring high quality development through good and inclusive design, and the efficient use of resources;
- ensuring development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

It reiterates that where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise. The guidance states that planning should seek to maintain and improve the local environment and help to mitigate the effects of declining environmental policies through positive policies on issues such as design, conservation and the provision of public open space.

Planning Policy Statement 3 (PPS3) (Housing) – underpins the delivery of the Government’s strategic housing policy objectives and the goal is to ensure that everyone has the opportunity to live in a decent home, which they can afford, in a community where they want to live. In order to achieve this, the government aims to achieve the provision of a wide choice of high quality homes, both affordable and market housing, to address the requirements of the community. It will also seek to widen opportunities for home ownership and ensure high quality housing for those who cannot afford market housing, in particular those who are vulnerable or in need and improve affordability across the housing market, including by increasing the supply of housing.

Planning Policy Statement 9 (PPS9) (Biodiversity & Geological Conservation) - It includes the broad aim that planning, construction, development and regeneration should have minimal impacts on biodiversity and enhance it wherever possible. It also recognises that enhancing biodiversity in green spaces among developments can contribute to a better quality of life and people’s sense of well-being.

The Council has adopted SPG relating to Tandem and Backland Development which emphasises that protecting the character of the area is an important objective, and is particularly applicable where an area has special characteristics. The guidance sets out suggested separation distances between dwellings and demands careful consideration of the effects of any proposed access serving such development.

- **Other Material Considerations**

The Crime and Disorder Act 1998 places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of this planning application.

Relevant Planning History

In October 2008 (under reference P/08/2762/2) the Council received a planning application relating to the erection of five bungalows on the land following the

demolition of the existing dwelling. This application was withdrawn by the applicant at the suggestion of your officers as there were technical issues to resolve with the plans which could not be done within the time frame for determining the application. The application now before you is a revised scheme to the withdrawn application and which follows talks with planning officers and the highway authority.

Responses of Statutory Consultees

The County Highway authority is satisfied with the proposal, subject to the imposition of various highway-related conditions.

Thurmaston Parish Council objects to the application stating that the access to the site is near to the junction of Eastfield Road and in close proximity to the primary school. Highway Road is considered to be already overburdened with traffic and congested at peak times and it is considered that the development would exacerbate this. The Parish Council has received many complaints about speeding traffic and requests the installation of a pedestrian crossing and traffic calming measures.

Other Comments Received

None.

Consideration of the Planning Issues

The main issues in the determination of this application is whether the development is an appropriate form and type and the impact of the development on existing residential occupiers.

The development is in a mixed housing area which is predominantly bungalows in the immediate vicinity of the site and Red Hill Lane. The principle of residential development is acceptable and the location is considered a sustainable one in terms of its access to public transport and other community facilities. The re-use of the former garden land for a bungalow development such as the one proposed would be compatible with regional guidance. The development represents a density of around 29 per hectare which is marginally below usual standards on such sites, but given the shape of the plot and the type of housing proposed, greater numbers would affect the quality of the living environment, the amenities of neighbouring residents and the general character of the area.

In response to the Parish Council's concerns, the County Highway Authority is satisfied with the proposal and raises no concerns over highway safety, other than the recommendation that various highway-related conditions be imposed to meet adopted standards. Requests for traffic calming and a pedestrian crossing should be made direct to the County Council and these may be additional measures they may consider in the future.

The proposed layout accords with the Backland and Tandem Development guidance. There is a kitchen window in the side of No. 59 Highway Road which is 3.8m away from the proposed access. There is also an additional kitchen window in the rear

elevation. The SPG would allow the one in the side elevation to be considered a 'secondary' window to a main habitable room to which a minimum separation distance of 3m would apply instead of the usual 5m between a main room window and a proposed access drive.

The development complies with adopted guidance and is acceptable in all other respects and it is therefore recommended that planning permission be granted.

RECOMMENDATION

Grant Conditionally - Recommendation - subject to the following conditions:

1 - The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 - No materials shall be placed on the site until such time as samples of the facing bricks and any other materials to be used on the external walls and of the roofing slates, tiles and any other materials have been submitted for the agreement of the local planning authority. Only materials agreed in writing by the local planning authority shall be used in carrying out the development.

REASON: To make sure that the appearance of the completed development is satisfactory.

3 - For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the highway.

REASON: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users.

4 - For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.

5 - The car parking and any turning facilities shown within the curtilage of the site for each dwelling shall be provided before the dwelling is occupied and shall thereafter permanently remain available for such use.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

6 - Before first use of the development hereby permitted the access drive and any turning space shall be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

7 - Before first use of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.

REASON: In the interests of pedestrian safety.

8 - Before first use of the development hereby permitted, visibility splays shall be provided as shown on the submitted dwg no. 08/06/131/B1 at the junction of the access with Highway Road. These shall be constructed in accordance with the standards contained in the current Leicestershire County Council design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.

REASON: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

9 - The shared private drive shall be a minimum of 4.25 metres wide for at least the first 5 metres behind the highway boundary and have 4 metres control radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

10 - The access drive serving the development and its turning area shall be laid and hard surfaced using a porous method of construction, details of which shall have previously been agreed with the local planning authority, before any of the dwellings hereby permitted are first occupied. The drive and turning area shall thereafter be retained as constructed, in accordance with the agreed details.

REASON: To prevent storm water discharge being directed to piped drainage and thereby exacerbating flooding in recipient watercourses, to maintain ground water storage in the locality in the interests of the operation of the local water environment and to minimise the noise disturbance caused by vehicular traffic on the long access drive, in the interests of residential amenity.

11 - No development, including site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the local planning authority:

- i) the treatment proposed for all ground surfaces, including hard areas;
- ii) full details of tree planting;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants;
- iv) finished levels or contours;

- v) any structures to be erected or constructed;
- vi) functional services above and below ground; and
- vii) all existing trees, hedges and other landscape features, indicating clearly those to be removed..
- viii) the gaps in the hedgerow on the western boundary of the application site to be planted up with locally native species.

REASON: To make sure that a satisfactory landscaping scheme for the development is agreed.

12 - The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

13 - The hedge located on the western boundary of the application site shall be retained and maintained at a height no lower than 2 metres. Any part of the hedge removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species as previously agreed in writing by the local planning authority, within one year of the date of any such loss.

REASON: The hedge is an important feature in the area and forms part of a local wildlife corridor and its retention is necessary to ensure this wildlife resource is not lost and in order to comply with Planning Policy Statement 9 (Biodiversity and Geological Conservation).

14 - No development, including site works, shall begin until the hedge located on the western boundary of the application site has been protected, in a manner previously agreed in writing by the local planning authority. The hedge shall be protected in the agreed manner for the duration of building operations on the application site.

REASON: The hedge is an important feature in the area and this condition is imposed to make sure that it is properly protected while building works take place on the site.

Informatives

I

DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DECISION - Policies EV/1 and H/16 of the Borough of Charnwood Local Plan (adopted 12th January 2004) have been considered in reaching a decision on this application. The proposed development complies with the requirements of these saved Local Plan policies and there are no other material considerations which are of significant weight in reaching a decision on this application.

2

Planning permission has been granted for this development because the Council has determined that it is generally in accord with the terms of the above-mentioned policies and the Council's adopted Supplementary Planning Document 'Leading in Design'.

3

With regard to condition No. 9 above, if the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

4

The County Director of Highways, Transportation and Waste Management states that drainage must be provided within the site so that surface water does not drain into the public highway from any private driveways or other hard surfaces, in the interests of highway safety.

5

All works within the limits of the highway with regard to access shall be carried out to the satisfaction of the County Council's Highway Manager on 0116 3052100

6

The proposed roads do not conform to an acceptable standard for adoption and therefore they will NOT be considered for adoption and future maintenance by the Highway Authority.

7

The proposal is situated in excess of 45 metres from the public 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, 2005 and Building Regulations Approved Document B, Fire Safety 2006.

8

This decision notice includes a condition or conditions which require something to be done before any work starts on site. Unless such conditions are fully complied with, the development carried out may be unlawful and could be the subject of enforcement action. Anyone implementing this permission should pay special attention to such conditions and make sure that there is full compliance with their requirements before any development starts on site.

9

Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.

10

In order to arrange for the delivery of the necessary equipment for participation in the refuse and recycling service and to ensure that the properties receive a collection service as appropriate, please contact Environmental Services on 01509 634538 or recycle@charnwood.gov.uk, before the first property is completed.

11

Nesting birds are protected under the Wildlife and Countryside Act 1981. Therefore, any vegetation clearance should be carried outside the bird breeding season (outside March to August inclusive). For advice, please contact the Council's Senior Ecologist on 01509 634729.



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Location: 61 Highway Road, Thurmaston, Leicester, LE4 8FR
Scale: 1:1250

