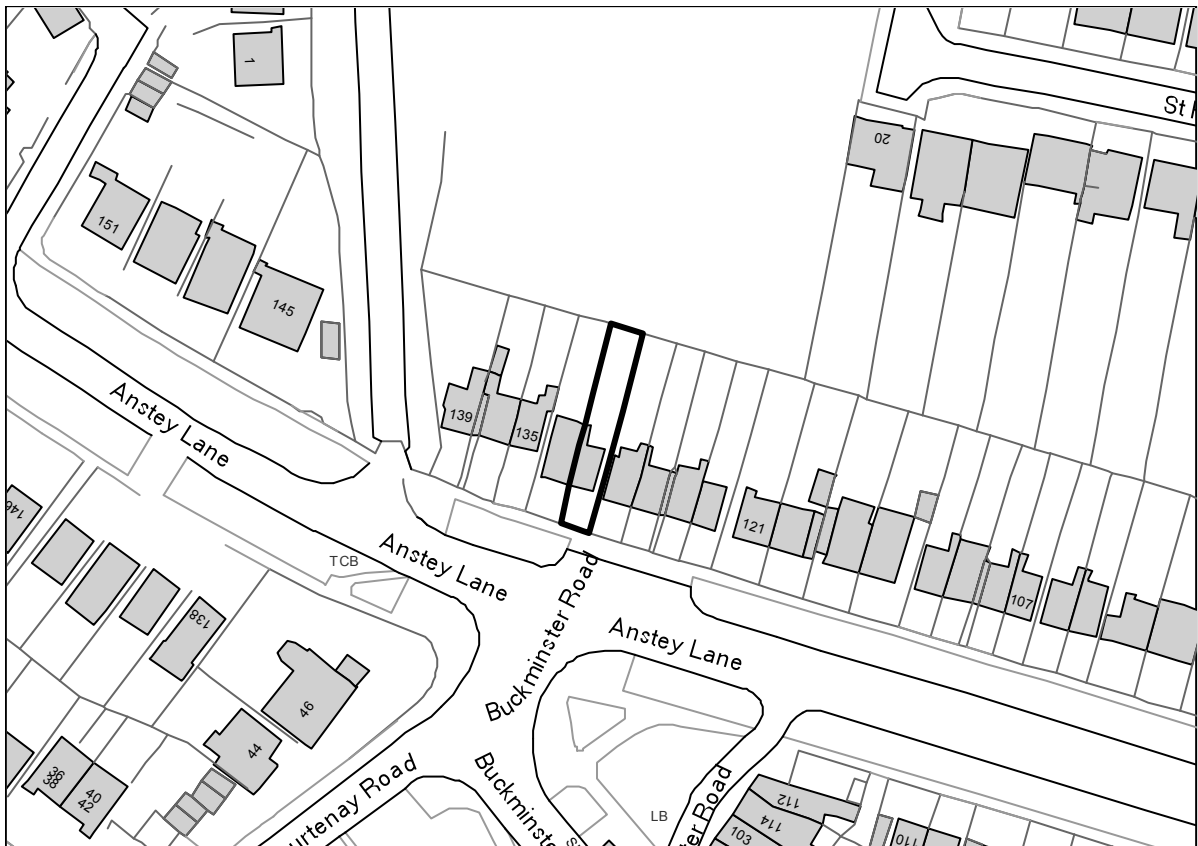


Recommendation: Refusal	
20182003	131 ANSTEY LANE
Proposal:	CONSTRUCTION OF DROPPED KERB AND DRIVEWAY AT FRONT OF DWELLING (CLASS C3)
Applicant:	MR ROGERIO DESA
View application and responses	http://rcweb.leicester.gov.uk/planning/onlinequery/Details.aspx?AppNo=20182003
Expiry Date:	25 April 2019
MM	WARD: Abbey



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Summary

- The application is before the committee at the request of Councillor Riyait to consider the balance of the parking needs of households against the need to preserve and protect urban trees.
- The main issues are highway safety, parking and loss of trees.
- The recommendation is for refusal

The Site

The application relates to a two storey semi-detached house located in an area characterised as residential. The site is adjacent to Anstey Lane, which is a classified road, and is opposite the junction with Buckminster Road.

The front garden to the site is stepped, with a difference in height from ground level to the entrance of the dwelling of approximately 1.2m.

There is a council maintained Lime tree located on the grass verge adjacent to the proposed dropped kerb.

The Proposal

The proposal relates to the construction of a dropped kerb along Anstey Lane, to provide access to a new driveway to the front of the dwelling.

The width of the dropped kerb would be 3.6m. The driveway would be 3m in width and 5.5m in depth with visibility splays to the entrance of the driveway of 0.6m. The proposed materials for the driveway are gravel and concrete,

Policy Considerations

Development plan policies relevant to this application are listed at the end of this report.

National Planning Policy Framework (NPPF, 2019)

Paragraph 2 – Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Paragraph 108 – When determining planning applications, it should be ensured that there are appropriate opportunities to promote sustainable transport modes and that a safe and suitable access to the site can be achieved by all users.

Paragraph 109 – Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network are severe.

Paragraph 127 – Planning decisions should ensure that developments will function well and add to the overall quality of the area; be visually attractive; sympathetic to the local character and history and maintain a strong sense of place.

Paragraph 130 – Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Consultations

Local Highways Authority (LHA): have raised no objections subject to the conditions regarding sight lines, and satisfactory tree works.

Trees and Woodlands Team: object to the proposal as the location of the dropped kerb would harm the roots of the tree, almost certainly resulting in the tree needing to be removed. If the application were to be approved two replacement trees should be planted within the local area.

Consideration

Highways and Parking

The site currently does not have a private off street parking space, however there are limited on street parking spaces to the front of the row of dwellings.

The addition of one designated parking space within the front garden would result in the loss of two parking spaces from the lay by at the front within the highway limiting availability for other residents who don't have access to a private driveway.

Locating the dropped kerb slightly further to the west would allow for retention of one of the lay-by spaces; however this would be directly behind the street tree and would require its immediate removal.

Trees

Saved Local Plan Policy UD06 states that permission will not be granted for any development that impinges directly or indirectly, upon landscape features that have amenity value whether they are within or outside the site.

An arboriculturist's report was submitted as part of the application and suggested that the tree would be capable of dealing with minor root damage without long term issues and that overall there would be minimal harm to the tree.

The Trees and Woodlands Team still consider that the roots of the tree would be damaged to the extent that the tree would be lost.

I consider that the street trees along Anstey Lane are important long term contributors to the environment and the appearance of the road for the wider area.

Conclusion

The provision of the dropped kerb would provide the applicant with two parking spaces, one private space in their garden and another across the access of the dropped kerb. This would reduce by two spaces the already limited availability of parking spaces for

other residents within the area. Given the dwelling is located along a classified road, and there are some residents in the area who don't have access to a driveway, the removal of two on street parking spaces is not beneficial.

I consider that the benefit to the applicant of private parking space at the expense of public parking does not outweigh the environmental and visual detriment that would result from the loss of the tree.

I recommend REFUSAL for the following reason:

REASONS FOR REFUSAL

1. The proposed dropped kerb, by reason of its siting would result in the loss of a tree to the detriment of visual and general amenity contrary to the paragraphs 127 and 130 of the National Planning Policy Framework (2019), City of Leicester Local Plan Policy UD06 and Core Strategy Policy CS03.

Policies relating to this recommendation

- | | |
|-----------|--|
| 2006_AM01 | Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations. |
| 2006_AM12 | Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01. |
| 2006_PS10 | Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents. |
| 2014_CS03 | The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'. |
| 2014_CS15 | To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads. |
| 2006_UD06 | New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria. |