



Appeal Decision

Site visit made on 9 January 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2024

Appeal Ref: APP/W2465/W/23/3319104

Land adjacent 21 Battersbee Road, Leicester LE3 9LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Wood against the decision of Leicester City Council.
 - The application Ref 20221596, dated 9 August 2022, was refused by notice dated 4 October 2022.
 - The development proposed is semi detached dwelling – outline only all matters reserved.
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Decision

1. The appeal is allowed, and outline planning permission is granted, with all matters reserved, for a semi detached dwelling – outline only all matters reserved at Land adjacent to 21 Battersbee Road, Leicester LE3 9LD in accordance with the application Ref 20221596 dated 9 August 2022, subject to the conditions enclosed in the attached schedule.

Procedural Matters

2. The application was submitted in outline form, with all matters reserved. This form of application is to establish the principle of development only. This leaves all issues to be determined at Reserved Matters stage, unless the Council request that one or more of the Matters are dealt with at outline stage, in order to understand the application more clearly. This was not done by the Council, but still have Reasons for Refusal based on Matters that are reserved. As such, I will not look at these issues any further, as they should be dealt with at the correct stage.
3. The Council have raised no objection to the principle of development, I have no reason to disagree with that position.

Main Issue

4. On that basis, the main issue in this appeal is the suitability of the access to serve the appeal proposal.

Reasons

5. The appeal site is the land adjacent no. 21 Battersbee Road, which is located within a primarily residential area, and has a mix of property types and sizes within that residential area.
6. Whilst access is a Reserved Matter, the Town and Country Planning (Development Management Procedure) (England) Order 2015, at Article 5(3) states that where access is a reserved matter, the application for outline

planning permission must state the area or areas where access points to the development proposed will be situated.

7. This has been completed by the appellant, and the access point has been indicated. This is the minimum requirement at this point and the detail of the access, and any on or off-street parking requirements should be dealt with at the correct stage.
8. Therefore, based on the above, I find no conflict with any part of the Development Plan or the National Planning Policy Framework.

Conditions

9. I have considered the conditions suggested by the Council, and find them fair and reasonable to ensure that when the Reserved Matters application comes forward, development is controlled in the correct manner to ensure full details is in front of the Council when making their decision.

Conclusion

10. For the reasons given above, having regard to the development plan and all relevant material considerations, I conclude that the appeal is allowed.

Paul Cooper

INSPECTOR

SCHEDULE OF CONDITIONS

1. Application for approval of all 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 the final approval of all the reserved matters.
2. Detailed plans and particulars of the access, layout, scale, appearance and landscaping (referred to in Condition 1 as reserved matters) together with a Design and Access Statement dealing with these matters shall be submitted to and approved in writing by the local planning authority before the development is begun.
3. All subsequent applications for the approval of reserved matters involving the detailing of layout and landscaping, shall include a detailed landscaping and ecological mitigation scheme showing the treatment of all parts of the site which will remain un-built upon shall be submitted to and approved in writing by the local planning authority. This scheme shall include details of:
 - (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed;
 - (ii) new tree and shrub planting, including plant type, size, quantities and locations;
 - (iii) means of planting, staking, and tying of trees, including tree guards;
 - (iv) other surface treatments;
 - (v) fencing and boundary treatments, to include provision for hedgehogs;
 - (vi) any changes in levels;
 - (vii) the position and depth of service and/or drainage runs (which may affect tree roots)
 - (viii) the location and type of 1 x bat tiles/boxes, 1 x bird boxes/tiles to be incorporated into the built design or garden areas.

The approved landscaping and mitigation scheme shall be carried out within one year of completion of the development. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme.

4. All subsequent applications for the approval of reserved matters involving the layout and landscaping shall be accompanied by full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system, which shall be approved in writing by the local planning authority. The property shall not be occupied until the system has been implemented in full, or in accordance with a phasing plan submitted as part of the details. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include: (i) full design details, (ii) a timetable for its implementation, and (iii) a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or

statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime.

5. All subsequent applications for the approval of reserved matters involving layout and landscaping shall be accompanied by a Drainage Layout Plan which shall be approved in writing by the local planning authority. The property shall not be occupied until the approved drainage for that property has been installed in full accordance with the approved details or in accordance with a phasing plan submitted as part of the details. It shall be retained and maintained thereafter.
6. The dwelling and its associated parking and approach shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement. On completion of the scheme and prior to the occupation of the dwelling a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the City Council as local planning authority certifying compliance with the above standard.
7. All subsequent applications for the approval of reserved matters for landscaping shall be accompanied by a full BS5837 Tree Survey containing a Tree Constraints Plan along with Arboricultural Impact Assessment, Method Statement and Tree Protection Plan, identifying tree protection measures for the trees on or adjacent to the site. The development shall be carried out in full accordance with the approved details.

END OF SCHEDULE