

REGULATORY COMMITTEE – 27TH APRIL 2009

Report of the Director of Development

ITEM 4 REFERRED PLANNING APPLICATION P/08/2626/2

Application No: P/08/2626/2

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|--------------------------|--|--------------------|----------------------|
| Application Type: | Full | Date Valid: | 29th January 2009 |
| Applicant: | Eastern Range Ltd | | |
| Proposal: | Demolition of garage buildings and erection of 9 dwellings, access road and car parking. (Revised scheme - refusal P/07/3066/2 refers) | | |
| Location: | 7A Forest Rock Garage, Church Hill, Woodhouse Eaves, Leicestershire, LE12 8RT | | |
| Parish: | Woodhouse | Ward: | Forest Bradgate Ward |
| Case Officer: | Mr N Thompson | Tel No: | 01509 634739 |

Purpose of the Report

To consider the above application that has been referred to this Committee by five Members of the Council under Part 3 of the Council's Constitution following the resolution of Plans Committee 2 on 9th April 2009 to grant planning permission.

The report to the Plans Committee is reproduced at Appendix 1. It set out the planning considerations and concluded with the recommendation that permission should be granted. By 5 votes to 0, the Committee resolved to grant planning permission subject to the conditions listed in the appendix. 3 Members abstained from the vote.

Additional information had been given to the Plans Committee in the Extras Report that is reproduced as Appendix 2. Details of the views of members of Plans Committee 2 are attached as Appendix 3. The reasons given by the five Councillors for referring the application to this Committee are reproduced as Appendix 4.

Comments of the Director of Development

Concern has been expressed that the changes to the proposed recommendation resulted in a lack of opportunity for comment on the amended plans that were presented at the Plans Committee. The application was originally presented to this Committee in order to make a decision within the 13 week target date for a major application.

The application was presented with a recommendation for refusal based on two issues. Firstly that of the effect of plot 3 on the existing trees, just outside the boundary of the site, and the effect of the trees on plot 3; and secondly, a reason

relating to the lack of infrastructure contributions and affordable housing. Were this recommendation to have been agreed with by Members then there would have been no recommendation to grant subject to a 106 Agreement before the 30th April, the date of the 13 week target date on the application. Effectively the main planning issue to be overcome in the Officers considerations was that of the effect of the development on the tree and vice versa.

The amended plans

The submission of the amended plans were received too late to undertake any effective consultation. In deciding to change the recommendation it was considered that the applicant had overcome the substantive issue in relation to the tree, and therefore the original recommendation could not continue to stand. The amended plans only changed the scheme in two ways. The removal of plot 3 and the insertion of a footway between Church Hill and 16 Meadow Road. It was considered that the removal of plot 3 did not in any way effect any adjacent neighbour, and certainly made the effect of the proposal any worse on the adjacent properties. Overall it would result in a reduction of total traffic coming to and from the site, and therefore could not be seen to exacerbate traffic problems in the vicinity.

On the second part of the amendment, your Officers had made a point of asking for a new footway between Church Hill and the existing footway in Meadow Road during the negotiations on the application. A request for a footway between plot 8 and Church Hill had been a request of the Highways Officer in his comments dated 2nd March. This could have been secured by condition. The applicants agreed to put in a footway, although not all the way to Church Hill. The Highway Authority would prefer a 2m wide footway, but have accepted a metre width given the narrowness of the existing footway in front of 16 and 18 Meadow Road. They are also minded that the proposed lay-by would be a useful addition to on street parking in the vicinity, as this has been an issue raised by local neighbours.

There is a finite amount of land between the buildings on the opposite side of Meadow Road and the proposed retaining wall to the garden of plot 8.

The report to Plans Committee 2 was written in a way to promote discussion to try and find out what views Members were, and what they wanted. Included in the amended recommendation to Plans Committee was a condition seeking to extend the footway all the way to Church Hill. This opportunity still exists should Members consider this an important addition to the scheme. The desire in the Woodhouse Eaves Village Design Statement at paragraph 30, seeks to encourage improvement in facilities for pedestrians in new developments where possible. The extension of the footway all the way to Church Hill is not on the amended plans as submitted but would, in my opinion, create better pedestrian access to the existing school and surrounding countryside. It would also be seen as a gain as this land is currently part of the development site. In highway terms the highway authority finds that the scheme is acceptable.

Your officer's view is that whilst a footway connecting the existing footpath in Meadow Road to Church Hill would result in cars in the lay-by being moved 1m

further out into the road, this is preferable to having no footway at all and keeping the lay-by as shown on the amended plans. It was considered that the inclusion of a footway in front of the new plot 9, and the parking spaces to plots 7 to 9, was not a significant enough change to warrant a need for a re-consultation on the application as it did not change any of the objections to the scheme. It was seen as improving the situation for users of the footway in the village and responding positively to expressed concerns.

If Members wish to see the scheme implemented as on the original submission, then an amended details condition could be added to deal with this. I would however consider this a retrograde step and not in compliance with the general aims of the Village Design Statement. Even with a footway along here there is still a significant improvement to both the junction and the width of the road. I therefore recommend that Members approve the proposed condition requesting a footway through the imposition of a condition.

With regard to the lack of an elevation at the end of plot 2; if this is treated as a handed version of plot 1 then the end elevation would be a gable. This elevation however would be improved by the insertion of windows to make the best use of a south west facing elevation increasing natural light into the property. This was to be dealt with by way of condition in the Extras Report. It was considered that this would have been the best way to deal with the final details of this treatment. It was considered that whether or not there was to be windows in this elevation, this view would not be seen from any public vantage point and does not affect any adjacent residential property. It is therefore difficult to see how this impacts on the appearance of the conservation area or residential amenity whatever the treatment. Nevertheless in view of members concerns, the applicant has been requested to submit details of this for inspection at the Committee meeting.

The change to the recommendation at the Plans Committee meeting was felt to be justified for the following reasons:

- The application had been the subject of full consultation, and many comments had been made that were reported to the Plans Committee for full consideration.
- The main reason for refusal was based on an issue not raised by local residents or other consultees and therefore it was judged that this was not a local concern.
- The physical change to the development was of little consequence to the appearance of the development or its relationship to adjacent properties
- As the developer had responded positively to the problems set out in the recommendation to refuse, it would be unfair to continue to recommend a refusal of planning permission.
- A deferral of a decision to allow further re-consultation would not be likely to result in a change to the recommendation, given the limited impact of the changes to the development and the maintaining of the Section 106 benefits, as set out below.

Other issues for bringing the matter before Regulatory

Flooding issues and sustainable drainage

Concern regarding flooding of the site was raised as an issue by objectors during the course of the consultation exercise. Flooding in this location however is not caused due to the site's presence near a watercourse liable to flood. The problem seems however to have been more to do with issues relating to sewerage and drains within the parish, and with surface water run off from the site into Meadow Road due to the general slope of the land. The Parish Council made a request that the drains and sewers be sorted out before a decision is made on the principle of the application. Whilst this matter is an important practical one, it is not one which should result in the application being refused. These are detailed matters that will be dealt with at the Building Regulations stage and done in conjunction with Severn Trent Water who in their consultation response on the 24th February have no objection to the principle of the development on this site. They recommend the imposition of a condition to deal with the issues relating to sewerage and drainage. The Highway Authority has also requested the imposition of a condition which seeks to prevent surface water from draining into the public highway.

Policies in the new East Midlands Regional Plan are aimed at encouraging local planning authorities to develop in their LDD's, strategies and policies to address these issues and to bring about climate change. Charnwood are doing this in progressing the Local Development Framework Core Strategy, where the policies in the Regional Plan will be reflected. Given that there is no specific issue in relation to flooding at this site due to the proximity to a watercourse, it would be difficult to say that it is contrary to Policy 1 of the Regional Plan. In relation to Policy 2 of the Regional Plan, new development is encouraged to incorporate more energy renewal measures and reductions in carbon emissions. These improvements will be secured through improvements to the Building Regulations over the next few years. In relation to SUDS, there are no specific proposals to incorporate this within the development at this stage. This is specifically encouraged in the supplement to PPS 1- Planning and Climate Change which encourages local planning authorities to include policies in their Development Plan Documents to promote and encourage a proportion of the energy supply of new development to be secured from decentralised and renewable or low carbon sources. Charnwood is not in that position at the current time, but in the interim, PPS 1 states that all new development of more than 10 dwellings should seek to secure at least 10% of their energy from decentralised and renewable or low carbon sources unless it can be demonstrated by the applicant having regard to the type of development involved that this is not feasible or viable. This proposal now falls below that threshold and therefore it is not considered that this requirement can be insisted upon. Given that the problem identified seems to be one of surface water and not flooding then I consider that the problem can be solved in other practical ways by condition and through the Building Regulations.

Affordable Housing

There is a criticism that there are no sufficient details of the affordable housing proposed at the site in compliance with policy H/5 of the local Plan, and that the affordable housing should be mostly rent. Policy H/5 states that an element of affordable housing will be negotiated. The Affordable Housing SPD states that this figure will generally be 30 % where sites are over the threshold. Normally this is 0.5 hectares or 15 dwellings. This site is situated in a village generally considered to be an unsustainable location where only affordable housing would be considered to be acceptable. The arguments with regard to the benefits of developing a vacant unattractive site against the unsustainable location are argued in the main bulk of the Committee report. The applicant has not put forward all 9 dwellings to be secured for affordable housing but at the same proportion as would be required from a larger scheme i.e. 3 out of the 9.

This site is not an exceptions site and the affordable housing in this instance is being treated as a voluntary contribution by the developer. Normally it is by negotiation after the recommendation has been approved that the exact details of which of the dwelling units are agreed to be affordable and exactly who the RSL will be. The applicant has agreed to provide 3 units in line with the Councils Development and Enabling Officer request for 3 units for rent. It is anticipated that the Council will be granted 100% nomination rights for the first dwelling and 50% of the subsequent lettings. A housing needs survey carried out for the village identified a need for 1, 2 bed house and 1, 4 bed house for rent.

In this instance, it is considered that recommendation agreed by the Plans Committee does meet the assertion that the units be mostly rent. In terms of the mix the development as a whole provides 2, 2 bed dwellings and 7, 3 bed dwellings. The mix of affordable units that has been negotiated is 1, 2 bed dwelling and 2, 3 bed dwellings. It is considered that this is a reasonable mix based on the overall provision across the site. Members may have thoughts on how best this mix could be improved.

Traffic Generation

Policy TR/6 states that measures should help to reduce car usage to and from the development. It is acknowledged that there are no specific measures proposed which would assist in reducing demand for private car travel to and from the site. However given that the site is situated in the heart of the village and near to local services like shops, restaurants, pubs, churches, primary school and doctors, occupants of the development would be more likely to walk to these local facilities. Attempts have been made and could be made further to improve facilities for pedestrians to and from the site through the creation of a new footway from Church Hill to assist people walking to the primary school and the open countryside beyond. It is not normal practice to require the provision of bus passes for residents for a development of this nature where full parking provision has been shown. It would therefore be considered unreasonable to insist that the developer provided this in this instance. There is local concern that parking should not be insufficient on the site.

It was considered on balance that the traffic generation involved in the comings and goings of 9 dwellings would be considerably less than would be generated were the development that already exists on the site is used to its full potential. On site there are 17 lock up garages, two industrial warehouses, a petrol filling station and associated retail premises, a garage forecourt, an MOT workshop and a restaurant. The amount of traffic generated by 1 of these uses alone would be more likely to be greater than the amount that would be generated from the 9 dwellings as proposed on a daily basis. It is considered therefore that car use would be reduced as a result of the development and therefore is not contrary to policy TR/6 of the adopted local plan. On this basis the overall sustainability of the proposal was assessed. Should Members take the view that the location is unsustainable and traffic movements that would be created from the new development are unacceptable, then the application could be refused as being not compliant with the Council's emerging Settlement Hierarchy.

Conclusion

It is considered that on balance the benefits of the proposal in terms of providing for the economic regeneration of the site, the provision of 3 affordable units for rent, the infrastructure contributions, the benefits to the character and appearance of the conservation area, the highway benefits to improving the visibility and width of the junction, and the small contribution towards getting the Borough back up to a 5 year land supply, outweigh the disbenefits of the site by virtue of unsustainability of the location generally considered to be inappropriate for new market housing under the Council's emerging policies in the Core Strategy.

RECOMMENDATION A

That the Directors of Governance and Procurement and of Development be authorised to enter into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the obligations detailed in the schedule below, on terms to be finalised by them, in consultation with the Leicestershire County Council:-

1. A contribution to the provision of education- £16,524.
2. A contribution to the provision of library media- £557
3. A contribution to the provision of waste management- £505
4. A contribution to the provision of youth/adult recreation- £6,354
5. A contribution to the provision of children's play provision- £9,540
6. A scheme for the provision of public art on the site.
7. A scheme to ensure the provision of 3 affordable houses on the site with a mix of 1, 3 bed dwelling and 2, 2 bed dwellings for rent with units transferred to an approved RSL.

RECOMMENDATION B

Delegated authority is given to the Director of Development to issue the planning permission, in the event that the Section 106 Agreement to secure the obligations in Recommendation A above has been completed, 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. The development shall be carried out only in accordance with the details and specifications included in the submitted application, as amended by the revised drawing No 05_2018_17F received by the local planning authority on 8th April and showing the removal of plot 3 and the provision of a footway in front of parking spaces for plots 7-9 and the front garden of plot 9.

REASON: To make sure that the scheme takes the form agreed by the authority and thus results in a satisfactory form of development.

3. No development, including site works, shall take place until a scheme for the treatment of the application site boundaries has been submitted to and agreed in writing by the local planning authority.

REASON: To ensure the satisfactory, overall appearance of the completed development.

4. No use or occupation of the building hereby permitted shall take place until the scheme for boundary treatment, agreed under the terms of the above condition, has been fully completed.

REASON: To ensure the satisfactory, overall appearance of the completed development.

5. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

REASON: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

6. No development shall take place within the application site until the applicant, or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

REASON: To ensure satisfactory archaeological investigation and recording.

7. No works shall begin on the site until such time as a detailed site survey to establish the degree of contamination of the site (including the presence, if any, of land-fill gas), together with a scheme of necessary remedial measures to render the site suitable and safe for development and to protect the locality, have been submitted to and agreed in writing by the local planning authority.

REASON: To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

8. No part of the development shall be brought into use until such time as the agreed remedial works (including any further measures for monitoring the level of contamination and/or the effectiveness of the remedial works), have been implemented in accordance with a timetable of events, previously agreed in writing by the local planning authority.

REASON: To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

9. The windows and doors to be used in the development shall be of timber construction.

REASON: To ensure that the completed development is sympathetic to the character and appearance of the surrounding area.

10. Full details of the following matters including any details shown on the submitted plans shall be submitted to and approved by the local planning authority in writing before the development is commenced:-

- i) cill and lintol details including window reveals which shall be at least 500mm.
- ii) joinery details showing sections with drawings at 1:20 scale.
- iii) finial details.
- iv) chimney pots including colour finish.

REASON: To further define the details of the permission in the interests of the visual amenity of the site and the Woodhouse Eaves Conservation Area.

11. Notwithstanding any details on the submitted plans, suitably amended details of the following matters shall be submitted and approved in writing prior to the commencement of the development:-

- i) garages to plots 7-9 to measure at least 2.8m wide internally

The development shall not be carried out other than with the inclusion of the approved details.

REASON: To ensure that the garages would be used in the interests of highway safety.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, with or without modifications, no enlargement, improvement or other alteration of the dwelling shall be carried out and no building, enclosure or other structure shall be erected within its curtilage.

REASON: The carrying out of development of this type may create difficulties in terms of the overall appearance and character of the area and effect on residential amenity of property.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, with or without modifications, no openings or windows shall be inserted in the north west elevation of plot 1.

REASON: To prevent undue overlooking of nearby dwellings, in the interests of the privacy of nearby residents.

14. 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.

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

15. 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.

16. 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.

17. No building works shall commence on site until such time as the proposed improved visibility splay out of Meadow Road on to Church Hill has been provided and cleared of any obstruction that exceeds a height of 0.2 metres above the level of the adjacent carriageway. Once provided this visibility splay shall thereafter be permanently so maintained.

REASON: In the general interests of highway safety.

18. The proposed junction improvement and footway widening on Church Hill shown on the submitted plan, shall have been provided fully in accordance with highway authority standards before any dwelling hereby permitted is first occupied.

REASON: In the general interests of highway and pedestrian safety.

19. Before building works first commence, visibility splays of 2.4 metres by 45 metres shall be provided in each direction out of the shared private drive off on to Church Hill. These splays shall be cleared of any obstruction that exceeds a height of 0.6 metres above the level of the adjacent carriageway and once provided shall thereafter be permanently so maintained.

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

20. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected across the shared private drive off Church Hill, they shall be set back a minimum distance of 10 metres behind the highway boundary and shall be hung so as to open inwards only.

REASON: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

21. The gradients of the access drives shall not exceed 1:12 for the first 5 metres behind the highway boundary.

REASON: To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.

22. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway and thereafter shall be so maintained.

REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.

23. No dwelling served from Church Hill shall be occupied until the shared turning facility shown on the submitted plan has been provided, hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and once provided shall thereafter be permanently so maintained.

REASON: To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.

24. All existing vehicular accesses that currently serve the site from Church Hill and Meadow Road shall be closed permanently and the existing vehicular crossings reinstated to the satisfaction of the local planning authority in consultation with the highway authority before any dwelling hereby permitted is first occupied.

REASON: To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points in the interests of highway safety.

25. The parking facilities including the amended garages shown serving each dwelling shall be provided, hard surfaced and made available for use before the dwelling to which they serve is first occupied. The proposed additional visitor parking space shown off the private shared access drive shall be provided, hard surfaced and made available for use before all the properties served from the shared private drive have been occupied. Once provided the parking facilities shall thereafter be permanently so maintained.

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.

26. Before first occupation of any dwelling served by the private shared drive off Church Hill, the private shared access drive shall be surfaced with tarmac, or similar hard bound material (not loose aggregate) for a distance of at least 10 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.)

27. Before the plots served off Meadow Road are first occupied, their private access drives shall be surfaced in tarmac, concrete 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.)

28. Before first occupation of any dwelling hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of each of the accesses serving the site 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.

29. The shared private drive serving the site from Church Hill shall have a minimum width of 5 metres with 0.5 metres wide clear margins on each side for a minimum distance of 10 metres behind the highway boundary and shall 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 in the interests of highway safety.

Informatives

1. DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies ST/1, ST/2, ST/3, EV/1, EV/43, H/5, H/16, TR/6 and TR/18 of the Borough of Charnwood Local Plan (adopted 12th January 2004) Leading in Design SPD 2006, Section 106 Developer Contributions SPD 2007, Settlement Hierarchy Review 2008, PPS 1 Delivering Sustainable Development, PPS Housing 3, PPG 15 Planning and the Historic Environment, and the Woodhouse Eaves Village Design Statement have been taken into account in the determination of 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, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies, and the proposal on balance would not have been unsustainable development due to the assessment of the economic regeneration benefits of the proposal, the existing number of different uses at the site, and their traffic movements in comparison to the new movements, and the inclusion of affordable houses providing a community benefit along with other reasonably related infrastructure and community facilities. It was therefore considered that no harm would arise such as to warrant the refusal of planning permission.

3. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Northern Area Manager - (telephone 0116 3052104). C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Area Manager. You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site Highway works before development commences. Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the highway authority.

4. This permission has been granted following the conclusion of an agreement under Section 106 of the Town & Country Planning Act 1990 relating to the provision of 3 affordable housing units, a contribution towards education, library media, waste, recreation facilities, and to public art.

Item No.

Application No: P/08/2626/2

| | | | |
|--------------------------|--|--------------------|-----------------------------|
| Application Type: | <i>Full</i> | Date Valid: | <i>29th January 2009</i> |
| Applicant: | <i>Eastern Range Ltd</i> | | |
| Proposal: | <i>Demolition of garage buildings and erection of 10 dwellings, access road and car parking. (Revised scheme - refusal P/07/3066/2 refers)</i> | | |
| Location: | <i>7A Forest Rock Garage, Church Hill, Woodhouse Eaves, Leicestershire, LE12 8RT</i> | | |
| Parish: | <i>Woodhouse</i> | Ward: | <i>Forest Bradgate Ward</i> |
| Case Officer: | <i>Mr N Thompson</i> | Tel No: | <i>01509 634739</i> |

Background

A previous application for the erection of 13 dwellings was submitted in 2007, and decided by Plans Committee 2 on the 10th July 2008. The application was refused for 8 reasons. The previous refusal reasons were as follows:-

1. The emphasis of national planning policy is to reduce the demand for travel, especially by car, and, therefore, to discourage residential development in unsustainable locations. The Government's Planning Policy Statement PPS7, Sustainable Development in Rural Areas indicates that the focus for most housing in rural areas should be on existing towns and identified service centres with exceptions only for new housing in other villages to meet identified local need for housing. This is supported by similar guidance in PPS1; Delivering Sustainable Development, PPS3; Housing and PPG13; Transport. This policy is reflected in the Regional Spatial Strategy (RSS8) and the Core Strategy being developed by the Borough Council as part of the Local Development Framework for Charnwood. The site lies within a settlement that has not been identified as a service or rural centre and the development is not proposed to meet an identified local need, as interpreted under Policy H/6 of the adopted Borough of Charnwood Local Plan. The proposal represents unsustainable development that would encourage the use of the motor car and, therefore, is in conflict with current national and local policies and guidance.

2. Policy ST/3 of the Borough of Charnwood Local Plan indicates that developers should contribute to the cost of infrastructure and facilities required to support development. This is in accordance with advice contained in Circular 05/2005. Contributions to educational requirements, library facilities, waste provision, health facilities, youth/adult and childrens's play provision and public art are required which would need to be secured by a Section 106 Agreement. The development could not be controlled by conditions to deliver these community facilities and, therefore, in the absence of a mechanism that secures appropriate contributions to mitigate the harm to the provision of community facilities, the development would place unacceptable burdens on the provision of public facilities in these areas and

would not, therefore, fulfil the requirements of the Policies ST/3, RT/3 and RT/4 of the Local Plan.

3. The site lacks adequate off-street parking to serve the development and, if approved, the proposal would be likely to lead to parking within the highway and/or difficulties for vehicles getting into or out of the site, to the detriment of highway safety, particularly as such parking would be in the vicinity of a crossroads, in an area where street parking is already limited and, in the case of Meadow Road, on a road which provides the main access route to the primary school. The proposal would, therefore, be contrary to the intentions of Policies TR/6 and TR/18 of the Borough of Charnwood Local Plan.

4. The proposed garages and car ports for the dwellings on Plots 1-3 would have inadequate pedestrian visibility splays and, therefore, vehicles turning out of the site would be likely to create additional dangers for pedestrians. Moreover, the provision of the two parking spaces across the footway on Meadow Road would create hazards for pedestrians, as well as further reducing visibility out of the proposed car ports. For these reasons, the proposal would be contrary to Policy TR/6 of the Borough of Charnwood Local Plan.

5. The proposed development would be accessed by a drive which would pass in close proximity to rooms and windows of the proposed dwellings on Plots 7 and 8. This access arrangement would result in an unacceptable living environment for the occupiers of these dwellings, by reason of noise and disturbance. The proposal would, therefore be contrary to saved Policies H/16 and EV/1 of the adopted Borough of Charnwood Local Plan and the Borough Council's adopted Supplementary Planning Guidance on 'Backland and Tandem Development'.

6. The local planning authority is of the opinion that the dwelling proposed for Plot 3, by reason of its close proximity to the rear of the dwelling on Plot 5, would have an overbearing effect on the latter property which would be detrimental to residential amenity. The proposed development would, therefore, be contrary to saved Policies H/16 and EV/1 of the Borough of Charnwood Local Plan and the Council's adopted Supplementary Planning Document 'Leading in Design'.

7. The dwellings on Plots 8 and 9 would be prominently sited on the Church Hill frontage within the designated Conservation Area and adjacent to 11 Church Hill, a Grade II listed building. It is the opinion of the local planning authority that, by reason of their wide gables, location of dormer windows and chimney stack height, these dwellings would appear as unduly conspicuous and incongruous features in the street scene and detract from the appearance and character of the conservation area and the setting of the listed building. As such, the development would be contrary to Policies EV/1 and H/16 of the adopted Borough of Charnwood Local Plan, the Council's adopted Supplementary Planning Document, Leading in Design (2006) and to the provisions of national policies as expressed in Planning Policy Guidance 15, Planning and the Historic Environment and statutory requirements of the Planning (Listed Building and Conservation Areas) Act 1990.

8. The provision of six car ports to serve the dwellings on Plots 1-3 would, by reason of their number and open frontages, appear as unduly prominent and incongruous features in the street scene, part of which is in the designated Conservation Area. As the development would fail to protect the character and appearance of the conservation area, it would

conflict with Policies EV/1 and H/16 of the adopted Borough of Charnwood Local Plan, the Council's adopted Supplementary Planning Document, Leading in Design (2006) and to the provisions of national policies as expressed in Planning Policy Guidance 15, Planning and the Historic Environment and statutory requirements of the Planning (Listed Building and Conservation Areas) Act 1990.

Description of the Application

This site, measuring approximately 0.24ha, is prominently situated in the heart of the village, on the south-east side of the staggered crossroads junction of Church Hill, Main Street, Meadow Road and Maplewell Road. It has road frontages on to Church Hill and Meadow Road and extends behind, and to the side of, properties fronting these two roads.

Land levels in and around the site vary significantly, with properties on the south-eastern side of Meadow Road being in excess of 2 metres lower than the immediately adjacent application site. The front portion of the site facing Church Hill is within the designated Conservation Area. The site abuts the side and rear boundary of 11 Church Hill, and is opposite 1 Meadow Road, both of which are Grade II listed buildings.

The site comprises a number of separate elements. The restaurant premises have been vacant since they were fire damaged a number of years ago. Access to this building and its forecourt parking is from Church Hill and whilst its main façade fronts this road, its position immediately abutting Meadow Road gives this large building, with its garaging accessed from the latter road, prominence in that street scene. Two separate accesses from Church Hill provide access to the petrol filling station, repair workshop and car showroom, all presently vacant, and also a residential flat and 17 lock-up garages. The buildings on the site are substantial, unattractive, have no historic or architectural merit and, thus, do not contribute positively to the character and appearance of the village as a whole or the conservation area.

The proposal is for the erection of 10 new dwellings on the site; six fronting Church Hill in two blocks separated by the access drive into the rear courtyard. Here there would be three dwellings in a short terrace with small rear gardens. To the rear of the site are the gardens of 20 and 22 Meadow Road. Some car parking lies in front of the three dwellings, some are located on the north eastern side of the garden wall of 11 Church Hill. There is one proposed isolated dwelling fronting Meadow Road and there are three garages in a block adjacent to this.

The dwellings fronting Church Hill are 1½ storey in scale and generally drop down the hill to reflect the contours of the site. They are similar in design but broken up by the gable fronted dwelling of plot 6. Plots 1, 2 and 3 are smaller in scale and single storey with some accommodation within the roofspace. These dwellings include rooflights front and back. Plot 3 also has dormers facing south east over the adjacent field. Plot 10 is 2½ storey with a dormer at the front facing the gardens opposite in Meadow Road and rooflights to the rear.

It is proposed that the properties with elevations fronting onto Church Hill would be constructed in local stone, whilst other elevations and properties would be in brickwork. All roofs would be slate. There are also proposed exposed rafter feet, corbelled eaves, painted

joinery and stone cills. Each dwelling fronting Church Hill would have a chimney with contrasting brickwork forming features around windows. The dormer windows and porch detailing characteristics have been taken from adjacent properties.

The applicant has offered 3 of the dwellings to be used as affordable houses; the details of which are to be agreed. This is in line with the 30% figure recommended in the Council's Supplementary Planning Document on Affordable Housing for dwellings, and PPS 3, with a minimum amount of 15 dwellings.

Development Plan Policies and other material considerations

- **Development Plan Policies**

East Midlands Regional Plan 2009

Policy 1 sets out the regional core objectives. It requires local planning authorities to

- reduce social exclusion, protect and where possible enhance the quality of the environment in urban and rural areas so as to make them safe and attractive places to live and work;
- to protect and enhance the natural cultural and historic assets, avoiding significant harm or damage;
- to achieve a step change in biodiversity;
- a reduction of carbon omissions and minimise adverse environmental impacts through the promotion of sustainable design and construction techniques;
- reduce the causes of climate change through best use of existing infrastructure, promoting sustainable design and construction,
- locating development so as to reduce the need to travel especially by car;
- and reduce the impact of climate change from flooding by providing carbon sinks, promoting sustainable drainage and managing flood water.

Policy 2 requires local planning authorities to improve design by the use of design led approaches which will reduce CO₂ emissions and provide resilience to future climate change. This includes SUDS, management of flood water, low carbon technologies, and build orientation. Land should be used efficiently, and new development located to allow access to local facilities by foot, cycle or public transport. Design should reduce crime, maintain amenity and privacy and benefit quality of life including access to open space.

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 12 supports the continued growth and regeneration of the three main cities. This will be achieved through delivery of the Growth Point Programme. Provision should be made for

a mix of house types, balance of jobs and homes, enhancing transport links, employment land to meet indigenous need and encourage new investment, regeneration of deprived areas, and protection and enhancement of green infrastructure. Outside the 3 cities, employment and housing should be within and adjoining settlements and in scale.

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.

The latest CBC residential land monitoring report identifies (as at April 2007) that sufficient land for some 4,304 dwellings have already been built, committed or identified for development to meet this requirement.

Policy 14 sets the regional minimum target for affordable housing. Within Leicestershire this figure is 26,500 during the plan period 2006-26.

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

Policy ST/1-Overall Strategy for Charnwood- Seeks to set the overall framework for development, in the Borough, ensuring that needs of the community are met, and that features of the natural and built environment are protected and safeguarded where necessary. The policy aims to improve the quality of development through the layout of sites, and to ensure that sufficient land is retained for employment purposes in this instance. This is all to be done in an environment of trying to achieve sustainable development in a co-ordinated, comprehensive and consistent basis.

Policy ST/2 (Limits to Development) seeks to restrict development to within the existing Limits to Development boundaries of existing settlements to ensure that development needs can be met without harm to the countryside or other rural interests.

Policy ST/3 (Infrastructure) seeks to ensure that developers provide financial contributions for things which have an impact on related infrastructure or community facilities. These are to be negotiated through legal agreements.

Policy EV/1 (Design) seeks to ensure a high standard of design for developments which respect the character of the area, nearby occupiers, and is compatible in mass, scale, layout, whilst using landforms and other natural features. It should meet the needs of all groups and create safe places for people.

Policy EV/43 (Percent for Art) seeks to ensure that there is either a contribution in lieu, or art is incorporated into the design of the development

Policy H/5 (Affordable Housing on Unallocated Sites) seeks to secure the provision of the appropriate amount of affordable housing with a range of house types on windfall sites.

Policy H/16 (Design and Layout of New Housing Developments) seeks to ensure that proposed housing developments are planned to ensure that high standards of design are achieved in terms of scale, character of the area, privacy, landscaping and creating a safe and secure environment.

Policy TR/6 (Traffic Generation from New Development) seeks to restrict development which through its impact results in an unsatisfactory operation of the highway system, or has a significant impact on the environment, unless measures are proposed to overcome any harmful effects. In all cases measures should help to reduce car dependence and usage.

Policy TR/18 (Parking in New Development.) seeks to set the maximum standards by which development should provide for off street car parking dependent on floorspace or dwelling numbers.

- **Other Policies**

Settlement Hierarchy Review 2008- This document forms part of the Evidence Base for the emerging Core Strategy. Although the Core Strategy at this stage cannot be given any weight as a document, this hierarchy attempts to follow Central Government guidance in underpinning PPS1 and the generic need for new development to be sustainable. In the context of this site, it is considered that Woodhouse Eaves is not a Service Centre, and therefore should not accommodate new market housing as it would have a tendency to exacerbate its role as a dormitory settlement. Development of up to 9 affordable housing could be considered particularly within the Limits to Development as it would contribute to community benefit.

Leading in Design Supplementary Planning Document February 2006

Encourages and provides guidance on achieving high quality design in new development, much as reflected in the Guidance above. It indicates that the Council will approach its judgements on the design of new development against five main principles.

Places for People – Successful developments address wider issues than simply building houses. They contribute to the creation of distinctive places that provide a choice of housing and complementary facilities and activities nearby. Good design promotes diversity and choice through a mix of compatible developments and uses that work together to create viable places that respond to local needs.

Accessible Places – Successful developments are easy to get to and move through, with short, direct public routes overlooked by frontages. People are put before traffic and land uses and transport are integrated. Good design promotes places that have a clear image, are easy to understand, and provide recognisable routes, intersections and landmarks to help people find their way around.

Safe Places – Successful developments are safe and attractive with a clear division between public and private space. Good design promotes the continuity of street frontages and the enclosure of space by development which clearly defines public and private areas, public spaces and routes that are attractive, safe, uncluttered and work effectively for all in society.

Sustainable Places – Successful developments are able to adapt to improve their long-term viability and are built to cause the least possible harm to the environment. Good design promotes development that can respond easily to changing social, technological and economic conditions. It also incorporates resource efficiency and

renewable energy measures to take into account the long-term impact of a development.

Distinctive Places – Successful developments respond to their context and build on the features that make an area special. Good design promotes character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, landscape and culture, and addresses sustainability and high quality in the detailed design of buildings.

PPSI (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 that 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 standards through positive policies on issues such as design, conservation and the provision of public open space. There is an emphasis on good design, which should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. High quality and inclusive design should be the aim of all those involved in the development process. Although the appearance and architecture of individual buildings are clearly factors in achieving these objectives, securing high quality and inclusive design goes far beyond aesthetic considerations. Good design should:

- *address the connections between people and places by considering the needs of people to access jobs and key services;*
- *be integrated into the existing urban form and the natural and built environments;*
- *be an integral part of the process for ensuring successful, safe and inclusive villages, towns and cities;*
- *create an environment where everyone can access and benefit from the full range of opportunities available to members of society; and,*
- *consider the direct and indirect impacts on the natural environment.*

PPS 3- Housing. This provides guidance on a range of issues relating to the provision of housing and seeks to promote more sustainable patterns of development and make better use of previously-developed land; the focus for additional housing should be existing towns and cities. New housing and residential environments should be well designed and should make a significant contribution to promoting urban renaissance and improving the quality of life. New housing should be planned for using an evidence based policy approach. Good design is fundamental to ensuring the high quality provision of new housing. The PPS encourages local authorities to set density targets for their area and to provide a mix of housing on development sites. It also sets the national minimum for seeking affordable housing units on sites to developments of not less than 15 dwellings.

PPG 15- Planning for the Historic Environment, particularly paragraph 4.14 which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area, and paragraphs 2.16 which require authorities to have considerations for applications which affect a listed building including the desirability of preserving its setting; the setting being an integral part of a buildings character.

Woodhouse Eaves VDS 2006. This sets out to inform and influence the design of proposals within the village, and makes statements about the character of development patterns within the village. New development should respect the diverse origins of the village, giving variety rather than uniformity but being of a scale that fits in with existing character and also being appropriate to its location within the village especially on sloping ground and care must be taken when designing even the smallest extension to harmonise with the original so as not to detract from the existing building.

- **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.

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 states that with respect to any buildings or land within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Responses of Statutory Consultees

Leics CC (Highways) notes that this application overcomes the previous concerns regarding the level of off street car parking to serve the development. Given the existing uses on the site, it is likely that the proposal would generate less traffic than those existing uses could generate. The proposal would remove existing garage court parking which the highway authority would prefer to see remain as their loss is likely to lead to an increased demand for on street parking. However as these garages are in private ownership they could be removed at any time by the landlord without requiring planning approval. As such, it would be difficult to sustain a highway reason for refusal based on the loss of these garages.

In relation to the proposals on Meadow Road, the submitted plan shows two informal parking spaces being provided on Meadow Road. The highway authority would prefer to see a footway provided instead of parking spaces in the interests of pedestrian safety. It is aware of local concerns regarding the loss of on street parking on Meadow Road, however, since no one has a right to park within the highway, and since parking on Meadow Road caused highway safety concerns especially for children going to and coming from the school, it does not consider that it would be possible to sustain a highway reason for refusal due to the loss of on street parking.

The proposed garages shown off Meadow Road are slightly below current requirements, and the highway authority suggest the imposition of a condition requiring that an amended plan be submitted to overcome this. The proposal does however provide a highway safety gain, in that it is providing a junction improvement and visibility splay. Given the above, and on balance, the highway authority are prepared to look favourably upon this proposal and recommend conditional approval.

Woodhouse Parish Council objects to the proposal. The objection can be summarised as follows:-

- 1. The settlement is not a Service Centre or a rural centre. The proposal would not meet an identified need. It would be in conflict with national and local plan policies.*
- 2. The proposal would result in problems with car parking in the vicinity and lead to parking within the highway.*
- 3. The development is not in keeping with Slater's Cottages diagonally opposite.*
- 4. There is concern about the proposal dominating the housing on Meadow Road.*

The Parish Council has also raised as issue with regard to drainage and sewerage which are directly relevant to the assessment of the planning application, and is a matter to be dealt with under the Building Regulations and in conjunction with Severn Trent. There are also doubts about whether the proposed development would comply with the Woodhouse Eaves Village Design Statement.

A number of neighbour objections have been received regarding the proposal. These can be summarised as follows:-

- The density of the development is too high.*
- The proposal would result in more parking problems in the vicinity as some existing spaces and garages would be lost. The moving of spaces off Church Hill, and the introduction of the footway, increases the problem for users of Meadow Road bringing the width of the road down.*
- There would be a road safety issue from the reversing of cars out of plots 8 and 9.*
- There is a concern regarding visibility at the Meadow Road/Church Hill junction.*
- The proposal would result in the potential for Meadow Road to become blocked preventing access to the school by emergency vehicles.*
- The new dwelling facing Meadow Road would not be in keeping with the rest of the dwellings on the site.*
- The height of the new dwellings should not be increased over the height of the existing buildings in order to retain privacy and light.*

Issues have also been raised with regard to drainage and sewerage suggesting that the details of these be agreed before the development can be approved, and there is a concern

with regard to ensuring that the works are carried out safely, particularly in relation to the retaining walls around adjacent property. Emphasis has been put on ensuring that the development complies with the Village Design Statement.

Other Comments Received

The Council's Tree Officer notes a group of Grey Poplars located close to the south western boundary adjacent to plot 3. The larger specimens make a valuable contribution to the visual amenity of the area, are middle aged and in good condition with potential to increase significantly in size. There are also some smaller poplars which seem to be suckers from the root stock of the more mature trees. There appears to be no assessment made of the trees or the impact of the development on them and vice versa. The proposed layout clearly does not take into account of the poplars with the dwelling on plot 3 encroaching within the likely root protection zone as would be recommended by BS5837 Trees in Relation to Construction. Notwithstanding the presence of the existing garage block in close proximity to the trees, the development is likely to cause unacceptable root damage and be detrimental to the health of the nearest trees. Given the nature of the poplars and their ultimate size, allowing a dwelling of this plot would create a most unsatisfactory relationship leading to concerns about safety, loss of natural light and leaf fall, resulting undoubtedly in pressure to severely prune or fell the trees. He recommends refusal unless plot 3 is omitted.

Severn Trent has no objection to the proposal subject to the imposition of a condition requiring the submission of drainage and sewage details.

Leics CC (Archaeology) note that the site lies in an area of archaeological interest. Consequently there is a likelihood of archaeological remains that would be affected by the development. The applicant should provide for inspection and recording during the groundworks. A brief will be provided for the work. Planning permission should be granted with the relevant safeguards to protect the archaeological remains.

The Loughborough and District Civic Trust note that the amendments have removed the retail unit, and reduced pressure on car parking. They note the site is at a fairly busy conjunction of routes. Their balanced view is that the project would enhance the village by providing attractive and much needed homes on a brownfield site and it should be approved provided it does not infringe any major policy principles.

The Campaign to Protect Rural England notes that the proposal is much improved over the previous design. Careful attention to detail and use of local materials will improve the appearance of the proposal. They support the inclusion of the affordable housing units. The new layout will create a better visibility splay.

Leics CC (Contributions) has requested the provision of contributions towards a number of community related benefits. These are as follows:-

- Library- £620
- Education- £18,360
- Waste- £280

The Police Architectural Liaison Officer seeks a contribution at a level of £606 per residential unit, as the proposed development is over 10 units. The contributions would be directly used within the associated Local Policing Unit to address the accumulative effects of numbers of housing and commercial developments over a geographical area, and increase efficiencies associated with the patrol detection and prevention of crime, provide additional vehicles and other resources, extend communication infrastructures, provide CCTV cameras where necessary, or new or supplementary buildings; and to enhance crime reduction measures through Secure By Design principles.

Consideration of the Planning Issues

I consider that the main planning issues are as follows:-

1. The principal of residential development within the Limits to Development but within a location not within a Service Centre.
2. The density of the development.
3. The effect of the proposal on the Woodhouse Eaves Conservation Area and the setting of the listed building at 11 Church Hill.
4. The effect of the proposals on the highway network.
5. The effect of the proposal on the trees on the adjacent site, and their effect on the development.
6. The effect of the proposal on the residential amenity of the adjacent occupiers.

The principal of residential development within the Limits to Development but within a location not within a Service Centre.

Although an assessment of the Borough's five year land supply is not the determining factor, it is a part of the assessment of the proposal.

Since the previous application at the site was refused, the new East Midlands Regional Plan has been published. This provides annual averages for each five years in the plan period and increases the overall requirement for Charnwood Borough Council to 19,300 dwellings between 2001 and 2026. The housing requirements set out in the Regional Plan must now be afforded some significant weight in determining whether the Borough Council has a five year supply of deliverable sites.

The review of the five year supply has had regard to the housing requirements in the Regional Plan and this shows that against these requirements Charnwood Borough Council has only a **3.3 years** supply of deliverable sites. The review of five year supply will relate to the period April 2009 to March 2014.

PPS3 states that where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account of PPS3, or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the guidance in the PPS.

In reconsidering this site, it is important that it is assessed against the current development plan and other material considerations including PPS3, which states in para 69 that in general, local planning authorities should have regard to:

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently.
- 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.

It is also important that the criteria set out in PPS3 for identifying deliverable sites are considered, to establish whether the site can contribute to the overall supply of deliverable sites. To be considered deliverable, sites should be available, suitable and achievable (para 54).

In terms of assessing the site against the criteria in paragraph 69, it can be concluded that the scheme as submitted would achieve high quality development, would provide a reasonable mix across the site of between 2-4 bed houses, would provide 3 affordable houses, and would use the site efficiently and effectively. However it would be considered to fail on it being suitable on sustainability grounds according to an assessment against the Council's Settlement Hierarchy document due to movements to and from the site by motor car by occupants of the new dwellings.

Similarly when assessed against Paragraph 54 whilst the site meets the two criteria of being deliverable and achievable, it fails for the same reason to be considered suitable when looking in the strict sense of resulting in private car movements to and from a dormitory settlement. This would therefore weigh against the principle of the development.

Therefore although it is accepted that the emerging Core Strategy cannot be given much weight, there have been several appeal decisions which have supported the Council's general viewpoint that unsustainable development in locations such as this should be refused. This issue regarding the lack of a five year supply cannot alone justify the release of this site for housing, because it is generally considered to be in an unsustainable location in line with the Councils emerging Settlement Hierarchy.

Weighing in favour of the proposal are other material considerations. These are as follows:-

- *Although the site is situated in an unsustainable location, there is already a potential for significant traffic generation at the site, acknowledged by the Highway Authority in their assessment. There are 17 lock up garages, a petrol filling station, a flat, some warehouses, a Chinese restaurant and a petrol filling station. Although quite a lot of use would be related to linked journeys to and from this site from people that live in the village who would use the facilities provided at the site not all vehicles would be likely to come from within the village. The site would therefore be likely to generate its own traffic demand from vehicles coming from outside the village. This needs to be weighed against the unsustainability of vehicles from 10 new dwellings and a judgement made. It is my opinion that the levels of traffic generated overall would be likely to be less from the new development that were the site to be used to its capacity, albeit it a lot of these would be linked trips.*
- *The site has sat vacant and empty for some years, and there would be considerable benefits to the site being redeveloped. In a questionnaire as part of the*

Parish Plan in 2004, 42% of respondents suggested housing should be on the site, the largest figure. Affordability homes were preferred. Although this site only provides affordable housing at 30% provision, this is more than was proposed on the application last year, and the applicants would therefore only be developing the site on the commercial viability of the remaining 7 units, providing 10 in total are approved in a different layout.

- The redevelopment of the site after all these years would result in a significant improvement in the character and appearance of the site, and hence the character of the Conservation Area. The proposed dwellings would fit in with the context of the surrounding dwellings and preserve and enhance the area. This regeneration would significantly boost the local economy both in the short term from contractors working in the locality, and from future occupants of the dwellings supporting local services at the shop, church, restaurants and public houses.

All the above matters weigh in favour of the proposal. A reasonable question that could be asked is, what else is likely to happen to the site should this development not go ahead, albeit it in amended form to take account of the presence of the trees? The current state of the market would not seem to lend itself to a likely alternative scheme which provides some of the benefits which this scheme does. Whilst some redevelopment of the site for community purposes including additional shops, or community services would be ideal this does not seem to be realistic and the site would be likely to be left vacant for sometime more. Reuse of the site for economic development purposes might also be a possibility, but would raise issues regarding appearance of the development, effect on residential amenity, and result in as many in not more traffic movements to and from the site.

This is a difficult application to make an assessment on, but on balance, I consider that there is sufficient weight in the argument that material considerations in favour of the proposal outweigh the application of policy based on the current emerging Settlement Hierarchy and Core Strategy. It is therefore considered that this housing development as proposed would, in principle, be acceptable on a balance of the issues considered.

The density of the development.

The size of the site is approximately a quarter of a hectare and there are 10 proposed dwellings resulting in a density of 40 dwph. The guidance in PPS3 is that the range should normally be between 30 to 50, but can be higher particularly in urban areas. PPS 1 indicates that the efficient use of land should be encouraged. This site is at the heart of the village, and therefore it is considered that a higher density of development would be appropriate. The smaller size of the dwellings helps to fit in with the tighter knit character of the surrounding area, and the development is not made up of larger executive style homes which has been considered inappropriate on this site. I therefore consider that the density of development is not of itself a reason to refuse the proposal.

The effect of the proposal on the Woodhouse Eaves Conservation Area and the setting of the listed building at 11 Church Hill.

It is acknowledged that the existing site is not particularly attractive with its mix of industrial building, petrol station canopy and lock up garages. It has been vacant for some time and therefore is considered by some to be an eyesore. There has been a desire for some form of

redevelopment on the site identified in the past, with housing being the primary option. The proposals as put forward aim to set the development within the context of the surrounding development and use the existing contours of the land to smoothly morph the development into the street scene. The existing building at 11 Church Hill has been used as a reference point and the development has the majority of its dwellings fronting Church Hill. The Council consider that the design is successful in using the contours by stepping down the hill and uses the proposed access route into the site as a visual break to ensure that there is not a monotony of design. The use of the gable fronted plot 6 is useful in this regard to introduce a bit of variety and act as a visual stop.

The use of chimneys in the design follows the tradition within the village, and this feature is encouraged for new development within the village as stated in the Village Design Statement. The dormer windows use the gable at 11 Church Hill as a reference point. The design also shows exposed rafters, porch detail and finials. The design of the boundary wall will need to be finalised but in principal its re-use of the stone of the existing wall and new stone will be acceptable. I therefore consider that the proposal would respect the setting of the adjacent listed building.

Although plot 10 is the largest dwelling proposed on the site, it is situated in alignment with the existing dwellings at 16 and 18 Meadow Road. This plot replaces the bulk of the large warehouse/garage workshop currently situated here, and therefore would result in a building which would fit in with the residential surroundings in Meadow Road more than the existing building, and not fail to preserve and enhance the conservation area.

The effect of the proposals on the highway network.

The highway authority has changed its opinion on the proposal from the previous application. They have withdrawn their objection and consider that the proposal overcomes their previous concerns. When assessing the proposal an assessment needs to be made between the potential effect of the existing authorised uses on the site and the physical arrangement of the site and the boundary and the visibility splays available, against which that is proposed as part of this application. There is an existing garage/store/workshop on land which fronts Meadow Road. In the past this has generated significant levels of daytime traffic and could potentially again were it to be re-used.

Similarly the existing access off Church Hill could accommodate a number of vehicular movements in and out of the site every minute were it to be re-opened as a petrol station and retail sales area. The restaurant use is likely to result in movements in and out mainly in the evenings and weekends, and the 17 lock up garages on the site, together with the workshop in the south east part of the site could also generate significant numbers of vehicles were the premises to be re-opened upon refurbishment. This would generate significant numbers of vehicles movements.

The proposed layout provides significant improvement for visibility for drivers exiting Meadow Road looking up Church Hill. The existing boundary wall impedes visibility here, which the proposal seeks to improve with a wider radius. The widening of the width of Meadow Road will also act as an improvement in terms of vehicles exiting and entering Meadow Road as access is required to several properties, and also the Primary School. Although there is likely to be parking along this section, this will be no worse than existing. It

is therefore difficult to resist the proposal on these grounds. There is however, as a result of the proposals a corresponding detrimental effect on the appearance of the conservation area, due to the widening of this access which the Conservation Officer has concerns over. Ultimately this is a conflict which is hard to reconcile, and the retention of a narrower width in Meadow Road would be better in terms of appearance, but would not result in highway improvements. On balance, I consider that the proposal is satisfactory as proposed, but would benefit from some minor amendments. No footway has been proposed along this section of Meadow Road, at the time of writing, which is less than ideal, and amendments to the layout could be secured to provide this to link into the existing footpath in front of 16 and 18 Meadow Road. The applicants have been requested to consider this, as it is one of the desires in the VDS in new development. There is no footpath currently, so the situation would be no worse than the existing in this regard were the footpath not provided.

The highway authority has requested amended plans to secure internal dimensions for garages of 3x6m. The proposal shows garages some 20-30cm short of this. A request has been made to secure these slight improvements. Nevertheless, I do not consider the proposals as submitted unacceptable or likely to result in lack of use for car spaces.

The relationship between the development and the adjacent trees.

There are no trees within the site. There are however semi mature poplar trees just outside the site adjacent to plot 3. These are approximately between 10 to 12m high. Their location at between 2-3m from the boundary of the site results in a problem in relation to their relationship with plot 3. Not only will the proposed development result in a detrimental effect on the trees, potentially affecting their health and stability by disturbing the root systems and undermining their visual importance in the street scene, but symbiotically, the existing trees would have a detrimental effect of the residential amenity of future occupiers of the development.

Aerial photographs show a significant amount of shadow is cast within this area of the site at the moment and even in winter times the gardens and consequently, internally the habitable rooms of plot 3 particularly would be seriously compromised by the siting of the trees. The presence of the stone barn behind part of the rear garden and parking spaces would also not help in introducing natural light into the garden. The proposed layout would therefore cause harm to the residential amenity of future occupiers of the property to a point where this cannot be considered good design. The layout as proposed therefore fails to properly take into account the existing natural features of the surrounding landscape resulting in a detriment to the trees, and significant detriment to future occupiers of plot 3 from the presence of the trees. Given the location of Woodhouse Eaves at the heart of the Charnwood Forest, I share the Tree Officers concerns and do not consider this to be a good relationship, and therefore it is recommended that the proposal be refused for these reasons.

The effect of the proposal on the residential amenity of the adjacent occupiers.

The proposed new development must be assessed in the context of both the existing use of the site for various purposes and the existing buildings on the site when assessing its impact on the adjacent residential properties. The existing buildings already cause some detriment in terms of their size and location of the site. Although the proposed gable of plot 1 would

be approximately 4m higher than the end wall of the existing two garages, resulting in an increase in height of development overall, this is balanced with benefits to the occupiers of 16 and 18 Meadow Road by virtue of the removal of the large expanse of brickwork from the existing workshop building, which runs almost the full length of the rear garden at an eaves height of approximately 5m. Proposed plot 10 would be almost in alignment with those adjacent properties. There will also be the garages to plot 6 and 7 adjacent to the boundary, but between the proposed house and the garage, the view would be open, improving sunlight to the rear gardens of 16 and 18.

The gable to plot 1 is situated some 18m from the main rear face of 16 and 18 Meadow Road. Given the land level difference of approximately 2.5m, between the rear gardens of these properties and the site, Leading in Design SPD would require a set back of 15m from the rear face for a two storey property. The proposal at 1 ½ storeys and at 18m would therefore be acceptable and not be contrary to this guidance.

The presence of plot 10 would result in a potential for greater overlooking of the rear garden of number 7 Meadow Road by virtue of its positioning. There would however be a 10m gap between the front of this dwelling and the side boundary to this property. Number 7 is also set slightly higher than the existing road level, and there is a fence which measures approximately 2.4m from the road level. Given that the proposed rooms on the first and second floors of the proposed plot are bedrooms, and therefore non main habitable windows, and that there are first floor windows in the existing building at the site which could also potentially overlook this property, I do not consider that the proposed plot would result in a serious loss of privacy to the adjacent dwelling.

Although the rear garden of plot 10 is quite short at only 8m, it is quite wide and there is a total of 75sqm altogether. On this basis, I do not consider the proposal is unacceptable. The rear gardens of plot 1 to 3 are also quite small, but not so small in my opinion, to be unusable or unacceptable. Given the problem with the principle of plot 3, it is possible that there may need to be reduced this part of the development to two plots in any re-designed layout, and therefore provide the opportunity for slightly larger garden areas.

Conclusions

The assessment of the issues relating to the principle of the housing development on this site has been made based on the specific circumstances of the site, and the benefits that the development would provide as a result of the regeneration of this run down site. It should not represent a precedent for similar proposals elsewhere that the Council may wish to resist. On balance it is considered that these benefits outweigh the unsuitability of the location given its location outside of an established service centre.

In terms of the details of the layout, the proposal fails in regard to the proximity of plot 3 to the existing Grey Poplar trees situated outside for the reasons outlined above. The proposal is therefore as a whole, unacceptable, and the recommendation is for refusal. Due to the lack of a completed Section 106 Agreement relating to community provision and facilities, albeit it the applicants have no issue with any aspect of the provision of one, there needs to be an additional reason added for this aspect of the proposal.

RECOMMENDATION

Refuse - Recommendation - for the following reasons:

1 - The proposed development by virtue of the siting and design of the dwelling on plot 3 would result in the potential for significant harm to be caused to the roots, and thereby the health, of several semi-mature poplars, located just outside the boundary of the site, and hinder their future growth patterns. The presence of plot 3 would also lead to future pressure for significant works to the trees to improve the amenity for residents and access to natural light leading to concerns about the future safety of the trees. The group of trees are visually significant in the environment, and can be seen from many parts of the village. Their potential loss would be detrimental to the appearance of the site and surrounding area. The location of the trees would also have an equally detrimental effect on the residential amenity of the occupiers of the proposed plot because as a result of their proximity, the dwelling and its private amenity area would be likely to be shaded from direct sunlight for a significant part of the year, resulting in an unsatisfactory level of amenity for future occupiers of that plot. The proposal is thereby contrary to Policies 1, 2 and 26 of the East Midlands Regional Plan 2009, and policies ST/1, EV/1, and H/16 of the Borough of Charnwood Local Plan 2004, Leading in Design SPD 2006, and the principles of PPS 1 Delivering Sustainable Development, in terms of the effect of the development on the trees, and contrary to policy H/16 of the Borough of Charnwood Local Plan 2004, and the principles of PPS 1 Delivering Sustainable Development in terms of the proposed design failing to take into account the presence of the existing trees, thereby resulting in detriment to the residential amenity of future residents of plot 3.

2 - Policy ST/3 of the Borough of Charnwood Local Plan indicates that developers should contribute to the cost of infrastructure and facilities required to support development. This is in accordance with advice contained in Circular 05/2005. Contributions to educational requirements, library facilities, waste provision, health facilities, youth/adult and children's play provision and public art are required which would need to be secured by a Section 106 Agreement. Whilst it is acknowledged that the applicants have agreed in principle the provision of these items, and also agreed to the principle of the provision of 3 affordable houses, at the time of the decision of the application no completed agreement under Section 106 of the Town and Country Planning Act is in existence. The proposal is therefore lacking in the provision of these facilities that would have been secured through the contributions. The development could not be controlled by conditions to deliver these community facilities and, therefore, in the absence of a mechanism that secures appropriate contributions to mitigate the harm to the provision of community facilities, the development would place unacceptable burdens on the provision of public facilities in these areas and would not, therefore, fulfil the requirements of the Policies ST/3, RT/3 and RT/4 of the Local Plan.

Plans Committee 2 April 9th 2009

Additional items received since the report was drafted.

Extra Information

| | | |
|-----------------|-------------|--|
| Page | 26 | Amended plans have been submitted to overcome your Officers concerns regarding the location of plot 3 in relation to the semi mature trees on the adjacent site. Plot 3 has now been removed from the proposal altogether. The Tree Officer considers that there is now sufficient distance to the trees to allow their continued growth, without significant harm being caused, and there would be more natural light entering into the rear garden and habitable rooms of the plots 1 and 2. As this was the main reason for the recommendation of refusal of the proposal, your Officers now consider that the proposal is acceptable and I therefore recommend approval subject to the conditions below. |
| Item No. | 3 | |
| P.A. No. | P/08/2626/2 | |

The knock on effect of the removal of plot 3 is to reduce the amount of contributions needed to be provided at the site. These have been amended pro-rata. The affordable housing contribution has been agreed to remain at 3.

Should members agree with the amended recommendation to grant planning permission it will be necessary to complete the required Section 106 agreement.

RECOMMENDATION A

That the Directors of Governance and Procurement and of Development be authorised to enter into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the obligations detailed in the schedule below, on terms to be finalised by them, in consultation with the Leicestershire County Council:-

1. A contribution to the provision of education- £16,524.
2. A contribution to the provision of library media- £557
3. A contribution to the provision of waste

management- £505

4. A contribution to the provision of youth/adult recreation- £6,354

5. A contribution to the provision of children's play provision- £9,540

6. A scheme for the provision of public art on the site.

7. A scheme to ensure the provision of 3 affordable houses on the site with a mix of 1, 3 bed dwelling and 2, 2 bed dwellings for rent with units transferred to an approved RSL.

RECOMMENDATION B

Delegated authority is given to the Director of Development to issue the planning permission, in the event that the Section 106 Agreement to secure the obligations in Recommendation A above has been completed, 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. The development shall be carried out only in accordance with the details and specifications included in the submitted application, as amended by the revised drawing No 05_2018_17F received by the local planning authority on 8th April and showing the removal of plot 3 and the provision of a footway in front of parking spaces for plots 7-9 and the front garden of plot 9.

REASON: To make sure that the scheme takes the form agreed by the authority and thus results in a satisfactory form of development.

3. No development, including site works, shall take place until a scheme for the treatment of the application site boundaries has been submitted to and agreed in writing by the local planning authority.

REASON: To ensure the satisfactory, overall appearance of the completed development.

4. No use or occupation of the building hereby permitted shall take place until the scheme for boundary treatment, agreed under the terms of the above condition, has been fully completed.

REASON: To ensure the satisfactory, overall appearance of the completed development.

5. No works shall begin on the site until such time as a detailed site survey to establish the degree of

contamination of the site (including the presence, if any, of land-fill gas), together with a scheme of necessary remedial measures to render the site suitable and safe for development and to protect the locality, have been submitted to and agreed in writing by the local planning authority.

REASON: To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

6. No part of the development shall be brought into use until such time as the agreed remedial works (including any further measures for monitoring the level of contamination and/or the effectiveness of the remedial works), have been implemented in accordance with a timetable of events, previously agreed in writing by the local planning authority.

REASON: To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

7. The windows and doors to be used in the development shall be of timber construction.

REASON: To ensure that the completed development is sympathetic to the character and appearance of the surrounding area.

8. Full details of the following matters including any details shown on the submitted plans shall be submitted to and approved by the local planning authority in writing before the development is commenced:-

i) cill and lintol details including window reveals which shall be at least 500mm.

ii) joinery details showing sections with drawings at 1:20 scale.

iii) finial details.

iv) chimney pots including colour finish.

v) a block plan and elevations at 1:100 scale to show the amended layout of plots 1 and 2 revised by condition 2 above.

REASON: To further define the details of the permission in the interests of the visual amenity of the site and the Woodhouse Eaves Conservation Area.

9. Notwithstanding any details on the submitted plans, suitably amended details of the following matters shall be submitted and approved in writing prior to the commencement of the development:-

i) garages to plots 7-9 to measure at least 2.8m wide internally

The development shall not be carried out other than with the inclusion of the approved details.

REASON: To ensure that the garages would be used in

the interests of highway safety.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, with or without modifications, no enlargement, improvement or other alteration of the dwelling shall be carried out and no building, enclosure or other structure shall be erected within its curtilage.

REASON: The carrying out of development of this type may create difficulties in terms of the overall appearance and character of the area and effect on residential amenity of property.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, with or without modifications, no openings or windows shall be inserted in the north west elevation of plot 1.

REASON: To prevent undue overlooking of nearby dwellings, in the interests of the privacy of nearby residents.

12. 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.

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

13. 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.

14. 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.

15. No building works shall commence on site until such time as the proposed improved visibility splay out of Meadow Road on to Church Hill has been provided and cleared of any obstruction that exceeds a height of 0.2 metres above the level of the adjacent carriageway. Once provided this visibility splay shall thereafter be permanently so maintained.

REASON: In the general interests of highway safety.

16. The proposed junction improvement and footway widening on Church Hill shown on the submitted plan, shall have been provided fully in accordance with highway authority standards before any dwelling hereby permitted is first occupied.

REASON: In the general interests of highway and pedestrian safety.

17. Before building works first commence, visibility splays of 2.4 metres by 45 metres shall be provided in each direction out of the shared private drive off on to Church Hill. These splays shall be cleared of any obstruction that exceeds a height of 0.6 metres above the level of the adjacent carriageway and once provided shall thereafter be permanently so maintained.

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

18. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected across the shared private drive off Church Hill, they shall be set back a minimum distance of 10 metres behind the highway boundary and shall be hung so as to open inwards only.

REASON: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

19. The gradients of the access drives shall not exceed 1:12 for the first 5 metres behind the highway boundary.

REASON: To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.

20. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway and thereafter shall be so maintained.

REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.

21. No dwelling served from Church Hill shall be occupied until the shared turning facility shown on the submitted plan has been provided, hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and once provided shall thereafter be permanently so maintained.

REASON: To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.

22. All existing vehicular accesses that currently serve the site from Church Hill and Meadow Road shall be closed permanently and the existing vehicular crossings reinstated to the satisfaction of the local planning authority in consultation with the highway authority before any dwelling hereby permitted is first occupied.

REASON: To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points in the interests of highway safety.

23. The parking facilities including the amended garages shown serving each dwelling shall be provided, hard surfaced and made available for use before the dwelling to which they serve is first occupied. The proposed additional visitor parking space shown off the private shared access drive shall be provided, hard surfaced and made available for use before all the properties served from the shared private drive have been occupied. Once provided the parking facilities shall thereafter be permanently so maintained.

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.

24. Before first occupation of any dwelling served by the

private shared drive off Church Hill, the private shared access drive shall be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 10 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.)

25. Before the plots served off Meadow Road are first occupied, their private access drives shall be surfaced in tarmacadam, concrete 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.)

26. Before first occupation of any dwelling hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of each of the accesses serving the site 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.

27. The shared private drive serving the site from Church Hill shall have a minimum width of 5 metres with 0.5 metres wide clear margins on each side for a minimum distance of 10 metres behind the highway boundary and shall 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 in the interests of highway safety.

APPENDIX 3

Summary of views expressed at Plans Committee 2 – 9th April 2009

It was of concern that insufficient time had been given for local residents or the Parish Council to make comments on the amended plans, submitted to overcome the reasons for refusal. There was therefore a question as to whether a decision could be made or whether the application should be deferred. The lack of detail on the end elevation to plot 2 made it difficult to make a decision on the scheme.

The development provided an opportunity for sustainable design and improved drainage.

It was possible that there were too many parking spaces at the site and perhaps those should be reduced to 1½ spaces per dwelling.

It was important that plot 10 should be no higher than the existing building on the site.

The provision of affordable housing and other contributions were welcomed. It was noted that the amended plans brought about improvements to the design and layout and overcame the reasons for refusal.

Decision

A proposition was made that planning permission be granted as recommended by the Director of Development as outlined in the Extras Report. The proposition was carried on the basis of five members of the Committee in favour and three members abstaining.

APPENDIX 4

From: Cllr. David Snartt
Sent: 15 April 2009 10:00
To: Platts, David; Jackson, Simon
Cc: Cllr. Amrat Bava; Cllr. David Slater; Cllr. Leigh Harper-Davies; Cllr. Peter Osborne; Cllr. Roy Campsall
Subject: Planning Application P/08/2626/2 7A Forest Rock Garage Church Hill Woodhouse Eaves.

David,

I request, along with the members listed above, that the Planning Application P/08/2626/2 be referred to the Regulatory Committee.

The recommendation was changed by officers without papers available, before the Plans Committee on April 9th 2009. Due to high local interest, I believe this application should have at least been deferred so that local residents had the opportunity to be consulted on the amended application.

Planning reasons.

Has little regard to the East Midlands Regional Plan 2009. Reduce the impact of climate change from flooding by promoting sustainable drainage and managing flood water. This is of great concern to local residents.

Affordable Housing on Unallocated Sites H/5.

Seeks to secure the provision of the appropriate amount of affordable housing with a range of house types on windfall sites.

It is not clear what the details of affordable housing are. Local survey suggests need for local parish requirement, mostly rent.

Policy TR/6, Traffic generation from new development.

In all cases measures should help to reduce car dependency and usage.

I understand this was one of the reasons for refusal on a previous application.

Regards,

David.