

REGULATORY COMMITTEE
27TH APRIL 2009

PRESENT: The Chair (Councillor Wise)
The Vice-chair (Councillor Ranson)
Councillors Barkley, Bava, Burr, Capleton, Duffy, Harper-Davies,
Radford, Sutherland and Youell

APOLOGIES: Councillors Jukes and Pacey

19. MINUTES

The minutes of the meeting of the Committee held on 23rd March 2009 were confirmed and signed.

20. DISCLOSURES OF PERSONAL INTERESTS

Councillors Bava, Harper-Davies and Wise made declarations under the Planning Code of Good Practice in respect of application P/08/2626/2. They confirmed that they had attended the meeting of Plans Committee 2 when the application had been considered, however, they were attending the meeting with an open mind and had not pre-determined the application.

21. REFERRED PLANNING APPLICATION – P/08/2626/2 – DEMOLITION OF GARAGE BUILDINGS AND ERECTION OF NINE DWELLINGS, ACCESS ROAD AND CAR PARKING (REVISED SCHEME – REFUSAL P/07/3066/2 REFERS), 7A FOREST ROCK GARAGE, CHURCH HILL, WOODHOUSE EAVES

The above planning application had been considered by Plans Committee 2 at its meeting on 9th April 2009, when it had resolved to grant planning permission, subject to the completion of a Section 106 Agreement and to conditions.

The decision had been referred to the Committee by five councillors in accordance with Part 3 of the Constitution. The report considered by Plans Committee 2 was submitted, together with a summary of the views expressed by councillors at the meeting, a copy of the reasons for the referral and the further comments of the Director of Development (item 4 on the agenda filed with these minutes).

In accordance with the procedure for public speaking at meetings, Councillor M. Woodland (on behalf of Woodhouse Parish Council) attended the meeting and expressed his views in respect of the application.

In accordance with Council Procedure Rule 33, Councillor Snartt attended the meeting and expressed his views in respect of the application.

RESOLVED

- (a) that authority be given to the Director of Governance and Procurement in consultation with the Director of Development to enter into an agreement under Section 106 of the Town and Country Planning Act 1990, on terms to be finalised by them, in consultation with Leicestershire County Council, relating to the following matters:
- a contribution to the provision of education of £16,524;
 - a contribution to the provision of library media of £557;
 - a contribution to the provision of waste management of £505;
 - a contribution to the provision of youth/adult recreation of £6,354;
 - a contribution to the provision of children's play provision of £9,540;
 - a scheme for the provision of public art on the site;
 - a scheme to ensure the provision of three affordable houses on the site with a mix of one 3 bed dwelling and two 2 bed dwellings for rent with units transferred to an approved Registered Social Landlord (RSL);
- (b) the Director of Development be authorised to grant planning permission upon completion of the legal agreement referred to in (a) above and subject to the following conditions:
1. The development, hereby permitted, shall be begun not later than three 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 05_2018_17F received by the local planning authority on 8th April 2009 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 ensure that the scheme takes the form agreed by the local planning 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 ensure 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 ensure 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; and (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 ensure 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 five 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 ensure 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 ensure 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 0.2m 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 2.4m x 45m 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 0.6m 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 10m 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 5m 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 10m 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 5m 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, 2m x 2m 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 0.6m 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 5m with 0.5m wide clear margins on each side for a minimum distance of 10m behind the highway boundary and shall have 4m 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.

Note to applicant: (a) Development Plan policies relevant to this decision. 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. (b) 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. (c) 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 (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. (d) 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 three affordable housing units, a contribution towards education, library media, waste, recreation facilities, and to public art.

NOTES:

1. No reference may be made to these minutes at the Council meeting on 22nd June 2009 unless notice to that effect is given to the Head of Democratic Services by five members of the Council by 5pm on Monday, 18th May 2009.
2. These minutes are subject to confirmation as a correct record at the next meeting of the Council on 22nd June 2009.

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