

PLANS COMMITTEE 2
9TH APRIL 2009

PRESENT: The Vice-chair (Councillor Gay)
Councillors Bava, Burr, Campsall, Day,
Harper-Davies, Popley, Seaton and Wise

APOLOGIES: Councillors Brown, Green, S. Jones and Radford

24. MINUTES

The minutes of the meeting of the Committee held on 19th February 2009 were confirmed and signed.

25. DISCLOSURE OF PERSONAL INTEREST

Councillor Day declared a personal interest in respect of application P/09/0046/2. He stated that he was a registered Friend of Charnwood Forest, however, he had had no input into the objections raised by the group.

26. PLANNING APPLICATIONS

The applications for planning permission set out in the appendix to the agenda, together with the recommendations of the Director of Development, were considered.

In accordance with the procedure for public speaking at meetings, the following member of the public, agents, representative of the owner and parish council representative attended the meeting and expressed their views:

- (i) Mr D. Barker (on behalf of Woodhouse Parish Council) in respect of application P/08/2626/2;
- (ii) Ms J. Woodland (local resident) in respect of application P/09/0046/2;
- (iii) Mr P. Rowland (on behalf of agent Landmark Planning) in respect of application P/09/0124/2;
- (iv) Mr Coffee (on behalf of Mr White) in respect of enforcement case E/08/0029;
- (v) Mr B. Wills (on behalf of agent Brown & Co) in respect of enforcement case E/08/0124.

In accordance with Council Procedure Rule 33, the following councillors attended the meeting and expressed their views:

- (i) Councillor Snartt in respect of applications P/09/0046/2 and P/08/2626/2;

- (ii) Councillor M. Hunt in respect of application P/09/0124/2.

In addition to the letters of representation reported in the agenda, details of the following, which had been received after the agenda for the meeting had been prepared, were submitted:

- (i) in respect of application P/09/0124/2:
- comments from Ward Councillor Hunt regarding the effectiveness of the 'no car' agreement;
 - representations from residents regarding parking concerns;
 - comments from the Civic Trust regarding the scale of the building and parking provision;
 - comments from the Highway Authority confirming that it no longer objected to the application and outlining seven additional conditions and one additional note to applicant which would be attached to a permission;
 - further comments from the applicant;
 - comments from the Director of Development regarding the issues raised above;
- (ii) a correction to the report regarding the heights of the garage and extensions in respect of application P/09/0046/2;
- (iii) details of amended plans, together with comments from the Director of Development regarding those plans and a revised recommendation to grant planning permission subject to the completion of a Section 106 Agreement in respect of application P/08/2626/2;
- (iv) in respect of enforcement case E/08/0197, a recommendation from the Head of Legal Services to amend the second step required to read "2. *Not to permit more than six people to occupy the dwelling*", comments from Ward Councillor Vincent supporting the proposed enforcement action and confirmation from the University and the landlord that as from July 2009 only six students would be living in the property;
- (v) in respect of enforcement cases E/08/0235 and E/08/0249, a recommendation from the Head of Legal Services to amend the second step required to read "2. *Not to permit more than six people to occupy the dwelling*", together with comments from Ward Councillor Vincent supporting the proposed enforcement action;
- (vi) comments from the developer confirming the address of the property and comments from his solicitor outlining the steps his client would be taking to meet the Council's requirements in respect of enforcement case E/08/0029;
- (vii) in respect of enforcement case E/08/0124, details of an amendment to paragraph 1 page 80 of the report confirming that part of the site was not within the Barkby Conservation Area, further comments from the

Director of Development stating that the reference to the “*High Leicestershire Area of Particularly Attractive Countryside*” should be deleted from the report and the reason as to why enforcement action should be taken;

- (viii) comments from the Director of Development stating that the reference to the “*High Leicestershire Area of Particularly Attractive Countryside*” should be deleted from the report and the reason as to why enforcement action should be taken in respect of enforcement case E/08/0187.

Seven additional conditions and an additional note to applicant in respect of application P/09/0124/2, the deletion of condition 8, amendments to conditions 12, 16 and 17 and note to applicant 7 becoming a condition in respect of application P/09/0046/2, a change to the recommendation to include the Section 106 Agreement and 27 conditions in respect of application P/08/2626/2 and an amended enforcement notice in respect of enforcement case E/08/0249 were recommended by the Director of Development, details of which were submitted.

RESOLVED

- I. that, in respect of application P/09/0124/2 (Temple Filling Station, Ashby Road, Loughborough), planning permission be refused against the recommendation of the Director of Development for the following reasons:

1. The proposed layout provides no car parking for students occupying the flats. The site is in an isolated semi-rural location and residents will need to travel to Loughborough University campus and to access local services and facilities particularly those at Loughborough Town Centre. The 'No car agreement' proposed by the applicant and the absence of on-site car parking provision in this location will result in students walking or cycling a section of the A512 Ashby Road, which has a woodland screen with no surveillance from other properties, to access the nearest bus stop or to access the University campus and other service destinations. Furthermore the proximity of the pedestrian entrance facing Ashby Road is unduly close to a cycleway and the busy A512 which is dual carriageway at this point where vehicular speed is in excess of the 40mph limit. It is therefore considered that the proposed layout and design of the student flats fails to provide a safe environment and is contrary to Policy EV/17 of the Borough of Charnwood Local Plan saved by the Secretary of State 21st September 2007.

2. The proposed layout provides no car parking for students occupying the flats. The site is in an isolated semi-rural location and residents will need to travel to Loughborough University campus and to access services and facilities particularly the town centre of Loughborough. The 'No car agreement', the purpose of which is to encourage students living in Loughborough to use alternative modes of transport to private cars and to address the lack of car parking proposed by the applicant, will require students to utilise alternative forms of transport. Although the nearest bus stop is within approximately 400m of the application site it is not visible from

it. It is the opinion of the local planning authority that student residents of the flats in this isolated location are unlikely to use public transport due to the distance to, and lack of a visible bus stop provision on both sides of the A512. In this context the proposed 'No car agreement' is likely to be inappropriate and ineffective. Therefore the proposal fails to provide satisfactory access to public transport resulting in ineffective access to Loughborough University, local services and facilities and the town centre of Loughborough;

2. that, in respect of planning application P/09/0046/2 (Walnut Cottage, 37 School Lane, Woodhouse) planning permission be granted as recommended by the Director of Development, subject to the following conditions, including the deletion of condition 8 in the report and the inclusion of note to applicant 7 as a condition:

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 drawings 70516:2H, 70516:5F, 70516:4H, 70516:3F received by the local planning authority on 18th February 2008 and showing alterations to the design of the double garage.

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. Only those materials specified in the application shall be used in carrying out the development hereby permitted.

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

4. No materials shall be placed on the site until such time as details of the materials to be used for the stone wall of the garage fronting School Lane, 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.

5. The small window in the east elevation shall be glazed with obscure glass which shall thereafter be retained at all times. Details of the glazing specification shall first be submitted for the approval in writing of the local planning authority. No changes shall be made to these windows nor shall any additional windows be inserted in this elevation thereafter.

REASON: To minimise the effect of the development on the privacy and amenities of nearby residents.

6. No part of the development, hereby permitted, shall be occupied or used until visibility splays of 2.4m x 2.4m have been provided on the highway boundary on both sides of the access and the areas have been laid out and

surfaced in a manner previously agreed in writing by the local planning authority.

REASON: To ensure that drivers leaving the access have adequate visibility of vehicles already on the highway.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that Order, no fence, wall, structure or hedge or other planting shall be erected, placed or planted within the splay areas referred to in the previous condition.

REASON: To ensure that drivers leaving the access have adequate visibility of pedestrians, particularly children, in the interests of road safety.

8. The new driveway and parking areas shall be laid using a porous construction to ensure that surface water does not drain into the public highway or to surface water drainage systems, and thereafter shall be so maintained. For at least the first 5m behind the highway boundary the surfacing shall be of a hard material.

REASON: To reduce the possibility of surface water from the site being deposited in the highway, causing dangers to road users and to prevent the discharge of surface water causing an increase in the risk of flooding in the locality.

9. The gradient of the access drive shall not exceed 1 in 12 for the first 5m measured into the site from the highway boundary.

REASON: To ensure the drive is not too steep, in order to provide a reasonable level of safety in icy conditions.

10. No development, including site works, shall begin until each tree shown to be retained on the approved plan has been protected as specified in the arboricultural report drawing 70516.2. Each tree shall be protected in the specified manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

REASON: The trees are important features in the area and this condition is imposed to ensure that they are properly protected while building works take place on the site.

11. No development, including site works, shall begin until a method statement detailing the construction of the foundations of the garage has been received and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details.

REASON: The trees are important features in the area and this condition is imposed to ensure that they are properly protected.

12. The details of the replacement hedge to be planted as part of the closure of the existing access shall first be agreed in writing by the local planning authority, and the hedge shall be planted during the first available planting season following the construction of the access. Any hedge 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: The hedge is an important feature in the area and this condition is imposed to ensure that there is no long term detriment to the overall appearance and character of the area.

13. 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.

14. 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.

15. 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, there shall be no new buildings or raised ground levels within 1m of the top of the bank of the stream fronting the site, inside or along the boundary of the site, unless otherwise agreed in writing by the local planning authority.

REASON: To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.

16. No development, including site works, shall begin until such time as a scheme detailing a bank-top to bank-top bridge for the new access over the stream has been submitted to and approved in writing by the local planning authority. Notwithstanding any details submitted with the application, the new access shall not be constructed other than in accordance with the approved scheme.

REASON: To ensure a bridge crossing instead of a culverted access in the interests of visual amenity and the protect the area from flooding.

17. The existing access and culverting of the brook shall be removed and the banks of the watercourse re-instated in accordance with details previously agreed with the local planning authority, within 28 days of the new access hereby permitted being brought into use.

REASON: In the interests of the visual amenity of the area and to prevent increased flooding in the locality.

Notes to applicant: (a) Planning policies relevant to this decision. Saved Policies EV/1 and H/17 of the Borough of Charnwood Local Plan (2004), the provisions of PPG15, Planning and the Historic Environment, and the adopted Woodhouse Eaves Village Design Statement, have been taken into account in the determination of this application. The Council's Supplementary Planning Guidance on House Extensions and the Supplementary Planning Document, 'Leading in Design' have also been taken into consideration. The proposed development complies with the requirements of these Development Plan and national policies and the supplementary planning guidance 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, otherwise, no harm would arise such as to warrant the refusal of planning permission. (c) The existing trees on the site, namely the sycamore, walnut and holly are the subject of a Tree Preservation Order and consent is needed for any works to uproot, cut down, top or lop the protected trees. Unauthorised works to a protected tree are a criminal offence. (d) Any works to an unpreserved tree in the conservation area require six weeks prior written notice to the Council. This is to allow an opportunity to consider whether a Tree Preservation Order is justified. Unauthorised works to a protected tree are a criminal offence. (e) Please contact Mr Buckingham, the Landscape Officer, on 01509 634766 before any works are started to clarify the details of your proposal and to avoid works which may harm the tree(s). (f) This permission does not include the pergola indicated on the submitted plans. On the basis that it would be below 2.5m in height, it would fall within the scope of development permitted by the Town and Country Planning (General Permitted Development) Order 1995, as amended;

3. that, in respect of planning application P/08/2626/2 (7A Forest Rock Garage, Church Hill, Woodhouse Eaves):
- (a) 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. 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.
 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 ensure 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; and (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 the 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 ensure 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 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.

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 ensure 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 0.2m 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.

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 2.4m 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.

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 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.

19. 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.

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 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.).

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 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.).

26. 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.

27. 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;

4. that, in respect of enforcement case E/08/0197 (6 Goldfinch Close, Loughborough):
- (a) the Director of Development and the Director of Governance and Procurement be authorised to take enforcement action under the Town and Country Planning Act 1990 and the Director of Governance and Procurement be authorised to institute and conduct any legal proceedings necessary to secure compliance with the enforcement notice related to the unauthorised change of use of the dwelling to a House in Multiple Occupation, the period for compliance being two months from the date the notice takes effect;
 - (b) it is expedient to authorise enforcement action because:
 - (i) it appears to the Council that the above breach of planning control has occurred within the last 10 years;
 - (ii) it is considered that the use would, by reason of its potential to increase noise and disturbance, not normally associated with a dwelling, would be detrimental to the amenity of residents living in the surrounding area. It would also increase the already high concentration of student households in this area, leading to a further fragmentation and unbalancing of the

local permanent community and cause further detriment to the general amenities of the local area. In this way, the proposal conflicts with saved Policies H/13 and EV/39 of the Borough of Charnwood Local Plan and adopted Supplementary Planning Document – ‘Student Housing Provision in Loughborough’;

- (iii) the Council do not consider that planning permission should be given, because planning conditions could not overcome these objections;
- (c) confirm that the notice will require the following steps to be taken:
 - (i) cessation of the use of the property as a House in Multiple Occupation;
 - (ii) that no more than six people be permitted to occupy the dwelling;
- 5. that, in respect of enforcement case E/08/235 (9 Goldfinch Close, Loughborough):
 - (a) the Director of Development and the Director of Governance and Procurement be authorised to take enforcement action under the Town and Country Planning Act 1990 and the Director of Governance and Procurement be authorised to institute and conduct any legal proceedings necessary to secure compliance with the enforcement notice related to the unauthorised change of use of the dwelling to a House in Multiple Occupation, the period for compliance being two months from the date the notice takes effect;
 - (b) it is expedient to authorise enforcement action because:
 - (i) it appears to the Council that the above breach of planning control has occurred within the last 10 years;
 - (ii) it is considered that the use would, by reason of its potential to increase noise and disturbance, not normally associated with a dwelling, would be detrimental to the amenity of residents living in the surrounding area. It would also increase the already high concentration of student households in this area, leading to a further fragmentation and unbalancing of the local permanent community and cause further detriment to the general amenities of the local area. In this way, the proposal conflicts with saved Policies H/13 and EV/39 of the Borough of Charnwood Local Plan and adopted Supplementary Planning Document – ‘Student Housing Provision in Loughborough’;

- (iii) the Council do not consider that planning permission should be given, because planning conditions could not overcome these objections;
 - (c) confirm that the notice will require the following steps to be taken:
 - (i) cessation of the use of the property as a House in Multiple Occupation;
 - (ii) that no more than six people be permitted to occupy the dwelling;
- 6. that, in respect of enforcement case E/08/0249 (4 Goldfinch Close, Loughborough):
 - (a) the Director of Development and the Director of Governance and Procurement be authorised to take enforcement action under the Town and Country Planning Act 1990 and the Director of Governance and Procurement be authorised to institute and conduct any legal proceedings necessary to secure compliance with the enforcement notice related to the unauthorised change of use of the dwelling to a House in Multiple Occupation, the period for compliance being two months from the date the notice takes effect;
 - (b) it is expedient to authorise enforcement action because:
 - (i) it appears to the Council that the above breach of planning control has occurred within the last 10 years;
 - (ii) it is considered that the use would, by reason of its potential to increase noise and disturbance, not normally associated with a dwelling, would be detrimental to the amenity of residents living in the surrounding area. It would also increase the already high concentration of student households in this area, leading to a further fragmentation and unbalancing of the local permanent community and cause further detriment to the general amenities of the local area. In this way, the proposal conflicts with saved Policies H/13 and EV/39 of the Borough of Charnwood Local Plan and adopted Supplementary Planning Document – ‘Student Housing Provision in Loughborough’;
 - (iii) the Council do not consider that planning permission should be given, because planning conditions could not overcome these objections;
 - (c) confirm that the notice will require the following steps to be taken:

- (i) cessation of the use of the property as a House in Multiple Occupation;
 - (ii) that no more than six people be permitted to occupy the dwelling;
 - (d) for the purposes of any appeal proceedings, resolve that, had a planning application been received in relation to the unauthorised development described above, permission would have been refused for the reasons set out in the preceding section of this report;
7. that in respect of enforcement case E/08/0029 (Land at Six Acres, 17 The Ridgeway, Rothley):
- (a) the Director of Development and the Director of Governance and Procurement be authorised to take enforcement action under the Town and Country Planning Act 1990 and the Director of Governance and Procurement be authorised to institute and conduct any legal proceedings necessary to secure compliance with the enforcement notice related to the unauthorised removal of hedge and change of use of land from agricultural land to residential, including the construction of new driveway and installation of lighting apparatus and cabling alongside a new driveway, the period for compliance being two months from the date the notice takes effect;
 - (b) it is expedient to authorise enforcement action because:
 - (i) it appears to the Council that the above breach of planning control has occurred within the last ten years;
 - (ii) it is considered that the change of use of the land and creation of a driveway for residential purposes, by reason of its location within agricultural land is an unnecessary visual intrusion into this area of open countryside and as the property already benefits from an extensive vehicular access it is over intensive development within the countryside. In this way, the proposal conflicts with saved Policies CT/1, CT/2, CT/5 and CT/6 of the Borough of Charnwood Local Plan and National Planning Policy Statement 7;
 - (iii) the Council do not consider that planning permission should be given, because planning conditions could not overcome these objections;
 - (c) confirm that the notice will require the following steps to be taken:
 - (i) cessation of the use of the land for residential purposes;

- (ii) removal of the tarmac surface and any hardcore base layer from the land;
 - (iii) removal of all associated lighting apparatus including cabling installed along the length of the driveway;
 - (iv) reinstatement of the topsoil and grassed area to its former condition;
- (d) for the purposes of any appeal proceedings, resolve that, had a planning application been received in relation to the unauthorised development described above, permission would have been refused for the reasons set out in the preceding section of this report;
8. that, in respect of enforcement case E/08/0088 (115 Graylyn Court, Humberstone Lane, Thurmaston):
- (a) the Director of Governance and Procurement be authorised to conduct such proceedings as he considers appropriate, if any, in respect of the unlawful felling of a sycamore tree protected by a Tree Preservation Order;
 - (b) the Director of Governance and Procurement be authorised to issue a Tree Replacement Notice under Section 206 of the Town and Country Planning Act 1990 and to institute and conduct any legal proceedings necessary to secure compliance with the notice related to the unauthorised cutting down of sycamore tree and lopping of branches of lime tree (Tree Preservation Order), the period for compliance being two months from the date the notice takes effect;
 - (c) it is expedient to authorise enforcement action because:
 - (i) on or around 7th August 2006 a sycamore tree the subject of a Tree Preservation Order, Barrow Upon Soar District Council (Adjacent 109 Humberstone Lane, Thurmaston) Tree Preservation Order 1972 was removed and destroyed. In accordance with section 206 of the Town and Country Planning Act 1990 replacement trees are required to be planted;
 - (ii) it is considered that by reason of the removal of the sycamore tree it has led to a detrimental impact on the important contribution that the group of trees made to the visual amenity of the street scene;
 - (d) confirm that the notice will require the grinding down of the stump and the removal of all roots associated with the felled Sycamore and the planting of one *Tilia x euchlora*, heavy standard size - 12/14 cm

girth at 1m with overall height of 3.5m/4.25m, staked and tied in the location referred to;

- (e) for the purposes of any appeal proceedings, resolve that, had an application for consent to remove the tree been received permission would have been refused for the reasons set out in the preceding section of this report;
9. that, in respect of enforcement case E/08/0124 (Hill Top Farm, 30 King Street, Barkby Thorpe):
- (a) the Director of Development and the Director of Governance and Procurement be authorised to take enforcement action under the Town and Country Planning Act 1990 and the Director of Governance and Procurement be authorised to institute and conduct any legal proceedings necessary to secure compliance with the enforcement notice related to the unauthorised change of use from agricultural land to a mixed use of agricultural and commercial storage and unauthorised operational development in constituting the permanent siting of shipping containers and the construction of a bund and hardstanding, the period for compliance being six months from the date the notice takes effect;
 - (b) it is expedient to authorise enforcement action because:
 - (i) it appears to the Council that the above breach of planning control has occurred within the last 10 years;
 - (ii) the use of the land for non agricultural, commercial storage is considered unsuitable in this location in an Area of Particularly Attractive Countryside and partially within the Barkby Conservation Area;
 - (iii) the permanent siting of shipping containers on the site constitutes operational development and is an unacceptable and unwarranted development that has an adverse impact on the intrinsic character of the countryside, in particular, an Area of Particularly Attractive Countryside and partially within the Barkby Conservation Area;
 - (iv) the development is considered contrary to PPS 1, PPG 4, PPS 7, PPG 15 and the Saved Policies in the Borough of Charnwood Local Plan; EV/1, CT/1, CT/2, CT/7, CT/10, TR/6 and TR/17;
 - (v) the Council do not consider that planning permission should be given, because planning conditions could not overcome these objections;

- (c) confirm that the notice will require the following steps to be taken:
 - (i) cessation of the use of the site for non agricultural storage purposes;
 - (ii) removal from the site of all storage containers;
 - (iii) removal of the bund from the South and West boundaries of the hardstanding and removal of the hardstanding;
 - (iv) removal from the site of all resulting arisings;
 - (v) returning of the land to its condition prior to the unauthorised development;
 - (d) for the purposes of any appeal proceedings, resolve that, had a planning application been received in relation to the unauthorised development described above, permission would have been refused for the reasons set out in the preceding section of this report;
10. that, in respect of enforcement case E/08/0187 (Beeby Paddocks, Barkby Road, Beeby):
- (a) the Director of Development and the Director of Governance and Procurement be authorised to take enforcement action under the Town and Country Planning Act 1990 and the Director of Governance and Procurement be authorised to institute and conduct any legal proceedings necessary to secure compliance with the enforcement notice related to the unauthorised Change of Use from agricultural use to a mixed use of agricultural and builders/scaffolders yard, the period for compliance being four months from the date the notice takes effect;
 - (b) it is expedient to authorise enforcement action because:
 - (i) it appears to the Council that the above breach of planning control has occurred within the last 10 years;
 - (ii) the development site is within the Area of Particularly Attractive Landscape and the operation of a scaffolder's yard is considered inappropriate in this remote rural location. The development of a scaffold storage tower is considered a visible and intrusive feature in the landscape. The development conflicts with PPS 1, PPS 7 and with Saved Policies in the Borough of Charnwood Local Plan; EV/1, CT/1, CT/2, CT/7, TR/17 and TR/25;

- (iii) the Council do not consider that planning permission should be given, because planning conditions could not overcome these objections;
- (c) confirm that the notice will require the following steps to be taken:
- (i) cessation of the use of the site for the operation of a scaffolding business and storage of scaffolding equipment;
 - (ii) removal from the land of any scaffolding poles, and related equipment;
 - (iii) removal of the hardcore from the land and the return of the site to its condition prior to when the use changed from agricultural;
- (d) for the purposes of any appeal proceedings, resolve that, had a planning application been received in relation to the unauthorised development described above, permission would have been refused for the reasons set out in the preceding section of this report;
11. that, subject to resolutions 1. to 10. above and to the conditions and/or reasons set out in the Committee's Minute Book, decision notices be issued as follows:

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|-------------|--|--|
| P/09/0124/2 | LOUGHBOROUGH – Temple Filling Station, Ashby Road, Anaash Holdings – Erection of four-storey student accommodation containing one x 1-bed, five x 3-bed, seven x 4-bed, nine x 5-bed cluster flats and ancillary use on the ground floor (revised scheme - P/08/2343/2 refers) | Refuse to permit |
| P/09/0046/2 | WOODHOUSE – Walnut Cottage, 37 School Lane, Mr J. Alexander – Erection of two-storey extension to side of dwelling and garage to front and reconfiguration of access (revised scheme withdrawn P/08/0155/2 refers) | Permit – subject to the following conditions, including the deletion of condition 8, amendments to conditions 12, 16 and 17 and note to applicant 7 becoming a condition |
| P/08/2626/2 | WOODHOUSE – 7A Forest Rock Garage, Church Hill, Eastern Range Ltd – Demolition of garage buildings and | Permit – subject to the completion of a Section 106 |

erection of 10 dwellings, access road and Agreement and to
car parking (revised scheme - refusal conditions
P/07/3066/2 refers)

NOTES:

1. Application P/08/2626/2 has been referred to the Regulatory Committee on 27th April 2009 under Part 3 of the Constitution.
2. 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.
3. These minutes are subject to confirmation as a correct record at the next meeting of the Plans Committee on 21st May 2009.

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