

15/01/2008

Item 1.3
Reg. No. 9/2007/1160/F

Applicant:
Assura Property Ltd &
LSP Development Ltd
Ashby De la Zouch
Leicestershire
LE65 2FR

Agent:
West Hart Partnership
5 Aldergate
Tamworth
Staffordshire
B79 7DJ

Proposal: The erection of a new medical centre and retail pharmacy, associated car parking, access arrangements and landscaping at Land Off Glamorgan Way Church Gresley Swadlincote

Ward: Gresley

Valid Date: 04/10/2007

Reason for committee determination

This application is closely related to application 9/2007/1161 which must be determined by the committee for the reasons set out in that report.

Site Description

This is a part of a designated area of land for use as a local centre to serve a development of upwards of 1,200 dwellings. It occupies a prominent corner on the main road through the estate among recently completed dwellings and a public open space area to the north. A footpath/cycleway is designed to run along the northern boundary alongside a wooded link through the estate. The line of a public footpath runs through the site and would therefore require diverting.

Proposal

The scheme shows an innovative modern design located on the site away from the main road frontage (Brunel Way) incorporating 10 training/consulting/treatment rooms, a pharmacy and ancillary facilities all located in a single part two-storey building. The main access to the site would be from Glamorgan Way with an additional pedestrian access from the footpath/cycleway to the north. The scheme would be accompanied by two parking areas of 21 parking spaces and 41 spaces, landscaping, cycle stands, bin stores and an electricity substation adjoining the eastern boundary. The 41 spaces car park would also be shared with the development on the adjoining land (see 9/2007/1161). Prior to the commencement of the development of the adjoining land, the site would be levelled and seeded. In response to detailed negotiations, an amended



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9/2007/1160/F Land off Glamorgan Way
Church Gresley

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Date Plotted 4/1/2008

NORTH ↑

Plot centred at 428547 318030 Scale 1:2500

plan shows the Glamorgan Way frontage of the building redesigned and the substation relocated to a less conspicuous position.

Applicants' supporting information

The design and access statement concludes that the building has been designed to create and embrace inclusive access for all. It states that the extremely simple legibility of the building is the driving force behind creating an inclusive building.

Planning History

The site has been reserved for the purposes of a local centre since its inception.

Responses to Consultations

Severn Trent Water, the Pollution Control Manager and the Ramblers have no objections. The County Highway Authority has no objection subject to conditions.

Responses to Publicity

Comments have been received from two neighbours who have expressed the following concerns:

- a. Extensive tree and shrub removal will be necessary to re-route the public footpath
- b. There are no traffic flow details
- c. It is not clear that the centre will provide any extra services in the area
- d. It is not clear that the ground to be vacated by Gresley Rovers has been considered which would provide a better location
- e. A new primary school and children's recreation area are more urgently needed
- f. Access to the site is dangerous due to children playing
- g. Opening hours need to be addressed
- h. The possibility of ram-raids and robberies should be considered

Development Plan Policies

The relevant policies are:

RSS8: Policies 2, 3, 4 and 5.

Local Plan: saved Shopping Policy 3, Community Facilities Policy 1 and Housing Policy 14.

Planning Considerations

The main issues central to the determination of this application are:

- The principle of the development with regard to local and national policy
- Residential amenity
- Design and layout
- Access and highway safety

Planning Assessment

The site was safeguarded for local facilities at the outline permission stage. Its use is therefore well known and established under that permission and therefore in terms of the principle of the development this is not an issue.

Before and during the course of the application, the design has been changed to accommodate the existing development (principally housing) on adjoining land and this has directly affected the layout detail of the scheme. The single storey element of the building is at the front rather than on the rising land to the rear so as not to unduly affect the residential amenity of the housing adjacent. Equally, the main parking area is located away from the nearest housing so as to minimise disturbance.

The building itself has been treated as a 'stand-alone' development in an attempt to perform as a point of reference in the wider area, which is welcomed. It takes on a contemporary modern design that would give the building a strong yet sympathetic appearance whilst preserving a human scale. Access to the centre would be from two main points both convenient to pedestrians and cyclists and therefore would operate well and would encourage good local access.

With regard to comments made by neighbours there are no trees on the site of any value and the landscaping of the areas remaining would more than compensate for any loss of vegetation. A children's play area is soon to be constructed to the north of the site.

The centre is designed to enable the local practice to replace outdated premises in Church Street and Midway which it has outgrown. It wishes to provide additional services and cope with the increasing population in the area. The location of the new medical centre on this site as opposed to any other is favoured by the Practice.

In conclusion the centre would provide an important focus for the area and deliver much needed extra facilities in a better purpose built environment.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos. 525-104 rev.c, 106 rev.a, 200 rev.j, 301 rev.b, 300 rev.e as submitted undercover of the agent's letter of 17 December 2007.
Reason: For the avoidance of doubt, the original submission being considered unacceptable.

3. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the existing building and the locality generally.

4. A) The development shall not be commenced until a scheme to identify and control any contamination of land, or pollution of controlled waters has been submitted to, and approved in writing by, the local planning authority (LPA); and until the measures approved in that scheme have been implemented. The scheme shall include all of the measures (phases I to III) detailed in Box 1 of section 3.1 the South Derbyshire District Council document 'Guidance on submitting planning applications for land that may be contaminated', unless the LPA dispenses with any such requirement specifically and in writing.

B) Prior to occupation of the development (or parts thereof) an independent verification report must be submitted, which meets the requirements given in Box 2 of section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.

C) In the event that it is proposed to import soil onto site in connection with the development, this should be done to comply with the specifications given in Box 3 of section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.

D) No development shall take place until monitoring at the site for the presence of ground/landfill gas and a subsequent risk assessment has been completed in accordance with a scheme to be agreed with the LPA, which meets the requirements given in Box 4, section 3,1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

5. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA, and appropriate remediation proposals, and shall be submitted to the LPA without delay. The approved remediation scheme shall be implemented in accord with the approved methodology.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

6. Before any other operations are commenced, a temporary access shall be formed into the site from Glamorgan Way for construction purposes, and space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring for site operatives and visitor's vehicles, loading and unloading of goods vehicles, all in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

7. Before any operations commence involving the movement of materials in bulk to or from the site, facilities shall be provided that have previously been approved in writing by the Local Planning Authority, to prevent the deposition of mud or extraneous material on the access roads to the site.

Reason: In the interests of highway safety.

8. The areas shown on the approved plan for the parking and manoeuvring of vehicles shall be laid out, hard surfaced in a solid bound material (i.e. not loose chippings) and marked out prior to the first use of the development hereby permitted. Thereafter those areas shall remain unobstructed for their designated use.

Reason: To ensure that all the activities associated with the development are contained within the curtilage of the site, so as to avoid parking and manoeuvring on the highway to the detriment of highway safety.

9. No development shall take place until details of a scheme for the disposal of surface and foul water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.

Reason: In the interests of flood protecting and pollution control.

10. Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the area.

11. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the appearance of the area.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the area.

13. No vehicular access shall be formed from the site to Brunel Way.

Reason: In the interests of highway safety.

14. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).

Reason: To protect the amenities of adjoining properties and the locality generally.

Informatives:

the County Highway authority requires that the developer ensures that surface water run-off from the site be prevented from entering the highway. It also advises that a public right of way diversion order would be necessary.

The grant of planning permission does not entitle developers to obstruct public rights of way affected by the proposal. Development, in so far as it affects the right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of the Town and Country Planning Act 1990 for the diversion or extinguishment of the right of way has been made and confirmed.

Nor should it be assumed that because planning permission has been granted an order will invariably be made or confirmed.

The Public Health Act requires that there shall be no building over any public sewer crossing the site without the express consent of the Regional Water Company. You are asked to contact Severn Trent Water with regard to ensuring adequate protection/room for maintenance of the sewer.

15/01/2008

Item 1.4

Reg. No. 9/2007/1161/M

Applicant:

Assura Property Ltd &
LSP Development Ltd
Ashby De la Zouch
Leicestershire
LE65 2FR

Agent:

West Hart Partnership
5 Aldergate
Tamworth
Staffordshire
B79 7DJ

Proposal:

Outline application (all matters except layout, scale and means of access to be reserved) for the development of retail unit A1, A1/A2 and A5 plus 16 apartments (minimum 14 two bedroom units), associated car parking, landscaping and access at Land Off Giamorgan Way Church Gresley Swadlincote

Ward:

Gresley

Valid Date:

04/10/2007

Reason for committee determination

This is a major application and more than two letters of objection have been received. The recommendation below does not correspond with the recommendation of the Council's Pollution Control Manager.

Site Description

See report for 9/2007/1160.

Proposal

Whilst the scheme is submitted for outline permission, layout, scale and means of access are submitted for approval now. The scheme shows a single three-story, flat-roofed block alongside the proposed medical centre (see previous item) with three A1/A2 units and two A5 (hot food takeaway) units on the ground floor. The scheme also shows 16 dedicated spaces for the apartments and some additional parking space in front of the retail units to compliment the larger car park to the south. An amended plan shows the building moved further away from the Brunel Way frontage to allow for some better landscaping and distance from the houses opposite.



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9/2007/1161/O Land off Giamorgan Way
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Date Plotted 4/1/2008

NORTH ↑

Plot centred at 428533 318026

Scale 1:2500

Applicants' supporting information

The applicants' have submitted a design and access statement that includes the following comments in support of the application. The residential and retail elements of the neighbourhood centre will strengthen the overall community usage and reinforce the strong identity and structure enhanced by the adjoining development. The contemporary architectural language is employed to provide a distinctive local identity and has been an important aspect from the planner's perspective. The design provides for good pedestrian access to the public areas, dedicated car and cycle parking.

Planning History

See report for 9/2007/1160.

Responses to Consultations

The Council's Pollution Control Manager has concerns regarding the proposed hot food units being below residential properties and therefore likely to suffer from cooking odours. Concern is also expressed at the potential for noise disturbance from activities on the premises from the clientele entering and leaving the premises at unsociable hours. It is therefore recommended that the application be refused. The Contaminated Land Officer recommends a site investigation via the standard condition.

The County Highway Authority considers that the required 24 parking spaces (16 two-bed units) should be provided all together within an allotted area for the exclusive control of the flats. It suggests that Manual For Streets recommends an acceptable standard of parking and that standard is 1.5 spaces per flat. Although it states that the scheme, which shows some parking shared with the public car park adjacent, is not acceptable, it concedes that a refusal for such reason would not be likely to be successful at appeal. It also confirms that a diversion order is necessary for the route of the public footpath

Responses to Publicity

Three comments have been received from neighbours to the site. In addition to the comments set out in the report to 9/2007/1160, the following points are also of concern:

- The outline permission requires the 16 flats to have parking for 32 cars.
- The site should be a children's play area
- The main access should be off the main road or the existing island
- The use of bright neon signs should not be permitted as they may cause a nuisance to residents.

Development Plan Policies

The relevant policies are:

RSS8: 2, 3, 4 and 5.

Local Plan: Saved Shopping Policy 3 and Housing Policy14.

Planning Considerations

The main issues central to the determination of this application are:

- The principle of the development with regard to local and national policy
- Residential amenity
- Design and layout
- Access and highway safety

Planning Assessment

The site was safeguarded for local facilities at the outline permission stage. Its use is therefore well known and established under that permission and therefore in terms of the principle of the development this is not an issue.

With regard to comments from the Council's Pollution Control Manager regarding residential amenity, there are other important issues that need to be weighed against those comments. From the beginning it was always envisaged that a local centre would be built on the site. It must be expected that in order to attract a convenience store of reasonable size, a hot food takeaway is normally required. Indeed this is a common feature of such developments across the country. Whilst the Pollution Control Manager's comments are understood, it is considered that a local centre would probably not be viable unless it operates into the evening. It would appear that this may be the case with or without a hot food unit and therefore the situation would be the same and in addition, no adverse comments have been received from the Crime Prevention Officer. It is not considered reasonable therefore to withhold permission for this reason. Equally, provided adequate safeguards are employed in the detailed design of the building to avoid the impacts of cooking smells, the future occupiers of the apartments should not be unduly affected. It is early enough in the design process to ensure that this is achieved and a condition attached to this permission should guarantee this. For information, the developers (the applicants) acting for the local GP practice have also made it clear that the scheme is only viable if both this and the application for the medical centre are successful (although this on its own should not affect the members' decision).

With regard to the design, it should be noted that although illustrations have been submitted, the final design is not for consideration here. However, the purpose of the illustrations is to demonstrate how the scheme would work. Although negotiations have been difficult, the amended details now show that a development on the site alongside the proposed medical centre is broadly acceptable. The finer detail would be agreed at the reserved matters stage.

Comments regarding access and parking mainly revolve around the impact on existing residents and whether sufficient parking would be available for the development as a whole. Given that the site for a local centre is fixed, it is not readily apparent how access could otherwise have been designed and from this point of view the Highway Authority finds no fault. It is considered that the latest advice about parking provision would not support the provision of any further parking on the site. The scheme currently shows a total of 90 spaces. Given that the development is designed as a centre primarily to serve the local community, requiring any more spaces would seem inappropriate and contrary to the principle of encouraging local access other than by car.

The site is a part of the original area granted permission in 2000 which included a comprehensive Section 106 agreement to provide (inter alia) for a primary school and

public open space elsewhere, further contributions for this scheme therefore are not required.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

GRANT permission subject to the following conditions:

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

(b) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.

2. Approval of the details of the external appearance and the landscaping shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.

3. A) The development shall not be commenced until a scheme to identify and control any contamination of land, or pollution of controlled waters has been submitted to, and approved in writing by, the local planning authority (LPA); and until the measures approved in that scheme have been implemented. The scheme shall include all of the measures (phases I to III) detailed in Box 1 of section 3.1 the South Derbyshire District Council document 'Guidance on submitting planning applications for land that may be contaminated', unless the LPA dispenses with any such requirement specifically and in writing.

B) Prior to occupation of the development (or parts thereof) an independent verification report must be submitted, which meets the requirements given in Box 2 of section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.

C) In the event that it is proposed to import soil onto site in connection with the development, this should be done to comply with the specifications given in Box 3 of section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.

D) No development shall take place until monitoring at the site for the presence of ground/landfill gas and a subsequent risk assessment has been completed in accordance with a scheme to be agreed with the LPA, which meets the requirements given in Box 4, section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

4. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA, and appropriate remediation proposals, and shall be submitted to the LPA without delay. The approved remediation scheme shall be implemented in accord with the approved methodology.
Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.
5. No development shall take place until details of a scheme for the disposal of surface and foul water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.
Reason: In the interests of flood protecting and pollution control.
6. No development shall take place until a scheme indicating provision to be made for access by people with disabilities has been submitted to the Local Planning Authority. The scheme as approved shall be implemented before the development is brought into use.
Reason: To ensure adequate opportunity of access for people with disabilities.
7. Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.
Reason: In the interests of the appearance of the area.
8. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos. 525-105a and 525-107a.
Reason: For the avoidance of doubt, the original submission being considered unacceptable.
9. Notwithstanding the submitted details, a scheme for delivery times and opening hours of all the retail units hereby permitted shall be submitted to and approved in writing by the Local planning Authority prior to the first use of the unit to which it relates. Thereafter the scheme shall be observed in full unless any approval has been granted by the Local Planning Authority to any variation.
Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.
10. Prior to the first use of the site hereby permitted, details of a fume extraction system (to include extraction rates, discharge height, elevation drawings where necessary, and conditioning) shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved scheme.

Reason: To protect the amenities of adjoining properties and the locality generally.

11. Prior to the first occupation of the development hereby permitted, measures to minimise the risk of crime to meet the specific security needs of the application site and the development shall be implemented in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

Reason: In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well-being of the area pursuant to the Council's powers under Section 2 of the Local Government Act 2000 and to reflect government guidance set out in PPS1.

12. The areas shown on the approved plan no for the parking and manoeuvring of vehicles shall be laid out, hard surfaced in a solid bound material (i.e. not loose chippings) and marked out prior to the first use of the development hereby permitted. Thereafter those areas shall remain unobstructed for their designated use.

Reason: To ensure that all the activities associated with the development are contained within the curtilage of the site, so as to avoid parking and manoeuvring on the highway to the detriment of highway safety.

13. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).

Reason: To protect the amenities of adjoining properties and the locality generally.

14. Before any other operations are commenced, a temporary access shall be formed into the site for construction purposes, and space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring for site operatives and visitor's vehicles, loading and unloading of goods vehicles, all in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

15. Before any operations commence involving the movement of materials in bulk to or from the site, facilities shall be provided that have previously been approved in writing by the Local Planning Authority, to prevent the deposition of mud or extraneous material on the access roads to the site.

Reason: In the interests of highway safety.

16. Notwithstanding the submitted details, details of footpath access from Brunel Way shall be submitted to and approved in writing prior to the commencement of the development. The scheme shall be implemented in full prior to the first use of the development.

Reason: To ensure that satisfactory pedestrian access is available.

17. Notwithstanding the submitted details, details of any retaining walls to be erected on the site shall be submitted to and approved in writing prior to the commencement of the development. Only those retaining wall approved shall be

constructed on the site thereafter unless approval has been given for any variation.

Reason: In the interests of the appearance of the area.

18. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the appearance of the area.

19. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the area.

20. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).

Reason: To protect the amenities of adjoining properties and the locality generally.

Informatives:

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 6 weeks prior notification should be given to the Director of Environmental Services at County Hall, Matlock (telephone 01629 580000 and ask for the District Highway Care Manager on extension 7595) before any works commence on the vehicular access within highway limits.

Any security measures implemented in compliance with the approved scheme should seek to achieve the 'Secured By Design' accreditation awarded by Derbyshire Constabulary. Written confirmation of those measures should then be provided to the Local Planning Authority.

The phased risk assessment should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA. The contents of all reports relating to each phase of the risk assessment process should comply with best practice as described in the relevant Environment Agency guidance referenced in footnotes 1-4, to the relevant conditions attached to this permission.

For further assistance in complying with planning conditions and other legal requirements applicants should consult "Developing Land within Derbyshire - Guidance on submitting applications for land that may be contaminated". This document has been produced by local authorities in Derbyshire to assist developers, and is available from www.south-derbys.gov.uk/Environment/Pollution/LandPollution/contaminatedlandguide.htm

Reports in electronic formats are preferred, ideally on a CD. For the individual report phases, the administration of this application may be expedited if a digital copy of these reports is also submitted to the pollution control officer (contaminated land) in the environmental health department: dan.calverley@south-derbys.gov.uk.

To take notice of the requirements of Sections 4, 7, 8A of the Chronically Sick and Disabled Persons Act 1970, (as amended by the Disabled Persons Act, 1981) and to the Code of Practice BS 5810:1979 with respect to the means of access, sign posting and provision of toilet and parking facilities specified therein. The grant of planning permission does not entitle developers to obstruct public rights of way affected by the proposal. Development, in so far as it affects the right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of the Town and Country Planning Act 1990 for the diversion or extinguishment of the right of way has been made and confirmed. Nor should it be assumed that because planning permission has been granted an order will invariably be made or confirmed.

15/01/2008

Item 1.1

Reg. No. 9/2007/1152/M

Applicant:

Mr John Bowler
 John Bowler (Agricultural) Ltd
 Ivy Court
 Etwall
 Derby
 DE65 6JG

Agent:

Mr Ian Pick
 Ian Pick Associates Ltd
 Unit 3
 Driffield
 YO25 6QP

Proposal: The erection of a 6000 bird free range organic egg production unit (amended scheme 9/2006/0413/M) land off Castle Way Willington Derby

Ward: Willington/Findern

Valid Date: 03/10/2007

Reason for committee determination

Councillor Ford has requested that these applications be brought before the Committee as local concern has been expressed about a particular issue and that the Committee should consider unusual site circumstances. A report on an application for a machinery building on the site will be brought to a subsequent committee – discussions are on going with the applicant.

Site Description

The site comprises an area of flat agricultural land. Hedges interspersed with trees enclose the site. There is another hedge within the site that runs through it. A tree is located between the two production units that would be felled if the development were permitted.

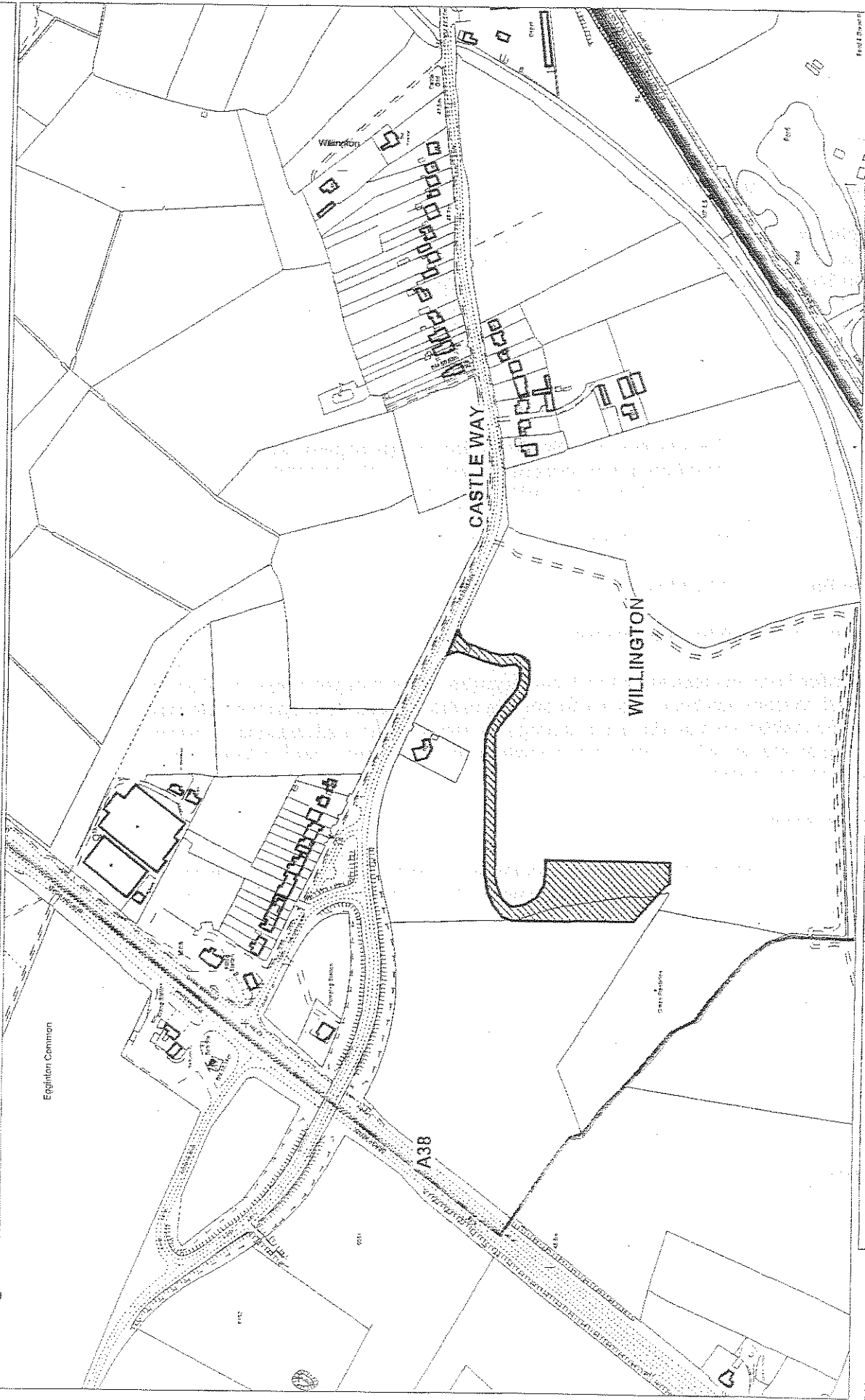
An area of woodland that lies outside the application area forms the southern most boundary of the site.

The nearest dwellings are some 170 metres from the proposed chicken buildings but the agricultural building and drive would be closer at some 155 metres. There are other dwellings on the opposite side of The Castle Way and these are some 230 metres from the site of the chicken buildings

Proposal

The two applications relate to the extension of the two permitted free-range egg production units that measure 9.14 metres x 18.29 metres x 5.36 metres The total size

9/2007/1152/M Land off Castle Way
Willington

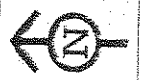


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of the chicken shed buildings would be 83 metres x 18 metres x 5.36 metres high if this application were permitted.

Applicants' supporting information

The reason for the extensions to the chicken building is that the operation previously envisaged as an organic production unit has been changed to a standard free-range unit. This means that the stocking levels on the land can be higher. Accordingly each building would now accommodate 12,000 birds, with the extensions, as opposed to 6000 birds in the permitted buildings. No additional feed silos are required (*four are already permitted*).

The layout of the buildings is as previously permitted. Although the buildings would be larger, the material impact of the buildings would be similar from that view and the landscape impact would be insignificant. The extensions would be constructed in the same materials approved for the permitted buildings.

There would be an increase in lorry movements associated with the development by 23 over a 14-month period. This is considered by the applicants to be minimal given the level of mineral traffic using the access.

Planning History

Planning permission was granted for the two sheds and a mobile home on the site in 2006. The access to The Castle Way is part of a mineral operation and there is a requirement for the road to be removed once mineral operations have been finished. *See the County Planning Authority comments below.*

Responses to Consultations

Willington Parish Council has no objection to the development.

The County Planning Authority has no objection but draws attention to the permission for the minerals site that requires the removal of the haul road. The timing of this is dependant on the outcome of several undetermined minerals planning applications.

The Environment Agency has no objection subject to conditions.

The Environmental Health Manager has requested consideration of a condition limiting the use to a chicken farm as other types of agricultural operation may impact on the area and should be considered through the mechanism of a fresh planning application. Conditions requiring the submission of details of odour control and noise should also be considered.

Responses to Publicity

2 letters have been received relating to the applications that object to the applications for the following reasons: -

- a) The change from organic to just free-range would substantially increase the number of birds to 24,000 on the land would lead to increased smell, noise, pollution and health risk.

- b) There is a lack of consideration by the applicant of the welfare and outlook of anybody living near the site. The lack of any landscaping proposals emphasises this.
- c) The proposal is for an additional 700sqm to the buildings and by dropping the organic title and increasing the number of birds the proposal is much larger and it is suggested that the Committee would have come to a different decision if this had been the proposal.
- d) There is concern that the summary of the objections provided last time did not accurately reflect the extent of the objections to the development. The Committee should be given full copies of all objections so they can make a full and informed decision on such controversial applications.
- e) The proposal is too close to houses and according to numerous people, the Bowler site on Willowpit Lane is not in use and suggests that The Castle Way site is not needed.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Environment Policies 1 & 5.

Planning Considerations

The main issues central to the determination of this application are:

- Compliance or otherwise with Development Plan policies i.e. the need for the agricultural development in the countryside.
- The potential for impact on the countryside and its contribution or otherwise to the local distinctiveness of the area.
- Environmental factors (noise dust smell and vermin) and impact on residents.
- The request for a condition limiting use to a free-range chicken farm only.
- The suitability of the access, access point.

Planning Assessment

Development in the countryside is acceptable if it is necessary for it to be located there. The proposal is clearly an agricultural operation relating to the production of food from the land - a location in the countryside is therefore considered necessary. The applications are being considered as a substitution for the development already permitted.

If development is necessary in the countryside, then policies require that the development should be so designed and located such that the impact of the proposal is minimised.

Public vantage points for this development are limited to views from The Castle Way and potential distant views from the Trent and Mersey Canal Conservation Area. From neither of these vantage points could the buildings be said to be harmful to the character and appearance of the countryside. The conclusion is that the refusal of an agricultural related development in the countryside when there are examples of similar structures in the District would be difficult to sustain at appeal. The buildings have a

relatively low eaves height, the proposed roof colour would help to merge them in to the sky and the colour of the silos can be conditioned to ensure that they do not form a prominent intrusion into the countryside.

The environmental impacts (as identified above in Planning considerations) have attracted no objection from the Environmental Health Manager. There is clearly limited noise impact arising from the development that can be controlled by condition. Dust is not produced of a scale where refusal of permission could be considered.

Although smell from the buildings is an issue when the material is removed from the building and transported from the site, removal will only occur once for a few days in every 60 week cycle. This is not considered unreasonable in a rural environment. Your officer has visited other sites operated by the applicants and found that the day to day smells on the occasions he has visited are no more, and perhaps less, than would be found at any other farm. Thus it is not considered that a condition requiring odour control measures would be justified.

The Environmental Protection Manager has requested that the permissions be limited solely to use as a free-range chicken unit. This is not considered a reasonable condition that would be capable of enforcement if breached. For example would it be reasonable to require an application should the sheds be used for keeping pheasants. The condition would be ultra vires. If a farmer chose to keep cattle on the land then no planning permission would be required. The proposal relates to an agricultural use and as such is appropriate in the countryside.

The County Highway Authority has raised no objection to the potential impact of the proposal on the local highway network. The long-term use of the access is a matter between the applicant and the owners of the minerals extraction site.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. Notwithstanding the submitted details, no part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the existing building and the locality generally.

3. Notwithstanding the submitted indicative landscaping scheme, a detailed scheme for the protection, enhancement and ongoing management of the site in terms of landscaping and nature conservation features shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the area.

4. The building shall not be occupied unless and until the loading/unloading, parking and manoeuvring space has been implemented in accordance with the details on the submitted drawing 0612.003.A that accompanied application 9/2006/0412. Thereafter, the facilities shall be maintained free of any impediment to their designated use.

Reason: In the interests of highway safety.

5. No work shall take place on the site until details of a scheme for the disposal of foul water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.

Reason: In the interests of pollution control.

6. No development shall take place, until the developer 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 by the Local Planning Authority in writing.

Reason: To enable items of archaeological interest to be recorded/and or preserved where possible.

Informatives:

You are advised that any finds of objects of treasure are subject to the provisions of the Treasure Act 1996 and must be referred to the Derby and South Coroner at 18 St. Mary's Gate, Derby, DE1 3JR, (Tel. 01332-222159).

Further to the requirement for a watching brief during excavations to ascertain if archaeological remains require recording, a brief to control the works and advice on suitable contractors can be obtained from Andrew Myers, Development Control Archaeologist, Conservation and Design Group, Derbyshire County Council, Environmental Services Department, Shand House, Dale Road South, Matlock, Derbyshire, DE4 3RY. Tel: 01629 585146, Mob: 07881 850742.

15/01/2008

Item 1.2

Reg. No. 9/2007/1153/M

Applicant:

Mr J Bowler
 John Bowler (Agricultural) Ltd
 Ivy Court
 Etwall
 Derby
 DE65 6JG

Agent:

Mr Ian Pick
 Ian Pick Associates Ltd
 Unit 3
 Driffield
 YO25 6QP

Proposal: The erection of a 6000 bird free range organic egg production unit (amended scheme 9/2006/0412/M) land off Castle Way Willington Derby

Ward: Willington/Findern

Valid Date: 03/10/2007

Reason for committee determination

Councillor Ford has requested that this application be brought before the Committee as local concern has been expressed about a particular issue and that the Committee should consider unusual site circumstances.

Please read the report on 9/2007/1152 for information about this application.

Recommendation

GRANT planning permission subject to the following conditions: -

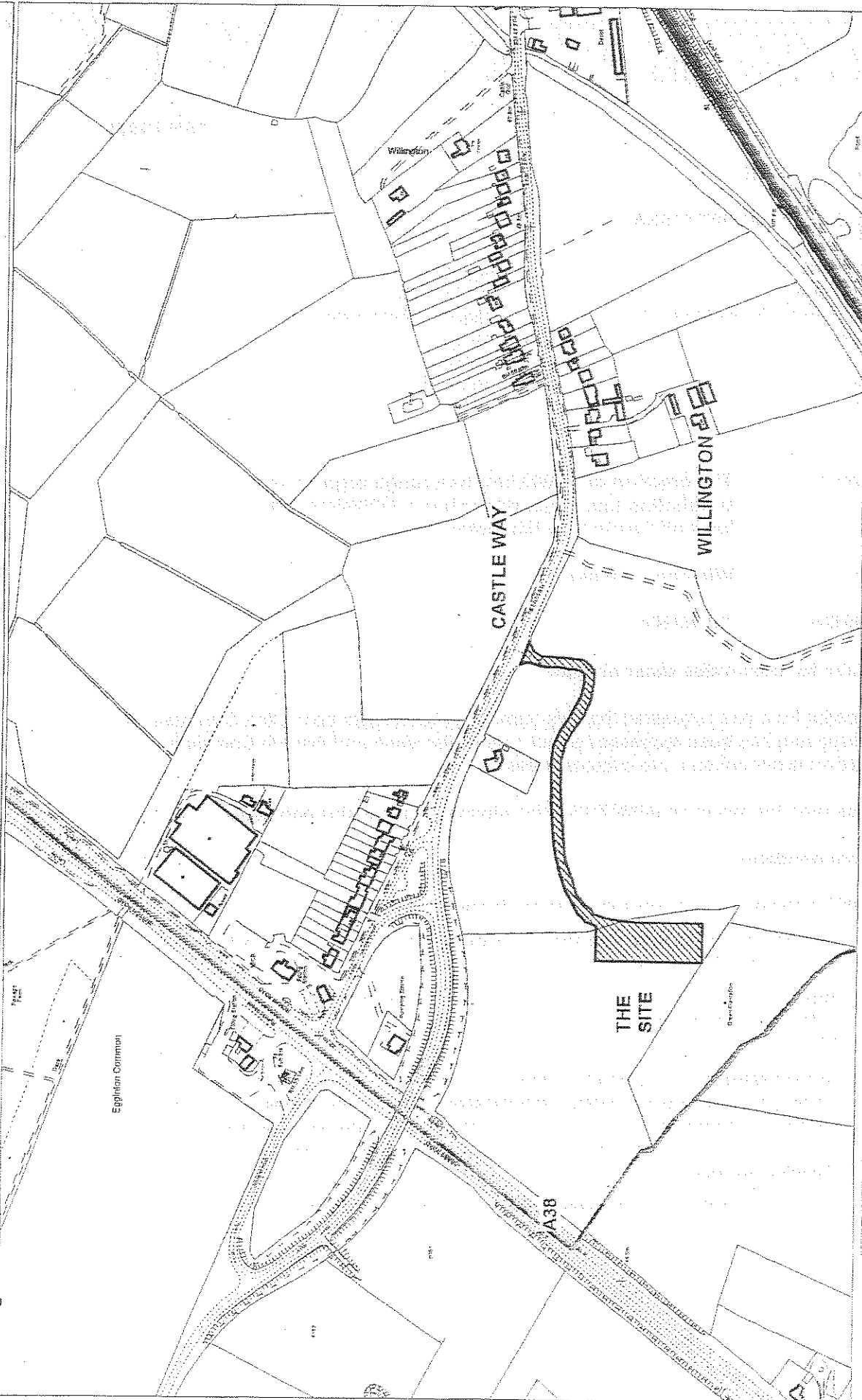
1. The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. Notwithstanding the submitted details, no part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the existing building and the locality generally.

9/2007/1153/M Land off Castle Way
Willington

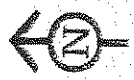


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3. Notwithstanding the submitted indicative landscaping scheme, a detailed scheme for the protection, enhancement and ongoing management of the site in terms of landscaping and nature conservation features shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the area.

4. The building shall not be occupied unless and until the loading/unloading, parking and manoeuvring space has been implemented in accordance with the details on the submitted drawing 0612.003/A submitted with application 9/2006/0413. Thereafter, the facilities shall be maintained free of any impediment to their designated use.

Reason: In the interests of highway safety.

5. No work shall take place on the site until details of a scheme for the disposal of foul water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.

Reason: In the interests of pollution control.

6. No development shall take place, until the developer 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 by the Local Planning Authority in writing.

Reason: To enable items of archaeological interest to be recorded/and or preserved where possible.

Informatives:

You are advised that any finds of objects of treasure are subject to the provisions of the Treasure Act 1996 and must be referred to the Derby and South Coroner at 18 St. Mary's Gate, Derby, DE1 3JR, (Tel. 01332-222159).

Further to the requirement for a watching brief during excavations to ascertain if archaeological remains require recording, a brief to control the works and advice on suitable contractors can be obtained from Andrew Myers, Development Control Archaeologist, Conservation and Design Group, Derbyshire County Council, Environmental Services Department, Shand House, Dale Road South, Matlock, Derbyshire, DE4 3RY. Tel: 01629 585146, Mob: 07881 850742.

15/01/2008

Item 1.6

Reg. No. 9/2007/1260/F

Applicant:
Panoramic Developments
Etwall Road
Mickleover
Derby
DE3 0BX

Agent:
Rothera Goodwin
42 St. Marys Gate
Derby
DE1 3JZ

Proposal: The erection of six dwellings and the formation of an associated access from Bell Avenue 92 Weston Road Aston-on-Trent Derby

Ward: Aston

Valid Date: 30/10/2007

Reason for committee determination

Councillors Coyle and Watson have requested determination by Committee because local concern has been raised about a particular issue.

Site Description

The site comprises the large L shaped garden to 92 Weston Road that wraps around the rear garden boundaries to 94 - 98 Weston Road. The land was once used as a market garden but has been used as residential curtilage for many years. The site lies within the boundary of the village as defined in the Local Plan.

A ditch runs along the southern site boundary and discharges into an existing culvert running under the garden to 98 Weston Road.

The application site also affects 8 Bell Avenue, which is used as a local doctor's surgery.

Proposal

Six dwellings are proposed, served by a private drive running alongside 8 Bell Avenue. Following concern expressed in respect of compliance with supplementary planning guidance (because of its impact on 90, 92 & 94 Weston Road) Plot 6 has been amended so that the rear bedrooms are lit by rooflights set above eye level. Minor changes to the road layout and parking provision have also been made, following comment from the Highway Authority.

Apart from Plot 6 the houses would have second floor rooms in their roofs.

9/2007/1260/F Land at Bell Ave & 92 Weston Road
Aston-on-Trent



Aston-on-Trent



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Applicants' supporting information

The Design and Access Statement makes the following main points:

- a) The scheme would improve parking facilities for the local doctor's surgery in Bell Avenue.
- b) The site is a sustainable Brownfield site. Therefore there is an opportunity to develop within the local development plan area, and as such the proposal falls within the Government PPS3 requirements to re-use existing sites.
- c) The dwellings would be 2 storey in appearance.
- d) The design of the new dwellings aims to be simple and not create a visual impact, as this is a secluded site.

Planning History

Outline permission was granted on the site, as part of a larger development, in 2004. Access would have been via an adoptable standard road connecting with Weston Road.

Responses to Consultations

The Parish Council objects as follows:

- a) A covenant on the land restricts the number of dwellings to two.
- b) The application should be considered in the light of the proposal to extend the surgery (9/2007/1317/F on this agenda).
- c) Bell Avenue and Valerie Road are narrow and the development would increase hazards.
- d) The parking and turning areas would not be adequate. In particular the turning head would conflict with current Building Regulations requirements.
- e) The dwellings would be out of keeping with surrounding housing because of their height.
- f) There would be loss of amenity to neighbours, in conflict with supplementary planning guidance.
- g) A large tree has been felled and another would need to be felled.
- h) A site visit should be made.

The Highway Authority and Severn Trent Water Ltd have no objection in principle.

The Land Drainage Officer requires provision to be made to compensate for loss of the ditch.

The Leisure Services Manager seeks a contribution of £17136 towards local facilities.

The Education Authority seeks £10435 towards primary school improvements.

Responses to Publicity

Save Aston Village Environment objects as follows:

- Permission would be against the democratic wishes of the community. The Village Plan questionnaires revealed that 89% of the village would like to see restrictions on new development to protect the village environment. The

response is to resist planning applications that impinge on the wishes of the majority.

- In view of the district council's encouragement of parish plans they should be taken notice of if they are to be given any credence.

Another 51 letters have been received raising the following objections:

- a) There is a restrictive covenant on the land that would prevent development of this number of houses and which would be enforced in the event of construction taking place.
- b) The access does not comply with County Council standards.
- c) There would be increased congestion in Bell Avenue.
- d) There would be danger to pedestrians and surgery parking would impede access for service and other vehicles.
- e) There would be hazardous manoeuvres associated with parking for the surgery.
- f) There would be inadequate visitor parking.
- g) Visibility and road geometry is inadequate.
- h) No provision is made for pedestrians, contrary to SDDC SPG.
- i) Bell Avenue does not have the capacity to cope with the increase in traffic.
- j) The requirements of the Building Regulations for emergency vehicle turning cannot be met.
- k) Because of their height the new dwellings would have an overbearing and oppressive effect on neighbours.
- l) The site would be overdeveloped, with large houses and small gardens, to the detriment of the character of the area.
- m) There would be overlooking, overshadowing and loss of privacy to neighbours' gardens and rooms.
- n) Plot 6 would not meet guidelines for separation distances.
- o) Wildlife habitat would be lost.
- p) There is misleading information relating to the previous use of the land, the height of the buildings, the provision of parking at the surgery, and the planning history.
- q) The development would be detrimental to the character of the area.
- r) Village facilities are inadequate for further development.
- s) The existing drainage channel would be impeded creating flood risk.
- t) Loss of permeable land would increase flood risk.
- u) Affordable housing should be provided.
- v) The adjacent bungalow has higher ground levels, which could be undermined by development.
- w) The existing hedgerows should be retained.
- x) There would be pollution of the night sky.
- y) The outline permission on the larger site has expired.

Councillor Watson has provided copies of 24 letters addressed to him that contain the range of objections listed above.

Development Plan Policies

The relevant policies are:

RSS8: Policy 3

Local Plan: Housing Policies 5 & 11

Planning Considerations

The main issues central to the determination of this application are:

- The principle.
- Highway safety.
- Residential amenity.
- Visual impact.
- Drainage and flooding.
- Planning contributions.

Planning Assessment

This site lies in the village confine and involves brownfield land. As such development is acceptable in principle. The previous grant of outline permission (as part of a larger development site) is also a material consideration in this regard.

On the advice of the Highway Authority there would be no demonstrable harm to highway safety interests.

Whilst the dwellings would be much higher than the bungalows in Bell Avenue they would not be substantially larger than the frontage dwellings on Weston Road. As they would generally be visible in their backland setting only their impact on the general character of the area would thus not be harmful.

The revised Plot 6 would avoid direct overlooking to neighbours' habitable room windows. As such the development would not result in demonstrable harm to the amenities of the occupiers of existing dwellings.

Subject to the provision of a new culvert, the surface water runoff presently dealt with by the ditch would be adequately compensated for.

The planning contributions sought by the Leisure Services Manager and the Education Authority are reasonable and required as a consequence of the development proposed.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

Subject to the applicant providing a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990, to secure the planning contributions identified above, **GRANT** permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos. A006 Rev B and A 002 Rev D received 4 January 2008.
Reason: For the avoidance of doubt, the original submission being considered unacceptable.
3. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard the appearance of the existing building and the locality generally.
4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
Reason: In the interests of the appearance of the area.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: In the interests of the appearance of the area.
6. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).
Reason: To protect the amenities of adjoining properties and the locality generally.
7. Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.
Reason: In the interests of the appearance of the area.
8. Prior to any other works commencing, the new access shall be extended into the site. The access shall have a minimum width of 4.1m maintained along its full length.
Reason: In the interests of highway safety.

9. Prior to any other works commencing, except condition 1 above, the eight car parking spaces shall be provided for the doctors surgery. Each space shall measure at least 2.4m x 4.8m with 6m manoeuvring space behind, be laid out in accordance with drawing number 065034/A002/C, paved in a solid bound material and maintained thereafter free of any impediment to its designated use.
Reason: In the interests of highway safety.
10. Prior to the occupation of the first dwelling, the shared access and turning area shall be provided in accordance with the revised application drawing, paved in a solid bound material and maintained thereafter free of any impediment to its designated use.
Reason: In the interests of highway safety.
11. The new culvert indicated on the submitted drawing A 002 Rev D shall be provided concurrent with the road works required by Condition 8 above and in accordance with a detail specification that shall have previously been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of flood prevention.
12. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate three cars within the curtilage of Plots 1-5 and two cars within the curtilage of Plot 6. Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), three parking spaces to Plots 1-5 and two parking spaces to Plot 6, measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of the site.
Reason: To ensure that adequate parking/garaging provision is available.
13. Unless as may otherwise be approved in writing by the Local Planning Authority, the garages shall have roller shutter doors.
Reason: To ensure the effectiveness of the parking spaces in front of the garages.
14. The windows in the side walls to Plot 6 shall be permanently glazed in obscure glass.
Reason: To avoid overlooking of adjoining property in the interest of protecting privacy.

Informatives:

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 6 weeks prior notification should be given to the Director of Environmental Services at County Hall, Matlock (telephone 01629 580000 and ask for the District Highway Care Manager on extension 7595) before any works commence on the vehicular access within highway limits.

15/O 1/2008

Item 1.10

Reg. No. 9/2007/1317/F

Applicant:
Dr Harris & Partners
Bell Avenue
Aston-on-trent
Derby
DE72 2BE

Agent:
Paul Rothera
Rothera Goodwin
42 St. Marys Gate
Derby
DE1 3JZ

Proposal: The erection of extensions, a car port and associated parking at the doctors surgery at 8 Bell Avenue Aston-on-trent Derby

Ward: Aston

Valid Date: 12/11/2007

Reason for committee determination

Councillor Coyle has requested determination by Committee because the application links with 9/2007/1260/F and there is a lot of public concern for this development.

Site Description

The property is situated at the head of Bell Avenue and provides an existing local GP service.

Proposal

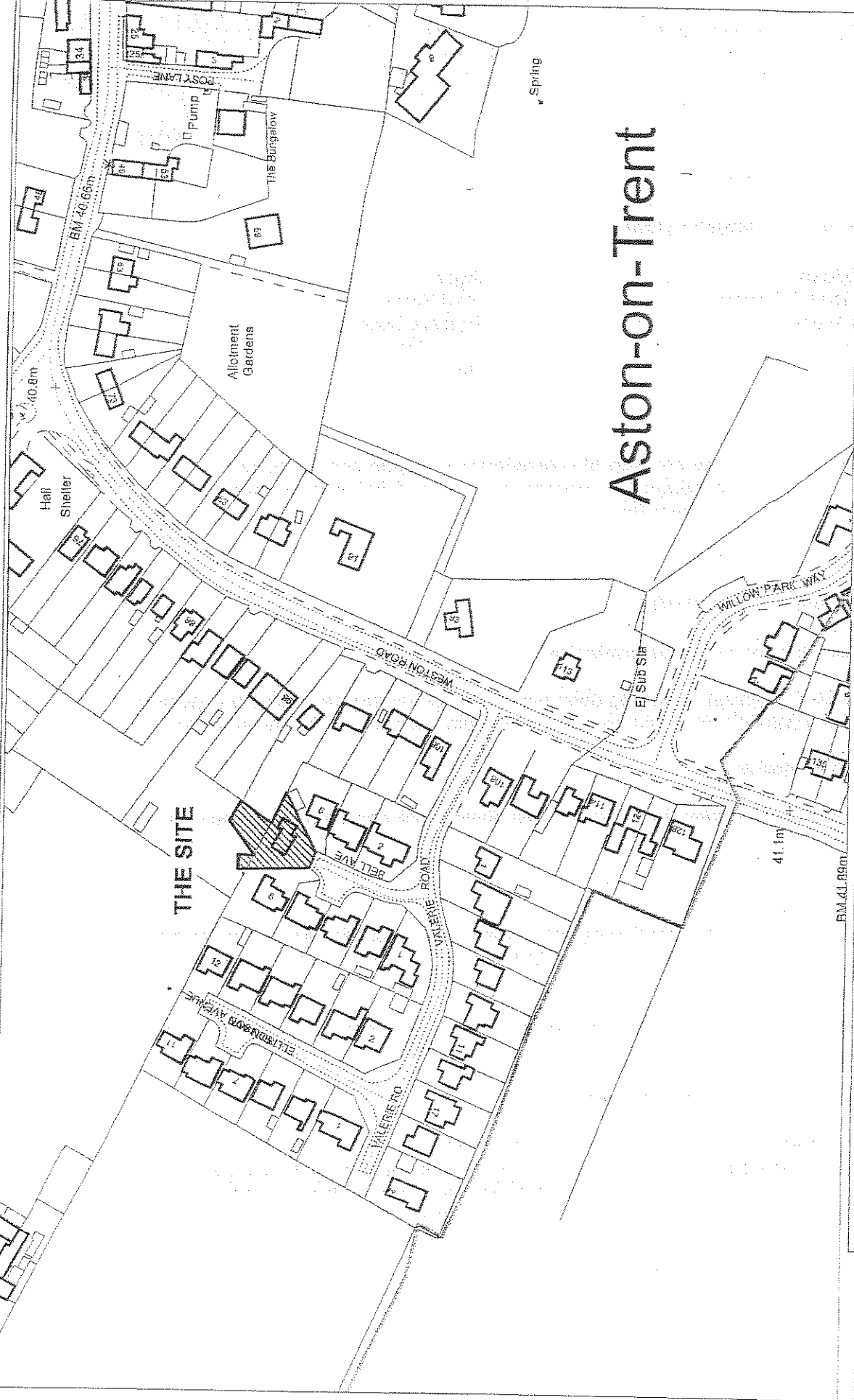
A rear extension is proposed along with the provision of parking spaces on the adjacent land, forming part of the garden to 92 Weston Road. A carport would be provided for doctors' parking.

An additional entrance door is proposed to enable direct access from the parking area at the rear. The existing front door would be retained.

Applicants' supporting information

- a) Implementation of the scheme is dependent upon the outcome of 9/2007/1260/F.
- b) An extra consulting room and much needed storage space for the dispensary would be provided. The 4 new parking spaces would alleviate problems of parking in the street. Two of the existing doctors' parking spaces would be relocated to the new carport, obviating the need to continue reversing into Bell Avenue.
- c) The new extension would be in keeping with the host building.

9/2007/1317/F 8 Bell Avenue
Aston-on-Trent



Aston-on-Trent

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- d) The increased facility would reduce waiting times and be of benefit to the community.

Responses to Consultations

The Parish Council considers the proposal to depend on 9/2007/1260/F to which it objects, and raises the following matters:

- a) There is not enough information to make a judgement, but the proposal is ill conceived and should be refused.
- b) The parking details are inadequate.
- c) On street parking problems would be exacerbated and would be dangerous.
- d) There may be hazardous chemicals at the premises.
- e) Responses to the Aston Village Plan identified community concern about new development and traffic related issues.
- f) Whilst a larger and more accessible surgery would be welcomed an alternative scheme should be proposed.

The Highway Authority and Environmental Protection Manager have no objection in principle.

Responses to Publicity

A neighbour raises the following objections:

- a) The description of the carport is misleading as it has solid walls and a door. It would negate some of the proposed parking provisions and there would thus be more parking in Bell Avenue.
- b) The relocated surgery door would result in hazards to pedestrians.
- c) There would be increased danger to residents of Bell Avenue from traffic passing through the site.
- d) Normal access and use of Bell Avenue would be disrupted during building works.

Development Plan Policies

The relevant policy is:

Local Plan: Community Facilities Policy 1.

Planning Considerations

The main issues central to the determination of this application are:

- The principle.
- Residential amenity.
- Visual amenity.
- Highway safety.

Planning Assessment

The development would lead to an enhanced community facility contributing to the sustainability of the village. As such it is acceptable as a matter of principle. Whilst the applicant has made it clear that commercial imperatives link its implementation to 9/2007/1260/F it remains the case that this planning application must be treated on its own merits.

Whilst capacity of the surgery would be increased its scale would still be commensurate with the community that it serves and thus would not likely cause demonstrable harm to the amenities of neighbours. The extension would be in keeping with existing building and the locality.

On the advice of the Highway Authority there would be no harm to highway safety interests.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. All external materials used in the development to which this permission relates shall match those used in the existing building in colour, coursing and texture unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the existing building and the locality generally.

3. Prior to the extension to the premises being taken into use, the parking spaces shall be laid out in accordance with drawing no A002 Rev B. Each space shall measure at least 2.4m x 4.8m, be laid out in accordance with the application drawing, paved in a solid bound material and maintained thereafter free of any impediment to its designated use.

Reason: In the interests of highway safety.

4. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. A202 Rev B received 4 January 2008.

Reason: For the avoidance of doubt, the original submission being considered unacceptable.

Informatives:

Any current ground gas protection measures should be retained and the new extension should maintain the integrity of the existing measures. Measures should also be incorporated in the new extension to prevent the accumulation of hazardous gases.