

SOUTH DERBYSHIRE DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE 11 February 2003

Planning Services Manager

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In accordance with the provisions of Section 100D of the Local Government Act 1972, BACKGROUND PAPERS are the contents of the files whose registration numbers are quoted at the head of each report, but this does not include material which is confidential or exempt (as defined in sections 100A and D of that Act, respectively).

PLANNING SERVICES MANAGER

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When moving that a site visit be held, Members will be expected to consider and propose one or more of the following reasons:

1. The issues of fact raised by the Planning Services Manager's report or offered in explanation at the Committee meeting require further clarification by a demonstration of condition of site.
2. Further issues of principle, other than those specified in the report of the Planning Services Manager, arise from a Member's personal knowledge of circumstances on the ground that lead to the need for clarification that may be achieved by a site visit.
3. Implications that may be demonstrated on site arise for consistency of decision making in other

11/02/2003

Item 1.1**Reg. No.** 9 2002 1033 F and 9 2002 1034 F**Applicant:**

J S Bloor (Measham) Ltd
 Ashby Road
 Measham
 Swadlincote
 Derbyshire
 DE127JP

Agent:

Peter Martin
 DLA Architects Practice
 50 North Thirteenth Street
 Central Milton Keynes
 MK93BP

Proposal: The erection of 143 dwellings with associated infrastructure on land forming part of the Former Mount Pleasant Works And Woodville Pipeworks Off Moira Road Woodville Swadlincote

Ward: Woodville

Valid Date: 03/10/2002

These applications are identical in description and therefore are covered by the same report.

Site Description

This former pipe works site is bounded on its west side by Moira Road and its north side by Chapel Street. The site forms part of the comprehensive redevelopment of the area referred to as Woodville Woodlands of which there is an application for outline planning permission yet to be determined. The site is partly occupied by redundant factory buildings which would be cleared to make way for the development.

Proposal

It is proposed to erect 143 dwellings on the site consisting of 45 four bedroom dwellings, 92 three bedroom dwellings and 6 one bedroom flats. Phase 1 of the highway infrastructure works for the comprehensive redevelopment, consisting of a section of new road and a new traffic island on Moira Road, would be provided as part of this proposal. Access would be from this southern access road via the proposed traffic island. An emergency access would be provided off Moira Road.

Existing tree belts on the north and west boundaries, fronting Moira Road and Chapel Street, would be retained with footpath links to Chapel Street/Albion Street and Moira Road. The density of the development would be in excess of the Government's minimum requirement set out in PPG 3. The layout reflects current urban design best practice which looks to provide pedestrian priority streets with a sense of enclosure to the streetscene by siting the dwelling units at or close to the edge of the carriageway. This releases land for larger rear gardens and rear

parking areas. The proposal includes a variety of house types of traditional design, which in combination with the layout and landscaping would provide an attractive and stimulating streetscene.

The applicant has also agreed a contribution to local school provision, local medical services, affordable housing and footpath and cycle way improvements.

Applicants' supporting information

The applicant has submitted a design statement in support of his application and the salient points are as follows:

- The layout has been designed to maximise the opportunities for a network of connected routes for pedestrians, cyclists and vehicles
- In addition to the principal street through the area, a number of low key shared surface routes are proposed
- A series of footpath/cycleways are proposed providing valuable contributions to the adjacent Woodville urban area to the north and National Forest areas to the south
- The development layout achieves a total of 22.4% of retained and new forest planting on site as a percentage of ground coverage.
- The housing is laid out in accordance with urban design best practice concept of perimeter block development which provides clear distinction between public and private space and increases opportunities for natural surveillance.
- The proposed equipped childrens play area would be easily accessible from Moira Road as well as from within the site
- A number of key gateways are proposed to aid navigation and create a distinctive and high quality frontage to the development
- Development on the south-eastern boundary has been positioned to overlook the open aspect to the east and south, opening up this part of the site. Over the longer term, this eastern area is proposed to accommodate a wider band of open space, providing a strategic open space link between the south edge of Woodville and the National Forest areas to the south
- The development would be a valuable and long awaited first step in beginning the process of regenerating this part of Woodville.

With respect to achieving the completion of the Woodville Woodlands Regeneration Scheme the land owner, Tapton Estates, has provided the following statement:

"...Tapton Estates has recently signed a Joint Venture Agreement with George Wimpey North Midlands Limited to pursue the grant of planning permission and implementation for the whole of the Woodville Woodlands Regeneration Scheme. In tandem Wimpey have completed a collaboration agreement with Bloor Homes, again, to cover the whole site."

"The JV Agreement commits the parties to pursuing the master planning scheme through the determination of the existing planning applications i.e. Phase I detail and the four master planning outline applications. The position can be included as part of the preamble of a Section 106 Agreement relating to the Phase I detailed application and I hope that this provides the comfort the Council requires."

The applicant has confirmed that 12 dwellings would be provided on a discounted open market basis (85%). 6 one bed apartments shown on the scheme by virtue of their size would become 'affordable' for purchase, which makes a total of 18 units (12.5% of the site).

In response to the concerns raised by the Highway Authority regarding the design of the internal road layout, the applicant's architect has provided the following information:

- a. Recent Government guidance such as PPG3 as well as 'By Design' from the DTLR and CABE companion guide to PPG3 have informed the approach. Earlier documents such as 'Sustainable Settlements' have also been used to create the layout.
- b. The main principles introduced include permeability based on a hierarchy of easily understood routes for both the pedestrian and cyclist and the motorist.
- c. The scheme also includes much of the thinking behind the Homezone movement to reclaim the street for the pedestrian and avoid the domination of the car in the streetscene. To this end we have created streets off the main access road with housing close to the edge of the shared surface. Cars are either parked to the rear of the properties or tucked in between dwellings with minimum vision splays so that the driver ventures into these areas with caution. A number of other measures can be introduced, if it is deemed necessary, to make the experience anti-intuitive to the motorist and reduce the maximum speed from 20mph to 10mph.
- d. The study of traffic density shows how the number of households served by any length of road rapidly reduced as one moves through the site. The access road is a 5.5m carriageway with 2 x 1.8m footpaths. This is treated as an avenue with tree planting on either side to afford a spacious feel to the road in marked contrast to the homezones. There is minimal parking directly onto this road.
- e. Permeability allows vehicles to move forward rather than having to make 3 point turns at the ends of cul-de-sacs. This is particularly convenient for service vehicles. Parts of these routes can be treated as 'weak links' with minimal width narrowings as there is no need to accommodate passing vehicles.

Responses to Consultations

Severn Trent Water raises no objection subject to satisfactory details of foul and surface water drainage.

North West Leicestershire District Council objects to the scheme as submitted which could result in built development immediately adjacent to land designated as countryside within North West Leicestershire with no meaningful landscaping buffer to mitigate its impact.

The latest comments from the Environment Agency will be reported verbally to the Committee.

Leicestershire County Council has no strategic objection to the proposal but from a highway point of view is concerned that the scheme might be premature to achieving proper planning of the wider site specifically with regards to:

- The new section of road being consistent with the remainder of any future planned development
- Whether the remainder of Woodville Woodlands could support the cost of all potential transportation infrastructure
- The traffic impact of the proposal has not been evaluated separately to evaluate the relative impact of additional traffic using Occupation Lane through Albert Village.

The Environmental Health Manager comments that whilst the principles within the ground contamination report are satisfactory, further investigation will be required to address geo-technical matters, soil quality, the soil-gas regime and groundwater quality.

The County Education Authority recommends a contribution of £216,965 towards local school provision.

Derbyshire Dales and South Derbyshire Primary Care Trust recommends a contribution of £444 per dwelling towards the cost of providing local medical facilities.

The Crime Prevention Officer considers that:

- parking on the front of properties and the use of cul-de-sacs cuts down on anonymity.
- The road layout is conducive to becoming a race track and the Chapel Street side should be blocked off.
- There are too many footpaths leading to the development and the play area which could provide escape routes for criminals – footpaths should be better lit and the play area should be located further into the development
- It would be better if garages were built at the front of dwellings not out of sight at the rear
- Gardens should be enclosed.
- low level planting can create dark areas.

The Highway Authority has no objection to the basic concept of the roundabout design and satisfies requirements for a roundabout at the planning application stage. It considers that the acceptability of the internal layout of the proposal in safety and policy terms is open to serious question for the following reasons:

- The use of a multitude of artificial traffic calming measures rather than more “natural” means of retraining speed
- Circuitous routes which may encourage competitive speeding
- Minimal footway provision encourages pedestrians to walk in the carriageway. Perceived dangers of walking in the carriageway will encourage people to use their cars.
- Absence of footpaths and service strips and proposed landscaping behind narrow margins will restrict visibility for drivers emerging from individual accesses. The need to maintain landscaping at low-level is likely to result in on-going maintenance and enforcement liabilities.

It suggests that the proposal needs to be fundamentally re-designed and that resubmissions include sufficient engineering detail to permit proper consideration to be given.

The National Forest Company recommends that the proposal be subject to the National Forest planting guidelines for housing schemes.

The Leisure Facilities Officer would agree to adopt the proposed public open space subject to an agreed detailed planting scheme and the appropriate commuted sum being levied for a ten-year maintenance period.

It is understood that the Health and Safety Executive would object to the application if the deemed hazardous substances consent on the site to the south is not revoked despite acknowledging that the substance (LPG), the subject of the consent, is no longer present on the site.

The Parish Council considers that the development of this size would seriously disrupt the infrastructure of the village: doctors, schools, and sewerage facilities are overstretched which

need to be given serious consideration; the play area needs improving; roads in the area need improving and the Toll Gate roundabout gives great concern.

Responses to Publicity

Two letters have been received from local residents raising concerns about additional traffic generation onto existing inadequate road infrastructure. Their specific comments are summarised as follows:

- Without completion of the relief road (bypass) to the north of Woodville the existing road infrastructure will be unable to cope
- Woodville (Clock Garage) roundabout is already a hazardous road junction and would be subjected to even heavier traffic flows
- Moira Road is already a very busy road and has on street parking problems with much of the housing being terraced. In addition, heavy construction traffic using this road would be undesirable
- It would also bring extra traffic onto Albert Village crossroads and Moira crossroads

Structure/Local Plan Policies

The relevant policies are:

Derbyshire Structure Plan: Housing Policy 3: Housing Development Within Urban Areas

Local Plan Revised Deposit Draft: Policy H3: Woodville Woodlands

South Derbyshire Local Plan: Housing Policy 4 : Housing Development Swadlincote

Planning Considerations

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

- Permitting the site in advance of the Local Plan Inquiry and in isolation of the comprehensive development
- Internal road layout and implications for highway safety
- Potential ground contamination and remediation
- Off-site community contributions

Planning Assessment

With regard to the prematurity issue, it is considered that the other sites for development of this scale (proposed allocations) but which have been rejected in favour of the Woodville Woodlands site are all inferior when assessed against the criteria set out in PPG 3. As such it is appropriate for this phase one site to be considered ahead of the Inquiry. In terms of the current Local Plan, the site is within the Housing Development boundary as identified on the Local Plan proposal map and therefore policy H4 applies. This requires amongst other things that it is substantially surrounded by development and does not result in a prominent intrusion into the rural landscape. The site is substantially surrounded by development and would be less intrusive and more

attractive in the landscape than the existing factory buildings. The proposal therefore complies with this policy.

The landowner has written assuring the Council that all parties involved in developing Woodville Woodlands are legally committed to completing the comprehensive redevelopment

and that this position can be included as part of the preamble of a Section 106 Agreement relating to this phase of the development.

Notwithstanding the comments of the County Highway Authority and the Crime Prevention Officer, the internal road layout has been designed to accord with urban design best practice, which is favoured by the Government in its current guidance. Similar schemes have been successfully completed elsewhere in the country. Whilst the Highway Authority have serious reservations about the layout, the applicant has demonstrated that this alternative approach would not unacceptably detract from highway safety and would also offer a vastly superior development in terms of its appearance and pedestrian/vehicle permeability. This would be a departure from the accepted standard housing estate design but should be welcomed for that as a means of raising design standards and demonstrating innovation and best practice. As such it is hoped that the scheme would act as an exemplar for urban design elsewhere in the district.

Subject to the Environment Agency raising no objection, any outstanding ground contamination issues can be dealt with by way of planning conditions.

The applicant has agreed generous contributions to local education and medical provision and will also provide the required affordable housing quota for the site. Footpaths links within the site to the site boundary would be designed to accommodate cyclists. Off site routes connecting the Woodville Woodlands to Woodville would be upgraded as part the comprehensive development yet to be determined.

With regard to the hazardous substance consent relating to the site to the south, the site owner (the same as the current application site) has requested that the Council revoke the consent. This process is now underway.

Recommendation

Subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure:

- a. financial contributions towards the provision of local education and medical facilities,
- b. the provision of affordable housing and for the provision of equipment and future maintenance of the open space,
- c. the agreement preamble to include a commitment by all parties to completion of the comprehensive development, and
- d. that no dwellings be occupied until the deemed hazardous substance consent relating to the adjoining site to the south has been revoked and in the event of revocation that any ensuing compensation be met by Tapton Estates (or other party agreed by the Council),

GRANT permission subject to the following conditions:

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

1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. No development shall take place until details of all earthworks to be undertaken on the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the existing and proposed levels and contours to be formed, showing the relationship of the proposed mounding to existing vegetation and surrounding landform. The earthworks shall then be completed as agreed in accordance with a timetable that shall have first been submitted to and agreed in writing by the Local Planning Authority.
2. Reason: To ensure the details are appropriate in the interests of safeguarding the appearance of the area.
3. 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.
3. Reason: In the interests of flood protection and pollution control.
4. No part of the development shall be carried out until samples of appropriate facing materials to be used in the construction of the external walls and roof of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the agreed materials.
4. Reason: To safeguard the appearance of the area.
5. Notwithstanding any details submitted, 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.
5. Reason: In the interests of the appearance of the area.
6. This permission shall relate to the amended drawing, no 347.100 Revision C received on 8 January 2003 and drawing number 1103 received on 23 October 2002 showing in particular the amended layout.
6. Reason: For the avoidance of doubt and to safeguard the privacy of occupants.
7. 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.
7. Reason: In the interests of the appearance of the area.
8. Further to condition 7 above, soft landscape details shall include planting plans; written specifications including cultivation and other operations associated with plant and grass establishment; schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate) and the implementation programme.
8. Reason: In the interests of the appearance of the area.
9. 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.

9. Reason: In the interests of the appearance of the area.
10. 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 levels.
10. Reason: To protect the amenities of adjoining properties and the locality generally.
11. No development or other operations shall commence on site until a scheme (herein after called the approved protection scheme) which provides for the retention and protection of trees on the site, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme.
11. Reason: To ensure that the trees protected in the interests of safeguarding the amenities of the area.
12. No operations shall commence on site in connection with the development hereby approved until the tree protection works required by the approved tree protection scheme are in place.
12. Reason: To protect the trees in the interests of safeguarding the amenities of the area.
13. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved tree protection scheme.
13. Reason: To ensure the trees are protected in the interests of safeguarding the amenities of the area.
14. Protective fencing shall be retained intact for the full duration of the development hereby approved, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority
14. Reason: To protect the trees in the interests of safeguarding the amenities of the area.
15. The access road and roundabout shown on drawing numbers PH1/INF/101, PH1/INF/102 and PH1/INF/103 dated 20/11/02 and submitted with letter dated 12 December 2002, and subject to any further Highway Authority amendments and unless otherwise agreed in writing with the Local Planning Authority, shall be completed on site before any other development and demolition clearance commences on site in connection with this approval.
15. Reason: In the interests of highway safety.
16. No development approved by this permission shall be commenced until:-
 - (a) The application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved by the Local Planning Authority.

(b) Detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the "Contamination Proposals") have been submitted to and approved by the Local Planning Authority.

(c) For each part of the development contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development as appropriate.

(d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the "Contamination Proposals" then revised "Contamination Proposals" shall be submitted to the Local Planning Authority.

(e) If during development work site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed "Contamination Proposals".

16. Reason: To prevent pollution of the water environment.
17. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by of the Local Planning Authority. The scheme shall incorporate (where possible) sustainable drainage principles and shall be implemented in accordance with the approved programme and details.
17. Reason: To prevent the increased risk of flooding.
18. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
18. Reason: To prevent pollution of the water environment.
19. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water highway drainage shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
19. Reason: To prevent pollution of the water environment
20. No development shall commence on site until a method statement has been submitted to and approved in writing by the Local Planning Authority detailing the proposed investigation for ground and ground water contamination. The method statement shall refer to the following guidance:
 1. Sampling Strategies for Contaminated Land, CLR4 1994, DoE.
 2. Investigation of Potentially Contaminated Land Sites - Code of Practice, BSI 10175 2001.
 3. Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination, R & D Technical Report P5 - 066/TR 2001, Environment Agency.
20. Reason: In the interests of public health.
21. No development shall commence on site until a detailed site investigation has been undertaken in consultation with the Local Planning Authority to establish the nature of ground conditions and the existence therein of any hazardous materials. Reference shall

be made to Soil Guideline Values produced by the Department for Environment, Food and Rural Affairs(DEFRA).

21. Reason: In the interests of public health.
22. No development shall commence on site until a method statement has been submitted to and approved in writing by the Local Planning Authority detailing a scheme of works for remedial action, prior to its implementation. Reference shall be made to guidance such as:
 1. Guidance for the Safe Development of Housing on Land Affected by Contamination' Environment Agency. ISBN 0113101775.

The method statement shall include the following:

 - Identification of the remediation objectives and outline information of the method chosen
 - Remediation objectives for ground water and soil gas
 - Working method for the implementation of the remediation
 - Waste classification and methods for controlling and disposing of waste
 - Proposed supervision and monitoring of remediation
 - All validation sampling and testing to be implemented.
22. Reason: In the interests of public health.
23. No development shall commence on site until a scheme of works to validate that the remediation has been implemented has been submitted to and approved in writing by the Local Planning Authority.
23. Reason: In the interests of public health.
24. Each stage of the remediation work shall be agreed with the Local Planning Authority prior to the commencement of the work.
24. Reason: In the interests of public health
26. No development shall commence on site in connection with this approval until the routes of all utility services into and across the site have been submitted to and approved in writing by the Local Planning Authority and the routes shall be provided in accordance with the approved details.
26. Reason: To avoid damage or removal of existing trees in the interests of safeguarding the amenities of the area.
27. No development shall commence on site in connection with this approval until details of the pedestrian link to Chapel Steet opposite Albion Street have been submitted to and approved in writing by the Local Planning Authority showing this link upgraded to a cyclist/ pedestrian link and this link shall be provided in accordance with the approved details before any of the dwellings are occupied.
27. Reason: To facilitate means of transport other than the private car.

Informatives:

The Environment Agency has provided the following advice;

The surface water drainage system will require silt traps to safeguard against coloured or polluted discharges.

During the period of construction, oil and fuel storage will be subject to the Control of Pollution (Oil Storage)(England) Regulations 2001. The Regulations apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile bowsers, situated outside a building and with a storage capacity which exceeds 200 litres.

A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the Regulations are available from the Environment Agency.

According to our records there are 3 closed landfill sites in proximity to the proposed development.

Landfill site ref 1000/0340 known as John Knowles & Co Landfill, lies 25 metres to the north east of the proposed development. According to our records it was filled with solid non-hazardous industrial waste.

Landfill site ref 1000/0342 known as Sun Street Landfill, lies 275 metres to the south west of the proposed development. According to our records it was filled with construction industry waste.

Landfill site ref 2400/1012 known as Woodville Landfill, lies 300 metres to the south of the proposed development. According to our records it was filled with inert waste.

In addition, Waste Management Licence EAWML 40044 was issued to Onyx Landfill Ltd. on 13 June 2001 to operate a non hazardous waste landfill at the New Albion Landfill Site in North West Leicestershire. The landfill is situated at OS grid reference SK 309610/172790 on land adjacent to and south of the application site. The landfill site is not yet operational although engineering works have commenced for cell one situated in the north east of the site. As a non-hazardous landfill, the site is permitted to take inert waste, degradable household, commercial and industrial waste and hazardous waste if it is demonstrated that it is stable and non-reactive. The site will have the potential to generate landfill gas and could potentially pose a risk to the housing development.

Waste Management Paper No 27 states:

"Where development is proposed within 250 metres of a landfill site the developer will need to take account of the proximity of the proposed development to the landfill". A risk assessment should be carried out to assess the impact of the landfill.

Waste Management Paper No. 27 "Landfill Gas" recommends that no house, garden shed, greenhouse or any domestic extension should be constructed within 50 metres of any landfill site which:

- a) has landfill gas concentrations at or above 1% by volume flammable gas, and 1.5% by volume carbon dioxide, or
- b) still has the potential to produce large quantities of landfill gas.

If planning permission is granted, the Agency recommend that the buildings are designed and constructed to prevent the entry of any migrating landfill gas in accordance with the Building Research Establishment's publication entitled "The construction of new buildings on gas contaminated land". All design and construction should be agreed with the Local Authority's Building Inspectors.

To note and act upon as necessary the comments of the Coal Authority (see attached letter).

Further to the above Informative, the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. This grant of planning permission does not give a warranty of ground support or stability, neither does it necessarily imply that the requirements of any other controlling authority would be satisfied.

Transco has confirmed that it has plant in the vicinity which may be affected by the proposal. Attached is a copy of its letter and plan.

11/02/2003

Item 1.2**Reg. No.** 9 2002 1061 D**Applicant:**

Trident Housing Association
 239 Holliday Street
 Birmingham
 B11SJ

Agent:

Christopher Timothy
 C T Planning
 19 Bird Street
 Lichfield
 Staffs
 WS13 6PW

Proposal: The erection of ten flats on Land At The Corner Of Church Street And Thorpe Downs Road Church Gresley Swadlincote

Ward: Gresley

Valid Date: 04/10/2002

Site Description

The site is located on a prominent corner and was formally a garage, the existing buildings on the site are in a poor state of repair and the appearance of the site is poor. The site is located in a mixed use area with local shopping facilities located along this section of the Church Street frontage, however most of the surrounding development is residential.

Proposal

The application is for the approval of reserved matters for a block of ten flats. Outline planning permission was granted for residential development on the current application site as well as additional land to the south in 2000.

The scheme is for a two storey development of flats which is aligned to wrap around the corner close to the existing road frontages of Church Street and Thorpe Downs Road. Parking spaces for 10 cars, turning areas and a communal garden area are located to the rear of the proposed building.

Applicants' supporting information

The principle of residential development on the application site was established through the granting of outline planning permission in January 2000. A reserved matters approval is sought for phase 1 of the development namely the erection of 10 flats immediately at the junction of Church Street and Thorpe Downs Road.

The proposed development takes the form of a two storey structure which will wrap around the corner between Church Street and Thorpe Downs Road. The design of the proposed apartments incorporates many traditional design features. The proposed design by virtue of its scale, character, design and materials of construction is considered to be compatible and respectful to

the character and appearance of development in the surrounding area. In this respect the development accords with the requirements of Policy H4 of the adopted South Derbyshire Local Plan.

It is proposed that access to serve the 10 flats will be taken directly from Church Street utilising an existing vehicular access that once served the former garage. The principle of the use of this access has been accepted in discussions between my client's Highways Engineers and the County Council.

In respect of the car parking provision, it is proposed that the development will be provided with 10 car parking spaces, that is one space per unit. Although this level of provision falls below that contained in the South Derbyshire Local Plan, I would submit that the proposal is entirely consistent with advice in PPG3 and PPG13. Taking into particular consideration the advice contained in paragraph 61 of PPG3, it is submitted that the level of car parking provision is entirely acceptable since the application site is located within an existing urban area close to local services and facilities. The site is also close to a public transport route. Local services and facilities are readily accessible from the application site by walking, cycling or public transport. Furthermore, the proposed flats are clearly intended to provide housing for small households and as such the level of car parking provision would be less than for family housing.

The proposed development will assist in securing the full and beneficial use of previously developed land within the built up area of Church Gresley. The principle of residential development on this site has already been established through the granting of outline planning permission in January 2000. The form of the proposed development is considered to respect the character and appearance of the surrounding area and is entirely consistent with the policies of the South Derbyshire Local Plan. The site can be provided with an acceptable means of access and car parking can be provided to meet the operational requirements of the development. In these circumstances the Planning Authority is requested to grant approval for reserved matters.

Planning History

1999/0640/O - Outline planning application for residential development. Approved 10.01.00. Outline consent was granted for the current application site and additional land to the south.

Responses to Consultations

Severn Trent Water has no objection.

County Highways consider the application acceptable in principle, although required clarification that the visibility splay is under the control of the Applicant and access widening to 5.5m - an amended plan with these details has now been received.

Responses to Publicity

A petition of 381 signatures and 76 letters of objection have been received from local residents as well as one letter of support. The letters raise the following issues:-

- Concern over the intended occupiers of the flats and community safety.
- The road junction of Church Street and Thorpe Downs Road is very busy and dangerous, another access will add to the problem.
- Concern over parking provision for the nearby school and other facilities and highway safety for pedestrians, particularly school children.

- Concern over provision for existing public footpath.
- The application is described as phase one, what are the plans for the future?
- Concern over impact on the attractiveness of the area, the existing new estate on Thorpe Downs is a quality development.
- Concern over devaluing of neighbouring properties.
- Flats are not in keeping with the village location and would be better sited in Swadlincote.
- Lack of parking provision on the site.
- The proposed building will not be in keeping with the area and will detract from the streetscene.
- There are insufficient schools and health services in the village to cater for the residents.
- There is no explanation as to why flats are proposed, what the office and communal areas are for, why the site has security gates.
- The application has been poorly advertised.
- The development would cause a noise nuisance.
- The development would exacerbate the current problem with “ ... youths in the One Stop shop area creating mess, nuisance and noise.”
- There are already empty flats in the area.

Structure/Local Plan Policies

The relevant policies are:

Draft South Derbyshire Local Plan: Policy H1

Planning Considerations

The main issues central to the determination of this application are the design, external appearance and siting of the proposed flats and the proposed parking and access provision.

Given that this is an application for reserved matters, the occupation and tenure of the flats are not material planning considerations.

Planning Assessment

The site is located within the Swadlincote urban area and has outline planning permission for residential development, the principle of residential development has therefore been established. This proposal is a reserved matters submission on part of the outline site; the Applicant is proposing the development of flats on this part of the site. The proposed development is of 8 two bedroom flats and 2 one bedroom flats along with a communal area, communal gardens and ten parking spaces.

The proposed scheme has been amended since it was first submitted so that the design and external appearance have been significantly improved. The roof pitch of the building has been increased, the window openings on the projecting gables have been altered so that they are now in proportion and traditional style details have been added to improve the appearance of the gables and ensure the building fits in with its context. Following these changes the design and external appearance of the proposed building are considered acceptable.

The proposed building has been sited so that it wraps around the corner of Church Street and Thorpe Downs Road and is closely aligned to the roads. The siting of the building in this position is considered acceptable. The development will not be intrusive in the streetscene and will enhance the appearance of the area by replacing the vacant garage with a development

which respects the character of the area. The siting of the building will not result in an adverse impact on the occupiers of any neighbouring dwellings.

Access to the site is proposed to the west of the proposed block and parking spaces for ten vehicles are to be provided to the rear of the building. The access has been amended so that 2m visibility splays are included within the confines of the site and are therefore under the control of the Applicant, the access has also been widened to 5.5m. These details have been amended in accordance with the requirements of the County Highways who have no objections to the proposal in principle. The site is located in the Swadlincote urban area and the parking standards contained in the Draft Local Plan require one space per one or two bedroom dwelling, this development therefore complies with the above standards.

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 approval of reserved matters subject to the following conditions:

1. 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.
1. Reason: To safeguard the appearance of the existing building and the locality generally.
2. Notwithstanding any details submitted, 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.
2. Reason: In the interests of the appearance of the area.
3. Notwithstanding condition 5 of permission 9/1999/0640/O parking for the site shall be provided and retained as shown on plan reference 2708/06A.
3. Reason: To ensure that adequate parking is available and because given the change in housing type the previous requirements were considered unreasonable.

Informatives:

To note and act upon as necessary the comments of the Coal Authority (see attached letter).

Further to the above Informative, the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. This grant of planning permission does not give a warranty of ground support or stability, neither does it necessarily imply that the requirements of any other controlling authority would be satisfied.

To note that conditions 3, 4, 6 and 10 of outline planning consent reference 9/1999/0640/O will apply to this development. Please note that condition 6 above requires incidental open space on the site and this condition must be complied with on the outline site as a whole.

11/02/2003

Item 1.3**Reg. No.** 9 2002 1165 F**Applicant:**

Director Of Educatio Diocese Of Derby
 Derby Church House
 Full Street
 Derby
 DE1 3DR

Agent:

Duncan R Drake
 4 Brizlincote Lane
 Bretby
 Burton Upon Trent
 Staffordshire
 DE15 0PR

Proposal: The change of use of existing pasture land to ancillary school use for the provision of additional play area and staff parking at Newton Solney C Of E Infant School Trent Lane Newton Solney Burton-on-trent

Ward: Repton

Valid Date: 01/11/2002

Site Description

This small field is on the east side of Church Lane and has a gated access off this road. The rear gardens of houses back onto the south east and north east sides of the site and beyond the north western boundary is a paddock.

Proposal

It is proposed to provide a parking area of eight parking spaces and a landscaped area in the front half of the site. The rear half would be used as a hard and grassed play area.

Applicants' supporting information

The applicant's agent states that the parking area is for staff and occasional visitors. There is no parking within the existing boundary of the school and whilst arrangements have been made to use Private Car Parking at Public Houses, this is not always possible. Therefore, teachers and support staff tend to park either in Trent lane or Blacksmith's Lane, which is not desirable.

This proposal is an essential part of the school's ability to provide classrooms for a through Primary. Without this expansion it says there are clear indications that present school numbers would be seriously affected. This could lead to a reduction in the number of classes and ultimately affect the future viability of the school

Responses to Consultations

The Parish Council states that whilst one of its members objects to the scheme on the grounds that the lane is too narrow to allow two cars to pass and would be dangerous to other users and residents, it has no objection.

The Highway Authority comments that in view of the fact that there is no car parking space associated with the school and that third party land is used for parking or parking takes place on adjacent streets, it is considered that highway objections could not be sustained.

Sport England welcomes the proposal, which it says, will benefit the pupil's education.

Responses to Publicity

Four letters of objection have been submitted on grounds that it would be an intrusion of traffic into a quiet part of the conservation area; damage would occur to the verges and hedgerows of this narrow lane and vehicles would be encouraged to park on it throughout the day; inappropriate use of a meadow in the conservation area; invasion of privacy and increased noise and disturbance; parents will park in Church Lane and use the proposed car park and path as a means of entry and exit to the school.

Structure/Local Plan Policies

The relevant policies are:

South Derbyshire Local Plan: Environment Policy 1; Environment Policy 12; Transport Policy 7.

Planning Considerations

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

- Loss of residential amenity
- Impact on the character of the Conservation Area
- Highway safety.

Planning Assessment

The site is outside the village confine and therefore Environment Policy 1 applies which prevents development unless, amongst other things, it is unavoidable in the countryside and the character of the countryside, the landscape quality are safeguarded and protected. In addition, it requires that if development is permitted in the countryside it should be designed and located so as to create as little impact as practicable on the countryside. Environment Policy 12 does not allow development that would have an adverse effect on the character or appearance of a conservation area. Transport policy seeks to ensure that proper provision is made for pedestrians and people with disabilities.

There is sufficient distance between the proposal and neighbouring dwellings to ensure that the occupant's amenity is not adversely affected and the appropriate use of landscaping could be used to satisfactorily assimilate the proposal into the landscape thus preserving the character of the conservation area and the countryside. The proposals should have the effect of greater overall highway safety hence the comments of the County Highway Authority.

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 five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. Notwithstanding any details submitted, 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.
2. Reason: In the interests of the appearance of the area.
3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping.
3. Reason: In the interests of the appearance of the area.
4. Further to condition 3 above, soft landscape details shall include planting plans; written specifications including cultivation and other operations associated with plant and grass establishment; schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate) and the implementation programme.
4. 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.
5. Reason: In the interests of the appearance of the area.
6. The car park shall not be taken into use until the access has been surfaced in a solid bound material (ie not loose chippings) for at least 5m into the site from the highway boundary with measures to ensure that surface water does not flow from within the site onto the highway.
6. Reason: In the interests of highway safety.
7. The car park shall not be taken into use until the car parking spaces have been laid out in accordance with the plans hereby approved and retained thereafter free of any impediment to their designated use.
7. Reason: In the interests of highway safety.

Informatives:

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 xt 7595) at least six weeks before the commencement date of the proposed works in order to arrange the necessary supervision of works on the highway crossing.

11/02/2003

Item 1.4**Reg. No.** 9 2002 1204 R**Applicant:**

Mr Mrs Lewis
 Manor Croft, Lullington Road
 Coton-in-the-Elms
 Swadlincote
 Derbyshire

Agent:

RJB Planning Consultancy
 11 Blenheim Road
 Moseley
 Birmingham
 B139TY

Proposal: The removal of condition 5 of planning permission 9/2002/0626/F to permit the use for commercial purposes of the stable and manege on land at the rear of 7 Manor Croft Lullington Road Coton-in-the-Elms Swadlincote

Ward: Netherseal**Valid Date:** 14/11/2002**Site Description**

The stable building and manege are located in a field to the rear of dwellings fronting onto Lullington Road, Coton. The stable block incorporates a barn, four stables, two foaling boxes, a tack room and feed store. There are fences separating the field into paddock areas and trees/hedges around the wider field boundaries and to the rear of the building. An access track links the site to Lullington Road, the track runs alongside 7 Manor Croft and up to the site.

Proposal

The application is to remove Condition 5 of planning permission reference 9/2001/0626/F, which was for the erection of a stable and manege and condition 5 restricted the use of the premises to a non-commercial use. The reason for the imposition of the condition was in the interests of highway safety and the amenity of the area. The proposal is to remove the restrictive condition which would then allow the stables to be used for a commercial livery business.

Applicants' supporting information

The application follows the service of a Planning Contravention Notice in relation to condition 5 of planning permission 9/2001/0626/F with regard to the operation of the stables on a commercial basis, the application has been submitted in an attempt to regularise the situation.

The information includes sections on National Planning Policy Guidance, Impact on Amenity and Highway Safety, The Development Plan and Circular 11/95.

The section on National Planning Policy Guidance refers to advice contained in PPG7 and PPG4 and the fact that small scale enterprises/businesses can be carried out in rural areas without having a detrimental impact on the rural environment and they will encourage economic

development. The Applicant states that in accordance with the provisions of PPG7, in principle a commercial use in a rural location involving horses is acceptable subject to satisfactory amenity and no adverse impact on the rural environment.

The section on Amenity and Highway Safety comments on the reasons behind the original imposition of the condition.

The building is very well designed and entirely in keeping with the rural environment on the edge of a small village. The stables are located some way to the rear of houses with part of the applicants garden in between. In terms of design, the visual amenity of the residents and impact on the users of the nearby footpath, the physical form of the buildings has been deemed acceptable by the original grant of planning permission. This would not change if the applicants are allowed to charge for livery.

In terms of the level of activity, the intensity of the use is restricted by the size of the building. A commercial use of the site would not materially impact upon the intensity of the operation which in any event generates only limited vehicular movements. Given the proximity of the village and the potential for cycling and walking alternatives to the private car exist. Such a small number of movements would not be material in amenity or highway capacity terms. In any event the distance between the stables and the nearby dwellings is such that any additional vehicular movements would have no impact.

The use of the application site on a commercial basis would not therefore have a materially greater impact than a non-commercial operation. There would not be a material increase in number or size of vehicles arising from a commercial use of the menage and stable. Nor would a commercial operation of the site lead to an adverse impact upon the rural character of the area or lead to erosion of the quality of the immediate surroundings. The removal of the condition the subject of this application would not therefore erode highway safety or amenity and would accordingly comply with national planning guidance.

In terms of Structure and Local Plan policies Policies 4 and 5 of the Structure Plan refer to a preference for business use in the countryside and that re-use of buildings for small scale business development will be permitted where injury is unlikely to be caused to local amenities or the environment, as in this case. Policy ENV22 of the Draft Local Plan encourages rural commercial enterprise. A commercial use that involves horses would be entirely appropriate to a rural area. The commercial use of the stable and menage accords with the adopted and emerging development plan and no material considerations have been identified sufficient to outweigh the development plan.

In terms of Circular 11/95, the use of conditions in planning permissions, it is considered that the condition fails the test of being necessary or reasonable and therefore the condition should be removed.

The application is submitted on the basis that no material harm will arise to planning considerations and particularly highway safety and amenity. The proposals accord with national guidance and the development plan and conversely conflicts with the provisions of Circular 11/95.

The stables have been operating as a business without consent and no-one was aware of it. This is because the level of traffic generation is small, 2 car movements per day for each tenant. The maximum number of tenants for the stables is likely to be three owners equating to six car

movements. If the tenants are involved in competition then a horse box may make 4 movements (2 trips) per month. This level of traffic generation along a driveway well away from neighbouring residential properties is negligible in terms of highway capacity or noise and disturbance from vehicular movements.

The countryside is an appropriate location for commercial enterprise. Agriculture is a business and farms in the area have their own trip generation which has a much greater impact than that which would be experienced should this application prove successful. Other businesses operate in the village and are acceptable and appropriate in a rural area. It is clearly better for a livery stable to be located on the edge of a large village rather than in open countryside .

Planning History

9/2001/0626 - The erection of a stable and menage together with associated tree planting. Approved.

9/2002/0856 - The erection of an agricultural storage building. Approved.

Responses to Consultations

The Parish Council is concerned about the number of breaches of the current planning permission, the strength of local opposition to the scheme, and the following issues (in summary):-

- Retrospective permission is being sought after a long battle involving the Parish Council, on behalf of local residents, to prove this was not being adhered to in the first place.
- The meaning of allowing commercial activity of the site, once the condition was removed any 'commercial activity' would be granted not just that of stabling and menage facilities.
- Commercial use will adversely affect the environment, the environment has already been severely impacted by development on the site.
- Removing the restriction could increase the amount of noise and light pollution.
- The footpath users will be affected further.
- Accessing and exiting the site is dangerous due to its situation, this will be made worse with more commercial or larger vehicles using the entrance.
- There are no redundant farm buildings on the site to convert to commercial use.
- Several of the conditions on the original approval for the stable block have not been complied with.

The Environment Agency has no objections to the removal of the condition as long as the scale of the use will not intensify.

The County Highway Authority has no objection.

The Environmental Health Manager has no objection.

Responses to Publicity

Two letters of objection have been received along with a petition signed by 7 local residents. The following issues have been raised:-

- The business has been running for some time without consent.
- Lights have been erected at the site which breaches a condition on the original approval.

- Some local people are employed at the site contrary to a condition on the original consent.
- Drainage of the site has been altered and pipes have been connected to drains in the stable area therefore discharging foul water into the brook.
- Increase in traffic and noise would not be acceptable in this residential area.
- Private stabling of a modest size would be acceptable but the facilities are already excessive and not in keeping with the village setting.
- Any increase in activity in the manege would increase noise and disturbance levels in the area which would adversely impact occupiers of neighbouring dwellings.
- Concern that the property is up for sale and that future use could be more intensive.
- Concern over impact on and damage to the environment.
- Highway safety concerns due to the access to the stables and proximity to nearby road junction.
- Development may attract large vehicles using country lanes.
- Concern over future development of site - holding of events/ lessons etc.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Environment Policy 1, Recreation and Tourism Policy 9.

Planning Considerations

The main issues central to the determination of this application are the impact of the commercial use of the stable block on highway safety and the amenity of the area.

Planning Assessment

Recreation and Tourism Policy 9 of the Local Plan concerns commercial stables and equestrian centres and states that they will be permitted where they are well related to existing settlement patterns, where the development is sited close to existing buildings, where the development does not cause disturbance to local amenity and where provision can be made for the safe movement of horses and riders.

The site is located on the edge of the village and the stable building is in situ, the use of the existing building for livery will therefore have little impact on the character and appearance of the countryside. The stable block is of a small scale and could house a maximum of six horses, which would therefore mean a maximum of six horses in livery at any one time. A new condition can ensure that the building and manege are used for a commercial livery business only rather than any other commercial use. Due to the fact that the building can house a maximum of six horses it is considered that the activity generated by the livery use of the premises would not be significantly detrimental to the amenity of local residents.

Although use of the building as a commercial livery is likely to result in an increase in traffic movements to and from the site, County Highways have raised no objections to the scheme. The access to the stable block runs alongside No 7 Manor Croft separately to the shared vehicular access to other properties on Manor Croft. The occupation of 7 Manor Croft is linked to the operation of the stable block by condition. Traffic to and from the site is therefore unlikely to have an adverse impact on the occupiers of the nearest dwelling.

The proposed livery use of the stables and manege is considered to comply with the provisions of Environment Policy 1 and Recreation and Tourism Policy 9 of the adopted Local Plan and the removal of the condition is therefore considered acceptable.

The Environment Agency have been informed of the alleged discharge of foul water to the brook and have separate powers to deal with such.

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 stable block and manege shall be used for a commercial livery business only and for no other commercial use.
1. Reason: In the interests of highway safety and the amenity of the area.
2. Within one month of the date of this permission a scheme for the parking and manoeuvring of vehicles shall be submitted to and approved in writing by the Local Planning Authority, the agreed parking and turning area shall be brought into use within three months of the date of this permission.
2. Reason: To ensure that adequate parking provision is available.

Informatives:

To note that conditions 2, 3, 4, 6, 7 and 9 of planning approval reference 9/2001/0626/F still apply to the stable development.

To note that the approved access for the stable block and manege is via the track to the side of Manor Croft and not via the shared domestic access to dwellings on Manor Croft.

11/02/2003

Item 1.5**Reg. No.** 9 2002 1211 F**Applicant:**

Mr A Dawson
 The Hill Lodge, Deep Dale Lane
 Barrow-on-trent
 Derby
 DE73 1NH

Agent:

Mr A Dawson
 The Hill Lodge, Deep Dale Lane
 Barrow-on-trent
 Derby
 DE73 1NH

Proposal: **The formation of a hardstanding and access and land adjoining the stables at The Hill Lodge Deep Dale Lane Barrow-on-trent Derby**

Ward: **Ticknall**

Valid Date: **05/12/2002**

Site Description

The site is the former lodge to The Hill, situated at the head of the driveway to that property. The application site relates to part of the paddock to the lodge.

Proposal

The proposed hardstanding would be immediately adjacent to the residential curtilage of the dwelling and next to a stable currently under construction in the paddock. The paddock is currently in use for agricultural purposes but the hardstanding would also serve as a parking area for the house. The hardstanding would measure some 9.5m x 13.5m.

Site History

Permission was granted to erect a shed in the paddock last December (9/2002/1038/F). The stable was permitted in 1990 (9/0390/1230/F) and work was commenced within 5 years of the date of the grant of permission.

Responses to Consultations

The Parish Council objects because existing parking appears to be adequate and the application appears to be for more than domestic use.

The Highway Authority has no objection.