

04/03/2008

Item 1.2

Reg. No. 9/2007/1402/MR

Applicant:
 Richmond Care Villages Holdings Ltd
 Bedworth
 Warwickshire
 CV12 0PB

Agent:
 Bradbeer Planning Limited
 Lypiatt Green
 Nether Lypiatt
 Stroud
 Gloucestershire
 GL6 7LS

Proposal: Demolition of existing buildings and erection of a continuing care retirement community (class C2) comprising 60 care bedrooms, 75 care suites and 140 care apartments Aston Hall Hospital Maple Drive Aston on Trent Derby

Ward: Aston

Valid Date: 10/01/2008

Reason for Committee determination

This is a major application and more than two letters of objection have been received.-

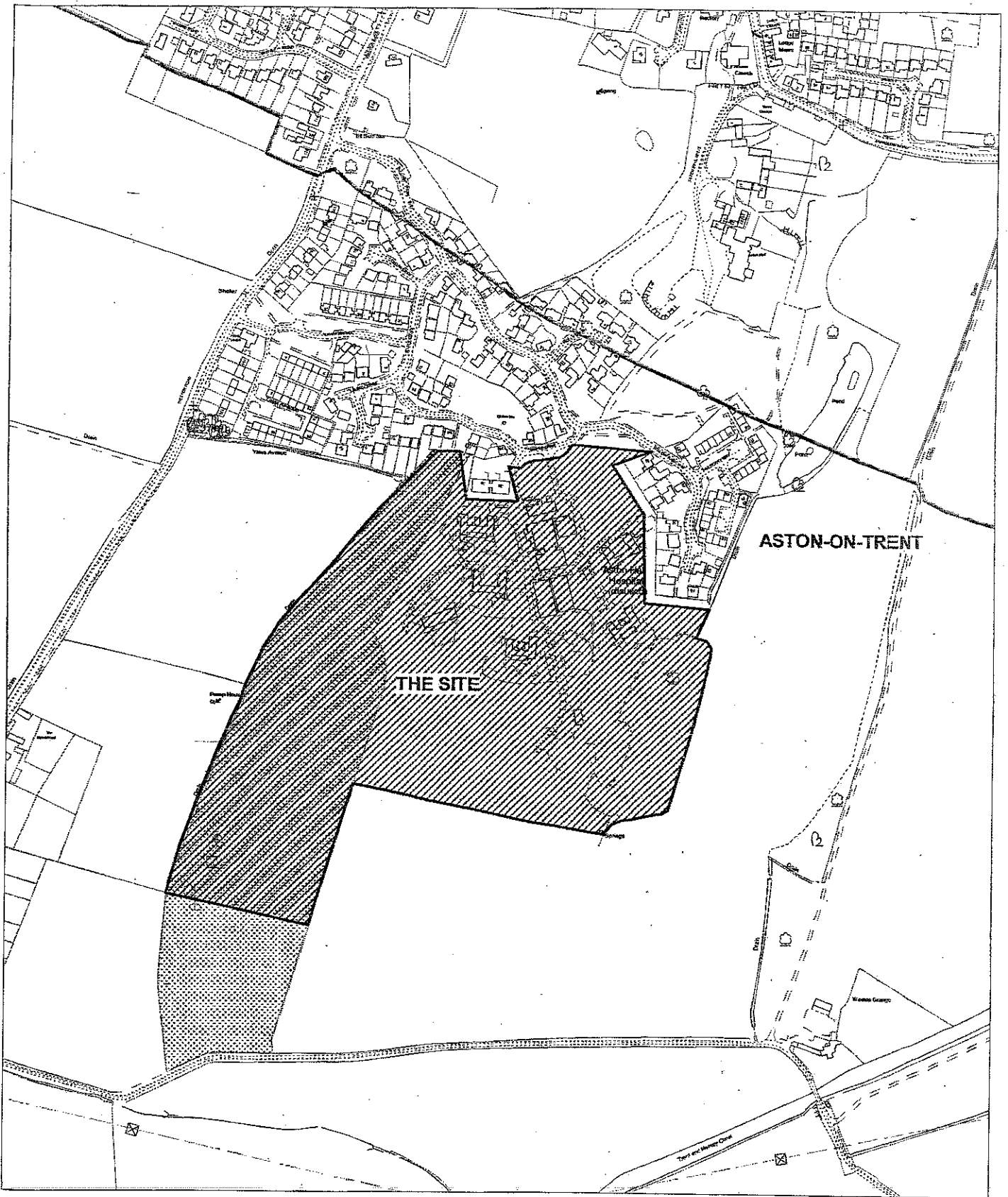
Site Description

The site is part of the former Aston Hall Hospital, the majority of which was re-developed for residential purposes at the end of the last century. The subject site remained in use for hospital purposes until the end of 2004. The Grade II* listed Aston Hall Mansion is visible to the north across open space. Existing buildings on the site curtail views towards the open countryside. Views from the south are available from the public footpath linking Weston Road with the Trent and Mersey Canal at Weston Grange.

Long Walk Wood and Middle Wood bound the existing complex to the east and west and these largely screen the buildings from Weston Road and Shardlow Road. Concessions secured by a previous Section 106 Agreement enable public access through the woods and along the southern periphery of the hospital, along with use of the now disused playing fields.

Vehicular access to the hospital from Weston Road is gained via Willow Park Way and Maple Drive.

The lawful use of the site falls within Class C2 of the Town and Country Planning (Use Classes) Order, being a residential institution.



South Derbyshire
District Council
Civic Offices
Civic Way
Swadlincote
DE11 0AH

9/2007/1402/MR Aston Hall Hospital
Maple Drive
Aston-on-Trent

Crown Copyright. All rights reserved.
South Derbyshire District Council
OS Licence No. LA 100019461. 2006

Date Plotted 22/2/2008

NORTH ↑

Plot centred at 441279 328836

Scale 1:5000

The existing buildings produce a footprint of about 5300 sq m, with an overall current floorspace of about 7300 sq m. Some of the buildings are of substantial construction, in brick with plain clay tile roofs, whilst others are more utilitarian in design and materials. Included within the group are a meeting room/theatre and a hydrotherapy pool. The site has not been used for several years and is now showing signs of vandalism and dereliction.

The application site lies within Weston on Trent Parish, but part of the highway network serving the site lies in Aston on Trent.

Proposal

The application seeks to demolish the existing buildings in their entirety. A new purpose-built complex would be built to replace it. This would comprise buildings of three distinct types.

The main building (3 storey) would contain 74 care suites, 30 care bedrooms, 30 special care bedrooms, 5 staff bedrooms and associated communal facilities such as dining rooms, treatment and consulting rooms, laundry, day rooms, kitchen and storage rooms. In addition the building would include rooms for the provision of day to day services, including a café, restaurant, craft and activity rooms, IT room, library, hairdressers and therapy salon. This building would also contain offices and staff facilities.

A separate building (single storey) adjacent to the main care building would provide a wellness spa, with swimming pool, hydrotherapy pool, gymnasium, sauna and steam rooms, studio and treatment rooms along with associated ancillary facilities.

The third main element of the scheme would be 140 care apartments. In the main these would be 2-storey buildings, with a few 3-storey units at selected 'landmark' locations along the main open space.

The built parts of the site would be punctuated with landscaped open spaces, courtyards and pockets of car parking. A large area of open space would bisect the site, laid out as parkland, connecting visually with the open land to the south of Aston Hall Mansion and the open fields in the direction of Weston on Trent.

The application proposes to facilitate increased public access through the site by way of concessionary paths. A scheme for public access to communal facilities would also be prepared. The existing playing field would be lost to the development but the applicant proposes to compensate for this by way of payment for replacement facilities in Weston on Trent, consistent with the extant outline permission (see Planning History). These benefits would be secured through a unilateral undertaking.

Occupiers of the development would be either:

- a) Registered disabled; or
- b) In need of regular care or support; or
- c) Be a spouse, cohabitee or dependent living with such persons; or
- d) Be engaged to provide services for any person living on the site falling within the above categories (i.e. key staff).

Applicant's Supporting Information

The applicant has supplied comprehensive planning and technical reports relating to:

- Planning Statement
- Operational Plan.
- Design and Access Statement, incorporating Landscape Statement.
- Wildlife Survey.
- Care Accommodation Supply & Demand Study
- Travel Plan.
- Ground Conditions Study
- Flood Risk Assessment
- Archaeological Evaluation.
- Public Opinion Survey.

The planning issues are summarised by the applicant as follows:

General

- The applicant company has considerable expertise and an established track record in delivering and managing successful care communities.
- Prior to submitting the application the applicant has engaged in extensive pre-application dialogue with Council officers and the local community.
- Public response indicated support by 96% of respondents, 74% being outright support and a further 22% supporting the proposals with suggestions.
- A supply and demand study of the area demonstrates a demand for 1600 residential beds in the next 10 years with a potential shortfall of about 750 residential beds.
- The concept of 'Extra Care Housing' has arisen in recent years as a means of responding to the rising need for flexible care accommodation. The applicant is keen to reduce reliance on the private car and sets out a range of initiatives, including dedicated mini-buses for residents and staff, in order to achieve this.
- The development would create some 125 full-time equivalent jobs. These would be varied, offering full and part-time opportunities, embracing nursing care, housekeeping, administration, catering, driving, and building and grounds maintenance staff.
- The applicant's ethos is to forge community links, and local clubs and societies would be encouraged to make use of meeting rooms and older members of the local community could enjoy many of the social activities and events.

The Proposed Use

- The proposed Class C2 use, providing residential accommodation and care to people in need of care, would assist in meeting a local need that has reducing supply.
- The proposal would match the existing lawful use of the site and is a similar land use to the 'fallback' Class C2 scheme permitted in 2006.
- Use of the site for C2 purposes would be controlled by a unilateral undertaking.
- The proposed use is thus not contentious.

Sustainability Objectives

- Aston on Trent has good facilities indicating good sustainability criteria in accordance with RSS8 Policy 3 and established by the 'fallback' permission.
- There would be no harmful effects on highway safety, or unacceptable levels of traffic. Furthermore the scheme is well placed to initiate a range of measures designed to limit car usage amongst residents and staff.
- The environmental assets of the site would be enhanced through a long-term landscape management plan.
- The sustainability objectives set out in RSS8 Policies 3 and 4 and PPG13 would be met.

Townscape and Landscape

- The proposal aims to restore a visual connection between the Grade II* listed Aston Hall and its former landscape to the south, by dividing the built development with a corridor of open landscape. This would be managed as parkland, with low-rise village-character buildings fronting directly onto it.
- The landscape objective is to create an integrated landscape and a garden design that properly reflects and complements the architectural proposals, the use by elderly residents and the wider rural setting. The grounds would be managed communally, for shared use and, in part, public use. Local distinctiveness would be reinforced through sympathetic siting, massing, architectural design and detailing.
- The scheme demonstrates a design led approach that respects local natural, historic and built character with enhancements including, the creation of a landscaped corridor, a parkland communal open space of biodiversity and amenity value, a landscape and arboricultural management programme, comprehensive landscape maintenance of the whole site, and managed public access across parts of the site.
- The proposal thus accords with RSS8 Policy 4 along with national guidance in PPS1 and PPG15.

Other Material Considerations

- The Archaeological Assessment demonstrates compliance with Local Plan Policy EV14
- The Flood Risk Assessment demonstrates compliance with PPS25
- The Wildlife Survey demonstrates that the proposal would not prejudice protected species.
- The Ground Conditions Survey indicates that there are no significant constraints in terms of ground, ground water and potential contamination conditions.

Planning History

Re-development of the remainder of Aston Hall was allowed in the mid-1990's. The application site first became developed as an hospital in the 1930's, and incremental development continued into the 1990's. Notable buildings include an assembly hall and a hydrotherapy pool; the latter built towards the end of the last decade. Outline permission to redevelop the subject site for an assisted living scheme was permitted in 2006 (9/2006/0625/M), comprising a maximum 13,000 sq m of Class C2 floorspace and 70 assisted living accommodation units. That permission would have involved development of the existing playing field at the site, and provided for a payment of £30,000 towards replacement recreation facilities in Weston on Trent. An undertaking was also made to

facilitate discussion between the applicant and the community to identify facilities that could be made available to the village population.

Responses to Consultations

Aston on Trent Parish Council supports the proposals subject to the following matters:

- a) Although the site is in Weston on Trent parish, Aston on Trent would bear the brunt of disruption during building, longer-term traffic issues, and stretching of existing facilities and services. Aston would not benefit financially from the development. The new residents would look to Aston on Trent Parish Council with their problems.
- b) There would be traffic problems in Willow Park Way and other traffic issues in the village, which were clearly identified in the Village Plan.
- c) Since the development of the Bloor estate South Derbyshire District Council has failed to enforce the Section 106 Agreement. The bowling green is cited as an example of this. The Parish Council wishes to ensure that any Section 106 Agreement will be enforced.
- d) The Parish Council wishes to be made aware of any tree felling proposals and retain a right of veto.
- e) The site should be for C2 use only and not retirement homes. Proof of a selection policy is needed.
- f) The three-storey building could be quite imposing on neighbours, which could be contrary to planning policy.
- g) Permission should only be granted if the recommendations of the wildlife and archaeological surveys are followed. A licence from Natural England should be applied for.
- h) There is concern that aesthetic and access improvements to the woods could destroy wildlife habitats.
- i) The right for people to pass through the site should be by way of statutory access rather than permissive paths, to enable residents to continue with their accustomed unlimited access to the woods and old playing fields.
- j) Access to the development's facilities should be quantified and open.
- k) Payments to compensate for the loss of recreation facilities should be made to both parishes. A liaison group should be set up to oversee this and the access rights.

Weston Trent Parish Council objects as follows:

- a) The development would be too large. A recent survey of residents indicated strong opposition to any future development in the parish.
- b) The application does not provide details of the numbers of residents and staff. Residents alone could increase the population of Action by 40%, to the detriment of the communities of Aston and Weston.
- c) There would be strain on health and social services facilities.
- d) There would be increased strain on local highways.
- e) The development would extend into open land causing visual intrusion when viewed from Weston Grange and the canal.
- f) Thinning of the woods would make the development highly visible.
- g) The architecture would not be in keeping with the diversity displayed in the locality.
- h) The development does have some merit, by removing an eyesore and creating employment. A smaller development could thus be appropriate.

- i) A smaller development should be staged over a number of years to allow proper community integration.
- j) Maximum height should be 2-storey and buildings should not extend beyond the existing footprint.
- k) Provision should be made to address shortfalls in medical and social facilities.
- l) Guarantees should be given to enable access to facilities by local residents, at a reasonable charge.
- m) Traffic impact assessments should be undertaken.
- n) Survey and management plans for the woods should be completed before permission is granted.
- o) Paths through the woods should be made public and the woods designated as access land.
- p) The Parish Council would like to discuss the form of any Section 106 Agreement and support Aston on Trent Parish Council's request for a liaison group to look after the interests of existing parishioners.

The Environment Agency, Highway Authority, Severn Trent Water Limited, Development Control Archaeologist and Contaminated Land Officer have no objection in principle.

The Leisure Services Manager reiterates previous advice, which is that in response to the proposed loss of access to the hospital playing field there is an identified need for a new equipped play area in Weston on Trent. This would cost in the region of £30000.

Natural England requests additional bat survey data in respect the existing trees on the development site, before permission is granted. It also recommends liaison with Derbyshire Wildlife Trust in order to safeguard non-statutory wildlife sites.

The Crime Prevention Design Adviser has expressed concerns about security and recommends measures to minimise the risk of crime.

The Environmental Protection Manager recommends general guidelines to minimise noise, smoke and dust resulting from the building operations.

Responses to Publicity

Save Aston Village Environment objects as follows:

- a) Views of the two woods would be obscured. The central parkland area should be reduced and more space provided alongside the woods.
- b) The site's wildlife habitats should be protected.
- c) The existing Section 106 Agreement relating to the woods should not be weakened. There should be no formal routes through the woods.
- d) The development to the west side of the site would suffer reduced light because of close proximity to Long Walk Wood.
- e) The access is inadequate and would increase the risk of accident.
- f) The sewerage system may be inadequate.
- g) The existing assembly hall should be retained as a valuable community facility.
- h) Use of the applicant's wellness spa would be subject to a £60 per month charge.
- i) The views of Aston on Trent Parish Council in respect the Section 106 Agreement are supported.

4 letters have been received, one raising no objection. The remainder raise the following issues:

- a) The three-storey block would result in loss of light and privacy to 56 Willow Park Way. The building should be moved at least 100 yards further away.
- b) The three-storey block would be overbearing on neighbours.
- c) There would be overlooking and loss of privacy to neighbours, in particular because balconies are proposed to the new apartments.
- d) Building operations should be controlled to avoid disruption to residents, and mud deposition the roads.

Development Plan Policies

The relevant policies are:

Regional Spatial Strategy P3, P4

Local Plan EV9 & 14 and T6

Planning Considerations

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

- The principle.
- Sustainability.
- Impact on the character and appearance of the area.
- Highway safety.
- Residential amenity.
- Archaeology
- Protected species
- Contaminated land.
- Drainage.
- Crime Prevention
- Section 106 Agreement.

Planning Assessment

The use of the existing site and buildings for C2 purposes (residential institution), as defined in the Town and Country Planning (Use Classes) Order, is lawful. In addition there is an extant outline permission to redevelop the site for such purpose. Therefore, as a matter of principle, re-development of the same kind, as is proposed, is acceptable.

By using previously developed land the proposal satisfies one of the main tests of sustainability. The provision of a development with clear job generating characteristics at the edge of a village with good local facilities is another favourable indicator in this regard. The proposal would provide modern specialist residential care. There is no evidence that the proposal would generate significantly more traffic than business re-use, which would otherwise be favoured by policy. The travel plan proposes measures to reduce the need to travel by private car. On balance the development would be in harmony with sustainable development objectives.

The proposal demonstrates a carefully considered design approach. The new buildings would reflect local distinctiveness in terms of the scale and character of the buildings, the

proposed materials and landscaping. The introduction of a central parkland would re-create a sequence of open space linking Aston Hall with the open countryside. The overall height of the main new care building would not be materially greater than the existing two-storey buildings on the site, which have high ceilings and large roofs. The care apartments set in the grounds would be lower, being designed to resemble historic estate cottages. Therefore the development would sit comfortably in its landscape context and create a high quality environment.

On the advice of the Highway Authority the local roads are capable of dealing safely with traffic generated by the development.

Given that the highways would operate within capacity there is no evidence that their use as such would be detrimental to the amenities of local residents. Residents in dwellings at the end of Willow Park Way have expressed concern over dominance, loss of light and privacy. However the main block would reduce in height to 2 ½-storey behind 56 Willow Park Way at which point it would be no nearer than 34 metres from the main windows to that property. The building would be some 40 metres away from the main rear elevations of 52 & 54 Willow Park Way. Supplementary Planning Guidance would suggest a minimum acceptable distance of about 26 metres. Elsewhere the new 2-storey buildings would be sufficiently far from, or juxtaposed so as to maintain a reasonable degree of privacy to neighbours.

An archaeological evaluation has been undertaken. The Development Control Archaeologist considers that items of interests can be preserved by record. An appropriate condition would bring this about.

The conservation status of protected species on or in the vicinity of the site would not be prejudiced by the development. A known bat roost would be lost upon demolition of Beech Lodge but mitigation measures would compensate for this. The work would need to be undertaken under licence from Natural England. Long Walk Wood is a non-statutory wildlife site and the existing Section 106 management obligations would enable Derbyshire Wildlife Trust to comment on the specific proposals for the woods. Other wildlife interests would be secured through the imposition of conditions recommended by Natural England.

The previous use of the site as a hospital may have resulted in contaminants being present on the site. The situation could be safeguarded by condition.

On the advice of Severn Trent Water Limited and the Environment Agency there would be no adverse impact on the local drainage system or flood risk interests, subject to conditions.

The objective of enabling public access to the site and woodland creates tension with the desirability of securing the site from intruders. The applicant has proposed measures to minimise the risk of crime whilst maintaining the architectural and landscape integrity of the scheme.

By setting buildings against the woodland areas development would encroach into the hospital playing field, which is available for use by parishioners for recreation purposes through the provisions of the existing Section 106 Agreement. In the circumstances the applicant's offer to contribute to new outdoor recreation facilities in Weston on Trent, as recommended by the Leisure Services Manager, would be adequate compensation.

Existing concessionary paths and access to woodland would be preserved and enhanced by the provision of a route through the open area of the site. These benefits would be secured through a Unilateral Undertaking under Section 106 of the Town and Country Planning Act. The applicant has volunteered community access to some of the facilities of the development, which would similarly be secured through the undertaking. The existing Section 106 Agreement already requires appropriate maintenance of Long Walk Wood and Middle Wood. Following the rundown and closure of the hospital the woodland has been neglected for some years. The applicant has stated that appropriate management, including enhancement of the biodiversity value of the woodland, would be undertaken as part of the grounds maintenance regime.

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 occupation by people in need of care, a scheme for public access to key communal facilities, public access to permissive paths through the development, and the payment of £30,000 towards the provision of local outdoor recreational facilities in Weston on Trent; **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 no. 1069/L/2 Rev C received 15 February 2008.

Reason: For the avoidance of doubt.

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 buildings have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the buildings and the locality generally.

4. Large scale drawings to a minimum Scale of 1:10 of balconies, eaves and verges and external joinery, including horizontal and vertical sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The balconies, eaves and verges and external joinery shall be constructed in accordance with the approved drawings.

Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.

5. External joinery shall be in timber and painted to a colour and specification which shall have been previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the building and the character of the area.

6. Notwithstanding any details submitted, precise details of the type, size and position of the proposed rooflight shall be submitted to and approved in writing by the Local Planning Authority. The approved rooflight(s) shall be fitted such that their outer faces are flush with the plane of the roof, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the building and the character of the area.

7. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the building unless specifically agreed in writing by the Local Planning Authority. The type, number, position and finish of heating and ventilation flue outlets shall be agreed in writing with the Local Planning Authority before development is commenced.

Reason: In the interests of the appearance of the building and the character of the area.

8. Gutters and downpipes shall have a black finish.

Reason: In the interests of the appearance of the building, and the character of the area.

9. 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.

10. Pointing of the buildings, wherever applicable, shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand). The finished joint shall be slightly recessed with a brushed finish in accordance with Derbyshire County Council's advisory leaflet "Repointing of Brick and Stonework".

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

11. A sample panel of pointed brickwork/stonework 1 metre square or such other area as may be agreed by the Local Planning Authority shall be prepared for inspection and approval in writing by the Local Planning Authority prior to the implementation of any other works of pointing. The works shall be carried out in accordance with the approved sample.

Reason: In the interests of the appearance of the buildings and the locality generally.

12. No development shall take place until details, and if necessary samples, of the materials proposed to be used on the surfaces of the roads, footpaths, car parking areas and courtyards have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the buildings and the locality generally.

13. 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.

14. 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.

15. A landscape management plan, including phasing and implementation strategy, long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority before development begins. The landscape management plan shall be implemented as approved.

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

16. Before the development is first occupied details of a scheme for all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be implemented in accordance with the approved scheme.

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

17. 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) If required by the conceptual site model, 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.

18. 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.

19. 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.

20. The details required pursuant to Condition 19 above shall include a scheme for the provision and implementation of surface water run-off limitation. The scheme shall not result in an increase in the rate of surface water discharge to the local land drainage system and the drainage works shall be completed in accordance with the details and a timetable to be agreed as part of the scheme.

Reason: In the interests of flood protection.

21. 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, designed and constructed to have a capacity and details compatible with the site being drained.

Reason: In the interests of pollution control.

22. 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.

23. Before development begins a scheme for monitoring and review of the submitted Travel Plan shall be submitted to and approved in writing by the local Planning Authority. The Travel Plan shall be implemented on first occupation of the development and shall be applied thereafter; and copies of the monitoring exercises shall be supplied to the Local Planning Authority every 12 months thereafter, unless as may be otherwise be agreed in writing with the Local Planning Authority.

Reason: In the interests of sustainability.

24. Before development begins details of a scheme for the provision and maintenance of a 30m exclusion zone around the badger sett in Middle Wood, including measures to prevent access by site personnel, and measures to prevent badgers

from falling into excavated trenches and holes, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall remain in place for the duration the development.

Reason: To protect the wildlife interests.

25. Prior to the commencement of development, a programme of further ecological surveys of bats, badgers and water voles shall be submitted to and approved by the Local Planning Authority. The further surveys shall be carried out in accordance with the approved programme.

Reason: To establish the status of badgers in the area and to ensure that an offence is not committed under The Protection of Badgers Act 1992

26. Before development begins details of scheme to prevent access to Long Walk Wood and Middle Wood by construction traffic and the use of the woods for the storage of materials and/or equipment shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained for the duration of building operations.

Reason: To protect the ecological and amenity value of the woodland.

27. Before development begins a scheme of mitigation in order to minimise the likely impact on bats shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be incorporated and implemented in the development

Reason: To ensure adequate protection of the species.

Informatives:

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 note the attached comments of Natural England.

Site operators should ensure that no contaminated water enters and pollutes surface or underground waters.

To note the attached advice of the Pollution Control Officer, which are designed to minimise disturbance to residents during the construction phase.

04/03/2008

Item 1.6.

Reg. No. 9/2008/0033/FH

Applicant:

Mr N Tomlinson
6 Main Street
Derbyshire
DE65 6AG

Agent:

Mr. Paul Day
PD ARCHITECTURE
120 Gedling Road
Arnold
Nottingham
NG5 6NW

Proposal: The erection of a detached garage to the front of
The Haven 6 Main Street Findern Derby

Ward: Willington & Findern

Valid Date: 09/01/2008

Reason for committee determination

The application is brought before Committee at the request of Councillor Ford because local concern has been raised about a particular issue and there are unusual site circumstances, which should be considered by the Committee.

Site Description

The site is the front garden area of a detached corner plot dwelling. The site is at a higher level than the adjoining dwelling at No 8 Main Street such that the garage would have its floor level at the same height as the first floor of the adjoining dwelling. All the main living accommodation for No 8 Main Street is located at first floor level and No 8 is set forward of the application dwelling, No 6 Main Street. A fence forms the boundary between the two properties. No 6 Main Street is set in a large corner plot and has separate access to both the front and rear. The site for the proposed garage is currently used as a parking area at the end of the front driveway, the remainder of the front garden is landscaped.

Proposal

The application is for a detached double garage measuring 5.8 metres by 5.5 metres and 4.9 metres to the ridge.

Planning History

9/2008/0034 for a garage at the rear of the dwelling is currently under consideration (as a potential alternative to the current scheme).

9/2006/1095 – Erection of a bungalow at the rear – approved.
9/2006/0657 – Extension – approved and completed.
9/2002/0804 – Two storey extension and garage – approved but now lapsed (garage located to the rear of the dwelling).

Responses to Consultations

The Parish Council has no objections

Responses to Publicity

One letter of representation has been received raising concerns over the impact of the garage on No 8 Main Street on the basis that the garage is to be built up to the boundary and will be almost 3 metres in height above the window line, the position of the garage is adjacent to the front door, kitchen and dining room of the property and to the east of these windows. As a result the garage would only be 3m from the door and dining room and 1.25m from the kitchen resulting in a loss of morning light and having a negative impact on outlook from the property.

Development Plan Policies

The relevant policies are:
Local Plan: Housing Policy 13.

Planning Considerations

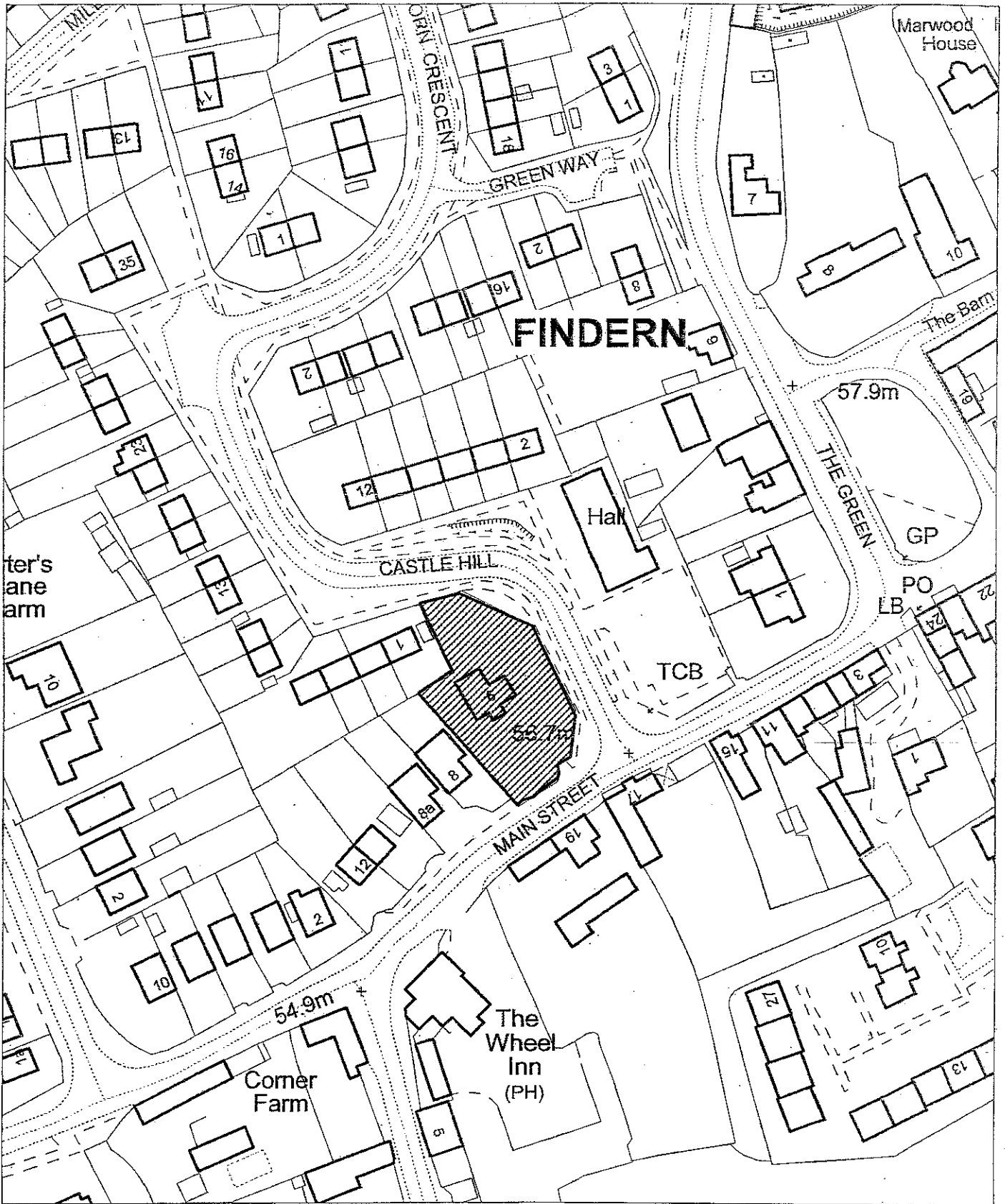
The main issues central to the determination of this application are:


- the impact of the garage on the street scene,
- the impact on the occupiers of No 8 Main Street

Planning Assessment

The proposed garage would be located at the front of the dwelling however it would be located adjacent to the side of No 8 Main Street. The garage would not therefore be viewed as an isolated prominent structure and would not have a detrimental impact on the appearance of the street scene. The garage would be of traditional design and brick and tile construction. The proposed design and appearance of the garage are therefore also considered acceptable.

The garage would be sited in close proximity to the adjoining dwelling, No 8 Main Street. The kitchen and dining room windows of No 8 adjoin the site although the main windows to these rooms face south towards Main Street; no principle windows face the application site. The garage would be located to the east of the windows and therefore the windows would still benefit from significant levels of natural light for the majority of the day. The kitchen is set back from the front of No 8 and the proposed garage would breach a 45° line drawn from the centre of this window. However the garage is only a single storey structure and the roof slopes away from the boundary. The scheme therefore complies with the provisions of Housing Policy 13 and the SPG on Extensions, which states that single storey extensions will be dealt with on their own merits on the basis of preserving privacy.



 <p>South Derbyshire District Council Civic Offices Civic Way Swadlincote DE11 0AH</p>		Date Plotted 22/2/2008	NORTH ↑
	<p>9/2008/0033/FH The Haven 6 Main Street Findern</p>	Plot centred at 430737 330434	Scale 1:1250
	<p>Crown Copyright. All rights reserved. South Derbyshire District Council OS Licence No. LA 100019461. 2006</p>		

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. 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.

04/03/2008

Item 1.7

Reg. No. 9/2008/0055/F

Applicant:
Midas Touch
School House View
Kingston
Staffordshire
ST14 8QH

Agent:
GCA (UK) Ltd
Babington Lodge
128 Green Lane
Derby
DE1 1RY

Proposal: The erection of a bungalow at Land adjacent 22 Pear Tree Avenue Newhall Swadlincote

Ward: Newhall

Valid Date: 18/01/2008

Reason for committee determination

Councillor Wilkins has requested that the application is brought before the committee because local concern has been expressed about a particular issue and there are unusual site circumstances, which should be considered by Committee.

Site Description

The site is the rear garden area of a detached corner plot bungalow. The existing bungalow fronts onto Pear Tree Avenue and the proposed bungalow would front onto Cedar Grove, in the place of an existing garage. All the dwellings immediately surrounding the application site are bungalows. The corner plot bungalows are characterised by having large front, rear and side gardens.

Proposal

The application is for a detached bungalow measuring 7 metres by 8 metres and 5.3 metres to the ridge. Two car parking spaces would be created for the bungalow, accessed from Cedar Grove. A new access and parking area for the existing bungalow would be created from Pear Tree Avenue.

Applicants' supporting information

The bungalow would be situated on the south east boundary of the site adjacent to No14 Cedar Grove. The accommodation of the bungalow is located over a single storey with sky lights to ensure appropriate natural lighting enters the property while preventing overlooking of the adjacent properties.

9/2008/0055/F Land adj to 22 Pear Tree Ave

Newhall



SOUTH DERBYSHIRE
DISTRICT COUNCIL
CIVIC OFFICES
CIVIC WAY
SWADLINCOTE DE11 0AH

Crown Copyright. All rights reserved.
South Derbyshire District Council
OS Licence No. LA 100019461. 2006

Date Plotted 22/2/2008
Scale 1:1250

Licence No LA 079375



The layout of the property on the site has been designed to maximise the views from the house and neighbouring dwellings. A 45° line from 14 Cedar Grove's rear window ensures that the dwelling views are unrestricted and do not conflict.

As part of the development a scheme for planting trees and plants of an aesthetically pleasing species at the end of the gardens will take place. The existing planting and garden landscaping in number 22 Pear Tree Avenue will be mostly retained and replanted where it has been disturbed, ensuring the planting is not disturbed wherever possible.

The site is mostly flat and there will be no significant earthworks to the site during the construction of the proposed dwelling.

A new access will be formed to serve the proposed new dwelling, providing the standard two off street car parking spaces adjacent to the property. A new access is also proposed for number 22, again providing two car parking spaces. This will ensure that the parking remains off street and adjacent to the property.

The new dwelling will be constructed 1m from the gable end of No 14 Cedar Grove and the levels on the site will remain as existing with the DPC for the proposed dwelling to match 14 Cedar Grove.

Planning History

No planning history.

Responses to Consultations

Environmental Health has recommended a condition requiring a contaminated land study to be carried out and findings implemented.

Severn Trent Water has no objections.

The County Highway Authority has no objections subject to conditions.

Responses to Publicity

Seven letters of representation have been received raising the following issues:-

- If visitors to 22 Pear Tree park on the road this will impede access to driveways opposite.
- The proposal would spoil the appearance of Cedar Grove and would not be in keeping with the surrounding area and properties.
- The driveway would be nearer to the junction than at present and therefore more hazardous for both vehicles and pedestrians. The roadway at this point is narrow.
- Parking in the road is already limited and a further driveway would make it more limited and make access and egress to driveways more difficult.
- The cul de sac is not wide enough to cope with builder's vehicles and the building work will create mess and inconvenience.
- There is a covenant on the deeds, which states that there should be no more than one dwelling per plot.

- Existing gaps between dwellings on Cedar Grove is 3 metres and the new property would only be 1 metre from the adjoining dwelling.
- The guttering will overhang the adjoining dwelling.
- The adjoining dwelling has suffered from subsidence and the occupiers have concerns that the building works will cause further subsidence.
- The proposed bungalow is set back on the site and will result in loss of light to the bedroom on the rear of the adjoining dwelling.
- The proposal will result in a loss of privacy to the garden of the adjoining dwelling and to the windows of the property opposite and adjoining 22 Pear Tree.
- The creation of the new access onto Pear Tree would be dangerous and the adjoining dwelling would be overlooked from the proposed driveway.

Development Plan Policies

The relevant policies are:

Local Plan: Housing Policies 4 and 11.

Planning Considerations

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

- the principle of the new dwelling,
- impact of the dwelling on the character of the area,
- the design and appearance of the dwelling,
- access and parking
- the impact on the occupiers of the neighbouring dwellings.

Planning Assessment

The site is located on garden land within the Swadlincote urban area where new residential development is acceptable in principle in line with the provisions of Housing Policy 4 of the Local Plan.

The proposed bungalow would be located in the rear garden of 22 Pear Tree Avenue and would front onto Cedar Grove in the same alignment as the adjoining bungalow, 14 Cedar Grove. The rear garden measures 12 metres by 23.5 metres and the proposed bungalow would be located within 5 metres of the rear of 22 Pear Tree Avenue and 1 metre from the side of 14 Cedar Grove. The construction of a dwelling on this corner plot will change the character of the area in so far as the corner plot dwellings have large garden areas and one of these gardens will be developed. The main visual impact will be from Cedar Grove although as there is a garage on the site currently, it is not considered that the development will result in the loss of a significant open gap.

The Applicant has confirmed that the proposed dwelling would be constructed at the same level as 14 Cedar Grove, 1 metre from the side elevation and would be viewed in alignment with the existing row of bungalows fronting Cedar Grove. The design has been amended so that the bungalow has a gable roof rather than a hip and so that the front bay windows are built out from ground level. These amendments would help to integrate the proposal better into the street scene. The bungalow would have a gable end fronting the road whereas the majority of the bungalows on the road have gables side onto the street. However this mix of orientations is not unusual in the wider surrounding area.

The existing dwelling would have a new access from Pear Tree Avenue. This access could be created without the need for planning permission. The proposed dwelling would be accessed from Cedar Grove; the existing access to No 22 Pear Tree would be altered. Planning permission would not be required for this alteration either. On the advice of the County Highway Authority the proposed parking and accesses are sufficient to serve both dwellings.

The proposed bungalow would be set back slightly from the rear elevation of No 14 Cedar Grove but complies with the space about dwellings standards and does not breach the 45 ° line with respect to the rear bedroom window. The privacy of the windows on no. 22 Pear Tree Avenue would not be adversely affected by the proposal. The proposed dwelling would be located within close proximity of the windows but as the dwelling would be single storey only it is considered that it would not be unduly overbearing. The garden to 14 Cedar Grove drops down to the rear and therefore the proposed bungalow would overlook the end of the garden to a certain extent. However, appropriate boundary treatment should maintain the privacy to the part of the garden directly adjacent to the dwelling.

For the reasons set out, the proposal is considered acceptable.

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. 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.

3. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos. 1/5226/02B, 1/5226/03A, 1/5226/04A, 1/5226/05A.

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

4. 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.

5.
 - 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.

6. 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.

7. Before any other operations are commenced a new vehicular access shall be created to Pear Tree Avenue in accordance with the application drawings, laid out, constructed and maintained in perpetuity free from any obstruction to its designated use.

Reason: In the interests of highway safety.

8. Before any other operations are commenced (excluding Condition 7 above) space shall be provided within the application site in accordance with the application

drawings for the replacement parking of 22 Peartree Avenue, laid out, constructed and maintained in perpetuity clear of any obstructions to its designated use.

Reason: To ensure that adequate parking/garaging provision is available.

9. Before any other operations are commenced (excluding conditions 7 and 8 above) the existing access to Cedar Grove shall be modified in accordance with the application drawings, laid out, constructed and maintained in perpetuity clear of any obstruction to its designated use.

Reason: In the interests of highway safety.

10. The access, the subject of conditions 7 and 8 above, shall not be taken into use until 2 x 2m x 45 degree pedestrian intervisibility splays have been provided on either side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

Reason: In the interests of highway safety.

11. The premises, the subject of the application, shall not be occupied until the space has been provided within the application site in accordance with the application drawings for the parking of residents vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason: To ensure that adequate parking/garaging provision is available.

12. 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 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.

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 shall be given to the Environmental Services Department at County Hall, Matlock (tel: 01629 580000 ext 7595) before any works commence on the vehicular access within highway limits. The proposed access driveway should be surfaced with a solid, bound material (ie not loose chippings) for the initial 5 metres measured back from the nearside highway boundary.