

SOUTH DERBYSHIRE DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 16th April 2002

Planning Services Manager

I N D E X

PART 1 Planning Applications

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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16/04/2002

Item 1.1**Reg. No.** 9 2002 0055**Applicant:**

Morris Homes (East Midlands)
9 Glaisdale Drive
Bilborough
Nottingham
NG8 4GU

Agent:

Dean Fisher
Morris Homes Ltd
Morland House
18 The Parks
Newton Le Willows
WA12 9JT

Proposal: The erection of 100 dwellings, vehicular access off Burton Road and Hartshorne Road, extended parking area for doctors surgery and open space (amended site layout and house types) at Qualitas Bathrooms Hartshorne Road Woodville Swadlincote

Ward: Woodville

Valid Date: 18/01/2002

Joint Report with 9/2001/0730**Site Description**

This irregular shaped 3 hectare former industrial site is north of the Clock Island junction and has accesses off both Hartshorne Road and Burton Road. It is bounded to the north east by housing, to the northwest by housing and the cricket ground, to the south west by Burton Road and to the south east by general industrial units occupied by Greenbank Terotech and Scomark Engineering.

Along the Burton Road boundary is an area of trees and other vegetation which is subject of a Tree Preservation Order.

Proposal

This report relates to two applications for the site, the first is an outline application for residential development with all matters reserved for subsequent approval (9/2002/0055 refers). The second is a full planning application for residential development (9/2001/0730 refers). The content of this report relates mainly to the latter application, however, it also addresses the issues of principle pertinent to the outline submission.

The full application is for the erection of 100 dwelling units with two accesses, one off Burton Road and other off Hartshorne Road. There would be no vehicular link within the site between the two accesses in order to remove the opportunity for "rat-running". The mix of housing would

consist of two and three storey properties in terraced, courtyard and detached form and would comprise of 14 two bed flats, 6 one bed flats, 59 three bed dwellings and 21 four bed dwellings.

It is proposed to create a 26m deep area of open space along the factory site boundary to act as a buffer between the factory and the proposed housing. The open space would accommodate a child's play area and the remainder would be planted with trees in accord with the aims of the National Forest.

It is also proposed to provide a car park extension for the doctors' surgery on Burton Road.

The outline submission seeks consent in principle for residential development of the site.

Applicants' supporting information

Marketing the site for commercial use

Maxwells Commercial Property Consultants have submitted a marketing report, which illustrates that there is no demand for the site in its present commercial use. It makes the following conclusions:

"We believe the marketing campaign to have been extensive and exhaustive. A widespread section of people involved in property including agents, developers, industrialists, landlords, investors and speculators have been informed of the property's availability. The advert in the Estates Gazette targets a significant number of people involved in property and therefore it is difficult to see how a wider audience could have been informed."

"The outcome of negotiations culminating in the deal which has been agreed with Morris Homes is far from ideal from the company's perspective, in that the site will be the subject of a planning application. As stated earlier during our initial deliberations prior to marketing, we had a suspicion the residential route may ultimately have to be explored and therefore every reasonable attempt to effect a sale to an industrial occupier/employment facilitator has been pursued, it would after all be the easiest exit route for client"

"By also covering the letting option within the marketing literature and on the estate boards, we believe this market has been explored and found wanting. The available sites from within and around Woodville, Swadlincote, and Burton on Trent is significant with developers who control the sites keen to attract new tenants/occupiers, specifically on a design and build basis."

"In summary I trust the above gives a clear picture of how we and client have approached the disposal of this property. Our experiences show that there is no obvious demand from commercial/industrial sectors due, in our opinion to the configuration, age, design and location of the buildings and site and compared to the competition. I submit that market forces dictate a residential use confirmed through widespread marketing."

Noise assessment

A noise assessment has been submitted with regard to the factory buildings on the southern boundary. It provides the following statement:

"As discussed the proposed layout of the site has been amended to include a buffer zone between the existing industrial units and the proposed development, together with the orientation of the dwellings such that they are shown gable end on to the factory."

"The (noise) calculations include the erection of a 2.5m high barrier along the boundary with the factory, which was previously requested by South Derbyshire DC (SDCC) Environmental Health Department."

". ...The revised layout surpasses the required width of buffer zone between the existing noise sources and the proposed dwellings by 10m at position 1 and 20m at position 2. Therefore, we consider that the revised sketch layout for the site is sufficient to attenuate the noise levels at the nearest proposed dwellings to a level where complaints would be unlikely in accordance with BS4142."

Ground contamination

The applicant's ground contamination report provides the following conclusions:

"The concentrations and nature of chemicals identified at the subject site are indicative of past and present processes at the subject site."

"The findings of the Phase II ESA indicate that made ground comprising refractory brick rubble, ceramics, earthenware, clay, ash and clinker is widespread at the subject site. The main contaminants encountered are generally restricted to the spoil embankment and the car park on the western sector where the greatest thickness of made ground was encountered and the made ground materials have been identified as comprising ash and rubble. The contaminants encountered comprise a range of metals and metalloids in soils at the subject site, principally arsenic, chromium, copper, lead, zinc and nickel."

"The arsenic encountered over the site is likely to be associated with the ash that has been identified as widespread."

"It is likely that the elevated zinc and lead concentrations identified within the made ground materials across the site are to be associated with the glazes used in finishing processes."

"No phytotoxic contaminants were identified in soils from PH5 on the northern perimeter of the subject site where vegetation die-back was noted. The laboratory analysis of the surficial sample taken from PH5 at 0-0.3m demonstrated slightly acidic conditions of 6.63. However, it should be noted that the sample taken is directly beneath this (PH5 0.3-0.5m) exhibited an alkaline pH of 9.0. It is likely therefore that since this area is situated under a process vent, that heat combined with acidity is the primary cause of the limited die-back."

"From the result of the groundwater investigation, it can be concluded that the contaminants identified in the soils are relatively immobile. The elevated boron encountered within the ground water sampled from BHI is likely to be derived from the made ground of the embankment."

"There does not appear to be significant hazardous ground generation at the subject site, however, it must be noted that several factors influence the release of hazardous gases from the ground, including rainfall, frost and falling atmosphere pressure events. There is little indication of significant volumes of putrescible material within the waste likely to generate methane, carbon dioxide and depleted oxygen conditions."

"In assessing risk, the subject risk has been categorised in accordance with "Prioritisation and Categorisation Procedure for Sites which may be Contaminated CLR Report No.6" published by the Department of the Environment in 1995."

Responses to Consultations

The Economic Development Officer agrees that the marketing statement submitted with the application is generally accurate. Additionally the following comments are made:

(i) Swadlincote does not have the same 'product' as Burton in respect of Centrum IOO and Stretton Business Park which are fully serviced sites fully accessible to the national trunk road network.

(ii) The buildings that occupy the site are not modern functional buildings and significant investment in them would be needed to enable them to be brought back into use.

(iii) Local demand is primarily for businesses to construct their own units.

(iv) Only minimal interest has been expressed to the Council concerning the site.

The final comments on the application are awaited from the Environmental Health Officer with respect to the revised layout, noise and land contamination reports.

Based on the original submission for 97 houses the Chief Education Officer envisages that the number of properties would generate 20 primary aged pupils for admission to the two local schools and on the basis of the current DfES building multiplier (£5,410 per place) would request a contribution of £108,200 towards building improvements.

The Housing Manager has identified a particular need for 1 and 2 bedroomed flats for non elderly people.

The Environment Agency has no comments with respect to potential effects on ground water. It has recommended that its standard conditions relating to surface water drainage, the use of trapped gullies and the appropriate storage of oils, fuels or chemicals are used. It also recommends that a further condition be included requiring further remediation should unexpected contaminants be detected during development.

The final comments from the highway authority are awaited. However, in principle there are no highway objections to the scheme.

Severn Trent Water raise no objections subject to satisfactory disposal of foul and surface water.

The National Forest Company considers that the site should be planted with trees in accordance with the Company's planting guidelines.

The Parish Council to makes the following comments:

1. This should remain an industrial site.
2. Against proposed pharmacy, although next to the doctors, this will detract from the centre of the village. **(Comment no longer applicable due to revised layout)**

3. Woodville is swamped with housing and we do not have facilities to have these houses in the village.
4. Seems to be a great number of houses for such a small piece of land. The road will also provide a cut through road (**comment no longer applicable due to revised layout**). Concern also about traffic coming and going which is very congested at the moment.
5. Land contamination should be seriously looked at. Likelihood of remedial work.
6. Trees in the area also need to be protected, the road is going through the middle of the trees.

The Police Architectural Liaison Officer comments that the hedging adjacent to Burton Road should be kept low to allow natural surveillance as should the buffer landscaping next to the factory to eliminate hiding places. If the cycle path is to stay then it should be kept clear of hiding places and be well lit and if possible barriers should be installed at each end to prevent vehicular traffic.

The Derbyshire Dales and South Derbyshire Primary Care Group is concerned that development of the whole site would effectively eliminate the scope for any extension of the surgery premises. It says that the four GPs based at Woodville already have one of the highest numbers of patients per GP within the Primary Care Trust, which itself is identified as an area with too few doctors. It requests that the Council require the developer to identify an area of land that would enable the practice at Woodville to have an option to extend their premises some time in the future, without reducing car parking below a safe level for essential travel by private vehicles. It says that this would offer flexibility to increase accommodation and base more health professionals in this area of high housing growth.

Responses to Publicity

Letters of objection have been received from the occupiers of the two neighbouring industrial premises. The objections relate primarily to the concern that the noise generated by their industrial operations could result in complaints from the residents of the new houses, which in turn could jeopardise their businesses. They consider that the application should be refused to safeguard the interests of locally based companies which employ over 100 people.

Five letters of objection have been received on the grounds of additional traffic generation in an already congested area, the loss of protected trees and the retention of boundary hedges.

The Doctor's surgery welcomes the additional car parking.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 1: Sustainable Development; General Development Strategy Policy 2: Scale and Nature of Development; General Development Strategy Policy 3: Location and Density of Development; Housing Policy 3: Housing Development Within Urban Areas.

Local Plan: Housing Policy 4: Housing Development Swadlincote.

Also material to this proposal is PPG3: Housing and PPG24: Planning and Noise.

Planning Considerations

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

- The principle of the development and the loss of an existing employment site.
- The redevelopment of a brownfield urban site for residential purposes.
- The design and layout of the scheme.
- The impact of the scheme on the protected trees and hedgerows in the area.
- The impact of industrial noise on future residents and the implications this might have on the prospects of neighbouring industry due to the likelihood of noise complaints.
- Highway safety

Planning Assessment

This site is within the Swadlincote Development Boundary and therefore residential development of the site both in outline and in detail is acceptable in principle.

PPG 3 encourages the reuse of brown field sites for residential development, but also seeks to maintain a mix of uses in the interests of sustainability. It would be desirable to allow local people the opportunity to live in close proximity to their workplace by maintaining a balance of employment and residential development in Woodville. The evidence strongly suggests, however, that there is little to no market demand to utilise the existing premises for commercial purposes and in all likelihood the site will continue to lie idle for the foreseeable future should a viable use not be found for it. The premises appear to be unsuitable for modern businesses and with alternative employment sites relatively nearby there is no incentive to refurbish or redevelop the site for commercial purposes.

The proposal is in general accordance with national and local urban development policies for windfall brownfield sites and would result in a relatively high density, well designed development that would benefit the local environment and improve choice in the local housing market.

The development is designed in accordance with the Council's Supplementary Planning Guidance for Housing Design and Layout and the Provision of Outdoor Playing Space in New Developments. In addition the planting proposed for the site is in accord with the aims and objectives of the National Forest.

The proposed access onto Burton Road would result in the loss of six trees from the roadside TPO. The trees are not of great importance individually but do contribute to the amenity value of the group. This relatively small initial loss of tree cover, however, would be more than compensated by improvements and extension of the group of which they currently form a part and by the high level of tree planting proposed throughout the site.

The final comments of the highway authority on the amended drawings is awaited. However, the layout of the road system is in principle acceptable and it would not adversely impact on highway safety in the area.

The Environmental Health Manager is in discussion with the applicant's noise specialists and his comments will be reported at the Committee verbally.

Recommendation

Subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act to secure financial contributions towards the provision of local education facilities and for the future maintenance of the open space and subject to no objections being raised by either the highways authority or the Environmental Health Manager **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.

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.

Reason: In the interests of 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.

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

4. No part of the development shall be carried out until precise details, specifications and, where necessary, 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

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

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.

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

6. This permission shall relate to the amended drawings, no(s) 1889.01 RevA, received on 28 March 2002, layout plan PL1C received on 27 March 2002, 2APP/A-B/P, 2APP/C-E/P received on 27 March 2002, 4H 1054/35 received on 8 March 2002 showing in particular: (a) revised layout, (b) amended house types, (c) amended elevational details, and (d) landscaping scheme

Reason: For the avoidance of doubt and to safeguard the amenities of future occupiers

7. No development shall commence on site until details of all boundary hedgerows to be retained, and measures to protect them during development, have been submitted to and approved in writing by the Local Planning Authority. The method of protection shall then be in place until all works of development have been completed.

Reason: To safeguard the amenities of the area.

8. All retained hedgerows and trees on the site shall be protected during the full construction period in accordance with BS5837: 1991 - "Trees in relation to construction" unless specifically otherwise agreed in writing with the local planning authority.

Reason: To protect the trees and hedgerows in the interests of safeguarding the amenities 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.

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.

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

11. The extended parking area for the doctor's surgery shall be provided as shown on the submitted drawings before the dwellings on plots 85 and 86 are occupied unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the occupants amenities are not adversely affected.

12. If any unexpected, visibly contaminated, or odorous material encountered during redevelopment (given any previous desk study, site investigation and/or remediation work) remediation proposals for the material shall be agreed with the Local Planning Authority and carried out in accordance with the agreed details.

Reason: As recommended by the Environment Agency to protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.

13. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate the use Sustainable Drainage systems and shall not result in an increase in the rate of surface water discharge to the local land drainage system. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: As recommended by the Environment Agency to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

14. During the period of construction, any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: As recommended by the Environment Agency to prevent pollution of the water environment.

15. 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.

Reason: As recommended by the Environment Agency to prevent pollution of the water environment.

Informatives:

(i) Any culverting of a watercourse requires the prior written approval of the Agency under the terms of the Land Drainage Act 1991 or Water Resources Act 1991. The Agency resists culverting on conservation and other grounds, and consent for such works will not normally be granted except for access crossings.

(ii) Applicants or developers should be aware of their responsibilities to ensure that the operations do not interfere with riparian owners' common law rights to receive water undiminished in quantity or quality. If any watercourses crossing the site are interrupted or diverted then, notwithstanding the need for any statutory consents or licences, it is the applicant's responsibility to take appropriate steps to protect the rights of the riparian owners, for which he has a liability.

(iii) As part of the Environment Agency's objective to further the sustainable use of our water resources it is promoting the adoption of water conservation measures in new developments. Such measures can make a major contribution to conserving existing water supplies.

(iv) The Environment Agency recommends the installation of fittings that will minimise water usage such as low, or dual flush WC's, spray taps and economical shower-heads in the bathroom. Power showers are not recommended as they can consume more water than an average bath. Water efficient versions of appliances such as washing machines and dishwashers are also recommended. For outdoors consider installing a water butt, or even a rainwater harvesting system, to provide a natural supply of water for gardens. Simple treatment systems exist that allow rainwater to be used to supply WC's within the home. Following the above recommendations will significantly reduce water consumption and associated costs when compared to traditional installations. Rainwater harvesting utilises a free supply of fresh water and reduces the cost to the environment and the householder.

(v) Severn Trent Water Ltd advises that the proposal involves the redevelopment of an existing site draining to a public sewerage system which has no available capacity and additional flows would create or exacerbate a flooding problem. It requests further information to demonstrate that the discharge from the development would not exceed current flow rates from the site

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

16/04/2002

Item 1.2**Reg. No.** 9 2001 0730**Applicant:**

Morris Homes (East Midlands)
 9 Glaisdale Drive
 Bilborough
 Nottingham
 NG8 4GU

Agent:

Dean Fisher
 Morris Homes Ltd
 Morland House
 18 The Parks
 Newton Le Willows
 WA12 9JT

Proposal: Proposed residential development and additional parking to adjacent doctor's surgery at **Qualitas Bathrooms Hartshorne Road Woodville Swadlincote**

Ward: Woodville

Valid Date: 26/07/2001

Joint Report with 9/2002/0055**Recommendation**

GRANT permission subject to the completion of a section 106 agreement for education contributions and open space provision and no adverse comments being received from either the highway authority or the Environmental Health Manager and the following conditions:

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- (b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

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

2. Approval of the details of the siting, design and external appearance of the buildings the means of access thereto and the landscaping and means of enclosure of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

3. No development shall take place until details of all earthworks proposed for 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 be completed in accordance with a timetable that has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the area.

4. 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: To ensure that adequate provision is made for foul and surface water drainage.

5. No part of the development shall be carried out until precise details, specifications and, where necessary, 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

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

6. 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.

Reason: To safeguard the amenities of the area.

7. No development shall commence on site until details of all boundary hedgerows to be retained, and measures to protect them during development, have been submitted to and approved in writing by the Local Planning Authority. The method of protection shall then be in place until all works of development have been completed.

Reason: To safeguard the amenities of the area.

8. All retained hedgerows and trees shall be protected during the construction period in accordance with BS5837: 1991 - "Trees in relation to construction" unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard the amenities 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.

Reason: To safeguard the amenities 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.

Reason: To safeguard the amenities of the area.

11. If any unexpected, visibly contaminated, or odorous material encountered during redevelopment (given any previous desk study, site investigation and/or remediation work) remediation proposals for the material shall be agreed with the Local Planning Authority and carried out in accordance with the agreed details.

Reason: As recommended by the Environment Agency to protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.

12. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate the use Sustainable Drainage systems and shall not result in an increase in the rate of surface water discharge to the local land drainage system. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: As recommended by the Environment Agency to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal

13. During the period of construction, any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: As recommended by the Environment Agency to prevent pollution of the water environment.

14. 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.

Reason: As recommended by the Environment Agency to prevent the pollution of the water environment.

Informatives:

- (i) Any culverting of a watercourse requires the prior written approval of the Agency under the terms of the Land Drainage Act 1991 or Water Resources Act 1991. The Agency

resists culverting on conservation and other grounds, and consent for such works will not normally be granted except for access crossings.

(ii) Applicants or developers should be aware of their responsibilities to ensure that the operations do not interfere with riparian owners' common law rights to receive water undiminished in quantity or quality. If any watercourses crossing the site are interrupted or diverted then, notwithstanding the need for any statutory consents or licences, it is the applicant's responsibility to take appropriate steps to protect the rights of the riparian owners, for which he has a liability.

(iii) As part of the Environment Agency's objective to further the sustainable use of our water resources it is promoting the adoption of water conservation measures in new developments. Such measures can make a major contribution to conserving existing water supplies.

(iv) The Environment Agency recommends the installation of fittings that will minimise water usage such as low, or dual flush WC's, spray taps and economical shower-heads in the bathroom. Power showers are not recommended as they can consume more water than an average bath. Water efficient versions of appliances such as washing machines and dishwashers are also recommended. For outdoors consider installing a water butt, or even a rainwater harvesting system, to provide a natural supply of water for gardens. Simple treatment systems exist that allow rainwater to be used to supply WC's within the home. Following the above recommendations will significantly reduce water consumption and associated costs when compared to traditional installations. Rainwater harvesting utilises a free supply of fresh water and reduces the cost to the environment and the householder.

(v) Severn Trent Water Ltd advises that the proposal involves the redevelopment of an existing site draining to a public sewerage system which has no available capacity and additional flows would create or exacerbate a flooding problem. It requests further information to demonstrate that the discharge from the development would not exceed current flow rates from the site.

16/04/2002

Item 1.3**Reg. No.** 9 2001 0905

Applicant:
Walbrook Housing Association C/O
William Davis Ltd
Forest Field
Forest Road
Loughborough
LE113NS

Agent:
Peter Drew
Stephen George & partners
4 Derby Terrace
Derby Road
Nottingham
NG71ND

Proposal: The erection of eighteen dwellings on Land To The North Of
Thorn Street Woodville Swadlincote

Ward: Woodville

Valid Date: 11/09/2001

Site Description

This site is located within the built up area of Woodville. It comprises an irregular shaped piece of land that has an open frontage on the north east side of Thorn Street and is bounded on its west side by the rear boundaries of properties on Thorn Street Mews, on its north side by the rear boundary of property fronting High Street and on its south east side by Little Thorn Industrial Estate and a residential property on The City.

There is a former railway tunnel, which runs under the length of the site from Thorn Street to High Street.

Proposal

The applicants, a Housing Association, seek consent to erect eighteen two storey semi-detached dwellings served off a proposed access road from Thorn Street.

Following discussions a revised layout has been submitted. In addition, the physical constraints of the site have resulted in two surplus areas at either end of the site. These will be used as public amenity area and maintained by the Housing Association.

Planning History

Outline permission for residential development on the land was granted in December 1994. A condition of that permission was that no dwelling shall be constructed within 20m of the industrial buildings to the east of the site.

Responses to Consultations

The final comments of the Highway Authority on the amended plans are awaited.

The Environment Agency requires the satisfactory disposal of surface water.

The final comments of the Environmental Health Officer on the revised layout are awaited. However, the amended layout does show no dwellings proposed within 20m distance from the factory units.

The Chief Education Officer advises that Woodville Infant and Junior Schools should have sufficient accommodation to accept any primary aged pupils generated.

Severn Trent Water require the satisfactory disposal of surface water and foul sewage.

Woodville Parish Council is concerned that the number of dwellings would increase the number of vehicles using Thorn Street exiting either via Sun Street or South Street onto High Street. It says that as South Street is an un-adopted road, consideration should be directed towards this situation.

Responses to Publicity

Nine letters of objection have been received which make the following points:

- The local road network is not designed to accommodate levels of traffic being generated.
- Proposed parking spaces are too close to rear gardens of existing properties and root systems of any proposed trees could cause damage to neighbouring property.
- Housing association developments are concentrated in the area and should be more evenly distributed to safeguard the image of the area.
- Adequate fencing should be provided and maintained.
- Articulated lorries from a local company are causing severe highway problems and the development would make matters worse.
- Proposed open spaces and parking areas will attract drug users and gangs of unruly teenagers and will make existing back gardens vulnerable to intrusion. Existing fences will also be open to damage and vandalism.
- It would result in the loss of an informal wildlife area.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 1: Sustainable Development; General Development Strategy Policy 3: Location and Density of Development; Housing Policy 3: Housing Development Within Urban Areas
Local Plan: Housing Development Swadlincote

Planning Considerations

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

- The principle of the development
- Impact of the development on the amenities of existing residents
- Stability of the land due to the railway tunnel
- The exposure of some of the dwellings to noise from the neighbouring industrial units
- Highway Safety

Planning Assessment

The site is within the Swadlincote Development Boundary and therefore the development is acceptable in principle.

In general the proposal accords with the Council's standards concerning space between dwellings. However, at one point this is not the case and would result in the distance between the dwelling proposed for plot 7 and the existing neighbouring dwelling on The City being below the current guidance of the Council. To address this issue it would be appropriate to require the window that causes the problem to be obscure glazed and for rights to extend the property at the rear to be removed. This combined with the large conifer hedge that currently exists would adequately protect amenity.

In addition some rear garden areas are below the normal standards. However, in view of the nature of the housing and the fact that two areas of open space are to be provided nearby, this is not sufficient, in this case, to refuse the application.

Other neighbours have expressed their concern about the proximity of the open space and parking area next to their rear boundaries. The general condition of perimeter fencing is poor and left as it is there is a high likelihood that amenity would be adversely affected by the proposal in terms of noise and disturbance and reduction in security. The applicant is concerned that the cost of new boundary treatment including walling would be prohibitively expensive and could jeopardise the viability of the scheme. However, the issues raised are important material planning considerations and without adequate boundary treatment the proposal would not be acceptable. In this instance the provision of appropriate fencing and walling should be a condition of planning permission, but it would be appropriate to require the provision of a strong, long lasting boundary treatment that offers a high level of security particularly next to public areas. In addition, the open spaces should be landscaped to dissuade them being used for ball games or places to congregate. Conditions to address these issues are recommended.

The applicant is fully aware of the potential instability of the land caused by the railway tunnel and has provided a method statement from a specialist to stabilise it prior to it being developed for residential purposes. The ultimate responsibility for stability lies with the developer and the advice of the specialist is accepted.

With regard to noise exposure from the industrial units, the dwellings would not encroach within the 20m-protection zone in accordance with the requirements of the Environmental Health Officer. However, the final comments of the officer are awaited and will be reported verbally to the Committee meeting.

The revised plans address the concerns of the highway authority. The final comments of that body will also be reported verbally to the meeting.

Recommendation

Subject to no objections being received from the Highway Authority and Environmental Health Officer then **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.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. This permission shall relate to the amended drawings, nos 6957 100 Rev E, 6957 B12.01 Rev A, 6957 B11/12.01 Rev B, 6957 C11.01 Rev C, 6957 C11.02 Rev B, 6957 C12.01 Rev C received on 15 March 2002.

Reason: For the avoidance of doubt.

3. 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.

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

4. No development shall commence on site until a sample of both an acceptable roof tile and brick have been submitted to and approved in writing by the Local Planning Authority and the dwellings shall be constructed using the approved materials.

Reason: To ensure the dwellings are in keeping with their surroundings in the interest of 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 strong, longlasting and shall offer a high level of security next to areas accessible to the general public. 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.

6. 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 and to ensure that the amenities of residents are safeguarded.

7. Further to condition 6 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.

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

8. 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.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, no development within the curtilage of the dwelling house on plot 7 under Schedule 2, Part 1, Class A, Class D and Class E of the Order shall be undertaken without the prior planning permission of the Local Planning Authority.

Reason: To safeguard the amenities of the neighbouring resident.

10. The first floor bedroom window on the rear elevation of the dwelling on plot 7 shall be obscure glazed before the dwelling is first occupied and it shall remain as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the privacy of the neighbouring dwelling.

11. 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.

Reason: As recommended by the Environment Agency to prevent pollution of the water environment.

Informatives:

(i) In view of the concerns raised by existing residents the public amenity areas should be landscaped to prevent them being used for ball games or as places to congregate.

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

16/04/2002

Item 1.4**Reg. No.** 9 2001 0910**Applicant:**

Mr & Mrs G H Mitchell
 128, Hartshorne Road
 Woodville
 Swadlincote
 Derbyshire
 DE117HY

Agent:

Mr & Mrs G H Mitchell
 128, Hartshorne Road
 Woodville
 Swadlincote
 Derbyshire
 DE117HY

Proposal: The erection of one dwelling (outline application with all matters reserved for further approval) on land adjacent to 128 Hartshorne Road Woodville Swadlincote

Ward: Woodville

Valid Date: 12/09/2001

Site Description

The site is located off the Hartshorne Road in Woodville. The area is generally residential and other residential units surround the site, which is triangular in shape.

The site forms part of the side garden to 128 Hartshorne Road and is adjacent to the brook which defines the Ward boundary. The site comprises of partly made up ground and is elevated above the brook. The brookcourse is well wooded and there are some garden trees on the site.

Proposal

This is an outline application for residential development on the site with all matters including siting, design, external appearance, means of access and landscaping reserved for subsequent approval.

Applicants' supporting information

As the site is partly made up ground a specialist investigation and assessment to determine the stability of the ground has been submitted. It concludes that the nature of the made up ground comprises a firm crust of clay and crushed brick over softer, less firm, clay. The natural ground falls at a rate of approximately 11° which is not regarded as steep in respect of inducing a slip circle failure. However, this fall may increase towards the ditch line where such a mode of movement could be a risk if the infill material was not adequately drained. The presence of trapped water is noted and therefore improved land drainage is recommended. Regarding ground bearing characteristics, the natural clay would be regarded as suitable to carry traditional foundations for a domestic property however the depth of excavations required would make such construction un-economic. In addition, the made-up ground in its current state of compaction

would be unsuitable to support a ground bearing floor slab. Pile foundations with mini piles are recommended founded into mudstone. Reinforced concrete ground beams would tie the piles together just below ground level and support a suspended ground floor and load bearing walls.

Responses to Consultations

Woodville Parish Council raises two points of concern:

1. Access onto highway – this is already a dangerous area being close to The Cuttings entrance and the service road to houses on Woodville Road.
2. The proposed dwelling would encroach into open space of this area.

The Highway Authority raises no objections subject to satisfactory details being submitted of access, parking and turning.

The Council's landscape architect states that there are numerous trees surrounding the site and that the two large weeping willows to be removed are of average quality.

Severn Trent Water Ltd has no objections.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy3 : Housing Development Within Urban Areas

Local Plan: Housing Policy 4: Housing Development in Swadlincote

Planning Considerations

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

- The principle of the dwelling
- The appropriateness of the development to its setting.
- The effect on neighbours, and,
- Highway safety.

Planning Assessment

The site is within the Swadlincote Development Boundary and therefore development of the site for residential development is acceptable in principle.

Whilst the site is limited in area and triangular in shape, a modest sized dwelling of appropriate design and detailing could be accommodated on the site subject to satisfactory landscaping. The unit, whilst a matter for a further submission, could be designed to ensure it is compatible with the area in which it would be located.

The site is sufficiently large and detached from other properties to ensure that any dwelling could be designed so as to be compatible with the Council's standards regarding space about and between dwellings.

The comments of the Parish Council are noted. However, in view of the comments of the highway authority there is no objection to the development from a highway safety aspect.

Whilst made up the ground on which the dwelling would be constructed is acceptable to accommodate a further residential unit.

Recommendation

GRANT permission subject to the following conditions:

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- (b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

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

2. Approval of the details of the siting, design and external appearance of the building, the means of access thereto and the landscaping and means of enclosure of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

3. 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.

4. No part of the development shall be carried out until precise details, specifications and, where necessary, 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 and the development shall be constructed using the approved materials.

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

5. The approved boundary treatment shall be erected before the development is first brought into use. They shall then be maintained as agreed.

Reason: To safeguard the amenities of the area.

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

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

7. 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.

Informatives:

(i) The developer of the site should be aware of the attached report relating to the ground stability of the site.

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

(iii) 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.

16/04/2002

Item 1.5**Reg. No.** 9 2002 0031**Applicant:**

Mr Mrs T M W Clark
 Ashleigh House, Grassy Lane
 Etwall
 Derby
 DE656LN

Agent:

Mr Mrs T W Clark
 Ashleigh House, Grassy Lane
 Etwall
 Derby
 DE656LN

Proposal: The erection of stables on land to the south of Ashleigh House
 Grassy Lane Etwall Derby

Ward: Etwall

Valid Date: 14/01/2002

Site Description

The site comprises a field off Grassy Lane, Burnaston. The field is bounded by hedges to the east and north boundaries. The other two site boundaries are open.

Grassy Lane has a direct access to the A516 that was upgraded when the nearby garage site was redeveloped. Grassy Lane is a public footpath.

To the north of the site are farm buildings.

Proposal

The proposal would involve the re-erection of a Victorian stable block that was first erected on a different site. It has been demolished and the applicant wishes to re-erect it on this site. It has space for up to 6 horses and comprises of shiplap lower walls with a red clay pantile roof. There are roof vents proud of the ridgeline that has decorative ridge tiles.

Photographs of the structure are available for inspection on the file.

Applicants' supporting information

The applicant has indicated that up to three of the stables would be let whilst the rest would be used for personal use.

Planning History

The field has been the subject of an untidy site notice that was complied with. Otherwise, there is no planning history associated with the field.

Other land in the ownership of the applicant has had numerous planning applications on it connected with residential, business and rural uses.

Responses to Consultations

Burnaston Parish Council object to the proposal on the basis that there is enough development along this lane and further development would lead to the erosion of the 'green belt' between Derby and the village.

The County Highways Authority has no objection subject to the provision of parking and manoeuvring space being approved and then implemented prior to the first use of the building for livery purposes.

The Environmental Health Manager notes that one of the main considerations in dealing with applications for stables is the potential nuisance caused by odour including that from the burning of a manure heap. An informative to that effect is recommended to advise the applicant against this practice. A further informative is proposed suggesting a method of waste management for waste collected from the stables.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4

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

Planning Considerations

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

- The provisions of the Development Plan.
- The impact of the proposal on the amenity of residents.
- The availability of a safe route for horse riders.

Planning Assessment

The site is located within the countryside where new development is strictly controlled. However, it is generally accepted that stable buildings require a location within the countryside. Therefore, the erection of the stables is, in principle, acceptable.

The site is divorced from but related to the curtilage of Ashleigh House and other nearby buildings. The field itself is, however, well screened from Grassy Lane by the substantial hedge that also extends across the frontage to Ashleigh House. In this regard the building is well related to existing buildings and features and in this regard accords with planning policy.

The nearest dwelling to the site is some 50 metres away and at this distance, the Environmental Health Manager has advised, there would be no adverse impact on the amenity of the residents of it. An informative advising of the hazards associated with the burning of manure is recommended.

Grassy Lane is a public footpath and the riding of horses on the path is not normally acceptable. However, a landowner has the right to invite people to ride over land in his ownership. Thus,

there is a safe route for occupiers of the livery to ride their horses in addition to the land that is the subject of the application.

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.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. No development shall take place until details (including precise dimensions and proposed surface materials) of a parking and vehicular turning area within the site curtilage adequate to enable all vehicles to enter and leave the site in a forward direction have been submitted to and approved in writing by the Local Planning Authority. The parking and turning area as approved by the Local Planning Authority shall be laid out and surfaced accordingly prior to the first use of the development and be retained available for that purpose thereafter.

Reason: In the interests of highway safety.

3. No more than three of the stables hereby permitted shall be occupied by horses other than those in the ownership of the occupiers of Ashleigh House unless the Local Planning Authority has granted permission otherwise in respect of an application made in that regard.

Reason: For the avoidance of doubt as the establishment of a livery in the whole building would be contrary to planning policy. The exception is made here because of the quality of the building proposed to be erected and its proximity to other buildings and features.

4. This permission relates only to the erection of the stables illustrated in the photographs accompanying the application and for no other building or structure.

Reason: For the avoidance of doubt.

Informatives:

- (i) The Environmental Health Manager advises that: -

If any part of the stable is within 50 metres of another dwelling, then the manure heap should be sited at the furthest point from that property but not within 10 metres of a watercourse, and,

- (ii) There should be no burning of waste or manure on the site.