

**Item**            **1.9**

**Reg. No.**       **9/2005/1455/MD**

**Applicant:**

Redrow Homes (Midlands) Ltd  
Redrow House Kinsall Green  
Wilnecote  
Tamworth  
Staffordshire  
B77 5PX

**Agent:**

Mark Marsh  
Redrow Homes (Midlands) Ltd  
Redrow House, Kinsall Green  
Wilnecote  
Tamworth  
Staffordshire  
B77 5PX

**Proposal:**       **The erection of 124 dwelling in substitution for those previously approved under 9/2004/1325/DM on Area H19 And H21 Former Hilton Depot Hilton**

**Ward:**            **Hilton**

**Valid Date:**     **19/12/2005**

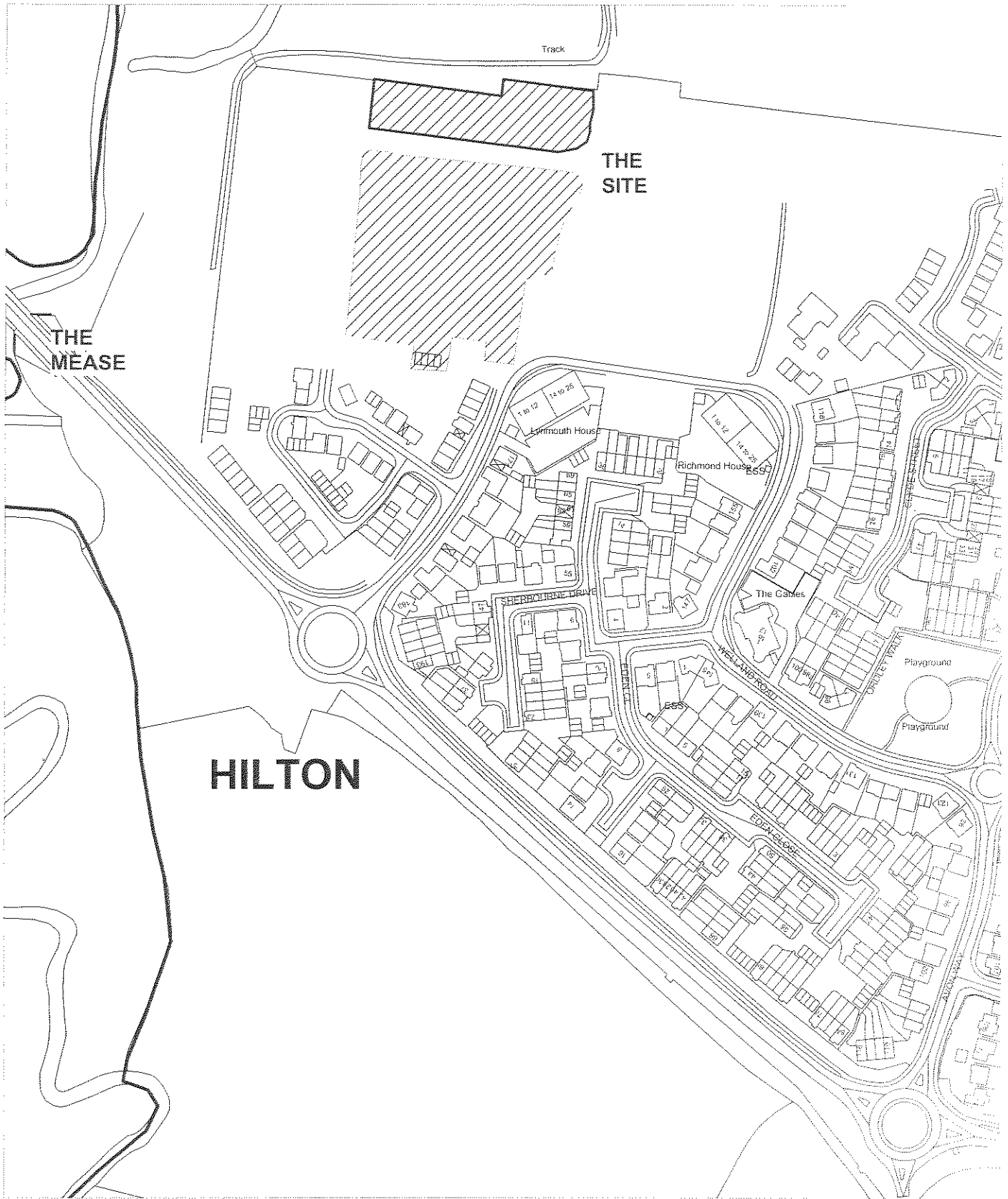
**Site Description**

The application site forms a part of the areas known as H19 & H21 on the Hilton Depot site. The application site is bounded on three sides by existing or proposed residential development. Immediately opposite part of the site is an area that is to be utilised for open space. Directly on the land opposite the site is a block of flats built by another developer. The land to the north is currently under development by another developer. Access to the site is via the existing road network that has been established within the depot.

**Proposal**

The proposal is to replace the existing layout of 49 dwellings with a new concept of housing that has been developed by Redrow that adds up to 124 dwellings on the same area of land. The overall density of dwellings on this land would increase from about 55/hectare to 124/hectare. This is a new venture by the developers to meet the needs of those who have difficulty accessing the property ladder. The intention is that this new range of dwellings built using modern methods of construction meets this demand for dwellings. [Members may wish to note that the metal frames used to cut construction times on the buildings are fabricated in a Swadlincote factory prior to being taken to site]

The appearance of the dwellings is unusual as the ground floor is one unit of accommodation usually built in brick and the next two levels are a separate unit of accommodation that can be a mix of brick; coloured cement board and, recently suggested, render panels. The various house types are built in blocks of four or more.



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

9/2005/1455/MD Area H19 & H21  
Former Hilton Depot  
Hilton

Date Plotted 24/3/2006

NORTH ↑

Plot centred at 424400 330047 Scale 1:2500

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The level of parking provision available on the site would be one space per dwelling with 7 visitor parking spaces. Landscaping is proposed within the communal and parking areas as well as amenity areas in the vicinity of the blocks.

None of the dwellings has a garden, as the intention is that a variety of communal areas are proposed that would act as areas for householders to meet and socialise. A management company operated by the development company would maintain the communal areas along with the parking areas, roads and buildings. This company would also pay all the utility bills and house insurance. The occupiers would pay a management charge to the company based on the size of the dwelling occupied. Thus the developers state the owners of the dwellings would have all the major bills met through one payment to the management company.

### **Applicants' supporting information**

A Management Company would retain the ownership of the land and the purchasers would buy the dwelling with a 125-year lease on the land. Through this mechanism, the developers would be able to control the tenancy of the occupiers of each of the dwellings. The terms of the Lease would require that the person signing the lease must occupy the dwelling upon which the dwelling stands in order to exclude potential buy to let investors. Thereby the properties remain available to those wishing to enter the bottom of the housing market. It is not proposed that the subsequent sale of the dwellings be controlled; thus an initial purchaser would be able to obtain the full market uplift should this happen as would be the case for all subsequent occupiers. An offer is available to set up the management company through the mechanism of a Section 106 Unilateral Undertaking.

In response to an objection from the County Highway Authority the applicant's revised the proposals to include the visitor spaces and the provision, where possible, of bin stores adjacent to the highway. *[See the County Highway Authority comments below.]*

In response to a request from the authority, the developers have submitted an analysis of interest they have received from people looking in at an exhibition of the Debut range in the sales office at Hilton. The display has been in place since the application was submitted and they have received 17 definite expressions of interest, 6 of which come from the DE65 postcode area. In addition the developers have been in contact with Housing Services about an approach being made to people on the housing waiting list. The intention would be to invite people on the list to offer the opportunity to purchase the dwellings. The developers have undertaken similar consultation exercises in the other areas where they have built Debut.

An extract from the submission document is attached for the information of Councillors as an appendix to this report as the house types proposed are different to what is normally brought before the Committee. The developers are proud of the fact that the Rugby Development has been awarded as 'Eco Excellent' rating because of the high level of energy efficiency that has been achieved.

In order to assist officers with an understanding of the principle of the development, an invitation was extended to the Authority to visit the sites at Castle Vale and

Rugby. Councillor Southern and three officers (2 from planning and one from housing) visited these sites in January. The site at Rugby was virtually complete and the one at Castle Vale was under construction. The visit revealed that the outcome of the development was very much in line with the illustrative drawings accompanying the application. Both sites were new and an assessment of how the buildings would appear in the long-term is impracticable. A demonstration of how the properties operated was given with special regard to the utility aspects of the development. The developers revealed that the current management charge for the smallest dwelling was in the region of £60/month rising to £120/month or more for the largest of the dwellings in the Debut range on the Castle Vale site. It should be noted that the management charge covers maintenance, buildings insurance and utility bills.

In response to the objection from Taylor Woodrow [See below], Redrow make the following observations: -

- a) The intention of the Debut range is to widen the choice of housing to local people, in particular those seeking to buy their first home. This is fully consistent with government advice where it is seeking to achieve mixed and balanced communities.
- b) The planning brief was produced by St Modwen 'to assist house builders and their advisors' – it is not a statutory document nor does it have the status of Supplementary Planning Guidance. The development is considered to be consistent with the brief, the western edge of the development remains unchanged to provide the interface with the open space and countryside beyond that the brief identifies in paragraph 3.13.
- c) On the question of density the advice in PPG 3 has been overtaken by the emerging PPS 3 that advocates greater flexibility and even higher densities to promote innovation. The Debut range is built deliberately to a higher density both to maximise the use of brownfield land and generate a greater sense of community. It dispenses with rear gardens, provides large community areas that are well landscaped. It will not be harmful to future residents nor appear damaging or incongruous to any existing Hilton development.
- d) Design issues – the Debut range is deliberately designed to be different, it sets new standards for high quality starter homes and is intended to be fully compatible and sympathetic to surrounding development form. Care has been taken to blend the new range with the existing layout on the site and the company has adapted the palette of materials for this site and is proposing to use a greater proportion of brick in this development compared to the previous Debut sites.
- e) Scale and height – Taylor Woodrow are wrong to suggest that the Hilton site comprises traditional 2-storey development. There are a variety of building heights in the new development much of which is three storeys on the later phases of the development. Debut is a range of 2 and 3 storey dwellings.
- f) Parking issues – have already been addressed in response to the objection from the County Highway Authority. It is intended that Debut will cater for mainly single person households, 75% of the houses only have one bedroom. 100% parking + 7 visitor spaces is consistent with the situation in the Bellway development opposite. Without overprovision of parking being

addressed there will never be any encouragement for people to moderate their use of the car as the Government seeks to achieve.

- g) Taylor Woodrow expresses concern regarding the impact of the Debut development on its development on H22. Redrow's view is that both developments are competing for separate parts of the market and are therefore complimentary and certainly not inconsistent with any legitimate planning policy objectives.

The Crime Prevention Officer has raised various concerns and the applicants respond as follows.

- a) The company is very aware of the crime prevention documents referred to by the officer. Debut has been designed to take account of these documents. Debut is intended to be a high-density living space for the young who have difficulty in accessing the property market. There are no enclosed spaces but areas of planting are proposed in the vicinity of ground floor bedroom window to provide a degree of privacy but the company is willing to look at increasing these areas. It would be helpful if the Company and the Crime Prevention officer could meet to discuss this issue. All doors to the dwellings have a steel construction.
- b) The public areas are intended to not only provide a place to meet but also allow people to build a sense of community with owners taking pride in the areas that the developers would maintain to a high standard through the Management Company.
- c) Parking areas are very different from the Radburn principles, there is natural overlooking of these areas by all the residents rather than there being garden fencing and the like obscuring the views of the parking and public areas. Permeability is therefore seen as a positive benefit to the scheme.

The applicants consider that this addresses the concerns of the letter and wish the application to be determined on the basis of the amended scheme that is now before the Authority without the need for the condition proposed by the Crime Reduction Officer.

### **Planning History**

The site forms part of a residential area that was permitted in 1993 following three years of negotiation with the MOD. Subsequent renewal applications in 1996, 2000, 2003 and 2005 have maintained the planning permission. In February 2005 reserved matters were agreed for the construction of 148 dwellings on this part of the site. The proposal is to vary the terms of that approval to allow a total of 223 dwellings to be erected on the same area.

### **Responses to Consultations**

Hilton Parish Council has no objection in principle but expresses concern that the lack of parking that may result in parking on the surrounding roads. There is also concern about the impact of increased traffic on the overall highway infrastructure. The

Parish Council would also welcome more information about how the site will be marketed and how the affordability would remain for the future.

The County Highway Authority objects to the development on the basis that there is a lack of proper parking facilities within the development area. Notwithstanding the subsequent submissions by the applicants, the County Highway Authority has maintained its objection to the development.

Severn Trent Water has no objection subject to the submission of details of foulds and surface water disposal.

The Police Architectural Liaison Officer raised queries about the permeability of the site and the lack of defensible spaces within the layout that people can call their own. Attention is drawn to various Government and Police publications relating to the importance of designing out the potential for crime arising to make places feel safer and contribute to a feeling of well being amongst the community. The comments acknowledge that the lack of fences and other enclosures contribute towards the physiological impression of being overlooked/watched; albeit that a defensible space is recommended for each dwelling. If this is not achieved, then the houses should be so designed that the doors and windows can stand a physical attack of three minutes as recommended in 'Secured by Design' and as a minimum a condition to this effect is recommended if permission were to be granted.

The applicants responded to these comments and the Liaison Officer has responded by saying that there remains a concern about the principles behind the design of the layout that may lead to the possibility of ease of access to the criminal. It is accepted that the developers maintaining responsibility for the management and maintenance of the public and parking areas may help to reduce the potential for the problems experienced in the 1970's when such common areas were behind the Radburn type developments. Hilton is a relatively low crime area but the new housing on the Depot site does suffer from increasing problems.

### **Responses to Publicity**

Taylor Woodrow is the developer on the adjacent land and has been consulted about the application. The company has objected to the development for the following reasons: -

- a) The application seeks to vary the previous permission for 148 units on the site and would result in a total of 223 dwellings (another 124 houses). This causes profound concerns, as it would fundamentally change the established layout, scale, density and appearance of the development. It would fundamentally harm and materially harm the character and appearance of the area and be incongruous and incompatible with the existing form and scale to date.
- b) The proposals pay no regard to the development brief that was produced to guide development on Phase V of the Hilton development. The brief seeks to inform and guide property developers as what would be achieved on the land.

- c) The brief states that Phase V density should be in the region of 55 dwellings/hectare, the development proposes 124 dwellings/hectare far in excess of the design brief and constitutes a vast overdevelopment of the site. Taylor Woodrow place particular emphasis on Paragraph 3.13 of the brief that specifies that the density of the development should reduce along the western edge of H19 & H21 as well as H22 (Taylor Woodrow part of the site) *'to reflect the interface with the adjoining open space to the west and the woodland/countryside beyond'*
- d) Three storey dwellings are entirely out of keeping with the with the scale of development on the rest of the estate comprising traditional two storey development thus is out of keeping with the area.
- e) It is noted the County Highway Authority has objected to the development because of the lack of parking. The 1 space per dwelling + 7 visitor spaces is clearly contrary to the guidance in PPG 13 and PPG 3 – existing phases of the development have been provided with parking at 200% PPG 3 and 13 state that the minimum should be at 150% in this sort of location i.e. non urban. Parking will clearly take place on the road and public footways contrary to the best interests of highway safety as well as being unattractive.
- f) The adjacent lot H22 has a density of 35/hectare with 200% parking; this is exactly in line with the design brief, national guidance as well as structure and local plan policy. It is a development that respects existing densities, patterns of development and the general character of the area.
- g) In conclusion Taylor Woodrow is concerned that the proposal is out of scale and character with its surroundings, lacks an appropriate level of parking provision and is contrary to the design brief and design philosophy for the site as a whole and is contrary to policy objectives. Thus there are compelling planning reasons to refuse planning permission and no material considerations that suggest that permission should be granted.

A petition signed by 24 residents of the dwellings and apartments that surround the site have been received together with two individual letters of objection. The objections can be summarised as follows: *[a)– c) below are from the petition. The letters of objection also refer to these issues but there are additional points from d) onwards from the 2 additional letters]*

- a) The proposals do not represent a high standard of design and would not harmonise with the rest of the Hilton development that is traditional brick and tile and would thus have a different character to the rest of the development at Hilton.
- b) There is insufficient parking space; even though the scheme is aimed at first time buyers there is no proposal to restrict car ownership. The public transport system is very basic with poor links to local employment centres. If there is multiple car ownership the excess cars would overflow onto the road and pavement and will have an impact on pedestrian and cyclists safety.
- c) The development would put further pressure on schools and other services, the primary school is struggling with accommodation and this problem would pass on to John Port in Etwall over the next few years.
- d) Without gardens there would be no secure areas for children to play.
- e) The proposals represent a significant departure from what was originally proposed and people have moved onto the development with an expectation of the type of development that would surround their house.

- f) There would be an increase in road traffic and noise.
- g) The type of person who occupy the dwellings are likely to be less affluent and bring with them older cars or motorbikes/mopeds. If the residents cannot afford to repair them they will be left to rust on the roads and become a hazard. In this sort of environment it would only be a matter of time before the drug dealers moved in. The occupiers of the dwellings are not responsible for their own heating bills so windows would be left open and the occupiers would be oblivious to the consequences for the environment. It is not fair that the police and South Derbyshire District Council will have their resources stretch further by the development and the writer implores the Council to refuse the planning application.
- h) Three storey development will overshadow existing properties
- i) There would be an increased risk to children (including the writers own child) from the increased propensity for young persons to drive more quickly and with less regard for other people.
- j) The pictures of the debut range on the Redrow web site show how monstrous they are. These McDonalds/prefabricated buildings would be totally out of keeping with the area and would be a disaster for Hilton. The buildings would be nothing more than mobile homes and end up run down and derelict like the legacies from the 1960's and 70's. This type of development is more suited to a larger urban area where there is easy access to public transport and jobs.
- k) Property values would be reduced and the writer who comes from a Council house background himself does not want to live near these dwellings, nor does he want his young son to be exposed to treats of intimidation or violence. He moved from Branston to get away from this type of housing. It is unfair that developers can change their development proposals so radically when they sold property on the basis of the original scheme.

### **Development Plan Policies**

The relevant policies are:

RSS8: None

Joint Structure Plan: General Development Strategy Policy 1 & 2, Housing Policy 17

Local Plan: Housing Policy 1 & 11.

### **Planning Considerations**

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

- The acceptability of the change to the density of the development, its impact on the infrastructure and parking, the impact on neighbours and the design and layout of the housing in this location.
- The management of the area.

### **Planning Assessment**

On the one hand the developers are stating that this is a new venture to meet the needs of young people who want to get on the housing market that would extend the range of choice that is not met on the whole of the depot development. The objections received relate to the density of the proposed development, the original layout for the site and the



impact such an increase in density is likely to have on the scale, character and appearance of the area.

The development brief is as described by the applicants, a guide for developers on the Phase V part of the development. The Local Planning Authority did not formally adopt it and there is little weight to be afforded to it in the planning process for that reason. The erection of dwellings on this part of the Depot is in accordance with the approved Master Plan for the site. The Government seeks to ensure that maximum use is made of previously developed land.

The applicants have sought to quote PPS 3 in support of their contention that the Government is seeking to adopt a more flexible approach and create higher densities. However, PPS 3 is at the consultation stage and little weight can be afforded to its contents but it does give an indication of the route of Government thinking as stated by officers at the ODPM when the consultation exercise on PPS 3 was launched— PPG 3 remains the relevant piece of Government advice in respect of Housing Development. This encourages the reuse of previously developed land and seeks to ensure that the densities on such land are raised to minimise the need to take greenfield sites. The consideration on this issue is whether or not this site in a village is appropriate for this very high density development when transport and other links are not at the same level as is found in the more urbanised areas of Rugby and Birmingham where this form of development has taken place.

The parking issue has attracted a strong recommendation of refusal from the County Highway Authority. The applicants have sought to address these concerns and have amended the application to add 7 visitor spaces to the development compared to when it was submitted. This is not acceptable to the County Highway Authority and it has maintained its objection throughout the application process and there is support for this from the Parish Council and the objectors. Parking provision in the flats on the opposite side of Welland Road has parking provision at 100% as stated by the applicants. The Committee will need to determine if the reduced parking provision is likely to have the impact envisaged by the objectors or whether the assertions of the applicants that the single person households are likely to be attracted to this form of development justifies the accepting parking provision below that recommended in PPG 13. The Committee is reminded that the applicants seek to emphasise that 1.5 parking spaces referred to in the PPG is intended to act as an average for development site and that the very nature of the proposed purchasers mean it is likely that the number of two-car household would be limited.

The impact of the development on neighbours and the locality in term of its design and appearance has been the subject of negotiation between officers and the developers. Officers considered that the cement fibre boards proposed originally would not be appropriate and that the finished colours seen on the other sites, blue and yellow, would not be appropriate in the South Derbyshire context.

To this end the use of the boards has been removed in favour of rendered panels with increased areas of brickwork for each dwelling. The colours of the render are now proposed as Ivory and Beige that more accurately represent the South Derbyshire tradition. Thus some of the objections to the appearance of the units have been addressed during the course of the consideration of the application. Conditions to

ensure that this takes place are recommended if members are prepared to grant approval of reserved matters in respect of this proposal.

The layout of the units is very intensive; no gardens would be present for any of the dwellings. Large recreation areas are proposed and a management company set up and run by the applicant company would manage these and all other open areas of the development. The applicants have offered a Unilateral Undertaking to give comfort to the Authority that the Management Company will be established. It has also been suggested to the applicants that the restoration of the land opposite the application site planned as a playing field would benefit the development if it were to be developed at an early stage. The applicants have been invited to contribute to the early development of this area. The applicant's response will be reported at the meeting, this would be a voluntary contribution as this is an application for reserved matters and Section 106 contributions do not apply.

### Overall Conclusions

The increase in density is an issue; it is far greater than anything else within the Hilton site. The increase is brought about by one single floor apartment with a two floor separate dwelling above it. These dwellings are built in tight blocks with controlled aspects to maintain privacy. The parking is below the standards recommended in PPG 3 in a village location. But the Authority has already accepted 100% parking on other parts of the Hilton site.

On the other hand there is the prospect of affordable market dwellings being brought to the market to the benefit of first time buyers in this part of the District. The applicant's initial research seems to indicate that there is a demand for such accommodation in the area. The change that have been negotiated to the appearance of the dwellings through the increased use of brick and render panels have mitigated the unusual appearance of the dwellings that have been erected in other parts of the country and is now more appropriate to this rural area in visual terms.

Subject to the Unilateral Undertaking relating to the setting up of the Management Company, the development is considered to be appropriate to the locality. There is a mix of 2 and 3 storey houses on the Hilton Development and the flats opposite the site are likely to dominate the new dwellings rather than the other way around.

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 receipt of a signed and dated undertaking to create the Management Company for the site **GRANT** permission subject to the following conditions:

1. Notwithstanding the originally submitted details, this permission shall relate to the original and amended drawing nos. 1767\04\001 Rev B, 04\014 Rev A - materials schedule, 02\0015 Rev A - street scenes. The following house type drawings are hereby approved subject to the dwellings being constructed in accordance with

Drawing 1767\04\014 Rev A and the street scene plan 02\0015 Rev A both received on 2 March 2006: 02\0010 Rev A, 02\011 Rev B, 02\0012 Rev A, The D1 & D4, The D2, The D2 & D5, The D3, The D4a.

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

2. 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.

3. Before the occupation of the dwelling, the parking areas and bin stores for that dwelling must be laid out and constructed, drained and surfaced with a solid bound material and landscaping shown on the approved drawings implemented. The visitor spaces shown on Drawing 1767\04\001 Revision B shall be a provided and maintained available for their designated purpose prior to the occupation of the last of the dwellings hereby permitted.

Reason: In the interests of the appearance of the development and to ensure that the occupiers have proper access to the dwellings.

4. Before the commencement of any operations on site, a scheme for disposal of highway surface water via a positive gravity-fed system, discharging to an outfall in public sewer, highway drain or water course shall be constructed in accordance with a scheme first submitted to and approved by the Local Planning Authority in writing.

Reason: In the interests of highway safety to ensure that surface water does not gather within the highway or drain from parking areas on to the highway.

5. Before any other operations are commenced, a temporary access shall be formed onto Welland Road for construction purposes space shall be provided for site accommodation, storage of plant and materials, parking and manoeuvring for site operatives and visitors vehicles, loading and unloading of goods vehicles, all in accordance with a scheme first submitted to and approved by the Local Planning Authority. The facilities shall be maintained available throughout the course of the construction works.

Reason: In the interests of highway safety.

6. Before any operations commence involving the movement of materials in bulk to or from the site, facilities must be provided in accordance with a scheme first submitted to and approved by the Local Planning Authority and used to prevent the deposition of mud or extraneous material on the public highway.

Reason: In the interests of highway safety.

7. Dwellings shall not be occupied until the proposed estate streets have been laid out in accordance with the application drawings, as amended, to conform with the County Council's 'Roads in Housing' design guide, and constructed at least to base course level including footways, drained and lit in accordance with the County Council's 'Specification for Housing Development Roads'.

Reason: In the interests of highway and pedestrian safety.

8. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, parking spaces shall not be used for any purpose other than parking of vehicles, except with the prior permission of the Local Planning Authority.

Reason: To ensure that parking provision is available.

9. 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 all 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 that shall first have been agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the area and in the interests of highway safety.

**Informatives:**

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

06/04/2006

**Item** 1.10**Reg. No.** 9/2005/1487/F**Applicant:**

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

**Agent:**

Facilities & Development Unit  
 South Derbyshire District Council  
 Civic Offices  
 Civic Way  
 Swadlincote  
 Derbyshire  
 DE11 0AH

**Proposal:** The installation of a 2.4 metre high steel security fence  
 at Eureka Park Newhall Road Swadlincote

**Ward:** Swadlincote

**Valid Date:** 03/01/2006

This application is brought before this Committee because the Council is the applicant in this development.

**Site Description**

This proposal relates to the south eastern corner of the Council owned park. The land rises from the north (Newhall Road) although at the same time this part of the park is considerably lower than the buildings and land to the east. The site is used for storage purposes and an existing storage building is located here. There is a mix of hedges and fences bounding this area.

**Proposal**

It is proposed to erect a 2.4m high security fence around three sides of the storage area (a security fence is already in situ along the remaining side i.e. between the park and the primary school).

**Planning History**

There is no relevant planning history.

**Responses to Consultations**

No consultations were sought in respect of this proposal.

9/2005/1487/F Eureka Park  
Newhall Road  
Swadlincote

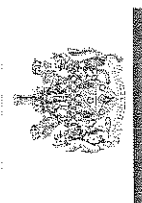


SOUTH DERBYSHIRE  
DISTRICT COUNCIL  
CIVIC OFFICES  
CIVIC WAY  
SWADLINCOTE DE11 0AH

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## Responses to Publicity

There has been no response to the site notice nor to individual letters to occupants of neighbouring properties.

## Development Plan Policies

The relevant policies are:

RSS8: N/A

Joint Structure Plan: Environment Policy 17

Local Plan: None

## Planning Considerations

The main issue central to the determination of this application is visual amenity.

## Planning Assessment

There is no objection as a matter of principle to security fencing within the park. A privet hedge around 1.5m high that has some gaps in it currently defines the storage area from the remainder of the park. The proposed security fencing would, in part, be behind the hedge which would only provide limited screening from within the park. Along the remaining boundary with the adjacent property, The Railway, the fence would replace existing fencing that is in need of repair. From outside the park the fence would be highly visible from neighbouring properties, namely the school and from the Railway car park which is at a higher level. In the interests of the amenity of the locality the proposal has been amended since the galvanised fencing originally proposed is more appropriate on an industrial estate. Instead a style and colour of fencing similar to the school is proposed which is 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. Notwithstanding the submitted details, the fencing shall be Duo Perimeter Fencing and shall be finished in green (RAL 6005) unless otherwise agreed in writing with the local planning authority.

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

3. The hedgerow within the park along side the proposed development shall be retained at not less than 1.5m in height and in the first planting season following the erection of the fence any gaps shall be planted and tended to grow to the same height as the existing hedge.

Reason: In the interest of the amenity of the area.



06/04/2006

**Item**            **1.11**

**Reg. No.**       **9/2006/0059/F**

**Applicant:**  
Mr M Nelson  
3 Hill Nook Close  
Chellaston  
Derby

**Agent:**  
D W Decamps  
D W Decamps  
20 Rowditch Avenue  
Derby  
DE22 3LD

**Proposal:**       **The extension and conversion of a workshop to living accommodation at 5 Union Street Melbourne Derby**

**Ward:**           **Melbourne**

**Valid Date:**     **12/01/2006**

### **Site Description**

The property is a semi-detached early 20<sup>th</sup> century house with a mono-pitch brick outbuilding in the rear garden. The outbuilding is presently in use as a workshop and ancillary residential accommodation.

### **Proposal**

The application seeks to enlarge the outbuilding, by extending 1.8 metres towards the host dwelling. The roof would increase in height by about 700mm, to a maximum height of some 5 m. The building would be used as dependent relative's accommodation.

### **Responses to Consultations**

The Parish Council has no objection.

Melbourne Civic Society objects on amenity and privacy grounds unless there are special circumstances.

### **Responses to Publicity**

A neighbour objects on the ground that the window in the side elevation would overlook the neighbouring garden.

### **Development Plan Policies**

The relevant policies are:

RSS8: Policy 3

Joint Structure Plan: General Development Strategy Policies 1 & 3 and Housing Policy 5.

9/2006/0059/F 5 Union Street  
Melbourne



# MELBOURNE

# MOUNT PLEASANT

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



Date Plotted 24/3/2006  
Scale 1:1500

Licence No LA 079375



## Planning Considerations

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

- The principle.
- Impact on neighbours.
- Impact on the general character of the area.

## Planning Assessment

The site lies within a village that benefits from a good range of services. Therefore the principle of providing accommodation for an extended family in this location is sustainable.

A bedroom window to No 7 would be about 9 m from the proposed face of the building. The relevant supplementary planning guidance would seek a separation distance of 15 m. However there would be no demonstrable harm to the amenities of the occupants of No 7 for the following reasons:

- The building is already used for ancillary living accommodation, albeit not self-contained as proposed.
- The difference in levels between the proposed accommodation and the bedroom to No 7 is such that there is no material overlooking to that property. The occupiers of No 7 have not raised objection.

The issue of overlooking to the neighbouring garden at 43 Commerce Street could be controlled by condition.

There would be little external change and the impact on the general character of the area would be negligible.

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

## Recommendation

**GRANT** permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. All external materials used in the development to which this permission relates shall match those used in the existing building in colour, coursing and texture unless otherwise agreed in writing by the Local Planning Authority.

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

3. The living accommodation hereby permitted shall be occupied solely by members of the household of 5 Union Street Melbourne or by domestic staff, and shall not be severed from the main house as a separate and unconnected dwelling.

Reason: Permission is granted in the light of your particular personal circumstances. Although the erection of an extension to provide additional accommodation to be used in conjunction with the existing dwelling is acceptable, the Council would not normally be inclined to allow the formation of a separate residential unit in this locality. Since the extension includes all the domestic facilities necessary for the establishment of a separate self-contained unit, the Council hereby seeks to make it clear that separate occupation is not authorised by this permission.

4. The window in the north east wall of the building shall be permanently glazed in obscure glass.

Reason: To avoid overlooking of adjoining property in the interest of protecting privacy.

06/04/2006

**Item** 1.12**Reg. No.** 9/2006/0100/FH**Applicant:**  
Gary Smith  
26 Repton Road  
Willington  
Derby  
DE656BX**Agent:**  
Gary Smith  
26 Repton Road  
Willington  
Derby  
DE656BX**Proposal:** The retention of a garage at 26 Repton Road Willington  
Derby**Ward:** Willington/Findern**Valid Date:** 24/01/2006

The application is brought before the Committee at the request of Councillor Southerd.

### **Site Description**

The application site fronts onto Repton Road, the main road through the village of Willington. The site is bordered by 1.8m fencing to the rear backing onto neighbouring gardens. A stream runs along the front boundary to the east running parallel with Repton Road.

### **Proposal**

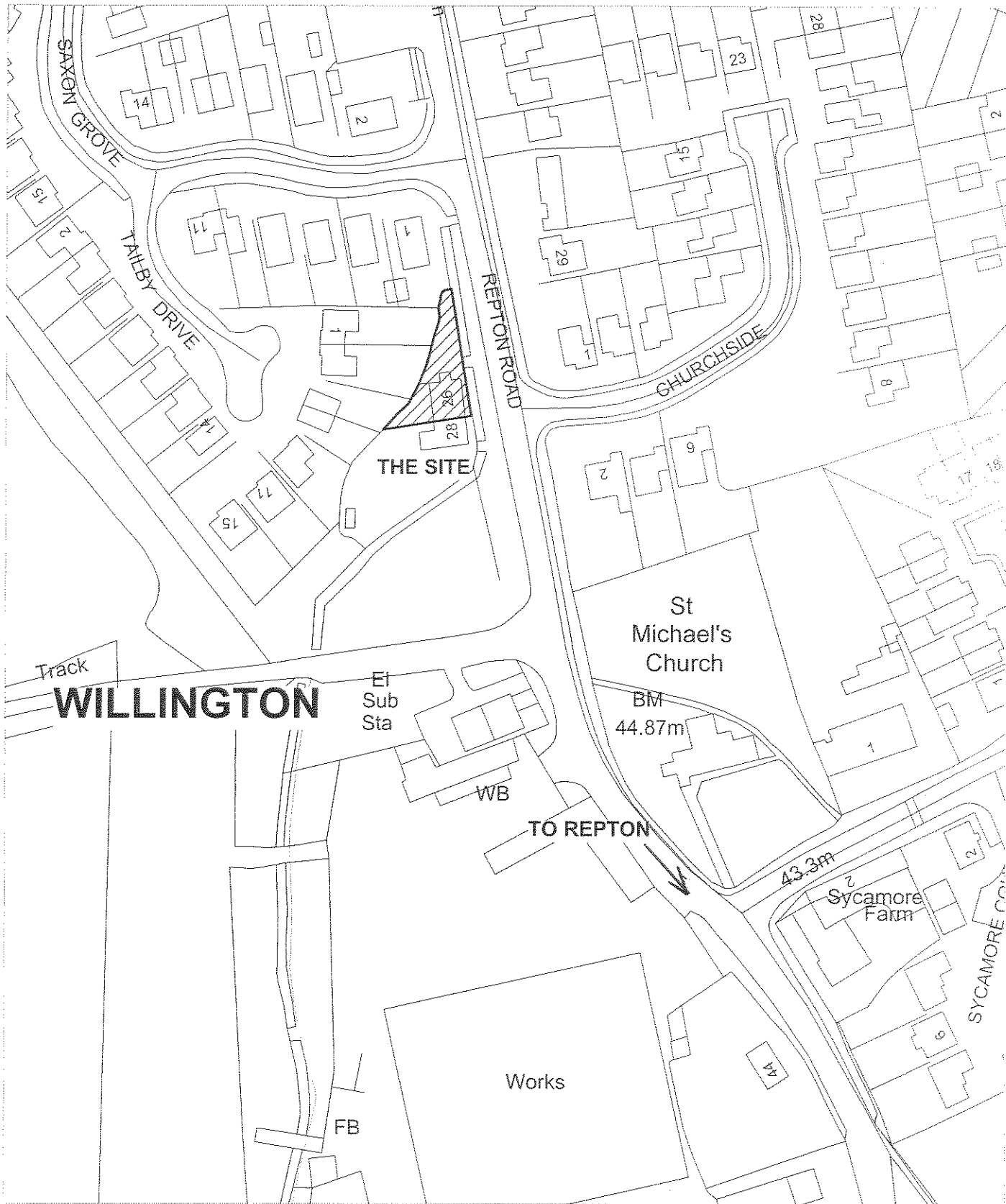
The application is for the retention of an existing timber garage.

### **Applicants' supporting information**

The applicant has submitted a photograph showing the site with a previous car port sited in the same position as the current garage with 1.8m fencing situated along the front boundary.

### **Planning History**

An application for a carport was permitted on the site in August 1994 (9/793/294/F). A subsequent application for a detached annexe on the same site was refused due to lack of a Flood Risk Assessment in May 2005 (9/2005/0249/FH).



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

9/2006/0100/FH 26 Repton Road  
Willington

Date Plotted 24/3/2006

NORTH ↑

Plot centred at 429436 328199 Scale 1:1250

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## **Responses to Consultations**

The Parish Council have commented that the colour and style of the structure should be in keeping with the existing neighbourhood and that the height of the replacement fence should not be greater than the previous fencing.

The County Highways Authority has no objections.

The Land Drainage Officer has commented that the site has a history of surface water flooding and that floor levels should be above the known flood level.

## **Responses to Publicity**

None.

## **Development Plan Policies**

The relevant policies are:

RSS8: n/a

Joint Structure Plan: n/a

Local Plan: HP13

## **Planning Considerations**

The main issue central to the determination of this application is the impact of the proposal on the streetscene and general character of the area.

## **Planning Assessment**

The application has been submitted following an enforcement complaint. But for the fact that the garage extends beyond the front line of the house the proposal would have constituted permitted development.

The site lies in a prominent position clearly visible from Repton Road. The previous carport was largely hidden from view by the boundary fencing with a hedge forming the backdrop along the rear boundary. The hedges surrounding this part of the site have since been cleared increasing the prominence of the existing structure within the street. However, the garage has been constructed in timber with the front elevation following the line of the neighbouring boundary fencing along the main road and painted in a rich oak colour to match the existing fencing adjacent to the house. Despite the increased prominence of the existing garage structure it is considered that the altered appearance of the site is not significantly different to that previous and that it would be difficult to demonstrate significant increased harm to the character of the area.

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 colour of the garage hereby permitted shall be maintained in a rich oak colour as existing unless otherwise agreed in writing by the Local Planning Authority.

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

- a. The applicant shall confirm in writing to the Local Planning Authority, as a minimum, that:

(1) Floor levels within the proposed development will be set no lower than existing levels AND,

(2) Flood proofing of the proposed development has been considered by the applicant and incorporated where appropriate.

Reason: In the interests of flood protection.

Informatives:

In the event that condition 2 is insufficient and floor levels within the extension must be set 300mm above the known or modelled 1 in 100 year (annual probability 1% chance) river flood level or 1 in 200 year (annual probability 0.5% chance) tidal & coastal flood level (which has been demonstrated by a plan to Ordnance Datum/GPS showing finished floor levels relative to the known or modelled flood level), it is likely that a further planning permission would be required.



06/04/2006

Item 1.13

Reg. No. 9/2006/0142/F

**Applicant:**

Clover Contracts Ltd  
2 Market Place  
Melbourne  
Derbyshire  
DE731DS

**Agent:**

Darryn Buttrill  
Bi Design Architecture  
First Floor Studio  
79 High Street  
Repton  
Derbyshire  
DE65 6GF

**Proposal:** Demolition of existing dwelling and the erection of three dwellings on the site of 11 George Street Melbourne Derby

**Ward:** Melbourne

**Valid Date:** 09/02/2006

The application is brought to Committee at the request of Councillor Carroll

**Site Description**

The site is located at the corner of George Street and North Street. The existing dwelling is a 1950's suburban detached house in buff brick. The housing in the locality is a mix of Victorian and more modern housing. The front boundary of the application site is defined by a hedge and the side (North Street) by a low stone wall and hedge. The ground level of the adjoining dwelling 9 George Street is higher than the subject site whilst No 64 North Street is lower.

Most of the older dwellings in the locality have no off street parking provision, although the current dwelling currently benefits from such provision.

**Proposal**

The applicant proposes to demolish the existing house and replace it with a terrace of three dwellings, with accommodation on three floors, the uppermost being contained within the roofs, lit by dormer windows to the front (one for each dwelling) and rooflights to the rear. One of the dwellings would be narrower and lower than the other pair. The scheme has been amended at officer request to bring about a more subordinate appearance to the smaller unit and simplification to the main elevation of the other two. Two parking spaces would be provided for each dwelling with two houses being accessed from George Street and the other from North Street.

9/2006/0142/F 11 George Street

Melbourne



# MELBOURNE



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The requisite 2m x 2m pedestrian intervisibility splay to the North Street access would be provided on adjacent land at 64 North Street. An application has been received to re-develop 64 North Street, which is material to this proposal (9/2006/0153/F on this agenda).

### **Responses to Consultations**

The Parish Council has no objection, subject to the parking spaces being retained available for the parking of cars.

Melbourne Civic Society objects for the following reasons:

- a) The proposal would be gross overdevelopment of the site.
- b) The dwellings would be cramped, with inadequate amenity space.
- c) The continuous pavement crossovers are particularly objectionable, being environmentally unsustainable and detrimental to the street scene.
- d) The crude neo-Victorian design is inappropriate in this setting.

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

### **Responses to Publicity**

Seven letters have been received raising the following objections:

- a) The demolition of the existing dwelling is not justified.
- b) There would be a significant increase in traffic, noise and disturbance because of the additional dwelling units.
- c) There would be a change of use involved from one to three families.
- d) The proposal would exacerbate existing on street parking problems, particularly during the evenings and weekends.
- e) The sewerage system may not be adequate.
- f) The materials used may not be sympathetic.
- g) The dwellings would be three storey buildings, which would be out of character.
- h) No trees should be felled.
- i) Vehicle movements would be hazardous because of the proximity of the road junction.
- j) Publicity of the application was not adequate.
- k) Views would be impaired.

### **Development Plan Policies**

The relevant policies are:

RSS8: Policy 3

Joint Structure Plan: General Development Strategy Policies 1 & 3, Transport Policy 1 and Housing Policy 5

Local Plan: Housing Policy 5

## Planning Considerations

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

- The principle
- Impact on the general character of the area
- Residential amenity
- Highway safety

## Planning Assessment

This site lies within the confines of a settlement with a good range of local services and public transport. The land is previously used in the terms of PPG3. Therefore the proposal is acceptable in principle.

Whilst the roof space would be used for accommodation, the proposed dwellings would be of similar scale to the older properties in the locality. The frontage of the properties would have a similar alignment of the existing dwelling on the site although they would be set back relative to the older dwellings in George Street. The latter have small forecourts between the houses and the street, defined in general by low brick walls. The most noticeable change would be the loss of a significant part of the front boundary hedge and the side (North Street) wall and hedge, to facilitate hard surfaced aprons for parking. However the current dwelling provides a visually weak focus to this corner plot. The increased mass that would result from the development would be more in keeping with the larger scale Victorian buildings in North Street and George Street. On balance the development would enhance the visual amenity of this part of the village. Some garden trees and shrubs would be lost but they are not of high amenity value.

Whilst supplementary planning guidance generally gives less weight to side windows, the main rear elevations of the dwellings would, from a higher ground level, overlook habitable room windows in the side wall of No 64 North Street. However if the proposal to build a house at No 64 were to be implemented then its gable end would prevent any overlooking. Furthermore the guidance does not rely on restrictive guidance on garden size or space within new developments. As the applicant relies on the owner of No 64 to enable the pedestrian intervisibility splay to be provided, that property can reasonably be regarded to be within the scheme. Insofar as other neighbouring dwellings are concerned the proposal meets the relevant tests and the development would therefore not be harmful to their occupants' amenities.

On the advice of the Highway Authority there would be no harm to highway safety interests. Notwithstanding the incidence of on-street parking in the locality the proposed dwelling makes adequate provision in this regard.

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

## Recommendation

**GRANT** permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 588 H 01 Rev A.  
Reason: For the avoidance of doubt, the original submission being considered unacceptable.
3. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.  
Reason: To safeguard the appearance of the existing building and the locality generally.
4. Large scale drawings to a minimum Scale of 1:10 of eaves, verges, dormers 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 eaves, verges, dormers 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. 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.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the dwelling hereby permitted shall not be altered, enlarged or extended, and no buildings, gates, walls or other means of enclosure (except as authorised by this permission or required by any condition attached thereto) shall be erected on the application site (shown edged red on the submitted plan) without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the site area and effect upon neighbouring properties and/or the street scene.

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(s) and the character of the area.

8. Gutters and downpipes shall have a black finish and be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

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

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

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

10. 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.

11. Before any other operations are commenced the new vehicular access to North Street shall be formed in accordance with the application drawings to include 2m x 2m x 45° pedestrian intervisibility splays laid out and constructed in accordance with a specification that shall have previously been submitted to and approved in writing by the Local Planning Authority. The area in advance of the sightlines shall be cleared of all obstructions greater than 1 m in height (600 mm in the case of vegetation) relative to the adjoining nearside carriageway channel level.

Reason: In the interests of highway safety and to ensure that the development proceeds in conjunction with planning permission 9/2006/0153/F, in the interests of protecting the amenities of the occupiers of the existing dwelling at 64 North Street.

12. Prior to the occupation of the dwellings, the car parking spaces shall be laid out in accordance with the revised application drawing (ie. two spaces per dwelling, each space measuring at least 2.4m x 4.8m), provided with 2m x 2m x 45° pedestrian intervisibility splays, surfaced in a solid bound material with measures to prevent surface water from flowing from within the site onto the

footway and maintained thereafter free of any impediment to their designated use.

Reason: In the interests of highway safety.

13. Any gates shall be set back at least 5m from the highway boundary.

Reason: In the interests of highway safety.

14. The windows in the west wall of the building shall be permanently glazed in obscure glass.

Reason: To avoid overlooking of adjoining property in the interest of protecting privacy.

06/04/2006

**Item**            **1.14**

**Reg. No.**       **9/2006/0153/F**

**Applicant:**

Mr Mrs Hand  
64 North Street  
Melbourne  
Derbyshire  
DE73 1FZ

**Agent:**

John Mellor  
10 Castle Court  
Elvaston/Thulston  
Derbyshire  
DE72 3GZ

**Proposal:**       **The erection of a dwelling on land adjoining 64 North Street Melbourne Derby**

**Ward:**           **Melbourne**

**Valid Date:**     **07/02/2006**

**Site Description**

The site is the side garden to the end terraced house in North Street, which comprises mainly Victorian properties set against the highway boundary. The front boundary of the application site is defined by a low stone wall and hedge. The ground levels of the adjoining dwellings 9 & 11 George Street are significantly higher than the subject site whilst No 62 North Street is lower.

Most of the dwellings in the street have no off street parking provision. No 64 has a single garage, potentially providing one parking space.

**Proposal**

The applicant proposes a three bedroom dwelling on three floors, the uppermost being contained within the roof, lit by a dormer window to the front and a rooflight to the rear. The dwelling would be set back by about 8 m from the highway boundary. Two parking spaces would be provided in this area.

The floor level of the dwelling would be set similar to the dwelling at 64 North Street, which is retained in the applicant's ownership at present.

The requisite 2m x 2m pedestrian intervisibility splay would be provided on adjacent land at 11 George Street. An application has been received to re-develop 11 George Street, which is material to this proposal (9/2006/0142/F on this agenda).

**Responses to Consultations**

The Parish Council has no objection, subject to the parking spaces being retained available for the parking of cars.



9/2006/0153/F Land adj 64 North Street  
Melbourne



Date Plotted 24/3/2006  
Scale 1:1250

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Melbourne Civic Society objects for the following reasons:

- a) The dwelling would occupy most of the garden of the existing Victorian house. This would be gross overdevelopment of a restricted plot.
- b) At three storeys in height it would overshadow and over dominate the existing and neighbouring properties and be detrimental to their amenities.
- c) The paved front garden would be an unsustainable type of development and the continuous pavement crossover detrimental to the street scene.

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

### **Development Plan Policies**

The relevant policies are:

RSS8: Policy 3

Joint Structure Plan: General Development Strategy Policies 1 & 3, Transport Policy 1 and Housing Policy 5

Local Plan: Housing Policy 5

### **Planning Considerations**

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

- The principle
- Impact on the general character of the area
- Residential amenity
- Highway safety

### **Planning Assessment**

This site lies within the confines of a settlement with a good range of local services and public transport. The land is previously used in the terms of PPG3. Therefore the proposal is acceptable in principle.

Whilst the roof space would be used for accommodation the proposed dwelling would be of similar scale to the older properties in the street. Whilst its frontage would not align with the predominance of dwellings in the street the dwelling itself would have little visual impact on the street scene. The most noticeable change would be the loss of the front boundary wall and hedge, which would facilitate a hard surfaced apron for parking. As this boundary feature could be removed without the need to apply for planning permission the impact on the visual amenity of the street is acceptable.

The proposal has been designed to prevent overlooking to neighbours. No 64 has side windows that would be affected by the mass of the buildings. However supplementary planning guidance generally gives less weight to side windows. Furthermore the guidance does not rely on restrictive guidance on garden size or space within new developments. As the applicant retains ownership of No 64 that existing property can be regarded to be within the scheme. Insofar as other

neighbouring dwellings are concerned the proposal meets the relevant tests and the development would therefore not be harmful to their occupants' amenities.

The proposed development at 11 George Street would introduce main windows within 5 metres of the gable wall of the proposed dwelling. However the existing dwelling does not have habitable room windows facing the site that would be affected. Furthermore because the application is dependent upon the co-operation the owner of 11 George Street the two sites may be considered as the same scheme for the purpose of applying the space guidelines. Therefore there would be no harm to the amenities of 11 George Street, either as existing or proposed.

On the advice of the Highway Authority there would be no harm to highway safety interest. Notwithstanding the incidence of on-street parking in the locality the proposed dwelling makes adequate provision in this regard.

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

### **Recommendation**

**GRANT** permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. JWM 230 B received 13 March 2006.  
Reason: For the avoidance of doubt, the original submission being considered unacceptable.
3. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.  
Reason: To safeguard the appearance of the existing building and the locality generally.
4. Large scale drawings to a minimum Scale of 1:10 of 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 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the dwelling hereby permitted shall not be altered, enlarged or extended and no buildings, gates, walls or other means of enclosure (except as authorised by this permission or required by any condition attached thereto) shall be erected on the application site (shown edged red on the submitted plan) without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the site area and effect upon neighbouring properties and/or the street scene.

6. With exception of panels over the transom to the window of Bedroom 2 the first floor windows in the south and north side walls of the building shall be permanently glazed in obscure glass.

Reason: To avoid overlooking of adjoining property in the interest of protecting privacy.

7. Gutters and downpipes shall have a black finish and be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

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

8. Before any other operations are commenced a new vehicular access to North Street shall be formed in accordance with the application drawings to include 2m x 2m x45° pedestrian intervisibility splays laid out and constructed in accordance with a specification that shall have previously been submitted to and approved in writing by the Local Planning Authority. The area in advance of the sightlines shall be cleared of all obstructions greater than 1 m in height (600 mm in the case of vegetation) relative to the adjoining nearside carriageway channel level.

Reason: In the interests of highway safety.

9. Prior to the first use of the development hereby permitted, parking facilities shall be provided, surfaced in accordance with a specification that shall have previously been submitted to and approved in writing by the Local Planning Authority, so as to accommodate two cars within the curtilage of the dwelling. Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), two parking spaces, measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of the site.

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

10. Any gates shall be set back at least 5m from the highway boundary.

Reason: In the interests of highway safety.

11. 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.

12. 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.

13. 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.

14. 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(s) and the character of the area.

#### Informatives:

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

06/04/2006

**Item**            **1.15**

**Reg. No.**        **9/2006/0157/F**

**Applicant:**  
Mr Chris Mason  
South Derbyshire District Council  
Civic Offices  
Civic Way  
Swadlincote  
Derbyshire  
DE11 0AH

**Agent:**  
Mr Mark Jenks  
Groundwork Erewash Valley  
Groundwork Erewash Valley  
Sandiacre  
NG10 5DU

**Proposal:**        **Development of grounds for recreation and leisure at  
Hilton Village Hall Peacroft Lane Hilton Derby**

**Ward:**            **Hilton**

**Valid Date:**     **20/02/2006**

### **Site Description**

The site comprises the open land in SDDC and the Parish Council's ownership in the village mainly around the village hall. But extending to the existing playing fields behind the dwellings on Back Lane and including an area of currently unused land on the depot site itself.

### **Proposal**

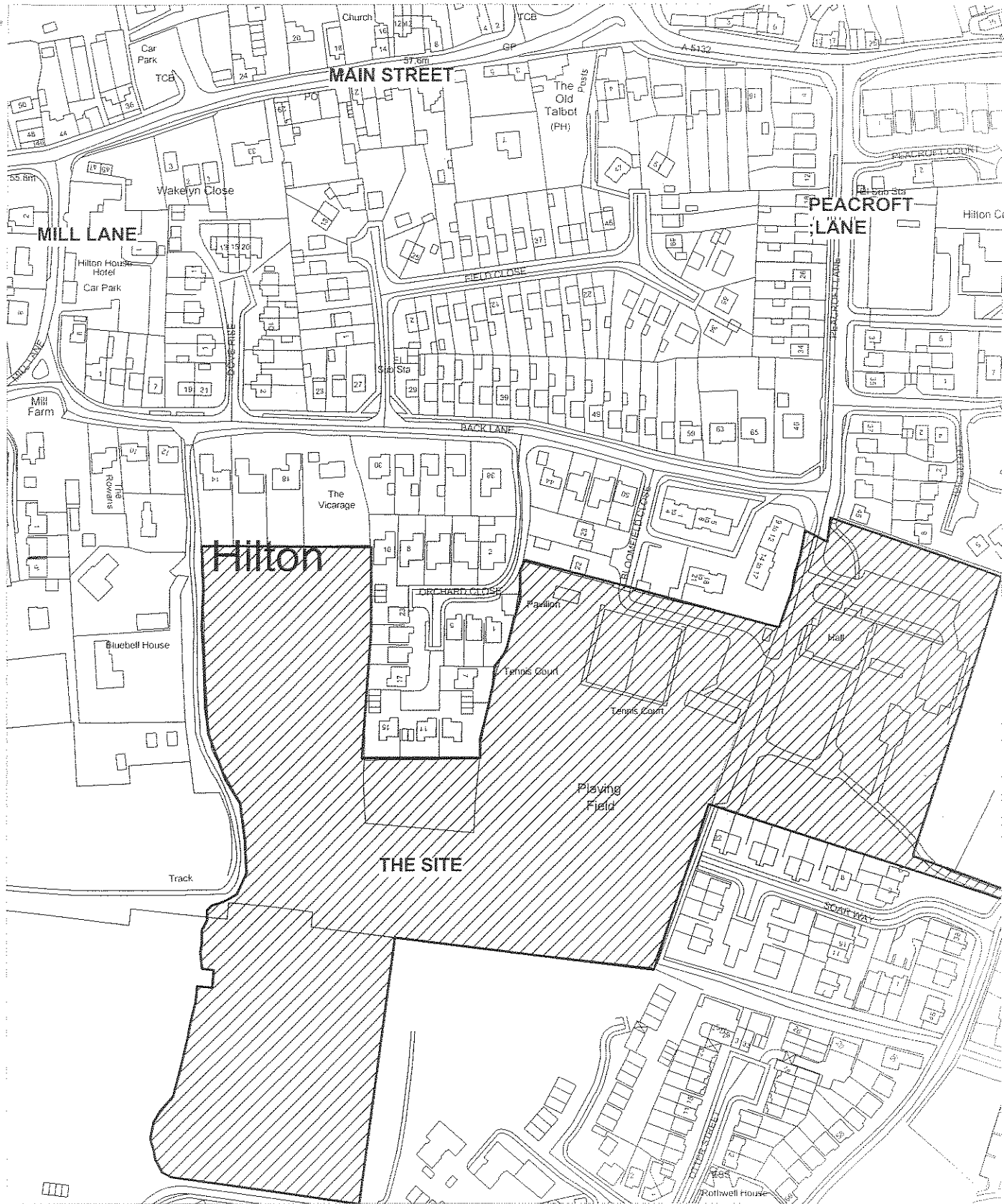
The extent of the proposals is as described below.

### **Applicants' supporting information**

#### **PHASE 1**

#### **Play Area**

The play area will have two age zones; the pathway running through it defines these. The section adjoining the garden sitting space will be for -7 years, with the other aimed at 7-14 years. The equipment will be in a circuit layout with linking paths and grass space for informal play. Furniture such as litterbins and seating will be incorporated within the 1.2m galvanized bow top fencing. Three gates are proposed allowing good access and also to help restrict bullying. One of the gates is a double to allow maintenance access.

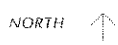


South Derbyshire  
District Council  
Civic Offices  
Civic Way  
Swadlincote  
DE11 0AH

9/2006/0157/F Hilton Village Hall  
Peacroft Lane  
Hilton

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Date Plotted 24/3/2006



Plot centred at 424573 330429 Scale 1:2500

## Village Hall Garden & Seating

The garden space next to the village hall is made up from *Carpinus Betulus* (Hornbeam) trees used also for the avenues, a 200 m<sup>2</sup> planting bed, seating, resin bonded surfacing, and 2 cycle racks accommodating 16 bikes. Where the garden space meets the car park a drop kerb and bollards are used to provide vehicular access. This format is used in locations around the site allowing vehicular access.

## Tree Avenue Pathways

The first pathway forms the Greenway, its status is defined by its 3m width, resin bonded surfacing and Tree Avenue. Where the pathway crosses the one-way road the surface continues defining the pedestrian crossing point. The trees that do not encroach into the paths 3m width will be a single species such as *Carpinus Betulus* (Hornbeam). The second pathway follows the same format, but its role is to link the facilities in this area, and provide a strong visual link into the site.

## Greenway Link

This section of the Greenway running east to west will be limestone to dust and 3m wide, its linear form allows unrestricted movement through the site. This section of the Greenway running North to South will have high pedestrian traffic and will be surfaced using 3m wide resin bond, as per the avenue paths.

## Grass Matting

A 6m wide reinforced grass road is proposed to act as access and an informal extension to the events area. The access to this road will be restricted using locking drop bollards. Reinforced grass is to be used at the entrance to the teen/skate area. This is to discourage wheeled sports spilling into the access path.

## Existing Overflow Car Park

The existing over flow car park will have its bottom end altered and surfaced using a porous sustainable drainage pavior. All run off from the car park will flow through trap gullies as per Environment Agency requirements.

## Entrance Gate

The existing paling gate and fencing will be removed and replaced with a steel gate incorporating artwork, and bollards along the pathways. This will allow vehicles to be restricted but maintain free pedestrian access.

## PHASE 2:

### MUGA (Multi Use Games Area) & Lighting

The MUGA court size will be 18m x 28m and will have a tarmac base. The base will be marked out for basketball, 5 a-side football and netball. The fencing will be powder coated stainless steel and between 2-3m high. Gates will be positioned to allow access from the two adjoining pathways.



## Existing Tennis Courts

The existing hedge and fence are to be removed. The fence will be replaced using a 3m high galvanised steel post and panel system as used for MUGA's.

## Events Space

This is a 195m<sup>2</sup> area of hard standing for community events. It will be finished with a resin-bonded surface to match that used around the village hall building.

## Minor Access paths

The minor access routes are all 1.5m wide and made from limestone to dust surfacing with timber edging boards.

## Pathway Lighting

The pathways that form the Greenway and the avenue paths will have lighting. The ducting for this lighting will be laid as part of phase 1 works. The lighting itself will comply with the lux levels specified by DCC.

## PHASE 3:

### Village Hall Car park

The village hall car park will be enlarged to 83 spaces and re-orientated, 4 of the spaces will be disabled. Like the existing overflow car park it will be surfaced using porous sustainable drainage paviers. All run off from the car park will flow through trap gullies as per Environment Agency requirements. All two-way roads into and out of the car park are at least 6m wide. The planting around the car park will be single species hedges approx. 1.2m high. 2.5m close board fencing would be erected along the housing car park boundary to screen the car park from adjoining housing – this would replace the existing bund along the boundary to the dwellings.

### Bowling Green

The specification for the bowling green is still to be developed. However the space reserved for it will accommodate a standard green with pathways on two sides and ditches on all. The fencing will be 2m-chain link on two sides, with the boundary planting securing the others

### Wildlife play area

This is a fenced off area of the wildlife space, the fencing will be timber and 1.2m high. The role of this space is to provide a safe area for children to become environmentally aware through play.

## PHASE 1-3

### Focal Point

Feature Art work will be placed at the sites centre and entrance points to act as focal point and entrance features.

### Seating and Bins

Seating and litter bins are evenly distributed over the site. The style and material of this furniture will reflect its context. Also dog waste bins will be strategically placed along pathways.

### Planning History

The development of the area around the village hall and the upgrading of the land owned by the Parish Council has been an objective of the development of Hilton Depot since its inception. Monies and land to construct the village hall were made available in the early days of the development and together with monies generated from the sale of the original village hall site resulted in the erection of the new village hall and the formation of the car park and bund along the north side of the car park.

In the last 15 months further monies have been forthcoming from the developers and consultations have been taking place with stakeholders about how it should be spent. Most recently monies have been allocated to provide a skate park, towards the construction of changing rooms on the southern playing fields and other monies towards the construction of a new scout and guide building for which planning permission has been granted.

### Responses to Consultations

Hilton Parish Council has no objection.

The County Highway Authority has no objection in principle but would request that precise details of the access arrangements be submitted before development is commenced and implemented accordingly prior to the opening of the various phases of the development.

Sport England comments will be reported at the meeting if available.

Severn Trent Water draws attention to the presence of sewers and comments that no buildings or trees should be planted within 2.5 metres of the centre line of the sewer to facilitate ease of access. [No buildings or trees are proposed in the vicinity of the sewers.]

The Environmental Protection Manager has commented that there may be contaminants present in the soils and that more assessment would be necessary

before the development is commenced. [He comments in this way because of the former use of the whole depot. The area of the village hall was the entrance gates and administrative offices for the base, a desk top study should be sufficient to assess if contaminants are present on the land.]

### **Responses to Publicity**

At the time the report was prepared two letters had been received objecting to the development of the following grounds:

- a) The development would result in the loss of the landscaped mound that was put in when the village hall was developed to act as a visual and noise barrier for the residents in the houses next to the village hall. This was put in following an agreement between the Council and residents to alleviate the anticipated problems that would arise from the erection of the village hall. These problems (noise, light, vandalism speeding) have all occurred but at least the bund has protected residents from this. The extension of the car park to the boundary will result in an unacceptable imposition on the adjoining residents.
- b) There is concern that the introduction of a one-way system for traffic would encourage its use as a race track and more noise from speeding cars, quad bike and mini motor bikes.
- c) Lights are left on within the site that encourages people to congregate and this also causes noise and disturbance as well as vandalism on occasions.
- d) An entrance to and from Avon Way is essential as it would help to alleviate the problems on Peacroft Lane as many of the residents on the new estate use their cars to take their children to school particularly on wet days.
- e) The main impact is on the residents that live closest to the site; residents already suffer noise abuse and vandalism in the existing situation and these ill thought out proposals will only exacerbate the situation.
- f) The removal of the hedge around the tennis court will increase noise to the occupiers of dwellings on the houses nearby – its retention should be considered as this would be more acceptable environmentally than the steel fence that is now proposed. If it is to be removed, then a new hedge should be planted.

### **Development Plan Policies**

The relevant policies are:

RSS8: None

Joint Structure Plan: None

Local Plan: Housing Policy 1 Community Facilities Policy 1.

### **Planning Considerations**

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

- The Development Plan
- The impact on neighbours
- The benefits to the community.

## Planning Assessment

The development plan policies allow for the creation of Community Facilities and the provision at this location is anticipated in Housing Policy 1 of the adopted Local Plan. These proposals form a basis for the implementation of the development of the grounds around the village hall.

Members may recall that part of the land originally envisaged for public open space has now been transferred to the County Council as a playing field extension of the school. The loss of this land is compensated for by the extension of the existing Parish Council playing field onto land to the south.

The Community Facilities Policy requires that such development should not impinge on the amenities of adjoining properties. The development would take the car park closer to the boundary of the adjoining dwellings as part of the Phase 3 element of the development. A substantial boundary fence is proposed here and this would help to mitigate the impact of this element of the proposals. The removal of the hedge from around the tennis court would have some impact but would not materially affect the overall impact of the tennis courts on the properties that adjoin it.

Overall the creation of the public areas around the village hall would represent an improvement to the character and appearance of the area. It would be necessary to impose conditions to control aspects of the proposal and these are recommended below.

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. Before any development is commenced details of the play areas, hard and soft landscaping including the specification of the paths and seating areas, play equipment and Multi use Games area shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be used to implement the scheme unless the Local Planning Authority gives consent to any variation in response to an application made in that regard.

Reason: No details have been submitted and to ensure that the proposals are of a scale and character appropriate to the location.

3. The development shall not be commenced until precise details of the intensity, angling and shielding, and the area of spread of the lights have been submitted to and approved in writing by the Local Planning Authority. The lights shall be

installed in accordance with these details and thereafter retained in conformity with them. The submitted scheme shall comply with the Institute of Lighting Engineers "Guidance notes for the Reduction of Light Pollution" (2000).

Reason: To preserve amenity.

4. 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.

5. The car parking spaces and manoeuvring areas shown on the submitted plan to be provided as part of the Phase 3 works shall be hard surfaced with a solid bound material and marked out prior to their being brought into use and thereafter retained for that purpose free of obstruction.

Reason: In order to provide adequate parking and turning facilities to serve the development.

6. Before development is commenced details of the access arrangements shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be in accordance with a phasing schedule that has also been agreed in writing with the Local Planning Authority and thereafter be retained available for their designated use in perpetuity.

Reason: In the interests of highway safety.

7. Reasonable planning requirements of the Sport England that are received prior to the meeting.

8. No development shall take place until a site investigation to determine whether the land is contaminated and any associated remedial works have been carried out to the satisfaction of the Local Planning Authority. This will include:

- A. A desktop study of the area of the proposed development.
- B. An intrusive site investigation, its scope to be confirmed with the Local Planning Authority, prior to its commencement. The report should contain recommendations for any remedial or further works at the site.
- C. A remediation method statement, to be agreed with the Local Planning Authority, prior to its commencement at site.
- D. A remediation validation report along with a signed copy of the attached certificate. This should be supplied prior to the occupation of any buildings at site.

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.

Informatives:

For the discharge of the site investigation, as a minimum, the report should include:

- a) Details of an overview of the initial walkover survey to including the identification of contaminants from other sources e.g. gases emitted from natural organic deposits such as coal, or structures such as disused drains.
- b) Detailed on site sampling to identify any contamination.
- c) The locations of any contaminated zones within the site including details of more extensive and geographically wider investigation of these zones. This will provide a more reliable picture of the distribution of contamination on the site and reduce the risk of failing to discover a hot spot of contamination.
- d) An assessment of any off site impacts such as the effect on watercourses etc.
- e) A thorough explanation of the chosen remedial measures including depth, breadth of excavation and details of soil replacement.
- f) Plan of action if further contamination is identified during remediation.
- g) Details of the measures to verify that the contaminant has been removed to an acceptable level.
- h) The identification as to whether a long-term monitoring and maintenance programme is required, if so, details of the plans.
- i) Details of the long and short term risk to human health including the construction phase and post-development.
- j) Details of the British Standards or other guidelines used in both the assessment and remediation measures proposed.

Further guidance can be obtained from the following:

- I. Model Procedures for the Management of Land Contamination CLR 11
- II. CLR Guidance notes on Soil Guideline Values, DEFRA and EA
- III. Sampling Strategies for Contaminated Land, CLR4 1994, DoE.
- IV. Investigation of Potentially Contaminated Land Sites - Code of Practice, BSI 10175 2001.
- V. Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination, R & D Technical Report P5 - 066/TR 2001, Environment Agency.
- VI. Guidance for the Safe Development of Housing on Land Affected by Contamination' Environment Agency. ISBN 0113101775.

Soil contamination or the potential for it is a material planning consideration and must be taken into account by a local planning authority in the determination of a planning application. This site is suspected to be contaminated with chemicals associated with farming. The responsibilities for providing information on whether and how a site is contaminated rests with the developer, as does the subsequent safe development and secure occupancy of the site. Under these circumstances, you should undertake a site investigation and submit the results and remediation proposals as part of the planning application.

If a reclamation strategy is submitted and agreed by the planning authority compliance with it will be condition of any subsequent approval.

The developer will also be required to sign a completion certificate confirming that the works of reclamation have been carried out in accordance with the agreed strategy. You are advised to note the attached comments of Severn Trent Water in respect of the sewers that pass through the application site.

