

SOUTH DERBYSHIRE DISTRICT COUNCIL

DEVELOPMENT CONTROL SUB-COMMITTEE – 5th March 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

INDEX TO REPORT – 5th March, 2002

Application Reference	Item No.	Place	Ward	Page No.
9/2001/0762	A1	Swadlincote	Newhall	1
9/2001/0848	A2	Linton	Linton	8
9/2001/0894	A3	Castle Gresley	Linton	12
9/2001/1050	A4	Newhall	Newhall	16
9/2001/1143	A5	Swadlincote	Swadlincote	20
9/2001/1162	A6	Findern	Etwall	21
9/2001/1195	A7	Castle Gresley	Gresley	25
9/2001/1254	A8	Kings Newton	Melbourne	29
9/2002/0001	A9	Drakelow	Walton	33
9/2002/0027	A10	Shardlow	Aston	35
9/2002/0073	A11	Stanton by Bridge	Ticknall	40
9/2001/1244	B1	Ticknall	Ticknall	42

05/03/2002

Item A1**Reg. No.** 9 2001 0762**Applicant:**

St Modwen Development
Lyndon House
58-62 Hagley Road
Edgbaston
Birmingham
B16 8PE

Agent:

Robert Gardner Ltd
Friars Court
College Street
Gloucester
GL1 2NE

Proposal: Refurbishment, alterations and extension of buildings, plus new buildings to form B1, B2 and B8 accommodation together with ancillary loading areas, car parks, access and landscaping Land At Former Swadlincote Colliery Hearthcote Road Swadlincote

Ward: Newhall

Valid Date: 10/08/2001

Site Description

This 2.8 ha site represents the site of the former Swadlincote Colliery on the north side of Hearthcote Road some 30m west of George Holmes Way in Swadlincote. It is located between existing commercial development and on the opposite side of Hearthcote Road is housing fronting onto Fabis Close.

Proposal

The application is in outline with all matters except access reserved for subsequent approval.

Notwithstanding this it is proposed to develop the site for a mix of B1 (Business), B2 (General Industrial) and B8 (Storage or Distribution) uses. An indicative plan has been submitted showing the site sub-divided into eleven plots and served by a central spine road. Existing buildings would be utilised on four of the plots.

Responses to Consultations

The final comments from the Environment Agency (EA) are awaited in response to the applicant's contamination report. These will be reported to the meeting verbally if they are available.

In addition, the EA requests further details of surface water drainage; that only clean, uncontaminated soils and inert materials should be used for restoration, infilling, landscaping, and roadway infrastructure; that all surface water drainage from parking areas and hardstandings

are to be passed through an oil interceptor and that all oils fuels and chemicals are to be appropriately stored.

In response to the contamination report the Environmental Health Officer (EHO) comments that it is adequate but points out that the buildings which are to be demolished may contain asbestos.

In response to the EHO concerns raised about noise generation the applicant responded by saying that with respect to traffic noise the “nearest housing to the site is on the opposite side of Hearthcote Road, which will give rise to a degree of back ground noise in any event. However, the affect of noise generated on the site on nearby housing is very much a function of the siting and design of buildings. Given that these are reserved matters under the current application it would be appropriate to consider noise issues in detail at the time of any reserved matters application.”

The EHO has agreed to this approach but recommends that hours of operation during construction are restricted to:

8.00 to 18.00 Monday to Friday; 8.00 to 13.00 Saturdays with no working on Sundays

Severn Trent Water Ltd has no objections subject to the satisfactory disposal of foul and surface water.

The Ramblers Association comment that the work look as though they will affect Footpath 45.

Responses to Publicity

A petition of objection has been received signed by fifty residents of Hearthcote Road. The objection relates to the access and it is stated that it should be from Nadins Way thereby taking all the heavy traffic away from the residential area. Additionally, it is stated that “residents have seen a considerable increase in traffic down Hearthcote Road since Nadins Way was opened, and with this plan to develop the site a considerable amount of heavy goods traffic is inevitable on a road that is not built to take this volume of traffic.” It is also proposed that the Council consider placing a weight restriction on this road.

The MP asks if there are any obligations placed on RJB to provide access to Nadin’s Way to businesses currently accessing Hearthcote Road. He noted that the St Modwen application assumes continued use of Hearthcote Road and that Nadin’s Way would clearly be a more appropriate route for commercial traffic.

Two further letters of objection have been received from residents on Fabis Close and make the following points:

- It will lead to an increase in traffic especially HGVs during the construction phase.
- Hearthcote Road is the main pedestrian route for children attending Pingle School from Walton Park Estate and the surrounding area.
- Access to the site would be better from Nadins Way.
- There is no indication of what the buildings will be or what they will be used for.
- There would be a loss of privacy if the screening is not adequate.
- The car parks could become meeting places for youngsters creating noise and disturbance.

- There should be no night-time shift working as this could cause significant disturbance for anybody sleeping in their bedrooms.
- Lorries in the early morning and late at night will disturb local residents and in the summer months when people tend to sleep with the windows open.
- The industrial units are likely to cause noise and disturbance and are the units intended to be used at weekends and Bank Holidays?

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Economy Policy 2: Location of Business, General Industrial and Minor Distribution Provision

Local Plan: Employment Policy 3: Industrial and Business Development in Swadlincote; Employment Policy 7: Industrial Regeneration; Employment Policy 8: New Development.

Planning Considerations

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

- The principle of the development and the impact of the regeneration of a former employment site.
- Noise and disturbance to local residents.
- Visual impact to local residents and on a main approach road to the town centre.
- The need to promote modes of transport other than the private car.
- Site contamination.
- Ground instability.

Planning Assessment

Employment Policy 7 of the South Derbyshire Local Plan generally supports the redevelopment of former industrial sites and buildings for industrial and business development provided the proposal is not detrimental to the amenity and character of the locality on environmental and traffic grounds. Therefore, as this site represents a former industrial site the principle of its redevelopment for the uses proposed is acceptable.

The location of the nearest residential properties is noted. However, the site was previously used for employment-related purposes and noise attenuation measures and a restriction on any outside working and storage can mitigate the potential for noise and disturbance to local residents. This is reflected in the recommended conditions. There may be a marginal increase in back ground traffic noise as vehicles enter and leave the site, which is inevitable if the site is to be redeveloped. However, a condition to control working hours would limit traffic movements at unsociable hours. Therefore, subject to conditions the impact on residential amenity of the proposal is acceptable.

No access to the site is available from the rear of the site, i.e. Nadin's Way. Therefore, it is not possible to require access to be provided from this direction.

Additionally, the provision of landscaping along the site frontage would mitigate the visual impact of the development and enhance the appearance of the area generally, which is on a main

approach road to the town centre. It is therefore recommended that a 15m deep belt of landscaping be provided along the site frontage.

The site layout should be designed to be pedestrian and cycle friendly and provision should be made for secure cycle storage. The former can be agreed at the reserved matter stage and the latter secured by condition.

With respect to site contamination the final comments from the Environment Agency are awaited. However, the submitted report is generally acceptable and should not present a constraint on development.

With respect to ground instability, the applicant's report on this matter is inconclusive and recommends further investigation. The applicant is fully aware that there may be ground instability the extent of which can be determined at a later stage. It is the developer's responsibility to ensure that the site is suitable for development. An appropriate condition is recommended to cover this issue.

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(s) 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 commence on site in connection with this approval until the access to Hearthcote Road has been provided with a minimum 10.5m radii and, unless otherwise agreed, until footways have been provided extending to the internal tangent points. The footways and carriageway for a minimum distance of 15m, shall be surfaced with a solid bound material.

Reason: As recommended by the Highway Authority in the interests of highway safety and efficiency.

4. No development shall commence on site in connection with this approval until visibility sight lines have been provided extending from a point 4.5m back from the Hearthcote Road carriageway edge, measured along the centre line of the access, to the extremities of the site frontage in each direction. The land in advance of the sightlines shall be cleared and permanently maintained free of obstructions exceeding, relative to road level, 1m in height in the case of walls or fences or 600mm in height in the case of vegetation.

Reason: As recommended by the Highway Authority in the interests of highway safety and efficiency.

5. No development shall commence on site in connection with this approval until space has been provided within the curtilage for site accommodation, material and plant storage, employee/visitor parking space and lorry loading, unloading, parking and manoeuvring space, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The facilities shall be maintained throughout the construction period.

Reason: As recommended by the Highway Authority in the interests of highway safety.

6. The development shall not prejudice the line, structural stability or safe pedestrian use of Public Footpath 45 which passes through the site. If the footpath is to be enclosed it shall be surfaced before any of the buildings are occupied in accordance with a scheme first submitted to and approved by the Local Planning Authority.

Reason: In the interests of pedestrian safety.

7. The landscaping scheme shall include a 15m deep tree and shrub planting belt measured from the back edge of the highway for the full width of the site (excluding the access).

Reason: To mitigate the impact of the development on the amenities of the residential area and to enhance the appearance of Hearthcote Road which is one of the major routes into the town centre.

8. Further to conditions 2 and 7 above, soft landscape details shall include planting plans; trees to be retained, 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.

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. 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.

11. No work shall take place on the site in connection with this development until details of a scheme for the disposal of surface water 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 and timetable agreed.

Reason: As recommended by the Environment Agency in the interests of flood protection and as recommended by Severn Trent Water Limited to ensure the development is provided with a satisfactory means of drainage.

12. Only clean, uncontaminated soils and inert materials are to be used for restoration, infilling, regrading, landscaping and roadway-infrastructure.

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

13. 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 an oil interceptor, designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

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

14. During the period of construction and following completion of development, facilities for the storage of oils, fuels or chemicals, hereby approved, shall be sited on impervious bases and surrounded by impervious 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 should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks plus 10%. All filling points, vents or gauges and site glasses must be located within the bund. 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 be protected from accidental damage. All filling points and tank overflow pipe outlets shall be designed to discharge downwards into the bund.

Reason: In the interests of pollution control.

15. The internal layout of the site shall make provision for ease and safe movement of pedestrians and cyclists.

Reason: To encourage modes of transport other than the private car.

16. Each industrial unit shall be provided with a covered cycle rack in a dedicated area before that unit is first brought into use in accordance with details that have been submitted to and approved in writing by the local planning authority.

Reason: To encourage modes of transport other than the private car.

17. There shall be no outside storage or working on any part of the site.

Reason: To safeguard the amenities of the area.

18. Before any of the buildings are brought into use details of the working hours for the building in question shall be submitted to and approved in writing by the Local Planning Authority and the hours of working shall be in compliance with those agreed hours unless the Local Planning Authority agrees in writing to any variation.

Reason: To safeguard the amenities of local residents.

19. The siting details shall include details of the design and positions of noise control measures to be installed including barriers and bunding and these shall be completed in accordance with the agreed details before the building to which they relate is brought into use.

Reason: To safeguard the amenities of local residents.

20. Prior to the erection of any building details of sound insulation for that building shall be submitted to and approved in writing by the Local Planning Authority and the insulation shall be installed in accordance with the agreed details before the building is brought into use and be maintained as such thereafter.

Reason: To safeguard the amenities of local residents.

21. No work shall take place on the site until an adequate site investigation and assessment of ground stability has been undertaken and submitted to the Local Planning Authority, and the development shall incorporate any measures shown in that assessment to be necessary for the stability of the development.

Reason: To ensure the stability of the development.

Informative:

(i) During and subsequent to the development, all precautions shall be taken, and appropriate facilities installed, to prevent the run-off or discharge of any coloured, silted or contaminated water from the site or its associated areas into any ditch or watercourse, either directly or indirectly

(ii) The Environment Agency advises that during and subsequent to the development, all precautions should be taken, and appropriate facilities installed, to prevent the run-off or discharge of any coloured, silted or contaminated water from the site or its associated areas into any ditch or watercourse, either directly or indirectly. It also requests that all foul drainage, trade effluent (including vehicle wash waters), and other contaminated waters be directed to the main foul water sewer system.

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

05/03/2002

Item **A2****Reg. No.** **9 2001 0848****Applicant:**

Mr D Langley
 Old Stable House
 10 Acresfrod Road
 Overseal
 Derbyshire

Agent:

Mr. C. A. Underwood
 The Barn, Church Lane
 Ravenstone
 Coalville
 Leicestershire
 LE67 2AE

Proposal: **The erection of three detached house in accordance with condition 2 of 9/1999/0074/O on the site of Methodist Chapel Coton Park Linton Swadlincote**

Ward: **Linton**

Valid Date: **24/08/2001**

Site Description

The site lies on the eastern side of the village of Coton Park within the village envelope defined in the South Derbyshire Local Plan. To the north of the site, across the road, are further dwellings, whilst additional dwelling units also occupy land to the south of the site.

An existing access is to the east of the site.

Proposal

The originally submitted site area included only the area covered by the outline permission but did not include the existing agricultural access referred to above. However, following discussions with the County Highway Authority, the application site has now been extended to include, and enable use of, the access.

The submitted details (recently amended) shows three, three bedroom detached houses with access served by the improved field access providing a private drive and rear vehicular access to all dwellings.

Planning History

Outline permission for the residential development of a slightly smaller site (i.e. without the agricultural access) was granted permission in 1999.

Responses to Consultations

The Parish Council and Severn Trent Water have no objections to the amended scheme.

The County Highway Authority is now content that the amended scheme showing the access located away from a bend is acceptable.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 3. Housing Policy 5.

Local Plan: Housing Policy 5 and 11.

Planning Considerations

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

- The application of prevailing development plan policy and other material considerations.
- The impact of the scheme on highway safety.
- The acceptability of the design and layout.

Planning Assessment

The majority of the site is located within the village confines of Coton Park as defined in the extant South Derbyshire Local Plan. The only change in site area from the outline permission granted relates to the inclusion within the site of the access point referred to above. Therefore, in principle the development of the site is acceptable. This is notwithstanding the Council's recently adopted policy on sustainable development which is overridden in this case due to the existing permission that exists on the site for residential development.

The increase in the site area has only taken place to enable a safer access to be incorporated into the scheme at the request of the County Highway Authority. No new building would take place on this area of the site. As a result of the access improvements proposed, the County Highway Authority is satisfied that the scheme would not be detrimental to highway safety.

With regard to design, the amended scheme shows relatively modest houses in a traditional style. They are acceptable.

There would be no detrimental impact on the amenity of nearby dwellings caused by the new units.

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 part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.

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

3. Notwithstanding 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.

4. Prior to the first occupation of any dwelling hereby permitted, the access shall be laid out in accord with the amended drawing and constructed and surfaced with a solid bound material for at least 10 m into the site from the highway boundary and shall incorporate measures to prevent the flow of surface water onto the highway.

Reason: In the interests of highway safety.

5. Prior to the first occupation of the development hereby permitted, the driveway shall be laid out in accordance with the attached drawing (37420) and maintained in perpetuity free of obstruction to allow access and turning.

Reason: In the interests of highway safety.

6. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate two cars within the curtilage of each dwelling, or in any alternative location acceptable to the Local Planning Authority or as may otherwise be agreed by the Local Planning Authority in accordance with its published standards. 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 each dwelling unless as may otherwise be approved in writing by the Local Planning Authority.

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

7. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 136/4 and 136/5/2001 dated November 2001.

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

8. 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.

Informative:

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

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

05/03/2002

Item A3**Reg. No.** 9 2001 0894**Applicant:**

Easylike Ltd
 C/O Bates Weston
 The Mills, Canal Street
 Derby
 DE12RJ

Agent:

Mr. P. Billham
 Planning & Design
 Old School Lodge
 Aston On Trent
 Derbyshire
 DE72 2AF

Proposal: The erection of 7 detached house, 8 semi detached houses and 3 apartments (single three storey block) on the site of Castle Gresley Victory Club Bridge Street Castle Gresley Swadlincote

Ward: Linton

Valid Date: 06/09/2001

Report

At the meeting of this Committee on 12th February 2002 it was resolved to approve this application subject to the conditions outlined in the officer's report along with additional conditions regarding the submission of suitable boundary treatments, a wheel wash facility to ensure that vehicles leaving the site do not take mud onto the public highway and that suitable traffic calming is undertaken along Bridge Street in accord with a scheme that shall have first been agreed in writing by the Local Planning Authority.

Whilst the first two of these are acceptable the final requirement regarding traffic calming has been discussed with the highway authority (HA) who do not consider such a condition is necessary and consider it should not be placed on any approval. This is because the HA do not believe that traffic calming is necessary in this case and that as HA they would be likely to very critical of any scheme to traffic calm Bridge Street. This may result in the applicant being left with a permission that would be impossible to implement, as the final say on any scheme would be left with the HA, unless an appeal against the imposed condition was made and won.

Therefore, it is recommended that permission is granted subject to the conditions on the original officer report and two additional conditions regarding wheel washing and boundary treatments.

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 part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.

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

3. No development shall take place until details of a scheme for the disposal of surface and foul water, including the disposal of highway surface water via a positive gravity fed system discharging to an outfall in public sewer, highway drain or watercourse, 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. 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. In particular the scheme shall make provision for the installation of two metre high fencing around the existing boundaries with residential properties. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

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

5. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. E32/1A, E32/2A and E32/3B.

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

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.

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.

8. Notwithstanding the submitted details, in the first planting season following the first occupation of the site, the area marked on the opposite side of Bridge Street as "Open Space" shall be set out in accordance with the landscaping scheme as required by condition 6 above. Thereafter the space shall be available for public access and used for no other purpose.

Reason: To satisfy the requirements of the development plan in the provision of open space for the area.

9. 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.

10. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate two cars within the curtilage of each dwelling, or in any alternative location acceptable to the Local Planning Authority or as may otherwise be agreed by the Local Planning Authority in accordance with its published standards. 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 each dwelling unless as may otherwise be approved in writing by the Local Planning Authority.

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

11. No dwellings shall be occupied until the proposed estate street and the length of Bridge Street from Cross Street serving the development 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 to at least base course level, drained and lit in accordance with the County Council's Specification for Housing Development Roads.

Reason: In the interests of highway safety.

12. Prior to the first occupation to which it relates, private driveways shall be laid out and constructed and surfaced with a solid bound material at a gradient no steeper than 1 in 15 and shall incorporate measures to prevent the flow of surface water onto the highway.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

15. Prior to the development hereby approved commencing details of wheel washing facilities to prevent vehicles leaving the site and taking mud or other extraneous materials onto the public highway shall be installed at the site exit. Those facilities shall then be retained available for use until all development on the site has ceased.

Reason: In the interests of highway safety.

Informative:

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

(ii) 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.

(iii) The public open space as shown on the submitted details and as required by condition 8 is maintainable at the landowners expense unless or until the Council agrees to adopt the space with a commuted sum for its 10 year maintenance.

(iv) To note and act upon as necessary the comments of Severn Trent Water (see attached letter).

(v) The boundary treatments required by condition 4 shall incorporate within the timetable required provision for the fencing to the boundaries with residential properties to be put in place prior to work beginning on site.

05/03/2002

Item A4**Reg. No.** 9 2001 1050

Applicant:
 Shobnall Building Contractors Ltd
 15 Lordswell Road
 Shobnall
 Burton On Trent
 Staffs
 DE142TA

Agent:
 John Ireland
 Hanbury Developments
 9 Oakfields
 Hanbury
 Burton On Trent
 Staffs
 DE138TP

Proposal: The erection of four houses on Land Being The Sites Of 12 - 16 Main Street Newhall Swadlincote

Ward: Newhall

Valid Date: 27/11/2001

Site Description

The site fronts onto Main Street in Newhall and is some 21m wide by 40m deep. It is located to the rear of two dwellings fronting Bretby Road and the Freehold Tavern car park. On its western side is another cleared site, which is the subject of a separate planning application for residential development. That application is yet to be determined.

Proposal

It is proposed to erect four two-storey dwellings linked to each other by garages. Access would be off Main Street and would run parallel to the eastern boundary of the site to serve each dwelling. The front elevations would face the rear elevations of the properties facing Bretby Road and the end gable of plot 1 would face onto Main Street.

Responses to Consultations

Severn Trent Water Ltd raises no objections subject to satisfactory details of drainage works for the disposal of surface water.

The Highway Authority raises no objections subject to the provision of satisfactory visibility splays, parking and manoeuvring facilities and the access to be surfaced in a solid bound material at a gradient no steeper than 1 in 15 and measures to be implemented to prevent the flow of surface water onto the highway.

Responses to Publicity

Two letters of objection to this proposal have been received, one from a neighbouring resident and the other from the developer of the adjoining site. The residential neighbour is concerned

that the principal elevations of the development would face the rear of her property and would result in a loss of privacy. Additionally, she states it would also result in the loss of two fir trees which provide a degree of screening. The neighbouring developer is concerned that the rear gardens would fall short of the 10.5m rear garden length as recommended in the Council's SPG on Housing Design and Layout. He suggests that a development facing Main Street would be more appropriate.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 4: Housing Development Swadlincote.

Also of relevance is PPG3: Housing and the Council's Supplementary Planning Guidance on Housing Design and Layout.

Planning Considerations

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

- The principle of the development.
- Potential loss of privacy for neighbouring occupiers.
- The adequacy of rear garden areas.
- The impact of the development on the character of the area.
- Highway safety.

Planning Assessment

The site is located within the built up area of Newhall. Therefore, the principle of residential development on the site is acceptable.

With respect to potential loss of privacy the 21m distance recommended in the SPG to be maintained between main aspects would be achieved between the development and the rear elevations of dwellings on Bretby Road.

The development has also been considered against the proposed development on the neighbouring site to the west. To maintain an acceptable degree of privacy the dwelling on plot 4 has been resited 1.5m further forward into the site and the bedroom window on the rear elevation deleted and a rooflight inserted. This is now acceptable and accords with the Council's supplementary planning guidance.

The rear garden lengths would be below the recommended 10.5metres specified in the supplementary planning guidance (SPG) and range between 6.7m for plot 1 and 9.5m for plot 4. The garden areas would also in two cases also fall below the area required by SPG of 70 square metre area. However, the short fall in the area requirement is only 7 metres and 0.4 metres. This reduction below the standards is acceptable in this case as it has enabled an intensive use of the site in an attractive manner that will benefit the area in which it is located. The amenities of neighbouring development would not be affected by the garden length shortfall and would be acceptable for the type of dwellings proposed in this tight-knit location.

Elevation, boundary treatment and siting amendments have been made in the interests of the overall development. This has resulted in an overall development that reflects well the character of the area.

The requirements of the highway authority have been incorporated into the design of the scheme. Subject to conditions, the scheme would not be harmful to highway safety.

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. This permission shall relate to the amended drawings, nos 167/111A received on 11 February 2002, 1167/108 B received on 14 February 2002, 1167/105 received on 31 January 2002, 1167/106 received on 31 January 2002 and 1167/103 C received on 18 February 2002 showing in particular:

- a. A brick wall and railing front boundary treatment.
- b. The dwellings sited closer to the highway.
- c. A brick porch for plot 1 with a 45 degree roof pitch.
- d. Brick eaves and verges.
- e. The dwellings on plots 2 and 4 resited.
- f. The rear bedroom window on plot 4 deleted and a rooflight inserted.
- g. Brick cills and brick arch lintels.
- h. Amended fenestration details
- i. Brick dormers
- j. Vertically boarded garage doors

Reason: To enhance the appearance of the development and the streetscene and to reflect the local distinctiveness of the area and to safeguard the privacy of the occupiers of plot 4 and the occupiers of the neighbouring development.

3. No development shall commence on site until details of the brick and tile for the development have been submitted to and approved in writing by the Local Planning Authority. They shall be a small plain tile or similar and a slop moulded brick, and the development shall then be constructed using the agreed materials.

Reason: To safeguard the appearance of the area.

4. No dwelling shall be occupied until the parking and manoeuvring facilities associated with it have been provided as shown on the approved plan. These areas shall then be retained thereafter for that purpose.

Reason: To ensure sufficient off-street parking is provided in the interests of highway safety.

5. Prior to any dwelling being occupied the proposed access and driveway shall be surfaced in a bound material at a gradient no steeper than 1 in 15 and measures shall be implemented to prevent the flow of surface water onto the highway.

Reason: As recommended by the Highway Authority in the interests of highway safety.

6. No development shall commence on site until details of the boundary treatment along the rear boundary of the Freehold Tavern car park has been submitted to and approved in writing by the Local Planning Authority. The treatment shall be a brick wall and railing combination unless otherwise agreed in writing the Local Planning Authority.

Reason: To safeguard the amenities of the area.

7. The approved boundary treatment shall be completed before the dwellings are occupied.

Reason: To safeguard the amenities of the area.

8. Notwithstanding the provision 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 plot 4 under Schedule 2, Part 1, Class A shall be carried out without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

Reason: To safeguard the privacy of the occupier of plot 4 and occupiers of the neighbouring development

9. The first floor window on the rear elevation of the house on plot 4 shall be permanently glazed in obscure glass.

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

10. The development hereby permitted shall not commence until drainage works for the disposal of surface water have been carried out in accordance with the details to be submitted to and approved in writing by the local planning authority.

Reason: As recommended by Severn Trent Water Ltd as there are no public surface water sewers available within the vicinity of the site to serve this development.

Informative:

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

(ii) 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.

05/03/2002

Item A5**Reg. No.** 9 2001 1143

Applicant:
 Mr Mrs Satchwell
 18, Clamp Drive
 Swadlincote
 Derbyshire
 DE119BP

Agent:
 Mr Mrs Satchwell
 18, Clamp Drive
 Swadlincote
 Derbyshire
 DE119BP

Proposal: The retention of a 2.7 metre high retaining wall at 18 Clamp Drive Swadlincote

Ward: Swadlincote

Valid Date: 26/11/2001

Report

This application was deferred at the last meeting of this Committee to await the report of the Building Control Manager regarding the stability of the wall, the subject of this application.

The inspection of the wall has been carried out and, whilst no guarantee regarding the long term stability of the structure can be given, the wall is currently not un-safe.

Notwithstanding this the stability of any structure or indeed the matter of its construction is not a planning consideration.

Therefore, the planning considerations remain as set out in the original report attached as an appendix to this report.

Recommendation

GRANT permission

Informative:

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

(ii) 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.

05/03/2002

Item A6**Reg. No.** 9 2001 1162**Applicant:**
Mr C Winfield
5 Canal Bridge
Willington
Derby**Agent:**
Mr. B. A. Williamson
Genista
Broomhills Lane
Repton
Derbyshire
DE656FS**Proposal:** **The demolition of an outbuilding and the erection of a detached house on Land At The Rear Of The County Stores The Green Findern Derby****Ward:** Etwall**Valid Date:** 30/11/2001**Site Description**

The site comprises a building and associated land to the rear of the County Stores site off The Green in Findern. To the north of the site is a retail premises whilst to the south east is the parish hall. There are fixed boundaries to the north, east and south. However, the west boundary is an arbitrary line on the ground that reflects land ownership rather than a physical feature.

The site is located within the village confines of Findern, a sustainable settlement.

Proposal

The applicant seeks consent to demolish and rebuild the building that occupies the site to form a dwelling. Five parking spaces would be formed within the application site, three for the flats that are located above the existing retail premises and two for the proposed dwelling.

A tree within the site would be felled if planning permission were granted.

Planning History

Permission was granted for the erection of a dwelling on the site. However, that application included within the site an area of land that the applicants have subsequently found to lie outside their ownership and control.

Responses to Consultations

Findern Parish Council has objected to the development because there is insufficient parking space to serve the proposal, the flats and the shop on the frontage.

The County Highways Authority has no objection subject to conditions ensuring that the parking area is provided, a manoeuvring area is maintained free from obstructions to its use and the reduction of a wall to improve visibility at the site entrance.

Severn Trent Water has no objection.

Responses to Publicity

One letter has been received objecting to the development on the following grounds: -

- a) The application permitted last year required that a clear area of turning and parking space at the rear of the County Stores was made available. The new application is asking that this requirement be removed.
- b) There was another recent application rejected by the Authority as the site did not have sufficient parking and turning space and the objector is confident that the Council will make its judgement without fear or favour.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 1, Housing Policy 5.

Local Plan: Housing Policy 5.

Planning Considerations

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

- The policies of the development plan
- The adequacy of the parking and turning areas
- The impact on neighbours

Planning Assessment

The site is located within a sustainable settlement. Therefore, in principle, the proposal is acceptable and accords with the policies of the development plan.

As stated above the previously granted planning permission related to a larger site and included land that was not in the control of the applicant. This effectively reduces the level of parking/manoeuvring space that was previously available. Therefore, the issue that needs to be assessed is whether the area that would be now available for parking and turning is sufficient to allow vehicles to enter and leave the site in a forward gear that would not be detrimental to highway safety.

The parking area as now proposed is slightly contrived and two of the spaces are in tandem that would require one car to be moved before the other could be. However, this is a situation that is regularly found in many domestic situations and it is acceptable. The area of parking would also allow three spaces to be provided for the shop and flats and two for the proposed dwelling. This is adequate as the shop is now a single unit operating an appointment system and the remaining spaces would be able to serve the needs of the occupiers of the flats.

The turning area is the same as was previously approved and would be required to be retained available by condition, as was the case previously.

The wall at the site entrance is to be reduced in height should consent be granted. Should this be done the access point is acceptable.

The dwelling is the same design as permitted previously and there has been no change in the circumstances of the surrounding properties since that application was permitted. In this form there would be no adverse impact on the amenities of the adjoining residential property occupiers.

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. The dwelling shall not be occupied until the parking spaces have been provided and marked out in accordance with the details shown on submitted drawing no 5641.2C. Thereafter the spaces shall be maintained available for the parking of vehicles.

Reason: In the interests of highway safety.

3. The dwelling shall not be occupied until the parking spaces have been provided and marked out in accordance with the details shown on submitted drawing no 5641.2C. Thereafter the spaces shall be maintained available for the parking of vehicles.

Reason: In the interests of highway safety.

4. The dwelling shall not be occupied until the wall to the east of the access has been permanently removed and reduced in height in accordance with the details shown on submitted drawing no 5641.2C

Reason: In the interests of highway safety.

5. A sample of both the roof tile and the brick shall be submitted for approval in writing by the Local Planning Authority before work commences.

Reason: To ensure the building/extension is in keeping with its surrounding in the interest of the character and visual amenity of the area.

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

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the dwelling hereby permitted shall not be altered, enlarged or extended, no satellite dishes shall be affixed to the dwelling 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the garage accommodation/parking space to be provided in connection with the development shall not be used other than for the above stated purpose except with the prior permission of the Local Planning Authority granted on an application made in that regard.

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

05/03/2002

Item A7**Reg. No.** 9 2001 1195**Applicant:**

David Wilson Homes
 East Midlands
 Forest Business Park
 Cartwright Way
 Bardon Hill
 Leicestershire
 LE671UB

Agent:

David Wilson Homes
 East Midlands
 Forest Business Park
 Cartwright Way
 Bardon Hill
 Leicestershire
 LE671UB

Proposal: The erection of 185 dwellings in accordance with condition 2 of planning permission 9/0890/0515/O on Area B Land To The North Of Castle Road Castle Gresley Swadlincote

Ward: Gresley

Valid Date: 07/12/2001

Site Description

The site, which fronts onto Castle Road, occupies a low lying area of approximately 12 hectares adjoining an area of woodland and wetland covered by a Derbyshire Wildlife Site designation.

Proposal

This site is phase one of a larger scheme allocated in the Local Plan and granted outline-planning consent. It shows the site accessed off a new roundabout on Castle Road (adjacent to the Drum and Monkey Public House) with a main spine road leading into it.

The originally submitted scheme was not considered to be acceptable and an amended scheme has now been submitted which shows areas of landscaping within and around the site based on the location of existing mature hedgerows. The spine road is shown lined with a new avenue of trees and landscaping with all houses set back and fronting the road and the roundabout. One of the 'green' routes through the site is designed to form a cycle and pedestrian route to the proposed primary school to the north east. All of this additional landscaping is put forward in preference to any further formal play space which appears elsewhere on the wider site.

185 houses are proposed to be erected on the site.

Planning History

Outline permission for the residential development of the site was granted in April 2000.

Responses to Consultations

Severn Trent Water and the Environment Agency have no objections subject to conditions.

Responses to Publicity

A neighbouring farmer wishes to point out that livestock, hay and straw are kept in some of the outbuildings adjoining the site. He also states that a public footpath, which would be used to access the site, also provides access to his farm. As such he would like assurances that access would not be hindered. He also points out that a storm water sewer crosses the site that is not shown on the plans.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 11.

Supplementary Planning Guidance (SPG): Housing Design and Layout.

Planning Considerations

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

- The principle of the development.
- The layout and design of the scheme with regard to the SPG.
- The impact of the scheme on highway safety.

Planning Assessment

The site is an allocated site in the extant South Derbyshire Local Plan and it has the benefit of planning consent granted in outline in 2000. Therefore, the principle of the development has been established.

The Council's supplementary planning guidance (SPG) on housing design and layout seeks to ensure that new housing developments fully take into account the individual characteristics of a site and its surroundings and respect the presence of existing residential properties.

The scheme originally submitted failed to do this and discussions took place with the site developers. The scheme has been amended and shows the existing landscape features retained within the scheme and incorporated into the site layout. It also respects the adjoining properties and it pays close attention to the constraints of the site. The house type designs have also been amended to reflect the local vernacular and, with the use of conditions, would work well on the site and compliment the site's context. The scheme also shows a pleasant and safe route to the proposed school particularly for use by children approaching from Castle Gresley.

However, with regard to the current SPG standards, in seeking to ensure the density of the development is acceptable and in accord with PPG3, some of the separation distances within the site do not fully comply with the Council's outgoing standards. However, this is offset in this case by the benefits of the scheme that incorporates high quality landscaping areas and green pedestrian routes and an innovative layout.

The scheme has been fully designed in association with the requirements of the highway authority. Therefore, the layout would not have any adverse impact on highway safety.