

DEVELOPMENT CONTROL COMMITTEE – 2 August 2005

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).

REPORT OF THE PLANNING SERVICES MANAGER

1. Planning Applications

2. Appeals

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

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

02/08/2005

Item 1.1**Reg. No.** 9/2005/0035/M**Applicant:**

Swayfields Ltd
 1 Castle Hill
 Lincoln
 LN1 3AA

Agent:

Swayfields Ltd
 1 Castle Hill
 Lincoln
 LN1 3AA

Proposal: The formation of a trunk road service area including 100 bed lodge, public house, amenity building, petrol filling station, drive thru diner and associated car, coach and hgv parking and access at Land At Corner Of A50 And B5008 Etwall Road Willington Derby

Ward: Willington/Findern

Valid Date: 10/01/2005

Councillor Mrs Hood has instructed that this application be brought to Committee.

Site Description

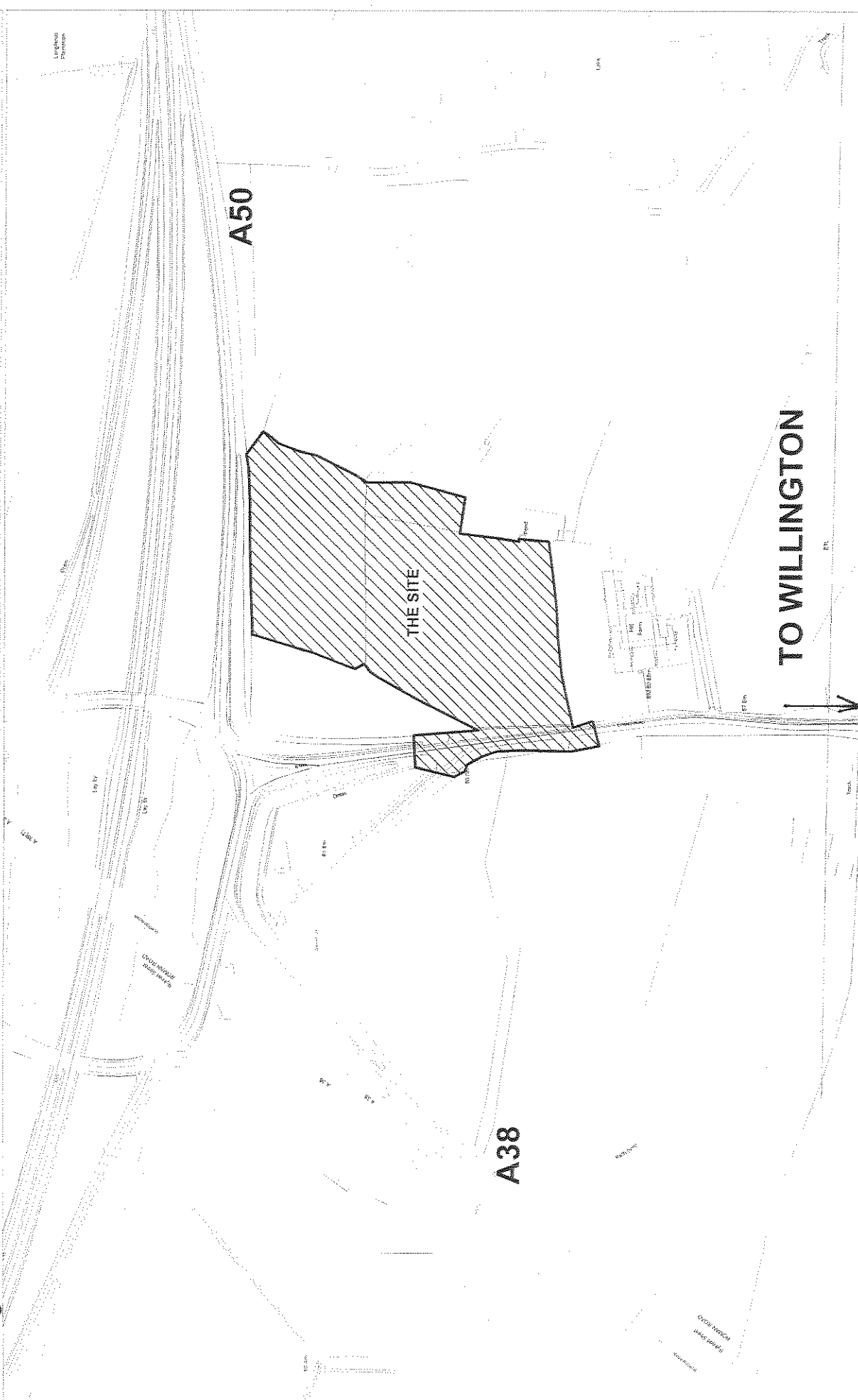
The site comprises part of the land allocated in the adopted Local Plan. It lies adjacent to the interchange of the A38 and A50. It is a relatively level site that is enclosed by hedges to the north, west and east, a post and rail fence encloses the southern boundary. Beyond this boundary is a group of buildings known as Hill Farm. The land was part of the original farm but the farmhouse and its outbuildings have been converted to dwellings. The house is Grade II Listed. Part of the site has a frontage to the B5008 road into Willington but the majority of the land on that frontage is in a separate ownership.

Proposal

The proposal contains all the elements that were required by the outline planning permission. The applicant wishes to undertake the development with a different layout to that which was granted reserved matters approval just over two years ago. The applicant has implemented that permission by constructing part of the access to the site and state that they would undertake the rest of that development if this proposal were not acceptable to the Local Planning Authority.

The main differences between this and the approved scheme are that the lorry parking area has been moved towards the south boundary of the site (i.e. 85m way rather than 100m) and the hotel/overnight accommodation has been shown against the east boundary of the site rather than the west. A public house and diner are proposed along the north boundary between the lodge and the western site boundary. An amenity building is proposed in the centre of the site that would contain the range of facilities normally found in a trunk road services area to meet the needs of the travelling public.

**9/2005/0035/M Land at Corner of A50 and B5008 Etwall Rd
Willington**



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Scale 1:5000

Plot centred at 428536 325343

Date Plotted 22/7/2005

9/2005/0035/M Land at College A50 and B5008 Elwell Rd
Willington



An amended site plan has been received showing access to the adjoining land to the west restored as in the permitted scheme.

Applicants' supporting information

Fewer buildings are proposed on the site (4 rather than 5). The proposed lodge building would now be a two-storey building rather than the three-storey building already approved. This would result in the ridge height being reduced by 2.6 metres. It is also argued that the siting of the building on the east boundary would reduce the impact of the lighting to the parking areas on the site.

In implementing the previous permission, the applicant prepared various documents to discharge conditions attached to that permission. These have also been submitted with this application and cover areas of drainage, ecology and fauna.

The landscaping of the site including the provision of the screen mound adjacent to the south boundary proposed in the permitted scheme, are also included as part of this proposal. Materials of construction have been specified as Baggeridge autumn russet stock for the bricks and Staffordshire Blue tile or their concrete alternative for the roofs.

Planning History

Planning permission for the creation of a roadside services was first granted in 1997 following the allocation for the site in the then emerging South Derbyshire Local Plan following its endorsement by the Local Plan Inspector. It was subsequently shown as an allocation in the adopted South Derbyshire Local Plan. The permission was subsequently extended in 2000. In 2003, shortly before the outline permission expired, a reserved matters application was submitted and consent was granted subject to conditions. The conditions precedent from the outline planning permission and the reserved matters were discharged earlier this year and a start made on the site in order to implement the permission.

The original and subsequent outline planning permission had a Section 106 Agreement attached to them. This required the improvements to Hill farm and its outbuildings and the opening of various elements of the trunk road services area at the same time. The aim of this was to ensure that a comprehensive range of facilities is available to the travelling public.

As stated above the permission, renewed in 2003, has been implemented and the applicant is free to carry on with that permission should they so wish.

Responses to Consultations

Willington Parish Council has objected for the following reasons:

- a) The inclusion of a public house would induce drink driving; a restaurant with a licence would be preferable.
- b) The A38/A50 interchange already suffers from poor lane discipline; extra traffic would compound the problem.
- c) It is suggested that a 7 tonne weight limit be imposed on the lane south of the proposed access.
- d) It is unclear what safeguards are to be introduced to prevent run-off of polluted water at times of heavy rain.

The County Highway Authority has no objection subject to conditions requiring the access to Etwall Road being implemented prior to the commencement of other works in accordance with an approved scheme; provision within the site for the necessary site accommodation works; and provision of the parking areas shown on the submitted drawings.

The Highways Agency has no objection subject to implementation of the works shown on Drawing HSL 00876/003/A in accordance with an agreed timescale set by the Highways Agency in the conditions it directs should be imposed on any permission.

The Environment Agency has no objection subject to the drainage being undertaken in accordance with the submitted drainage details.

Severn Trent Water has no objection subject to satisfactory details being submitted (it accepted details for the permitted scheme earlier this year).

English Nature has no objection subject to conditions controlling works in the vicinity of protected species and the carrying out of surveys on trees to be removed to ensure that no other protected species are present prior to the removal of the trees.

The Crime Prevention Design Advisor (CPDA) has made various suggestions that could improve the security of the operations at the site. The applicant and the CPDA have since communicated and having seen the detailed proposals for the layout of the amenity building, the CPDA has stated that he has no further comments.

Central Networks, that has electricity service equipment passing over the site, has no objection to the development.

The Environmental Protection Manager suggests that a contaminated land report be prepared because of the size of the site and has drawn attention to the Council's responsibilities for fuel fume recovery during deliveries at service stations.

The Design and Conservation Officer considers that the proposal would have no greater impact on the listed building to the south than the approved scheme. It is noted that the HGV parking is closer to Hill Farm but the mounding and planting should effectively screen it from the Development. It would be desirable however to control lighting in the vicinity of the HGV parking to ensure that light is not thrown towards the listed buildings.

Responses to Publicity

In response to an initial consultation, the owners of the adjacent allocated land objected to the development. However, following discussions with the applicant and the submission of an amended plan, the objection was withdrawn.

Three other letters were received objecting to the development for the following reasons: -

- a) The development would spoil the outlook from the Grade II listed buildings that lie to the south of the site. The proposed development would not be in keeping with the character of the area; no thought seems to have been given to this in drawing up the proposals. It would also be highly visible from the east towards Findern.

- b) The Burnaston Cross land would be better suited to this development as it is not so prominent in the landscape and thus less visually intrusive; it would not affect the setting of Hill Farm to the same extent; it would result in less pressure from developers of the remaining pockets of adjoining land.
- c) The pollution from the site would destroy the avenue of protected lime trees in the Hill Farm. Emissions from the site could potentially destroy the buildings, and it is not clear who would pay for such damage.
- d) The increase in traffic from the site would cause additional hazards for users of the B5008 that already has a notorious accident record. The development requires significant detours from the line of both the A38 and A50 adding to mileage and emissions. The junction of the B5008 to the Traffic Island is hazardous due to the speed and volume of traffic on the island conflicting with traffic seeking to exit the junction.
- e) The Highways Agency has queried the distance between service areas on Trunk Roads. If this advice is followed, then there should be a site at Foston or Dove Valley Park may therefore be a better alternative as there is already extensive development in that area.
- f) Noise from traffic would increase, particularly from HGV lorries when they charge their air brakes following a visit to the services and when the lorries leave the site to return to the trunk roads 'up the slope'. The site is only accessible by car or other motorised transport. The additional traffic would cause noise and pollution in the villages of Willington and Repton and degrade the homes in the area, particularly that of the objector.
- g) Lighting from the site could adversely affect the setting of Hill Farm unless it is controlled.
- h) There are existing facilities on the A38 within 1 mile of the junction and within 10 miles on the A50 – the viability of the development is therefore in doubt. The existing businesses could be adversely affected by this development. The proposal offers no real benefits to the local population.
- i) The Council should protect the countryside not make it into an industrial town; views and clean air should be preserved in their own right to attract visitors to the area. The trunk road service area should not be allowed to proceed.

Development Plan Policies

The relevant policies are:

RSS8: Policies 6 & 15

Joint Structure Plan: General Development Strategy Policy 4, Transport Policy 19

Local Plan: Environment Policy 1, Transport Policy 10.

Planning Considerations

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

- The development plan.
- The Section 106 Agreement from the outline planning permission.
- Visual intrusion in the wider area.
- The impact on the listed building and trees.
- The impact on the highway system.
- The requirements of the consultees.

Planning Assessment

The Development Plan for the area is as set out above and the land is allocated in the Development Plan. In any event there is a permanent planning permission in place which has been implemented. Thus allocations in the Local Plan have been met by the permitted scheme. The issue for this application is whether the alternative scheme now proposed to develop the site is acceptable to the one already permitted.

A Section 106 Agreement accompanied the previous permission – amongst its requirements are the provision of fuel facilities, overnight accommodation, eating facilities and a picnic area. It also requires the provision of lorry and car parking and toilet facilities. These facilities must be open to the public 24 hours a day/365 days a year. The agreement also contains clauses to bring about the restoration of Hill Farm and its outbuildings within a time scale. That part of the Agreement has now been discharged. As the application relates solely to the trunk road facility, the need for a new Section 106 agreement has been superseded as the requirements can be provided through a unilateral undertaking (under Section 106).

A comparison of the visual intrusion from built development arising from the proposed scheme as opposed to the permitted development must be made. The current scheme suggests that a lower eaves and ridge height would compensate for the change to the location of the lodge building. It is argued that the building would afford a better screen to the parking and lit areas of the site than would be the case with the permitted scheme. Woodland planting is proposed to the east boundary that would over time allow for a greater amount of screening.

The Local Planning Authority would have to argue that the material change was such that it adversely affected the character and appearance of the countryside hereabouts compared to the permitted scheme. Provided suitable materials of construction are utilised, and the landscaping on this part of the site is implemented in the first planting season, then any change to the impact of the development would be sufficiently mitigated.

Concern has been raised about the impact of the development on the complex of dwellings at Hill Farm. Provision has been made in the submitted scheme to provide a landscaped bund along the south boundary of the site. A condition is recommended in this permission, as with the permitted scheme, requiring that the bund be constructed at an early stage with the planting being undertaken in the first planting season following the completion of the bund. This should ensure an early installation of the bund to provide a screening benefit rather than waiting for the completion of the development as is the usually the case.

Given the surface water drainage proposals accepted by the Environment Agency, it is unlikely that the protected trees that are some 130 metres from the south boundary of the site and some 200 metres from the nearest area of hard standing, would be affected by the proposed development to any greater degree than is the case with the permitted scheme.

Both the Highways Agency and the County Highway Authority have examined the impact of the proposal on the highway system. Neither has raised an objection to the development but recommend conditions to secure safe access to the B5008 and ultimately to the A38/A50 interchange as well as promoting highway safety improvements to the interchange.

The requirements of the other consultees can be catered for through the imposition of conditions particularly those required by English Nature.

The issue raised by the Parish Council in regard to the suitability of a public house on the site is a licensing not a planning issue.

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

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. Notwithstanding the originally submitted details, this permission shall relate to the following drawing nos: 180W/PA - 1, /PA-2B, /PA-3, /PA-4, /PA5, /PA-6, /PA-7 & /PA-8.
Reason: For the avoidance of doubt, the original submission being considered unacceptable.
4. The materials of construction shall be as set out in your letter dated 18 April 2005 for the application 9/2000/0241/R unless the Local Planning Authority has given prior written consent to any variation.
Reason: To safeguard the appearance of the existing building and the locality generally.
5. All hard and soft landscape works shall be carried out in accordance with the approved details shown on Drawing No 233-001, the schedule of Landscape Works and the plant schedule submitted under cover of your letter dated 12 January 2005. The works to form and landscape the mound on the south boundary of the site shall be undertaken prior to the commencement of other building works following the completion of the access to the site. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
Reason: In the interests of the appearance of the area.
6. 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 and to reduce the impact of the development on the character and setting of the Grade II Listed Building.
7. The development hereby permitted shall make provision for vehicular access by all classes of road going traffic and pedestrian access to the boundary of the adjoining land as shown on the submitted drawing 180W/PA-2B and marked 'Access to adjacent land.'
Reason: To ensure that a comprehensive roadside facility is provided at Hill Farm, Willington in accordance with the requirements of Transport Policy 10 of the deposit South Derbyshire Local Plan and to ensure that the allocated land is served by a single point of access in the interests of highway safety.

8. Unless otherwise agreed in writing with the Local Planning Authority, no development shall be commenced until the roundabout, access and associated highway works have been implemented in accordance with a detailed design first approved by the Local Planning Authority in consultation with the County Highway Authority.

Reason: In the interests of highway safety.

9. Temporary access to the site for construction purposes shall 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 be provided in accordance with the details on Drawing HSL00798/005/B submitted under planning permission 9/2003/0261/D.

Reason: In the interests of highway safety.

10. The car parking spaces/manoeuvring areas shown on the approved plans referred to above shall be hard surfaced with a solid bound material and marked out prior to the first use of the development and thereafter retained for that purpose free of obstruction.

Reason: In the interests of highway safety.

11. The forward visibility for drivers at the southern exit of the roundabout shall be increased to 120 metres by the relocation of the Hill Farm boundary or as otherwise may be agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

12. The development hereby permitted shall not commence unless and until improvements to the circulatory carriageway and its immediate approaches, substantially in accordance with the scheme illustrated on drawing number HSL00867/003A or such other measures as may be determined through discussion with the highway authority, have been detailed in a scheme to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Huthority.

To ensure that the A38 and A50 trunk roads continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic emerging from the application site and in the interests of road safety.

13. Development within the site boundary shall be undertaken in accordance with the Ecological Survey carried out by ECUS and submitted under cover of your letter dated 19 April 2005 subject to a mitigation plan being submitted to and approved in writing by the Local Planning Authority to ensure that disturbance to the protected species on the site is minimised. Trees to be removed from the site shall be surveyed prior to felling for the presence of bats. No site clearance shall be undertaken during the bird-nesting season.

Reason: To safeguard the habitat of protected species that may be present on the site.

14. The development hereby permitted shall not be brought into use unless and until the agreed improvement works have been subject to the appropriate detailed design process in accordance with the Design Manual for Roads and Bridges (DMRB) and have been implemented

Reason: To ensure that the A38 and A50 trunk roads continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic emerging from the application site and in the interests of road safety.

15. Foul and surface water drainage for the site shall be undertaken in accord with the details prepared by George Shuttleworth Ltd and submitted under cover of your letter dated 19 April 2005 unless any alternative scheme is agreed with the Local Planning Authority in consultation with Severn Trent Water and the Environment Agency.

Reason: In order to ensure that there is an adequate means of foul and surface water disposal in order to prevent pollution of the water environment.

16. Any tanks 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.

17. 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: In the interests of pollution control.

18. 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 minimise the impact of the lighting on the rural area and to ensure that lighting does not intrude outside the site.

19. 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.

20. 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 character of the area.

Informatives:

Further to Condition 13 above the mitigation plan shall address whether the protected species would lose foraging grounds that may result in the habitat being abandoned; the potential for loss of access to the habitat; measure to prevent access to the development site during construction; measures to minimise the impact of lighting on the habitat and demonstrate how the landscaping scheme would minimise the impact on the habitat.

You are reminded that you will require an agreement under Section 278 of the Highways Act 1980 prior to carrying out any works within the highway.

The Local Authority Environmental Health Department regulates the vapour recovery systems for filling station fuel tanks when fuel tankers fill them. The site must have a valid permit to operate if the total quantity of petrol unloaded into the tanks is likely to 100 cubic metres or more in any 12-month period. This is likely to be a lengthy process and as the site is likely to exceed this figure, you are advised to Contact the Environmental Health Department at South Derbyshire District Council so that a certificate can be issued prior to the first use of the site as a petrol filling station.

Conditions 13 & 14 are imposed at the direction of the Highways Agency.

02/08/2005

Item 1.2**Reg. No.** 9/2005/0424/M**Applicant:**

Zenith Development Partnership
 Peel Place
 50 Carver Street
 Birmingham
 B1 3AS

Agent:

Roger P Dudley & Associates
 Bartleet House
 165a Birmingham Road
 Bromsgrove
 Birmingham
 B61 0PJ

Proposal: Erection of 44 extra care unit facility at Land At Former
 Depot Thorpe Downs Road Church Gresley Swadlincote

Ward: Gresley

Valid Date: 18/04/2005

Site Description

The site is open and derelict, having previously been part of a coach business. It lies between a block of flats and conventional housing to the south east.

Proposal

27 two bedroom and 13 one bed-roomed flats and 4 bed sitting roomed units are proposed in a single block three storeys high. Also included are a café/lounge, dining area, main kitchen, gym, activity area, shop, offices, medical room, library and staff room.

As originally proposed there were to have been 47 units on 4 storeys.

Applicants' supporting information

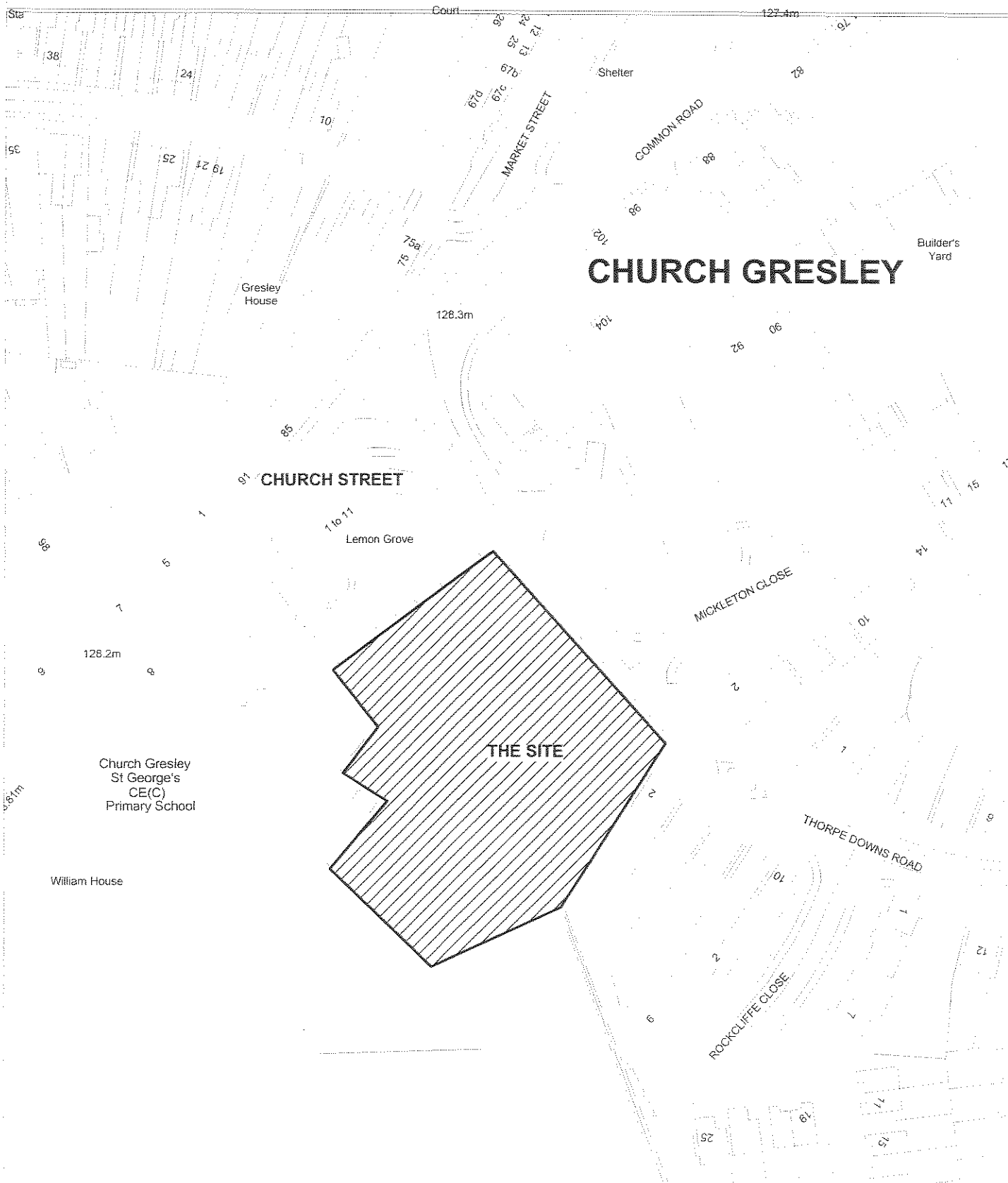
Residents to be catered for range from self contained frail elderly to those in need of increasing assistance, extending to 4 units for those with dementia. The policy is to support residents progressively so that they do not have to move and to encourage integration with the community by opening use of certain facilities to outsiders. The aim is to be outward looking and provide state of the art accommodation that the community can be proud of.

Planning History

None relevant.

Responses to Consultations

The Highway Authority has no objections subject to conditions.



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Scale 1:1250 Date Plotted 22/7/2005

Plot centred at 428536 325343



The Head of Environmental Services recommends a condition requiring a site investigation to check for ground contamination and remediate any found.

Responses to Publicity

16 Letters of objection (3 from one person and 11 in the form of a standard/duplicated letter) to the original scheme raise the following points:

- The 4 storey height of the building would not be in keeping with the street scene, dominating the landscape and, being on the high ground, would tower over the existing properties
- The mass of the building is unacceptable, more akin to a city than the village
- Loss of privacy from overlooking
- Overshadowing and loss of evening light
- The precise purpose or occupation of the building is not clear and could produce nuisance/noise particularly from service vehicles, staff, resident's and visitor's vehicles at all hours of day and night
- Insufficient car parking provision and danger from increased on street parking in an already over crowded area.
- Security would be a factor and the duplication of objectionable security lights on the existing flats would be of concern

Two of the letters refer to:

- support for recent improvements to the area and
- the improvement that development would make to tidying this derelict site

One letter suggests for a site visit by Members.

The period for comment on the amended scheme does not expire until 5 August.

Development Plan Policies

The relevant policies are:

RSS8:

Joint Structure Plan: General Development Strategy Policy 3 and Housing 3

Local Plan: Housing 4 and Community Facilities 1

Planning Considerations

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

- The impact of the development on the street scene
- The impact on neighbours.

Planning Assessment

The proposal complies with the policies in all matters of principle and also with Supplementary Planning Guidance in regard to the relevant distances from existing dwellings. The modern design of the block, although in a single L-shape, attends well to its context in the street scene as it extends to only two storeys for most the Thorpe Downs frontage and makes use of the descending slope by adding the third storey half way down and then turning the corner away from the road again at a lower level to reflect the scale of the detached houses to the south east. As such it is in keeping with the recent block of flats adjoining the site to the north west.

The facility would be located close to the centre of the community focussed on Church Street. As such it could be said to be an enhancement both in terms of the facilities provided and the contribution to the street scene.

Recommendation

A. That the Committee delegate power to the Head of Planning Services to deal with any material planning comments made within the period for representations (i.e. until 5 August);

B. Subject to A., **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. 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.

3. Notwithstanding the particulars of the application, full details (including cross sections) of all windows and other external openings to a scale of not less than 1/50 shall be submitted for approval in writing by the Local Planning Authority prior to commencement of building operations.

Reason: The submitted details are considered insufficiently detailed to enable a judgement to be made on their acceptability.

4. 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:

1. A desktop study of the area of the proposed development.
2. 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.
3. A remediation method statement, to be agreed with the Local Planning Authority, prior to its commencement at site.
4. 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.

5. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos: 2202 035, 036, 037 and 038.

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

6. The areas shown on the submitted plan no 2202 035 for the parking and manoeuvring of vehicles shall be laid out, hard surfaced and marked out prior to the first

7. use of the development hereby permitted. Thereafter those areas shall remain unobstructed for their designated use.

Reason: To ensure that all the activities associated with the development are contained within the curtilage of the site, so as to avoid parking and manoeuvring on the highway to the detriment of highway safety.

7. Prior to any other works being undertaken, the access shall be laid out in accordance with the application drawing, paved in a solid bound material and provided with measures to ensure that surface water does not escape from the site onto the public highway.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

9. Prior to the first occupation of the building the existing vehicular crossover serving the site shall be reinstated in accordance with a scheme first submitted to and approved by the Local Planning Authority in conjunction with the Highway Authority.

Reason: In the interests of highway safety.

10. 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.

11. 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.

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

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

Informatives:

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.

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.

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals.

Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

To contact the Head of Environmental Services in regard to food hygiene and registration.

To ensure that the safety of pedestrians on the adjoining footpath is maintained at all times.

02/08/2005

Item 1.3**Reg. No.** 9/2005/0638/U**Applicant:**

Burton On Trent & District Y M C A
 5 Borough Road
 Burton Upon Trent
 Staffordshire
 DE14 2DA

Agent:

Burton On Trent & District Y M C A
 5 Borough Road
 Burton Upon Trent
 Staffordshire
 DE14 2DA

Proposal: Change of use from industrial/warehouse use to
 workshop/retail use at Unit 8, Woodhouse Business Centre
 Woodhouse Street Woodville Swadlincote

Ward: Woodville

Valid Date: 02/06/2005

This application is brought to the committee at the instruction of Councillor Taylor.

Site Description

These industrial premises are on the north west side of Woodhouse Street some 60m from Swadlincote Road.

Proposal

The proposal is to use Unit 8/8a as a retail unit for the YMCA.

Supporting Information

The applicants make the following points:

- The YMCA runs a social enterprise in South Derbyshire for the benefit of low income families and others in need, involving a furniture donation, renovation and delivery service across the whole of the area and beyond. The local YMCA is a registered charity and company limited by guarantee.
- To make the service self sufficient, a proportion of items needs to be sold at low cost ideally in a large retail warehouse type of unit. For the last 18 months a shop in West Street has been used, but is now not big enough – the shop can only display less than a third of the items that people have generously donated. The lease expires in the autumn, so the YMCA is looking for other options.
- This South Derbyshire work is a respected community service used extensively by the Council's own Housing teams, by Social Services and by other referring agencies

WOODVILLE

Woodville



Woodhouse Bus
Woodhouse St
Woodville



including the CVS; the service was recently recognised as Community Project of the Year 2005 by the Burton Mail. By selling items to the local community who can afford little, the YMCA is actively helping to regenerate the area, giving families an alternative to taking out credit and falling into debt, also creating volunteering and trainee opportunities to help people into the job market. It also works with the Council's Waste team to prevent furniture items going to landfill unnecessarily. The service now benefits 800 low income families – perhaps 3000 people – each year in South Derbyshire, far more than was originally envisaged.

- No suitable places for such an activity has become available in the town centre. Furniture requires a large ground floor showroom space. Swadlincote does not seem to have much of this size, but the YMCA would like to continue in the area if possible. The Woodhouse Street unit is currently a vacant industrial premises with vacant offices above. It would be a viable unit, with potential for encouraging other compatible use in offices not required by the YMCA.

The following are relevant site issues:

Parking/highway considerations: Most staff and trainees will arrive and depart on the delivery vans. Most customers arrive on foot, or on public transport, the project is aimed at low income groups, less than half of whom have access to a car. Goods delivery is offered to all customers. Should customer car parking ever become congested staff cars could be relocated to spare places elsewhere on the same landlords site further along Woodhouse Street.

Employment: paid staff would be expanded from 1 to 2.5 over the next six months, and the volunteer base from 14 to 20 (depending on individual commitments), working half day shifts. The training programme and up to 4 trainees would be helped to enter the job market through this work – an increase of 2. Existing staff, volunteers and trainees would transfer from West Street which would be vacated. The primary focus of the application is to safeguard the furniture service currently offered and to permit its expansion.

Disabled access: this can be accommodated using one side of the goods entrance; suitable signage will be displayed.

Responses to Consultations

The Highway Authority raises no objections on the basis of the use described. It would have concerns about establishing a general retail use here though.

Responses to Publicity

No objections received.

Structure/Local Plan Policies

Structure Plan: Town Centre and Shopping Policy 4.
Adopted Local Plan: Shopping Policy 2.

Also material to the application is PPS6.

Planning Considerations

The main issue central to the determination of this application is the establishment of retail use in this out of centre location.

Planning Assessment

The application proposes a retail use in existing employment premises outside the defined town centre of Swadlincote. The business is a well established not-for-profit social enterprise run by the YMCA.

Government and local planning policies permits out-of-centre shopping only where the proposal cannot be accommodated within or immediately adjacent to an existing centre, would not occupy land required for industrial use and is acceptable in terms of access, amenity, parking and public transport availability. Local planning authorities are also advised to consider relevant local issues and other material considerations. This is not as such a typical retail operation and fulfils an additional social need in the district.

In this case there is a proven and immediate need for larger premises and there area compelling reasons why the operation should remain local to Swadlincote. It is also clear that the goods to be sold are furniture and other bulky household items for which alternative in-centre premises are unlikely to be found. The applicant has confirmed that other in-centre and edge-of-centre site options have been investigated and exhausted and no alternative sites or premises appear to be suitable and available. No unacceptable retail impact upon any town centre would result. The site is reasonably close to bus services into Swadlincote and is approximately 800m walk from the town centre.

The proposal therefore accords with PPS6.

The proposal however does conflict with the Adopted Local Plan in that the new shop would occupy existing employment premises. However, the nature of the operation is quite distinct from traditional A1 uses. The furniture would be stored and renovated on site and the proposed use would therefore be appropriate to an employment area. It is further noted that the applicant indicates scope for letting the upper storey of these units as office space to other occupiers, which are currently vacant. An exception to this part of the policy could therefore be justified.

An approval should be subject to a personal condition being attached permitting the sale of previously-used furniture and other bulky household.

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

Recommendation

GRANT permission subject to the following conditions:

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

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

2. The premises shall be used for the sale of previously used furniture and other previously used bulky household goods only unless otherwise agreed in writing by the Local Planning Authority, to be operated solely by the Burton upon Trent and District YMCA.

Reason: The retail use is granted exceptionally in recognition of the special requirements and business model of this not-for-profit social enterprise.

02/08/2005

Item 1.4**Reg. No.** 9/2005/0644/F**Applicant:**

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

Agent:

Paul Rothera
Rothera Goodwin
42 St. Marys Gate
Derby
DE1 3JZ

Proposal: The refurbishment of a barn and the erection of glazed links and new reception at Rosliston Forestry Centre Burton Road Rosliston Swadlincote

Ward: Linton

Valid Date: 03/06/2005

Site Description

The site comprises the extant barn from the former farm, currently in use for Forestry Centre purposes and walkways between it and other buildings.

Proposal

The intention is to refurbish and enlarge the building to accommodate a youth centre, toilets exhibition area, tiered seating and a bike hire/store.

Planning History

Permissions have been given over recent years to convert the former farm into the centre as it is today.

Responses to Consultations**Responses to Publicity****Development Plan Policies**

The relevant policies are:

Joint Structure Plan: Leisure and Tourism Policy 2 and Environment Policy 8

Local Plan: Recreation and Tourism Policy 1 and Community Facilities Policy 1

9/2005/0644/F Rosliston Forestry Centre
Burton Rd
Rosliston

77.4m

Car Park

Visitors Centre

ROSLISTON FORESTRY CENTRE

Rosliston Farm Bungalow

79.2m

BURTON ROAD

78.3m

TO ROSLISTON

Pond

Pond

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Scale 1:1500 Date Plotted 22/7/2005

Plot centred at 428536 325343

9/2005/0644/F Rosliston Forestry Centre
Burton Rd
Rosliston



Planning Considerations

The main issue central to the determination of this application is conformity with policy.

Planning Assessment

This proposal represents a logical enhancement of the Forestry Centre that will have a minimum environmental impact other than to enhance the appearance and function of the centre as a public facility.

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.

02/08/2005

Item 1.5**Reg. No.** 9/2005/0645/M**Applicant:**

Messrs A D & W F James
 C/O Elms Farm
 Pistern Hills
 Ticknall
 Derbyshire
 DE11 7AX

Agent:

Mr. D. Granger
 David Granger Architectural Design Ltd
 The Old Dairy Mill Street
 Packington
 Ashby De La Zouch
 Leicestershire
 LE65 1WN

Proposal: The erection of 18 residential units at Site Of Former Dilks
 Garage Hill Street Swadlincote

Ward: Swadlincote

Valid Date: 31/05/2005

Site Description

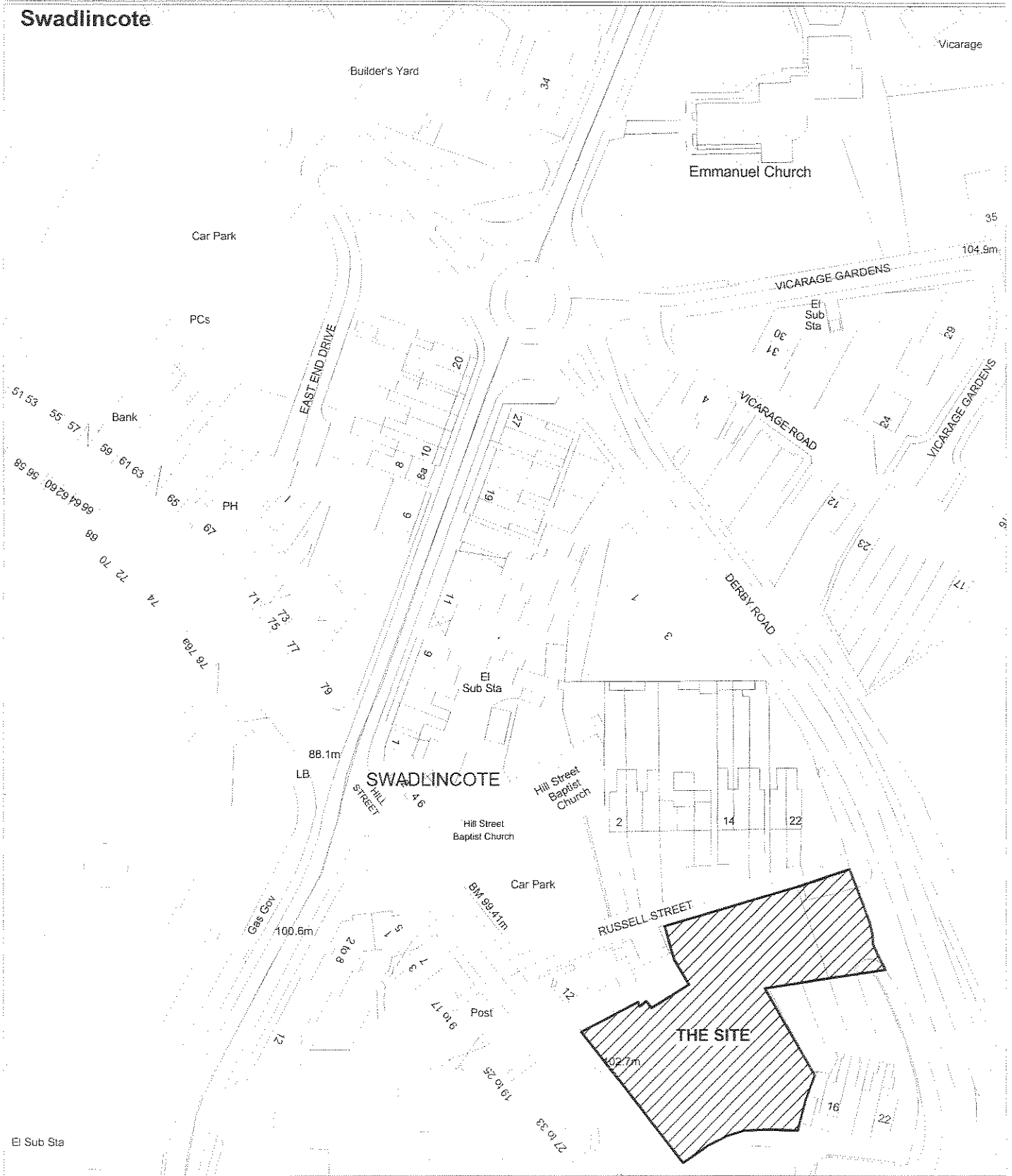
The site has been vacant and overgrown for many years but was formerly in use as a motor engineers and petrol filling station. The site is bounded to the north (Russell Street - unmade), south (small private driveway) and west (Hill Street) by residential development and the east by the A514 Derby Road. It lies within the Swadlincote urban area and within the Swadlincote Conservation Area. Part of the site appears to be made up ground and therefore lies above the level of the dwellings on Russell Street.

Proposal

An amended scheme shows a terrace of 7 three storey houses fronting Hill Street with a 'drive under' access in the centre of the terrace for access to a courtyard with parking for all 18 units. Along the northern boundary of the site the scheme shows a row of three blocks of houses (i.e. nine houses) two blocks being 2½ storey (i.e. with rooms in the roof) and one 3 storey, all of which would back on to Russell Street. The remaining pair of 2½ storey houses would sit alongside existing houses on Hill Street but with access from the courtyard. Within the courtyard there would be a total of 17 parking spaces and bin and cycle stores. The development would be contained to the south and the north by brick walls. Section drawings show the proposed houses on a site level about the same as those opposite on Hill Street and about a metre above those on Russell Street. The amended scheme represents a reduction in the height of two of the blocks (from three storey to 2½ storey) closest to Russell Street; some elevational changes to meet in accord with a request from the Design and Conservation Officer; and changes to boundaries to accord with the comments of the Crime and Prevention Design Adviser's (CPDA) comments (see below).

9/2005/0645/M Site at Former Dilks Garage

Hill Street
Swadlincote



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Scale 1:1250 Date Plotted 22/7/2005

Plot centred at 428536 325343

9/2005/0645/M Site at Former Dilks Garage
Hill Street
Swadlincote



Planning History

The site has had permissions for a new petrol filling station in 1989 and a block of 22 flats in 1991. Between 1995 and 2003 the site has had 4 untidy site investigations.

Responses to Consultations

Councillor Stone (Swadlincote Ward member) objects to the scheme. He considers that:

- Building new houses so close to a petrol filling station (as proposed by Morrisons) does not contribute to a safe community.
- New residents would suffer bright lights from the petrol station for about 16 hours per day which would even be evident in the winter when any trees are devoid of leaves.
- The site should be available as a shopper's car park.

The County Chief Education officer requires no education contribution to be made in this case. The Contaminated land officer requires a survey to be carried out prior to the commencement of development. Severn Trent Water has no objection. In response to the scheme originally submitted, the Crime Prevention Design Adviser states that the site is well designed and, subject to improvements to boundary structures to prevent unauthorised rear access, the scheme may be eligible for the 'Secured by Design' award.

In response to the scheme originally submitted, the Highway Authority was concerned access for service and emergency vehicles would be required therefore necessitating an increase in height of the arch from Hill Street to 4.8 metres. It also states that the parking is inadequate and requires two spaces per dwelling. Its response to the amended scheme will be reported verbally at committee.

Responses to Publicity

In response to the scheme originally submitted, a neighbour objects on the basis that: the three storey houses would overlook his property; the sewers are inadequate on Russell Street; and the new houses would not be in keeping with the area.

Development Plan Policies

The relevant policies are:

RSS8: Policies 3, 4, 5 & 31

Joint Structure Plan: General Development Strategy Policies 1, 2 and 3; Housing Policy 3;

Transport Policy 15; Environment Policy 9.

Local Plan: Housing Policies 4 and 11; Environment Policy 12.

Planning Considerations

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

- The principle of the development
- The impact on the conservation area
- The impact on the amenities of neighbouring dwellings
- Highway safety

Planning Assessment

The Development Plan for the area is as set out above and the land falls within the established urban area. As the site was previously developed it has a high priority for redevelopment with regard to guidance set out in PPG3. The scheme has been many months in the design process and pre-application discussions particularly with the Design and Conservation Officer. As such the scheme now presented is considered to be one that would greatly enhance the character and appearance of the conservation area and would result in a very positive lift to a long-standing derelict site. The houses have been designed so as to incorporate features which reflect the local distinctiveness of the Swadlincote Conservation Area whilst at the same time not impinging too greatly on the amenities of the occupants of the existing residential property around the site. The scheme shows the terrace of houses fronting Hill Street to reintroduce an enclosed street scene with a similar proximity to the road as the flats opposite. Although Russell Street would experience a marked change through the introduction of some three storey housing backing onto it, the scheme has been redesigned so that now only one three storey block remains on this side of the site and this sits further into the site at a point where the houses on Russell Street stand further back. The other two terraces on this side share the dimensions typical to a two-storey house with use made of the roof space. As such all of the usual distances required in the Council's SPG are substantially met.

With regard to highway safety, the site adjoins the town centre and therefore it is appropriate to reduce the reliance on the private car for the occupiers of the development (in line with government advice). As such 17 shared spaces are available and are considered sufficient. However, the final comments of the County Highway Authority will be reported at the committee.

In assessing this application additional weight has been given to fact that this is a prominent site in the Swadlincote Conservation Area and that this represents an important opportunity to promote a high quality scheme close to a main approach to the town centre where significant improvement to the streetscape has already been achieved on Hill Street through the Council's HERS scheme.

Recommendation

- A. That the Committee delegate power to the Head of Planning Services to deal with any material planning comments made within the period for representations (i.e. until 12 August);
- B. Subject to A., **GRANT** permission subject to the applicant signing a unilateral undertaking to deliver healthcare and public open space contributions; and 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. Large scale drawings to a minimum Scale of 1:10 of 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 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.

4. 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.

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

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

6. Notwithstanding any details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

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

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

Reason: In the interests of the appearance of the building(s).

8. A sample panel of pointed brickwork/stonework 2 metres square or such other area as may be agreed by the Local Planning Authority shall be prepared for inspection and approval in writing by the Local Planning Authority prior to the implementation of any other works of pointing. The works shall be carried out in accordance with the approved sample.

Reason: In the interests of the appearance of the building(s) and the locality generally.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, none of the dwellings hereby permitted shall be enlarged or extended without the prior grant of planning permission on an application made to the Local Planning Authority in that regard.

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.

10. The areas shown on the submitted plan for the parking and manoeuvring of vehicles shall be laid out, hard surfaced and marked out prior to the first use of the development hereby permitted. Thereafter those areas shall remain unobstructed for their designated use.

Reason: To ensure that all the activities associated with the development are contained within the curtilage of the site, so as to avoid parking and manoeuvring on the highway to the detriment of highway safety.

11. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft 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.

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

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

13. 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.

14. 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:

1. A desktop study of the area of the proposed development.
2. 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.
3. A remediation method statement, to be agreed with the Local Planning Authority, prior to its commencement at site.
4. 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.

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

16. 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.

17. Windows shall be painted timber in a colour and to a specification which shall have previously been agreed in writing by the Local Planning Authority, and;
- a. be set back from the face of the wall by a minimum of 20 mm,
 - b. have segmental brick arches (unless they are located directly underneath the eaves) and unless otherwise agreed by the Local Planning Authority,
 - c. be traditionally constructed so that opening casements are flush with the frame (modern EJMA detailing is not acceptable),
 - d. have any glazing bars with a maximum overall width of 18mm and a maximum outer nosing width of 5mm,
 - e. have a traditional brick/stone/tile cill. Integral timber cills are not acceptable, and
 - f. be single glazed unless otherwise agreed in writing with the Local Planning Authority.

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

18. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos. 03.1809.10a, 07a, 08a, 09a, 06.

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

19. External doors shall be timber and painted in a colour and to a specification which shall have previously been agreed in writing by the Local Planning Authority and be set back from the face of the wall by a minimum of 50mm, and have segmental brick arches unless otherwise agreed by the Local Planning Authority.

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

20. The scheme of hard landscaping comprised in the approved details shall be carried out prior to the first occupation of the buildings hereby permitted.

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

Informatives:

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

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.

The Public Health Act requires that there shall be no building over any public sewer crossing the site without the express consent of the Regional Water Authority. You are asked to contact the Council's Head of Services with regard to ensuring adequate protection/room for maintenance of the sewer.

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. 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.

02/08/2005

Item 1.6**Reg. No.** 9/2005/0702/F**Applicant:**

Mr Davis
 24 Kingfisher Avenue
 Woodville
 Swadlincote
 Derbyshire

Agent:

Mr. S. Greaves
 S. G. Design Studio
 202 Woodville Road
 Hartshorne
 Swadlincote
 Derbyshire
 DE11 7EX

Proposal: The erection of a dwelling on land adjoining 24 Kingfisher Avenue Woodville Swadlincote

Ward: Woodville

Valid Date: 17/06/2005

Councillor Isham has instructed that this application be brought before the Committee.

Site description

The site forms part of the side garden to 24 Kingfisher Avenue. Beyond the site boundary to the north east is the former railway embankment which is covered with hawthorn trees and is the subject of a woodland Tree Preservation Order. The site and the neighbouring properties look out onto public open space.

Proposal

It is proposed to erect a two bedroom bungalow which would be sited some 7m from the treed embankment. It would be 6.5m at its widest point and 10.5m long

Responses to Consultations

The Parish Council comments that this is another application for the infilling of a small space of open land and Woodville has much development at the moment.

The Highway Authority raises no objections.

Responses to Publicity

The neighbouring resident is concerned about disturbance and a loss of privacy to her back garden. She states that she will be erecting a fence to combat these.

9/2005/0702/F Land at 24 Kingfisher Ave
Woodville

WOODVILLE

BM 123 24m

123.0m

HARTSHORNE
ROAD

TO CLOCK ISLAND
ROUNDAABOUT

LB

WREN CLOSE

DOVE CLOSE

THE SITE

KINGFISHER AVENUE

HERON DRIVE

FALCON WAY

TERN AVENUE

PARTRIDGE DR

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Scale 1:1250

Plot centred at 428536 325343

Date Plotted 22/7/2005

9/2005/0702/F Land at 24 Kingfisher Ave
Woodville



Development Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 3

Local Plan: Housing Policy 4

Planning Considerations

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

- Visual impact on the appearance of the street scene
- Loss of privacy to neighbouring residents
- Potential damage to the protected trees.

Planning Assessment

The site being a domestic garden within the established urban area qualifies as previously developed land under PPG3 and is therefore eligible for residential development. It lies at the end of a cul-de-sac one side of which is housing and the other public open space. A bungalow in this location would be in keeping with neighbouring development and would not cause undue harm to the appearance of the area. No neighbouring residents would be adversely affected by the development in terms of loss of outlook or privacy.

The development would be sited a sufficient distance from the trees (given their species) on the side of the embankment and are therefore unlikely to come to any harm. A protective fencing scheme would be provided during the construction period.

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

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. No development shall commence on site in connection with this approval until samples of materials for the external elevations of the development have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.
Reason: To ensure the materials are appropriate to safeguard the appearance of the area.
3. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).
Reason: To protect the amenities of adjoining properties and the locality generally.

4. The protective tree fencing, to be referred to as the tree protection scheme, as shown on the approved drawing 205-27.01 shall be installed before any work on site commences in connection with this approval. The protective fencing shall be retained intact for the full duration of the development hereby approved, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority and shall remain in place during the construction period.

Reason: To ensure the trees are protected in the interests of safeguarding the amenities of the area.

5. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved tree protection scheme.

Reason: To ensure the trees are protected in the interests of safeguarding the amenities of the area.

6. The approved 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.

7. The development shall not be occupied until the parking spaces and shared turning area as shown on the approved plan have been provided and they shall be retained as such thereafter.

Reason: In the interests of highway safety.

8. No development shall commence on site in connection with this approval until details of drainage for the disposal of both surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating a flooding problem and to minimise the risk of pollution.

Informatives:

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

02/08/2005

Item 1.7**Reg. No.** 9/2005/0709/F**Applicant:**

Cranberry Foods Ltd
 Holly Bank Farm
 Scropton
 Derby
 DE65 5PS

Agent:

ARM Ltd
 Rydal House
 Colton Road
 Rugeley
 Staffordshire
 WS15 3HF

Proposal: The erection of effluent treatment plant with ancillary pipe work and control room at Holly Bank Farm Scropton Derby

Ward:**Valid Date:** 14/06/2005**Site Description**

The proposed site for the effluent treatment plant is situated at the rear of the site adjacent to the railway land. There is a group of trees along the railway line on the application side of the fence. The site is flat and part of it is used as car park for the factory.

Members should be aware that there is a concurrent application for the retention of the second lagoon. Officers are awaiting additional information from the applicants before preparing a report. It is anticipated that the application will be reported to the next committee meeting. The company has asked for an early determination of this application in order that it can implement the proposals at an early stage.

Proposal

The effluent treatment plant is proposed is part the company's plan to meet the requirements set for the site by the Environment Agency for discharges from the site.

There are 4 main circular structures proposed of varying diameters the largest is a divert tank some 8.4 metres high with a diameter of 13.7 metres. The main processing tank is 7.0 metres high with a diameter of 9.3 metres. The other structures are much smaller. The tanks and control building would be finished in a green colour although there is no specific shade mentioned in the application document.

Applicants' supporting information

This is part of a £1 million investment by the company to improve the quality of its discharges from site. It has devised a strategy to remove odours from the current lagoons and is investing £1000/week on temporary measures to ensure that smells are minimised. The company has been

9/2005/0709/F Holly Bank Farm

Scropton



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Scale 1:5000

Plot centred at 428536 325343

Date Plotted 22/7/2005

9/2005/0709/F Holly Bank
Scropton



advised that the best means of ensuring that the discharges meet the Environment Agency requirements is to have a treatment plant on the site to ensure that the waste products are dealt with at source.

The development proposed comprises a concrete base on which would be sited the process structures and a small control room. If the plant were granted permission the final flows from it would be capable of discharge directly to the River Dove.

This is one of several projects undertaken by the applicants in the 2 years they have occupied the site to meet its commitment to its environmental responsibilities.

Planning History

The site has evolved into a major turkey processing plant over the years, with a significant number of buildings now in place. In terms of effluent treatment, an unauthorised lagoon was constructed in 1990, and when it came to light in 2001, it was immune from enforcement action.

In 2001 a second lagoon was formed and temporary permission to retain it was granted permission. At the same time an effluent screening plant was permitted together with an above ground housing. The aim of this was to remove most of the solid material from the discharge pass it through a reed bed on the site of the first lagoon before discharging the run off to the gravel beds to the River Dove.

The company that obtained the permission in 2001 went into liquidation and the current applicants bought the company and sought permission to retain the lagoon for a further 2 years to give it time to implement an effluent treatment process that would meet the requirements of the Environment Agency. The Committee granted permission for a 12-month period. *(See note above about the concurrent planning application).*

Responses to Consultations

Foston and Scropton Parish Council welcome this application but it should not distract the Local Planning Authority from pursuing the removal of not just the second larger lagoon but also the first, noxious one. This has been the source of unpleasant odours for a number of years and the current proposal seems to offer the opportunity for both lagoons to be removed and have all the land restored to the flood plain.

The Environmental Protection Manager states that the applicants should be aware of its responsibilities under the law to ensure that the site is not contaminated and is fit for its proposed use. *(An informative is recommended to ensure the applicant is aware of its responsibilities).*

The Environment Agency is seeking further details of the plant and recommend a condition requiring the submission of details of the foul water disposal system.

Network Rail has no objection.

Responses to Publicity

Two letters have been received that support this application but querying why the Local Planning Authority not seeking the removal of both lagoons. It is also suggested that the removal of the

pond should be limited to 1 month following the completion of the effluent plant and should not be delayed until May 2006.

Development Plan Policies

The relevant policies are:

RSS8: Policies 33 & 36

Joint Structure Plan: None

Local Plan: Environment Policy 2

Planning Considerations

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

- The Development Plan.
- The impact on the character and appearance of the area.

Planning Assessment

The development plan policies seek to protect the water environment in areas such as this. The treatment plant offers the opportunity to allow for direct discharge of effluent treated to a high standard, direct to the River Dove in compliance with the requirements of the Environment Agency and subject to the Environment Agency exercising direct control through the PPC (pollution control) procedures.

It is considered that the proposed plant would be a positive benefit to the local environment and enhance the quality of life for residents by removing a potential source of smells from the locality. Parish Council comments and those of the residents regarding the lagoons will be considered when the application to determine the retention of the second lagoon is considered.

The current application can be determined separate from that for the lagoon as the plant would operate separately from the lagoons and its early implementation would bring a benefit to the local community and there seems to be a degree of support for the proposal.

The proposal would not adversely affect the character and appearance of the wider countryside hereabouts as it would be substantially screened by trees from the south beyond the railway line, and from other aspects by the plant and associated buildings.

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.

2. No development shall take place until the applicant has submitted to and had approved by the Local Planning Authority a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure the removal of the lagoons on land to the west of the site identified on the attached plan within a timescale to be agreed by the Local Planning Authority.

Reason: In the interests of restoring the site to a level where the land enclosed by the bunds is part of the floodplain to the River Dove.

3. Notwithstanding the submitted details no part of the development shall be carried out until precise specifications and samples of the materials to be used in the construction of the facilities have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the locality generally.

4. 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:

1. A desktop study of the area of the proposed development.
2. 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.
3. A remediation method statement, to be agreed with the Local Planning Authority, prior to its commencement at site.
4. 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.

02/08/2005

Item 1.8**Reg. No.** 9/2005/0729/F**Applicant:**

Mr M Smith
 16 Cedar Grove
 Linton
 Swadlincote
 Derbyshire
 DE126QQ

Agent:

Mr M Smith
 16 Cedar Grove
 Linton
 Swadlincote
 Derbyshire
 DE126QQ

Proposal: Renewal of temporary permission 9/2004/0609/U and the erection of a timber shed for quarantine use to replace existing sheds at 16 Cedar Grove Linton Swadlincote

Ward: Linton

Valid Date: 17/06/2005

The proposal is brought to the Committee because the applicant is an employee of the Council.

Site Description

The site consists of the rear garden of a semi detached house on which there are a number of wooden sheds and a covered gazebo.

Proposal

The building has already been erected.

Planning History

Temporary planning permission was granted in June 2004 for the sale of Koi Carp from the premises.

Responses to Consultations

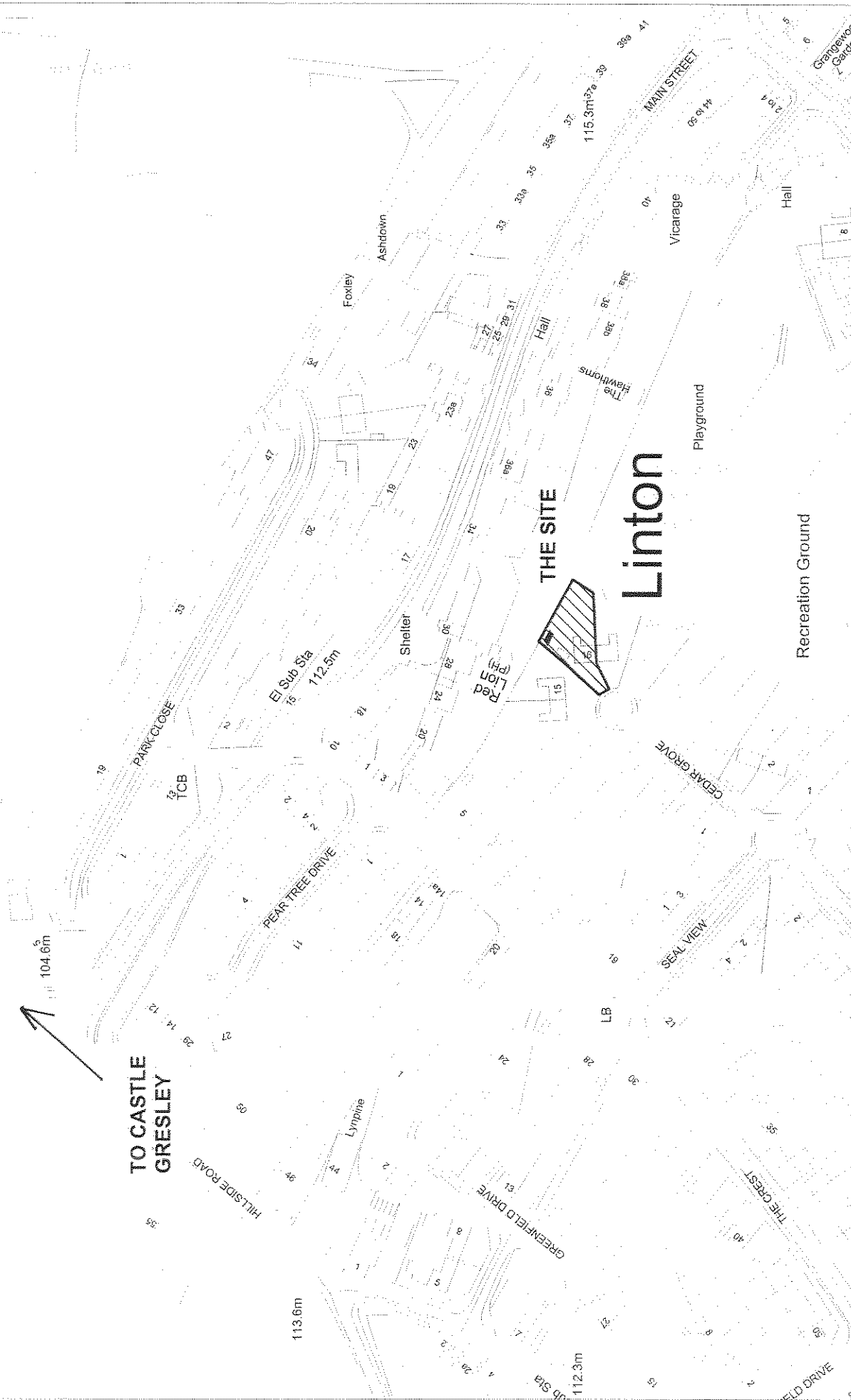
The Parish Council has not responded.
 The Environmental Protection Manager has no objection.

Responses to Publicity

The licensee of the pub at the rear is concerned that when the pub's biggest event, the annual bonfire and fireworks display, is held on bonfire night, the increased amount of timber on the adjoining application site could form a safety issue. This might result in the fire service imposing limitations on the event with a consequent negative impact on trade.

9/2005/0729/U 16 Cedar Grove

Linton



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Scale 1:2000

Plot centred at 428536 325343

Date Plotted 22/7/2005

9/2005/0729/U 16 Cedar Grove
Linton



Development Plan Policies

The relevant policies are:

Joint Structure Plan: Economy 4

Local Plan: Employment 1 and Shopping 3

Planning Considerations

The main issue central to the determination of this application is the impact of the use on the amenity of the neighbourhood.

Planning Assessment

The proposals make extensive use of the rear garden but are unobtrusive and tidy. Judging by the lack of response from neighbours and subject to the previously applied conditions, the continued use would not have an undue impact on the amenity of local residents or other material interests.

Concerns about possible fire hazards would not represent a sound reason for refusal. There is a close boarded fence on the boundary already that could theoretically also represent a fire hazard. Safety in these circumstances would depend on the care exercised by the objector.

Recommendation

GRANT permission subject to the following conditions:

1. The use hereby permitted shall not be open to customers outside the following times: 10am to 5pm on Saturdays and 11am to 4pm on Sundays.
Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.
2. The use shall operate on an appointments basis only and an appointments diary shall be kept and maintained at the premises for occasional inspection by the Local Planning Authority.
Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.
3. There shall be no other sales than Koi Carp without the express consent in writing of the Council.
Reason: To conform with the application as submitted and to ensure that the Council retains control in the interests of the amenity of the area.

02/08/2005

Item 1.9**Reg. No.** 9/2005/0738/B**Applicant:**

Cameron Homes Ltd
 53 High Street
 Chasetown
 Burntwood
 Staffordshire
 WS7 3XE

Agent:

JVH Town Planning Consultants Ltd
 Houndhill Courtyard
 Houndhill, Marchington
 Uttoxeter
 Staffordshire
 ST14 8LN

Proposal: The approval of reserved matters of planning permission 9/2004/0106/M for the erection of 75 dwellings without complying with condition 6 of reserved matters approval 9/2005/0025DM (plot levels) at the residential development site at Former Engineering Works High Street Woodville Swadlincote

Ward: Woodville

Valid Date: 20/06/2005

Site Description

This is the former Mason Cash industrial site on the north east side of High Street which is now in the process of being redeveloped for housing.

Proposal

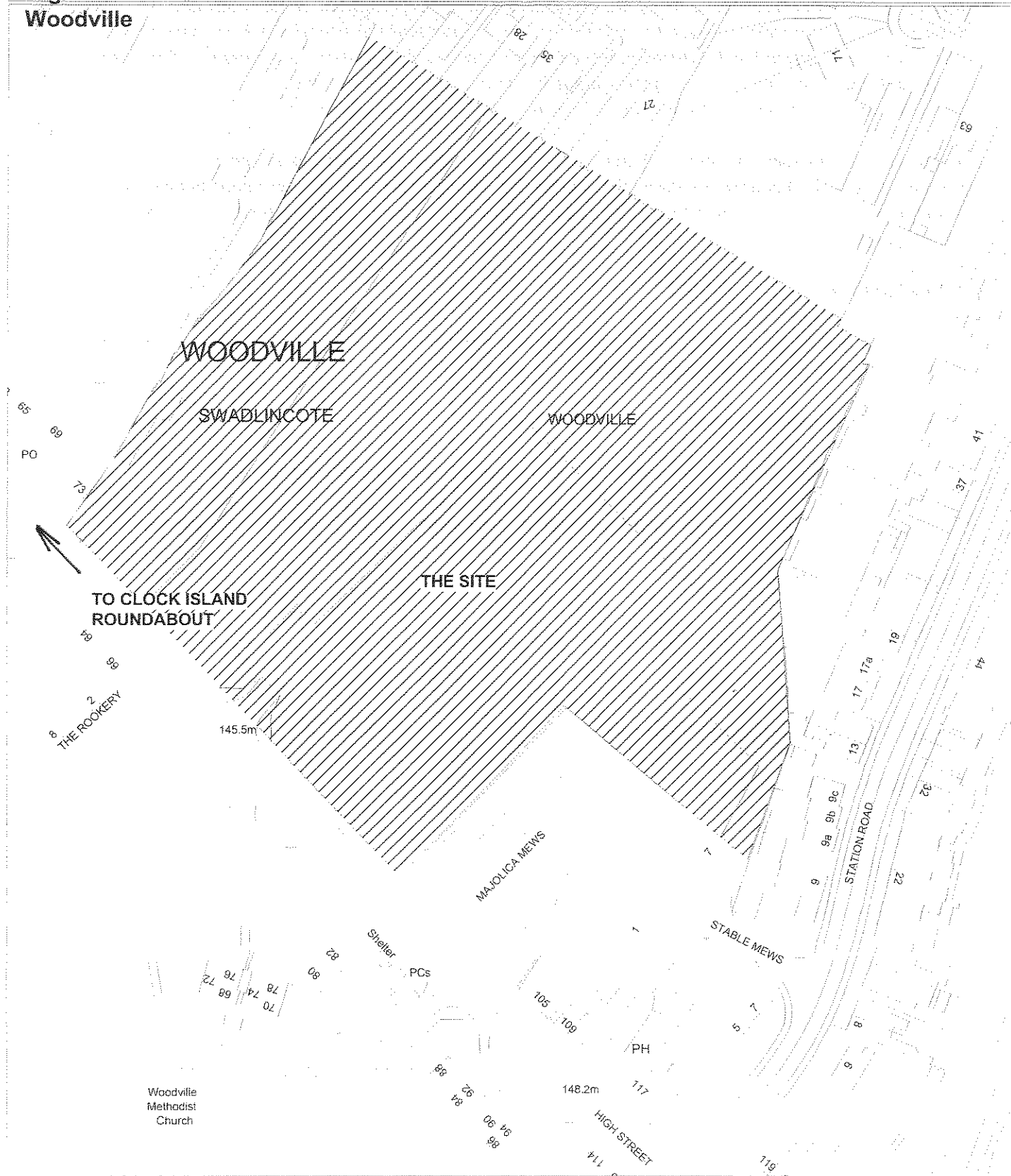
The proposal is to amend some of the previously approved finished (ground floor) slab levels. Condition 6 of the reserved matters approval required the development to be completed in accordance with these levels. The proposed changes affect 33 dwellings out of the 75 approved. The levels changes range between 50mm and 1150mm.

Supporting Information

The applicant's planning agent has submitted the following statement:

"The alterations made to a number of the plots at Woodville is not as a result of any changes to the proposed systems of drainage, either for foul or storm water. The detailed submissions for these are being dealt with by specifically discharging condition No 6 of the outline consent. The reason that individual plot levels have altered is due to the necessary gradient of the existing site road and associated plot driveways. From where it meets High Street, the road has to decrease in level as far as the northern site boundary, in order to ensure that plots 18 – 23 are not at a higher level than the dwellings in Kestrel Drive to the north. Overall the road has to achieve the

9/2005/0738/B Former Engineering Works
High St
Woodville



Scale 1:1250 Date Plotted 22/7/2005

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Plot centred at 428536 325343



9/2005/0738/B Former Engineering Works
High St
Woodville

change in levels from around 144.6 AOD to 136.2 AOD, a significant level difference of over 8 metres. The initial interpretation of the associated plots levels (relative to the road) had inadvertently incorrectly assessed some of these levels, and had the situation where there was, in some cases, a 2 metre level difference between plots, (plots 30 – 31 were an example). Once this was picked up, the altered levels have sought to achieve a gradual stepping down of plots down the slope from south west to north east. (Drawing 33177 – 56 depicts this)."

She goes on to explain that detailed analysis of why the individual changes are proposed is being prepared, but that this letter explains the reason why the alterations have been made because she wants members to understand that the drainage strategy is not being altered through the variation in plot levels.

Planning History

Outline permission for residential development was granted on 13th December 2004 and reserved matters approval for 75 dwellings granted on 21st April 2005.

Responses to Consultations

The Parish Council states that it is unable to comment due to a lack of information.

The Highway Authority, the Environment Agency and Severn Trent Water have no objections.

Responses to Publicity

No objections received.

Structure/Local Plan Policies

Adopted Local Plan: Housing Policy 11.

Planning Considerations

The main issue central to the determination of this application is the impact on existing neighbouring residents

Planning Assessment

The proposal has been considered against the Council's supplementary planning guidance on housing layout and design. This recommends a minimum standard for separation distances that should be achieved between proposed and existing dwellings to ensure an adequate level of privacy and outlook for occupiers. In all of the level changes proposed none would result in a breach of the recommended separation distances. An adequate level of amenity would therefore be retained for existing residents.

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. This permission shall relate to the amended drawings, nos 33177 - 4 Rev. B, 5 Rev. B, 6 Rev. C, 7 Rev. A, 8 Rev A, 9 Rev. B, 10 Rev. C, 11 Rev. A, 12 Rev. A, 13 Rev. B, 14 Rev. A, 15 Rev. A, 16 Rev. B, 17 Rev. B, 18 Rev. A, 19, 20 Rev. A, 21 Rev. C, 22 Rev. C, 23 Rev. C, 24, 49, 50 Rev. B, 51 received on 30 March 2005 and no. 33177 -1 Rev. P received on 14th April 2005 showing amendments to house designs, layout, boundary treatment and landscaping.

Reason: For the avoidance of doubt and in the interests of the appearance of the development and the locality, to safeguard the amenities of neighbouring residents and to improve the security of the developed site in the interests of crime prevention.

2. This permission shall relate to the amendments detailed in the fax message from RPS dated 11 April 2005 and shall be carried out prior to the occupation of the dwelling to which it relates.

Reason: To improve the security of the developed site in the interests of crime prevention.

3. The dwellinghouses close to the boundary of the public open space shall not be occupied until the metal perimeter fence to the open space shown on drawing numbers 33177 1 Rev R and 33177 54 Rev A have been installed in accordance with the approved details.

Reason: In the interests of the safety of the users of the public open space and the visual amenity of the area.

4. Dwellinghouses to which boundary walls and metal fencing relates shall not be occupied until such boundary walls and metal fencing shown on drawing numbers 33177 1 Rev R and 33177 54 Rev A have been installed in accordance with the approved details.

Reason: To ensure the design is acceptable in the interests of the appearance of the development and the existing streetscene.

5. The removal of excavated spoil from the site shall be carried out in accordance with the method statement received on 12th May 2005.

Reason: To ensure the removal of the spoil from the site causes the least amount of inconvenience and disturbance to the existing community.

6. The finished slab levels and site sections shall be provided in accordance with drawing number 33177 1 Rev. S and 33177 56 and 57 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring residents.

7. Prior to the first occupation of the dwellings to which they relate, the front boundary railing fence on High Street shall be sited at the back edge of the visibility splay and not as shown on the drawing number 1 Rev. P unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the visual amenity of the area.

8. Notwithstanding the approved drawings, the minimum distance between the rear elevation of the building on Plot 48 and 3, 4 and 5 Majolica Mews shall be 12metres.

Reason: To comply with the Council's current standards to safeguard the amenities of neighbouring residents.

APPEAL DISMISSED

Appeal by M Rhodes

The conversion of existing garage to store and living accommodation and the conversion of existing shed to garage with associated access at 2 The Chase Rosliston (9/2004/1101)

The application was refused permission for the following reason(s):

1. The proposed development, involving the creation of a new vehicular access to Burton Road, will introduce traffic movements to and from the public highway at a point where visibility is restricted due to the road alignment, to the detriment of highway safety. There is also insufficient room in front of the proposed garage for a vehicle to pull clear of the highway before stopping to open the garage door, therefore leading to vehicle stopping on the highway while the garage door is opened, thus to the detriment of highway safety.

The Inspector considered the main issue to be the effect of the use of the proposed garage on highway safety.

The existing garage has access from The Chase whilst the conversion of the existing shed to the south at the end of the garden would require the creation of a new access onto Burton Road.

The Inspector shared the Council's concern regarding inadequate visibility from the south from the new access. The neighbouring property to the south is land outside the appellant's control and it was viewed that any planting above eye level on this land would represent a severe obstruction to visibility for drivers leaving the new access.

The Inspector also noted further restrictions to inter-visibility towards the south from the new access created by the bend in the road, the alignment of No 21 Burton Road and the presence of forecourt parking at The Bull's Head Public House. These dangers would be compounded by the lack of turning facilities for the proposed garage resulting in vehicles reversing from or into the garage and lack of space to the front of the garage causing interference with the use of the footway that could put pedestrians at risk.

In consideration of the above matters the Inspector considered that there were compelling highway objections to the proposed development and the appeal was dismissed.

APPEAL ALLOWED

Appeal by (Steamy Windows) Ltd

The erection of a portacabin for a temporary prefabricated office at J W Glass (Steamy Windows) Ltd Units 6 & 7 Scropton Road Hatton (9/2004/1203)

The application was refused permission for the following reason(s):

1. The portable buildings occupy space on the forecourt that is necessary for the provision of car parking associated with the primary use of the site. As such the development would be likely result in the parking of vehicles on the public highway contrary to the best interest of highway safety.

The Inspector considered the site to be big enough to accommodate the vehicles likely to be associated with the business and that with care in parking it should be possible for vehicles to turn within the site and not need to reverse onto the highway. Although the portacabin reduces the parking capacity this was not considered harmful or that there is a need for full capacity to be maintained.

With regard to the Highway comments that large vehicles on occasions have to reverse out of the site, the Inspector agreed that this was hazardous but did not consider that this would be prevented by removing the portacabin.

The Inspector concluded that the development did not increase the risk of accidents on Scropton Road and although the application refers to temporary accommodation he could see no reason why a permanent permission should not be given.

In consideration of the above the Inspector allowed the appeal.

APPEAL DISMISSED

Appeal by Mr Agnew

The erection of a dwelling at 14 Woodview Road Newhall Swadlincote (9/2004/1052)

The application was refused permission for the following reason(s):

1. *The site is outside the sustainable settlement boundary for Swadlincote as defined on the proposals map of the emerging Local Plan and is therefore contrary to Policy H1 of the emerging Local Plan. It would also consolidate a group of dwellings in an area identified as open land to be safeguarded from development under Environment Policy 7 of the adopted Local Plan.*
2. *The proposed development, if permitted, involves the creation of a new vehicular access to Capperas Lane and will introduce traffic movements to and from the public highway at a point where visibility is severely restricted due to boundary features to the detriment of highway safety.*
3. *A vehicle exiting an access at this location would conflict with pedestrians using the definitive footpath number 98 to the detriment of pedestrian safety.*
4. *The proposed development, if permitted, would lead to the material intensification in use of an existing substandard junction of Woodview Road and Park Road where visibility is restricted due to the road alignment and boundary features, to the detriment of highway safety.*

The Inspector considered the main issues to be:

- whether the proposal represents an acceptable form of development bearing in mind the character and appearance of the surrounding area,
- and whether the additional vehicle movements generated would create serious highway safety problems.

The Inspector noted that the appeal site, although domestic garden, forms part of an open area rather than a gap within an existing frontage or a site substantially surrounded by existing development which is evident from views from Park Road to the south-west. The existing hedges and vegetation close to the site would not effectively screen the proposed bungalow which “would be prominent and intrusive within the wider area”. The Inspector concluded that the proposal would be unacceptable in that it would seriously harm the open and undeveloped character and appearance of the land to the south of Woodview Road conflicting with the environment policy 7 of the local plan.

With regard to the access onto Capperas Road it was considered that provision could be made for adequate visibility to be achieved at the point of the proposed driveway in order to prevent undue danger to pedestrians and other road users. The Inspector did not consider the increased use of the junction of Capperas Road with Woodview Road as a result of the development would create unacceptable conflicts and dangers.

In consideration of the increased use of the junction of Woodview Road and Park Road as a result of the development, the Inspector viewed that due to the restricted inter-visibility between drivers approaching the junction from the north and joining the main road, any additional traffic would worsen the existing situation and increase potential dangers and concluded that there were highway safety objections to the proposal.

In consideration of the above matters the Inspector dismissed the appeal.

APPEAL DISMISSED

Appeal by Mr Grundy

The erection of a toilet and shower block including disabled facilities at Shardlow Marina London Road Shardlow Derby (9/2004/1076)

The application was refused permission for the following reason(s):

1. *The proposed building would be sited on an open area of land within the Shardlow Marina site and within the South East Derbyshire Green Belt and is not within the categories of development identified in the government's Planning Policy Guidance Note 2 as being appropriate to the green belt. Because of its general bulk and siting it would impair the openness of the green belt, contrary to the following development plan policies: Derby and Derbyshire Joint Structure Plan General Development Strategy Policy 7; South Derbyshire Local Plan Green Belt Policy 4; and Emerging Local Plan Environment Policy 6.*

The appeal site lies within the South East Derbyshire Green Belt as defined in the adopted South Derbyshire Local Plan (1998). Local and national planning policy consider that essential facilities for outdoor sport and recreation may be considered appropriate development in the Green Belt. In the Inspector's view the test of "whether an existing use comes within the definition of outdoor sports and recreation for Green Belt purposes is whether the use preserves the openness of the Green Belt and does not conflict with the purposes of including land within it." The Inspector did not consider that Shardlow Marina comprised an outdoor sport and outdoor recreation use in terms of Green Belt policy and that the openness of the site was greatly reduced by the buildings, static caravans and moored boats on site. Consequently the proposed new toilet and shower block was considered inappropriate development in the Green Belt, reducing the openness of this part of the site in conflict with local and national policy.

The Inspector noted the appellant's argument that there is a requirement for such a facility for boaters and believed that this consideration weighed in favour of this type of facility within Shardlow Marina. However, there was insufficient information to conclude that the proposed site is the only possible location for the new building.

The Inspector concluded that there were no very special circumstances that would justify this type of inappropriate development within the Green Belt and the appeal was dismissed.