

10/05/2005

Item 1.6**Reg. No.** 9/2005/0398/M**Applicant:**

Mr J Mayers
L M Blast Cleaners Cofton House
Trent Lane Kings Newton
Derby
DE73 1BT

Agent:

The Burton Emery Partnership
83a Mount Road
Hinckley
Leicestershire
LE10 1AE

Proposal: The demolition of the existing dwelling and erection of 17 apartments including relocation of existing vehicular access at 147 Burton Road Woodville Swadlincote

Ward: Woodville

Valid Date: 30/03/2005

Site Description

This rectangular site, some 27m wide by 45m deep is on the west side of Burton Road on the north side of the entrance to Woodville Nursing Home. It is occupied by a substantial detached house at the front of the site with garden to its south side and to the rear. There is an immediate drop in levels from the roadside into the site and beyond this the site is relatively level. There is a line of seven young to middle aged sycamores running parallel to the first half of the southern boundary, which are highly visible within the neighbourhood and have recently been made the subject of a tree preservation order. Beyond the rear boundary is the nursing home and a dwelling house and beyond the southern boundary are two further dwelling houses. Buildings in the vicinity are mainly two storeys.

Proposal

It is proposed to demolish the existing house and build two apartment blocks, one on the site of the house and the other in the rear garden running parallel and adjacent to the southern boundary.

The proposed 3½ storey apartment block at the front of the site would provide 11 apartments. As the building would straddle the change in levels from the highway, the lower ground floor apartment at the rear of the building would not be visible from the highway. When viewed from the highway the building would appear as 2½ storeys and be 15.8m wide by 13.2m deep by circa. 7m to its eaves and 13m to its ridge. It would be set forward of the neighbouring building to the north by 2.2m.

The proposed 3-storey building to the rear would provide 6 apartments. It would be 16m wide by 8.2m deep by 8m to the eaves and 12.7m to the ridge.

There would be 26 off-street parking spaces.

Planning History

A planning application was recently withdrawn for a development of two apartment blocks, similar to this proposal apart from the rear block being larger and providing 7 apartments. It would have been 18.4m wide by 8.2m deep by 8m to the eaves and 12.7m to the ridge. The application was withdrawn due to objection being raised by the Highway Authority over a lack of adequate parking and manoeuvring space.

Responses to Consultations

The comments of the Highway Authority are awaited.

The comments of the Primary Care Trust and Education Authority are awaited however on the previous application they requested a contribution of £444 per unit to local medical facilities and a contribution of £31,536 towards local school facilities.

The environmental health officer comments that the land has been used for quarrying of sand and gravel and is also identified as ground of unknown fill and recommends that the site is investigated for contamination and any ground remedial works are undertaken.

Responses to Publicity

No letters of objection had been received at the time of writing this report, however, five letters of objection were received on the last application which are summarised as follows:

- The development projecting forward of the existing roadside building line would affect the line of sight for neighbouring properties and those emerging from the site.
- An additional access would increase hazards on the highway.
- The covered access to the site would encourage larger vehicles to park on the highway affecting visibility sight lines.
- The buildings would be large and out of scale and character with neighbouring buildings.
- Possible disturbance to neighbours causing subsidence.
- Noise, dust and disturbance during construction.
- Insufficient parking off-street parking which would result in parking on the public highway.
- Unacceptable overbearance and loss of privacy for neighbouring residents.
- Inadequate foul drainage.
- Possibility of the presence of bats.
- Additional pressure on existing medical services.
- Add to congestion at the Clock Island.
- Increase in noise levels in an otherwise quiet area.

Structure/Local Plan Policies

Joint Structure Plan: General Development Strategy Policy 1, 2 and 3 and Housing Policy 3, Transport Policy 4.

Adopted Local Plan: Housing Policy 4 and 11

Revised Deposit Draft Local Plan: H1, T1, ENV21, C3 and C5.

Housing Design and Layout - Supplementary Planning Guidance.

Planning Considerations

- Amenity for existing residents.
- Appropriate scale and character.
- Adequate access and parking
- Impact on the protected trees

Planning Assessment

The site falls within the definition of previously development land as defined in PPG3 and is within the Swadlincote Development Boundary. It therefore complies with Policy H1 of the emerging Local Plan and is acceptable in principle. A higher density is also appropriate as it is close to a main bus route.

With regard to safeguarding neighbours' amenity, the layout has been amended to ensure compliance with the Councils housing layout and design guidelines to avoid loss of privacy and overbearance. The proposal is now acceptable in this regard.

The proposed roadside development has been designed to reflect the appearance and character of the existing dwelling, albeit being about 1m higher and some 4m wider. It would project forward of the existing building line but not to a great extent and consequently is unlikely to cause undue harm to the appearance of the street scene. The apparent increased mass of the building when compared to the existing would be largely obscured by the tree screen and would therefore be acceptable.

Whilst three-storey development is new to the area, the rear apartment block would be at a lower level and some 18.6m from the public highway. In addition, it would be obscured to a large extent from the highway by the mature sycamore trees. It would also accord with the required separation distances between proposed and existing dwellings. On this basis it would be difficult to substantiate a material degree of harm arising from the proposal.

The issue for the Local Highway Authority has been the adequacy of the car parking layout. The current scheme shows 1.5 spaces per dwelling thus meeting the required standard. The views of the Local Highway Authority are awaited.

The proposed rear apartment building would be 0.5 to 1m closer to two of the protected trees at the end of the group than would normally be recommended. The overall amenity value of the protected group however is unlikely to be affected and the majority of the area around the two trees in question would remain undisturbed thus establishing their medium to long-term survival. Three parking spaces would fall within the canopy of the trees and the applicant has indicated that these would be achieved with a 'no dig' system including geotextile membrane and porous surfacing. The proposal therefore is acceptable in this regard.

As the proposal exceeds five units and in view of the consultation replies contributions to local medical and school facilities is justified. In addition, an in lieu of payment of £17,000 towards public open space provision has been negotiated.

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

- A. Grant delegated powers to the Head of Planning to deal with any new material planning objections received by 12th May 2005
- B. Subject to A. and the applicant entering into an agreement or offering a unilateral undertaking under Section 106 of the Town and Country Planning Act to secure the payment of financial contributions towards local medical, education and public open space provision then **GRANT** permission subject to the following conditions:

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

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

2. No development shall commence on site in connection with this approval until samples of materials for the external elevations of the buildings 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. Gutters, downpipes, fascias and barge boards shall have a black finish.

Reason: In the interests of the appearance of the buildings, and the appearance of the area.

4. No development shall commence on site in connection with this approval until large scale drawings of the external fenestration (including the projecting bay window) and doors, 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: To ensure the external windows and doors are constructed to achieve the appearance of those shown on the approved drawings in the interests of the appearance of the building and the area.

5. Notwithstanding any details submitted, no development shall commence on site in connection with this approval until precise details of the type, size and position of the proposed rooflights on the front elevation have been submitted to and approved in writing by the Local Planning Authority. The approved rooflights shall be a conservation type fitted such that their outer faces are flush with the plane of the roof, unless otherwise agreed in writing with the Local Planning Authority.

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

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

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

7. No development shall commence on site in connection with this development until appropriately scaled details of the front metal boundary railings have been submitted to and approved in writing by the Local Planning Authority and the approved railings shall be erected before the development is first occupied.

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

8. No development shall commence on site in connection with this approval until appropriately scaled construction details including cross sections of the eaves, verges and projecting string courses 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 these features are constructed to achieve the appearance of those shown on the approved drawings in the interests of the appearance of the building and the area.

9. No development or other operations shall commence on site until a scheme (herein after called the approved protection scheme) which provides for the retention and protection of trees which are the subject of Tree Preservation Order 236, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme.

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

10. No operations shall commence on site in connection with the development hereby approved until the tree protection works required by the approved tree protection scheme are in place.

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

11. 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.

12. 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.

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

13. The parking spaces within the canopy area of the protected trees shall be achieved with a 'no dig' system including geotextile membrane and porous surfacing in a manner to be first agreed to the satisfaction of the Local Planning Authority.

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

14. No development shall commence on site in connection with this approval until details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed levels.

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

15. No development shall commence on site in connection with this approval until a site investigation to determine whether the land is contaminated has been submitted for approval by the Local Planning Authority 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: There is historical evidence of filled ground of unknown composition at the property. There is the possibility therefore that contaminants, such as landfill gas, may be present in the soil.

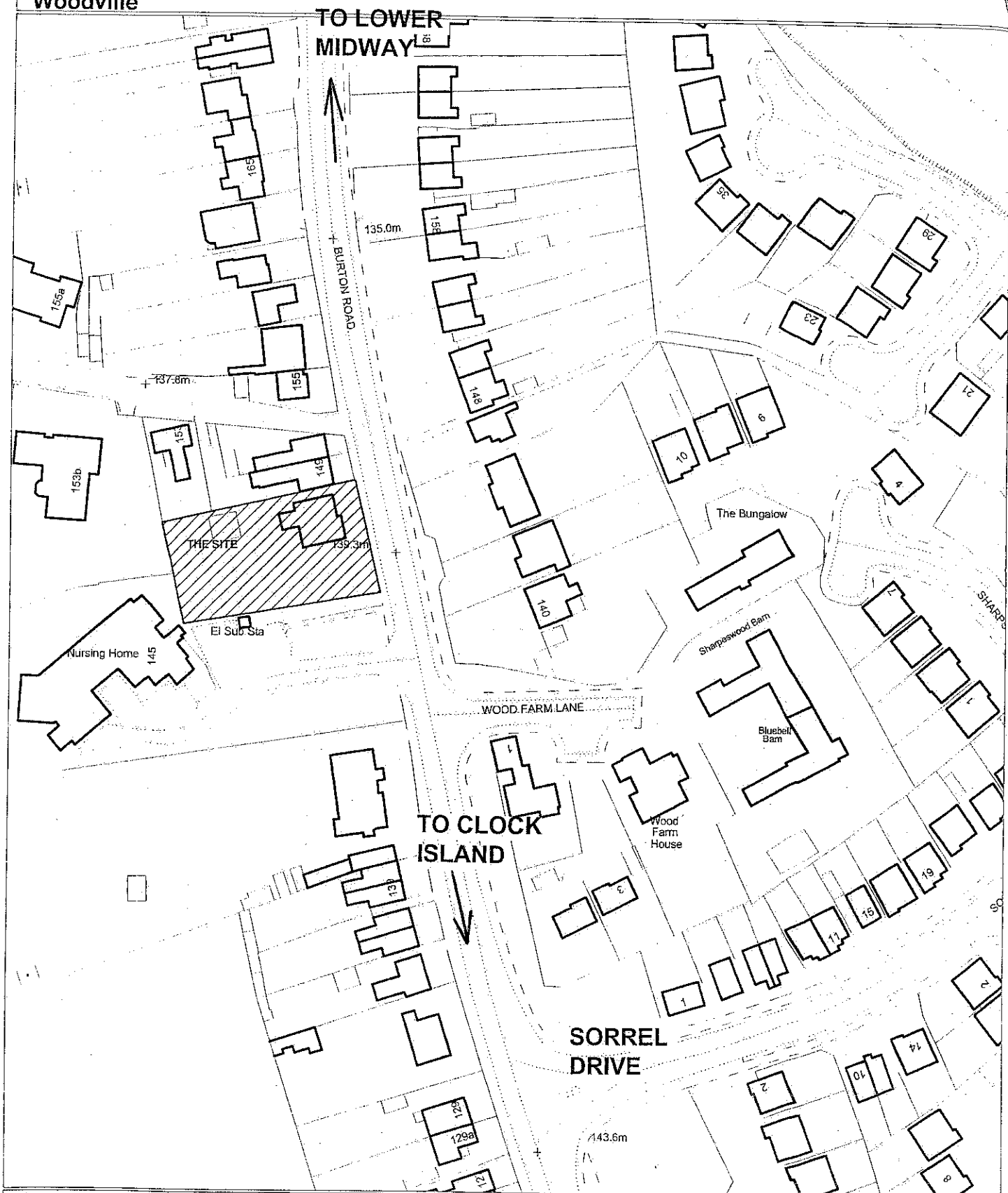
16. No dwelling shall be occupied prior to adequate parking space to service it and any previously occupied dwellings has been laid out and surfaced in accordance with the details to be agreed with the Local Planning Authority.

Informatives:

It is reported that bats may frequent/inhabit the site. It is an offence to kill or damage or disturb bats or their roosts. If bats are found you are advised to inform English Nature, Manor Barn, Over Haddon, Nr. Bakewell, Derbyshire, DE45 1JE. Practical advice on how to protect/relocate any bats may be obtained from Malcolm Hopton, Derbyshire Bat Group, 9 Ashton Close, Mickleover, Derby, DE3 5QD, (Tel. 01332-511427).

In connection with the remedial report into possible contamination you should note the requirements of the Pollution Control Officer (attached).

9/2005/0398/M 147 Burton Road
Woodville



Reproduced from the 1996 Ordnance Survey mapping with the permission of the controller of Her Majesty's stationary office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Scale 1:1250 Date Plotted 27/4/2005

Plot centred at 431274 319669

9/2005/0398/M 147 Burton Road
Woodville



10/05/2005

Item 1.1**Reg. No.** 9/2004/1495/F**Applicant:**

Mascotta Properties Ltd
 1 (B) Derby Road
 Borrowash
 Derbyshire
 DE72 3JW

Agent:

G. Markwell
 Graham Markwell Associates
 1B Derby Road
 Borrowash
 Derbyshire
 DE72 3JW

Proposal: The demolition of the existing shop and premises and the erection of six new dwellings at 109 Swadlincote Road Woodville Swadlincote

Ward: Woodville

Valid Date: 12/11/2004

This item is brought to the committee under the instruction of Councillor Taylor.

Site Description

This former shop and premises, now demolished, is on the north side of Swadlincote Road between terraced houses. The width of the front of the site between the existing houses is some 9.4m, which widens at the rear to 24.4m. The depth of the site is some 68m.

Proposal

It is proposed to erect six houses, two detached and four semi-detached. A dwelling is proposed to fill the gap at the front of the site with a covered passage running through it to give vehicular access to the five dwellings proposed at the rear.

Planning History

Outline permission was granted on smaller area of land within the site in July 2003.

Responses to Consultations

Final comments from the Highway Authority had not been received at the time of preparing this report.

The Education Authority requires a contribution to local school facilities of £7,884.

The Primary Care Trust requires a contribution to local medical facilities of £444 per dwelling.

The Environmental Protection Manager comments that the land has been used as a shop and the land to the rear may have been used for light industrial usage and considers there is a possibility that contaminants may be present in the soil. He recommends that the site is investigated to determine whether the land is contaminated and any remedial works undertaken before development commences.

Responses to Publicity

One letter has been received from the neighbouring resident objecting on the grounds of the narrowness of the access, increased disturbance from the new access, inadequate visibility and loss of privacy due to the close proximity of the access. The neighbours gable wall was left exposed and potentially unstable following the demolition works, however, this appears to have been rectified with the erection of new a secondary gable wall.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 3 and 4

Local Plan: Housing Policy 5 and 11

Emerging Local Plan: H1 and ENV21

Planning Considerations

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

- Highway safety
- Affect on the amenity for neighbouring residents due to increased disturbance and overlooking.

Planning Assessment

The comments of the Highway Authority are awaited. Previously expressed concerns about the width of the access appear to have been overcome by the submission of a 1/50 scale surveyed drawing.

The proposal complies with the Councils housing layout guidelines and therefore adequate amenity would be safeguarded for existing residents with regards to privacy and overbearance. Vehicle movements are likely to be relatively low and therefore would not cause undue disturbance to the neighbouring property. Further mitigation could be provided with suitable boundary treatment, preferably a brick wall.

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

Provided no objection is raised by the Highway Authority and provided the applicant enters into a legal agreement or offers a unilateral undertaking under Section 106 of the Town and Country Planning Act to secure the payment of medical and school contributions then **GRANT** permission subject to the following conditions:

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

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

2. This permission shall relate to the amended drawings, nos 04 GM 08/35 10 Rev. B, 04 GM 08/35 11 Rev. A, 04 GM 08/35 15 Rev. A, 04 GM 08/35 17 received on 8th, 30th March 2005.

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

3. 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.

4. Notwithstanding any details submitted, precise details of the type and size of the proposed rooflight on the front elevation of plot 1, which shall be a conservation type, shall be submitted to and approved in writing by the Local Planning Authority. The approved rooflight shall be fitted such that its outer face is flush with the plane of the roof, unless otherwise agreed in writing with the Local Planning Authority.

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

5. 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.

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, which shall where necessary include boundary walls. 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 and to safeguard the amenities of neighbouring residents.

9/2004/1495/F 109 Swadlincote Road
Woodville

WOODVILLE



Reproduced from the 1996 Ordnance Survey mapping with the permission of the controller of Her Majesty's stationary office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Scale 1:1250

Plot centred at 430989 319249

Date Plotted 27/4/2005

9/2004/1495/F 109 Swadlincote Road
Woodville



