

28/05/2002

**Item** 2.1**Reg. No.** 9 2001 1212**Applicant:**

Mr Mrs Hancock  
 88, Arch Farm House, Main Street  
 Ticknall  
 Derby  
 DE731JZ

**Agent:**

Marchini Curran Associates  
 49 Stoney Street  
 The Lace Market  
 Nottingham  
 NG1 1LX

**Proposal:** The erection of a first floor bedroom over the existing balcony  
 at Arch Farm House 88 Main Street Ticknall Derby

**Ward:** Ticknall

**Valid Date:** 13/12/2001

For report see application see 9/2001/1213 above.

**Recommendation**

**REFUSE** Listed Building Consent for the following reason:

1. A large proportion of the rear of the original farmhouse has already been covered by a modern extension the massing and detailing of which detracts from the special historic and architectural character of the original. One small area of the original external rear wall and eaves line remain visible. The proposed extension exacerbates the effect of the existing extension by following a similar massing and would obliterate from view the last remaining area of visible original rear wall. The alignment of the proposed fenestration does not relate well to the existing and the gap between ground and first floor windows is excessively large. The proposal would be contrary to the guidance in PPG 15 - Planning and the Historic Environment, Environment Policy 10 - Historic Buildings from the Structure Plan, Environment Policy 13 of the South Derbyshire Local Plan and Supplementary Planning Guidance for Historic South Derbyshire.

28/05/2002

**Item** 2.2**Reg. No.** 9 2001 1213**Applicant:**

Mr Mrs Hancock  
 88, Arch Farm House, Main Street  
 Ticknall  
 Derby  
 DE731JZ

**Agent:**

Marchini Curran Associates  
 49 Stoney Street  
 The Lace Market  
 Nottingham  
 NG1 1LX

**Proposal:** The erection of a first floor extension to provide an additional bedroom over the existing balcony at 88, Arch Farm House Main Street Ticknall Derby

**Ward:** Ticknall

**Valid Date:** 13/12/2001

**Site Description**

This detached two storey grade II listed dwelling is on the south side of Main Street some 50m east of the bridge arch and is within the Ticknall Conservation Area.

**Proposal**

It is proposed to erect a first floor rear extension to enclose an existing first floor balcony to provide an extra bedroom. The existing parapet enclosing the balcony would be taken down to first floor level and a new cavity wall constructed using bricks to match the existing colour and texture. The proposal would have a pitched roof finished with plain tiles to match the existing. Two window openings in the enclosed outer wall would be bricked up and the new outer wall would contain two windows.

**Planning History**

Planning permission for the existing two-storey extension and balcony was granted in February 1989.

**Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: Environment Policy 10 - Historic Buildings.

Local Plan: Environment Policy 13 of the South Derbyshire Local Plan.

Also material to the application is PPG 15 - Planning and the Historic Environment and Historic South Derbyshire Supplementary Planning Guidance.

## **Planning Considerations**

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

- The adverse impact the development would have on the character of this building which as a listed building is desirable to preserve.

## **Planning Assessment**

Whilst benefiting from a previous permission the rear extension is very poor. Its massing is at odds with the building and is not in keeping with the earlier ranges because of its narrow depth and hipped roof. The detailing is poor, the soldier arch and window patterns not reflecting the existing historic patterns. The second hand bricks are laid with wide joints and have a poor pointing finish. The proposed extension does nothing to negate any of this and is bound to reinforce the detrimental effect it has on the listed building. The proposed first floor window cills are higher than the existing first floor cill and are excessively high relative to the right hand ground floor window, adding to the overall non-traditional appearance. Presently a section of original rear wall and eaves line is still visible and this helps to mitigate against the overall effect of the existing extension. The proposed extension would hide this completely from view.

In conclusion the proposal would be more detrimental to the historic and architectural character of the building contrary to the policies.

## **Recommendation**

**REFUSE** permission for the following reason

1. A large proportion of the rear of the original farmhouse has already been covered by a modern extension the massing and detailing of which detracts from the special historic and architectural character of the original. One small area of the original external rear wall and eaves line remain visible. The proposed extension exacerbates the effect of the existing extension by following a similar massing and would obliterate from view the last remaining area of visible original rear wall. The alignment of the proposed fenestration does not relate well to the existing and the gap between ground and first floor windows is excessively large. The proposal would be contrary to the guidance in PPG 15 - Planning and the Historic Environment, Environment Policy 10 - Historic Buildings of the Derby and Derbyshire Joint Structure Plan, Environment Policy 13 of the South Derbyshire Local Plan and Supplementary Planning Guidance for Historic South Derbyshire.

28/05/2002

**Item** 2.3**Reg. No.** 9 2002 0302

**Applicant:**  
 Mr M Aziz  
 110 Crewe Street  
 Derby  
 DE23 8QP

**Agent:**  
 Mr M Aziz  
 110 Crewe Street  
 Derby  
 DE23 8QP

**Proposal:** The removal of condition 2 and 3 of planning approval 9/1096/0507/U for the use as a restaurant at 42-42b High Street Repton Derby

**Ward:** Repton

**Valid Date:** 19/03/2002

### **Site Description**

The property is situated in the conservation area close to a number of dwellings and has been used for several years as a restaurant.

### **Proposal**

Condition 2 states that the premises shall not be used for the sale of hot food for consumption off the premises. Condition 3 prevents the frying of food after 5 p.m. The reasons for the conditions are to protect the amenities of the occupiers of nearby dwellings and flats.

### **Site History**

Permission to use the premises as a restaurant was granted in 1997 (9/1096/0507/U). Extensive discussions were undertaken with the applicant to ensure that the use did not harm local amenities. In particular the need to avoid external fume extraction equipment was discussed. The problem was overcome because the limited amount of frying proposed by the original restaurateur enabled the existing chimney flue top to be utilised for fume extraction.

Since the grant of permission for restaurant use the former school boarding house opposite (Brook House) has been developed as apartments.

### **Responses to Consultations**

The Parish Council objects for the following reasons:

- a) The conditions were imposed to protect the environment and should not be lifted unless there is evidence to the contrary.

- b) The additional traffic would cause extra parking problems in High Street. This problem has already occurred with the Chinese restaurant in High Street when its own car park is not used in favour of on street parking which results in the blocking of private driveways.

The Environmental Health Manager objects as follows:

- a) The site is in an area of residential accommodation.
- b) There is thus potential for disturbance due to noise from customers visiting the premises.
- c) The frying of food later than 5 p.m. would increase the possibility of odour nuisance.

The Highway Authority would support a planning refusal on the grounds that there would be a likelihood of indiscriminate parking and manoeuvring within the highway limits.

### **Responses to Publicity**

An individual letter of support has been received from a resident of Pinfold Close raising the following points:

- a) There are two existing take away premises that operate without the restrictions affecting the application site.
- b) It would seem unfair and an undue limitation on competition to continue to apply the restrictions.
- c) There would be a great deal of support for an Indian takeaway restaurant in the village.

A copy petition of 123 signatories sent to the Parish Council has been received in support of the application.

20 letters have been received objecting in the following terms:

- a) There is currently disturbance and blocking of driveways due to the proximity of other food and drink premises in the locality.
- b) There would be increased parking and highway safety problems.
- c) There would be increased disturbance.
- d) The village is already well served with food premises.
- e) There would be odour nuisance.
- f) The residential character of the conservation area would be adversely affected.
- g) There would be more litter.
- h) There are Indian food outlets within 5 miles of Repton that offer a free delivery service.

### **Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: Town Centre and Shopping Policy 5.

Local Plan: Shopping Policy 3.

### **Planning Considerations**

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

- The current relevance of the conditions and the provisions of the development plan
- The potential environmental impacts of removing the conditions
- Highway safety

## **Planning Assessment**

The development plan allows for the provision of local shops provided they do not seriously affect the environment or adversely affect the amenities of neighbouring properties and that adequate parking is provided. The conditions applied to the original grant of permission were imposed having due regard to the delicate balance between residential and commercial premises in the locality. It is apparent that residents already experience a degree of disturbance from traffic noise and fumes generated by visitors to existing premises used for the sale food and drink. It is likely that the impact of these factors would increase if the conditions affecting the application site were to be relaxed.

With specific regard to the issue of fumes equipment for dealing with cooking favours is subject to development and increased efficiency. However the Environmental Health Manager advises that any such equipment is likely to require a flue projecting at least 1 metre above the eaves of the roof and fitted with a Venturi outlet. This in turn is likely to necessitate an externally mounted flue, which would be clearly visible whether fitted to the front or rear of the building. It is likely that this would be harmful to the appearance of the conservation area.

On the advice of the Highway Authority there could be problems of parking and manoeuvring in the highway.

Whilst there is support for another hot food outlet in the village this is felt to be of insufficient weight as to override the aforementioned matters.

## **Recommendation**

**REFUSE** permission for the following reasons:

1. The proposal would result in a material increase in disturbance to residential neighbours caused by vehicles and customers visiting the premises to purchase food for consumption off the premises. Furthermore the increased incidence of frying food at the premises would likely give rise to cooking odours outside the premises to the detriment of the amenities of the occupiers of nearby residential properties. As such the proposal would be contrary to Town Centre and Retail Policy 5 of the Derby and Derbyshire Joint Structure Plan and Shopping Policy 3 of the South Derbyshire Local Plan.
2. The proposal would be likely to generate indiscriminate parking and manoeuvring in the highway to the detriment of highway safety.

28/05/2002

**Item** 2.4**Reg. No.** 9 2002 0355**Applicant:**

Mr Mrs G Cerrone  
6 Baslow Drive  
Allestree  
Derby

**Agent:**

Montague Architects  
9 Vernon Street  
Derby  
DE11FR

**Proposal:** Alterations and extensions at Briar Lee Etwall Lane  
Burnaston Derby

**Ward:** Etwall

**Valid Date:** 28/03/2002

**Site Description**

The site is located outside the framework of Burnaston village within open countryside.

The site itself comprises the house and the associated domestic curtilage. To the east, south and west are open countryside whilst the road bounds the northern boundary.

There is a substantial hedge to the road frontage and to the track (public footpath) to the eastern site boundary.

**Proposal**

The applicant has submitted a revised design to erect extensions to the dwelling house. The proposal involves the extension of the dwelling in the form of the erection of two wings and a conservatory between the rear projections of these wings. In addition, it is proposed to erect a garage block to the west of the site. The revised design has moved the major extension back behind the main frontage of the dwelling and reduced the size of the conservatory.

**Applicants' supporting information**

The agent has stated that the applicants are committed to the project and wish to produce an extension of high quality that respond to the architectural style of the existing dwelling using materials that are also of a high quality. They have significantly altered the scheme submitted last year by setting the extensions back and reducing the height of the roof by reducing the eaves height. This will keep the new roof subservient to the main house. The summer room has been reduced in scale and enclosed by the wing extensions. The links to the coach house and the proposed garage have also been removed. This would leave the house standing as an isolated unit.

## **Responses to Consultations**

Burnaston Parish Council feels that this is an improvement on the previous plan but has objected to the development on the following grounds: -

- a) It is too large a development that swamps the character of the original Victorian dwelling
- b) Once completed the development would look like a totally new dwelling, altering its character on a prominent site at the entrance to the village.
- c) The drive entrance has no sight lines and will be dangerous.

The County Highways Authority notes that the proposed access would be severely substandard but not materially worse than the existing access. Thus, there would be no objection provided the existing access was closed and visibility improved across the whole frontage.

## **Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 1 & 4, Housing Policy 6.

Local Plan: Environment Policy 1, Housing Policy 8 & 13.

## **Other Material Considerations**

Planning Policy Guidance Note 7

## **Planning Considerations**

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

- The development plan policies
- The impact of the proposal on the character and appearance of the countryside
- Other material considerations

## **Planning Assessment**

The site is located outside the confines of any village and within the open countryside. In such areas, new residential development is strictly controlled. Whilst domestic extensions may be acceptable in certain circumstances this will only be the case where the extension does not have an adverse impact on the character and appearance of the area in which it is to be located.

Housing Policy 13 of the South Derbyshire Local Plan specifies this approach.

In this case, the dwelling is located in a prominent position at the entrance to, but outside, the village of Burnaston.. The extensions and other buildings proposed would double the size of the dwelling.

The size of the extensions, including the mass of the proposal, would greatly add to the prominence of the unit and would result in a significant urbanisation of the area. Therefore, the proposal would have an adverse impact on the character of the dwelling and the area in which it is located. In this regard, it is contrary to planning policy.



The comments made by the applicant concerning the design of the dwelling are noted. However, the submitted scheme is not considered to be of such an outstanding design such that this outweighs the other considerations and the impact the proposal would have on the area. The overall effect would be tantamount to the erection of a new dwelling in the countryside.

In discussions with officers the agent has stated that the proposals only represent a marginal percentage increase in the amount of the building over what would normally be permitted development. A calculation of the volume of the original dwelling house reveals that the dwelling qualifies for a 15% increase in its volume, equating to some 98cu metres as opposed to the 70cu metres for dwellings of more modest proportions. If the permitted volume is added to the volume of the original dwelling house, the volume of the increase is 167% above what is permitted development. This is not a modest increase of the dwelling and confirms the view that the proposal is tantamount to the erection of a new dwelling in the countryside.

### **Recommendation**

**REFUSE** permission for the following reasons:

1. General Development Strategy Policy 1 of the adopted Derby and Derbyshire Joint Structure Plan requires that development will respect the principles of sustainable development. General Development Strategy Policy 4 of the same Plan requires that in the countryside development will be permitted if it can be shown appropriate to the location and can be designed and positioned to minimise impact on the environment. Structure Plan Housing Policy 6 states that housing development will be permitted only if it can be shown to be necessary for the operation of a rural based activity and that a location outside a settlement is essential. Whilst the proposals relate to the erections of extensions, they are of such a scale that it would be tantamount to the erection of a new dwelling in the countryside. There is no essential need for a dwelling to be created in the countryside and as such, there is no justification for the development. The development is therefore contrary to the above policies of the adopted Joint Structure Plan.
2. Environment Policy 1 of the adopted South Derbyshire Local Plan requires that outside settlements new development will not be permitted unless it is essential to the operation of a rural based activity or is unavoidable in the countryside and the character of the countryside, landscape quality, wildlife and historic features are safeguarded and protected. Housing Policy 8 requires that housing development is necessary to the operation of a viable long term established rural based activity, a countryside location is necessary to the efficiency of the activity, the site is well related to buildings and the dwelling is of a size commensurate with the functional requirement of the activity. Whilst the proposals relate to the erections of extensions, they are of such a scale that it would be tantamount to the erection of a new dwelling in the countryside. In the absence of any justification for a new dwelling, the proposal is contrary to the above policies.
3. Housing Policy 13 of the adopted Local Plan requires that all extensions should be of a scale and character in keeping with the property and not adversely affect the amenities of adjoining properties. The proposed extensions would result in a substantial addition to the existing dwelling to a point where it would appear as a new dwelling. This is out of scale with the existing accommodation and would significantly alter and adversely affect the character of the structure contrary to the above policy.



16/04/2002

**Item** 1.1

**Reg. No.** 9 2002 0055

**Applicant:**

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

**Agent:**

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

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

**Ward:** Woodville

**Valid Date:** 18/01/2002

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

**Site Description**

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

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

**Proposal**

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

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

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

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

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

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

### **Applicants' supporting information**

#### *Marketing the site for commercial use*

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

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

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

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

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

#### *Noise assessment*

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

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

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

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

### *Ground contamination*

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

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

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

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

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

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

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

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

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

### Responses to Consultations

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

- (i) Swadlincote does not have the same 'product' as Burton in respect of Centrum 100 and Stretton Business Park which are fully serviced sites fully accessible to the national trunk road network.
- (ii) The buildings that occupy the site are not modern functional buildings and significant investment in them would be needed to enable them to be brought back into use.
- (iii) Local demand is primarily for businesses to construct their own units.
- (iv) Only minimal interest has been expressed to the Council concerning the site.

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

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

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

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

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

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

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

The Parish Council to makes the following comments:

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

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

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

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

### **Responses to Publicity**

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

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

The Doctor's surgery welcomes the additional car parking.

### **Structure/Local Plan Policies**

The relevant policies are:

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

Local Plan: Housing Policy 4: Housing Development Swadlincote.

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

## Planning Considerations

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

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

## Planning Assessment

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

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

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

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

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

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

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



## Recommendation

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

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

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

2. No development shall take place until details of all earthworks to be undertaken on the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the existing and proposed levels and contours to be formed, showing the relationship of the proposed mounding to existing vegetation and surrounding landform. The earthworks shall then be completed as agreed in accordance with a timetable that shall have first been submitted to and agreed in writing by the Local Planning Authority.

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

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

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

4. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of appropriate facing materials to be used in the construction of the external walls and roof of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the agreed materials

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

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

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

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

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

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

Reason: To safeguard the amenities of the area.

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

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

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

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

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

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

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

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

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

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

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

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

15. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

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

#### Informatives:

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

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

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

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

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

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

16/04/2002

**Item** 1.2

**Reg. No.** 9 2001 0730

**Applicant:**

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

**Agent:**

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

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

**Ward:** Woodville

**Valid Date:** 26/07/2001

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

**Recommendation**

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

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

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

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

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

3. No development shall take place until details of all earthworks proposed for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the existing and proposed levels and contours to be formed, showing the relationship of the proposed mounding to existing

vegetation and surrounding landform. The earthworks shall be completed in accordance with a timetable that has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the area.

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

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

5. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of appropriate facing materials to be used in the construction of the external walls and roof of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the agreed materials

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

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

Reason: To safeguard the amenities of the area.

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

Reason: To safeguard the amenities of the area.

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

Reason: To safeguard the amenities of the area.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the amenities of the area.

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

Reason: To safeguard the amenities of the area.

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

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

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

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

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

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

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

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