

27/06/2006

Item 1.6**Reg. No.** 9/2006/0625/M**Applicant:**J N Developments Ltd
C/O Redline Planning**Agent:**Redline Town Planning And Development
Consultants
Goldshoes Cottage Plough Lane
Bishop's Itchington
Warwickshire
CV47 2QL

Proposal: Outline application (all matters to be reserved) for the demolition of existing buildings and the construction of an assisted living development (comprising a maximum of 13,000 square metres of class C2 floor space) and a maximum of 70 assisted living accommodation units at Aston Hall Hospital Maple Drive Aston on Trent Derby

Ward: Aston

Valid Date: 24/05/2006

Site Description

The site is part of the former Aston Hall Hospital, the majority of which was re-developed for residential purposes at the end of the last century. The subject site remained in use for hospital purposes until the end of 2004. The Grade II* listed Aston Hall Mansion is visible to the north across open space. However the existing buildings on the site curtail views from The Mansion towards the open countryside. Views from the south are available from the public footpath linking Weston Road with the Trent and Mersey Canal at Weston Grange.

Long Walk Wood and Middle Wood bound the existing complex to the east and west, and are subject to a Tree Preservation Order. The woodland screens the buildings from Weston Road and Shardlow Road. Concessions secured by a previous Section 106 Agreement enable public access through the woods and along the southern periphery of the hospital, along with use of the now disused playing fields.

Vehicular access to the hospital from Weston Road is gained via Willow Park Way and Maple Drive.

The lawful use of the site falls within Class C2 of the Town and Country Planning (Use Classes) Order, being a residential institution. The Class includes residential schools and colleges, hospitals and convalescent/nursing homes. The definition does not include clinics and health centres, but would not preclude ancillary outpatient services.

The existing buildings produce a footprint of about 5300 sq m, with an overall current floorspace of about 7300 sq m. Some of the buildings are of substantial construction, in brick with plain clay tile roofs, whilst others are more utilitarian in design and materials. Included within the group are a meeting room/theatre and a hydrotherapy pool.

The application site lies Weston on Trent Parish, but part of the highway network serving the site lies in Aston on Trent.

Proposal

The application seeks to demolish the existing buildings in their entirety. A new purpose-built complex would be built to replace it. Whilst the application is in outline an indicative layout shows four care unit blocks and two linked blocks of 'assisted living' accommodation, containing some 70 units. The drawing shows the buildings to be located towards the existing development and woodland to the east and west, with open space between running north/south. The footprint of the new blocks would be about 6200 sq m, with accommodation on three floors.

There is a current identical application (9/2005/1408/M). All representations received in respect of that are reported below, along with any additional comments arising from the subject application.

Applicant's Supporting Information

The applicants have supplied comprehensive planning and technical reports, summarised by their agent as follows:

1.0. INTRODUCTION: THE CONCEPT

- 1.1. This Statement has been prepared to assist the Local Planning Authority by setting out the attitudes of J N Developments Ltd in respect of their current proposal for an assisted living development comprising C2 Use and assisted living accommodation at Aston Hall Hospital, Maple Drive, Aston-on-Trent.
- 1.2. J N Developments are, increasingly, at the forefront of the provision of modern C2 (Residential Care) Use on large sites throughout the UK. These sites often comprise redundant hospital sites which have served their useful purpose and upon which existing buildings are either incapable of conversion or are structurally unsound due to years of neglect and dereliction.
- 1.3. J N Developments Ltd fully subscribe to the Government led encouragement to residential care and extra care provision which seek to be open, inclusive and provide a wider benefit to the local community of which they are part.
- 1.4. The concept of assisted living stems from the recognition that there is a continuum between the legitimate needs of elderly and/or infirm people to

remain in their own homes (with their own facilities) with a level of continuing and, where necessary, increasing support but who do not need to move into a residential home and thereby risk losing their independence.

- 1.5, In addition, it is now recognised that a wide range of specific residential care facilities are needed to satisfy the requirements of those sectors of the community which need the provision of more specialised, albeit, smaller units of accommodation and care. Specialist residential care units that are purpose built are now a feature of local care facilities in many areas. In addition, they are, increasingly, located on new, modern sites and grouped together thereby benefiting from the shared benefits that a “hub” of such uses can provide.
- 1.6. The Aston Hall site is a site upon which the practical reality of assisted living accommodation and specialist C2 Residential Care Centres can operate together within a mutually beneficial care environment. The value of such components of residential care operating in tandem in a “close care” environment is, increasingly, emerging as a sound basis for re-development on redundant hospital sites.
- 1.7. To summarise; the umbrella of “extra care” aims to provide an alternative for all ages of persons who need a level of continuing support but do not need to move into a residential home and thereby risk losing their independence. In addition, it places such people at an advantage in circumstances where their next accommodation move is into full residential care, a move that can be made easily when such uses are in close proximity.

2.0. THE PROPOSAL

- 2.1. The proposal for the re-development of the Aston Hall site is directly in line with the concept expounded above. On a substantial site area of 13 hectares (32 acres), and following the demolition of the existing hospital buildings, J N Developments propose to erect 4 C2 care units each of approximately 3,250 square metres floorspace based upon footprints expected to be a maximum of circa. 1,200 square metres.
- 2.2. In addition, an assisted living development comprising in the order of 70 units of accommodation and totaling circa. 3,850 square metres of floorspace (based upon a footprint of circa. 1,400 square metres) will also be incorporated within the scheme.
- 2.3 Following detailed consultation, with both the Development Control Officers of the Local Planning Authority and the Conservation Officer, a considerable emphasis has been placed upon the preservation of landscape throughout the site and its enhancement and improvement.
- 2.4. In particular, the indicative layout included within the supporting documentation to the Application demonstrates how a central area of the site will be retained to be free from development ensuring a “parkland”

feel to the area can be re-introduced here to accord with the historic associations relating to the parkland surrounding the listed building of Aston Hall itself.

- 2.5. The parkland to be retained as a principal feature of the development will be enhanced by substantial landscaping and planting of indigenous species and features within the Unilateral Undertaking to be presented to the Local Planning Authority prior to their determination of the Application and within amendments to be made to Section 106 provisions on the site to ensure that the open land area can be used by local residents for the purposes of walking or mobility assisted transport.
- 2.6. To achieve the layout form proposed, some development has been placed to the south of the overall site area on land previously used as playing fields. In order to ameliorate the impact of the loss of this playing field, the Applicant has agreed to provide a contribution of £30,000 towards the provision of local outdoor recreational facilities upon an alternative site within the locality.
- 3.0. CONSULTATION
- 3.1 In the course of the submission of the Application, the Applicant has undertaken all necessary discussions and negotiations with Officers of the Local Planning Authority. A full Supporting Statement has been prepared and made available with the Application and to interested parties.
- 3.2 Further detailed consultation has been undertaken with relevant bodies including the Highway Authority, the County Archaeologist and the Environment Agency. In each case, the result of the actions undertaken has been to either resolve outstanding concern and to achieve a satisfactory Condition(s) to be included upon any grant of Permission.
- 3.3 The Applicants have also been aware of the views expressed by local residents and by the Parish Council. In response, and in principle, it is pointed out that the Proposal maintains the tradition of the Aston Hall site as a caring environment. Its redevelopment in favour of modern accommodation and modern facilities is long overdue. While the scheme proposed does increase the scale of development here, it is all to be for residential care.
- 3.4 Moreover, the indicative form of the development proposed has been carefully situated on-site to adjoin the western and eastern site boundaries (against the backdrop of well established vegetation) thereby providing the opportunity to enhance the central “corridor as a landscaped area providing vistas to the countryside to the south and forming part of the “public realm” for the enjoyment of residents of the area.
- 3.5 As part of the development proposal, the Applicants have made a formal, legally binding offer to the Local Planning Authority to contribute a sum of

- 3.6 £30,000 to enable, in whole or part, the provision of a new equipped Play Area site within the village.
- 3.7 The Applicants recognise the views of local residents who have benefited in the past from their informal use of a number of the facilities that have existed on the site. They endorse their consistently expressed view that, in the context of discussions on the precise details of the scheme (following on from the Outline Planning Application stage), they will be very pleased to initiate, and be part of a local Forum at which the views and needs of local residents can be discussed in the context of the formulation of detailed plans for the buildings and land on the site.

Planning History

Re-development of the remainder of Aston Hall was allowed in the mid-1990's. The application site first became developed as an hospital in the 1930's, and incremental development continued into the 1990's. Notable buildings include an assembly hall and a hydrotherapy pool, the latter built towards the end of the last decade.

Responses to Consultations

Weston on Trent Parish Council objects as follows:

- a) The (abandoned) Local Plan states that only re-use of the existing buildings will be permitted.
- b) All buildings should be re-used with exception of the catering complex.
- c) The Assembly Hall should be retained for community leisure/health care purposes.
- d) Elm and Oak/Holly wards should be converted for first time buyers. The open space at the end of Long Walk Wood would provide space for parking, community gardens and outdoor recreation.
- e) Laburnum and Larch/Hazel wards should be converted to office and small business use.
- f) Rowan/Beech wards should be converted into a nursing/convalescent home.
- g) Ash/Cherry wards should become retirement homes.
- h) The playing field should be retained, along with the well-used concessionary paths.

Aston on Trent Parish Council objects as follows:

- a) Planning officers stated that only re-use of the existing buildings would be permitted and that new build would have to be justified.
- b) Proof that the buildings cannot be re-used should be provided.
- c) The bus service and access roads are inadequate.
- d) The proposal appears to be at odds with government policy for care in the community.
- e) The retirement homes would be residential and contrary to policy.
- f) The proposal would be over-development of the site, which would encroach into the playing field.
- g) 3 storey buildings would unacceptably overlook neighbours.

- h) There are drainage problems.
- i) There could be adverse consequences for Aston on Trent in the event of the development not being fully implemented.
- j) The consultation period was inadequate.
- k) The applicant will be responsible for maintenance of the woods under the Section 106 Agreement.

County Councillor Harrison comments as follows:

- a) Concerns have been received from Aston on Trent constituents.
- b) Advice given was given by officers to FPD Savills (agents for the site vendors) in which Policy C4 of the (abandoned) Local Plan sought the retention of the existing buildings.
- c) The current proposal would appear to be outside the scope of government policy to place C2 clients in the community.
- d) The footprint would increase from 5334 sq m to 13000 sq m.
- e) The parish councils oppose the application.
- f) Increased traffic would have significant adverse impact on residents in Willow Park Way.

In response to the proposed loss of access to the hospital playing field the Leisure Services Manager has identified a need for a new equipped play area in Weston on Trent, which would cost in the region of £30000.

Mark Todd MP comments that some residents have contacted him raising concern about the kinds of people who may be accommodated within the established secure accommodation uses. He encourages wider disclosure of information by the applicants.

Severn Trent Water Ltd has no objection.

The Highway Authority has considered the applicant's traffic study and considers the highway system adequate to cope with the development.

The Development Control Archaeologist has no objection in principle.

The Pollution Control Manager recommends a contaminated land site investigation by condition.

The Environment Agency required a desktop study to identify potential contaminants to the water environment. The study has been undertaken. Any further comments from the Agency will be reported verbally.

The Crime Prevention Design Adviser has no observations to make at this stage.

Responses to Publicity

Save Aston Village Environment objects. Its conclusions are as follows:

- a) SAVE opposed the closure of the hospital. The proposal appears to emulate the previous use, which ceased in order to move patients into the community. The proposed floor area is totally unacceptable.
- b) Access to the site is now considered more difficult and not in an urban location. This site does not support non-car modes of transport.
- c) Outpatients are likely to be brought in, adding to village traffic problems. Any new hospital facilities should be of smaller scale than proposed and for residential use only.
- d) Three-storey retirement accommodation in close proximity to existing housing is unacceptable.
- e) The drainage system may be inadequate.
- f) The retirement accommodation may be sold off and further re-development undertaken.
- g) The community hall should be retained for the local population.
- h) The Statement of Community Involvement should be implemented early for this development, so as to appraise nearby housing of the application.

34 individual representations have been received raising the following objections:

- a) Aston Players have had a close association with Aston Hall Hospital for over 25 years. The group used the stage twice a week for rehearsals and produced many performances there over these years. This has brought much pleasure to villagers and raised thousands of pounds for charity. Since the stage and hall were closed 18 months ago the group has effectively been homeless. The Memorial Hall has been used but it is expensive and in great demand. Aston Hall was able to seat audiences of 300 whilst the Memorial Hall only seats 100. Therefore charitable fund raising has halved. The applicant should make provision for an adequate hall in which to perform.
- b) Three-storey buildings would be entirely out of keeping with the locality.
- c) There would be increased strain on local services and infrastructure, including drainage.
- d) The village has been subject to recent large-scale re-development. The scale of the proposal would be detrimental to the environment and character of the area and would not be sustainable.
- e) Increased traffic would cause hazards, congestion and parking problems.
- f) The local highway network is inadequate for the extra traffic.
- g) The traffic would be inappropriate to the adjoining residential area.
- h) The site is not appropriate for retirement accommodation. Local facilities are inadequate.
- i) The medical condition of some of the patients may be incompatible with the well-being of the local community.
- j) The existing buildings should be retained.
- k) There is no need to expand C2 facilities at the site.
- l) The number of people accommodated by the development would equal the present population of Aston.
- m) The development is contrary to the Aston Village Plan.
- n) No leisure or learning facilities would be provided for patients.

- o) The site would be better suited to affordable housing.
- p) There would be increased noise to the detriment of residential amenity.
- q) There would be loss of recreation space, contrary to the existing Section 106 Agreement.
- r) The proximity of the proposed building to the woods would be detrimental to wildlife interests.
- s) There would be loss of light and privacy to neighbours.
- t) The development could be occupied by offenders.
- u) The setting of the listed Aston Hall would be adversely affected.
- v) Existing parkland trees should be retained.
- w) The applicant may have included a now demolished building (Holly) in existing floorspace calculations.
- x) Comparisons with the previous hospital are no longer valid, due to the passage of time and changed circumstances in the locality.

Development Plan Policies

The relevant policies are:

Regional Spatial Strategy P3, P4
 Structure Plan CF1, EV1, EV12, GDS1 GDS2 GDS3, T1
 Local Plan EV14

Planning Considerations

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

- The principle.
- Sustainability.
- Impact on the character and appearance of the area.
- Highway safety.
- Residential amenity.
- Archaeology
- Contaminated land.
- Drainage.
- Existing Section 106 Agreement.
- Loss of community facilities.

Planning Assessment

The use of the existing site and buildings for C2 purposes (residential institution), as defined in the Town and Country Planning (Use Classes) Order, is lawful. Therefore, as a matter of principle, re-development of the same kind is acceptable. Policies relating to the re-use of redundant buildings and sites (hospitals in particular) are not relevant, as these clearly envisage a change in kind. The proposed assisted living units do not fall within the category of either Use Class C2 or C3 (dwellings). The relationship between these units and the C2 buildings would be of specialized nature and sui generis in planning terms. So long as this specialised occupation of the buildings is controlled by appropriate condition, then this element of the proposal is acceptable in principle.

By using previously developed land the proposal satisfies one of the main tests of sustainability. The provision of a development with clear job generating characteristics at the edge of a village with good local facilities is another favourable indicator in this regard. The proposal would provide modern specialist residential care. There is no evidence that the proposal would generate significantly more traffic than business re-use, which would otherwise be favoured by policy. On balance the development would not be in conflict with sustainable development objectives.

The existing buildings on the site are not unattractive. However the applicants have made it clear that they do not meet modern day operational requirements. Furthermore they impede outward views over what was once part of the parkland surrounding Aston Hall. Whilst layout and design is reserved for subsequent consideration the indicative drawing demonstrates that a greater sense of openness could be achieved, by setting new buildings closer to peripheral woodland and existing buildings. The footprint of the new buildings would not be substantially greater than that of the existing buildings, by virtue of providing accommodation on three floors. The overall height of the new buildings is likely to be not materially greater than the existing two-storey buildings on the site, which have high ceilings and large roofs. Therefore, subject to appropriate design, layout and landscaping the proposal is capable of being assimilated without undue harm to the landscape. The opening up of vistas from the open space around Aston Hall Mansion to the countryside beyond would be a positive landscape factor, subject to the implementation of a parkland planting scheme.

On the advice of the Highway Authority the local roads are capable of dealing safely with traffic generated by the development.

Given that the highways would operate within capacity there is no evidence that their use as such would be detrimental to the amenities of local residents. Residents in dwellings at the end of Willow Park Way have expressed concern over loss of light and privacy from the assisted living block shown on the indicative drawing (some 35 metres from habitable room windows). These issues are capable of being addressed in detail through the submission of an application for reserved matters.

An archaeological evaluation has been undertaken. The Development Control Archaeologist considers that items of interests can be preserved by record. An appropriate condition would bring this about.

The previous use of the site as a hospital may have resulted in contaminants being present on the site. The situation could be safeguarded by condition.

On the advice of Severn Trent Water Limited there would be no adverse impact on the drainage system.

By setting buildings against the woodland areas development would likely encroach into the hospital playing field, which is available for use by parishioners for recreation purposes through the provisions of the existing Section 106 Agreement. In the circumstances the applicant's offer to contribute to new outdoor recreation facilities in Weston on Trent, as recommended by the Leisure Services Manager, would be

adequate compensation. Existing concessionary paths and access to woodland would be preserved and enhanced by the provision of a route through the open area of the site. A signed Unilateral Undertaking under Section 106 of the Town and Country Planning Act has been received to secure these benefits.

Whilst the existing meeting hall/theatre has been enjoyed by the community in the past such usage has been concessionary. Fundamentally the building was ancillary to the primary hospital use. In the circumstances it would not be reasonable to require either the retention of the hall or replacement facilities. The hydrotherapy pool is a specialist health related facility and would thus be of little community value.

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. (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 before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

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

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

3. 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.

4. No development shall take place, until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority in writing.

Reason: To enable items of archaeological interest to be recorded/and or preserved where possible.

5. No development shall take place until a site investigation to determine whether the land is contaminated and any associated remedial works have been carried out to the satisfaction of the Local Planning Authority. This will include:
 - A. A desktop study of the area of the proposed development.
 - B. An intrusive site investigation, its scope to be confirmed with the Local Planning Authority, prior to its commencement. The report should contain recommendations for any remedial or further works at the site.
 - C. A remediation method statement, to be agreed with the Local Planning Authority, prior to its commencement at site.
 - D. A remediation validation report along with a signed copy of the attached certificate. This should be supplied prior to the occupation of any buildings at site.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

6. 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.

7. No development shall take place until the applicant has agreed with the Local Planning Authority a Deed of Variation to the existing agreement, dated 2 September 1994, under Section 106 of The Town and Country Planning Act 1990 (Reg. No 9/0292/1038/O) to release the applicant from the obligations under Part III relating to the Playing Field.

Reason: To ensure that commensurate compensatory provision is made for recreational open space lost as a consequence of the development.

8. Occupation of the assisted living units shall be limited to persons with registered medical disability, for whom direct proximity to one or more of the medical facilities provided within the application site is of benefit to their long-term condition, and family (and/or dependents and/or carers) of such persons for the duration of the aforementioned circumstances only. The need for an individual or individuals to occupy any unit under the aforementioned circumstances shall be certified by an appropriately qualified medical practitioner and a copy of any such certification shall be made available for inspection on demand by the Local Planning Authority.

Reason: Permission is granted for the assisted living units solely on the basis of them constituting a sui generis use, to be occupied in direct association with the principal C2 use of the application site. Since the units include all the domestic facilities necessary for the establishment of separate self-contained living accommodation, the Council hereby seeks to make it clear that separate occupation is not authorised by this permission.

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. With regard to Condition 4 above a brief from which the written scheme of investigation may be developed can be obtained by the Development Control Archaeologist on request.

Dr A M Myers Derbyshire County Council, Environmental Services, Shand House, Dale Road South, Matlock, Derbyshire DE4 3RY, Tel 01629 580000 ext 3358

9/2006/0625 Aston Hall Hospital Site

Maple Drive

Aston-on-Trent

**ASTON ON
TRENT**

**MAPLE
DRIVE**

WESTON ROAD

**TO
WESTON ON TRENT**

THE SITE

Scale 1:5000 Date Plotted 16/6/2006

Plot centred at 441160 329061

9/2006/0625 Aston Hall Hospital Site
Maple Drive
Aston-on-Trent



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27/06/2006

Item 1.4**Reg. No.** 9/2006/0544/O

Applicant:
Mr D Walker
Linsdale
Bridge Road
Uttoxeter
Staffordshire
ST148BA

Agent:
Mr G J Perry Planning Consultant
62 Carter Street
Uttoxeter
Staffordshire
ST148EU

Proposal: The outline application (all matters reserved except for access) for the erection of a dwelling to provide two flats at 2 Hawthorn Crescent Findern Derby

Ward: Etwall

Valid Date: 04/05/2006

The application is brought to Committee at the request of Councillor Ford who states that local concern has been expressed about a particular issue.

Site Description

The site comprises the side garden of No 2 Hawthorne Crescent. It slopes down slightly along the line of Castle Hill. However, No 2 itself is 'cut' into the ground and as such the application site is set at a level higher than the rest of the plot.

Access to the plot for the two flats would be via the existing drive to the property. No proposals are shown for the parking of vehicles for the existing dwelling.

There is a large expanse of highway and grass verge at the head of Castle Hill and Hawthorne Crescent that separates the site from dwellings on the opposite sides of the road.

Proposal

The application is in outline and seeks agreement in principle to the erection of two flats in a single building on the land. Approval of the access to the site is sought at this time but all other matters are reserved for subsequent approval. The applicant is proposing the demolition of an existing extension and is to replace it at a later date.

Applicants' supporting information

None

Planning History

None for this particular site but a dwelling was permitted in the side garden of No 12 Castle Hill that mirrors this plot to the south.

Responses to Consultations

Findern Parish Council has objected to the development on the grounds that it would generate at least 4 vehicles and that this could be hazardous and the village considers that safety is paramount.

The County Highway Authority has no objection subject to adequate parking being provided for both the existing and proposed dwellings. The flats should have two parking spaces as a minimum. The County Highway Authority has asked for details of the access and parking area to be submitted as part of the application, however the dwelling enjoys permitted development rights and could form an access to Hawthorne Crescent and a hard standing without the need for a planning application.

Severn Trent Water requires that drainage details be submitted prior to works commencing and draws attention to the presence of public sewers in the site where no building works are to be permitted within 2.5 metres of the centre line of the sewer. The applicant is invited to apply to divert the sewer in accordance with the provisions of the Water Act 1985.

The Environmental Protection Manager has no comment on the application.

Responses to Publicity

None

Development Plan Policies

The relevant policies are:

RSS8:

Joint Structure Plan: General Development Strategy Policy 1, 2, 3; Housing Policy 5

Local Plan: Housing Policy 5, 11

Planning Considerations

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

- The Development Plan
- The impact on neighbours
- Access and parking

Planning Assessment

The site lies in the village of Findern that contains a full range of facilities and as such this is a sustainable location for new housing development. Findern has some flats within it and the provision of additional accommodation of this type would add

to the range of housing available within the village. The principle of the development is therefore in accord with the provisions of the Development Plan.

The site has been assessed in terms of its likely impact on neighbours. The established dwellings would not be adversely affected by the development provided that the aspects of the flats is controlled such that main windows look out over the roads rather than towards houses on the south side of the site on Castle Hill.

Permission has been granted for the erection of a 2 storey dwelling on land immediately to the south of the site. This approved dwelling has a single window looking towards the site and this is a secondary window to the living room. The Council's guidelines therefore do not require a minimum distance between the rear of this new house and the proposed flats. The impact on the new dwelling would be assessed on its own merits as part of the approval of reserved matters should the Committee be minded to grant planning permission for this application.

In terms of access the County Highway Authority is satisfied that the development could be accommodated on the site. Whilst the concerns of the Parish Council are to ensure that highway safety is preserved, the absence of an objection from the County Highway Authority on these grounds would make it difficult to defend a refusal at appeal. However, conditions are included in the recommendation to ensure that adequate parking space is provided for both the original and proposed dwellings before the development is commenced.

Severn Trent Water has commented that a sewer that passes through the land and affects the site. It is not a reason to refuse planning permission but it may preclude the development taking place if the costs of diverting or accommodating building over the sewer outweigh the uplift in development value for the site.

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. (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 before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

2. Approval of the details of the siting, design and external appearance of the building, 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. 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. In drawing up details for the requirements of Condition 2 above, provision shall be made for the parking of two cars to serve the existing dwelling within land in the application site and/or on land in the control of the applicant. Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), 2 parking spaces, measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose unless as may otherwise be approved in writing by the Local Planning Authority.

Reason: To ensure that adequate parking/garaging provision is available to serve the flats and the existing dwelling.

5. The accesses to the drives that serve the dwellings shall be provided with 2x2x45° pedestrian intervisibility splays.

Reason: In the interests of highway safety.

6. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate 1.5 car spaces per accommodation unit within the site curtilage. Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), parking spaces, measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of each dwelling unless as may otherwise be approved in writing by the Local Planning Authority.

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

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

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

Informatives:

Your attention is drawn to the comments of Severn Trent Water as set out in its letter dated 16 May 2006.



9/2006/0544 FINDERN.

SOUTH DERBYSHIRE DISTRICT COUNCIL

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27/06/2006

Item 1.2**Reg. No.** 9/2006/0278/MR**Applicant:**

Northcliffe Properties Ltd
Bonaparte House
19 Clarence Street
Liverpool
L3 5TN

Agent:

S.G. Anderson
Nocol Thomas Ltd
Gateway House
53 High Street
Birmingham
B4 7SY

Proposal: The erection of a residential development comprising of the conversion of an existing listed building into a dwelling and erection apartments and houses with associated external works at Bretby Art Pottery Swadlincote Road Woodville Swadlincote

Ward: Woodville

Valid Date: 09/03/2006

Councillor Taylor has requested that this item be determined by Development Control Committee.

Site Description

This roughly square shaped site is on the south side of Swadlincote Road some 30m east of the Frederick Street junction. The site is approximately 78m wide by 72m deep. In its northwest corner is the grade II listed former showroom to the Bretby Art Pottery works, which previously occupied the application site until its demolition in 1999.

The site is bounded on its western side by a scaffolding business and its eastern side by the single storey office buildings of Suttons Business Park. Beyond the southern boundary is a brook course in a former railway cutting and beyond this is a recently constructed warehouse and Jeffreys haulage business.

Proposal

It is proposed to provide 24 dwellings on this 0.57 hectare site providing approximately 42 dwellings per hectare. The development includes a mixture of house sizes and types from 2 bedroom apartments to 4 bedroom houses.

The former showroom would be converted to a single dwelling with two further dwelling units attached to its rear. Between the showroom and the eastern boundary it is proposed to provide an area of public open space measuring some 19m wide by

29m deep. This is intended to be hard landscaped and trees planted in a formal grid pattern to complement the setting of the listed building.

Two blocks of terraces of three units each would front Swadlincote Road.

A central access into the site is proposed sited between the former showroom and proposed terraces to serve further development to the rear. This would consist, on the rear boundary, of a block of nine apartments, two storeys high with a three-storey end block, and a block of four dwellings and on the western boundary a pair of semi-detached houses.

The block of apartments have been designed to act as a sound barrier to any noise source at Jeffreys haulage business. This has been achieved by presenting the rear elevation as largely blank, limiting window openings to the communal entrance halls and landings. The elevation would also be limited to kitchen and bathrooms with solid glass block windows to prevent noise penetration.

Brick boundary walls, up to 3.6m high, are proposed as appropriate to further shield the occupants from any intrusive noise sources.

Applicants' supporting information

"A further noise assessment has been carried out by R W Gregory LLP.

The Report has assessed the Site in terms of the criteria for new residential developments as set out in PPG24 and confirms that the Site falls within Category B. Therefore, in general terms the Site is a suitable location for residential development subject to the requirement of PPG24 for the planning authority to take into account noise in the determination of the application and where necessary attach appropriate conditions to ensure an adequate level of protection against noise.

The Report has considered a worst-case average and as such, recommends mitigation measures in relation to acoustic glazing and ventilation for habitable rooms. The Report also demonstrates that the revisions to the positioning of the apartment block, the removal of openings to the rear elevation of the apartment block and introduction of a 2.5m brick wall to the southern boundary of the Site, have contributed to improving sound insulation to the dwellings.

As such, it is anticipated that the proposed mitigation measures as set out in the Report can form the basis of a suitably worded planning condition attached to the grant of planning permission."

Responses to Consultations

The Pollution Control Officer comments that subject to the provision of boundary walls and fences that afford a good level of sound attenuation, he is satisfied that all reasonable mitigation measures have been included in the site and whilst he still has concerns about the development relative to commercial units, these concerns are insufficient for him to recommend refusal.

The Environment Agency raises no objection in principle but comments that as significant concentrations of Metals, PAHs and TPH have been detected in the soil and ground water at the site a quantitative risk assessment for controlled waters and remediation will be required by way of planning conditions.

The Pollution Control Officer - Contaminated Land shares the EA's concerns and recommends similar conditions.

The Highway Authority raises no objection to the proposal subject to standard highway safety conditions. It also finds acceptable a proposed contribution of £15,000 towards a pedestrian crossing on Swadlincote Road adjacent to the site.

The Education Authority has requested a contribution of £23,077 towards local education facilities.

The Derbyshire Dales and South Derbyshire PCT requires a contribution of £10,656 towards improving local healthcare facilities.

Responses to Publicity

One local resident objects to the proposal on grounds of increased road congestion

Development Plan Policies

The relevant policies are:

RSS8: P2, P20, P27, P4

Joint Structure Plan: EV10, EV17, GDS1, GDS2, GDS3, H3

Local Plan: EV10, EV13, EV6, H4, RTP4, T6

Planning Considerations

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

- The impact of noise on future occupants and the potential threat that complaints could have on neighbouring business interests
- The impact of residential development on the setting of the listed building

Planning Assessment

This is previously developed land within the Swadlincote Development Boundary and therefore residential development is acceptable in principle. The proposal will regenerate a vacant and underused site and bring into beneficial use a Grade II listed building. The site is in a sustainable location with regards to proximity of shops and services and the availability of means of travel other than the private car.

It is adjacent to potentially noisy commercial neighbours, but the scheme has been designed to provide noise mitigation measures which are to the satisfaction of the environmental health officer. A further condition is proposed to ensure fences and walls are designed to the environmental health officer's satisfaction and that windows and ventilation is fitted with enhanced sound attenuation qualities.

The proposal will enable the complete renovation of the listed building. In addition, the layout has been designed to respect the setting of the listed building on the site by the sympathetic siting and elevational treatment of the proposed dwellings. The open space will be hard surfaced with a formal tree planting scheme and being located next to the building will enhance it's setting.

The Environment Agency and Pollution Control Officer raise no objections to the proposal subject to the submission of a remediation scheme.

The Highway Authority raises no objections to the proposal.

In addition to the cost of fully renovating the listed building and remediating the ground contamination, the applicant has agreed in principle to provide the following contributions as part of a Section 106 Unilateral Undertaking:

- Education Contribution: £23,077
- Healthcare Contribution: £10,656
- National Forest Contribution: £5,600
- Pedestrian Crossing Contribution: £15,000
- Youth and Adult Play Contribution: £16,717
- Open Space Maintenance commuted sum: £7,430

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

Recommendation

Subject to the completion of the Section 106 Unilateral Undertaking to cover the items set out above **GRANT** permission subject to the following conditions:

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. This permission shall relate to the amended drawings, nos B3808-001F, B3808-011D, B3808-12E and B3808-018 received on 21st March 2006 and 6th April 2006.

Reason: In the interests of the appearance of the development and the area and the setting of the listed building.

3. Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no

development shall take place in connection with this approval 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 ensure that boundary treatments provide a good level of sound attenuation from neighbouring uses for the benefit of future occupiers and in the interests of safeguarding the setting of the listed building.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, no development within the curtilages of the dwellinghouses under Schedule 2 Part 1 Class A, Class B, Class C, Class D, Class E, Class F and Class H and Part 2 Class A of the Order shall be carried out without the prior planning permission of the Local Planning Authority.

Reason: In the interests of safeguarding the appearance of the development and the setting of the listed building and to retain the sound insulation qualities of the development.

5. Notwithstanding any details so far submitted, no development shall commence on site in connection with this approval until samples of materials for the external surfaces 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 enhance the appearance of the locality and to safeguard the setting of the listed building.

6. Unless otherwise agreed in writing by the Local Planning Authority, external joinery shall be in timber and prior to occupation of the building, painted to a colour and specification which shall have been previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the area and safeguard the setting of the listed building.

7. All boundary walls shall have a traditional style of shaped clay or stone coping. No development shall commence on site in connection with this approval until a sample of the wall copings have been submitted to and approved in writing by the Local Planning Authority and the walls shall be completed in accordance with the approved sample and a completion programme agreed with the Local Planning Authority.

Reason: In the interests of the appearance of the development and the area and to safeguard the setting of the listed building.

7. No part of the development shall be carried out in connection with this approval until precise details including paving patterns, specifications and samples of the materials to be used in the hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried

out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.

Reason: In the interests of the appearance of the development and the area and to safeguard the setting of the listed building.

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping.

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

10. 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.

11. Unless otherwise agreed in writing by the Local Planning Authority gutters shall be cast metal (with cast metal fall pipes) and finished in black and shall be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

Reason: In the interests of the appearance of the development and the area and to safeguard the setting of the listed building.

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 and to ensure the best possible sound attenuation is achieved for the benefit of occupiers.

13. No development shall commence on site in connection with this approval until a Quantitative Risk Assessment has been undertaken and based on a conceptual understanding of the site conditions to derive Site Specific Remedial Targets for soil/groundwaters. The Quantitative Risk Assessment and Site Specific Remedial Targets shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of public health and to prevent pollution of controlled waters.

14. Where remediation works are identified in the Quantitative Risk Assessment approved by the Local Planning Authority, a Remediation Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The remediation works shall be carried out in accordance with the approved scheme and a Validation Report shall be provided upon completion.

Reason: In the interests of public health and to prevent pollution of controlled waters.

15. There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways.
Reason: To protect the groundwater quality in the area.
16. No development shall commence on site in connection with this approval until a scheme for disposal of highway surface water from the new access road, via a positive gravity-fed system, discharging to an outfall in public sewer, highway drain or water course has been submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be carried out prior to the occupation of the first dwelling hereby approved.
Reason: In the interests of highway safety.
17. Before any other operations are commenced in connection with this approval, a temporary access shall be formed onto Swadlincote Road for construction purposes, and provided with 4.5m x 90m visibility sightlines. Space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring for site operatives and visitors vehicles, loading and unloading of goods vehicles, all in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. Such facilities shall be retained throughout the course of the construction works.
Reason: In the interests of highway safety.
18. Before any operations commence involving the movement of materials in bulk to or from the site, facilities shall be provided as may be agreed with the Local planning Authority, and used to prevent the deposition of mud or extraneous material on the public highway.
Reason: In the interests of highway safety.
19. No construction work shall commence until the new estate street has been laid out and constructed to base course level, in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety.
20. Dwellings hereby approved shall not be occupied until the proposed estate street has been laid out in accordance with the approved application drawings and constructed to at least base course level including footways, drained and lit in accordance with County Council's specification for housing development road.
Reason: In the interests of highway safety.
21. Before the occupation of the dwelling to which it relates, private driveways serving dwellings shall be laid out and constructed and surfaced with a solid bound material.
Reason: In the interests of highway safety.
22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the parking and garage spaces shall be retained for the parking of vehicles.
Reason: In the interests of highway safety.
23. No development shall commence on site in connection with this approval until a scheme for the disposal of foul and surface water has been submitted to and

approved in writing by the Local Planning Authority and the approved scheme shall be carried out before the dwellings are first occupied.

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

24. No development shall commence on site in connection with this approval until large scale drawings to a minimum Scale of 1:10 of eaves, verges, external windows and doors, including horizontal and vertical sections, precise construction method of opening and cill and lintel details have been submitted to and approved in writing by the Local Planning Authority. These elements shall be constructed in accordance with the approved drawings prior to the occupation of the dwelling house or apartment to which it relates.

Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.

25. No development shall commence on site in connection with this approval until the precise type and size of the proposed rooflights have been submitted to and approved in writing by the Local Planning Authority. The approved rooflights shall be fitted in accordance with the approved details and 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 safeguarding the historic interest and setting of the listed building.

26. 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 development and to safeguard the setting of the listed building.

27. No development shall commence on site in connection with this approval until a sample panel of pointed brickwork 1 metre square or such other area as may be agreed by the Local Planning Authority has been prepared for inspection and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved sample.

Reason: To safeguard the historic interest and setting of the listed building.

28. Prior to the first occupation of the development hereby permitted, measures to minimise the risk of crime to meet the specific security needs of the application site and the development shall be implemented in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

Reason: In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well-being of the area pursuant to the Council's powers under Section 2 of the Local Government Act 2000 and to reflect government guidance set out in PPS1.

29. No development shall commence on site in connection with this approval until a detailed specification for noise attenuating glazing and ventilation for the development as referred to in the acoustic report of R W Gregory LLP Consulting Engineers (document number MRE/AJP/B4067/A1 dated 15th June 2006) has been submitted to and approved in writing by the Local Planning Authority and the approved glazing and ventilation shall be installed to the specification and in accordance with manufacturers' recommendations before the dwelling unit to which it relates is first occupied.

Reason: To achieve a comfortable internal acoustic environment for the benefit of occupiers.

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.

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

[illegible]

9/2006/0278 Bretby
Swadincote Road
Woodville

Plot centred at 431039 319222

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