

12/07/2005

Item 1.4**Reg. No.** 9/2005/0480/M**Applicant:**

Bellway Homes Ltd (East Midlands)
Bellway Homes, Warren Court
Warren Park Way
Enderby
Leicester
LE9 5GD

Agent:

Homewood Design
Unit 9 Tamworth Enterprise Park
Mariner
Tamworth
Staffordshire
B79 7UL

Proposal: The approval of reserved matters of planning permission 9/2001/0299/R for the erection of 23 dwellings and associated works with the addition of 14 dwellings at Premises Of Castle Glade Commerce Castle Road Castle Gresley Swadlincote

Ward: Gresley

Valid Date: 21/04/2005

Site Description

The site comprises the remains of a former Milk depot and the adjoining haulage and storage yard, in a derelict state with several redundant buildings on it. The frontage to Castle Road is in course of development and this would form a continuation of that. On the east and south are existing houses. The eastern boundary is separated from the site by a strong hedgerow (mature hawthorn trees). To the north west is the open land rising up to Gresley Old Hall.

Proposal

The application proposes erecting 6 three storey houses, 11 two and a half storey houses, 3 two storey houses and 3 flats in a two storey block along an extension of the cul-de-sac already developed off Castle Road. These would replace 9 previously permitted on that part of the site and add 14 more on the enlarged part of the site. An area of open space is proposed on the boundary with the open land to the rear.

As originally submitted, there were to have been three more three storey dwellings but, following responses from local residents, these have been reduced to 6 in favour of two and a half storeys.

A revised layout incorporates retention of the strong hedgerow on the eastern boundary, a modification to the estate road as requested by the County Highway Authority and the houses adjoining the eastern boundary moved to a minimum of 25.2 metres from the rear of properties on Ashbourne Drive.

Applicants' supporting information

In response to concerns the applicants have commissioned a bat survey that concludes that there is no evidence of bats in the remaining buildings on the site. Neither do the investigators consider there to be favourable opportunities for them in these buildings but the hedgerow (hawthorn trees) could benefit bats and biodiversity generally.

Planning History

Outline permission for residential development on the whole site of the former milk depot and commercial vehicle site was granted in 1998. Approval for 30 dwellings was granted in 2004. Numerous earlier decisions on the site are no longer relevant.

Responses to Consultations

The Highway Authority recommended alterations to the road layout and additional parking spaces to some of the plots. These have now been incorporated.

The LEA, having reviewed the statistics locally, observes that a contribution to schools is not required.

The Head of Environmental Services recommends implementation of a ground survey (already provided) in case of contamination.

Severn Trent Water has no objection.

Responses to Publicity

13 letters, all from Ashbourne Drive (6 originating from 2 people) object to the application as originally submitted for the following reasons:

- 3 storey buildings are not keeping with the surroundings
- 3 storey houses will overshadow, overlook and cause loss of privacy to the dwellings and gardens to the rear
- the loss of the boundary hedgerow would be damaging to wildlife and amenity and cause further loss of privacy
- bats would be displaced from the buildings on the site
- public facilities (water quality mentioned) would be overstretched
- local residents should have been approached to give them an opportunity to purchase land to extend their gardens onto the land.

Two further letters reiterate the above objections to the amended proposals, querying whether the hedgerow would remain even if it provided for it to do so. Another letters withdraws the objections made earlier but is also concerned that the hedge should be maintained at its present height.

Development Plan Policies

The relevant policies are:

RSS8: Policy 20 (Housing)

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

Local Plan: Housing Policies 4 and 11.

Planning Considerations

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

- The design and density of the dwellings
- The effect on neighbouring properties
- Biodiversity and provision of facilities

Planning Assessment

This is a substitution of details and expansion of the site onto a further area of redundant previously developed land so issues of the principle of residential development are not relevant.

The application complies with Supplementary Planning Guidance in respect of the design and layout with distances between the new and existing dwellings meeting the 20% increase in the required distances (in respect of 3 storey development). The screening and wildlife value of the hedge/hawthorn boundary is of additional benefit (see reference to bats above).

The design and layout of the site and the dwellings is very similar to that in the course of construction. Increasing density is in line with the Government's intention that best possible use of brown field land should be made.

Provision of open space more than meets standards in respect of children's and incidental open space requirements but in respect of formal open space requirements it is considered that assistance to the funding of an external project in the area would be of greater community benefit. Accordingly, a contribution of £20,000 has been negotiated, as has the normal contributions to healthcare facilities.

Recommendation

Subject to the receipt of a unilateral undertaking covering contributions to open space and healthcare, **GRANT** permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard the appearance of the existing building and the locality generally.
3. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 074 08 B
Reason: For the avoidance of doubt, the original submission being considered unacceptable.
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: In the interests of flood protecting and pollution control.

5. Any unexpected contamination identified during construction shall be notified to the Local planning Authority together with a statement for its treatment and the work shall be carried out in accordance with the statement as approved by the Local Planning Authority.

In the interests of control of pollution.

6. Notwithstanding the submitted details, prior to the commencement of building operations on adjoining areas, the boundary with the area of the hawthorn trees on the eastern site boundary shall be fenced with chestnut pale fencing to a minimum height of one metre staked at 3 metre centres. The fencing shall be retained in position until all building works on adjoining areas have been completed unless otherwise agreed in writing with the local planning authority.

Reason: To protect the trees from undue disturbance.

7. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

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

8. 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.

9. Any reasonable conditions of the Local Highway Authority.

Reason: In the interests of highway safety.

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.

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