

DEVELOPMENT CONTROL COMMITTEE – 11 January 2005

In accordance with the provisions of Section 100D of the Local Government Act 1972, BACKGROUND PAPERS are the contents of the files whose registration numbers are quoted at the head of each report, but this does not include material which is confidential or exempt (as defined in Sections 100A and D of that Act, respectively).

REPORT OF THE PLANNING SERVICES MANAGER

- 1. Planning Applications**
- 2. Appeals**

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

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

11/01/2005

Item 1.1**Reg. No.** 9/2004/0762/M**Applicant:**

Midland Pig Producers
 Rykneild House
 Alrewas
 Burton Upon Trent
 Staffordshire
 DE13 7AB

Agent:

J Mason Associates Ltd
 4 Phoenix House
 Hissop Close
 Cannock
 Staffordshire
 WS11 2FU

Proposal: The change of use from agricultural to B8 use at Woodyard Lane Farm Woodyard Lane Foston Derby

Ward: North West

Valid Date: 14/06/2004

Site Description

The site comprises pig housing buildings, associated agricultural buildings/structures and two dwellings. The site lies immediately adjacent to the Dove Valley Business Park but is separated from it by a large landscaped bund. This bund also extends around the north boundary of the site. There is a current access to the site from Woodyard Lane in the vicinity of the two houses. A tall hedge interspersed with trees separates the site from Woodyard Lane. On the east side of Woodyard Lane lies the odd dwelling, other commercial sites and the Council's Woodyard Lane Gypsy Site.

Proposal

It is proposed to close the existing access to the site and replace it with one to the south in the vicinity of the access to the Gypsy site. This would involve the removal of hedge plants and possibly some trees. The new access location would be approximately 200 metres south of the current access to E Bentley Transport (the subject of a recent permission following a site visit by the Committee).

Applicants' supporting information

The application is supported by a Traffic Impact Assessment which also considers the proposed location of the access and goes on to justify it's changed location. A full copy of the document is available for inspection on the file.

The applicants were also asked to produce an assessment of the impact of the access on the roadside hedge. A copy of this document is on the file.

Following publication of the Inspector's report into objections to the Local Plan, the applicant, in response to being notified of the comments relating to Dove Valley Park have amended the application to remove reference to B1 use of the site.

In addition in response to a request from the County Highway Authority the applicants are willing to enter into a Unilateral Undertaking to contribute £10,000 towards highway improvements to Woodyard Lane. This issue is discussed in 'Planning Assessment' below.

Planning History

The site was established as a pig farm in the 1970's since that time, various other applications have been permitted including the two dwellings that have allowed the farm to function. The current application is the first on the site for a non-farming use.

Responses to Consultations

Foston and Scropton Parish Council welcomes the widening of the road and is concerned to ensure that there are no blind spots.

The County Planning Authority has no objection to the proposal and advises us that County Councillor Mrs Littlejohn supports the proposal.

The County Highway Authority has no objection subject to the provision of the new access and visibility splays on the lane.

The Environment Agency has no objection to the development but draws attention to a nearby historic landfill site.

The Head of Housing has raised concerns about the proximity of the access to the gypsy site causing additional traffic noise and disturbance.

The Head of Environmental Health is satisfied that noise and traffic generation would not cause disturbance but is concerned that there may be contamination of the site but that the level of contamination is likely to be slight. A condition should therefore be attached to any permission requiring an investigation of the potential contamination.

The East Midlands Development Agency confirms that Dove Valley Park is important in attracting inward investment to South Derbyshire. It states that the Regional Economic Strategy seeks to encourage a range of sites to attract smaller companies employing fewer people in higher value jobs, to create a more sustainable regional economy and to reduce the reliance on large scale manufacturing. As such the strategy highlights that international trade development and inward investment are key components of cluster development. As such it considers that the application site presents such an opportunity and supports the approval of the development.

Responses to Publicity

Two letters supporting the application have been received from the business sites that adjoin the site that draw particular attention to the nuisance caused by the presence of the pig farm and the environmental benefits that would accrue from its redevelopment. Attention is drawn to the complaints made by the site operators of the adjacent business park who have received complaints about smells from the Pig Farm and to two inward investors having been put off

solely because of the presence of the farm. There would be a positive benefit to the business park if the farm were taken into employment use making it more attractive to occupiers to take advantage of what is on offer at Dove Valley Park.

A total of 8 letters from 6 households have been received objecting to the development for the following reasons:

- a) Wood Yard Lane is not suited to extra heavy goods traffic that would cause additional hazards causing danger to other road users. There is not enough room for two lorries to pass
- b) There are no footways, minimal street lighting and poor visibility due to trees and alignment, the additional development would worsen the situation
- c) The proposal would ruin the rural character of Woodyard Lane that the Council is seeking to protect.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 1, 3, Economy Policy 1

Local Plan: Employment Policy 2, 4, 6

Emerging Local Plan: Policies EMP 1, 2, T1, ENV 3, 10, 12, 15 & 16

Planning Considerations

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

- Compliance with the Development Plan.
- The impact on the residents of the area.
- The impact on the roadside hedge arising from the new access
- Highway safety

Planning Assessment

Whilst there is no specific provision for the redevelopment of this site for B8 use in the Local Plan, the site lies immediately adjacent to the Dove Valley Park and its use for warehousing would be consistent with the comments of the inspector who heard objections to the Local Plan. The Inspector stated that the Dove Valley Park is not sustainable for general or light industrial uses but is a reasonable location for B8 uses (storage and distribution). This was put to the applicants who have amended their proposal to a B8 use only.

The lack of objection from the County Planning Authority indicates that the proposal would not prejudice the provisions of the structure plan referred to above. Parking and manoeuvring space would be addressed at the detailed planning stage as would appropriate landscaping and screening of the site.

In considering the economic development issues, there is written evidence submitted by adjacent developers suggesting that the continued use of the site as a pig farm is harming the prospect of development on Dove Valley Park. This could be a cause for concern to the Local Planning Authority as it could be argued by promoters of alternative sites that insufficient land is available to meet the requirements of the Structure Plan because of the constraints imposed by the presence of the Pig Farm.

The formation of the access and the removal of the hedges probably constitute the most significant visual and general amenity impacts of the development. The new access would be close to the entrance of the Gypsy site albeit, not directly adjacent to the caravans on the site, there is a wide verge between the lane and the actual caravans and a drive between the lane and the site entrance. There would be some impact on these residents from lorries turning into and out of the access. The fact that the caravans are removed from the immediate vicinity of the access across the wide verge would help to mitigate the impact of the use of the proposed access. There is also the potential benefit of having the smells associated with the pig farm removed which has been a source of complaint in the past from occupiers of Woodyard Lane.

The Council's tree consultant has examined the proposed access point in respect of the impact on the roadside hedge and trees. He accepts the report provided by the applicant's consultant's in that overgrown hedge plants would be lost but that the majority of the trees in the vicinity of the site could be retained subject to limited tree pruning and still have a reasonable prospect of continuing to thrive. Further planting along the visibility sight line would help to re-establish the hedges along the lane front. Over time, this would help to offset the impact of the development on the road frontage. The removal of the overgrown hedge plants and their replanting along the visibility splay would help to improve visibility along the highway.

The County Highway Authority has requested a contribution to general improvement works to Woodyard Lane. The applicants have acceded to the request and have volunteered a contribution of £10,000 and are in the process of drafting a Unilateral Undertaking to make the necessary payment as and when a contract is let. This contribution is directly related to the development, as there is a potential for increased traffic along Woodyard Lane arising from this proposal and there is a need to improve the edges of the highway.

The issues here are finely balanced. The factors weighing heavily in favour of the proposal are:

- the fact that it would be capable of development without giving rise to significant amenity or landscape concerns,
- that warehouse development is considered separately from the presumption that business development should relate well to existing settlements and
- the proposal would allow for the removal of a known deterrent to development on the adjacent allocated land.

Nevertheless, this proposal would add to the provision of business land in the district in a location that does not fall strictly within the definition of brownfield land as set out in Government guidance. Thus if the Committee is minded to permit the proposal, the application would need to be referred to the Government Office for the East Midlands (GOEM).

Recommendation

That the case be referred to GOEM; and, subject to the signing of a unilateral undertaking to provide a contribution towards highway improvements on Woodyard Lane, the Committee be minded to **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 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 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. Before the development hereby permitted commences, a full site investigation shall be undertaken to the satisfaction of the Local Planning Authority, to determine whether land is contaminated. The findings of the investigation shall be submitted in a report and any remedial measures, if required, agreed prior to commencement of any development on the site. (Details of what should be included in the report are given in the informative below).

Reason: In order to ensure that the site is fit for its intended use.

4. If, on completion of the investigation required by condition 3, remediation works are required, prior to the occupation of any of the units, the developer shall provide a signed completion certificate confirming that the agreed remediation works have been carried out.

Reason: In order to ensure that the site is fit for its intended use.

5. Prior to any other works being commenced and further to the requirements of Condition 2 above, the new access to the site shall be formed with Woodyard Lane. The new access shall have a minimum width of 7.3 metres, 10 metre radii and 4.5 x 120m visibility sightlines. The area forward of the visibility sight lines shall be maintained free of any obstruction to visibility exceeding 600mm in height relative to the nearside carriageway edge and thereafter be maintained free of all obstructions to visibility. The access shall be constructed in a solid bound material and be provided with measures to ensure that water does not flow from the site onto the highway.

Reason: In the interests of highway safety.

6. 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.

7. Before the development hereby permitted commences, a scheme shall be agreed with the local planning authority which specifies the provisions to be made for the control of noise emanating from the site. These provisions may include physical and/or administrative measures.

Reason: In the interests of the residential amenity of the occupiers of nearby residential property.

8. The working hours shall be limited to: Monday to Friday: 05:30hrs - 22:00hrs, Saturday: 05:30hrs - 17:00hrs. There shall be no working on Sundays, public or bank holidays.

Reason: In the interests of the residential amenity of the occupiers of nearby residential property.

9. The landscaping details required by Condition 2 above shall include details for the replanting and subsequent protection of a hedge along the rear of the visibility sightlines referred to in condition 5 above.

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

Informatives:

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 ext 7595) at least six weeks before the commencement date of the proposed works in order to arrange the necessary supervision of works on the highway crossing.

The following are details relating to the contents of the report required by condition 3 above:

- 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.
- Detailed on site sampling to identify any contamination.
- 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.
- An assessment of any off site impacts such as the effect on water courses etc.
- A thorough explanation of the chosen remedial measures including depth, breadth of excavation and details of soil replacement.
- Plan of action if further contamination is identified during remediation.
- Details of the measures to verify that the contaminant has been removed to an acceptable level.
- The identification as to whether a long-term monitoring and maintenance programme is required, if so, details of the plans.
- Details of the long and short term risk to human health including the construction phase and post-development.
- 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:

- CLR Guidance notes on Soil Guideline Values, DEFRA and EA
- Sampling Strategies for Contaminated Land, CLR4 1994, DoE.
- Investigation of Potentially Contaminated Land Sites - Code of Practice, BSI 10175 2001.
- Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination, R & D Technical Report P5 - 066/TR 2001, Environment Agency.
- Guidance for the Safe Development of Housing on Land Affected by Contamination' Environment Agency. ISBN 0113101775.

The Environment Agency advises that the site is within 250 metres of a landfill site, you are advised to undertake a detailed site investigation to establish if the site has been affected by any previous landfilling. Contact the Environment Agency direct on 0115 945 5722.

The scheme outlined in condition 7 above should detail any physical noise attenuation measures and any administrative measures to control noise. Examples of such measures are given below.

1. Any metal clad wall materials can either be replaced with a more appropriate noise attenuating structure (e.g. blockwork) or may be suitably insulated to effect a greater noise attenuation and to also reduce reverberation noise.

2. Any metal clad ceilings may either be provided with suitable noise insulation material or provided with a suspended ceiling with acoustic tiles to reduce reverberation noise.

3. The general site layout can be designed so as to reduce the need for lorries to reverse - hence reducing the noise from reversing alarms.

4. Reversing alarms on forklifts can be changed for other warning methods, e.g. flashing lights.

5. Any generators, compressors or other machinery should be contained within the buildings or suitably attenuated.

6. There should be no working outside the main buildings.

There are other methods of noise control which may be considered. The above list is not exhaustive.

11/01/2005

Item 1.2**Reg. No. 9/2004/1075/M****Applicant:**Space 4 Living Ltd
C/O Agent**Agent:**Alf Plumb
D P D S
Gleneagles House Vernon Gate
Derby
DE1 1UP

Proposal: The demolition of a dwelling and the erection of 15 dwellings together with the formation of an associated access road Site Of 224 And Land At The Rear Of 220- 230 Burton Road Woodville Swadlincote

Ward: Woodville

Valid Date: 16/08/2004

This application was deferred from the last Committee pending the receipt from the Highway Authority of report as to whether a pelican crossing adjacent to the school entrance is required and justified as part of the off-site works for this development in the interests of highway safety. Any available comments received from the County Highway Authority will be reported at the Committee. (A copy of the previous report is attached at annexe A).

11/01/2005

Item 1.3**Reg. No. 9/2004/1307/M****Applicant:**

The Organic Egg Company Ltd
 Ivy Court
 Etwell
 Derby
 DE656JG

Agent:

Alan Taylor
 Talbot Associates Limited
 Bretby Business Park
 Ashby Road
 Burton On Trent
 Staffordshire
 DE150YZ

Proposal: The erection of a 6000 bird organic free range egg production unit (No3) at Land Off Willow Pit Lane Hilton Derby

Ward: Hilton

Valid Date: 05/10/2004

Site Description

The site comprises an area of flat land currently used for growing crops. Hedges interspersed with trees enclose the site. The access to the site at Willowpit Lane also has a public footpath running along the line where the access drive is proposed. The southern most boundary of the site is some 200 metres from the boundary of the SSSI at Hilton Gravel Pits albeit that the proposed building lies some 500 metres north of the Gravel Pit.

The nearest dwellings are some 300 metres from the proposed buildings. There are three dwellings to the south of the site access and two of which adjoin the highway and one is set further back. There are 5 dwellings to the north.

A large pond adjoins the north boundary of the site and two or three smaller ponds are indicated within the site boundary.

Proposal

The application relates to the establishment of an addition chicken building on the farm enterprise comprising two free-range egg production units and a mobile home that was permitted earlier this year

The building (measuring 69.2 metres x 18.3 metres x 5.36 metres high) would be sited to the east of the earlier permitted buildings. Two feed silos are proposed that would be some 7.55 metres high.

The access would be via the drive that was permitted earlier this year.

It is not proposed to add to the landscaping that was proposed in the earlier applications but it is emphasised that this landscaping would be implemented as part of this proposal.

Applicants' supporting information

General Statement of Support

This starts with an outline of the organic egg production system and the standards operators are required to meet to achieve and maintain their organic status. The size of the unit is limited to the area of land available. A 6000-bird unit must have at least 6 hectares associated with it. The emphasis is on the welfare of the birds at the unit and the operator is subject to regular inspections by the Organic Farmers and Growers organisation that is responsible for the operation and maintenance of the certification system.

There then follows an assessment of the advice in the Government's Planning Policy Statement 7 that encourages the diversification of the farming industry and it is asserted that this proposal represents such diversification. The applicant offers opportunities to bona fide applicants to be part of a 750,000-bird flock using the system developed by the applicants to produce free-range eggs. The company operates a support system including a collection system using company owned vehicles. The methods employed by the company have been proved to be effective over a number of years.

It is argued that the building has to be arranged as proposed to ensure that adequate grazing is available to the chickens. Lightweight moveable fences to ensure that the birds can graze on different areas of their pasture without degrading the land would divide each 6-hectare grazing area. The supporting document contends that the use of the land in this way would improve the quality of the land that has been previously used for intensive arable uses.

The statement then goes on to discuss the potential impact from smell (day to day and at clean out times), noise, dust, flies, rodents and feral activity.

Full details are in the statement but briefly, the applicant asserts that day-to-day smells are not detectable other than when in close proximity to the building. There is acknowledged to be a smell when the houses are cleaned out at the end of each 60-week cycle but this would represent two days out of that period. Much less than is the case with normal farming operations.

Noise is limited to a small fan outside the egg cooling area, the main part of the building being self-ventilating. There are no cockerels in the buildings. Dust emissions are minimised by the open nature of the buildings but operatives must be protected from a dust-laden atmosphere.

Flies are not normally a problem but if there is evidence of an infestation, it is dealt with by external contractors. There is equal if not greater concern about rodents as the production batch being rejected at the packing station. Contractors are again employed to minimise the risk of intrusion into the buildings. The buildings are secured at night to prevent the intrusion of foxes.

Details in annexe 2 of the statement deal with commercial traffic likely to visit the site. There are twice weekly egg collections and periodic feed deliveries. It is argued that there would be an average of 2.5 vehicles to the site each week during the 60-week cycle.

Waste management measures would include the disposal of dead birds by incineration, compliance with recognised disposal protocols. Measures to prevent the waste becoming wet by

- Reason: To prevent undue congestion and/or damage to the verges of this very rural road in the interests of traffic safety and the amenity of the area.

Informatives:

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 ext 7595) at least six weeks before the commencement date of the proposed works in order to arrange the necessary supervision of works on the highway crossing.

Advice regarding the signing of the Public Footpath or the need for a temporary closure during the construction period can be obtained from the County Highways Rights of Way Section, telephone 01629 580000 extension 7610.

In the event that the footpath require any new gates or stiles to be installed on the line of the public footpath, then these must be authorised by South Derbyshire District Council's Footpaths Officer prior to installation. Prior discussion about the works would be welcomed and you are advised to telephone 01283 595725 to make an appointment.

Further to Condition 4 above, you are advised that it may be an offence to undertake works that may cause damage to an SSSI.

The Wildlife and Countryside Act protects nesting birds, accordingly no works should be undertaken to trees, hedges and marshy areas during the bird nesting season

11/01/2005

Item 1.4**Reg. No.** 9/2004/1320/F**Applicant:**

Mr W Granger
 97 Woodville Road
 Hartshorne
 Swadlincote
 Derbyshire

Agent:

Mr W Granger
 97 Woodville Road
 Hartshorne
 Swadlincote
 Derbyshire

Proposal: The erection of a detached dwelling at Land Adjacent To 11
 Heron Drive Woodville Swadlincote

Ward: Woodville

Valid Date: 20/10/2004

This application is brought to committee on the instruction of Councillors Taylor and Isham.

Site Description

This site forms part of the side and rear garden to 11 Heron Drive which is an end terrace house on the east side of the road.

Proposal

It is proposed to erect a two bedroom detached house on the site which would be 4.4m wide by 8m deep by 5m to the eaves and 7m to the ridge. The rear garden at its longest point would be 11 metres. There would be sufficient space for the parking of one car in front of the house.

Responses to Consultations

Woodville Parish Council objects on the following grounds;

- Filling another space with development although this is someone's garden
- Impacting on the amenity of the footpath
- It is recognised that this is a wildlife area.

The Highway Authority comments that whilst the proposal would result in a reduction in parking spaces overall, in view of current thinking on sustainable transport, including the change from minimum to maximum parking standards, refusal on such grounds would be difficult to sustain and based on the cul-de-sac location, it is not anticipated that approval of the proposal would compromise highway safety.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 3 and 4

Local Plan: Housing Policy 4 and 11

Emerging Local Plan: H1 and ENV21

Planning Considerations

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

- Adequate space about dwellings to safeguard the amenities of neighbouring residents
- The appearance of the development within the streetscene

Planning Assessment

This is previously developed land within the Swadlincote Development Boundary and therefore the proposal is acceptable in principle.

The proposal has been considered against the Councils supplementary planning guidance for housing layouts and is acceptable in this regard.

This is an appropriate use of surplus garden land and amounts to the infilling of a gap in an otherwise built up frontage with a dwelling that would be similar in appearance to neighbouring properties.

The land to the rear is a site on the Derbyshire Wildlife sites register, contains trees protected by a Tree Preservation Order and is the line of the former railway. However, this land is not part of the application site and it is not understood how it could impact upon it.

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

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. Prior to the occupation of the new dwelling, the entire site frontages of both dwellings shall be constructed as vehicle hardstanding and maintained as such in perpetuity.
Reason: To maximise off-street parking associated with both new and existing dwellings.
3. No development shall commence on site in connection with this approval until samples of materials for the external elevations of the development have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.
Reason: To ensure the materials are acceptable to safeguard the appearance of the area.

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

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

Informatives:

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.

11/01/2005

Item 1.5**Reg. No. 9/2004/1411/FH****Applicant:**

Mr Mrs Newbold
 17 Maple Drive
 Aston on Trent
 Derby
 DE23 7QB

Agent:

Ian Williamson
 21 Briar Gate
 Long Eaton
 Nottinghamshire
 NG10 4BN

Proposal: The erection of a first floor extension at 17 Maple Drive Aston on Trent Derby

Ward: Aston

Valid Date: 25/10/2004

Site Description

The site is a detached house located within a residential area of mainly detached properties.

Proposal

The application proposes the erection of a first floor extension over the existing attached garage.

Planning History

The property lies within a residential development permitted in March 1997 on land forming part of the Aston Hall Hospital site.

There have been no previous alterations or extensions to the property.

Responses to Consultations

None received.

Responses to Publicity

None received.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: n/a
 Local Plan: HP13

Planning Considerations

The main issue central to the determination of this application is the impact of the proposed extension on the amenity of the occupiers of No 21 Maple Drive.

Planning Assessment

No 19 Maple Drive is situated with the main rear aspect facing directly onto the relatively blank side elevation of No 17 where the proposed extension is to be situated. No 21 Maple drive has the same orientation but is inset towards No 17 overlooking the rear garden.

South Derbyshire Supplementary Planning Guidance – Extending your Home seeks to protect the windows in neighbouring dwellings from overshadowing by ensuring that two storey extensions do not breach the minimum distance requirement along a 45° line drawn from the centre of the nearest ground floor primary window of the neighbouring property.

The proposal meets the minimum distance requirement of 12 metres from a blank elevation to the main rear elevation of No 19. However, the rear corner of No 17 as extended would be only 10.5 metres at the nearest point when measured within a 45° radius from the centre of the rear dining room window of No 21. Technically, this constitutes a 1.5 metres shortfall in minimum standards. Notwithstanding this fact, due to the orientation of No 21 and the relationship with the remaining neighbouring properties, the affected dining room window has an otherwise uninterrupted outlook and therefore would not suffer any material loss of amenity. Accordingly, a case for refusal is considered insufficient.

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. All external materials used in the development to which this permission relates shall match those used in the existing building in colour, coursing and texture unless otherwise agreed in writing by the Local Planning Authority.

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

11/01/2005

Item 1.6**Reg. No.** 9/2004/1450/O**Applicant:**

Mr Gary Jesson
86 Commerce Street
Melbourne
Derby
DE73 1FT

Agent:

Pilkington McPhee Partnership
Suite 3a North Mill
Bridgefoot
Belper
Derbyshire
DE56 1YD

Proposal: Outline application (all matters to be reserved except for siting and means of access) for the erection of a dwelling and garage at Land Adjacent To 86 Commerce Street Melbourne Derby

Ward: Melbourne

Valid Date: 03/11/2004

Site Description

The site lies towards the western end of Commerce Street and is part of the side garden to No 86. There are two new dwellings (82 & 84) immediately to the east of the site. The site level is approximately 800 mm lower than the ground level to No 84.

Proposal

The proposal is in outline, with siting and access to be considered now. An indicative sketch shows a dwelling using the roof space to provide first floor accommodation. A low single storey wing is indicated to the front of the proposed dwelling, with the height increasing to 1 1/2 storeys at a distance of about 6 metres from the nearest habitable room window to No 84. The maximum eaves height would be 2.5 m relative to ground level at No 84.

The existing old garage/store adjacent to the frontage would be demolished. A new joint access, serving both No 86 and the proposed dwelling, would be formed at the eastern edge of the site frontage. The existing access adjacent to the Commerce Street/Cockshut Lane junction would be closed.

Applicant's Supporting Information

The applicant confirms that the eaves to the new dwelling would be 2.5 metres high relative to the higher ground level at No 84.

Planning History

The two new houses at Nos. 82 & 84 were built in the eastern half of the former side garden to No 86 (9/2000/1082/F).

Responses to Consultations

The Parish Council has no objection.

Melbourne Civic Society objects as follows:

- a) Two new houses have already been built in the garden of the property. This proposal represents gross overdevelopment of the site and would result in the demolition of the Victorian outbuilding, which has real character and makes a positive contribution to the street scene.
- b) The development would be less than 4 metres from the neighbouring dwelling and would fail the tests set out in supplementary planning guidance.
- c) The proposed side dormer would look onto a blank wall at close quarters, contrary to supplementary planning guidance.
- d) The hard surfacing of the frontage would seriously detract from the street scene.

The Highway Authority has no objection subject to conditions.

Responses to Publicity

A neighbour objects for the following reasons:

- a) Due to the close proximity of the proposed dwelling there would be overbearance and loss of privacy.
- b) The development would not be in keeping with the character of the area.
- c) The proposal would provide inadequate parking in an area where demand for on-street parking has exceeded availability.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policies 1 & 3, Housing Policy 5 and Transport Policy 15.

Local Plan: Housing Policies 5 & 11.

Emerging Local Plan: Policies H1, T9 and ENV21

Planning Considerations

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

- The principle.
- Residential amenity.
- Impact on the general character of the area.
- Highway safety.

Planning Assessment

The site lies within the boundary of a serviced settlement (as defined in the emerging local plan). As such development of the site would contribute to sustainability objectives. The principle of development would thus be in accord with the development plan.

Supplementary planning guidance seeks to ensure that two storey dwellings do not result in overlooking and overbearing to neighbours. The illustrative drawing indicates two potential sources of conflict with guidance. Firstly the lower portion of the new building would be within 4 metres of the dining room window to No 84 Commerce Street, whilst the higher part would be some 6 metres therefrom. Secondly the ground floor window to the new dwelling would be a similar distance from the dining room and bedroom windows to No 84. However the applicant's stated intention to keep the eaves level to a height of 2.5 metres relative to the ground level of No 84 would result in impact on that property comparable to a single storey building. Furthermore the existing screen wall and the difference in levels would ensure the retention of a high degree of privacy to the occupiers of No 84. The supplementary planning guidance acknowledges that differences in levels may result in appropriate adjustment to the distances. The guidance makes it clear that single storey buildings will be considered on their own merits. In the circumstances, with the proposal being akin to a single storey building relative to the habitable room windows of No 84, it is considered that the impact on the living conditions of the neighbours would be acceptable.

Whilst the existing outbuilding is of traditional design and materials it is nevertheless not a listed building, nor does it lie in a conservation area. Therefore there is no statutory protection for it. The narrow rectangular plan form of the proposed dwelling would lend itself to a traditional design approach and this could assume the character of a traditional outbuilding. A condition requiring appropriate screen walling, to restrict open views into the curtilage of the existing and proposed dwellings, would protect the character of the street frontage, although this would be secured at reserved matters stage.

On the advice of the Highway Authority there would be no demonstrable harm to highway safety interests

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 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 design and external appearance of the building 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 be commenced until the existing vehicular accesses have been permanently closed, including the reinstatement of footway and full kerbing, in accordance with a scheme first submitted to and approved by the Local Planning Authority, and the proposed access has been provided in accordance with the submitted plan.

Reason: In the interests of highway safety.

4. Prior to the first occupation of the dwelling the first 5m of the access shall be surfaced with a solid bound material and measures implemented as necessary to prevent the flow of surface water from the access onto the highway.

Reason: In the interests of highway safety.

5. The proposed dwelling shall not be occupied until the vehicle parking and turning space has been provided as shown on the attached plan. Thereafter the facilities shall be maintained free of any impediment to their designated use.

Reason: In the interests of highway safety.

6. The maximum height of the eaves relative to the ground level of the adjacent property No 84 Commerce Street at its rear main wall shall not exceed 2.5 metres.

Reason: To avoid overbearing to the adjoining property in the interest of protecting privacy.

7. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995, the dwelling hereby permitted shall not be altered enlarged or extended without the prior grant of planning permission on an application made to the Local Planning Authority in that regard.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the site area and effect upon neighbouring properties.

Informatives:

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 ext 7595) at least six weeks before the commencement date of the proposed works in order to arrange the necessary supervision of works on the highway crossing.

Further to Condition 2 the Council will expect the design of the dwelling to reflect the local distinctiveness of the area in accord with Structure Plan Environment Policy 17 and Emerging Local Plan Policy ENV21.

11/01/2005

Item 1.7**Reg. No.** 9/2004/1455/F**Applicant:**

Mr H Wilkins
8 South Street
Melbourne
Derbyshire

Agent:

Eric J Lee
Pennside
Penn Lane
Melbourne
Derbyshire
DE73 8EP

Proposal: The conversion into two dwellings of outbuildings at 8 South Street Melbourne Derby

Ward: Melbourne

Valid Date: 04/11/2004

Site Description

The site consists of an existing dwelling and a two-storey outbuilding, currently in use as a store for the applicant's business. Access to the site is from an existing gateway in Alma Street. The property is situated within the conservation area.

Proposal

The applicant proposes to convert the outbuilding into two dwellings. The yard area would be shared with the existing house for the parking of vehicles. The access would be moved to a central position in a new boundary wall. It would be 3.2 m wide with a 2 metre high wall either side. The existing door in the side of the outbuilding would be sealed up.

Applicants' supporting information

The applicant has supplied details of the vehicle movements associated with the existing business usage of the property.

Responses to Consultations

The Parish Council has no objection.

Melbourne Civic Society has no objection subject to the following comments.

- a) The garage door should be replaced with a brick infill.
- b) Permitted development rights should be removed.

The Highway Authority expresses concern about the width of the proposed access and lack of driver/pedestrian intervisibility splays. It acknowledges that there would likely be an overall reduction in vehicle movements as a consequence of the cessation of commercial operations and there would be benefits in the closure of the other sub-standard accesses. However the authority is disappointed that a satisfactory and safe access would not be provided when the opportunity is available. In view of the lesser movements and closure of the other accesses it considers that highway objection to the grant of permission could not be sustained. The Highway Authority states that it should not be inferred that it regards the access arrangements as acceptable and points out that there is a clear potential for vehicle and pedestrian conflict.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Environment Policy 9, Housing Policy 5 and Transport Policy 15

Local Plan: Housing Policies 5 & 11 and Environment Policy 12

Emerging Local Plan: Policies ENV20 & 21, H1 and T9

Planning Considerations

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

- The principle.
- Impact on the character and appearance of the conservation area.
- Highway safety.
- Residential amenity.

Planning Assessment

This site lies within the boundary of a serviced village and the re-use of the building for residential development would be in accord with the locational policies of the development plan. As such the proposal would be in accord with sustainable development objectives.

The proposal would involve minimal alteration to the existing building and would provide an opportunity to bring it into economic use, thereby securing investment in its restoration to the benefit of the conservation area. The retention of the door in the gable of the building, albeit sealed to prevent its use, would be an historic reference to its former use. The proposal to minimise the size of the opening in the boundary wall is highly desirable from the point of view of preserving the character of the conservation area. A larger opening would not achieve that objective.

The views of the Highway Authority are noted. However on the advice of that authority the development would not lead to a worsening of the safety issues at this site. Whilst an opportunity to improve the access would be lost it is considered that the importance of preserving the conservation area is of sufficient weight to set aside the opportunity to improve highway safety in this instance. On that basis the improvements with the applicant have not been pursued further. It remains the case that the Highway Authority feels it could not sustain a refusal on the basis of the submitted plans and supporting information.

One of the proposed bedroom windows would fail to meet supplementary planning guidance insofar as it would face a bedroom window to the neighbouring property at No 14 South Street. However that property is at a higher level and the extent of overlooking would be minimal. Supplementary planning guidance acknowledges that distances can be reduced in such circumstances, as appropriate.

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

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. No development shall be commenced until the existing vehicle accesses have been permanently closed, including the reinstatement of footway and full kerbing, in accordance with a scheme first submitted to and approved by the Local Planning Authority.
Reason: In the interests of highway safety.
3. Prior to the first occupation of the dwelling the first 5m of the access shall be surfaced with a solid bound material and measures implemented as necessary to prevent the flow of surface water onto the highway.
Reason: In the interests of highway safety.
4. Prior to the first occupation of any dwelling on the site the parking and turning areas shall be provided in accordance with the submitted plan. Thereafter the facilities shall be maintained free of any impediment to their designated use.
Reason: In the interests of highway safety.
5. No part of the development shall be carried out until samples of the facing materials to be used in the execution of the works have been submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the development hereby approved.
Reason: To safeguard the appearance of the existing building and the locality generally.
6. Large scale drawings to a minimum Scale of 1:10 of external joinery, including horizontal and vertical sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery shall be constructed in accordance with the approved drawings.
Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.
7. The extent of repointing works shall be agreed in writing by the Local Planning Authority before any such works are commenced.
Reason: In the interests of the appearance of the building(s) and the character of the area.

8. Notwithstanding any details submitted the precise position, type and size of the proposed rooflight shall be submitted to and approved in writing by Local Planning Authority. The approved rooflight shall be fitted such that its outer face is flush with the plane of the roof, unless as may otherwise be agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the building and the character of the area, and to prevent overlooking to neighbouring property.

9. External joinery shall be in timber and 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 building(s) and the character of the area.

10. 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 and position of heating and ventilation flues outlets shall be agreed in writing with the Local Planning Authority before development is commenced.

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

11. Gutters shall be cast metal (with cast metal fall pipes) 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 building(s), and the character of the area.

12. Windows shall be single glazed unless otherwise agreed in writing with the Local Planning Authority.

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

13. All works of alteration and making good of the existing fabric of the building(s) shall be carried out in matching reclaimed brick and plain clay tiles, samples of which shall have previously been submitted to and approved in writing by the Local Planning Authority.

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

14. Pointing of the existing/ proposed building(s) shall be carried out using a lime mortar no stronger than 1:1.6 (cement:lime:yellow sand). The finished joint shall be slightly recessed with a brushed finish in accordance with Derbyshire County Council's advisory leaflet "Repointing of Brick and Stonework".

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

15. A sample panel of pointing 1 metres square or such other area as may be agreed by the Local Planning Authority shall be prepared for inspection and approval in writing by the Local Planning Authority prior to the implementation of any other works of pointing.

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

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the dwelling hereby permitted shall not be altered, enlarged or extended, no satellite dishes shall be affixed to the dwelling and no buildings, gates, walls or other means of enclosure (except as authorised by this permission or required by any condition attached thereto) shall be erected on the application site (shown edged red on the submitted plan) without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the site area and effect upon neighbouring properties and/or the street scene.

17. The proposed access gates on to Alma Street shall be installed 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 area.

18. No part of the development shall be carried out 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 area.

19. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing received 2 December 2004, showing 8 pane windows, gates to the access, wall details and a rooflight.

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

20. Notwithstanding the particulars of the application, a drawing showing the west elevation of the building shall be submitted for approval in writing by the Local Planning Authority prior to commencement of building operations. The development shall be implemented in accordance with the approved elevation.

Reason: For the avoidance of doubt.

21. The windows in the west wall of the building and those shown hatched on the attached plan 9/2004/1455/F shall be permanently glazed in obscure glass.

Reason: To avoid overlooking of adjoining property in the interest of protecting privacy.

Informatives:

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 ext 7595) at least six weeks before the commencement date of the proposed works in order to arrange the necessary supervision of works on the highway crossing.

11/01/2005

Item 1.8**Reg. No. CW9/2004/0156/CW****Applicant:**

Roger Bullivant Ltd
Walton Road
Drakelow
Burton-on-trent
Staffordshire
DE15 9UA

Agent:

David L Walker Chartered Surveyors
Albion House 89 Station Road
Eckington
Sheffield
S21 4FW

Proposal: The formation of an asbestos landfill facility at Roger Bullivant Ltd Walton Road Drakelow Burton-on-trent

Ward: Linton

Valid Date: 30/11/2004

This application is reported to Committee on the instruction of Councillor Wheeler.

Site Description

The site is part of the former power station land which is now under the control of Roger Bullivant Limited and which is adjacent to the power station. The site is an underground concrete structure, formerly the basement structure of the turbine hall of the former Drakelow B power station.

Proposal

The buildings and six cooling towers associated with the Drakelow C Power Station are being demolished and it is estimated that the demolition will result in 30 000 tonnes of asbestos waste. Roger Bullivant Ltd proposes to dispose of this asbestos waste using the existing concrete lined basement structure of the former turbine hall. The basement area of the turbine hall has a footprint of 190m x 90m which the Applicant states is sufficient capacity to receive the asbestos waste.

Prior to the operation, works to prepare the basement structure would need to be undertaken and a wheel wash, vehicle hardstanding and site office facilities would have to be provided, lighting may need to be installed.

The asbestos would be contained in sealed bags and transported by wagons from Power Station C, a distance of approximately 500m to the containment cells. The Environmental and Supporting Statement submitted with the application states that it is anticipated that the disposal activity would involve two wagons, each completing 15 to 20 runs per day, and carrying up to 15 tonnes per load. The disposal period would be approximately 170 days in total, with only around 110 of these days involving active disposal activity.

Since demolition started some asbestos material has had to be transported to Tyneside which is the nearest authorised disposal site and this scheme would enable the material to be disposed of on site within an existing concrete structure. The Applicant states that the asbestos will be removed fully in accordance with current best practice guidance and will be carefully placed within sealed bags. They state that due to the proposed method of disposal, amenity issues such as noise and dust are not of significance and that on site disposal would clearly not raise any traffic impact.

Applicants' supporting information

The summary and conclusions of the Environmental and Supporting Statement are detailed below:

The proposed development entails the efficient disposal of asbestos material generated from the demolition of the Drakelow C Power Station. Without this on-site facility, the asbestos waste will have to be transported by public highways through adjoining counties.

The proposal seeks to create a stable, self-contained engineered void within which asbestos demolition waste can be safely encapsulated for permanent disposal at a location which is as near to the source of the arisings as practicable, consistent with the "proximity principle" as identified within adopted development plan policies of the determining authority and governmental advice documents.

All of the potential environmental effects of the disposal of the asbestos are fully addressed within the IPPC submission. Central government advice confirms there should not be duplication of regulatory controls, and therefore a majority of the potential environmental issues will be fully addressed within the parallel IPPC submission to the Environment Agency.

The proposed development has been designed so as to ensure any potentially adverse effects are avoided or minimised to an acceptable level and is consistent with the objectives of the Government Waste Strategy 2000 and also policies set out in the Derby and Derbyshire Minerals and Waste Plan and represents the Best Practicable Environmental Option for dealing with the asbestos materials generated within the site as a result of the ongoing demolition of Drakelow Power Station.

Responses to Consultations

The Head of Environmental Health has been consulted separately and has commented as follows:

" ... The application is for the disposal of asbestos, arising from the demolition of Drakelow C Power Station, to be disposed in sealed bags within the basement area of the turbine hall, providing more than sufficient capacity to receive the waste.

I am aware that the very fact that the waste is asbestos will no doubt mean that it is a contentious issue in the eyes of the public. However, my opinion is that this proposal will represent the best option for the disposal of the waste. The main reason for this is that this proposal would require the minimum handling and transporting of the material. There has already been asbestos material removed from the site and transported over 160 miles on the public highway to Tyneside. There are obviously potential hazards long trips may cause, such as

a road traffic accident, exposing the public to asbestos fibres and this proposal would prevent the need for this, as well as reduce pollution from road traffic.

Additionally, asbestos is an inert material which would be immobile in the ground, meaning a negligible risk of contamination outside the disposal area. This may not be the case if the void was filled with other materials (as it surely would be), and with the close proximity of the river this would be a matter of concern.

Furthermore, the proposal will be regulated by the Environment Agency under the Pollution Prevention and Control Regulations 2000. These regulations require the operator to obtain a permit to operate and this permit will contain conditions which will ensure the "best available techniques" are used to control pollution of the air, water and land, as well as controlling noise, energy usage etc. These regulations provide far more control over the site than the planning regime and this Authority's Environmental Health Department will be consulted on the application prior to a permit being granted.

My only concern relates to the possibility of other types of waste (other than asbestos and PFA) being disposed of in the same site. However, this will be covered in the IPPC permit regulated by the Environment Agency and not wishing to duplicate regulatory controls, I have no further comments to make specifically on the planning application.

In conclusion, I would recommend that this application is granted, as I agree with the applicant that it represents the best practicable environmental option."

Responses to Publicity

Publicity has been carried out by the County Council.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Waste Management Policy 3

Planning Considerations

The main issues central to the determination of this application are the impact of the development on the environment.

Planning Assessment

Waste Management Policy 3 of the Structure Plan requires waste sites to have an acceptable impact on the environment in terms of the proximity principle/ traffic impact, effect on local communities and neighbouring land uses, be capable of overcoming any adverse ground conditions and capable of satisfactory remediation.

It is considered that the development is consistent with the proximity principle, as it will not result in any traffic movements on the highway network. The site is located well away from any neighbouring dwellings and is adjacent to industrial land. The concrete containment cells will be buried below ground and therefore it is considered that the land will be capable of successful

remediation. Due to the fact that the concrete structure is already in place and that there will be no traffic movements on the highway network associated with the waste operation it is considered that the site is likely to be the best practical environmental option for disposal of the asbestos.

The planning application is being dealt with by the County Council and therefore the view of the Committee will be forwarded to the County. The proposal is also subject to the requirements of the Integrated Pollution Prevention and Control Regulations 2000 and an application has been made to the Environment Agency. All of the potential environmental effects of the disposal of the asbestos are fully addressed within the IPPC submission to the Environment Agency and therefore will be fully assessed by the Environment Agency as the regulatory authority.

Recommendation

That the Committee endorses the comments of the Head of Environmental Health.

Annexe A

16/11/2004

Item 1.4**Reg. No.** 92004 1075M**Applicant:**Space 4 Living Ltd
C/O Agent**Agent:**Alf Plumb
D P D S
Gleneagles House Vernon Gate
Derby
DE1 1UP**Proposal:** The demolition of a dwelling and the erection of 15 dwellings together with the formation of an associated access road Site Of 224 And Land At The Rear Of 220- 230 Burton Road Woodville Swadlincote**Ward:** Woodville**Valid Date:** 16/08/2004**Site Description**

This 0.5ha back land site is on the east side of Burton Road to the north of The Granville School. It forms part of the rear gardens to four detached dwellings, which front Burton Road. The rear of the site is bounded by the former Swadlincote Loop railway line and beyond this is open countryside.

Proposal

The proposal would involve the demolition of 224 Burton Road to provide access to the site and the erection of 15 dwellings, consisting of two blocks of terraces (four dwellings in one block and five in the other), a pair of semi-detached dwellings and four detached dwellings. Open space would also be provided in accordance with Council's standards. The terraced blocks would be two and a half storeys in height and the remaining dwellings would be two storeys.

Applicants' supporting information

The applicant's agent has provided a full supporting statement demonstrating that the site is in complete compliance with relevant national and local policies. It concludes that the site is in an entirely sustainable location because it is previously-developed, accessible to services and facilities by non-car modes of transport, and it makes best use of the site with PPG3 compliant density. In addition, it says the access is entirely in accordance with the requirements of the Highway Authority.

Planning History

Outline planning permission for residential development was refused by members in October 2003 overturning the officer's recommendation to permit. The reason given was as follows:

"A new access to the A511 serving up to 15 dwellings close to a busy school access would be detrimental to highway safety."

Responses to Consultations

The Highway Authority raises no objections to the proposal.

The Primary Care Trust recommends a contribution of £444 per dwelling towards local medical provision.

The Education Authority recommends a contribution of £23,652 towards local schools.

The Facilities and Development Manager has requested that a payment in lieu of adult and youth play space and on site play equipment be made to be used to improve existing recreational facilities in the area. The sum suggested to the applicant is £30,000.

The Police Liaison Officer has suggested gates be fitted as close to the front elevation of the houses as possible to prevent unauthorised persons from gaining access to the rear. The gates should have locks with anti-lift hinges.

Responses to Publicity

Three letters of objection or concern have been received, one from Granville Community School and two from neighbouring residents.

The school is concerned about the impact of safety on students with the additional traffic that would be generated near the school. It says that students cross at a particularly dangerous point. It adds that if there were a pelican crossing near the school it might think differently but as it stands it has serious reservations about the development.

The objections and concerns raised by neighbours are summarised as follows:

- a) The new junction would introduce an additional hazard on a busy and dangerous part of the A511, especially at school start, lunch and home times.
- b) Many serious accidents have occurred on this stretch of road.
- c) Parents will park on the new access road
- d) A safer access is needed at the school
- e) Neighbouring foundations could be disturbed by development activity
- f) Adequate boundary treatments should be provided
- g) Demolition should be undertaken at reasonable hours and dust and debris clearance properly managed
- h) There is a colony of bats in the roofspace of the house to be demolished and it is unclear as to what trees would be felled.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 3

Local Plan: Housing Policy 4

Emerging Local Plan: H1

Planning Considerations

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

- Appropriate use of previously developed land
- Potential loss of amenity
- Highway safety
- Contributions to education and medical facilities

Planning Assessment

The site is within the defined area for development from the Local Plan and is within the definition for previously developed land.

Conditions relating to boundary treatment and landscaping can overcome any amenity issues and the garden trees on the site are not of sufficient amenity value to justify them being made the subject of a tree preservation order.

Despite the concerns raised by the school and local residents, the expert opinion of the Highway Authority is that the proposal would not be detrimental to highway safety.

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.

A commuted sum for the future maintenance of the open space would be required by way of legal agreement.

The other contributions as mentioned above should also be secured by way of a legal agreement.

Recommendation

A. Subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure:

- a. financial contribution to local medical and education facilities
- b. the provision and future maintenance of public open space
- c. An in lieu of payment for play equipment and adult and youth play space.

B. 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. This permission shall relate to the amended drawing, no 2003-48-01.C received on 3rd November 2004 showing amended layout and access and provision of public open space.

Reason: In the interests of highway safety and to accord with the Council's public open space requirements.

3. No development shall commence on site in connection with this approval until samples of materials for the external elevations of the buildings have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.

Reason: To ensure the materials are appropriate in the interests of the appearance of the development and the locality.

4. 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.

5. 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.

6. Further to condition 5 above, soft landscape details shall include planting plans; written specifications including cultivation and other operations associated with plant and grass establishment; schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate) and the implementation programme.

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

7. The development hereby permitted shall not commence until drainage works for the disposal of both surface and foul sewage have been carried out in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is provided with a satisfactory means of drainage.

8. Prior to any other works commencing in connection with this development, the new access shall be formed with Burton Road. The access shall be provided with 4.5mx90m visibility sightlines with no obstruction exceeding 600mm in height relative to the nearside carriageway edge forward of the sightlines unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

9. The internal road within the adoption site shall be laid out and constructed to adoption standard in accordance with Derbyshire County Council's policy document 'Roads In Housing' and material and construction specification document unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

10. The gradient of the road shall not exceed 1 in 14.

Reason: In the interests of highway safety.

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

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

Informatives:

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.

APPEAL DISMISSED

Appeal by Mr Mrs Jones

The erection of extensions at 20 Burdett Way Repton Derby (9/2003/1016)

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

The proposed development would result in the prominent forward extension of the dwelling that would have an adverse impact on the appearance of the street scene. This would be contrary to adopted Supplementary Planning Guidance – Extensions and Housing Policy 13 of the adopted South Derbyshire Local Plan. Policy ENV21 of the emerging replacement South Derbyshire Local Plan that also seeks to ensure that development is in keeping with its surroundings.

Main Issues

The inspector states that the effect on the street scene would be significant. This is because the front of the building would be thrust forward giving prominence to the new two-storey extension when seen from along and across the street.

The inspector has viewed that the extension would deprive the appeal site of much of its front garden, which currently is a good setting for the property and fits in with the other gardens on the street.

For the above reasons the inspector concluded that the appeal be dismissed.

