

02/08/2005

Item 1.6**Reg. No.** 9/2005/0702/F**Applicant:**

Mr Davis
 24 Kingfisher Avenue
 Woodville
 Swadlincote
 Derbyshire

Agent:

Mr. S. Greaves
 S. G. Design Studio
 202 Woodville Road
 Hartshorne
 Swadlincote
 Derbyshire
 DE11 7EX

Proposal: The erection of a dwelling on land adjoining 24 Kingfisher Avenue Woodville Swadlincote

Ward: Woodville

Valid Date: 17/06/2005

Councillor Isham has instructed that this application be brought before the Committee.

Site description

The site forms part of the side garden to 24 Kingfisher Avenue. Beyond the site boundary to the north east is the former railway embankment which is covered with hawthorn trees and is the subject of a woodland Tree Preservation Order. The site and the neighbouring properties look out onto public open space.

Proposal

It is proposed to erect a two bedroom bungalow which would be sited some 7m from the treed embankment. It would be 6.5m at its widest point and 10.5m long

Responses to Consultations

The Parish Council comments that this is another application for the infilling of a small space of open land and Woodville has much development at the moment.

The Highway Authority raises no objections.

Responses to Publicity

The neighbouring resident is concerned about disturbance and a loss of privacy to her back garden. She states that she will be erecting a fence to combat these.

Development Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 3

Local Plan: Housing Policy 4

Planning Considerations

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

- Visual impact on the appearance of the street scene
- Loss of privacy to neighbouring residents
- Potential damage to the protected trees.

Planning Assessment

The site being a domestic garden within the established urban area qualifies as previously developed land under PPG3 and is therefore eligible for residential development. It lies at the end of a cul-de-sac one side of which is housing and the other public open space. A bungalow in this location would be in keeping with neighbouring development and would not cause undue harm to the appearance of the area. No neighbouring residents would be adversely affected by the development in terms of loss of outlook or privacy.

The development would be sited a sufficient distance from the trees (given their species) on the side of the embankment and are therefore unlikely to come to any harm. A protective fencing scheme would be provided during the construction period.

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 commence on site in connection with this approval until samples of materials for the external elevations of the development have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.

Reason: To ensure the materials are appropriate to safeguard the appearance of the area.

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. The protective tree fencing, to be referred to as the tree protection scheme, as shown on the approved drawing 205-27.01 shall be installed before any work on site commences in connection with this approval. The protective fencing shall be retained intact for the full duration of the development hereby approved, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority and shall remain in place during the construction period.

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

5. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved tree protection scheme.

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

6. The approved boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

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

7. The development shall not be occupied until the parking spaces and shared turning area as shown on the approved plan have been provided and they shall be retained as such thereafter.

Reason: In the interests of highway safety.

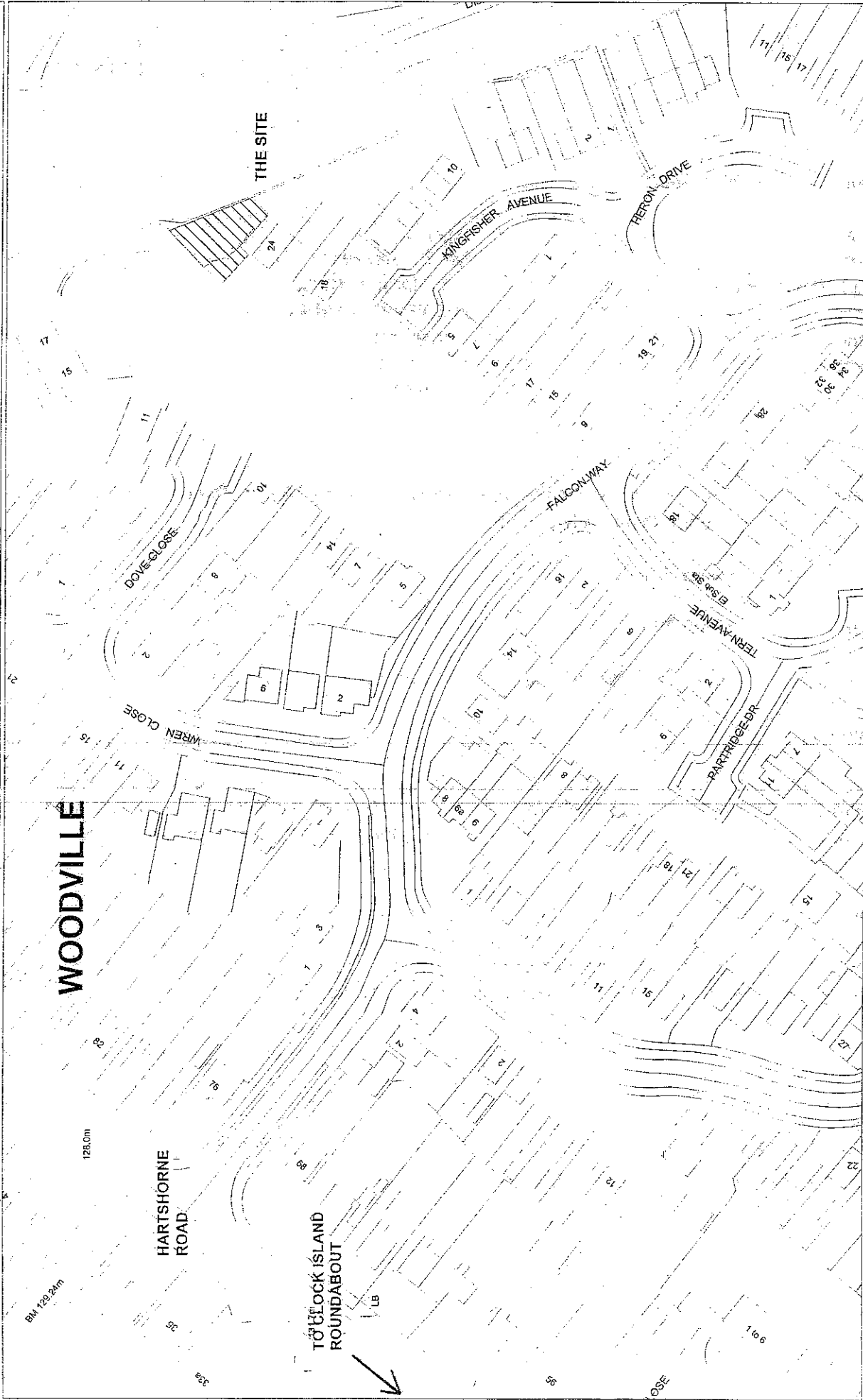
8. No development shall commence on site in connection with this approval until details of drainage for the disposal of both surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

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.

9/2005/0702/F Land at 24 Kingfisher Ave
Woodville



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Scale 1:1250

Plot centred at 428536 325343

Date Plotted 22/7/2005



9/2005/0702/F Land at 24 Kingfisher Ave
Woodville

02/08/2005

Item 1.5**Reg. No.** 9/2005/0645/M**Applicant:**

Messrs A D & W F James
C/O Elms Farm
Pistern Hills
Ticknall
Derbyshire
DE11 7AX

Agent:

Mr. D. Granger
David Granger Architectural Design Ltd
The Old Dairy Mill Street
Packington
Ashby De La Zouch
Leicestershire
LE65 1WN

Proposal: The erection of 18 residential units at Site Of Former Dilks
Garage Hill Street Swadlincote

Ward: Swadlincote

Valid Date: 31/05/2005

Site Description

The site has been vacant and overgrown for many years but was formerly in use as a motor engineers and petrol filling station. The site is bounded to the north (Russell Street - unmade), south (small private driveway) and west (Hill Street) by residential development and the east by the A514 Derby Road. It lies within the Swadlincote urban area and within the Swadlincote Conservation Area. Part of the site appears to be made up ground and therefore lies above the level of the dwellings on Russell Street.

Proposal

An amended scheme shows a terrace of 7 three storey houses fronting Hill Street with a 'drive under' access in the centre of the terrace for access to a courtyard with parking for all 18 units. Along the northern boundary of the site the scheme shows a row of three blocks of houses (i.e. nine houses) two blocks being 2½ storey (i.e. with rooms in the roof) and one 3 storey, all of which would back on to Russell Street. The remaining pair of 2½ storey houses would sit alongside existing houses on Hill Street but with access from the courtyard. Within the courtyard there would be a total of 17 parking spaces and bin and cycle stores. The development would be contained to the south and the north by brick walls. Section drawings show the proposed houses on a site level about the same as those opposite on Hill Street and about a metre above those on Russell Street. The amended scheme represents a reduction in the height of two of the blocks (from three storey to 2½ storey) closest to Russell Street; some elevational changes to meet in accord with a request from the Design and Conservation Officer; and changes to boundaries to accord with the comments of the Crime and Prevention Design Adviser's (CPDA) comments (see below).

Planning History

The site has had permissions for a new petrol filling station in 1989 and a block of 22 flats in 1991. Between 1995 and 2003 the site has had 4 untidy site investigations.

Responses to Consultations

Councillor Stone (Swadlincote Ward member) objects to the scheme. He considers that:

- Building new houses so close to a petrol filling station (as proposed by Morrisons) does not contribute to a safe community.
- New residents would suffer bright lights from the petrol station for about 16 hours per day which would even be evident in the winter when any trees are devoid of leaves.
- The site should be available as a shopper's car park.

The County Chief Education officer requires no education contribution to be made in this case. The Contaminated land officer requires a survey to be carried out prior to the commencement of development. Severn Trent Water has no objection. In response to the scheme originally submitted, the Crime Prevention Design Adviser states that the site is well designed and, subject to improvements to boundary structures to prevent unauthorised rear access, the scheme may be eligible for the 'Secured by Design' award.

In response to the scheme originally submitted, the Highway Authority was concerned access for service and emergency vehicles would be required therefore necessitating an increase in height of the arch from Hill Street to 4.8 metres. It also states that the parking is inadequate and requires two spaces per dwelling. Its response to the amended scheme will be reported verbally at committee.

Responses to Publicity

In response to the scheme originally submitted, a neighbour objects on the basis that: the three storey houses would overlook his property; the sewers are inadequate on Russell Street; and the new houses would not be in keeping with the area.

Development Plan Policies

The relevant policies are:

RSS8: Policies 3, 4, 5 & 31

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

Transport Policy 15; Environment Policy 9.

Local Plan: Housing Policies 4 and 11; Environment Policy 12.

Planning Considerations

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

- The principle of the development
- The impact on the conservation area
- The impact on the amenities of neighbouring dwellings
- Highway safety

Planning Assessment

The Development Plan for the area is as set out above and the land falls within the established urban area. As the site was previously developed it has a high priority for redevelopment with regard to guidance set out in PPG3. The scheme has been many months in the design process and pre-application discussions particularly with the Design and Conservation Officer. As such the scheme now presented is considered to be one that would greatly enhance the character and appearance of the conservation area and would result in a very positive lift to a long-standing derelict site. The houses have been designed so as to incorporate features which reflect the local distinctiveness of the Swadlincote Conservation Area whilst at the same time not impinging too greatly on the amenities of the occupants of the existing residential property around the site. The scheme shows the terrace of houses fronting Hill Street to reintroduce an enclosed street scene with a similar proximity to the road as the flats opposite. Although Russell Street would experience a marked change through the introduction of some three storey housing backing onto it, the scheme has been redesigned so that now only one three storey block remains on this side of the site and this sits further into the site at a point where the houses on Russell Street stand further back. The other two terraces on this side share the dimensions typical to a two-storey house with use made of the roof space. As such all of the usual distances required in the Council's SPG are substantially met.

With regard to highway safety, the site adjoins the town centre and therefore it is appropriate to reduce the reliance on the private car for the occupiers of the development (in line with government advice). As such 17 shared spaces are available and are considered sufficient. However, the final comments of the County Highway Authority will be reported at the committee.

In assessing this application additional weight has been given to the fact that this is a prominent site in the Swadlincote Conservation Area and that this represents an important opportunity to promote a high quality scheme close to a main approach to the town centre where significant improvement to the streetscape has already been achieved on Hill Street through the Council's HERS scheme.

Recommendation

- A. That the Committee delegate power to the Head of Planning Services to deal with any material planning comments made within the period for representations (i.e. until 12 August);
- B. Subject to A., **GRANT** permission subject to the applicant signing a unilateral undertaking to deliver healthcare and public open space contributions; and 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. 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.

4. A sample of both the roof tile and the brick shall be submitted for approval in writing by the Local Planning Authority before work commences.

Reason: To ensure the building/extension is in keeping with its surrounding in the interest of the character and visual amenity of the area.

5. Notwithstanding any details submitted, precise details of the type, size and position of the proposed rooflight(s) shall be submitted to and approved in writing by the Local Planning Authority. The approved rooflight(s) shall be fitted such that their outer faces are flush with the plane of the roof, unless otherwise agreed in writing with the Local Planning Authority.

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

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

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

7. 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).

8. A sample panel of pointed brickwork/stonework 2 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. The works shall be carried out in accordance with the approved sample.

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, none of the dwellings hereby permitted shall be 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 and/or the street scene.

10. The areas shown on the submitted plan for the parking and manoeuvring of vehicles shall be laid out, hard surfaced and marked out prior to the first use of the development hereby permitted. Thereafter those areas shall remain unobstructed for their designated use.
Reason: To ensure that all the activities associated with the development are contained within the curtilage of the site, so as to avoid parking and manoeuvring on the highway to the detriment of highway safety.
11. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft 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.
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.
13. 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.
14. 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:
 1. A desktop study of the area of the proposed development.
 2. An intrusive site investigation, its scope to be confirmed with the Local Planning Authority, prior to its commencement. The report should contain recommendations for any remedial or further works at the site.
 3. A remediation method statement, to be agreed with the Local Planning Authority, prior to its commencement at site.
 4. A remediation validation report along with a signed copy of the attached certificate. This should be supplied prior to the occupation of any buildings at site.
 Reason: 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.
15. Large scale drawings to a minimum Scale of 1:10 of eaves and verges and 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 eaves and verges and external joinery shall be constructed in accordance with the approved drawings.

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

16. 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 building(s) and the character of the area.

17. Windows shall be painted timber in a colour and to a specification which shall have previously been agreed in writing by the Local Planning Authority, and;
- a. be set back from the face of the wall by a minimum of 20 mm,
 - b. have segmental brick arches (unless they are located directly underneath the eaves) and unless otherwise agreed by the Local Planning Authority,
 - c. be traditionally constructed so that opening casements are flush with the frame (modern EJMA detailing is not acceptable),
 - d. have any glazing bars with a maximum overall width of 18mm and a maximum outer nosing width of 5mm,
 - e. have a traditional brick/stone/tile cill. Integral timber cills are not acceptable, and
 - f. 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 character of the area.

18. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos. 03.1809.10a, 07a, 08a, 09a, 06.

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

19. External doors shall be timber and painted in a colour and to a specification which shall have previously been agreed in writing by the Local Planning Authority and be set back from the face of the wall by a minimum of 50mm, and have segmental brick arches unless otherwise agreed by the Local Planning Authority.

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

20. The scheme of hard landscaping comprised in the approved details shall be carried out prior to the first occupation of the buildings hereby permitted.

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

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.

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 Public Health Act requires that there shall be no building over any public sewer crossing the site without the express consent of the Regional Water Authority. You are asked to contact the Council's Head of Services with regard to ensuring adequate protection/room for maintenance of the sewer.

Further to the above Informative, the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. This grant of planning permission does not give a warranty of ground support or stability, neither does it necessarily imply that the requirements of any other controlling authority would be satisfied. 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.

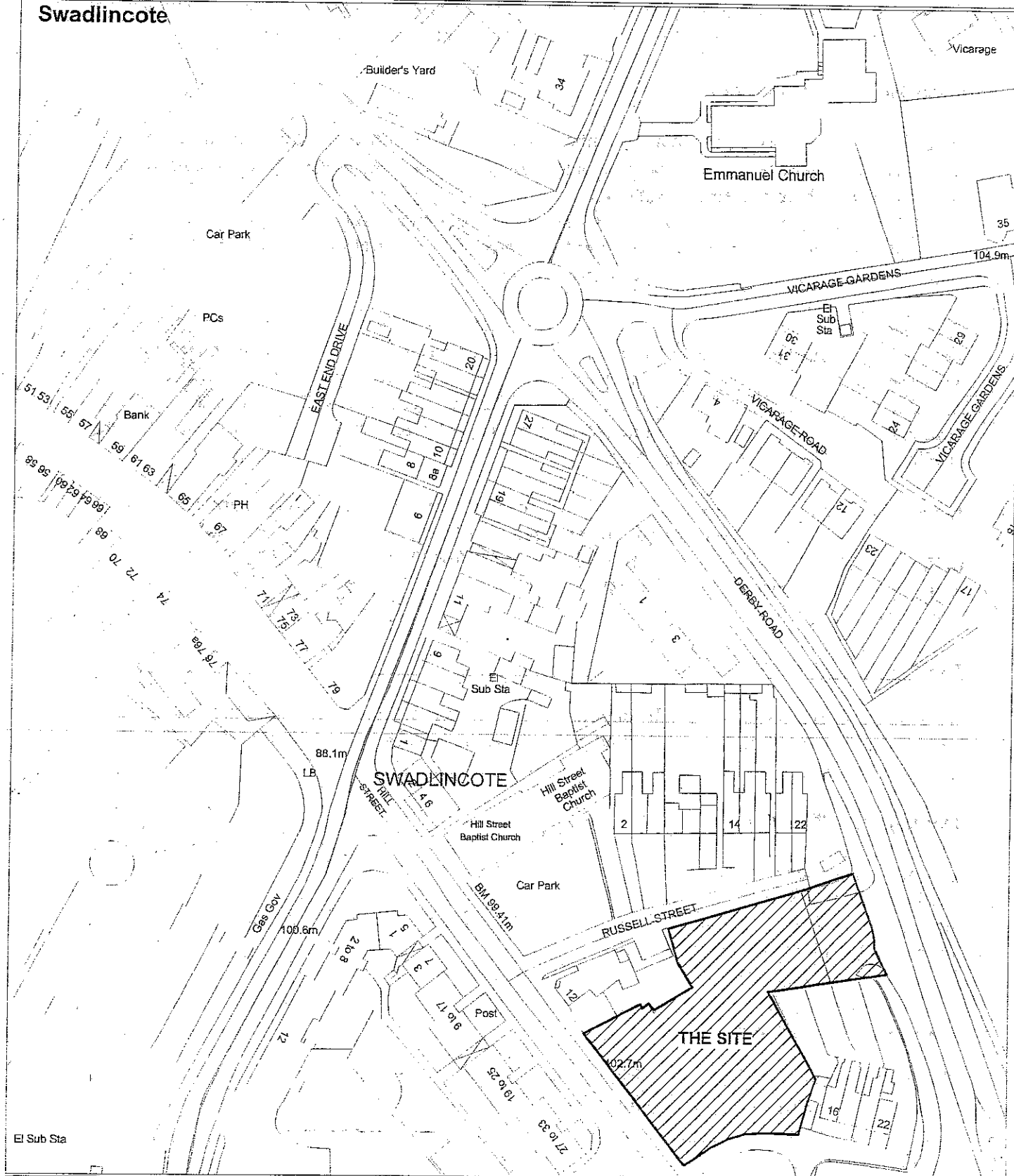
Soil contamination or the potential for it is a material planning consideration and must be taken into account by a local planning authority in the determination of a planning application. This site is suspected to be contaminated with chemicals associated with farming.

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.

9/2005/0645/M Site at Former Dilks Garage
Hill Street
Swadlincote



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Scale 1:1250 Date Plotted 22/7/2005

Plot centred at 428536 325343

9/2005/0645/M Site at Former Dilks Garage
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