

SOUTH DERBYSHIRE DISTRICT COUNCIL

DEVELOPMENT CONTROL SUB-COMMITTEE – 18th December 2001

Planning Services Manager

I N D E X

PART 1 Planning Applications

PART 2 Appeals

In accordance with the provisions of
Section 100D of the Local Government Act 1972,
BACKGROUND PAPERS are the contents of the files
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PLANNING SERVICES MANAGER

INDEX TO REPORT – 18th December, 2001

Application Reference	Item No.	Place	Ward	Page No.
9/2000/0415/O	A1	Swadlincote	Swadlincote	1
9/2001/0587/O	A2	Swarkestone	Aston	19
9/2001/0992/F	A3	Weston on Trent	Aston	24
9/2001/1041/F	A4	Aston on Trent	Aston	27
9/2001/1045/F	A5	Boulton Moor	Aston	30
9/2001/1079/F	A6	Shardlow	Aston	32
9/2001/1088/F	A7	Newton Solney	Repton	35
9/2001/1089/F	A8	Newton Solney	Repton	38
9/2001/1091/F	A9	Netherseal	Netherseal	41
9/2001/1093/U	A10	Shardlow	Aston	45
9/2001/1096/NM	A11	Stenson	Ticknall	48
9/2001/1020/F	B1	Dalbury Lees	North West	51
9/2001/1074/A	B2	Rosliston	Linton	56
9/2001/1075/A	B3	Rosliston	Linton	58

18/12/2001

Item A1**Reg. No.** 9 2000 0415 O

Applicant:
UK Coal Mining Ltd
HARWORTH PARK
BLYTH ROAD
HARWORTH, DONCASTER
SOUTH YORKSHIRE
DN118DB

Agent:
Fuller Peiser
BELGRAVE HOUSE
BANK STREET
SHEFFIELD
S12DR

Proposal: Outline application (and Environmental Impact Assessment),
(all matters other than means of access to be reserved) for the
use of land for **Business (B1 Use Class), Industrial (B2 Use
Class), Storage and Distribution (B8 Use Class) and Leisure
Use (Hotel, Drive-Through Restaurant and Golf Course
Including Ancillary Facilities) at Land At Tetron Point
(Former Nadins Site) William Nadin Way Swadlincote**

Ward: Swadlincote

Valid Date: 08/05/2000

Introduction

Tetron Point is the name given by the applicant company to the remaining open land that comprises the former Nadins Opencast Coal Site lying to the west of Swadlincote. This application has been submitted in an attempt to obtain a formal consent for the development of the site following the cessation of opencasting operations and the restoration of the site. Opencast coal working commenced on the site in February 1992 and finally ceased in May 1999. Thereafter the site was progressively restored in accordance with an approved restoration scheme.

As part of the restoration requirement of the mining permission, the site has been restored with a view to certain after uses as set out in the originally resolved Section 106 agreement. The restoration plan envisaged the land to the south of the site being in industrial use adjoining established industrial sites to the south. The land to the north has been remodelled as a golf course in line with the requirements of the agreement to compliment other open recreational uses already established. Within the agreement, provision for how the golf course is to be used is also set out.

The Local Plan, adopted in May 1998, shows the southern area of the application site allocated for industrial development and the area to the north and west of William Nadin's Way as open space.

Even though an Environmental Impact Assessment (EIA) was originally submitted as part of the Nadins Opencast application, a further EIA has also been submitted for the current application because more recent legislation requires it and it allows for further consideration to be given to the impact of the proposed uses.

Site Description

The site extends to some 120 hectares and is allocated for a range of uses in the Local Plan. The site is split into two by the road that was constructed as part of the Nadins restoration (William Nadins Way) and a notional line separating two areas by the former railway line.

To the north side of the road the land has been restored in a manner that would enable a golf course to be established as well as other formal and informal recreation uses on an area about 75 hectares. The recreation spaces are now in use and form a buffer between the residential areas of Newhall to the north and the remainder of the land remodelled to form the basis of the golf course. This includes a new route for the Darklands Brook and significant changes in ground levels across the site. The site is also crossed by a number of public footpaths that were closed or diverted during the opencasting operations.

A further extension of the site lies to the west of the A444 that was the site of the rail loading facility that served the opencast site.

Proposal

There have been a number of amendments to the scheme since the application was submitted in April 2000.

The original submission proposed extensive leisure uses on the site consisting of a multiplex cinema, two separate public houses, a night club, and a health and fitness centre. All of these as stand-alone facilities have now been omitted.

The current illustrative layout shows the site subdivided into two distinct areas. The northern area is shown occupied by an 18-hole golf course (6,600 yards, par 70), a 9-hole short course (2,350 yards, par 33) and a 240-yard driving range. Within this is incorporated a wetland corridor following the new route of the Darklands Brook with outlying pond features, areas of principle woodland, woodland edge planting, Carr woodland, grasses, herbs and hedgerows. The site would be planted in a manner that reflects its location at the centre of the National Forest. The main entrance to the northern area is shown directly from one of the main roundabouts at the centre of the site and is marked by a country club that would incorporate the main golf club facilities with the usual ancillary activities such as a fitness club and restaurant.

The southern area could be subdivided into four zones namely:

Zone A – About 7.75 hectares of land that has been compacted as part of the approved restoration of the site for industrial use and is now available for development.

Zone B – About 8.5 hectares of land similar to zone A.

Zone C – About 24 hectares comprising about 75% compacted land for industrial use to the south of the former railway and 25% of land currently allocated for use as part of the golf course and therefore not compacted in the same way.

Zone D – About 3.5 hectares comprising the proposed rail link and associated track area running out to join the main line which currently runs through Castle Gresley.

Within Zones B and C are shown areas that would also accommodate a drive-through restaurant and a 100-bed hotel. The precise location for these is left open to allow for some flexibility for siting according to the requirements of individual end users that have yet to be established.

The latest amendment also shows a proposed footpath and cycleway around the periphery of the northern area and the golf courses crossed by three new footpath routes designed to link in to the existing footpath network around the site.

Applicants' supporting information

The applicants' agents have submitted the following supporting documentation:

- (i) Supporting planning statement
- (ii) Environment Impact Assessment (EIA), (including technical annexes)
- (iii) Transport Assessment (TIA), (including schedule of appendices)
- (iv) Sequential Test (in support of the proposed leisure uses)

All these documents are of a significant length and therefore too extensive to report in detail here. However, all are available for further consideration in the Planning Services Department.

Each report can be summarised as follows:

(i) Supporting planning statement:

- The application site is identified in the Local Plan for a range of employment generating and recreational uses. Proposals for the redevelopment of the site have been in place for some time and Derbyshire County Council has previously approved a restoration plan to this effect.
- The site is located in close proximity to Swadlincote and has good links to the main highway network and has the benefit of a retained rail link for re-use which is considered an important part of the proposals. The development of the site would have positive benefits for employment creation and the regeneration of the Swadlincote area and would not have any adverse impacts on amenity.
- The proposals are essentially consistent with national, regional and local policies. The principle of the redevelopment of the site has been accepted at County and District level for a number of years. Whilst the current proposals represent an extension of the development area and a widening of the mix of uses, the site represents a key strategic location that accords with the established criteria for the recycling of brownfield land and would have significant benefits to the immediate locality and the District.
- The proposals offer a realistic and immediate opportunity to enhance facilities for local business and local communities. The uses proposed would be highly accessible and well related to the town contributing to the vitality and regeneration of the urban area, complimenting uses in the town centre. The development is essential to maximise the potential of the site for inward investment and job creation, both in terms of numbers and quality.

(ii) Environment Impact Assessment:

The report considers air quality, contaminated land, drainage, ecology, landscape and views, noise and vibration, socio-economics, and transportation. These topics have been reported in consultation with various statutory agencies. The non-technical summary draws the following conclusions:

- It is estimated that between 1,000 and 2,000 jobs would be created representing a significant contribution to the local economy. Unemployment in Swadlincote is above the district average and good quality industrial land is in short supply. New manufacturing jobs would reduce the district's reliance on the service sector and employment outside the district. New leisure uses would benefit the local community and potentially attract patronage from a wider area. This would be particularly useful given the youthful demographic profile of the district.
- The changed character of the site would represent a net benefit to the amenity of the area. The landscaped open space, which would include a substantial proportion of woodland, would comply with the objectives of the National Forest. Former footpaths would be enhanced with joint cycleway facilities. A range of habitat creation measures is also proposed as part of the site's restoration plans. Bio-diversity would increase once new habitats are established and the remaining Wildlife Site should remain largely intact.
- The main potentially adverse effect of the development relates to traffic. At the year of opening (2001), two-way 12-hour traffic flows on nearby road links are predicted to increase by an average of 46%, and in the case of the A444 by over 70%. These increases are regarded as significant. However, the flows can be accommodated readily within the capacity of existing junctions, with only minor increases in queuing. The rate of traffic increase has also been overstated by assuming that the site will become fully occupied in 2001, whereas the development is likely to be phased. Neither do the predicted increases take into account the use of the rail head, which is likely to reduce HGV traffic; nor the implementation of the Green Transport Plan (GTP), which is intended to reduce dependence on car travel over a five-year period. The operational traffic flows would give rise to increases in vehicle emissions and noise. These increases are unlikely to be individually significant; for example, no National Air Quality Objectives would be exceeded. However, noise levels are already a matter of concern along some roads, notably the A444. Detailed design and mitigation in agreement with the appropriate authorities would avoid other potentially adverse effects, such as the risk of severance and flooding along the Darklands Brook, or of emissions to air from industrial processes.

(iii) Transport Assessment:

At the time this report was formulated the final results of some elements of the modelling and proposed impacts were not available. However, the main report (finalised in September 2001) concentrates on the main transport issue of highway capacity and the effects of additional generated traffic. A Sustainable Transport Plan has been prepared in conjunction with the main report which centres on developer responsibility to provide for other sustainable modes of transport distinctly separate from the private motor car and to establish a strategic framework for transport planning for the future end users of the site.

The main assessment concludes as follows:

- The results of the assessments indicate that the development generated traffic does not have an effect on the traffic flows and turning movements at any junction studied in the opening year of 2006 and the future assessment year of 2011.
- No additional works are necessary to mitigate the impact of the proposed traffic generated from the development. However, it is recommended that further work be considered in order to make a further assessment of three of the junctions around the site.
- It is recommended that provisions for other sustainable modes of transport rather than the private car are pursued with the Local Planning Authority and other transport providers operating in the area, in line with current planning guidance, particularly PPG13, and the quality transport programme/partnership being pursued by the County Council.
- The provision of the rail freight facility should be retained as a significant advantage to a sustainable transport strategy for the development site.

(iv) Sequential Test (in support of the proposed leisure uses):

The applicant company's agent was informed upon receipt of the application that due to the number of the stand-alone leisure facilities, a sequential test was required in line with the guidance set out in PPG6. This was required to demonstrate there is a need for the facilities and that a sequential approach has been applied in selecting the individual sites with a view to safeguarding potential negative impact on the vitality and viability of the town centre.

However, the applicant has subsequently withdrawn the majority of the individual facilities in favour of pursuing the hotel, a 'country club' (combining golf club and health and fitness facilities) and the drive-through restaurant.

As such the submitted report now concentrates on these facilities and concludes as follows:

- Hotel – the number and range of hotel spaces in Swadlincote and its sub-area is extremely limited with the nearest budget hotels located in Burton and next to the M42 in North West Leicestershire. The occupation rate of these hotels, particularly through the week, is high. There is already interest in the site from hotel operators giving confidence that an occupier would be attracted. The market for the budget hotel sector is buoyant and it would fill a gap in the business and leisure markets, which are currently under supplied in the Swadlincote sub-area.
- Country club – the report concludes that this is clearly not a town centre use as it is based upon a golf club and golf course that cannot be operated or located in a town centre. As such the test concentrates on the ancillary health and fitness facilities within the club. Health and fitness facilities would fulfil a 'gap' in the leisure market as the existing range of local provision is limited to small or municipally owned facilities. The catchment population is estimated to be approximately 50,000 and based on current participation rates, it is anticipated that this would support a club with between 3500 – 5000 members. A significant number of users would be drawn from the proposed development itself. Reference is made to an appeal decision in which the Inspector states that he did not consider that a health and fitness club is necessarily a town centre use. The appeal also related to a club in an employment zone and the Inspector considered that it would add to the employment zone's attractiveness to existing and prospective users.

- Drive-through restaurant –the decision made by the Local Planning Authority on the recently opened McDonalds site is evidence that drive-through restaurants are not ‘key town centre uses’ to which PPG6 should apply.
- Generally, it is not accepted that any of the leisure facilities proposed are ‘key’ town centre uses as referred to in PPG6. However, the report demonstrates that the proposed developments for the site meet the policy criteria set out in PPG6 and that there is a need for the facilities with no sequentially preferable sites.

Planning History

Planning permission for the opencasting of the site was granted in September 1991. The consent was granted subject to an agreement under Section 106 and a number of conditions relating to the restoration of the site for a range of uses including amenity, industrial development and a golf course. Opencast coal working commenced on the site in February 1992 and finally ceased in May 1999. Thereafter the site was progressively restored in accordance with an approved restoration scheme.

Responses to Consultations

The County Planning Authority has made the following comments:

- As the site has been largely re-created following opencast coal extraction and restoration, it is in agreement with the EIA that the site has only limited environmental capital that could be regarded as genuinely natural. The EIA would appear to have provided an appropriate and thorough assessment of the likely direct and indirect impacts of the development on the environment and proposed mitigation measures.
- The retention of the railhead could potentially have an impact on an area that is a designated Wildlife Site and retains habitats which have a degree of value especially in the form of a pond on the southern edge which could contain great crested newts. Conditions should, therefore, be attached to any consent to ensure that, as far as possible, any wildlife in this area is protected.
- In terms of economic impacts, the extensive leisure facilities [previously proposed] should be located in the town centre so as not to undermine the Swadlincote Town Centre Vision and Strategy proposals. However, the industrial development proposals would provide significant socio-economic benefits for the area, in terms of the creation of a substantial source of new employment and the expansion and diversification of the local economy.
- In terms of sustainability, the employment generating uses could help reduce the levels of commuting outside the district. The retention of the railhead could also help to restrain traffic growth associated with the development by reducing the number of HGVs using the site.
- Given that the site is acknowledged to be poorly served by public transport, it is important that the applicant seeks to ensure that additional bus services are provided to serve the site as part of the GTP.
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The County Highway Authority states that a considerable amount of detailed transport analysis has been submitted. Whilst areas of concern remain, it feels that the stage has been reached where further clarification of impact on the highway network will be difficult to achieve.

It is evident, and to some extent this will represent the success of the enterprise, that there is likely to be significant incremental impact in terms of additional peak-hour traffic flows on the

adjacent network as a whole and in particular at the Civic Way (Sainsbury) roundabout and at the Darklands Road/Union Road junction. The effects at these junctions are difficult to model and predict since this is partly dependent on the accuracy of traffic generation rates and distribution assumptions.

However, the Committee needs to be made aware that increased delays and congestion may be the price to pay for the economic and employment benefits that arise from the development, although some mitigation measures can be implemented at the developer's expense. It is suggested that conditions need to be attached to cover (inter alia): the detailed design of access (even though this is not a reserved matter), internal site layout design (including the provision of cycle storage), and a timetable for the phased restoration and implementation of rights of way.

The County Highway Authority also considers that there is the likelihood that the proposed development would result in significant queuing in the future at all approaches to the Civic Way roundabout. It is anticipated that, in the worst case, traffic signal control would need to be introduced on all approaches with the exception of the Sainsbury access. With minimal changes to geometry and advanced detector equipment a scheme may require funding in the order of £70,000. It is therefore recommended that, through an Agreement or undertaking, the developer is required to meet the cost of works whether signalisation or otherwise, at the roundabout, to a maximum of £70,000 (index-linked). A formula for determining the need for works to be carried out, likely to be based on the extent of queues and delays at the existing junction during peak times, will need to be agreed.

Equally, the development may result in significant additional vehicle movements at the junction of Darklands Road and Union Road that is substandard in terms of geometry and emerging driver visibility. Realistically, there are no measures that can be undertaken within controlled land to provide any meaningful improvement at the junction. It is considered, therefore, that deterrent to through traffic is the optimum solution. Accordingly, it is recommended that the existing scheme of traffic calming speed cushions on Darklands Road is extended to the north and that revisions to parking space markings and bus stop provision on the approach to the junctions with Union Road are undertaken. Funding from the developer to a maximum of £5,000 (index-linked) would be required.

With regard to the Green Transport Plan, the County Highway Authority considers that the nature of possible measures can be considered in two ways. Firstly, the developer of the site can be required to provide or fund infrastructure which will benefit all employees of/visitors to the site such as bus stops, additional bus services, footpaths/cycleways etc. Secondly, operators of individual units within the site can be required to pursue objectives designed to encourage staff and visitors to reduce dependence upon car travel. Measures could include car sharing, home working, and promoting use of travel by public transport, cycle or foot. This could form a requirement of the Section 106 Agreement.

Severn Trent Water has no objection subject to conditions to secure a satisfactory means of draining the site prior to the commencement of any building operations.

The Environment Agency has no objections subject to conditions.

The Council's Head of Engineering and design has no objections.

The Derbyshire Wildlife Trust, although considering the quality of the EIA to be "extremely poor", has no objection to the scheme subject to conditions to ensure that: a survey is carried out

to locate any great crested newts on the site and make proper provision as necessary; a wildlife management plan/strategy is drawn up; all planted species are indigenous and the Brook is protected.

English Nature has no specific comments to make given that the scheme would not impact upon any statutory sites.

The comments of the Environmental Health Manager are as follows:

Noise from industrial units: There is a potential for noise to impact on the dwellings on the A444 Woodlands Road and those in Appleby Glade, off the A514 Cadley Hill Road, from the units adjacent to these locations. It is recommended therefore that conditions be attached to ensure that provisions are made to help control the noise emanating from the site.

Traffic Noise: There are concerns about the increase in traffic noise likely to impact upon properties off the A444 Woodlands Road. It would be usual in such circumstances to recommend refusal. However, due to the fact that the area is allocated for industrial development in the local plan and the Applicant Company has submitted a comprehensive green commuter plan, this is considered inappropriate in this case.

Rail Link: The EIA does not address any impact from noise affecting the nearest residential properties. As such it is recommended that a condition be attached to ensure that an assessment is made of the potential noise emissions prior to its operation.

Odour: Due to the potential impact of odour from the food businesses, it is recommended that a condition be attached to control odour emission from all food premises.

Sustainable Development and Air Quality: There are concerns relating to the deterioration in air quality that may occur in the area due to increased traffic levels. However, the green commuter plan is considered to be comprehensive and thorough, and is therefore sufficient to meet these concerns in this case. It is recommended that the means be put in place to ensure the implementation of the green commuter plan.

The Council's Economic Development Manager states that taking into account the objectives of the Council's 5-year Economic Development Strategy, he would be pleased to see the site comprehensively developed thus improving the visual appearance of the route into the town. He sees the amenities proposed in assisting in attracting investment and tourism into the town and the rail link would also enhance the appeal of the industrial area. However, he states that whilst he would prefer to see facilities linked to the town centre so that users are encouraged to also make use of other town facilities, he would not wish to discourage any form of investment of this nature particularly as there have been no firm leisure enquiries for the town centre.

The Council's Leisure Facilities Manager considers that the facilities on offer would enhance the range of leisure provision available in Swadlincote. However, he also states that the benefits that the community could gain from the development would be dependent on how the facilities would be managed and developed. He thinks that the private sector is best placed to manage the facilities and that the greatest community benefit would be to encourage the development of a high quality site that includes certain community commitments in management arrangements.

Sport England supports the provision of sporting facilities as part of the development. It states that the development of the golf course would ensure that the area remains green and a buffer between the residential areas and industry. The English Golf Union states that the design of the golf element of the scheme is satisfactory.

At the time of writing, no comments had been received from the Ramblers Association.

Responses to Publicity

Three neighbour letters have been received which make the following comments:

- a. The scheme ought to ensure the establishment of better cycle routes across the site.
- b. A high street retailer states that he is opposed to the establishment of any out of town shopping on the grounds that there are vacant premises on the High Street. As such he suggests that it would be helpful if new businesses could be directed into the town rather than the outskirts.
- c. The main disbenefit of the development would be the placing of further burdens on an already chronic traffic problem in the area. A bypass should be considered to relieve the HGV traffic along the A444.
- d. Residents are still living with “marinating in foul sewage water, heavy metal residues of poisonous toxic wastes, blasting disturbances and invasive air pollutants of black coal dust particulates.”
- e. There is the possibility of leachates seeping into the drinking water supply and poisoning the populations of this area with cancers causing deadly carcinogens.
- f. The development of contaminated ground is irresponsible and neglects the health and safety of others.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 1, 2 and 3; Transport Policy 1, 7, 15; Leisure and Tourism Policy 2, 3, 4 and 5.

Local Plan: Employment Policy 2; Environment Policy 9 and 10; Recreation and Tourism Policy 1, 2 and 8.

Planning Considerations

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

- The principle of development with regard to provisions of the development plan and the permission for the opencasting of the site.
- The impact on the environment.
- The impact on highway safety and issues of sustainable access.

Planning Assessment

The history of the site since permission was granted for opencasting reveals that the land was always intended for comprehensive redevelopment following its restoration and the current application is the applicant company’s attempt to formalise the necessary permissions in order to market the site more easily.

The Nadins Opencast permission

When planning permission for the extraction of coal at Nadins was granted, a section 106 agreement was entered into by the County Council, the District Council and the then British Coal Corporation (BCC), (and successors in title). This required BCC (inter alia, including the construction of William Nadins Way and the Castle Gresley by-pass) to:

- a. submit an application for the approval of reserved matters for the industrial development of land to the south of the former railway line (approximately),
- b. to design and construct upon the restoration of the opencast site an 18-hole golf course (BCC are covenanted to invite tenders for the management of the golf course to include use of the course for up to 50% non-members).

To date the site has been restored in accordance with the approved landscaping scheme (soon to be amended to allow for the proposed after use) in readiness for development. Indeed, the first signs of the redevelopment of the site took place three years ago with the construction of a manufacturing facility part way along the south side of the new road.

The Development Plan

Employment and Recreation policies in the Local Plan identify the site for the uses for which permission has been applied. Therefore in principle the proposal is acceptable.

The proposals map clearly shows the land to the south of the new road and to the south west of the former railway line as land within policy E2 as a main location for new industrial and business development to meet the target required by the Structure Plan. There is therefore a strong presumption in favour of the proposed industrial development.

However, the current development proposals show land for industrial use encroaching further north than that shown in the Local Plan. As such this represents a departure, albeit relatively minor, from the development plan and the originally approved site restoration plan (the latter is currently under consideration by the County Planning Authority). As such, if the Council does not intend to refuse the application, it would require referral to the Secretary of State.

The applicant company, having acknowledged this departure, proposes to compensate for the loss of the original golf course area by showing it extended northwards to incorporate an area previously identified for return to agricultural use. The entire golf course area proposed lies within the boundary of an area allocated in the Local Plan under Policy EV7. This policy is designed to safeguard from development the open land that makes a valuable contribution to the character and environmental quality of Swadlincote. In the justification for the policy, it is acknowledged that uses of an open character would be acceptable.

The golf course is just such a use that would enhance the use of the land and its contribution to the town through a scheme of planting, landscaping and habitat creation. The scheme itself offers the opportunity of a wide range of golfing facilities that contribute further to the general provision of public access to sporting facilities in the town and as such it is to be welcomed.

The leisure uses proposed for the site have been changed fairly radically since the first submission of the application. The applicant company acknowledged that some of the stand alone uses proposed could be viewed unfavourably against the advice set out in PPG 6 and therefore the facilities that remain are the hotel, country club, and drive-through restaurant.

Initially it was argued that all proposed leisure uses would need to be the subject of a sequential test in accordance with PPG 6. However, the country club now takes the form of a facility that is inextricably tied to the golf course as a locational requirement that would be clearly inappropriate to a town centre. As such the proposal falls outside the guidance set out in PPG 6

(i.e. it could not be considered as a key town centre use) and therefore a sequential test is not required. The drive-through restaurant is not of sufficient size on its own to have a significant impact on the town centre.

The hotel is a use that the Local Plan recognises as complimentary to the National Forest. The Structure Plan also sees tourist accommodation being allowed provided proposals are in keeping with the scale, appearance and character of the area and that locations are sustainable. In this case, the hotel is mainly aimed at the budget business customer with most demand being generated in close proximity both from the proposed industrial development and the country club. Accordingly, the location would be entirely appropriate both in terms of sustainability and as a part of the built development in which it would lie.

Environmental Impact

(i) Ecology

Following on from the opencasting and restoration, the site can be seen as one that has been newly created. Therefore, notwithstanding the views of the Derbyshire Wildlife Trust, the County Council's view that the findings of the EIA that the site has only limited genuine environmental capital, must be concurred with. The EIA appears to provide an appropriate and thorough assessment.

Although there is concern about the possible disturbance to a pond, where great crested newts may be present, the County Council and Derbyshire Wildlife Trust have confirmed that they would be content with permission being granted subject to a condition to ensure that the area is properly surveyed in order that the matter may be fully assessed prior to development commencing.

At the time of writing the applicant company has amended the northern boundary of the western industrial area which may impact upon the relationship between the edge of the site and Darklands Brook. This has been an area of concern given that the scheme for the golf course incorporates a special wetland area around the line of the brook designed to create a wildlife corridor. However, it now seems apparent that an agreement has been reached with all parties that will not compromise the integrity of the design.

The site is to be planted with a significant level of forest planting both at the periphery of the site and within its heart. Therefore, this would reflect the site's location within the National Forest and significantly increase the level of planting within the urban core in a sympathetic manner.

(ii) Hydrology and contamination

No undue concerns have been raised with regard to hydrology or contamination subject to conditions.

(iii) Noise and air quality

Generally these are both difficult to assess in the absence of knowledge of the end users of the site. However, on both issues, the Environmental Health Manager remains concerned for the reasons set out earlier. However, mitigation measures can be provided to ensure that necessary

controls on emissions from the future users of the site are in place. Therefore, in view of the local plan designation for the site this matter can be adequately controlled by conditions such that the impact of the development on the locality would be acceptable.

(iv) *Views*

Views of the development would be mainly from the north and are described in the EIA as having a significant impact. Notwithstanding this, the assessment reports that the planting of woodland on the golf course would help to mitigate the impact of such views. The revisions to the restoration scheme could also help particularly where structural landscaping is shown.

Traffic, transport and sustainability

At the time this report was compiled, the final comments of the County Highway Authority were still awaited. Nevertheless, the TIA clearly points to the potential for quite substantial increases in traffic generation from the development (assuming full and immediate take-up of all development opportunities). This implies the need for the development to provide for the means to mitigate against the worst effects that, according to the TIA, would be congestion at main traffic junctions. This would take the form of a commuted payment contained within a suitably worded Section 106 agreement.

With regard to sustainability, the GTP, given the out-of-town location of the site, recognises the need for the provision for other sustainable modes of transport rather than the private car and recommends the involvement of public transport providers. With this in mind, the Section 106 agreement could also be used to set up a fund for the subsidy of a bus route(s) to service the site.

The Applicant Company (and all future occupiers of the site) could also sign up to a GTP that demonstrates a commitment to day to day working practices in support of sustainable transport policies. The Applicant Company has also shown in the latest amendment to the master plan a number of footpath improvements and a joint use pedestrian and cycle track around the periphery of the site that would form a crucial east-west link in the Council's recently published cycling strategy.

There is also potential for the site to generate less road traffic than may otherwise be the case if the railhead is utilised for the movement of freight. This also contributes to the sustainability of the site.

CONCLUSION

The application seeks to formalise a planning permission for the redevelopment of the site for the uses proposed. Although there are likely to be some environmental impacts caused by the project, with the specific exception of the relatively minor encroachment of the industrial area into the open space area, the site is identified in the Local Plan for the main uses proposed. The departure is considered not to undermine the aims and objectives of the development plan. In general terms, the proposal conforms to the policies, aims and objectives of the development plan and it is, therefore, acceptable.

The issues raised by the EIA are noted. However, in all cases, either the impact of the proposal would be acceptable, or suitable measures can be taken to ensure any adverse impacts are minimised to an acceptable level. Therefore, there are no adverse impacts that override the presumption in favour of granting consent for this proposal.

With regard to the leisure and tourism uses, the hotel has been demonstrated to accord with policy and the restaurant is considered to have an inconsequential effect. The country club would be appropriate to its location and it would further enhance the development whilst providing the area with a need not currently catered for.

With careful attention to the implementation of planning conditions and provisions set out in the section 106 agreement, the application is considered acceptable.

Recommendation

A. That the Committee grant delegated powers to the Planning Services Manager and the Legal Services Manager to deal with outstanding matters and negotiate the settlement of a Section 106 Agreement to secure:

- (i) The signing up of the applicant company and all future occupiers of the site to the Green Transport Plan as drafted by Longden Design Associates (Doc Ref: ML/Tpnt/102.
- (ii) A contribution of a maximum of £75,000 (index-linked) for the improvement of junctions/other highway improvements highlighted for attention by the County Highway Authority.
- (iii) A contribution towards subsidising a bus route to serve the development (where possible).

B. That subject to A above, the Government Office for the East Midlands be informed that the Council is minded not to refuse permission for the development 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) and the landscaping and means of enclosure of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

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

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

4. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil

interceptor, designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: In the interests of pollution control.

5. Any tanks for the storage of oils, fuels or chemicals, hereby approved, shall be sited on impervious bases and surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks plus 10%. All filling points, vents or gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and be protected from accidental damage. All filling points and tank overflow pipe outlets shall be designed to discharge downwards into the bund.

Reason: In the interests of pollution control.

6. Notwithstanding the originally submitted details, this permission shall relate to the gross floor areas as set out in the "Summary Schedule of Floor Areas" shown on drawing number 99113 SK1 Revision H and these total floorspaces shall not be exceeded. The uses hereby permitted shall be confined to the zones as marked on UK Coal drawing 9729K.

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

7. All development on the site hereby permitted shall be provided with vehicle parking, manoeuvring and servicing provision prior to its first use in accordance with the Council's published standards, the details of which shall be submitted pursuant to condition 2 above.

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.

8. Notwithstanding the submitted details, prior to the commencement of building operations on adjoining areas, the boundaries with the proposed landscape areas and wildlife sites shall be fenced with chestnut pale fencing to a minimum height of two metres and be staked at 3 metre centres. The fencing shall be retained in position until all building works on adjoining areas have been completed unless otherwise agreed in writing with the local planning authority. There shall be no storage of materials, plant or machinery within the fenced areas and there shall be no alteration in ground levels.

Reason: To protect the trees/landscape areas from undue disturbance

9. Prior to the development hereby approved commencing, details of the finished floor levels of the building(s) 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.

10. There shall be no tipping or deposition of materials within the area fenced under condition 8 above without the prior written authorisation of the local planning authority.

Reason: To protect the trees/landscape areas from undue disturbance

11. Notwithstanding the submitted details, the landscaping of the golf course shall be implemented in accordance with the drawing 9729K.

Reason: For the avoidance of doubt.

12. Further to condition 11 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.

13. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

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

14. A landscape management plan which shall include long term design objectives, management responsibilities, maintenance schedules and a timetable for implementation of the landscaping for all landscape areas shall be submitted to and approved by the Local Planning Authority prior to the development hereby approved commencing. The landscape management plan shall then be carried out as approved and in accord with the approved timetable.

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

15. Details of any scheme to illuminate the driving range, hereby permitted, shall be submitted to and agreed in writing by the Local Planning Authority prior to the first use of the driving range hereby permitted. No other lights other than those agreed in the scheme shall be installed or used on the site.

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

16. Notwithstanding the submitted details, prior to any part of the development to implement the part of this permission relating to the golf course, or any ancillary feature, a scheme of land levels and contouring shall be submitted to and, if acceptable, approved in writing by the Local Planning Authority. The agreed scheme shall then be implemented as agreed and be maintained as such thereafter.

Reason: For the avoidance of doubt and in order that the Local Planning Authority can retain control of the development.

17. Notwithstanding the submitted details, all details of access shall be submitted for approval under condition 2 above and that designs where right-turn harbourages are required shall be in accordance with the Design Manual for Roads and Bridges, unless otherwise agreed in writing with the Local Planning Authority. The agreed details shall then be implemented in full prior to the first use of the access to which they relate.

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

18. No development shall be commenced until space has been provided within the curtilage for site accommodation, plant and materials storage, employees and visitors car parking and manoeuvring, and lorry loading/ unloading, parking and manoeuvring space in accordance with a scheme, or schemes, and phasing details first submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety.

19. No works shall be undertaken to the west of Zones 4 and 4A or to the east of Zone 5 which may affect the stability of the A444 principal road or associated structures until detailed designs and calculations have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

20. Notwithstanding the submitted details, prior to the commencement of any development in the golf course zone or zone 5 (rail link area), a survey to establish the presence of great crested newts shall be carried out. A statement shall then be submitted to the Local Planning Authority demonstrating how possible breaches of the 1994 Habitat Regulations are to be avoided, including a timetable setting out when the works, if required, would be carried out. The agreed details shall then be implemented in full in accord with the agreed timetable of works.

Reason: In the interests of protecting the established habitats of any great crested newts which inhabit the site.

21. Prior to the commencement of any development of zone 4 and 4A (as shown on drawing 9729K) the Darklands Brook shall be rerouted in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The revised course shall generally follow the line shown on drawing 9729K.

Reason: In the interests of preserving the ecological integrity of the brook prior to any disturbance that may be caused by the development of the adjoining land.

22. Notwithstanding the submitted details, prior to the commencement of any works in zone 5, full details of the proposed rail head, including a timetable for any works, shall be submitted to and approved in writing by the Local Planning Authority. The rail head and associated development shall then be implemented in accordance with the approved scheme and timetable only.

Reason: For the avoidance of doubt, no details having been submitted.

23. There shall be no discharge of surface water into the public foul/combined sewer.

Reason: To avoid unnecessarily taking up capacity in the public sewerage system specifically provided for the essential disposal of foul sewage.

24. Before any development commences on each industrial unit, a scheme shall be agreed with the planning authority that specifies the provisions to be made for the control of noise emanating from the each unit and the associated curtilage. The provisions shall be implemented in full prior to the first use of the unit to which they relate and be retained as such thereafter.

Reason: To protect the nearby dwellings from being adversely affected by the noise from construction and subsequent operation of each unit.

25. Before the rail link is first brought into use, a full assessment of the impact of the rail link, including any measures of mitigation and a timetable for their implementation, shall be undertaken, submitted to and approved in writing by the Local Planning Authority. This shall include :

- An ambient noise survey
- Predicted noise levels
- Number and type of trains
- Proposed times of operation
- Types of acoustic barriers and levels of reduction.

Any necessary works shall then be implemented in accord with the agreed timetable.

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

26. Before the first use of any proposed food business, a scheme for the minimisation of emissions of cooking odour from the premises shall be submitted and agreed in writing by the Local Planning Authority. The agreed scheme of mitigation shall then be implemented in full prior to the first use of the premises and then be retained as such thereafter.

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

27. The newt hibernacula shall be installed on the site in the positions shown on drawing 9729K and in accordance with the details set out in RJB Mining's letter to Derbyshire County Council dated 4 December 1996, within a period of two years from the date of this permission, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of providing suitable conditions for the promotion of the occupation of the site for great crested newts.

28. Notwithstanding the submitted details, the railhead facility hereby permitted shall only be used by occupiers of zone 4 or 4A unless otherwise previously agreed in writing with the Local Planning Authority.

Reason: To avoid the use of the facility as an intermodal transport link and therefore attracting excessive HGVs to the site

Informatives:

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

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.

To note and act upon as necessary the comments of the Environment Agency (see attached letter).

To note and act upon as necessary the comments of Severn Trent Water (see attached letter).

The new survey required by condition 20 should be undertaken by a recognised, licensed and experienced ecologist.

Further to condition 27 above you are advised that the following outlines the items that the Environmental Health Department considers should be included in the scheme:

i. An extraction flue system should be installed which draws air from above the cooking area by use of a canopy and extraction fan. This air should pass through, as a minimum, a grease filter (to remove the grease component of the emissions), a pre-filter (to remove any remaining fine particles from the emissions) and a carbon filter (to remove the odour component from the emissions). These filters should be cleaned or changed for new as per the manufacturer's guidelines (normally at least every 6 months).

ii. The flue discharge should be at least one metre above eaves level and should incorporate an acceptable outlet the specific type of which may be agreed with the Environmental Health Officer.

Details should be provided for anticipated noise emissions from the extractor fan and breakout noise from the ductwork.

18/12/2001

Item A2**Reg. No.** 9 2001 0587 F**Applicant:**

Mr C N & Mrs J Gibson
Woodshop Lane House, Woodshop Lan
Swarkestone
Derby
DE731JA

Agent:

R Wilmot
32 Askew Grove
Repton
Derbyshire
DE65 6GR

Proposal: The erection of one dwelling (to be used as an annex/granny flat to Woodshop Lane House) and associated garage at Woodshop Lane House Woodshop Lane Swarkestone Derby

Ward: Aston

Valid Date: 20/06/2001

Site Description

The site consists of the side garden/yard to Woodshop Lane House. The site is located off Woodshop Lane, Swarkestone. Currently, there is a range of converted outbuildings, in separate ownership, along its northern boundary and a tall conifer hedge to the western boundary.

The site is located within the confines of Swarkestone as defined in the current local plan and within the conservation area.

Proposal

The applicant seeks permission to erect a part two-storey building, designed to resemble an outbuilding. The building would be used as ancillary accomadation to the main dwelling unit.

Additionally, garaging for both existing and application dwellings is also proposed.

The existing access to the property would be used, in unaltered form.

Applicant's Supporting Information

The parents of the applicant would occupy the property in their retirement as an annex. The accommodation would enable them to be near to their family.

Site History

The garden to the south of Woodshop Lane House was developed for a single dwelling in the mid- 1990s.

Responses to Consultations

The Highway Authority and Severn Trent Water Limited have no objection.

Responses to Publicity

Letters have been received from 5 local households objecting in the following terms:

- a) The proposal would not preserve or enhance the conservation area. It would be detrimental in this regard.
- b) The garden is an important element in the conservation area and should be protected as such. Much of the garden has already been lost to development.
- c) The proposal could lead to the damage or collapse of adjacent historic buildings.
- d) An historic pigsty would be demolished. (Comment: This building is too small to be subject to a requirement for Conservation Area Consent for its demolition).
- e) There would be increased surface water run off which could increase the risk of flood.
- f) There would be loss of privacy to neighbours.
- g) There has already been too much development in the conservation area.
- h) There would be increased noise and disturbance.
- i) There would be parking problems.
- j) The proposal does not comply with PPG3.
- k) An extension to the existing house should be sufficient to meet the needs of the household.
- l) A precedent would be set for more development.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 6 and Environment Policy 9.

Local Plan: Housing Policy 5 and Environment Policy 12.

Planning Considerations

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

- The principle of development.
- Impact on the conservation area.
- Residential amenity.
- Access and parking.
- Site drainage.

Planning Assessment

The site lies within the village confines and is thus supported in principle by the policies of the extant development plan. However, with regard to new dwelling units these policies can be superseded by the guidance in the recently revised PPG3.

In this regard Swarkestone is not a sustainable settlement and new residential development within it would, in principle, not be acceptable. However, in this case the proposal is to erect a small two-bedroom unit to meet the specific requirements of the applicant. A condition could be applied to ensure that the facility was connected to the main unit. In addition the unit is designed

in a manner that would allow its future assimilation into the main house thereby allowing an acceptable use of the building when the current circumstances of the family have altered.

Additionally, the development would enable the family to share journeys and enable family based care to be administered without the need to make journeys by private car.

Therefore, in principle, subject to appropriate conditions, the proposal does not conflict with the aims of sustainable development set out in PPG3, and makes full and effective use of land for housing provision as advocated in the guidance.

The proposed scheme has been amended following discussion with the applicant and is well related to the house in terms of scale and design, so that it appears as a logical outbuilding. Its scale and design are in keeping with other outbuildings in the locality and the proposal would therefore preserve the character of the conservation area. The site would still maintain a sufficiently large area of domestic garden space to ensure the amenity of the occupants and the area generally is not adversely affected.

The proposed building is no higher than the adjacent building at The Roaches and would therefore neither overlook nor overbear on that building. Whilst concerns have been raised about the impact of the development on the structure of the adjacent building this is a matter that is controllable under the Party Walls Act and civil law. No other dwellings are materially affected. The level of activity associated with the site would not be demonstrably greater than as at present.

On the advice of the Highway Authority and on the basis of this being an ancillary unit to the main house there would be no adverse impact on highway safety.

Foul water would discharge to the public sewer. It is a normal expectation that surface water runoff is accommodated within the confines of the site. A condition is recommended to require run-off to be kept away from the highway.

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. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 296/RW 04 received 23 November 2001.

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

3. Large scale drawings to a minimum Scale of 1:20 of external joinery, including 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. 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.

6. 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.

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

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

8. 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).

9. A sample panel of pointing 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.

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

10. 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.

11. The living accommodation hereby permitted shall be occupied solely by members of the household of Woodshop Lane House or by domestic staff, and shall not be severed from the main house as a separate and unconnected dwelling.

Reason: Swarkestone is a settlement with few facilities, such that it is considered to be an unsustainable location for general residential development. Furthermore separation of the unit would necessitate works to the access involving the demolition of an historic stone wall. In addition the property would be located in proximity to Woodshop Lane House such that there would be disturbance to the occupiers of the two properties.

12. Prior to the first use of the development hereby approved, measures shall be taken to prevent the discharge of surface water onto the highway in accord with a scheme that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and flood control.

18/12/2001

Item **A3****Reg. No.** **9 2001 0992 F**

Applicant:
Mr M Trivett
7 Cedar Croft
Willow Park
Aston On Trent
Derby
DE722DN

Agent:
Matthew Montague Architect
70 Friar Gate
Derby
DE1 1FP

Proposal: **The replacement of the existing house with a new dwelling
and the erection of a detached garage at Point-Look-Out
Swarkestone Road Weston-on-trent Derby**

Ward: **Aston**

Valid Date: **10/10/2001**

Site Description

The site is located outside the confines of any settlement. Therefore, in planning terms, the site is located in open countryside.

The existing property is a Spanish style dwelling, mainly single storey but with a 2 storey turret at the front. It is the middle unit of three properties that stand alone.

Both of the other adjacent dwellings also have a Spanish style although the subject property is the least altered of the three. The dwelling to the west, Bramble Lodge, has been altered to the extent that it is now in the style of a typical bungalow. The other adjacent property, Rio Vista, is part two storey and it has a lounge window in its west wall facing the site.

All three of the dwellings are rendered and painted white.

Proposal

As originally submitted the dwelling that currently occupies the site would be demolished and replaced with a detached two-storey dwelling with the upper floor principally lit by dormer windows. Its overall height would have been 8.8 m.

Following discussions with the applicant the dwelling is still to be demolished but the height of the proposed dwelling has been reduced to 7.2 m above floor level and the side of the building closest to Rio Vista reduced to single storey. Therefore, the distance from the Rio Vista boundary to the two-storey part of the dwelling would be some 4.1 m.

A first floor balcony is proposed to the rear, outside the bedroom window. A detached brick garage is proposed to the front of the dwelling, behind existing vegetation. A brick finish is sought.

Responses to Consultations

The Parish Council objects for the following reasons:

- a) The building would be out of character with the surroundings and so have an overbearing effect on the neighbours.
- b) There would be loss of natural light to the lounge (of Rio Vista).
- c) The footprint shown is larger than the existing house footprint.

The Highway Authority and Environment Agency have no objection in principle.

Responses to Publicity

Two letters have been received from the adjoining neighbours either side objecting as follows:

- (i) The building would be higher and closer to the boundary causing loss of light to the lounge window to Rio Vista.
- (ii) The line showing the existing house includes a carport.
- (iii) The dwelling would be larger than the houses either side, and would appear as a standard house between two semi-bungalows which are rendered and painted. As such it would be out of character with the area.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 8.

Planning Considerations

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

- The principle.
- The impact on the character of the countryside.
- Residential amenity.
- Highway safety.
- Drainage.

Planning Assessment

Development plan policies allow for the replacement of existing dwellings subject to various criteria. In its amended form the dwelling complies with the criteria, in terms of form, bulk and siting. As such, the principle of the proposal is acceptable.

In its amended form the dwelling would not be significantly higher than Rio Vista. The site is well landscaped and it would therefore readily be assimilated with its surroundings in terms of its bulk and general design.

The use of red brick would be at odds with the rendered and painted dwellings either side, but subject to control over the brick the dwelling would not be demonstrably harmful to the character of the area.

Both properties neighbouring the site have side windows. To the east, Rio Vista, has a single side window. It is a secondary light to the lounge. In view of the fact it is both a side window and a secondary light it can be given little weight. However, notwithstanding this, the new dwelling has been amended to take it into account so that it is faced by a single storey element of the new building. This ensures that there is no adverse impact on the amenity of the neighbour.

On the west side, Bramble Lodge, has a number of side windows. However, where the new house would directly face them, they afford light to generally non-habitable rooms or rooms that have obscure glazing. One window does offer light to a study. However, whilst this is a habitable room, the new dwelling would not materially affect the dwelling sufficiently to have an adverse impact upon it.

On the advice of the competent authorities the proposal would not harm highway safety or drainage issues subject to conditions.

Recommendation

GRANT permission subject to the following conditions:

1. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 132-03 received 3 December 2001.

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

2. 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.

3. 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.

Informatives:

To note the attached advice of the Environment Agency.