

5. Prior to the first use of the development hereby permitted, unless otherwise agreed in writing with the Local Planning Authority, the land in advance of the sight lines measuring 2 metres back from the carriageway edge shall be cleared and thereafter retained free of all obstructions to visibility over a height of 1 metre above the adjoining carriageway level.

Reason: In the interests of highway safety.

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

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

7. 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.

8. The windows in the east wall of the building on plot one shall be permanently glazed in obscure glass.

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

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.

18/06/2002

Item 1.13**Reg. No.** 9 2002 0422**Applicant:**

Peter Smith Sports Cars Ltd
 Peter Smith Sports Cars, Station Road
 Hatton
 Derby
 DE655EL

Agent:

W. Royall
 Reeves Royall Partnership Ltd
 Knightley Farm, Callingwood,
 Needwood,
 Burton On Trent
 Staffordshire
 DE139PU

Proposal: Alterations and extensions at Peter Smith Sports Cars Station
 Road Hatton Derby

Ward: Hatton

Valid Date: 16/04/2002

Site Description

The site comprises the forecourt of the petrol sales area of the above premises. The site lies in the commercial area of Hatton. It has an open frontage and is enclosed on the other three sides by buildings, one of which is a dwelling.

Proposal

The proposal is to produce a duplicate of the showroom that was permitted in 2000. An access would be retained at the south end of the site to a small parking area to the rear of the new showroom.

Planning History

Planning permission for the current showroom and refurbishment of the now closed petrol filling station was permitted in 2000.

Responses to Consultations

Hatton Parish Council objects because there is limited visibility on access and egress and dropped kerbs in front of the premises would result in vehicles parking on the footway.

The County Highways Authority has no objection subject to provision of standard visibility splays, 5.0 metre access way and minimum sizes for parking bays and manoeuvring space.

The Environmental Health Manager has no objection subject to proper control of the removal/making safe of the petrol storage tanks.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Employment Policy 1

Planning Considerations

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

- Conformity with the Development Plan
- The appropriateness of the access in the light of the Parish Council comments

Planning Assessment

The site lies in the commercial are of the village where there is a mixture of shops houses and commercial premises. Development would be in accord with the Development Plan.

Access to the site is acceptable to the County Highways Authority if the building is slightly reduced in size to allow for minimum access width, visibility splay and parking area. The applicants have marked dimensions a drawing in a manner that satisfies the requirements of the County Highways Authority. Refusing permission on the grounds suggested by Parish Council would not be sustainable at appeal. Parking on the pavement is an offence and is a matter for the police. It is not grounds for refusing planning permission.

Recommendation

GRANT permission subject to the following conditions:

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. All external materials used in the development to which this permission relates shall match those used in the existing building.

Reason: To safeguard the appearance of the locality generally.

3. The access to the site shall be provided with a minimum width of 5.5 metres and a 2m x 2m 45 degree visibility splay before the development hereby permitted is brought in to use. Once constructed the access and splay shall be retained for its designated use thereafter.

Reason: In the interests of highway safety.

4. The parking and manoeuvring area to the rear of the proposed building shall be provided prior to the first use of the building hereby permitted. The parking bays shall have a minimum depth of 4.8 metres with a 6 metres of manoeuvring space behind them. Once provided they shall thereafter be retained available for their designated use.

Reason: In the interests of highway safety and to ensure that vehicles can enter and leave the site in a forward gear.

Informatives:

You are advised to note the comments of the Environmental Health Manager in respect of the removal of petrol storage tanks on the site as expressed in the attached memorandum dated 25 April 2002.

18/06/2002

Item 1.14**Reg. No.** 9 2002 0450**Applicant:**

MR MRS Pleace
 2 Chellaston Cottages, Swarkestone Road
 Weston-on-trent
 Derby
 DE722BU

Agent:

Mr R Shephard
 Unit 3 Gladstone Mews
 65 South Street
 Ilkeston
 Derby
 DE75QQ

Proposal: The erection of an extension at 2 Chellaston Cottages
 Swarkestone Road Weston-on-trent Derby

Ward: Aston

Valid Date: 25/04/2002

Site Description

The property is one of a terrace of six old railway cottages. Three of the cottages already have two storey extensions to the rear.

Proposal

The proposal would involve extension over the exiting kitchen. It would project from the main rear face of the dwelling by 3.3 m. The extension would be 1.65 m from the boundary with No 3 Chellaston Cottages. The centre line of the nearest habitable room window (dining room) to the adjacent cottage is some 1.15 m. A flat roofed single storey extension toward the boundary with No 1 Chellaston Cottages is also proposed.

Responses to Consultations

The Parish Council has no objection.

Responses to Publicity

The adjoining neighbour asks for consideration to be given to any potential overshadowing, with particular regard to the dining room window.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 13.

Planning Considerations

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

- Residential amenity.
- Impact in the general character of the area.

Planning Assessment

The normal test under supplementary planning guidance seeks to avoid intersection of a two-storey extension with a 45° line drawn from the centre line of the nearest ground floor habitable room window to an adjoining property. In this case the 45° line would intersect the extension at a depth of some 2.8 metres, thus failing to satisfy the relevant test. Modification to the corner of the extension, to form 0.5 m x 0.5 m chamfer would enable it to conform to the test. However the following factors are relevant:

- There would be little gain to the amenities of the occupiers of the adjacent dwelling, particularly as the orientation of the cottage means that there would be negligible change to the amount of sunlight reaching No 3.
- The chamfered corner would render an odd appearance to the extension given that the kitchen below would have a conventional corner;
- Several other dwellings already have similar two storey extensions over their kitchens; and
- The courts have recently held that it is not appropriate to mechanically apply guidelines (referring to guidelines on side extensions), it being necessary to fully consider the merits of each case.

Because the rear aspects of the properties are screened from general public view there would be no harm to the general character of the area.

Recommendation

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. All external materials used in the development to which this permission relates shall match those used in the existing building in colour, coursing and texture unless otherwise agreed in writing by the Local Planning Authority.

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

18/06/2002

Item 1.15**Reg. No.** 9 2002 0469**Applicant:**

South Derbyshire District Council
 Civic Offices
 Civic Way
 Swadlincote
 Derbyshire
 DE11 0AH

Agent:

Facilities & Development Unit
 South Derbyshire District Council
 Civic Offices
 Civic Way
 Swadlincote
 Derbyshire
 DE11 0AH

Proposal: The erection of a boundary fence at 2 Ashleigh Avenue
 Newhall Swadlincote

Ward: Newhall

Valid Date: 30/04/2002

Site Description

This detached bungalow is on the west side of Ashleigh Avenue some 12m from Alma Road.

Proposal

It is proposed to erect a 1.8m high steel railing fence along the perimeter to fully enclose the property.

Applicants' supporting information

South Derbyshire Area Social Services Office has provided the following statement to the Council's housing department:

"Under the Children act 1989, 'Children in Need' Section 17, Social Services have a duty for any child with a disability to undertake an assessment of need to ensure their safeguard and promote welfare. Mr and Mrs Hansford's son falls within the 'Children in Need' category and as part of the new core assessment framework under the domain 'Family and Environmental Factors', I have assessed that these repairs are now urgently needed to ensure their son's safety within the home environment."

Responses to Consultations

The Highway Authority requires that the gates open inwards only.

Responses to Publicity

The period for receipt of comments expires on 21 June 2002.

Planning Considerations

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

- The visual impact of the fence on the surrounding area.
- Highway safety.

Planning Assessment

The fence would not be unsightly in the street scene provided that it is finished in a dark colour. The County Highway Authority has no objection provided a standard splay is observed adjacent to the access.

Recommendation

A. That the Committee grant delegated powers to the Planning Services Manager to deal with any further matters arising from any neighbour letter received during the notification period.

B. Subject to A., **GRANT** permission subject to the following conditions:

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. This permission shall relate to the amended drawing dated 16 May 2002 and received on 17 May 2002 showing in particular an access visibility splay and the railing centres reduced to 180mm.

Reason: As recommended by the Highway Authority and as requested by the applicant.

3. Within 28 days from the fence being erected it shall be finished in a dark colour that has first been approved in writing by the local planning authority.

Reason: To safeguard the amenities of the area.

4. The gates to the vehicular access shall open inwards only.

Reason: As recommended by the Highway Authority in the interests of highway safety.

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.

18/06/2002

Item 1.16**Reg. No.** 9 2002 0481**Applicant:**

Mr R Beeston
 32, Main Street
 Repton
 Derby
 DE656EZ

Agent:

B. Williamson
 Mr. B. A. Williamson
 Genista
 Broomhills Lane
 Repton
 Derbyshire
 DE656FS

Proposal: The conversion into a dwelling of the garage and the erection of extensions and a chimney at 32 Main Street Repton Derby

Ward: Repton

Valid Date: 02/05/2002

Site Description

The site lies within a group of three existing dwellings located on rising land to the west of Main Street. The access to the group of properties is via steep winding private drive. The subject building is presently used as a garage/store to No 32.

Proposal

The proposal would utilise the substantial roofspace of the existing building for first floor accommodation and a single storey extension would be attached to form a kitchen/hall/utility room. A conservatory and double car port would be added to the existing dwelling.

Site History

Planning permission for the existing garage was granted in 1998 (9/0298/0946/F). The dwelling has been previously extended to form first floor accommodation following the grant of planning permission in 1997 (9/0697/0215/F).

Responses to Consultations

The Parish Council has no objection provided that accommodation is limited to the occupier of the main house.

The Highway Authority has no objection subject to conditions requiring parking provision for the existing and proposed dwellings.

Responses to Publicity

Two neighbours object as follows:

- a) There have been at least five accidents on the private drive, due to its steepness and alignment.
- b) The drive was originally built to serve only one property and it is impossible for two cars to pass on the drive. Thus it is necessary for vehicles to reverse up or down the drive.
- c) Because of increased traffic in Main Street it is extremely dangerous to reverse onto the road, particularly because of poor visibility at the access and high traffic speeds.
- d) The volume of traffic using the drive has increased dramatically in the last few years. Access has been severely restricted by a wall erected by the applicant alongside the drive. There has been increased disturbance and damage to adjoining properties and the situation would be made worse.
- e) Visitor to No 32 have often parked in the drive or on neighbours' land causing obstruction.
- f) There is high vehicle ownership at properties served by the drive.
- g) Residents were previously assured that the garage would not be used as a dwelling.
- h) The proposed replacement garage for No 32 would be difficult to enter due to limited manoeuvring space.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 6.

Local Plan: Housing Policy 5 & 11.

Planning Considerations

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

- The principle of development.
- Residential amenity.
- Highway safety.
- Impact on the general character of the area.
- Whether it would be reasonable to impose a condition relating to occupancy.

Planning Assessment

The site lies in the confines of the village as defined in the Local Plan. Repton is identified as a sustainable settlement. As such the principle of development is in accord with the locational policies for residential development.

The new dwelling would meet the normal guidelines for space about dwellings as set out in supplementary planning guidance. There would be no material loss of light or privacy to adjoining dwellings. The disturbance caused by extra traffic associated with one more dwelling would not be demonstrably harmful.

On the advice of the Highway Authority the additional use of the access would not be harmful to safety interests in the public highway. Whilst current vehicle ownership may be higher than average it is only reasonable to require parking provision in accordance with current standards.

On this basis there is adequate room to park cars associated with No 32 and the proposed new unit.

Because the site is well screened from public vantage points there would be minimal impact on the general character of the area.

In view of the foregoing assessment it would not be reasonable to seek to restrict use of the dwelling as requested by the Parish Council.

Recommendation

GRANT permission subject to the following conditions:

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. All external materials used in the development to which this permission relates shall match those used in the existing building in colour, coursing and texture unless otherwise agreed in writing by the Local Planning Authority.

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

3. Prior to the first use of the dwelling hereby permitted, parking facilities shall be provided so as to accommodate a minimum of two cars within the curtilage of that dwelling and three cars within the curtilage of the existing dwelling. Thereafter a minimum of two parking spaces within the curtilage of the new dwelling and three parking spaces within the curtilage of the existing dwelling, measuring a minimum of 2.4 m x 4.8 m each shall be retained for that purpose (i.e. notwithstanding the provisions of the Town and Country Planning (General Permitted development) Order 1995).

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

4. The windows in the rear elevation of the building shall be permanently glazed in obscure glass.

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

18/06/2002

Item 1.17**Reg. No.** 9 2002 0497**Applicant:**

Mr J Rowland
 19, Monsom Lane
 Repton
 Derby
 DE656FX

Agent:

Darryn Buttrill
 Bi Design Architecture
 First Floor Studio
 79 High Street
 Repton
 Derbyshire
 DE656GF

Proposal: The erection of a two storey extension and garage at 19
 Monsom Lane Repton Derby

Ward: Repton

Valid Date: 07/05/2002

Site Description

The site comprises a former farmhouse in mature grounds.

Proposal

The extensions would form one bedroom over existing accommodation and a single attached garage.

Site History

Permission for residential development at the site was granted on appeal in March 2001
 (9/2000/0345/F)

Responses to Consultations

The Parish Council objects on the ground that the extension would not meet the conditions for the original planning consent.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 13.

Planning Considerations

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

- The principle of development.
- The impact in the general character of the area.
- Residential amenity.

Planning Assessment

The grant of planning permission for residential development on the rest of the site does not prejudice the consideration of this application on its own merits. There is thus no objection in principle to extension of the property.

The site is well screened. The design of the extensions would be in keeping with the host dwelling. Thus there would be no adverse effect in the general character of the area.

The proposal meets the tests of Supplementary Planning Guidance and there would be no demonstrable harm to the living conditions of the occupiers of nearby residences.

Recommendation

GRANT permission subject to the following conditions:

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. All external materials used in the development to which this permission relates shall match those used in the existing building in colour, coursing and texture unless otherwise agreed in writing by the Local Planning Authority.

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

18/06/2002

Item 1.18**Reg. No.** 9 2002 0518**Applicant:**

C V S
 48, Grove Street
 Swadlincote
 Derbyshire
 DE11 9DD

Agent:

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

Proposal: Internal alterations to link 46 and Business Link 48 Grove Street Swadlincote

Ward: Swadlincote

Valid Date: 15/05/2002

Site Description

46 Grove Street is a grade II listed building and one of a pair of semi-detached buildings used as offices situated within the Swadlincote Conservation Area.

Proposal

In order to interconnect the two buildings, internal alterations are proposed. These comprise the replacement of internal doors with new fire doors, the formation of new doorways in existing walls, and the construction of an internal partition, an internal ramp and stair treads.

Responses to Consultations

The Environmental Health Manager has no comments.

Responses to Publicity

No replies had been received at the time of preparing this report. However, the period allowed for replies in response to statutory advertisement expires on 14 June, and any representations received will be reported at the meeting.

Structure / Local Plan Policies

The relevant policies are:

Joint Structure Plan: Environment Policy 10

Local Plan: Environmental Policy 13

Planning Considerations

The main issue central to the determination of the application is the degree of impact the proposals would have on the architectural and historic character of the buildings.

Planning Assessment

It is considered that the doors to be replaced are not of a sufficiently historic character to necessitate their retention, and that the other works proposed do not adversely affect the historic character of the buildings.

Recommendations

GRANT Listed Building Consent subject to the following conditions:

1. The works to which this consent relates shall be begun before the expiration of five years from the date of this consent.

Reason: To conform with Section 18(1) of the Planning and Listed Buildings and Conservation Area Act 1990.

2. Large scale drawings to a minimum Scale of 1:20 of new internal doors shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The doors 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.

16/04/2002

Item 1.1**Reg. No.** 9 2002 0055**Applicant:**

Morris Homes (East Midlands)
9 Glaisdale Drive
Bilborough
Nottingham
NG8 4GU

Agent:

Dean Fisher
Morris Homes Ltd
Morland House
18 The Parks
Newton Le Willows
WA12 9JT

Proposal: The erection of 100 dwellings, vehicular access off Burton Road and Hartshorne Road, extended parking area for doctors surgery and open space (amended site layout and house types) at Qualitas Bathrooms Hartshorne Road Woodville Swadlincote

Ward: Woodville

Valid Date: 18/01/2002

Joint Report with 9/2001/0730**Site Description**

This irregular shaped 3 hectare former industrial site is north of the Clock Island junction and has accesses off both Hartshorne Road and Burton Road. It is bounded to the north east by housing, to the northwest by housing and the cricket ground, to the south west by Burton Road and to the south east by general industrial units occupied by Greenbank Terotech and Scomark Engineering.

Along the Burton Road boundary is an area of trees and other vegetation which is subject of a Tree Preservation Order.

Proposal

This report relates to two applications for the site, the first is an outline application for residential development with all matters reserved for subsequent approval (9/2002/0055 refers). The second is a full planning application for residential development (9/2001/0730 refers). The content of this report relates mainly to the latter application, however, it also addresses the issues of principle pertinent to the outline submission.

The full application is for the erection of 100 dwelling units with two accesses, one off Burton Road and other off Hartshorne Road. There would be no vehicular link within the site between the two accesses in order to remove the opportunity for "rat-running". The mix of housing would

consist of two and three storey properties in terraced, courtyard and detached form and would comprise of 14 two bed flats, 6 one bed flats, 59 three bed dwellings and 21 four bed dwellings.

It is proposed to create a 26m deep area of open space along the factory site boundary to act as a buffer between the factory and the proposed housing. The open space would accommodate a child's play area and the remainder would be planted with trees in accord with the aims of the National Forest.

It is also proposed to provide a car park extension for the doctors' surgery on Burton Road.

The outline submission seeks consent in principle for residential development of the site.

Applicants' supporting information

Marketing the site for commercial use

Maxwells Commercial Property Consultants have submitted a marketing report, which illustrates that there is no demand for the site in its present commercial use. It makes the following conclusions:

"We believe the marketing campaign to have been extensive and exhaustive. A widespread section of people involved in property including agents, developers, industrialists, landlords, investors and speculators have been informed of the property's availability. The advert in the Estates Gazette targets a significant number of people involved in property and therefore it is difficult to see how a wider audience could have been informed."

"The outcome of negotiations culminating in the deal which has been agreed with Morris Homes is far from ideal from the company's perspective, in that the site will be the subject of a planning application. As stated earlier during our initial deliberations prior to marketing, we had a suspicion the residential route may ultimately have to be explored and therefore every reasonable attempt to effect a sale to an industrial occupier/employment facilitator has been pursued, it would after all be the easiest exit route for client"

"By also covering the letting option within the marketing literature and on the estate boards, we believe this market has been explored and found wanting. The available sites from within and around Woodville, Swadlincote, and Burton on Trent is significant with developers who control the sites keen to attract new tenants/occupiers, specifically on a design and build basis."

"In summary I trust the above gives a clear picture of how we and client have approached the disposal of this property. Our experiences show that there is no obvious demand from commercial/industrial sectors due, in our opinion to the configuration, age, design and location of the buildings and site and compared to the competition. I submit that market forces dictate a residential use confirmed through widespread marketing."

Noise assessment

A noise assessment has been submitted with regard to the factory buildings on the southern boundary. It provides the following statement:

"As discussed the proposed layout of the site has been amended to include a buffer zone between the existing industrial units and the proposed development, together with the orientation of the dwellings such that they are shown gable end on to the factory."

"The (noise) calculations include the erection of a 2.5m high barrier along the boundary with the factory, which was previously requested by South Derbyshire DC (SDCC) Environmental Health Department."

". ...The revised layout surpasses the required width of buffer zone between the existing noise sources and the proposed dwellings by 10m at position 1 and 20m at position 2. Therefore, we consider that the revised sketch layout for the site is sufficient to attenuate the noise levels at the nearest proposed dwellings to a level where complaints would be unlikely in accordance with BS4142."

Ground contamination

The applicant's ground contamination report provides the following conclusions:

"The concentrations and nature of chemicals identified at the subject site are indicative of past and present processes at the subject site."

"The findings of the Phase II ESA indicate that made ground comprising refractory brick rubble, ceramics, earthenware, clay, ash and clinker is widespread at the subject site. The main contaminants encountered are generally restricted to the spoil embankment and the car park on the western sector where the greatest thickness of made ground was encountered and the made ground materials have been identified as comprising ash and rubble. The contaminants encountered comprise a range of metals and metalloids in soils at the subject site, principally arsenic, chromium, copper, lead, zinc and nickel."

"The arsenic encountered over the site is likely to be associated with the ash that has been identified as widespread."

"It is likely that the elevated zinc and lead concentrations identified within the made ground materials across the site are to be associated with the glazes used in finishing processes."

"No phytotoxic contaminants were identified in soils from PH5 on the northern perimeter of the subject site where vegetation die-back was noted. The laboratory analysis of the surficial sample taken from PH5 at 0-0.3m demonstrated slightly acidic conditions of 6.63. However, it should be noted that the sample taken is directly beneath this (PH5 0.3-0.5m) exhibited an alkaline pH of 9.0. It is likely therefore that since this area is situated under a process vent, that heat combined with acidity is the primary cause of the limited die-back."

"From the result of the groundwater investigation, it can be concluded that the contaminants identified in the soils are relatively immobile. The elevated boron encountered within the ground water sampled from BH1 is likely to be derived from the made ground of the embankment."

"There does not appear to be significant hazardous ground generation at the subject site, however, it must be noted that several factors influence the release of hazardous gases from the ground, including rainfall, frost and falling atmosphere pressure events. There is little indication of significant volumes of putrescible material within the waste likely to generate methane, carbon dioxide and depleted oxygen conditions."

"In assessing risk, the subject risk has been categorised in accordance with "Prioritisation and Categorisation Procedure for Sites which may be Contaminated CLR Report No.6" published by the Department of the Environment in 1995."

Responses to Consultations

The Economic Development Officer agrees that the marketing statement submitted with the application is generally accurate. Additionally the following comments are made:

(i) Swadlincote does not have the same 'product' as Burton in respect of Centrum 100 and Stretton Business Park which are fully serviced sites fully accessible to the national trunk road network.

(ii) The buildings that occupy the site are not modern functional buildings and significant investment in them would be needed to enable them to be brought back into use.

(iii) Local demand is primarily for businesses to construct their own units.

(iv) Only minimal interest has been expressed to the Council concerning the site.

The final comments on the application are awaited from the Environmental Health Officer with respect to the revised layout, noise and land contamination reports.

Based on the original submission for 97 houses the Chief Education Officer envisages that the number of properties would generate 20 primary aged pupils for admission to the two local schools and on the basis of the current DfES building multiplier (£5,410 per place) would request a contribution of £108,200 towards building improvements.

The Housing Manager has identified a particular need for 1 and 2 bedroomed flats for non elderly people.

The Environment Agency has no comments with respect to potential effects on ground water. It has recommended that its standard conditions relating to surface water drainage, the use of trapped gullies and the appropriate storage of oils, fuels or chemicals are used. It also recommends that a further condition be included requiring further remediation should unexpected contaminants be detected during development.

The final comments from the highway authority are awaited. However, in principle there are no highway objections to the scheme.

Severn Trent Water raise no objections subject to satisfactory disposal of foul and surface water.

The National Forest Company considers that the site should be planted with trees in accordance with the Company's planting guidelines.

The Parish Council to makes the following comments:

1. This should remain an industrial site.
2. Against proposed pharmacy, although next to the doctors, this will detract from the centre of the village. **(Comment no longer applicable due to revised layout)**

3. Woodville is swamped with housing and we do not have facilities to have these houses in the village.
4. Seems to be a great number of houses for such a small piece of land. The road will also provide a cut through road (**comment no longer applicable due to revised layout**). Concern also about traffic coming and going which is very congested at the moment.
5. Land contamination should be seriously looked at. Likelihood of remedial work.
6. Trees in the area also need to be protected, the road is going through the middle of the trees.

The Police Architectural Liaison Officer comments that the hedging adjacent to Burton Road should be kept low to allow natural surveillance as should the buffer landscaping next to the factory to eliminate hiding places. If the cycle path is to stay then it should be kept clear of hiding places and be well lit and if possible barriers should be installed at each end to prevent vehicular traffic.

The Derbyshire Dales and South Derbyshire Primary Care Group is concerned that development of the whole site would effectively eliminate the scope for any extension of the surgery premises. It says that the four GPs based at Woodville already have one of the highest numbers of patients per GP within the Primary Care Trust, which itself is identified as an area with too few doctors. It requests that the Council require the developer to identify an area of land that would enable the practice at Woodville to have an option to extend their premises some time in the future, without reducing car parking below a safe level for essential travel by private vehicles. It says that this would offer flexibility to increase accommodation and base more health professionals in this area of high housing growth.

Responses to Publicity

Letters of objection have been received from the occupiers of the two neighbouring industrial premises. The objections relate primarily to the concern that the noise generated by their industrial operations could result in complaints from the residents of the new houses, which in turn could jeopardise their businesses. They consider that the application should be refused to safeguard the interests of locally based companies which employ over 100 people.

Five letters of objection have been received on the grounds of additional traffic generation in an already congested area, the loss of protected trees and the retention of boundary hedges.

The Doctor's surgery welcomes the additional car parking.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 1: Sustainable Development; General Development Strategy Policy 2: Scale and Nature of Development; General Development Strategy Policy 3: Location and Density of Development; Housing Policy 3: Housing Development Within Urban Areas.

Local Plan: Housing Policy 4: Housing Development Swadlincote.

Also material to this proposal is PPG3: Housing and PPG24: Planning and Noise.

Planning Considerations

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

- The principle of the development and the loss of an existing employment site.
- The redevelopment of a brownfield urban site for residential purposes.
- The design and layout of the scheme.
- The impact of the scheme on the protected trees and hedgerows in the area.
- The impact of industrial noise on future residents and the implications this might have on the prospects of neighbouring industry due to the likelihood of noise complaints.
- Highway safety

Planning Assessment

This site is within the Swadlincote Development Boundary and therefore residential development of the site both in outline and in detail is acceptable in principle.

PPG 3 encourages the reuse of brown field sites for residential development, but also seeks to maintain a mix of uses in the interests of sustainability. It would be desirable to allow local people the opportunity to live in close proximity to their workplace by maintaining a balance of employment and residential development in Woodville. The evidence strongly suggests, however, that there is little to no market demand to utilise the existing premises for commercial purposes and in all likelihood the site will continue to lie idle for the foreseeable future should a viable use not be found for it. The premises appear to be unsuitable for modern businesses and with alternative employment sites relatively nearby there is no incentive to refurbish or redevelop the site for commercial purposes.

The proposal is in general accordance with national and local urban development policies for windfall brownfield sites and would result in a relatively high density, well designed development that would benefit the local environment and improve choice in the local housing market.

The development is designed in accordance with the Council's Supplementary Planning Guidance for Housing Design and Layout and the Provision of Outdoor Playing Space in New Developments. In addition the planting proposed for the site is in accord with the aims and objectives of the National Forest.

The proposed access onto Burton Road would result in the loss of six trees from the roadside TPO. The trees are not of great importance individually but do contribute to the amenity value of the group. This relatively small initial loss of tree cover, however, would be more than compensated by improvements and extension of the group of which they currently form a part and by the high level of tree planting proposed throughout the site.

The final comments of the highway authority on the amended drawings is awaited. However, the layout of the road system is in principle acceptable and it would not adversely impact on highway safety in the area.

The Environmental Health Manager is in discussion with the applicant's noise specialists and his comments will be reported at the Committee verbally.

Recommendation

Subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act to secure financial contributions towards the provision of local education facilities and for the future maintenance of the open space and subject to no objections being raised by either the highways authority or the Environmental Health Manager **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 take place until details of all earthworks to be undertaken on the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the existing and proposed levels and contours to be formed, showing the relationship of the proposed mounding to existing vegetation and surrounding landform. The earthworks shall then be completed as agreed in accordance with a timetable that shall have first been submitted to and agreed in writing by the Local Planning Authority.

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

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

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

4. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of appropriate facing materials to be used in the construction of the external walls and roof of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the agreed materials

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

5. 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.

6. This permission shall relate to the amended drawings, no(s) 1889.01 RevA, received on 28 March 2002, layout plan PL1C received on 27 March 2002, 2APP/A-B/P, 2APP/C-E/P received on 27 March 2002, 4H 1054/35 received on 8 March 2002 showing in particular: (a) revised layout, (b) amended house types, (c) amended elevational details, and (d) landscaping scheme

Reason: For the avoidance of doubt and to safeguard the amenities of future occupiers

7. No development shall commence on site until details of all boundary hedgerows to be retained, and measures to protect them during development, have been submitted to and approved in writing by the Local Planning Authority. The method of protection shall then be in place until all works of development have been completed.

Reason: To safeguard the amenities of the area.

8. All retained hedgerows and trees on the site shall be protected during the full construction period in accordance with BS5837: 1991 - "Trees in relation to construction" unless specifically otherwise agreed in writing with the local planning authority.

Reason: To protect the trees and hedgerows in the interests of safeguarding the amenities of the area.

9. 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.

10. 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 levels.

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

11. The extended parking area for the doctor's surgery shall be provided as shown on the submitted drawings before the dwellings on plots 85 and 86 are occupied unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the occupants amenities are not adversely affected.

12. If any unexpected, visibly contaminated, or odorous material encountered during redevelopment (given any previous desk study, site investigation and/or remediation work) remediation proposals for the material shall be agreed with the Local Planning Authority and carried out in accordance with the agreed details.

Reason: As recommended by the Environment Agency to protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.

13. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate the use Sustainable Drainage systems and shall not result in an increase in the rate of surface water discharge to the local land drainage system. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: As recommended by the Environment Agency to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

14. During the period of construction, any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund 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 shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. 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 protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: As recommended by the Environment Agency to prevent pollution of the water environment.

15. 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 trapped gullies with an overall capacity compatible with the site being drained.

Reason: As recommended by the Environment Agency to prevent pollution of the water environment.

Informatives:

(i) Any culverting of a watercourse requires the prior written approval of the Agency under the terms of the Land Drainage Act 1991 or Water Resources Act 1991. The Agency resists culverting on conservation and other grounds, and consent for such works will not normally be granted except for access crossings.

(ii) Applicants or developers should be aware of their responsibilities to ensure that the operations do not interfere with riparian owners' common law rights to receive water undiminished in quantity or quality. If any watercourses crossing the site are interrupted or diverted then, notwithstanding the need for any statutory consents or licences, it is the applicant's responsibility to take appropriate steps to protect the rights of the riparian owners, for which he has a liability.

(iii) As part of the Environment Agency's objective to further the sustainable use of our water resources it is promoting the adoption of water conservation measures in new developments. Such measures can make a major contribution to conserving existing water supplies.

(iv) The Environment Agency recommends the installation of fittings that will minimise water usage such as low, or dual flush WC's, spray taps and economical shower-heads in the bathroom. Power showers are not recommended as they can consume more water than an average bath. Water efficient versions of appliances such as washing machines and dishwashers are also recommended. For outdoors consider installing a water butt, or even a rainwater harvesting system, to provide a natural supply of water for gardens. Simple treatment systems exist that allow rainwater to be used to supply WC's within the home. Following the above recommendations will significantly reduce water consumption and associated costs when compared to traditional installations. Rainwater harvesting utilises a free supply of fresh water and reduces the cost to the environment and the householder.

(v) Severn Trent Water Ltd advises that the proposal involves the redevelopment of an existing site draining to a public sewerage system which has no available capacity and additional flows would create or exacerbate a flooding problem. It requests further information to demonstrate that the discharge from the development would not exceed current flow rates from the site

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

16/04/2002

Item 1.2**Reg. No.** 9 2001 0730**Applicant:**

Morris Homes (East Midlands)
 9 Glaisdale Drive
 Bilborough
 Nottingham
 NG8 4GU

Agent:

Dean Fisher
 Morris Homes Ltd
 Morland House
 18 The Parks
 Newton Le Willows
 WA12 9JT

Proposal:

Proposed residential development and additional parking to adjacent doctor's surgery at Qualitas Bathrooms Hartshorne Road Woodville Swadlincote

Ward:**Woodville****Valid Date:****26/07/2001****Joint Report with 9/2002/0055****Recommendation**

GRANT permission subject to the completion of a section 106 agreement for education contributions and open space provision and no adverse comments being received from either the highway authority or the Environmental Health Manager and 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 buildings the means of access thereto and the landscaping and means of enclosure of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

3. No development shall take place until details of all earthworks proposed for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the existing and proposed levels and contours to be formed, showing the relationship of the proposed mounding to existing

vegetation and surrounding landform. The earthworks shall be completed in accordance with a timetable that has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the area.

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

Reason: To ensure that adequate provision is made for foul and surface water drainage.

5. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of appropriate facing materials to be used in the construction of the external walls and roof of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the agreed materials

Reason: In the interests of the appearance 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: To safeguard the amenities of the area.

7. No development shall commence on site until details of all boundary hedgerows to be retained, and measures to protect them during development, have been submitted to and approved in writing by the Local Planning Authority. The method of protection shall then be in place until all works of development have been completed.

Reason: To safeguard the amenities of the area.

8. All retained hedgerows and trees shall be protected during the construction period in accordance with BS5837: 1991 - "Trees in relation to construction" unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard the amenities of the area.

9. 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: To safeguard the amenities of the area.

10. 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 levels.

Reason: To safeguard the amenities of the area.

11. If any unexpected, visibly contaminated, or odorous material encountered during redevelopment (given any previous desk study, site investigation and/or remediation work) remediation proposals for the material shall be agreed with the Local Planning Authority and carried out in accordance with the agreed details.

Reason: As recommended by the Environment Agency to protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.

12. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate the use Sustainable Drainage systems and shall not result in an increase in the rate of surface water discharge to the local land drainage system. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: As recommended by the Environment Agency to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal

13. During the period of construction, any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund 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 shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. 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 protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: As recommended by the Environment Agency to prevent pollution of the water environment.

14. 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 trapped gullies with an overall capacity compatible with the site being drained.

Reason: As recommended by the Environment Agency to prevent the pollution of the water environment.

Informatives:

- (i) Any culverting of a watercourse requires the prior written approval of the Agency under the terms of the Land Drainage Act 1991 or Water Resources Act 1991. The Agency

resists culverting on conservation and other grounds, and consent for such works will not normally be granted except for access crossings.

(ii) Applicants or developers should be aware of their responsibilities to ensure that the operations do not interfere with riparian owners' common law rights to receive water undiminished in quantity or quality. If any watercourses crossing the site are interrupted or diverted then, notwithstanding the need for any statutory consents or licences, it is the applicant's responsibility to take appropriate steps to protect the rights of the riparian owners, for which he has a liability.

(iii) As part of the Environment Agency's objective to further the sustainable use of our water resources it is promoting the adoption of water conservation measures in new developments. Such measures can make a major contribution to conserving existing water supplies.

(iv) The Environment Agency recommends the installation of fittings that will minimise water usage such as low, or dual flush WC's, spray taps and economical shower-heads in the bathroom. Power showers are not recommended as they can consume more water than an average bath. Water efficient versions of appliances such as washing machines and dishwashers are also recommended. For outdoors consider installing a water butt, or even a rainwater harvesting system, to provide a natural supply of water for gardens. Simple treatment systems exist that allow rainwater to be used to supply WC's within the home. Following the above recommendations will significantly reduce water consumption and associated costs when compared to traditional installations. Rainwater harvesting utilises a free supply of fresh water and reduces the cost to the environment and the householder.

(v) Severn Trent Water Ltd advises that the proposal involves the redevelopment of an existing site draining to a public sewerage system which has no available capacity and additional flows would create or exacerbate a flooding problem. It requests further information to demonstrate that the discharge from the development would not exceed current flow rates from the site.

APPEAL DISMISSED

Appeal by Mr Doherty

The extension and conversion into a dwelling of an outbuilding on land forming part of O S Field Number 0572 Swarkestone Road Barrow-on-trent Derby (9/2001/0425)

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

1. *The application is unacceptable as the proposal would result in the formation of a new residential unit, without rural justification, in an area where new housing is strictly controlled. It also affects modern agricultural and equestrian buildings and their conversion and extension to form a dwelling, along with the formation of an associated residential curtilage would not be in keeping with the rural character of the area, contrary to the following policies:*

Derby and Derbyshire Joint Structure Plan General Development Strategy Policy 4 and Housing Policy 6 and;

South Derbyshire Local Plan Environment Policy 1 and Housing Policy 7.

The buildings were constructed about 10 years ago.

The inspector considered the main issues to be the effect of the proposed conversion on the character of the area and its relationship to rural planning policy.

He considered the character and appearance of the buildings and their immediate surroundings would be changed from a pair of agricultural buildings in a field to a residential unit with a garden and parking. In this part of the countryside the effect would be significant, as it would be a mark of urbanisation in an isolated rural setting. As a consequence, although well designed, the scheme would have a significant and harmful effect on the appearance and character of the countryside.

The inspector noted that the relevant development plan policies did not support the proposal. Whilst there were specific policies for conversion these had to be considered alongside the general policies for development in the countryside to comply with the development plan as a whole. In this case the failure to comply with these policies precluded the scheme from being acceptable even though it appeared to comply with Local Plan Housing Policy 7(B). This approach was consistent with the advice given in PPG7.

Considering the needs of the applicant family the inspector felt that the proposal would meet the housing needs of the applicants but noted that the needs were not primarily justified by a rural-based activity that required a location outside a settlement. He commented that the provision of local needs housing is a matter for local authorities to explore through their local plans.

APPEAL DISMISSED

Appeal by Mr Bosworth

The erection of a detached house and garage at land adjoining 24 Beech Avenue Willington Derby (9/2001/0727)

The application was refused permission for the following reasons:

- 1. The application is considered to be unacceptable as it would result in the development of an open area that is considered to be a valuable open space within the village of Willington. The siting of a dwelling on the site would represent an incongruous feature that would adversely impact on the environmental quality of this area that is characterised by open areas. This would be contrary to Environment Policy 8 of the South Derbyshire Local Plan.*
- 2. The development of this site for residential purposes would make it difficult to resist further residential development of similar sites in the vicinity that would cumulatively be detrimental to the environmental quality of the surrounding residential area.*

An appeal under the written representations procedure was made to the Planning Inspectorate. The main issue identified by the Inspector was the effect of the proposed development on the character and appearance of the area.

The inspector identified the area surrounding the site as comprising mainly semi-detached houses with the odd detached dwelling with mainly open plan frontages that give the area an uncluttered and spacious feel. It was concluded that the appeal site makes a significant and valuable contribution to the openness and hence the appearance of the area. The arguments of the appellant about compliance with space standards and adequate provision for visibility splays but found that the proposal would give an uncomfortable feeling of enclosure for local residents. The loss of this space would be harmful to the character and appearance of the area contrary to the objectives of Environment Policy 8 of the Local Plan.

The second reason for refusal about the precedent was not accepted as the usual premise about each application being treated on its individual merits was applied by the Inspector.

In the light of the initial findings, the Inspector dismissed the appeal.