

11/02/2003

**Item** 1.10**Reg. No.** 9 2002 1301 F**Applicant:**

Mr Mrs D Woods  
 Waters Edge  
 Apsens Hollow  
 Thringstone  
 Leics  
 LE678PX

**Agent:**

G. Markwell  
 Graham Markwell Associates  
 1B Derby Road  
 Borrowash  
 Derbyshire  
 DE72 3JW

**Proposal:** The erection of a detached house (amended scheme) on Land Adjoining 37 Mount Pleasant Road Castle Gresley Swadlincote

**Ward:** Linton

**Valid Date:** 10/12/2002

**Site Description**

The site is an infill plot between existing dwellings within Castle Gresley, there is a two storey dwelling to one side of the site and a bungalow to the other side. The site is on a hilltop and the existing houses fronting Mount Pleasant Road are prominent on the ridgeline when viewed from the A444 below. There is a significant difference in levels from the front to the rear of the site.

**Proposal**

The application is for the construction of a two/ three storey, five bedroom dwelling. The dwelling has been designed to take account of the changing levels across the site such that it is two storey at the front and three storey at the rear, with a basement area located under the rear of the house, which provides bedroom and study accommodation. There is a balcony located on top of the basement area and a walkway is proposed around the side of the dwelling. The walkway is proposed at the same level as the front of the house and is therefore elevated above the level of the adjoining property due to the difference in levels. The proposed walkway leads to a flight of steps down to a long rear garden area.

The proposed dwelling is already partially constructed, the basement and ground floor have already been built.

**Planning History**

9/1196/624/F - Detached house. Approved in 1997.

9/2000/563/F - Detached house and formation of a wildlife pond. Approved in 2001.

## Responses to Consultations

The Parish Council has not commented.

The County Highway Authority has no objection subject to conditions.

## Responses to Publicity

Two letters of representation have been received from occupiers of the adjoining dwellings making the following points:-

- Concern about overshadowing and overlooking of the side kitchen window of No 43 resulting in a detrimental impact on the occupiers of the dwelling. The distance between the kitchen window and the side of the dwelling is only 6.4m, this distance is just under 30% deficient from the minimum standard as defined in the SPG.
- Concern that the proposed house will have an overbearing impact on the patio at the side of No 43 resulting in a loss of amenity for the occupiers.
- Loss of privacy as a result of overlooking of No 43's kitchen and garden area, from the proposed hall window and the elevated side path.
- No details of parking and turning area for the parking of three vehicles have been submitted neither has the proposed vehicular access point.
- Concern that the previously approved scheme for the erection of a bungalow is not being implemented and that the proposed scheme would result in a detrimental impact on the amenity of the occupiers of No37 as a result of loss of natural light to windows on the south elevation, shading of the rear elevation and deck area, loss of light to the kitchen window located on the rear elevation and breaching of the 45 degree standard with respect to the kitchen window.
- Concern over the height of the proposed dwelling, as it will dwarf the adjoining properties.
- Concern over drainage for the proposed dwelling.

## Structure/Local Plan Policies

The relevant policies are:

Draft Local Plan: H1

Housing Design and Layout (Supplementary Planning Guidance (SPG))

## Planning Considerations

The main issue central to the determination of this application is the impact of the proposed dwelling on the occupiers of the neighbouring dwellings.

## Planning Assessment

The site is an infill plot between two existing dwellings in a ribbon development on the edge of Castle Gresley. The site is not included in the urban area but is a brownfield, infill plot which already benefits from planning consent for residential development.

The proposed dwelling is an amalgamation of two previously approved schemes for the site. In 1997 planning permission was granted for a two storey dwelling at road level and in 2000 planning permission was granted for a dwelling making use of the levels on the site such that it was single storey at the front and two storey at the rear. The current proposal is for a two storey dwelling at road level with a basement underneath at the rear. Work began on the site in 2000,

although it is not clear which consent it was intended to implement. The time period for a commencement of construction of the dwelling approved in 1997 has now expired.

There is a two storey dwelling to one side of the site, No 37, and a bungalow, No 43, to the other side of the site. No 37 has one first floor hall window in the side elevation and a kitchen window on the rear elevation adjoining the site. The hall window serves a non-habitable room and is high level and would look out at the upper wall and sloping roof of the proposed dwelling. There is one obscure glazed window on this side of the proposed dwelling. There are therefore no overlooking or overbearing issues with respect to the existing hall window. The proposed dwelling complies with the 45 degree standard with respect to overbearance on the kitchen window at the rear of No 37.

No 43 has a kitchen window on the side elevation facing the site, there are two windows serving the kitchen. The standards outlined in the SPG refer to a distance of 9 metres being sought between a secondary and side aspect, and the distance between the kitchen window and the side elevation of the dwelling is only 6.4 metres. However the SPG states that where habitable room windows may be contained in a side elevation and are close to the side boundary, the application of general spatial guidelines could lead to unreasonable constraints to development on adjacent land and these matters should be assessed on their own merits. It is considered that in this case requiring 9 metres between the aspects would be unreasonable and overly restrict development on the site especially given that the kitchen is also served by a window on the front. The application proposes two first floor windows on the side elevation of the dwelling facing No 43 and a condition can ensure that these are obscure glazed to avoid overlooking.

The scheme approved in 2000 incorporated the same elevated walkway and rear balcony as currently proposed although the previous scheme incorporated a screen fence to either side of the balcony. It is considered that the same screen fencing can now be required by condition to protect the amenities of adjoining occupiers. The occupiers of No 43 have raised concerns about the shading of the patio area to the side of the dwelling, however the standards do not seek to protect patio areas from overbearance. There is sufficient additional amenity space around No 43, which will not be shaded by the proposed development.

The provision of parking for three vehicles within the curtilage of the dwelling can be required by condition.

The site is on the ridge of a hill and is prominent when viewed from the A444 to the rear. The proposed dwelling will be slightly higher than No37 and other two storey dwellings in the area but it is considered that it will not have an adverse impact on the streetscene of Mount Pleasant Road or be overly prominent when viewed from the A444 as it would appear in the context of other dwellings with similar roof heights.

The proposed dwelling is considered acceptable in terms of its design and external appearance and as stated above, by virtue of its siting, is not considered to have such a significant adverse impact on the occupiers of the adjoining dwellings as to justify refusal of the scheme.

## Recommendation

### GRANT permission subject to the following conditions:

1. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate three cars within the curtilage of the dwelling. Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), three parking spaces, measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of the site, these shall be hard surfaced with a solid bound material prior to the first use of the development.
1. Reason: To ensure that adequate parking/ garaging is available.
2. Within one month of the date of this permission plans indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. 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 by the Local Planning Authority.
2. Reason: In the interests of the appearance of the area.
3. The windows in the side (east and west) elevation walls of the building shall be permanently glazed in obscure glass.
3. Reason: To avoid overlooking of adjoining properties in the interest of protecting privacy.
4. Prior to the first occupation of the dwelling hereby permitted, a scheme for fencing to be erected around the sides and the balcony and walkway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be erected in full prior to the first occupation of the dwelling and retained thereafter in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
4. Reason: To protect the amenities of adjoining properties and the locality generally.
5. Prior to the construction of the roof of the dwelling hereby permitted, precise details, specifications and, where necessary, samples of the facing material to be used in the covering of the roof shall be submitted to and approved in writing by the Local Planning Authority.
5. Reason: To safeguard the appearance of the existing building and the locality generally.

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



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Scale 1:2500

Date Plotted 7/8/2001





11/02/2003

**Item** 1.1**Reg. No.** 9 2002 1033 F and 9 2002 1034 F**Applicant:**

J S Bloor (Measham) Ltd  
 Ashby Road  
 Measham  
 Swadlincote  
 Derbyshire  
 DE127JP

**Agent:**

Peter Martin  
 DLA Architects Practice  
 50 North Thirteenth Street  
 Central Milton Keynes  
 MK93BP

**Proposal:** The erection of 143 dwellings with associated infrastructure on land forming part of the Former Mount Pleasant Works And Woodville Pipeworks Off Moira Road Woodville Swadlincote

**Ward:** Woodville

**Valid Date:** 03/10/2002

These applications are identical in description and therefore are covered by the same report.

**Site Description**

This former pipe works site is bounded on its west side by Moira Road and its north side by Chapel Street. The site forms part of the comprehensive redevelopment of the area referred to as Woodville Woodlands of which there is an application for outline planning permission yet to be determined. The site is partly occupied by redundant factory buildings which would be cleared to make way for the development.

**Proposal**

It is proposed to erect 143 dwellings on the site consisting of 45 four bedroom dwellings, 92 three bedroom dwellings and 6 one bedroom flats. Phase 1 of the highway infrastructure works for the comprehensive redevelopment, consisting of a section of new road and a new traffic island on Moira Road, would be provided as part of this proposal. Access would be from this southern access road via the proposed traffic island. An emergency access would be provided off Moira Road.

Existing tree belts on the north and west boundaries, fronting Moira Road and Chapel Street, would be retained with footpath links to Chapel Street/Albion Street and Moira Road. The density of the development would be in excess of the Government's minimum requirement set out in PPG 3. The layout reflects current urban design best practice which looks to provide pedestrian priority streets with a sense of enclosure to the streetscene by siting the dwelling units at or close to the edge of the carriageway. This releases land for larger rear gardens and rear

parking areas. The proposal includes a variety of house types of traditional design, which in combination with the layout and landscaping would provide an attractive and stimulating streetscene.

The applicant has also agreed a contribution to local school provision, local medical services, affordable housing and footpath and cycle way improvements.

### Applicants' supporting information

The applicant has submitted a design statement in support of his application and the salient points are as follows:

- The layout has been designed to maximise the opportunities for a network of connected routes for pedestrians, cyclists and vehicles
- In addition to the principal street through the area, a number of low key shared surface routes are proposed
- A series of footpath/cycleways are proposed providing valuable contributions to the adjacent Woodville urban area to the north and National Forest areas to the south
- The development layout achieves a total of 22.4% of retained and new forest planting on site as a percentage of ground coverage.
- The housing is laid out in accordance with urban design best practice concept of perimeter block development which provides clear distinction between public and private space and increases opportunities for natural surveillance.
- The proposed equipped childrens play area would be easily accessible from Moira Road as well as from within the site
- A number of key gateways are proposed to aid navigation and create a distinctive and high quality frontage to the development
- Development on the south-eastern boundary has been positioned to overlook the open aspect to the east and south, opening up this part of the site. Over the longer term, this eastern area is proposed to accommodate a wider band of open space, providing a strategic open space link between the south edge of Woodville and the National Forest areas to the south
- The development would be a valuable and long awaited first step in beginning the process of regenerating this part of Woodville.

With respect to achieving the completion of the Woodville Woodlands Regeneration Scheme the land owner, Tapton Estates, has provided the following statement:

*"...Tapton Estates has recently signed a Joint Venture Agreement with George Wimpey North Midlands Limited to pursue the grant of planning permission and implementation for the whole of the Woodville Woodlands Regeneration Scheme. In tandem Wimpey have completed a collaboration agreement with Bloor Homes, again, to cover the whole site."*

*"The JV Agreement commits the parties to pursuing the master planning scheme through the determination of the existing planning applications i.e. Phase I detail and the four master planning outline applications. The position can be included as part of the preamble of a Section 106 Agreement relating to the Phase I detailed application and I hope that this provides the comfort the Council requires."*

The applicant has confirmed that 12 dwellings would provided on a discounted open market basis (85%). 6 one bed apartments shown on the scheme by virtue of their size would become 'affordable' for purchase, which makes a total of 18 units (12.5% of the site).



In response to the concerns raised by the Highway Authority regarding the design of the internal road layout, the applicant's architect has provided the following information:

- a. Recent Government guidance such as PPG3 as well as 'By Design' from the DTLR and CABE companion guide to PPG3 have informed the approach. Earlier documents such as 'Sustainable Settlements' have also been used to create the layout.
- b. The main principles introduced include permeability based on a hierarchy of easily understood routes for both the pedestrian and cyclist and the motorist.
- c. The scheme also includes much of the thinking behind the Homezone movement to reclaim the street for the pedestrian and avoid the domination of the car in the streetscene. To this end we have created streets off the main access road with housing close to the edge of the shared surface. Cars are either parked to the rear of the properties or tucked in between dwellings with minimum vision splays so that the driver ventures into these areas with caution. A number of other measures can be introduced, if it is deemed necessary, to make the experience anti-intuitive to the motorist and reduce the maximum speed from 20mph to 10mph.
- d. The study of traffic density shows how the number of households served by any length of road rapidly reduced as one moves through the site. The access road is a 5.5m carriageway with 2 x 1.8m footpaths. This is treated as an avenue with tree planting on either side to afford a spacious feel to the road in marked contrast to the homezones. There is minimal parking directly onto this road.
- e. Permeability allows vehicles to move forward rather than having to make 3 point turns at the ends of cul-de-sacs. This is particularly convenient for service vehicles. Parts of these routes can be treated as 'weak links' with minimal width narrowings as there is no need to accommodate passing vehicles.

### Responses to Consultations

Severn Trent Water raises no objection subject to satisfactory details of foul and surface water drainage.

North West Leicestershire District Council objects to the scheme as submitted which could result in built development immediately adjacent to land designated as countryside within North West Leicestershire with no meaningful landscaping buffer to mitigate its impact.

The latest comments from the Environment Agency will be reported verbally to the Committee.

Leicestershire County Council has no strategic objection to the proposal but from a highway point of view is concerned that the scheme might be premature to achieving proper planning of the wider site specifically with regards to:

- The new section of road being consistent with the remainder of any future planned development
- Whether the remainder of Woodville Woodlands could support the cost of all potential transportation infrastructure
- The traffic impact of the proposal has not been evaluated separately to evaluate the relative impact of additional traffic using Occupation Lane through Albert Village.

The Environmental Health Manager comments that whilst the principles within the ground contamination report are satisfactory, further investigation will be required to address geo-technical matters, soil quality, the soil-gas regime and groundwater quality.

The County Education Authority recommends a contribution of £216,965 towards local school provision.

Derbyshire Dales and South Derbyshire Primary Care Trust recommends a contribution of £444 per dwelling towards the cost of providing local medical facilities.

The Crime Prevention Officer considers that:

- parking on the front of properties and the use of cul-de-sacs cuts down on anonymity.
- The road layout is conducive to becoming a race track and the Chapel Street side should be blocked off.
- There are too many footpaths leading to the development and the play area which could provide escape routes for criminals – footpaths should be better lit and the play area should be located further into the development
- It would be better if garages were built at the front of dwellings not out of sight at the rear
- Gardens should be enclosed.
- low level planting can create dark areas.

The Highway Authority has no objection to the basic concept of the roundabout design and satisfies requirements for a roundabout at the planning application stage. It considers that the acceptability of the internal layout of the proposal in safety and policy terms is open to serious question for the following reasons:

- The use of a multitude of artificial traffic calming measures rather than more “natural” means of retraining speed
- Circuitous routes which may encourage competitive speeding
- Minimal footway provision encourages pedestrians to walk in the carriageway. Perceived dangers of walking in the carriageway will encourage people to use their cars.
- Absence of footpaths and service strips and proposed landscaping behind narrow margins will restrict visibility for drivers emerging from individual accesses. The need to maintain landscaping at low-level is likely to result in on-going maintenance and enforcement liabilities.

It suggests that the proposal needs to be fundamentally re-designed and that resubmissions include sufficient engineering detail to permit proper consideration to be given.

The National Forest Company recommends that the proposal be subject to the National Forest planting guidelines for housing schemes.

The Leisure Facilities Officer would agree to adopt the proposed public open space subject to an agreed detailed planting scheme and the appropriate commuted sum being levied for a ten-year maintenance period.

It is understood that the Health and Safety Executive would object to the application if the deemed hazardous substances consent on the site to the south is not revoked despite acknowledging that the substance (LPG), the subject of the consent, is no longer present on the site.

The Parish Council considers that the development of this size would seriously disrupt the infrastructure of the village: doctors, schools, and sewerage facilities are overstretched which

need to be given serious consideration; the play area needs improving; roads in the area need improving and the Toll Gate roundabout gives great concern.

### **Responses to Publicity**

Two letters have been received from local residents raising concerns about additional traffic generation onto existing inadequate road infrastructure. Their specific comments are summarised as follows:

- Without completion of the relief road (bypass) to the north of Woodville the existing road infrastructure will be unable to cope
- Woodville (Clock Garage) roundabout is already a hazardous road junction and would be subjected to even heavier traffic flows
- Moira Road is already a very busy road and has on street parking problems with much of the housing being terraced. In addition, heavy construction traffic using this road would be undesirable
- It would also bring extra traffic onto Albert Village crossroads and Moira crossroads

### **Structure/Local Plan Policies**

The relevant policies are:

Derbyshire Structure Plan: Housing Policy 3: Housing Development Within Urban Areas

Local Plan Revised Deposit Draft: Policy H3: Woodville Woodlands

South Derbyshire Local Plan: Housing Policy 4 : Housing Development Swadlincote

### **Planning Considerations**

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

- Permitting the site in advance of the Local Plan Inquiry and in isolation of the comprehensive development
- Internal road layout and implications for highway safety
- Potential ground contamination and remediation
- Off-site community contributions

### **Planning Assessment**

With regard to the prematurity issue, it is considered that the other sites for development of this scale (proposed allocations) but which have been rejected in favour of the Woodville Woodlands site are all inferior when assessed against the criteria set out in PPG 3. As such it is appropriate for this phase one site to be considered ahead of the Inquiry. In terms of the current Local Plan, the site is within the Housing Development boundary as identified on the Local Plan proposal map and therefore policy H4 applies. This requires amongst other things that it is substantially surrounded by development and does not result in a prominent intrusion into the rural landscape. The site is substantially surrounded by development and would be less intrusive and more

attractive in the landscape than the existing factory buildings. The proposal therefore complies with this policy.

The landowner has written assuring the Council that all parties involved in developing Woodville Woodlands are legally committed to completing the comprehensive redevelopment and that this position can be included as part of the preamble of a Section 106 Agreement relating to this phase of the development.

Notwithstanding the comments of the County Highway Authority and the Crime Prevention Officer, the internal road layout has been designed to accord with urban design best practice, which is favoured by the Government in its current guidance. Similar schemes have been successfully completed elsewhere in the country. Whilst the Highway Authority have serious reservations about the layout, the applicant has demonstrated that this alternative approach would not unacceptably detract from highway safety and would also offer a vastly superior development in terms of its appearance and pedestrian/vehicle permeability. This would be a departure from the accepted standard housing estate design but should be welcomed for that as a means of raising design standards and demonstrating innovation and best practice. As such it is hoped that the scheme would act as an exemplar for urban design elsewhere in the district.

Subject to the Environment Agency raising no objection, any outstanding ground contamination issues can be dealt with by way of planning conditions.

The applicant has agreed generous contributions to local education and medical provision and will also provide the required affordable housing quota for the site. Footpaths links within the site to the site boundary would be designed to accommodate cyclists. Off site routes connecting the Woodville Woodlands to Woodville would be upgraded as part the comprehensive development yet to be determined.

With regard to the hazardous substance consent relating to the site to the south, the site owner (the same as the current application site) has requested that the Council revoke the consent. This process is now underway.

### **Recommendation**

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

- a. financial contributions towards the provision of local education and medical facilities,
- b. the provision of affordable housing and for the provision of equipment and future maintenance of the open space,
- c. the agreement preamble to include a commitment by all parties to completion of the comprehensive development, and
- d. that no dwellings be occupied until the deemed hazardous substance consent relating to the adjoining site to the south has been revoked and in the event of revocation that any ensuing compensation be met by Tapton Estates (or other party agreed by the Council),

**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.

1. 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.
2. Reason: To ensure the details are appropriate in the interests of safeguarding 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.
3. Reason: In the interests of flood protection and pollution control.
4. No part of the development shall be carried out until 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.
4. Reason: To safeguard the appearance of the area.
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.
5. Reason: In the interests of the appearance of the area.
6. This permission shall relate to the amended drawing, no 347.100 Revision C received on 8 January 2003 and drawing number 1103 received on 23 October 2002 showing in particular the amended layout.
6. Reason: For the avoidance of doubt and to safeguard the privacy of occupants.
7. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.
7. Reason: In the interests of the appearance of the area.
8. Further to condition 7 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.
8. Reason: In the interests of the appearance 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.

9. 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.
10. Reason: To protect the amenities of adjoining properties and the locality generally.
11. No development or other operations shall commence on site until a scheme (herein after called the approved protection scheme) which provides for the retention and protection of trees on the site, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme.
11. Reason: To ensure that the trees protected in the interests of safeguarding the amenities of the area.
12. No operations shall commence on site in connection with the development hereby approved until the tree protection works required by the approved tree protection scheme are in place.
12. Reason: To protect the trees in the interests of safeguarding the amenities of the area.
13. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved tree protection scheme.
13. Reason: To ensure the trees are protected in the interests of safeguarding the amenities of the area.
14. Protective fencing shall be retained intact for the full duration of the development hereby approved, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority
14. Reason: To protect the trees in the interests of safeguarding the amenities of the area.
15. The access road and roundabout shown on drawing numbers PH1/INF/101, PH1/INF/102 and PH1/INF/103 dated 20/11/02 and submitted with letter dated 12 December 2002, and subject to any further Highway Authority amendments and unless otherwise agreed in writing with the Local Planning Authority, shall be completed on site before any other development and demolition clearance commences on site in connection with this approval.
15. Reason: In the interests of highway safety.
16. No development approved by this permission shall be commenced until:-
  - (a) The application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved by the Local Planning Authority.

(b) Detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the "Contamination Proposals") have been submitted to and approved by the Local Planning Authority.

(c) For each part of the development contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development as appropriate.

(d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the "Contamination Proposals" then revised "Contamination Proposals" shall be submitted to the Local Planning Authority.

(e) If during development work site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed "Contamination Proposals".

16. Reason: To prevent pollution of the water environment.
17. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by of the Local Planning Authority. The scheme shall incorporate (where possible) sustainable drainage principles and shall be implemented in accordance with the approved programme and details.
17. Reason: To prevent the increased risk of flooding.
18. 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.
18. Reason: To prevent pollution of the water environment.
19. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water highway drainage shall be passed through trapped gullies with an overall capacity compatible with the site being drained.
19. Reason: To prevent pollution of the water environment
20. No development shall commence on site until a method statement has been submitted to and approved in writing by the Local Planning Authority detailing the proposed investigation for ground and ground water contamination. The method statement shall refer to the following guidance:
  1. Sampling Strategies for Contaminated Land, CLR4 1994, DoE.
  2. Investigation of Potentially Contaminated Land Sites - Code of Practice, BSI 10175 2001.
  3. Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination, R & D Technical Report P5 - 066/TR 2001, Environment Agency.
20. Reason: In the interests of public health.
21. No development shall commence on site until a detailed site investigation has been undertaken in consultation with the Local Planning Authority to establish the nature of ground conditions and the existence therein of any hazardous materials. Reference shall

be made to Soil Guideline Values produced by the Department for Environment, Food and Rural Affairs(DEFRA).

21. Reason: In the interests of public health.
22. No development shall commence on site until a method statement has been submitted to and approved in writing by the Local Planning Authority detailing a scheme of works for remedial action, prior to its implementation. Reference shall be made to guidance such as:
  1. Guidance for the Safe Development of Housing on Land Affected by Contamination' Environment Agency. ISBN 0113101775.

The method statement shall include the following:

  - Identification of the remediation objectives and outline information of the method chosen
  - Remediation objectives for ground water and soil gas
  - Working method for the implementation of the remediation
  - Waste classification and methods for controlling and disposing of waste
  - Proposed supervision and monitoring of remediation
  - All validation sampling and testing to be implemented.
22. Reason: In the interests of public health.
23. No development shall commence on site until a scheme of works to validate that the remediation has been implemented has been submitted to and approved in writing by the Local Planning Authority.
23. Reason: In the interests of public health.
24. Each stage of the remediation work shall be agreed with the Local Planning Authority prior to the commencement of the work.
24. Reason: In the interests of public health
26. No development shall commence on site in connection with this approval until the routes of all utility services into and across the site have been submitted to and approved in writing by the Local Planning Authority and the routes shall be provided in accordance with the approved details.
26. Reason: To avoid damage or removal of existing trees in the interests of safeguarding the amenities of the area.
27. No development shall commence on site in connection with this approval until details of the pedestrian link to Chapel Steet opposite Albion Street have been submitted to and approved in writing by the Local Planning Authority showing this link upgraded to a cyclist/ pedestrian link and this link shall be provided in accordance with the approved details before any of the dwellings are occupied.
27. Reason: To facilitate means of transport other than the private car.



Informatives:

The Environment Agency has provided the following advice;

The surface water drainage system will require silt traps to safeguard against coloured or polluted discharges.

During the period of construction, oil and fuel storage will be subject to the Control of Pollution (Oil Storage)(England) Regulations 2001. The Regulations apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile bowsers, situated outside a building and with a storage capacity which exceeds 200 litres.

A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the Regulations are available from the Environment Agency.

According to our records there are 3 closed landfill sites in proximity to the proposed development.

Landfill site ref 1000/0340 known as John Knowles & Co Landfill, lies 25 metres to the north east of the proposed development. According to our records it was filled with solid non-hazardous industrial waste.

Landfill site ref 1000/0342 known as Sun Street Landfill, lies 275 metres to the south west of the proposed development. According to our records it was filled with construction industry waste.

Landfill site ref 2400/1012 known as Woodville Landfill, lies 300 metres to the south of the proposed development. According to our records it was filled with inert waste.

In addition, Waste Management Licence EAWML 40044 was issued to Onyx Landfill Ltd. on 13 June 2001 to operate a non hazardous waste landfill at the New Albion Landfill Site in North West Leicestershire. The landfill is situated at OS grid reference SK 309610/172790 on land adjacent to and south of the application site. The landfill site is not yet operational although engineering works have commenced for cell one situated in the north east of the site. As a non-hazardous landfill, the site is permitted to take inert waste, degradable household, commercial and industrial waste and hazardous waste if it is demonstrated that it is stable and non-reactive. The site will have the potential to generate landfill gas and could potentially pose a risk to the housing development.

Waste Management Paper No 27 states:

"Where development is proposed within 250 metres of a landfill site the developer will need to take account of the proximity of the proposed development to the landfill". A risk assessment should be carried out to assess the impact of the landfill.

Waste Management Paper No. 27 "Landfill Gas" recommends that no house, garden shed, greenhouse or any domestic extension should be constructed within 50 metres of any landfill site which:

- a) has landfill gas concentrations at or above 1% by volume flammable gas, and 1.5% by volume carbon dioxide, or
- b) still has the potential to produce large quantities of landfill gas.

If planning permission is granted, the Agency recommend that the buildings are designed and constructed to prevent the entry of any migrating landfill gas in accordance with the Building Research Establishment's publication entitled "The construction of new buildings on gas contaminated land". All design and construction should be agreed with the Local Authority's Building Inspectors.

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.

Transco has confirmed that it has plant in the vicinity which may be affected by the proposal. Attached is a copy of its letter and plan.