

16/12/2003

**Item** 2.1**Reg. No.** 9 2003 1216 U**Applicant:**  
Abid Hussain  
35 Leicester Street  
Burton On Trent  
Staffordshire  
DE14 3BA**Agent:**  
Abid Hussain  
35 Leicester Street  
Burton On Trent  
Staffordshire  
DE14 3BA**Proposal:** **Change of use from shop to use for three private hire vehicles including office and waiting room at 121 High Street Newhall Swadlincote****Ward:** **Newhall****Valid Date:** **06/10/2003**

This application is being reported at the request of Councillor Southern.

**Site Description**

This building is on the south side of High Street opposite Abbots Road and next door to the Queens Delight Balti takeaway.

**Proposal**

It is proposed to convert the room into a base for private hire vehicles, including an office and customer waiting room. A 9m by 5m parking area would be provided in the yard to the rear of the building.

**Applicants' supporting information**

The applicant has provided two supporting statements. The first confirms that the vehicles would be parked in the specified location when not in use and that no attempt would be made to park vehicles elsewhere. The drivers would be so instructed. The intended hours of operation would be on a 24hour basis. The use of the car park in this way would have a minimum impact on nearby residential properties.

The second supporting statement points out that the applicant would like to run a private hire base from the above mentioned premises and have three cars operating from this base as High Street is a busy main road. He does not think there would be any major noise for three cars to run from the base, as they would have appropriate parking space on a private yard at the back of the premises. It is the intention to have more phone call-outs and less base pick-ups.

The route for base pick-ups would be exiting out of the back yard and taking a left turn onto a private road and the next left again which would be on to Church Road. Pick-ups would be from the corner of Church Road. He would ensure that the noise level is kept to a minimum at all times and he would have 24 hour access to the back yard to park vehicles.

### **Responses to Consultations**

The County Highway Authority objects to the proposal on grounds that a waiting room fronting High Street would result in taxis parking on the busy classified highway to collect customers at a location where parking is restricted to the detriment of highway safety.

In response to the applicant's second statement, the Highway Authority raises the following objection:

From the details in the letter, not only would approval of the proposal result in vehicles parking outside the premises on the busy classified road, but approval would also result in an increase in the use of the Church Road/High Street junction which is severely sub-standard in terms of visibility.

The Environmental Health Manager comments that from past experience of other taxi hire firms in similar locations, there is a potential for complaints from adjacent residential properties. The general ambient and background noise levels for the location will be low in the late evening, night and early hours of the morning and this is the most likely time for a noise nuisance to be caused. Noise levels from the taxi hire firms are created by the engine noise of the vehicles (particularly diesel), radios, voices, doors slamming and general activity. This obviously cannot be quantified in a noise level. However, due to the lower background noise levels at night, such noise would become audible and potentially intrusive to the adjacent residential properties (No.123 High Street and No.1 Church Road). It is possible that if the parking spaces were moved to the other side of the yard in which they are proposed to be, there would be very little disturbance to the above mentioned residents. However, if this is not possible, then he would recommend that conditions are applied to the permission which limit the use of the parking area to daytime operations only. Additionally, to minimise disruption during the day, a limit may be placed on the number of vehicles used at any one time.

In view of the above, should permission be granted without changing the parking area for the vehicles, he recommends that conditions be applied limiting the hours and number of vehicles used. He suggests that if such conditions cannot be complied with, he would object to the granting of permission, due to the likelihood of complaints from local residents.

### **Responses to Publicity**

Ten letters of objection have been received from local residents, summarised as follows:

- Late night noise already a problem from Labour Club and Indian Takeaway.
- The parking proposal is unlikely to happen, as this was the intention when the Indian takeaway was opened for their cars and has never been used by them. The small parking area is used by businesses that lease the premises in the yard which is always full and locked in the evening.
- There is no parking restriction in the evening so taxis could park outside people's houses. The road is very busy and this could create a safety hazard on the highway.

- The pull in area in front of the premises has parking restrictions from 8am to 7pm which is always full due to customers for the tanning beds, hairdressers and butchers and children being taken and collected from school. Residential access is often blocked sometimes requiring police assistance.
- The taxi drivers are unlikely to walk the distance to the car park in the rear yard to fetch the cars each time a call is made.

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

The relevant policies are:

Adopted Local Plan: Employment Policy 8

Draft Local Plan: Policy ENV 15 and T1.

#### **Planning Considerations**

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

- Impact on amenity due to noise and disturbance.
- Detriment to highway safety

#### **Planning Assessment**

The applicant has indicated that it would be his intention to pick customers up from the corner of Church Road and High Street. It would also be open to him to collect customers directly from the base, as there would be no means of preventing him from doing this. Either way, the use is likely to generate unacceptable levels of noise and activity at unsocial hours in a residential area and be detrimental to highway safety.

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

#### **Recommendation**

**REFUSE** permission for the following reasons:

1. The applicant has indicated that it would be his intention to pick customers up from the corner of Church Road and High Street. It would also be open to him to collect customers directly from the base, as there would be no means of preventing him from doing this. Either way, the use is likely to generate unacceptable levels of noise and activity at unsocial hours in a residential area contrary to Employment Policy 8 of the Adopted Local Plan and Policy ENV 15 and Policy EMP 3 of the Local Plan Revised Deposit Draft (January 2003).
2. Not only would approval of the proposal result in vehicles parking outside the premises on the busy classified road, but approval would also result in an increase in the use of the Church Road/High Street junction which is severely sub-standard in terms of visibility. The proposal would therefore be detrimental to highway safety contrary to Policy T1 of the emerging Local Plan.

16/12/2003

**Item** 2.2**Reg. No.** 9 2003 1250 F**Applicant:**  
Mr Mrs Woodward  
2, Linton Road  
Castle Gresley  
Swadlincote  
Derbyshire  
DE119HU**Agent:**  
D. Rutter  
Architectural/Graphic Services  
36 Main Street  
Linton  
Swadlincote  
Derbyshire  
DE12 6PZ**Proposal:** The erection of a detached house and garage Land At The Rear Of 2 Linton Road Castle Gresley Swadlincote**Ward:** Linton**Valid Date:** 13/10/2003

Councillor Southern has requested that this application is reported to Committee.

**Site Description**

The application site is the large rear garden area of a detached dwelling which fronts onto Linton Road. All the other dwellings fronting both Burton Road and Linton Road have gardens of an equal length but No 2 has a garden which is approximately 40 metres longer and extends in a triangular shape adjacent to the rear gardens of dwellings fronting Burton Road and two fields. There is an existing access track to the site from Burton Road and there are some small outbuildings on the site. The site is elevated approximately 4 to 5 metres above the level of either Burton Road or Linton Road.

**Proposal**

The proposal is to construct a four bedroom dwelling and detached double garage. The house would be accessed via an existing access from Burton Road and the scheme outlines a large curtilage/ garden to the north of the property measuring over 45 metres in length and split into areas marked as garden, orchard, tree planting and vegetable garden.

**Applicants' supporting information**

Although an arbitrary line has been drawn across the site in the local plan denoting the edge of the built up area, all of the site has the benefit of being within the curtilage of number 2 Linton Road and all that this entails.

The site contains domestic outbuildings, a joiner's workshop (at present unoccupied) and associated parking and turning area all outside the built-up area line.

Vehicle access to the site, at present, is via Linton Road and also Burton Road. The Burton Road access also serves the joiners workshop. It is proposed to access the current dwelling, number 2 Linton Road only from Linton Road and to access the new dwelling from Burton Road. Access to the joiners workshop from Burton Road as well as the use of the workshop would cease. Ample provision has been made for on site parking and turning, including Service and Emergency vehicles. Surface treatment of the access drive can be conditioned should this application be successful.

The proposed siting of the dwelling, is such that, part of it will be within the built up area boundary line and the remainder will be on the brownfield parking and turning area associated with the joiners workshop. All of the proposed garage will be well within the built up area boundary line. The area of the joiners workshop parking not required, will have the stone removed and it will revert back to garden use to the benefit of the horse chestnut tree.

Whilst it is acknowledged that the Council would not, normally, want to set a precedent for development beyond the built up area boundary, this site is unique in that, apart from the possibility of it being described as partly brownfield, it is in a corner on the fringe of the built up area and as such is bounded on two sides by land which is within the boundary. It is already put to the same use as the adjoining properties and has all the permitted development rights enjoyed by land in residential use.

Should this application be successful the development will not project out on a limb as might be the case with other potential sites in the area and as such would not set a precedent.

The design of the proposed dwelling is such that the two sides facing away from the site will be mostly sloping roof in order to reduce the impact. Hip end sizes have been kept to a minimum and the overall area of the four bedroom house is modest. Facing materials and details traditional to the area will be used. The proposed ground floor level and vertical dimensions will be kept to a minimum.

The proposal will require the removal of one non native sycamore tree and one fruit tree. Partly in compensation for this but mostly because of the site's close proximity to the new National Forest, it is proposed to provide extensive native tree planting and an orchard containing some fruit varieties local to the area, all shown on the proposed plan.

The new dwelling will be a minimum of 8 metres from the existing mature Horse Chestnut tree. This is close enough for the tree to provide a measure of screening to the house without the house having any detrimental affect on the tree. The tree and its root system will be fully protected during the construction of the proposed dwelling.

It is not expected that the proposals will generate any more noise than that generated by the existing use of the site. Giving up the potential use of the joiner's workshop could result in a lower traffic and machine use noise level.

Because of its existing use as well as the design and siting of the proposed dwelling, it is expected that there will be no loss of privacy or outlook and no overshadowing of existing dwellings or gardens other than that allowed by the Authorities own standards.

## **Planning History**

In 1988 planning permission was refused for a bungalow on the site on the grounds that the development would be outside the built up area of Castle Gresley on a site which has amenity value, that the proposal would result in an increase in parking on the main road contrary to the best interests of the free and safe flow of traffic and the fact that the development would set a precedent for similar backland development to the rear of neighbouring properties. The Joiner's workshop located on the land was approved in 1969 and was stated to be vacant at the time of the 1988 application.

## **Responses to Consultations**

Severn Trent Water has no objection to the proposal

The County Highway Authority has no objection to the application although they do raise concern over the excessive man carry distance from the road.

## **Responses to Publicity**

One letter has been received from the occupiers of the neighbouring dwelling raising concerns over the size and height of the proposed house, the proposal blocking the skyline when viewed from the windows of a neighbouring dwelling, the loss of the sycamore tree and overlooking between the windows on the proposed house and neighbouring gardens.

## **Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: Housing Policy 5

Local Plan: Housing Policies 4 and 8, Environment Policy 1

Draft Local Plan: Policy H1 and Policies ENV 7 and ENV 21.

## **Planning Considerations**

The main issues central to the determination of this application are: the fact that a large proportion of the site is located outside the Swadlincote urban area and is therefore within the open countryside and the prominence and visual impact of the proposed development within the streetscene and wider area.

## **Planning Assessment**

The development boundary around the Swadlincote urban area, in both the adopted and draft Local Plans, is clearly drawn along the line of the end of the rear gardens of dwellings which front Linton Road and Burton Road. The garden of No 2 Linton Road extends back more than any other garden on this stretch of road and extends over 40 metres into the open countryside. The proposed double garage and approximately a third of the dwelling itself would be located within the development boundary and approximately two thirds of the dwelling and the rear garden would be within the open countryside. Although the site is brownfield, the majority of the land is clearly outside the built-up urban area as outlined in the adopted and draft Local Plans, and is not substantially surrounded by development (a requirement of the policy in the adopted plan). Development of the site would therefore be contrary to Local Plan policies.

Although it could be argued that the site is in a sustainable location, on the edge of the urban area, the site is largely located within the open countryside and therefore the visual impact of the proposed dwelling on the openness and character of countryside must be considered. The site is very elevated particularly compared with the existing dwellings fronting Burton Road, the floor level of the proposed dwelling will be up to 5 metres higher than the floor level of these dwellings. The proposed dwelling itself measures 7.4 metres to the ridge, therefore the house would be clearly visible above the existing houses when viewed from Burton Road. The existing houses fronting Linton Road are elevated from the road and therefore the visual impact will not be so significant from this direction. The proposed dwelling will also be prominent and visible from locations further from the site, from Hillside Road on the approach to Castle Gresley from Linton and from the A444. The development boundary to the settlement has clearly been drawn along the line of the rear gardens of existing dwellings and the proposed scheme will represent a significant and prominent intrusion into the countryside.

The development would therefore also fail in this regard when the criteria set out in the adopted Local Plan Housing Policy 4 is applied.

### **Recommendation**

**REFUSE** for the following reason:

1. The proposed dwelling would be located largely outside the urban area as defined in the adopted and draft South Derbyshire Local Plans and within the open countryside. The proposal would therefore appear as a prominent intrusion into the countryside in a location where new residential development is unacceptable and contrary to the provisions of Housing Policies 4, 5 and 8 and Environment Policy 1 of the adopted South Derbyshire Local Plan and Policies ENV 7 and H 1 of the Revised Deposit Draft South Derbyshire Local Plan.





16/12/2003

**Item** 3.1**Reg. No.** CW9 2003 0132 CW**Applicant:**  
David Wilson Homes  
Forest Business Park  
Cartright Way  
Bardon Hill  
Leicestershire  
LE67 1VB**Agent:**  
Gill Pawson Planning  
Mill House  
East Haddon  
Northamptonshire  
NN6 8DU**Proposal:** **Proposed landfill and restoration to agriculture of old mineral workings using inert waste on Land to the South East of Oaklands Farm Coton Road Walton-on-Trent Swadlincote****Ward:** **Linton****Valid Date:** **04/11/2003****Site Description**

The site is a depression/ pit area in a field which was originally a marl mine dating from about 100 years ago. Altogether there are two applications for three depressions, which are currently uncultivated, and either scrubland or grassland.

**Proposal**

The proposal is to fill in the depressions with soil and clay taken from a housing development site in Castle Gresley. The submission states that filling the depressions would level the land and make it more suitable for cultivation. The filling work would be carried out between April 2004 and December 2007 with a total of 2300 loads of material. The material would be moved in batches with 20-30 loads per day for about 2 weeks and then no movements for a couple of months. The Applicant proposes that no movements take place outside the hours of 8.00 to 17.00 Monday to Friday and that they would ensure that no loads were moved through the villages when children are being taken to or collected from school.

**Applicants' supporting information**

There are three depressions altogether at Oaklands Farm and two applications have been submitted proposing filling the depressions with subsoil and clay from a large housing site in Castle Gresley. Cultivation of the fields is becoming increasingly difficult as it is now dangerous to use the modern, large cultivation equipment on such steep slopes. Two letters from the contractors used on the farm have been submitted supporting the filling of the holes so that they can use modern equipment safely.

David Wilson Homes who are developing the site at Castle Gresley have been seeking a local site for the disposal of material. The depressions at Oaklands Farm are only 4 miles from the development site, thus providing a good local facility for the disposal of this material.

Two separate applications have been submitted for the restoration of the three excavations, one for each field parcel concerned. The two fields are served by two different access tracks and the sites are some distance apart and would be filled at different times. The work taking place between April 2004 and December 2007. To fill all three voids 52 000 tonnes of material is required. Each void would be filled in turn. Soils would be removed separately and stockpiled in the form of screening bunds around the outside of the excavation. Filling would be by spreading a 300mm layer which would be compacted using a roller prior to the spreading of the next layer of waste. Subsoil and topsoil will be replaced to create the finished levels. All soil movements will be carried out using the methodology recommended in the MAFF Good Practice Guides for Soil Handling. The operations will create 1.5 ha of useful agricultural land.

In the first planting season following the commencement of filling operations, landscape enhancement measures will be carried out. These will comprise a hedge to be planted alongside the highway, following commencement of restoring void 1 and a block of woodland to augment existing woodland, following commencement of restoring void 2.

The submission then establishes that the development would generally comply with the relevant policies in the Derbyshire Waste Local Plan Revised Deposit 2003 and assesses the environmental impacts of the development.

The conclusions of the supporting statement are that the proposals provide a very local site for the use of surplus inert soil and clay arising from the housing development in Castle Gresley, while facilitating the restoration of historic excavations that are increasingly difficult to farm or incapable of beneficial use.

The operations will not cause significant environmental impacts, due to their small scale.

The proposals do not fully comply with the emerging Waste Local Plan policies, as they do not involve the restoration of mineral sites in the Trent Valley. However, the quantity of material to be used to restore these historic excavations is insignificant relative to the quantities needed in the Trent Valley. By contrast, the proposals fully comply with the proximity principle, thus providing an opportunity to use the material with minimal transport impacts.

### **Planning History**

There is another consultation application being considered concurrently for filling two depressions in another field (see item 3.2).

### **Responses to Consultations**

Environmental Health were also consulted by the County Council on the applications and had no comments to make.

### Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Waste Management Policies 3 and 4.

Local Plan: Environment Policies 1 and 4.

Emerging Local Plan: Policies ENV 7

### Planning Considerations

The main issues central to the determination of this application are the impact of the development on the openness and character of the countryside and agricultural land and the environmental impact of the development.

### Planning Assessment

The application is a consultation, concerning an application for waste development, from the County Council.

Once the infilling work on the depressions has been completed the land will be level with the existing field level and therefore the impact of the scheme on the openness or character of the countryside is not considered to be significant. Landscaping in the form of hedges and an area of tree planting is proposed. The scheme will also benefit agriculture, as it will bring the land back into more viable agricultural use.

The development will involve significant traffic movements over a period of three and a half years from the Castle Gresley housing site through Linton and Rosliston to the site. However due to its proximity to the housing site, the bulky nature of the material concerned and the existence of the depressions it is considered that the application site is suitable and well placed for the proposed development.

### Recommendation

That the County Planning Authority be advised that the District Council has **no objection** to the scheme.

16/12/2003

**Item** 3.2**Reg. No.** CW9 2003 0133 CW**Applicant:**  
David Wilson Homes  
Forest Business Centre  
Cartright Way  
Bardon Hill  
Leicestershire  
LE67 1VB**Agent:**  
Gill Pawson Planning  
Mill House  
East Haddon  
Northamptonshire  
NN6 8DU**Proposal:** **Proposed landfill and restoration to agriculture of old mineral workings using inert wast materials on Land East of Oaklands Farm Coton Road Walton-on-Trent Swadlincote****Ward:** **Linton****Valid Date:** **04/11/2003**

Please see report for application reference CW9/2003/0132 (Item 3.1 above).

**Recommendation**

That the County Planning Authority be advised that the District Council has **no objection** to the scheme.

16/12/2003

**Item** 3.3**Reg. No.** CW9 2003 0140 CW**Applicant:**  
Donald Ward,  
Moirra Road  
Woodville  
Swadlincote  
Derbyshire  
DE118DG**Agent:**  
S A Simmonds Ltd  
Shutt Cross House  
70 Walsall Wood Road  
Aldridge  
West Midlands  
WS98QT**Proposal:** **Proposed change of use to scrap metal and waste recycling facility and erection of building for the processing of end of life vehicles at the premises of Donald Ward Moira Road Woodville Swadlincote****Ward:** Woodville**Valid Date:** 28/11/2003

Councillors Taylor and Isham have requested that this application be put before the Committee.

#### **Site Description**

This site is located in the built-up area of Woodville and comprises the former curtilage of a detached house (adjoining the main business yard), which was granted planning permission for change of use to offices in November 2001. There is a community centre on the south side of the site and housing on the opposite side of Moira Road.

#### **Proposal**

Current EA guidelines require that vehicles presented for Metal Recycling must be drained of all hazardous fluids, which must be correctly and safely stored for disposal or recycling. As far as possible, non-metallic components of the vehicles should be separated for recycling prior to metal recovery process. The proposed building would facilitate this activity. It would occupy the majority of the garden area and be 26m long by 13m wide by 4.64m high at the front sloping to 4.07m. The walls would be finished in olive green profile sheeting and the roof, brown profile sheet.

#### **Planning History**

A condition of the office development from November 2001 was that the area of land to the rear of the building shall not be used for any other purpose other than as a garden area to the offices...there shall be no storage of materials or any use of it in connection with the adjoining scrapyards use. The reason for the condition was to safeguard the amenities of local residents and the neighbouring community centre.

## Responses to Consultations

The environmental health officer makes the following comments:

The proposals relate to a new ELV operation on site, which constitutes quite a dramatic alteration to existing operations. As you are aware, the site is within very close proximity to residential properties. The residents living in the area are generally adversely affected by the activities on site and there is a risk that the new operation may indeed exacerbate this. It is therefore imperative that any alterations to the site and associated activities on site are carefully controlled to ensure that they do not further affect the enjoyment and material use of local residential properties.

The comments below relate to the application and the working plan referred to in the application.

### Site Layout

The proposed site layout as detailed on the plan SAS/WOOD/03 includes the garden area behind the existing office building to the left of the site. I understand that this area has an existing condition attached which states that the garden area cannot be used for any storage purposes. The reason that this condition was attached is due to the fact that noise emanating from the site is a major issue for local residents. To bring any noisy operations such as scrap movements and vehicle movements nearer to residential properties and indeed the community centre increases the likelihood that residents in the vicinity will be adversely affected. The use of this area to site the ELV building is inappropriate for the locality.

*I therefore recommend that the site layout is revised to preclude the use of stated area and the existing restriction on its use is maintained*

### Amenity Management and Reporting

#### 6.1 Dust

The proposed working plan details control measures for monitoring dust, fibres and particulates from the site. The plan suggests that the site is monitored twice daily for dust by management and dealt with as and when necessary. Dust is one of the major causes of complaint from the site and therefore it would prudent to include a more detailed scheme for controlling dust emissions from the site. The plan states that a hosepipe will be used to control any dust emanating from the site although does not give any detail regarding the length of the pipe and whether it is capable of covering the whole site.

*I therefore recommend that a condition is attached requiring a more stringent dust control scheme, to include for example, daily road washing and the use of bowsers with hosepipes around the site to ensure that the whole area is covered.*

#### 6.3 Noise

The proposed hours of operation from the site exceed those already permitted for the current operations. As previously stated, local residents are already adversely affected by the noise from the site due to the site's proximity to their homes. The department receives a steady flow of complaints regarding noise from the site, and has done for many years. Noise is clearly audible

off site and can be heard in most of the Woodville area. The position of the site is not ideal and indeed siting a scrap metal merchant so close to residential properties would obviously not be permitted today. Consequently, any extension of the permitted hours of operation, particularly to 21.00,

would undoubtedly have a detrimental affect on the local residents, something which must be avoided.

*It is therefore recommended that the hours of operation are restricted to the following:*

**ELV**

Monday to Friday: 7.00 to 18.00

Saturday: 7.00 to 17.00

Sunday and P.H. no working

**Responses to Publicity**

The Ward Councillors for Woodville have submitted the following statement:

*“The application for an “End of Life” vehicle processing facility is sited within the garden of the premises currently utilised for office facilities. SDDC currently has a condition on this land that identifies it to remain as domestic garden. This condition is on the grounds of amenity and the protection of the adjacent community facility/nursery from the activities of the business. We note that this “garden” has recently been scraped to remove all evidence of garden and the Japanese Knotweed that was previously evident. If permission is granted the resultant effect would be to expand the overall footprint of the business. In reality current activities would be moved allowing additional activity on site. This would further increase the environmental impact that Donald Ward Ltd has on the village of Woodville, and its community.”*

**Structure/Local Plan Policies**

The relevant policies are:

Structure Plan Economy Policy 2 and Economy Policy 4  
Local Plan: Employment Policy 1, Employment Policy 8.  
Emerging Local Plan: Policy ENV15.

**Planning Considerations**

The main issues central to the determination of this application is noise and disturbance to the community centre and residential area.

**Planning Assessment**

Residents are already adversely affected by the activities of the scrapyards and to allow the expansion of the use increases the likelihood that residents and users of the community centre would be adversely affected to a greater extent. The use of this area to site the ELV building is therefore inappropriate for the locality.

**Recommendation**

That Derbyshire County Council be advised that this Council recommends that the planning application be **REFUSED** for the following reason:

1. Residents are already adversely affected by the activities of the scrapyards and to allow the expansion of the use increases the likelihood that residents and users of the community centre would be adversely affected to a greater extent. The use of this area to site the ELV building is therefore inappropriate for the locality and contrary to Structure Plan Economy Policy 2 and Economy Policy 4 and Local Plan: Employment Policy 1, Employment Policy 8 and Emerging Local Plan: Policy ENV15.

**Informatives:**

Attached are the comments of the Council's environmental health officer.

The County Council is advised that the group of leylandii trees shown on the attached OS plan have been made the subject of a Tree Preservation Order.



16/12/2003

**Item** 3.4**Reg. No.** CW9 2003 0141 CW**Applicant:**  
Donald Ward,  
Moir Road  
Woodville  
Swadlincote  
Derbyshire  
DE118DG**Agent:**  
S A Simmonds Ltd  
Shutt Cross House  
70 Walsall Wood Road  
Aldridge  
West Midlands  
WS98QT**Proposal:** **Erection of building to house waste materials recycling activity at Donald Ward Moira Road Woodville Swadlincote****Ward:** **Woodville****Valid Date:** 28/11/2003

Councillors Taylor and Isham have requested that this application be put before the Committee.

**Site Description**

The scrap yard in the centre of Woodville occupies an area of land between Moira Road and Swadlincote Road.

**Proposal**

Current EA guidelines require that Transfer Station, and Waste Recycling activities take place in a building. It is proposed to erect a steel-framed, profile-steel clad building towards the north-west corner of the site. It would be open fronted and be 30m wide by 20m deep by 10m to the eaves and 11.5m to the ridge. The current Waste Transfer and Recycling activities currently carried on in an open bay in the north-east corner of the site will transfer to this building and the land will revert to being bays for the storage of recovered materials.

**Responses to Consultations**

The Council's environmental health officer makes the following comments:

*Please note, this response should be read in conjunction with the response to application number CW9/1003/140.*

**Dust**

The department has received complaints regarding dust emanating from the site in the past and indeed currently. The complaints relate mainly to dust from the waste transfer area, which is situated close to residential properties along the Swadlincote Road edge of the site.

The proposals to install a covered waste transfer station will help to reduce the levels of dust emanating from the site.

### 6.3 Noise

The proposed hours of operation from the site exceed those already permitted for the current operations. As previously stated, local residents are already adversely affected by the noise from the site due to the site's proximity to their homes. The department receives a steady flow of complaints regarding noise from the site, and has done for many years. Noise is clearly audible off site and can be heard in most of the Woodville area. The position of the site is not ideal and indeed siting a scrap metal merchant so close to residential properties would obviously not be permitted today. Consequently, any extension of the permitted hours of operation, particularly to 21.00, would undoubtedly have a detrimental affect on the local residents, something which must be avoided.

*It is therefore recommended that the hours of operation are restricted to the following:*

#### ***Transfer Station***

*Monday to Friday: 7.00 to 18.00*

*Saturday: 7.00 to 13.00*

*Sunday and P.H. no working*

Donald Ward Ltd also provided a general working plan, which covers all areas of the site and included consideration of the proposed ELV operation. Comments on the other issues relating to the site are detailed in the response to application number *CW9/1003/140*.

#### **Responses to Publicity**

The Woodville Ward Councillors have submitted the following statement:

“The application in the middle of the site for a “Waste Transfer Station” does not identify any landscaping to ameliorate the significant impact it will have on the physical environment. Should this structure be seriously considered we believe that a landscape scheme on the boundary of the site with Swadlincote Road is absolutely essential. Even with landscaping, we cannot accept that a building of this area and height is acceptable at this location due to its impact on the amenity of the area. The effect is further amplified due to the prominent location of the building at what we refer to as a “Gateway Site”.

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

The relevant policies are:

Joint Structure Plan: Economy Policy 2, Economy Policy 4

Local Plan: Employment Policy 1, Employment Policy 8

Emerging Local Plan: Policy ENV21, ENV15

## Planning Considerations

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

- The visual impact of the building
- Noise and dust pollution to local residents

## Planning Assessment

A large industrial building clad in an appropriately coloured material would not appear out of place in this industrial area. The proposed building would be in a prominent roadside location and therefore a planting belt along the Swadlincote Road boundary would assist in filtering views of the building and softening the harsh appearance of the scrap yard.

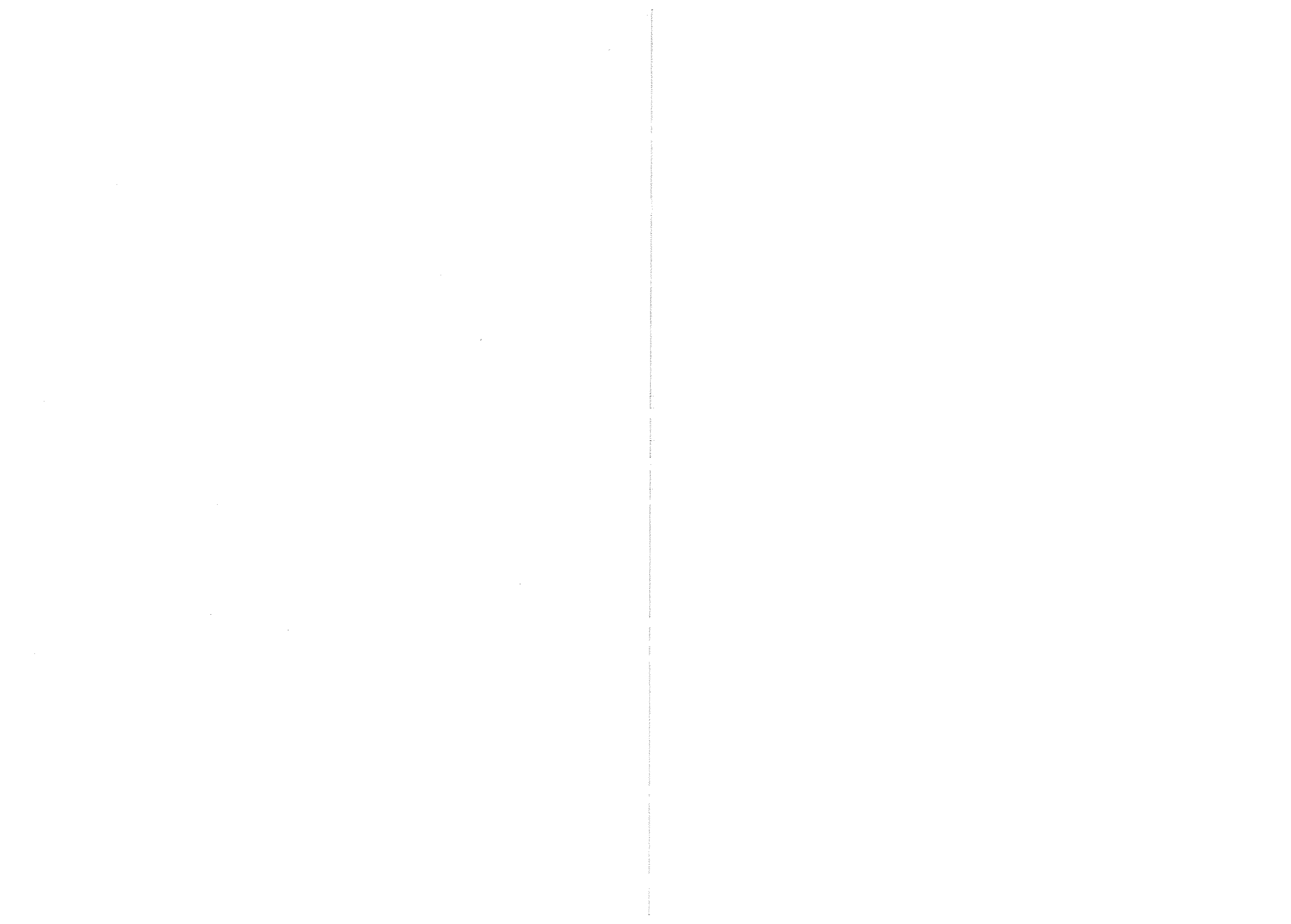
Noise is a continual problem from the site and to increase the hours of use would be a retrograde step from an amenity point of view. Enclosure of the recycling facility however would be beneficial to reducing dust nuisance.

## Recommendation

1. That the County Council be advised that this Council recommends that the application to extend the hours of use be **REFUSED** on grounds that it would be detrimental to the amenity of local residents and to **GRANT** permission for the building subject to approval of materials and boundary landscaping along Swadlincote Road, an area for which should be cleared before development commences on site.

## Informatives:

Attached are the comments of the Council's environmental health officer.  
This Council recommends that the hours of operation should be restricted to those recommended by the Council's environmental health officer.



Copy of previous report  
See item 1.2

**Item** 1.11

**Reg. No.** 9 2003 1160 FH

**Applicant:**  
Mr Paul Davis  
Longridge, Main Street  
Hilton  
Derby  
DE65 5GG

**Agent:**  
Mr Pat Broderick  
Office Number 2  
Derwent Business Centre  
Clarke Street  
Derby

**Proposal:** The erection of a two storey extension and formation of a new access at 59 Main Street Hilton Derby

**Ward:** Hilton

**Valid Date:** 22/09/2003

#### **Site Description**

The site comprises the rear garden of the dwelling and this extends across the back of the adjacent dwelling (61 Main Street). There is a roadside hedge and fence on a slight embankment. A post and chainlink fence separates the site from the Parish Council playing field although the applicants have a leylandii hedge on their side of the fence.

There is a bus shelter/stop and pedestrian access to the playing fields immediately to the west of the proposed access.

#### **Proposal**

The two storey extension would be located at the north end of the dwelling, i.e. the side furthest away from the neighbour. The access would be located immediately to the east of the bus stop and in close proximity to the pedestrian access to the playing field.

#### **Responses to Consultations**

Hilton Parish Council has no objection to the extension of the dwelling. There is an objection to the access because of its proximity to the playing field access.

The County Highways Authority comments will be reported at the meeting.

#### **Responses to Publicity**

The neighbour has objected to the access and hardstanding but has no objection to the erection of the extension.

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

The relevant policies are:  
Local Plan: Housing Policy 13  
Emerging Local Plan: ENV 21

## **Planning Considerations**

The main issues central to the determination of this application are the impact of the extension and access on amenity and highway safety.

## **Planning Assessment**

The proposed extension is acceptable in terms of its design and location and conforms to the above policies and supplementary planning guidance on extensions.

The acceptability of the new access depends on the comments of the County Highways Authority. If there is no objection then there may not be grounds for refusing permission on the basis of highway safety. If there is an objection, then the applicant may be minded to remove the access from the application to ensure that the extension is allowed. The County Highways Authority comments will be reported at the meeting together with any views from the applicant.

The neighbour is concerned about the loss of privacy that may arise from the proposed vehicle hardstanding outside one of the windows. This situation could occur in any event as permitted development rights extend to the formation of a hardstanding within the residential curtilage. Thus if the access were refused the applicant could still form a patio area in the same location without recourse to the planning system.

The recommendation below is in favour of the applicant but may be changed if the County Highways Authority objects to the access.

## **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.
1. 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.
2. Reason: To safeguard the appearance of the existing building and the locality generally.
3. Any reasonable conditions recommended by the County Highway Authority