

29/08/2006

**Item** 1.2**Reg. No.** 9/2006/0786/M**Applicant:**

Victory Homes Ltd  
Quarterbridge, Horses Lane  
Measham  
Swadlincote  
Derbyshire  
DE12 7LL

**Agent:**

DCI Architecture Ltd  
27 Trinity Close  
Ashby-De-La-Zouch  
Leicestershire  
LE65 2UR

**Proposal:** The erection of 14 apartments at Land To The Rear Of  
34 36 Stanhope Road Swadlincote

**Ward:** Swadlincote

**Valid Date:** 28/06/2006

**Reason for committee determination**

This proposal is brought before this committee because it is a major application that has a recommendation for permission and there have been more than two objections.

**Site Description**

The site comprises an irregular shaped vacant parcel of land. It was last used commercially but has recently been cleared of all structures and is enclosed by walls and fences. Existing residential properties lie to all sides save for along the north eastern boundary where there is a supermarket adjoining the site.

Topographically the site slopes generally to the north east with a low point at the most northerly part.

**Proposal**

It is proposed to construct a driveway between the existing dwellings fronting Stanhope Road and to erect 14 apartments towards the back of the site. The building would be 'v' shaped and would be part two and part three storey comprising six flats on the ground floor, six flats on the first floor and two flats on the second floor. The three storey element is proposed on the lowest part of the site and the two second floor apartments are to be provided within the roofspace. Ten of the flats would be two bedroom and four would be one bedroom. There would be 22 car parking spaces.

## Planning History

Outline planning permission was granted under reference 9/2003/0906 for residential development. In May of this year a detailed application (9/2006/0225) was submitted for 15 apartments but this was withdrawn because there was a shortfall in the Council's guidelines for minimum distances of separation.

## Responses to Consultations

The County Highways Authority and Severn Trent have no objections to the proposal subject to conditions and the Pollution Control Officer comments that a site investigation is not required in respect of the potential for contaminated land. Insofar as contributions under a Section 106 agreement are concerned the County Education Authority seeks £18,462 and the Primary Care Trust has asked for £444 per dwelling. Using the Council's current SPG for play provision the site will generate 24 persons. At a rate of 8 sq m per person for children and a further 16 sq m per person for youth there will therefore be a requirement for 576 sq m of play space. No provision is made within the site. It is therefore appropriate to request £1000 per dwelling toward off site provision.

## Responses to Publicity

Nine letters of objection have been received. They raise the following concerns:

### Highways issues

- Insufficient on site car parking has been provided to meet the needs of occupants of 14 flats, most of whom will have two cars.
- Stanhope Road is already congested with parked cars making access by emergency vehicles difficult. This situation has become exaggerated by a recent development in the locality
- An additional access onto Stanhope Road would cause dangers to highway safety due to inadequate visibility and access should be onto Alexandra Road

### Character of the area

- The three storey building is out of character with the locality and Swadlincote's architectural heritage
- 14 dwellings is overdevelopment of the site
- Loss of open space
- Loss of tree that is protected by a preservation order

### Amenity

- Loss of privacy
- Overshadowing
- No amenity space for residents
- Noise nuisance from additional traffic entering the site in close proximity to the windows of an existing dwelling and during construction

### Infrastructure

- Site contours will result in the development being unable to connect to the sewer and existing storm water drains are at capacity

### Other matters

- Part of the site is not within the applicant's ownership
- Inaccuracies in application form

## Development Plan Policies

The relevant policies are:

RSS8: Policies 2 and 20

Joint Structure Plan: Housing Policy 3 and Transport Policy 4

Local Plan: Housing Policy 4 and Transport Policy 6

## Planning Considerations

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

- The character of the locality
- The design of the proposal
- Amenity of occupants of nearby dwellings
- Highway safety

## Planning Assessment

This is a brownfield site within a predominantly residential locality and there is therefore no objection to the principle of development. Indeed an outline permission for residential development was granted in 2003. The character of the area comprises mostly two storey dwellings many of which are older properties with a higher ridge line than some more modern dwellings and at least two existing dwellings that adjoin the site have rooms within the roofspace. This arrangement would be repeated in the proposal as the two second floor flats are to be within the roofspace.

The building would have a maximum height of 10m and is designed and positioned so that the highest part of the building would be on the lowest part of the site to minimise its impact.

The building would be 'v' shaped and would have an acceptable design. For the most part the layout provides for bedrooms around the outside and living rooms would be inward facing across the courtyard and entrance. The principal inward facing windows in the new building would be off-set to maximise privacy within the site.

The Council's guidelines for minimum distances of separation state that:

*The Council is committed to the intensive re-use of both previously developed land and to the development of green field site, where it is deemed necessary to achieve the aims of the Development Plan. In view of this the Council no longer intends to rely on restrictive guidance on the space about and between dwellings within new housing schemes.*

Within the scheme there are no direct window to window shortfalls. There are, however, shortfalls in respect of two flats where the angle of protection in respect of overbearance for windows serving principle rooms is reduced from 90° to 88° and for two further flats from 90° to 83°. In addition two flats have an angle of protection of 56°. All of these windows have a south westerly aspect and therefore it is considered that the living conditions for occupants of these flats would not be unduly affected.

Insofar as the Council's guidance for the protection of amenity of occupants of adjoining dwellings is concerned, the two windows in the new building that have a direct back to back relationship with existing dwellings on Stanhope Road well exceed the minimum distances for separation. There is one further existing dwelling that has a rear garden that exceeds 50m in length facing the application site and in accordance with the Council's guidelines windows in the new building facing this property are a minimum of 5m from the boundary. Furthermore there is significant planting within the adjoining neighbour's control and it is considered that this relationship is acceptable.

In terms of density the site area is 0.2 ha and the proposal would equate to 70 dwellings per hectare which is similar to the density of Waterloo Place to the rear of the site which has 17 dwellings on around 0.23 ha and is equal to 74 dwellings per hectare.

There is a large tree on the site close to the northern boundary with the supermarket. Upon receipt of application 9/2006/0225 a tree preservation order was placed on it in order to have the opportunity to evaluate its value. At that time the tree was not in leaf and access to the site was restricted. Close inspection was not able to take place. Access has now been obtained and it is apparent that the tree has a number of dead branches and a large cavity about 1.8m from its base. The trunk is rotting and the tree has a restricted life. Therefore it is acceptable for the tree to be felled and another tree planted. In addition there will be the usual landscaping requirements.

Lastly there are matters of highway safety. The County Highways Authority is satisfied, subject to a number of conditions, that access to the site is satisfactory and that the number of car parking spaces is satisfactory.

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

- A That the committee delegate authority to the Head of Planning to deal with any further comments received in the consultation period ending on 6 September 2006;
- B Subject to A and the signing of a Unilateral Agreement under Section 106 of the Town and Country Planning Act in respect of contributions for Health, Education and Open Space provision **GRANT** permission subject to the following conditions:
1. The development permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
  2. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used

in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.

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

3. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).

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

4. Prior to any other works commencing, the access shall be modified in accordance with the following requirements:

a) The access shall have a minimum width of 4.1m, be paved in a solid, bound material for the first 10m into the site from the highway boundary and provided with measures to prevent surface water flowing from within the site onto the footway.

b) The access shall be constructed as a splayed vehicular crossover, not with radii as shown on the submitted plan.

c) The access shall be provided with 2m x 2m x 45° pedestrian intervisibility splays and 2.4m x maximum achievable visibility sightlines, the area forward of which shall be maintained in perpetuity clear of any obstruction exceeding 1m in height (600mm for vegetation) relative to the nearside carriageway edge.

Reason: In the interests of highway safety.

5. Prior to the occupation of any of the dwellings hereby approved twenty-two car parking spaces shall be provided within the site curtilage, each space shall measure at least 2.4m x 4.8m with a minimum of 6m behind for manoeuvring, the car parking spaces shall be maintained in perpetuity free of any impediment to their designated use.

Reason: To ensure that adequate parking provision is available.

6. Prior to the occupation of the first dwelling hereby approved, the access road and manoeuvring area shall be laid out in accordance with the submitted drawing and maintained thereafter free of any impediment to its designated use.

Reason: In the interests of highway safety.

7. Any gates shall be set back at least 10m from the highway boundary.

Reason: In the interests of highway safety.

8. 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.

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

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

10. A replacement tree for the protected Ash of a species and in a position to be first agreed with the Local Planning Authority shall be planted in the first planting season (November to March) following the commencement of development or such alternative timescale as agreed in writing with the local planning authority.

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

11. Prior to the first occupation of the development hereby permitted, measures to minimise the risk of crime to meet the specific security needs of the application site and the development shall be implemented in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

Reason: In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well-being of the area pursuant to the Council's powers under Section 2 of the Local Government Act 2000 and to reflect government guidance set out in PPS1.

12. 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.

13. Prior to occupation of any of the dwellings hereby permitted, the bin stores shall be constructed as shown on the approved plan.

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

14. Notwithstanding the submitted plans there shall be no fascia boards. Large scale drawings to a minimum Scale of 1:10 of eaves and verges and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The eaves and verges and cills and lintels shall be constructed in accordance with the approved drawings.

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

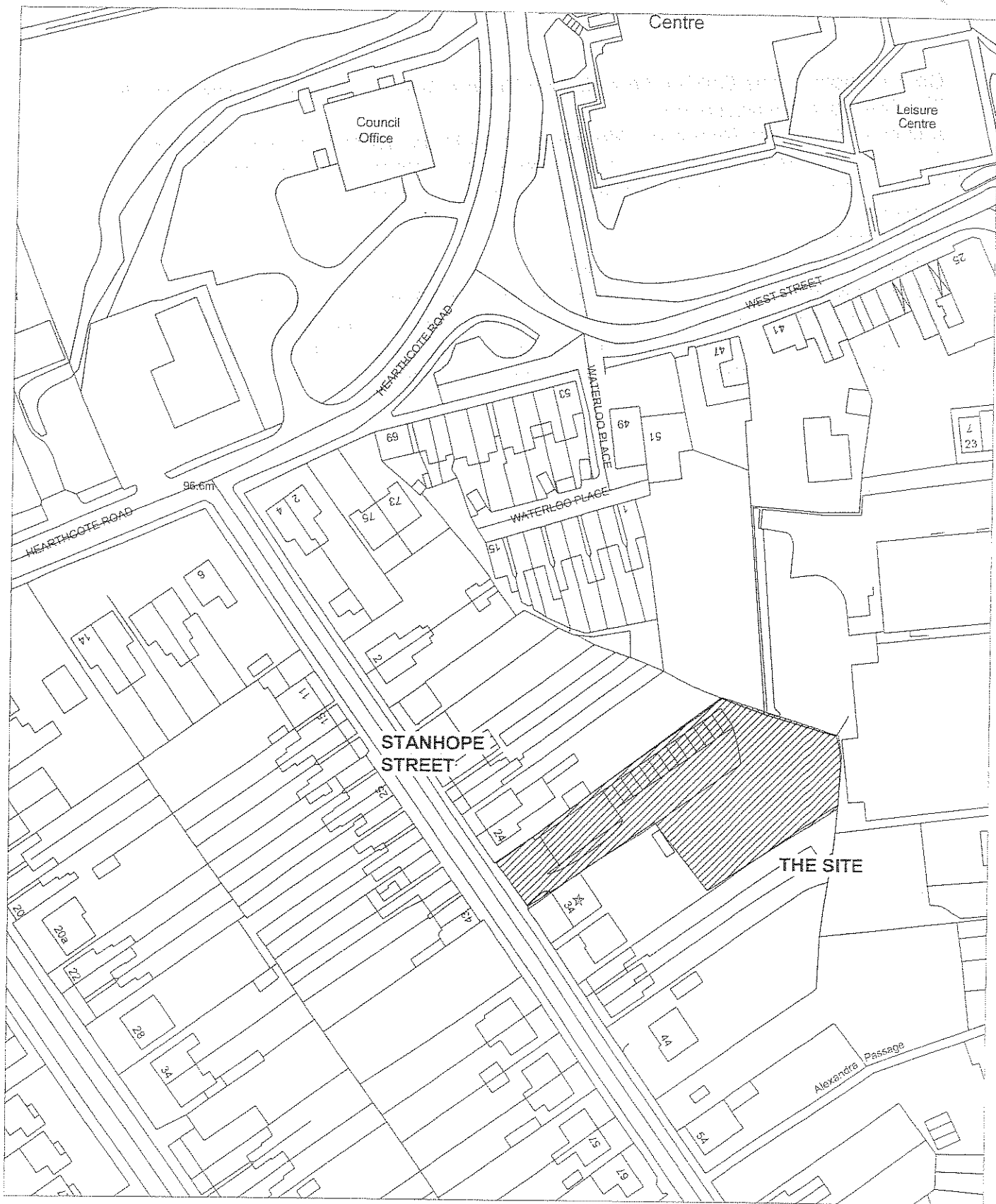
#### Informatives:

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the

Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at [www.coal.gov.uk](http://www.coal.gov.uk).

A copy of the Crime Reduction Officer's comments are attached for your information. Any security measures implemented in compliance with the approved scheme should seek to achieve the 'Secured By Design' accreditation awarded by Derbyshire Constabulary. Written confirmation of those measures should then be provided to the Local Planning Authority.

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 6 weeks prior notification should be given to the Director of Environmental Services at County Hall, Matlock (telephone 01629 580000 and ask for the District Highway Care Manager on extension 7595) before any works commence on the vehicular access within highway limits.



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

9/2006/0786/M Land to the rear of 34-36 Stanhope Road  
Swadlincote

Date Plotted 17/8/2006

NORTH ↑

Plot centred at 429683 319467 Scale 1:1250

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29/08/2006

**Item** 1.1**Reg. No.** 9/2006/0615/FT**Applicant:**  
T-Mobile (UK) Limited  
Hatfield Business Park  
Hertfordshire  
AL10 9BW**Agent:**  
Stappard Howes Associates  
Unit 4a Sovereign Court 2  
Univ. Of Warwick Science Park  
Sir William Lyons Road  
Coventry  
CV4 7EZ**Proposal:** The erection of a 18m high monopole, three antennae, two dishes and one equipment cabinet and ancillary development at Dixon Engineering Robian Way Swadlincote**Ward:** Swadlincote**Valid Date:** 23/05/2006**Reason for committee determination**

This application is brought before this Committee at the request of Cllr Lane.

**Site Description**

Dixon's Engineering is an industrial premise located on Robian Way which forms part of a long established industrial estate close to the town centre. There are a wide variety of types of building in the locality, many of which are highly visible from William Nadin Way, a main approach road into Swadlincote. The Dixon Engineering building is particularly prominent from some directions due to its height of around 12m to the ridge. The existing building is located towards the front of the plot and to both the side and rear is a poorly surfaced yard. The site is enclosed with industrial galvanised fencing and an access gate exists to the northern end of the road frontage.

**Proposal**

In accordance with advice in the Council's 'Mobile Phone Mast Advisory Guidance' the operators entered into pre application discussion with the local planning authority and subsequently submitted this application. The mast shown on originally submitted plans was 20m high. Amended plans have been received and the proposed 18m mast, together with its ancillary cabinets, is to be sited behind the existing building. The proposal is accompanied by an ICNIRP Certificate.

## **Applicant's supporting information**

The applicant's supporting information is summarised as follows:

Plot sheets for the current situation demonstrate that urban and commercial coverage of a significant area between Swadlincote town centre and Bretby Business Park cannot be achieved. Some of this area only benefits from 'in car' coverage. A 20m high mast would provide urban and commercial coverage in the immediate area of the proposed mast with suburban and residential coverage for the majority of the area between the proposed mast and Bretby Business Park.

## **Responses to Publicity**

Five letters of representation have been received complaining about the level of publicity and raising the following objections:

- Would be an eyesore on the skyline
- The industrial estates is poorly screened from the residential properties that face it
- Detriment to health especially to children who play on Robian Way and use this route to Pingle School
- There are other more suitable locations away from homes or places of work
- Interference with TV signal
- Devalue property

## **Development Plan Policies**

The relevant policies are:

RSS8: N/A

Joint Structure Plan: Strategy Policy 2

Local Plan: Community Facilities Policy 4

## **Planning Considerations**

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

- Whether there is a need for an additional base station
- If so whether the application site is the most appropriate location taking into account visual intrusion and suitable alternative sites/mast sharing

## **Planning Assessment**

### Need

In accordance with the Council's Advisory Guidance the question of whether there is a need for an additional mast was assessed. From the submitted information the LPA accepts that there is a gap for 'in building urban and commercial' coverage over parts of the built up area between Swadlincote town centre and Bretby Business Park. The submitted information also shows that this area does nevertheless have 'in car' reception but regard has been given to the fact that the terms of the licence granted to the operator demands that strict coverage qualities are met and in this context the

question of need for additional coverage is therefore not contested. Also in accordance with the Advisory Guidance whether this gap in coverage results in a need for an

additional base station has been considered and the LPA accepts from the submitted information that there are no existing masts or a combination of existing masts available for sharing. Therefore the next best option would be the siting of a mast on an existing building. In line with the operator's code of conduct which reflects guidance in the Council's document, the applicant has identified and provided evidence of approaches made in respect of ten alternative sites but for a variety of reasons none of the site owners was willing to permit a new mast on the premises. Whilst this application does not relate to a mast on a building it would be sited immediately alongside the Dixon Engineering building and although it is free standing it is well related to the existing building. As to its height, the applicants have responded to the question of whether there is a need for a 20m mast and have conceded that an 18m mast would provide adequate coverage. Amended plans have been submitted.

#### Site Acceptability

This site is well within an established industrial estate where there are a number of tall buildings, including the Dixon Engineering building. The cabinets are not contentious as they would be relatively small and it is considered that a mast would not be out of character in this locality. Furthermore, screening of a significant part of the estate will eventually be afforded along William Nadine Way when landscaping that is, as yet relatively young, comes to maturity. From the west the mast would be partially screened by existing planting, albeit that some is within the adjacent site. From the east the Dixon Engineering building screens 11m of its 18m height. The closest residential properties are some 180m from the application site and comment has been made about the impact of the mast on the skyline. The applicant has reduced the height of the mast by 2m from the original planned height of 20m and it is considered that as the land falls from Hearthcote Road and the application site is significantly lower than the residential properties, in the context of the mast being seen within the existing industrial buildings, the structure would be unlikely to be unduly dominant. However, in line with the Council's guidance, consideration has been given to the provision of additional landscaping to afford better screening but it is considered that the limited area within the application site that may be available for landscaping is insufficient to provide any effective screening. Furthermore the proposed mast would conform to advice from By Design that states at paragraph 148 that masts seen against the skyline are best left galvanised.

#### Other matters

The Council's document is clear about health matters. It cites advice from PPG8 and states that it is for the decision maker (usually the local planning authority) to determine what weight to attach to such considerations in any particular case. However, Paragraph 98 of the Appendix - Supporting Guidance to PPG 8 deals with this and states that it is the Government's firm view that the planning system is not the place for determining health safeguards. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspect and concerns about them.

### Conclusion

The applicant has demonstrated compliance with the Council's Advisory Guidance and has proved need. The site search has not revealed any more preferable location. None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

### **Recommendation**

**GRANT** permission subject to the following conditions:

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

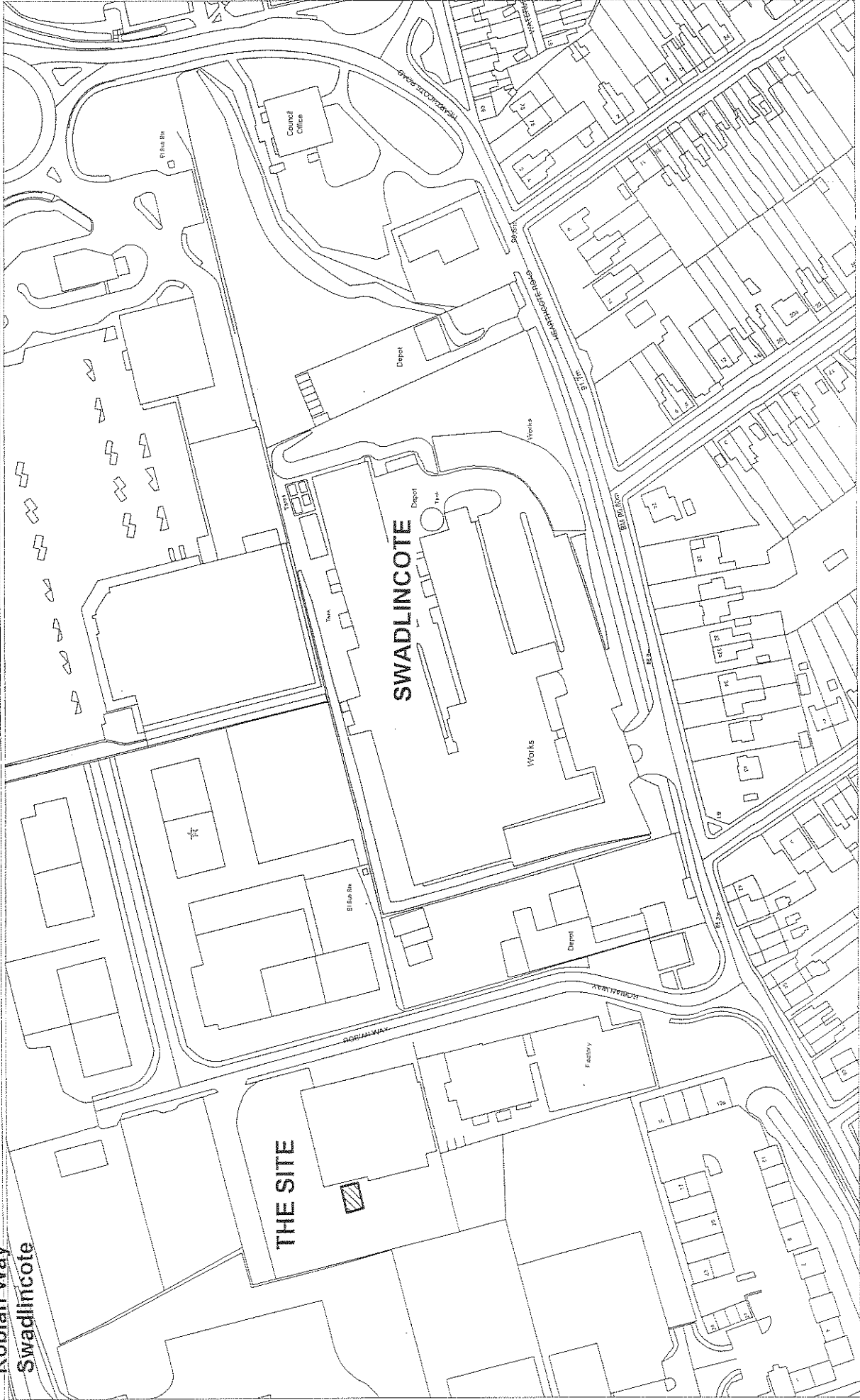
2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawings numbered 1131/229/001 A, 1131/229/002 A, 1131/229/003 A and 1131/229/004 A.

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

3. In the event that the mast is no longer required for purposes of providing a telecommunications service, it shall be removed and the site restored to match the immediately adjacent land or otherwise as agreed in writing with the Local Planning Authority.

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

9/2006/0615/F Dixon Engineering  
Robian Way  
Swadlincote



SOUTH DERBYSHIRE  
DISTRICT COUNCIL  
CIVIC OFFICES  
CIVIC WAY  
SWADLINCOTE DE11 0AH

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