

14/08/2001

Item A7**Reg. No.** 9 2001 0580 F**Applicant:**

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

Agent:

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

Proposal: The erection of 32 houses on plots 14-17, 24, 200-226 on Land
 To The South Of Eureka Road Midway Swadlincote

Ward: Swadlincote

Valid Date: 19/06/2001

Site Description

The application site is located off Eureka Road in Swadlincote and comprises three elements: part of the phase one residential development site started last year and still in the course of construction; an area of private garden to the rear of houses fronting Burton Road; and part of the former Midway Railway cutting which was filled some years ago. The former railway cutting is part of a larger Derbyshire Wildlife Site and is bounded on its northern and southern sides by mature hedgerow and some trees, beyond which lie existing residential properties.

Proposal

The plans originally submitted showed 33 dwellings within the application site served by an extension to the cul-de-sac off Eureka Road. This scheme involved the felling of a number of trees and loss of hedgerow on the northern boundary. However, an amended scheme shows the vast majority of the trees on the site retained and the retention also of more hedgerow (although one mature ash towards the centre of the former cutting would be lost). This was achieved by the loss of a plot. The five houses towards the western end of the site back onto the existing houses fronting Sandcroft Close, the closest being approximately 22 metres away.

The scheme originally granted on phase 1 showed 53 dwellings. With the partial reworking of the original site and the two extra areas involved there would be a net gain of 24 houses giving an overall total on the site of 77.

Planning History

Planning permission for the erection of 53 dwellings was granted (subject to a section 106 agreement) last year. The former railway cutting has had outline permission for many years and

was most recently renewed in 1999 with access from Burton Road involving the demolition of a detached house.

Responses to Consultations

The County Highway Authority has no objection to the scheme as amended.

Severn Trent Water has no objection.

Responses to Publicity

Six letters of objection and a further letter containing 12 signatures have been received in response to the scheme originally submitted making the following points:

- a. The scheme involves the felling of many healthy trees and hedges on the boundary with Sandcroft Close in the middle of the National Forest. There isn't enough greenery on the estate on the whole. The hedgerow on the southern boundary of the site should be protected.
- b. It would involve the loss of a wildlife sanctuary where many animals and birds have taken refuge.
- c. None of the local schools can accommodate any more children at the moment.
- d. Windows on the proposed properties would be looking directly into existing properties and gardens.
- e. It is questionable whether these houses are needed at the expense of natural growth.
- f. The former cutting was filled with fly ash and tyres and a property built recently further along the cutting virtually fell down resulting in a large insurance claim (this matter is not material to the planning application).
- g. The development would result in an increase in noise and disturbance.
- h. The development may result in a future through road being constructed from Eureka Road to Derby Road (this matter is not material to the planning application).

A further letter has been received since the submission of the amended scheme stating that not enough mature vegetation is to be retained in the amended scheme and that flooding problems have occurred in the area.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 3, Housing Policy 3 and Environmental Policy 14.

Local Plan: Housing Policy 4 and 11 and Environment Policy 11.

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

Planning Considerations

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

- Compliance or otherwise with the policies of the development plan
- The impact of the proposed development on the residential amenity of existing residential property that surrounds the site
- Loss of trees and hedgerows
- Highway safety matters

Planning Assessment

The policies of the development plan generally seek to grant permission for the residential development within the urban area. In this case, with the exception of a small triangle of currently residential garden land, the site has an extant planning permission for residential development with the largest part of the site, the former railway cutting, being considered by committee in 1996 and granted planning permission. This consent was renewed again in 1999.

The issue of the wildlife site was fully considered in 1996 and circumstances have not changed since. It should be noted the site was only designated as a wildlife site after planning permission had originally been granted for residential development. A large part of the site, the main part of it, now lies in the Swadlincote Woodlands area, and has been enhanced and protected as an integral part of the park.

In principle, therefore, the application complies with development plan policies.

With regard to residential amenity, the amended layout shows that no dwelling proposed on the site would have any windows overlooking any windows on existing dwellings at less than the distances recommended in the SPG. There would, therefore, be no loss of amenity as a result of this scheme.

On the matter of trees and hedgerows, all of the hedgerow on the southern boundary is shown retained and bolstered as necessary. The amended scheme also shows more of the hedgerow on the northern boundary and all of the trees on the site of note retained (with the exception of a mature ash which lies in a central location within the site and which would be difficult to retain). Furthermore, a detailed landscaping scheme could also result in more vegetation being retained and further planting on some of the more exposed boundaries with neighbouring properties to the north.

Despite some neighbours' fears, no route is shown for any link between the site to the north and the Swadlincote Woodlands residential areas to the south and none appears feasible. The County Highway Authority is now happy with the amended layout.

Recommendation

GRANT permission subject to the following conditions:

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

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

2. 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. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. M59/2/1rev.A., and rev.A amendments to house types 4489, 4488, 4497 and 3395 for plots 216 to 219 respectively.

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

4. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate, in the case of dwellings of four or more bedrooms three cars, in any other case two cars within the curtilage of each dwelling, or in any alternative location acceptable to the Local Planning Authority or as may otherwise be agreed in writing by the Local Planning Authority in accordance with its published standards. Thereafter three parking spaces (in the case of dwellings with four or more bedrooms) or two parking spaces (in any other case), measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of each dwelling unless as may otherwise be approved in writing by the Local Planning Authority.

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

5. Notwithstanding any details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

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

6. No work shall take place on the site until an adequate site investigation and assessment of ground stability has been undertaken and submitted to the Local Planning Authority, and the development shall incorporate any measures shown in that assessment to be necessary for the stability of the development.

Reason: To ensure the stability of the development, having regard to the comments of the British Coal Corporation (see copy letter attached).

7. 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 septic tank shall be installed in accordance with the approved details before the development is first brought into use.

Reason: In the interests of pollution control

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 planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

10. Notwithstanding the submitted details and the details submitted pursuant to condition 8 above, the existing hedge on the southern boundary of the site shall not be removed or in any way undermined by the development of the site, and shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide a screen between the site and the residential area to the south and in the interests of the visual appearance of the area.

11. No work shall take place on the site until details of a scheme for the continuation of the land drainage pipe/culvert, which currently runs across the western side of the former cutting, including a timetable for the implementation of the scheme, into the scheme completed for its discharge to the Midway Ponds to the north west has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall then be carried out in conformity with the details and agreed timetable.

Reason: In the interests of flood protection.

12. Before any other operations are commenced, a temporary access provided with visibility sightlines shall be formed onto Eureka Road for construction purposes, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring for site operatives and visitors vehicles, and loading and unloading of goods vehicles.

Reason: In the interests of highway safety.

13. Before any operations are commenced, details of facilities to prevent the deposition of mud or extraneous material on the public highway shall be submitted to and approved by the Local Planning Authority. The agreed scheme shall be implemented prior to the commencement of any excavation work and be retained as such until all works of construction have been completed.

Reason: In the interests of highway safety.

14. Before the first occupation of the dwelling to which it relates, private driveways shall be constructed and surfaced with a solid bound material.

Reason: In the interests of highway safety.

15. Dwellings shall not be occupied until the proposed estate street has been laid out in accordance with the application drawings as amended, to conform with the County Council's Roads in Housing design guide and constructed to at least base course level, drained and lit in accordance with the County Council's Specification for Housing Development Roads.

Reason: In the interests of highway safety.

16. Notwithstanding the submitted details, prior to the commencement of building operations on adjoining areas, the boundary with the area of trees/hedges proposed to be retained as part of the landscaping scheme submitted under condition 8 shall be fenced with chestnut pale fencing to a minimum height of one metre staked at 3 metre centres. The fencing shall be retained in position until all building works on adjoining areas have been completed unless otherwise agreed in writing with the local planning authority. No materials shall be stored within the fenced areas and the ground levels within the fenced areas shall not be altered in any way.

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

17. There shall be no tipping or deposition of materials within the area fenced under condition 16 above without the prior written authorisation of the local planning authority.

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

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.

That the hedgerows on the application site may contain nesting birds. It is an offence under the Wildlife and Countryside Act 1981 to intentionally kill, injure or take any wild British breeding bird or its eggs or damage its nest whilst in use or being built. The nesting season normally encompasses the months March to July inclusive. If you are in doubt as to requirements of the law in this regard you should contact English Nature, Peak District and Derbyshire Team, Manor Barn, Over Haddon, Bakewell, Derbyshire, DE4 1JE.

Title :



Reproduced from the 1996 Ordnance Survey mapping with the permission of the controller of Her Majesty's stationary office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Scale 1:1250 Date Plotted 23 8 2001

Plot centred at 430888 320121

User : jm



14/08/2001

Item A6**Reg. No.** 9 2001 0575 F**Applicant:**

Mr Mrs G Harrison
65, Park Road
Newhall
Swadlincote
Derbyshire
DE110TU

Agent:

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

Proposal: The erection of a two storey extension at the front of 65 Park Road Newhall Swadlincote

Ward: Newhall

Valid Date: 15/06/2001

Site Description

This two storey detached dwelling is located on the east side of Park Road between detached dwellings and is set back some 9m rear of the highway. The dwelling is located within a mixed residential area with the dwelling on its south western side being a bungalow.

Proposal

The applicant seeks consent It is proposed to erect a part two storey extension on the right side of the front elevation of the property. The two storey element of the extension would be 4m wide and have a height of 5.1m to the eaves and 7.1m to the ridge. It would extend 2.4m from the front of the house and would mirror in proportions the front facing gable on the left side of the elevation, which project some 3m from the house. The single storey element of the extension would be a ground floor lean-to addition that would project a further 0.9m from the two-storey extension and would be 5.7m wide by 2.4m to the eaves.

Planning History

Planning permission was refused in May this year for a larger two storey front extension. This was 4m wide with a height of 5.1m to the eaves and 7.1m to the ridge and projected 4.3m from the main front elevation. The reasons for refusal were as follows:

1. The overall size and forward projection of the extension, and its close proximity to the dining room window and bedroom window of the neighbouring bungalow, would result in an overbearing effect which would unacceptably detract from the outlook presently enjoyed by the occupants of the property and would be contrary to Housing Policy 13 of the Local plan and the Council's Supplementary Planning Guidance on House Extensions.

2. The overall scale, forward projection and unsympathetic detailing of the extension would unacceptably detract from the appearance of the dwelling and thereby diminish the overall visual quality of the street scene contrary to Housing Policy 13 of the Local Plan and the Council's Supplementary Planning Guidance on House Extensions.

Responses to Consultations

The Highway Authority and Coal Authority have no objections.

Responses to Publicity

The neighbour occupying the bungalow objects on the following grounds:

- a) Despite amendments to reduce the size of the extension from the previous refusal, it would still overshadow their dining room and bedroom windows resulting in a loss of daylight.
- b) It would have an overbearing effect on their property which would spoil their present outlook and the new route to the back door would remove their privacy from the dining room, part of the hall and part of the kitchen.
- c) It would conflict with the Council's planning guidance on house extensions which suggests that only small additions would be acceptable for front extensions.
- d) The application does not comply with the 9 metre rule as stated in the Council's Supplementary Planning Guidance as the distance between the objectors bedroom windows and the proposed extension as the distance is only 8.4 metres and the distance between the dining room window is only 2.9 metres.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 13

Planning Considerations

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

- The impact on the living conditions of the neighbouring dwelling in terms of overshadowing and overbearance.
- The impact on the appearance of the dwelling and the character of the area.

Planning Assessment

The property is located within the built up area of Newhall. Therefore in principle an extension to the property is acceptable.

The extension would project forward of the neighbours' main dining room window by 3.2m, 2.4m of which would be two storey and the remainder single storey. The extension would be some 3m from the centre of the window. The supplementary planning guidance (SPG) on extensions advises that such a window is classed as a primary light source and that, where houses are staggered in relation to each other, it is important that they do not overbear on the other with primary windows being afforded particular attention. Therefore, an extension should not cross a

45 degree line drawn from the nearest habitable room window. In this case the extension would comply with that guidance and it is therefore acceptable.

In addition a main bedroom window would face the side elevation of the extension with a separation distance of some 8m. The SPG suggests a distance of 9m. Whilst below the distance specified in the SPG the reduction in the projection of the proposed extension as compared to the previous refusal, would allow a reasonable outlook to be maintained from this window. In this case, therefore, the extension is acceptable.

SPG is also provided with respect to the appearance of extensions, which should be in keeping the house and surroundings. Front elevations are generally considered to be the most sensitive to alteration and only small additions are generally acceptable. The proposed extension mirrors in proportions the tile hung projecting bay and gable but does not project forward of it and thus from a design point of view is an acceptable solution.

Recommendation

GRANT permission subject to the following conditions:

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

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

2. Prior to the commencement of work on site in connection with this developments samples of the brick and tile for the extension shall be submitted to and approved in writing by the local planning authority and the extension shall be constructed using the approved materials.

Reason: In the interests of safeguarding the appearance of the dwelling and the streetscene.

Title : 65 Park Road
Newhall



Reproduced from the 1996 Ordnance Survey mapping with the permission of the controller of Her Majesty's stationary office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Scale 1:1250 Date Plotted 23 8 2001

Plot centred at 428006 320427

User : jm



14/08/2001

Item A9**Reg. No.** 9 2001 0621 F**Applicant:**
Mr P O'Reilly
128, Church Street
Church Gresley
Swadlincote
Derbyshire
DE119PB**Agent:**
Mr P O' Reilly
128, Church Street
Church Gresley
Swadlincote
Derbyshire
DE119PB**Proposal:** The retention of a boundary wall (including the installation of panels between the wall pillars) at 128 Church Street Church Gresley Swadlincote**Ward:** Gresley**Valid Date:** 27/06/2001**Site Description**

The site is located on the urban fringe off Mount Pleasant Road. It is bounded on three sides by other residential development.

The boundary structure (partially completed) has been erected on three sides of the applicant's curtilage. The bungalow on the adjoining plot to the west, which is set at a slightly lower level than no.128, has a number of habitable room windows facing the boundary structure at a distance of approximately 2 to 3 metres within which there is also another close-boarded fence.

Proposal

The applicant seeks consent to retain and complete a partially erected wall/fence. It is proposed that the completed structure would be in brick with timber close-boarded panels in between pillars. Due to the current undulation of the ground around the site, the structure would appear to exceed two metres high in some places and so it requires planning consent.

Planning History

Permission was originally granted for the erection of this and the adjoining bungalow in 1992.

Responses to Consultations

The County Highway Authority has no objection.

Responses to Publicity

Two neighbours have written in support of the application stating that the structure will enhance the ambience, security, privacy and value of their properties.

One neighbour objects on the following grounds:

- a. Concerns about the raising of ground levels were previously stated and at the time no action was deemed necessary.
- b. The boundary wall now in progress of erection demonstrates the disparity of elevation that has been created between the two buildings. The wall is substantially higher than the previously agreed ground level. Action should be taken to restrict the raising of ground levels to a sensible degree.
- c. The wall when completed would prejudice the neighbour's right to light, be intrusive to his views, and would impair amenity because the wall is not in keeping with the existing aspects of nearby properties.
- d. A nearby public footpath has also been subject to ground level raising, the original concrete posts, gate and hedges delineating the public rights of way removed and the original rights of way buried.

Planning Considerations

The main issue central to the determination of this application is the impact of the structure on the character of the area and residential amenity.

Planning Assessment

The wall is located within an urban setting close to residential units. It is not an overpowering structure visually and is acceptable in this location in principle.

Notwithstanding the other matters raised, this case falls to be determined in the light of the impact of the wall on the residential amenity of the occupiers of neighbouring dwellings. The nearest neighbour to the west of the site has three windows in relatively close proximity to the wall. The wall is some distance from any other neighbour.

Even when taking into account the minor difference in levels between the two properties, the wall does not stand at a height that would be significantly over the permitted development height of two metres. It should also be noted that Supplementary Planning Guidance in relation to residential amenity and residential development normally only protects windows in neighbouring dwellings from inappropriate two-storey development. In view of this the structure would not be of such a height that would result in any undue loss of amenity to the neighbour.

Whilst there may have been some raising in ground levels in the vicinity of the dwelling, this has only been minor in scale and no condition requiring the submission of details of the levels was required as part of any consent for the dwelling. This is not a matter that may be pursued at this time.

Recommendation

GRANT permission subject to the following conditions:

1. Notwithstanding the submitted details, the timber infill panels hereby permitted shall not exceed the height of the masonry walls.

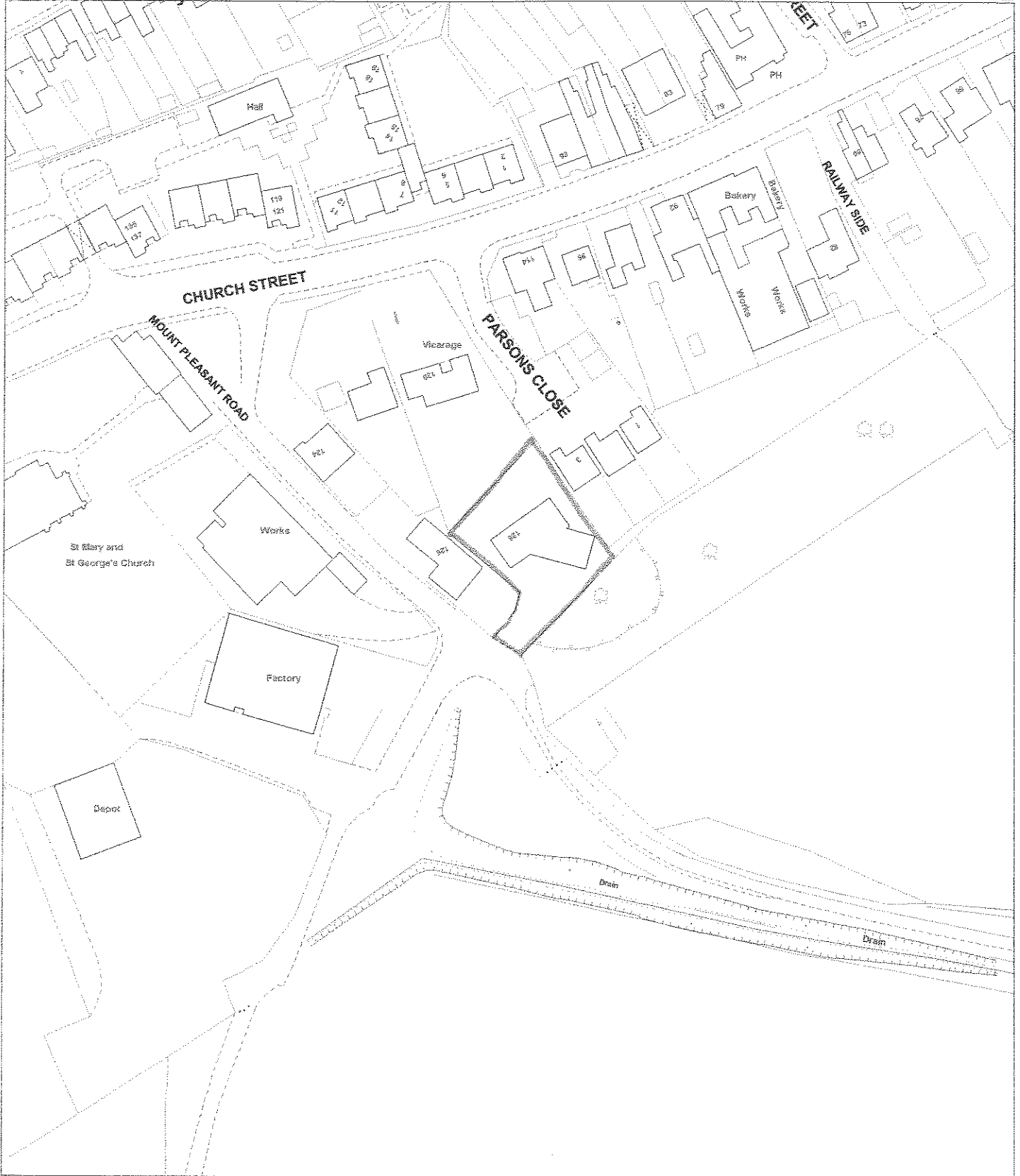
Reason: For the avoidance of doubt.

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.

Title : 128 Church Street
Church Gresley



Reproduced from the 1996 Ordnance Survey mapping with the permission of the controller of Her Majesty's stationary office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Scale 1:1250 Date Plotted 23 8 2001

Plot centred at 429441 318088

User : jm



