

# **REPORT OF THE HEAD OF COMMUNITY AND PLANNING SERVICES**

## **SECTION 1: Planning Applications**

In accordance with the provisions of Section 100D of the Local Government Act 1972, BACKGROUND PAPERS are the contents of the files whose registration numbers are quoted at the head of each report, but this does not include material which is confidential or exempt (as defined in Sections 100A and D of that Act, respectively).

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## **1. PLANNING APPLICATIONS**

**This section also includes reports on applications for: approvals of reserved matters, listed building consent, work to trees in tree preservation orders and conservation areas, conservation area consent, hedgerows work, advertisement consent, notices for permitted development under the General Permitted Development Order 1995 (as amended) responses to County Matters and submissions to the IPC.**

<b>Reference</b>	<b>Item</b>	<b>Place</b>	<b>Ward</b>	<b>Page</b>
9/2013/0946	1.1	Church Gresley	Church Gresley	1
9/2013/1040	1.2	Etwall	Etwall	27
9/2014/0515	1.3	Church Gresley	Church Gresley	53
9/2014/0618	1.4	Repton	Repton	65
9/2014/0645	1.5	Overseal	Seales	76
9/2014/0697	1.6	Milton	Repton	80
9/2014/0716	1.7	Milton	Repton	99
9/2014/0731	1.8	Weston on Trent	Aston	104

When moving that a site visit be held, Members will be expected to consider and propose one or more of the following reasons:

1. The issues of fact raised by the Head of Community and Planning Services' report or offered in explanation at the Committee meeting require further clarification by a demonstration of condition of site.
2. Further issues of principle, other than those specified in the report of the Head of Community and Planning Services, arise from a Member's personal knowledge of circumstances on the ground that lead to the need for clarification that may be achieved by a site visit.
3. Implications that may be demonstrated on site arise for consistency of decision making in other similar cases.

**Item** 1.1

**Reg. No.** 9/2013/0946/OM

**Applicant:**  
Beepart Ltd & St Modwen  
Developments Ltd  
C/O Agent

**Agent:**  
Mr Jason Tait  
Planning Prospects Ltd  
4 Mill Pool  
Nash Lane  
Belbroughton  
Worcester  
DY9 9AF

**Proposal:** OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR PRINCIPLE MEANS OF VEHICULAR ACCESS TO BE RESERVED) FOR THE RESIDENTIAL DEVELOPMENT UP TO 306 DWELLINGS, ACCESS, PARKING, PUBLIC OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE ON LAND AT SK2918 7015 CHURCH STREET CHURCH GRESLEY SWADLINCOTE

**Ward:** CHURCH GRESLEY

**Valid Date:** 18/11/2013

**Reason for committee determination**

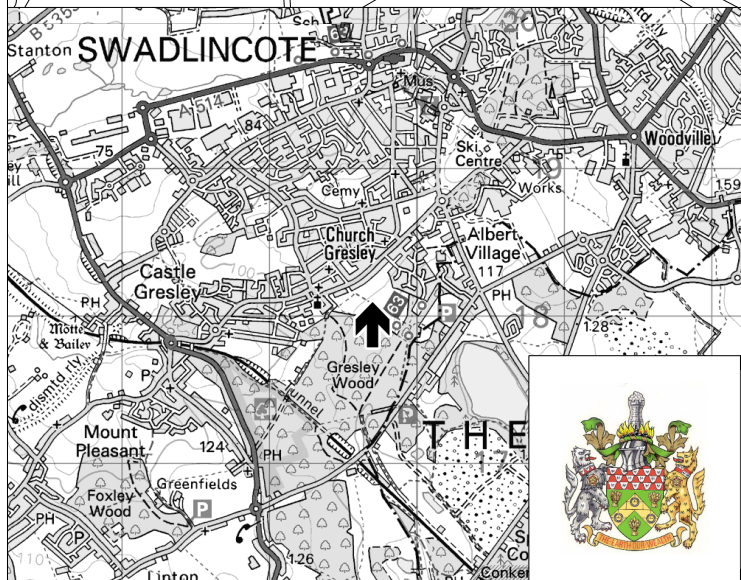
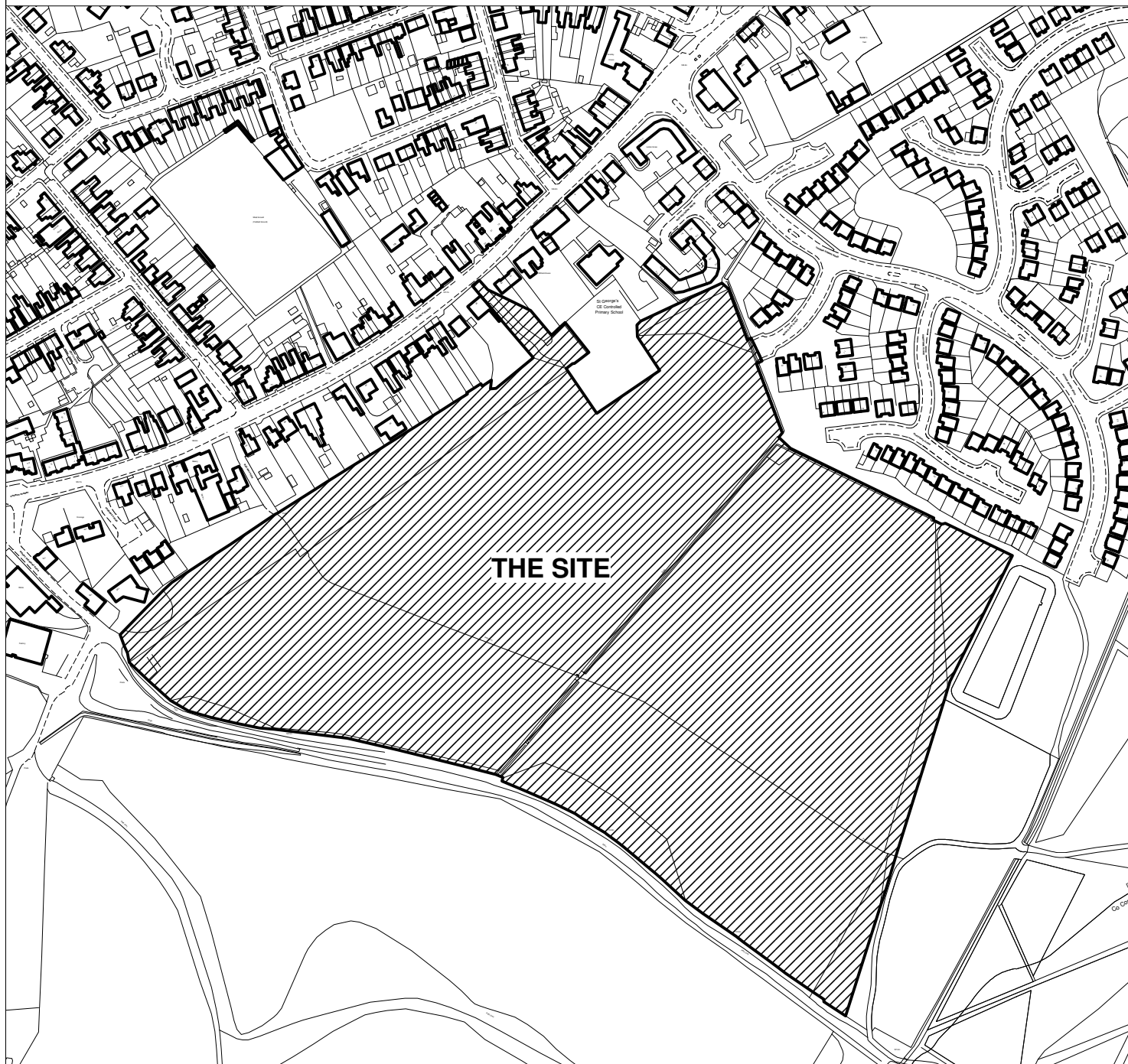
The application is for a major development which is not in accord with the Development Plan and has attracted more than two objections.

**Site Description**

This is a green field site measuring 12.01 hectares which is located to the south and east of the built-up area of Church Gresley. The site lies outside, but abutting, the boundary of the urban area, as shown on Sheet 1 of the Proposals Map for the South Derbyshire Local Plan 1998. There are existing residential properties to the northeast and northwest and Gresley Wood to the south and southwest. There is National Forest land to the east with connecting footpaths to Albert Village and beyond. St George's Primary School is located to the north of the site. A small, triangular-shaped copse is located in the northern-most corner of the site, adjacent to St George's School.

Swadlincote Public Footpath No.1 abuts and then crosses through the northern and eastern boundaries of the site and Swadlincote Footpath No.2 crosses through the entire central section in an east/west direction. Swadlincote Footpath No.3 abuts the southwest corner of the site and Swadlincote Footpath No.4 abuts the southern boundary.

**9/2013/0946 - Land at SK2918 7015, Church Street, Church Gresley,  
Swadlincote (DE11 9FD)**



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**South Derbyshire District Council. LA 100019461. 2014**

The site comprises predominantly of grassland with a number of trees along the boundaries within boundary hedgerows. There is also an existing hedgerow which bisects the site in a northeast/southwest direction.

## **Proposal**

This is an outline application for residential development of up to 306 dwellings, with all matters, other than access, reserved for future consideration. This equates to a density of 31 dwellings per hectare. An indicative layout has been included within the Design and Access Statement, although this has since been updated. The originally submitted Development Framework drawing indicates that the main vehicular access into the site would be via Rockcliffe Close, with an emergency access proposed via St. George's School. Four pedestrian accesses are proposed; two off Church Street, and two leading off the public footpaths. The emergency access via the school is to be deleted from the scheme at the request of the County Highway Authority and an amended Illustrative Masterplan drawing has been submitted to show this. The amended drawing provides an indicative layout which allows for the route of Public Footpath No.2 to remain on its definitive line and also shows a larger area to be allocated to St. George's School to allow for expansion. A section of Public Footpath No.1 will require to be diverted if the detailed layout remains as per the Indicative Masterplan. The scheme also proposes areas of public open space totalling some 1.56 hectares, the formation of swales and a pond to be located centrally within the site and a balancing pond and pumping station to be located in the south eastern corner of the site.

## **Applicants' supporting information**

The application is supported by several reports all of which are available to view on the Council's website. However, for ease of reference the individual reports and assessments are summarised as follows:

### Design and Access Statement (DAS)

This provides details of the planning policy context, opportunities and constraints, design principles and development, consultation and design and access (layout, scale, appearance and landscape). It concludes by stating that the proposal would create a high quality residential development in a sustainable and logical location.

### Planning Statement

This provides information with regard to the site and its surroundings, the development proposal, planning policy and the planning considerations. It concludes by stating that:

- The site is allocated for development in the emerging Local Plan;
- The development will contribute towards the Council's housing land supply;
- The site is sustainable and the development is of high quality;
- The development will contribute to a strong, responsive and competitive economy providing significant jobs during the construction phase. The local economy will benefit as a consequence of increased expenditure from the future residents of the development;
- The development will provide a range and mix of house types and tenures and therefore support a strong, vibrant and healthy community;

- The development will protect and enhance the best of the local natural environment;
- The application site relates well to the existing built form and is a logical urban extension. It adjoins residential properties to the north and west and is contained to the south and east by defensible landscape;
- It sensitively addresses site development issues such as site access, sustainable travel, flood risk and drainage and other matters such as ecology and landscape setting;
- Appropriate financial contributions to support local services and infrastructure will be made;
- The provision of land for the expansion of St George's School;
- A financial contribution towards the relocation of Gresley FC;
- The development will qualify for a New Homes Bonus of around £2 million over a six year period which can be used to benefit the local community.

### Landscape and Visual Impact Assessment

This confirms that the site can be seen predominantly from views in the east looking west with views from other sides being limited owing to the topography of the area and surrounding land uses. A substantial row of Willow trees add to the character of the urban and rural edge and define the boundary. These should be retained. The wide mature hedgerows within the site define the plateau. The National Forest character should be protected and enhanced with particular attention paid to the southwest boundary where a hedgerow and trees sits on the edge between recent tree planting and the site. The planting of new trees within the site will further establish the National Forest character. The boundary of the lower section of the site should be strengthened.

### Statement of Community Involvement

A public exhibition was carried out on 7<sup>th</sup> May 2013 and ran from 16:30 to 19:30 with approximately 120 people attending. 47 completed feedback forms, emails and letters were received, with most people raising issues of access, traffic, drainage and school capacity. The report concludes by confirming that the developers have fully embraced the spirit of local consultation and that the issues raised have been considered in the evolution of the scheme and where possible have influenced the proposed development.

### Arboricultural Survey

This identifies the constraints caused by existing trees, such as reduced light levels and the need to avoid damage to tree roots. The Tree Constraints Plan shows that some trees currently at heights of around 25m will need to be reduced before development proceeds. The woodland strip along the western boundary is dominated by pollarded Willows which required crown reduction to prevent collapse of the over-extended branches. The trees are of high landscape value and are considered to be old for the species.

### Flood Risk Assessment

This concludes by stating that provided the sustainable design elements are incorporated into the detailed design phase, the proposed development will comply with

the aims of the NPPF, adhere to the Environment Agency's Standing Advice and comply with Derbyshire County Council's requirements.

### Phase 1 Habitat Survey

Whilst Great Crested Newt (GCN) were recorded as being present within the central ditch that runs across the site in 1985, the submitted survey did not record any and it was therefore concluded that the species was no longer present. Therefore, no mitigation measures will be required and the development could proceed without recourse to licensing if approved. The survey recommends careful work practices during the construction phase to reduce the risk of committing an offence under the Wildlife Act.

### Drainage Strategy

**Surface Water:** This will discharge via various attenuation, treatment and SuDS techniques to an existing ditch course located just beyond the southern site boundary. It is anticipated that the open sections (ditch course, swales and balancing pond) will be adopted by the lead Local Flood Authority and the conventional piped drainage will be adopted by Severn Trent Water.

**Foul Water:** Discharge from the site will be via a new pumping station located on the eastern boundary of the site and rising main which will have one of two options as an outfall. The outfall for its rising main will be dictated by Severn Trent Water and could be either via a new rising main to connect to the existing rising main within the site, or through the site to a public manhole. Whichever option is chosen the development will be assured of a site-wide foul water drainage solution will be adoptable by Severn Trent Water.

### Geo-Environmental Report

Potential on-site and off-site sources of contamination have been identified and a summary of the potential ground abnormalities and development constraints identified through historical data and ground investigation, including:

- A large clay pit (clay, coal and shale) backfilled during 1970s/1980s
- Colliery spoil (Made Ground)
- Possibility of coal seams or abandoned workings
- Significant difference in levels across the site requiring earthworks, reprofiling or benching
- Marginal heavy metal contamination identified in one location
- Marginal exceedances of nickel, cadmium and selenium but not sufficient to significantly impact on groundwater
- Variable groundwater depths
- Elevated levels of carbon dioxide likely generated from the breakdown of carbonaceous material within the backfilled colliery spoil therefore gas protection measures will be required.

### Transport Assessment and Travel Plan

- The development will be accessed by a safe and efficient vehicular access arrangement;
- The proposed development will be easily accessible on foot with the existing pedestrian footways providing access to a wide range of services including Swadlincote town centre;
- The site is ideally located to encourage journeys by bus via existing bus services;
- Implementation of a Framework Travel Plan
- Proposed development would be able to be accommodated on the local highway network and have minimal impact.

## **Planning History**

None relevant to this application

## **Responses to Consultations**

The County Highway Authority (CHA) has no objections subject to the receipt of an amended plan to show the emergency access to the school deleted from the scheme and an increase in the amount of land to be given to the school for expansion (now received); and subject to conditions, notes and details of S106 funding.

With regard to the submitted Travel Plan DCC considers that the document needs to identify a Travel Plan coordinator to manage travel to and from the site and take responsibility for the Plan. An explicit statement is required regarding a commitment to the reduction of single occupancy vehicle (SOV) journeys to and from the proposed development. An additional section is required to consider actions and activities to support the promotion of public transport. A specific aim needs to be included regarding reduction in SOV journeys. A condition should be attached requiring the submission of a full Travel plan as the current document is only a framework.

Sport England (SE) does not consider the site constitutes a playing field and therefore has considered this as a non-statutory consultation. The development will generate demand for sporting provision and existing provision within the area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore SE considers that new developments should be required to contribute towards meeting the demand they generate through the provision of on-site facilities and/or providing additional capacity off-site. It is understood that several areas of informal open space would be included within the site and there is potential to support the relocation of Gresley Football Club as part of a Section 106 obligation. A further element is for the inclusion of a dedicated area of land to accommodate future expansion of St George's Primary School. SE's Sports Facilities Calculator provides an indication of the likely demand that will be generated by the development for certain types of facilities. In this case a population of 734 people would generate a demand for just under 8 sq.m. of water space, 0.2 sq.m. of a badminton court and 0.02 sq.m. of an artificial turf pitch at a total capital cost of just under £252,000. A further detailed consideration also needs to be given to the rationale for a possible new football stadium and the potential for such a project if judged to be a suitable replacement for the existing facility. In the absence of clear evidence-based proposals for making provision for additional outdoor and built sports facilities, Sport England objects to the application in its current form.



Severn Trent Water has no objections subject to a condition relating to the submission and approval of a drainage scheme.

The County Education Authority considers that St George's School does not currently meet the DfE guidelines in terms of site area and the offer of more land as proposed on the originally submitted plan would not bring it up to the minimum guideline area for a school of the increased size as a result of the proposed development. However, it now accepts that the additional land shown on the amended plan would satisfy their requirements along with the proposed S106 contributions.

Derbyshire County Council (Strategic Development) has made representations with regards to developer contributions, which are as follows:

- £28.61 per dwelling (£5,893.66) towards the provision of a new Household Waste Recycling Centre in South Derbyshire;
- Access to high speed broadband;
- Protection of existing Public Rights of Way and provision of a new Greenway on site, along with a financial contribution of £14,400 for future maintenance;
- The provision of land with a financial contribution of £695,339.61 to provide an additional 61 primary pupil places at St George's CE Controlled Primary School;
- £790,103.82 towards the provision of an additional 46 secondary school places at The Pingle School;
- £335,302.20 towards the provision of additional 18 post-16 places at The Pingle School; and
- New homes designed to Lifetime Homes standards

Should the developer consider that the viability of the scheme would be adversely affected by the above contributions a Viability Assessment should be provided for review.

Derbyshire County Council (Policy) has assessed the application and considers that on balance the proposals would be broadly in accordance with national policies in the NPPF for sustainable development. It would form a logical extension to the urban area of Church Gresley in an accessible location to a variety of modes of transport. The proposals are broadly in accordance with the saved policies of the adopted Local Plan, particularly Housing Policy 4 which permits new housing development on the edge of the urban area of Church Gresley, although it carries only limited weight. The proposals are also in accordance with the emerging Local Plan. Overall, the proposed development is acceptable subject to the need for affordable housing and additional landscape mitigation measures.

Derbyshire County Council (Drainage) recommends the incorporation of a Sustainable urban Drainage System (SuDS) within the design of the drainage strategy and the proposed drainage should be considered as early as possible in the planning and design process. Also it should be confirmed prior to commencement of works who the responsible organisation for future SuDS maintenance will be.

The County Archaeologist is of the view that there is no archaeological potential within the site.

Derbyshire Wildlife Trust has no objections subject to conditions in respect of the protection of existing trees and shrubs and no removal of trees, shrubs or scrub to take place between 1<sup>st</sup> March and 31<sup>st</sup> August unless a recent survey has been undertaken to assess the nesting bird activity.

The National Forest Charitable Trust (NFCT) considers that the public footpaths within and bordering the site should be incorporated into the development to enhance access for both existing and new residents. The footpath that crosses the site from Church Street (Railway Side) to the Conkers circuit is well used and will become of greater importance should the development proceed. It should be accommodated within the development on its existing route along a green corridor and housing should provide natural surveillance. The woodlands surrounding the development should be enhanced to allow for increased use by new residents.

The National Forest Company (NFC) considers that sufficient land should be made available for the expansion of the school and the retention of the woodland in the northern corner of the site. None of the existing woodland areas are shown on the submitted Development Framework plan and an amended plan should be submitted to show these areas. It is acknowledged that some hedgerow will be lost as a result of providing the access roads but this should be kept to a minimum. The trees along the western boundary of the site should be protected by Tree Preservation Orders to ensure they are retained by the future occupiers of the dwellings proposed for this part of the site. The National Forest Strategy 2004 – 2014 should be considered as a material planning consideration in accordance with the advice in paragraph 92 of the NPPF. The Strategy sets out that new development should contribute to the creation of the Forest through complying with the Planting Guidelines. 30% of the site area should be planted as woodland and landscaping, which would equate to 3.6ha in this instance. Further information should be sought to demonstrate how woodland planting and landscaping can be accommodated within the development and quantify this in relation to the amount expected through the Planting Guidelines. If this amount of planting cannot be met the shortfall should be addressed by a financial contribution through the S106 agreement. The design of the development should reflect the Forest context and include street trees, tree planting, the use of timber within the materials palette and a natural play approach to the play area. The public footpaths should be better incorporated into the development and more consideration given to ensuring existing footpaths are retained within a safe and pleasant green environment. Houses should face the public footpaths and new routes created within the development to allow residents to walk to the play area and to the attenuation basin. The existing copses should be retained and incorporated within the development.

The Environmental Protection Officer (contaminated land) requires a condition regarding contaminated land.

The Environment Agency requires conditions relating to the submitted Flood Risk Assessment and the Drainage Strategy Report and the submission of a surface water drainage scheme.

Natural England has no objection given that foul flows would discharge outside the River Mease catchment area.

The Coal Authority requests a condition relating to site investigation and remedial works.

The Crime Prevention Officer has made recommendations with regard to the detailed design of the development.

The Peak and Northern Footpaths Society objects on the grounds that no suitable diversion of Public Footpath No.1 has been included in the plans. Also Government Circular 1/09 advises that the alternative alignment of public rights of way should avoid the use of estate roads for that purpose and preference given to the use of made estate paths through landscaped or open space areas away from vehicular traffic. Footpath 2 (and possibly 1, 3 and 4) would be diverted onto estate roads pavements which is not acceptable and would be opposed by the Society. No mention has been made with regard to a financial contribution towards off-site works to ensure the public footpaths can physically cope with the additional pressure that the occupiers of 306 dwellings will place on the footpaths. It should be ascertained that the old hedge running south westerly across the site is not mentioned in an Inclosure Award as damage or lack of maintenance would be illegal.

The local County Council Member has highlighted the impact that the proposed development would have on St George's School, which is over capacity. His view is that the provision of land along with a financial contribution to provide additional capacity would be required. He has also highlighted the need to consider the traffic impact on Church Street and Thorpe Downs Road.

## **Responses to Publicity**

A total of 29 letters and emails have been received which express concern about the proposed development on the following grounds:

- a. Only one access point via Rockcliffe Close;
- b. Increased traffic at an already busy junction and in the vicinity of the school on Church Street;
- c. A second access point should be considered off Church Street;
- d. The number of proposed dwellings is too many;
- e. Incorrect information with regard to the diversion of the footpaths;
- f. School is already oversubscribed – no guarantee that the County Council will expand the school;
- g. Intensification of use proposed for the Teachers' car park access road;
- h. Increase in likelihood of accidents at the Rockcliffe/Thorpe Downs junction, particularly in bad weather;
- i. Incorrect information is the Transport Assessment – further modelling should be carried out to include school drop-off and pick-up times in the peak hours;
- j. No information on how the emergency access via the school will be managed – it will be used as a cut through endangering parents and children;
- k. Further information required on the details of signage and public footpaths – how will footpaths be sustained and managed?;
- l. Cycle routes should be increased by way of S106 contributions;
- m. Exacerbation of flooding problems already experienced at Thorpe Downs Road and Silkstone Close with Severn Trent Water refusing to adopt the pumping station and drains;
- n. The copse at the north eastern corner of the site should be retained as it assists in absorbing water;
- o. Safety on Rockcliffe Close;

- p. Insufficient parking proposed for the development;
- q. Risk of children drowning should be mitigated against;
- r. Existing infrastructure would be unable to cope;
- s. Noise and disturbance caused by the construction of the development;
- t. Devaluation in property prices;
- u. Impact on quality of life currently enjoyed by residents of Rockcliffe Close and general loss of residential amenity;
- v. Thorpe Downs Road is dangerous during snowy and icy weather;
- w. Rockcliffe Close is not suitable as the only access to the development;
- x. Loss of a greenfield site and valuable agricultural land and loss of a much-used amenity area – brownfield sites should be developed first;
- y. Impact on wildlife, such as bats and great crested newts and loss of habitats, such as hedges and trees;
- z. Increased risk of flooding;
- aa. Doubt that the houses are needed as new houses are still being built;
- bb. A new school should be built on the land instead of houses;
- cc. Full details should be submitted together with an EIA;
- dd. The application is premature as the new Local Plan hasn't been through its Public Examination phase;
- ee. Breach of the Human Rights Act;
- ff. Contrary to SDDC's Swadlincote Walking Strategy;
- gg. The Landscape and Visual Impact Appraisal has not considered views of the site from the footpaths;
- hh. Proposal is contrary to Saved policies H4 and Env1;
- ii. Prominent intrusion into the landscape;
- jj. Several inaccuracies in the Transport Assessment;
- kk. Consideration should be given to the provision of a pedestrian crossing;
- ll. Downgrading of local fire station will put community at risk.

A further 19 letters/emails have been received in response to the amended Illustrative Masterplan STMOD-DYS-CG-003 Rev:D, which, for the most part, raise issues and objections similar to the above. However, in addition to these, the following points are made:

- a. The removal of many of the existing hedgerows and trees will impact on nesting birds and winter food – loss of habitat is not acceptable;
- b. Land would be best used to grow crops or graze animals to help with the growth in population;
- c. Little additional investment in leisure facilities, police, healthcare etc;
- d. Church Gresley is a village which should not be destroyed by urban sprawl;
- e. None of the residents' concerns have been addressed within the revised plans;
- f. Location of the balancing pond seems pointless and would be better positioned between Thorpe Downs Road and the new estate;
- g. Removal of trees will increase soil erosion and flooding at the bottom of the estate;
- h. Proposal is contrary to Policy H4 of the adopted Local Plan;
- i. Adequate education provision should be in place before, or at least the same time as, the development is completed;
- j. Parked vehicles on Church Street impede the free flow of traffic resulting in heavy goods vehicles mounting the pavements or causing congestion;
- k. Risk to children entering school at the Church Street access;
- l. The copse at the northern corner of the site should remain;

- m. The site should be split into two with two accesses;
- n. Impact on privacy;
- o. Increased tarmac and concrete will exacerbate flooding;
- p. No detail submitted for the northern part of the site;
- q. The amended plan does not address earlier concerns with regard to conflict with existing local and national planning policies;
- r. The Transport Assessment ignores the amenity aspects such as noise and environmental pollution;
- s. Not possible to properly consider the merits of the proposal without addressing the full implications of a comprehensive access solution and therefore an holistic approach is necessary;

## **Development Plan Policies**

The relevant policies are:

Adopted Local Plan: Housing Policies 4, 8, 9, 11; Environment Policies 1, 9, 10; Transport Policies 6, 7; Recreation & Tourism Policies 4, 8; Community Facilities Policy 1

Emerging Local Plan (pre-submission March 2014) S2, S4, S6, H3, SD1, SD2, SD3, SD4, BNE1, BNE4, INF1, INF2, INF6, INF7, INF8, INF9

## **National Guidance**

National Planning Policy Framework (NPPF), paragraphs 7, 8, 9, 10, 11, 14, 17, 32, 34, 36, 38, 47, 49, 50, 75, 92, 103, 109, 118, 121, 186, 187

National Planning Practice Guidance (NPPG)

## **Planning Considerations**

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

- The principle and general sustainability
- Affordable Housing
- Impact on the character of the area
- Urban design and Open Space
- Ecology
- Highway matters
- Section 106 obligations

### The principle and general sustainability

The Council has submitted its Local Plan Part 1 to the Secretary of State. The housing strategy within the Plan is evidence-based and identifies the application site as an allocation that would make a strategic contribution towards meeting housing need for the District. However, the emerging Local Plan Part 1 has yet to be publicly examined and therefore only limited weight can be given though the more advanced the Plan the greater the weight that can be accorded according to the NPPF. Policy H3 of the Emerging Local Plan relates to this site, and considers it to be the principal of three sites (Church Street, Moat Street, and Bridge Street) that, collectively, would provide

much needed housing for the District together with a new football ground for Gresley Rovers FC. The commentary to the policy confirms that the site is accessible to a wide range of shops, services and community facilities including St. George's Primary School and that additional land for an extension to the school will be secured through the development of the principal site. The policy text provides for:

- A Residential development for around 350 dwellings.
- B The Council would require below listed site specifics and accord and with other Local Plan Policies:
- i) Developer contributions for additional land to enable an extension to St George's Primary School;
  - ii) Consideration to the provision of a new football ground on the Bridge Street site of an acceptable standard in terms of quality with contributions achieved where viable;
  - iii) Consideration given to any undue adverse impact on nearby occupiers which may require mitigation of the visual impact to be put in place;
  - iv) Access points to serve the site shall be developed appropriately with the principal site being access off Rockcliffe Close;
  - v) The presence of coal mining legacy and resulting potential for unstable land will require the submission of a Coal Mining Risk Assessment in support of planning applications;
  - vi) Provide high quality cycle and pedestrian links both within the development and connecting to existing and proposed networks including NCN63 Burton to Leicester route.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *'if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'*.

Paragraph 14 of the NPPF states *'at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking'*. The NPPF makes it clear that for decision-taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:

- *'Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or*
- *Specific policies in this NPPF indicate development should be restricted'*.

Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework.

In terms of housing supply, paragraph 47 of the NPPF requires local planning authorities to use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the NPPF, including identifying

key sites which are crucial to the delivery of the housing strategy over the plan period. In addition, there is a burden on the Local Planning Authority to identify and update annually a supply of specific deliverable site sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of at least 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. The Council cannot currently demonstrate a five year supply of housing land.

In terms of paragraph 14 of the NPPF the presumption in favour of sustainable development must apply unless there are adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. It has been made clear through appeal decisions made since the inception of the NPPF that any negative considerations would need to be substantial in order to justify refusal of an application that makes a meaningful contribution to strategic housing need. The mere presence of less than optimal planning circumstances for any given development is not likely to outweigh the presumption.

The objectively assessed housing needs of the Derby Housing Market Area have been agreed across the three local authorities, with South Derbyshire needing to provide 13,454 dwellings up to the end of the plan period in 2028.

The application site is considered to be in a sustainable location with appropriate services in terms of the presumption in favour of sustainable development and is contained within the most sustainable settlement within the district. It has access to a range of facilities, services and transport options, and in acknowledgement of the contribution that it would make towards meeting an identified strategic housing need, the proposal represents sustainable development in principle. In the context of the 1998 Local Plan that is out of date, in so far as, policies for the supply of new housing are concerned, the presumption in favour of sustainable development would apply unless any adverse impacts would significantly and demonstrably outweigh the benefits.

In terms of policies in the current adopted 1998 Local Plan, the site lies on the fringes of the built-up area of Church Gresley and therefore could technically be construed as countryside thus contrary to Environment Policy 1 unless required in this location. However, as an urban fringe site Policy H4 of the adopted Local Plan supports residential developments within this location provided that the site is substantially surrounded by development and:

- (i) Does not result in a prominent intrusion into the rural landscape outside of the built up area;
- (ii) Does not involved the loss of the best and most versatile agricultural land;
- (iii) Does not constitute ribbon development other than the infilling of a small gap in a substantially built up frontage;
- (iv) Does not place excessive demands on public utility services;
- (v) Does not involve the development of open spaces, gaps and landscaping features that make a valuable contribution to the character or the environmental quality of the area;
- (vi) Is of suitable scale and character; and

- (vii) Does not prejudice the continued viability of adjacent industrial premises or community facilities.

The site is bordered on two sides by existing development and on the remaining two sides by hedgerows and trees. Whilst it cannot be argued that the proposal would not result in some intrusion, the contours of the site are such that the development would slope away from Church Street down towards the eastern boundary. The site does not comprise good agricultural land, being a former opencast coal extraction site which has since been backfilled. The development would not constitute ribbon development and would not involve the development of any landscape features that make a valuable contribution to the area. The proposed density is considered to accord with the existing residential density of Church Gresley and would therefore be of suitable scale and character. It would not prejudice the continued viability of industrial premises or community facilities.

### Affordable Housing

The SHMA suggests, over the period of 2012 – 2017, there is a housing need for 1,723 affordable homes, (345 affordable homes per year), across South Derbyshire. Church Gresley is one of the areas that make up the urban area of the Swadlincote sub-market area of the District, which also includes Castle Gresley, Midway, Newhall and Woodville.

The housing mix needs to reflect the both the demand for houses registered on District housing waiting list currently and the projected sub-market area future demand. The SHMA recommends an affordable housing mix as follows for South Derbyshire of 10-15% one bedroom; 35-40% two bedroom; 35-40% three bedroom and 10-15% four bedroom properties.

The Council's Housing Strategy Manager has advised that the development should provide 30% affordable housing and the SHMA suggests that a split of 68% rent and 32% intermediate housing would be appropriate for the site. Based on current evidence, in order to deliver the affordable housing need a proportion of affordable housing is sought, underpinned by Local Plan Saved Housing Policy 9 and Chapter 6 (para 50) of the NPPF. In this case, because of viability considerations (see education and Section 106 Contributions assessment below), the provision of 30% affordable housing would have adverse implications for other contributions that are fundamental to the development's overall sustainability.

### Impact on the character of the area

Given the location of the site outside the development boundary and the proximity of public rights of way, there would inevitably be an impact on the character of the area. However, the site does not present the most attractive of settings being previously used for opencast mining, although over time it has taken on a more rural character. There is a clear opportunity to provide a built form that creates a high quality environment incorporating local distinctiveness in accord with paragraph 60 of the NPPF and Local Plan Saved Housing Policy 11. Whilst the detail would be considered at reserved matters stage for each phase of the development, the submitted Masterplan and Design and Access Statement provide a sound basis for this to come forward, with the development appearing as a logical extension to Church Gresley.



## Urban design and Open Space

The application is in outline only therefore it is not possible to carry out a full Building for Life assessment at this stage. Nevertheless the site presents some key aspects that would form the basis of a good scheme in urban design terms. It is well served by the public transport and the proposed development would include open space facilities on site that would provide facilities for the wider area and therefore help to make it a sustainable development. The Illustrative Masterplan indicates a main spine road running around the development with more minor roads leading off, with a centrally-located pond, swales and landscaped area that would break up the massing of the built form. Notwithstanding the concerns of the reported footpath society, the unchanged route of Public Footpath No.2 would continue to link Church Street to the National Forest planting areas outside.

Issues relating to design and layout of the houses, how they relate to spaces, crime reduction measures and the provision of parking would be addressed through reserved matters submissions, although the principle objectives for these can be secured by conditions at this stage.

In view of the urban design and open space matters considered above the proposal would accord with Chapter 8 of the NPPF and Saved Recreation and Tourism Policies 4 and 8 of the Local Plan.

## Ecology

With regard to protected species, it is apparent that whilst Great Crested Newt (GCN) were present in 1985, the submitted survey did not record any and it is concluded therefore that the species is no longer present within the site. Consequently, no mitigation measures will be required and nothing further is required by way of licensing. Although GCN are no longer present a method statement is to be produced to ensure the protection of common amphibians (and potentially grass snakes and slow worms) during site clearance and construction. The method statement would include ecological supervision of vegetation removal and topsoil stripping, and dismantling by hand any potential refugia (areas in which organisms can survive through a period of unfavourable conditions). Any amphibians, reptiles or small mammals disturbed or uncovered would either be caught by hand and relocated to a safe area or left to vacate the construction site as and when. Careful work practices are recommended during the construction phase to reduce the risk of committing an offence under the Wildlife Act and an informative should be attached to this effect.

Derbyshire Wildlife Trust (acting for the Council) has no objections but requires conditions in respect of the protection of existing trees and shrubs and no removal of trees, shrubs or scrub to take place between 1<sup>st</sup> March and 31<sup>st</sup> August unless a recent survey has been undertaken to assess the nesting bird activity.

The views of Natural England are confusing as the site is not within the River Mease SAC catchment area and therefore there is no requirement for a financial contribution towards water quality management. An update to their position will be reported at the meeting.

## Highway matters

Chapter 4 of the NPPF relates to the promotion of sustainable transport and paragraph 38 highlights *‘For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties’.*

The originally submitted Development Framework Plan showed an emergency access into the site via St George’s School. This has now been deleted following concerns expressed by the CHA and the amended Illustrative Masterplan now annotates this as being a pedestrian/cycle access point only. There are no objections to a single vehicular access into the site via Rockcliffe Close, as it has been constructed to a standard to take the additional capacity. The proposal is thus considered to be in conformity with Local Plan Saved Transport Policy 6. Whilst the development would have an impact on the highway network and the potential to affect the wider transport infrastructure, the NPPF makes it clear in paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. In this case there is no evidence that the cumulative impact would be so.

The CHA has requested a condition should be attached requiring the submission of a full Travel Plan as the current document is only a framework. This could be requested as part of the Reserved Matters applications for each phase of the development.

#### Section 106 obligations

Since submission of the application, detailed and extensive negotiations have been on-going with the applicants. Negotiations have largely been around surplus profit from the site and prioritising the various competing demands for funding infrastructure mitigation. As in so many cases the issue here is with viability. An added complication here is that the site is largely made up of fill material (of indeterminable quality and bearing capacity) which is understood may extend to a depth of c.30 metres. This clearly has implications for the cost of bringing the site forward for residential development. Indeed, through the submission of a viability assessment, it has been demonstrated to the District Valuer (DV) that because of the ground conditions, there is insufficient profit in the development of the site to meet all of the expected obligations.

In such cases financial contributions need to be prioritised which result in some infrastructure being provided at the expense of others. In this case it is clear from discussions with the LEA and local members that the critical priority of the infrastructure is education. To date negotiations have confirmed that extra land as requested by the LEA would be provided along with the financial contribution as set out below which would enable St George’s School to undergo an essential improvement programme which simultaneously would enable accommodation of the children generated by the new housing developments in the locality. The list below shows this contribution and the others that the viability assessment shows are affordable. Other contributions requested either fail the CIL Regulations tests or are unaffordable.

- Education: St George’s Primary School: £695,339  
Secondary (Pingle School): £790,104  
Post 16 (Pingle School): £335,302
- Recreation/POS: £497,355

- Adoption of SUDs: £80,000
- Waste & recycling: £5,893

The largest contribution (in equivalent cash terms) however would be for affordable housing provision. During the examination of various viability reports by the DV, it was concluded that the scheme should be able to support the above S106 contributions and still enable the provision of upwards of 17.32% of affordable housing depending on the model used. However, the applicants have stated that according to their calculations the scheme can only stand 5%. This diversity of value is fairly typical given that the nature of viability assessment which is far from standardised or rule-bound. Clearly a 5% offer would not be acceptable given the DVs findings. But it remains for the local planning authority to come to a view regarding the offer made and whether it could achieve a better outcome at appeal. After much difficult negotiation, a revised offer of 15% affordable housing along with the rest of the S106 package (as above) has been secured. In the interests of securing the improvements to the local schools and to ensure that a timely start on site is made to assist with meeting the district's housing delivery programme, it is recommended that the offer represents a good compromise and should not be passed up. An alternative more positive result at appeal cannot be guaranteed and the overall package could therefore be jeopardised.

In the background to this is the issue around Policy H3 in the emerging Local Plan and an acknowledgement that the application site is one of three sites cited in the policy in the context of the provision of a strategic site for residential development. As such, the text states: *'...The development of the wider location offers the opportunity to provide for an extension to St. George's Primary School and a replacement football club for Gresley FC on the smaller site (Bridge Street), as they have outgrown their current premises.'* The history of the new football facility is an important consideration here. The impetus to move the club was started in the early 1990s and came from the then Gresley Rover's winning of the league to qualify for promotion to the Football Conference. At the time the existing stadium at the Moat Ground was inadequate to take advantage of the promotion and so the club did not progress. Negotiations with the then landowners sought to progress the development of the land at Thorpe Downs and include the reclamation of the land on Bridge Street adjoining, specifically for a new a new community stadium for the football club. The Thorpe Downs development was completed but the Bridge Street ground stalled though reclamation works were completed and the land remodelled for the footprint of the new stadium.

Since that time no funds have been available to complete the project hence the identification of the opportunity and the citation in the Local Plan. At this stage there is no separate provision available for any contribution towards the new community stadium from the proceeds of the development of this site. However, £319,428 of the Recreation/POS sum is for provision of off-site formal and built recreation facilities. It would be thus consistent with the SPG for this sum to be held in reserve for a contribution towards the new stadium. Any further contribution to the stadium would need to come from the affordable housing allocation. Although the stadium project is not yet in a position to move forward, it is hoped that a fund for its continued construction could be set up from the £319,428 and, subject to member approval, a further £680,572 could be made available from the affordable housing allocation (equivalent to about 5 units). These sums could be held for an agreed period of time (say two years) and in the event that the project had not progressed over that time period, the funds would revert to their roles as originally designated. The sums could only be drawn down for the stadium once the Council was completely satisfied that the

project could proceed without undue risk and that it would result in a genuine community facility.

## Conclusion

The application relates to one of the Council's sites put forward for residential development through the Local Plan Part 1 process, which, together with the Moat Street football ground proposes up to 350 dwellings. The development is likely to be able to contribute to the early delivery of homes, helping the Council to meet its requirement for a five year supply of deliverable housing. By reference to the NPPF's three sustainability dimensions (economic, social and environmental) the provision of new housing would support economic growth, ensuring an attractive place to live for South Derbyshire's economically active population as well as helping to support the vitality and viability of the area. Construction jobs would be created and retail trade in the area is likely to benefit from the influx of new residents. The local schools would benefit by the provision of land for a much needed expansion (primary) as part of a significant contribution to the wider education provision.

The proposed scheme would also have a positive impact on local communities by providing new homes (market and affordable). In terms of healthy communities the Illustrative Masterplan includes a good level of green infrastructure, open space and recreation areas. Pedestrian links would be retained and incorporated into the layout which would assist in supporting active lifestyles and encourage alternatives to the car for accessing local facilities and employment.

The reports accompanying the application explain how a range of environmental factors have been taken into account to ensure sustainable development (including landscape, ecology, arboricultural, flood risk and drainage). Mitigation has been included within the scheme to ensure the conservation and enhancement of key features and wildlife. The scheme also helps to mitigate future climate change through reducing CO2 emissions by the provision of new homes in a highly accessible location and by reducing the need to travel by car. In terms of resilience to climate change impacts, the scheme has been designed to take this into account, namely through the provision of a sustainable drainage strategy and green infrastructure.

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 applicant entering into a Section 106 Agreement with the Council to secure the contributions referred to in the planning assessment of the report and subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.

2. Application for approval of all reserved matters for the first phase of the development hereby permitted shall be made to the Local Planning Authority before the expiration of five years from the date of this permission and application for approval of reserved matters for subsequent phases shall be made to the Local Planning Authority within seven years from the date of this permission.

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

3. Approval of the details of the layout, scale, appearance and the landscaping (hereinafter called 'the reserved matters') for each phase of the development shall be obtained from the Local Planning Authority in writing before any development is commenced in that phase. Plans and particulars of the reserved matters for each phase of the development shall be submitted in writing to the Local Planning Authority and the development of each phase shall be carried out as approved.

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

4. The reserved matters submitted in accordance with condition 3 and details submitted in accordance with any other condition of this planning permission shall accord with the principles outlined on the amended illustrative Masterplan for the development, received by the Local Planning Authority on 24th July 2014, which shows the area allocated to St. George's Primary School increased and the omission of the vehicular access off Church Street.

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

5. Notwithstanding the submitted details, no development shall commence until a scheme for the phasing of the development has been submitted to and agreed in writing by the Local Planning Authority. The scheme for phasing shall show the boundaries of the proposed phases of the development and shall include reference to the provision of the children's play spaces and other open spaces, pedestrian and cycle routes shown on the approved Illustrative Masterplan for the development. The development shall be carried out in accordance with the approved scheme.

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

6. No development of any phase shall take place until full details of both hard and soft landscaping works for each respective phase of development have been submitted to and approved by the Local Planning Authority and these works shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority. These details shall include all trees and hedgerows to be retained showing their species, spread and maturity; proposed finished levels or contours; means of enclosure, car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and exiting functional services above and below ground (e.g. drainage power communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic features and proposals for restoration.

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

7. The soft landscaping works referred to in condition 6 above shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities here appropriate; and implementation programme.

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

8. All hard and soft landscape works shall be carried out in accordance with the approved details and finished not later than the first planting season following completion of the relevant phase of the development unless an alternative timescale has been agreed in connection with condition 7 above.

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

9. No development of any phase shall take place until a detailed scheme for the boundary treatment of each element of that particular phase, including position, design and materials, and to include all boundaries or divisions within the site, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed as approved before the respective dwellings as part of that particular phase are first occupied unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the area, to prevent crime and disorder and to protect the amenities of residents.

10. The development of any phase of the development which contains a footpath link shall not commence until full details of measures that are to be employed to prevent motorcycles accessing the extended footpath network, including a timescale for their provision, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent crime and disorder.

11. Before the development is commenced details of measures to be provided for enhancing features for wildlife, including provision of bat roosts opportunities and bird boxes to be located within the site or within the structure of any of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and the measures shall thereafter be retained in those positions throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that measures to encourage wildlife habitat creation within the site are provided.

12. A) The development shall not be commenced until a scheme to identify and control any contamination of land, or pollution of controlled waters has been submitted to, and approved in writing by, the local planning authority (LPA); and until the measures approved in that scheme have been implemented. The scheme shall include all of the measures (phases I to III) detailed in Box 1 of Section 3.1 the South Derbyshire District Council document 'Guidance on submitting planning applications for land that may be contaminated', unless the LPA dispenses with any such requirement specifically and in writing.

B) Prior to occupation of the development (or parts thereof) an independent verification report must be submitted, which meets the requirements given in Box 2 of Section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.

C) In the event that it is proposed to import soil onto site in connection with the development, this should be done to comply with the specifications given in Box 3 of Section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.

D) If required by the conceptual site model, no development shall take place until monitoring at the site for the presence of ground gas and a subsequent risk assessment has been completed in accordance with a scheme to be agreed with the LPA, which meets the requirements given in Box 4, Section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site, which might be brought to light by development of the site.

13. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 2A, and appropriate remediation proposals, and shall be submitted to the LPA without delay. The approved remediation scheme shall be implemented to the satisfaction of the LPA.

Reason: In the interests of protecting human health.

14. Prior to the commencement of development of any phase an assessment of noise and dust levels resulting from activities during the construction period for that phase at the nearest noise sensitive premises that address the impact that the activities will have in terms of noise and dust on nearby residential properties and to include mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall then only be implemented in accordance with the approved details.

Reason: In the interests of residential amenity.

15. The development shall be implemented in full accordance with the recommendations within the Extended Phase 1 Habitat Survey produced by Cotswold Wildlife Surveys dated 10th April 2012.

Reason: In order to protect wildlife species and their habitats.

16. No development or other operations shall commence on site until a scheme which provides for the protection of all trees on the site and identified for retention within the Arboricultural Survey undertaken by Tree King Consulting dated May 2013, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the future health of the trees and shrubs to be retained and the character of the area.

17. No trees that have been identified as being removed within the Arboricultural Survey undertaken by Tree King Consulting dated May 2013 shall be removed between 1st March and 31st August inclusive unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on the site during this period and details of measures to protect the nesting bird interest on the site has first been submitted to and approved in writing by the Local Planning Authority. The works for the removal of the trees and shrubs shall be carried out in accordance with the approved details.

Reason: In order to protect nesting birds in accordance with the Wildlife and Countryside Act 1981.

18. The development hereby permitted shall be carried out in full accordance with the Flood Risk Assessment (FRA) dated July 2012 Revision 3.0 (dated July 2013), and Drainage Strategy Report (DSR) Revision 5, dated October 2013, both reference 5115108 undertaken by Atkins and the following mitigation measures detailed within the FRA and/or DSA:

1. Limiting the surface water run-off generated by all rainfall events up to the 100 year (plus an allowance for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site - FRA sections 5.2.3 and 5.2.3.2 and within the Drainage Strategy Report.
2. Protection and enhancement to the three existing boundary/on site water/ditch courses, by the provision of a minimum 4m standoff/habitat corridor, and 8m to any structures or raised ground levels - FRA sections 5.2.1 and 5.3.
3. Finished floor levels are set no lower than 600mm above 100 year plus an allowance for climate change flood level, to Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

19. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus and allowance for climate change critical rain storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

Surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken.



Limiting the discharge rate and storing the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm.

Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.

Details of how the on site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.

Details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, both on and off site.

20. No development shall take place until details of the finished floor levels for each phase of the development have been submitted to and approved in writing by the Local Planning Authority and the development within each phase shall be carried out in accordance with the approved details.

Reason: In the interests of the completed development, the character and appearance of the area and the amenities of nearby residents.

Reason: In the interests of the completed development, the character and appearance of the area and the amenities of nearby residents.

21. Notwithstanding the submitted information prior to first occupation of any phase of the development a full Travel Plan shall be submitted to the Local Planning Authority in consultation with the County Highway Authority which shall include the following details:

A Travel Plan Co-ordinator to be identified to manage travel to and from the site and take responsibility for the Travel Plan. Full contact details of the post holder shall be supplied to the Local Planning Authority and Derbyshire County Council at least one month prior to first occupation.

An explicit statement regarding a commitment to the reduction in single occupancy vehicle journeys (SOV) to and from the proposed development. This should be expressed in SMART quantified terms; the recommended figure is a 10% reduction in SOV journeys over the five year lifetime of the plan. A specific aim should be included regarding the reduction in SOV journeys to and from the development.

A monitoring regime timetable to include:

- (i) Full residential travel survey to be undertaken at agreed trigger point
- (ii) Submission of the full Travel Plan informed by the results of the residential travel survey to the Local Planning Authority in consultation with the County Highway Authority for approval.
- (iii) Repeat surveys to be undertaken on the anniversary of the first survey for a period of five years. The results of the surveys to be incorporated into

an annual monitoring report submitted to the Local Planning Authority within one month

- (iv) Contingency measures in the event of results falling short of the agreed targets.

Reason: To ensure that a detailed and effective Travel Plan is submitted.

- 22. The development hereby permitted shall not commence until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details before any part of the development is first brought into use.

Reason: To ensure that the development as a whole is provided with a satisfactory means of drainage as well as to minimise the risk of pollution.

- 23. No development shall be commenced until a temporary access for construction purposes has been provided in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.

Reason: In the interests of highway safety.

- 24. Before any other operations are commenced, excluding construction of the temporary access referred to in Condition 1 above, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason: In the interests of highway safety.

- 25. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

Reason: In the interests of highway safety.

- 26. Notwithstanding the submitted information any subsequent reserved matters for any phase shall include design of the internal layout of the site in accordance with the guidance contained in the "Manual for Streets" document issued by the Departments for Transport and Communities and Local Government.

Reason: In the interests of highway safety.

- 27. Prior to the first occupation of any dwelling on the site the extension to Rockcliffe Close shall be implemented in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Notwithstanding the design shown on drawing no. 0172-10 the replacement of footway with verge shall not be regarded as approved.

Reason: In the interests of highway safety.

28. Prior to the occupation of any dwelling, the proposed new estate streets between that dwelling and the existing public highway shall be laid out in accordance with the scheme approved in accordance with Condition 26 above, or as subsequently revised and approved in writing by the Local Planning Authority, constructed to base level, drained and lit in accordance with the County Council's specification for new housing development roads.

Reason: In the interests of highway safety.

29. No dwelling shall be occupied until space has been provided within the site for the parking and manoeuvring of residents' and visitors' vehicles associated with that dwelling, laid out in accordance with the scheme approved in accordance with Condition 26 above, or as subsequently revised and approved in writing by the Local Planning Authority. The facilities shall be retained throughout the life of the development free from any impediment to their designated use.

Reason: In the interests of highway safety.

30. The scheme to be submitted to and approved in writing by the Local Planning Authority pursuant to Condition 26 above shall provide for bin stores within private land at the highway end of private accesses, to prevent refuse bins and collection vehicles standing on the new estate street for longer than necessary causing an obstruction or inconvenience for other road users. The facilities shall be provided prior to the first occupation of the dwellings to which they relate and shall be retained free of any impediment to their designated use thereafter.

Reason: In the interests of highway safety.

31. Private driveways/parking spaces to the proposed access road, the subject of Condition 28 above, shall not be taken into use until 2m x 2m x 45° pedestrian intervisibility splays have been provided on either side of the accesses at the back of the footway/margin, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

Reason: In the interests of highway safety.

32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the garage accommodation / parking space to be provided in connection with the development shall not be used other than for the garaging and parking of vehicles except with the prior permission of the Local Planning Authority granted on an application made in that regard.

Reason: In the interests of highway safety.

33. Unless otherwise agreed in writing with the Local Planning Authority the proposed access driveways / parking spaces to the public highway shall be no steeper than 1 in 14 for the first 5.0m from the nearside highway boundary and 1 in 10 thereafter.

Reason: In the interests of highway safety.

34. Unless otherwise agreed in writing by the Local Planning Authority in consultation with the Highway Authority, works shall not commence on site until a scheme for the disposal of highway surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained accordingly thereafter.

Reason: In the interests of highway safety.

35. A landscape management plan, including a phasing and implementation strategy, long term design objectives, management responsibilities and maintenance schedules for all landscape and woodland areas other than privately-owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters submissions. The landscape management plan shall be implemented as approved.

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

36. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established or becomes seriously damaged or diseased, or dies, or for any reason is removed, shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved in writing by the Local Planning Authority.

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

37. No site clearance works or development of a phase shall take place until there has been submitted to the Local Planning Authority for their written approval as scheme showing the type, height and position of protective fencing to be erected around each tree or hedgerow to be retained in that phase. The scheme shall comply with BS5837:2005. No site clearance works or development of any phase shall be commenced in the vicinity of the protected tree or hedgerow until such a scheme is approved in writing by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with the approved scheme. The area surrounding each tree or hedgerow within the protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

- (i) There shall be no changes in ground levels;
- (ii) No material or plant shall be stored;
- (iii) No buildings or temporary building erected or stationed;
- (iv) No materials or waste shall be burnt within 20m of any retained trees or hedgerow; and
- (v) No drain runs or other trenches shall be dug or otherwise created without the prior written consent of the Local Planning Authority.

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

38. No part of the development within each phase 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 dwellings within that phase have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the completed development and the character and appearance of the area.

39. No development shall take place within each phase until details of the materials proposed to be used on the surfaces of the roads, footpaths, car parking areas and courtyards within that phase have been submitted to and approved in writing by the Local Planning Authority. The development of each phase shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the completed development and the character and appearance of the area.

40. During the period of construction of any phase of the development which abuts any occupied dwelling, no construction work shall take place outside the following times: 0730 - 1900 hours Monday to Friday and 0730 - 1330 hours on Saturdays and at any time on Sundays, Bank and Public Holidays.

Reason: To protect the amenities of nearby residents.

41. The development hereby approved shall be carried out in accordance with the recommendations and conclusions of the submitted Coal Mining Risk Assessment. In the event that the site investigations confirm the need for remedial works in order to treat the previous mine workings to ensure the safety and stability of the proposed development, the remedial works shall be undertaken prior to the commencement of any phase of the development hereby approved.

Reason: To protect the health of the public and the environment from hazards arising from previous mine workings of the site, which may be brought to light by development of the site.

42. Prior to the commencement of any phase of the development hereby permitted, a Flood Prevention Scheme to show how surface water will be managed during each phase of construction shall be submitted to and approved in writing by the Local Planning Authority. The submitted Scheme shall be verified by a suitably qualified drainage engineer and the works shall be carried out strictly in accordance with the approved Scheme.

Reason: To prevent surface water flooding of nearby properties and the surrounding area.

**Item**            **1.2**

**Reg. No.**        **9/2013/1040/OS**

**Applicant:**  
**Mr Max Whitehead**  
**C/O Bloor Homes Midlands Bloor**  
**Homes Ltd & Sir John Port's Charity**  
**7 Calico Business Park**  
**Sandy Way,**  
**Armington**  
**Tamworth**  
**B77 4DS**

**Agent:**  
**Mr Gary Lees**  
**Pegasus Group**  
**4 The Courtyard**  
**Church Street**  
**Lockington**  
**Derbyshire**  
**DE74 2SL**

**Proposal:**        **OUTLINE APPLICATION (ALL MATTERS RESERVED)**  
                         **FOR DEVELOPMENT OF UP TO 100 DWELLINGS,**  
                         **PUBLIC OPEN SPACE, DRAINAGE AND ASSOCIATED**  
                         **WORKS AT LAND AT SK2731 3037 WILLINGTON ROAD**  
                         **ETWALL DERBY**

**Ward:**            **ETWALL**

**Valid Date:**     **10/01/2014**

#### **Reason for committee determination**

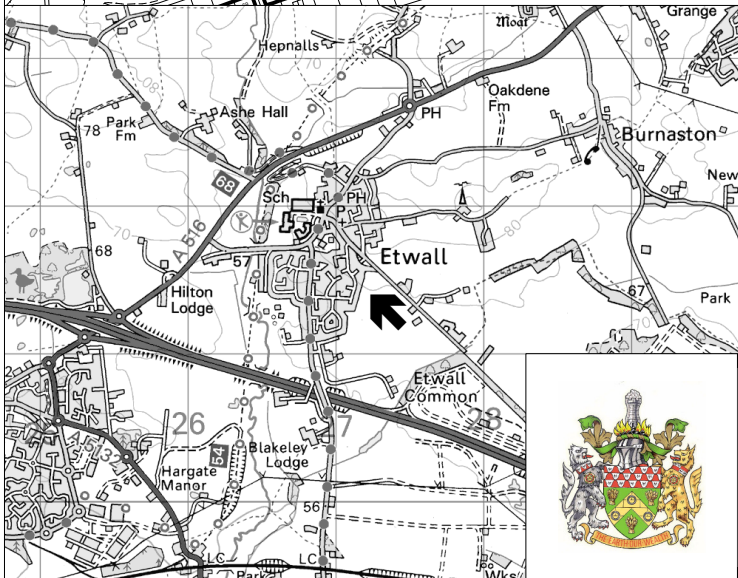
This is a major application, not in accord with the Development Plan, to which more than two objections have been received and was called in for decision by Councillor Lemmon due to local concern having been expressed about a particular issue.

#### **Site Description**

The application site comprises 4.4 hectares of agricultural, greenfield land, situated to the south of Willington Road and a number of properties on that frontage, east of properties on Belfield Close, Sycamore Close and Elms Grove. The site has mature hedges on the Willington Road frontage, punctuated by numerous mature trees with hedges on the eastern boundary and southern boundaries and a hedgerow crossing the middle of the site in a north-south direction. The land levels across the site drop significant from Willington Road to the southern boundary with a fall of up to approximately 9m though they are consistent across the site in an east-west direction. Etwall Lodge, a Grade II listed building, is located to the north of the site, across Willington Road and an Ash tree protected by TPO 285 is located adjacent to the location of the proposed water attenuation pond.

#### **The Proposal**

9/2013/1040 - Land at SK2731 3037 Willington Road, Etwall, Derby (DE65 6JT)



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**South Derbyshire District Council. LA 100019461. 2014**

Outline planning permission is sought for development of the site for residential development of up to 100 dwellings with all matters reserved for future approval. An indicative Masterplan has been submitted which identifies the potential level of development. The layout and nature of the application has changed since the original submission and the amended proposal now omits any reference to a new cricket pitch and pavilion as well as their associated access to Willington Road and parking areas and is now simply a residential development scheme. The illustrative Masterplan shows the main block of housing located adjacent to the properties on Willington Road, Belfield Road, Sycamore Close and Elms Grove with a second element further along Willington Road beyond the existing hedge that crosses the site in a north-south direction. Public open space runs in a north-south direction adjacent to that central hedge and is shown with swales leading to a detached surface water attenuation pond to the south of the main site which would discharge to an existing watercourse that runs east-west immediately to the south of the attenuation pond. The illustrative Masterplan indicates the potential vehicular access would be from Willington Road to the east of, but not immediately adjacent to, 62 Willington Road, with a main road running through the site, complemented by secondary roads. The Transport Assessment indicates that the existing road would need to be widened with the existing footway and street lighting continued up to the access to allow a continuous link. A significant landscaping buffer planting area is indicated to the Willington Road frontage with landscaping along all other boundaries with the open countryside to the south and east.

## **Applicants' supporting information**

### Planning Statement

The planning statement submitted in conjunction with the application provides an analysis of the site and its surroundings, explains the detail of the submission as well as the context in terms of planning policy that they consider relevant to the proposal. The report states that great weight has to be attached to the NPPF as SDDC cannot demonstrate a five-year supply of housing and the presumption in favour of sustainable development and the three elements to that which will be delivered.

### Design and Access Statement

This comprehensive document was submitted when the proposal still contained the cricket club proposal but is still relevant as the fundamental design of the residential and public open space elements of the scheme remain as originally submitted, with the exception of the relocated water attenuation pond and the provision of swales through the residential development. The statement sets out the vision for the site as well as a description of the site, the site context in terms of buildings as well as landscape and visual impact, movements through the area and a character assessment as well as social context. Planning policies are also discussed and the evolution of the scheme set out along with a summary of public involvement. The statement concludes that density is appropriate and the houses would have a scale of one or two storeys designed with three character areas: Main Street, Village Lane and Rural Edge. Landscaping is via a multi-functional area of open space. It also discusses the phasing of the delivery of this major development and includes the Building for Life Assessment they have undertaken which all scored green.

### Consultation Report



This document provide an overview of the consultation undertaken by the applicant which includes leaflets, emails to Members and local organisations, a public exhibition and a project website. The report states that this engagement was successful and that it had a key input into the design of the scheme.

### Flood Risk Assessment (FRA)

The report aims to demonstrate that the development would be acceptable in flood risk terms and from a drainage point of view relative to flooding risk, surface water drainage and foul water drainage. It concludes that the site is not at risk from flooding and that connection to storm and foul water would comply with current guidance as well as those of Severn Trent Water. As such the flooding and drainage aspects comply with the NPPF. The original FRA was supplemented by a Technical Note following the omission of the cricket club proposals which states that the changes will lead to less impermeable areas and concluded that the introduction of swales will provide additional storage.

### Service Supply and Foul Appraisal

This report looked at the supply of water, gas, electricity and telecommunications including assessments of existing networks, supply requirements for the new development and foul water modelling undertaken by Severn Trent Water. With regards to water supply South Staffordshire Water guarantee the standard 9 litres per second at 1 bar and would be likely to connect to the existing supply main in Willington Road. In respect of electricity supply Western Power Distribution have confirmed an option to connect to the high voltage network on Willington Road via a new substation. Low voltage cables would then be running through the site. With regards to gas supply National Grid have confirmed that connection for the development from their existing low pressure main within Willington Road but that these would require some protection works. With regards to foul sewerage Severn Trent Water state that there is a combined sewer running across the site and that their network has sufficient capacity to accommodate foul flows without upgrading of the Etwall Sewage Treatment Works. With regards to telecommunications BT has infrastructure in Willington Road that would allow connection and the developer would investigate broadband connections as this is a consideration for future purchasers. The report concludes that the development can be accommodated with normal network services with only localised, non-prohibiting reinforcements necessary.

### Archaeological Desk-Based Assessment

This report looked at the potential for archaeological assets but concluded there were no constraints that would have a significant archaeological impact.

### Geophysical Survey

A survey was undertaken but only identified features of minor significance therefore the potential for archaeology on site was concluded to be low.

### Heritage Impact Assessment

This report examined the impact of the development on heritage assets but concluded that in respect of the Willington Road site the proposal would not have any significant impact on listed buildings, conservations areas or non-designated heritage assets. The

site is on the edge of a modern estate with fields adjacent but that there is no real historic grain or field pattern to act as a guideline for a street pattern and no buildings of local distinctiveness to give design clues for the new housing.

### Ecological Assessment

This report was based on a desk top study as well as field habitat and faunal surveys and concluded that the proposals will have no adverse impacts on any statutory or non-statutory designated sites and as such the proposal accords with national and local planning policy for ecology and nature conservation. Mitigation measures are proposed within the document.

### Arboricultural Assessment

This report is an assessment of the existing trees arboricultural value and concludes that there will be a relatively small loss of hedgerow and as a result the development will not lead to tree losses.

### Transport Assessment

This assessment sets out the likely travel demand that would be generated and how this would be managed. The report states that existing background traffic flows are relatively modest and that there is public transport serving the village, as well as Sustrans Route 54. Accidents records show 13 accidents in the five and a half year survey period with none on Willington Road or Oaklands road. Accidents were recorded at Willington Road/Main Street with one involving a school pupil though there is no specific cluster of accidents. The report states that the biggest change in terms of vehicular movements will be at Willington Road/Main Street but that the junction will maintain significant spare capacity as present existing traffic levels are relatively low and there will be only a modest increase in traffic as a result of the development. It concludes that the development will not have any material impact on the safe operation of the local highway network.

The original assessment was supplemented following concerns expressed by the Parish Council about the appropriateness of it in regards to the parking on Willington Road (*the report states that this does not affect the safe operation of the highway*); the timing of surveys to omit school traffic (*the report states that times include the school periods but the peak PM time is later than the school finishing time*); the lack of proposed changes to the Willington Road/Main Street junction (*the report states that environmental improvements at Willington Road/Main Street are proposed but are not specifically required on operation or safety grounds*); the lack of analysis of the junction of Main Street/Egginton Road (*the report states that this was not part of the requirements for assessment following discussions with the County Highway Authority but in any case the modest amount of traffic from the development at that location will not have a material impact on the operation of the junction; discrepancies in the report are only minor issues and some are road labelling but none materially affect the assessment*); the reference in the assessment to the number of school buses (*the report states that this is misleading as it refers to timetabled services not contracted school buses*).

### Travel Plan

This report sets out the applicant's strategy for co-ordinating measures to encourage sustainable transport (public transport, walking, cycling and car sharing) and combines it in one useful place. The objectives of the Travel Plan are to encourage sustainable transport.

## **Planning History**

None particularly relevant.

## **Responses to Consultations**

Derbyshire Constabulary Crime Prevention Design Advisor advises that he has no issues with the principle of residential development and that the indicative details together with information in the supporting information look good with the intention to form strong residential blocks with outward looking aspects. There is mention of parking to the rear of blocks, but he assumes them to be within private curtilage, as he only sees two small courtyards with one small housing block. He would encourage the applicant to have all outward looking elevations well treated, parking in curtilage so far as possible and within view of an active room of the respective dwelling, private rear garden space secured, and to incorporate a clear and distinct definition between public and private space around open building elevations. Comments in regard to the cricket club are no longer relevant.

Natural England raises no objection to the proposal and has not requested any conditions be imposed but advises that consideration should be given to the impact on protected species. The scheme could deliver enhanced biodiversity and landscape and it advises the Local Planning Authority to secure input from local wildlife groups.

Severn Trent Water has no objection subject to a condition relating to surface water and foul sewage disposal as well as an informative in relation to a public sewer within the site.

The County Highway Authority advises that the carriageway will require widening to 5.5m with a footway linked to join the existing one on Willington Road along with street lighting. They made suggestions relative to the content of the Travel Plan but state that they could be subject to a condition. However, subject to conditions and informatives, they raise no objection to the proposal. They request a contribution be included in the Agreement under Section 106 of the Town & Country Planning Act 1990 to secure £1,000 per annum for 5 years of Travel Plan Monitoring.

Sport England raises no objection to the proposal.

Highways Agency raises no objection to the proposal.

The Council's Contaminated Land Officer states that he has no significant concerns with respect to contamination but it may be within influencing distance of three areas of unknown filled ground. As a result contamination conditions are still recommended along with an informative.

Derbyshire Wildlife Trust considers that the ecological works have been undertaken to an adequate standard. The Trust recommends conditions be imposed to secure bat

roosting and bird nesting opportunities are incorporated within the development as well as a management plan for wildlife habitats.

The Planning Policy Officer at Derbyshire County Council requests S106 contributions towards the following:

- a) £2,861 towards the provision of a new Household Waste Recycling Centre to provide additional waste storage;
- b) £227,980.20 towards 20 primary school places at Etwall Primary School;
- c) £257,642.55 towards 15 secondary school places at John Port School;
- d) £111,767.40 towards the provision of 6 post-16 pupil places; and
- e) New homes designed to Lifetime Homes standards.

Informatives are also suggested relative to the incorporation of measures to allow broadband and the installation of domestic sprinkler systems.

The Environmental Health Manager has no objection to the proposal.

The Housing Strategy Manager advises that there is a need for affordable housing in Etwall and requests the developer provide 30% affordable housing (30 units) of which 68% should be for rent and 32% intermediate housing. These provisions should be secured through a S106 agreement.

The Environment Agency raises no objection and requests a condition relating to the provision of details relating to surface water drainage.

The County Archaeologist states that the geophysical survey submitted by the applicant has identified a response from medieval ridge and furrow features, but little else of possible archaeological origin. He recommends, however, that a small amount of trial trenching is required to validate the geophysics, to rule out substantial archaeology missed by the geophysics or masked by ridge and furrow, and to test for the types of archaeology (e.g. earlier prehistoric) not conducive to geophysics. He advises that this can be achieved through a conditioned scheme in line with NPPF para 141, to comprise a low sample of trenching in the first instance, and further work only in the event of significant archaeology being identified at the initial stage.

The Council's Design Excellence Officer generally supports the proposal and his suggestions on the original submission relative to the provision of a woodland belt to Willington Road, the use of swales, and the appropriate termination of views at the end of cul-de-sacs, have been incorporated.

NHS England anticipates an increase in population directly attributable to the new housing development of approximately 230 persons and that it is likely that the development would have a direct impact on the Wellbrook Medical Centre in Hilton. As such a S106 contribution of £551 per dwelling should be secured.

The Open Spaces and Facilities Development Manager advises that the balance of publicly accessible open space within the development appears acceptable with a

centrally located main play area with adequate access. Details of play equipment, management of POS and surface water attenuation are required as well as details of what would be adopted. She requests a S106 contribution for built and outdoor facilities.

## **Responses to Publicity**

Etwall Parish Council, commenting on the original application, objected to the proposal due to the adverse impact on highway safety; surface water and it adding to flooding at Etwall Brook; Severn Trent Water cannot cope with the existing foul drainage with raw sewerage previously running down Willington road, Belfield road and Old Station Close; water pressure in parts of the village is already inadequate; medical facilities cannot cope now; Etwall Primary and John Port are both at capacity now; no cricket ground is required; it is a greenfield site and outside the village framework and whilst it is included in the Draft Local Plan, no mention is made of access having to be from Willington Road and other options should be explored. Following reconsultation on the revised proposals omitting the cricket ground the parish Council reiterated their previous views stating the additional information did not address all their concerns.

162 letters of objection received on the original consultation that included the cricket ground with a further 41 received following reconsultation as a result of the omission of the cricket ground which can be summarised as follows:

### Traffic

- Traffic access and congestion (Willington Road/Main Street Junction).
- Traffic access and congestion (Willington Road/Oakland Road).
- Junction of Belfield Road, Burnaston Lane and Main Street are unable to cope with further development and will be unsafe.
- Belfield Road and Lawn Avenue will become a “rat race” for through traffic.
- No traffic calming measures have been proposed, which will increase the chances of accidents and road blockages.
- The Transport Assessment submitted as part of the planning application does not reflect the true nature of traffic issues, such as; the size of John Port School and the traffic that is generated by pupils being picked up and dropped off.
- Serious traffic calming measures are needed to reduce through traffic in the village i.e. the creation of a new road is required.
- The extent of wear and tear on road surfaces in and around Etwall and concerns that this will be exacerbated by development traffic.
- The application underestimates short range traffic to local amenities.
- Better access along the A516 is required for traffic travelling in the direction of Mickleover.
- Yellow lines are required around Willington Road/Portland Street/Oaklands Road to reduce visitor parking and reduce the occurrence of a “bottle neck” of traffic.
- The possibility of an access off Jacksons Lane.
- The bus times that are shown in the Traffic Assessment Report and Design and Access Statement have been quoted incorrectly. In addition, the vegetable packing business and the volume of traffic it creates has failed to be mentioned.
- There is a distinct lack of footpaths along the main roads in Etwall, the creation of more traffic in the area will result in more incidents occurring.
- The application over estimates of the amount of people willing to walk, cycle or take public transport to amenities which are short distances away.

## Infrastructure

- The Railhead development in Egginton and the Toyota factory proposal utilises the green buffer between Etwall and surrounding areas. The proposed development seeks to utilise this important green buffer.
- No new community facilities have been proposed in association with the proposed development.
- There is a general lack of infrastructure in the village of Etwall and surrounding areas to accommodate this level of growth.
- There has been too much growth in surrounding areas (Hilton and Mickleover) which has utilised the facilities and infrastructure in the village of Etwall.
- There is inadequate sewerage in Etwall to accommodate any further growth. In particular, properties on Old Station Close, Belfield Road, Elms Grove, which have suffered from overflowing sewage.
- The revised sewerage document submitted as part of the proposed development does not address sewerage/flooding issues within Etwall. Such as surface water flooding in severe weather, impermeable surfaces and the overflowing of sewerage.
- The proposed development is situated too close to a 100 year flood area.
- There is a significant lack of Health provision in Etwall. There is a one year waiting list to join the Wellbrook Medical Centre in Hilton, which is the nearest facility.
- The proposed development is socially and environmentally unsustainable i.e. resulting in the loss of green space.
- The proposed scheme seeks to develop a pasture and plough site, without there being any evidence provided with regard to the sites agricultural quality.
- Concerns have been raised with regard to the schemes impact on wildlife i.e. accesses being created through mature hedgerows.
- Local residents have had sightings of great crested newts, bats, and badgers on the site.
- Water pressure is already low near the proposed site, the proposed development will surely make the situation worse.
- Waste storage facilities are inadequate.

## Education

- There is a shortage of primary and secondary school places in Etwall, namely Etwall Primary School and John Port Secondary school.
- Children that currently live in the village of Etwall cannot secure places at Etwall Primary school.
- John Port Secondary school is the second largest school in the Country. The current infrastructure in Etwall cannot accommodate the associated traffic that the school brings.
- Governors at the school say that it will take time to create new spaces for the influx of new pupils.

## Siting and layout

- The proposed site at Willington Road is situated outside of the village settlement boundary and is therefore inconsistent with the 1998 Local Plan for South Derbyshire (saved policies).
- The proposed development seeks to develop greenfield land as opposed to re-using brownfield sites.
- The Local Plan Part 1 for South Derbyshire is not yet adopted.
- The proposed development is inconsistent with the Etwall Parish Plan.
- Loss of privacy to neighbouring properties due to overlooking from proposed development.
- Loss of light to neighbouring properties due to proposed development.
- The proposed development does not comply with the "Building for life" standard or the "Better Design for South Derbyshire" Supplementary Planning Guidance.
- There appears to be one proposed access to the development, therefore causing queues and congestion.
- The amended application documents still refer to the site at Sutton Lane.

### Other

- The proposed development will result in the loss of the village's rural character.
- The housing density proposed as part of the development is greater than elsewhere in the existing village.
- It is necessary for Etwall cricket pitch to remain in the centre of the village, due to its historic location near to John Port Almshouses, where it has been situated in excess of 150 years.
- The relocation of Etwall cricket pitch will result in the creation of further traffic at an alternative area of the village and will result in disturbance to local residents.
- The relocation of Etwall cricket pitch cannot be considered as a "community facility". The cricket pitch is a facility that is enjoyed by a proportion of the village and people who travel from far and wide to use the facility.
- Cricket club is the only site to remain protected in the local plan.
- There has not been enough allocated car parking for the cricket pitch.
- To date there has not been a copy of a Utilities Report submitted to be considered as part of the application.
- The associated documents submitted as part of the proposed development are un-reliable and are based on third party evidence i.e. incorrect bus times quoted in the copy of the Design and Access Statement.
- The amended plans do not show what the proposed use of the replacement cricket pitch is.
- Appreciate new affordable homes.

Two letters of support received on the original application which state that they support the scheme as there will be lots of green space, trees will be retained, it relates well to existing houses, and are a local family looking to buy a family home and there is hardly anything for sale let alone affordable. One letter received following the amended plans which states that the revised plans reduce the impact on the countryside surrounding Etwall.

### **Development Plan Policies**

South Derbyshire Local Plan Saved Policies:

Housing Policies 8 & 11  
Environment Policies 1, 9, 11 & 14  
Recreation and Tourism Policy 4  
Community Facilities Policy 1  
Transport Policies 6 & 7

Submission Local Plan Part 1 Policies:

Policy S1: Sustainable Growth Strategy  
Policy S2: Presumption in Favour of Sustainable Development  
Policy S4: Housing Strategy  
Policy H1: Settlement Hierarchy  
Policy H10: Land south of Willington Road and land south of Sutton Lane, Etwall  
Policy SD1: Amenity and Environmental Quality  
Policy BNE1: Design Excellence  
Policy BNE3: Biodiversity  
Policy BNE4: Landscape Character and Local Distinctiveness  
Policy INF1: Infrastructure and Developer Contributions  
Policy INF2: Sustainable Transport  
Policy INF9: Open Space, Sport and Recreation.

### **Local Supplementary Planning Guidance**

The Provision of outdoor playing space in new developments (as updated by the Council's S106 guide for developers), Housing Design and Layout.

### **National Guidance**

National Planning Policy Framework (NPPF), in particular:

Paras 6-10 (Achieving sustainable development)  
Paras 11-14 (The presumption in favour of sustainable development)  
Para 17 (Core principles)  
Chapter 1 (Building a strong competitive economy)  
Chapter 4 (Promoting sustainable transport)  
Chapter 6 (Delivering a wide choice of high quality homes)  
Chapter 7 (Requiring good design)  
Chapter 8 (Promoting healthy communities)  
Chapter 10 (Meeting the challenge of climate change, flooding etc.)  
Chapter 11 (Conserving and enhancing the natural environment)  
Paras 186 & 187 (Decision-taking)  
Para 193 (Local Planning Authorities should only request supporting information that is relevant, necessary and material to the application in question.)  
Para 196 & 197 (Determining applications)  
Paras 203-206 (Planning conditions and obligations) Annex1 (Implementation)

The National Planning Practice Guidance (NPPG)

### **Environmental Impact Assessment**



Due to the nature and size of the proposal, it has been screened under Regulation 7 of the Environmental Impact Assessment (EIA) Regulations 2011. The proposal is considered to fall within paragraph 10b of Schedule 2 to those Regulations, being an infrastructure project. However having taken into account the criteria of Schedule 3 to the Regulations, the proposal was not considered to give rise to significant environmental effects in the context of EIA and the purpose of EIA. Accordingly the application was not accompanied by an Environmental Statement.

## **Planning Considerations**

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

- The principle and general sustainability
- Affordable housing
- Traffic and transport
- Impact on the character of the area
- Urban Design & Open Space
- Ecology
- Archaeology
- Flood risk and drainage
- Residential amenity
- S106 Contributions

### The principle and general sustainability

The Council has submitted the Local Plan Part 1 to the Secretary of State for examination by an independent Inspector. The strategy is evidence based and identifies the application site as a preferred housing site that would make a strategic contribution to meeting the housing needs of the district. However, the emerging Local Plan has yet to be publicly examined therefore only limited weight can be attributed to this. Policy H10 of the Submission Local Plan Part 1 relates to this site, alongside a smaller site at Sutton Lane, Etwall and this application was submitted alongside a separate application for the land at Sutton Lane. The Submission Local Plan sought to relocate the existing cricket club to a new facility at Willington Road and provide an extension to the cemetery. Policy H10 seeks to secure 114 dwellings across both sites and for Willington Road seeks the provision of a replacement cricket pitch and pavilion, which should be an improvement in relation to the existing pitch and pavilion, it should not affect the setting of Etwall Lodge and high quality pedestrian connections will be made from the site into the village of Etwall. In relation to Sutton Lane site the policy states that land shall be provided for the extension of the cemetery as it is at capacity and needs expansion and the character and setting of the Conservation Area and adjacent listed buildings shall be preserved. However, due to the impact of the Sutton Lane development on the historic environment and the level of public opposition to that scheme the application was withdrawn and the new cricket facility omitted from this current application. The removal of the site is also a suggested modification that was submitted as part of the Local Plan submission.

Etwall is classed as a Key Service Village in the Submission Local Plan's Settlement Hierarchy (H1) and such settlements are envisaged to be capable of providing appropriate scale developments up to and including strategic sites (100 dwellings or more). However, it has to be noted that this hierarchy presently carries limited weight and whilst the proposed development is of a scale envisaged for a Key Service Village,

and is on a preferred site, the site at present lies outside the village boundary, as defined by the adopted 1998 Local Plan, Policy H5. It must also therefore be tested against Policy EV1 of Local Plan which seeks to prohibit and/or control residential development unless it is required in such a location.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *“if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”* Paragraph 14 of the National Planning Policy Framework (NPPF) states *“at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.”* The NPPF makes it clear that for decision-taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or*
- *specific policies in this NPPF indicate development should be restricted.”*

Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework. In terms of housing supply, paragraph 47 of the NPPF requires Local Planning Authorities to use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period. In addition there is a burden on the Local Planning Authority to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of at least 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.

The Council cannot currently demonstrate a five year supply of housing. In terms of paragraph 14 of the NPPF the presumption in favour of sustainable development must apply unless there are adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. It has been made clear through appeal decisions made since the inception of the NPPF that any negative considerations would need to be substantial in order to justify refusal of an application that makes a meaningful contribution to strategic housing need. The mere presence of less than optimal planning circumstances for any given development is not likely to outweigh the presumption. The objectively assessed housing needs of the Derby Housing Market Area has been agreed across the three local authorities, with South Derbyshire needing to provide 13,454 dwellings up to the end of the plan period in 2028. Etwall is considered to be a sustainable location with appropriate services in terms of the presumption in favour of sustainable development and is one of the more sustainable settlements within the district. Etwall has a range of facilities, services and transport options, and in acknowledgement of the contribution

that the development would make towards meeting an identified strategic housing need the proposal represents sustainable development in principle. In the context of a Local Plan that is out of date in so far as the supply of new housing is concerned, the presumption in favour of sustainable development would apply unless any adverse impacts would significantly and demonstrably outweigh the benefits.

#### Affordable housing

The SHMA suggests, over the period of 2012 – 2017, there is a housing need for 1,723 affordable homes, (345 affordable homes per year), across South Derbyshire. Etwall is a large rural parish located within the North West sub-market area of the District, which includes the Wards of Etwall, Hilton and Hatton. The estimated housing need for new affordable housing across these Wards is 49.6 per year.

The Council's Housing Strategy Manager has advised that the development should provide 30% affordable housing with a split of 68% rent and 32% Intermediate housing being appropriate for the site. Based on current evidence, in order to deliver the affordable housing need a proportion of affordable housing is sought, underpinned by Local Plan saved Housing Policy 9 and Chapter 6 (para 50) of the NPPF.

The applicant has examined the evidence and has agreed to provide the requisite amount and tenure split of affordable housing sought by the Council's Housing Strategy Manager.

#### Traffic and transport

The proposed means of access to the site, whilst indicative, would be via a new junction to Willington Road along with an extension of the footway and street lighting to allow access for pedestrians between the site and the village. The safety of the development is considered to be acceptable to the County Highway Authority and it is also noted that the Highways Agency also raises no objection to the proposal. In light of this, notwithstanding the comments submitted, the proposal is thus considered to be in conformity with Local Plan saved Transport Policy 6.

It is acknowledged that at certain times the local roads are busy however, there is no evidence to show that the proposed development would have any undue impact on the highway network and thus the potential to affect the wider transport infrastructure. The NPPF makes it clear in paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. In this case there is no evidence that the cumulative impact would be severe and as such, notwithstanding the comments received, in highway safety terms the proposal is considered to be acceptable.

#### Impact on the character of the area

Given the location of the site within the open countryside with views of the site from both in close proximity and more distant there would inevitably be an impact on the character of the area. One of the core planning principles in NPPF at paragraph 17 is to recognise the intrinsic character and beauty of the countryside and states that the countryside has an intrinsic beauty and it has to be acknowledged that the site is located within an attractive rural scene, on the edge of the village. However, this can be mitigated to a certain extent through good design and the illustrative Masterplan shows a significant

woodland buffer to the Willington Road frontage, as well as landscaping on the periphery with the public open space providing a buffer between the open countryside and some of the new dwellings. There is a clear opportunity to provide a built form that creates a high quality environment incorporating local distinctiveness in accord with paragraph 60 of the NPPF and saved Housing Policy 11 of the Local Plan. Whilst the detail would be considered at reserved matters stage, the submitted Masterplan and Design and Access Statement provide a sound basis for this to happen and the development would appear a logical extension to the existing village.

### Urban design & open space

The application is in outline only and all matters are reserved for future approval therefore it is not possible to carry out a full Building for Life assessment at this stage. Nevertheless the proposal presents some key aspects that would form the basis of a good scheme in urban design terms. It is reasonably well served by the public transport and within an acceptable distance of numerous facilities within the village, including educational, commercial and community facilities that help to make it a sustainable development. The illustrative Masterplan has evolved following the omission of the cricket ground and to incorporate features promoted by the Council's Design Excellence Officer and it is considered that the Masterplan provides a sound basis on which the development can be planned and evolve from. Issues relating to design and layout of the houses, how they relate to spaces, crime reduction measures and the provision of parking would be addressed through reserved matters submissions, although the principle objectives for these can be secured by conditions at this stage. In view of the urban design and open space matters considered above the proposal would accord with Chapter 8 of the NPPF and Saved Recreation and Tourism Policy 4 of the Local Plan.

### Ecology

This report was based on a desk top study as well as field habitat and faunal surveys and concluded that the proposals will have no adverse impacts on any statutory or non-statutory designated sites and as such the proposal accords with national and local planning policy for ecology and nature conservation.

With regards to wildlife on site, surveys found no constraints in this respect and the submitted reports were assessed by Derbyshire Wildlife Trust who considers that the ecological works have been undertaken to an appropriate standard and that they enable an accurate assessment to be reached. Their comments relate to securing opportunities for bat and bird nesting within the new development and these can be appropriately secured through the imposition of suitably worded conditions. Subject to the recommended conditions of Derbyshire Wildlife Trust biodiversity at the site would be enhanced.

### Archaeology

On the advice of the Development Control Archaeologist the applicant was requested to provide the results of the geophysical survey of the site, as an initial screen for archaeological assets. This information was submitted and the County Archaeologist states he recommends that a small amount of trial trenching is required to validate the geophysics, but this can be achieved through a conditioned scheme in line with NPPF para 141. This approach is considered to be appropriate and proportionate and as such would be compliant with Saved Environment Policy 14 and NPPF Chapter 12.

### Flood risk and drainage

The site has a reasonable slope, with levels falling some 9 metres from north to south. It is unconstrained by Flood Risk mapping published by the Environment Agency. The main focus therefore lies on surface water drainage arising from the development and it is noted that there have been issues with regards to the flooding of properties in the village and therefore this issue is of particular importance. Sustainable Urban Drainage Scheme (SUDS) are to be incorporated within the scheme, as shown on the illustrative Masterplan in the form of swales and a surface water attenuation pond to the south of the housing. The applicant is proposing to discharge from the pond to an existing watercourse, immediately adjacent to the attenuation pond. The Environment Agency have stated that they raise no objection to the proposal subject to a condition which secures details of surface water drainage to restrict the discharge rate to that commensurate with greenfield run off rates along with details of the attenuation pond and how the scheme will be managed. The condition will secure appropriate surface water drainage techniques, fulfilling policy objectives to ensure flood risk is not exacerbated on or off site. Notwithstanding the comments submitted, in terms of flood risk the proposal is considered to be acceptable.

As to foul water, despite concerns from neighbours, Severn Trent Water raises no objection subject to a condition. They do not raise concern either regarding capacity at the Etwell Sewage Treatment Works.

Notwithstanding the submitted comments, subject to the recommended conditions, the development would be in accord with Chapter 10 of the NPPF and the NPPG.

### Residential amenity

The site is immediately adjacent to the established residential properties on Belfield Road, Willington Road, Sycamore Close and Elm Grove and the development of the site will clearly have a significant impact on the outlook from those properties. However, most of these properties have reasonable sized back gardens and the interrelationship between the new homes and the existing ones will be properly assessed at reserved matters stage. It is considered that the number of homes proposed can be achieved in line with the Masterplan with a layout and design that accords with the Council's adopted residential space guidelines and the internal arrangements of individual dwellings would be assessed at reserved matters stage. The site therefore provides ample scope for reasonable amenities in terms of light, air and privacy for both existing and new dwellings; safe, functional and convenient layouts; private amenity space, and space for landscaping in accordance with Local Plan saved Housing Policy 11.

### S106 Contributions

The Council's Housing Strategy Manager advises that there is a need for affordable housing in Etwell and requests the developer provide 30% affordable housing (30 units) of which 68% should be for rent and 32% intermediate housing.

The Education Authority has advised that the projection of pupil numbers takes it to capacity in the next five years and as such it has insufficient capacity to accommodate the pupils arising from the development. In view of this they have requested that the developer pay a financial contribution towards 20 pupil places which equates to

£227,980. They also advise that in the next five years John Port School will have insufficient capacity to accommodate the pupils arising from the development. In view of this they have also requested that the developer pay a financial contribution towards 15 pupil places for secondary education, which equates to £257,642 as well as 6 pupil places for post-16 education, which equates to £111,677.

The County Highway Authority has requested £5,000 in respect of Travel Plan monitoring.

The County Planning Policy Officer, as well as the education contributions, requests S106 contributions towards the following:

- a) £2,861 towards the provision of a new Household Waste Recycling Centre to provide additional waste storage;
- b) New homes designed to Lifetime Homes standards.

The Council's Open Spaces and Facilities Development Manager advises that a S106 for built and outdoor facilities is required towards improvements at Etwell Leisure Centre which equates to £30,700 for built facilities as well as £55,000 for outdoor facilities.

NHS England requested a financial contribution of £55,100 towards healthcare provision.

£50,000 is proposed by the developer in order to secure environmental improvements to the village centre in the vicinity of Willington Road/Main Street, in line with suggestions made by the Design Excellence Officer.

From a planning point of view, legislation states that there are legal tests for when a S106 agreement can be utilised and these are set out in regulation 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 as amended (and as set out in para. 204 of the NPPF). In this case it is accepted the provision of the affordable housing, contributions towards education, as well as for built and outdoor facilities contributions are compliant in principle. With regards to the £50,000 proposed by the developer in order to secure environmental improvements to the village centre in the vicinity of Willington Road/Main Street whilst these are not required in terms of making the development acceptable in highway safety terms, it is clear that in order to try and enhance the desirability of access to the centre of the village for pedestrians, improvements to footways and the general environment in that area will encourage this and is fair and reasonable. As such it is considered that this is also compliant.

The applicant questions the compliance of the requested £5,000 in respect of Travel Plan monitoring and the £55,100 towards healthcare provision, and evidence has been supplied to validate their view. Case law demonstrates that the £5,000 for Travel Plan monitoring in this case would not be compliant. The NHS England have requested £551 per dwelling which amounts to £267,235. However, the Partnership running the Wellbrook Medical Centre in Hilton, which would be appropriate to accommodate the new patients, have previously stated on the application at Hilton that their existing facility can accommodate the new patients that NHS England expect to be generated by the development without physically altering the centre. They have also advised that the list for new patients is open and that there is room for new patients and that previously when the list was closed this was as a result of staff shortages which has now been

addressed. In view of this information it is considered that a contribution towards healthcare is not justified or compliant in this instance. It is also noted that at present there is no policy basis on which to secure the requested for new homes to be designed to Lifetime Homes standards.

At this stage it has yet to be decided whether the POS and SUDS would be adopted by the Council, however, the provision of those elements and an appropriate financial contribution for their future maintenance if the Council is to adopt, or a Maintenance Management Company and Management Plan if not, would need to be secured in the S106 alongside the matters set out above.

### Conclusions

The application relates to one of the Council's preferred sites put forward for housing development through the Local Plan process and proposes up to 100 homes. The development is likely to be able to contribute to the early delivery of homes, helping the Council meet its requirement for a five year supply of deliverable housing.

By reference to the NPPF's (Para 7) three sustainability dimensions (economic, social, environmental) the provision of new housing would support economic growth, ensuring an attractive place to live for South Derbyshire's economically active population as well as helping to supporting the vitality and viability of Etwall. Construction jobs would also be created. This is supported by the site's accessibility to Etwall, Derby as well as Burton upon Trent, served by public transport. The proposed scheme would have a significant positive impact on local communities by providing new homes (market and affordable).

In terms of healthy communities the illustrative Masterplan includes open space and pedestrian links which would help to support active lifestyles and encourage alternatives to the car for accessing local facilities and employment opportunities.

The reports accompanying the application explain how a range of environmental factors have been taken into account to ensure sustainable development (including transport, landscape, ecology, archaeology, and water). Mitigation has been included within the scheme to ensure the conservation and enhancement of key features. The scheme also helps to mitigate future climate change through reducing CO2 emissions by building new homes in an accessible location and reducing the need to travel by car. In terms of resilience to climate change impacts, the scheme has been designed to take this into account, namely through provision of a sustainable drainage strategy.

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 applicant entering into a Section 106 Agreement with the Council to secure the contributions referred to in the planning assessment of the report, and subject to the following conditions:

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

(b) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.

2. Approval of the details of the access, layout, scale, appearance and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced in that phase. Plans and particulars of the reserved matters shall be submitted in writing to the Local Planning Authority and the development shall be carried out as approved.

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

3. The reserved matters submitted in accordance with condition 2 and details submitted in accordance with any other condition of this planning permission shall accord with the principles outlined in the housing elements of the concept Masterplan for the development contained within the Design and Access Statement dated December 2013, as amended by the revised Illustrative Layout plan ref: EMS.2287.102.E, received by the Local Planning Authority on 3<sup>rd</sup> July 2014.

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

4. No development shall take place until full details of both hard and soft landscape works for the development have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, unless otherwise agreed in writing by the Local Planning Authority. These details shall include trees and hedgerows to be retained showing their species, spread and maturity; proposed finished ground levels or contours; finished floor levels of the dwellings, car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. street furniture, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).

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

5. The soft landscape works referred to in condition 4 above shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.

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

6. All hard and soft landscape works shall be carried out in accordance with the approved details and finished not later than the first planting season following



completion of the relevant phase of the development unless an alternative timescale has been agreed in connection with condition 5 above.

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

7. A landscape management plan, including phasing and implementation strategy, long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters submission in accordance with conditions 2 and 4. The landscape management plan shall be implemented as approved.

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

8. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become, established, or becomes seriously damaged or diseased, or dies, or for any reason is removed, shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved in writing by the Local Planning Authority.

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

9. No site clearance works or development of a phase shall take place until there has been submitted to the Local Planning Authority for their written approval a scheme showing the type, height and position of protective fencing to be erected around each tree or hedgerow to be retained in that phase. The scheme shall comply with BS5837:2005. No site clearance works or development of any phase shall be commenced in the vicinity of the protected tree or hedgerow until such a scheme is approved in writing by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with the approved scheme. The area surrounding each tree or hedgerow within the protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:
  - (i) There shall be no changes in ground levels;
  - (ii) No material or plant shall be stored;
  - (iii) No buildings or temporary buildings shall be erected or stationed;
  - (iv) No materials or waste shall be burnt within 20 metres of any retained tree or hedgerow; and
  - (v) No drain runs or other trenches shall be dug or otherwise created without the prior written consent of the Local Planning Authority.

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

10. No development shall take place until details of the materials proposed to be used on the surfaces of the roads, footpaths, car parking areas and any courtyards along with samples of the materials to be used on the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials unless otherwise agreed in writing with the Local Planning Authority.

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

11. No development shall take place until a detailed scheme for the boundary treatment of the each element of the development, including position, design and materials, and to include all boundaries or divisions within the site, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed as approved before the respective building(s) or land use is/are first occupied unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the area, to prevent crime and disorder and to protect the amenity of residents.

12. No operations shall be commenced until a temporary access for construction purposes has been constructed to Willington Road, laid out in accordance with a detailed design that has first submitted to and approved in writing by the Local Planning Authority. The access shall have a minimum width of 5.5m, 6m radii and be provided with visibility sightlines commensurate with actual vehicle speeds indicated by a speed survey, measured from a distance of 2.4m back from and measured along the nearside carriageway edge, the area forward of which shall be cleared and maintained throughout the construction period clear of any obstruction exceeding 600mm in height relative to road level.

Reason: In the interests of highway safety.

13. No development shall take place until a Construction Management Plan or Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved plan/statement shall be adhered to throughout the constructions period. The plan/statement shall provide for the storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking of vehicles for site operatives and visitors, routes for construction traffic, hours of operation, method of prevention of debris being carried onto the highway, pedestrian and cyclist protection, proposed temporary traffic restrictions and arrangements for turning vehicles. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason: In the interests of highway safety.

14. Prior to the first occupation of any dwelling, the Willington Road carriageway shall be widened to 5.5m from a point where the existing carriageway to the north west measures 5.5m along the entire frontage of the site and a 2m wide footway on the south western side extending from the existing footway located to the north west of the site, laid out, constructed, drained and lit in accordance with Derbyshire County Council's specification for adopted highways, all in accordance with a scheme first submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

15. Prior to the first occupation of any dwelling, the new estate street junction shall be formed to Willington Road. The access shall have a minimum width of 5.5m, 2 x 2m footways, 6m radii and visibility sightlines of 2.4m x 59m. The area forward of the sightlines shall be level, form part of the new street, constructed as footway, and not part of any plot or other sub-division of the site. The access shall be laid out,

constructed to base level, drained and lit in accordance with Derbyshire County Council's specification for adopted roads.

Reason: In the interests of highway safety.

16. The gradient of any of the accesses shall not exceed 1:30 for the first 10m into the site from the existing highway boundary and 1:20 thereafter.

Reason: In the interests of highway safety.

17. Notwithstanding the submitted drawings, the internal layout of the site shall accord with the Highway Authority's Policy Document "6C's Design Guide" and national guidance laid out in Manual for Streets.

Reason: In the interests of highway safety.

18. No dwelling hereby approved shall be occupied until the proposed new estate street between each respective plot and the existing public highway has been laid out in accordance with the approved application drawings to conform to the County Council's design guide, constructed to base level, drained and lit in accordance with the County Council's specification for new housing development roads.

Reason: In the interests of highway safety.

19. Notwithstanding the submitted Transport Assessment, and unless otherwise agreed in writing, space shall be provided within the site for the parking of two vehicles per dwelling, laid out in accordance with a scheme first submitted and approved in writing by the local Planning Authority and maintained thereafter free of any impediment to its designated use.

Reason: In the interests of highway safety.

20. Any garage relied upon as an enclosed parking space in connection with condition 15 above, shall measure at least 6.0m x 3.0m.

Reason: In the interests of highway safety.

21. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: In the interests of highway safety.

22. Bin stores shall be provided within private land at the entrance to shared private accesses to prevent refuse bins and collection vehicles standing on the new estate street for longer than necessary causing an obstruction or inconvenience for other road users. The facilities shall be provided prior to the first occupation of the dwellings to which they relate and shall be retained thereafter free from any impediment to their designated use.

Reason: In the interests of highway safety.

23. The plans and particulars submitted at reserved matters stage shall include a swept path diagram demonstrate that emergency and service vehicles can adequately enter/ manoeuvre within the site and leave in a forward gear.

Reason: In the interests of highway safety.

24. Prior to or concurrent with the submission of the Reserved Matters application, and notwithstanding the submitted details, a Travel Plan, comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use, shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan targets.

Reason: In the interests of highway safety.

25. a) The development shall not be commenced until a scheme to identify and control any contamination of land, or pollution of controlled waters has been submitted to, and approved in writing by, the Local Planning Authority (LPA); and until the measures approved in that scheme have been implemented. The scheme shall include all of the measures (phases I to III) detailed in Box 1 of Section 3.1 the South Derbyshire District Council document 'Guidance on submitting planning applications for land that may be contaminated', unless the LPA dispenses with any such requirement specifically and in writing.
- b) Prior to occupation of the development (or parts thereof) an independent verification report must be submitted, which meets the requirements given in Box 2 of Section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.
- c) In the event that it is proposed to import soil onto site in connection with the development, this should be done to comply with the specifications given in Box 3 of Section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.
- d) If required by the conceptual site model, no development shall take place until monitoring at the site for the presence of ground gas and a subsequent risk assessment has been completed in accordance with a scheme to be agreed with the LPA, which meets the requirements given in Box 4, Section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.

Reason: In the interests of protecting human health.

26. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 2A, and appropriate remediation proposals, and shall be submitted to the LPA without delay. The approved remediation scheme shall be implemented to the satisfaction of the LPA.

Reason: In the interests of protecting human health.

27. Before the development is commenced details of measures to be provided for enhancing features for wildlife as recommended in pages 14 to 20 (incl.) of the Ecological Appraisal dated December 2013, as well as for the provision of bat roosts opportunities and bird boxes to be located within the site or within the structure of any of the buildings hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and the measures shall thereafter be retained in those positions throughout the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that measures to encourage wildlife habitat creation within the site are provided.

28. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- a restricted surface water discharge from the site equivalent to  $Q_{bar}$  for all events up to the 1 in 100 year event;
- that surface water run-off from the site can be attenuated on-site up to the critical 1 in a 100 year flood event, including an allowance for climate change, through the submission of drainage calculations;
- design details of the proposed detention basin, including cross-sections and plans; and
- details of how the scheme shall be appropriately maintained and managed after completion.

Reason: To prevent the increased risk of flooding; to improve and protect water quality; and to ensure future maintenance of the drainage system.

29. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation

6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).
- c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that the historic interests within the site are suitably recorded.

30. No development shall take place until a scheme for the provision of foul sewerage for the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation. The scheme shall be implemented as approved and in accordance with the timetable.

Reason: In the interests of pollution control.

31. During the period of construction no construction work shall take place outside the following times: 0800 - 1900 hours Monday to Friday and 0800 - 1330 hours on Saturdays and at any time on Sundays, Bank and Public Holidays.

Reason: To protect the amenities of nearby residents.

32. Before the development is commenced details of the play equipment to be provided within the public open space along with any means of enclosure, ancillary benches, bins, hard surfaces or similar facilities, including a timescale for their provision, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as approved and shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that measures to encourage wildlife habitat creation within the site are provided.

#### **Informatives:**

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions/seeking to resolve planning objections and issues/suggesting amendments to improve the quality of the proposal. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

2. The applicant is advised that following consultation with Severn Trent Water, they advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over, or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your

proposals and they will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

3. The applicant is advised that following consultation with the Council's Environmental Protection Officer, he advises that the above phased risk assessment referred to in condition 25 should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 2A.

The contents of all reports relating to each phase of the risk assessment process should comply with best practice as described in the relevant Environment Agency guidance.

For further assistance in complying with planning conditions and other legal requirements applicants should consult "*Developing Land within Derbyshire – Guidance on submitting applications for land that may be contaminated*". This document has been produced by local authorities in Derbyshire to assist developers, and is available from

[http://www.south-derbys.gov.uk/environment/pollution/contaminated\\_land/default.asp](http://www.south-derbys.gov.uk/environment/pollution/contaminated_land/default.asp).

Reports in electronic formats are preferred, ideally on a CD. For the individual report phases, the administration of this application may be expedited if a digital copy of these reports is also submitted to the Environmental Protection Officer (Contaminated Land) in the Environmental Health Department:

thomas.gunton@south-derbys.gov.uk

Further guidance can be obtained from the following:

- a) CLR 11: Model Procedures for the Management of Contaminated Land
- b) CLR guidance notes on Soil Guideline Values, DEFRA and EA
- c) Investigation of Potentially Contaminated Land Sites - Code of Practice, BSI 10175 2001.
- d) Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination, R & D Technical Report P5 - 066/TR 2001, Environment Agency.
- e) Guidance for the Safe Development of Housing on Land Affected by Contamination Environment Agency. ISBN 0113101775.

5. The applicant is advised to investigate the provision of broadband services for future residents as part of the development, in conjunction with service providers.

6. The applicant is advised to seriously consider the installation of a sprinkler system to reduce the risk of danger from fire to future occupants and property.

7. The applicant is advised that following consultation with the Derby and Derbyshire Development Control Archaeologist, he advises that he will be responsible for monitoring the conditioned work on behalf of the Local Planning Authority, and the applicant/agent should contact him in the first instance for advice on the production of the written scheme of investigation (WSI) required by condition 29. His contact details are:

Steve Baker MA MIfA, Derby and Derbyshire Development Control Archaeologist,  
Economy, Transport and Environment, Derbyshire County Council, Shand House, Dale  
Road South, Matlock, Derbyshire DE4 3RY (Tel: 01629 539773).



**Item**            **1.3**

**Reg. No.**        **9/2014/0515/FO**

**Applicant:**  
**Mr Martyn Pask**  
**Radleigh Group**  
**Riverside Court**  
**Pride Park**  
**Derby**  
**DE24 8JN**

**Agent:**  
**Mr Ian McHugh**  
**IMcH Planning & Development**  
**Consultancy**  
**20 Attewell Close**  
**Draycott**  
**Derby**  
**DE72 3QP**

**Proposal:**        **OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR**  
                         **ACCESS TO BE RESERVED) FOR THE ERECTION OF**  
                         **THREE DWELLINGS AT LAND AT SK2918 9906**  
                         **THORPE DOWNS ROAD CHURCH GRESLEY**  
                         **SWADLINCOTE**

**Ward:**            **CHURCH GRESLEY**

**Valid Date:**      **30/05/2014**

**Reason for committee determination**

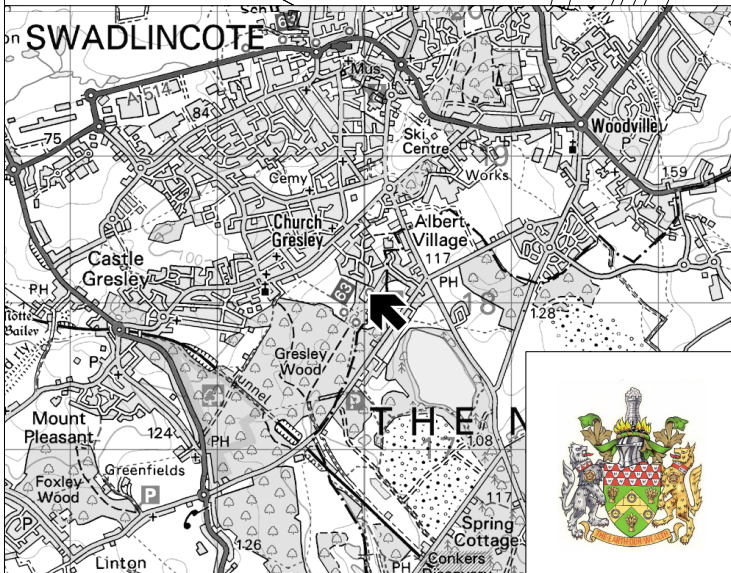
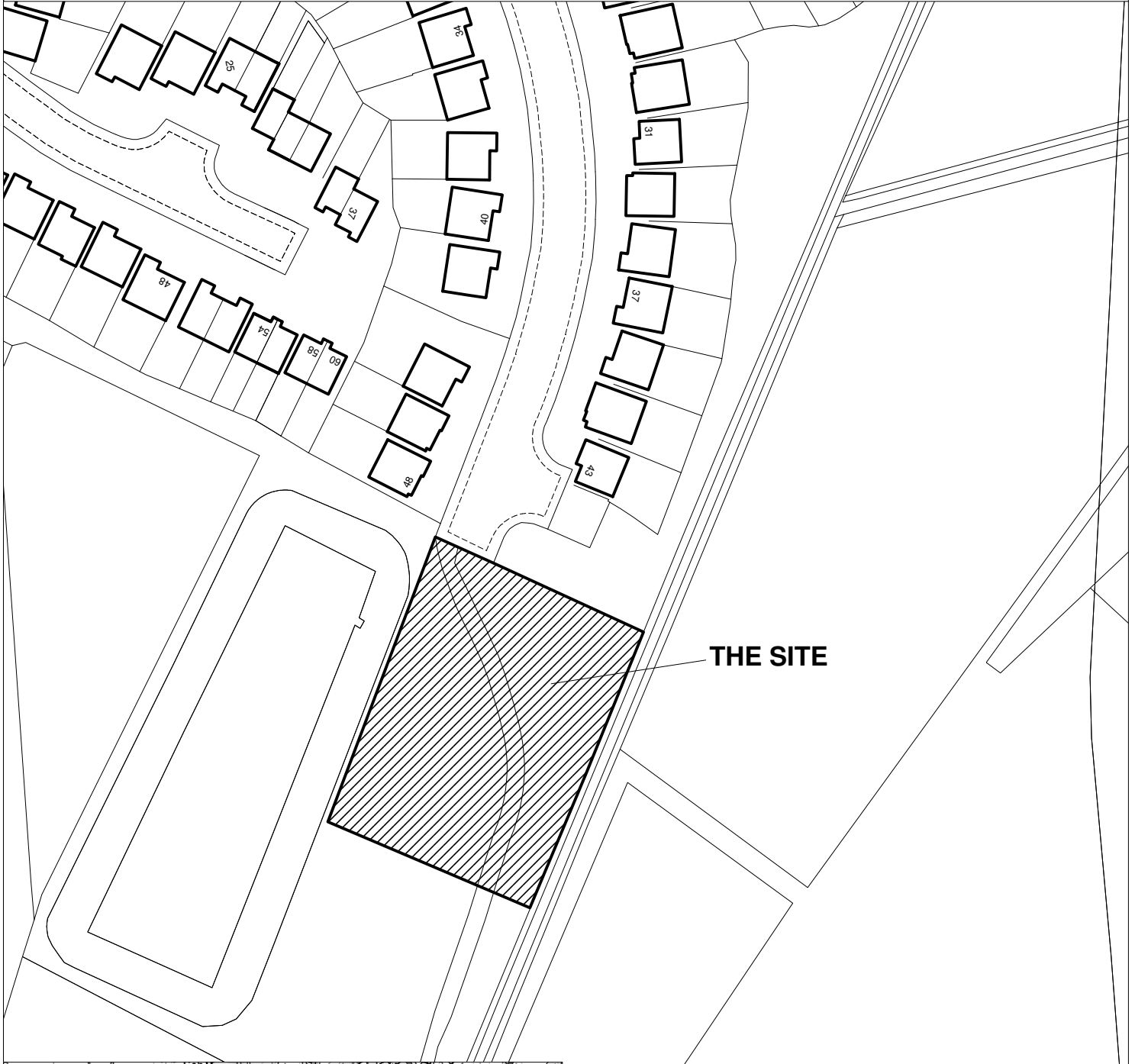
The application is brought to Committee at the request of Councillor Stuart as local concern has been expressed about a particular issue and there are unusual site circumstances that should be considered by Members.

**Site Description**

The application site, which measures some 0.10ha, is located at the southern end of Thorpe Downs Road and comprises an area of grassland with a surfaced pathway leading off the turning head, which connects to Public Bridleway No.137. The site is contained to the east by a ditch and adjacent hedgerow and to the west by a timber post and rail fence and hedgerow which separate the area from a large reedmace surface water balancing lagoon. The southern end of the site is a continuation of the grassland that forms the majority of the site. The large area of land beyond (to the west) of the balancing pond, which is in separate ownership, is the subject of a current outline application for the erection of up to 306 dwellings. This application is yet to be determined. The application area is level ground which falls away to the western and eastern boundaries. Thorpe Downs Road forms the main spine road for a modern residential estate with other small estate roads leading off. There is an existing pumping station adjacent to No.43 Thorpe Downs Road.

**Proposal**

**9/2014/0515 - Land at SK2918 9906 Thorpe Downs Road, Church Gresley,  
Swadlincote (DE11 9FB)**



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**South Derbyshire District Council. LA 100019461. 2014**

The application, which has been submitted in outline with all matters reserved except for access, is for the erection of three detached dwellings and a detached garage, together with the formation of a shared private drive to serve the properties leading off the existing turning head. An existing surfaced track, the route of which currently cuts through the application site, would be realigned to follow the western boundary for approximately 37 metres before swinging in a south-easterly direction to join up with Public Bridleway No.137.

### **Applicants' supporting information**

The application is accompanied by a Planning Statement and an Ecology Assessment, both of which are available to view on the Council's website. These are summarised as follows:

#### Planning Statement

This considers that the site is in a sustainable location with the proposed development having a strong physical and visual relationship with the existing adjoining development and with the St. Modwen site to the east. Therefore the principle of development is acceptable. It is also considered that three dwellings would have negligible impact on the existing highway network.

#### Ecology Assessment

This concludes that there are no species or types of flora present that constrain or prevent the proposed development.

### **Planning History**

There is no planning history relevant to this site other than a previous similar application which was withdrawn in order to carry out an ecology assessment. However, the Dyson land about 30m to the west (the subject of an application also on this agenda) has been considered as part of the Council's Strategic Housing Land Availability Assessment (SHLAA) and as part of the emerging Local Plan (Policy H3, March 2014). The SHLAA concludes that there are no significant environmental or physical constraints to development. The emerging Local Plan proposes the site to the west and other associated sites for residential development under Policy H3.

### **Responses to Consultations**

The County Highway Authority has commented on the status of the footpath that crosses the site. The legal route of the Bridleway stops short of the proposed diversion although the link onto Thorpe Downs Road is recognised and will be claimed when resources permit. As such, a link needs to be retained but it does not need to be formally diverted. The applicant has now included the diverted route of the bridleway/cycle route within the red line of the application site and on the basis that the applicant can provide the alternative route over controlled land there are no objections to the proposal from the highway point of view subject to conditions being included on any consent.

The Public Rights of Way officer at Derbyshire County Council confirms that Swadlincote Public Bridleway No.137 starts from a point some 15m south of the

southern boundary of the area outlined in red and the applicant should be made aware of the legal alignment of the route. There are no objections to the proposal as it does not appear to affect the route but the County Council requires the applicant be provided with advice.

The Coal Authority has no objections but advises that further, more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent Building Regulations application.

Natural England's response states that the proposal site lies within the River Mease catchment but has no objections subject to conditions [*see comment regarding this in the Planning Assessment below*].

Derbyshire Wildlife Trust initially recommended that the applicants submit further information as the ecology survey did not address concerns with regard to the impact of the proposed development on the adjacent stream. On receipt of the further information DWT has confirmed that its concerns have now been addressed, provided that conditions are included with regard to ensuring the stream is safeguarded during construction works and that the destructive search and the installation of amphibian exclusion fencing is undertaken.

The Environmental Protection Officer requests a condition with regard to contaminated land.

Severn Trent Water has not commented on the proposal.

SUSTRANS has not commented on the proposal.

## **Responses to Publicity**

A total of 15 representations have been received all of which object to the proposed development for the following reasons:

- a. Loss of privacy
- b. Noise, disturbance and safety hazard from construction vehicles during construction works
- c. No mention of existing watercourse which floods after heavy rain; the proposed development will exacerbate the problem
- d. It will set a precedent for more dwellings
- e. Additional traffic
- f. Impact on children's safety as they play
- g. Flooding already occurs at the bottom of Thorpe Downs Road
- h. Impact on investment in property and on semi-rural area
- i. Inaccurate information on application forms
- j. Stress caused by the development proposal
- k. Problems with existing pumping station which is unable to cope with current demand
- l. Impact on the ecology of the site, particularly Great Crested Newts and a Buzzard feeding her chicks
- m. Local primary school is already at capacity
- n. Site is overgrown and encroaching onto the footpath. The owners should be made to maintain it

- o. Thorpe Downs Road is inaccessible during times of snow and frost
- p. Well-being/quality of life of local people should be considered
- q. Proposal will impede the use of the pedestrian access off Thorpe Downs Road which is used as a shortcut to adjacent fields and the National Forest, shops and schools
- r. Proposal will obstruct enjoyment of wildlife, landscape and the pond
- s. Queries over land ownership
- t. Why has the Council allowed the company to re-apply?

## **Development Plan Policies**

The relevant policies are:

Adopted Local Plan: Saved Housing Policies 4 and 8; Saved Environment Policies 1, 10 and 11; Saved Transport Policy 6

Pre-Submission Local Plan: Policies S2, H1, SD1, BNE1, BNE4, INF2

Housing Design and Layout SPG

## **National Guidance**

National Planning Policy Framework (NPPF), paragraphs 7, 8, 11, 12, 14, 17, 35, 47, 49, 56, 109, 118, 121, 186, 187

National Planning Practice Guidance (NPPG)

## **Planning Considerations**

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

- The principle of the development
- Highway and footpath issues
- Residential amenity
- Drainage/Flooding
- Ecology

## **Planning Assessment**

The application site is located at the end of Thorpe Downs Road where the road ends in a turning head. An existing footpath/cycleway (not definitive) links the road to the definitive Public Footpath 137, the route of which begins approximately 15m to the south of the southern boundary of the application site. This would not be affected by the proposal. There is a ditch course to the immediate east of the site and existing dwellings to the north and northwest. The balancing pond that serves the existing dwellings is to the immediate west. A private drive would be created leading from the turning head and the permissive footpath/cycleway would be realigned so that it continues to connect to the public footpath. The realigned route would follow the existing north western boundary for approximately 33m before turning south eastwards to join up with the existing route. The indicative layout shows three detached dwellings and a detached garage all of which would front the private drive and overlook the

balancing pond. The position of the dwellings within the site would continue the building line of existing properties on the eastern side of Thorpe Downs Road.

### Principle of the Development

The site is located outside, but adjacent to the urban area as set out in the Local Plan. Saved Housing Policy 4 of the adopted Local Plan supports new residential development within or on the fringes of the built-up areas of (inter alia) Church Gresley provided that the site is substantially surrounded by development and:

- (i) Does not result in a prominent intrusion into the rural landscape outside of the built-up area;
- (ii) Does not involve the loss of the best and most versatile agricultural land;
- (iii) Does not constitute ribbon development other than the infilling of a small gap in a substantially built up frontage;
- (iv) Does not place excessive demands upon public utility services;
- (v) Does not involve the development of open spaces, gaps and landscape features which make a valuable contribution to the character of the environmental quality of the area;
- (vi) Is of suitable scale and character; and
- (vii) Does not prejudice the continued viability of adjacent industrial premises or community facilities.

With regard to the first point, the site cannot be considered to be substantially surrounded by development, although it should be borne in mind that (a) there is existing residential development to the north; and (b) the site to the west, beyond the balancing pond, is a preferred housing site in the Emerging Local Plan that is currently the subject of a planning application also on this agenda. It could be argued therefore that the proposed development when built would be seen in the context of the larger St. Modwen development and/or the existing Thorpe Downs development. With regard to the seven criteria listed above, it is considered that the proposed development accords with the majority of those listed, with the possible exception of (iii). Clearly, the development does not constitute the infilling of a small gap and could be considered to be ribbon development. However, there is a recognisable gap between the end house (No. 43) on Thorpe Downs Road and the site and therefore the building line would not be continuous. On balance, therefore, it is considered that the proposed development would achieve substantial compliance with Policy H4.

Emerging Policy H1 promotes residential development in the urban areas within and adjoining Swadlincote and Woodville and this site would appear to fit that category. Policy SD1 supports development that would not lead to adverse impacts on the environment or amenity of existing and future occupiers within or around proposed developments. In terms of residential amenity for existing occupiers, the site is sufficiently distanced and oriented so that there would be no loss of privacy for those residents closest to the application site. The comments with regard to children's safety are noted. However, this part of Thorpe Downs Road is not a recognised play area and this should not be considered as a legitimate reason to oppose the proposal.

The NPPF advises that there is a presumption in favour of sustainable development and also that sustainable development has three dimensions: economic, social and environmental. These roles should not be undertaken in isolation because they are mutually dependent. The site is close to, and within easy walking distance of a range of

existing facilities, including shops, a school, a park, a church, a public house and a bus service. As such, it is considered to be a sustainable site. Paragraph 14 of the NPPF advises that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

#### Highway and footpath issues

The County Highway Authority (CHA) originally objected to the proposal on the grounds that the development would have an adverse impact on the route of the bridleway/cycle route. Since then the applicants have demonstrated that they can provide an alternative route over land within their control and an amended plan has been submitted to show this. The CHA has requested *inter alia* a condition in respect of the diversion of the bridleway/cycle route and also requires an informative to be included with regard to the diversion. The proposed diversion of the permissive route would ensure that the public's enjoyment of the route and the routes of public footpaths beyond would not be impeded. The proposal is considered, therefore, to be in accord with Emerging Policy INF2 and the objectives of the NPPF.

With regard to the wider highway network, the CHA has not raised any objections to the proposal with regard to increased traffic and therefore it is considered that the development would accord with Saved Transport Policy T6 Emerging Policy INF2 and the NPPF.

#### Residential amenity

The application is in outline and no detailed designs have been submitted. One neighbouring resident is concerned that her privacy will be adversely affected. The submitted layout drawing shows three dwellings in a row some distance (25m minimum) from the nearest residential property, which more than meets any of the standards in the Housing Design and Layout SPG. It is considered therefore that the proposal would be in accord with Local Plan Saved Housing Policy 11, Emerging Policy BNE1 and the design principles of the NPPF and would not result in loss of privacy for existing residents.

With regard to the concerns expressed about noise and disturbance during construction works, there is legislation under the Environmental Protection Act to cover this situation and therefore it is unnecessary to address it here. The impact on the safety of children at play has been raised. The turning head is not a designated play area, but is part of the adopted highway and as such is under the control of the CHA. Children will always play on the street but it would be inappropriate to oppose the development on this ground. On the basis that the application is in outline and that issues such as overlooking would be assessed at reserved matters stage, there is no reason why the application should be judged as adverse on amenity grounds.

#### Drainage/Flooding

Many of the objections relate to flooding and the impact of the development on the existing drainage infrastructure, which, they maintain, is inadequate to cope with any further development. The application forms state that foul sewage and surface water would go to the mains sewer. There is a pumping station adjacent to No.43 Thorpe Downs Road, approximately 15m northeast of the site. It is the applicant's intention to

connect into the first manhole in Thorpe Downs Road which is adopted by Severn Trent Water. The rising main which is served by the pumping station will then discharge the waste water. The applicant understands that Severn Trent Water will shortly be adopting the pumping station and the applicant would need to obtain consent from Severn Trent in order to make the connection. This is the normal procedure for new development.

With regard to the neighbours' concerns relating to flooding, there is a ditchcourse that runs to the rear of all the properties on the east side of Thorpe Downs Road. The neighbours have stated that the application site is prone to flooding as a result of the ditchcourse becoming full in times of prolonged rainfall. However, there are no Council records of flooding in this immediate area and it is considered that an additional three houses over and above the existing residential properties on this estate would not make sufficient difference to warrant refusal. The site is not within a recognised flood zone according to the Environment Agency's Flood Risk map and information. As such it would be difficult to argue a case for refusal on grounds of flood risk.

### Ecology

The map associated with the River Mease Catchment Overview does not show Church Gresley as being within the catchment area for the River Mease and therefore the comments made by Natural England with regard to the River Mease SAC and SSSI are incorrect in this instance. The original application was withdrawn following comments received from the Derbyshire Wildlife Trust with regard to the possibility of Great Crested Newts being present within and around the adjacent balancing facility to the west of the site. This issue has now been satisfactorily addressed and the Wildlife Trust is now satisfied that the proposal would not have any detrimental impact on protected species subject to conditions. The site is not particularly known for its landscape value and is not subject to any landscape designation. However, it is acknowledged that it provides pedestrian and cycle access to the wider area, including the National Forest and many public rights of way. The development of the site in the manner proposed and in accordance with the recommended conditions, would not impact on the public's enjoyment of the surrounding area or on any ecology within the site and it would be in accord with Saved Environment Policy 11, Emerging Policy BNE4 and the objectives in paragraphs 109 and 118 of the NPPF with regard to biodiversity.

### Miscellaneous Issues

The neighbouring residents have expressed concern with regard to a number of issues, many of which have already been addressed above. With regard to those remaining, the following points are made:

- Approval of the application would not set a precedent as all development proposals are assessed on their own merits and against prevailing local and national policies.
- The County Highway Authority is satisfied that the local highway network would be able to cope with the additional traffic likely to be generated by three residential properties.
- Any impact on housing investment is not a material planning consideration as the Local Planning Authority does not control market forces with regard to property prices.



- The number of dwellings proposed does not meet the threshold for the County Education department to comment or to require a contribution towards education facilities. The number of school-age children likely to be generated by the development would be unlikely to affect local school capacity to any degree.

In summary, therefore, it is considered that the development proposal for the erection of three new dwellings is in accordance with current and emerging Local Plan policies and the general advice in the National Planning Policy Framework with regard to sustainable development. As such, a recommendation to approve the application is made accordingly.

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. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
(b) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.
2. Approval of the details of the layout, scale, appearance and the landscaping shall be obtained from the Local Planning Authority in writing before any development is commenced.  
Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.
3. All planting, seeding or turfing comprised in the approved details of landscaping under condition 2 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.
4. This permission shall relate to the amended drawing no SK01 Rev A received on 21st July 2014 showing in particular an enlarged site area which includes the land required to divert the bridleway/cycle route.  
Reason: For the avoidance of doubt.
5. 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. The work shall be carried out in accordance with the approved details.

Reason: To safeguard the appearance of the surrounding area.

6. Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), 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.

7. 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.

8. A) The development shall not be commenced until a scheme to identify and control any contamination of land, or pollution of controlled waters has been submitted to, and approved in writing by, the local planning authority (LPA); and until the measures approved in that scheme have been implemented. The scheme shall include all of the measures (phases I to III) detailed in Box 1 of section 3.1 the South Derbyshire District Council document 'Guidance on submitting planning applications for land that may be contaminated', unless the LPA dispenses with any such requirement specifically and in writing.  
B) Prior to occupation of the development (or parts thereof) an independent verification report shall be submitted, which meets the requirements given in Box 2 of section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.  
C) In the event that it is proposed to import soil onto site in connection with the development, this shall be done to comply with the specifications given in Box 3 of section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.  
D) No development shall take place until monitoring at the site for the presence of ground/landfill gas and a subsequent risk assessment has been completed in accordance with a scheme to be agreed with the LPA, which meets the requirements given in Box 4, section 3,1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

9. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the

procedural guidance of the Environmental Protection Act 1990 Part IIA, and appropriate remediation proposals, and shall be submitted to the LPA without delay. The approved remediation scheme shall be implemented in accord with the approved methodology.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

10. The development hereby approved shall be carried out in full accordance with the recommendations made in the FPCR Ecology Survey dated 24th May 2014, to include the provision of new bat and bird boxes within the development; and in accordance with the information received on 12th August 2014 with regard to the provisions of ensuring the stream is safeguarded during construction works and the destruction search and installation of amphibian exclusion fencing is undertaken.

Reason: In order to safeguard protected species in accordance with the advice in the National Planning Policy Framework.

11. Prior to any other operations commencing the bridleway/cycle route shall be diverted in accordance with the application drawing SK01 Rev A, laid out and constructed in accordance with details first submitted to and approved in writing by the Local Planning Authority in consultation with the County Highway Authority and Sustrans and retained open to the public thereafter.

Reason: To ensure an alternative route for the bridleway/cycle route is provided in the interests of public amenity.

12. Prior to any other works commencing other than those required under condition 11, a temporary access for construction purposes shall be formed to Thorpe Downs Road, laid out and constructed in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

13. Prior to first occupation of any of the dwellings hereby approved, the new access shall be constructed to Thorpe Downs Road, laid out in accordance with application drawing SK01 Rev A, having a minimum width of 4.25m and being constructed as a splayed vehicular crossover in accordance with Derbyshire County Council's specification for domestic vehicular accesses.

Reason: In the interests of highway safety.

14. The gradient of the driveways shall not exceed 1 in 20.

Reason: In the interests of highway safety.

15. No gates shall be erected within 5m. of the highway boundary and shall open inwards only.

Reason: In the interests of highway safety.

16. Prior to the first occupation of any of the dwellings hereby permitted, space shall be provided within the site curtilage for the parking and manoeuvring of two vehicles per dwelling and maintained throughout the life of the development free of any impediment to its designated use.

Reason: In the interests of highway safety.

17. Where a garage is provided as a parking space the internal dimensions of the garage shall be at least 3m x 6m.

Reason: In the interests of highway safety.

18. A bin store shall be provided within private land at the entrance to the shared private access to prevent refuse bins standing on the street causing an obstruction or inconvenience to pedestrians and other users of the bridleway/cycle route. The facilities shall be provided prior to the first occupation of the any of the dwellings hereby approved and shall be retained thereafter free from any impediment to their designated use.

Reason: In the interests of highway safety.

#### Informatives:

The phased risk assessment and potential remedial should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 2A. The contents of all reports relating to each phase of the risk assessment process should comply with best practice as described in the relevant Environment Agency guidance.

For further assistance in complying with planning conditions and other legal requirements applicants should consult "Developing Land within Derbyshire - Guidance on submitting applications for land that may be contaminated". This document has been produced by local authorities in Derbyshire to assist developers, and is available from [http://www.south-derbys.gov.uk/environment/pollution/contaminated\\_land/default.asp](http://www.south-derbys.gov.uk/environment/pollution/contaminated_land/default.asp). Reports in electronic formats are preferred, ideally on a CD. For the individual report phases, the administration of this application may be expedited if a digital copy of these reports is also submitted to the Environmental Protection Officer (contaminated land) in the Environmental Health Department: [thomas.gunton@south-derbys.gov.uk](mailto:thomas.gunton@south-derbys.gov.uk).

Further guidance can be obtained from the following:

- CLR 11: Model Procedures for the Management of Contaminated Land
- CLR guidance notes on Soil Guideline Values, DEFRA and EA
- Investigation of Potentially Contaminated Land Sites - Code of Practice, BSI 10175 2001.
- Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination, R & D Technical Report P5 - 066/TR 2001, Environment Agency.
- Guidance for the Safe Development of Housing on Land Affected by Contamination Environment Agency. ISBN 0113101775.

With regard to the submitted Coal Risk Assessment, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent Building Regulations application.

The route of Swadlincote Public Bridleway No.137 should remain open, unobstructed and on its legal alignment at all times. There should be no disturbance to the surface of the route without prior authorisation from Derbyshire County Council. Consideration should be given to members of the public using the route at all times. A temporary closure of the route may be granted to facilitate public safety subject to certain

conditions. Further information may be obtained by contacting the Rights of Way Section at DCC. If a structure is to be erected adjacent to the right of way, it should be installed within the site boundary so that the width of the right of way is not encroached upon.

With regard to the diversion of the bridleway/cycle route the link between Public Right of Way No.137 (as shown on the Definitive Map) and Thorpe Downs Road is a recognised route although not currently shown on the Definitive Map. As such, whilst the details will need to be approved by Derbyshire County Council's Public Rights of Way Section, a formal diversion is not necessary. With regard to the route of National Cycle Route 63, the route is controlled by Sustrans and the applicant is required to contact Matt Easter (matthew.easter@sustrans.org.uk).

The applicant is advised to seriously consider the installation of a sprinkler system to reduce the risk of danger from fire to future occupants and property.

In order to be of maximum benefit for wildlife, the applicant is advised to consider the use of native, nectar-rich species as part of the landscaping requirements under condition 2.

In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, by seeking to resolve planning objections and issues and suggesting amendments to improve the quality of the proposal and by promptly determining the application. As such it is considered that the Local Planning Authority has implemented the requirements set out in paragraphs 186 and 187 of the National Planning Policy Framework.

**Item**                **1.4**

**Reg. No.**           **9/2014/0618/SMD**

**Applicant:**  
**Mr Richard Kirkland**  
**Maplevale Developments Ltd**  
**Overley Lane**  
**Alrewas**  
**Burton On Trent**  
**DE13 7DF**

**Agent:**  
**Mr Richard Kirkland**  
**Maplevale Developments Ltd**  
**Overley Lane**  
**Alrewas**  
**Burton On Trent**  
**DE13 7DF**

**Proposal:**        **THE VARIATION OF CONDITIONS 2, 16 AND 19 OF  
 PLANNING PERMISSION 9/2013/1053 FOR THE  
 ERECTION OF 33 DWELLINGS (9 4-BED HOUSES; 2 2-  
 BED BUNGALOWS; 12 2-BED HOUSES AND 8 1-BED  
 APARTMENTS) WITH FORMATION OF A NEW  
 VEHICULAR ACCESS AND ASSOCIATED WORKS ON  
 LAND AT SK3126 1679 MILTON ROAD REPTON DERBY**

**Ward:**                **REPTON**

**Valid Date:**        **25/06/2014**

**Reason for committee determination**

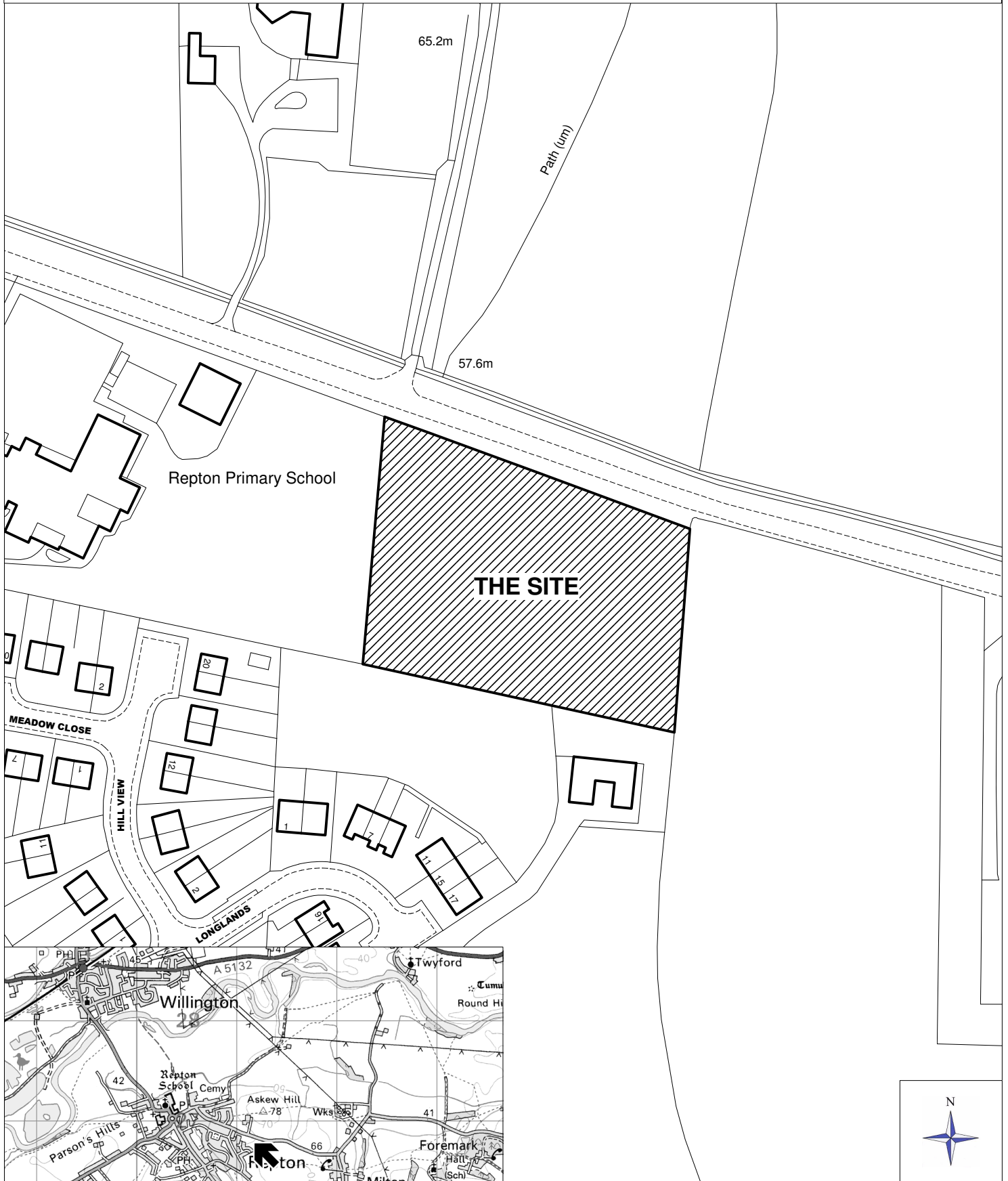
The item is presented to committee because this is a major development not in accordance with the Development Plan. However, members will recall granting the original scheme permission when presented to them in April this year. This application deals with amendments to that scheme but is brought to committee because it would involve the issuing of a new permission.

**Site Description**

The site extends to approximately 0.65 hectares and is presently rough grassland. It is a greenfield site just beyond the eastern edge of the village and adjacent to both the primary school to the west and the Longlands residential site recently granted permission to the south. The boundaries are predominantly mature hedgerows, scrub and trees, although works have recently taken place to lay or remove some of this. At the time of writing works comprising the proposed development have commenced on site. The boundary to the school also carries a 2 metre wire mesh fence, whilst a post and wire fence follows the southern hedgerow. An open land drain runs down the eastern boundary.

The land falls from the south-eastern corner towards the west and north. The levels fall from the northern boundary to the carriageway level of Milton Road – most notably at

9/2014/0618 - Land at SK3126 1679 Milton Road, Repton, Derby (DE65 6GB)



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South Derbyshire District Council. LA 100019461. 2014

the eastern end of this boundary where the fall is very pronounced. The field to the east is also some 1 to 2 metres higher. The wider landscape continues to rise to the east and also beyond Milton Road up towards Askew Hill. The footway along the northern side of Milton Road is elevated to a similar level to the site providing aspects from the north and north-east. There is a single isolated dwelling (Springfield House) beyond the next field to the east of the site, a cluster of dwellings sit within trees to the north of Milton Road, and existing dwellings on Longlands and Hill View sit on elevated land overlooking the site and the Longlands residential site in the intervening break. Milton Road connects Repton and Milton and is lit as far as the western end of the school grounds, with the footway on the northern side continuous between the two settlements.

## **Proposal**

The application is made under Section 73 of the 1990 Act, seeking variation of conditions attached to the previous permission. The changes sought relate to an amended orientation of plot P1, changes to the appearance and floor plans of plots P2 to P4 and P7 to P9, changes to parking and car-port arrangements for plots P1 to P9, and amendment to the timing requirements for highway related works along Milton Road. The proposal otherwise remains unchanged from its predecessor with no change to the number or types of dwellings proposed overall (33 in total of which 24 are for affordable housing purposes in a mix of 1, 2 and 3 bedroomed dwellings to be managed by Trent and Dove Housing Association, and the remaining 9 as a mix of four to five bedroomed open market dwellings. The elevations remain largely unaltered except for changes to positions of openings and dormers/rooflights within the limits of the scale of buildings previously approved.

## **Applicants' supporting information**

The Application Form highlights the above mentioned alterations to be considered under revised plans submitted in respect of condition 2. They consider that condition 16 is impossible to implement in accordance with the specified timescale as works cannot be completed until all drainage and services are installed later in the build programme. In respect of condition 19 it is sought that site access remains as a temporary solution until a point prior to first occupation where it would be constructed as a proper bellmouth and service road.

## **Planning History**

9/2013/1053: The erection of 33 dwellings (9 4-bed houses; 2 2-bed bungalows; 12 2-bed houses and 8 1-bed apartments) with formation of a new vehicular access and associated works – Approved April 2014

This approval has been subject to a Non-material Minor Amendment approval in July 2014, and also received approval of details required by conditions prior to commencement of development in July and August 2014.

Outline permission has also been granted for the erection of up to 40 dwellings on land to the south (the Longlands residential site) under ref: 9/2013/0643.

## **Responses to Consultations**



The Environment Agency has no comments.

Natural England has no comments.

The County Highway Authority comments that the proposed revised conditions contained in the application form are acceptable from a highway point of view.

The Police Crime Prevention Design Advisor raises no objection to the amendments.

The County Archaeologist considers the proposed variation will have no archaeological implications.

The Strategic Housing Manager notes the proposal would not affect the provision of affordable housing as previously approved and raises no comments on the matter.

### **Responses to Publicity**

No representations have been received.

### **Development Plan Policies**

The relevant policies are:

- Saved Local Plan 1998: Housing Policy 11 (H11) and Transport Policy 6 (T6).

### **Emerging Development Plan Policies**

The relevant policies are:

- Local Plan Part 1 (as modified at Submission): policies H9 (Land at Longlands, Repton), BNE1 (Design Excellence), BNE4 (Landscape Character and Local Distinctiveness), and INF2 (Sustainable Transport).

### **National Guidance**

- National Planning Policy Framework (NPPF).
- National Planning Practice Guidance (NPPG).

### **Local Guidance**

- Housing Design and Layout SPG.

### **Other Material Considerations**

- Repton Village Society's Village Design Statement (VDS).

### **Environmental Impact Assessment**

The previous application was screened under Regulation 7 of the Environmental Impact Assessment (EIA) Regulations 2011 for 33 residential units. The NPPG advocates similar consideration should be given to Section 73 applications which would, if successful, result in a separate planning application. The proposal is considered to fall

within paragraph 10b of Schedule 2 to those Regulations, being an infrastructure project. However having taken into account the criteria of Schedule 3 to the Regulations, the proposal is not considered to provide any fundamental alterations of the conclusion previously reached that significant environmental effects would not arise in the context and purpose of EIA. Accordingly the application is not accompanied by an Environmental Statement.

## **Planning Considerations**

The principle of development has already been established at the quantum and overall design and layout as still proposed such that it is not intended to discuss sustainability, the impact on local facilities and infrastructure, biodiversity and ecology, landscape and visual impacts, archaeology and drainage. The proposed changes are also not considered to alter the viability of the scheme to provide for commuted sums.

Assessment instead focuses on:

- the design and amenity impacts arising from the amended plans;
- the highway safety impacts arising solely from the proposed variation of conditions; and
- changes to remaining conditions arising from this application and the previous non-material minor amendment and discharge of conditions applications.

## **Planning Assessment**

### Design and amenity impacts

The proposed changes do not alter the status quo in respect of privacy or overshadowing with no immediate neighbouring dwellings to the site. The revised arrangement of dwellings retains a reasonable degree of privacy to all occupants, both within the dwellings and in private amenity space.

The changes to design are considered to enhance the overall quality of the development with the ethos of a traditional former farmstead and a mock farmstead to mirror, both surrounding principle farmhouse buildings enhanced through the inclusion of render to one of the principle buildings and full enclosure of storage spaces. Coupled with a high quality range facing and surfacing materials previously approved under condition, the quality exhibited should help to enhance the quality of similar developments elsewhere across the District.

### Highway safety impacts

The subject conditions require works to Milton Road and it is sought that the timing requirements of these works are varied in the interests of reasonableness.

Condition 16 requires, prior to construction of the dwellings, a 2 metre wide grassed margin to be provided extending along the site frontage to the east (left) of the new access and a 2 metre wide footway extending along the site frontage to the west (right), both laid out, constructed, drained and lit in accordance with County Council's specifications for new estate streets. It is proposed that the timing of these works be changed to allow for the construction of the dwellings and internal layout first. The alterations to Milton Road would still be provided prior to first occupation of any dwellings, hence would likely arise some time before that first occupation.

Condition 19 requires the new access to be formed to Milton Road, subject to specific dimensions and minimum visibility splays, prior to the construction of any dwelling. Again it is proposed that the timing of these works be changed to allow for the construction of the dwellings and internal layout first, utilising the temporary access allowed for under separate condition. The access would still be provided in accordance with the specified requirements prior to first occupation of any dwellings, and as a result would again likely arise some time before that first occupation.

The Highway Authority raises no objection to these proposed changes noting the visibility for construction vehicles is appropriate at the present time, especially with recent works to cut back overhanging vegetation to the east.

#### Changes to remaining conditions

The Council benefits from the ability to amend other conditions previously attached so they are consistent with the present “state of play”. This avoids the need for the developer to seek approval of details required by condition where those details previously approved can simply be applied under this application. When accommodating the previously approved plans and information either under the previous permission, the non-material minor amendment or discharge of conditions, condition 2 carries a greater suite of approved documents and some other conditions are deleted.

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 15 April 2017.

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. The development hereby permitted shall be carried out in accordance with the following plans/drawings unless as otherwise required by condition attached to this permission:
  - 1336/45 Rev G (Detailed Site Layout);
  - 1336/21 Rev D, 1336/22 Rev B, 1336/23 Rev D, 1336/24 Rev B, 1336/25 Rev C, 1336/26 Rev C, 1336/27 Rev D, 1336/28 Rev B, 1336/29 Rev B, 1336/30 Rev D, 1336/31 Rev B, 1336/32 Rev D, 1336/33 Rev B and 1336/55 (Floor Plans & Elevations to plots P1 to P9);
  - 1336/34 Rev B, 1336/35 Rev C, 1336/37 Rev A, 1336/38 Rev B, 1336/39 Rev B, 1336/40 Rev A, 1336/41 Rev B, 1336/43 Rev A and 1336/44 Rev A (Floor Plans & Elevations to plots 1 to 24);
  - 13798-03D and 13798-02E (Foul & Surface Water Drainage Plans);

- 1336/48, 1336/49 and Vertical Slit Details (received 26 June 2014) (Eaves, Verges, Dormers and Slit Feature Details)
- Materials Schedule Rev B
- 1336/54 “Tree/Hedge Protection” (Tree & Hedgerow Protection Scheme)
- 1336/54 (Temporary Access and Site Compound Arrangements)
- 748\_135 and AE1426-01 Rev C (Hard & Soft Landscaping, including subterranean tree root solutions)
- The letter ref: 2013-12(04) from Ecolocation dated 13 May 2014, the email from Ecolocation dated 30 July 2014, the Raised Ridge Detail ref: 4A, the Wildlife Mitigation Plan ref: 1336/45 Rev D and the soft landscape plan as referenced above (Ecological Mitigation)
- The Outdoor Lighting Report (ref: MMA12863), Lighting Connection Schedule Rev R0 and the Lighting Design Plan ref: MMA12863/001 Rev R0 (Lighting details)

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the car ports shall not be enclosed other than allowed for by the drawings hereby approved, and all car ports and parking spaces to be provided in connection with the development shall not be used other than for the parking of vehicles except with the prior permission of the Local Planning Authority granted on an application made in that regard.

Reason: To ensure adequate parking provision for the dwellings hereby approved remains in perpetuity in the interests of safety on the public highway.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no gates, fences, walls or other means of enclosure (except as authorised by this permission or required by any condition attached thereto) shall be erected without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the site area and effect upon the street scene.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), plots 1, P1 and P7 hereby permitted shall not be enlarged or extended without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, private external amenity provision, site levels and effect upon public open space.

6. There shall be no gates or other barriers within 5 metres of the nearside highway boundary (existing and proposed highway boundary) at any of the private driveways or vehicular accesses within the site. Any gates beyond 5m from the

highway boundary (existing or proposed highway boundary) shall open inwards only.

Reason: In the interests of safety on the public and private highway.

7. The proposed private driveways or vehicular accesses within the site shall be no steeper than 1 in 15 for the first 5m from the nearside highway boundary (existing highway boundary).

Reason: In the interests of highway safety.

8. Throughout the period of construction within any phase vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.

Reason: In the interests of safety on the public highway.

9. Following first occupation of the dwellings hereby approved no part of the new hedgerow along the eastern boundary of the site shall be removed within the first 15 years.

Reason: In the interests of ensuring the replacement hedgerow is provided sufficient opportunity to establish and make good the loss of previous hedgerow which existed.

10. The footway along the private road connecting with land to the south shall remain open for public use by pedestrians and cyclists at all times.

Reason: In the interests of providing vital a pedestrian connection to residential development and public open space on land to the south permitted under a separate permission.

11. No removal of hedgerows, shrubs or scrub shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period; and details of measures to protect the nesting bird interest on the site have first been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall then be implemented as approved.

Reason: In the interests of safeguarding against harm to protected species.

12. The approved hedgerow and tree protection measures shall be retained until a time where vehicles or mechanical equipment cannot interfere with such hedgerow or trees, or completion of the development, whichever occurs first.

Reason: In the interests of maintaining existing habitat provision to the benefit of wildlife and visual amenity.

13. The temporary access for construction purposes shall be retained in accordance with the approved scheme throughout the construction period, except where

replaced under the requirements of condition 20, free from any impediment to its designated use.

Reason: In the interests of safety on the public highway.

14. The approved space within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees' and visitors' vehicles, shall be maintained throughout the construction period in accordance with the approved designs free from any impediment to its designated use.

Reason: In the interests of safety on the public highway.

15. The affordable housing shall be provided in accordance with the approved scheme (as outlined in a letter dated 13 May 2014 from the Director of Housing Services at Trent and Dove Housing, and subsequent email dated 27 June 2014 from the Development Manager at Trent and Dove Housing). Such housing, consisting of not less than 24 dwellings, shall meet the definition of affordable housing in Annex 2 of the NPPF or any future guidance that replaces it.

Reason: To ensure the provision of affordable housing.

16. The ecological mitigation, compensation and enhancement strategy shall be implemented in full upon completion of the development hereby approved and maintained thereafter.

Reason: In the interests of protecting and enhancing biodiversity.

17. 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 first occupation of the dwellings 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. The publically landscaped areas shall be maintained as such until these areas are transferred to the Local Authority or nominated maintenance company.

Reason: In the interests of visual amenity.

#### Pre-occupation

18. No dwelling, the subject of the application, shall be first occupied until Milton Road shall be modified generally in accordance with approved plan 1336/45 Rev G with a 2 metre wide grassed margin provided on the southern side of the carriageway extending along the entire site frontage to the east of the proposed access, and a 2 metre wide footway provided on the southern side of the carriageway extending along the entire site frontage to the west of the proposed access. The modified highway shall be laid out, constructed, drained and lit all in accordance with Derbyshire County Council's specifications for new estate streets.

Reason: In the interests of safety on the public highway.

19. No dwelling, the subject of the application, shall be first occupied until a 2 metre wide footway has been provided on the southern side of the carriageway of Milton Road to the west of the site and connecting to the existing footway. The modified highway shall be laid out, constructed, drained and lit all in accordance with Derbyshire County Council's specifications for new estate streets.

Reason: In the interests of highway safety for occupiers of the development and adjacent development.

20. No dwelling, the subject of the application, shall be first occupied until the access has been formed to Milton Road. The access shall have a 5 metre wide carriageway, one 2 metre wide footway, two 6 metre radii and be provided with visibility splays of 2.4 metres by 43 metres to the west and 2.4 metres by 65 metres to the east, cleared and thereafter retained free of all obstructions to visibility over a height of 1 metre (600mm in the case of vegetation) above the adjoining carriageway level.

Reason: In the interests of safety on the public highway.

21. No dwelling, the subject of the application, shall be first occupied until the footway along the private road up to the boundary of land to the south has been completed to the satisfaction of the Local Planning Authority. Thereafter it shall remain open for public use by pedestrians and cyclists at all times.

Reason: In the interests of providing vital a pedestrian connection to residential development and public open space on land to the south (as permitted under a separate planning permission).

22. No dwelling, the subject of the application, shall be first occupied until a landscape management plan has been submitted to and approved by the Local Planning Authority. The landscape management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The landscape management plan shall be carried out as approved.

Reason: In the interests of interest of visual amenity, particularly for areas of landscaping not within the confines of privately owned, domestic gardens.

23. No dwelling, the subject of the application, shall be first occupied until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan Targets.

Reason: In the interests of encouraging the use of sustainable methods of transport.

24. Prior to the first occupation of plots 20 to 24, private driveways shall be laid out and constructed and surfaced with a solid bound material at a gradient no

steeper than 1 in 15 and shall incorporate measures to prevent the flow of surface water onto the highway.

Reason: In the interests of highway safety.

25. No dwelling, the subject of the application, shall be first occupied until space has been provided within the application site in accordance with the approved plans for the parking of the proposed dwellings' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interests of highway safety.

26. No dwelling, the subject of the application, shall be first occupied until the bin stores have been provided in accordance with the approved plans, and shall be retained thereafter free from any impediment to their designated use.

Reason: To ensure adequate bin storage and collection for the development hereby approved.

27. Secure cycle parking facilities in the form of Secure by Design Code Sheds for the houses/bungalows and Cyclehoop Individual Semi Vertical Bike Racks for the apartments shall be fully implemented and made available for use prior to the first occupation of the development hereby permitted (or first occupation of the respective dwelling where private secure cycle parking facilities are proposed) and shall thereafter be retained for use at all times.

Reason: In the interests of encouraging the use of sustainable methods of transport.

28. The position, type, angle, colour and baffling of external lighting to the new access road and shared and private driveways and parking areas shall be implemented prior to first occupation of the respective dwelling(s) and maintained in accordance with the approved details.

Reason: In the interests of species and habitat conservation, and in the interest of visual amenity.

#### **Informatives:**

- a. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections and technical issues, suggesting amendments to improve the quality of the proposal, meetings and negotiations, and promptly determining the application. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.
- b. An existing open ditch is being piped through the site. Culverting of this ordinary watercourse is likely to require Land Drainage Consent under Section 23 of the Land Drainage Act 1991. Derbyshire County Council (DCC) is the consenting authority and therefore any application, along with a £50 fee per structure, would



need to be submitted to the Flood Risk Management Team. They request that the developer provides DCC with additional information as to the plans for the ditch and the culvert into which the pipe seems to outfall at the north of the site in order to ascertain the requirement for Land Drainage Consent.

- c. The Highway Authority recommends that the first 5m of proposed access driveways should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner.
- d. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
- e. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained by contacting the County Council via email – [es.devconprocess@derbyshire.gov.uk](mailto:es.devconprocess@derbyshire.gov.uk). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
- f. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g: street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- g. Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway (including public Rights of Way), at least 6 weeks prior notification should be given to the Strategic Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the New Roads and Streetworks Section).
- h. New housing should be designed to addresses safety and the needs of vulnerable people. Domestic sprinkler systems are exceptionally effective through their ability to control a fire and help prevent loss of life. As a minimum, new residential development should incorporate a 32mm mains water riser which will enable the installation of domestic sprinkler systems, and ideally should incorporate the sprinkler systems themselves. The cost of installing a 32mm mains water riser is approximately £26 per dwelling and the cost of a domestic sprinkler system is approximately £1500. Derbyshire Fire and Rescue Service can advise further on such provisions.

16/09/2014

**Item**            **1.5**

**Reg. No.**        **9/2014/0645/FH**

**Applicant:**  
**Mr Adrian Watts**  
**1 Forest View**  
**Overseal**  
**Swadlincote**  
**DE12 6GZ**

**Agent:**  
**Mr David Malpas**  
**Premier Building Design**  
**6 Caistor Close**  
**Mile Oak**  
**Tamworth**  
**B78 3PT**

**Proposal:**        **THE ERECTION OF AN EXTENSION AT 1 FOREST VIEW**  
                         **OVERSEAL SWADLINCOTE**

**Ward:**            **SEALES**

**Valid Date:**      **15/07/2014**

**Reason for committee determination**

The application is reported to Committee at the request of Councillor Frost because a local concern has been expressed about a particular issue.

**Site Description**

The application dwelling is the first property in a row of four identical properties. The properties are two storey with gable frontages and gable feature porches with are attached by integral garages. The property's side boundary abuts the 30m rear garden of properties on Woodville Road. The property has been extended previously and it has a large detached garage forward of the main dwelling.

**Proposal**

Planning permission is sought for a two story extension to the side. The proposed extension would be 6.5m in height, measuring 5m x 5.3m and is a similar style to the existing building.

**Applicants' supporting information**

None

**Planning History**



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**South Derbyshire District Council. LA 100019461. 2014**

9/2012/0855 – Detached garage with storage to roof area (amended scheme to 9/2011/0379), Granted 4/12/12

9/2011/0379 – Erection of extension and detached garage, Granted 30/6/11

## **Responses to Consultations**

Overseal Parish Council supports the application.

## **Responses to Publicity**

Three separate communications from a single household have been received which can be summarised as follows:-

- a) The appearance and size of the extension is out of character with the property and the street.
- b) It would cause overshadowing and loss of privacy.
- c) The garage is not used to store cars and the applicant's park their cars on the road which creates a road hazard.
- d) The garage roof is too high and does not accord with approved plans.
- e) Construction work should not be at weekends or Bank Holidays.

## **Development Plan Policies**

The relevant policies are:

Local Plan: Housing Policy13

The emerging policies are:

- Local Plan Part 1 (Submission Version): SD8 Amenity and Environmental Quality

## **National Guidance**

National Planning Policy Framework (NPPF) paragraphs

- 9 - Purposes of Sustainable Development
- 14 - Presumption in favour of Sustainable Development
- 17 - Core Planning Principles
- 56 - Requiring Good Design

National Planning Practice Guidance (NPPG) ID:26 Design

## **Local Guidance**

Advice from the Better Design for South Derbyshire paper and 'Extending your Home' SPG.

## **Planning Considerations**

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

## **Planning Assessment**

The proposed extension would be set back 2m from the front of the existing dwelling and 9m from the road. A large portion of the extension would not be visible from the road as the existing detached garage obscures the view. Due to the set back the proposal would appear subordinate to the original dwelling and would not be highly visible in the streetscene. The design proposed is considered to be in keeping with the property.

The property has adequate parking as there are two spaces to the front and a double garage. An assessment was carried out and the garage does accord with the approved plans granted in 2012.

The proposed windows on the first floor are located approximately twenty five metres away from the property opposite and properties to the rear have 40m rear gardens. The proposal therefore accords with the Council's space standards and thus would not have a significant impact on the amenity of neighbouring properties. Any disturbance caused during construction would be covered under the Environmental Protection Act.

It is considered that the proposed two storey side extension by virtue of its scale, massing, design and location would not harm the privacy or amenity of the occupiers of any neighbouring dwellings, nor would it adversely affect the character or appearance of the wider area. As such the proposal is considered to comply with policy H13 of the South Derbyshire Local Plan, advice within the Better Design for South Derbyshire paper, Extending your Home Supplementary Planning Guidance and paragraphs 9, 14, 17 and 56 of the NPPF.

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. All external materials used in the development to which this permission relates shall be similar to those used in the existing building in colour, coursing and texture.  
Reason: To safeguard the appearance of the existing building and the locality generally.

Informatives:

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine

gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through quickly determining the application. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

**Item**            1.6

**Reg. No.**        9/2014/0697/FM

**Applicant:**  
**Church Commissioners For England**  
**C/O Agent**

**Agent:**  
**Miss Jennifer Hadland**  
**Smiths Gore**  
**24 Coniscliffe Road**  
**Darlington**  
**DL3 7JX**

**Proposal:**        **DEMOLITION OF FARM BUILDINGS/STRUCTURES  
TOGETHER WITH THE CONVERSION, EXTENSION AND  
REPLACEMENT OF AGRICULTURAL BUILDINGS TO  
FORM 3 DWELLINGS AND GARAGING/CAR PORT  
SPACE, ALONG WITH CREATION OF ACCESS AT  
COMMON FARM MAIN STREET MILTON DERBY**

**Ward:**            **REPTON**

**Valid Date:**      **22/07/2014**

**Reason for committee determination**

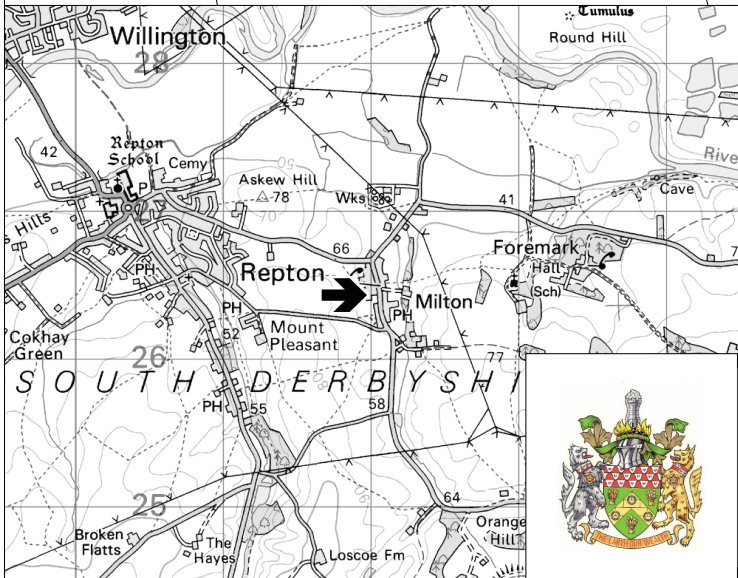
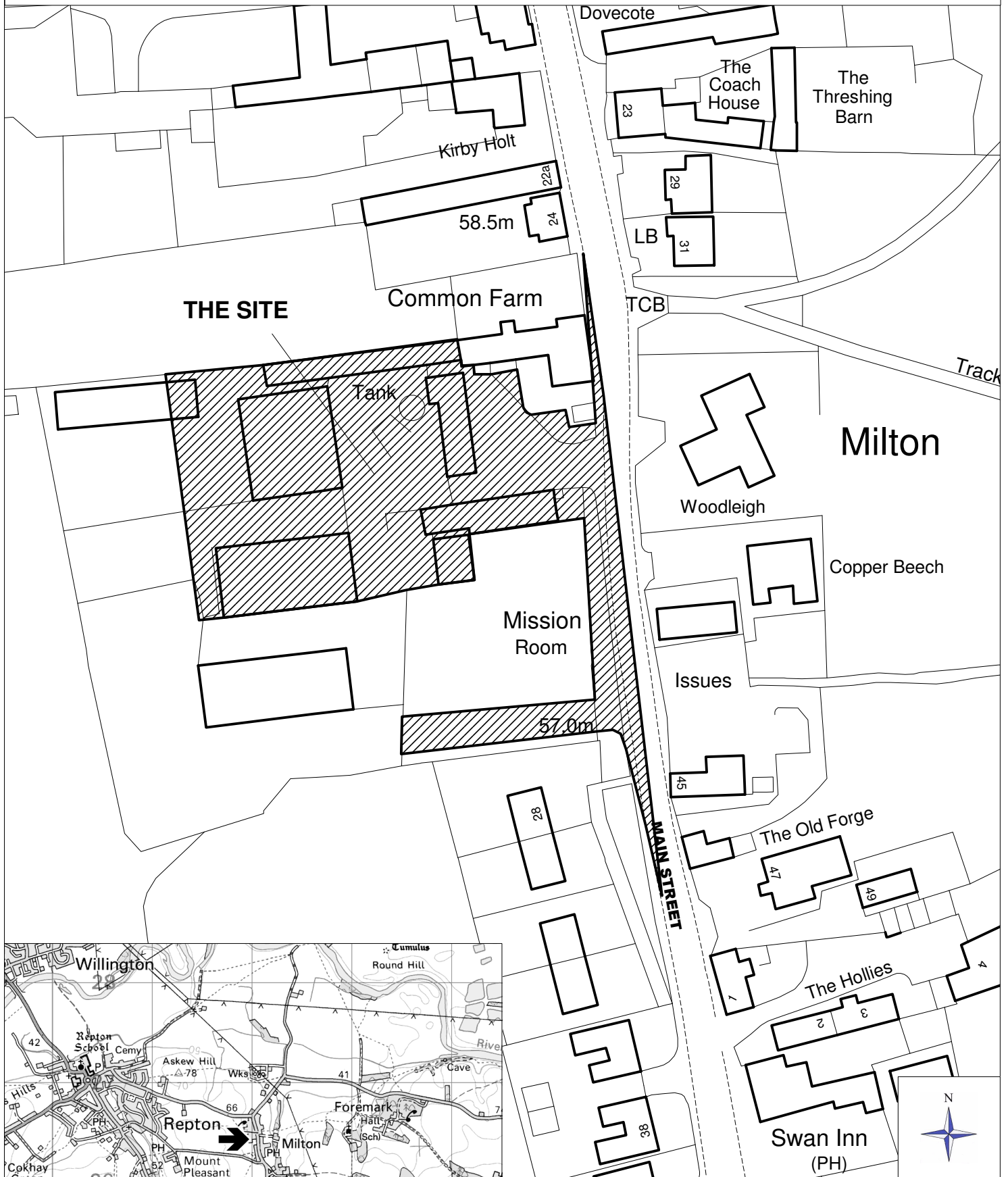
The item is presented to committee at the request of Councillor Stanton as local concern has been expressed about a particular issue.

**Site Description**

The site is located to the west side of Main Street in Milton with existing housing north, south and east of the site. The farmhouse and farm buildings are accessed from Main Street. The site comprises a number of traditional brick built barns and stores which are now redundant. These frame two courtyards – the first forming part of the farmhouse setting, the second forming the more historically functional courtyard with a redundant grain silo sat within it. A smaller lean to arrangement also adjoins these buildings. Beyond are four large modern farm buildings within a concrete yard with a concrete silage clamp to the rear.

The traditional farm buildings comprise a long single storey cattle shed extending immediately to the rear of the farmhouse along the northern boundary of the site. This is joined at a right angle by another single storey range comprising four stables and store with catslide roof. On the southern boundary of the site is a two storey building built as a grain store with animal stalls and cart shed below. This building has been extended to the west in the past by a single storey building although since replaced by an unattractive open lean-to store with corrugated iron roof. The brick built buildings are either listed by way of connection to the principal listed building – the three-storey

9/2014/0697 and 0716 - Common Farm, Main Street, Milton, Derby DE65 6EF



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South Derbyshire District Council. LA 100019461. 2014



Grade II farmhouse fronting directly on to Main Street, or by way of curtilage association given their age, function and ownership at the time of listing in 1986. This group of traditional buildings was formerly completed by a fourth range, demolished circa 1970, which would have extended from the western end of the cattle shed enclosing the functional courtyard, making way for the more contemporary buildings. This is evidenced through inserted brick work in the cattle shed and as shown on historical Ordnance Survey mapping.

To the north of the farmhouse is a small open area of grassland, opposite the access is a modern bungalow (Woodleigh) with further dwellings and the village hall north and south of this property. To the south of the site is a small orchard framed by a stone wall to the highway boundary; whilst farmland lies to the west beyond the more contemporary buildings at the farm.

The site falls wholly within the Milton conservation area and mostly within the village confines. It is not designated to be at risk of flooding or subject to other statutory constraints.

## **Proposal**

It is proposed to change the use of the traditional agricultural buildings to form 3 dwellings with garaging/carport space. This would be achieved through conversion and extension of these buildings, including the replication of the former wing which was demolished. Most of the modern farm buildings would be demolished in providing for this development and associated garden space, whilst a new agricultural vehicular access would be formed to Main Street, passing through the Orchard towards the most southerly agricultural building which would be retained for such purposes.

## **Applicants' supporting information**

Aside from detailed plans showing the existing and proposed development, the following reports are provided:

### Stage 1 Ecology Survey

This was undertaken in 2013 prior to the withdrawal of the previous applications (see below) and concluded that site biodiversity is essentially related to birds and bats. The bat interest was considered to be low and possibly only recent, with Brown long-eared bat a new species record for the area, and redevelopment of the site would require a licence and mitigation for the loss of a bat roost, with a replacement potentially accommodated in a garage/carport with a ceiling. Any maturing trees that need to be removed should be surveyed for bat interest prior to removal.

Birds that have nested in the buildings are generally common species with the exception of swallow. The site has also been visited by barn owl but not recently. Vegetation clearance should be undertaken outside the bird nesting season with consideration for anomalies to the accepted breeding season. No badger activity was found on site with the nearest recorded sett approximately 0.8km distant. Hedgehog was not found but the habitat is suitable for this species and site vegetation clearance should take this into consideration. The site is not considered suitable for reptiles and amphibians primarily due to location and lack of habitat. Where there are boundary

walls on the site these are mortared and not suitable refugia. Redevelopment of the site will not have an adverse impact on the local wildlife sites identified.

Site vegetation is common with no notable or biodiversity species present. Most of the vegetation has probably established with the decline in use of the farmyard. The orchard is of recent origins with relatively young trees and while the habitat does not qualify as a biodiversity action plan habitat, it is a feature of the site that should be retained, at least in part. Native boundary vegetation should also be retained and supplemented.

### Bat and Bird Report

This report specifically responds to the objection lodged by the Derbyshire Wildlife Trust under the previous applications, and should be read in conjunction with the Ecology Survey. No trees within the site were recorded as having potential to support roosting bats due to the lack of required features. Bat activity levels recorded within the site was generally low and that habitats are sub-optimal for foraging and commuting bats, comprising mainly buildings and hardstanding. Extensive foraging and commuting opportunities for bats are present within the wider area beyond the site comprising the orchard, many mature trees, wooded areas and ponds. The majority of buildings are not considered to have potential to support roosting bats on account of their fabric, open nature and/or lack of features present, with no evidence of bats recorded within these buildings.

Potential for roosting bats was recorded within the three existing traditional buildings proposed for conversion due to their dark interiors, brick walls and roofs. No evidence of bats roosting has been recorded in the single storey cattle shed along the northern edge and as such this building is not constrained by the presence of bats. However the internal and external surveys and the emergence and re-entry surveys that indicate that a small Brown Longeared roost is present within the buildings closest to the farmhouse. The low number of droppings recorded and the age of the droppings indicate that these buildings are used as occasional small summer roosts comprising males or non-breeding females. Given the low numbers of droppings recorded and the fluctuating temperatures that the buildings will be subjected to, the roosts are not deemed to be maternity or hibernation roosts. The status of the small roost does not require specific conditions on timing, but no works can take place until a Natural England bat licence has been obtained.

The report recommends that prior to any work taking place on these buildings a variety of bat boxes should be placed on suitable trees within the site to ensure that roosting opportunities are still available for bats during the works, as well as creating additional roosting opportunities post-development. To compensate for the loss of the existing roosts a new roost will be created specifically designed for the species of bats recorded during the surveys. A sensitive lighting scheme should also be provided and the new garden hedgerow proposed should comprise native species in order to enhance foraging opportunities.

A number of birds have been recorded utilising the site, although based on the relative small size of the site and the habitats present, it is not considered to be of any special ornithological importance. As a precaution, due to the presence of breeding birds within some of the buildings it is recommended that any removal of suitable nesting habitat be undertaken outside of the breeding season or checked for nesting birds by a trained

ecologist immediately prior to removal, with any found left in place until the young have left the nest.

Although no nesting Barn Owls have been recorded, in order to ensure that opportunities remain for this species post-development it is recommended that a Barn Owl box is placed within a suitable retained tree or building to provide roosting opportunities for this species. It is also recommended that a number of Swallow nests are provided within building to ensure opportunities for this species remain. Furthermore, it is also recommended that a variety of other nest boxes are placed on suitable trees/buildings within the site post-development in order to enhance the opportunities for a range of different bird species.

### Building Appraisal Report

The Report has identified the condition of each of the buildings on site and any remedial works that may be required to them. The report concludes that the buildings are in reasonable condition with no significant structural defects noted. Localised structural repair work and maintenance is required to each of the buildings and roof structures are generally sound and require upgrading to suit conversion.

### Heritage Assessment

The Assessment examines evidence from written, map, archive and published sources for the 3 historic farm buildings proposed for redevelopment and reports on a preliminary survey of the buildings' fabric and a photographic record/survey of their present condition. It concludes that the buildings probably originate in the period after the inclosure of Repton and Milton in 1769 when Common Farm may have been created on former common land.

Each of the three buildings has been examined and their former, probably original, use identified, together with a broad indication of additions and extensions. No medieval or earlier structure pre-dating Common Farm has been identified although contemporary buildings now demolished may survive as below ground deposits. Documentary search and ground inspection has not yielded an indication of archaeological deposits beyond the 18<sup>th</sup> century farm.

The results of the Assessment, together with pre-application comments by the Conservation Officer, have been employed in creating a design which is considered to enhance the historic, evidential and aesthetic value of the farm buildings. Recommendations are made for fabric recording and an archaeological watching brief during development and are felt to reflect the perceived heritage significance of the buildings. The Assessment also illustrates how, by careful design and judicious use of existing fenestration, ventilation panels and doorways, as well as, sympathetic roof lines the proposed buildings will achieve the objectives of local and national policy and provide a development which enhances the heritage assets, retains the significance of the listed farmhouse, and retains the character of the Conservation Area.

### Tree Report

The Report notes there is a grade 'A' tree – a sycamore – northwest of the site that due to its large size, good form, condition and visibility from many vantage points about the village is of high amenity value. The orchard to the southeast of the farm comprises

mostly young fruit trees and is an attractive feature to the village. There are 2 young beech trees and a mature holly on the east boundary of the orchard that are prominent on the street scene and also provide good amenity value to the locale. It recommends that wherever possible specimens of good quality or value should be retained and incorporated into the development layout proposals. This is particularly important in a number of key areas on this site, these being:

- To the front of the property where there are significant trees of high amenity value
- To the north-west of the site where there is a high amenity value tree.

Recommendations are made for a tree protection plan which will clearly identify those trees to be retained and those to be removed, and the precise location for the erection of tree protective fencing and any other relevant physical protection measures to safeguard the root protection area.

### Planning, Design and Access Statement

This describes the site and proposed development in some detail, as summarised above. It also summarises the above reports. The Statement notes the scheme has been informed and shaped by on-going pre-application discussion with the Conservation Officer, which have been immensely useful to the evolution of the current proposal. The Statement then moves to consider national and local planning policy, noting the proposal accords with the NPPF as it proposes development that re-uses redundant and disused buildings leading to an enhancement of the immediate setting. It is also considered the proposal accords with both paragraphs 126 and 137 of the NPPF in that it sustains and enhances the heritage assets and ensures their continuation as a heritage asset to the historic environment of Milton and its character. The new development proposed also makes a positive contribution to local character by reinstating farmyard features lost over time and better revealing the significance of the buildings as a heritage asset by removal of the large modern agricultural barns.

In terms of local policy consideration is given to Housing Policies 5, 7 and 8 given the proposal involves the creation of dwellings both inside and adjacent to the existing village confines. This is discussed in similar detail below. Consideration is also given to the impact on existing trees, noting that any trees lost are not of notable value. Extensive consideration and justification for the proposal is given in respect of Environmental Policies 12 and 13, relating to impacts arising on the designated heritage assets (the listed buildings and the conservation area). It is considered the proposal would represent a material enhancement to the setting of the listed buildings and character of the area, as already outlined above.

### **Planning History**

9/2013/0722 & 0723: Planning and listed building applications for the demolition of farm buildings/structures together with the conversion and extension of agricultural buildings to form 3 dwellings and garaging/carport space together with the formation of a new agricultural vehicular access – Withdrawn.

9/2013/0704: The felling of a group of leylandii trees – No objection October 2013.

## Responses to Consultations

Natural England raises no objection advising that the proposal is unlikely to affect any statutorily protected sites or landscapes. They also point the Council towards their Standing Advice to assess likely impacts on protected species. They note that the application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes, and the Council should consider securing measures to enhance biodiversity if it is minded to grant permission. They also highlight the proposal may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment.

Derbyshire Wildlife Trust notes that the previous application provides a benchmark in which to assess this further application, given their previous objection concluding there was insufficient information on bats to conclude compliance with the Habitat Regulations. They note the Bat and Bird Report provides details of additional survey work undertaken during May and June this year together with details of necessary mitigation measures, including provision of compensatory roosting facilities in the form of bat boxes and in the longer term a new bat loft in the new development. They advise that the concerns with regard to roosting bats raised in their 2013 objection have now been fully addressed. They state the additional survey work undertaken now gives the Council confidence that a planning decision can be made having fully taken the presence of European Protected Species (EPS) into account in accordance with the requirements of the Habitats Regulations. The report has rightly indicated that a Natural England EPS Licence will be required to proceed on works to two buildings without committing an offence, although as no evidence of bats was recorded in the other buildings bats do not present a constraint to the proposed development of these other buildings. They advise that the Mitigation, Compensation and Enhancement (MCE) measures for bats set out in paragraphs 6.1.2 to 6.1.28 of the Report are suitable to maintain the favourable conservation status of the local bat population and should be implemented in full as a condition of approval. They also fully support the MCE measures for birds as set out in paragraphs 6.2.3 to 6.2.10 of the Report which should again be implemented in full as a condition of approval. The retention and appropriate management of the orchard should also be secured by a suitably worded planning condition.

The County Development Control Archaeologist notes the site is within an area of archaeological interest, associated with the medieval core of the settlement where below-ground evidence of the early village is likely to survive. The proposals involve an element of extension and new-build with excavations for new foundations, and presumably also for services, drainage and sewerage within the site. There is consequently potential for impacts to below-ground archaeology. It is therefore recommended that this interest is addressed through a conditioned scheme of monitoring (watching brief).

The County Highway Authority raises no objection noting that whilst visibility is substandard to the north, when considering the vehicle movements currently associated with the site against those likely to be associated with the proposal, it is unlikely to result in an increase in use of the access. They request conditions to secure appropriate visibility and parking provision for the proposed dwellings.

The Environmental Protection Officer (Contaminated Land) has no comments to make.

## Responses to Publicity

Repton Parish Council objects on the following grounds:

- i) the proposed new agricultural access would have an adverse effect on the village and conservation area, with it substantially altering the character and appearance of this area;
- ii) the old renovated stone wall is in keeping and should not be disturbed;
- iii) adverse effect of highway safety given the narrow road width together with the possibility of parked cars would make the new access dangerous, lying as it would opposite existing access to 2 existing houses; and
- iv) available car parking within Milton is already very limited with the John Port school bus stopping in this area and traffic during term times increases due to the location of Repton and Foremark schools.

23 representations have been received across both the planning and listed building applications, objecting on the following grounds:

### Highway safety and ease of access

- a) whether there is a need for the agricultural access given existing accesses on Mount Pleasant Road and Milton Road;
- b) the limited need for the remaining barn does not warrant such an invasive access;
- c) the proposed access road is directly opposite an existing driveway serving two dwellings;
- d) the road is narrow at the point of the proposed access and would be a hazardous position to turn a farm vehicle;
- e) the likelihood of cars being parked nearby on both sides of the road would inevitably affect the visibility splay;
- f) the traffic data collected was taken partly during a school holiday and it does not take account of particularly busy and potentially hazardous times;
- g) this part of the street is the only safe place for the pick-up and drop off point for the school bus;
- h) the gate on the new access could impede traffic;
- i) the wooden houses to the south of the site have no off street parking and so are forced to park on the road;
- j) the proposed access would further limit parking for the village hall, directly opposite the site;
- k) parking space should be made available to the public within the site to offset that lost on the highway;
- l) elderly and disabled persons would have to park more distant from the village hall;

### Visual amenities, character and heritage

- m) the disturbance of the orchard and detrimental effect on the character of the neighbourhood and visual amenities;
- n) Milton is a linear village;
- o) the access road will impair the character and appearance of the conservation area ;

- p) the demolition of a 5m length of the wall would cause significant harm to the appearance of a feature of the village which includes the adjacent verge, trees and bench;
- q) Milton villagers have, over the years, repaired, renovated and generally maintained the wall to a good standard at their own expense;
- r) the Conservation Area Character Statement highlights the importance of the orchard space offering one of the principle viewpoints and the vehicular access would disrupt this defining characteristic;
- s) the wall forms part of the border of a listed building meaning it should be protected;
- t) the paddocks must be retained as agricultural land so to retain the character of the village envelope and conservation area;

#### Neighbouring amenity and housing mix & tenure

- u) the eastern door on plot 1 should not be glazed as this has never been the case, and it would impact on privacy to the bungalow opposite;
- v) the conversions do not reflect or enhance the scale, character and history of the village in that smaller cottages have been lost by demolition or conversion into larger houses;
- w) the proposal fails to provide for a diversity of housing, including the availability of affordable housing;
- x) a Section 106 agreement should cover maintenance of the orchard and provision of affordable housing;
- y) the ability to ensure the use of the Village Hall should not be compromised by this development;
- z) in the summer months the whole grass verge area opposite the hall is used for events requiring stalls, and this proposal would reduce the space available for this;

#### Drainage and biodiversity

- aa) at the point of the proposed new access Main Street is known to flood and proposed soakaways are likely to be insufficient to prevent this being exacerbated;
- bb) Milton Treatment Works are running at full capacity;
- cc) there are hedgehogs in the area as well as foxes, bats and sparrow hawks.

#### Other

- dd) schooling capacity for the new dwellings;
- ee) it would appear sensible and less intrusive to re-site the barn nearer to the farmstead which it serves;
- ff) the field access to the north of the farmhouse must be retained in order to maintain the adjacent property;
- gg) this application could be seen as the first of a series of developments; and
- hh) nothing exists of the original western building and the developer is simply building an additional property in an already crowded village.

### **Development Plan Policies**

The relevant policies are:

- Saved Local Plan 1998: Housing Policies 5, 7, 8 and 11 (H5, H7, H8 and H11), Environment Policies 1, 11, 12 and 13 (EV1, EV11, EV12 and EV13), and Transport Policy 6 (T6).

## **Emerging Development Plan Policies**

The relevant policies are:

- Local Plan Part 1 (as modified at Submission): policies H1 (Settlement Hierarchy), SD1 (Amenity and Environmental Quality), BNE1 (Design Excellence), BNE2 (Heritage Assets), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness) and INF2 (Sustainable Transport).

## **National Guidance**

- National Planning Policy Framework (NPPF).
- National Planning Practice Guidance (NPPG).

## **Local Guidance and Evidence**

- Housing Design and Layout SPG.

## **Other Material Considerations**

- Milton Conservation Area Character Statement (CACS) 2013.
- Repton Village Society's Village Design Statement (VDS).

## **Planning Considerations**

The 2013 applications were withdrawn following objection from the Wildlife Trust, as mentioned above, in order that further bat survey work could be undertaken. At the time of withdrawal all other technical aspects of the proposal were considered acceptable (subject to condition where necessary) in the eyes of the relevant consultees, but the Council could not even consider recommending an approval given it could not satisfy its requirements under the Habitat Regulations. This information is now available and accompanies these applications. Assessment therefore focuses on:

- the principle of development (including weight afforded to Development Plan policies);
- heritage considerations;
- ecological considerations;
- highway safety impacts arising;
- design and amenity impacts arising; and
- other relevant planning matters.

## **Planning Assessment**

The principle of development (including weight afforded to policies)



EV1 seeks to guide development to within existing settlement confines unless it is appropriate to a rural location or unavoidable in the countryside. H5 provides for new housing development within settlement confines subject to being in keeping with the scale and character of that settlement. The principle of plots 1 and 3 is accepted and further supported by H7. However as the footprint of the dwelling to plot 2 lies outside the currently identified village boundary, H5 is not applicable to this part of the proposal – instead it falls to consideration under H8. Given it is neither a replacement dwelling nor a new dwelling benefitting from agricultural justification, the proposal fails to adhere to the Development Plan at this point. Notwithstanding this conflict, attention must still be given to material considerations which either individually or collectively may outweigh the harm arising.

Foremost is the NPPF. This advocates that housing policies for the supply of housing should not be considered to be up to date if a 5 year supply of deliverable sites cannot be demonstrated. The latest published position, as part of the emerging Plan, confirms the Council is short of such a supply. It is then necessary to consider the degree of consistency that policies EV1 and H8 have with the NPPF. EV1 is in part a housing delivery policy given it constrains the provision of housing across the District. In the context of the emerging Plan identifying a need for c.13,500 dwellings across the Plan period, it is clear that sites outside of existing settlement confines will be necessary, and this is wholly clear in the detail of the emerging Plan. As such EV1 is consistent with the NPPF in recognising in some cases development is unavoidable. H8, in so far as where it relates to new dwellings (not replacement dwellings), contains elements of paragraph 55 of the NPPF which states:

*“to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.... Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:*

- i) the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- ii) where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- iii) where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- iv) the exceptional quality or innovative nature of the design of the dwelling...”*

H8 clearly provides for the special circumstances outlined at (i) whilst H7 caters for (iii) in any case. However the structure of paragraph 55 is that the exceptions only apply to *isolated* homes in the countryside. Taking cues from recent Appeal decisions and considering the location of plot 2 in relation to the existing settlement and plots 1 to 3, it is not considered this plot is isolated. Indeed it is only just beyond the settlement confine which runs arbitrarily north/south through the existing rear courtyard – not following a physical feature on the ground. Thus in order to correctly apply paragraph 55 the test is whether the proposal enhances or maintains the vitality of the rural community, and in this case it is considered to at least maintain, if not enhance, that vitality by facilitating an extra dwelling at a rate commensurate with historical rates of growth in Milton. There is no policy requirement for affordable housing in schemes of this size, and insisting on such provision here would most likely make the development unviable and it would not proceed.

Further consideration is given to the heritage benefits arising from the additional dwelling in this position. As discussed below it would lead to the removal of the contemporary farm buildings in the immediate vicinity of the listed buildings, dramatically improving their setting; and without the enclosure to the western flank of the rear courtyard the former positive elements of the evolution of the farm would not be properly realised and appreciated. The NPPF encourages local planning authorities to look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. This proposal achieves that aim.

It is also quite feasible to amend the layout to swap plot 2 with the presently proposed garaging and car port wing such that the new building outside of the village confines would be an incidental building, to which the principle of development is more favourable. However as this would result in a more harmful arrangement of private amenity space and fail to realise the importance of the courtyard on the setting of these barns, it is considered more prudent to allow an exception in this case.

Overall the national and local policies are intended to guide development to the more suitable settlements whilst equally preventing harmful development. Milton is very much a small village with limited services which has developed along a strong north/south axis – more recently to the south of the site. It is not considered the harm arising is sufficient to warrant refusal, particularly given the scheme would facilitate the retention and continued use of important listed buildings within the village and conservation area, provide an overall enhancement to both, and not undermine the historical evolution of the settlement focussed along the north/south spine of Main Street.

#### Heritage considerations

Common Farm is separated from surrounding development by a paddock to the north and the orchard to the south. The CACS makes note of the visual break between Common Farm and the rest of the village to the south, along with the stone boundary wall enclosing the former orchard of which remnants survive. However it is not highlighted as an important open space within this Statement. The farmhouse will still remain as the dominant and visually important part of the wider complex of buildings, with the proposal reflecting a traditional 1 to 2 storey mix of barns subservient to it. The wall to the highway boundary is detached from the existing two-storey barn and as a result is not considered to be part of the listing although it remains an attractive feature within the conservation area.

The significance of the buildings is clear by way of their listing. They positively contribute to both the setting of the farmhouse and the conservation area, but whilst in reasonable condition the absence of a use (and therefore repair where necessary) they are vulnerable to deterioration. The proposal would secure a long term use to prevent this. It would also lead to the removal of the contemporary farm buildings in the immediate vicinity which presently cause harm to the setting of the listing as well as the appearance of the conservation area. This improvement is of considerable weight in favour of the proposal. Furthermore the enclosure to the western flank of the rear courtyard takes up an opportunity to draw on the existing contribution made by the historic environment and ensure that the associated impacts of a residential use (such as parked vehicles, garden space and enclosures) are designed for in the most optimal manner.

Turning to the design of the extensions and plot 2 as a whole, these are considered to be in line with the steer given by the Conservation Officer. The scale and form are appropriate to their setting and do not detract from the primary focus farmhouse and intrinsic qualities of the existing barns. Conditions can adequately address matters of detail, such as materials, joinery and so forth; and it is considered the use of fixed glazed doors is not a concern. Such doors are non-opening with glazing limited to the top half of the door only.

### Ecological considerations

The ecological surveys undertaken, as outlined above, highlight the main areas of interest relate to the impact on existing bat roosts and nesting birds. The latter can be appropriately mitigated for by way of timing of the works, interim nesting provision and long term nesting opportunities and enhancement. In reaching a decision in respect of the bats, consideration needs to be given as to whether the Council can satisfy its derogation requirements – namely that the three tests set out at Regulation 53 of the Habitat Regulations can be met. The three tests require:

- (i) The action will be undertaken for reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- (ii) That there is no satisfactory alternative; and
- (iii) That the action will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in their natural range.

It is considered that, as satisfactory survey work has been undertaken to establish the extent of the population of the protected species and appropriate mitigation can be secured to not only maintain but enhance their conservation status, the third test is met. In terms of the first two tests, the action arises from the environmental and social benefits of ensuring the long term retention of listed buildings which might otherwise suffer neglect and decay. It is therefore considered to be in the public interest to secure the conversion of the buildings, and there is not considered to be a satisfactory alternative. The bat mitigation can be secured by a similar condition to that for nesting birds, and coupled with other biodiversity improvements by condition the proposal is considered to be in line with planning policy.

### Highway safety impacts

Main Street is subject to a 30mph speed limit. A highways appraisal has been undertaken as part of the Planning Statement. Automatic Traffic Counters (ATCs) were established at the site in October 2013. The resulting data shows that Main Street is lightly trafficked. The ATCs were also configured to record vehicle speeds, with data showing the northbound average speed to be 30.3mph whilst the southbound average was 33.9 mph (dry weather speeds). Residents raise concern over the timing of this survey as it fell, in the majority, across the half term for the Foremarke and Repton schools. Of the 7 weekdays the survey took place, 5 fell within this holiday. However, when considering the nature of the schools (i.e. there are a proportion of boarders and the primary route from the south and west for the larger Repton School is not along Main Street), the conclusion that Main Street is lightly trafficked (in relative highway safety terms) is not considered to be unreasonable.

The resulting stopping distance using Manual for Streets (MfS) leads to required visibility splays of 39m northbound and 47m southbound. The visibility splays for the proposed agricultural access are in line with this and considered to be acceptable. The southerly splay to the existing access is also achieved. The area of concern initially related to the substandard nature of the northerly splay to the existing access, and whether there would be a material intensification in its use arising. Measurements taken show that the maximum visibility from a point 2.4m back from the kerbline is 21m in the northern direction as it is interrupted by the listed brick wall adjoining the farmhouse. This is below the 47m visibility required, and the recommended visibility can only be achieved from a point 1.2m back from the kerbline. Using the reduced set back of 2m recommended in MfS the visibility splay could be extended to 27.2m, but this too remains below standard.

The existing access will no longer be required to accommodate farm vehicles and this will remain the case given there will be no opportunity for farm vehicles to reach the remaining barn without crossing a private garden or the orchard (the latter of which could be enclosed by a suitable boundary treatment between plot 1 and the existing stone wall). The Highway Authority has considered the existing movements and types of vehicle versus the likely movements and vehicles associated with 3 additional dwellinghouses. Provided that all farm use ceases from this access they have no objection subject to other conditions. There is thus no highway safety concern.

Whilst residents note the road is often obscured by parked vehicles there is still sufficient visibility to achieve the required standard. There is no safety concern with a new access opposite an existing access, nor that farm vehicles could cause safety issues in using the new access. The loss of parking space on the public highway, or for school buses to stop, is noted. However this loss is not considered to cause material harm to existing informal and tolerated arrangements.

Consideration is also given to whether the gate on the agricultural access could impede traffic. It is shown to be approximately 6m from the carriageway, in excess of the normal 5m sought by the Highway Authority. They note that whilst they would usually ask for agricultural gates to be set back by 10m due to larger vehicles, when considering the relatively low vehicle flows on Main Street and the number of times a day that agricultural vehicles would be expected to use the access; it would be difficult to insist on the greater depth as any restriction to the flow of traffic is likely to be minimal. Indeed there is a further design impact if this were to be insisted upon.

### Design and amenity impacts

Most of the design considerations are discussed above. Boundary treatments and hard and soft landscaping will also form part of the important considerations secured by way of condition. The visual impact on the existing stone wall along Main Street is a key point of concern from residents. This was a matter considered by the Conservation Officer during the pre-application stages, with an access resulting in a roughly equal divide of the wall (and orchard beyond) unacceptable. It is significant that no heritage concern was raised with the principle of siting the access to the southern edge of the orchard, minimising the interruption of the wall. Subject to a suitable gate and appropriate surfacing materials, it is agreed that the visual impact on the conservation area is acceptable.

The proposed layout provides for an acceptable standard of amenity between existing and proposed dwellings. The distance between the first floor window on plot 1 and Woodleigh is in accordance with the SPG.

### Other relevant planning matters

The matter regarding flooding in Main Street is noted. However this is an existing issue which does not necessarily cause a highway safety issue or prevent access to property. As long as the new access is properly drained at greenfield rates, this existing problem should not be worsened. The same applies to surface water which arises from the conversions, although the demolition of buildings and creation of garden space would actually increase the permeable area at Common Farm. Foul water would be addressed under the Building Regulations.

Many representations question whether there is a need for the agricultural access given existing field accesses on Mount Pleasant Road and Milton Road, and that it would be more appropriate to re-site the barn at Mount Farm. Firstly it is not reasonable to expect the latter, especially when the barn and adjacent land is tenanted and thus may not necessarily remain as part of one agricultural enterprise. In terms of existing accesses on nearby roads, these are not metalled and would require investment in suitable access tracks across open farmland. Ultimately it would only be appropriate to push the applicant to look at alternatives if there were an unacceptable harm arising from the proposal before Members now. As set out so far any harm arising is not considered to be unacceptable.

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 for both applications 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. The development hereby permitted shall be carried out in accordance with plans/drawings 1128/9, 1128/10, 1128/11, 1128/12A, 1128/13A, 1128/14, 1128/15 and 1128/16; unless as otherwise required by condition attached to this permission.

Reason: For the avoidance of doubt.

3. No development involving the conversion and/or extension of the existing barns shall commence until a full schedule of works has been submitted to and approved in writing by the Local Planning Authority. The schedule shall be prepared by a conservation accredited architect, engineer or surveyor, or by another suitably qualified professional agreed in writing between the owner and

the local authority, bringing in related disciplines as necessary. The schedule shall include:

- a) Survey, recommendations and specification covering all structural work and repairs required to the roof carpentry, first floor structures and finishes, ground floor plates, internal and external walls. The extent of the specified works shall be sufficient to enable connection and installation of services, internal plastering of walls and upper storey ceilings, reinstatement of ground floors, internal fit out and occupation to proceed upon completion of the specified works.
- b) Specification for stripping, insulating, felting, lathing and re-tiling the roofs, including flashings and abutments, installation of cast iron rainwater goods and downpipes, and their effective discharge to drains or soakaways.
- c) Specification for replacement of all external joinery, including fitting, glazing and painting inside and out.
- d) Provision of all additional details required by other conditions of this consent, as far as they relate to the existing buildings.
- e) A photographic, itemised schedule of all historic ground floor surfaces and internal joinery including doors, cupboards, fireplaces and staircases, corresponding to floor plans. The schedule shall be made prior to the commencement of any works other than contents clearance or temporary propping/roof coverings where required. The schedule shall be supplemented with notes concerning which items are to be retained /repaired and which are to be discarded, and with further notes concerning the careful removal of any items that have to be temporarily removed to facilitate structural work, pending reinstatement.

Reason: In the interests of securing the listed buildings on the site, recognising their significance and condition.

4. No occupation of the barn conversions shall occur until the full schedule of works, as approved under condition 3, has been completed to the satisfaction, confirmed in writing, of the Local Planning Authority.

Reason: In the interests of securing the listed buildings on the site, recognising their significance and condition.

5.
  - a) No development shall take place until a Written Scheme of Investigation for archaeological monitoring has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions, and:
    - (i) the programme and methodology of site investigation and recording
    - (ii) the programme and provision to be made for post investigation analysis and reporting;
    - (iii) provision to be made for publication and dissemination of the analysis and records of the site investigation;
    - (iv) provision to be made for archive deposition of the analysis and records of the site investigation; and
    - (v) nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
  - b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

c) The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition has been secured.

Reason: To enable items of archaeological interest to be recorded/and or preserved where possible.

6. No works shall commence on site until a bird and bat mitigation strategy, in particular for swallows, barn owls and brown long-eared bats, has been submitted to and approved in writing by the Local Planning Authority. Such details should be based on the Ecological Mitigation and Enhancement Strategy (Plan ECO3 as part of the Bat & Bird Report July 2014) and shall include detailed specification and plans of interim and permanent long-term swallow and barn owl nesting facilities, interim and permanent long-term bat roosting facilities, and enhancements to provide a net increase in nesting and foraging opportunities for protected and other priority species; as well as means to ensure long term maintenance of and awareness of permanent facilities. The approved temporary measures shall be implemented in full prior to commencement of development, or as construction proceeds (whichever is relevant) and maintained throughout the duration of works, whilst the approved permanent measures shall be implemented in full as construction proceeds and prior to first occupation of the development and thereafter maintained as such.

Reason: To ensure that bird nesting and bat roosting opportunities are incorporated into the development so there is no overall loss of sites for these species.

7. No works to or demolition of buildings or structures or removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

Reason: To safeguard any nesting birds that may be present on site.

8. No development shall take place until details of a scheme for the disposal of surface and foul water (including drainage to areas of hardstanding within the site) 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.

9. Notwithstanding the submitted details, no development shall commence until full details or samples of the facing bricks to be used in the alteration, extension or construction of the dwellings hereby approved and attached new boundary walls/enclosures have been submitted to and approved in writing by the Local

Planning Authority. The work shall be carried out in accordance with the approved details.

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

10. No development shall commence until large scale details to a minimum scale of 1:10 of all new external joinery, and of the eaves and verge details to the new build parts of the development, relative to existing where adjoining, have been submitted to and approved in writing by the Local Planning Authority. The details shall include horizontal and vertical sections, precise configuration of opening lights, and cill and lintel details. The approved details shall be incorporated into the development.

Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.

11. The precise type and sizes of the rooflights shall be agreed in writing by the Local Planning Authority prior to their incorporation in the development. The rooflights shall be fitted such that their outer faces are flush with the plane of the roof.

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

12. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the buildings unless specifically approved in writing by the Local Planning Authority. No development shall commence until the type, number, finish and position of heating and ventilation flues outlets, and any external plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards, have been approved in writing with the Local Planning Authority. The approved details shall then be incorporated into the development.

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

13. Notwithstanding the submitted details, no development shall commence until precise details, including paving patterns, specifications and samples, of the materials to be used in the hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme also approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the area and the setting of the listed buildings.

14. All rainwater goods shall be of cast iron with a black finish.

Reason: In the interests of the appearance of the buildings, and the character of the area.



15. No development shall commence until the extent of repointing works have been agreed in writing by the Local Planning Authority. Pointing or repointing of the existing and proposed buildings shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand) and the finished joints shall be slightly recessed with a brushed finish. The works shall proceed in accordance with the approved details.

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

16. Prior to the construction of new walls to the dwellings, a sample panel of pointed brickwork 1 metre square, or such other area as may be agreed by the Local Planning Authority, shall be prepared for inspection and approval in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the buildings and the locality generally.

17. All brick and stone walls not forming a supporting wall of a dwelling (e.g. a boundary wall) shall be coped using natural materials in clay or stone respectively. No development shall commence until details of these walls and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The walls and other boundary treatments shall be erected in accordance with the approved details and thereafter maintained as such.

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

18. Notwithstanding the submitted details, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft 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. 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.

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

19. No development shall take place until details of a scheme to ensure the restoration and long term management of the orchard has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented prior to first occupation of the dwellings hereby approved and thereafter operated as such.

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

20. No development shall take place until details of a scheme to ensure the restoration of land to paddocks where buildings, structures and hardstandings have been removed has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in prior to first occupation of the dwellings hereby approved.

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

21. Before any other operations are commenced a new vehicular access shall be created to Main Street in accordance with the application drawings, laid out, constructed and provided with the approved visibility splays (plan ref: 1128/16) in each direction, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

Reason: In the interests of highway safety.

22. The premises, subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of both the existing and proposed dwellings vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interests of highway safety.

## **Informatives**

- a) In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and meetings, seeking to resolve planning objections and issues, suggesting amendments to improve the quality of the proposal, and quickly determining the application. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.
- b) The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the householder.
- c) Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 12 weeks prior notification should be given to the Environmental Services Department of Derbyshire County Council before any works commence on the vehicular access within highway limits; please contact 01629 538537 for further information.

**Item**            **1.7**

**Reg. No.**        **9/2014/0716/L**

**Applicant:**  
**Church Commissioners For England**  
**C/O Agent**

**Agent:**  
**Miss Jennifer Hadland**  
**Smiths Gore**  
**24 Coniscliffe Road**  
**Darlington**  
**DL3 7JX**

**Proposal:**        **LISTED BUILDING CONSENT FOR THE DEMOLITION  
OF FARM BUILDINGS/STRUCTURES TOGETHER WITH  
THE CONVERSION, EXTENSION AND REPLACEMENT  
OF AGRICULTURAL BUILDINGS TO FORM 3  
DWELLINGS AND GARAGING/CAR PORT SPACE AT  
COMMON FARM MAIN STREET MILTON DERBY**

**Ward:**            **REPTON**

**Valid Date:**     **22/07/2014**

Please refer to the combined report under application ref: 9/2014/0697.

### **Recommendation**

**GRANT** permission for both applications 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. The development hereby permitted shall be carried out in accordance with plans/drawings 1128/9, 1128/10, 1128/11, 1128/12A, 1128/13A, 1128/14, 1128/15 and 1128/16; unless as otherwise required by condition attached to this permission.

Reason: For the avoidance of doubt.

3. No development involving the conversion and/or extension of the existing barns shall commence until a full schedule of works has been submitted to and approved in writing by the Local Planning Authority. The schedule shall be prepared by a conservation accredited architect, engineer or surveyor, or by another suitably qualified professional agreed in writing between the owner and

the local authority, bringing in related disciplines as necessary. The schedule shall include:

- a) Survey, recommendations and specification covering all structural work and repairs required to the roof carpentry, first floor structures and finishes, ground floor plates, internal and external walls. The extent of the specified works shall be sufficient to enable connection and installation of services, internal plastering of walls and upper storey ceilings, reinstatement of ground floors, internal fit out and occupation to proceed upon completion of the specified works.
- b) Specification for stripping, insulating, felting, lathing and re-tiling the roofs, including flashings and abutments, installation of cast iron rainwater goods and downpipes, and their effective discharge to drains or soakaways.
- c) Specification for replacement of all external joinery, including fitting, glazing and painting inside and out.
- d) Provision of all additional details required by other conditions of this consent, as far as they relate to the existing buildings.
- e) A photographic, itemised schedule of all historic ground floor surfaces and internal joinery including doors, cupboards, fireplaces and staircases, corresponding to floor plans. The schedule shall be made prior to the commencement of any works other than contents clearance or temporary propping/roof coverings where required. The schedule shall be supplemented with notes concerning which items are to be retained /repaired and which are to be discarded, and with further notes concerning the careful removal of any items that have to be temporarily removed to facilitate structural work, pending reinstatement.

Reason: In the interests of securing the listed buildings on the site, recognising their significance and condition.

4. No occupation of the barn conversions shall occur until the full schedule of works, as approved under condition 3, has been completed to the satisfaction, confirmed in writing, of the Local Planning Authority.

Reason: In the interests of securing the listed buildings on the site, recognising their significance and condition.

5.
  - a) No development shall take place until a Written Scheme of Investigation for archaeological monitoring has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions, and:
    - (i) the programme and methodology of site investigation and recording
    - (ii) the programme and provision to be made for post investigation analysis and reporting;
    - (iii) provision to be made for publication and dissemination of the analysis and records of the site investigation;
    - (iv) provision to be made for archive deposition of the analysis and records of the site investigation; and
    - (v) nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
  - b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

c) The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition has been secured.

Reason: To enable items of archaeological interest to be recorded/and or preserved where possible.

6. No works shall commence on site until a bird and bat mitigation strategy, in particular for swallows, barn owls and brown long-eared bats, has been submitted to and approved in writing by the Local Planning Authority. Such details should be based on the Ecological Mitigation and Enhancement Strategy (Plan ECO3 as part of the Bat & Bird Report July 2014) and shall include detailed specification and plans of interim and permanent long-term swallow and barn owl nesting facilities, interim and permanent long-term bat roosting facilities, and enhancements to provide a net increase in nesting and foraging opportunities for protected and other priority species; as well as means to ensure long term maintenance of and awareness of permanent facilities. The approved temporary measures shall be implemented in full prior to commencement of development, or as construction proceeds (whichever is relevant) and maintained throughout the duration of works, whilst the approved permanent measures shall be implemented in full as construction proceeds and prior to first occupation of the development and thereafter maintained as such.

Reason: To ensure that bird nesting and bat roosting opportunities are incorporated into the development so there is no overall loss of sites for these species.

7. No works to or demolition of buildings or structures or removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

Reason: To safeguard any nesting birds that may be present on site.

8. Notwithstanding the submitted details, no development shall commence until full details or samples of the facing bricks to be used in the alteration, extension or construction of the dwellings hereby approved and attached new boundary walls/enclosures have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

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

9. No development shall commence until large scale details to a minimum scale of 1:10 of all new external joinery, and of the eaves and verge details to the new build parts of the development, relative to existing where adjoining, have been

submitted to and approved in writing by the Local Planning Authority. The details shall include horizontal and vertical sections, precise configuration of opening lights, and cill and lintel details. The approved details shall be incorporated into the development.

Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.

10. The precise type and sizes of the rooflights shall be agreed in writing by the Local Planning Authority prior to their incorporation in the development. The rooflights shall be fitted such that their outer faces are flush with the plane of the roof.

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

11. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the buildings unless specifically approved in writing by the Local Planning Authority. No development shall commence until the type, number, finish and position of heating and ventilation flues outlets, and any external plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards, have been approved in writing with the Local Planning Authority. The approved details shall then be incorporated into the development.

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

12. Notwithstanding the submitted details, no development shall commence until precise details, including paving patterns, specifications and samples, of the materials to be used in the hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme also approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the area and the setting of the listed buildings.

13. All rainwater goods shall be of cast iron with a black finish.

Reason: In the interests of the appearance of the buildings, and the character of the area.

14. No development shall commence until the extent of repointing works have been agreed in writing by the Local Planning Authority. Pointing or repointing of the existing and proposed buildings shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand) and the finished joints shall be slightly recessed with a brushed finish. The works shall proceed in accordance with the approved details.

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

15. Prior to the construction of new walls to the dwellings, a sample panel of pointed brickwork 1 metre square, or such other area as may be agreed by the Local Planning Authority, shall be prepared for inspection and approval in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the buildings and the locality generally.

16. All brick and stone walls not forming a supporting wall of a dwelling (e.g. a boundary wall) shall be coped using natural materials in clay or stone respectively. No development shall commence until details of these walls and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The walls and other boundary treatments shall be erected in accordance with the approved details and thereafter maintained as such.

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

### **Informatives**

- a) In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and meetings, seeking to resolve planning objections and issues, suggesting amendments to improve the quality of the proposal, and quickly determining the application. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

**Item**            **1.8**

**Reg. No.**        **9/2014/0731/B**

**Applicant:**  
**Mr John Gilbert**  
**The White House**  
**Park Lane**  
**Weston On Trent**  
**Derby**  
**DE72 2BR**

**Agent:**  
**Mr John Gilbert**  
**The White House**  
**Park Lane**  
**Weston On Trent**  
**Derby**  
**DE72 2BR**

**Proposal:**        **THE REMOVAL OF CONDITIONS 1,3 & 4 OF  
PREVIOUSLY APPROVED PLANNING APPLICATION  
9/2013/0796 TO IMPROVE ACCESS FOR THE  
COTTAGE AT THE WHITE HOUSE, 1 PARK LANE  
WESTON ON TRENT DERBY**

**Ward:**            **ASTON**

**Valid Date:**      **08/08/2014**

**Reason for committee determination**

The application is reported to Committee at the request of Councillor Peter Watson because local concern has been raised about a particular issue.

**Site Description**

The application affects a dwelling that lies in the grounds of The White House. The roadside boundary is defined by stone walls, separated by the existing shared vehicular access to the site.

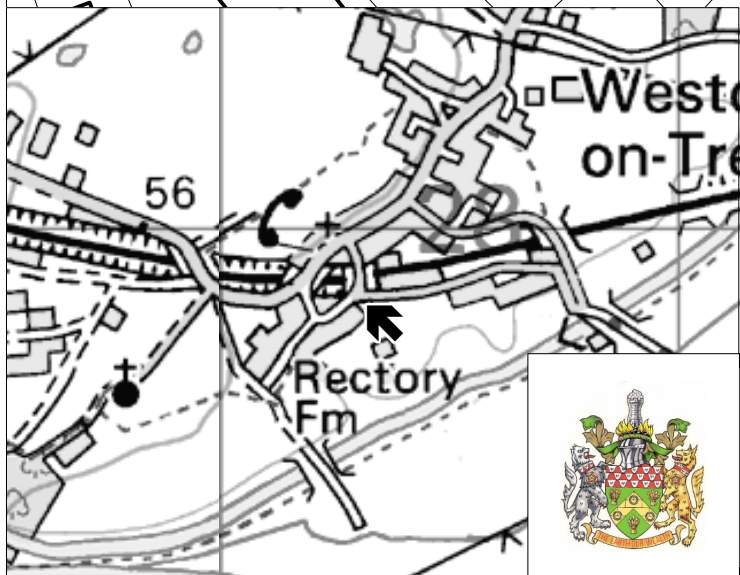
**Proposal**

The applicant proposes to remove three conditions attached to planning permission 9/2013/0796, which are:

1. Prior to The Cottage being taken into separate occupation, the access shall be widened to 4.25m in accordance with the application drawing and the entire site frontage boundary wall shall be lowered to a height of 1m relative to the level of the carriageway, these modifications being maintained throughout the lifetime of the development.
2. The lowered wall, required by Condition 1, shall be capped with the existing coping stones and shall be pointed using a lime mortar no stronger than 1:1:6



**9/2014/0731 - The Cottage at The White House, 1 Park Lane, Weston on Trent, Derby DE72 2BR**



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**South Derbyshire District Council. LA 100019461. 2014**

cement:lime:yellow sand). The finished joint shall be slightly recessed with a brushed finish.

3. This permission shall relate to the amended drawing received 06 December 2013 showing in particular a 1.2m high post and rail fence between the properties.

The removal of conditions 1 & 3 would enable a revised access arrangement to be constructed to enable the property known as The Cottage to have a driveway separate to The White House. This would involve demolition of the wall to the left of the existing access. The removal of Condition 4 would enable the 1.2 m high post and rail fence to be aligned so as to form a defensible boundary between the two properties.

### **Applicants' supporting information**

The wall at the front of the garden was built after 1948. Various post -1948 photographs have been seen by the applicant, showing only a small hedge. The Cottage is not listed and the only part of the wall to be removed is in front of that property.

### **Planning History**

9/688/223 - Conversion of outbuilding to dwelling. Condition 3 tied occupation to household of The White House

9/2013/0796/B - removal of condition 3 of planning permission 9/0688/0223 for the occupation of accommodation as a separate dwelling

### **Responses to Consultations**

The Highway Authority has no objection in principle.

### **Responses to Publicity**

- a) The Parish Council is extremely concerned about the application, which affects the oldest house left in the village, a listed building.
- b) It is not clear whether there would be two accesses or a shared drive.
- c) The use of lime mortar for works to the wall is supported.
- d) The proposed fence would be unnecessary and an eyesore.
- e) A site visit should be undertaken to view the lane and the totally inadequate amount of parking for the main house.

### **Development Plan Policies**

The relevant policies are:

Local Plan Saved Housing Policies 5 & 11, Environment Policy 13, Transport Policy 6.

### **National Guidance**

National Planning Policy Framework (NPPF), in particular:

Paras 6-10 (Achieving sustainable development)

Paras 11-14 (The presumption in favour of sustainable development)

Para 17 (Core principles)

Chapter 12 (Conserving and enhancing the historic environment)  
Paras 186 & 187 (Decision-taking)  
Para 196 & 197 (Determining applications)  
Paras 203-206 (Planning conditions and obligations)  
Annex1 (Implementation)

## **Planning Considerations**

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

- Impact on the setting of the listed building and general character of the area.
- Highway safety

## **Planning Assessment**

The application would result in the loss of most of the wall to the left of the existing access. The wall is different to the wall on the right hand side, in particular it does not have the traditional flat stone coping. Having regard to this, and the applicant's statement above, on the balance of probability the subject wall is not part of the historic fabric of the listed building. Therefore its loss would not harmfully affect the setting of the listed building, in conformity with Saved Environment Policy 13 and Chapter 12 of the NPPF. The remaining wall would be subject to minor works for visibility as with the extant permission 9/2013/0796. The simple post and rail fence to delineate the boundaries of the two properties would not be a dominant feature.

On the advice of the Highway Authority the proposal would not give rise to adverse highway safety conditions. As such the proposal would be in conformity with Local Plan Saved Transport Policy 6.

As a consequence of the above issues Condition 1 remains necessary (in amended form) insofar as it affects the remaining wall, in the interests of highway safety. Condition 3 also remains necessary as it requires reinstatement of the existing stone coping. Condition 4 needs to be amended to reflect the new boundary between the properties.

There are no other matters outstanding that require the re-imposition of the other conditions attached to planning permission 9/688/223.

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. Prior to The Cottage being taken into separate occupation, the new access shall be formed to Park Lane. The access shall be located in the position shown on the submitted drawing and shall have a width 3m in accordance with the application drawing and the entire site frontage boundary wall shall be lowered to a height of 1m relative to the level of the carriageway, these modifications being maintained throughout the lifetime of the development.

Reason: In the interests of highway safety.

2. Prior to The Cottage being taken into separate occupation, space shall be provided within the site curtilage for the parking of two vehicles for each of the two dwellings, laid and maintained thereafter free from any impediment to their designated use. Each parking space shall measure minimum 2.4m x 4.8m.

Reason: In the interests of highway safety.

3. The lowered wall, required by Condition 1, shall be capped with the existing coping stones and shall be pointed using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand). The finished joint shall be slightly recessed with a brushed finish.

Reason: To preserve the setting of the listed building.

4. This permission shall relate to the submitted drawing received with the application, showing in particular a 1.2m high post and rail fence between the properties.

Reason: For the avoidance of doubt.

#### Informatives:

In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and quickly determining the application. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

If the boundary wall was erected before 1 July 1948 its alteration pursuant to Condition 1 will require Listed Building Consent.