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Date: 6 July 2015

Dear Councillor,

Planning Committee

A Meeting of the **Planning Committee** will be held in the **Council Chamber**, on **Tuesday, 14 July 2015 at 18:00**. You are requested to attend.

Yours faithfully,



Chief Executive

To:- **Conservative Group**

Councillor Roberts (Chairman), Councillor Mrs. Brown (Vice-Chairman) and Councillors Atkin, Mrs. Farrington, Ford, Grant, Mrs. Hall, Stanton and Watson.

Labour Group

Councillors Dunn, Pearson, Shepherd and Southerd.

AGENDA

Open to Public and Press

- 1** Apologies and to note any substitutions appointed for the Meeting.
- 2** To receive the Open Minutes of the Meeting held on 2nd June 2015.

Planning Committee Open Minutes 2nd June 2015 **3 - 8**
- 3** To note any declarations of interest arising from any items on the Agenda
- 4** To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 5** REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES **9 - 80**

Exclusion of the Public and Press:

- 6** The Chairman may therefore move:-
That in accordance with Section 100 (A) of the Local Government Act 1972 the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.
- 7** To receive the Exempt Minutes of the Meeting held on 2nd June 2015.
Planning Committee Exempt Minutes 2nd June 2015
- 8** To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.

PLANNING COMMITTEE

2nd June 2015

PRESENT:-

Conservative Group

Councillor Mrs Brown (Acting Chairman) and Councillors Mrs Farrington, Ford, Mrs Hall, Murray (substituting for Councillor Grant), Mrs Patten (substituting for Councillor Roberts), Watson and Wheeler (substituting for Councillor Stanton).

Labour Group

Councillors Dunn, Pearson, Shepherd and Southerd.

In attendance

The following Members also attended the Meeting: Councillors Harrison, Smith and Mrs Wyatt (Conservative) and Councillor Richards (Labour).

PL/1 **APOLOGIES**

Apologies for absence from the Meeting were received on behalf of Councillors Atkin, Grant, Roberts and Stanton.

PL/2 **MINUTES**

The Open Minutes of the meeting held on the 24th March 2015 (PL/179–PL/191) and the 14th April 2015 (PL/192-PL/205) were taken as read, approved as a true record and signed by the Chairman.

PL/3 **DECLARATIONS OF INTEREST**

The Vice-Chairman declared a personal interest in applications number **9/2014/1039** and **9/2015/0071** by reason of knowing the agent and being a resident of Egginton respectively.

Councillor Richards declared a personal interest in applications number **9/2014/1095** by reason of the neighbour to the applicant being known to him.

Councillor Shepherd declared a personal interest in application **9/2015/0119** by reason of the applicant being known to his daughter.

Councillor Ford declared a personal interest in applications number **9/2015/0029** by reason of the agent being known to him.

PL/4 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed that no questions from Members of the Council had been received.

MATTERS DELEGATED TO COMMITTEE

PL/5 **REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES**

The Director of Community and Planning Services submitted reports for consideration and determination by the Committee and presented oral reports to the Meeting to update them as necessary. Consideration was then given thereto and decisions were reached as indicated.

PL/6 **OUTLINE APPLICATION (ALL MATTERS RESERVED EXCEPT FOR ACCESS) FOR THE RESIDENTIAL DEVELOPMENT OF UP TO 100 DWELLINGS INCLUDING OPEN SPACE, ACCESS AND ASSOCIATED SERVICE INFRASTRUCTURE ON LAND AT SK2624 5131 NEWTON ROAD NEWTON SOLNEY BURTON ON TRENT**

It was reported that members of the Committee had visited the site earlier in the day.

Mr B Wolsey (objector) and Mr R Galij (agent in support) attended the Meeting and addressed Members on this application.

Councillor Smith addressed Members as the local ward member for Repton expressing the views of local residents.

RESOLVED:-

That planning permission be refused due to the reasons set out in the report of the Director of Community & Planning Services.

The Meeting was adjourned briefly at 6.35pm to allow the public to clear the Chamber and for others to enter the Chamber.

PL/7 **OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS TO BE RESERVED) FOR THE RESIDENTIAL DEVELOPMENT FOR UP TO 60 DWELLINGS TOGETHER WITH ASSOCIATED HIGHWAY WORKS, PUBLIC OPEN SPACE, LANDSCAPING, ASSOCIATED DRAINAGE INFRASTRUCTURE AND CREATION OF PEDESTRIAN AND CYCLE WAYS ON LAND AT SK2720 7907 (SITE A) PARK ROAD CADLEY PARK SWADLINCOTE**

The Planning Services Manager advised the Committee that following the inclusion of an access roundabout off Park Road, the affordable housing quota had been revised to 5%.

Mr S Ashton (agent in support) attended the Meeting and addressed Members on this application.

Councillor Richards addressed Members as the local ward member for Newhall and Stanton expressing the views of local residents.

RESOLVED:-

1.1 That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.

1.2 That provision of linked up cycleways and footpaths be made an additional condition of the application.

PL/8

OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS TO BE RESERVED) FOR UP TO 110 DWELLINGS, TOGETHER WITH ASSOCIATED HIGHWAY WORKS, PUBLIC OPEN SPACE, LANDSCAPING, ASSOCIATED DRAINAGE INFRASTRUCTURE AND CREATION OF PEDESTRIAN AND CYCLE WAYS ON LAND AT SK2719 2370 (SITE B) WOODLAND ROAD STANTON SWADLINCOTE

The Planning Services Manager advised the Committee that since an analysis of viability had been conducted by the District Valuer, 25% was available for affordable housing.

Mrs K St.Clair (objector) and Mr S Ashton (agent in support) attended the Meeting and addressed Members on this application.

Councillor Richards addressed Members as the local ward member for Newhall and Stanton expressing the views of local residents.

RESOLVED:-

1.1 That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.

1.2 That provision of linked up cycleways and footpaths be made an additional condition of the application.

PL/9

OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS TO BE RESERVED) FOR UP TO 400 DWELLINGS, TOGETHER WITH ASSOCIATED HIGHWAYS WORKS, PUBLIC OPEN SPACE TO INCLUDE CHILDREN'S PLAY SPACE, SPORTS PITCHES AND ERECTION OF CHANGING FACILITIES, NEW URBAN PARK, LANDSCAPING, ASSOCIATED DRAINAGE INFRASTRUCTURE (INCLUDING SUDS), AND CREATION OF PEDESTRIAN AND CYCLE WAYS ON LAND AT SK2819 1873 (SITE C) WILLIAM NADIN WAY SWADLINCOTE

The Planning Services Manager advised the Committee that since an analysis of viability had been conducted by the District Valuer, 16.5% was available for affordable housing.

Mr S Ashton (agent in support) attended the Meeting and addressed Members on this application.

Councillor Richards addressed Members as the local ward member for Newhall and Stanton expressing the views of local residents.

RESOLVED:-

1.1 That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.

1.2 That provision of linked up cycleways and footpaths be made an additional condition of the application.

PL/10 **ERECTION OF FOUR DETACHED DWELLINGS ON LAND AT SEALWOOD LANE OVERSEAL SWADLINCOTE**

It was reported that members of the Committee had visited the site earlier in the day.

Mr A Brealey (objector) and Mr I McHugh (agent in support) attended the Meeting and addressed Members on this application.

RESOLVED:-

To refuse planning permission contrary to the recommendation set out in the Report of the Director of Community & Planning on the grounds that the proposed development would be out of keeping with the existing settlement, out of scale and overbearing, contrary to the Saved Local Plan Housing Policy 11 and Chapter 7 of the NPPF.

PL/11 **THE ERECTION OF 10 DWELLINGS WITH A NEW ACCESS AND OPEN SPACE AREA ON LAND AT SK2915 9124 MOIRA ROAD OVERSEAL SWADLINCOTE**

Mr A Large (agent in support) attended the Meeting and addressed Members on this application.

RESOLVED:-

That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.

PL/12 **ERECTION OF NEW BOUNDARY WALL, GATES AND FENCING AT 49 MAIN STREET WESTON ON TRENT DERBY**

It was reported that members of the Committee had visited the site earlier in the day.

Mr E Green (objector) and Mr J James (agent in support) attended the Meeting and addressed Members on this application.

RESOLVED:-

That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.

PL/13 **SUSPENSION OF STANDING ORDERS**

RESOLVED:-

That Standing Orders be suspended and that the meeting of the Committee continue beyond 8.30pm.

PL/14 **THE ERECTION OF 24 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPED OPEN SPACE ON LAND AT SK3925 1974 STATION ROAD MELBOURNE DERBY**

It was reported that members of the Committee had visited the site earlier in the day.

Mr B Thomas (objector) and Mr T Farley (agent in support) attended the Meeting and addressed Members on this application.

Councillor Harrison addressed Members as the local ward member for Melbourne expressing the views of local residents.

RESOLVED:-

That planning permission be granted subject to the conditions set out in the report of the Director of Community & Planning Services.

PL/15 **SUSPENSION OF STANDING ORDERS**

RESOLVED:-

That Standing Orders be suspended and that the meeting of the Committee continue beyond 9.00pm.

Councillor Dunn left the meeting at 9.00pm.

PL/16 **THE CONTINUED USE OF LAND FOR THE OPERATION OF A PLANT HIRE BUSINESS AT BLAKEMERE FARM BAKEACRE LANE FINDERN DERBY**

It was reported that members of the Committee had visited the site earlier in the day.

The Planning Services Manager advised the Committee that Transport Policy 6 and Employment Policy 5 had been omitted from the report in error.

Mr B Wolsey (agent in support) attended the Meeting and addressed Members on this application.

RESOLVED:-

That planning permission be refused due to the reasons set out in the report of the Director of Community & Planning Services.

- PL/17 **DEED OF VARIATION TO SECTION 106 AGREEMENT TO PROVIDE 30% AFFORDABLE HOUSING IN RESPECT OF PLANNING PERMISSION FOR 1058 HOUSES ON LAND AT BOULTON MOOR ELVASTON**

RESOLVED:-

That the Committee authorises a Deed of Variation to the Section 106 Agreement attached to planning permission ref: 9/2010/1134/RM to reduce the amount of affordable housing to be provided across the site from 40% to 30%; with 75% of the Affordable Housing Units to be provided as Social Rented Dwellings or Affordable Rented Dwellings and 25% of the Affordable Housing Units to be provided as Intermediate Dwellings or such other mix of tenures as may be agreed with the District Council.

- PL/18 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

EXEMPT MINUTES

The Exempt minutes of the meeting held on the 14th April 2015 (PL/206– PL/207) were taken as read, approved as a true record and signed by the Chairman.

EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE No 11.

The Committee was informed that no questions had been received.

The meeting terminated at 9.25pm.

COUNCILLOR Mrs L BROWN

ACTING CHAIRMAN

REPORT OF THE DIRECTOR 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).

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 strategic submissions to the Secretary of State.

Reference	Item	Place	Ward	Page
9/2009/0191	1.1	Church Gresley	Church Gresley	11
9/2014/0539	1.2	Swadlincote	Swadlincote	30
9/2015/0320	1.3	Swadlincote	Swadlincote	41
9/2015/0264	1.4	Aston	Aston	43
9/2015/0336	1.5	Mickleover	Etwall	54
9/2015/0420	2.1	Overseal	Seales	70

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 Director 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 Director 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. **9/2009/0191/OS**

Applicant:
Trustees Of Gresley Old Hall
Community Welfare Centre
Gresley Old Hall
Church Gresley
Swadlincote
DE11 9QW

Agent:
Thomas W Redfern
Chartered Town Planner
36 Pennine Way
Ashby de la Zouch
Leicestershire
LE65 1EW

Proposal: **Outline application (all matters except means of access, landscaping and layout to be reserved) for the residential development of Land off Gresley Wood Road Church Gresley Swadlincote**

Ward: **CHURCH GRESLEY**

Valid Date: **04/03/2009**

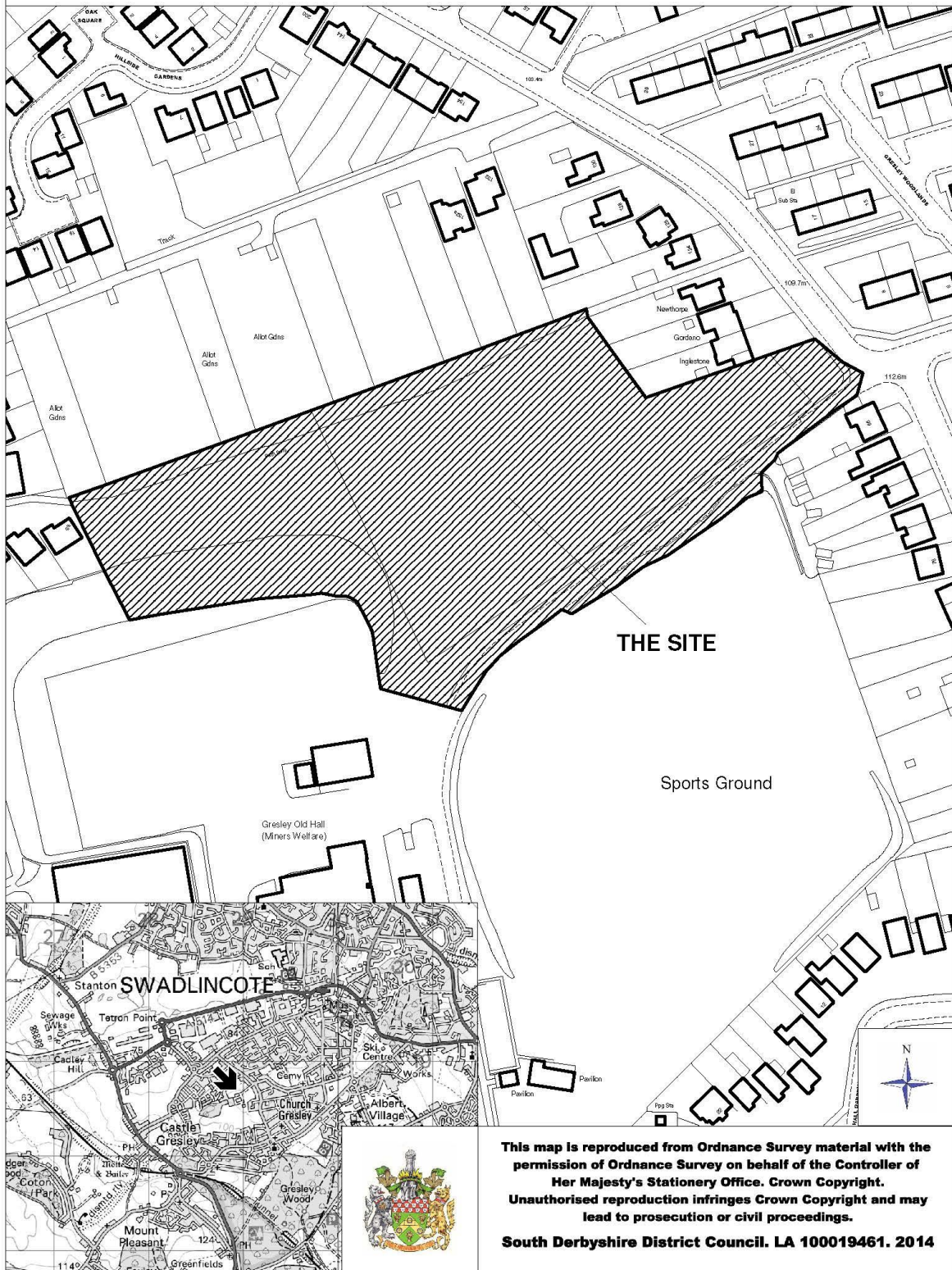
This application was originally presented to Committee in April 2009 when it was resolved:

- (1) That subject to (2) and (3) below, planning permission be granted, subject to the receipt of a signed Unilateral Undertaking for the provision of the following:

£56,380 for education provision
£15,428 for healthcare provision
£372 per person for open space
£342 per person (the combined sum normally required for outdoor facilities and built facilities) together with the difference between the value of the site with 40% affordable housing and without, to be made available to spend in accordance with a schedule of works related to the Listed Building Gresley Old Hall which shall first be agreed with the Head of Planning Services and which shall include the removal of the existing lighting tower.

- (2) That the conditions set out in the report of the Head of Planning Services be approved for the imposition on any planning permission together with an additional condition to secure no obstruction to the visibility splays and to an informative advising of the need to avoid exacerbating drainage problem on Hearhcote Road, Swadlincote.
- (3) That the Committee gives further consideration at a future meeting to the subsequent reserved matters application.

9/2009/0191 - Land off Gresley Wood Road, Church Gresley, Swadlincote
DE11 9QW



The application is returned to Committee as the signed Unilateral Undertaking was not received for reasons given later in this report and because a lengthy period of time has elapsed since the original decision was made. The report has been rewritten to include the latest situation, any updated consultee and neighbour responses and updates in policy and law.

Site Description

The site, amounting to 1.5 hectares, lies 1 mile south west of Swadlincote town centre. It is close to the junction where George Street meets Gresley Wood Road in Church Gresley. The entrance to Gresley Old Hall runs along the southern part of the site and the Old Hall itself is to the south east. The sports ground is to the south and residential properties on Gresley Wood Road are to the east. Public footpath No. 38 bounds the site to the north with some garden areas and allotments over this boundary. There is a gradual slope from the entrance road to Gresley Old Hall to the south and the footpath to the north with the total change in land level being 6.5m. From Gresley Wood Road to the north east and to the south east part of the site there is a 2.5m change in land level.

The site was used as agricultural land in the 1950s but is presently an unused grassed area forming part of the curtilage of the Old Hall. The steep slope of the southern boundary was formed by tipping operations from colliery waste in previous years. Informal tracks through the site have been formed where people cross the site. There is a hedge that runs along the northern boundary adjacent to the allotments but the site does not contain any trees of merit.

Proposal

Outline planning permission is sought for residential development with access, landscaping and layout to be approved and appearance and scale to be considered at reserved matters stage. Twenty eight dwellings are proposed.

The proposed access from Gresley Wood Road would be centralised and would serve both the development and the Gresley Old Hall complex. An area of landscaping is proposed to the south of the access adjacent to the existing shop. An entrance wall feature and landmark building are proposed at the entrance to the site with two semi-detached properties to the rear of this building. A tree lined boulevard would follow the road along the southern boundary and a circular area of open space is proposed in the centre of the site. The access road would run to the north east of the public open space and terraced and semi-detached properties would curve around this road. Eight detached properties are proposed in the western part of the site with some facing onto the open space and some facing the northern boundary.

The existing footpath No.38 would be retained as part of the proposal and links through the site would be improved. Landscape buffers are proposed on parts of the northern boundary. Rear parking courtyards are indicated for some dwellings together with driveways with frontage parking. Sixty nine car parking spaces are proposed.

A Design Brief entitled 'Gresley Old Hall and Estate – informal design guidelines' prepared by officers in spring 2008, recognised the declining condition of the Hall and noted that any development should respond to the open character in respect of scale, massing and density. It is proposed to utilise the revenue from the sale of the land with

residential planning permission, for the refurbishment and extension of the Hall complex.

Applicants' supporting information

The following documents and plans were submitted with the application:

- Design and Access Statement
- Supporting letter outlining the affordable housing issue
- Three dimensional plan
- Access Study and Access Study Update Note
- Site access design
- Vehicle swept path analysis
- Tree Survey
- Proposed indicative cross sections
- Supplementary Supporting Statement (see below).

The Supplementary Supporting Statement has been produced to support the second reporting of the application to the Planning Committee. It is necessary to reconsider the application in the light of the passage of time and the intervening changes in the composition of the Planning Committee as well as changes to planning legislation and regulations since the application was first considered by the Committee in April 2009.

During the 6 years since the resolution of the Committee to grant permission, subject to a Section 106 Agreement, a number of changes to the character and appearance of the Old Hall complex have taken place as a result of recent planning permissions. However, as this document is intended as an update of the original Design and Access Statement of 2009, it is not intended to repeat all the historical detail, site description and consultations. Some relevant information relating to pre-application discussions, correspondence and reports is included.

The application is necessitated entirely by the need of the Trustees of Gresley Old Hall to raise capital to assist in the funding of repairs to, and refurbishment of, the Old Hall and its environs for the benefit of the local community. It is noted that Saved Community & Facilities Policy 1 of the adopted Local Plan also seeks improvements to existing community facilities as well as the provision of new ones subject to appropriate safeguards in respect of amenity, transport and design.

Background to the application

- The proposal has been the subject of pre-application discussions for some years;
- No objections to the principle of the development subject to there being no detrimental impact on the integrity of the Old Hall;
- Design Brief requested by applicants and provided by District Council in 2008 as a document entitled 'Gresley Old Hall and Estate – informal design guidelines'
- Document recognised the declining condition of the Hall and the potential for sensitive development in terms of design and location, offering a unique opportunity to turn around the fortunes of the former Manor House and substantially improve its physical setting. The application site was considered to be largely open amenity land offering relief from adjacent residential developments. Any proposal should therefore seek to respond to this open character in respect of scale, massing and density;

- A masterplan was recommended to cover the whole of the Old Hall complex to avoid further piecemeal development;
- However, SDDC confirmed the development of the application site could be pursued in the absence of a masterplan. Such improvements as are envisaged to the Old Hall rely substantially upon funds to be received from the sale of the application site with planning permission.
- It was specifically suggested by SDDC to open up and enhance the views of the Old Hall by design and landscaping and removal of inappropriate buildings, which has been partly completed. The playroom can only be removed when the Trustees have the funds to provide a replacement facility in the 1960s building.
- On invitation from SDDC a letter was sent by the Trustees setting out the reasons for the proposed development and a reply was received in May 2008 which stated that: "The residential development of the site is in accordance with national and local planning policy and as such is acceptable in principle subject to the comments of the Highway Authority".
- Much attention has been given to attempting to resolve the access issue to the satisfaction of the Highway Authority with consultants being appointed in 2007 and a report with recommendations and options being published in July 2007.
- It was agreed to retain the public footpath on its legal alignment during the course of the application and consider its re-routing at a future date.

Financial Considerations

The sole purpose for the submission of the application was, and still is, to raise capital for the regeneration of the Old Hall complex. However, since the application was first considered in 2009 the emphasis has changed.

The resolution of the Planning Committee in April 2009 was essentially that subject to a Section 106 Agreement, planning permission be granted on the basis that the then 40% affordable housing requirement would be waived and such monies (i.e. 40% of the net receipts from the sale of the land) would be diverted to restoration of the Old Hall with any spare cash utilised on repairs to the adjoining 1960s building.

More recently, the Trustees have reconsidered that position and offered a different formula in that instead of the capital value of the (now) 30% social housing element being used on the restoration of the fabric of the Old Hall, all of the net proceeds of sale of the land will be made available for the necessary restoration (wind and water tight) specified in the 12 points put forward by the Council's former Conservation Officer in the Outline Schedule of Works. What funds are left over will be used for necessary repairs to the adjoining 1960s building and the provision of a new playroom.

A surveyor's estimate of the cost of the works to the Old Hall is in the region of £250,000 + VAT at 20%. Professional and other fees will be extra. The figures, however, are dependent on the findings of a detailed condition survey which has yet to be carried out before any restoration work can commence. This estimate therefore needs to be treated with considerable caution as the cost could turn out to be substantially higher.

Set against the estimated value of the site by local property consultants at some £940,000 it is clear that there is financial merit in pursuing the residential proposals, as the likely cost of the works exceeds the 30% social housing element (£300,000

compared to £282,000). As a result the heritage asset and other social facilities at the Old Hall complex which require urgent investment will gain the necessary funding to the ultimate benefit of the local community and beyond. The Trustees propose to apply for grant funding to supplement the funds received from the sale of the land and are in discussion with the Heritage Lottery Fund with a view to securing a grant to enable them to bring the Old Hall itself into more productive use. More generally, the sale proceeds will provide the 'matched funding' often demanded by funding bodies.

In addition to the above benefits, the provision of 28 dwellings will make a modest but nonetheless important contribution to addressing the shortfall in the District Council's 5-year housing land supply.

Conclusion

The design and layout of the proposal has not changed since the decision to approve the application, subject to a Section 106 Agreement, in April 2009. All the criteria for a successful development have been addressed and substantially met in the process of the formulation of the proposals. Much discussion with District and County Councils has taken place over the past 12 years in respect of planning policy, layout, density, conservation and highway issues. Since the initial consideration of the application by the Planning Committee in 2009 the matter of the social housing waiver to finance repairs to the Old Hall has become more of a prominent issue. However, the financial viability of the proposals is considered to be acceptable in this context.

The capital raised from the prospective sale of the site with outline planning permission is to be used entirely for the public benefit so that the Grade II listed Old Hall can be preserved as a Heritage Asset and the Old Hall complex of community buildings can be revitalised to meet the demands of the new millennium.

Planning History

During 2011 and 2013 planning permissions have been granted for new and improved facilities within the Old Hall complex relating to the following:

- (a) The erection of a replacement maintenance machinery and vehicle storage building and workshop.
- (b) An enlarged, re-surfaced and marked-out car park which incorporates a new surface water drainage system, landscaping and security lighting.
- (c) The erection of a vehicle barrier at the car park entrance off the service road. This has yet to be implemented.
- (d) The erection of a new bowls pavilion and store relocated from elsewhere, together with its refurbishment and extension.
- (e) New security fencing around the perimeter of the bowling green.
- (f) New lighting columns along the entrance driveway and resurfacing of the driveway.

9/2004/0258 - The erection of a mining memorabilia display, granted 28/4/04

9/2000/893 - The erection of a replacement lattice tower 15 metres in height together with 6 cross polar antennas and 3 dishes together with an associated equipment cabin, no objection, 31/10/00

9/2000/0443 - The continued use for Sunday morning car boot sales, granted 12/7/00

9/1992/0361 - The siting of two portable buildings to provide accommodation for the Saint John Ambulance Brigade, granted 17/7/92

9/1989/0047 - The retention of a 14 metre high security lighting tower on land to the east of the Miners Welfare Centre Building, granted 24/5/89

9/1982/0341 - The laying out of a golf driving range and the erection of a covered driving position of the western side of the sports field, granted 18/6/82

Responses to Consultations

The County Highways Authority states that whilst the proposal is acceptable in principle the following issues should be resolved. Visibility splays of 2.4m x 30m are required where the internal access road meets the boulevard and where the access road meets the access to rear of properties on George Street. Plots 3-15 should be provided with 2 car parking spaces. The public footpath No.38 should be made up to adopted highway standard including street lighting where this passes within the site boundary. Two planning conditions are recommended in relation to the provision of the Gresley Wood Road access and the laying out of the estate roads prior to the occupation of the dwellings. Two further conditions are recommended with regard to the provision of on-site space for the storage of plant and machinery, site accommodation etc., and the provision of wheel washing facilities.

Severn Trent Water Ltd has no objection subject to conditions relating to a drainage scheme and no building or trees planted with 5m of the public sewer that crosses the site.

Derbyshire Police Crime Prevention Design Advisor comments that the footpath along the northern boundary has the potential to be a crime generator therefore it should be improved as part of the application by increasing its width to 3m with lighting and to adoptable standards. Rear accesses from garden areas and parking areas should be enclosed by 2m high boundary treatments. The detailed landscaping scheme should address areas where short cuts could be formed and the area to the north of the existing shop should be carefully considered in order to prevent the congregation of youths through the use of pronounced slopes and spiky shrubs. Communal parking areas should be gated and pedestrian gates should be lockable.

The Derbyshire County Archaeologist states that there is a potential within the site for buried archaeology of medieval date which is enhanced by the fact the site does not appear to have been developed during the post-medieval period. He recommends a condition requiring the implementation of a programme of archaeological work. A further comment has been received as a result of re-consultation which updates the original advice to take account of the rather different requirements of current central government planning policy in the NPPF, although his recommendations remain substantially the same.

The Council's Contaminated Land Officer comments that owing to mining operations and infilling of land a contamination condition is recommended.

The Environmental Protection Officer recommends a condition in respect of the submission of a scheme of dust control during the construction period.

Tree and Landscape Consultant considers that the existing hedge along the northern boundary is important and requires careful retention. However, he considers that the trees on the site are low in quality and therefore there are no objections to their removal.

At the time of the original consultation Derbyshire County Education sought a contribution based on 28 dwellings generating 5 primary age pupils at a multiplier of £11,276 per pupil giving a total of £56,380 towards the extension of existing buildings at the infant school and junior schools. No contribution for secondary provision was requested.

The Housing Strategy Manager sought the provision of 40% affordable homes on the site.

Responses to Publicity

Three letters of comment have been received from neighbouring properties and their concerns are as follows:-

- Drainage concern with regard the sewerage and store water from the site overloading the Hearthcote Road sewers
- Impressed with the plans
- Dog litter bin be retained or moved
- Adequate street lighting be provided to prevent youths from congregating
- Provision of litter bins on site
- Adequate landscaping be provided to prevent overlooking of their property on Wye Dale
- Proposed access through public open space and access to the Old Hall be retained as it is used by dog walkers.
- Congregating youths may use car parking area adjacent to their boundary
- Loss of green space
- Drain on community resources such as schools, dentists and doctors.

Development Plan Policies

The relevant policies are:

Saved Local Plan: Housing Policies 4 & 11, Environment Policies 10, 13 & 14, Transport Policy 6, Recreation & Tourism Policies 4 & 8

Emerging Local Plan: S1, S2, S4, S6, H1, H19, H20, SD1, SD4, BNE1, BNE2, BNE4, INF1, INF2, INF6, INF8

National Guidance

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

Planning Policy Guidance 15: Planning and the Historic Environment

Planning Policy Guidance 16: Archaeology and Planning

The above PPS and PPG advice has now been superseded by the National Planning Policy Framework (NPPF). The following paragraphs in the NPPF are relevant to this proposal:

6, 7, 8, 14, 17, 21, 28, 47, 49, 50, 56, 58, 70, 75, 111, 121, 126, 128, 129, 131, 132, 137, 140, 186, 187, 203, 204, 205, 206

National Planning Practice Guidance (NPPG) Sections: ID 18a-001-20140306 (Historic Environment), ID 18a-014-20140306 (Deterioration of Heritage Assets), ID 18a-020-

20140306 (Public Benefits), ID 18a-040-20140306 (Archaeological Assets), ID 26-001-20140306 and ID 26-002-20140306 (Design), ID 33-001-20140306 (Land affected by Contamination), ID 37-004-20140306 (Public Rights of Way and National Trails), ID 23b-001-20140306 (Planning Obligations), ID 21a-001-20140306 (Use of Planning Conditions), ID 10-001-20140306 (Viability)

Local Guidance

Housing Design and Layout SPG

Planning Considerations

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

- Principle of residential development
- Layout and impact on Gresley Old Hall
- Residential amenity
- Landscaping
- Highways
- Other issues raised by public consultation
- Financial Contributions and Extenuating Circumstances

Planning Assessment

Principle of residential development

Saved Housing Policy 4 of the adopted Local Plan supports residential development within or on the fringes of the Built-up area of Church Gresley provided 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 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 NPPF states that the purpose of the planning system is to contribute towards the achievement of sustainable development and sets out the three dimensions to this; economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and co-ordinating development requirements, including infrastructure;

- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and as part of this helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.

The above roles should not be undertaken in isolation because they are mutually dependent.

Paragraphs 17 and 111 of the NPPF support and encourage the effective use of land by re-using land that has previously been developed (brownfield land) provided that it is not of high environmental value.

The site is located within the built-up area of Church Gresley and, although a previously undeveloped piece of land, it forms part of the wider curtilage of the Old Hall leisure complex and as such can be deemed 'brownfield'. It is considered therefore that residential use is therefore acceptable in principle.

Layout and impact on Gresley Old Hall

With regard to the setting of Gresley Old Hall saved Environment Policy 13 (C) of the adopted Local Plan advises that '...When considering proposals for development, particularly those which would affect the use of adjoining land, increase traffic or alter gardens or landscape feature, regard will be paid to the need to preserve the setting of listed or other buildings of architectural or historic importance'.

Similarly, paragraph 132 of the NPPF states that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably schedule monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens and World Heritage Sites, should be wholly exceptional'.

The proposed layout would provide a development with an open character, with a tree-lined boulevard and low density housing nearest to the southern boundary with the Old Hall, and landscape buffers in between. The proposed landmark building and feature wall at the entrance to the site would serve to contribute positively to the area and acknowledge the importance of the Old Hall. The tree-lined boulevard would improve the building's physical setting by providing a pronounced and definitive approach to the Hall. The proposed area of open space within the centre of the site would also serve to create the open character, which would blend with the character of the land surrounding the Hall.

Saved Housing Policy 11 of the adopted Local Plan supports proposals for new housing provided they:

- (i) Result in a reasonable environment for the public at large;
- (ii) Have reasonable amenities in terms of light, air and privacy for both existing and new dwellings;
- (iii) Provide for safe, functional and convenient layouts;
- (iv) Provide for private amenity space, and space for landscaping;
- (v) Have adequate public open space; and
- (vi) Provide for the development of any suitable adjoining land.

Emerging Local Plan Policy BNE1 requires that all new development to be well designed, embrace the principles of sustainable development, encourage healthy lifestyles and enhance people's quality of life by adhering to a prescribed set of design principles.

The 'Housing Design and Layout' SPG carries a set of guiding principles and advises that there will be many factors that will need to be taken into consideration when designing the layout of new residential areas.

Paragraphs 56 and 57 of the NPPF confirm that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

The provision of rear parking courtyards and bin storage areas would assist in reducing the urban feel of the area. Sufficient private garden areas are proposed as part of the scheme. It is considered, therefore, that the setting of the Grade II Gresley Old Hall would not be adversely affected by the proposals, conversely it is more likely to improve the setting owing to the increased tree planting and landscaping.

Some conditions in relation to the layout plan would be required as a result of the consultation responses outlined above. Public footpath No.38 along the northern boundary would need to be increased in width to 3m and finished to adoptable standards to reduce the fear of crime and increase its use. In light of the Conservation Officer's comments a change to the position of plots 2 and 3 would be required in order to reduce their visual prominence in relation to the landmark building. It is also considered that the main aspect of this landmark building should face Gresley Wood Road and this would be included as an informative on any permission.

Residential amenity

The nearest residential property to the site is No.118 Gresley Wood Road, which is located adjacent to the proposed access. The landmark/feature building proposed at the entrance to the development would be set 6.5m forward of No.118. The amended plan now shows that the distance and angle between the property and the proposed building, would now cut the 45 degree angle taken from this property's closest front-facing window and would not, therefore, impact on the amenities of the occupiers of No.118. The rear elevations of plots 2 and 3 would be 11m and 12m away from the boundary of the rear garden of this property, which is considered to be an acceptable relationship. The rear elevations of the proposed terraced properties would be 40m from

the rear elevations of properties on Gresley Wood Road. Nos. 132 and 132A Gresley Wood Road have 35 - 39m rear gardens adjacent to the footpath on the northern boundary of the site, therefore the opportunity for overlooking is not considered significant as the minimum distance standard between main aspects of properties is 21m. The nearest property to 83 Wye Dale would be 19m distant and this also accords with the Council's minimum distance standards.

Landscaping

A concept landscaping scheme has been submitted owing to the importance in relation to the character of the area and the wish to secure the boulevard and landscaping buffers at this outline stage not least of which would present an opportunity to improve the main approach to the Old Hall. Details of this planting would be controlled by condition. The scheme is considered to meet the remit of creating an open area with green spaces which complements the surrounding area and remainder of the curtilage of the Old Hall. The dwellings would not be highly prominent owing to the proposed screening. The hedge along the northern boundary would be retained by condition.

Highways

The County Highway Authority has also undertaken extensive pre-application discussions with the agent in order to establish an acceptable layout. An amended plan indicating the required visibility splays and additional parking has been submitted. Owing to the level and location of parking provision the area would not be dominated by on-street parking. The improvements to the footpath would be beneficial to the area as a whole owing to increased security which will increase its usage. A condition to require the provision of an increase in the width of the public footpath to 3m is proposed. Two parking spaces for plots 3 to 15 have been included on the amended plan. It is considered that the amended plan now complies with Saved Transport Policy 6 of the adopted Local Plan.

The state of the Old Hall

In 1953 Gresley Old Hall became a Miners' Welfare Centre and has been used as a social welfare facility with the surrounding fields and allotments formed into car parks and sports facilities. The building has been extended with unattractive modern additions over the years and immediately to the west of the Old Hall is a large indoor bowling green.

The two upper levels of the Old Hall building have not been used for many years as the accommodation does not fit with the current pattern of use of the building, and to bring them into use would require extensive internal re-fitting and renewal of services. For the moment, the main priority for the historic building must be to keep the external shell safe from accelerated deterioration, which is a serious risk if action is not taken soon. Works required include re-forming and re-lining of lead-lined gutters, repointing / rebuilding of chimney tops, re-pointing and making good of tiling to verges, plus repair / reinstatement of lead flashings to abutments between roofs and chimneys and repointing of open joints and replacement of eroded brickwork. An Outline Schedule of Works was drawn up at the time the application was first considered by the Planning Committee and is still relevant.

Other issues raised by public consultation

In relation to drainage, a condition requiring the submission of a drainage scheme would be placed on any permission. The provision of dog litter and litter bins would be considered in relation to the detailed design of the improved footpath. Street lighting along this footpath and within the development, which would help to deter youths from congregating would be considered in detail at reserved matters stage. A 9m wide landscaping strip is proposed adjacent to 83 Wye Dale and the detailed planting would be controlled by condition. Overlooking of properties on Wye Dale would be assessed at reserved matters stage. The footpath and access through the development site would be maintained.

Financial Contributions and Extenuating Circumstances

The previous resolution by the Planning Committee included the requirement for financial contributions:

£56,380 for education provision; £15,428 for healthcare provision; £372 per person for open space; £342 per person (the combined sum normally required for outdoor facilities and built facilities) together with the difference between the value of the site with 40% affordable housing and without, to be made available to spend in accordance with a schedule of works related to the Listed Building Gresley Old Hall which shall first be agreed with the Head of Planning Services and which shall include the removal of the existing lighting tower.

In terms of viability, experience of other developments in Church Gresley shows that there would be little surplus profit from the proposal when all the costs of bringing the development forward have been accounted for, including the costs incurred for the remediation of the land, which are likely to be expensive given the coal mining history of the site. As a consequence there would be very little left for the necessary and urgent repairs and enhancement works for the Grade II Listed Gresley Old Hall and the Old Hall complex, which is an important, well-used and popular community facility. It is vital that all the surplus profit from the sale of the land with residential planning permission should go towards the refurbishment of the Hall and Members are requested to give this unusual step careful consideration.

Support for this course of action is found within Chapter 12 of the NPPF (Conserving and enhancing the historic environment). In particular paragraph 131 has the following advice:

“In determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- The desirability of new development making a positive contribution to local character and distinctiveness”.*

Similarly, paragraph 140 advises: *“Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies”.*

In this instance it is considered that the departure from those Council policies that require financial contributions for developments of this nature is justified when the benefits to the Grade II Listed Gresley Old Hall would be apparent.

Conclusion

The principle of the development is in accord with Saved Local Plan housing policies and national policies relating to the provision of sustainable development and the Council's lack of a five-year housing land supply.

The proposed layout is also in accordance with informal guidance and that of national and local plan policies outlined above. Any concerns relating to residential amenity could be overcome by condition or at the reserved matters stage.

Given the poor state of repair of the Grade II Listed Building, a greater weight has been placed by planning officers on the need to save it than on the provision of affordable housing given that the site is located in an urban area where there is a greater choice of housing available. Indeed, it is understood that the trust would not be promoting such a development were it not for its desire to secure the future of the listed building. As such Members are requested to agree that all of the contributions normally levied are used towards the restoration of the historic building.

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

Recommendation

- A. That delegated authority be granted to the Planning Services Manager to secure a unilateral undertaking/S106 agreement for the submission, approval and implementation of a detailed Schedule of Repair and Enhancement Works for Gresley Old Hall on the basis that any surplus profit from the sale of the land with planning permission is directed wholly towards the repair, refurbishment and enhancement of Gresley Old Hall and the Old Hall complex (subject to scrutiny of the District Valuer);

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 scale and appearance 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. Before any development commences for the construction of any of the dwellings details of the earthworks shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the existing and proposed levels and contours to be formed, showing the relationship of the proposed mounding to existing vegetation and surrounding landform.

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

4.
 - A) Before any construction of any of the dwellings commences a scheme to identify and control any contamination of land, or pollution of controlled waters shall be 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) If required by the conceptual site model, 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.

5. 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.

6. Before any development takes place involving the construction of any of the dwellings details of a scheme for the disposal of surface and foul water shall be

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 protection and pollution control.

7. No building shall be erected or trees planted within 5 metres of the public sewer that crosses the site.

To maintain essential access for maintenance, repair, renewal and to protect the structural integrity of the public sewerage system.

8. No development shall take place, until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority in writing.

Reason: The submission of the information at the earliest opportunity is fundamental in order to enable items of archaeological interest to be recorded and/or preserved where possible.

9. Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), before any development involving the construction of the dwellings commences, plans indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

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

10. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no JN580/716-NWK-006 D.

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

11. Before any development takes place involving the construction of any of the dwellings a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained to include the existing hedgerow on the northern boundary, together with measures for their protection in the course of development shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

13. Before any development involving the construction of any of the dwellings commences the new estate junction onto Gresley Wood Road shall be completed in accordance with details first submitted and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety.
14. Prior to the occupation of any of the dwellings the estate roads shall be constructed to at least base course level, with road drainage and street lighting in accordance with the County Council's specification for estate streets.
Reason: In the interests of highway safety.
15. The definitive public right of way footpath No. 38 shall be widened to 3 metres adjacent to northern boundary of the site and made up to adopted highway standard including street lighting.
Reason: To improve the security of the footpath and increase its usage.
16. Unless as may otherwise be agreed in writing with the Local Planning Authority, prior to the first use of the development hereby permitted, the land in advance of the site lines shown on drawing no JN580/716-NWK-006 D shall be cleared and thereafter retained free of obstructions to visibility over a height of 1 metre above the adjoining carriageway level.
Reason: In the interests of highway safety.
17. Before any development for the construction of any of the dwellings commences a scheme of dust control shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be deployed during the entire construction period unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of protecting the amenities of neighbouring residents.
18. Before any work commences for the construction of any of the dwellings details of the finished floor levels of the dwellings 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.
19. Notwithstanding the submitted details an amended layout for plots 2 and 3 shall be submitted as part of any reserved matters application for the site.
Reason: It is considered that this part of the layout would not have an acceptable relationship with the proposed landmark building/feature at the entrance to the site.
20. Before any works commence for the construction of any of the dwellings, space shall be provided within the site for the 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 to 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.

21. Before any operations commence involving the movement of materials in bulk to or from the site, facilities shall be provided that have previously been approved in writing by the Local Planning Authority, to prevent the deposition of mud or extraneous material on the access roads to the site.

Reason: In the interests of highway safety.

Informatives:

The phased risk assessment should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA. 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 referenced in footnotes 1-4, to the relevant conditions attached to this permission.

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 www.south-derbys.gov.uk/Environment/Pollution/LandPollution/contaminatedlandguide.htm

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 pollution control officer (contaminated land) in the environmental health department: pollution.control@south-derbys.gov.uk.

This permission is the subject of a unilateral undertaking or agreement under Section 106 of the Town and Country Planning Act 1990.

The applicant's attention is drawn to the comments of Derbyshire Police Crime Prevention Design Advisor which are enclosed.

The main elevation of the landmark building at the entrance to the site should face Gresley Wood Road.

When drawing up a scheme in accordance with condition 6 your attention is drawn to the need to avoid exacerbating existing problems experienced at times of deluge in Heathcote Road.

You are advised that the scheme of repair and improvements to the Listed Building Gresley Old Hall should include the removal of the existing lighting tower and its replacement with lighting more sympathetic and sensitive to the setting of the Listed Building.

The applicant is advised to consider the document 'Guidance on the assessment of dust from demolition and construction' from the Institute of Air Quality Management (IAQM) for advice on how dust assessments should be performed. The assessment of the impacts of construction on local air quality should be undertaken following a risk based approach, as outlined in the IAQM document 'Guidance on the Assessment of the Impacts of Construction on Air Quality and the Determination of their Significance'. 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 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, through meetings and negotiations and by determining the application as promptly as possible. 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 1.2

Reg. No. 9/2014/0539/NLI

Applicant:
Mr J Whitaker
90 Sharpe Bros. & Co. Ltd
Common Road
Church Gresley
Swadlincote
DE11 9NW

Agent:
Mr David Raybould
David Raybould & Associates Ltd
23A West Street
Swadlincote
DE11 9DG

Proposal: **DEMOLITION OF EXISTING BUILDINGS AND
REDEVELOPMENT WITH NEW BUILDING AT SHARPES
INDUSTRIAL ESTATE ALEXANDRA ROAD
SWADLINCOTE**

Ward: **SWADLINCOTE**

Valid Date: **14/07/2014**

Reason for committee determination

This major application is brought before the Committee at the discretion of the Planning Services Manager as it involves demolition of a curtilage listed building.

Site Description

The buildings form part of the Sharpes Industrial Estate and are located to the south of the Grade II Listed Sharpes Pottery Museum and back onto Alexandra Road. The mounding shop nearest to the museum is occupied and is not part of the application. The saggar-making and drying house are attached to this building in the shape of the letter 'F' and these are within the application site and located within Swadlincote Conservation Area.

Proposal

Demolition of the saggar-making and drying house are proposed in order to re-develop the site to create 4 small (80-86m²) general industrial (B2) units, formalise the car park and improve the access. The units would be set away from the 'Old Mould Shop' (known as Building J) and extend to the east within the site 14-15m. The rear wall of the units would bound Alexandra Road and hipped roofs are proposed adjacent to this boundary that step down towards the mounding shop.

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South Derbyshire District Council. LA 100019461. 2014

Applicants' supporting information

A Heritage Statement by the University of Leicester Archaeological Services provides a history of Sharpes Pottery and how it developed over time. The saggar-making and drying house were built in 1856-73 and were part of mid-nineteenth century expansion of manufacture at the pottery as it enlarged and diversified into making sanitary ware. It was ancillary to the main complex, which reflects the relatively ancillary status of saggars in the production process. Saggars are ceramic box-like containers employed to protect the pottery and sanitary ware from the kiln flames. Both the saggar-making and drying house were altered, and extensions added, in the twentieth century, with a result that their individual character and importance is diminished.

A bat and bird survey concluded that there is no evidence of bats roosting in the building, however, there was evidence of birds nesting. New roosting and nesting opportunities are recommended in any replacement buildings together with a method of working.

Planning History

9/2011/0842 - LBC for Screen wall incorporating gateway, granted 9/11/11

Responses to Consultations

The Coal Authority has no objection subject to a condition for remediation of shallow mine workings.

Severn Trent Water has no objections subject to a drainage condition.

The Contaminated Land Officer has no objections subject to a phased condition.

Trent and Dove Housing who own part of the site opposite suggests conditions in relation to light industrial in terms of noise and hours of working due to concern for amenity of their residents. The use of reclaimed tiles and bricks on the Alexandra Road frontage is suggested.

The Environmental Health Officer has no objection subject to conditions in relation to hours of use and potential for external plant noise in order to protect the amenity of residential properties in close proximity.

Derbyshire Wildlife Trust considers the bat surveys to be adequate and no bats were recorded emerging from the survey buildings. Conditions in respect of works within the bird breeding season and provision of enhancement measures for roosting bats and nesting birds are recommended.

The County Archaeologist considers that as the proposal involves the demolition of a curtilage Listed Building he objects. The proposal site is within HER 26813, the former Sharpe's Pottery, comprising the standing buildings and archaeological remains of one of the earliest pottery works in South Derbyshire, established in 1821. The early 19th century front range and bottle kiln are Grade II Listed;

The Highways Authority has no objections and considers the access geometry, visibility splays, layout and parking provision to be acceptable. Conditions are recommended in

relation to the access, closure of the old access, laying out of the car park and informatives in relation to works within the highways, surfacing and gradient.

Responses to Publicity

A website comment of support was received which stated the proposal was sympathetic to the Conservation Area and materials should be re-used.

Development Plan Policies

The relevant policies are:

Local Plan: EV12, EV13, EV14, EM1, EM3, T6

The emerging policies are:

Local Plan Part 1 (Submission Version): S1, SD1, E2

Local Guidance:

SPG Industrial & Office Layout and Design
Character Statement – Swadlincote

National Guidance

National Planning Policy Framework (NPPF) paragraphs 14, 17, 19, 32, 132, 133, 141

National Planning Practice Guidance (NPPG) 18a, 26

Planning Considerations

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

- Impact of the loss of the buildings to the archaeology of the site and the character and appearance of the Conservation Area
- Economic considerations
- Amenity of neighbouring residential properties
- Highways issues

Planning Assessment

Impact of the loss of the buildings to the listed buildings and the character and appearance of the Conservation Area

Planning permission is sought for the erection of four new built units for B2 General Industrial use and is a speculative proposal as no specific uses, employee numbers and hours of use are known. The proposal would be detached from the existing building and small hipped roofs are proposed adjacent to the Alexandra Road frontage to ensure that Unit 16 (Building J) remains dominant. The boundary wall would be replaced by the blank rear elevations of the units retaining the strong boundary feature on the roadside in keeping with the existing character of the street.

The saved policy EV13 in the Local Plan states that the demolition of a listed building will not be permitted unless evidence has been provided that the building is incapable of beneficial use and it cannot be sold on the open market to a restoring owner. Policy EV14 relates to archaeological features and states that development will not be permitted which would result in significant disturbance to other known archaeological or other heritage features of major significance. It also states that where exceptionally there is an overriding need for development conditions can be used to mitigate by way of investigation and recording prior to demolition.

The University of Leicester Heritage Statement submitted during the application process confirmed that the buildings to be demolished are curtilage listed and therefore Listed Building Consent has been submitted (9/2015/0320). This report concludes that:

"Neither the saggar-making shop nor drying house retains any diagnostic features associated with their original function. The alteration of the buildings, by shortening the saggar-making shop and extending the drying house with its characteristic mid-20th century asbestos-cement roof, is significant. It has diminished the historical integrity and the 19th-century industrial character of the buildings. The projection built against the drying house is modern and adds nothing either to the 19th-century character of the block or to the understanding of the buildings' function. Viewed from outside the boundary of the works in Alexandra Road, the buildings are largely concealed from view by the boundary wall.

The saggar-making shop and drying house stand at the western edge of Swadlincote Conservation Area, although when viewed from Alexandra Road they make no visual contribution to the historic character of the Conservation Area because they are obscured by the boundary wall.

The proposed new re-development involves the demolition of the saggar house and boundary wall. However it does retain the alignment of the boundary wall and the design is sympathetic to the Conservation Area and surviving Pottery buildings".

Historic England does not require consultation on this proposed demolition as it does not involve 'principle' listed buildings, only curtilage listed. The changes made to the buildings have diminished their historical integrity. The drying house has a number of alterations which have had a detrimental impact on its character and it is in a poor state of repair. The saggar-making shop has been shortened which has impacted on its integrity as the complete original structure has not survived. The two buildings are not highly visible from the surrounding area as they are obscured by the existing boundary wall. However, the Conservation Officer, despite the changes made to the saggar-making house considers that every effort should be made to retain this element of the complex. This is on the basis that it appears to be one of the earliest elements of this part of the expanded complex dating from 1856-73 and adds to the understanding of the site's expansion and the wider pottery making process.

The NPPF in relation to Heritage Assets in paragraph 132 states that any harm or loss of a heritage asset requires justification and substantial harm or loss of a Grade II Listed Building should be exceptional. It is considered that the Heritage Statement provided adequately justifies their loss as the state of repair of the buildings and their significance has been eroded, including their status as curtilage rather than 'principle' listed buildings. However, in this case there seems little doubt that the current appearance of the application buildings within the Conservation Area must be detracting from the

existing buildings within the complex on a gateway to the town centre. If planning permission were granted then conditions could be attached to secure authentic external detailing to ensure the appearance of the buildings compliment the adjacent complex. The existing buildings can also be recorded for their archaeological value prior to demolition.

Economic considerations

Heritage considerations aside, the re-development of part of an existing industrial area is acceptable in principle in this sustainable location adjacent to the town centre. Saved Local Plan Employment Policy 1 states that "Expansion of existing industrial and business uses..... will be permitted provided that the proposal is not detrimental to character of the locality or residential amenity and does not cause environmental or traffic problems".

Saved Local Plan Employment Policy 3 states that in Swadlincote, industrial and business development as defined by use classes B1, B2 and B8 will be permitted provided that the proposal is not detrimental to the amenity and character of the locality on environmental and traffic grounds.

The economic benefits of provision of four smaller starter business units is welcomed by the Council's Economic Development Manager as few are being built within the District and the potential for letting them is high. The Council's Town Centre Vision document identifies the site as a 'potential investment site' as it is classed as a gateway site to the town centre. This based on the fact that there is unutilised space within the existing industrial estate. It would fill a gap in the market, supporting new start-up businesses together with the creation of jobs. The potential uses may compliment the museum as they may be let to creative industries and would cross support the museum facilities through use of the café or meeting rooms. Thus it needs to be considered whether the 'substantial public benefits' (as stated in paragraph 133 of the NPPF) outweigh the loss of the remaining archaeological features that link the building to its previous use.

Residential Amenity

A new housing development has been occupied opposite the site on Alexandra Road within the application process and as such the amenity of these residents should be protected by way of conditions requiring details of external plant noise and restricting hours of use. The size of the buildings would ensure that the resultant impacts from the B2 general industrial use would not be significant in relation to these properties, the development controlled by the conditions recommended above.

Highways

The Highways Authority has no objection to the access, parking layout and provision and as such the proposal would accord with Local Plan Policy T6 and NPPF paragraph 32.

Conclusion

Paragraph 133 of the NPPF relates to where the proposed development would lead to 'substantial' harm or total loss of significance of a designated heritage asset. The proposed development is not considered to involve substantial harm or total loss of

significance of the designated heritage asset, as it is not considered that their loss would greatly impact upon the Principle Listed Building or the Conservation Area. Paragraph 134 states that where developments will lead to less than substantial harm of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Therefore, notwithstanding comments received, it is considered that the loss of these buildings would not have a significant adverse impact on the setting of the principle Listed Building within the complex nor an adverse impact on the character and appearance of the Conservation Area. Their significance having been eroded. The economic benefits are considered to outweigh the marginal value in the retention of the buildings which are likely to be detracting from the value of the area both in economic and environmental terms. However, it is therefore for the committee to weigh up the environmental and economic benefits of creating small industrial units for starter businesses in this town centre location against the loss of the buildings which have a link to the expansion of the pottery making process in the 19th Century.

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

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. Notwithstanding the originally submitted details, this permission shall relate to the amended plan no's 1002/2012/4516sp, 1002/2014/4614sp, 1002/2014/4614sp amended 22/3/15, 1002/2014/4614a amended 22/3/15 and 1002/2014/4614b amended 22/3/15; unless as otherwise required by condition attached to this permission or allowed by way of an approval of a non-material minor amendment made on application under Section 96A of the Town and Country Planning Act 1990 (as amended).
Reason: For the avoidance of doubt, the original submission being considered unacceptable.
3. Before any works involving the construction of a building commences 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 existing building and the locality generally.
4. A) Before any works involving the construction of a building commences 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) Before any works involving the construction of a building commences monitoring at the site for the presence of ground/landfill gas and a subsequent risk assessment shall be 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 and recognising the Council's opinion that this element of the development could lead to unacceptable impacts even at the initial stages of works on site..

- 5. Before any works involving the construction of a building commences details of a scheme for the disposal of surface and foul water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.

Reason: In the interests of flood protecting and pollution control and recognising the Council's opinion that this element of the development could lead to unacceptable impacts even at the initial stages of works on site.

- 6. If remediation of the areas of shallow mine workings and/or any other mitigation measures are required that are not detailed in the Coal Mining Risk Assessment these shall be submitted to and approved by the Local Planning Authority before any works involving the construction of a building commences. The development shall be undertaken in accordance with the recommendations of the Coal Risk Assessment.

Reason: To protect the health of the public and the environment from hazards arising from previous mining work on the site which might be brought to light by development of it and recognising the Council's opinion that this element of the development could lead to unacceptable impacts even at the initial stages of works on site.

- 7. Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), prior to the erection of boundary treatments plans indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the

development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

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

8. Before any works involving the construction of a building commences, the existing access to High Street shall be modified in accordance with the revised application drawing No. 1002/2014/4614sp amended 22nd March 2015, laid out, constructed and provided with 2.4m x 43m visibility splays in each direction, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason: In the interests of highway safety and recognising the Council's opinion that this element of the development could lead to unacceptable impacts even at the initial stages of works on site.

9. Within 28 days of the creation of the new access, the existing vehicular access to Alexandra Road shall be permanently closed with a physical barrier and the existing vehicular crossover reinstated as footway in a manner to be agreed in writing by the Local Planning Authority in consultation with the County Highways Authority.

Reason: In the interests of highway safety.

10. Prior to the occupation of any buildings space shall be provided within the application site in accordance with the revised application drawing 1002/2014/4614sp amended 22nd March 2015 for the parking and manoeuvring of visitors / staff / customers/ service and delivery vehicles, laid out and surfaced. Once provided any such facility shall be maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interests of highway safety.

11. Gutters and downpipes shall have a black finish and be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

Reason: In the interests of the appearance of the building(s), 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 building unless specifically agreed in writing by the Local Planning Authority. The type, number, position and finish of heating and ventilation flue outlets shall be agreed in writing with the Local Planning Authority before development is commenced.

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

13. Large scale drawings to a minimum Scale of 1:10 of eaves and verges and external joinery, including horizontal and vertical sections, precise construction method of opening and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The eaves and verges and external joinery shall be constructed in accordance with the approved drawings.

Reason: In the interests of the appearance of the building(s), and the character of the area.

14. No external plant shall be fitted on the buildings before a written noise assessment is submitted to and approved in writing by the Local Planning Authority demonstrating that the noise (expressed as LAeq,t) from the plant shall not exceed the background level (expressed as LA90,t) measured at the boundary of the nearby residential properties at any time.
- Reason: To ensure that the associated noise does not prejudice the enjoyment by neighbouring occupiers of their properties.
15. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times nor at any time on Sundays, Bank or Public Holidays: 08:00 hours and 18:00 hours Monday to Saturday.
- Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.
16. Before any works involving the construction of a building commences details of the enhancement measures for roosting bats and nesting birds shall be submitted and approved in writing by the Local Planning Authority and the measures shall be implemented in accordance with the approved details.
- Reason: In the interests of biodiversity.

Informatives:

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining. Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority. Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com.

The phased risk assessment should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA. 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 referenced in footnotes 1-4, to the relevant conditions attached to this permission.

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/business/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 pollution control officer (contaminated land) in the environmental health department: pollution.control@south-derbys.gov.uk. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through 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.

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.

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.

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.

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

Item **1.3**

Reg. No. **9/2015/0320/L**

Applicant:
Mr J Whitaker
90 Sharpe Bros. & Co. Ltd
Common Road
Church Gresley
Swadlincote
DE11 9NW

Agent:
Mr David Raybould
David Raybould & Associates Ltd
23A West Street
Swadlincote
DE11 9DG

Proposal: **LISTED BUILDING CONSENT TO DEMOLISH EXISTING
BUILDINGS AND ERECT NEW BUILDING UNIT K
SHARPES INDUSTRIAL ESTATE ALEXANDRA ROAD
SWADLINCOTE**

Ward: **SWADLINCOTE**

Valid Date: **09/04/2015**

See linked report for 9/2014/0539 above.

Recommendation

GRANT listed building consent subject to the following conditions:

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. Notwithstanding the originally submitted details, this permission shall relate to the amended plan no's 1002/2012/4516sp, 1002/2014/4614sp 1002/2014/4614sp amended 22/3/15, 1002/2014/4614a and 1002/2014/4614b; unless as otherwise required by condition attached to this permission or allowed by way of an approval of a non-material minor amendment made on application under Section 96A of the Town and Country Planning Act 1990 (as amended).

Reason: For the avoidance of doubt, the original submission being considered unacceptable.
3. Gutters and downpipes shall have a black finish and be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

Reason: In the interests of the appearance of the building(s), and the character of the area.

4. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the building unless specifically agreed in writing by the Local Planning Authority. The type, number, position and finish of heating and ventilation flue outlets shall be agreed in writing with the Local Planning Authority before development is commenced.

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

5. Large scale drawings to a minimum Scale of 1:10 of eaves and verges and external joinery, including horizontal and vertical sections, precise construction method of opening and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The eaves and verges and external joinery shall be constructed in accordance with the approved drawings.

Reason: In the interests of the appearance of the building(s), and the character of the area.

6. No demolition shall take place until a Written Scheme of Investigation for historic building recording has been submitted to and approved by the local planning authority in writing, until all pre-commencement elements of the approved scheme have been completed to the written satisfaction of the local planning authority, and until the provision to be made for analysis, reporting, publication and dissemination of the results and archive deposition has been secured. The Written Scheme of Investigation shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme and provision for post-investigation analysis and reporting
3. Provision to be made for publication and dissemination of the analysis and records of the site investigation
4. Provision to be made for archive deposition of the analysis and records of the site investigation
5. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation""

(b) No demolition shall take place other than in accordance with the provisions for in-demolition building recording contained within the Written Scheme of Investigation approved under condition (a)

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

Informatives:

In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through 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.

Item **1.4**

Reg. No. **9/2015/0264/FX**

Applicant:
Mr Mark Jones
3 Sunrise Homes (Derbyshire) Ltd
Trent Lane
Weston on Trent
Derby
DE72 2BT

Agent:
Mr Mark Blood
Mark Blood Building Design
Manor Farm House
London Road
Shardlow
Derby
Derbyshire
DE72 2GR

Proposal: **RESIDENTIAL DEVELOPMENT OF FOUR DWELLINGS**
 WITH ASSOCIATED ACCESSWAY LAND AT REAR OF
 84 WESTON ROAD ASTON ON TRENT DERBY

Ward: **ASTON**

Valid Date: **25/03/2015**

Reason for committee determination

Councillor Watson has requested this application be considered by the committee because local concern has been expressed about a particular issue and the application is of major concern to the Parish.

Site Description

The application site incorporates the curtilage of 84 Weston Road. It forms a large L shaped garden that wraps around the rear garden boundaries of 82 – 90 Weston Road. The site in addition to the land to the rear of 92 Weston Road was once used as a market garden but has been used as domestic gardens for many years. The site lies within the boundary of the village as defined in the Local Plan.

Proposal

The application proposes the demolition of 84 Weston Road to accommodate access to the rear site for the erection of four detached dwellings. The original submission included 5 dwellings however this has been revised down to accommodate a larger turning head and a more open loose knit development.

9/2015/0264 - Land to the rear of 84 Weston Road, Aston on Trent, Derby
DE72 2BA



Applicants' supporting information

No supporting documents have been submitted and some concern has been raised that an Environmental Impact Survey and Design and Access Statement have not been submitted, however for a development of this scale neither are required to validate the application.

Planning History

9/2004/0567 - Residential development of up to 10 houses to the rear of 90 and 92 Weston Road. Development was approved on these two parcels of land which include the current application site.

Responses to Consultations

The County Highways Authority has raised no objection to the principle of development on the site but requested that the access road be 5 metres in width to accommodate refuse and emergency vehicles and to increase the turning ahead which has been included within the revisions. It considers that the visibility splays available are acceptable along with the level of parking on the site.

The Environmental Protection Officer has no comments to make in relation to the application and contaminated land.

Severn Trent Water has no objection to the proposal.

Responses to Publicity

Aston on Trent Parish Council raised an objection to the original submission for 5 dwellings on the basis that:

- a previous application at no.90 was rejected,
- it is a change of use of non-residential green land and significantly changes the density of housing in the location,
- provides for an increased localised flood risk via lost drainage. The area has historically been subject to excess water run-off from raised land in Chellaston Lane which is still an ongoing problem. The site acts as a soak away area and helps minimise the current problem.
- No Environmental Impact Study has been made, there is no design and access statement,
- loss of privacy to neighbours with plots overlooking existing residents particularly the bungalow to the rear of 92. Provides 3 living levels, this is overbearing and out of character to other local residences,
- too many houses for size of land,
- insufficient allowance for household vehicles and visitors,
- land grabbing.
- The new road and junction is too close to a bad bend and adjacent to a bus stop,
- the garden of one plot is in the zone of the tree covered by a TPO.

42 objections and 1 letter of support were received in response to the original submission.

6 objections have been received at present in response to the revised drawings and re-consultation. Concerns can be summarised as:

- Nothing's changed - the lovely house will still be demolished
- Aston has been developed too much already
- Will spoil Weston Road
- Overdevelopment
- Dangerous outlet for potential five cars minimum
- Flood risk – poor drainage
- High level of vehicles using access in a quiet rural location
- Unnecessary development
- Would increase noise and pollution
- Would add to sewage and drainage pressures in area

Development Plan Policies

The relevant saved Local Plan Policies are Housing Policies 5 and 11 and Transport Policy 6.

The relevant emerging Local Plan (part one) policies include:

S2 – Presumption in favour of sustainable development

S4 – Housing Need

S6 – Sustainable Access

H1 – Settlement Hierarchy

SD1 – Amenity and Environmental Quality

BNE1 – Design Excellence

BNE4 – Landscape Character and Local Distinctiveness

INF2 - Sustainable Transport

National Guidance

Relevant parts of the National Planning Policy Framework (NPPF) include:

Paras 6-10 (Achieving sustainable development)

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

Para 17 (Core principles)

Chapter 6 (Housing)

Chapter 7 (Requiring good design)

Paras 186 & 187 (Decision-taking)

Para 196 & 197 (Determining applications)

Paras 203-206 (Planning conditions and obligations)

The National Planning Practice Guidance (NPPG) is also relevant in particular; ID:2a, ID:3, ID:8, ID:21a, ID:23b, ID:26, ID:30, ID:37 and ID:25

Local Guidance

Housing Design and Layout SPG

Planning Considerations

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

- The principle of development
- Residential amenity
- Impact on the character of the area
- Highway safety
- Drainage

Planning Assessment

The Principle of Development

The site lies within the village confine as set out in Saved Housing Policy 5 therefore there is no in principle objection to housing provided it complies with other relevant policies and the aims and objectives of the NPPF and NPPG. There is no evidence to suggest that the use of the site as domestic garden is unlawful, the site was previously linked with 90 Weston Road, whereby an application was granted across the former market garden for up to 10 dwellings. This was granted under the current Local Plan Policies and deemed to be acceptable.

It must be strongly noted that the site benefits from an existing planning permission for residential development, for which the principle has already been established and considered as an appropriate use of the site.

The application site occupies half of the former market gardens; therefore the logical approach was to apply for half the number of dwellings. However due to the detached nature and scale of the proposed dwellings the agent was advised to reduce the level of housing to improve the sense of spaciousness within the site and to ensure the increased turning head could be accommodated without compromising the balance of the site.

The NPPF indicates that Local Plans should meet the full objective need for market and affordable housing in the housing market area. It states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Policy H5 states that development must be restricted to within the village confine, the development therefore complies with this element of the policy. It also states that the development should be in keeping with the scale and character of the settlement and this would be addressed below.

The site lies adjacent to the built framework of Aston on Trent but within the village confine, which is classed as a Key Service Village in the emerging Plan's Settlement Hierarchy (Policy H1). Such settlements are envisaged to be capable of providing appropriate scale developments up to and including small strategic sites. However, this hierarchy presently carries limited weight.

The connectivity of the settlement is considered to assist in demonstrating its sustainability. Aston on Trent is served by regular bus services (bus stop opposite site). With regards to facilities, the village includes a Post Office, a convenience store and other shops, GP practice, a primary school, playing pitches and public houses nearby. It is therefore accepted that the general location of this development is in a sustainable location in terms of its proximity to services, transport, amenities etc.

Overall the principle of development for four detached dwellings on this site is not in question and under Local Plan Policy H5 is a sustainable development in accordance with para 17 and 49 of the NPPF.

Character and Appearance

Although now of limited effect, Local Plan Policy H5 states that development must be restricted to within the village confine but also that any development should be in keeping with the scale and character of the settlement. Likewise, paragraph 17 of the NPPF seeks to secure high quality design and good standards of amenity. In this case the key principles of design and scale have taken their cues from the neighbouring dwellings in this locality in creating a functional and sustainable development thus complying with these policies.

The site is of a size that can accommodate this level of development, the principle of which has already been assessed under the granting of application 9/2004/0567, it is the scale and position that would determine the impact of the proposed development on the local and wider setting of the streetscene.

With development of mixed character on three sides of the site the proposal would not be out of keeping with existing pattern of development as a matter of principle. The site currently makes no identifiable contribution to the character of the street scene, nor would development disrupt the grain of the settlement. The dwellings can be argued to be larger than their neighbouring counterparts, however the variety of styles and scale of dwellings adds to the intrinsic qualities of this locality and therefore the mix of housing on this site is considered to preserve the harmonious balance currently established within the built environment.

The application proposes a mix of three styles which include a 1½ storey cottage, and three two storey dwellings, two of which are of an a gabled 'L' shaped design incorporating a bay fronted window and the other is of a 'T' design all overlooking the central turning head which promotes natural surveillance. Each property would be provided with off street parking for at least two vehicles and private amenity space. The materials would be predominantly brick and reclaimed tiles to ensure consistency in the streetscene. Timber rather than UPVC windows would be incorporated into the dwellings which reinforce the high quality of design of the properties.

This style of housing can be seen in Askew Grove in Repton where it has replaced some older pre-fabricated housing but is similar to this site in that it sits within a variety of building styles and scales. This example clearly demonstrates how new dwellings can sit sympathetically within an existing context whilst complimenting the character rather than competing with it.

Good design is an important part of making places successful. This involves giving people the opportunity to live in buildings that suit their circumstances throughout their lifetime. It also means adapting existing buildings to our changing climate and helping residents to reduce their energy consumption and living costs. The proposed design and layout of the site would enhance the relationship of the site with the wider environment and create a bridge between the existing residential sub streets that make up this locality. The proposed development as a result of good design would support a sense of community and a strong sense of place and space that would preserve the

local streetscene and is considered to comply with principles of Housing Policy 11 of the Local Plan.

Housing policy 11 states development would be permitted subject to providing private amenity space and space for landscaping, this is reflected in the layout of the development whereby private amenity space is provided to the rear of the dwellings, this aids the development in achieving the space standards. These spaces are all accessible externally avoiding the need to go through the properties. The level of amenity provided is considered acceptable and enhances the level of space within the site. Small pockets of green open space are proposed and merge with the green corridor of the front gardens to create a positive attribute which makes a valuable contribution to the character and environmental quality of the area in compliance with Housing policy 11.

Residential Amenity

Housing Policy 11 relates to layout and design of housing developments and through standards set out in the SPG, requires that they provide: a reasonable environment, reasonable amenities in terms of light, air and privacy for both existing and new dwellings, safe, functional and convenient layouts and private amenity space and landscaping.

Having carried out a full assessment of the proposal in relation the SPG, some concern was raised with regards to overshadowing of the amenity space of properties along Weston Road in particular 88 and 86 and 23 and 25 Chellaston Lane. However given the existing boundary treatment, degree of separation and orientation of the dwellings the level of harm caused is not considered significant enough to warrant withholding permission, some overshadowing would occur during the day to gardens in Chellaston Lane during however this is to the upper part of the garden and given the large amenity space associated with these dwellings it is unlikely that this would have a harmful affect. Some overshadowing would occur during the evening hours to 88 and 86 Weston Road, however this would not spread over the entire space and would be limited therefore the level of harm is low.

Concern has been raised with regards to the potential for overlooking and overbearing impact on the bungalow to the rear of no 90 Weston Road. There are rooflights positioned on the north east facing elevation of the bungalow facing the rear of plots 3 and 4. However the properties would be approximately 20 metres apart and due to the angle of the rooflights, direct overlooking would be very difficult. The dormer window to plot 4 would be approximately 25 metres from the bungalow well beyond the space standards and is therefore not considered to cause issues of overlooking or loss of privacy.

Access/Highways

On the advice of the Highway Authority there would be no demonstrable harm to highway safety interests. A new access is proposed along the length of the plot of 84 Weston Road and would at the start be centrally positioned with trees alongside to help form a buffer from the sides of the neighbouring properties. The upper half of the site would accommodate visitor parking and the garage/parking for plot one which are considered acceptable.

Drainage

It is normal practice for surface water drainage provision to be neutral in its impact on adjoining land. The Highway Authority seeks a condition to secure a positive means of highway surface water drainage. It is proposed to utilise permeable materials for the central hard standing and parking areas. The agent has specified that the surface water drainage would not be discharged into the mains sewer. The site is within flood zone 1 and therefore is an appropriate site for development.

Other

The tree protected by a TPO is located within a neighbouring site, however the canopy and root protection area fall within the garden of plot 2. The property has been set away from this corner of the site to ensure the wellbeing of the tree is preserved.

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. The development hereby permitted shall be carried out in accordance with plan/drawing 15023.01, 15023.02, 15023.03, 15023.04 and 15023.05 received on 26th June 2015; unless as otherwise required by condition attached to this permission or allowed by way of an approval of a non-material minor amendment made on application under Section 96A of the Town and Country Planning Act 1990 (as amended).
Reason: For the avoidance of doubt.
4. Prior to being incorporated in the development 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 shall be 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 ensure the materials are appropriate to preserve the appearance and character of the surrounding Area
5. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
Reason: In the interests of the appearance of the area.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: In the interests of the appearance of the area.
7. No construction or other activities shall take place on the site outside the hours of 08:00 to 18:00 hours Monday to Friday, 08:00 to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays with the exception of work needed during an emergency.
Reason: To preserve amenity of neighbouring residents
8. No deliveries shall be taken at or despatched from the site except between the hours of 08:00 and 18:00 hours Monday to Friday, 08:00 to 13:00 hours on Saturdays and no deliveries Sundays or Bank Holidays.
Reason: To preserve the amenity of neighbouring residents
9. No generators shall be used on the site during construction without prior written permission from the Local Planning Authority.
Reason: In the interests of residential amenity
10. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawing no. 15023.01 for the parking and manoeuvring of residents vehicles, laid out and surfaced. Once provided any such facility shall be maintained throughout the life of the development free from any impediment to its designated use.
Reason: In the interests of highway safety
11. Large scale details to a minimum scale of 1:10 of eaves, verges, and external joinery, including horizontal and vertical sections, precise configuration of opening lights and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before being incorporated in the building. The items shall be constructed in accordance with the approved details.
Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.
12. External joinery shall be in timber and painted to a colour and specification which shall have been previously agreed in writing by the Local Planning Authority. The joinery shall be painted in accordance with the agreed details within three months of the date of completion of the development unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the appearance of the building and the character of the area.
13. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the building unless specifically agreed in writing by the Local Planning Authority. The type, number, position and finish of heating and ventilation flue outlets shall be agreed in writing with the Local Planning Authority before development is commenced.

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

14. Gutters and downpipes shall have a black finish and fascia boards shall not be used.

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

15. 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 critical 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 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.

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

16. No gates or other barriers shall be erected within 5m. of the highway boundary and any gates elsewhere shall open inwards only.

Reason: In the interests of highway safety.

17. Bin stores shall be provided within private land at the entrance to shared private accesses, in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority. 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: 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.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015, none of the

dwellings hereby permitted shall be enlarged or extended without the prior grant of planning permission on an application made to the Local Planning Authority in that regard.

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 neighbouring properties and/or the street scene.

Informatives:

No materials arising from the demolition of any existing structure(s), the construction of new buildings nor any material from incidental and landscaping works shall be burnt on the site.

The developer shall comply with the BRE Code of Practice to control dust from construction and demolition activities (ISBN No. 1860816126). The requirements of the Code shall apply to all work on the site, access roads and adjacent roads.

In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections and issues 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.

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 (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness. 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.

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.

Item **1.5**

Reg. No. **9/2015/0336/SSA**

Applicant:
Mr Surjit Rai
Epinal Way Care Centre
Rushcliffe Care Group
Hospital Way
Loughborough
LE11 3GD

Agent:
Mr Simon Ward
Peter Eaton & Associates
32 Royal Scot Road
Derby
DE24 8AJ

Proposal: **THE ERECTION OF NEW SCHOOL BUILDING TO
PROVIDE CLASSROOMS, GYM, CHANGING ROOMS,
OFFICES, AND OTHER ANCILLARY USES, THE
ERECTION OF 4 NO. RESIDENTIAL BLOCKS OF LIVING
ACCOMMODATION PLUS ASSOCIATED PARKING AND
ACCESS WORKS (RESUBMISSION OF 9/2014/0636) AT
HIGH GRANGE SCHOOL HOSPITAL LANE
MICKLEOVER DERBY**

Ward: **ETWALL**

Valid Date: **15/04/2015**

Reason for committee determination

This application is brought before the Committee as it is a major application where more than two objections have been received.

Site Description

The site is located adjacent to the south-western edge of the urban area of Derby and is situated along Hospital Lane which serves as one of the access roads to the Mickleover Country Park housing estate on the former Pastures Hospital grounds. The application site was the former Grangecraft Garden Centre and access is via Hospital Lane from a mini roundabout at the junction of Merlin Way that is located at the top of the school's access drive.

The surroundings to the site are characterised by its edge-of-urban-area location. Pastureland lies immediately to the north beyond the A516 and to the west and east of the site.

The site is land associated with the recently established High Grange School which is a Specialist School for young people aged 8 – 19 who have Autism Spectrum Disorders (ASD) and associated learning, communication, sensory and behavioural difficulties. As well as accepting children on a daily basis the existing facility provides accommodation

**9/2015/0336 - High Grange School, Hospital Lane, Mickleover, Derby
DE3 0DR**



on site for approximately children in 6 accommodation blocks within the school grounds and the school offers full and part time residential placements, and day and extended day placements are available.

Proposal

The current proposal has evolved following negotiations between officers and the applicant and is a resubmission of a scheme which was previously withdrawn to allow the design to be re-evaluated.

The scheme now comprises three elements:

- A new, substantial school building with rooms over two floors containing, amongst other things, a gym, assessment rooms, teaching rooms, dining room, science rooms, art room, music rooms and admin rooms/offices.
- 4 accommodation blocks with accommodation over two floors and each containing a staff room, w.c., communal rooms, communal kitchen/dining room/laundry at ground floor level with 4 student bedrooms each with en-suite bathrooms and a bathroom, medical room as well as staff accommodation room complete with en-suite at first floor level.
- A car park with the main car park proposed to be located to the east of the site and containing 103 spaces as well as a smaller car park in front of the main school building containing an additional 19 spaces, of which 6 would be disabled spaces, as well as a loading/unloading bay.

The proposal is designed such that the main school building is tightly curved with two low, monopitch roofs, laid out with an informal hard surfaced, communal area in front and the main car park beyond, separated by the existing access drive. The accommodation blocks are designed to reflect the design of the proposed main school building, arranged so that they also curve but the overall buildings footprint would create a reverse “S” shape by the accommodation block being of a tapered shape to create the curve. The proposed materials are brick lower parts complemented by horizontal cladding for the upper though the main school building would have a glazed frontage on the inner, front curve.

The characteristics of the site are such that the land experiences significant level changes and slopes significantly down from Hospital Lane. The main proposed school building will be located mainly on the existing car park, though partly on the grassed area, but as that part of the site the levels have already been altered in the past. The northern part of the main school building that would be closest to the existing school buildings would be raised by approximately 1.5m whilst the southern part closest to Hospital Lane would be dug in approximately 0.6m. In terms of the accommodation blocks which are even closer to Hospital Lane would be dug in considerably relative to the existing level of the grassed area with the finished floor level for the accommodation building closest to Hospital Lane proposed to be dug in by approximately 3m maximum.

The application is accompanied by a supporting statement in which the applicant states that student numbers have grown from 15 in January 2012 when it was opened, to over 40 at present. The majority of students have a confirmed diagnosis of Autism Spectrum Disorder (ASD), many with Asperger Syndrome and that in addition many students have additional needs including those arising from Attention Deficit Hyperactivity Disorder (ADHD), learning difficulties, Pathological Demand Avoidance (PDA) or associated

emotional and behavioural difficulties. They state that some students have joined the school directly from specialist units in the NHS because of mental health needs associated with their ASD but that they have become increasingly aware of the differing needs of a small sub-population within the school despite its specialist ASD-friendly environment who have continued to show high levels of anxiety and mood disturbance and who are struggling to adapt to the size of the school population, its environment, and its sensory challenges. They state that these students invariably struggle to access school or attend lessons due to extremely high levels of anxiety and previous negative life experiences and that these students require different learning and social environments with an emphasis on addressing their mental health needs directly. They state that over the past year they have seen an increasing number of referrals of young people who have not received an ASD diagnosis until they have been admitted to an NHS unit and that those students need transition arrangements from the NHS units into specialist ASD schools that are able to offer greater emphasis on addressing their mental health needs.

The supporting statement states that they propose the development of a small, specialist transition centre linked to High Grange School but which would provide specialist psychological assessment and direct interventions to address the students' mental health needs with a view to supporting phased access to High Grange School's facilities and resources. They confirm that the students at the proposed centre would be on roll at High Grange School and that each student at the centre will have an individualised transition plan that relies on access to High Grange School's pupils, staff, therapies, facilities and resources. The proposed centre will need its own specialist staff to meet the mental health needs of the vulnerable students but it will be essential to have strong links with the existing High Grange School facilities in order to be able to collaborate with the school's specialist education, psychology, therapy and residential staff with the need for regular, joint case review meetings between the transition centre and school staff and that students will also need to be able to access the school's specialist teaching rooms (e.g. Science lab; Technology workshop; ICT room; Music room etc.) as well as the PE and sports facilities, and specialist therapy resources (e.g. OT, Speech and Language). The supporting statement also states that most importantly, the students will need to be supported over time to build positive relationships with students who already attend High Grange School. This might be through educational or school-day social activities or through forging social or leisure links with residential students at the school.

The supporting statement states that there is increasing media attention to the lack of mental health support services for young people with pressures on NHS units to discharge students with on-going mental health needs and to arrange transitions into specialist schools in order to release in-patient beds. It states that there is enormous variability in the quality of ASD assessment and diagnosis with insufficient specialist multidisciplinary centres resulting in families waiting up to 18 months to receive a diagnosis. Existing services are alleged to be disjointed and multi-site with separate assessment arrangements made for each discipline with some undiagnosed students only receiving their diagnoses when they reach crisis points at school or home often leading to school exclusion, family breakdown and in some cases admission to a NHS unit. The applicant's intention is to establish an on-site assessment and ASD diagnostic centre in order to provide high quality, multidisciplinary services with a rapid turnaround time and to develop expertise in the assessment and diagnosis of girls with ASD as it is becoming increasingly recognised that this requires even more specialised assessment and expertise in order to make a diagnosis.

The applicant has also submitted a Design and Access Statement which states that they have adopted a modern approach to complement the existing school buildings but that the form of the buildings has been derived from its functional need.

The applicant has also submitted a revised Travel Plan which would allow the opportunity for staff to travel to work by non-car modes using existing bus services.

The applicant has stated that the proposal would create 51 full time and 1 part time jobs.

Planning History

The site has a long and varied site history and the original use of the premises was as part of the Pastures Hospital complex. In the late 1980's it was developed as a centre for training of young people with learning difficulties. It was from this that the garden centre use was created. Various uses were developed with the aim of training these young people for the wider world including the manufacture of concrete garden products, the keeping of chickens and the growing and sale of plants. Over the years various applications have been submitted for uses such as café and other sales and the formation of car parks. These culminated in the former Grangecraft Garden Centre which itself was replaced by the existing school which was originally granted planning permission under application reference 9/2008/0412 which was approved in 2008. Subsequent alterations to the proposals were approved including the erection of two new residential accommodation blocks and energy centre to replace existing offices, although the energy centre was itself replaced by a teaching block.

Responses to Consultations

The County Highway Authority has no objection to the proposals subject to conditions requiring the provision of the parking before the proposal is brought into use and the submission of a revised Travel Plan.

The Environment Agency has no objection but asks for the applicant to be made aware that it is the applicant's responsibility to ensure that the existing sewage treatment plant discharge conditions are met.

Severn Trent Water has no objection to the development subject to the submission of details of the foul and surface water disposal.

The Environmental Health Manager has no objection but suggests dust mitigation should be put in place, along with a requirement that prevents the use of portable generators on site, secured through the imposition of a planning condition. It is also recommended that the applicant be advised of appropriate guidance for mitigating the impacts of dust created by the development during construction.

The Contaminated Land Officer has no objection subject to the proposal incorporating measures to prevent ground gas ingress to the buildings, secured through a planning condition.

The County Council Planning Policy Officer raises no objection and does not require any S106 contributions.

Responses to Publicity

Neighbours opposite the site entrance to Hospital Lane as well as adjoining the site were notified and site and press notices posted. In reply 21 letters of objection have been received which can be summarised by the following points:-

- Whilst I agree with the design and support the scheme as I have autism, it would be more sympathetic if the upper parts were timber clad.
- It is inappropriate on a small, quiet, calm housing estate.
- The end users will be teenagers who have aggressive disorders.
- There are lots of children on the estate and housing teenagers who cannot be sent to prison for aggressive behaviour is not the right place.
- The existing school already has issues and residents are regularly found and then escorted back to the school.
- This is not an appropriate place for secure units for young offenders as there are lots of families.
- The site is not secure and we hear alarms going off regularly.
- We have not received a notification even though we are close neighbours.
- The increase in traffic, staff and outside agencies must be considered.
- How can the school guarantee community safety?
- Do not approve this until the security has been upgraded and the entrance widened.
- There are regular break-outs and recently six individual escaped – any increase in size will make this worse.
- The accommodation would be for teenagers with a tendency for violence and aggression that have committed serious offences but cannot be sentenced to prison due to their age.
- Access is via a single track road and the Mickleover bus stops are a mile from the school.
- Access should be direct from the A516.
- Cars already speed on the roads and this will get worse.
- The appearance of the building is not in keeping with the existing buildings or surroundings.
- The original permission was on the proviso that it was never extended.
- The existing school has 84 parking spaces, the new one 116 spaces whilst 50 extra staff would be employed yet the site is not accessible by public transport and staff will use the car – Hospital Lane/Merlin Way have little capacity for on street parking.
- What security would be in place?
- Staff taking smoking breaks and walk the estate leaving litter in their favourite places – additional staff will make this worse.
- There has been nothing on the local boards and people on Hospital Lane had no notification – is this to keep it under the radar?
- Cars parked on Hospital Lane make getting off my drive already difficult.
- I already get large groups outside my property who are loud and obnoxious.
- Hospital Lane is already used as a drag strip by cars – extra traffic is not an acceptable burden on a private estate road.
- Residents have paid vast amounts of money and continue to do so in rates to live here so putting an adolescent prison here would be barbaric.

- The building is ugly and does not fit in, looking more like industrial buildings.
- There is no consideration of traffic, HGVs, during construction.
- The residential units will overlook our properties invading our privacy.
- The high security units are too close to the estate.
- The existing school buildings are all timber clad and the estate has mock Tudor homes – this is not being replicated.
- We see police cars and helicopters regularly surrounding the school making us feel uncomfortable.
- No mention is made of surface water disposal – when the school was built it was to go to Etwall Brook and that holding tanks would be used. This has not happened and when it rains heavily we flood. We have met regularly with the school, and the Council but nothing happened. When it floods it gets closer to our home each time.
- The proposed car park is smaller than the existing ones and the smaller area cannot accommodate enough cars.

Development Plan Policies

The relevant policies are:

Local Plan Saved:

Environment Policy 1, Transport Policy 6 and Community Facilities Policy 1.

Emerging Local Plan

Policy S2 : Presumption in Favour of Sustainable Development

Policy S6: Sustainable Access

Policy SD1: Amenity and Environmental Quality

Policy SD2: Flood Risk

Policy SD3 : Delivering Sustainable Water Supply, Drainage and Sewerage

Policy SD4 : Contaminated Land and Mining Legacy issues

Policy BNE1: Design Excellence

Policy BNE4: Landscape Character and Local Distinctiveness

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 (Economy)

Chapter 4 (Promoting sustainable transport)

Chapter 6 (Housing)

Chapter 7 (Requiring good design)

Chapter 10 (Meeting the challenge of climate change, flooding etc.)

Chapter 11 (Conserving and enhancing the natural environment)

Paras 186 & 187 (Decision-taking)

Para 196 & 197 (Determining applications)

Paras 203-206 (Planning conditions and obligations)

Planning Considerations

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

- The principle of development,
- Highway safety,
- Neighbour impact,
- Flood risk and drainage, and
- Design.

Planning Assessment

The principle of development

The NPPF states that the purpose of planning is to help achieve sustainable development and has a clear definition of sustainable development which has three dimensions: economic, social and environmental which are intrinsically linked. The NPPF is explicitly clear at Para. 14 when it states that at its heart lies a presumption in favour of sustainable development which is the golden thread running through it and development proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The Adopted South Derbyshire Local Plan has a policy relating to the development of new schools set out in Saved Community Facilities Policy 1 which states that development will be permitted provided it does not cause disturbance to local amenity by virtue of noise or traffic generation; adequate provision is made for pedestrian and vehicular access, parking, servicing, screening and landscaping; and that the facility is of an appropriate scale and design and is well integrated into its surroundings. The policy is considered to be compliant with the NPPF and whilst in the countryside, the proposed use would provide a valuable community facility adjacent to the City to meet the needs both of the City, the South Derbyshire area as well as areas further afield. Looking at the development of the site for the purposes specified, it is considered to be in accordance with the provisions of Community Facilities Policy 1 when considered against the requirements of that policy, and as discussed in more detail relative to each of the sub-criteria below.

The Adopted South Derbyshire Local Plan Environment Policy 1 states that outside settlements development will only be permitted where it is essential to a rural based activity or unavoidable in the countryside and the character of the countryside, the landscape quality, wildlife and historic features are safeguarded and protected. It also states that if development is permitted in the countryside it should be designed and located so as to create as little impact as practicable on the countryside. This policy is considered to be compliant with the NPPF which has as one of its core principles a requirement to recognise the intrinsic character and beauty of the countryside. In terms of the requirements of Saved Environment Policy EV1, the development complements

the existing school and would not function if separated from it therefore it can be argued that it is unavoidable in the countryside. It has been designed so as to reduce its impact on the countryside by retaining trees and digging in the accommodation blocks so as to reduce their prominence from the access point on Hospital Lane, though it will still be clearly visible from other points on Hospital Lane, from the A516 as well as Merlin Way, Lark Hill and to a lesser extent from public footpath No 7 along Grassy Lane that lies some 400 - 500 metres from the site boundary to the west of the application site.

Looking at the issues in the round and notwithstanding the comments received from neighbours, it is considered that in principle, the proposal is acceptable and accords with the requirements of the NPPF as well as Saved Policies C1 and EV1 of the South Derbyshire Local Plan.

Highway safety

The site is accessed from a mini roundabout located on Hospital Lane at its junction with Merlin Way, which are estate roads, with Hospital Lane having speed bumps located along it. The school access drive from Hospital Lane slopes down the hill from the roundabout. In terms of highway safety matters the proposal will increase traffic in the area on these residential streets and in order to come to a view on the safety implications of the development the opinion of the County Highway Authority was sought. In their consultation reply they have advised that they raise no objection to the proposal subject to conditions and this conclusion is considered to be reasonable. It is considered that a suitable amount of parking spaces, 122 in total to serve the existing and proposed school, will be sufficient. Para. 32 of the National Planning Policy Framework states, amongst other things, that safe and suitable access to the site can be achieved for all people and development should only be prevented or refused on transport grounds where the impacts of development are severe.

Saved South Derbyshire Local Plan Transport Policy 6 states that planning permission will not be granted for development which interferes with the free and safe flow of traffic and that policy is relevant as it echoes the NPPF at paragraph 32. Saved Community Facilities Policy 1 of the Adopted South Derbyshire Local Plan also has a criteria that seeks to ensure that development proposals do not cause disturbance to local amenity by virtue of noise or traffic generation; adequate provision be made for pedestrian and vehicular access, parking, servicing. Having considered the advice of the County Highway Authority as well as the information accompanying the application it is considered that the current proposal would not lead to such an adverse degradation of highway safety to be reasonably considered to be contrary to the advice contained in Local Transport Policy 6, Community Facilities Policy 1 as well as paragraph 32 of the NPPF and therefore, notwithstanding the concerns expressed in the letters of objection, the highway safety aspects of the current proposal are considered to be acceptable.

Neighbour impact

In terms of neighbour impact the siting and form of the development will ensure that the amenity of neighbours in terms of loss of privacy, overlooking, overbearance, loss of light and overshadowing will not lead to any undue impacts on the occupiers of neighbouring properties. Whilst it is acknowledged that the new facility will lead to additional comings and goings to the school, this increase in traffic would not lead to such an adverse impact so as to reasonably justify withholding permission. One of the core principles of the NPPF is to always seek to secure a good standard of amenity for

all existing and future occupants of land and buildings and this is complemented by Saved Community Facilities Policy 1 of the Adopted South Derbyshire Local Plan which has a criteria that seeks to ensure that development does not cause disturbance to local amenity by virtue of noise or traffic generation. Looking at the detail of the proposal it is considered that the development would comply with the requirements of the above stated national and local planning policies in this respect and as such, notwithstanding the concerns expressed in the letters of objection in regards to their amenity this aspect of the proposal is considered to be acceptable.

Flood risk and drainage

The site is unconstrained in terms of the flood risk mapping published by the Environment Agency therefore the main focus therefore lies on foul sewage and surface water drainage issues arising from the development.

In terms of surface water the NPPF at para. 103 states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. It is noted that there have been issues with regards to the flooding of properties locally and downstream and therefore this matter is of particular importance. The proposal is looking to incorporate water attenuation on site within the development in areas such as landscaping in the proposed car park as well as the use of permeable paving. In order to come to a view on this matter the Environment Agency were consulted on the proposal and they raise no objection to the proposal. Severn Trent Water also raises no objection to the proposal, subject to a condition requiring the submission of further surface water drainage details. These views are considered to be reasonable and therefore the proposal would be fulfilling policy objectives to ensure flood risk is not exacerbated on or off site. Notwithstanding the comments submitted in the letters of objection and the real concerns of the occupiers of Laurel Farm on Grassy Lane to the west who lie at a lower level relative to the application site, in terms of flood risk and surface water the proposal can be provided with appropriate surface water drainage infrastructure and as a consequence this aspect of the proposal is considered to be acceptable subject to the inclusion of appropriately worded condition to secure appropriate surface water drainage techniques.

As to foul water, the existing school uses a sewage treatment plant which discharges to a watercourse and the applicants have discharge consent from the Environment Agency to do so. The proposal would seek to utilise the same method of foul sewage treatment. It is noted that the Environment Agency have raised no objection to the proposal and have asked for the applicant to be advised that they must continue to comply with the conditions of their existing discharge consent, but it is also noted that whilst Severn Trent Water raises no objection to the proposal, they request a condition be imposed to ensure that further details of the proposed foul drainage arrangements are provided and this approach is considered to be appropriate.

Notwithstanding the submitted comments, subject to the recommended conditions, the development would be in accord with Chapter 10 of the NPPF and the NPPG and as such in terms of foul and surface water drainage the proposal is considered to be acceptable.

Design

The proposed scheme has evolved following discussions with the applicant over a number of months following the withdrawal of the previous application.

The siting of the proposed buildings is considered to be appropriate, being mainly on previously developed parts of the site and notwithstanding the comments made in the letters of objection the proposed buildings whilst visible, would not have undue prominence in terms of the views from the surroundings.

The proposal is considered to be a high quality design that would contribute positively to the character of the area and whilst different from the more conventionally designed existing school, will appear uncompromisingly modern complete with modern cladding materials rather than timber, reflecting its unique form. The reverse “S” shape of the building footprints create a bespoke built form which would add interest to the area and whilst different will complement the rest of the site. Whilst the main school building proposed is relatively large and by its nature must be functional, it has nevertheless been designed in such a way that when approached the glazed/cladding elements are prominent and have significant presence in that prominent location.

One of the core principles of the NPPF is to always seek to secure high quality design and para. 56 states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Para. 60 states that we should not attempt to impose architectural styles or particular tastes nor stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles, although we should promote or reinforce local distinctiveness. Para. 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Para. 63 states that when determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area whilst para. 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Saved Community Facilities Policy 1 of the Adopted South Derbyshire Local Plan has a criterion that seeks to ensure that development of an appropriate scale and design and is well integrated into its surroundings.

This current proposal is considered to accord with the NPPF as well as the Local Plan policy in design respects and notwithstanding the comments received in the letters of objection in design terms the proposal provides a unique development. Looking at the development in the round it is considered that the proposal is of an appropriate design that suitably balances the functional requirements of the school and students with the visual amenity of the area.

Other matters

With regards to other matters raised, the introduction of expanded school facilities, albeit for students that have personal circumstances that are challenging, in this location is considered to be appropriate and there are other agencies that have adequate powers to ensure that the school operates in a safe and secure manner; the neighbour notification undertaken was in accordance with the Council's adopted procedures and

impacts arising during the construction process are of a transient nature though they can be controlled by conditions.

Conclusion

The proposal is considered to constitute a high quality development that fulfils the holistic approach to achieving sustainable development for which there is a presumption on favour as set out in the NPPF. The proposal would provide an opportunity to enhance facilities for this school which has a very specific and targeted group of students from within the wider community, creating a significant investment in terms of employment opportunities once operational as well as during the construction phase whilst ensuring that the environmental impact of the development is not significant for such a scheme. As such the proposal is considered to be acceptable.

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. This approval relates to the plans as amended by the revised plans received by the Local Planning Authority on 19th June 2015 and any variation to the approved drawings may need the approval of the Local Planning Authority.

Reason: For the avoidance of doubt as to what is approved.

3. The development shall not commence until a Working Method Statement detailing measures to control dust during construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the details contained within the Method Statement approved by this condition unless the Local Planning Authority gives written consent for any variation.

Reason: In the interests of protecting the amenity of neighbours and recognising the Council's opinion that this element of the development could lead to unacceptable impacts even at the initial stages of works.

4. Development shall not commence until a scheme for the satisfactory disposal of foul and surface water from the site has been submitted to, and approved in writing by, the Local Planning Authority. No part of the development shall then be occupied or brought into use until the approved foul and surface water drainage works are completed in accordance with the approved scheme.

Reason: In the interests of ensuring that satisfactory provision is made at the appropriate time for the disposal of foul and surface water and recognising the Council's opinion that this element of the development could lead to unacceptable impacts even at the initial stages of works.

5. Notwithstanding the submitted details, prior to the commencement of the construction of the relevant building, samples of the proposed materials to be used in the external construction of the relevant building shall be submitted to, and approved in writing by, the Local Planning Authority and the development shall only be undertaken in accordance with the materials so approved and shall be retained as such thereafter.

Reason: To ensure a satisfactory standard of external appearance.

6. Notwithstanding the submitted details, prior to the commencement of the construction of any hard surfaces, samples of the proposed materials to be used in the external construction of the hard surfaces shall be submitted to, and approved in writing by, the Local Planning Authority and the development shall only be undertaken in accordance with the materials so approved and shall be retained as such thereafter.

Reason: To ensure a satisfactory standard of external appearance.

7. Notwithstanding the submitted details, large scale drawings to a minimum scale of 1:20 (or other details as agreed by the Local Planning Authority) of eaves and verges, rainwater goods, canopy, accommodation block/main school building link canopy, any retaining structures, external glazing system and a method of creating a horizontal banding emphasis on the lower parts of the buildings, bin stores, shall be submitted to and approved in writing by the Local Planning Authority before works start on the construction of the relevant building. The development shall be implemented in accordance with the approved drawings.

Reason: To ensure a satisfactory standard of external appearance.

8. Notwithstanding the submitted details no part of the development shall be first brought into use until details for the boundary treatment of the site as well as divisions within it have been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before the building is first occupied or such other timetable as may first have been agreed in writing with the Local Planning Authority.

Reason: To preserve the amenities of the occupants of nearby properties and in the interests of the visual amenity of the area.

9. During the development of the site hereby permitted, no building or other operations shall be undertaken and no deliveries of materials to or transportation of material from the site shall take place outside the following times: 0800 - 1800 Monday to Friday and 0800 - 1300 on Saturdays, nor at any time on Sundays, Bank or Public holidays.

Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.

10. There shall be no extraction facilities venting to the outside air without details having first been submitted to, and approved in writing by, the Local Planning Authority. The facilities shall then only be implemented as approved.

Reason: To protect the amenities of occupiers of nearby properties.

11. A) Prior to the construction of any of the buildings hereby permitted a scheme for the prevention of ground gas ingress shall be submitted to and approved in writing by the Local Planning Authority (LPA). Alternatively, the site shall be monitored for the presence of ground gas and a subsequent risk assessment

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'.

Upon completion of either, verification of the correct installation of gas prevention measures (if any) shall be submitted to and approved in writing by the LPA prior to the occupation of the development hereby permitted.

B) 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: To protect human health.

12. Prior to the commencement of the construction of any of the school buildings a timetable for the provision of the alternative car parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall then implement in accordance with the timetable approved by this condition.

Reason: In the interests of highway safety.

13. The premises, the subject of the application, shall not be taken into use until space has been provided within the application site in accordance with the approved plans for the parking and manoeuvring of staff/ visitors 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.

14. Prior to any of the buildings hereby approved being first brought into use full details of landscape works including a programme for implementation have been submitted to, and approved in writing by, the Local Planning Authority. The works shall be carried out as approved. Any trees or plants which, within a period of 5 years from the completion of the development or the approved scheme (whichever is the later) 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: To ensure that satisfactory landscaping is provided within a reasonable period.

15.
 - a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority.
 - b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

c) The erection of fencing for the protection of all retained trees shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. The fencing shall be at least 1.2m high comprising a vertical and horizontal framework of scaffolding, strong enough to resist impacts, and supporting either chestnut pale fencing, chain link fencing or similar. The fence shall be erected at a distance from the tree of 5m or one half of the mature height of the tree, whichever is the greater. Nothing shall be stored or placed in the area fenced in accordance with this condition and the ground levels within this area shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

In this Condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars as well as the landscaping details submitted in connection with condition 14; and paragraphs (a) and (b) above shall have effect until the expiration of 5 years from the date of the occupation of the last building on the development hereby permitted.

Reason: To ensure that the trees are adequately protected during site works and construction phases in the interests of their retention having regard to their impact on the visual amenity of the area.

16. Notwithstanding the submitted details, the premises the subject of the application shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable), to promote travel by sustainable modes which are acceptable to the Local Planning Authority, and shall be implemented in accordance with the timetable set out therein, unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually, on each anniversary of the date of the planning consent, to the Local Planning Authority for approval for a period of five years from first occupation of the development.

Reason: To promote the use of sustainable modes of transport in the interests of sustainability.

17. Notwithstanding the provisions Part 7 Class M of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no extensions or external alterations to the buildings hereby permitted shall be undertaken without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

Reason: In the interests of protecting the visual amenity of the area and residential amenity.

Informatives:

The applicant is advised that no details of external lighting development have been supplied or shown on the approved plans and these may require the submission of a separate planning application depending on the nature of the lighting installed. You are advised that should planning permission be required any application should include precise details of the intensity, angling and shielding, and the area of spread of the lights and they should conform to the Institute of Lighting Engineers ""Guidance notes

for the Reduction of Light Pollution"" (2000) or any equivalent document that may supersede that document.

The applicant is advised that following consultation with the Council's Environmental health Officer, they have advised that no portable generators should be used on the site and that you are advised to consider the document 'Guidance on the assessment of dust from demolition and construction' from the Institute of Air Quality Management (IAQM) for advice on how dust assessments should be performed. The assessment of the impacts of construction on local air quality should be undertaken following a risk based approach, as outlined in the IAQM document 'Guidance on the Assessment of the Impacts of Construction on Air Quality and the Determination of their Significance'.

The applicant is advised that following consultation with the Council's Contaminated Land Officer, he advises that for 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

The administration of this application may be expedited if completion or verification evidence 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:

1. CIRIA C665: Assessing the risks posed by hazardous ground gases into buildings
CLR 11: Model Procedures for the Management of Contaminated Land.
2. CLR guidance notes on Soil Guideline Values, DEFRA and EA.
3. Investigation of Potentially Contaminated Land Sites - Code of Practice, BSI 10175 2001.
4. Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination, R & D Technical Report P5 - 066/TR 2001, Environment Agency.
5. Guidance for the Safe Development of Housing on Land Affected by Contamination Environment Agency. ISBN 0113101775.
6. BS 8576:2013 Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs).

The applicant is advised that following consultation with the Environment Agency, they advise that it is your responsibility to ensure that the existing sewage treatment plant discharge consent conditions are met.

In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through 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.

Item **2.1**

Reg. No. **9/2015/0420/FX**

Applicant:
Pinehouse Ltd
School Lane
Normanton le Heath
LE67 2TU

Agent:
Mr David Granger
David Granger Design Ltd
The Old Dairy Mill Street
Packington
Ashby De La Zouch
LE65 1WN

Proposal: **ERECTION OF 4 TWO STOREY DWELLINGS AND 2
SINGLE STOREY DWELLINGS AND ASSOCIATED
PARKING PROVISION ON LAND TO REAR OF
OVERSEAL MANOR STABLES HALL CROFT AVENUE
OVERSEAL SWADLINCOTE**

Ward: **SEALES**

Valid Date: **14/05/2015**

Reason for committee determination

The application is of a similar nature to proposals set out in applications 9/2014/0090 and 9/2014/1126 that were previously considered by Committee.

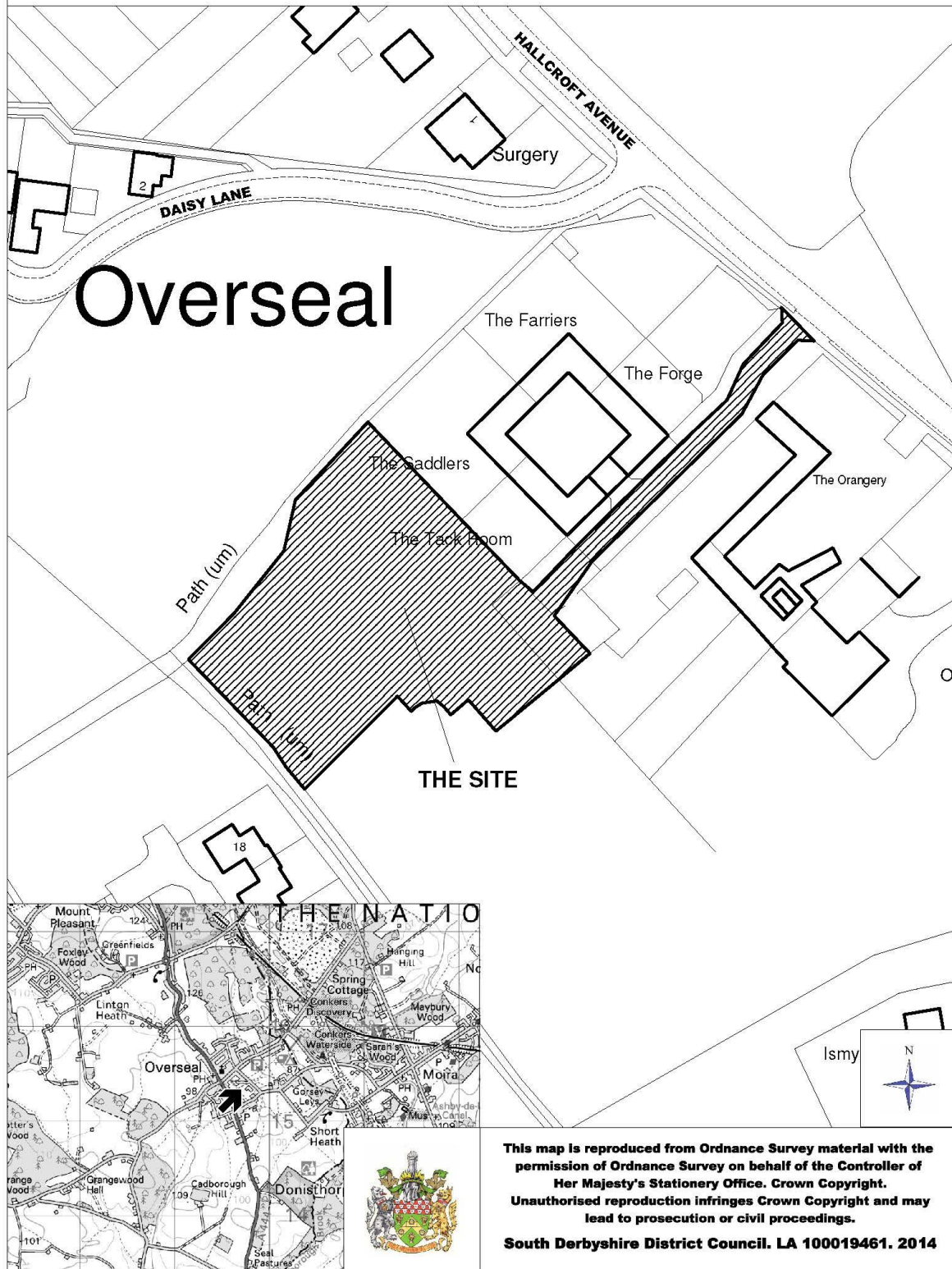
Site Description

The application site comprises some 0.29ha of land to the rear of Overseal Manor Stables, which is a relatively recently constructed building in a traditional courtyard form comprising four dwellings: The Saddlers, The Farriers, The Tack Room and The Forge. Overseal Manor, a Grade II Listed building to the east of the application site, has been converted to form four dwellings. The site itself comprises a small paddock which is currently grassed and which slopes upward in the westerly direction towards the rear of the site.

The western and northern boundaries are formed by two mature hedgerows. The remainder of the land to the southeast of the site is open grassland which is separated from Overseal Manor by various boundary enclosures.

The site is within the Overseal village confine, as defined on Inset 22 of the Proposal Map for the adopted Local Plan. It is also within the catchment area for the River Mease Special Area of Conservation (SAC).

9/2015/0420 - Land to the rear of Overseal Manor Stables, Hall Croft Avenue, Overseal, Swadlincote DE12 6JF



The routes of Public footpath Nos. 18 and 19 border the site on the northwest and southwest facing boundaries but lie outside the site itself and therefore would remain unaffected by the proposals.

Proposal

The application is identical to the proposals for 9/2014/0090, namely the erection of six dwellings comprising a terrace of four, two-storey dwellings and two semi-detached single storey dwellings. All the dwellings would face into the site. The proposal would provide a mix of two and three-bedroom properties. The frontages would be provided with landscaped pathways leading from the car parking court, which would be located at the south eastern end of the site. The vehicular access would lead off the existing private driveway and extend into the site, terminating in a turning head to provide a turning area for service vehicles. An area to the southwest of the development would be landscaped, the details of which are proposed for future agreement. Each property would have its own rear garden area and two car parking spaces located in the parking court.

Applicants' supporting information

The application is accompanied by a Planning and Design & Access Statement and a Heritage Statement which include the following points:

- Overseal is recognised as a sustainable location for small scale, infill new housing developments;
- Determination of the application requires a balancing exercise between the planning merits of the proposed development and its impact on the setting of the listed building, the importance of which was emphasised in the Barnwell Manor case.
- This has to be undertaken following an adequate assessment of the significance of the heritage asset and the contribution made by its setting to that significance.
- The accompanying Heritage Statement has analysed the setting of Overseal Manor and its contribution to the significance of the heritage asset and has concluded that the proposed development will preserve the setting of the listed building and its overall significance.
- The balancing exercise also requires that consideration be given to the planning case and the resultant scheme respects the character and appearance of the local area and will not affect the residential amenities of any neighbouring properties.
- The contribution of six dwellings towards the Council's five year housing land supply is a positive benefit.
- The application should be considered in the context of the presumption in favour of sustainable development.
- The statutory duty that requires local planning authorities to attach considerable weight to the desirability of preserving the setting of a listed building and the Barnwell Manor judgement were firmly in place at the time the Council first approved the proposals and clearly the Members had no reservations that the proposed development would not preserve the setting of Overseal Manor.
- The proposed development would not diminish the relative openness of the historic landscape that surrounds the house or its relationship with the paddock to the southwest of the house as referred to in the decision notice. There would

be no discernible change in any of the principal views either from or towards the Manor.

- The impact on the Manor will be neutral and the setting of the listed building and its overall significance will therefore be preserved.
- It is evident from the previous decision notices that there are no planning objections to the proposed development in this location and the Heritage Assessment shows there would be no harm to the setting of any of the neighbouring listed buildings.

Planning History

9/1999/0591 – Outline for the erection of four dwellings – approved October/November 1999

9/2003/0604 & /0605 – Revisions to previous permissions, including an amended layout, fenestration and garaging for units 1 and 2, formation of unit 3 in Overseal Manor, together with garage and courtyard area for unit 4 and rendering of Overseal Manor – approved 03/10/2003

9/2005/0951 & /0952 – Conversion and extension to form dwelling, Unit 2 Overseal Manor – approved 12/12/2005

9/2014/0090 – Terrace of four dwelling and two bungalows – resolution by Committee to approve 10/04/2014; subsequently refused 10/02/2015

9/2014/1126 – Erection of three detached dwellings and one bungalow – refused 10/02/2015

Various other applications relating to protected Trees (TPO210)

Responses to Consultations

The Environment Agency has no objections to the proposed development.

Peak and Northern Footpaths Society has no objections to the application provided the full width of two public footpaths remains open and unobstructed at all times.

The County Archaeologist requests an archaeological condition relating to a Written Scheme of Investigation.

Natural England has no objections in respect of the impact on the River Mease SAC and SSSI, subject to conditions.

Severn Trent Water has no objections.

The County Highway Authority has no objections subject to a condition in respect of parking and manoeuvring space provision.

The County Rights of Way Officer has no objections subject to the applicant being advised of the Rights of Way legislation.

Responses to Publicity

Comments on the application include 7 emails from neighbouring residents and 1 from Overseal Parish Council. Briefly, the neighbouring residents make the following points:

- a. Possible overlooking of properties on Daisy Lane;
- b. Important to maintain the setting of the adjacent Listed Building;
- c. Traditional appearance of proposed dwellings is acceptable;
- d. Submission of a third application is vexatious;
- e. Increased use of the private drive to gain access to the properties, passing living room windows;
- f. 12 first floor windows overlooking existing properties;
- g. Loss of outlook;
- h. All of local community, press, school governors, parish council, councillors, neighbours and family believe the application should be refused;
- i. No ecological assessment has been carried out;
- j. Proposed dwellings are not 'cottage style' dwellings but are two storey affordable terraced houses that may result in an adverse impact on neighbouring properties;
- k. No consideration for the existing environment;
- l. Right of access by the developer is disputed;
- m. No need for additional housing in the village;
- n. No capacity at the local school;
- o. Increased noise, disruption and disturbance;
- p. Extension of mains services would be contested legally;
- q. Lack of risk assessment for Council vehicles using privately-owned driveway to collect refuse from proposed development;
- r. Compensation from the Council for damage to property caused by Council vehicles would be expected;
- s. Safety to children who play on the private driveway;
- t. Insufficient parking for visitors within the proposed development;
- u. Concern with regard to the previous two refusals and that a third refusal would likely end in a successful appeal, at the expense of Council tax payers' hard-earned money;
- v. There are better alternatives that would have far less impact on the current residents and little impact on the listed Overseal Manor;
- w. Inconsistencies in the Council's decision making in relation to development around the area of Overseal Manor, including unauthorised development and the proposed development at Poplars Farm;
- x. Historic setting of Overseal Manor includes existing curtilage properties, such as The Stables development, The Coach House and The Pottery, which should also be protected from inappropriate development
- y. False impression given of the existing layout with regard to the Stables which appear to have been 'air-brushed out';
- z. General degradation of historic setting;
- aa. Parking overspill onto Hallcroft Avenue will damage verges, cause obstruction and a traffic hazard;
- bb. Green spaces around existing properties are part of the historic setting;
- cc. Council has shifted its commitment to the quality of design and its consideration of the balance of village communities;
- dd. No requirement for additional affordable housing as targets have been met;
- ee. No thought given to the orientation of the proposed buildings relative to the design and positioning of the Stables development.

Overseal Parish Council strongly objects to the application on the following grounds:

- Design and impact on the Stables;
- No notice has been taken of the Council's Design Guide;
- The proposed properties will be higher than the Stables thereby affecting privacy;
- There are implications for the Manor at Overseal which has been in existence since Domesday;
- Access and visibility is restricted and tandem parking would be increased;
- No maintenance arrangements for the remaining paddock area have been proposed;
- Proposal would set a precedent for more intensive development within the grounds of the Manor;
- Detrimental change in the character of the village from a local settlement to a commuter village;
- A site visit should be undertaken which should be attended by all members;
- It is difficult to understand why the applicant has not appealed the earlier refusals.

Development Plan Policies

The relevant policies are:

Adopted Local Plan: Saved Housing Policies 5 & 11, Environment Policies 8, 10, 134, & 14, Transport Policy 6,

Emerging Local Plan: Policies H1, S2, S6, SD1, BNE1, BNE2, BNE3, INF8

Housing Design and Layout SPG

Historic South Derbyshire SPG

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 4 (Promoting sustainable transport)

Chapter 6 (Delivering a wide choice of high quality homes)

Chapter 7 (Requiring good design)

Chapter 11 (Conserving and enhancing the natural environment)

Chapter 12 (Conserving and enhancing the historic environment)

Paras 186 & 187 (Decision-taking)

Paras 196 & 197 (Determining applications)

Paras 203 – 206 (Planning conditions and obligations)

Annex 1 (Implementation)

NPPG ID 18a (Heritage) ID23b (Developer Contributions) ID26 (Design) ID8 (Natural Environment)

Planning Considerations

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

- The principle of the development, sustainability and the previous refusals
- Design, Conservation and Heritage issues
- Neighbours' amenities
- Highway safety
- River Mease SAC/SSSI

Planning Assessment

Principle of development, sustainability and previous refusals

The site, including Overseal Manor and the Stables development, is wholly within the village confine of Overseal as defined in the adopted Local Plan.

Adopted Local Plan Saved Housing Policy 5 supports new housing development in villages provided that they can be accommodated within the village confines.

Similarly, the NPPF supports new residential development stating in paragraph 49 that *"Housing applications should be considered in the context of the presumption in favour of sustainable development"*.

Overseal is a village that provides a range of services, such as public transport, a convenience store, primary school, various shops, takeaways, a public house, places of worship etc., and is classed as Key Service Village in Policy H1 of the emerging Local Plan. The proposal is therefore considered to be sustainable in terms of the social and economic dimensions of achieving sustainable development and suitable for residential development of a scale appropriate to its surroundings and character. However, in light of the two previous refusals for similar developments, it is considered that the third dimension (the environmental role) has not been met. As the three dimensions should not be undertaken in isolation, because they are mutually dependent, it is necessary to consider the remaining dimension and assess the proposal against it. For Members' information the environmental role is defined as *'...contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy'*.

In support of this are the recent refusals relating to the two previous applications (9/2014/0090 and /1126) which are a material consideration of significant weight. Both refusals, which are identical, state:

"Following the case of Secretary of State for Communities and Local Government and Barnwell Manor Wind Energy Limited vs East Northamptonshire District Council and Others, of prime consideration is the effect of the proposed development on the setting of the Grade II Listed Overseal Manor and the associated duty to give considerable weight to preserving the setting of listed buildings. The open grassland to the southwest of the listed building remains important to the historic setting of the house, and the existing level of development within the former grounds of the Manor represents the extent of development considered acceptable without undue harm to that setting. The development of the site in the manner proposed would materially diminish the open setting to Overseal Manor to a degree that would be detrimental to the setting of the listed building, without clear and convincing justification, thereby contrary to South

It is acknowledged that there would be benefits from the development from the economic and social view, such as:

- Direct and indirect employment opportunities;
- Economic output as a result of employment opportunities;
- Value of the development to the construction industry;
- Expenditure from future occupiers;
- New Homes Bonus; and
- Council tax revenue

However, in light of the above refusals it is necessary to explore the “Barnwell case”, in a little more detail as this is a further significantly important material consideration. That application, which was for four wind turbines located in close vicinity of 40 designated heritage assets, including Grade I Listed Drayton House and a National Trust property, Lyveden New Bield, was eventually heard at the Court of Appeal in February 2014, following initial refusal and an allowed appeal. The Court of Appeal’s final judgement confirmed that the Planning Inspector’s decision to allow the appeal was ‘fatally flawed’ and that, in considering whether or not to grant planning permission, decision-makers must give considerable weight to any harm caused to a listed building or its setting.

Whilst the implications of the development on the setting of the Grade II Listed Overseal Manor cannot be considered to be so far reaching in this instance, the “Barnwell case” is, nevertheless, seen as a test case and its implications for the current proposals are discussed in the following paragraphs.

Design, Conservation and Heritage issues

The application site is in a sensitive location that was and remains part of the parkland associated with Overseal Manor. In the past it has been acknowledged as an important space in Overseal. Saved Local Plan Environment Policy 8 makes it clear that *‘Open spaces, gaps and landscape features which make a valuable contribution to the character or the environmental quality of individual villages and settlements will be safeguarded from development’*.

From a conservation and heritage point of view the prime consideration is the effect of development on the setting of the Grade II Listed Building. Discussions prior to the submission of the original application (9/2014/0090) envisaged a development extending further to the southeast, which was discouraged as it would have impinged on the setting of Overseal Manor. The setting of the Manor is less open that it once was, with intervisibility between the application site and the listed building being restricted by planting and the presence of an earth bank. Nevertheless, the open grassland to the southwest of the listed building is still important to the historic setting of the house, particularly when considering the map regression submitted as part of the application. The openness over the last two centuries needs to be preserved to appreciate the Manor in its grounds and, whilst the Coach House impacts on this, in general, as seen in the map regression, the Manor has always been set in a wider open parkland which contributes to its significance as a manor.

Whilst the application site is screened from Hallcroft Avenue by The Stables development, which makes a fitting companion to the listed building when viewed from the road; and the development of the site in the manner proposed would retain the open aspect of the site when viewed along the existing driveway, it is not merely the impact of the proposal on the approach to the site that is under consideration but the wider setting of the listed building itself.

The current determination must take into account previous decisions which are a material planning consideration of considerable weight. Given the previous two recent refusals it is clear that Members are concerned about the impact of the development on the wider setting and, as the current application is no different in terms of its location, it is considered that the proposal does not comply with Saved Environment Policy 8 of the adopted Local Plan or accord with the Environmental role of the NPPF.

Neighbours' amenities

Of the four residential units with The Stables development, The Saddlers and The Track Room are the two nearest to the proposed new houses. Both properties are two-storey buildings and have habitable room windows facing the rear of the proposed dwellings. There would be a total of a minimum distance of 23m between habitable room windows, compared with 21m minimum distance between such rooms specified in the Council's SPG. The proposal is not considered to be detrimental to the amenities of the neighbouring residents by way of overlooking or loss of privacy because it exceeds the adopted minimum distance guidelines by 2m. For similar reasons it is also considered that there would be no loss of natural light or sunlight, or unacceptable overbearing effect to the neighbouring dwellings. The guidance assumes consistent levels. Taking into account the gently sloping nature of the site it would be prudent to include a condition on any consent to ensure that finished floor levels are subject to subsequent approval in the interest of maintaining privacy. As such, this would ensure the proposal is in accord with Saved Housing Policy 11 of the adopted Local Plan.

Highway safety

The access, parking and manoeuvring areas are as previously submitted and to the satisfaction of the Highway Authority. Subject to the Highway Authority's recommended conditions the proposal is therefore in accordance with Saved Transport Policy 6 of the adopted Local Plan.

River Mease SAC/SSSI

Natural England has not raised objections to the proposal with regard to the River Mease SAC or SSSI issues, subject to conditions. The main concerns relate to whether Severn Trent Water Sewage Treatment Plan has capacity for the additional foul water that would be created by the proposal. This issue would be adequately addressed through the River Mease Developer Contribution Scheme towards water quality management (£1,386). Such a contribution is in accord with the NPPG, which endorses the use of planning contributions to fund measures with the purpose of facilitating development that would otherwise be unable to proceed because of regulatory or EU Directive requirements, as is the case here. As such the development would accord with Saved Environment Policy 11 of the adopted Local Plan and Chapter 11 of the NPPF.

The original application (9/2014/0090) was screened in line with The Habitats Directive and it was the opinion of the District Council that the proposed development would not be likely to have a significant effect on the River Mease SAC. The same considerations apply to this application. An appropriate assessment under the Habitats Directive is therefore not required.

Overall Conclusion

The above assessment identifies that the principle of the development in terms of the site's location within the village confine would be acceptable, as would the highway, amenity and River Mease impacts, subject to conditions or obligations where necessary. The provision of 6 dwellings towards housing needs should be afforded some weight given the current shortfall under the five year housing land supply. However, the absence of a five year housing land supply does not mean an automatic approval must follow. It also does not mean that no regard should be had to the principle of protecting valued heritage assets, which is afforded considerable weight in the NPPF. The absence of a five year supply merely affects the weight which may be afforded to the Development Plan, but the NPPF must still be considered in the round and in the eyes of sustainable development, as set out in paragraphs 6 to 8. Hence, when considering the three dimensions of sustainable development and whether there is a mutual balance reached under the proposals, it is considered that the environmental dimension suffers a significant adverse impact. There is therefore reasonable doubt over the overall sustainability of the proposal and in this light it is considered that the benefits of providing market housing towards the five year supply, as well as the identified economic and social gains, are clearly and demonstrably outweighed by the adverse impacts of the proposal on the historic setting of Overseal Manor and the application should therefore be refused.

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

Recommendation

REFUSE permission for the following reason:

1. Following the case of Secretary of State for Communities and Local Government and Barnwell Manor Wind Energy Limited vs East Northamptonshire District Council and Others, of prime consideration is the effect of the proposed development on the setting of the Grade II Listed Overseal Manor and the associated duty to give considerable weight to preserving the setting of listed buildings. The open grassland to the southwest of the listed building remains important to the historic setting of the house, and the existing level of development within the former grounds of the Manor represents the extent of development considered acceptable without undue harm to that setting. The development of the site in the manner proposed would materially diminish the open setting to Overseal Manor to a degree that would be detrimental to the setting of the listed building, without clear and convincing justification, thereby contrary to South Derbyshire Local Plan Saved Environment Policy 13 and Paragraph 132 of the National Planning Policy Framework.

Informatives:

Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions and by seeking to resolve planning objections and issues. However despite such efforts, the planning objections and issues have not been satisfactorily addressed. 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.