

06/11/2001

**Item**            **A2**

**Reg. No.**        **9 2001 0451 F**

**Applicant:**

Wilfred Young Homes Ltd  
St Helens Business Centre  
8 St Helens Street  
Derby  
DE1 3GY

**Agent:**

Darren Insley  
Bi Design Architecture  
First Floor Studio  
79 High Street  
Repton  
Derbyshire  
DE656GF

**Proposal:**        **The erection of four dwellings at Longlands Hotel Longlands Lane Findern Derby**

**Ward:**            **Etwall**

**Valid Date:**     **10/05/2001**

**Site Description**

The site forms part of the grounds of The Longlands, a substantial property on the edge of the village. The site is located within the village framework for Findern as defined in the South Derbyshire Local Plan.

The site is occupied by a considerable number of trees that are covered by Derbyshire County Council TPO 70. These trees are mainly on the boundary of the site and comprise willow and poplar.

Access to the site would be via a track that extends off Longlands Lane. It currently provides limited access to the site and access for a further dwelling before carrying on past the site to serve a smallholding.

**Proposal**

The application was originally submitted as an outline application for 7 dwellings with an indicative layout.

It has subsequently been amended to a full planning application and a revised layout has been submitted showing 4 dwellings arranged in an arc facing towards the trees on the west boundary. One double garage would look back towards the houses.

**Applicants' supporting information**

In support of the latest amendment, the applicants have submitted a comprehensive survey of the trees that confirms that the scheme now submitted can be accommodated without threatening the

remaining trees. Three trees are proposed to be removed, two pollarded poplars and one willow. These, it is contended are not considered to be of significant landscape significance.

Discussion with the Council's tree consultant has taken place and a further amended layout drawing is awaited.

### **Planning History**

Works to remove some trees has been carried out in accordance with a consent issued by the County Council. This required the planting of replacement trees. Such planting is proposed in this application.

There is a long and complex history to this site. Applications to extend the hotel and provide ancillary facilities have been approved in the past. Outline planning permission was granted for housing development on a larger area of land in 1992.

Before it was used as a hotel, permission was granted in the 1980's for use of the main house as an old persons' home.

### **Responses to Consultations**

Findern Parish Council objects to the development on the following grounds: -

- a) Access to the site would be extremely difficult due to the extremely narrow lane
- b) It is felt that the development is probably outside the structure plan for the village
- c) The trees are covered by a tree preservation order.
- d) There would be limited access for service vehicles
- e) It is envisaged that there would be problems with both sewerage and water.

The Parish Council has confirmed that it objects to the latest amendment to the application.

The County Highways Authority is understood to be satisfied with the latest amendment subject to conditions. Any further comments received will be reported at the meeting.

Severn Trent Water has no objection.

The County Council has no objection to the latest proposals and its impact on the protected trees.

### **Responses to Publicity**

19 letters have been received objecting to the development as first submitted and the first amendment thereto. All the objectors have been consulted on the latest amendment and responses received will be reported at the meeting. The objections received can be summarised as follows: -

- a) The proposed development would have a detrimental impact on the adjacent fields making them much wetter than they currently are. The current ditches will not cope with flows from the hard surfaces.
- b) The access to the site is poor, narrow, awkward and a danger to other road users. Children and pedestrians would be at risk especially from construction traffic as there would be no scope for a pavement. Extra traffic would also be generated along Longlands Lane and

Hillside. Traffic already speeds along these roads and the new dwellings would make the situation worse. Refuse and other large vehicles would not get access. The proposed access is not in keeping with a rural area and would be detrimental to country life. Current users of the lane have to perform a three-point turn so that they can use the main junction in a forward gear. Large vehicles already reverse down the track to service existing properties. The dangers are obvious. The proposed turning area is totally inadequate to allow large vehicles to turn.

- c) The houses would be a visual intrusion into the countryside. It would set a precedent for further similar applications that would result in the loss of the village atmosphere. The site is too small to accommodate the number of houses now proposed.
- d) There is a bat colony at the site that has reduced in size since the trees were removed.
- e) There would be a loss of privacy for existing residents and an increase in noise.
- f) Old established trees would have to be removed if sewer construction is to take place, as the cesspit at the Longlands could not cope. 15 trees have already been removed and not replaced by the 30 new trees as required by the permission to fell them. The remaining trees would obscure daylight from the proposed houses. More trees would have to be removed.
- g) The foul drainage would need to be significantly enhanced, if it is not, then the village would be faced with the smell of raw sewage. A pumping station would be required and this is a point that may have been overlooked. The main drain in Longlands Lane is already at capacity and cannot take additional flows.
- h) The local school is already overcrowded and could not cope with the extra children and there would be an extra burden on other local facilities from the family type houses proposed. The addition of more children would prejudice the Government's objective of reducing class sizes.
- i) Previously only 4 dwellings were permitted, six are now proposed. There are plenty of houses for sale in the village thus new ones are not required. Residents do not want to see the village turned into another Heatherton, this is the thin end of the wedge.
- j) The consultation period should have been longer.
- k) There would be a loss in value to property.
- l) The person selling the land is going to sell the land at a high price. This is purely selfish and ought to be taken into account when the Council determines the application. The motives of the person making the application should be taken into account when determining applications.

Three letters had been received at the time the report was prepared on the latest amendment. These confirm objections listed above and further state that the trees on the site should be treated as jewels that are a part of the history of the village and that the house and gardens should be kept intact

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

The relevant policies are:

Planning Policy Guidance Note 3

Joint Structure Plan: Housing Policy 5, Environment Policy 16.

Local Plan: Housing Policy 5, Environment Policy 5.

### **Planning Considerations**

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

- Compliance with the Development Plan and Government advice
- The suitability of the site for development in particular the impact on the protected trees.
- The presence of bats
- Access implications
- Local Facilities

### **Planning Assessment**

The site lies within the confines of Findern a village that is a sustainable settlement. In these village the reuse of brownfield land is acceptable under the provisions of the advice in PPG 3. The development there fore accords with the provisions of the Development Plan and it is, in principle, acceptable.

The site has a number of trees protected by order within or bounding it. Due to this, the applicants were advised that the submission of an outline application was not acceptable and a detailed proposal for 6 dwellings was then submitted and subjected to public consultation.

This was not considered to be acceptable due to its impact on the trees and the applicants were asked to reconsider their proposals. This resulted in the current proposal for the erection of 4 dwellings on the land which, in the main, would result in the retention of most of the trees on the site. Additionally, it is proposed that the poplar trees on the boundary be pollarded to 50% of their existing height in the future interests of the trees. In addition, it is suggested that additional trees be planted within the site in addition to those required by the County Council referred to by the objectors. The applicant's have agreed to this and an amended plan is being prepared.

On the basis of the final amended scheme, the proposal would be in accordance with the policies of the development plan which seek to ensure new development is sympathetic to the environment in which it is to be located.

There are no residential properties that would be affected by the proposal and it complies with the Council's Supplementary Planning Guidance on Space about Dwellings.

The presence of bats is being investigated in consultation with the Derbyshire Wildlife Trust. If resolved prior to the meeting the results will be reported.

The County Highways Authority has no objection subject to the recommended conditions.

The erection of 4 dwellings would not put an undue strain on the local school and there are no objections form Severn Trent Water on sewer or other water related grounds.

### **Recommendation**

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

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

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

2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos. [to be inserted]

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

3. No development shall be commenced until space has been provided within the curtilage for site accommodation, storage of plant and materials, parking, loading, unloading and manoeuvring of lorries, and parking and manoeuvring of employees and visitors vehicles in accordance with a scheme first submitted to and approved by the Local Planning Authority. This facility shall be maintained throughout the construction period.

Reason: In the interests of highway safety.

4. No dwelling shall be occupied until the access to Longlands Lane, the access road, turning areas and parking facilities relating to each dwelling have been provided in accordance with the submitted plan and surfaced with a solid bound material. Thereafter each facility shall be maintained free of any impediment to their designated use.

Reason: In the interests of highway safety.

5. Prior to occupation of any dwelling on the site, Longlands Lane shall be improved, in accordance with details to be submitted to and approved in writing by the Local Planning Authority between the southerly point at which it is currently surfaced and the tangent point of the radius on the southern side of the new access.

Reason: In the interests of highway safety.

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

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

7. No development shall take place until details of a scheme for the disposal of surface and foul water have been submitted to and agreed in writing by the Local Planning Authority. The 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.

8. A sample of both the roof tile and the brick shall be submitted for approval in writing by the Local Planning Authority before work commences.

Reason: To ensure the buildings are in keeping with their surrounding in the interest of the character and visual amenity of the area.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the dwellings hereby permitted shall not be altered, enlarged or extended and no buildings, gates, walls or other means of enclosure (except as authorised by this permission or required by any condition attached thereto) shall be erected on the application site

(shown edged red on the submitted plan) without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

Reason: To maintain control in the interests of protecting the trees around the properties that are subject to Tree Preservation Order No 70, in the interests of the visual amenity of the areaproperties and/or the street scene.

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

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

11. Notwithstanding the submitted details, prior to the commencement of building operations on adjoining areas, the boundary of the crown spread of all protected trees that occupy the site shall be fenced with chestnut pale fencing to a minimum height of one metre staked at 3 metre centres. The fencing, once erected shall be inspected by the Local Planning Authority prior to building works being commenced. No materials, machinery or implements shall be stored within the fenced area and no alterations in ground levels shall take place. The fencing shall be retained in position until all building works on the site have been completed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the trees from undue disturbance during building operations.

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

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


13. 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.

Informative:

You are advised that an agreement under Highways Act 1980, Section 278, will need to be completed before any works are undertaken within highway limits to implement the requirements of Condition 5 above



 <b>South Derbyshire District Council Civic Offices Civic Way Swadlincote DE11 0AH</b>		Date Plotted 15/11/2001	NORTH ↑
	The Longlands	Plot centred at 430394 330156	Scale 1:1250
	Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationary Office. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.		License No LA 079375

06/11/2001

**Item** A3**Reg. No.** 9 2001 0636 F**Applicant:**

Mr G Hall  
1, Swallow Road  
Woodville  
Swadlincote  
Derbyshire  
DE117QE

**Agent:**

Armstrongs Estate Agents  
Midland Road  
Swadlincote  
Derbyshire  
DE11 0AJ

**Proposal:** The erection of one detached house and garage on land to the rear of 36 Hartshorne Road Woodville Swadlincote

**Ward:** Woodville

**Valid Date:** 02/07/2001

**Site Description**

The site is located within the built up area of Woodville and forms part of the rear garden of 36 Hartshorne Road. However, the site proper fronts onto Swallow Road. Some 5m beyond the rear boundary is a 3 storey block of flats on Stanley Close and abutting the north-east boundary is the dwelling of 14 Swallow Road.

**Proposal**

The applicant seeks consent to erect a two-storey dwelling, which would be 8.5m wide by 6m deep by 5m to the eaves and 7.3m to the ridge and would be set back some 4m from the highway. It is also proposed to erect a single garage with a pitched roof.

**Applicants' supporting information**

In a supporting statement the applicant's agent acknowledges that the rear garden depth falls short of the guideline of 10.5m but points out that the rear garden area exceeds 70 square metres being some 104 square metres. He adds that neighbouring new dwellings appear to have smaller gardens than their proposal

**Responses to Consultations**

The Highway Authority advise that the access should have a minimum width of 3.2m and be provided with 2m by 2m by 45 degree pedestrian visibility splays. The authority also adds that in order to comply with these requirements, street lighting column 588533 and the Post office pouch box will need to be relocated.

Woodville Parish Council raises no objection to the proposal.



## **Structure/Local Plan Policies**

The relevant policies are:

Local Plan: Housing Policy 11

## **Planning Considerations**

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

- The principle of the development and whether it accords with planning policy
- The proposed layout and any impact on neighbouring residents
- The access

## **Planning Assessment**

The site is within the Woodville urban area and therefore there is no objection in principle to the development.

The proposal has been considered against the guidelines in the Councils Supplementary Planning Guidance on Housing Design and Layout. In general terms the proposal accords with the guidance.

However, the garden depth falls short of the recommended depth in that it has a depth of only 7.5 metres. Guidance suggests it should be 10.5 metres deep. Notwithstanding this a significant area of private amenity space is provided which would ensure that there would be no affect on the amenity of the future occupier of the premises and it is similar in design to other gardens in the area. It is, therefore, acceptable.

Additionally, a kitchen window is the only habitable room window proposed on the rear elevation of the property. However, providing this is obscurely glazed, there would be no impact on amenity from this window. An appropriate condition is proposed.

The comments of the highway authority are noted. A condition to address those comments is recommended.

## **Recommendation**

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

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

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

2. No development shall commence on site until samples of the external materials proposed have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out using the approved materials.

Reason: To ensure the materials are appropriate for the locality

3. All of the windows including the kitchen door in the north east elevation facing the block of flats shall be obscure glazed prior to the development being first occupied and they shall remain as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the privacy of neighbouring residents and future occupier of the development.

4. Notwithstanding the originally submitted details, no development shall commence on site until details of the access, which shall have a minimum width of 3.2m and be provided with 2m x 2m x 45 degree intervisibility splays, have been submitted to and approved in writing by the Local Planning Authority. The access shall be provided in accordance with the approved details before the development is first occupied and shall be retained as such thereafter.

Reason: As recommended by the Highway Authority in the interests of highway safety.

5. No development shall commence on site until details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed levels.

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

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

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

7. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping.

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

8. Further to condition 7 above, soft landscape details shall include planting plans; written specifications including cultivation and other operations associated with plant and grass establishment; schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate) and the implementation programme.

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

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

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, no development shall be carried out under Schedule 2, Part 1, Class A, B, C, D, E without the prior permission in writing from the Local Planning Authority.

Reason: To enable the Local Planning Authority to assess further development which may have a detrimental affect on the amenities of neighbouring residents.

Informative:

(i) To comply with the access requirements, street lighting column 588533 and the Post Office pouch box will need to be relocated.

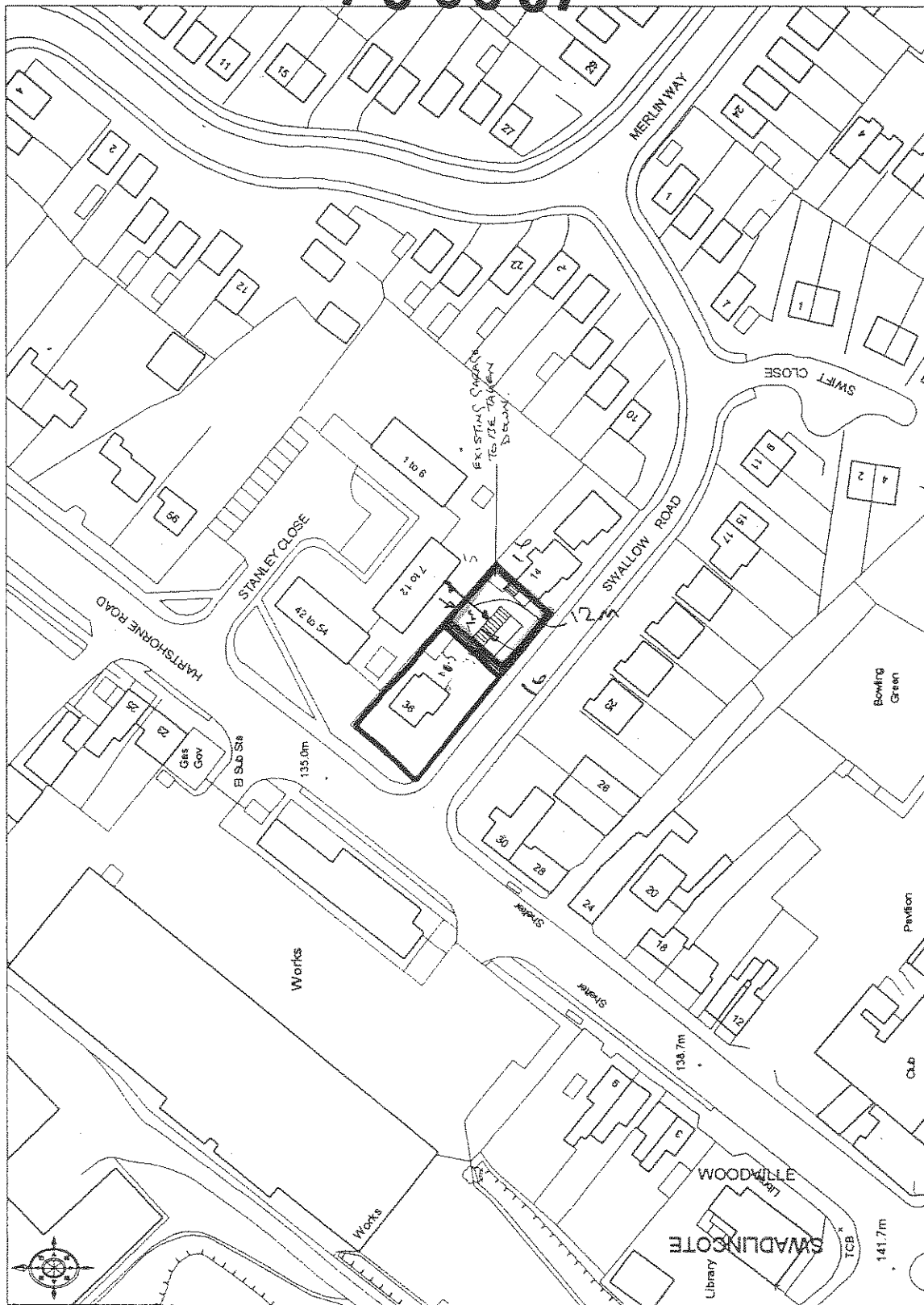
PROPOSED DETACHED HOUSE AND GARAGE  
 ADJ. No.14 SWALLOW ROAD, WOODVILLE.

Plan no 3534/2606/01/4  
 Scale: 1- 1250

PLANNING SERVICES  
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- 8 JUL 2001

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Ordnance  
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 MIDLAND ROAD  
 SWADLINCOTE, DERBYS DE11 0AJ  
 TEL. 01283 21772

06/11/2001

**Item**            **A5****Reg. No.**        **9 2001 0852 F****Applicant:**

Donald Ward Ltd  
Rawdon Works  
Moria Road  
Woodville  
Deryshire  
DE11 8DG

**Agent:**

John Church Planning and Development  
Consultant  
Victoira Buildings  
117 High Street  
Clay Cross  
Chesterfield, Derbyshire  
S45 9DZ

**Proposal:**        **The retention of car parking and change of use of dwelling to  
offices at Donald Ward Moira Road Woodville Swadlincote**

**Ward:**            **Woodville**

**Valid Date:**      **28/08/2001**

**Site Description**

The site is located within the built up area of Woodville and adjoins the applicant's existing site.

The detached two-storey dwelling, the subject of the application, is located on the west side of Moira Road between the current scrap yard and Woodville Community Centre. The car parking area is located on the road frontage of the property.

Terraced dwellings are located on the opposite side of the road to the site.

**Proposal**

The applicant's seek consent to retain the parking area formed in front of the dwelling and to change the use of the dwelling to offices.

**Applicants' supporting information**

The applicant's agent provides the following supporting statement:

"The background to the development is that the property recently became available to, and was acquired by, Donald Ward Ltd. For a long time, the company has had problems with regard to the amount of operational car parking that it can provide. The utilisation of the front garden area to the dwelling, served by the existing access on the south side of the office building is very convenient."

"The difficulties that might otherwise be caused by parking within the public highway can now be overcome without detriment to residential amenity. Indeed, a number of residents in the immediate vicinity of the site have commented favourably about my

client's purchase of the premises and its utilisation for car parking. If and when there is additional demand for additional office accommodation my clients would like to have the flexibility to use all or part of the existing dwelling for that purpose. They are, however, still examining the possibilities of a relocation from the Moira Road site so that, following discussions with your Council's Chief Executive, you will be kept informed of developments."

### **Responses to Consultations**

The Highway Authority requires that there shall be no direct access to Moira Road.

The Environmental Health Officer raises no objection to the proposed offices but is concerned about the future use of the rear garden and how this might impact on existing residents with respect to increased noise. It is recommended that a restriction is placed on the use of the land and that the fence between the site and the scrapyards is retained.

The Environment Agency has no objections subject to conditions relating to remediation of any ground contamination and surface water from hard standings to be passed through trapped gullies.

Woodville Parish Council objects to the proposal as being too close to the Community Centre and the footpath and would result in the loss of a domestic property and garden.

### **Responses to Publicity**

A local resident raises no objection to the car park and office use but is concerned that the rear garden area will become used for the storage of scrap and toxic materials which would be inappropriate close to residential properties.

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

The relevant policies are:

Local Plan: Employment Policy 3

### **Planning Considerations**

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

- The principle of the proposed development
- Highway safety
- Affect of the development on residential amenity

### **Planning Assessment**

The proposal is within the urban area of Woodville and therefore there is no objection in principle to the proposal.

The use of the building itself for office purposes would not cause any discernible loss of residential amenity as the character of the street would be retained and the use would not have any adverse impact on neighbours.

The comments of the Environmental Health Officer are noted. Therefore, in order to ensure that inappropriate uses do not take place in the existing rear garden area the use of that land should be restricted so that the scrap yard is not able to encroach upon it. A condition to that effect is recommended. Additionally, the retention of a strong boundary around that area would assist in ensuring there is no encroachment onto it. Again, a condition to that effect is recommended.

The highway authority require there is no direct access from the car parking area onto Moira Road. This is to ensure access to the road is controlled through existing access points. To ensure this a boundary feature needs to be provided. A condition to ensure a boundary feature is retained is also recommended. Otherwise, there is no objection from a highway safety standpoint.

The effect on the community centre would be minimal subject to the conditions recommended. In this case the loss of a domestic property is not detrimental to the character of the area.

### **Recommendation**

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

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

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

2. The area of land to the rear of the building, hereby authorised for office use, shall not be used for any other purpose other than as a garden area to the offices, unless otherwise agreed in writing by the Local Planning Authority. There shall be no storage of materials or any use of it in connection with the adjoining scrapyard use.

Reason: To safeguard the amenities of local residents and the neighbouring community centre.

3. Within 28 days of the date of this permission a scheme of boundary treatment for the site shall be submitted to the Local planning Authority. The scheme, which shall include a timetable for its full implementation, shall indicate a roadside boundary sufficient to ensure vehicles are unable to access Moira Road directly and a boundary fence to the rear garden area sufficient to ensure there is no encroachment onto that area of scrap or other materials.

If acceptable the scheme shall be approved in writing by the Local Planning Authority and it shall then be implemented in accord with the agreed timetable and retained as such thereafter.

Reason: In the interests of the appearance of the area, to prevent direct access to the road network and to ensure no unauthorised use of the site.

4. The concrete panel fence on the northern boundary of the site shall be retained in its present position in perpetuity.

Reason: To ensure a physical barrier is retained to prevent the neighbouring scrapyard from encroaching onto the land in order to safeguard the amenities of local residents and the neighbouring community centre.

5. There shall be no direct access from the site onto Moira Road.

Reason: In the interests of highway safety.

6. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

Reason: To prevent pollution of the water environment

Informative:

To note and act upon as necessary the comments of the Coal Authority (see attached letter).



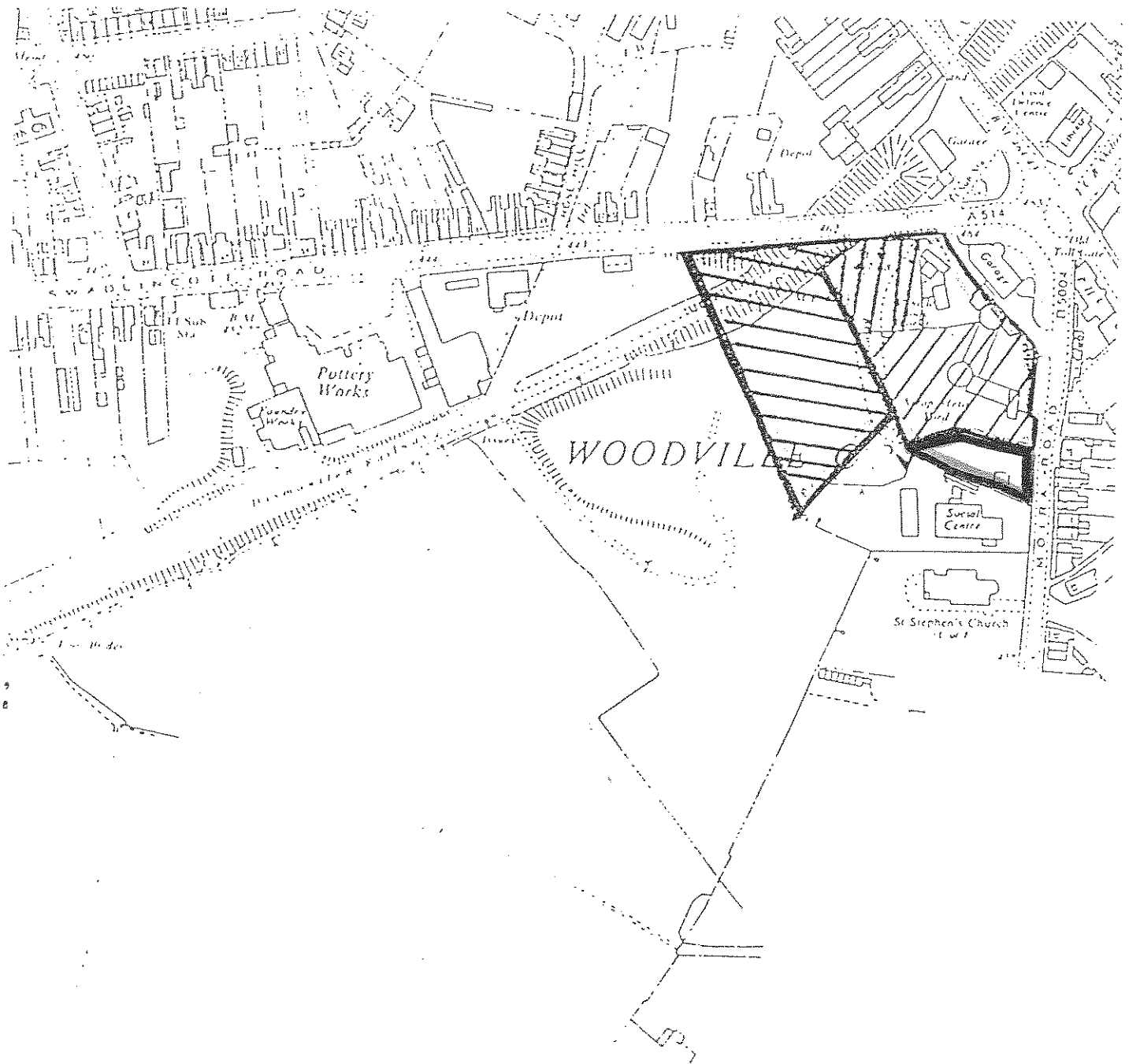
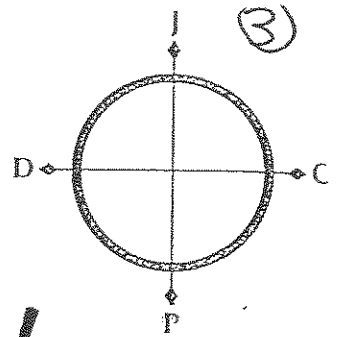
# JOHN CHURCH

## PLANNING & DEVELOPMENT CONSULTANT

### PLANNING SERVICES

29 AUG 2001

# 2001 / 0 852 /



DONALD WARD LIMITED: LAND AT RAWDON WORKS, MOIRA ROAD, WOODVILLE, SWADLINCOTE. SITE IDENTIFICATION PLAN

SCALE 1/2500 approx

06/11/2001

**Item** A4**Reg. No.** 9 2001 0715 U**Applicant:**

Trevor Ivan Collins  
442 Burton Road  
Midway  
Swadlincote  
Derbyshire  
DE11 0DW

**Agent:**

Trevor Ivan Collins  
442 Burton Road  
Midway  
Swadlincote  
Derbyshire  
DE11 0DW

**Proposal:** Use as operating base for 5 private hire cars and the erection of a six metre high radio mast attached to the roof apex of the dwelling at 199 High Street Newhall Swadlincote

**Ward:** Midway

**Valid Date:** 27/07/2001

**Site Description**

The site is occupied by a detached bungalow and it is located to the rear of dwellings fronting High Street. Access to the site is via a driveway, which runs between 195 and 201 High Street. The rear elevations of three terraced cottages on Rose Valley abut the rear boundary of the site.

**Proposal**

It is proposed to convert one small room in the rear of the house into an operating base for a taxi business. It is also proposed to erect a six metre high radio mast on the dwelling to serve the taxi business.

**Applicants' supporting information**

The following information was received in response to a request for further information.:

1. The number of private hire cars that would be based at the property would be two, all other cars would be run from drivers' own homes.
2. The maximum number of domestic cars that would be parked at the property would be two, those of the wife and son of the operator Mr T I Collins.
3. The number of other private hire cars associated with the business but which would not operate from the property would be three.
4. The number of times per day when the other hire cars would visit the property would be once a day to pay the previous days money in. All other business is done by telephone and radio.

5. The hours of operation of the business would be as follows:

Mon - Wed: 6am to 11pm

Thurs - Sat: 6am till late

Sun: 10am to midnight

Or by appointment at any other time.

6. The parking and vehicle turning area shows space for five vehicles and turning areas for two vehicles.

7. A specification for the aerial shows it secured by two angle brackets onto the side of the house. It is shown not exceeding the apex of the roof

8. There would be no other staff living at the premises.

### **Planning History**

Planning permission was granted this year for the erection of a pair of semi-detached dwellings in the side garden of the property. Application 9/2001/0272 refers.

### **Responses to Consultations**

The Environment Health Officer makes the following comments:

"From past experience of other taxi hire firms in similar locations, there is a potential for complaints from adjacent residential properties. The general ambient and background noise levels for the location will be low in the late evening, night and early hours of the morning and this the most likely time for a noise nuisance to be caused. Noise levels from the taxi hire firms are created by the engine noise of the vehicles (Particularly diesel), radios, voices, doors slamming and general activity. This obviously cannot be quantified in a noise level. However, due to the lower background noise levels at night, such noise would become audible and potentially intrusive to the adjacent residential properties.

In the view of the above, I would recommend the following conditions are applied to the permission:

1. No taxi hire vehicle, used in connection with the business, shall be on site (i.e. Returning or leaving base) outside the hours of 0700hrs - 2100hrs.

2. The business shall operate with a maximum of 6-taxi hire vehicles."

The Highway Authority has no objection to the proposal subject to the inclusion of conditions regarding the site access width, the opening of gates and the provision of an appropriate level of parking and manouevring areas.

### **Responses to Publicity**

Four letters of objection have been received. These make the following points:

• There will be an increase in noise and disturbance from extra traffic and other activities especially late at night.

- Potential TV interference from the radio mast
- The radio mast would be unsightly in a residential area.
- This type of business should operate from a commercial area.
- The use will encourage personal callers to the office late at night particularly from nearby pubs.
- The increased movement of vehicles would introduce a traffic hazard.
- The access road runs next to a neighbouring garden and would cause disturbance.

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

The relevant policies are:

Local Plan: Employment Policy 8

### **Planning Considerations**

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

- The effect of the proposal on the amenity of neighbours by reason of noise and disturbance.
- The impact on visual amenity of the mast
- The provision of sufficient on site parking and manoeuvring area
- Is the access proposed acceptable

### **Planning Assessment**

The site is located within an urban area and the business if granted consent would operate in an area of residential properties. It does, therefore, have the ability to affect the amenity of the occupiers of those properties particularly by the coming and goings of vehicles visiting the site.

In this case it is understood that there is likely to be only limited activity on the site and in particular only one vehicle leaving the site in the early hours of the morning. This is not an unreasonable level of activity and is the equivalent of someone leaving home to do a night shift for example. However, unforeseen fluctuations in business activity may increase traffic movements in the early hours and at other times of the day and night. In view of this concern and in order to allow the business to begin operation in a controlled manner, so the Local Planning Authority may assess its impact, a temporary planning permission of 2 years is recommended. Notwithstanding that the comments of the Environmental Health Officer are noted. The recommended conditions are appropriate and they are also recommended so that any impact on the amenity of near neighbours is mitigated.

The mast proposed would not be greater in height than the apex of the existing dwelling. This would not adversely impact on the visual amenity of the area and, therefore, it is acceptable.

The comments of the highway authority are noted. The recommended conditions are appropriate for the business to operate in an acceptable manner. However, there is insufficient area to both accommodate the taxi business parking and manoeuvring requirements and the permission to erect a pair of semi-detached dwellings (See planning history above). Therefore, to enable the taxi business to operate it would be necessary for the applicant to submit a unilateral undertaking rescinding the planning permission for two dwellings.

The issue of radio and TV interference is not a matter material to this submission as it is controllable through other legislation.

### **Recommendation**

Provided the applicant provides the Council with a unilateral undertaking that the planning permission for two dwellings (9/2001/0272) will not be implemented then GRANT permission subject to the following conditions:

**GRANT** permission subject to the submission of a section 106 agreement and the following conditions:

1. No taxi hire vehicle, used in connection with the business, shall return or leave the base outside the hours of 0700hrs - 2100hrs unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise noise and disturbance for the benefit of local residents.

2. The business shall operate with a maximum of 6 taxi hire vehicles only.

Reason: To safeguard the amenities of this residential area.

3. The use, hereby approved, shall not commence until the access has been been widened to 5m and paved in a solid bound material (i.e. not loose chippings) for a distance of 5m back from the highway boundary and it shall be retained as such thereafter.

Reason: In the interests of highway safety.

4. Any gates shall be set back at least 5m from the highway boundary

Reason: In the interests of highway safety.

5. The use shall not commence until a scheme for the parking and manoeuvring of vehicles within the site shown at an appropriate scale has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been provided on site. The area shall be retained and remain free of any impediment to its designated use.

Reason: In the interests of highway safety.

6. There shall be no clients of the taxi business coming to the premises between 2100hrs and 0700hrs.

Reason: To minimise any noise and disturbance for the benefit of local residents.

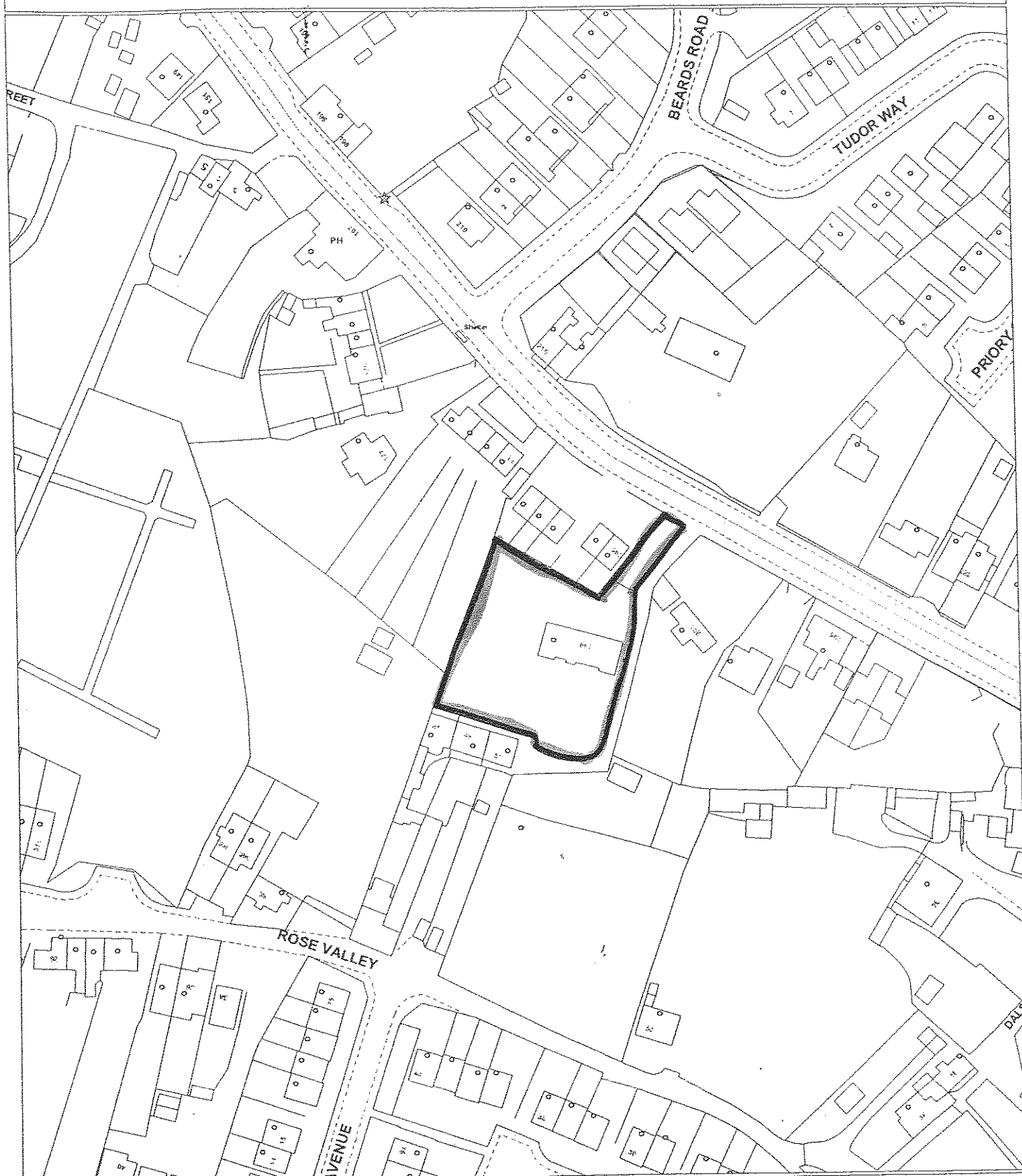
7. This permission shall be for a limited period only, expiring on 30th November 2003 on or before which date the use shall be discontinued and the site reinstated to the satisfaction of the Local Planning Authority unless, prior to that date, an application has been made and permission has been granted for an extended period.

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

199 High Street Newhall

30 JUL 2001

2001 / 0715 /



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Scale 1:1250 Date Plotted 23/7/2001

Plot centred at 429363 320535

199 High Street Newhall



06/11/2001

**Item**            **A9****Reg. No.**        **9 2001 0919 F****Applicant:**

R & J Boddice  
2 Killwardby Mews  
Ashby De La Zouch  
Leics

**Agent:**

Peter Diffey & Associates  
Cotesbach Villa  
54 Woods Lane  
Stapenhill  
Burton On Trent  
DE15 9DB

**Proposal:**        **The erection of a detached dwelling on Land Off Cheviot  
Close Swadlincote**

**Ward:**            **Gresley**

**Valid Date:**      **17/09/2001**

**Site Description**

The site, the subject of this application, is adjacent to the retail premises operating off Hearthcote Road, Swadlincote. The site is located within the built up area and has residential units on its west and south sides.

The site is a strip of landscaping land which separates the bungalow to the west from the car park and neighbourhood shopping development to the east.

**Proposal**

The applicant seeks consent to erect a four bedroom detached house located adjoining the eastern flank of the bungalow. Vehicular access to the site would be from Cheviot Close.

An amendment recently received shows the house moved further towards Hearthcote Road in response to discussions regarding the Council's Space About Dwellings Supplementary Planning Guidance.

**Applicants' supporting information**

The applicants' agent states that the dwelling would not impact upon any neighbour's amenity, would not conflict with any Local Plan policies and that seven trees would be relocated on the site and that this should be possible due to their young age.

**Planning History**

Planning permission for the erection of two shops and two pairs of semi-detached houses was granted on this site as part of a larger area. The current application site was to incorporate the

end of a delivery turning area spur and part of the site's landscaping scheme to separate the customer car park from the bungalow to the west.

### **Responses to Consultations**

The County Highway Authority has no objections subject to satisfactory visibility and parking provision. The County Highway Authority has also acknowledged the shortening of the turning spur on the adjoining shop development site (i.e. that it was never constructed to a length shown on the approved plans) but concedes that what has been constructed is adequate for the servicing of the site.

Severn Trent Water Limited has no objection.

### **Responses to Publicity**

Three neighbours have objected to the scheme originally submitted for the following reasons:

- a. The house would create an overshadowing of the neighbouring bungalow.
- b. The house would overlook neighbouring properties causing a loss of privacy.
- c. The strip of land [the application site] should have been densely landscaped to obscure some of the buildings on the adjoining site but was only partially completed.
- d. Disturbances already emanate from the shop development; another property would result in more disturbance.
- e. The development would result in a loss of outlook from the dwelling opposite. The development would result in the loss of trees and shrubs recently planted.
- f. The amount of traffic would increase when the house is under construction and when the house is complete with less room to turn round and a driveway opposite may be impeded.
- g. The noise of the construction would be a problem to a neighbour who works night shifts.

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

The relevant policies are:

Joint Structure Plan: Housing Policy 3.

Local Plan: Housing Policies 4 and 11.

Supplementary Planning Guidance (SPG) Housing and Design.

### **Planning Considerations**

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

- The acceptability of the development with regard to the provisions of the development plan.
- The impact of the development on the amenities of the occupiers of neighbouring properties

### **Planning Assessment**

Development plan policies generally allows for new housing development of previously developed land in the urban area provided it complies with the guidelines for the separation of dwellings in the council's SPG.

In this case the site is classed as previously developed site. As such, residential development on it is acceptable in principle.



A further issue of principle is the current use of the site with regard to the development of the shops. The site was originally shown as a part of the turning area and the landscaping associated with the adjoining development. However, since the completion of the development the site has been fenced off from the car park and planted with a number of trees in accord with the approved landscaping scheme. The remainder of the land around the shop development has also been landscaped in accordance with the approved scheme and the turning area (albeit shorter than expected) completed. The County Highway Authority has confirmed that the turning area as constructed is satisfactory.

The landscaping area was required initially to provide a buffer between the customer car park and the bungalow to the west. However, the development of the site, if granted, with a house would have much the same effect and the submitted scheme shows all of the trees currently planted on the land replanted elsewhere on the site.

Therefore, the objective of the original landscaped area would be achieved and the trees planted on the site would be re-located elsewhere. Therefore, the new dwelling would not harm the objectives of conditions previously imposed on the mixed retail/residential development.

Although the bungalow that adjoins the site has a side window facing it, the nearest part of the property to the adjoining boundary is the bungalow's garage. Additionally, supplementary planning guidance does not require the protection of side windows in the same way that windows on main elevations would be protected. As such the single side window on the bungalow, which is set some 7 metres from the side of the proposed house, does not prevent the site from being developed. The rest of the main habitable rooms on the bungalow are located on the front and rear which would not be unduly affected.

The amended plans also ensure the required separation between the newer property to the south and the proposed house (which was shown too close in the original submission).

Therefore, in conclusion, the principle of development is acceptable and the reasons for the retention of the area open from development is maintained. There is no adverse impact on the amenity of neighbouring properties.

### **Recommendation**

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

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

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

2. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.

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

3. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. C422/1Rev.A.

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

4. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate three cars within the curtilage of the dwelling. Thereafter three parking spaces, measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of the dwelling unless as may otherwise be approved in writing by the Local Planning Authority.

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

5. Notwithstanding the submitted details, the replanting of the trees on the site shall be carried out in the first planting season following the first occupation of the dwelling. Any of the trees that die or become diseased within five years of their relocation shall be replaced.

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

6. Before any other operations are commenced, a new vehicular access shall be created to Cheviot Close in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The area in advance of the sightlines being maintained in perpetuity clear of all obstructions greater than one metre in height relative to the adjoining nearside carriageway channel level.

Reason: In the interests of highway safety.

7. A hardstanding shall be surfaced with a solid bound material at a gradient no steeper than 1 in 15 and measures shall be implemented to prevent the flow of surface water onto the highway.

Reason: In the interests of highway safety.

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

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

9. The windows in the west wall of the building shall be permanently glazed in obscure glass.

Reason: To avoid overlooking of adjoining property in the interest of protecting privacy.

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

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

Informative:

To note and act upon as necessary the comments of the Coal Authority (see attached letter).

Further to the above Informative, the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. This grant of planning permission does not give a warranty of ground support or stability, neither does it necessarily imply that the requirements of any other controlling authority would be satisfied.

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 xt 7595) at least six weeks before the commencement date of the proposed works in order to arrange the necessary supervision of works on the highway crossing.

