

Item No. 1.5

Ref. No. DMPA/2024/0392

Valid date: 16/05/2024

Applicant: Shaun Hurdman

Agent: Anthony Buckley

Proposal: Demolition of existing building and the erection of 9 one bedroom flats and 5 two bedroom flats with secure associated parking for up to 9 cars and associated works at 26 High Street, Woodville, Swadlincote, DE11 7EH

Ward: Woodville

Reason for committee determination

This item is presented to Committee as there has been an objection received from Woodville Parish Council, and as this is a major application, this removes delegated authority to determine the application in line with the Council's adopted Scheme of Delegation.

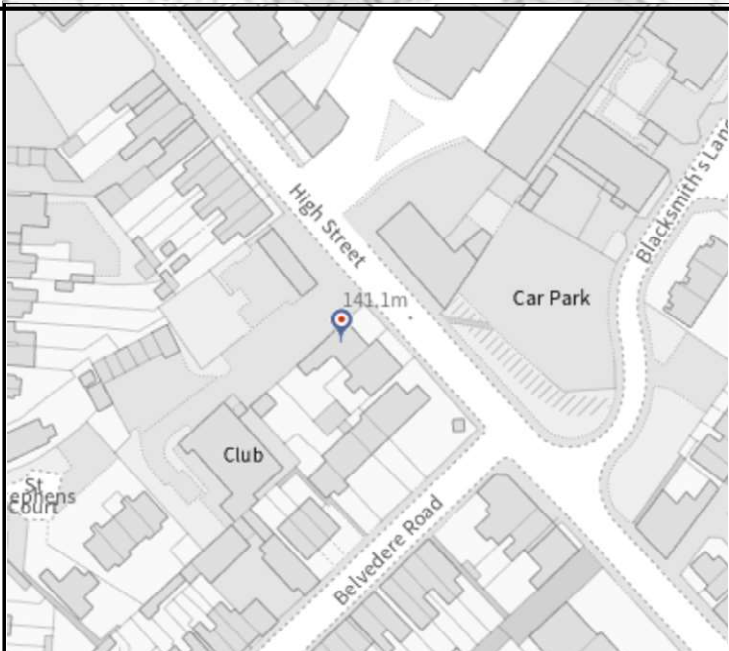
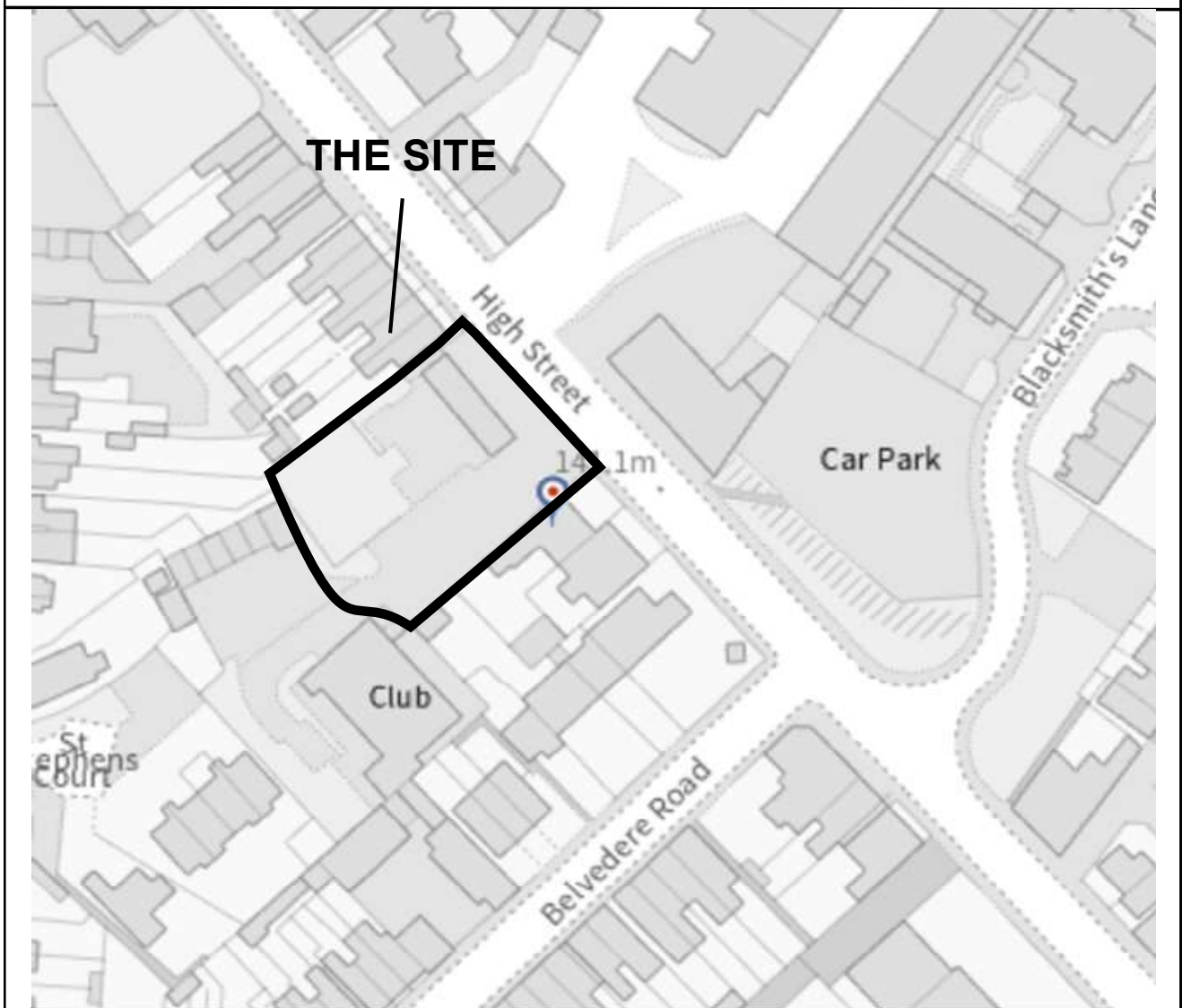
Executive Summary

Planning permission is sought for the proposed demolition of the former Nelson Inn public house building and the erection of 9 one-bedroom flats and 5 two-bedroom flats with associated parking for up to 12 cars and associated works at the site. The demolition of the former Nelson Inn building is considered to be an unfortunate loss of a historic building which is characteristic of Woodville, however, due to the declined state of the building, supported by submitted evidence, on balance it is considered appropriate to redevelop the site with a building which will also reflect the character of the area and will provide much needed improvement to the appearance of the site and wider locality. Following design amendments to ensure the development is of an acceptable quality which will fit in with the local character, the scheme is considered to be acceptable and will optimise the site area for the provision of fourteen residential flats. The proposal includes two frontages, both along High Street and the existing access road, with a rear courtyard for parking, cycle storage and bin storage.

The site is considered to be in a sustainable location where residential development is supported by Local Plan policy and will be well served by existing public transport and local services. A Biodiversity Net Gain can be achieved on site as part of landscaped areas along the access road frontage of the development. The site lies within a 'high risk' Coal Mining area however subject to appropriate conditions, the Coal Authority do not object. There are no objections from statutory consultees, however it is noted that there have been four objections from members of the public, as well as an objection from Woodville Parish Council on highway grounds. It is considered that these objections have been addressed in the report, and following design amendments and subject to relevant conditions, the concerns have been suitably addressed. The application is recommended for approval subject to conditions and obligations.

Site Description

The application site on High Street, Woodville, is within the central area of Woodville along the busy A511, a main route between Burton upon Trent and Leicester. The A511 (High Street) is well served by bus routes to Swadlincote, Burton as well further into Leicestershire including East Midlands Airport/East Midlands Gateway. The site comprises the Nelson Inn public house (closed for a number of years), and areas of car parking and former pub garden to the rear. The former Nelson Inn building itself is set back slightly from the main highway and previously had areas of informal soft landscaping to the front. The building comprises two front doors, with one having a striking painted arch header above the door denoting the main entrance. All windows have cills, with the first floor windows also having painted headers. The building has been previously painted and rendered such that the ground floor is a now faded red/pink colour and the first floor is white. The building therefore has a striking presence within the streetscene, including three large traditional chimneys along the roof pitch.



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Although there is not a Conservation Area designation in Woodville, the area is comprised of a number of historic buildings from the Victorian era, and the former Nelson Inn is also reflective of this period. The Woodland Branch Railway (largely now built over) lies approximately 170m to the north west of the site, and directly opposite the site was a 19th century brewery, with the former bottling store surviving on the street frontage to the north east of the application site, currently known as The Jennings Rooms. The Jennings Rooms (33 High Street), is therefore considered a building of historic character, which is also covered by an Article 4 direction, and currently operating as a cafe/restaurant.

The area can be considered to be mixed use, with the Viking Business Centre also opposite the site (to the north-east) which includes businesses such as car repairs and tyre fitting workshops. Surrounding the site are predominantly two-storey residential terraced properties, although there is one example of a two and a half storey property with dormer windows, for example at 36 High Street. The built form of the surrounding locality comprises of positive design elements such as eaves, verges, window proportions, headers and cills, symmetrical details, and roofscape such as chimneys.

The rear of the site (south west) comprises a block of garages and an associated area of hardstanding. The rear gardens of semi-detached properties on Moira Road, Woodville, back on to the application site in the west corner, but the properties themselves are approximately 30m away from the application site boundary. Similarly the rear gardens of terraced properties (2 - 6) on Belvedere Road back on to access road of the application site with the properties themselves approximately 18m away from the application site boundary and over 23m away from the proposed building. The access road (shown within the application site boundary) leads to the Woodville Snooker and Social Club to the south of the application site.

It is noted that since the submission of the application, works have begun on site to clear the wider site, and the stripping out of the former Nelson Inn has been undertaken to the point that only the exterior shell of the building remains. The site is generally in a poor condition with the related access and car park to the rear in a dilapidated state. The building itself appears in a poor state of repair and Heras fencing surrounds the site, such that the site as a whole is detracting from the appearance of the streetscene.

The proposal

Planning permission is sought for the proposed demolition of the existing building and the erection of 9 one-bedroom flats and 5 two-bedroom flats with secure associated parking for up to 12 cars and associated works at the site. It is proposed to demolish the existing remaining front building of the former Nelson Inn and to clear the site and construct a new-build development with a frontage along both High Street, and the access road to the south-east which leads to residential properties and the Woodville Snooker and Social Club.

This application is to supersede the previously approved planning application referenced DMPA/2022/0121 for the conversion of the front element of the former Nelson Inn into two one bedroom apartments and erect six two bedroom town houses. The application proposes to demolish the former Nelson Inn public house and erect a new development comprising fourteen flats on the site, with car parking and amenities spaces for residents. The flats are proposed to be facilitated across a ground floor, first floor and second floor, with the layout of the building set around a secure rear car parking court. Vehicular access to the parking court is through a side underpass off the access drive, through remote controlled electronic security steel gates, with a personnel gate for residents. Further detail on the design of the proposal is set out later in the report.

Applicant's supporting information

Coal Mining Risk Assessment (as amended) received 05 April 2024.

Desk-based assessment suggesting a moderate risk of encountering unrecorded mine workings. Mitigation is proposed including rotary probe boreholes to investigate the near surface ground conditions and also recommends a watching brief should be undertaken during foundation excavation and ground works.

Design and Access Planning Statement (as amended) received 08 January 2025.

Sets out the planning history for the site, and that the implementation of this scheme is proving to be difficult due to the existing building not meeting building regulations brought into effect in April 2023. The statements sets out that the demolition of the building and redevelopment would make for a more suitable solution overall.

Biodiversity Net Gain metric and associated results

A loss of all habitats on site of 0.13ha would occur, however, the development would result in a gain of 95.88% due to proposed landscaping.

Structural Report (as amended) received 08 January 2025.

The report sets out that years of storm damage at the site have led to an overall deterioration to the building, including rot and infestation in the timber rafters and eaves, loss of ceilings, unstable masonry, fracturing and the cellar filled with water, all leading to the conclusion that the building is unsafe and presents an opportunity for vandalism.

Relevant planning history

DMPA/2022/0121 - Demolition of Rear Projection To Existing Building, Conversion Of Remaining Building To Form Two Apartments, and the Erection of 6 Dwellings To Rear of Site at 26 High Street, Woodville, Swadlincote, DE11 7EH - Approved: 17 August 2022.

Responses to consultations and publicity

Woodville Parish Council

Objects to the proposed development on grounds of inadequate parking provision. The number of properties requires a greater number of spaces due to limited availability of on street parking. Should permission be granted a condition determining hours of access is requested to avoid school drop off and pick up times. The High Street is extremely busy at all times but particularly so at school times. A condition restricting access and deliveries to outside of the hours 8am - 9am and 3pm - 4pm is advisable for safety of all. (19 June 2024).

The Coal Authority

The Coal Authority's Planning & Development Team notes the conclusions of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial and mitigatory measures, in order to ensure the safety and stability of the proposed development. As such, should planning permission be granted for the proposed development, relevant planning conditions have been recommended. (09 August 2024).

Derbyshire Wildlife Trust

Initial response

The application as submitted is not accompanied by any ecological information. (01 July 2024).

Response following further information

Upon receipt of recent site photographs showing part-demolition of the existing building, our previous recommendation requesting the need for a Preliminary Ecological Appraisal is no longer applicable. No further survey works pertaining to protected species is therefore required. Relevant planning conditions have been recommended. (06 August 2024).

SDDC Design Officer

Initial response

Objects to the proposed scheme of development. (19 July 2024).

Response following the receipt of amended plans

No objection to the scheme in principle, however, do not consider that the brick mix is appropriate. Suggest details on all materials be secured through a suitably worded planning condition. (17 March 2025).

National Forest Company

The site area is below the threshold requiring National Forest planting. (03 June 2024).

Parks and Green Spaces

Due to the restricted space within the development area to provide outdoor space would request a commuted sum payable for a contribution towards offsite provision of amenity green space/ play provision and environmental improvements to nearest existing facilities. (14 June 2024).

Force Designing Out Crime Officer

There are no objections to the principle of residential development for this site. Planning conditions have been recommended. (14 June 2024).

County Highways

Initial response

Access - The site is to be accessed via a private road than joins the A511 High Street at footway crossover junction. It is unclear if any amendments are proposed to the access junction and clarification is requested on this issue. The development proposes a brick wall along the site frontage at the back of the footway, it must be demonstrated that this proposed wall does not impact on the visibility splay to the left when exiting the junction. In addition, as there will be an intensification in use of the access as a result of the proposed development the applicant is required to demonstrate that appropriate visibility to the right when exiting the junction is achievable.

Parking - The application description states that parking for 9 cars will be provided, however the proposed site layout and the landscaping layout both show 13 car parking spaces although they have different parking layouts. The applicant is requested to clarify the proposed car parking provision for the proposal. It is also considered that a covered, secure cycle store should be provided to encourage sustainable travel.

Refuse Collection - Details of bin storage and refuse collection arrangements should also be provided (12 June 2024).

Response following the receipt of amended plans

Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 has no objections to the application subject to conditions being imposed should approval be granted.

The justification for this decision is provided below.

A response to the application was issued by the local highway authority which requested further information with regards to access and parking.

An amended site plan has now be issued by the applicant which addresses the issues raised and following review is considered to be acceptable, particularly given the existing use at the site and the previous planning approval for a similar proposal. Therefore, based on the analysis of the information submitted and a review of Local and National policy the Local Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion and that there are no justifiable grounds on which an objection could be maintained. (19 August 2024).

County Archaeologist

The Nelson Inn appears to be of 19th century date and on historic map evidence there as an Inn on the site by 1880. The building however has no special historic significance that would suggest it should be treated as an undesignated heritage assets sensu NPPF chapter 16, and there is no other known archaeological interest in the site. The proposals will not therefore have an archaeological interest. (12 June 2024).

Conservation Officer

No heritage requirement for comment. However, I would advise that you look at the Article 4 for the property directly opposite (attached). There are also a few HER records locally, specifically the line of the former railway. The existing is a substantial building that is in a character to its surroundings and contemporaneous with the industrial development of Woodville. In these cases, ideal would be to repair, reuse and adapt, perhaps extending to the rear – even gutting it to an external shell and using that as the base for new. Still plenty of land to the rear for new extension/new build. I can see that it is tired, but it is very much of its time and in character with its surroundings. The proposed is not. (08 July

2024).

Environmental Health

No objections to the proposed scheme. Planning conditions have been recommended. (31 May 2024).

Lead Local Flood Authority

After having reviewed the site information, due to the scale and nature of the development, we would not have any comments to make on this planning application. (09 January 2025).

Severn Trent Water

The property drains to Milton sewage works, outside of the Mease catchment. (17 March 2025).

Derbyshire County Council Planning Policy

The proposed development falls within, and directly relates to, the normal areas of Three Trees Infant Academy, Three Trees CofE Junior Academy and Granville Academy. The proposed development of 14 dwellings minus 9 one bedroomed would generate the need to provide for an additional 1 primary and 1 secondary pupils. Three Trees Infant Academy has a current net capacity of 270 pupils and had 234 pupils on roll as at January 2024. The latest projections show the expected number of pupils to be 250 in 5 years time. Three Trees CofE Junior Academy has a current net capacity of 340 pupils and had 317 pupils on roll as at January 2024. The latest projections show the expected number of pupils to be 291 in 5 years time. The analysis of the current and future projected number of pupils on roll, shows that the normal area primary school would have sufficient capacity to accommodate the 1 primary pupil arising from the proposed development.

Granville Academy has a current net capacity of 830 pupils and had 889 pupils on roll as at January 2024. The latest projections show the expected number of pupils to be 913 in 5 years time. The analysis of the current and future projected number of pupils on roll, shows that the normal area secondary school would not have sufficient capacity to accommodate the 1 secondary pupil arising from the proposed development.

Therefore, a financial contribution of **£30,587.70**, in line with the current estimated cost of providing 1 secondary pupil place, is requested. This is to be used towards the provision of additional education facilities at Granville Academy.

Members of the public

In addition to neighbour notification letters, a press advert was published on 14 June 2024, and a site notice displayed on 07 June 2024.

A total of four comments of objection have been received from neighbours or members of the public which are summarised below:

- a) Unsuitable and unsightly appearance of the proposed building, which wouldn't belong amongst the original Victorian properties in the area;
- b) Over-development of the site in terms of size and number of units, which will have a negative impact on safety, parking and security. 14 is too many neighbours in one concentrated area.
- c) Potential overshadowing and loss of privacy on adjoining property's back gardens due to the size and scale of the building proposed;
- d) Smell and noise nuisance concerns due to the location of the bin store. It would be more appropriate to location this to the right of the drive adjacent to Flat 4;
- e) Congestion and highways safety concerns due to the dangerous vehicular entry/exit;
- f) Full access is required to Woodville Snooker & Social Club for deliveries & associated parking & garages both during demolition, construction and once scheme is completed.

Relevant policy, guidance and/or legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. The development plan for the purposes of this application comprises the South Derbyshire Local Plan Part 1 adopted in June 2016 and the South Derbyshire Local Plan Part 2

adopted in November 2017. Material considerations include, albeit not limited to, the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG), together with the South Derbyshire Design Guide Supplementary Planning Document (SPD).

The relevant Development Plan policies

(2016) South Derbyshire Local Plan Part 1 - S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S3 (Environmental Performance), S6 (Sustainable Access), H1 (Settlement Hierarchy), SD1 (Amenity and Environmental Quality), SD2 (Flood Risk), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), SD4 (Contaminated Land and Mining Legacy Issues), BNE1 (Design Excellence), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF1 (Infrastructure and Developer Contributions), INF2 (Sustainable Transport), INF6 (Community Facilities), and INF7 (Green Infrastructure), INF9 (Open Space, Sport and Recreation).

(2017) South Derbyshire Local Plan Part 2 - LP2: SDT1 (Settlement Boundaries and Development), and BNE7 (Trees, Woodland and Hedgerows).

Draft Local Plan - Regulation 19

On 10 March 2025 the South Derbyshire Local Plan Part 1 Review was published for its period of formal representations under Regulation 19 (of the Local Plan Regulations) prior to submission to the Secretary of State (The Publication Version). This is the version of the Local Plan that the Council intends to submit for examination, and it is a material consideration in the determination of planning applications. The weight to be attached to emerging local plans is set out in paragraph 49 of the NPPF.

With regard to paragraph 49a) the plan is at an early stage of preparation having not reached examination. In terms of 49b) there remain unresolved objections to the plan from its Regulation 18 consultation and the period for comments under regulation 19 will not expire until 25 April 2025. Although the plan is in general conformity with the NPPF (paragraph 49c) it has been published to benefit from the transition arrangements set out in paragraph 234 of the NPPF, meaning the Local Plan will be examined under the 2023 version of the NPPF. For all these reasons the weight to be attached to policies in the publication version of the Local Plan is low.

Where there is any conflict between policies in the publication version of the Local Plan and existing adopted Local Plan policies the decision should be taken in line with the adopted Local Plan policies. Paragraphs 50 and 51 of the NPPF are also relevant which clarify that refusals of permission in line with emerging policies will seldom be justified before a plan has been submitted for examination. The plan is intended to be submitted for examination in Autumn 2025.

The relevant local guidance

South Derbyshire Design Guide SPD
Planning Obligations SPD
Trees & Development SPD

The relevant national policy and guidance

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide (NDG)

Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application are:

- Principle of development;
- Design and amenity;
- Highways and car parking;
- Biodiversity, trees and landscaping;
- Flood risk, drainage and River Mease SAC;
- Contaminated land and mining legacy;

- Developer contributions.

Planning assessment

Description of the proposal

The application proposes the demolition of the former Nelson Inn public house and the redevelopment of the site, to include an L shape building comprising fourteen individual flats. The more prominent frontage of the building facing High Street (front - north-east elevation) has the appearance of a two-storey building, with accommodation in the roof served by rooflights. The front door and window arrangement is reminiscent of the design style of the former Nelson Inn without being a complete pastiche. There are two chimneys on either gable end on the front elevation. The building would be set back at a similar distance from the highway as the former Nelson Inn public house. The footprint of the frontage element of the building is similar in width to the former Nelson Inn public house.

The building extends to the rear with an active frontage along the existing access road and comprises two further doors to individual flats of a matching style to the front door on the main frontage. On this front (south-east) elevation the ridge line of the roof is slightly higher to incorporate further accommodation at second floor level with rooms being served by both dormer windows (four) and rooflights (six). There is also an opening at ground floor level to allow vehicles and pedestrians to access the rear car parking courtyard which will be largely screened from public vantage points. The opening will have black painted steel electronically operated gates for both pedestrians and vehicles, and the bin store for the development is proposed to be located underneath the opening meaning it will also largely be screened from view except when the gates are open.

The proposed north-west elevation which faces into the site itself on to the enclosed courtyard, comprises fewer windows overall but still includes four dormer windows within the roof at second floor level. The proposed south-west elevation which faces to the rear of the site, comprises a blank elevation on the gable end closest to the rear boundary, and six windows on the rear elevation facing into the enclosed courtyard area.

Principle of development

With reference to Policy H1 (Settlement Hierarchy) of the South Derbyshire Local Plan Part 1 and Policy SDT1 (Settlement Boundaries and Development) of the South Derbyshire Local Plan Part 2 the site is located within the defined settlement boundary of the Swadlincote Urban Area. New development is targeted towards these defined settlement areas subject to any development being of an appropriate scale with regards to the size and role of that settlement and where subject to it complying with other relevant policies and guidance. The site falls within the settlement boundary for the wider Swadlincote Urban Area where residential development is generally considered to be acceptable due to the sustainable location, with access to services, employment and public transport.

Policy INF6 (Community Facilities) of the South Derbyshire Local Plan Part 1 is of relevance to this proposal and seeks to ensure that existing community facilities are protected, unless it is clear that there is no longer a need to retain the use or where a suitable alternative is made. This approach is reflected in the NPPF which states that planning decisions should enable the retention of local services and community facilities such as public houses, as well as guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. The existing public house is now vacant. In terms of whether suitable alternative exists, there are a number of pubs in the nearby area. Given the public house is in the urban area and other public houses are available in close proximity, its loss would not lead to the reduction of the community's ability to meet its day-to-day needs as set out in the NPPF. It is considered that the premises does not wholly fall within the Local Plan definition of 'community facility' such that the conversion to residential accommodation would be considered unacceptable in principle. It is also relevant that the previous planning permission for this site referenced DMPA/2022/0121 permitted the conversion of the Nelson Inn public house building to form apartments, and therefore the principle of the loss of the public house can be said to have already been established.

Due to the character and prominence of the former Nelson Inn public house, which is in character to its surrounding, it is considered that the conversion and re-use of the building as previously approved

would be a preferable scheme, and this view is also shared by the Council's Conservation Officer. However, since the approval of the previous scheme, information has been put forward by the applicant demonstrating the extent of the structural damage to the building and the associated costs with implementing such a conversion scheme. In the circumstances, it is therefore accepted that the redevelopment of the site with a high quality scheme, would lead to a betterment overall from the existing situation, and while the loss of the historic public house building weighs negatively against the scheme, on balance, it is considered acceptable and in accordance with policy BNE1 of the adopted Local Plan.

The proposed scheme of development is therefore considered acceptable in principle, in accordance with Policy H1, INF6 and BNE1 of the adopted Local Plan.

Design and amenity

Policy S1 'Sustainable Growth Strategy' part v) states 'it is essential that the District's heritage assets, landscape and rural character are protected, conserved and enhanced'. Policy BNE1 part e) states 'New development should create places with a locally inspired character that respond to their context and have regard to valued landscape, townscape and heritage characteristics'. Policy BNE1 also states that new development should be visually attractive, appropriate, respect important landscape, townscape and historic views and vistas, contribute to achieving continuity and enclosure within the street scene and possess a high standard of architectural and landscaping quality. The South Derbyshire Design Guide SPD provides further detail on these matters.

The initial plans as submitted were not considered acceptable on design grounds due to the excessive roof scale and detailing not being characteristic of the local area and South Derbyshire. Following dialogue with the Council's Design Officer, the applicant has worked to achieve a scheme of an improved design through a series of amended plans. The scheme now presented is considered to both utilise the site well in terms of achieving fourteen new dwellings on the site, while still presenting a built form which is acceptable in terms of its scale and massing, particularly when viewed from High Street. The design features such as window and door design, presence of chimneys with traditional design on the principal elevations, cills and headers of a style in keeping with the local area and pitched dormer windows lifted off the eaves, all add to the quality of the scheme which will reflect the design character of Woodville. The applicant has also put forward that the development will seek to achieve high sustainability credentials and intends to use solar PV roof tiles. The Design Officer has stated that the detail of the materials will be key to ensure the quality of the scheme and has recommended a condition requiring full material details be submitted and approved in writing by the Local Planning Authority. Due to the prominence of the site on a well-used through route (High Street), this is considered appropriate and will ensure the Council can continue to work with the applicant to achieve a scheme of high quality design.

In terms of amenity on nearby properties and uses, the front (north-east) elevation is not considered to result in significant additional change from the previous building in terms of its scale. With the uses opposite the site being largely commercial and the A511 High Street intervening these buildings, it is not considered that additional impact would occur. The secondary frontage (south-east) elevation, which is where the majority of the windows are proposed to be located, faces the side elevation of no. 30 High Street, and the rear gardens of number 2 - 6 Belvedere Road, Woodville. It is noted that no. 30 High Street has two side windows at first floor level, and one window at ground floor level which would face the front (south-east elevation) with a gap of approximately 10m, however these windows are small and are not considered to serve habitable rooms. With the access road also intervening in this location, it is not considered that this would lead to a detrimental relationship between 30 High Street and the proposed new building. The properties on Belvedere Road, are also considered to be over 21m away and thus in line with the separation distances as set out in the Council's adopted Design Guide SPD. It is noted that there are existing boundary treatments and mature landscaping along this border.

The rear (south-west) elevation is blank and although close to the garage block behind, is not considered to cause amenity or overlooking impacts due to the shared use of the garage block and area of informal hardstanding. Any windows on this elevation are set well within the site boundary approximately 50m away from the nearest residential properties on Moira Road. The side (north-west) elevation will be visible from the rear gardens of properties on High Street, Woodville, with no. 24 High

Street being the closest of these. Due to the L shape of the building, which brings the built form away from this boundary, the proposed building would be approximately 9m away from the boundary of 24 High Street, with proposed windows facing on to the internal courtyard primarily. While the first and second floor windows on this elevation would have glimpsed views in to the rear gardens of the properties on High Street, it is considered that this would not be directly on to the private amenity space of these gardens but towards the rear of their long terraced gardens. Due to the separation distance off the boundary this is not considered to give rise to significant adverse impact in terms of both overlooking and overbearing.

It is considered that the proposed building is sufficiently distanced from the Woodville Snooker and Social Club to not cause an impact of overbearing or overshadowing, and should lead to a more attractive and safe approach to the club when considered against the existing situation. It is noted that the Force Designing Out Crime Officer comments that the proposal is acceptable from a community safety perspective.

In view of the above, it is considered that the scheme is well designed in terms of achieving the best use of the site whilst not causing undue detrimental impact on the surrounding area and adjacent properties. On the basis that the details of materials are secured through planning conditions, the development presents an acceptable scheme which relates well to the character of the locality, and accords with policies BNE1 and SD1 of the Local Plan, and the adopted Design Guide SPD.

Highways and car parking

The development proposed to use the existing access road (which leads to the Woodville Snooker and Social Club) to access the rear parking courtyard. The County Highway Authority have been consulted on the proposals and initially asked for further work in relation to the visibility splay. Following amended plans, the County Highway Authority confirmed that they are satisfied that the proposals are acceptable on highway safety grounds and also note the previous approval at the site. Subject to three conditions relating to the implementation of the access, parking and turning areas, the provision of cycle parking and the submission of a Construction Management Plan (CMP) the County Highway Authority raise no objections.

It is noted that the basis of the Woodville Parish Council objection relates to inadequate parking provision for the scheme due to limited availability of on-street parking in the area. While it is accepted that High Street, Woodville, is a busy through-route, and many properties in the area rely on on-street parking, the provision of 12 car parking spaces has been deemed acceptable by the County Highway Authority, and given the location of the application site within a sustainable settlement with access to good public transport options from the frequent bus services, it is considered that the parking provision is sufficient for the type of development proposed. The suggestion from the Parish Council to limit access to the site at peak times a day is considered to be a reasonable request throughout the period of construction, and this element can be secured through the Construction Management Plan condition. In terms of any longer term restriction on the future occupiers, this is not considered reasonable or enforceable and may prevent future occupiers from meeting their day to day needs.

In summary, subject to relevant conditions, it is considered that the application accords with policies S6 and INF2 of the adopted Local Plan.

Biodiversity, trees and landscaping

The application site was previously comprised of areas of hardstanding, the existing building and areas of garden related to the former public house. A metric related to Biodiversity Net Gain was submitted to the Council which in turn was reviewed by Derbyshire Wildlife Trust. DWT consider that the development would result in a gain of 95.88%, and therefore far surpassing the mandatory 10% BNG requirements, providing that a Biodiversity Gain Plan is produced and submitted post determination. Subject to conditions relating to lighting, nesting birds, tree clearance and a landscape plan and management schedule, it is considered that the development can achieve an enhancement of biodiversity and would not have a negative impact on protected species or wildlife. The onsite habitat gains are not considered to be significant in BNG terms and therefore a Habitat Management and Monitoring Plan is not strictly required. A Biodiversity Gain Plan is required however in line with BNG legislation. A detailed Landscape Management Plan can be secured through planning condition.

The submitted Landscaping Plan (Rev F) denotes the main areas of landscaping along the access road on the south east frontage of the site. This will help to soften the overall massing of the development with suitable trees, and shrubs. A more detailed and specific landscaping plan including species of shrubs can be secured through planning condition. The submitted Landscaping Plan (Rev F) also shows marshall red concrete SUDs block paving which should provide a quality and semi-porous hard surface surrounding the building.

Flood risk, drainage and River Mease SAC

The National Planning Policy Framework seeks to ensure that new development is not at risk from flooding or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding. The application site is situated within Flood Zone 1 and is therefore classed as the lowest risk of flooding.

The County Flood Risk team (LLFA) at Derbyshire County Council have been formally consulted with regards to this development proposal and have responded on the basis that they will not issue a response in this instance. Due to the site being primarily laid to hardstanding, it is not considered that additional surface water run off should significantly increase from the proposed development. It is noted that the existing situation with the flooded cellar is not ideal, and that the redevelopment of the site would bring about benefit to ensure latest Building Regulation standards were applied.

A small portion of the south west corner of the lies within the River Mease catchment as shown on the Council's GIS mapping, however it has been confirmed by Severn Trent Water Ltd. that the foul water drainage connection for this site, leads to Milton Waste Water Treatment Works which is north of the application site and outside of the River Mease catchment area. A Habitat Regulation Assessment screening has been undertaken by the Council which sets out that the development would not give rise to adverse significant effects on the integrity of the River Mease SAC.

The proposal is therefore considered to be in accordance with policies SD2 and SD3 of the adopted Local Plan.

Contaminated land and mining legacy

The submitted Coal Mining Risk Assessment reports that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial and mitigatory measures, in order to ensure the safety and stability of the proposed development. The Coal Authority have been formally consulted with regards to this development proposal and have formally advised that should planning permission be granted for the proposed development, relevant planning conditions have been recommended, but on that basis they have no objection.

Environmental Health have also been consulted on the application, and do not object, however they have also recommended conditions related to contaminated land which are considered to be necessary to ensure the safe development of the site.

Developer contributions

The development for 14 new residential units is a major application, and is therefore above the trigger point for some of the developer contributions as set out in the Council's adopted Planning Obligations SPD (2024).

Comments have been received from the Council's Parks and Green Spaces team setting out that due to the restricted space within the development area to provide outdoor space, an off-site contribution in the form of a commuted sum is required to provide contributions towards amenity green space/play provision/environmental improvements to the nearest existing facilities. The Parks and Green Spaces team have identified Woodville Play Area as being a suitable site for the commuted sum contributions which is within walking distance of the application site. In line with the Council's adopted Planning

Obligations SPD, and a 15 year maintenance levy period, the commuted sum is calculated at £1,712.37 per person.

Based on the proposal incorporating 19 bedrooms, the calculation is set out as:

19 (persons/bedrooms) x £1,712.37 = total contribution of **£32,535.03**

Derbyshire County Council have also been consulted on the application, and they have commented that an education contribution would be required towards the one additional secondary school place which would be generated from the development. A financial contribution of **£30,587.70**, in line with the current estimated cost of providing one secondary pupil place, is requested, to be used towards the provision of additional education facilities at Granville Academy.

The above two financial contributions are proposed to be secured through a Section 106 Agreement.

Conclusion and Planning Balance

The proposal to demolish the former Nelson Inn public house and redevelop the site to incorporate fourteen flats is considered to be acceptable in principle due to the location of the site within the urban area, with good public transport links and access to services. The loss of the former public house building, is considered to be an unfortunate loss of a historic building in character with its surroundings, however on the basis of sufficient evidence setting out the poor state of the building, it is considered that on balance, the redevelopment of the site, with an building of good design will bring about much needed improvement to the existing condition of the site. Following a series of design amendments, the scheme is considered to reflect the character of Woodville while still achieving optimum usage of the site. The development is not considered to give rise to undue amenity impact on surrounding uses and should improve the overall appearance of the area. The addition of soft landscaping along the south east frontage will provide further amenity improvements as well as secure a Biodiversity Net Gain. On the basis of no objection from statutory consultees subject to relevant planning conditions, the scheme is considered to be in accordance with the policies of the Local Plan and NPPF and is recommended for approval subject to conditions and a Section 106 Agreement.

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, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation

A. Grant delegated authority to the Head of Planning and Strategic Housing to conclude negotiations on and complete an agreement under section 106 of the Town and Country Planning Act 1990 so to secure the planning obligations outlined in this report along with associated provisions for long term management of any public facilities provided; and

B. Subject to A, **Approve** the application subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with plans/drawings ref. as listed below:
 - 23_151_02 Rev H Proposed Elevations - as received by the Local Planning Authority on 19 March 2025;
 - 23_151_03 Rev F Landscaping Plan - as received by the Local Planning Authority on 04 March 2025;

- 23_151_01 Rev F Proposed Floor Plans, Location Plan and Block Plan - as received by the Local Planning Authority on 21 March 2025.
- 23_151_04 Rev D Highways - as received by the Local Planning Authority on 21 March 2025.

unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

Reason: For the avoidance of doubt and in the interests of achieving sustainable development.

3. Prior to commencement of the development hereby permitted details of a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Hours of deliveries to the site, with regard to avoiding peak times of school traffic;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development in accordance with policies INF2 and SD1 of the adopted Local Plan.

4. No above ground development shall commence (excluding the demolition of existing structures) until;
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from past coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.
 The intrusive site investigations, remedial works and mitigatory measures shall be carried out in accordance with authoritative UK guidance.

Reason: To protect the health of the public and the environment from hazards arising from past coal mining which might be brought to light by development of the site in accordance with policy SD4 of the Local Plan.

5. Notwithstanding the submitted details, prior to their provision further details of the following building elements including their materials shall be submitted to and approved in writing by the Local Planning Authority:

- Front boundary wall.
- Heritage feature on south-east elevation.
- Secure access gates and associated header.
- Window and door systems, including their colour.
- Window and door headers and sills.
- Window and door reveals.
- Dormers and rooflights.
- String courses.
- Eaves.
- Verges.

- Corbelling.
- Chimneys, and
- Rainwater goods (including their method of fixing).
- Facing materials including bricks and roof tiles.

The development shall be implemented incorporating the approved details of the building elements which shall be maintained as approved throughout the lifetime of the development.

Reason: To ensure a satisfactory standard of external appearance in the interest of the visual amenity and local distinctiveness.

6. The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on Drawing No. 23_151_04 Rev D.

Reason: To ensure conformity with submitted details and in the interests of highway safety in accordance with policy INF2 of the Local Plan.

7. No individual dwelling in the Development hereby approved shall be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with the approved plans. The cycle storage area shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities in accordance with policy S6 of the adopted Local Plan.

8. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

Reason: In order to safeguard protected and/or priority species from undue disturbance and impacts in accordance with Policy BNE3 of the Local Plan.

9. No tree, scrub or hedgerow clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason: In order to safeguard protected and/or priority species from undue disturbance and impacts in accordance with Policy BNE3 of the Local Plan.

10. Prior to the occupation of a dwelling, a detailed scheme of soft landscaping along with a Landscaping Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Details of soft landscaping should evidence compliance with British Standard (BS) 3936: 'Part 1 - Specification for trees and shrubs', BS3969 - 'Recommendations for turf for general purposes' and BS4428 - 'Code of practice for general landscape operations (excluding hard surfaces)'. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the first occupation of each dwelling or the completion of the development, whichever is the sooner; and any plants which within a period of five years (ten years in the case of trees) 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 and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the visual setting of the development and the surrounding area, and in respect of Biodiversity Net Gain in accordance with policies BNE1 and BNE3 of the Local Plan.

11. Prior to building works commencing above foundation level, a Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
- universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022.
 - integrated bat boxes in 30% of dwellings.
 - insect bricks in 30% dwellings and / or towers in public open space.
 - fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens.

Reason: In the interests of enhancing biodiversity and in accordance with policy BNE3 of the Local Plan.

12. Except in an emergency, no demolition, site clearance, construction, site works or fitting out shall take place other than between 08:00 hours and 18:00 hours Mondays to Fridays, and between 08:00 hours and 13:00 hours on Saturdays. There shall be no such activities whatsoever on Sundays, public holidays and bank holidays.

Reason: In the interests of protecting the amenity adjoining occupiers in accordance with policy SD1 of the Local Plan.

13. If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority. The local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination.

Reason: To protect the health of the public and the environment from hazards arising from previous uses of the site and/or adjacent land which might be brought to light by development of it, recognising that failure to address such matters prior to development commencing could lead to unacceptable impacts even at the initial stages of works on site.

14. During the period of construction there should be no clearance of vegetation by burning, or disposal of other materials by burning owing to the proximity of neighbouring sensitive receptors.

Reason: In the interests of protecting the amenity of the area and adjoining occupiers in accordance with policy SD1 of the Local Plan.

15. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To protect the health of the public and the environment from hazards arising from past coal mining which might be brought to light by development of the site in accordance with policy SD4 of the Local Plan.

16. Notwithstanding the plans hereby approved, prior to the construction of a boundary wall, fence or gate, details of the position, appearance and materials of such boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in accordance with the approved details before the respective dwellings to which they serve are first occupied or in accordance with a timetable which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area in accordance with policy BNE5 of the Local Plan.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or

replacing that Order, the dwellings hereby permitted shall not be enlarged or extended, and no buildings shall be erected on the site without the prior grant of planning permission pursuant to 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 proximity to existing features on or adjacent to the site, and the effect upon neighbouring properties and/or the street scene in accordance with Policy BNE1 of the Local Plan.

18. Each dwelling shall be constructed and fitted out so that the estimated consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day, consistent with the Optional Standard as set out in G2 of Part G of the Building Regulations (2015). The developer must inform the building control body that this optional requirement applies.

Reason: To ensure that future water resource needs, wastewater treatment and drainage infrastructure are managed effectively, so to satisfy the requirements of policy SD3 of the Local Plan.

Informatives:

- c) This permission is the subject of a unilateral undertaking or agreement under Section 106 of the Town and Country Planning Act 1990. All formal submissions to discharge obligations of the undertaking or agreement, or queries relating to such matters, must be made in writing to s106@southderbyshire.gov.uk with the application reference included in correspondence.

- d) A. The works to the existing access will be constructed under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Derbyshire Highways before commencing any works on the highway, details can be found at:
www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx or email highways.hub@derbyshire.gov.uk

B. It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says: Constructors should give utmost consideration to their impact on neighbours and the public.

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties.

This does not offer any relief to obligations under existing Legislation.

- e) The remaining demolition works should proceed with caution and vigilance for any unexpected bat presence. As a precautionary measure, we advise employing a sensitive strip of the remaining lean-to roof tiles and chimneys. If any roosting bats are discovered, works should cease immediately, and a suitably qualified ecologist should be contacted for advice.

- f) Biodiversity Net Gain - The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:
- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be South Derbyshire District Council.

Based on the information available this permission is considered to be one which **will require the approval of a biodiversity gain plan before development is begun** because none of the statutory exemptions or transitional arrangements are considered to apply.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements

(Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (the earlier Biodiversity Gain Plan) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

g) 1 - Ground Investigations and groundworks

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

2 - Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.