

SOUTH DERBYSHIRE DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 12th February 2002

Planning Services Manager

I N D E X

PART 1 Planning Applications

PART 2 Appeals

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

PLANNING SERVICES MANAGER

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12/02/2002

Item **A1****Reg. No.** **9 2001 0797****Applicant:**

Mr D Hyde
19, Church Street
Melbourne
Derby
DE731EJ

Agent:

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

Proposal: **The erection of an extension, alterations and a the erection of
a detached garage at 19 Church Street Melbourne Derby**

Ward: **Melbourne**

Valid Date: **10/08/2001**

Joint Report with 9/2001/0798/L

Site Description

The site, the subject of this application, is located within the urban area of Melbourne and it is also located within the conservation area. The site is situated within a residential area.

There is a low wall to the frontage that used to form part of an old building.

Proposal

The applicant seeks consent to demolish an existing lean to building and then extend the living accommodation to the rear of the premises and to erect a garage roughly in the position of the old outbuilding.

Following discussion with the applicant the height of the proposed garage has been raised and orientated so that its gable faces the road. As such it would appear less like a domestic garage and more like a traditional outbuilding.

Responses to Consultations

The Parish Council has no objection.

Melbourne Civic Society makes the following comments:

a) This is a long overdue improvement to a prominent listed building.

- b) The garage would be on the site of a former dwelling, of which only a low wall and the cellar trap remains.
- c) The garage and new chimney would be very prominent and should be constructed in reclaimed brick. The extension could be built in matching new brick.
- d) Decorative brickwork and at least one window in the gable to the garage building are needed to break up the appearance of the gable, as the building would be dominant.

English Heritage has no comment.

The Council for British Archaeology makes the following comments:

- a) There is concern over the size of the extension.
- b) There could be damage to the early 18th century timbers as the new build is tied on.
- c) Further information in respect of the connection of the extension and internal alterations is requested.

The Highway Authority has no objection.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Environment Policy 9&10.

Local Plan: Environment Policy 12 & 13 and Housing Policy 13

Planning Considerations

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

- The principle of the development.
- The impact on the listed building and conservation area.
- Residential amenity.
- Highway safety.

Planning Assessment

This site lies within the confines of the village and therefore, in principle, an extension to the property is acceptable.

The proposed extension would be concurrent with proposals for the restoration and appropriate alteration to the fabric of the listed building. The works would represent investment in the long-term maintenance of the historic building. External and internal works would be appropriate to the character of the building subject to conditional control. The effect of the extension would be to preserve the character of the listed building and conservation area.

The garage in its revised form would reintroduce a building of substance in the street scene and this would enhance the character and appearance of this part of the conservation area. The absence of decorative brickwork and windows to the roadside gable would be in keeping with the prevailing character of the conservation area.

The proposal would satisfy the normal guidelines for space about dwellings as set out in supplementary planning guidance. The living conditions of neighbours around the site would therefore not be materially affected.

On the advice of the Highway Authority there would be no adverse effect on highway safety.

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. A sample of the roof tile and the brick to be used to construct the extensions and the stone capping to the ends of the boundary walls shall be submitted for approval in writing by the Local Planning Authority before work commences. Thereafter, the agreed materials shall be used to construct the extensions/wall.

Reason: To ensure the building/extension is in keeping with its surrounding in the interest of the character and visual amenity of the area.

3. Notwithstanding the submitted drawings large scale drawings to a minimum Scale of 1:20 of external joinery, including sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery shall be constructed in accordance with the approved drawings.

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

4. Pointing of the existing/ proposed building(s) shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand). The finished joint shall be slightly recessed with a brushed finish in accordance with Derbyshire County Council's advisory leaflet "Repointing of Brick and Stonework".

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

5. A sample panel of pointing 2 metres square or such other area as may be agreed by the Local Planning Authority shall be prepared for inspection and approval in writing by the Local Planning Authority prior to the implementation of any other works of pointing.

Reason: In the interests of the appearance of the building(s) and the locality generally.

6. External joinery shall be in timber and painted to a colour and specification which shall have been previously agreed in writing by the Local Planning Authority.

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

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

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

8. Gutters shall be cast metal (with cast metal fall pipes) and shall be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

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

12/02/2002

Item **A2****Reg. No.** **9 2001 0798****Applicant:**

Mr D Hyde
19, Church Street
Melbourne
Derby
DE731EJ

Agent:

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

Proposal: **The demolition of a lean to together with the erection of an extension and detached garage and alterations at 19 Church Street Melbourne Derby**

Ward: **Melbourne**

Valid Date: **10/08/2001**

Joint Report with 9/2001/0797/F

GRANT LISTED BUILDING consent subject to the following conditions:

1. The works to which this consent relates shall be begun before the expiration of five years from the date of this consent.

Reason: To conform with Section 18(1) of the Planning and Listed Buildings and Conservation Area Act 1990.

2. A sample of the roof tile and the brick to be used in the extension hereby permitted and the stone capping to the ends of the boundary walls shall be submitted for approval in writing by the Local Planning Authority before work commences. The agreed materials shall then be used to construct the extensions and the wall hereby granted consent.

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

3. Notwithstanding the submitted drawings large scale drawings to a minimum Scale of 1:20 of external joinery, including sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery shall be constructed in accordance with the approved drawings.

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

4. Pointing of the existing/ proposed building(s) shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand). The finished joint shall be slightly recessed with a brushed finish in accordance with Derbyshire County Council's advisory leaflet "Repointing of Brick and Stonework".

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

5. A sample panel of pointing 2 metres square or such other area as may be agreed by the Local Planning Authority shall be prepared for inspection and approval in writing by the Local Planning Authority prior to the implementation of any other works of pointing.

Reason: In the interests of the appearance of the building(s) and the locality generally.

6. External joinery shall be in timber and painted to a colour and specification which shall have been previously agreed in writing by the Local Planning Authority.

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

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

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

8. Gutters shall be cast metal (with cast metal fall pipes) and shall be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

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

12/02/2002

Item A3**Reg. No.** 9 2001 0894**Applicant:**

Easylike Ltd
C/O Bates Weston
The Mills, Canal Street
Derby
DE12RJ

Agent:

Mr. P. Billham
Planning & Design
Old School Lodge
Aston On Trent
Derbyshire
DE72 2AF

Proposal: The erection of 7 detached house, 8 semi detached houses and 3 apartments (single three storey block) on the site of Castle Gresley Victory Club Bridge Street Castle Gresley Swadlincote

Ward: Linton

Valid Date: 06/09/2001

Site Description

The site is located within the main urban area of Castle Gresley at the end of Bridge Street adjoining the Castle Gresley By-pass. The social club buildings and an extensive car park currently occupy it.

Proposal

The submitted scheme recently amended to incorporate detailed design and layout changes, shows the proposed units arranged around a new cul-de-sac accessed from the end of Bridge Street. The plans also show an area across the opposite side of Bridge Street, which is proposed as the open space provision for the development.

Planning History

Apart for various permissions granted for the enhancement of the club's facilities over the years, outline permission was granted for the residential development of the car park area in September 2000.

Responses to Consultations

In response to the scheme originally submitted the Parish Council objects to the three-storey apartment building because it considers that it would not be in keeping with the village and within ½ mile of the site there are other one-bedroom flats which have been empty for years. Comments relating to the amended scheme are awaited.

The County Highway Authority requested that the original layout be amended for various reasons. Its views relating to the amended layout are awaited.

Severn Trent Water has no objection.

Responses to Publicity

A neighbour requests that a six-foot high fence be erected on the boundary with the site in the interests of privacy.

Structure/Local Plan Policies

The relevant policies are:

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

Local Plan: Housing Policy 4 and 11.

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

Planning Considerations

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

- The provisions of the development plan
- Residential amenity and design
- Highway safety.

Planning Assessment

The development plan seeks to encourage the redevelopment of previously developed land in urban areas. The SPG seeks to ensure (inter alia) that new housing development incorporates sufficient space between buildings and habitable room windows.

The site is located within the built up area of Castle Gresley and outline consent for its residential use has been granted and remains extant. Therefore, the principle of residential development on the site is established.

The scheme now under consideration has been amended to meet the requirements of the County Highway Authority and detailed design requirements.

With regard to the latter, the design of the dwellings has been amended to a more traditional style more often associated with the local vernacular and it is acceptable. Notwithstanding the comments of the Parish Council, the three-storey building remains in the scheme. This building adopts the same design elements as the other dwellings on the site but incorporates an extra ½ storey (also utilising the roofspace) which results in a height of building similar to other houses found in the area. As such, the density of development on the site increases thus making more effective use of the site in accord with the development plan. As the site occupies a relatively low position in the landscape, the building that is causing concern would not appear conspicuous.

In terms of space about and between dwellings, the scheme would not introduce any habitable room windows that would fall below the separation distances with existing dwellings as set out in the SPG. It is, therefore, acceptable in this regard.

The Highways Authority is satisfied that the design of the scheme would not adversely impact on highway safety.

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. 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.

4. 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.

5. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. E32/1A, E32/2A and E32/3B.

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

6. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

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

7. 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.

8. Notwithstanding the submitted details, in the first planting season following the first occupation of the site, the area marked on the opposite side of Bridge Street as "Open Space" shall be set out in accordance with the landscaping scheme as required by condition 6 above. Thereafter the space shall be maintained available for public access and used for no other purpose.

Reason: To satisfy the requirements of the development plan in the provision of open space for the area.

9. 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.

10. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate two cars within the curtilage of each dwelling, or in any alternative location acceptable to the Local Planning Authority or as may otherwise be agreed by the Local Planning Authority in accordance with its published standards. Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), two parking spaces, measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of each dwelling unless as may otherwise be approved in writing by the Local Planning Authority.

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

11. No dwellings shall be occupied until the proposed estate street has been laid out in accordance with the application drawings (as amended), to conform with the County Council's Roads in Housing design guide, and constructed to at least base course level, drained and lit in accordance with the County Council's Specification for Housing Development Roads.

Reason: In the interests of highway safety.

12. Prior to the first occupation of the dwelling to which it relates, private driveways shall be laid out and constructed and surfaced with a solid bound material at a gradient no steeper than 1 in 15 and shall incorporate measures to prevent the flow of surface water onto the highway.

Reason: In the interests of highway safety.

13. Before any operations commence involving the movement of materials in bulk to or from the site, facilities shall be provided that have previously been agreed with the Local Planning Authority, to prevent the deposition of mud or extraneous material on the access roads to the site.
Reason: In the interests of highway safety.

14. Before any other operations are commenced, a temporary access shall be formed into the site for construction purposes, and space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring for site operatives and visitor's vehicles, loading and unloading of goods vehicles, all in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

Informatives:

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

(ii) 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.

(iii) The public open space as shown on the submitted details and as required by condition 8 is maintainable at the landowners expense unless or until the Council agrees to adopt the space which would generally incorporate a commuted sum for its 10 year maintenance.

(iv) To note and act upon as necessary the comments of Severn Trent Water (see attached letter).

12/02/2002

Item **A4**

Reg. No. **9 2001 0922**

Applicant:	Agent:
Roger Bullivant Ltd	Roger Bullivant Ltd
Walton Road	Walton Road
Drakelow	Drakelow
Burton-on-trent	Burton-on-trent
Staffordshire	Staffordshire
DE159UA	DE159UA

Proposal: **The formation of a screening earth bund together with associated planting on land at the premises of Roger Bullivant Ltd Walton Road Drakelow Burton-on-trent**

Ward: **Walton**

Valid Date: **17/09/2001**

Site Description

The site comprises part of a field that abuts the Roger Bullivant complex at Drakelow. The site, the subject of this application, comprises the roadside boundary to that field.

Opposite the site on Rosliston Road South are a number of private dwellings. On part of the road frontage is an intermittent hedge. A public footpath bisects the field.

Proposal

The formation of the earth bund has taken place prior to the submission of the planning application. Its submission followed a number of complaints.

The scheme originally submitted showed a 1.7 metre high bund some 4 metres wide. Following negotiations, an amended scheme has been submitted which shows the bund reduced in height at the Rosliston Road South end of the site to 1.2 metres and the bund screened along its length on both sides with planting.

Applicants' supporting information

The applicant company states that the construction of the bund would be fulfilling a request made by the Local Planning Authority some years ago. It sees a genuine need to strengthen its security of its adjacent operating site after an ever-increasing number of breaches. It states that the bund is also designed to help screen the site in the wider landscape. Since making the application the company has had regard to the concerns of neighbours and has agreed to lower the bund to allay some of the anxieties expressed.

Responses to Consultations

The County Highway Authority has no objection.

Responses to Publicity

In response to the scheme originally submitted, two letters of objection and a petition containing 36 signatures has been received which state the following:

- a. The size and appearance of the bund is not in keeping with the surrounding area and cuts off views across the countryside.
- b. Even if planted, the bund would be difficult to maintain because of its steeply sloping sides.
- c. At the road junction the bund is some three feet higher than the height of the adjoining hedge.
- d. If the bund were to be planted this would further obscure the view for traffic at the junction, which the bund has worsened. A fatal accident could be possible, as several accidents have occurred in recent times due to speeding traffic and the narrow bridge access.
- e. It is not understood why the bund is required. Local residents have overlooked the site at a considerable distance for many years and have not complained because it lies in a dip and is screened by trees. Maintenance of the existing hawthorn hedge would suffice in keeping out itinerants. The bund cannot act as a deterrent to trespassers given that a public footpath crosses the field.
- f. It is a shame that the company doesn't spend money on widening the junction to make it safer.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Environment Policy 1.

Local Plan: Environment Policy 1.

Planning Considerations

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

- The impact of the mound on the character and general amenity of the countryside.
- The impact of the mound on highway safety.

Planning Assessment

The development plan seeks to ensure that all development allowed in the countryside is necessarily located there and that it should be designed and located so as to create as little impact as practicable and that the character of the landscape is preserved and enhanced as appropriate.

It would appear that, notwithstanding the company's statement regarding the reasons why the bund was erected, the development does not need a location within the countryside. However, there also needs to be a consideration as to whether there are other factors that override this policy consideration.

With regard to its impact on the landscape the bund would not be a feature that would adversely affect the character of the area provided it is lowered as shown on the amended scheme and the planting either side is carried out successfully. In this form it is acceptable, therefore, and this would override the policy objection to the mound.

In considering highway safety, the County Highway Authority does not concur with the potential problems perceived by local residents and state there is no highway objection to the scheme.

Recommendation

GRANT permission subject to the following conditions:

1. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 01082/01A.

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

2. The existing mound shall be removed from the site unless it is altered in accord with the amended drawing within 90 days of the date of this permission.

Reason: In the interests of the visual amenity of the area.

3. All planting, seeding or turfing comprised in the approved details of landscaping shown on the submitted drawings shall be carried out in the planting and seeding seasons commencing 1 November 2002 to 31 March 2003; and any trees or plants which within a period of five years from the completion of the scheme 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.

12/02/2002

Item A5**Reg. No.** 9 2001 1127**Applicant:**

South Derbyshire District Council
Civic Offices
Civic Way
Swadlincote
Derbyshire
DE110AH

Agent:

Facilities & Development Unit
South Derbyshire District Council
Civic Offices
Civic Way
Swadlincote
Derbyshire
DE11 OAH

Proposal: The formation of a community recreation area at the Former
Coal Stocking Yard Coton Park Linton Swadlincote

Ward: Linton

Valid Date: 21/11/2001

Site Description

The land is located within the open countryside and was previously in use as a coal-stocking yard but has now stood vacant for a long period.

The site lies to the east of the Coton Park settlement and has a long frontage onto Coton Park Road.

Proposal

The applicant seeks consent to create a community park which would include provision for facilities including a car park, a toddlers play area, a teen play area, picnic areas and football pitches.

The site is also to undergo further tree planting and be provided with paths and a nature conservation area.

Applicants' supporting information

A master plan and an appraisal of the development have been submitted and are available for inspection if required.

Responses to Consultations

The Parish Council has no objection.

The County Highway Authority has no objection subject to an amended plan being received at a larger scale than originally submitted showing the main vehicular access to the car park.

Responses to Publicity

Two neighbours have written with the following comments:

- a. Part of the land does not belong to the Council.
- b. It is not clear whom the park would be for given that there are other parks already in the area. The site is unsafe, has deep wells, and is very boggy.
- c. The site should be planted with trees for wildlife and a motor bike track should not be allowed.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Leisure and Tourism Policy 3.

Local Plan: Recreation and Tourism Policy 1.

Planning Considerations

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

- The principle of the development,
- The impact of the scheme on residential amenity.
- Highway safety.

Planning Assessment

The development plan encourages the provision of a wide range of leisure facilities in the district and particularly within the National Forest. This previously developed land which was despoiled, is an ideal opportunity for the facilities proposed, and therefore accords with the policies of the development plan and it is, therefore, in principle acceptable.

Whilst the site backs onto residential properties at its western end the properties have long rear gardens (approximately 20 metres from the rear of the premises to the site boundary) and an area of planting, between 5 and 10 metres wide is proposed to the site boundary. Therefore, notwithstanding the proposed provision of play areas in this portion of the site, there would be no adverse impacts on the amenity of adjoining residents.

The access to the site has been amended to facilitate the amendments required by the Highway Authority. As such, whilst a suitably scaled drawing is to be submitted, there are no objections to the scheme in terms of highway safety.

The issue of land ownership is not material to the planning considerations here.

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 take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

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

3. 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.

4. Prior to any part of the development hereby approved commencing details of any play equipment to be placed on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed facilities shall be implemented as agreed.

Reason: For the avoidance of doubt.

5. Prior to the development hereby approved commencing details of the site access, including a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. The access shall then be installed in accord with the approved details.

Reason: In the interests of highway safety.

12/02/2002

Item A6**Reg. No.** 9 2001 1132**Applicant:**
Mr & Mrs P Sharpe C/O Agent**Agent:**
N Astle
24 The City
Woodville
Swadlincote
Derbyshire
DE117DH**Proposal:** **The erection of a bungalow and garage on land adjoining 18
Valley Road Overseal Swadlincote****Ward:** **Overseal****Valid Date:** **22/11/2001****Site Description**

This site is located within the village confines of Overseal, which is a sustainable settlement. It is located on a corner site situated on the in side of a bend on Valley Road.

Proposal

The applicant seeks consent to erect a single storey dwelling with three bedrooms in the roofspace on the site. In addition a detached single garage is proposed adjoining the boundary with the dwelling to the north.

To the front of the dwelling a 2m x 33m splay to secure forward visibility around the corner in the road is identified.

Planning History

Outline permission was granted for the erection of a dwelling on the site was granted in January 2001.

Responses to Consultations

The Parish Council states that it appreciates that outline planning permission has already been given and therefore feels constrained in the nature of any objections which could be considered. Nevertheless, it is concerned about a number of aspects and suggest that further discussions should be held with the applicant to resolve them, or alternatively that the application be refused without prejudice to a further application dealing with the objections.

The site is at a very dangerous and sharp bend in Valley Road, and despite this, traffic tends to move at a considerable speed – more than the 30 mph speed limit. The access is right on the bend, where vehicles are frequently parked, and there would be a very dangerous situation. Preservation of visibility is therefore extremely important. The dwelling is quite large for the site and only just allows the minimum sight lines. Setting it back further into the site would help improve visibility and therefore safety. It is also essential that the frontage should remain open plan, with no hedges or fences to restrict visibility. The Parish Council therefore objects to the application but, given the outline permission, consider that the open plan aspect could be dealt with by condition, and that the dwelling should be sited as far back from the road as possible.

It also considers that the description of the dwelling as a bungalow is misleading – it is clearly a 2-storey house.

The County Highway Authority has no objections subject to the conditions set out at the outline stage.

Severn Trent Water Limited has no objection.

Responses to Publicity

A neighbour has written to request that he would like the hedge on his boundary with the site to be retained and the garage to be set back as much as possible from his lounge window.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 11.

Supplementary Planning Guidance (SPG): ‘Housing Layout and Design’

Planning Considerations

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

- The provisions of the development plan and the principle of the development plan
- The space about the dwelling and its impact on the neighbouring properties.
- Highway safety.

Planning Assessment

The site is located within the confines of a sustainable settlement. In addition, outline consent has previously been granted for the erection of a dwelling on the site. Therefore, in principle, the development is acceptable.

The development plan seeks to ensure that proposals for new housing development meet with the standards set out in the Council’s Supplementary Planning Guidance (SPG). The scheme contains no habitable room windows that would overlook neighbouring windows at less than the distances set out in the SPG. In this regard there would be no adverse impact on the amenity of the adjoining residential occupiers. The existing hedge on the boundary with the dwelling to the north is shown on the plans to be retained (although there is no guarantee that this would always be the case and would remain a matter between individuals). The garage is shown on the plans

as being set back on the site as far as the rear site boundary allows and so would not have an adverse impact on the neighbour's lounge window.

The rear garden depth would only be 6 metres. This is below the normally required 10.5 metres. However, the enclosed rear garden would measure in excess of the 70 square metres required by SPG and so, in this case, it is acceptable.

The proposed access and visibility arrangements meet the requirements of both the outline planning permission and the County Highway Authority's requirements. Therefore, notwithstanding the Parish Council's comments, there is no adverse impact on highway safety from this proposal.

Recommendation

GRANT approval of details subject to the following conditions:

1. 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.

Informatives:

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

(ii) That the conditions attached to the outline planning consent remain effective and should be fully complied with.

12/02/2002

Item A7**Reg. No.** 9 2001 1143**Applicant:**

Mr Mrs Satchwell
 18, Clamp Drive
 Swadlincote
 Derbyshire
 DE119BP

Agent:

Mr Mrs Satchwell
 18, Clamp Drive
 Swadlincote
 Derbyshire
 DE119BP

Proposal: The retention of a 2.7 metre high retaining wall at 18 Clamp Drive Swadlincote

Ward: Swadlincote

Valid Date: 26/11/2001

Site Description

The site comprises the applicant's dwelling, which is a semi-detached house built in the late 1960s, along with its associated curtilage. The applicants' garden, in common with most of the rear gardens on this side of Clamp Drive, rises steeply away from the dwellings up to a higher level at the rear of the garden.

Proposal

The applicant seeks retrospective consent to retain a rear retaining wall some 2.7 metres high constructed in concrete block surmounted by a low hit-and-miss fence. The south side of the retained area is protected by a similar wall, which gradually reduces in height to ground level at the rear of the house. The retained area appears to be in use currently as off-street parking space.

Apart from the level retained area, the surrounding land is approximately consistent in its slope to the rear.

Applicants' supporting information

The applicants state that the wall is not enclosing the area but allowing the area to be opened up to make room for a carport. The garden level has been lowered making next-door's steps visible from the side.

Responses to Publicity

Two neighbours object to the application for the following reasons:

- a. The work has been completed without planning permission and without consideration of the neighbours.

- b. The foundations of the wall have not been checked by any official body. The stability of a shed to the rear recently built may be in jeopardy if the wall fails to support it. The walls are not of a suitable strength to retain the land.
- c. The design and appearance is out of keeping with the area, is an eyesore and too big for the planned carport. If a roof were added it would overshadow neighbouring property.
- d. The walls cause rainwater to collect at the rear of neighbouring houses and soak into the ground which could cause property to subside. Other surface water is running into a manhole via a hole in the wall which is not fitted with a trap.
- e. A carport is not necessary at the rear of the house given that plenty of room for parking exists on the site already.
- f. The retained area has also been used for a bonfire party which is not in accord with the submitted plans and could become a yearly event (video evidence is available).
- g. Steps on adjoining land were undermined during the excavation of the space and have since subsided.
- h. The applicant carried out the work himself. He may not be a qualified builder which is reflected in the overall quality of the construction. Other walls he has built in the past now lean.
- i. Granting planning permission could prejudice neighbours building on their own land.

Both neighbours are also concerned about the use of the shed in the garden where power tools are used which they say cause a nuisance.

Planning Considerations

The main issues central to the determination of this application are the impact of the wall on the amenities of the occupiers of neighbouring properties and the impact on the visual amenity of the area.

Planning Assessment

There are no development plan policies that are pertinent to this application. Therefore, it falls to be judged on its own merits.

Whilst the height of the wall, at 2.7 metres high, is not typical of similar walls in the vicinity of the site in terms of its height, it is similar in appearance to other concrete block structures in other rear gardens on this side of Clamp Drive. It appears that such concrete structures are a popular means of retaining land and creating walls. Notwithstanding this, the wall does not form a prominent feature in the street scene, as it is at the rear of the property, and, as such, it is not detrimental to the visual amenity of the area.

The wall is constructed to a height, which only marginally exceeds the prevailing land levels either side of it, and is far enough away from any facing habitable room windows so as not to unduly reduce light or appear overbearing.

All other matters raised by neighbours are not relevant to the determination of this as a planning application.

Recommendation**GRANT** permission

Informatives:

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

12/02/2002

Item **A8****Reg. No.** **9 2001 1150**

Applicant:
Touchstone Housing Association
P.O Box 160 Touchstone House
Whitley Village
Coventry
CV3 4HZ

Agent:
Richard Gayley & Partners
The Old School
Loughborough Road
Leicester
LE4 5PG

Proposal: **The erection of five bungalows and seven houses on land at
Land To The East Of Springfield Road Repton Derby**

Ward: **Repton**

Valid Date: **27/11/2001**

Site Description

The site comprises part of a field at the edge of the village to the north east of Springfield Road.

The site is adjacent to but outside the village confine.

Proposal

The applicant seeks consent to erect seven three bedroom semi-detached and terraced houses along with five bungalows. Access would be gained to the site by extending the public highway into the site from Longlands, providing a service vehicle turning head at the end of the extended cul-de-sac. The scheme has been amended to incorporate some peripheral landscaping.

Applicant's Supporting Information

- a) The applicant housing association is partnering Peak District Rural Housing Association (PDRHA) through the application. Once the development is completed the freehold will be transferred to PDRHA, who are specialists in providing housing in rural areas.
- b) The development relates to an 'exception site'. It is fully accepted that this will be subject to a section 106 Agreement controlling the occupancy of the dwellings to local people. The applicant is drafting a legal agreement based on that used for low cost housing at Melbourne. The suggested length of residency in Repton for qualification to occupy the proposed dwellings is two years rather than 6 months as at Melbourne.
- c) The Section 106 Agreement will set out that priority for allocation will be given to people from the parish of Repton (including Milton). In the event of vacancies that cannot be filled from Repton then housing can be allocated to people from neighbouring parishes.

- d) The development follows the recommendation made following the housing needs survey carried out in 1999, that is three bungalows and three houses for rent, four houses and two bungalows for shared ownership.
- e) Screen trees and hedging is to be incorporated.
- f) No play area is incorporated. If this were to be a condition of the planning permission then the applicant would comply. So far the applicant has only been able to purchase sufficient land for the development as proposed.
- g) The shape of the development has been dictated by the wishes of the landowner and highway requirements. Access has to be provided to the land beyond and a turning head large enough for service vehicles provided.
- h) The statutory authorities have raised no concerns about the sewers.
- i) The matter of increased traffic is acknowledged but this was deemed to be the most suitable of possible sites in the village.
- j) The matter of intrusion into the countryside is also recognised.
- k) It is the nature of an exception site that the village confine is breached but planning policy allows this on the grounds that it is to house local people who would otherwise have to leave the village. It is therefore not a precedent for more development on the land.
- l) The PDRHA allocation policy is provided for information. The rented properties have rents fixed at the government's new target for rents. The shared ownership properties will be sold at the portion of equity that the applicants (for housing) can afford.

Responses to Consultations

Following initial objection to the application the Parish Council has responded to the applicant's supporting information above, and are now satisfied that all its concerns have been addressed with the following exceptions:

- a) No provision has been made for an amenity area or play area to provide facilities for what are mainly family homes. Extra land may or may not be forthcoming. However the Parish Council requests that this facility be accommodated by condition.
- b) A representative of the Parish Council should be invited to sit on any panel that decides the allocation of the housing primarily to Repton residents and then to residents of surrounding villages.

Repton Village Society raises the following objections:

- a) The application did not refer to local needs.
- b) The development would be very intrusive from Milton Road and change the character of this part of the village.
- c) There is lack of amenity and play space. Due to distance from the site other play areas are effectively not available.
- d) "The development is not an enclosed development, this will reduce the community aspect of the development which with the previous objection reduces the social opportunities for the future residents."
- e) The development may be visible from houses in Milton, which would be a further objection.
- f) There is concern about the effect of traffic, particularly with regard to the safety of children.
- g) The sewerage system may be inadequate – problems have been reported.

The Housing Services Manager confirms that the proposals meet an identifiable need from local people in the parish of Repton.

The Education Authority advises that the local primary school should be able to cope with any additional pupils generated.

The Highway Authority and Severn Trent Water Limited have no objection in principle.

Responses to Publicity

Repton and Milton Village Design Group (a recently formed group set up to produce a 'Village Design Statement' for the villages) objects in the following terms:

- a) The need for low cost housing is recognised. However the group does not wish for any large-scale erosion of the gap between the villages. Separation of the village is part of the distinctive character of the parish. This should be a self-contained site that does not create a precedent for further loss of countryside.
- b) The attractive rural approaches to Repton are characterised by trees, hedges and bushes. The proposed houses would be on high ground and would be particularly visible from the hill by Springfield House. The houses would stand well above adjacent housing and be closer to the road. Fast growing hedges and trees in the east side of the site would make a vast difference for a very low cost.
- c) There is a need for more play areas and the application presents an opportunity to install a small play area.

Three individual letters have been received objecting as follows:

- a) There would be increased traffic and disturbance.
- b) Public facilities are inadequate, in particular the primary school which is full to capacity.
- c) The site is outside the village confine.
- d) A precedent would be set for more residential development, leading to the coalescence of Repton and Milton.
- e) The Parish Council does not represent the views of objectors.
- f) The application does not address the low cost housing issue (Comment: this is corrected by the applicant's subsequent supporting statement set out above).
- g) The sewerage and drainage system may be inadequate –problems have been experienced.
- h) The development would be highly visible and should be screened by landscaping.
- i) The land is agricultural rather than vacant as stated in the application.
- j) There is no provision for recreational facilities.
- k) The site is a mile from the village centre and there is no public transport.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 2 & 4 and Housing Policy 6.

Local Plan: Environment Policy 1 Housing Policy 10 and Recreation and Tourism Policy 4.

Planning Considerations

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

- The principle of the development and precedent.
- Perpetuation of low cost housing for the local community.