

REPORT OF THE HEAD OF COMMUNITY AND PLANNING SERVICES

SECTION 1: Planning Applications SECTION 2: Planning 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).

1. PLANNING APPLICATIONS

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

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

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

Item 1.1

Reg. No. 9/2011/0288/SGO

Applicant:

EAST MIDLANDS SELF STORAGE
SINFIN LANE
BARROW ON TRENT
DERBY

Agent:

Mr Bryan Wolsey
Bryan Wolsey (Planning) Ltd
29 Chapel Lane
Ticknall

Proposal: **OUTLINE APPLICATION (WITH APPEARANCE AND
LANDSCAPING TO BE RESERVED) FOR THE
ERECTION OF FOUR BLOCKS OF BUILDING AT EAST
MIDLANDS SELF STORAGE SINFIN LANE BARROW ON
TRENT DERBY**

Ward: **ASTON**

Valid Date: **12/04/2011**

Reason for committee determination

This is a major application with more than two objections.

Site Description

The application site is situated within the premises of East Midlands Self Storage Ltd and was formerly used as part of a market gardening enterprise. The lies to the north of the village confine of Barrow Upon Trent on the opposite side of the A5132.

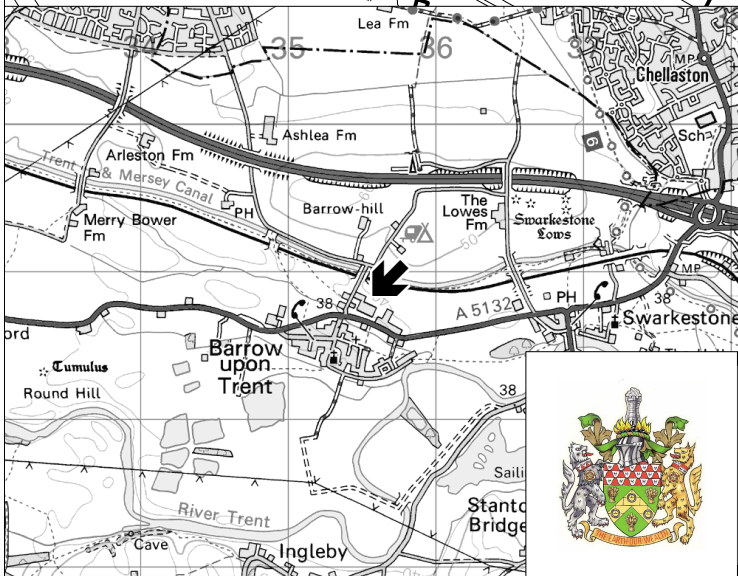
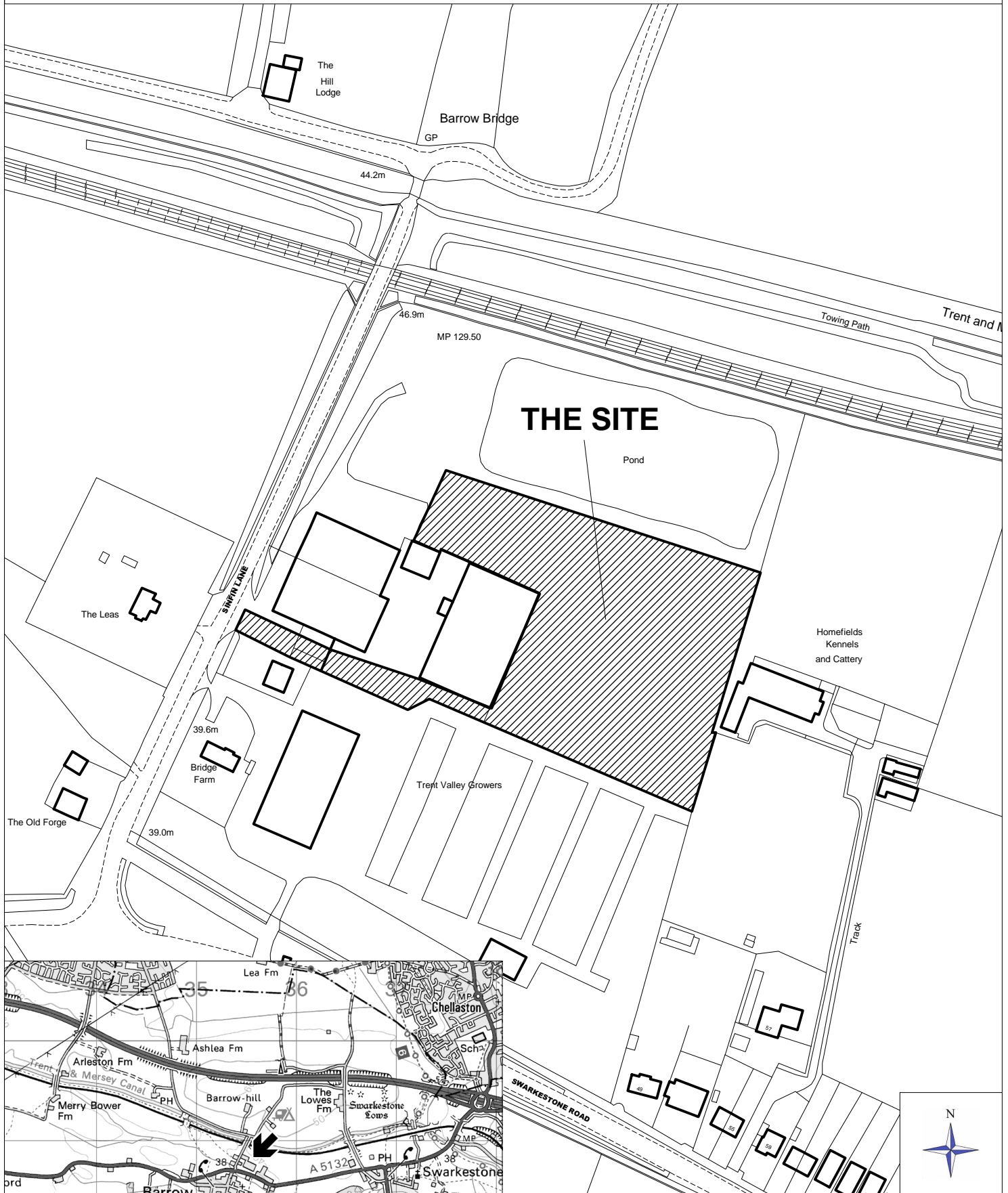
The land subject to this application is currently a grassed area. Within the premises of East Midlands Self Storage Ltd there is a man made lake to the north of the application site and two buildings, which are both divided into self-storage units of various sizes to the west. Land south of the application site has been redeveloped with industrial buildings. There is residential development on the northern side of Barrow upon Trent by-pass to the east and a few dwellings on the western side of Sinfin Lane.

Access to the application site is from Sinfin Lane.

Proposal

The application is for four buildings to serve the existing self-storage use at the application site. The total floor space proposed would be 3,288 square metres. This is an outline planning application with details of the means of access, layout and scale included within the proposal. Appearance and landscaping are reserved for subsequent approval.

9/2011/0288 - East Midlands Self Storage, Sinfin Lane, Barrow on Trent, Derby DE73 7HH



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South Derbyshire District Council. LA 100019461. 2010

Applicants' supporting information

- The development proposal is wholly in accordance with Regional and District policies and it is considered that there are no material considerations that exist contrary to this overall policy conclusion.
- The application site is situated within the countryside according to Proposals Map of the Adopted South Derbyshire Local Plan. There has been no review of the limits of Barrow on Trent since the 1980's and it is suggested that if a review were undertaken these limits would be extended. The frontage of the application site and its neighbour, have a commercial appearance and there are no elements associated with the countryside, that can be seen from viewing the application site from the public domain. Planning permission was granted for the erection of an extension for light industry and office use at Bridge Farm, which comprises part of the same historic land holding (market garden) as this application site. The planning committee report for this application stated, "*Viewed from Sinfin Lane the development would have little or no visual impact, being screened by the existing building. From Twyford Road the extension would be seen against the backcloth of existing buildings to the north at the East Midlands Self Storage premises. As such the impact on the character of the countryside would not be substantial or harmful.*" This current application site is set further back from the site frontage and is within the body of land where the (relatively low) buildings would have little visual impact. The conclusions arrived at with application 9/2009/0468, would apply equally to the consideration of this proposal.
- The proposal would have little visual impact from Swarkestone Road and from Sinfin Lane. The only place where the proposal would be seen from the public realm is from the northwest when travelling southwards along Sinfin Lane. However views of the proposal would be seen against a backdrop of existing development.
- The proposal would not impact upon residential amenities. The nearest properties to the site are those on Swarkestone Road. The nearest dwelling functions as a dog-bordering establishment and it can be assumed that the background noise level would be higher than expected due to dog barking. These properties are also subject to noise from the A5132. The proposal is a self-storage unit and the only noise generated would be from vehicles coming to and from the site, and therefore there would not be an increase in background noise. There is one dwelling opposite the application site, which is well screened from the site and would not be affected in any material way by the proposal.
- Self-Storage generates little traffic. Goods/products are brought to the site and remain there for some time.
- The sole access into Sinfin Lane is wide (capable of two commercial vehicles to pass) and has good visibility in both directions into and out of the application site.
- Within the application site there is good manoeuvring, turning and parking space.
- Currently both storage facilities within the site are approximately 75% full. The new storage building was built 3 years ago. With the economy showing signs of recovery, it is reasonable to conclude that the takeup rate will continue, hence the need of the proposed development.
- The proposal has the potential to create further employment. It is estimated that 18 people may be employed as a consequence of the proposed development.
- It is acknowledged that the site is not ideally located from a sustainability perspective. However all self-storage units are not truly sustainable due to their nature. Private journeys are made to deliver and collect stored items. However traffic movements are generally few, as most items are stored for quite some time and intermediate journeys to the site are normally not needed.

- The amount of parking provision shown on the submitted drawings was made in accordance with the only published standards available from the highway authority. There is no wish or need on the applicant's part to provide more than what is considered necessary to serve the needs of the development, as clearly to do so would add unnecessarily to the costs of the development.

Planning History

9/1999/0270 – The use for B1 (Business/light industry) and B8 (storage and distribution) of the former packing and processing buildings at Bridge Farm, Sinfin Lane, (Granted).

9/2005/00305 – Taxi Base – Granted (temporary)

9/2005/0351 – Outline application (all matters reserved except for siting and access) for the erection of a storage building at the premises of East Midlands Self Storage Ltd, (Granted, but never built).

9/2006/0540 – The erection of a storage unit at East Midland Self Storage Ltd (Granted)

9/2006/0542 – Taxi Base – Granted (temporary).

9/2006/0693 – Saturday Sunday and Bank Holiday opening – permitted.

9/2008/0492 – Taxi Base – Granted.

9/2008/0914 – Land adjoining Bridge Farm, Sinfin Lane which is south of the application site, was granted planning permission for the change of use of agricultural land and buildings, for use as offices and light industry (Class B1) and storage and distribution (Class B).

9/2009/0468 – Erection of an extension for light industrial and office use at Bridge Farm (south of the application site), (Granted).

Responses to Consultations

The Highway comments that the existing access onto Sinfin Lane is satisfactory in terms of both layout and visibility and the development would thus not have a detrimental impact on highway safety in the vicinity of the site, subject to a condition.

The Development Control Archaeologist has no objection subject to conditions.

British Waterways and has no objection.

The Environmental Health Officer has no comment.

Severn Trent Water Limited has no objection to the proposal subject to conditions.

Barrow On Trent Parish Council objects to this development for the following reasons:

- a) The enormous size of the development.
- b) It impinges on a residential area.
- c) It is possible that approval of planning permission could result in the area not only being used for light industry, but heavy industrial use in the future.
- d) There would be an increase in car parking spaces from 20 to 86. This suggests that the applicant anticipates 86 vehicles to be at the site at the same time. This would have a detrimental impact on traffic flow within the Parish. Traffic along Sinfin Lane is high, access to the site from the north of the Parish is inadequate and the nearby bridge is constantly being damaged by existing traffic. This increase in parking capacity contradicts directly the applicant's assertion, that traffic movement into the site would be light.
- e) The Parish Council requests that if the application receives planning permission, that it should be on the basis of no change of use within the future.

Responses to Publicity

There have been two letters of objection to this application. They object for the following reasons:

- a) The self-storage units currently on the site seem to be used for purposes other than self-storage.
- b) The applicant proposes 99 parking spaces for cars, which indicates significant traffic movements, contrary to the Design and Access Statement, which state that “Self storage uses generate little traffic” and “traffic movements are generally few”.
- c) The local highways and access are inadequate and there have been accidents. Furthermore there would be increased congestion in Willington and Swarkestone and increased difficulties for Barrow residents in crossing the A5132. There would thus be increased risk to safety.
- d) The site has developed piecemeal from its former market garden use, which is undesirable.
- e) The scale, character and the hours of business (which include Sundays), of the proposed development would have an adverse impact upon the locality and in particular, the residential amenity of the village of Barrow upon Trent, the majority of which is within a Conservation Area. The commercial development proposed at this site is out of character with and would be detrimental to the rural nature of the village, which is surrounded by open countryside.

Development Plan Policies

The relevant policies are:

East Midlands Regional Plan:

Policy 3: Distribution of new development

Policy 12: Development in the Three Cities Sub Area

Policy 24: Regional Priorities for Rural Diversification

Local Plan:

Transport Policy 6, Environment Policy 1, Employment Policy 1, Employment Policy 4, Employment Policy 5, Employment Policy 8, Environment Policy 14.

National Guidance

PPS1: Sustainable Development

PPS4: Economic Growth

PPS5: Planning for the Historic Environment

PPG13 : Transport

Planning Considerations

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

- The principle.
- Impact on the countryside
- Residential amenity.
- Highway Safety

Planning Assessment

Local Plan Saved Environment Policy 1 seeks to constrain development away from settlements. However Local Plan Saved Employment Policy 1 allows the expansion of industrial and business uses on or adjacent to their existing sites, so long as the proposal is not detrimental to the locality or residential amenities, or cause environmental or traffic problems. Employment Policy 5 encourages small-scale industrial development on the edge of villages subject to acceptability on environmental and traffic grounds. This proposal complies with the Regional Plan and Local Plan Employment Policies 1, 5 & 8 for the reasons set out below.

The proposal would have little visual impact. From Swarkestone Road the proposal is screened by the existing and proposed development south of the application site. From Sinfin Lane the frontage of the application site is built up, and views into the site are limited. Any views of the proposal from Sinfin Lane would see a backdrop of existing buildings. The buildings would be of similar scale and appearance to the existing building on the site. Therefore the impact on the character of the countryside would be minimal and not detrimental.

The existing buildings at East Midlands Self Storage Ltd are subject to restrictions on working hours. If a similar condition were to be applied then this application would not create a materially greater impact on local residents than the existing enterprise. The proposal would not overbear upon or overlook any neighbouring dwellings.

On the advice of the Highway Authority the proposal would not result in any highway safety issues. The recommended condition would ensure that the application site provides enough parking and manoeuvring space for vehicles. As such the proposal is compliant with Transport Policy 6.

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

Recommendation

GRANT permission subject to the following conditions:

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

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

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

2. Approval of the details of the appearance and the landscaping shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

3. A) No development shall take place until a Written Scheme of Investigation for archaeological work (archaeological watching brief) has been submitted to and

approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and

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

B) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under Part A.

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

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

4. 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.

5. The premises, the subject of the application, shall not be taken into use until space has been provided within the site curtilage for the parking, loading and unloading and manoeuvring of customers and service vehicles, located, designed, laid out and constructed all as laid out in drawing 1024/03 included within the application and maintained throughout the life of the development free from any impediment to its designated use, unless as may otherwise be agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

6. No machinery shall operate, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday to Friday 0700 hours - 1900 hours; Saturday and Sunday 0900 hours - 1700 hours.

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

Item 1.2

Reg. No. 9/2011/0292/MAO

Applicant:

Hanson UK And LSP Developments Ltd

Agent:

Mr Guy Longley
Pegasus Planning Group
4 The Courtyard
Hall Farm
Church Street
Lockington

Proposal: **HYBRID PLANNING APPLICATION COMPRISING :
OUTLINE APPLICATION FOR RESIDENTIAL
DEVELOPMENT OF UP TO 58 DWELLINGS, TOGETHER
WITH LANDSCAPING AND OPEN SPACE. FULL
APPLICATION FOR THE CONSTRUCTION OF A
DOCTORS' SURGERY AND PHARMACY BUILDING
(USE CLASS D1) TOTALLING 1,226SQM, TOGETHER
WITH CAR PARKING AND ACCESS ON LAND AT
SK2928 2124 REPTON ROAD WILLINGTON DERBY**

Ward: Willington & Findern

Valid Date: 12/05/2011

Reason for committee determination

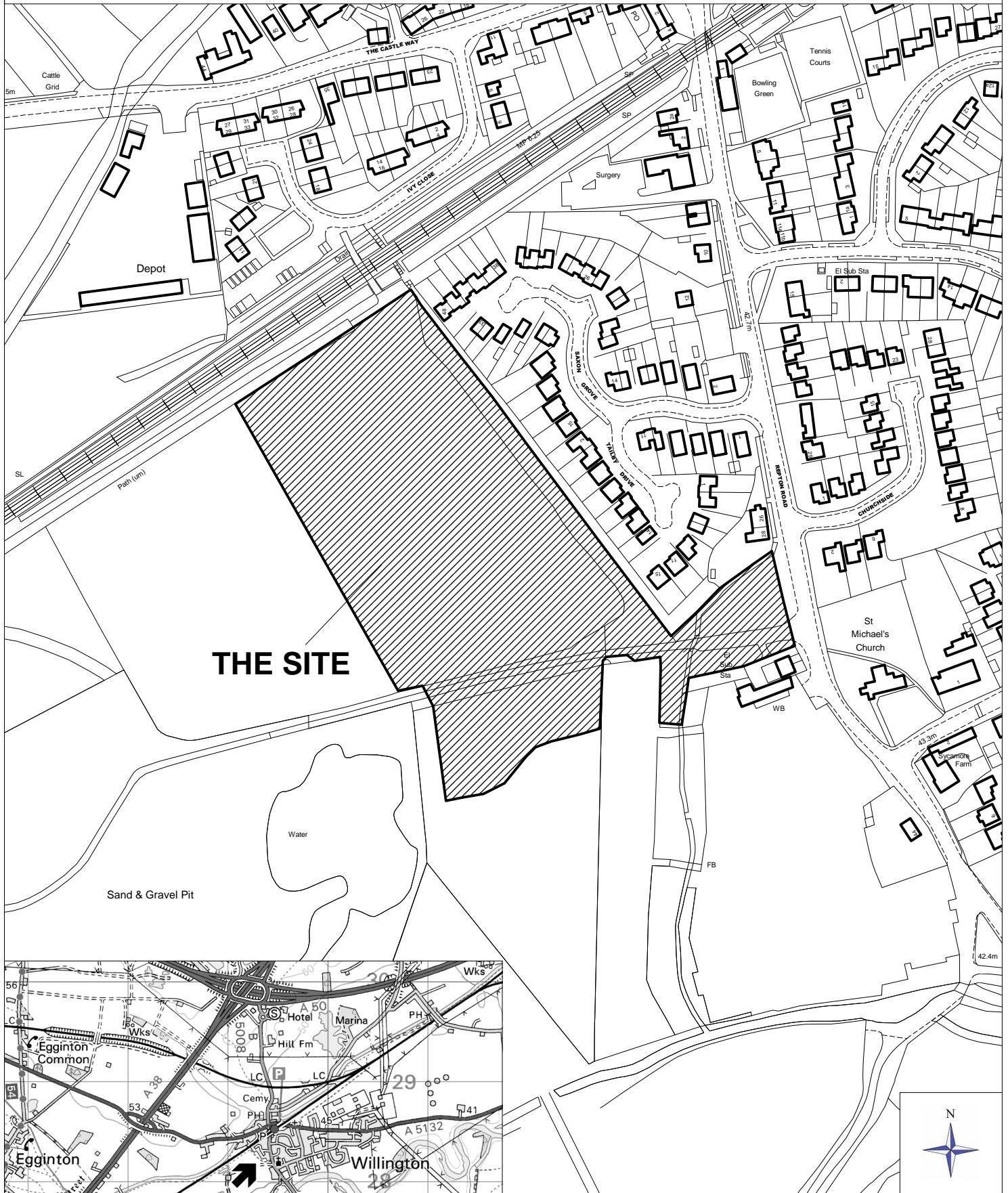
This is a major application that has attracted more than two letters of objection. The Committee also needs to assess the issue of affordable housing provision.

Site Description

The area of the site that would be developed comprises part of a restored mineral extraction site that lies to the west of Repton Road. Some recycling of inert material is ongoing to the south west of the application site. The site slopes slightly from the west boundary to the southeast.

Access to the site would be from the existing access road that lies between the former Calder Aluminium site and the houses fronting Repton Road. The east boundary of the site adjoins the rear of properties on Saxon Grove and Tailby Drive. Immediately adjoining that boundary is a public footpath (Willington No 6) beyond which is an area of planting. This path passes beneath the railway line to link onto Ivy Close that links to The Castle Way and the village centre. This path then joins Footpath Willington No 7 that follows the north boundary of the site, that boundary being a post and rail fence. To the north of the footpath is the Derby to Birmingham Railway line that passes the site on

**9/2011/0292 - Land at SK2928 2124 Repton Road, Willington, Derby
(DE65 6YD)**



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South Derbyshire District Council. LA 100019461. 2010

an embankment. The south and west boundaries of the developed area are defined by post and wire fences with little or no vegetation.

The application site also contains the planting area on the Repton Road frontage through which a brook course flows.

The flood risk assessment identifies that the medical centre and all of the housing area lie outside the floodzone although the main vehicular access to the site lies within and has been the subject of flooding in the past.

As part of the application land to the south of the access road would provide an area of public open space and water attenuation for the site.

An electricity line runs through the site from southeast to northwest and one pylon is within the application site.

Proposal

The application seeks consent for the development of the site to provide a replacement Doctors Surgery along with up to 52 dwellings. Full details are provided for the Doctors Surgery with the residential element in outline as illustrated on a plan.

Since submission the application has been amended at the request of officers to include affordable housing provision within the scheme and proposals to provide open space with a full contribution to the ongoing maintenance of such provision and the provision of built facilities in the area. The potential number of dwellings has been reduced from 56 to 52 to accommodate potential landscape mitigation to the western boundary with the existing residential area.

Medical Centre

The proposal includes the provision of a new Doctors Surgery for the village on the south-east corner of the site. This comprises a two-storey building with a pharmacy, offices, 11 consulting rooms, minor operations and recovery room waiting and medical administration offices on the ground floor and 3 further consulting room, administration offices and meeting rooms on the first floor.

The building would be constructed primarily in brick beneath grey tiled pitched roof. Various elements are proposed in dark and white render to provide relief to the building and also includes a glass block corner and other highlighting features.

51 parking spaces, including 3 spaces for people with impaired mobility are proposed together with access and manoeuvring space. Parking provision for cycles also forms a part of the development and this would be located adjacent to the 3 spaces referred to above close to the Medical Centre pedestrian access.

The boundary treatment for the medical centre would consist of a 1.3 metre high weld mesh fence to the public boundaries with hedges planted immediately behind the fence. No details of the landscape planting have been submitted. A separate building for refuse/recycling and storage of other materials is proposed on the north boundary immediately adjoining the medical centre.

Housing Development

In association with the proposed Medical Centre the application proposes the development of the remaining 2.18 hectares of the site for housing. An illustrative layout accompanies the application and shows the site being capable of accommodating some 52 dwellings, 23% of which would be affordable housing (12 dwellings – 9 of these would be available for rent and 3 for shared ownership). The layout indicates two areas of affordable housing in the centre of the site and on the northern boundary.

The Design and Access Statement states that a mix of 2 – 4 bedroom 2 storey houses and flats could be accommodated to provide a range of choice on this new development to meet local need. The document identifies that there is no distinctive local style of development and this reflects the evolution of the village over time. Accordingly the illustrative layout concentrates on picking up design cues from the proposed medical centre that the applicants consider is of contemporary design itself and provides a lead for the overall design of the houses on the site adjoining it.

Four areas of open space are shown on the illustrative layout. The major area is south of the access road. Another area is immediately adjoining the medical centre and may incorporate a meeting place and shows a direct link to Public Footpath No 6. A buffer area to the north of the site is proposed near the railway line together with the improvement of the areas either side of the Repton Road access that the applicants describe as potentially forming 'an attractive gateway to the site'. The culvert beneath the access road would be widened as part of the proposals.

The landscape design of the site has been reviewed following discussions and the application now acknowledges the need for a strong landscaped western boundary for this development.

Applicants' supporting information

Pre-application investigations centred on finding an alternative site for a replacement medical centre in the village. This resulted in numerous sites being investigated in and around the village most of which had significant problems that could not be overridden. The land to the west of Repton Road offers the opportunity to secure the provision of a replacement Doctors Surgery in association with limited residential development to meet identified local needs. In developing the proposals for the site the applicant has worked closely with the practice, the Parish Council and the local community.

Planning Statement

The applicants consider that the following National advice is relevant to the consideration of this application - PPS 1, 3, 4, 5, 7, 9, 25 and PPG 13 & 24 – these should all be read in the context of the ministerial statement by Greg Clarke MP that emphasises the need for Planning Authorities to support enterprise and facilitate housing, economic and other forms of sustainable development.

In addition to the ministerial statement above the recently published draft National Planning Policy Framework (NPPF) emphasises the Government's commitment to ensuring that the planning system does everything it can to support sustainable economic growth and that a presumption in favour of sustainable development should be the 'golden thread' running through both plan making and decision taking.

The following Regional Plan policies are considered relevant by the applicants to the determination of this application – Policies 1, 3, 12 and Three Cities SRS 3 that sets an overall provision of 320 dwellings per annum in the area of the Derby PUA (6400 dwellings) leaving 5,600 in the rest of the district concentrated in the Swadlincote area. The following saved policies in the South Derbyshire Local Plan are also identified as relevant to determining the application – Housing Policies 5, 9, 11; Environment Policy 14, Transport Policies 6 & 7 Recreation and Tourism Policies 4 7 8 and Community Facilities Policy 1. The applicants have taken the following Supplementary Planning Documents into account Section 106 Agreements – A Guide for Developers, Better Design for South Derbyshire, Housing Design and Layout.

The work towards an LDF is also acknowledged but that is at an early stage and only limited weight can be afforded to it. However, the Annual Monitoring report is referred to and the applicants acknowledge that the District has an overall land supply of 5.01 years for the period 2011-16. Reference is made to appeal decisions that confirm that 5-year land supply should not be regarded as a ceiling that cannot be exceeded. The applicants contend that where sites accord with the criteria set out in PPS3 and would deliver real local benefits, proposals should not be dismissed solely on the basis of the 5-year land supply position.

In the light of the above guidance and policies the applicants contend that: -

- Although the site lies outside the defined village confine in the Local Plan, that boundary cannot be considered as it was drawn up only to take account of development up to 2001 and does not reflect current government thinking as expressed in the ministerial statement that makes it clear that appropriate weight should be given to the need to support economic recovery and that applications that secure sustainable growth are treated favourably. Willington has previously been identified as sustainable by virtue of services and facilities available locally and access to public transport.
- The medical centre is in line with Community Facilities Policy 1 and there is an established need for the facility that can be met by the application site.
- The proposed housing development is capable of meeting the requirements of PPS 3 for high quality development that provides a good mix of housing and makes the best use of land.
- Whilst a 5-year housing land supply is in place this is a minimum and the overall proposal affords the opportunity to secure the provision of a new medical centre to replace the existing over crowded Doctors Surgery to the real and significant local benefit of the community. A recent inspection by the Care Quality Commission has confirmed that the existing facilities are no longer fit for purpose.
- Flood Risk has been properly assessed and the requirements of the Environment Agency for foul and surface water disposal have been satisfied. In the event of a flood event there is a dry escape route available to occupants and users of the medical centre via Ivy Close.
- Noise – a noise assessment accompanies the application and was prepared in consultation with Environmental Health Officers. Noise mitigation measures are included within the proposals for the housing with acoustic fencing and the layout taking account of the railway by virtue of separation and design of the dwellings to minimise potential noise intrusion into the proposed houses.
- A landscape character assessment has been undertaken and proposals for open space drawn up that informed by that appraisal. The scheme as amended allows

for landscaping on the east boundary to soften the impact of the development from public vantage points to the east. On the east boundary it is proposed to keep the existing vegetation and manage it to provide a strong landscape buffer between the site and adjacent houses. Necessary open space provision is shown on the indicative layout.

- The Medical Centre would be undertaken in the initial phase of development.
- Affordable Homes - The Planning Statement has been amended to include an element of affordable housing within the housing development. It is now proposed that 23% affordable housing would be provided (12 dwellings based on the indicative layout). This would address the identified backlog in affordable provision in the village. In addition contributions towards open space, built facilities and sustainable transport now form part of the heads of terms for a Section 106 Agreement. The applicants state that an education contribution is not required following consultation with the Education Authority and that the normal Health Contribution would be more than met through the provision of the new Surgery as part of the proposals.
- Ecology Survey – an initial survey identified a potential for the presence of Great Crested Newts in nearby ponds close to the site. The applicants submitted a follow-up survey and mitigation strategy. This focuses on ensuring that no harm to newts occurs during construction and the provision of compensatory habitats together with additional habitats of potential value to great crested newts to provide biodiversity enhancements.
- The Transport Assessment confirms that the development could be undertaken without significant impact on traffic flows along Repton Road.
- A Utilities Statement accompanies the application and identifies the presence of the power line across the site as a potential constraint on the development and identifies the cost of diversion. A diversion has been agreed with the service provider and it recommends that the service providers be contacted again prior to development being commenced.

The application was supported by an Affordable Housing Viability Assessment that considered the scope for contributions under Section 106 in the context of the significant contributions to improved health facilities to be delivered as part of the proposals. Following discussions with officers the scheme has been amended to make provision for 12 affordable units (23%). Rather than the normal split of 60% rented and 40% shared ownership, it is proposed to provide 74% of the affordable units as rented and 26% as shared ownership. The applicants consider this to be a reasonable contribution that will help to address the backlog in affordable provision locally.

Building for Life

The applicants assessment of the overall layout against the criteria set out in Building for Life consider that at this stage the housing layout scores 15/20 with the potential to score more on the basis that at the outline stage, several of the Building for Life criteria cannot be assessed. The Medical Centre would be constructed to a minimum of 'very good' when assessed against the BREEAM criteria with a commitment to try and score 70 that equates to 'excellent' against the BREEAM criteria making it an energy efficient building that minimises its impact on the environment.

Planning History

There is no relevant planning history associated with this site other than the land was subject to some mineral extraction in the past and it has been restored.

Responses to Consultations

Willington Parish Council has commented:

- Land that was promised to the Parish Council as recreation land has been excluded from the application site and would like to see this made definite. The application makes no mention of this.
- The Parish Council would wish to see a contribution towards the new village hall from this development.
- The density of the dwellings is too high, too much road, roof and hardstanding and there is not enough parking for the housing part of the site.
- The building seems large for the number of consulting rooms that do not seem to exceed those in the existing surgery.
- The timing of the development should ensure the early payment of Section 106 contributions, provision of infrastructure, provision of open space, provision of the surgery and finally the housing.
- A new pedestrian crossing on Repton Road is required.
- The number of houses proposed is not clear in this application.
- The footpath on the north boundary should be retained.
- The Transport survey suggests that the surgery is just to serve Willington and Repton, some clarification is required.
- The Parish Council was promised land for open space by the developers, yet there is no mention of this land going to the Parish Council in the Section 106 section of the Planning Statement.
- There is a lack of detail of the development and the Parish Council would want to influence the look of the development.

The County Highway Authority has no objection subject to conditions and the relocation of the Pelican crossing on Repton Road amongst other matters of detail. The footpaths officer has no objection in principle subject to no works obstruction the line of the public footpaths that adjoin the site informatives are recommended.

The Environment Agency has no objection subject to conditions as it now satisfied that adequate foul and surface water disposal schemes could be provided by the development.

Severn Trent Water has confirmed, to the satisfaction of the Environment Agency that sufficient capacity exists to provide foul water drainage from the site. Details of foul and surface water drainage are requested.

Comments from Natural England and Network Rail will be reported at the meeting if available.

The Derbyshire Wildlife Trust has examined the submitted evidence and identified the need to protect the existing east boundary adjacent to the housing on Tailby Drive as this is potentially a valuable wildlife corridor from the rail line to the north and the gravel pit areas in the south. The current proposal is for this area to be managed and reduced in scale. All mitigation measures proposed in the Ecological Assessment should be required by the imposition of conditions.

British Waterways has no comment.

The Director of Education has assessed the development as potentially producing 12 primary school age children and 9 secondary school age children. Having examined the current projections for the coming 5 years for Willington Primary School and John Port School, no contribution towards school provision is required from this site.

The County Planning Authority comments will be reported at the meeting if available as response to the amended scheme was awaited at the time this report was prepared.

The Development Control Archaeologist has considers that not all the land in the application site has been subject to mineral extraction and that there may be archaeological remains on the site. These should be assessed as the site develops in accord with Policy HE12.3 in PPS 5. Such conditions are recommended.

Environmental Health Enforcement Manager (Contamination) has no comments subject to the usual conditions controlling contamination issues.

Environmental Health Enforcement Manager (Noise) notes the noise report accompanying the application and recommends that the noise mitigation measures set out in the report be incorporated conditions and recommends an additional condition relating to any noise from the new development not being audible above normal background noise levels at the site boundary.

Responses to Publicity

The application has been advertised as a major development not in accord with the development plan and affecting public footpaths.

Three representations from 2 households have been received supporting the application for the flowing reasons:

- The existing surgery is too small and that the site enjoys a central location in the village and the need for travel would be reduced and is well related to shops and other facilities.
- The site is well related to the existing development at the Calder site and Ivy Close, it would add to the bulk of the settlement rather than being on its extremities as was the case with Willington Power station.

Three representations have been received objecting to the development for the following reasons:

- The site access floods every couple of years; at times of flooding patients with mobility difficulties would not be able to access from Ivy Close as that route is unsuitable for wheelchairs.
- There would be an increased risk of surface water flooding to properties on Tailby Drive and Saxon Grove and this issue has not been properly addressed.
- There is a need for the site to provide affordable housing yet the application specifically excludes this. Young people from the village will be unable to buy homes.
- There would be a detrimental impact on wildlife arising from the development due to the loss of fields, trees and scrub. Many birds including a nightingale have been observed using the area generally along with badgers, butterfly and bats. The site is a valuable dog walking area. This entire habitat would be lost if the development were to proceed.

- The access is unsuitable, traffic is already heavy on Repton Road and when this site and the Calder site traffic are added to it the situation would be even worse. The site is not well related to the rest of the village and many more car journeys to the surgery would happen if it were moved to this location adding to pressure on junctions that are already sub standard. Pedestrians would be at risk crossing the road.
- The utility services would be unable to cope with all the additional dwellings.
- Large brownfield sites should be used in preference to this green field land.
- Children on the site would be at risk from the canal, river and railway all of which are in close proximity to the site.

Development Plan Policies

The relevant policies are:

EMRP: Policies 1, 3, 12 and Three Cities SRS

Local Plan: Housing Policies 5, 9, 11; Environment Policy 14, Transport Policies 6 & 7
Recreation and Tourism Policies 4 7 8 and Community Facilities Policy 1.

National Guidance

PPS 1, 3, 4, 5, 7, 9, 25 and PPG 13 & 24.

Ministerial Planning statements, the Localism Bill and the National Planning Policy Framework.

Local Guidance

Section 106 Agreements – A Guide for Developers, Better Design for South Derbyshire, Housing Design and Layout.

Planning Considerations

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

- The Development Plan and the principle of development
- Housing Issues
- Affordable Housing
- Habitat Assessment
- Buildings For Life Assessment
- Access and Transport
- Parish Council Section 106 requirements
- Consultee Requirements

Planning Assessment

The Development Plan and the principle of development

The provision of the medical centre would be in accordance with the provisions of Community Facilities Policy 1, its location adjacent to the village is considered acceptable and the environmental and traffic terms as the Derbyshire Wildlife Trust and the County Highway Authority have raised no objections. The Doctors have been looking for an alternative site for the surgery and have undertaken considerable community consultation on the search for a site and it is considered, on the basis of the

evidence submitted that there is an established need for a surgery and in the absence of any suitable alternative, the application site is considered acceptable subject to the conditions recommended. The applicants have confirmed that the Medical Centre would be constructed as the first phase of the development. This could be secured through the mechanism of the Section 106 Agreement.

This report now goes on to consider the principle of accepting the housing element of the planning application and will discuss the weight to be afforded to:

- The role of the housing development in providing what is a much needed community facility;
- The recently published National Planning Policy Framework;
- How the housing development sits in terms of adopted Local Plan policy and the East Midlands Regional Plan; and
- The impact of granting planning permission in affording choice to the people of Willington in determining the location of future housing development in the village in the light of the emerging Local Development Framework Core Strategy (Local Plan) and the emerging Localism Bill.

The applicants have submitted a hybrid application and both elements are linked together. Whilst each element could stand separately, the landowners have indicated that the release of the land for the medical centre is linked to the grant of planning permission for the housing where there is an expectation of a certain return from the land that is developed.

The applicants have drawn attention to the Draft National Planning Policy Framework (NPPF). In a recent appeal decision, an Inspector found that the NPPF consolidates and adds weight to existing policy and as such gave it weight as a material consideration in the decision to grant planning permission. This document is at a very early stage of consideration. The weight that can be afforded to it is therefore limited but it should be viewed as a statement of the Government's intentions in respect of planning policy but in all other respects the Government advice is as set out in published guidance and is relevant to the consideration of the application.

Under the provisions of current policy, the housing development lies outside the built confines of the village in an area that would therefore be regarded as countryside. In these circumstances housing development would normally be unacceptable the determining issue will be whether material considerations dictate a decision contrary to the provisions of the Development Plan.

The Localism Bill in its current form seeks to ensure that decisions on planning issues should be devolved to local communities. There would be an overarching requirement to provide housing to meet the basic needs of a community and then above that Neighbourhood Plans could make provision for additional housing development. It will be for the decision maker to decide if the provision of the Medical Centre and housing development outweighs the current Development Plan policy for Willington.

Affordable Housing provision

Surveys indicate a need for affordable housing in Willington in the period up to 2026 at the rate of 5 dwellings per annum from a base date of 2008. No houses have been provided to date and there is a shortfall on provision. The adjacent Calder Aluminium site is to provide 5 affordable home and that equates to 10% of the houses. That site had considerable reclamation costs prior to development being undertaken and the

applicants in that case, justified the 10% provision. This application site would generate up to 12 dwellings (23%) based on the illustrative layout. There is none of the reclamation costs associated with the Calder site and an early start may be anticipated if permission were granted.

Reference has been made by an objector to the consultation exercise only relating to the search for a replacement Doctors surgery and did not include finding a site for what was then a proposal for 58 dwellings.

In its original form the supporting documents asserted that the housing development was necessary to fund the construction of the medical centre and that the housing development should therefore be exempted from providing any affordable housing and that any Section 106 contributions should be limited to providing open space and any sustainable transport considerations.

The application documents including the financial appraisal that supported the above assertions, were referred to the District Valuer (DV) for consideration. The DV response was that the surgery site has a considerable value in its own right and that the argument that the housing development was required to fund the development of the medical centre was not justified. The view is that the housing site can 'afford' to provide affordable housing at 40% (but not allowing for the other contributions sought) and that would still provide a reasonable return for the landowner. In the light of the DV's report, negotiations were had with the developer and the application was subsequently amended to include 12 affordable dwellings as described above (23%) along with an allowance for the other usual contributions. The DV maintains his view that even taking into account other contributions, the site could still stand an AH contribution of almost 32%. However, he accepts that in the particular circumstances of this case the Council may consider it expedient to settle for the lower figure.

It is considered that the provision of the Doctors surgery, the known requirement for affordable housing in the village, and the relatively small scale of the housing site that is well related to the village, then the affordable housing provision at 23% on the basis of 70% rented and 30% shared ownership is justified in this case.

Habitat Assessment

The applicants extended phase 1 habitat assessment and preliminary protected species report concluded that the site has limited habitat and species diversity comprising arable land, with some marginal habitats of scrub, trees and ruderal vegetation. The report further highlights the existence of a small area of unmanaged species poor grassland and the presence of a small stream, which bisects a section of the site near its junction with Repton Road. Overall, however the report concludes that no adverse effects on local biodiversity are expected as a result of any habitat losses.

Limited evidence of protected species was identified during the extended phase 1 habitat assessment, most notably the potential for Great Crested Newts (GCN) was identified triggering more detailed GCN survey work and mitigation strategy to be prepared on behalf of the applicants between April and May 2011. This study concludes that the development will not adversely affect the local population of newts providing that appropriate mitigation is followed.

The District Council undertook an assessment under the Habitats Directive, as implemented by the conservation (Natural Habitats Etc) Regulations 1994 (as

amended), which contains three “derogation tests”, which must be applied when deciding whether to grant a license to a person carrying out activity which would harm a European Protected Species (EPS). GCN are a European Protected Species (EPS) and are protected under UK and European Law.

The three tests are that:

- The activity to which the license is required must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative and
- Favourable conservation status of the species must be maintained.

Having considered the first of these issues, officer's are satisfied that the long running need for a new doctors surgery to meet the local community needs of Willington and Repton, to be of overriding public interest.

Secondly the search for a surgery site, which started in 2006 has considered numerous alternative sites in the village but none of these are capable of accommodating a surgery of the scale required or have other constraints that dictate against their use. As such no satisfactory alternative site currently capable of accommodating the proposed development has been identified.

In respect of the third test GCN are protected species and are known to be breeding in a four ponds located between 90 -280m to the west of the development site. During site surveys a medium sized population of newts was recorded across the four ponds, which the applicants GCN survey report concludes is likely to be of district level significance within the local area. Habitat consisting of shrubs, trees, brash and longer grassland along the northern and eastern boundaries of the site provide potential sheltering, hibernating and foraging habitat although. However, overall it was highlighted that habitats on the site are considered to be lower quality than those immediately surrounding the nearby ponds themselves and likely to be of low value to the population of GCN recorded as a result of this. Nonetheless the applicants are confident that identified mitigation measures will protect the conservation status of the species during and following development works.

Mitigation will focus on ensuring that no individuals are harmed as a result of the construction activities on site and that compensatory habitat is provided to mitigate habitat loss, together with creation of additional habitats of potential value to GCN to provide biodiversity enhancements for this species and to maintain and potentially improve its local favourable conservation status.

In the light of the above it is considered that Natural England would be likely to grant a license. Given this and that it is in the public interest that the permission can be implemented, the Local planning Authority can discharge its duty under Regulation 3(4) of the Natural Habitats Regulations 1994 (as amended).

Given the forgoing it is considered that the impact of the development on ecology (including GCN) would be acceptable.

Building for Life Assessment

The Councils Planning Guidance on Buildings for Life requires a minimum score of 14/20 for a development to be considered acceptable. The applicants have scored the at 15/20, the Design Excellence Officer scores it a 13/20 but with a good potential for exceeding 14/20 once the details of the site design and layout are submitted at the

reserved matters stage of the application process. In the light of this a score of 13/20 is considered acceptable at the 'outline' stage and an informative recommending that the principles set out in the Design and Access Statement including the Building for Life Assessment are used to deliver housing development on the site.

Access and Transport Issues

The County Highway Authority has no objection subject to the imposition of various conditions to secure highway safety. Whilst noting the submitted layout for the housing development the County Highway Authority considers that in the absence of any formal details, of the layout, it should reserve judgement on that layout.

Willington Parish Council's Section 106 Requests

There are two main requests, one that the medical centre is provided at an early stage if planning permission were granted and second that a contribution is sought to help to finance the provision of a new village hall. The first can be secured through the 106 Agreement that will be necessary to accompany any decision and forms a part of the applicants supporting information in any event. The second is already part of the applicants revised submission as 20% of the contribution for Public Open Space is for the provision of built facilities within the District. Subject to further consideration by Members of any bid by the Parish Council for funds, this element of the public open space funds could contribute to the village hall scheme. The Parish Council also requested clarification over the 'look' of the development, that matter will be addressed in a consultation on reserved matters should this planning permission be granted.

Consultee Requirements

The requirements of Natural England, the County Highway Authority, Environmental Health Enforcement Manager and the mitigation measures set out in the reports accompanying the planning application can be secured through the imposition of planning conditions.

The Derbyshire Wildlife Trust comments about the east boundary planting formed part of the discussions prior to the submission of the planning application. The amended layout for the site is for a wide belt of landscaping to soften the edge of the development when viewed from the west. It is considered that the provision of this on the west boundary would provide a similar link to that on the east boundary to compensate for the reduction in the quality of the eastern boundary feature. In the light of the above, a condition is recommended that requires the west boundary planting to be managed for its wildlife interest rather than be incorporated into gardens. The eastern corridor should be similarly managed.

An objector has commented that the site entrance floods every couple of years and that the pedestrian access from Ivy Close is not suitable for people with mobility difficulties. The County Highway Authority has required that the public footpaths be upgraded and that would improve access to Ivy Close for people with mobility difficulties. Access for emergency vehicles to the development from Repton Road would be the subject of an emergency plan for the medical centre.

Overall Conclusion

In the light of the above, the issues relating to this overall development are finely balanced. Technically, outline planning permission for housing development beyond the village confines is contrary to the provisions of the Development Plan, as it exists. However, if it is accepted that the existing Doctors surgery is too small to meet the needs of the local community, the proposed housing development provides the means by which this can be delivered. Provided that the foregoing contributions are secured through a signed Section 106 Agreement together with public open space provision then it is considered that the balance tips in favour of the grant of planning permission.

Recommendation

- A. That authority be delegated to the Head of Planning and Community Services to deal with any outstanding comments from consultees and;
- B. Subject to the receipt of a signed Section 106 Agreement to secure an overall 23% Affordable Housing provision, Public Open Space contribution and the provision of the Medical Centre as part of the first phase of any development,

GRANT permission subject to the following conditions:

1. The development of the Medical Centre hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. (a) Application for approval of the reserved matters for the housing development shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
(b) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.
3. Approval of the details of the layout, scale, appearance, access and the landscaping of the housing development shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.
4. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. EMS>2151_04-3E 1.
Reason: For the avoidance of doubt, the original submission being considered unacceptable.
5. 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.

6. Before any operations commence involving the movement of materials in bulk to or from the site, facilities shall be provided that have previously been approved in writing by the Local Planning Authority, to prevent the deposition of mud or extraneous material on the access roads to the site.
Reason: In the interests of highway safety.
7. Prior to the commencement of any operations, a scheme for the disposal of highway surface water via a positive gravity fed system, discharging to an outfall in a public sewer, highway drain or watercourse, shall be submitted to and approved in writing by the local Planning Authority in consultation with the County Highway Authority.
Reason: In order to ensure that highway surface water is drained to a system separate from the rest of the site to a satisfactory disposal point.
8. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor, designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
Reason: In the interests of pollution control.
9. Prior to the commencement of any operations, details of the design and construction of the culvert shall be submitted to and approved in writing by the local Planning Authority in consultation with the County Highway Authority. The culvert shall subsequently be constructed in accordance with the approved scheme.
Reason: The planning application proposes the extension of the existing culvert and the Local Planning Authority seeks to ensure that the works to the culvert will be of a standard sufficient to take all traffic entering or leaving the site.
10. Before any other operations are commenced, the new estate street junction shall be formed to Repton Road (B5008), laid out in accordance with the revised application drawings (LSP/034/100 P6) having a carriageway width of 5.5 metres, 2 x 2m footways and being provided with 10 metre radii, constructed to base level and provided with visibility splays extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in each direction, measured along the nearside carriageway edge. The area in advance of the sightlines shall be levelled, constructed as footway and shall not form part of any plot or other sub-division of the site.
Reason: In the interests of highway safety.
11. The medical centre, the subject of the application, shall not be occupied until the proposed new estate street has been laid out in accordance with the revised application drawings (LSP/034/100 P6) to conform to the County Council's design guide, constructed to base level, drained and lit in accordance with the County Council's specification for new housing development roads. Notwithstanding the submitted drawing, the 650mm maintenance margin shall be hard surfaced, not grassed as indicated.
Reason: To ensure that there is an adequate access road to serve the proposed housing development and for the avoidance of doubt.
12. The medical centre, the subject of the application, shall not be taken into use until space has been provided within the application site in accordance with the

application drawings for the parking, picking up and setting down of passengers and manoeuvring of visitors, staff, customers, service and delivery vehicles (including secure covered cycle parking), laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interests of highway safety and to ensure that adequate parking and manoeuvring space is available to serve the medical centre.

13. Notwithstanding the submitted drawing (Illustrative Layout EMS.2151_04-3 E), the new estate streets shall be laid out and constructed to accord with Derbyshire County Council's policy document, The 6Cs Design Guide, and national guidance laid out in Manual for Streets.

Reason: In the interests of highway safety.

14. Unless otherwise agreed in writing by the Local Planning Authority, Public Footpaths 6 and 7 in the parish of Willington which abut/cross the application site shall be laid out and constructed to adoption standard in accordance with a scheme first submitted and approved in writing by the Local Planning Authority in consultation with the County Highway Authority. In the case of Footpath No 6 the works shall be undertaken prior to the occupation of the medical centre and in the case of Footpath No 7 prior to the first occupation of a dwelling on the housing site.

Reason: To facilitate ease of pedestrian access to all users of the application site and in the interests of providing an accessible dry escape route from the development in the event of flooding.

15. No part of the development permitted by this consent shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes, which are acceptable to the Local Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning permission to the Local Planning Authority for approval for a period of five years from first occupation of the development granted by this permission.

Reason: To promote travel to the site by methods other than the private motorcar in the interests of reducing the carbon footprint of the development and to promote sustainable development.

16. Noise from extractors or other devices provided for heating, ventilation or air conditioning at the Medical Centre shall be inaudible at the boundary of the nearest noise sensitive properties and shall in any event not exceed 40dB(A) Leq (5mins) daytime and 35dBA Leq (5mins) night-time.

Reason: To minimize the potential noise impacts on the occupiers of dwellings adjacent to the medical centre.

17. The mitigation measures referred to in Section 8.3 of the of the NVC Ltd noise report dated 5 April 2011 that accompanied this planning application to ameliorate noise impacts on residential properties on the housing site shall be fully explained and illustrated in any submission of reserved matters following the grant of outline planning permission. All approved noise amelioration measures shall be implemented in the housing development prior to the occupation of any dwelling to which amelioration measures have been applied.

Reason: In order to ensure that noise amelioration measures are implemented in accordance with the recommendations in the NVC Noise report in the interests of the residential amenity of future occupiers of the housing development.

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

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

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

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

20. The retained portion of trees and shrubs on the eastern Boundary shall be fenced off and shall not be incorporated within the curtilage of the proposed dwellings and shall be managed for its wildlife interest and shall be protected from damage during any construction work. The proposed planting area on the western boundary of the housing development shall be planted and managed to provide a wildlife habitat. A management scheme for both areas shall be provided in accordance with the requirements of Condition 21 below.

Reason: In order to retain and provide habitat corridors within the development site in the interests of mitigating the impact of the development on local habitats.

21. In accordance with the recommendations in the FPCR Arboricultural Assessment and prior to the commencement of building operations on adjoining areas, the

boundary with the area of trees and shrubs to be retained on the eastern boundary of the site shall be fenced with steel mesh fencing to 2.3m high supported by steel scaffold poles staked at 3 metre centres together with other areas identified in the report. The fencing shall be retained in position until all building works on adjoining areas have been completed unless otherwise agreed in writing with the local planning authority.

Reason: To protect the trees/landscape areas from undue disturbance during development

22. A landscape management plan which shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

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

23. The mitigation measures in Section 7 of Great Crested Newt Survey Report and Mitigation Strategy dated May 2011 prepared by FPCR shall be implemented in the stages identified in that report prior to the commencement of the development. The habitat creation and enhancement measures identified in the report be detailed in the reserved matters submission for the housing development and shall be implemented prior to the first occupation of a dwelling on the housing site. The reserved matters required by Condition 3 above shall also be accompanied by an updated survey to confirm that Great Crested newts have not migrated to other parts of the development site and shall include a Habitat Management Plan for all retained and created habitats that shall provide details of how the management will be funded and implemented in perpetuity.

Reason: In order to protect European Protected Species that are present on land adjacent to the development site and to provide enhanced habitat to secure their long-term future.

24. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques;
- The limitation of surface water run-off to equivalent greenfield rates;
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- Responsibility for the future maintenance of drainage features.

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

25. No work shall take place on the site until details of a scheme for the disposal of 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 pollution control.

26. A) No development shall take place until a Written Scheme of Investigation for archaeological work (archaeological watching brief) has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording;
 2. The programme and provision to be made for post-excavation analysis and reporting;
 3. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 4. Provision to be made for archive deposition of the analysis and records of the site investigation; and
 5. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- B) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under Part A.
- C) The development shall not be occupied until the archaeological site investigation and post investigation analysis and reporting has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part A and the provision to be made for publication and dissemination of results and archive deposition has been secured.

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

27. In submitting details of the housing layout required by Condition 3 above the layout shall incorporate a minimum of 12 dwellings or 23% of the total number of houses built on the site whichever is the greater comprising 3x2 bedroom 3 person flats, 3 x 2 bedroom 4 person houses, 5x 3 bedroom 5 person houses and 1x 4 bedroom 6 person house. The tenure mix shall be 75% social rented houses and 25% intermediate. (The intermediate mix shall comprise 3 x 2 bedroom houses) unless otherwise agreed in writing by the Local planning authority

Reason: The provision of 12 affordable homes or 23% of the total housing development will meet the immediate requirement for affordable within Willington as identified in a Housing Needs Survey.

28. In submitting the details required in Condition 3 above an Affordable Housing Scheme Shall be submitted to and approved in writing by the Local Planning Authority. The management of the Affordable Housing shall then be undertaken in accordance with the approved scheme.

Reason: To ensure that the affordable homes are provided in a timely manner in accordance with an approved Affordable Housing Scheme.

29. Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment

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

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

30. 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.

31. 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.

Informatives:

The County Highway Authority advises that: -

a Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 3 months prior notification shall be given to the Environmental Services Department at County Hall, Matlock (tel: 01629 580000 Ext 38595) before any works commence within highway limits.

b Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge onto the highway.

c The Highway Authority recommends that the first 5m of the proposed private driveway into the medical centre should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that

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loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the householder.

d Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

e Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Department of Environmental Services at County Hall, Matlock (tel: 01629 580000).

f Highway surface water shall be disposed of via a positive, gravity fed system (ie; not pumped) discharging to an approved point of outfall (eg; existing public sewer,

highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.

g The applicant should be aware that, for the layout of the new estate streets to be acceptable in highway terms, a tracking diagram will need to be submitted to demonstrate that service vehicles can manoeuvre satisfactorily within the site, planting should be outside highway limits, parking should be on the basis of two spaces per dwelling, parking within highway limits should not be allocated and will attract a commuted sum for future maintenance.

h The culvert under the proposed new estate street will need to be constructed to Derbyshire County Council's specifications and in accordance with an approved drawing and will attract a commuted sum towards future maintenance costs.

i The applicant should be aware that there may be justification for the relocation of the pedestrian crossing at the developer's expense when the reserved matters application for the residential development is submitted.

j The application site is affected by two public Rights of Way (Footpaths 6 and 7 in the Parish of Willington), as shown on the Derbyshire Definitive Map. The routes must remain unobstructed on their legal alignment at all times and the safety of the public using them must not be prejudiced either during or after development works take place. Advice regarding the temporary (or permanent) diversion of such routes may be obtained from the Director of Environmental Services at County Hall, Matlock (tel: 01629 580000).

In submitting details required by Condition 3 above the principles set out in the Design and Access Statement and the Building for Life Assessment of the site shall be used to guide the design of the housing development. In order for the reserved matters submission to be acceptable to the Local Planning Authority, a minimum score of 14/20 would be expected under the criteria set out in Building for Life.

Where development is proposed, the developer is responsible for ensuring that development is safe and suitable for use for the purpose for which it is intended. The developer is thus responsible for determining whether land is suitable for a particular development or can be made so by remedial action. In particular, the developer should carry out an adequate investigation to inform a risk assessment to determine:

- whether the land in question is already affected by contamination through source - pathway - receptor pollutant linkages and how those linkages are represented in a conceptual model;
- whether the development proposed will create new linkages, e.g. new pathways by which existing contaminants might reach existing or proposed receptors and whether it will introduce new vulnerable receptors; and
- what action is needed to break those linkages and avoid new ones, deal with any unacceptable risks and enable safe development and future occupancy of the site and neighbouring land.

A potential developer will need to satisfy the local authority that unacceptable risk from contamination will be successfully addressed through remediation without undue environmental impact during and following the development. In doing so, a developer should be aware that actions or omissions on his part could lead to liability being incurred under Part IIA, e.g. where development fails to address an existing unacceptable risk or creates such a risk by introducing a new receptor or pathway or, when it is implemented, under the Environmental Liability Directive (2004/35/EC). Where an agreed remediation scheme includes future monitoring and maintenance schemes, arrangements will need to be made to ensure that any subsequent owner is

fully aware of these requirements and assumes ongoing responsibilities that run with the land.

The phased risk assessment should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA. The contents of all reports relating to each phase of the risk assessment process should comply with best practice as described in the relevant Environment Agency guidance referenced in footnotes 1-4, to the relevant conditions attached to this permission.

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

The mature Crack Willow within tree group TG4 in the habitat survey was considered to contain some features suitable to provide roosts for bats albeit none were found. It is therefore advised that should TG4 be affected by the proposal, a bat survey will be required to determine the presence or otherwise of roosting bats and if found the necessary Licence obtained from Natural England.

You are advised that any vegetation removal, including tree felling, should be scheduled to take place outside the bird breeding season which extends from March to late August.

The Environment Agency do not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative above ground sustainable drainage should be used.

SuDS involve a range of techniques including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than use infiltration techniques. Support for the SuDS approach is set out in paragraph 22 of Planning Policy Statement 1 and in more detail in Appendix F of Planning Policy Statement 25.

This application is the subject of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended).

Item 1.3

Reg. No. 9/2011/0435/FH

Applicant:
MR SIMON SKOMINAS

Agent:
MR ANDREW GORE
PLANNING DESIGN PRACTICE LTD
GROUND FLOOR SUITE 4
VERNON GATE
WOBBURN HOUSE
DERBY

Proposal: **THE ERECTION OF A DOMESTIC BUILDING
INCORPORATING STABLES AND COVERED CAR
PARKING AT LOWES HOUSE LOWES LANE
SWARKESTONE**

Ward: **ASTON**

Valid Date: **01/06/2011**

Reason for committee determination

This application is brought before committee at the request of Councillor Peter Watson as local concern has been expressed about a particular issue and there are special personal circumstances of the applicant which members should consider.

Site Description

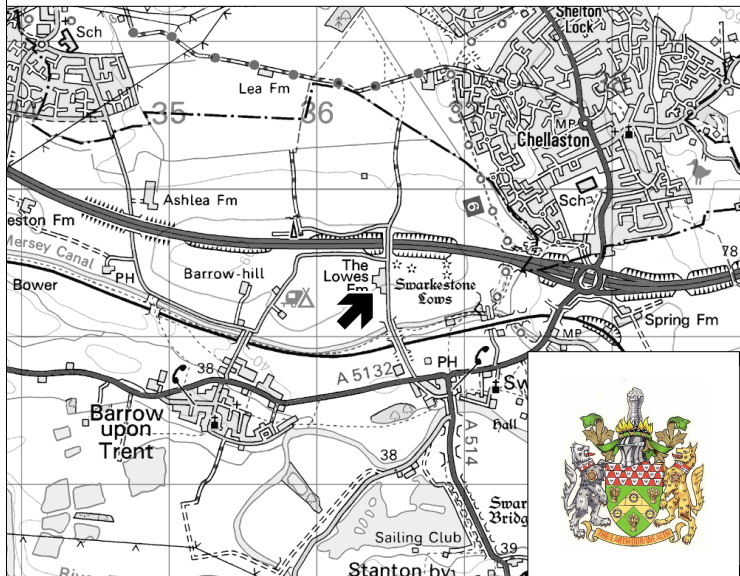
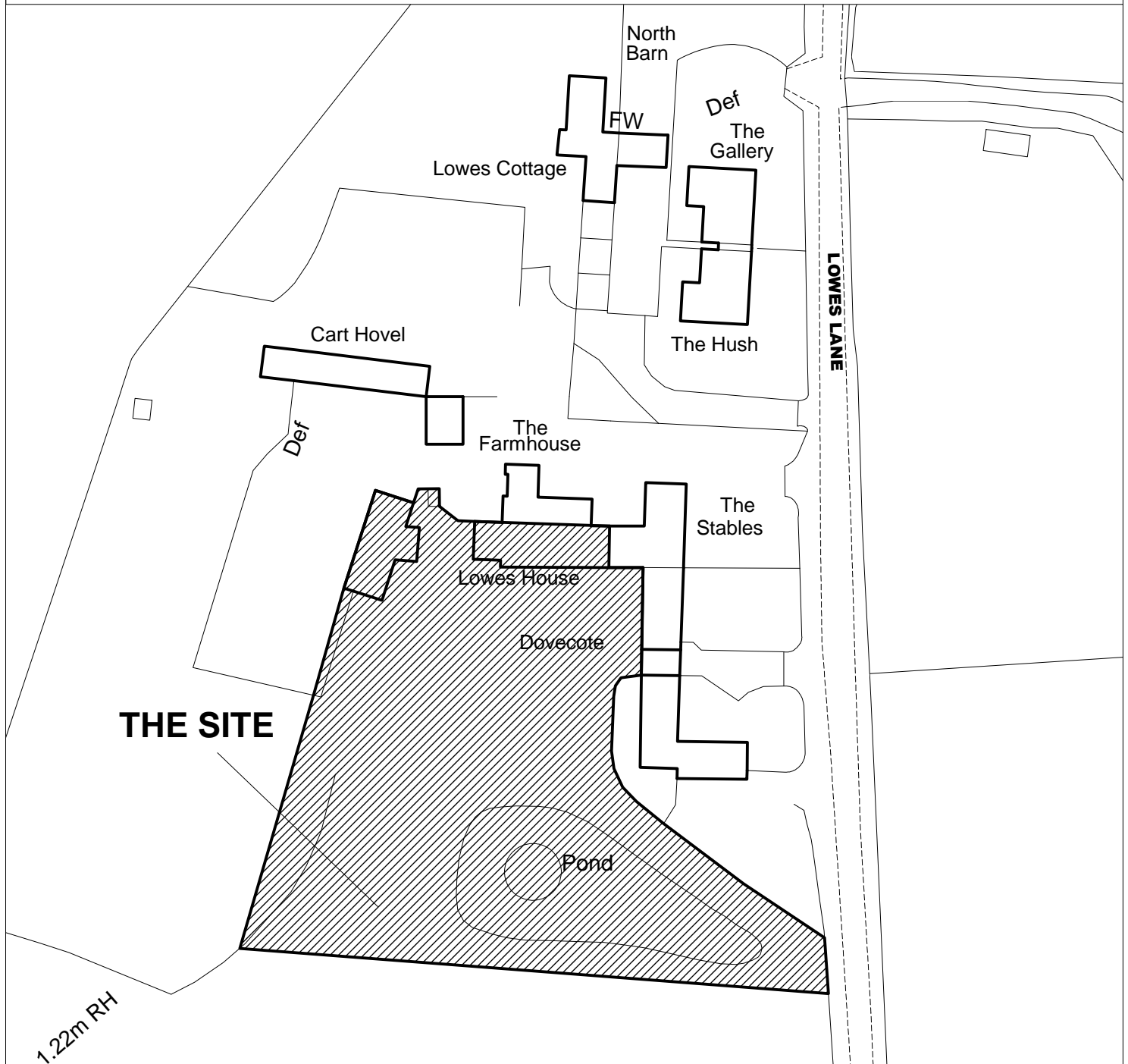
The application site is within a residential grouping of properties comprising a Grade II listed Farmhouse and its attached farmbuildings. The curtilage farm buildings were converted to residential use in the 1990s. The site is approximately 800 metres from Swarkestone village and is accessed by a single carriageway country lane.

Proposal

The proposal is for the erection of a timber domestic building incorporating 2 stable stalls, a tack room, a store and feed room and 6 covered parking bays in the south west corner of the residential grouping.

The Conservation and Heritage Officer requested amended plans as he considered the originally submitted building plan was too large, both in footprint and height, and of an unsympathetic U shaped form that would detract from the setting of the Grade II listed Lowes Farmhouse and its attached farm buildings. Amended plans were received on 1 September after extensive discussions. The amended scheme now shows a more sympathetic L shaped form that is smaller in footprint and has a lower ridge height.

9/2011/0435 - Lowes House, Lowes Lane, Swarkestone, Derby DE73 7GQ



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Applicants' supporting information

The applicant's Design and Access Statement covers the following:

- Lowes House and the attached farm buildings were Grade II listed in 1987. The early 19th Century farmhouse is a 2 storey building in residential use and has a large residential curtilage associated with it – this includes the main driveway within the complex, a large pond to the south of the development, a landscaped garden and an adjacent paddock. The property is located off Lowes Lane within open countryside.
- The applicant's horses are kept off-site at present as there are no facilities within the application site to accommodate them. The applicant also keeps classic cars and the property has only outdoor parking available. From past experience this arrangement has been both insecure and damaging to the vehicles. The proposed development therefore seeks the provision of a combined stable and covered parking building within the residential curtilage of the house.
- It was considered initially that the stable would be more suitably located within the existing paddock however the use of the proposed building for car parking as well meant the building could not be justifiably located outside the residential curtilage in the open countryside. As a result the proposed building has been located on a gravelled area of land that is informally used as a parking area.
- The proposed building is a single storey structure which is rural in character and has a functional U-shaped layout. The building will comprised 6 covered car parking spaces, 2 stables, a tack room and a store and feed room.
- The applicant has listed National and Local guidance that is of relevance to the proposal:
 - Planning Policy Statement 1 (Delivering Sustainable Development);
 - Planning Policy Statement 7 (Sustainable development in Rural Areas);
 - Environment Policy 1 (Development in the Countryside); Environment Policy 13 (Listed or Other Buildings of Architectural or Historic Importance);
 - Environment Policy 14 (Archaeological and Heritage Features); and
 - Housing Policy 13 (Residential Extensions).
- The proposed building will be used for the applicant's collection of classic cars and for visitor parking. The proposed location of the building is already used for the parking of domestic vehicles therefore there will be little change in the use of the land.
- The building will also accommodate the applicant's 2 horses that are currently kept off-site due to the lack of stabling facilities. The applicant owns the paddock adjacent to the residential cartilage associated with the property where the horses are grazed and ridden.
- The proposed development is entirely commensurate with the domestic use of the land and being a single storey timber structure, it is in keeping with the rural character of the area. The building will accommodated approximately 3.5% of the overall area of the property and, if constructed, will increase the area of land within the curtilage which has buildings on it to approximately 9.5% of the total land area. It is therefore considered that the proposal does not represent overdevelopment of the site.
- The proposed building will be located at the end of a private driveway, which is currently used as a parking area. The area is gravelled and flat and contributes nothing towards the setting or character of the listed building. The area is located adjacent to the existing paddock and is considered the ideal location for such a building.

- The proposed building will be located approximately 54 metres from the listed farmhouse (Lowes House) and is currently screened with immature planting – this will offer excellent visual screening once mature. The planting includes 80 shrubs, which will grow to a height of 4 metres. The proposed building will be located on land that is at a much lower level than Lowes House.
- The applicant considers that the scale of the proposed building will harmonise with the existing built development on the site, rather than detract from the character and integrity of the listed building. Being of timber construction this will help integrate the building into its rural surrounding.
- The proposed building will be constructed in timber with asphalt shingles, which are similar in appearance to slate tiles. The proposed building does not seek to replicate aspects of Lowes House, but will merely be a sympathetic building of rural character that aims to sit passively within the curtilage of the listed building rather than dominate.
- From outside the property's curtilage, the only vantage point where the proposed building is likely to be seen is from the south. The fact that the building is single storey, of timber construction, located away from the listed farmhouse and will be screened by the current planting are factors that should be considered with regard to the view from this vantage point.
- In conclusion, the scale, size, location and design of the proposed building will not have a detrimental impact upon the character or integrity of the listed farmhouse. It is therefore considered that the proposed development is in accordance with Environment Policy 13 and Housing Policy 13 of the Adopted South Derbyshire Local Plan.
- Access to the application site is via the existing gravel driveway to the southeast of the dwelling. The location of the proposed building is currently used for car parking. There will be no increase in the amount of vehicles coming to the site as a result of the proposed development. At present regular trips need to be made to and from the off-site livery stables to visit and ride the applicant's horses. Under this proposal, these vehicle movements will cease as the horses will be on-site. There is likely to be very occasional deliveries of hay and food and trips for the removal of manure but for two horses these are likely to be few and far between. It is therefore unlikely that the proposal will result in the intensification of the existing access.

Planning History

There is no planning history that is of relevance to this planning application.

Responses to Consultations

The County Development Control Archaeologist has advised that consent should not be granted until the applicant submits an amended Design and Access Statement (DAS) to cover details of the archaeological potential on site and the details and depths of the proposed groundworks, including services and hard landscaping. Following the receipt of the amended DAS the DC Archaeologist has confirmed that the proposal will have no archaeological impact as the proposed building will not have substantial foundations, being located on an existing area of hardstanding.

Barrow upon Trent Parish Council objects to the proposal as the building will be a very visible development on site, will alter the skyline dramatically and is a long distance from the buildings on the site.

Responses to Publicity

3 objection letters from 2 neighbours have been received covering the following points:

- The owner of Lowes House has a car business and the objectors are concerned that cars will be stored at and the business run from his home address.
- Lowes Lane is a single carriageway country lane with two weak bridges (canal and railway line), which is unsuitable for additional traffic. The increased traffic would be a major problem with added noise and pollution.
- The site already has a substantial garage, which can house 5 or more cars, which adds to the concern that the car business will be run from the site. The applicant's own cars have never been parked on the proposed site and have always been parked in front of the existing garages or the front door of the house. The objectors believe there is not a need for the building, particularly one of the size proposed.
- The objectors have restrictive covenants on their properties stating no businesses shall be run from the properties and wonder whether Lowes House has the same.
- None of the neighbours have ever seen or heard that the applicant has horses.
- The proposed building will affect the objectors most greatly as the building will be visible from their lounge, kitchen, study, 2 bedrooms and mezzanine floor as well as the garden and patio area. It will block views, be unsightly and devalue the objectors' property.
- The proposed building will lead to increased pedestrian and vehicular traffic past the objectors' property leading to a loss of privacy.
- The extra volume of traffic will jeopardise the safety of young children and animals of the neighbouring properties.
- The proposed plans are not in keeping with the area and would have a major impact on the surrounding area.
- The property is a listed building and any such development detracts from the heritage and beauty of the properties.

Development Plan Policies

The relevant policies are:

Local Plan: Saved Environment Policies 1, 13 and 14.

National Guidance

PPS1, PPS5, PPS7.

Planning Considerations

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

- The principle and impact on the countryside;
- The impact of the proposal on the setting of the grade II listed buildings;
- The impact of the proposal on sites of archaeological or heritage importance; and
- The impact of the proposal on the amenities of the neighbouring properties.

Planning Assessment

The principle of a building within the curtilage of the applicant's dwellinghouse for purposes incidental to the enjoyment of the dwellinghouse is compliant with Environment Policy 1, being development that is unavoidable in the countryside. Furthermore part of the building is required for a rural based activity, notably the stabling of horses. The proposal, as amended, would not adversely affect the character and amenity value of the countryside area as a whole.

As advised by the Conservation and Heritage Officer, the amended plan of the proposed building is of a sympathetic form, size and height and is set at a distance that would not adversely affect the setting of the Grade II listed farmhouse and attached buildings. The proposal would have no archaeological impact and is therefore in accord with the relevant development plan policies.

The proposal is set well away from neighbouring dwellings and therefore would not unacceptably affect the amenities of the occupiers.

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

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 005 Rev B and 'The Stable Company' 1:100 A1 drawing, received 1st September 2011.
Reason: For the avoidance of doubt, the original submission being considered unacceptable.
3. Notwithstanding the submitted details and before the development commences, the roof material shall be agreed in writing with the Local Planning Authority. The work shall be carried out in accordance with the approved details.
Reason: In the interests of the appearance of the building and the character of the area.
4. No part of the development shall be carried out until a sample of the timber cladding and details of its finish have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.
Reason: In the interests of the appearance of the building and the character of the area.
5. Gutters and downpipes shall have a black finish.
Reason: In the interests of the appearance of the building and the character of the area.

Item 1.4

Reg. No. 9/2011/0571/FH

Applicant:

Mr R Narroya
27 SANDPIPER LANE
MICKLEOVER

Agent:

Mr Jay Hawkins
28 Abingdon Street
Osmaston

Proposal: **THE ERECTION OF EXTENSIONS AT 27 SANDPIPER
LANE MICKLEOVER**

Ward: **ETWALL**

Valid Date: **14/07/2011**

Reason for committee determination

Councillor Lemmon (ward member) has requested that the Planning Committee determine this application as local concern has been expressed about a particular issue.

Site Description

The property in question is a large two-storey detached dwelling, situated on a modern residential estate. The estate (formerly part of the Pastures Hospital site) features a mix of property types, most of them offering good sized family accommodation and many of them set amongst established groups of mature trees.

This particular property is accessed off a small private drive (shared with No29) and affords a good-sized plot with open undeveloped views to the rear. The immediate site in question is generally flat. Taking the site in its wider context though there is a modest north to south slope. A number of mature beech trees follow the line of the boundary fencing to the north. Two limes trees (protected by virtue of TPO 132) are situated towards the eastern boundary.

Proposal

The proposal is in two parts and includes a two-storey extension and a conservatory. Both these elements would be at the rear of the property.

Applicants' supporting information

A basic building study (in regards possible bat habitation) was due to take place on the 8 September 2011. A copy with recommendations will be available to the Committee on the 20 September 2011.

Planning History



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No relevant history.

Responses to Consultations

Burnaston Parish Council has no objection.

The Council's Tree Officer considers that the line of beech trees on the northern boundary would not be affected by this proposed extension. These trees are though worthy of a group TPO. The root protection area (RPA) in regards the two protected limes needs to be calculated and protected accordingly. Any RPA must be guarded by a suitable mesh fence in accord with BS5837 (Trees in relation to construction).

Derbyshire Wildlife Trust has recommended a basic 'Building Study' be carried out to determine whether bats are nesting in the existing building. This requirement is endorsed by Natural England.

Responses to Publicity

Objections have been received from two neighbouring households as follows:

- If the work is carried out, it will not be of a standard in keeping with the estate.
- Works to the driveway (started 4 years ago) are substandard and unfinished. This goes hand in hand with the poor maintenance of the existing property;
- During construction, neighbours will be affected causing anxiety and disruption;
- Previous works including the erection of entrance gates are in contravention of covenants;
- Other development (the recent building of a wall and driveway over a pressurised water pipe) has been carried out without planning consent;
- This is an environmentally specific area with numerous species of bats (brown long eared and common pipistrelle) active in the garden and surrounding area.
- No ecology report has been submitted to prove the proposed work will not have a detrimental effect on those species protected under the Wildlife and Countryside Act 1981;
- Tiles are missing off the side of No.27 which bats could nest behind. Bats are nesting in the area;
- The additions are overbearing on our garden space and would cause us to suffer a loss of privacy;
- Loss of daylight to patio area, garden and certain rooms in the house;
- The extension is not in keeping with the existing streetscape and inappropriately long.
- There are protected trees in the area. No arboricultural survey has been submitted to prove the proposed works will not have a detrimental effect on the trees in the locality. The agent has completed the forms incorrectly in this regard;
- Concerns over future developments here. If this extension is approved permitted development rights should be removed.

Development Plan Policies

Local Plan Housing Policy13, Environment Policies 9 and 11; Supplementary Planning Guidance (SPG): Extending Your Home.

National Guidance

None

Planning Considerations

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

- The impact on the character and appearance of the locality
- The impact on neighbours assessed against the Council's adopted standards
- The impact on the Protected Trees
- The impact on the local wildlife

Planning Assessment

The impact on the character and appearance of the locality

The property is a large two-storey dwelling, situated in a private plot. It is modern in its appearance and of standard modern design – as in fact are most of the properties in the locality. It features tile hanging of the first floor accommodation breaking up the mass of brickwork. It also affords some symmetry with matching gables at either end of the front elevation; this gable feature is also replicated at the rear. Views of the front of the property though are limited from the public realm as it is accessed off a small gated/private driveway. Views of its side (the side affected by this development) and the rear are again limited with trees and other vegetation obscuring clear views. There are views from Merlin Way of this rear space but that vantage point is over 80 metres away.

Supplementary guidance favours extensions that are subordinate to the host and states rear extensions should present fewer problems in regards design but two storey extensions should not upset the basic shape and design of the house. The two storey extension is without doubt large but is wholly subordinate to the existing mass here. It is helped that the works are to the rear and as such affords limited views but its design does continue the simple form of the existing gable extending it only in length. Conservatories exist in the locality and are generally accepted as a modern way of extending. The proposed cedar finish of the conservatory will reduce its visual impact when viewed from afar as will the tree screening that bounds the site.

The impact on neighbours assessed against the Council's adopted standards (SPG)

There is no case for overbearance on neighbouring properties as none of the nearby windows fall or are close to falling within the protected 45 degree sector of view, detailed in the SPG. No7 Sandpiper Lane sits on higher ground than No 27, which would also lessen its perceived height in relation to the beech trees softening the new mass. Due to the orientation of No 29 light levels would not be adversely affected either. Garden/patio areas are not generally protected in regard to overbearance and given the site, its surrounds and distances involved (over 18m to No 27's patio area) there is not a strong case here.

There is a case for worsening the ability to overlook the private amenity space at No 29 from the proposed conservatory and to avoid this a condition is recommended.

The impact on the Protected Trees

The Council's Tree Officer has visited the site. In his opinion the two limes will not be adversely affected by this development with adequate root protection areas achievable through an appropriate condition, although it is acknowledged that the positions of the trees were shown incorrectly on the submitted plans. However, findings now are based on evidence collected and measurements taken on site.

The impact on the local wildlife

The Council's Tree Officer noted that although there was no evidence of bat roosts in the locality, there are bats present in the area. Natural England's standing advice in regards bats and residential extensions is that there is a reduced likelihood of bat habitation in a modern property but have, along with Derbyshire Wildlife Trust, asked for a basic Buildings Study.

Conclusion

Given the forgoing, with proper implementation of the recommended conditions, the extensions are considered acceptable.

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

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. All external materials used in the development to which this permission relates shall match those used in the existing building in colour, coursing and texture unless otherwise agreed in writing by the Local Planning Authority.
Reason: To safeguard the appearance of the existing building and the locality generally.
3. Before the first occupation of the extensions hereby permitted the side windows of the conservatory (south facing) shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.
Reason: To avoid overlooking of adjoining property in the interest of protecting privacy.
4. Notwithstanding the submitted details, prior to the commencement of building operations on adjoining areas, the boundary with the area of protected trees shall be fenced with steel mesh fencing to 2.3m high supported by steel scaffold poles staked at 3 metre centres. The fencing shall be retained in position until all building works on adjoining areas have been completed unless otherwise agreed in writing with the local planning authority.
Reason: To protect the trees/landscape areas from undue disturbance

5. There shall be no tipping or deposition of materials within the area fenced under condition 4 above without the prior written authorisation of the local planning authority.

Reason: To protect the trees/landscape areas from undue disturbance

Informatives:

All works should be in accordance with BS 5837:2005 - Trees in relation to construction. A protective fence should be erected a minimum of 5m from any protected tree using a ground fixed metal mesh 2.3 m high. There should be no storing, tipping or deposition of materials within this fenced area.

Item 2.1

Reg. No. 9/2011/0482/U

Applicant:
M Hunt
C/O Price Planning Associates

Agent:
Mrs Sally Price
Price Planning Associates
60 Albert Road
Tamworth

Proposal: **THE CHANGE OF USE FROM PARTIAL RESIDENTIAL GARDEN AND FIELD TO A COMMERCIAL KENNEL BUSINESS WITH TWO KENNEL BUILDINGS, AN OFFICE AND A TOILET/SHOWER/WET ROOM AT 2 WOODLAND ROAD STANTON BURTON ON TRENT**

Ward: **NEWHALL AND STANTON**

Valid Date: **04/07/2011**

Members will recall deferring this case for a site visit at the last meeting. No additional comments in the report have been necessary.

Reason for committee determination

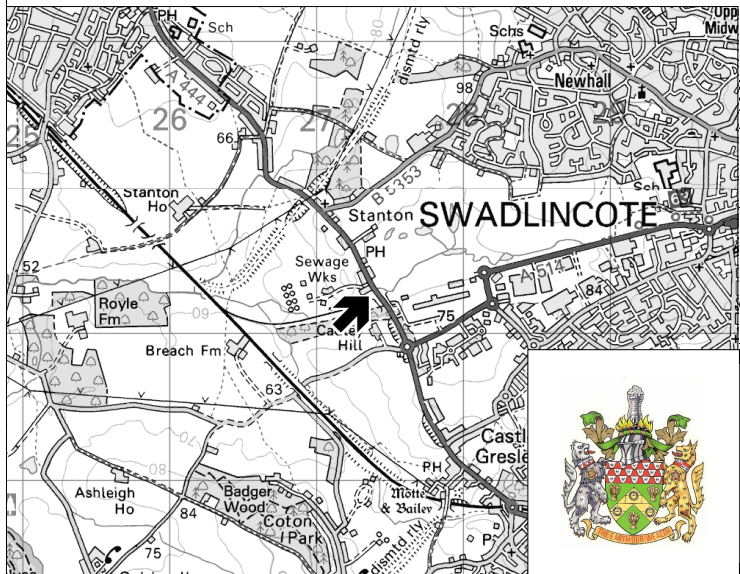
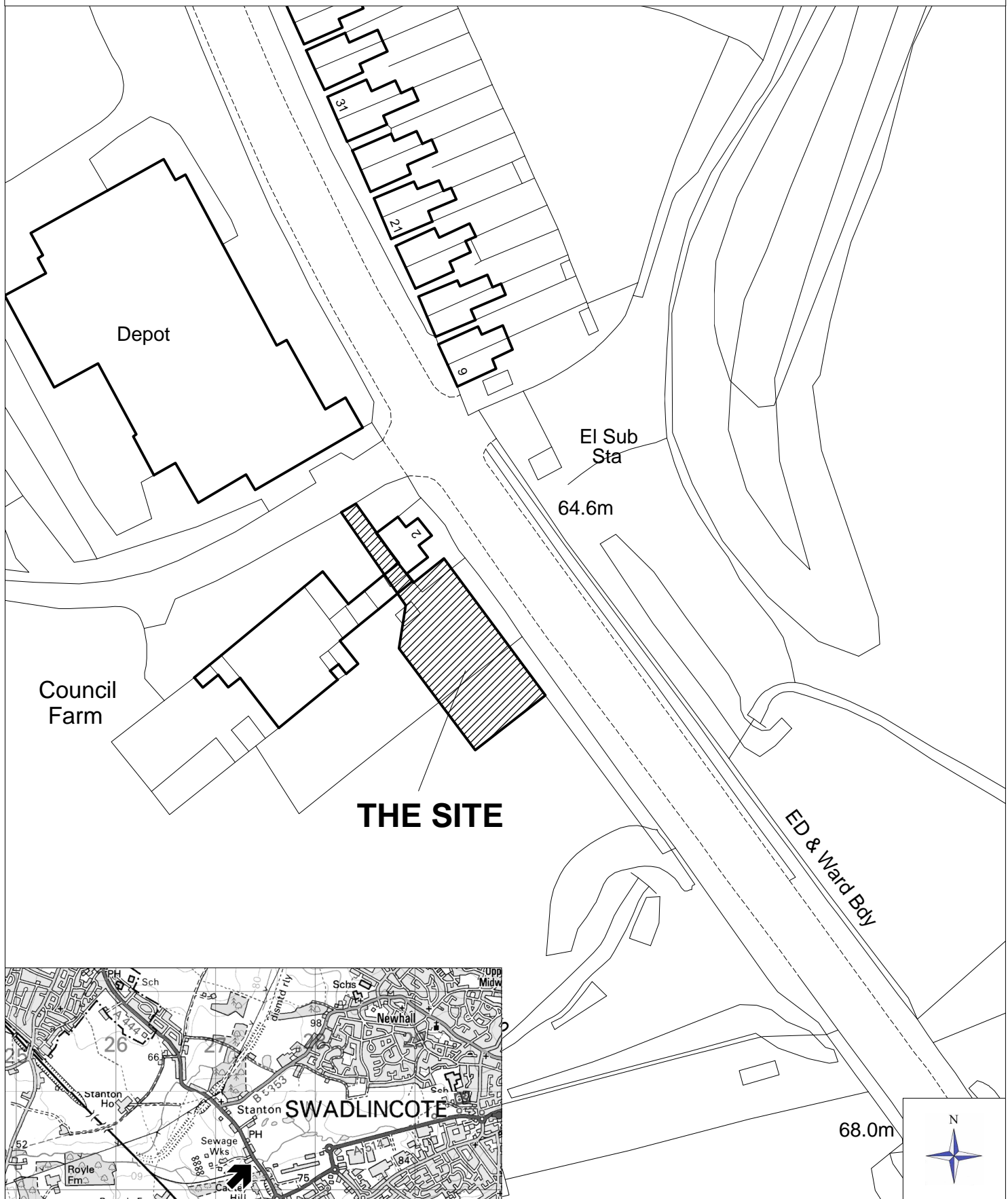
This application is brought before this committee following a request by Councillor Bambrick advising that there are unusual circumstances, which need to be considered by the planning committee.

Site Description

The application site is located to the side of the residential property of 2 Woodland Road at Stanton. The site is washed over by Green Belt and was formerly attached to Council Farm. The property was divided in approximately 2010. The property as now divided consists of a residential dwelling with access to the east of the property and the main garden and amenity area being to the side of the property backing onto agricultural fields and grazing areas bounded by dense hedging.

Proposal

The proposal is for the change of use from partial residential garden and field to a commercial kennel business, with the erection of two kennel buildings, an office and toilet/shower/wet room. The proposed kennels buildings would measure 17.6m in length x 3.82m in width x 2m to the eaves and 2.77m to the ridge in height. One kennel building proposed (K1) would include a toilet/shower/wet room measuring 1.95m in length x 3.62m in width at one end of the proposed kennels and at the other end an office measuring 4.75m in length x 3.62m is proposed. The proposed buildings would



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house 12 kennels including some double or family kennels. Three car parking spaces are proposed in front of the proposed kennels facing Woodland Road, which would be accessed by the existing vehicular access. Approximately 5.9m of the proposed kennel buildings would be located outside the residential curtilage of 2 Woodland Road, protruding into the open countryside, necessitating the removal of the existing dense hedging that forms the current boundary.

Applicants' supporting information

In support of the application are the following related documents:

- Coal Mining Risk Assessment Report and non-residential Coal and Brine Report
- Planning, design and access statement.
- The applicant has long experience of working with dogs.
- The applicant's family have lived in South Derbyshire for 11 years and are greatly involved in local communities.
- The proposal would enable the applicant to satisfy a need for boarding kennels in the local area and the proposal has met with tremendous support from people who know the applicant's abilities and skills with dogs.
- The proposal could lead to increased tourism and economic growth in South Derbyshire and would complement the golf course in Swadlincote as people would have somewhere to board their pets whilst they take advantage these developments.
- Whilst this is not 'appropriate development' kennels are best located away from residential areas for reasons of noise and security, and location on the edge of settlements are therefore best. The property is also the applicant's home the need for staff to travel would be avoided. In addition, due to the surrounding development, limited impact of the scheme and location within an established group of buildings adjacent to a large commercial activity, the applicant considers that this constitutes special circumstances that outweigh the need to retain the openness of the Green Belt.
- Because of the scale and siting of the buildings there would be no demonstrable loss of openness to the Green Belt or visual amenity.
- The objectives the Green Belt would not be harmed.

Responses to Consultations

The Coal Authority does not raise any objections to the application as submitted and advises that a standard condition be applied should approval be given.

The County Highway Authority does not raise any objections to the application subject to a condition relating to parking spaces being provided.

The Environmental Protection Manager objects to the application as submitted, raising concerns regarding possible disturbance from dogs barking, particularly when in outside pens, and the close proximity of residential dwellings to the site.

Responses to Publicity

One letter of objection has been received from the owner at Council Farm who borders the site. The concerns noted are:

- a) Inappropriate for people to be living in close proximity to a commercial kennels

- b) Animal noise
- c) Customer traffic
- d) Smell
- e) Hygiene
- f) Animal waste – what happens to the faeces?
- g) Disease could be brought to humans (toxicariasis) and livestock intended at Council Farm
- h) Access is inadequate and dangerous off Woodland Road for people to drop off and collect animals
- i) One only space left for car parking
- j) Part of kennels are proposed to be located in the Green Belt which should not be for commercial use
- k) Devalues property value at Council Farm

National Guidance

PPG 2.

Development Plan Policies

The relevant policies are:

Saved Policies from the Local Plan: Green Belt Policy 4.

Planning Considerations

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

- Development plan policy and national guidance and advice
- The impact of the proposal on neighbours and highway safety.

Planning Assessment

With regards to whether the development proposed is in line with national guidance and development plan policy, Planning Policy Guidance 2 and saved Green Belt Policy 4 are relevant. The proposal is wholly within an area that is washed over by the statutory Green Belt. The proposed development does not fit within the defined categories of development which are considered to be 'appropriate' in the Green Belt and as such is, at the national level, considered inappropriate. Inappropriate development is by definition, harmful to the Green Belt. As such PPG2 makes it clear that an applicant must demonstrate very special circumstances to show why permission should be granted. This is a severe test and no evidence has been put forward to explain why a site outside the green belt could not accommodate kennels. The fact that the applicant owns the house and land is not in itself of any significant weight. This is the smallest green belt in the country and to allow its erosion without an overriding reason would weaken the local planning authority's ability to maintain open space around Swadlincote and Burton on Trent. PPG2 states that the essential characteristic of Green Belts is their permanence and their protection must be maintained as far as can be seen ahead.

The proposed commercial buildings would be an urban intrusion into the adjacent field. As such the proposal would reduce the openness of the green belt, which is identified in PPG2 as its most important attribute.

County Highways do not raise any objections to the development as proposed and therefore highway safety is not considered to be an issue.

The proposed development is located approximately 50m from residential properties on Woodland Road and only 10m from Council Farm, which was granted permission for a two bedroomed dwelling in 2009. The Environmental Protection Team has raised concerns regarding the close proximity of the residential properties and the disturbance from dogs barking at the site. Accordingly they have recommended the application be refused, as the impact upon the neighbours is unacceptable.

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

Recommendation

REFUSE permission for the following reasons:

1. The proposal, being of an urban nature would reduce the openness of the Green Belt and encroach into the open countryside. The construction of the proposed commercial kennel buildings is not appropriate development as defined in Planning Policy Guidance 2 and is thereby also contrary to South Derbyshire Local Plan Green Belt Policy 4. The Local Planning Authority considers that there are no very special circumstances that would justify inappropriate development in the Green Belt in this case.
2. The proposal would likely result in unacceptable disturbance to neighbouring properties by dogs barking from the proposed kennels, in particular when they would be in outside pens.

2. PLANNING AND OTHER APPEALS

(references beginning with a 9 is planning appeal and references beginning with an E is an enforcement appeal)

Reference	Place	Ward	Result	Cttee/Delegated
9/2010/1049	Hilton	Hilton	Dismissed	Delegated
9/2010/1100	Hatton	Hatton	Dismissed	Delegated
9/2011/0051	Castle Gresley	Linton	Allowed	Delegated
9/2010/1085	Church Broughton	Hilton	Allowed	Committee



Appeal Decision

Site visit made on 16 August 2011

by A J Davison BA(Hons) LLB(Hons) MSc MBA Dip LD RIBA FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 August 2011

Appeal Reference: APP/F1040/A/11/2151356

1B Harrison Court, Hilton Business Park, Hilton DE65 5PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Darcy Bunnie Creative Arts Ltd against the decision of South Derbyshire District Council.
 - The application Reference 9/2010/1049, dated 11 November 2010, was refused by notice dated 7 January 2011.
 - The development proposed is the broadening of permitted uses (B1, B2 and B8) to include D1 use.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the use on the safety of users of the building.

Reasons

3. The appeal site is in Harrison Court, a development of industrial buildings erected in 2007 on a large industrial estate, access to which is controlled by a gatehouse. The estate, a former MoD depot, is one of five major employment sites allocated for B1, B2 and B8 uses by Employment Policy 2 of the 1998 South Derbyshire Local Plan. Harrison Court consists of a number of industrial units surrounding a large tarmac forecourt that provides manoeuvring space for commercial vehicles associated with the various enterprises in the buildings as well as parking facilities marked out in front of each unit.
4. The Appellants operate a pre-school nursery in several buildings, including the village hall, in the centre of Hilton, a village that has expanded considerably over the past twenty years and is continuing to grow. They say that the existing facilities are inadequate due to lack of space and the additional operating costs associated with dividing activities between different buildings. The appeal site, which is on the edge of the village, is the closest and most suitable alternative location.
5. The nursery caters for up to 36 children aged from 3 months to five years in two daily sessions from 0900hrs to 1200hrs and from 1200hrs to 1500hrs. There is also a breakfast club and after school club for 5-11 year olds, which operate from 0700hrs to 0900hrs and 1500hrs to 2100hrs respectively. The evening session is open to children up to 16 years old. There are also classes and events at weekends, between 0900hrs and 1700hrs.

6. According to the Appellants 80% of the pre-school children arrive on foot and 20% by car, while for the evening activities these figures are reversed. The appeal site is in a more remote location, some 800m from the village centre and is not served by public transport. A footpath/cycle way leading from the village centre to the roundabout at the entrance to the estate would aid those living between the centre and the site. Nevertheless, having regard to the ages of the children concerned and the distance involved, it seems reasonable to suppose that the level of car use would increase. The Appellants say that, as the facility would be further from the primary school, users of the breakfast and after school clubs would be taken to and from it by bus.
7. It is likely that parents arriving at the nursery would wish to park their cars and conduct the children into the building. The premises have eight parking spaces, which would need to cater for parents and staff. Given the number of children involved this is unlikely to be sufficient particularly since traffic flows would be concentrated at the beginning and end of sessions. This is likely to result in traffic congestion in front of the building, albeit for short periods, at certain times of the day.
8. There is a car park on the other side of the access road and the Appellants have offered to mark out a pedestrian route from this. However, both the car park and the suggested route lie outside the site boundary and are not under the Appellants' control. There can be no certainty that their clients would be able to use the car park. Indeed there is a suggestion from a third party that spaces on it are rented to other users and none are available.
9. The forecourt has been laid out for industrial use, with no segregation between pedestrians and vehicles. Parents and children on foot would mingle with manoeuvring cars, buses and commercial vehicles, including articulated heavy goods vehicles servicing other units. This would present a hazard, for young children in particular, regardless of whether or not they were supervised.
10. It is true that the Highway Authority has not objected to the proposal. There is, however, no suggestion that the appeal proposal is likely to give rise to problems on roads in the village. The safety and congestion issues relate to activities within the site rather than on the public highway
11. The Appellants have drawn attention to the use of the adjoining unit as an adventure play facility, "Jangala", for which planning permission was granted in 2009. Although both uses involve children they are not directly comparable. There is a distinction in that Jangala is a leisure use, with individual customers arriving and leaving throughout the day whereas the appeal proposal would involve larger numbers of people at set times. Moreover, the Council points out that there would be a particular difficulty with the nursery in that the pattern of comings and goings associated with it would coincide with periods when industrial traffic was at its height.
12. The Council is also concerned about the long term implications of losing an employment use. It would appear, however, that there is an oversupply of such premises in the District and the site owners say that they have been trying, unsuccessfully, to market the site for the past four years. Moreover, while not within one of the use classes catered for by the appeal site, the Appellants are operating a successful enterprise employing 18 people.

13. The value of the nursery to the local community is not in question and the difficulty of finding suitable accommodation in a rural area is acknowledged. Nevertheless, I consider that the appeal building would not provide a suitable location for the use because the nature of its surroundings and the amount and pattern of traffic generated by the use would present a hazard to users. Furthermore, in so far as the proposals do not include any traffic management measures that might overcome this, they would conflict with saved Employment Policy 2B of the 1998 South Derbyshire Local Plan. For those reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

Anthony J Davison

Inspector



Appeal Decision

Site visit made on 16 August 2011

by A J Davison BA(Hons) LLB(Hons) MSc MBA Dip LD RIBA FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 August 2011

Appeal Reference: APP/F1040/A/11/2147915/WF
2 Yew Tree Road, Hatton DE65 5EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Ireland against the decision of South Derbyshire District Council.
 - The application Reference 9/2010/1100, dated 30 November 2010, was refused by notice dated 1 February 2011.
 - The development proposed is a new domestic dwelling.
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Decision

1. The appeal is dismissed.

Reasons

2. The appeal site is a grass verge on the north side of the junction of Yew Tree Road and Station Road, which is the principal road through the village. The site extends along the southern boundary of the property to the north, 125 Station Road, but forms part of the curtilage of 2 Yew Tree Road. The main issue in the appeal is the effect that the proposed erection of a bungalow on the site would have on the character and appearance of the area.
3. Development along Yew Tree Road, which curves round to the junction from the north, follows a generally well defined building line. The effect of this is emphasised by the open front nature of the estate, which extends as far as Station Road. The appeal site contributes to this open character and also helps to define the junction, which is a main entrance to the estate. These characteristics would be lost as a result of the proposed development.
4. The proposed bungalow would be set forward of the adjoining properties on this side of Yew Tree Road. Its siting would also bear no relation to that of the adjoining property to the north, 125 Station Road. The building would have no particular architectural merit and, despite the Appellant's claim to the contrary, it would not add interest to the junction. Because of its prominent position and poor relationship to its neighbours it would be an obtrusive and incongruous feature of the street scene.
5. Its impact would be exacerbated by the fact that its finished floor level would be raised above that of its neighbours. While the need to do this in order to reduce the risk of flooding is acknowledged it would also have the effect of making the building even more prominent.

6. There is a bungalow, 123 Station Road, on the opposite corner that is also close to the back of pavement. The situation is not altogether comparable with that of the appeal site. Although it projects in front of its neighbours on Yew Tree Road, number 123 has been laid out so that it forms part of the line of development along Station Road. In contrast, the incongruity of the appeal proposal lies in the fact that its siting does not relate well to its neighbours on either Yew Tree Road or Station Road, including number 123.
7. There is an implied presumption in favour of housing development in Hatton contained in saved Policy H5 of the 1998 *South Derbyshire Local Plan*. However, the relevant paragraph of the supporting text, paragraph 3.54, goes on to say that there are other matters to be taken into account and that normal development control considerations will apply. The Policy also requires development to be in keeping with the character of the settlement.
8. For the reasons given above I consider that the proposed development would harm the character and appearance of the area because of its damaging impact on the street scene and would therefore conflict with saved Local Plan Policy H5. For that reason and having regard to all other points raised, including the concern expressed by local residents with regard to parking and traffic congestion, I conclude that the appeal should be dismissed.

Anthony J Davison

Inspector



Appeal Decision

Hearing held on 19 July 2011

Site visit made on 19 July 2011

by Susan Heywood BSc(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 September 2011

Appeal Ref: APP/F1040/A/11/2147331

Broughton Caravan Park, Sutton Road, Church Broughton, Derby DE65 5DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Charles Doherty, Simon Doherty, Patrick Donovan and Charles Doherty against the decision of South Derbyshire District Council.
 - The application Ref 9/2010/1085, dated 19 November 2010, was refused by notice dated 18 January 2011.
 - The development proposed is the change of use of land to use as a residential caravan site for 4 gypsy families, each with 2 caravans, including laying of hardstandings, improvement of access and erection of amenity blocks.
-

Summary of Decision

1. I allow the appeal, subject to the conditions set out in the formal decision below.

Preliminary Matters

2. The Council was granted an Injunction which has been extended and will now expire on 12 January 2012. Amongst other things, this prevents the appellants from bringing onto the site any more than the existing 9 caravans.
3. Since the application was submitted, Mr Donovan has moved off the site. The site is currently occupied by Charles and Mary Doherty, Simon and Leanne Doherty, Charles and Ann Doherty and the Doherty families' children, together with John and Jane Casey and their children and James and Indiana Casey.¹ The appellants' agent confirmed that permission is now being sought for 5 families, each with 2 caravans. One of the pitches on the submitted layout plan would be sub-divided to accommodate the additional family / caravans.
4. The appeal relates to an application for the use of land and the numbers of caravans and amenity blocks to be accommodated on the site would be controlled by condition, despite the description of development outlined above. As such, it is open to me to accept an amendment to increase the number of families and caravans on the site. I consider that the increase in the number of caravans on the site from 8 to 10 (and the number of utility buildings from 4 to 5) would not be a significant intensification in the use. Accordingly, I have accepted the amendment and to avoid confusion, I have altered the description of development in the formal decision.

¹ References to 'the appellants' in this decision include the Casey families.

5. I acknowledge that the potential for an intensification of the use is a matter of concern raised in a significant number of the letters from interested parties. Those people who have written to object to the application and appeal have objected on the basis of 4 families living on the site and I have taken their objections to also apply to the development for 5 families. Church Broughton Parish Council were present at the hearing and were able to put forward the views on behalf of local residents. The Council confirmed they had been aware for some time of the number of residents proposed on the site, indeed the hearing relating to the extension of the Injunction took place before the Committee Meeting at which the application was considered. The Injunction was amended to include the Caseys. I am therefore satisfied that accepting this amendment would not prejudice any party.

Main Issues

6. The main issues in this case are as follows:
- i. the impact of the development on highway safety;
 - ii. whether the proposal would be a sustainable form of development;
 - iii. the impact of the development on the settlement of Mount Pleasant;
 - iv. the impact of the development on the character and appearance of the surrounding countryside;
 - v. whether any other circumstances exist, including the general need for and availability of gypsy sites and the personal circumstances of the appellant, that would be sufficient to outweigh any harm identified.

Policy Context

7. The Government has recently announced its intention to revoke ODPM Circular 1/2006 *Planning for Gypsy and Traveller Caravan Sites* (Circular 1/06) and a draft Planning Policy Statement (PPS) *Planning for traveller sites* has recently been issued for consultation. The parties agree that the consultation document should only be given limited weight at this stage and whilst I agree, I have had regard to it in this appeal. I have also noted the contents of the draft National Planning Policy Framework (NPPF) which was published on 25 July 2011. However, the draft policy in the NPPF makes little material change to that within existing national policy documents (in particular Circular 1/06) in relation to this case. In any event, as this draft policy is at an early stage little weight can be attached to it. Circular 1/06 for the time being remains in force and is therefore a material consideration which I am still bound to have regard to.
8. The development plan includes the East Midlands Regional Plan (RSS) and the saved policies of the South Derbyshire Local Plan 1998. Although the Government has announced its intention to revoke RSS through the Localism Bill, it remains in force for the time being as part of the development plan.
9. RSS policy 1 contains a number of objectives including the promotion of patterns of development that reduce the need to travel, the protection of the environment and responding to the diverse needs of different communities. Policies 3 and 12 relate to the location of development and policy 16 sets out the minimum gypsy pitch provision across the Region.

10. Local Plan Environment Policy 1 seeks to restrict development within the countryside and Transport Policy 6 aims to ensure safe access. Housing Policy 15 relates specifically to gypsy caravan sites. The Council raise concern regarding criterion (ii) its location in relation to other development; (iv) the accessibility of the site's location; (v) its impact on its surroundings and (vi) the adequacy of the access. I address each of these policies below, although the Local Plan policies must be seen in the light of more up to date advice in Circular 1/06.

Reasons

Highway safety

11. The Highway Authority accepts that visibility to the west of the existing site access is acceptable. The dispute between the parties relates to the visibility towards the east. It was agreed that visibility to the east is currently 2.4m x 68m to the nearside edge and 106m to the centreline. However, this is only achievable because the hedge to the east of the access has been cut back. This hedge is outside of either the appellants' or the Highway Authority's control and as such, maintenance of these visibility splays cannot be guaranteed in the future. I have therefore had regard to the lesser visibility splays which would be achieved if the hedge were allowed to grow to the point where it would overhang the highway verge (and therefore come under the control of the Highway Authority). In these circumstances it was agreed that visibility of 2.4m x 41.5m would be achievable to the nearside edge and 2.4m x 68m to the centreline. This compares with guidance in Manual for Streets 2 (MfS2) which advises that minimum visibility for the speed of traffic on the road should be 2.4m x 78m.
12. Sutton Road is a narrow rural road which the Highway Authority accepts can be classed as a lightly-trafficked rural lane. The Council and appellants agreed that the development (for 5 families) would be likely to generate around 35 – 40 vehicle movements per day. Visibility to the nearside kerb as outlined above would fall well below the recommended minimum level in MfS2. However, there are likely to be only a few circumstances where westbound vehicles would be close to the nearside kerb, for example, they may be passing a pedestrian, cyclist or slow moving vehicle. Given the lightly trafficked nature of the lane and the modest number of vehicle movements generated by the site, this situation is unlikely to regularly coincide with vehicles emerging from the site. Even if this were to occur, part of the oncoming vehicle would still be visible from the access due to the restricted width of the lane. Accordingly, I consider that it would be acceptable to adopt a measurement to the centreline of the road in this instance.
13. The visibility to the centreline would still fall below that recommended in MfS2. But that document advises (paragraph 10.5.9) that a reduction in visibility will not necessarily lead to a significant problem. In this case vehicle speeds along the road are not particularly high and it is likely that vehicles travelling along the road would be able to see a vehicle emerging from the junction, or slowing down in the road in order to turn into the site, in sufficient time to be able to slow down or stop if necessary. Taken together with the lightly trafficked nature of the road and the modest vehicle movements associated with the site, this leads me to the view that the reduction in visibility standards would be unlikely to result in significant harm to highway safety.

14. In coming to this conclusion, I have had regard to the fact that MfS2 also advises that an 'x' distance of 2m may be applicable in lightly trafficked rural lanes and in such situations many drivers will tend to cautiously nose out into the road. If this standard were to be adopted in this instance, the actual distance that an emerging driver could see towards oncoming traffic would be increased further.
15. Residents and the Parish Council also raised concerns about the impact of the increased traffic on the roads surrounding the site. These are narrow rural lanes with no footpaths and care is needed when two vehicles are passing in opposite directions. However, as stated above, the development would only result in a moderate increase in the number of traffic movements and there appear to be no specific difficulties in accommodating the level of traffic likely from this site. The roads are similar to many found in rural areas and I have no evidence to demonstrate that the level of traffic generated by the development would harm highway safety. The Highway Authority themselves are satisfied that the traffic can be accommodated on the surrounding roads and have therefore raised no objections on these grounds.
16. Paragraph 66 of Circular 1/06 advises that proposals should not be rejected if they would only give rise to modest additional daily vehicle movements and/or the impact on minor roads would not be significant. For the above reasons, I conclude that the development would not have a materially harmful impact on Sutton Lane. The development would not therefore conflict with Local Plan Transport Policy 6, nor part (vi) of Housing Policy 15.
17. I acknowledge that visibility could be improved by moving the access further to the west. However, in its current position, the access allows for a bend in the road within the site and planting close to the entrance. This will help to soften the visual impact of the development and I consider this further below. If the access were to be moved, such screening would be less effective unless substantial alterations were to take place in the site layout. On balance therefore, I do not consider that there would be sufficient justification to warrant the imposition of a condition to require the relocation of the access.

Sustainability

18. The site is around 1km from Church Broughton which contains a primary school, church, public house and village hall. A wider range of services and facilities are available in Hatton (around 4km away) and Hilton (around 5km away). There is no dispute that the occupiers of the site will be primarily dependent on the private vehicle for their day to day needs.
19. Circular 1/06 advises that gypsy sites are acceptable in principle in rural areas and that local authorities should be realistic about the availability of alternatives to the car in accessing local services. It states that issues of sustainability should take in wider considerations other than transport mode and distances from services. These include the promotion of peaceful and integrated co-existence between the site and the local community, wider benefits of easier access to GP and other health services; children attending school on a regular basis; the provision of a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment and not locating sites in areas at high risk of flooding. The draft PPS *Planning for traveller sites* proposes similar advice on sustainability.

20. I acknowledge that there have been a number of objections to the development from the settled community but the provision of a settled base, in a location which is separated, but not isolated from the nearby community, gives the chance for the families to become integrated over time. The development will reduce the need for these families to resort to possible unauthorised encampment and the benefits of access to GP services and education are set out below. The site is not located within Flood Zones 2 or 3 and I have no substantive evidence that flooding would be a significant issue. Conditions requiring the submission of drainage details can be imposed.
21. The development would conflict with the locational principles in RSS policies 1, 3 and 12 and part (iv) of Housing Policy 15 of the Local Plan. However, the RSS policies are not specific to gypsy sites and Local Plan Housing Policy 15 should be seen in the light of the more up to date advice in Circular 1/06. In terms of its location in relation to services and facilities the appeal site is similar in nature to sites in many rural areas and the site would not conflict with the sustainability considerations set out in the Circular. Accordingly, I consider that there is no justification for withholding planning permission on sustainability grounds.

Impact on the settlement of Mount Pleasant

22. Circular 1/06 states that "sites should respect the scale of, and not dominate the nearest settled community". Similar advice is proposed in the draft PPS. The site is located close to the small hamlet of Mount Pleasant and the Parish Council and residents expressed concern that the development would dominate that settlement. The Council take the view that this is only likely to be a concern if intensification of the use occurs in the future and it was not a reason for refusal of the current proposal. They are satisfied that they could seek to extend the existing Injunction on the adjoining field in the appellants' ownership to prevent unauthorised development on the adjoining land in the future.
23. I was told that there would be a similar number of people on the appeal site as there currently are resident in Mount Pleasant. However, this is because there are a large number of children in the 5 families currently resident on the site. The population of Mount Pleasant could fluctuate over time and it is more pertinent to consider the number of households, rather than numbers in each household. The development only proposes the creation of 5 households and I understand that there are 13 dwellings in the existing hamlet, including the 2 farm houses, there are also holiday chalets on one of the farm complexes. In considering the hamlet and the appeal site together, the predominant form of housing would still be that occupied by the settled community. In addition, the amount of land which would be covered by the gypsy caravans and utility buildings would be significantly smaller than the amount of land taken up by the existing built development in the village.
24. Dominance could also take the form of undue noise and activity in relation to the levels within the existing hamlet. Here, there are no commercial activities proposed on the site and the number and size of vehicles can be controlled by condition. Noise from generators on the site would no longer be an issue as the appellants indicated that the development would be connected to the mains electricity supply. Noise would therefore only arise from general household activity and children playing on the site. I do not consider that this would be particularly harmful having regard to the number of pitches proposed on this

site, given the separation between the site and the existing dwellings in the hamlet. I note the appeal referred to by the Council in which the Inspector took the view that a development would be harmful in this respect (APP/P1560/A/09/2105020). But that appeal related to a much larger number of pitches than is proposed here. I accept that there may come a point where any increase in the number of pitches proposed on the site in the future would lead to a different conclusion on this matter. However, that would be up to the Council in the first instance to determine on the basis of the facts at that time. For the above reasons, I conclude that the development would respect the scale of, and would not dominate, the hamlet of Mount Pleasant. It would therefore comply with the relevant advice in Circular 1/06 and would not conflict with part (ii) of Local Plan Housing Policy 15.

Countryside impact

25. The appeal site is located within relatively flat open countryside. There is other sporadic development in the surrounding countryside, in the form of a farm complex to the north west and agricultural buildings and a caravan to the east. The site has substantial hedges to its southern boundary with Sutton Road and to its northern boundary with an adjoining field. These hedges would largely screen the development from Sutton Road and from the footpath to the north, particularly in the summer. Whilst the development would be more visible during the winter months when the hedges will be bare, the hedges are reasonably thick and will still provide some screening benefit. The main visual impact of the development would therefore be in views gained through the access point. From here, the caravans, mobile homes, utility buildings, hardstandings, lighting, fencing, domestic paraphernalia and vehicles would have a harmful, urbanising impact on the surrounding environment. However, such views would only be gained over a relatively short length of Sutton Road and the harmful appearance of the development would be substantially reduced due to the proposed alterations to the current site layout (to accommodate 5 pitches on a smaller area of hardstanding than currently exists) and the proposed landscaping within the site, once it has established and matured. Conditions can also control lighting, vehicles and the numbers of caravans on the site.
26. The eastern site boundary has some substantial hedges and trees, but has more gaps. Glimpses of the site can be gained across fields to the east of the site. Some supplementary planting would be beneficial along this boundary to further filter views of the development from the east. The appellants own the adjoining field to the west of the site around which there are also substantial hedges which further screen the site from views from the north, south and west. However, the western boundary of the site has been delineated by a concrete post and wooden panel fence erected by the appellants. The fence has a harsh, urban appearance and is prominent in views from the footpath which crosses the field to the west of the site. The tops of the caravans and utility buildings would also be visible from the footpath. Over time, though, planting which is proposed along the length of the fence will soften the visual impact of both the fence and the development on the site.
27. Circular 1/06 advises that sites within rural areas are acceptable in principle. The draft PPS reiterates the advice in PPS7 *Sustainable Development in Rural Areas* that new development in open countryside should be strictly limited, but it also advises that some forms of traveller sites may be acceptable in some

rural areas. In this case the development would cause some harm to the character and appearance of the area and in this respect it would conflict with the advice in RSS policy 1. However, views of the development would be limited and localised and proposed planting would further reduce the harm over time. The proposal would not therefore conflict with Local Plan Housing Policy 15 as it would be capable of being satisfactorily assimilated into the environment. In view of the advice in both the existing Circular and its proposed replacement, I conclude that the harm that would be caused to the character and appearance of the surrounding countryside would not be so significant as to warrant dismissing the appeal.

Need for gypsy sites

28. The 2008 Gypsy and Traveller Accommodation Assessment (GTAA) identified a need for a minimum of 58 pitches to be provided in Derbyshire between 2007 and 2012, 19 of which are to be provided in South Derbyshire. This is reflected in RSS policy 16. There is therefore no dispute in relation to the national and regional need for pitches. The Council say that 18 pitches have been provided in the District since 2007, although 1 pitch is due to be lost, reducing the number of pitches provided to date to 17. They argue that they have therefore almost met the requirement to 2012 and the need for pitches should not weigh heavily in favour of this appeal. The appellants argue that the minimum need has not been provided in full and as such substantial weight should be given to the outstanding unmet need.
29. There is a dispute in relation to the site at Castle View, where the appellants consider that the Council have incorrectly counted each caravan as being 1 pitch, which they say is not the case. As a consequence, the appellants consider that a further 3 pitches should be added to the outstanding need. I acknowledge that it is unusual for a gypsy pitch to only contain 1 caravan. However, the evidence submitted, which includes a letter from the current appellants' agent which refers to the number of *pitches* on that site, does not convincingly demonstrate that I should adopt the lower number of pitches as it relates to that site. Accordingly, I consider that the unmet need currently relates to only 1 pitch, although this is likely to increase to 2 pitches in the future. There is not therefore a significant level of unmet need identified in the District.
30. The GTAA and RSS both express the figures as minimum levels and they should not therefore be treated as targets or maximum levels. The provision of pitches over and above the identified levels would not be unacceptable in principle having regard to RSS policy 16. There are other indicators of need which is not being met in the District; the occupation of this site by these gypsy families is evidence in itself of their need for a site; there are 20 families on the waiting list for the Woodyard Lane public site; there is a further current appeal for more caravans on an existing site in the District and there is evidence of recent unauthorised encampments. I also note the 'Review of Gypsy and Traveller Accommodation Assessments Conducted in the East Midlands'. This found that the methodology used in the 2008 GTAA was generally robust but that 'actual requirements could be significantly higher'. It concludes that the assessment 'may' have underestimated need in the District. On the basis of the above, whilst I agree that the level of identified need in the District is not significant, I consider that there are other factors which suggest

that there is a need for the provision of sites beyond the minimum levels identified in the GTAA and RSS.

31. I acknowledge the Council's concern that they have provided a number of pitches within their District and that the failure of other authorities to meet the need within their administrative boundaries results in additional families without authorised pitches, some of whom have resorted to South Derbyshire. I have some sympathy with this view, but the fact remains that the need is not being met and is now arising in this District. Dismissing this appeal will not solve the problem of provision in other local authority areas and will only add to the problem of the lack of pitches both locally, regionally and nationally.
32. The Council's current estimate for adoption of their Core Strategy is the end of 2012, with a site allocations Development Plan Document (DPD) to follow. It was accepted that if sites are allocated in that DPD for gypsy pitches, it would be at least 2015 when those sites would become available. Accordingly, the small level of outstanding need which has already been identified will not be met through the development plan. There will also be a period of at least 3 years when the growth beyond 2012 (estimated in the RSS as 3% per annum) will not be met through the development plan and there is currently no timescale for the provision of an updated needs assessment which should take into account the other indicators of need outlined above. In these circumstances it is inevitable that need will arise and that sites will be dealt with on a case by case basis. Indeed, the Council themselves consider that the development should be assessed in the light of their criteria based development plan policy, currently contained in Local Plan Housing Policy 15. Assessment on the basis of criteria-based policies is also advocated in the draft PPS for the basis of decisions where no need is identified, but applications come forward.
33. I note the two appeal decisions where the need for sites in South Derbyshire was determined as being 'slight' (APP/F1040/A/10/2121925) and 'not constituting a significant additional need' (APP/F1040/A/10/2132318). This does not conflict with my own finding in relation to the minimum identified need. However, in the first case, no mention is made of other evidence put to that Inspector in relation to other indicators of need and in the second, the Inspector specifically refers to the lack of evidence before him. Both cases also had findings of significant harm, unlike the case before me.
34. In summary, the need for additional gypsy sites nationally, regionally and locally and the failure of the development plan to meet that need both weigh in favour of the appeal.

The accommodation needs of the appellants and their alternative accommodation options

35. Some members of the Doherty families were for some time resident on an unauthorised encampment at Glossop Street, Derby. The evidence in relation to the length of time they spent on that site and when they moved off was conflicting. It seems that they moved off the site around 5 years ago, although since then some of them may have returned there for short periods of time. The Glossop Street site had no facilities and was tolerated by the local authority but is now being closed. The existing residents on that site are being moved to a new site at Russell Street, Derby. That site is only large enough to accommodate the existing residents at Glossop Street and the Dohertys say

that they were not allowed to put their names down for the new site. They also say that there were disputes on the Glossop Street site and that living with such a large number of other families was not a good environment for the children.

36. I note the Council's concern that had the Dohertys not moved off that site, they would now have been accommodated on the new site at Russell Street. But this is not a situation where the appellants have moved off an authorised site in order to occupy the appeal site; the Glossop Street site was never an authorised base. Given the lack of facilities on Glossop Street, I can appreciate why this group of families felt the need to move, particularly if there were also disputes between the residents on that site. Since moving from the Glossop Street site, none of the Doherty families have had a site on which to settle and all have been travelling. The appellants' agent was engaged in 2010 and began looking for sites around this area.
37. Turning to the Casey family, they were previously travelling in the London area and have never had a settled site. They (and the Dohertys) looked for pitches on the Woodyard Lane public site, but were told that there was no room. They also sought pitches on the Castle View site, but this site is also full. The Caseys moved onto the appeal site in January 2011, when the Injunction had already been served.
38. The Council accept that there are no alternative permanent sites for the appellants to move to if they were required to leave this site. They point to 1 vacant medium term pitch on the other public site within the District at Lullington Crossroads. There are also currently 2 transit pitches available on that site, for 2 week stays. I give very limited weight to this suggestion as an alternative as they are only short term (maximum of 6 months) and would not accommodate all of the families resident on the appeal site.
39. The appellants' need for a site and the lack of alternative permanent pitches for all of the appellants to move to, both provide weight in favour of the appeal.

Other Personal Circumstances

40. Circular 1/06 advises that gypsies and travellers have the worst health and education status of any disadvantaged group in England. No particular health issues were put before me, but there are a number of young children on the site, some recently born. They will clearly benefit from a settled site from which to access healthcare, as will all of the other residents of the site. The health needs are not significantly different to those of many gypsy families and they do not need to be met from this site. However, there are no alternative permanent sites for the families to move to. The provision of a settled base which would allow the appellants to gain easy access to healthcare attracts some weight in favour of the development.
41. There are a number of school age children on the site who, since moving onto the site are settling into local primary schools. It would appear that the older children, who have not had a settled education prior to moving to the site, have suffered from this lack of education and are unable to read and write. John and Jane Casey are nevertheless keen for their older children, Patrick and Katrina, to be able to access education now. They are seeking a secondary school for Katrina and Patrick will be attending college in September. The younger children now appear to be benefiting from their access to education.

The Council confirm that the school at Church Broughton is now able to accommodate the children from the site.

42. The educational needs of the families are no different to that of other gypsy families and it is not essential for their needs to be met from this site. But in the absence of an alternative permanent site for the families to move to, it is likely that the continuity of the children's education would be disrupted if they are required to move off this site. Some weight needs to be attached to this factor in favour of the appeal for those family members with school age children.

Overall conclusion

43. In conclusion, the development would not materially harm highway safety, it would be acceptable in terms of the sustainability of its location and it would not dominate the nearby settlement of Mount Pleasant. Its impact on the countryside would be limited and localised and could be made acceptable by suitable conditions to further mitigate the harm. The conclusions on all of these matters lead me to the view that the development would therefore comply with Local Plan Housing Policy 15. Whilst recognising that the Council has provided a number of sites in the District to almost meet the requirement identified in the RSS, that figure is expressed as a minimum. The provision of additional pitches would not conflict with this policy. In addition, the further need for gypsy sites, including the appellants' need for a site, the failure of the development plan to meet that need, the lack of permanent available alternative sites to accommodate the appellants and their health and education requirements all weigh in favour of the appeal.
44. I accept that Circular 1/06 states that local authorities are entitled to refuse applications in locations that do not comply with planning policies, where they have complied with the guidance and proceeded to ensure needs identified by accommodation assessments are being met. However, for the reasons set out above, the location of the development does not cause such harm so as to conflict with the relevant planning policies.
45. Whilst I accept that there is currently no enforcement action taken against the use of the site, the Council have issued an Injunction and have indicated that they are likely to seek to remove the residents from the site should the appeal be dismissed. In these circumstances, dismissal of the appeal would, albeit indirectly, be likely to require the occupants to vacate the site (which has to be regarded as their home) without any certainty of suitable alternative accommodation being readily available. This would represent an interference with the home and family life of the occupants which in my view outweighs the harm which has been and would continue to be caused by the development in terms of its effect upon the public interest. Dismissal of the appeal would have a disproportionate effect upon the rights of the occupants under Article 8 of the European Convention on Human Rights.
46. Some of the local residents have claimed in written representations to the Council that granting planning permission for the development would result in a breach of their (unspecified) Human Rights. However, the rights and freedoms of local residents must be balanced against the effect of the development on the public interest. In the light of the conclusions on the matters addressed above I consider that in allowing the appeal, its effect on local residents would

be proportionate in the circumstances and would not result in an infringement of their rights.

47. I have paid careful attention to the letters from local residents, both for and against the development and to the concerns expressed at the hearing by Church Broughton Parish Council. I have addressed the main concerns above and have set out the reasons that lead me to conclude that the appeal should be allowed.

Conditions

48. The Council has suggested a number of conditions and I have assessed and where necessary amended these in the light of Circular 11/95 *The Use of Conditions in Planning Permissions*. A condition is suggested to restrict the use of the site to gypsies and travellers only, in order to ensure that the site meets the needs of that population. In order to protect the appearance of the area conditions are required restricting the number and type of caravans to be sited on the land; restricting commercial vehicles and activities; requiring the submission of a revised layout plan detailing the revised plot layout and the reduction in the area of hardstanding; submission of details of materials for the amenity blocks; details of lighting; landscaping and its maintenance. Foul and surface water drainage details are required in order to ensure the protection of the environment. In the interests of highway safety details of the surfacing of the access, gates, parking and turning areas should be provided.
49. Conditions restricting the occupation of the site to named residents is not required as the decision does not turn on the personal circumstances of the occupiers of the site. Conditions relating to the relocation of the access have not been included as the existing access is acceptable.

Formal Decision

50. The appeal is allowed and planning permission is granted for the change of use of land to use as a residential caravan site for 5 gypsy families, each with 2 caravans, including laying of hardstandings, improvement of access and erection of amenity blocks at Broughton Caravan Park, Sutton Road, Church Broughton, Derby DE65 5DB in accordance with the terms of the application, Ref 9/2010/1085, dated 19 November 2010 subject to the conditions set out in Annex 1 below.

Susan Heywood

INSPECTOR

ANNEX 1 CONDITIONS

- 1) The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006.
- 2) There shall be no more than 5 pitches on the site and on each of the 5 pitches hereby approved no more than 2 caravans, shall be stationed at any time, of which only 1 caravan shall be a static caravan.
- 3) No more than one commercial vehicle per pitch shall be kept on the land for use by the occupiers of the caravans hereby permitted, and they shall not exceed 3.5 tonnes in weight.
- 4) No commercial activities shall take place on the land, including the external storage of materials.
- 5) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - i) within 3 months of the date of this decision a scheme incorporating: a revised plot layout indicating a total of 5 pitches on the site; the reduction in the area of hardstanding; proposed and existing external lighting on the boundary of and within the site; landscaping; the means of foul and surface water drainage of the site; parking and turning areas; surfacing of the access road and details of gates to be erected at the site access (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.
 - ii) if within 11 months of the date of this decision the site development scheme has not been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
 - iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.
- 6) At the same time as the site development scheme required by condition 5 above is submitted to the local planning authority there shall be submitted a schedule of maintenance for a period of five years of the proposed planting commencing at the completion of the final phase of implementation as required by that condition; the schedule to make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies or, in the opinion of the local planning authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.

- 7) Before the amenity blocks are constructed, details of the external materials shall be submitted to and approved in writing by the local planning authority. The blocks shall be erected in accordance with the approved details.

APPEARANCES

FOR THE APPELLANT:

Mr P Brown	Philip Brown Associates Ltd
Charles & Mary Doherty	Appellants
Simon Doherty	Appellant
Charles & Ann Doherty	Appellants
John & Jane Casey	Site Occupants

FOR THE LOCAL PLANNING AUTHORITY:

Mr Hugh Richards	Counsel
Mr T Dening	Area Planning Officer
	South Derbyshire District Council
Ms G Richards	Enforcement Officer
	South Derbyshire District Council
Ms S Highley	Derbyshire County Council Environmental Services Department

INTERESTED PERSONS:

FOR CHURCH BROUGHTON PARISH COUNCIL

Mr Rawson
Mr Cree
Mr Fowler
Mr Henderson

DOCUMENTS

- 1 Council's letter of notification of hearing and circulation list
- 2 9 letters in support of appellants and/or development, submitted by appellants
- 3 Three letters from Derbyshire Community Health Services, submitted by appellants
- 4 Three letters from Derby and Derbyshire Traveller Education Advisory and Support Team, submitted by appellants
- 5 Information relating to planning application for Castle View, submitted by Council
- 6 Local Plan Housing policies 5 & 6, submitted by appellants
- 7 LDF progress and timetable, submitted by Council
- 8 Review of East Midlands GTAA's, submitted by Council
- 9 Eviction Notice for Glossop Street site, submitted by appellants
- 10 Conditions of Occupation for Lullington Crossroads site, submitted by Council