

25/09/2001

**Item**            **B1****Reg. No.**        **9 2001 0717 F**

**Applicant:**  
 Mr R Herridge  
 98, Station Road  
 Hatton  
 Derby  
 DE655EH

**Agent:**  
 Mr R Herridge  
 98, Station Road  
 Hatton  
 Derby  
 DE655EH

**Proposal:**        **The formation of a vehicular access at 98 Station Road  
 Hatton Derby**

**Ward:**            **Hatton**

**Valid Date:**     **06/08/2001**

This application is to be considered jointly with 9/2001/0765/F

#### **Site Description**

The site fronts onto Station Road at Hatton and forms part of a built up residential frontage to the carriageway.

#### **Proposal**

It is proposed to drop the kerb fronting Station Road to form a parking area off the highway. The access would be 4.65 metres wide, extending to 5 metres wide where it meets the road proper.

#### **Planning History**

A previous application was refused last year on highway safety grounds.

#### **Responses to Consultations**

Hatton Parish Council has no objection

The County Highways Authority has objected because permitting the access would compromise highway safety.

#### **Planning Considerations**

The main issue central to the determination of this application is:-

- The potential impact of the proposal on highway safety.

## **Planning Assessment**

In determining the previous application, referred to above, officers had regard to the impact that the movement of traffic to and from the hardstanding that would be formed to the rear of the proposed access would have on highway safety.

This was based particularly on the fact that there is an inadequate area of forecourt to accommodate a parked vehicle clear of the highway. This would lead to vehicles extending across the footway, which would be hazardous to pedestrians, especially those with a physical or visual impairment.

Additionally, if a vehicle were to park parallel to the highway the manoeuvres of it to and from the carriageway would be contrary to the best interests of highway safety. In view of this, it was determined that there would be an adverse impact on highway safety and the application was refused as recommended by the County Highways Authority.

There are no material changes to the situation on the ground since the last application was refused. Therefore, a similar recommendation of refusal is made for this application.

## **Recommendation**

**REFUSE** planning permission for the following reason:

1. The application is considered to be unacceptable as the frontage of the site is of insufficient depth to accommodate a vehicle parked at right angles to the road. A vehicle parked in such a manner would overhang the footway causing an obstruction to pedestrians. Whilst a smaller vehicle could be parked at an angle to the road, this would result in onerous movements to and from the classified highway. Both of the above would be detrimental to highway safety.

25/09/2001

**Item**            **B2****Reg. No.**        **9 2001 0765 F****Applicant:**

Mr R Herridge  
98, Station Road  
Hatton  
Derby  
DE655EH

**Agent:**

Mr R Herridge  
98, Station Road  
Hatton  
Derby  
DE655EH

**Proposal:**        **The formation of a vehicular access to serve 98 Station Road  
Hatton Derby**

**Ward:**            **Hatton**

**Valid Date:**     **06/08/2001**

This application is to be considered jointly with 9/2001/0717/F

**Recommendation**

**REFUSE** planning permission for the following reason:

1.        The application is considered to be unacceptable as the frontage of the site is of insufficient depth to accommodate a vehicle parked at right angles to the road. A vehicle parked in such a manner would overhang the footway causing an obstruction to pedestrians. Whilst a smaller vehicle could be parked at an angle to the road, this would result in onerous movements to and from the classified highway. Both of the above would be detrimental to highway safety.

25/09/2001

**Item**            **B3****Reg. No.**        **9 2001 0812 U****Applicant:**

N G Sread & Sons  
Manor Farm  
Stanton By Bridge  
Derbyshire  
DE731HN

**Agent:**

Monica Brown  
Agricultural Assistance  
36 West Street  
Geddington  
Northants  
NN141BD

**Proposal:**        **Extensions to form tearoom and the formation of an additional car parking area at Chantry Farm Shop At The Former Agricultural Building To The South West Of Wards Lane Kings Newton Derby**

**Ward:**            **Melbourne**

**Valid Date:**     **14/08/2001**

**Site Description**

The site comprises a converted agricultural building, which has been converted into a farm shop, and an associated car park. The building and car park are accessed off a stoned track from the main road to the South.

The land slopes away from Wards Lane with the site visible from it but well screened from the main road.

The site is located within open countryside.

**Proposal**

Two extensions are proposed to the building. One, the larger, would form a tea room and the other, smaller, extension would provide toilet facilities. The tea room extension would measure some 12 m x 9.5 m in terms of its floor plan.

Also proposed is an enlarged car parking area, to cater for an additional 20 vehicles, and a new access road way to the south of the existing building.

**Applicants' supporting information**

The applicant has applied for a Countryside Stewardship Scheme to revert arable land to grassland, woodland and to provide educational access to the land.

The tea room would provide a refreshment facility for existing customers to the farm shop and also for visitors to the proposed interpretation centre (9/2001/0813/F).

### **Planning History**

Permission for the farm shop was granted in 1999 (9/1999/0289/U). A copy of the report to Committee is attached for information.

### **Responses to Consultations**

Melbourne Civic Society has no objection but regrets the trend away from traditional farming, fearing that the site may eventually become a shopping outlet.

The Highway Authority, Environment Agency and Environmental Health Officer have no objection in principle.

### **Responses to Publicity**

None.

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

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 5 and Shopping Policy 5.

Local Plan: Environment Policy 1, Employment Policy 4 and Shopping Policy 3.

### **Planning Considerations**

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

- The principle of the proposal in a location outside settlement.
- Its visual impact.
- Traffic and parking.

### **Planning Assessment**

Policies of the development seek to restrict new development in the countryside to that which needs to be located in such an area. Additionally, the development plan seeks to encourage the rural economy and to provide for new recreation facilities. However, this is only to be done where there would be no adverse impact on the character and appearance of the area in which the facility is to be located.

In this case, there is no overriding need for a tea room in this location. Additionally, the extensions proposed would add significantly to the overall size of the building and they would therefore have an impact on the area. Further, a significant area of additional car parking and a new access road are proposed. These too would add to the impact of the development on the area.

Therefore, whilst noting the argument put forward for farm diversification, on balance, in this case, the harm that would be caused to the area is overriding. Therefore, the proposal would not

comply with the policies of the development plan and result in an unacceptable form of development in the open countryside.

As specified above, there is a considerable area of new car parking proposed. There would, therefore, be no adverse impact on highway safety in this case.

### **Recommendation**

**REFUSE** permission for the following reason(s):

1. The application is considered unacceptable due to the size and scale of the proposed extension along with their non agricultural appearance. As such they would adversely affect the character and appearance of the converted agricultural building to which they would be attached and have an adverse impact on the character of the area. As such they would be contrary to General Development Strategy Policy 4, Leisure and Tourism Policy 5 of the Derby and Derbyshire Structure Plan and Employment Policy 4, Environment Policy 1 and Recreation and Tourism Policy 1 of the South Derbyshire Local Plan.
2. The application is considered to be unacceptable as by reason of the additional car parking proposed and the new access road there would be an unacceptable impact on the character and appearance on the area contrary to General Development Strategy Policy 4 of the Derby and Derbyshire Joint Structure Plan and Environment Policy 1 of the South Derbyshire Local Plan.

04/09/2001

**Item** A2**Reg. No.** 9 2001 0206 F

**Applicant:**  
 Harpur Crewe Estate  
 Estate Office  
 Ticknall

**Agent:**  
 Mr. Eric J. Lee  
 Pennside  
 Penn Lane  
 Melbourne  
 Derbyshire  
 DE73 1EP

**Proposal:** The erection of two garages at Spring Cottage 42 High Street  
 Ticknall Derby

**Ward:** Ticknall

**Valid Date:** 14/03/2001

#### **Site Description**

See previous report attached.

#### **Proposal**

This application was deferred at the last meeting of the Committee to enable officers to seek further amendments from the applicant concerning the design of the garages and the porosity of the finish to the site. The applicant has been approached and discussions taken place on these matters. However, the applicant has indicated that he is not prepared to further reduce the roof pitch of the garage. Clarification has, however, been received on the finish to the site. Therefore, the proposal remains as originally reported to the Committee at its last meeting.

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

As previous report.

#### **Planning Considerations**

As previous report.

#### **Planning Assessment**

The scheme, as originally proposed and reported to the Committee, is acceptable and would not have any adverse impact on the character of the area or the amenity of neighbours.

The matter of the porosity of the hard areas to be formed could be acceptably dealt with by condition 10 proposed in the recommendation. An informative to the applicant stating that the area should be finished in a porous material is also recommended.

All other considerations are as set out in the previous report.

## **Recommendation**

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

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

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

2. This permission shall relate to the amended drawing received by the Local Planning Authority on 19 July 2001 showing in particular:

- a. the roof pitch reduced
- b. resiting of the garages and a distance of 2m between the garages and the site boundary
- c. alterations to the front elevations of the garages

Reason: To safeguard the amenities of the neighbouring property and to preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

3. No work in connection with this development shall commence until samples of the brick and tile for the development have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed using the approved brick and tile. A slop moulded brick and Staffordshire blue clay plain tile shall be used unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

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

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

5. Prior to the development, hereby approved, being first brought into use the windows shall be painted timber in a colour and to a specification which shall have previously been agreed in writing by the Local Planning Authority. The windows shall then be maintained as approved.

Additionally, the windows shall:

- a. be set back from the face of the wall by a minimum of 50 mm,
- b. have segmental brick arches (unless they are located directly underneath the eaves) and unless otherwise agreed by the Local Planning Authority,
- c. be traditionally constructed so that opening casements are flush with the frame (modern EJMA detailing is not acceptable),



- d. have any glazing bars with a maximum overall width of 18mm and a maximum outer nosing width of 5mm,
- e. have a traditional brick/stone/tile cill. Integral timber cills are not acceptable, and
- f. be single glazed unless otherwise agreed in writing with the Local Planning Authority.

All of the above shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street, which is a grade II listed building.

6. External doors shall be timber and prior to the development, hereby approved, being brought into first use shall be painted in a colour and to a specification which shall have previously been agreed in writing by the Local Planning Authority and be set back from the face of the wall by a minimum of 50mm, and have segmental brick arches unless otherwise agreed by the Local Planning Authority.

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

7. No work shall commence on site in connection with this development until construction details of the garage doors, which shall be timber, have been submitted to and approved in writing by the Local Planning Authority and in their closed position shall give the appearance of side hung doors. Prior to the development being brought into first use the garage doors shall be installed in accordance with the approved details and painted in a colour and to a specification which has previously been approved in writing by the Local Planning Authority.

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

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

Reason: To preserve the character of Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

9. No windows or openings shall be inserted in the rear elevations of the garages and no additional windows or openings shall be inserted elsewhere in the elevations or roofs of the garages unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the privacy of the neighbouring dwelling and to preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

10. No development shall commence on site until details of the surfacing material of the parking and turning area has been submitted to and approved in writing by the Local Planning Authority and the area shall be completed in accordance with the approved details before the development is brought into use and be maintained as such thereafter.

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

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

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

12. No work shall take place on the site until details of a scheme for the disposal of surface 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: To safeguard the amenities of the neighbouring dwelling.

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

Reason: To preserve the character of the Ticknall Conservation Area, to soften the visual impact of the development when viewed from the neighbouring dwelling and to provide for the future amenity of the area.

14. Further to condition 13 above, soft landscape details shall include planting plans; written specifications including cultivation and other operations associated with plant and grass establishment; schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate) and the implementation programme.

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

15. 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.

Informatives:

You are advised that the details to satisfy condition 10 above should indicate the use of porous materials wherever possible.

9/2001/0206F

14/03/2001

**Item** A1**Reg. No.** 9 2001 0206 F**Applicant:**Harpur Crewe Estate  
Estate Office  
Ticknall**Agent:**E. Lee  
Mr. Eric J. Lee  
Pennside  
Penn Lane  
Melbourne  
Derbyshire  
DE73 1EP**Proposal:** The erection of two garages at Spring Cottage 42 High Street  
Ticknall Derby**Ward:** Ticknall**Valid Date:** 14/03/2001**Site Description**

This site forms part of the rear garden of 42, High Street, otherwise known as Spring Cottage, a grade II listed building within the Ticknall Conservation Area. The garden has become overgrown and includes some mature fruit trees. Access to the garages would be from a private driveway on the south-west side of the site, which serves four dwellings. To the north east of the site is 40 High Street, the dwelling of which is some 7.5m from the site boundary.

The site is located within the Ticknall conservation area and the village confines defined for the village in the South Derbyshire Local Plan

**Proposal**

It is proposed to erect two double garages in the rear garden of Spring Cottage, both being set 2m in from the north-east boundary. The larger of the garages would be 7.8m wide by 5.7m deep by 2.3m to the eaves and 5.5m to the ridge. The smaller garage would be 5.8m wide and the same size in all other respects. The garages are intended to provide off-street parking for Spring Cottage and the recently completed dwelling neighbouring Spring Cottage on its southern side.

The original scheme has been amended to incorporate design features that are sympathetic to the Conservation Area and listed building and the garages have been sited a further 1m from the party boundary to improve the space about dwelling distances for the neighbouring dwelling.

**Applicants' supporting information**

In a supporting letter the applicant's architect, in response to a request to further lower the ridge of the garages to reduce any overbearance on the neighbouring dwelling, says that he is reluctant to lower it to less than 45 degrees as this

would not be common to the village. In response to queries about surface water drainage, he says that it would be taken to soakaways in the normal way as would the water from the parking and turning area. He says that he understands that there is an occasional problem with surface water from the fields at the rear of the site but this is outside of his client's control. He has also provided details of the garage floor levels in relation to the existing ground at the point of entry into the site.

### Responses to Consultations

The Highway Authority considers that the erection of garages would not generate additional vehicle movements but will merely provide protection and security for vehicles which could already be parked on the site in question. It considers that both the access to the specific site and the hardstanding for vehicles could be constructed without the need for planning permission and the proposed garaging does not therefore increase the potential for vehicle movements onto High Street.

Two letters of objection have been received from the Parish Council, the first requests that a Tree Preservation Order is made on the remaining trees in the back garden and the second objects on the following grounds:

- a) loss of privacy
- b) intrusion into open land
- c) adjacent properties are not shown
- d) it could lead to further development
- e) the remaining trees should be protected
- f) it could involve a loss of bat habitat
- g) there would be up to 15 more cars on a private driveway coming onto High Street where the site lines are poor

### Responses to Publicity

The Ward Councillor raises the following concerns:

- a) loss of privacy for neighbouring property
- b) consideration should be given to making a Tree Preservation Order on the site
- c) consideration should be given to its proximity within the Conservation Area
- d) Do the applicants have the requisite rights to use the access road to the site?

Four letters of objection have been received from neighbouring residents. These are summarised as follows:

- a) increase in traffic noise and disturbance
- b) the access road was only constructed for light traffic
- c) there is poor visibility at the private road junction with High Street
- d) the development would result in a loss of privacy
- e) all the existing properties are not shown
- f) the garages would result in a substantial loss of light to living room and kitchen
- g) Built development would replace existing garden resulting in an urban outlook rather than trees and vegetation
- h) Loss of trees would result contrary to that confirmed on the application form
- i) It would exacerbate existing poor surface water drainage

- j) The proposed garage is large and should only be used for domestic purposes
- k) There is a lack of clarity with regards to landscaping
- l) The new boundary wall at the rear of the new house would obstruct visibility for vehicles turning into the driveway from the proposed garages

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

The relevant policies are:

Joint Structure Plan: Environment Policy 9, Environment Policy 10 and Environment Policy 17

Local Plan: Environment Policy 12 and Environment Policy 13.

### **Planning Considerations**

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

1. The principle of the development when set against development plan policy,
2. The impact on the Conservation Area
3. The impact on the setting of the listed building
4. The potential loss of tree cover
5. The impact on neighbouring dwellings.
6. Highway safety

### **Planning Assessment**

The proposed development would be within the village limits as defined in the South Derbyshire Local Plan. As such, further development is acceptable in principle.

Following discussions with the applicant's architect, amended plans have been submitted which improve the design of the development and preserves the character of the Conservation Area and reflects the appearance of the listed building. The nearest garage would be some 12m from the listed building providing sufficient area to safeguard the setting of the building.

The trees on the site are mainly old fruit trees. There is insufficient justification from an amenity point of view to make the trees the subject of Tree Preservation Order. New tree and shrub planting, however, would be required as a condition of planning permission and a condition to that effect is proposed.

The main aspect of No. 40, High Street faces the rear of the garages at an intervening distance of some 10m. The Council's Supplementary Planning Guidance (SPG) recommends a distance of 12m between main and side aspect, a side aspect being a blank wall as in this case. However, the SPG is designed to cater for two storey development. In this case the garages are single storey. Additionally, the roof slopes away from the boundary with the most affected neighbour. In view of this there would be no adverse affect from the garages on the nearest residential properties.

The views of the Highway Authority are noted. The proposal is therefore satisfactory from a highway safety point of view.

## Recommendation

GRANT permission subject to the following conditions:

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

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

2. This permission shall relate to the amended drawing received by the Local Planning Authority on 19 July 2001 showing in particular:

- a. the roof pitch reduced
- b. resiting of the garages and a distance of 2m between the garages and the site boundary
- c. alterations to the front elevations of the garages

Reason: To safeguard the amenities of the neighbouring property and to preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

3. No work in connection with this development shall commence until samples of the brick and tile for the development have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed using the approved brick and tile. A slop moulded brick and Staffordshire blue clay plain tile shall be used unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

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

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

5. Prior to the development being brought into use windows shall be painted timber in a colour and to a specification which shall have previously been agreed in writing by the Local Planning Authority. The windows shall then be maintained as approved.

Additionally, the windows shall be:

- a. be set back from the face of the wall by a minimum of 50 mm,
- b. have segmental brick arches (unless they are located directly underneath the eaves) and unless otherwise agreed by the Local Planning Authority,
- c. be traditionally constructed so that opening casements are flush with the frame (modern EJMA detailing is not acceptable),
- d. have any glazing bars with a maximum overall width of 18mm and a maximum outer nosing width of 5mm,
- e. have a traditional brick/stone/tile cill. Integral timber cills are not acceptable, and
- f. be single glazed unless otherwise agreed in writing with the Local Planning Authority.

All of the above shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street, which is a grade II listed building.

6. External doors shall be timber and prior to the development being brought into use shall be painted in a colour and to a specification which shall have previously been agreed in writing by the Local Planning Authority and be set back from the face of the wall by a minimum of 50mm, and have segmental brick arches unless otherwise agreed by the Local Planning Authority.

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

7. No work shall commence on site in connection with this development until construction details of the garage doors, which shall be timber, have been submitted to and approved in writing by the Local Planning Authority and in their closed position shall give the appearance of side hung doors. Prior to the development being brought into use the garage doors shall be installed in accordance with the approved details and painted in a colour and to a specification which has previously been approved in writing by the Local Planning Authority.

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

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

Reason: To preserve the character of Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

9. No windows or openings shall be inserted in the rear elevations of the garages and no additional windows or openings shall be inserted elsewhere in the elevations or roofs of the garages unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the privacy of the neighbouring dwelling and to preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

10. No development shall commence on site until details of the surfacing material of the parking and turning area has been submitted to and approved in writing by the Local Planning Authority and the area shall be completed in accordance with the approved details before the development is brought into use.

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

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

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

12. No work shall take place on the site until details of a scheme for the disposal of surface 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: To safeguard the amenities of the neighbouring dwelling.

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

Reason: To preserve the character of the Ticknall Conservation Area, to soften the visual impact of the development when viewed from the neighbouring dwelling and to provide for the future amenity of the area.

14. Further to condition 13 above, soft landscape details shall include planting plans; written specifications including cultivation and other operations associated with plant and grass establishment; schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate) and the implementation programme.

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

15. 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.



14/08/2001

**Item**            **A7****Reg. No.**        **9 2001 0580 F****Applicant:**

J S Bloor (Measham ) Ltd  
 Ashby Road  
 Measham  
 Swadlincote  
 Derbyshire  
 DE127JP

**Agent:**

Nick Wilkins  
 J S Bloor (Services) Ltd  
 Ashby Road  
 Measham  
 Swadlincote  
 Derbyshire  
 DE127JP

**Proposal:**        **The erection of 32 houses on plots 14-17, 24, 200-226 on Land  
 To The South Of Eureka Road Midway Swadlincote**

**Ward:**            **Swadlincote**

**Valid Date:**     **19/06/2001**

**Site Description**

The application site is located off Eureka Road in Swadlincote and comprises three elements: part of the phase one residential development site started last year and still in the course of construction; an area of private garden to the rear of houses fronting Burton Road; and part of the former Midway Railway cutting which was filled some years ago. The former railway cutting is part of a larger Derbyshire Wildlife Site and is bounded on its northern and southern sides by mature hedgerow and some trees, beyond which lie existing residential properties.

**Proposal**

The plans originally submitted showed 33 dwellings within the application site served by an extension to the cul-de-sac off Eureka Road. This scheme involved the felling of a number of trees and loss of hedgerow on the northern boundary. However, an amended scheme shows the vast majority of the trees on the site retained and the retention also of more hedgerow (although one mature ash towards the centre of the former cutting would be lost). This was achieved by the loss of a plot. The five houses towards the western end of the site back onto the existing houses fronting Sandcroft Close, the closest being approximately 22 metres away.

The scheme originally granted on phase 1 showed 53 dwellings. With the partial reworking of the original site and the two extra areas involved there would be a net gain of 24 houses giving an overall total on the site of 77.

**Planning History**

Planning permission for the erection of 53 dwellings was granted (subject to a section 106 agreement) last year. The former railway cutting has had outline permission for many years and

was most recently renewed in 1999 with access from Burton Road involving the demolition of a detached house.

### **Responses to Consultations**

The County Highway Authority has no objection to the scheme as amended.

Severn Trent Water has no objection.

### **Responses to Publicity**

Six letters of objection and a further letter containing 12 signatures have been received in response to the scheme originally submitted making the following points:

- a. The scheme involves the felling of many healthy trees and hedges on the boundary with Sandcroft Close in the middle of the National Forest. There isn't enough greenery on the estate on the whole. The hedgerow on the southern boundary of the site should be protected.
- b. It would involve the loss of a wildlife sanctuary where many animals and birds have taken refuge.
- c. None of the local schools can accommodate any more children at the moment.
- d. Windows on the proposed properties would be looking directly into existing properties and gardens.
- e. It is questionable whether these houses are needed at the expense of natural growth.
- f. The former cutting was filled with fly ash and tyres and a property built recently further along the cutting virtually fell down resulting in a large insurance claim (this matter is not material to the planning application).
- g. The development would result in an increase in noise and disturbance.
- h. The development may result in a future through road being constructed from Eureka Road to Derby Road (this matter is not material to the planning application).

A further letter has been received since the submission of the amended scheme stating that not enough mature vegetation is to be retained in the amended scheme and that flooding problems have occurred in the area.

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

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 3, Housing Policy 3 and Environmental Policy 14.

Local Plan: Housing Policy 4 and 11 and Environment Policy 11.

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

### **Planning Considerations**

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

- Compliance or otherwise with the policies of the development plan
- The impact of the proposed development on the residential amenity of existing residential property that surrounds the site
- Loss of trees and hedgerows
- Highway safety matters

## Planning Assessment

The policies of the development plan generally seek to grant permission for the residential development within the urban area. In this case, with the exception of a small triangle of currently residential garden land, the site has an extant planning permission for residential development with the largest part of the site, the former railway cutting, being considered by committee in 1996 and granted planning permission. This consent was renewed again in 1999.

The issue of the wildlife site was fully considered in 1996 and circumstances have not changed since. It should be noted the site was only designated as a wildlife site after planning permission had originally been granted for residential development. A large part of the site, the main part of it, now lies in the Swadlincote Woodlands area, and has been enhanced and protected as an integral part of the park.

In principle, therefore, the application complies with development plan policies.

With regard to residential amenity, the amended layout shows that no dwelling proposed on the site would have any windows overlooking any windows on existing dwellings at less than the distances recommended in the SPG. There would, therefore, be no loss of amenity as a result of this scheme.

On the matter of trees and hedgerows, all of the hedgerow on the southern boundary is shown retained and bolstered as necessary. The amended scheme also shows more of the hedgerow on the northern boundary and all of the trees on the site of note retained (with the exception of a mature ash which lies in a central location within the site and which would be difficult to retain). Furthermore, a detailed landscaping scheme could also result in more vegetation being retained and further planting on some of the more exposed boundaries with neighbouring properties to the north.

Despite some neighbours' fears, no route is shown for any link between the site to the north and the Swadlincote Woodlands residential areas to the south and none appears feasible. The County Highway Authority is now happy with the amended layout.

## Recommendation

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

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

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

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

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

3. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. M59/2/1rev.A., and rev.A amendments to house types 4489, 4488, 4497 and 3395 for plots 216 to 219 respectively.

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

4. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate, in the case of dwellings of four or more bedrooms three cars, in any other case two cars within the curtilage of each dwelling, or in any alternative location acceptable to the Local Planning Authority or as may otherwise be agreed in writing by the Local Planning Authority in accordance with its published standards. Thereafter three parking spaces (in the case of dwellings with four or more bedrooms) or two parking spaces (in any other case), measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of each dwelling unless as may otherwise be approved in writing by the Local Planning Authority.

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

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

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

6. No work shall take place on the site until an adequate site investigation and assessment of ground stability has been undertaken and submitted to the Local Planning Authority, and the development shall incorporate any measures shown in that assessment to be necessary for the stability of the development.

Reason: To ensure the stability of the development, having regard to the comments of the British Coal Corporation (see copy letter attached).

7. No development shall take place until details of a scheme for the disposal of surface and foul water have been submitted to and agreed in writing by the Local Planning Authority. The septic tank shall be installed in accordance with the approved details before the development is first brought into use.

Reason: In the interests of pollution control

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

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

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

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

10. Notwithstanding the submitted details and the details submitted pursuant to condition 8 above, the existing hedge on the southern boundary of the site shall not be removed or in any way undermined by the development of the site, and shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide a screen between the site and the residential area to the south and in the interests of the visual appearance of the area.

11. No work shall take place on the site until details of a scheme for the continuation of the land drainage pipe/culvert, which currently runs across the western side of the former cutting, including a timetable for the implementation of the scheme, into the scheme completed for its discharge to the Midway Ponds to the north west has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall then be carried out in conformity with the details and agreed timetable.

Reason: In the interests of flood protection.

12. Before any other operations are commenced, a temporary access provided with visibility sightlines shall be formed onto Eureka Road for construction purposes, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring for site operatives and visitors vehicles, and loading and unloading of goods vehicles.

Reason: In the interests of highway safety.

13. Before any operations are commenced, details of facilities to prevent the deposition of mud or extraneous material on the public highway shall be submitted to and approved by the Local Planning Authority. The agreed scheme shall be implemented prior to the commencement of any excavation work and be retained as such until all works of construction have been completed..

Reason: In the interests of highway safety.

14. Before the first occupation of the dwelling to which it relates, private driveways shall be constructed and surfaced with a solid bound material.

Reason: In the interests of highway safety.

15. Dwellings shall not be occupied until the proposed estate street has been laid out in accordance with the application drawings as amended, to conform with the County Council's Roads in Housing design guide and constructed to at least base course level, drained and lit in accordance with the County Council's Specification for Housing Development Roads.

Reason: In the interests of highway safety.

16. Notwithstanding the submitted details, prior to the commencement of building operations on adjoining areas, the boundary with the area of trees/hedges proposed to be retained as part of the landscaping scheme submitted under condition 8 shall be fenced with chestnut pale fencing to a minimum height of one metre 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. No materials shall be stored within the fenced areas and the ground levels within the fenced areas shall not be altered in any way.

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

17. There shall be no tipping or deposition of materials within the area fenced under condition 16 above without the prior written authorisation of the local planning authority.

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

Informatives:

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

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

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

**Item B2****Reg. No.** 9 2000 0138 F**Applicant:**

A B Produce Plc  
 Woolstich Farm Clifton Road  
 Netherseal  
 Swadlincote  
 Derbyshire  
 DE128BT

**Agent:**

Christopher E Timothy  
 Chartered Town Planner  
 19 Bird Street  
 Lichfield  
 Staffs  
 WS136PW

**Proposal:** The redevelopment of the mushroom farm, vegetable washing and packing plant and farm worker's dwelling by the erection of eleven dwellings at the premises of A B Produce Woolstich Farm Clifton Road Netherseal Swadlincote

**Ward:** Netherseal

**Valid Date:** 16/02/2000

**Site Description**

The site extends to some 1.85ha comprising a mushroom farm, vegetable processing and packing plant and dwelling. The site stands in an elevated position at the end of a private drive some 300 metres from the western side of the village separated by open countryside.

**Proposal**

The submitted scheme shows the existing farm, factory units, and dwelling replaced by 11 single storey "agricultural style" units. The scheme makes use of the existing access and also shows extensive woodland planting around the area of development and the adjoining field to the north (also within the Applicant Company's ownership).

**Applicants' supporting information**

The Applicant Company's agent makes the following comments:

1. Woolstich Farm is no longer large enough to meet the future development requirements of this rapidly growing company. As such it is proposing to relocate to a site in Measham less than 4 km away thus safeguarding all existing jobs and enabling the company to expand to create 80 further jobs during the next three years thus securing new opportunities for the residents of South Derbyshire. The anticipated increase in production would benefit its local suppliers.
2. The proposals would effectively leave the existing buildings at Woolstich Farm redundant.
3. It is accepted that the redevelopment of the site would be contrary to the Local Plan. However there are a significant number of material considerations to support the redevelopment of the site for housing as follows:
  - a. When planning permission was granted for the buildings at the farm the report to committee accepted that the development was "based on the diversification of the existing farm enterprise".
  - b. In response to past applications the residents of the village have clearly expressed their concern by the traffic generated and its impact upon Netherseal. The traffic generated by 11 dwellings would be significantly less than that related to the lawful use of the site and there would therefore be a significant benefit in terms of highway safety and traffic management, noise and smell. A housing use of the site would be a more passive form of development.
  - c. The proposed dwellings (a net gain of 10) have been designed in terms of their layout, siting design and materials to appear as traditional agricultural buildings and have the appearance of "new build barn conversions".
  - d. PPG 7 advises that such sites could be re-used or adapted for other industrial or leisure uses. However, such conversions to other uses would not bring the same benefits as the redevelopment for housing.
  - e. At present the footprint of all buildings on the farm exceed 4,500 square metres versus a proposed footprint of the housing scheme of 2,800 square metres. The proposed units would have a

typical ridge height of 6 metres, significantly less than the existing buildings on the site. All of which would procure a significant visual and environmental improvement.

- f. The proposals incorporate a significant landscaping scheme, which would make a substantial contribution to the National Forest and help to assimilate the development into its surroundings. The submitted drawings demonstrate that the extensive landscaping proposed would allow only glimpses of the buildings.
- g. The application site lies close enough to the village to allow residents of the proposed scheme to undertake everyday activities (including the primary school) and access the village by foot or by cycle.

There are significant material considerations that weigh in favour of the redevelopment of the farm for residential development, which would secure significant environmental improvements. The capital raised by this scheme would help fund the development of the new facility at Measham.

### Planning History

The site has been the subject of a number of applications in pursuit of the applicant's growth and diversification. It should be noted however that the last few applications for developments on the site have attracted large numbers of letter of objection mainly on the grounds that movements of heavy vehicles through the village are detrimental to highway safety and to residential amenity. The most recent application submitted by the Applicant Company was for the construction of a mushroom farm on Gorsey Lane on the other side of the village. This was refused mainly on the grounds of visual intrusion.

### Responses to Consultations

Netherseal Parish Council supports the application providing the following measures are put in place:

- a. The development is restricted to the footprint of the current brown field site and no further development of the site is allowed.
- b. The undeveloped areas to the north west and south east of the proposed development are protected for agricultural use only and not allowed to be encroached upon for any other purpose i.e. extension to gardens etc.
- c. A long term agreement is put in place stating that trees planted in connection with the planting scheme should not be removed and any that die are replaced.
- d. The Parish Council should be consulted on any and all alterations to the current submitted application.
- e. Clifton Road should be reinstated to its original 'country lane' status and the passing places constructed by A.B. Produce should be removed.

The Environment Agency has no objection provided surface water is drained to soakaways and the Local Planning Authority prior to development agrees a scheme for the foul disposal. Severn Trent Water has no objection. The County Highway Authority has no objection to the scheme but comments that the history of the site in terms of its perceived effect in traffic generation terms is well documented. It considers that the current proposal is unlikely to materially alter the overall number of vehicle trips although it would result in a decrease in HGVs using Clifton Road. However, the potential for increased pedestrian movement between the site and the village may justify a requirement for a footway along Clifton Road. Additionally it considers that the main access road into the site should be constructed to adoption standards and thus should be amended accordingly.

### Other interested parties

The NFU recommends that the application be approved to provide the opportunity to expand and provide employment for staff. East Midlands Development Agency states that the Company move would improve efficiency, create the climate for additional jobs and result in an improvement of the local environment in Netherseal. It adds that the food sector is identified in the Agency's economic development strategy as a priority for support. Similarly, Business Link Southern Derbyshire states that added value food production is targeted as a growth industry. It has assisted in the growth of the company with funded in part by the Dti. The company was recently judged "best business" in the Derbyshire Business Awards. Again it considers that the move to a larger site is critical for the company's growth and ability to expand its recruitment of locally based labour.

### Responses to Publicity

57 letters of support have been received from local residents, employees of the Applicant Company and businesses, which trade with them. The letters make the following points:

- a. It is not possible for the company to expand on its current site. It needs to move to larger premises close to a major road network to benefit competitiveness.



- b. The company is a substantial employer and an asset to the potato growers in this area. The move would allow the business to expand and increase employment opportunities and help in the continued prosperity of the area.
- c. The current factory has a less than desirable visual impact.
- d. The scheme would involve the re-use of an industrial site in accordance with government advice
- e. The village would vehemently oppose the use of the site for other industrial purposes.
- f. The potential for pollution and smells would be removed.
- g. The local shop may lose some trade.
- h. There should be no infill between the site and the village.
- i. The company has invested considerably in the business and it is now one of the best in its sector anywhere in the U.K. This investment should not be lost.
- j. Traffic currently passing residential property is excessive (38 tonne lorries) for a country lane and the village in general.
- k. The scheme would replace high industrial buildings with bungalows.
- l. Tree planting to the north west of the village would be increased significantly.
- m. Proposed dwellings would be sympathetic in size, style and density to their location.
- n. The relocation would have spin-off benefits for others doing business with the company.
- o. The development can be completed without encroaching onto green belt land and would contribute towards the government's thousands of dwellings required over the next few years.

### Structure/Local Plan Policies

The relevant policies are:

Derbyshire Structure Plan: General Development Strategy Policy 4 and Housing Policy 7.

Derby and Derbyshire Joint Structure Plan (Deposit): General Development Strategy Policy 3 and Housing Policy 8.

South Derbyshire Local Plan: Housing Policy 8 and Environment Policy 1.

Planning Policy Guidance Notes 3 (PPG3) and 7 (PPG7).

Supplementary Planning Guidance (Supplementary Planning Guidance) Housing Design and Layout.

### Planning Considerations

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

1. whether the proposal accords with the provisions of the development plan;
2. the weight that should be given to other material considerations.

### Planning Assessment

#### The Development Plan

Purely in terms of adopted and emerging development plan policy, the site is outside the village, located in open countryside and as such not a suitable site for residential development. Indeed, such a development would be contrary to all of the policies cited.

#### Other Material Considerations

PPG 3 (published in March) states that for an interim period, guidance set out in the document may supersede policies in the development plan. The new guidance is designed to give Local Planning Authorities advice on a range of issues relating to the provision of housing with a view to promoting more sustainable patterns of development and make better use of previously developed land. As such it sets out (inter alia) the method by which Local Planning Authorities should allocate land for housing. This is suggested by means of a search sequence starting with the re-use of previously developed land and buildings within urban areas (identified by an urban housing capacity study), then urban extensions, and finally new development around nodes in good public transport corridors. Within each type a set of criteria is then applied. In the case of the current application it is considered extremely unlikely that sites such as this would come forward for development using this methodology as it is neither in an urban nor sustainable location.

A second material consideration is the issue of the traffic movements generated by the current and possible future users of the site. It may be determined that the significant decrease in numbers of HGVs using village roads would be in the best interests of the amenity of the residential occupiers of the village and highway safety. Responses to applications in the recent past would indicate that this is a widely held view of many village residents and the Parish Council.

Thirdly, the issue of the prosperity of the company as a major employer in the rural area can also be considered. It appears to be the overwhelming view of those economic development agencies that have written that the company is successful as an important source of local employment and that its move to allow greater expansion and therefore further employment opportunities should be encouraged. Should this issue be considered of overriding importance, it is recommended that a method is available to ensure that the proceeds of the sale can only be utilised for the Applicant Company to carry out its expansion on another site.

Finally, the Applicant Company and some residents have also made the point that the proposed development would have much less of an impact on the environment not only in terms of visual intrusion, but also in terms of potential pollution and that the proposed tree planting would also make a valuable contribution to the landscape and the National Forest.

## Conclusion

Clearly the responses received set out the overwhelming support for the development, both in terms of the "benefits" that would ensue from the company leaving the village and the possible benefits to the company in the development facilitating the expanding business and thus its importance as a significant employer in the area. The Applicant Company's agent is correct in his assertion that such issues are material considerations that must be taken into account. In consideration of such, Section 54A of the Town and Country Planning Act 1990 states that: "Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations dictate otherwise." Thus applications that are not in accord with the development plan should not be allowed unless material considerations justify granting a planning permission. A main consideration in making this judgement is whether the development would cause demonstrable harm to interests of acknowledged importance. Accordingly if a decision is reached whereby it is judged that the material considerations are deemed to outweigh the provisions of the development plan, then it must be made absolutely clear what the reasons are for reaching such a conclusion.

In this case it is considered that none of the other material considerations outweigh the basic principle set out in the development plan which prohibits residential development in the countryside (unless for the usual exceptions). Accordingly, if allowed without good reason, such a decision could undermine policy and set an undesirable precedent.

## **Recommendation**

**REFUSE** permission for the following reason:

1.

The proposal is contrary to the Derbyshire Structure Plan General Development Strategy Policy 4 and Housing Policy 7; Derby and Derbyshire Joint Structure Plan (Deposit) General Development Strategy Policy 3 and Housing Policy 8; and Environment Policy 1 of South Derbyshire Local Plan Housing, which seek to restrict new residential development in the countryside to that which is necessary in such a location for the operation of a rural based activity. The development would result in an intrusion into the countryside to the detriment of the rural character of the area which is unwarranted in the absence of such a need.