

05/10/2004

**Item** 1.6

**Reg. No.** 92004 0117F

**Applicant:**

Mr Mrs M Fowkes  
25 Lindon Drive  
Alvaston  
Derby  
DE24 0LP

**Agent:**

Steedman Planning And Land  
Tournament Way  
Ashby De La Zouch  
Leicestershire  
LE65 2UU

**Proposal:** The erection of five growing tunnels at O S Field Number  
5407 Ambaston Lane Thulston Derby

**Ward:** Aston

**Valid Date:** 04/02/2004

See report 9/2004/0009/F at 2.1 on this agenda

**Recommendation**

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

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

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

2. No development shall take place until the applicant has submitted to and had approved by the Local Planning Authority a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure, in the event of the cessation of use for the purposes of agriculture of the growing tunnels within 10 years of the date on which the development was substantially complete, the removal of the growing tunnels and the restoration of the land to such condition as may be agreed with the Local Planning Authority.

Reason: To ensure that the openness of the green belt is maintained in the event of cessation of the need for the buildings to remain on the site.

3. Prior to any other works commencing, the new access shall be formed with Ambaston Lane in the location indicated on the application drawings. The access shall have a minimum width of 7.3m, be provided with 10m radii and visibility sightlines of 2.4m x maximum achievable, the area forward of the sightlines being maintained in perpetuity free of any obstruction exceeding 1m in height relative to road level.

Reason: In the interests of highway safety.

4. The new access shall be surfaced in a solid bound material (i.e. not loose chippings) for the first 10m into the site from the highway boundary and any gates shall be set back 10m from the highway boundary.

Reason: In the interests of highway safety.

5. Prior to the tunnels being taken into use, space shall be provided within the site for the parking and turning of vehicles associated with the development and maintained thereafter free of any impediment to its designated use.

Reason: In the interests of highway safety.

6. Upon the creation of the new access to Ambaston Lane, the existing, substandard access shall be permanently stopped-up in accordance with a scheme first submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety.

7. There shall be no raising of ground levels within the site.

Reason: To prevent increased risk of flooding within the catchment by maintaining capacity of the floodplain.

8. The growing tunnels shall not be sited within 8.0 metres of the top of the bank of Thulston Brook.

Reason: To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.

9. Notwithstanding the particulars of the application, revised details of the polytunnels, incorporating openings to allow them to be floodable through the incorporation of openings, shall be submitted for approval in writing by the Local Planning Authority prior to commencement of building operations. The growing tunnels shall be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: To allow flood flows to pass through and drain out of the building in an extreme flood event.

#### Informatives:

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

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

05/10/2004

**Item**            1.7

**Reg. No.**        92004 0118F

**Applicant:**

Mr Mrs M Fowkes  
25 Lindon Drive  
Alvaston  
Derby  
DE24 0LP

**Agent:**

Steedman Planning And Land  
Tournament Way  
Ashby De La Zouch  
Leicestershire  
LE65 2UU

**Proposal:**        **Theerection of an agricultural building at O S Field Number  
5407 Ambaston Lane Thulston Derby**

**Ward:**            **Aston**

**Valid Date:**      **04/02/2004**

See report 9/2004/0009/F at 2.1 on this agenda.

**Recommendation**

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

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

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

2. No development shall take place until the applicant has submitted to and had approved by the Local Planning Authority a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to secure, in the event of the cessation of use for the purposes of agriculture of the growing tunnels within 10 years of the date on which the development was substantially complete, the removal of the growing tunnels and the restoration of the land to such condition as may be agreed with the Local Planning Authority.

Reason: To ensure that the openness of the green belt is maintained in the event of cessation of the need for the buildings to remain on the site.

3. Prior to any other works commencing, the new access shall be formed with Ambaston Lane in the location indicated on the application drawings. The access shall have a minimum width of 7.3m, be provided with 10m radii and visibility sightlines of 2.4m x maximum achievable, the area forward of the sightlines being maintained in perpetuity free of any obstruction exceeding 1m in height relative to road level.

Reason: In the interests of highway safety.

4. The new access shall be surfaced in a solid bound material (i.e. not loose chippings) for the first 10m into the site from the highway boundary and any gates shall be set back 10m from the highway boundary.

Reason: In the interests of highway safety.

5. Prior to the building being taken into use, space shall be provided within the site for the parking and turning of vehicles associated with the development and maintained thereafter free of any impediment to its designated use.

Reason: In the interests of highway safety.

6. Upon the creation of the new access to Ambaston Lane, the existing, substandard access shall be permanently stopped-up in accordance with a scheme first submitted to and approved by the Local Planning Authority.

Reason: Upon the creation of the new access to Ambaston Lane, the existing, substandard access shall be permanently stopped-up in accordance with a scheme first submitted to and approved by the Local Planning Authority.

7. There shall be no raising of ground levels within the application site.

Reason: To prevent the increased risk of flooding within the catchment by maintaining the capacity of the floodplain of Thulston Brook.

8. The building shall not be sited within 8 metres of the top of the bank of Thulston Brook.

Reason: To maintain access for maintenance or improvements and provide for overland flood flows.

9. Notwithstanding the particulars of the application, revised details of the building, incorporating openings to allow it to be floodable through the incorporation of openings, shall be submitted for approval in writing by the Local Planning Authority prior to commencement of building operations. The building shall be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: To allow flood flows to pass through and drain out of the buildings in an extreme flood event

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

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

#### Informatives:

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

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

9/2004/0117/F - O S Field Number 5407 + 9/2004/0118/F

Ambaston Lane

Thulston

B5010

TO AMBASTON

TO THULSTON

THE SITE

ENTRANCE

AMBASTON LANE

BALL LANE

Reproduced from the 1996 Ordnance Survey mapping with the permission of the controller of Her Majesty's stationary office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Scale 1:2500

Plot centred at 428536 325343

Date Plotted 8/10/2004



9/2004/0117/F - O S Field Number 5407  
Ambaston Lane  
Thulston

05/10/2004

**Item** 1.5**Reg. No.** 92004 1016F**Applicant:**

Mr C Fowler  
48 Church Hill Street  
Winshill  
Burton On Trent  
DE15 OHR

**Agent:**

B A Williamson  
Broomhills Lane  
Derbyshire  
DE65 6FS

**Proposal:** The demolition of existing dwelling and the erection of semi-detached houses at 17 Church Avenue Hatton Derby

**Ward:** Hatton

**Valid Date:** 03/08/2004

This application is brought before the Committee at the request of Councillor Whyman.

**Site Description**

This is a level site containing a bungalow towards the front of the plot. To either side are existing two-storey dwellings, one detached and one semi. There is a row of terraced dwellings to the rear of the plot beyond a service road. On the opposite side of the turning head from the site are further detached dwellings. The building currently on the site is a bungalow it has a flat roof garage immediately on the boundary to No 15 Church Avenue.

The detached dwelling to the east of the site has a blank gable wall facing the site. The side of the semi-detached dwelling to the west has three windows, two are obscure glazed and one is clear glazed. In a single storey rear extension is a small obscure glazed window

**Proposal**

The main aspects of the proposal that need to be noted are that the proposal would involve accommodation in the roof space, a bedroom and an ensuite bathroom. There would be two rear-facing roof lights serving these rooms as well as a front facing dormer window. In general terms the dwellings would occupy the footprint of the existing bungalow but would be located closer to the boundaries of the site. The new houses would be set slightly forward of the existing detached dwelling (No 19 Church Avenue) by about 1.2 metres and the rear of the new dwellings would line up with its rear.

**Applicants' supporting information**

The applicants are to submit a drawing to support their contention that the dwellings would sit well in the street scene. This will seek to demonstrate that the eaves of the proposed dwellings

would be no higher than those of the existing dwellings around the site and that the higher ridge line would not be so out of keeping with the area that refusal could be justified.

It is also argued that the side window to No 15 Church Avenue is a secondary window and limited weight should be attached to its presence.

### **Planning History**

None

### **Responses to Consultations**

Hatton Parish Council objects to the development on the grounds that the development would be very close to the adjoining properties and overbear on them. Parking would be a problem on this road that already has serious parking problems, so the parking area would be essential. If something were permitted then a single dwelling would be preferable.

The County Highway Authority has no objection subject to the parking areas being provided in accordance with the submitted plans and surfaced in a solid bound material and the front 2 metres of the property being maintained clear of any obstructions to visibility

### **Responses to Publicity**

10 letters have been received objecting to the development for the following reasons:

- a) There would be an increase in traffic; there is no provision for visitor parking.
- b) The road is very busy with Severn Trent's lorries, and people using the road for turning. It also acts as an access for walkers and cyclists who use the bridleway. Emergency vehicles have difficulty accessing the houses and have had to mount the pavement. This includes Severn Trent Water vehicles that need access to its site at times of heavy rain.
- c) The dwellings are not in keeping with the area's 1930's dwellings; it should line up with existing dwellings.
- d) This is a nice place to live please keep it that way.
- e) The building would have windows that would overlook the houses opposite as well as those either side.
- f) The proposals are much higher and wider and would cause loss of light to adjacent dining, toilet and bathrooms as well as the landing and the garden area.
- g) The door is directly opposite the dining room window of the adjacent property; people would have a direct view into this room as they emerge from the dwelling. At present there is no pedestrian access along the boundary of the property because of the existing garage; the new situation would mean people would always be walking along this boundary. All of this would result in a loss of privacy in the adjacent room. There would also be overlooking of rooms from the proposed conservatory; indeed the rear gardens would also be overlooked.
- h) There would be increased noise from the demolition/construction of the dwellings.

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

The relevant policies are:

Joint Structure Plan: Housing Policy 5

Local Plan: Housing Policy 5

## Planning Considerations

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

- The Development Plan and the principle of development
- The impact on the character of the area
- The impact on neighbours
- Traffic implications

## Planning Assessment

The erection of additional dwellings on a brown field site in the confines of a serviced village is in accord with the provisions of the above Development plan policies. Accordingly the consideration is whether there are material considerations that dictate that the decision should be not be made in accord with these policies.

With regard to design and layout, concern that the dwellings would not follow the building line has been raised. This is not a material factor. The issue is whether the development would follow the grain of the settlement and how it would impact upon the street scene. The houses would occupy a very similar siting to the building replaced and therefore would not appear unduly alien.. The proposed dwellings are traditional in style and therefore consistent with the context of the street.

A further issue raised is whether the dwellings in the position proposed would adversely affect the living conditions of the residents to a point where they would be overlooked or overshadowed. In terms of overlooking the closest dwelling on the opposite side of the road is some 21 metres away from the front of the proposed houses and others are even further away. This distance complies with the Council's SPG. Reference has been made to the loss of light to a neighbour's dining room window. However, there is a separate larger window on the rear that provides light to the same room and therefore the side window is of secondary status and must be judged on its merits under the SPG which states that such windows are generally not protected.

The proposed dwelling on the west side has a door and window at ground floor level looking towards existing windows. Therefore it is recommended that conditions be imposed requiring that the door and window be obscure glazed and that a fence be erected between the two properties of a height sufficient to screen views between the two properties. (Because the two sites are at the same level the height of the fence need not be excessive.) The only other dwelling that may be affected directly by the development is that to the east. In this case there may be a marginal loss of light to side windows from the new dwellings being set forward but this would be a short period of morning sun and the new dwellings would not materially result in a loss of sunlight to habitable rooms in that dwelling. As such they would not be contrary to the SPG.

With regard to the impact on neighbouring gardens, there would be some shadow cast by the new development across the gardens of the properties either side at certain times. This would be greater than that cast by the existing dwelling. However, the SPG seeks to protect internal living quarters from excessive overshadowing not gardens and therefore any change to conditions in this regard would not constitute a material reason to refuse permission.



Traffic considerations are dealt with through the comments of the County Highway Authority which raises no concerns about access or congestion that would result from the development.

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 five years from the date of this permission.

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

2. 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.

3. 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 submitted scheme shall make provision for a screen fence between No 15 Church Avenue and the application site sufficient to screen views into the ground floor, clear glazed side windows of No 15 Church Avenue. The boundary treatment shall be completed in accordance with the approved details before the development is occupied and the screen fencing shall be maintained in place in perpetuity.

Reason: In the interests of the appearance of the area and maintaining privacy.

4. The windows and glazing in the door in the west facing wall of the dwelling shall be permanently glazed in obscure glass.

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

5. Before any other operations are commenced, a new vehicular access to the site shall be created to Church Avenue in accordance with the submitted drawing, laid out and constructed to base course level. A visibility site line measuring 2m from the back edge of the pavement shall be cleared of all obstructions above 1.0 metre high relative to the nearside carriageway level and be thereafter maintained free of all obstructions to visibility.

Reason: In the interests of highway safety.

6. The parking spaces shown on the submitted drawing shall be provided and surfaced in a solid bound material before the dwellings hereby permitted are occupied and shall thereafter maintained free of any impediment to their designation use. There shall be no caravans parked on the frontage to the properties.

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

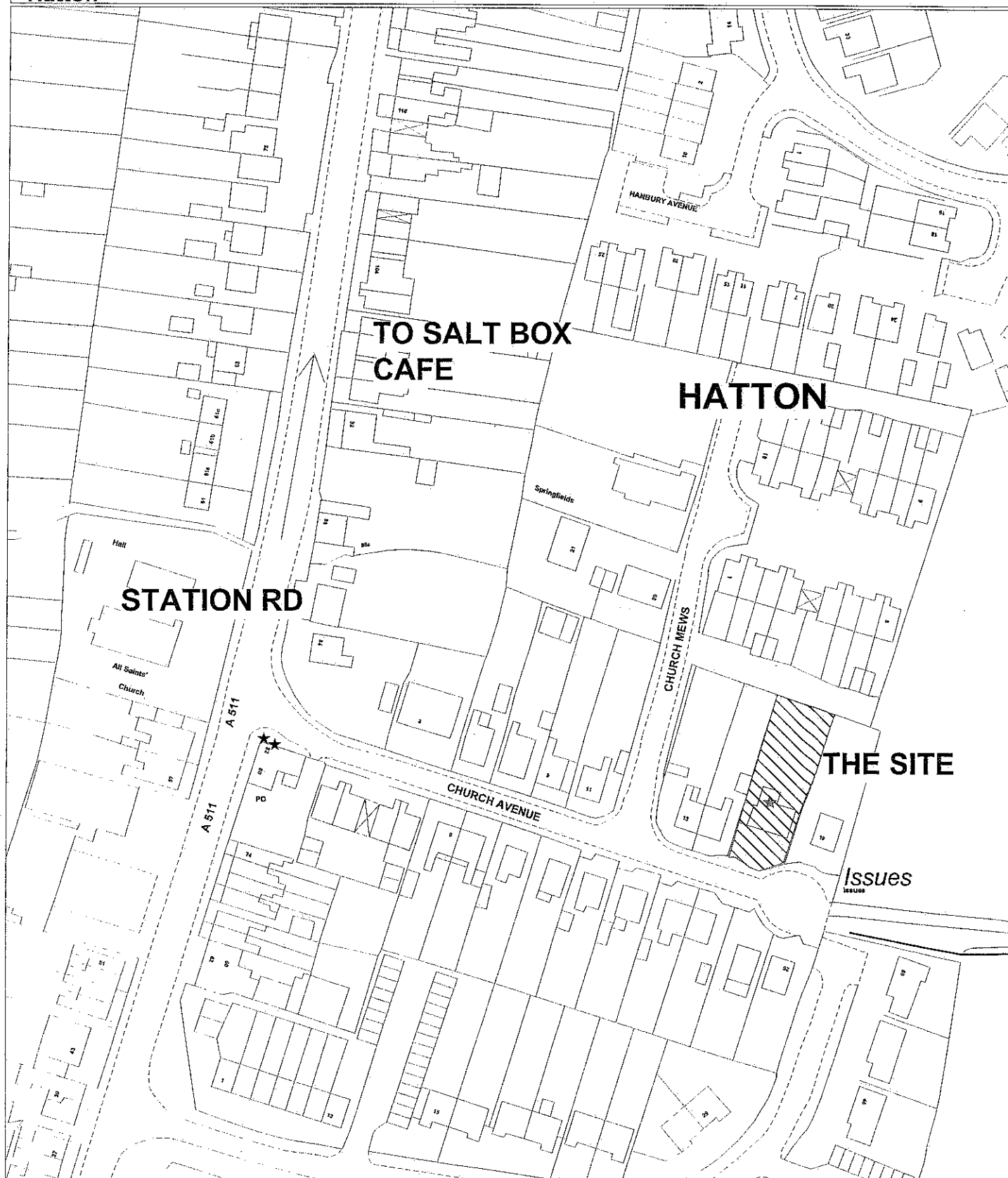
7. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the locality generally.

**Informatives:**

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

9/2004/1016 - 17 Church Avenue  
Hatton



Reproduced from the 1996 Ordnance Survey mapping with the permission of the controller of Her Majesty's stationary office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Scale 1:1250 Date Plotted 8/10/2004

Plot centred at 428536 325343

9/2004/1016 - 17 Church Avenue  
Hatton



