

DEVELOPMENT CONTROL COMMITTEE – 5 October 2004

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).

REPORT OF THE PLANNING SERVICES MANAGER

Planning Applications

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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 Planning Services Manager's 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 Planning Services Manager, 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.

05/10/2004

Item 1.1

Reg. No. 92004 0861U

Applicant:

Mr J Somerville
 Braemar Dalbury Lees
 Dalbury Lees
 Ashbourne
 Derbyshire
 DE6 5BL

Agent:

Ian Woore/Haydn Watkins
 Peter Woore Watkins Partnership
 61 Friar Gate
 Derby
 DE1 1DJ

Proposal: The erection of a single storey extension to rear, front porch canopy and detached double garage for part business/part domestic use at Braemar Dalbury Lees Dalbury Lees Ashbourne

Ward: North West

Valid Date: 12/07/2004

This application has been brought to the Committee at the request of Councillor Bale.

Site Description

The site comprises the grounds of the dwelling at Thurvaton. The site is generally at the same level as its neighbours and is enclosed on its frontage by a hedge.

Proposal

Since the original submission an amended plan has been received showing an alternative location for the garage with the rear store projection removed.

Applicants' supporting information

It is proposed that part of the garage be used as a base for a business of washing horse blankets. This would involve the collection of blankets from client's premises, washing and drying them in the machines and hanging drying racks in the ceiling. The blankets would then be delivered back to the clients.

Planning History

In 2000 permission was granted for the erection of an extension of the dwelling for use as a granny annexe.

Responses to Consultations

None

Responses to Publicity

One letter has been received objecting to the location of the garage which the neighbour claims would be located in front of the habitable room windows of his adjacent dwelling and would also appear incongruous in the street scene where the dwellings and buildings are set well back from the carriageway edge.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 13, Employment Policy 5.

Emerging Local Plan: Policy ENV 21

Planning Considerations

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

- The principle with regard to the Development Plan
- The impact on the character of the area and neighbours
- The business use of the garage

Planning Assessment

The development plan allows for the extension of dwellings subject to the proposal being in keeping with the character of the area and not adversely affecting the amenity of neighbours.

The rear extension and the extension of the porch across the front of the house would be acceptable under the provisions of the above policy.

The garage as submitted would have been an intrusion into the outlook of the occupiers of the adjacent dwelling although at a distance that would not breach the Council's adopted standards. The amended plan goes some way to removing that objection but the neighbour would still be aware of the presence of the structure.

The next issue is whether the garage in the location shown would appear incongruous in the street scene. Hereabouts, it is true that most dwellings on this side of the road are set well back from the edge of the carriageway. The garage would appear as a domestic building on the edge of the road. However, the opportunity for others to erect a similar garage would be limited due to the restricted width of plots. If a garage were permitted and constructed in appropriate materials then it would difficult to argue that it was out of character in the area as there are numerous examples in the vicinity of the village.

In terms of the business use of the premises, the Government advises that the need to travel should be reduced where possible. However, it would be possible to limit the use of garage to occupiers of the main dwelling. The operation of the business as suggested in the application would minimise the number of people visiting the site albeit that the operator would make car journeys to clients' properties instead.

On balance, given the limited scale of the business and proposed buildings, the application would be unlikely to warrant a refusal on any of these grounds.

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. 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 garage building have been submitted to and approved in writing by the Local Planning Authority. The materials of construction for the extensions shall match those of the original dwelling.

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

3. The business use of the premises shall be limited to that described in the application, the operators of the business in the garage hereby permitted shall be limited to persons occupying Braemar Thurstaston Dalbury Lees Ashbourne Derbyshire unless the Local Planning Authority has given prior written permission to any alternative use or operator in response to an application made in that regard.

Reason: In the interests of the amenity of the occupiers of the adjacent properties.

4. The hours of operation of the business at the site described in your application shall be limited to the following hours: Monday to Friday - 0730 - 1800 Saturday - 0800 - 1700 and there shall be no operation on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenity of the occupiers of the adjacent dwellings.

05/10/2004

Item 1.2**Reg. No.** 92004 0977F

Applicant:
 RIVEN LTD
 Church Farm
 Church Street
 Denby Village
 Derbyshire
 DE5 8PH

Agent:
 Urban Design Ltd
 Lullington Road
 Rosliston
 Derbyshire
 DE12 8HZ

Proposal: The erection of 8 dwellings, garages and ancillary works at
 Alderslade Farm Derby Road Aston-on-Trent Derby

Ward: Aston

Valid Date: 02/08/2004

Site Description

The site lies at the northern edge of the village. Until recently it comprised a large 19th century dwelling and a range of outbuildings, set in a large garden. The buildings have now been demolished. The front of the site is distinguished by the presence of three mature trees, subject to a Tree Preservation Order. The existing site access passes between two of the trees.

Proposal

The application consists of 8 detached dwellings served by a private drive. Works to the access would necessitate the removal of the middle of the three protected trees, a Horse Chestnut. The proposed dwellings would be contained within the framework of the village as defined in the Local Plan, but the gardens would project outside the boundary to the north and west. The gardens to the north would remain within the curtilage of the former dwelling but those to the west would project into the adjacent paddock.

The living accommodation to all units would be arranged over three floors, with the upper floor being contained within the roofspace. The dwellings would be about 9.5 metres in height overall with eaves levels varying between 5.5 – 5.9 metres.

Applicant's Supporting Information

In response to the Education Authority's request for a financial contribution the applicant's planning consultant makes the following comments:

- a) The site has planning permission residential development of poorer quality than the current proposal. This may be implemented. The application is for exactly the same number of dwellings and their floor area is no greater.

- b) There is no requirement for a contribution as part of the current permission, which could be implemented. It is therefore difficult to understand why it is reasonable to require a contribution now.
- c) The proposal is superior to the permitted scheme and would be an opportunity for a development more in keeping with the village.

Planning History

Permission was granted for the erection of 8 dwellings in 2003 (9/2002/1012/F). A copy of the report to Committee is attached for information.

Responses to Consultations

The Parish Council objects for the following reasons:

- a) The access is close to the brow of a hill and would be dangerous, exacerbated by the lack of footways within the development site.
- b) The three storey dwellings would be out of character with the surroundings, would be overdevelopment and would overlook neighbouring dwellings, which are at a lower level. The dwellings should at least be reduced in height.
- c) There is concern over the mature trees and Holly hedge, which currently screen the site.
- d) There would be change of use of agricultural land to form some of the gardens.

The County Education Officer comments that Aston on Trent Primary School has insufficient capacity to respond to any additional children from the development. The 2 pupils likely to be generated by the development would warrant a contribution.

The Highway Authority has no objection in principle.

The Pollution Control Officer comments that the site is a former farm and therefore recommends that an investigation be undertaken to establish whether any contaminants are present.

Responses to Publicity

Two letters have been received from neighbours objecting as follows;

- a) Neighbouring property is not accurately shown.
- b) The site layout does not give adequate datum points.
- c) There would be overlooking and overshadowing to neighbours.
- d) The gables overlooking 135 Derby Road should be changed to rooflights. The proposal does not seem to take into account the lower ground levels to neighbouring property.
- e) There would be overdevelopment of the site to the detriment of the character of the area.
- f) The access is close to the brow of a hill where accidents, including a fatal one, have occurred.
- g) On site parking would be inadequate. Parking in the highway would be dangerous.
- h) The preserved Horse Chestnut would overshadow Plot 8. It is a great asset to the entry to the village and could never be replaced. It must be preserved.
- i) Several other trees would need to be removed.
- j) The proposal would involve the change of use of agricultural land.
- k) There could be flooding to neighbouring property. Land that previously soaked up water would be covered with buildings.

- 1) There could be damage to private drains and the foundations of adjacent property.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policies 1 & 3 and Housing Policy 5.

Local Plan: Housing Policy 5.

Emerging Local Plan: Policies ENV21 C5 and H1.

Planning Considerations

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

- The principle.
- Impact on the general character of the area.
- Trees.
- Highway safety.
- Residential amenity.

Planning Assessment

The area to be occupied by dwellings lies within the village boundary as defined in the Local Plan. Furthermore there is an extant permission for a similar number of dwellings. The main change in this case, insofar as principle is concerned, relates to the inclusion of part of the adjoining paddock as garden to three of the proposed dwellings. The visual impact of this would not be significant. At an appeal case in Repton (9/2000/0345/F) an inspector held that whilst the gardens to three dwellings would lie outside the village confine the lack of material harm to the character and appearance outweighed the conflict with the village confine policy. Clearly a similar argument applies here and the principle of the development is thus acceptable.

The dwellings would be of similar height to designs already permitted, even though the roof voids would be used for habitable accommodation. The design of the dwellings would be more akin to the local vernacular compared with the previous scheme. Existing and proposed trees would filter views of the development from Derby Road. The design of the dwellings incorporates steep roofs with narrow gables and these would not appear out of keeping with the area.

The development would result in the loss of one mature Horse Chestnut tree to enable the access to be formed. However the applicant indicates that two replacement trees would be planted. Conditional control would also secure the retention and enhancement of frontage planting.

On the advice of the Highway Authority the development would not have a demonstrably harmful effect on highway safety.

The proposal satisfies the supplementary planning guidance with regard to existing dwellings and the effect on neighbours is therefore 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 applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure an appropriate contribution towards education provision at Aston on Trent Primary School and 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. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 2004-31-01.A received 17 September 2004.
Reason: For the avoidance of doubt, the original submission being considered unacceptable.
3. 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.
4. Notwithstanding any details submitted, the development shall not be occupied until boundary treatment has been erected in accordance with plans that shall have previously been submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type thereof; 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 and to maintain privacy to the occupiers of adjoining residential property.
5. 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.
6. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
Reason: In the interests of the appearance of the area.
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

8. Notwithstanding the submitted details, prior to the commencement of building operations on adjoining areas, the area beneath the canopies of the protected trees, and the hedge along the roadside boundary, 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.

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

9. Any works of excavation beneath the canopies of the protected trees shall be carried out by hand and there shall be no severance of any roots with a diameter exceeding 15 mm.

Reason: To ensure that the trees are not damaged.

10. The following windows shall be permanently glazed in obscure glass:

Plot 8 - The first floor bathroom and wardrobe in the west wall and the bathroom in the north wall;

Plot 7 - The first floor bathroom and wardrobe in the north west wall;

Plot 6 - The first floor en-suite in the north wall; and

Plot 2 - The first floor en-suite in the east wall.

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

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

12. No development shall take place until details of a scheme for the disposal of all surface waters 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 protection and pollution control.

13. During the period of construction any tanks for the storage of oils, fuels or chemicals, shall be sited on impervious bases and surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks plus 10%. All filling points, vents or gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and be protected from accidental damage. All filling points and tank overflow pipe outlets shall be designed to discharge downwards into the bund.

Reason: In the interests of pollution control.

14. Prior to any other works commencing, the new access shall be formed with Derby Road. The access shall have a minimum width of 4.1m, be provided with 8m 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 (600 mm for vegetation) relative to road level.

Reason: In the interests of highway safety.

15. The access shall have a gradient not exceeding 1 in 15 and be surfaced in a solid bound material (ie not loose chippings) with measures to ensure that surface water does not flow from within the site onto the highway.

Reason: In the interests of highway safety.

16. Prior to the occupation of the dwellings, the car parking and manoeuvring space shall be laid out in accordance with the application drawing and maintained thereafter free of any impediment to its designated use.

Reason: In the interests of highway safety.

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

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

18. No work shall take place on the site until an adequate site investigation and assessment of contamination and the measures to be taken to avoid risk to people or the environment 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 removal or containment of any contaminated material when the site is developed.

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.

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.

To note the attached requirements of the Pollution Control Officer

05/10/2004

Item 1.3**Reg. No. 92004 0985F**

Applicant:
 Home Group Ltd
 Ridley House
 Regent Centre
 Gosforth
 Newcastle
 NE3 3JE

Agent:
 Cullen Carter & Hill
 Kayes Walk
 Nottingham
 NG1 1PY

Proposal: **The erection of two link detached bungalows at Land off
 Maple Drive Aston on Trent Derby**

Ward: **Aston**

Valid Date: **28/07/2004**

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

Site Description

The site lies at the south western fringe of the remaining operational part of Aston Hall Hospital, immediately to the north of the Willow Park Way estate. There is a mature Laurel hedge separating the site from adjacent dwellings in Maple Drive, and a mature Lime tree. The site also contains a number of young trees and shrubs and a fenced storage compound.

Proposal

The proposal would involve the erection of two three-bedroom bungalows, linked by a connecting corridor. They would measure some 16 m x 12 m in plan with carports projecting at the north elevation. The height to the ridge of the hipped roofs would be about 6.3 metres.

Following discussion with the applicant the layout has been amended to enable the retention of most of the Laurel hedge alongside the rear garden boundaries to Nos 22 & 26 Maple Drive, and the Lime tree. Living rooms would face south towards the hospital and the bedroom windows would face north towards Maple Drive. Parking areas would be provided between the Laurel hedge and the new bungalows, with space for two cars within the grassed area adjacent to the flank wall of 26 Maple Drive.

Applicant's Supporting Information

- a) There has been a gradual process of retraction culminating in a central government White Paper initiative to close all long stay hospitals. This will see all people with a learning disability being discharged from current long stay hospital care and moved into a range of alternative community living options, including a Supported Living model.

- b) The government has made it clear that that Aston Hall will be closed by 31 December 2004. In simple terms the residents will be made homeless unless alternative housing options are provided.
- c) The application is specifically to provide specialised accommodation for six residents from Aston Hall who will be discharged on 31 December 2004.
- d) Analysis involving relatives, carers and advocates has identified that a number of individuals wish to remain in Aston on Trent. The locational needs of these residents are quite specific. It should be remembered that this is where they have lived for some years so it is a familiar environment for them.
- e) The individuals have profound and multiple disabilities and it has proved impossible to source existing properties on the open market that provide suitable accommodation to meet their specific needs.
- f) The application site has been carefully chosen. It remains independent of the main site and would allow development to be carried out which would be unobtrusive to existing properties, yet would be capable of providing a safe and secure home for these residents.
- g) Of the 44 current Aston Hall Hospital residents only 9 will remain in the area, in the permitted development in Weston Road and this site.
- h) Analysis of people with learning disability in Derbyshire indicates that there will be a sustained need for the bed spaces that would be created.
- i) The bungalow design reflects the needs of its prospective occupants, whilst providing them with a residential environment.
- j) The proposal complies with the relevant central government, regional, county and district policies that relate to the housing needs of these residents.
- k) The revised plan would enable the retention of the Laurel hedge and Lime tree, and would move the building to a distance of 21m and 23 m from the nearest points of neighbouring houses respectively.
- l) The increased distance would help with the noise issue. Residents do tend to be noisy but this is mainly in the daytime and justifies the positioning of the living accommodation at the rear (south) of the properties. Residents are not noisy when in their bedrooms at night, so the noise generated from the front of the building (facing Maple Drive) should be minimal.

Responses to Consultations

The Highway Authority has no objection in principle.

Responses to Publicity

Two neighbours have objected as follows:

- a) The proposal is contrary to the provisions of the Structure Plan and Local Plan, being outside the village framework and not on brownfield land.
- b) The buildings would be considerably larger than other properties in the area, not in keeping with the locality.
- c) Mature hedgerows and trees would be lost, to the detriment of the character of the area and wildlife.
- d) The loss of vegetation would result in loss of privacy to neighbours.
- e) There would be noise disturbance.
- f) The site is too small for the development and appears to be as such to enable the value of the remaining hospital land to be maximised.
- g) The amended plan does not retain the Laurel hedge, which is not accurately plotted on the drawing.

h) A large Fir tree would be unnecessarily removed.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policies 1, 3 & 4, Housing Policy 6.

Local Plan: Housing Policy 8, Environment Policy 1 and Community Facilities Policy 1.

Emerging Local Plan: Policies ENV7 & 21, H1, C3 & C4.

Planning Considerations

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

- The principle.
- Impact on the character of the area.
- Residential amenity.
- Highway safety.
- Trees.

Planning Assessment

The development is a hybrid in terms of policy. Although the site is immediately adjacent to a residential area it is nonetheless outside the defined boundary of the village for the purposes of control over new housing development. Whilst the proposal is residential in nature it also contains a significant element of health care. It is the latter element, having regard to the historic association of its initial residents with Aston Hall Hospital that makes the application acceptable in principle. However in order to maintain this acceptability a condition, tying the dwellings to their specialist function, is appropriate.

Lying at the edge of the built up parts of the Aston Hall site and adjacent to a housing estate the visual impact of the buildings would not be substantial.

The buildings would have little impact on neighbours in terms of light and privacy. The realignment of the buildings would reduce the potential for disturbance.

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

The amended scheme would enable the retention of the two most significant landscape features, being the mature Lime tree and most of the Laurel hedge. A certain amount of replacement planting could be secured by condition. As such the environmental impact of the development in this regard is acceptable on balance.

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 applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure occupation of the dwellings by people with learning disabilities and 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. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos. 1623/07A & 08A received 13 September 2004.
Reason: For the avoidance of doubt, the original submission being considered unacceptable.
3. 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.
4. 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.
5. 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.
6. 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.
7. Notwithstanding the submitted details, prior to the commencement of building operations on adjoining areas, the area within 1 metre of the extent of the canopies of the mature Lime tree and the Laurel hedge (as shown on the submitted site layout plan) 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.
Reason: To protect the trees/landscape areas from undue disturbance
8. Prior to the first occupation of the development the area for the parking and manoeuvring of vehicles shall be laid out in accordance with the amended drawings 1623/08A and shall thereafter be retained free of any impediment to its designated use.
Reason: In the interests of highway safety.

9. The occupation of the dwellings shall be limited to persons with a learning disability requiring active care and support at the premises.

Reason: The site is outside the village boundary where general residential development is not favoured by the Development Plan except where overriding reasons justify a departure from that policy. The Local Planning Authority is concerned to ensure that the development is retained to meet the residential needs of people with a learning disability.

05/10/2004

Item 1.4

Reg. No. 92004 10090

Applicant:

Mr K Davies
4 Spinneyfield
Moorgate
Rotherham
S60 3HW

Agent:

John Carr Design
Dimmingsdale
Alton
Staffordshire
ST10 4BU

Proposal: The outline application (all matters reserved except for siting and means of access) for the erection of five dwellings at Claire De Lune Lucas Lane Hilton Derby

Ward: Hilton

Valid Date: 02/08/2004

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

Site Description

This is a large flat site that has a single bungalow sited in the middle of it. Access to the site would be from Lucas Lane. It is surrounded by a mixture of hedges and fences the most prominent feature being a row of leylandii on the front boundary that substantially screen the site. A similar bungalow lies to the north of the site and a pair of 1930's style semi-detached houses lies immediately to the south [*there are two applications under consideration at the house adjacent to the site – one for an extension, the other for a dwelling in the rear garden*]. To the rear are dwellings constructed on the former Hilton Common; these are separated from the site by a substantial hedge on the application site side of the boundary.

Proposal

An examination of the site in relation to adjacent dwellings revealed a potential overlooking of the bungalow to the north from a proposed 2-storey dwelling. The application has been amended to show a bungalow on that part of the site. However, this plan can only be considered as illustrative given that design and external appearance are reserved matters.

Applicant's Supporting Information

The application plan states that most of the mature hedges around the site are to be retained where possible

Responses to Consultations

Hilton Parish Council objects to the development because of the density of the development, the suitability of the access off what is essentially a rural road at its north end. If permission were to be granted, it would prefer the site to be wholly developed with bungalows at a lower density.

The County Highway Authority has no objection in principle subject to the provision of adequate parking space for each dwelling.

Responses to Publicity

8 letters from 6 households have been received objecting to the development for the following reasons: -

- a) The hedgerow between the site and other dwellings should not be removed nor should a fence be erected next to it, this is a popular wildlife corridor and also provides screening between dwellings. The thorn hedge would not provide a very good screen to properties on Normandy road when it sheds its leaves.
- b) The density of the development is out of keeping with the rural nature of Lucas Lane
- c) The application raises questions as to whether the necessary separation distances can be achieved; the development would be overbearing on adjacent dwellings and there would be a loss of privacy from windows overlooking properties affecting amenity of the occupiers
- d) The erection of bungalows would be preferable
- e) Existing houses rely on septic tanks or other systems for foul drainage, there are occasions when the water table is high that the systems do not work well and there are drainage problems
- f) There would be dust and disturbance during construction.
- g) There is significant land allocated for housing in Hilton, the facilities such as the school are overloaded and more similar houses are not needed.
- h) The development would reduce the value of homes by several tens of thousands of pounds. The decision should be based on what is best for the community and not the pursuit of greed.
- i) The development may prejudice development the building an extension on an adjacent dwelling.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 2 & 3, Housing Policy 5

Local Plan: Housing Policy 5

Emerging Local Plan: Policies H1 & ENV 21

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

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.

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: **The erection 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.

05/10/2004

Item 2.1**Reg. No.** 92004 0009F**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 temporary erection of an agricultural workers dwelling at
 O S Field Number 5407 Ambaston Lane Thulston Derby

Ward: Aston**Valid Date:** 14/01/2004**Site Description**

The site lies in the green belt to the south of Thulston village. The western boundary is formed by Thulston Brook and the dwelling at Ambaston Lane Farm is adjacent to the eastern boundary of the site.

Proposal

The application seeks the siting of a mobile home associated with a proposed agricultural enterprise on the land. Applications 9/2004/0117 & 9/2004/0118 on this agenda are associated with this proposal, the acceptability of which depends, in principle, on the outcome of those applications. Reference is therefore made to those proposals in this report.

9/2004/0117 relates to the erection of five polythene growing tunnels, each measuring 20 m x 4.5 m in plan. 9/2004/0118 relates to the erection of a general purpose agricultural building measuring 16.9 m x 27.7 m in plan and 7.4 m in overall height.

The farm buildings and the mobile home would be sited close to the western boundary of the site.

A new access track is also proposed, located in a central position on the site frontage.

Applicants' supporting information

- a) A complete agricultural advisor's report is appended to demonstrate the viability of the proposed farming system. The application for a temporary dwelling is in accordance with PPG7 in order to give an opportunity to demonstrate the viability of the holding prior to an application to create a permanent farmstead.
- b) The applicant is willing to enter into agreement that the buildings would be created and stocked prior to occupation of the mobile home.
- c) The applicant is willing to enter into a Section 106 Agreement to the effect that should the farming system not work out, the site would be completely cleared of buildings and the temporary dwelling, in the event that planning permission is refused for the continuation beyond the three year period.
- d) The justification for the dwelling is based on traditional small holding principles. Its viability is created by the intention to provide high quality produce direct to the consumer by having direct delivery and attendance at markets.
- e) As the mobile home would have specific site requirements there would be no prejudice to flood control issues.
- f) The amount of flies, smell and disturbance from livestock would be strictly limited, due to the numbers involved and the proposed straw bed manure method.
- g) The access would comply with normal visibility requirements and the road is very lightly trafficked.
- h) The business would not generate large numbers of HGVs or cause damage to the highway. It would be managed with a tractor and light van, with occasional deliveries of feedstuffs.
- i) Better than average prices are achievable by dealing direct with consumers. The system assumes the progression to full organic farming following an establishment phase.
- j) The justification tests in PPGs2 & 7 are similar and development for agricultural purpose in the green belt is acceptable.
- k) Stocking levels are within the levels referred to in the Agricultural Budgeting and Costing book used as source material.
- l) It is accepted that the system requires good management, especially regarding the rotation of the grass leys and potato crops. However as this is a smallholding such rotation is practical.
- m) The applicant has no intention of using the land as a helicopter base.
- n) The applicants are determined to make the enterprise succeed and are willing to take advice and act upon it.
- o) The buildings would be a small agricultural enterprise, entirely appropriate to the English countryside. Existing farmhouses and cottages are dotted along the lane.
- p) Whilst pigs may sometimes require less assistance at birth than cows or sheep it would be good practice to make regular checks of the sows in the pre farrowing and farrowing period. The ability to render emergency assistance at difficult farrowing is good stockmanship and helps to reduce birth losses. It also benefits economic production. Most animals reproduce at night as a result of basic instincts to act under the cover of darkness.
- q) The soil has a light alluvial structure that drains freely and has high fertility.
- r) The costs assume that the applicants would erect the farm building themselves. Introduced capital would pay for the buildings and notional rent calculations show that the enterprise would pay its way.
- s) The applicants believe that there is a demand for the better quality products they seek to produce.
- t) Smallholders have been better able to adapt to changes in market conditions than some larger farms.

- u) Recreation and agriculture need to exist side by side in the countryside and have done so for many years. The countryside is more than a backdrop for a commuter village.
- v) In the agent's experience several smallholdings of less than 50 acres have obtained permission for a dwelling.

Responses to Consultations

The Parish Council objects as follows:

- a) There would be noise and smell in particular from the pigs.
- b) There would be pollution of the natural drainage system, in particular from the pigs.
- c) The access would require a sizable splay and there would have to be suitable parking on site.
- d) The proposed organic farming regime could not be pursued for at least 5 years as the land has been subject to the application of chemicals.
- e) Development in the floodplain would be contrary to the local plan. The applications are not compatible with the Green Belt.

The Highway Authority and the Environmental Health Manager have no objection in principle.

The Environment Agency has no objection to the farm buildings, subject to conditions. However it objects to the proposed mobile home on the basis that the occupants would be put at risk in the event of flooding, placing additional burden on emergency services. The raising of ground levels could have a significant impact in terms of loss of floodplain.

Responses to Publicity

15 letters have been received raising the following objections:

- a) There would be noise and smell from the livestock.
- b) There would be an increase in flies, with resultant health risk.
- c) There would be pollution of the water environment, in particular from the pigs.
- d) The access would require a sizeable splay and is unsafe.
- e) Large numbers of HGVs visiting the site would cause the collapse of rainwater gullies in the highway verges.
- f) The proposal for organic farming would have to be postponed for 5 years because of the chemicals that have previously been used on the land.
- g) The proposal is contrary to policies for development in the floodplain.
- h) The development would not be appropriate in the green belt and lies outside the village envelope.
- i) There would be an impossibly high density of livestock, bearing in mind the proposal to also grow herbs.
- j) The rotation regime is unrealistic.
- k) The proposal effectively seeks permission for a big house and building in the countryside. The latter could be used for business purposes. The site has been used as a helicopter base.
- l) A precedent would be set for development of other parcels of land recently sold in the locality.
- m) The applicant should gain several years' experience before embarking on this enterprise and would not be sufficiently experienced after an agricultural course.
- n) A similar case in Aston Lane has resulted in a dwelling with no associated farm business.
- o) The buildings would be harmful to the character and openness of the area.

- p) There is no functional need for the mobile home. Larger herds are managed without persons living on the land. Feeding can be carried out at regular times and veterinary services can be obtained as necessary. There will be no lambing or calving and the pigs and poultry can give birth without the need for the high level of personal care required by sheep and bovine animals.
- q) The applicants live sufficiently near to the site to be able to manage it.
- r) There would be a worker present for much of the day to meet the estimated labour requirement for the holding, this further reducing the need for a person to live on the site.
- s) If the enterprise were to fail the buildings would deteriorate to the detriment of the character of the area.
- t) Because of the propensity of the area to flood the land does not have the 'well drained' characteristic identified in the justification report. It is frequently waterlogged. This would have an adverse effect on the applicants' high output farming regime.
- u) Likely building costs are £420 per sq m (based on IQS Building Cost Information Service) as compared with applicants' estimate of £85 per sq m. This would have an adverse effect on the viability of the scheme.
- v) The applicants may not be able to exploit their expected markets.
- w) The justification report acknowledges that this is a high-risk venture. The report merely demonstrates that the feasibility of the enterprise is at best very low. The application is thus speculative and demonstrably unjustified.
- x) The pigs would frighten horses in an adjacent field.
- y) The use would be disruptive to people using the lane for passive recreation.
- z) 50 acres would be needed for viability.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policies 4 & 7 and Housing Policy 6.

Local Plan: Environment Policies 1 & 5, Green Belt Policy 3 and Housing Policy 8

Emerging Local Plan: Policies ENV6, 7 & 21.

Planning Considerations

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

- The principle.
- Impact on the openness of the green belt and the character and appearance of the countryside.
- Flooding.
- Highway safety
- Residential amenity.

Planning Assessment

The policies for development in the countryside and green belts accept agricultural development as a matter of principle. With regard to housing the policies require such development to be necessary for the purposes of agriculture or other activities that are acceptable in the green belt. The applicant's contention that it is necessary for a person to be present on the site at all times, in order to meet the functional needs of this particular enterprise, is supported by an appraisal by a

professionally qualified farm business consultant. The enterprise is not yet up and running and the applicant proposes a mobile home to enable the business to be tested. In these circumstances the proposed living accommodation is considered to be acceptable in principle.

The farm structures would occupy a field that currently has no buildings thereon. However, having regard to their function, being an appropriate use in the green belt and of low height, the proposed farm buildings would not prejudice the objectives of keeping the open character of the green belt. Whilst they would be of modern design this reflects their function and the impact on the character of the countryside is therefore acceptable. The applicant's willingness to remove the structures in the event of the business not being sustained would ensure that the impact of the buildings would remain only while there would be an appropriate use thereof.

On the advice of the Environment Agency and subject to recommended conditions the agricultural buildings would not be prejudicial to the interests of flood control. However the provision of living accommodation would likely result in risk to the occupants and to the loss of effective floodplain.

The access arrangements would be to the satisfaction of the Highway Authority and would thus not prejudice highway safety.

On the basis of available evidence there would be no demonstrable harm to the amenities of local residents.

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 reason:

The site lies within an area at risk from flooding from Thulston Brook and the River Derwent. If permitted the occupants would be put at risk with attendant burden on the emergency services during flood events. Furthermore the development would result in the loss of floodplain, which could have adverse flooding impact down stream.

