

SOUTH DERBYSHIRE DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 17 December 2002

Planning Services Manager

I N D E X

PART 1 Planning Applications
PART 2 Appeals

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

PLANNING SERVICES MANAGER

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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

17/12/2002

Item 1.1**Reg. No.** 9 2001 0127 U**Applicant:**

Mr J Varnham
 Shortheath Farm, Shortheath
 Overseal
 Swadlincote
 Derbyshire

Agent:

Mr J Varnham
 Shortheath Farm, Shortheath
 Overseal
 Swadlincote
 Derbyshire

Proposal: The erection of stables, the conversion of existing buildings into stables and the re-routing of the access drive at Shortheath Farm Shortheath Overseal Swadlincote

Ward: Overseal

Valid Date: 13/02/2001

Site Description

The site lies in open countryside to south west of Shortheath. Access to the farm is via a private driveway which is shared by a public footpath. A further farm adjoins the site's south western boundary.

Proposal

The amended scheme shows some existing buildings demolished and the remaining two barns converted to stables and the erection of a further 7 stables in two new timber buildings (total of 13 stalls/stables) with a tack room, store and feeding rooms. The plans originally submitted showed an access diverted away from the existing farm track. However, after many months of negotiation with the County Highway Authority, the scheme has been amended leaving the existing track intact and the bend at the highway junction realigned.

Applicants' supporting information

The applicant has prepared a statement setting out the background to proposals as follows:

- Shortheath Farm was successful in it's application to the National Forest Tender Scheme in 2001. 'Mary's Wood' was completed in March 2002 and comprises 6.4 hectares of woodland situated less than a mile from 'Conkers'. The woodland includes a now well-used permissive bridleway, which links directly (with the permission of Leicestershire County Council) onto Donisthorpe Woodland Park and the Heritage Trail, the new Towpath site and the local network of bridleways.

- The National Forest Tender Scheme has provided approximately £50,000 of funding for the project. The money is in the bank ready to proceed, subject to the granting of planning permission.
- The applicant has the support of the National Forest in the proposed venture. (When the National Forest announced the winning Tender Scheme woodlands, they stated in publicity material that one of the winners was using the scheme to diversify into horse tourism). He has attended two annual National Forest Tourism and Marketing Forums and is being actively encouraged by the National Forest to progress plans to diversify into equestrian tourism. He will be entitled to use the National Forest logo on any publicity material for the project.
- Mary's Wood is included in the National Forest Horse Riders Guide.
- A South Derbyshire District Council licensing officer has visited the site and stated that he will support, in principle, an application for a license.

Planning History

None relevant

Responses to Consultations

The County Highway Authority has no objection to the amended scheme subject to the realignment of the highway.

The Environment Agency has no objection subject to conditions controlling the discharge of any effluent.

The Environmental Health Manager has no objection but states that given the risk of odour nuisance suggests that a waste management scheme be implemented.

Responses to Publicity

In response to the scheme originally submitted, two letters from neighbours state the following:

- a. A danger to vehicles would be caused for drivers using the re-routed access. Rights to use the new access may also be affected which may impact on the access to the adjoining farm.
- b. The area set out for the parking and turning of vehicles within the site would be completely inadequate especially for vehicles with trailers and horseboxes. The site should have a new and separate access from Shortheath
- c. The extra traffic would produce extra noise. A noise buffer should be erected which would also help protect privacy.

Any further comments received (raising new issues) as a result of publicity relating to the amended access arrangements will be reported at committee.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Leisure and Tourism Policy 5 and Environment Policy 8.

Local Plan: Recreation and Tourism Policy 9 and Environment Policy 1.

Planning Considerations

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

- The principle of conversion of existing buildings and the erection of new buildings for this purpose in the countryside with regard to the relevant development plan policies.
- Highway safety
- Residential amenity

Planning Assessment

The development plan seeks to made provision in the National Forest for development that directly facilitates its use and enjoyment as a woodland resource and allows for use of existing buildings for leisure facilities provided they are in keeping with the scale, appearance and character of the area.

From the information submitted by the applicant, it would appear that much work in terms of the diversification of the farm is underway particularly with the recent winning of the tender scheme grant. As such there appears to be no doubt that the proposed change of use is appropriate to the location and would provide for greater access to the forest whilst complimenting a worthwhile diversification of the existing farm business. The amendments to the access now have the approval of the County Highway Authority and would be likely to cause significantly less disruption to occupiers of adjacent land. The scheme shows very simple conversion of existing buildings and the erection of purpose designed timber structures of modest scale. Given the relatively small scale of the enterprise envisaged, the proposed use is unlikely to cause undue disturbance to adjacent occupiers. As such the proposal is considered acceptable.

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

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. 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 new building(s) have been submitted to and approved in writing by the Local Planning Authority.
2. Reason: To safeguard the appearance of the existing building and the locality generally.
3. Notwithstanding the particulars of the application, further details of parking space to be provided on the site shall be submitted for approval in writing by the Local Planning Authority prior to commencement of building operations. Thereafter facilities shall be maintained free of any impediment to their designated use.
3. Reason: In the interests of highway safety.
4. Unless otherwise previously agreed in writing by the Local Planning Authority, the development shall not be taken into use until the improvements have been carried out at the access and the Shortheath highway in the vicinity of the access, in accordance with a scheme first submitted to and approved by the Local Planning Authority.
4. Reason: In the interests of highway safety.

5. Unless otherwise agreed in writing with the Local Planning Authority, all works of alteration and making good of the existing fabric of the building(s) shall be carried out in matching reclaimed brick and plain clay tiles, samples of which shall have previously been submitted to and approved in writing by the Local Planning Authority.
5. Reason: In the interests of the appearance of the building(s).
6. No farm effluent or contaminated surface water from the buildings or associated impervious areas shall be discharged into any ditch or watercourse.
6. Reason: In the interests of pollution control.
7. Notwithstanding any details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.
7. Reason: In the interests of the appearance of the area.

Informatives:

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

To note the attached memo from the Environmental Health department.

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

That the scheme indicated on the submitted drawing no. 0199-2-1 can form the basis of a satisfactory arrangement. You will be required to enter into an Agreement under the Highways Act 1980 Section 278 in respect of the carrying out of works within the highway.

17/12/2002

Item 1.2**Reg. No.** 9 2002 0710 U**Applicant:**

Ron Grundy
 69 Ryecroft Road
 Hemington
 Derby
 DE74 2RE

Agent:

Ron Grundy
 Ron Grundy
 69 Ryecroft Road
 Hemington
 Derby
 DE74 2RE

Proposal: The existing use plus additional use of vehicle and caravan sales and the erection of a security fence at front of Cavendish Bridge Filling Station London Road Shardlow Derby

Ward: Aston

Valid Date: 16/07/2002

Site Description

The site contains a disused petrol filling station, with its attendant forecourt and sales building. A low wall to the front and a timber screen fence to the rear enclose the forecourt. Grass and bushes cover the rest of the site. Apart from the main part of the forecourt the remainder of the site is within the green belt.

Proposal

The applicant seeks to use the site for the sale of caravans and vehicles. An indicative drawing shows the use of the forecourt for sales, with a parking area to the east, between the forecourt and existing hedge. A 4 metre wide access track linking the forecourt with the Shardlow Marina boat and caravan site is also proposed. This would pass over the vegetated area to the east of the forecourt. A 2 metre high security fence is proposed to the front and side of the site.

Although initially seeking to retain the petrol filling station use alongside the proposal for caravan sales the applicant has withdrawn this element.

Applicant's Supporting Information

- a) The existing building would be used for the servicing of caravans.
- b) The proposed access to the marina would be used by staff only and the entrance would be gated.
- c) The existing access to the site would be used by customers bringing or collecting caravans.
- d) Parking would be controlled from the main marina office and customer parking would be at the existing marina car park.

- e) All of the area around the service station building would be used for the storage and sales of caravans.

Site History

The petrol filling station was a long standing use but the adjacent marina site has been developed with increasing emphasis on caravans in recent years.

Responses to Consultations

The Parish Council objects for the following reasons:

- a) The plan is inadequate.
- b) The proposal would generate significantly more traffic.
- c) There is a threat to the access to the next door dwelling.
- d) The property adjoins the conservation area and the security fence would have a negative visual impact.
- e) The previously unused part of the site is currently a natural planted area and forms part of the flood bank.
- f) The access would pass over the flood bank.

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

Responses to Publicity

The adjoining neighbour raises the following objections:

- a) The right of way to the adjoining dwelling could be blocked.
- b) There would be total loss of privacy.
- c) Boundary fencing should be provided.
- d) The neighbour's water supply pipes, electricity gas metres are on the forecourt.
- e) Visibility for drivers emerging onto London Road would be impaired.
- f) There would be increased risk of accident on the right of way.
- g) There would be loss of trees.
- h) There could be damage to the adjoining property.
- i) The site is in the green belt.
- j) The neighbour would be surrounded by caravans.
- k) The site may flood.
- l) There would be increased traffic and caravan movements.
- m) There could be excessive sales of caravans.
- n) Boats may also be sold.
- o) A new building may be necessary.
- p) Sales of food products would increase litter.
- q) Flammable liquids may be stored.
- r) The site may become a chandlery
- s) The opening hours are not specified.
- t) The new access would be in addition to those existing.
- u) There could be an increase in crime.
- v) There could be subsequent applications to extend the caravan site at the marina.
- w) The adjacent property would be devalued.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 7 & Economy Policy 5.

Local Plan: Green Belt Policy 1 & Employment Policy 5.

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 of the area.
- Residential amenity.
- Highway safety.
- Flooding.

Planning Assessment

The greater part of the existing forecourt is not in the green belt. Furthermore it is a brownfield site. The use of redundant petrol forecourts for other business purposes is not uncommon. As such the principle of using the forecourt for the proposed purpose would not offend the locational requirements of the development plan. Green belt policy applies to the remainder of the land, currently under vegetation, and development of this with a use that would affect its openness would be contrary to that policy. The access connecting the forecourt to the marina would not prejudice the development plan.

Subject to caravans being displayed on the forecourt only there would be no demonstrable impact on the openness of the green belt. The parking area required by the Highway Authority could be provided between the forecourt and the existing hedge to the east without any adverse impact on openness. The boundary fence as initially submitted would have a detrimental impact on the appearance of the area. Subsequently the applicant has agreed to consider a visually more acceptable fence.

Subject to the sales area being confined to the existing forecourt the impact on the amenities of nearby residential properties would be minimal.

Subject to incorporation of the recommendations of the Highway Authority the proposal would not harm highway safety interests, particularly having regard to the potential of the site to generate much more traffic in its existing use.

There is no evidence that the proposal would increase the risk of flooding.

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.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. Notwithstanding any details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.
2. Reason: In the interests of the appearance of the area.
3. 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.
3. Reason: In the interests of the appearance of the area.
4. 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.
4. Reason: In the interests of the appearance of the area.
5. Subject to the requirements of Condition no 6 below the use hereby permitted shall be confined to the existing filling station forecourt as shown hatched on the attached plan.
5. Reason: In the interests of protecting the openness of the green belt.
6. No development shall take place until full details, including surface materials, of an area for the parking and manoeuvring of customers' vehicles within the site have been submitted to and approved in writing by the Local Planning Authority. The parking and manoeuvring area shall be provided as approved prior to the first occupation of the development and shall thereafter be retained for that purpose.
6. Reason: In the interests of highway safety.
7. Notwithstanding the submitted drawing the existing southern access shall be permanently closed in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.
7. Reason: In the interests of highway safety.
8. Prior to the first use of the development hereby permitted, the land in advance of the sight lines measuring 2.4m x maximum available shall be cleared and thereafter retained free of all obstructions to visibility over a height of 1 metre above the adjoining carriageway level.
8. Reason: In the interests of highway safety.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no tank for the storage of oils, fuels or chemicals shall be erected unless it is sited on an impervious

base and surrounded by impervious bund walls. The bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage.

9. Reason: In the interests of pollution control.
10. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor, designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
10. Reason: In the interests of pollution control.
11. All foul and contaminated water, including effluent from any car wash or jet wash facility, shall be directed into the main foul sewage system in accordance with a scheme that shall have previously been submitted to and approved in writing by the Local Planning Authority.
11. Reason: In the interests of pollution control.

17/12/2002

Item 1.3**Reg. No.** 9 2002 0832 O

Applicant:
 Trustees Of The Hartshorne Working
 C/O Agent, Fisher German

Agent:
 Fisher German
 80 Tamworth Road
 Ashby De La Zouch
 Leicestershire
 LE65 2BW

Proposal: Outline application (all matters except means of access to be reserved) for residential development at Hartshorne Working Mens Club Main Street Hartshorne Swadlincote

Ward: Hartshorne

Valid Date: 13/08/2002

Site Description

This L shaped 0.17 ha site is on the west side of Main Street opposite to Church Road and is occupied by the Hartshorne Working Men's Club building and car park. Immediately to the north is the village recreation ground and to the south and west a residential area.

Proposal

This application for residential development is in outline with all matters including siting, design, external appearance, means of access and landscaping reserved for subsequent approval. All existing buildings would be removed to make way for the development.

Responses to Consultations

The Parish Council objects to the granting of permission due to:

- The Trustees of the Working Men's Club are unaware of this application
- The Parish Council's portion of land is not identified on the portion edged red, nor has the Parish Council been approached on this matter prior to an application for planning permission being submitted
- Access to the recreation ground to the rear of the land edged red would be lost for mowing and upkeep.

The Highway Authority comments that the club use would generate peak hour traffic in excess of those resulting from residential use. It considers that acceptable access requirements could be provided and this can be dealt with at the reserved matters stage.

Severn Trent Water has no objections subject to the satisfactory disposal of surface water.

Responses to Publicity

Two letters expressing concerns about the development have been submitted, summarised as follows:

- Development over one storey in height would result in loss of privacy and overshadowing of existing property.
- Existing trees on the boundary should be retained as a natural barrier and haven for birds.
- A minimum number of dwellings should be built to lessen the impact from noise and pollution.

Structure/Local Plan Policies

The relevant policies are:

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

Local Plan: Housing Policy 5.

Planning Considerations

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

- The acceptability of further housing in Hartshorne
- Residential amenity.

Planning Assessment

Hartshorne is identified as a serviced village and therefore residential infilling on previously developed land is acceptable in principle.

The impact of the development on the amenities of neighbouring residents will be considered at the detail stage having regard to the Council's SPG for Housing Layouts.

The applicant's agent has confirmed that access to the playing fields would not be affected in any scheme.

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

Recommendation

GRANT permission subject to the following conditions:

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.
1. Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping and means of enclosure of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.
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 boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.
3. Reason: In the interests of the appearance of the area.
4. The scheme of landscaping 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.
4. Reason: In the interests of the appearance of the area.
5. Further to condition 2 above, soft landscape details shall include planting plans; written specifications including cultivation and other operations associated with plant and grass establishment; schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate) and the implementation programme.
5. Reason: In the interests of the appearance of the area.
6. 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).
6. Reason: To protect the amenities of adjoining properties and the locality generally.
7. No part of the development shall be carried out until samples of the facing materials to be used in the construction of the external walls and roof of the buildings have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the agreed materials.
7. Reason: To safeguard the appearance of the locality.
8. No development shall commence on site until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority and the approved details shall be completed before occupation of the dwellings.
8. Reason: To avoid unnecessarily taking up capacity within the public sewerage system specifically provided for the essential disposal of foul sewage.
9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

Informatives:

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

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

Attached for the applicants information is a copy of the Severn Trent Water Sewer Record for the area.

17/12/2002

Item 1.4**Reg. No.** 9 2002 0841 F**Applicant:**

Babb Construction Ltd
 22 Gorsey Lees
 Overseal
 Swadlincote
 Derbyshire
 DE12 6JE

Agent:

Mr. D. Granger
 David Granger Architectural Design
 The Old Dairy
 Mill Street
 Packington
 Ashby De La Zouch Leics
 LE651WN

Proposal: The erection of four houses and one bungalow together with detached garaging on land to the rear of 37 Sunnyside Newhall Swadlincote

Ward: Newhall

Valid Date: 14/08/2002

Site Description

This site is on the north side and to the rear of 37 Sunnyside. Access would be between 37 and 39 and would occupy part of the former Burton and Ashby Light Railway route.

Proposal

It is proposed to construct four detached houses and a detached bungalow. Two houses would have integral garages and the remainder would have detached garages

Planning History

Planning permission was granted in February 2002 to develop the neighbouring site for two houses and one bungalow and this is approaching completion.

Responses to Consultations

A contamination land report has been completed and the Environmental Health Manager recommends that the remediation methods detailed in the report are adhered to, that is to provide a layer of clean topsoil in the garden areas of the proposed dwellings of at least 300mm.

The Highway Authority has no objections subject to standard and access and parking conditions.

Severn Trent Ltd has no objections.

Responses to Publicity

Five letters of comment and concerns raised by neighbouring residents have been received, the planning matters of which are summarised as follows:

- Inadequate fencing proposed to safeguard privacy
- Loss of existing trees and shrubs
- Tree planting should be reduced where it is close to neighbouring windows.

Structure/Local Plan Policies

The relevant policies are:

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

Local Plan: Housing Policies 4 and 11.

(The site is also proposed for housing in the emerging Local Plan.)

Supplementary Planning Guidance (SPG) Housing Layout and Design.

Planning Considerations

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

- The provisions of the development plan
- Compliance with the Supplementary Planning Guidance (SPG).

Planning Assessment

The development plan identifies the site as being within the urban area and therefore its residential development is acceptable in principle subject to acceptable scale and character.

The rear garden length of plot 1 is 8m which falls short of the suggested 10.5m in the SPG. All of the plots however exceed the minimum garden area requirements and such there would be no loss of privacy for neighbouring residents. There is also a small shortfall in the distance between the front facing kitchen window of the dwelling on plot 2 and the side of the house on plot 3. However, a realignment of these plots would result in a reduction in the openness of the development around the shared cul-de-sac to the detriment of the design of the layout. As such the relatively small discrepancy in distances is considered of less importance and allows for the density of the scheme to be increased. The density has been increased from four to five units, which is acceptable and appropriate for service off a private drive.

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.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. This permission shall relate to the amended layout drawing, no 01.1400.07 C dated July 2002 and received on 8 October 2002 showing five dwelling units and variation of house types.

2. Reason: To increase the density of the development in accordance with PPG3.
3. No part of the development shall be carried out until samples of the facing materials to be used in the construction of the external walls and roof of the buildings have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the agreed materials.
3. Reason: To safeguard the appearance of the existing building and the locality generally.
4. Notwithstanding any details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.
4. Reason: To safeguard the privacy of neighbouring properties and in the interests of the appearance of the area.
5. The access shall have a minimum width of 4.1m and prior to occupation of the dwellings be provided with 2.4m x 50m visibility sightlines and 2m x 2m x 45 degree pedestrian intervisibility splays with no obstruction exceeding 1m in height relative to road level forward of the sightlines.
5. Reason: In the interests of highway safety.
6. The gradient of the access shall not exceed 1 in 15.
6. Reason: In the interests of highway safety.
7. The dwellings shall not be occupied until the access road and turning area have been laid out in accordance with the application drawing, paved in a solid bound material (i.e. not loose chippings) and measures shall be provided to ensure that water does not flow from within the site onto the highway.
7. Reason: In the interests of highway safety
8. Prior to the occupation of the dwellings, the parking and turning space shall be laid out in accordance with the application drawing and maintained thereafter free of any impediment to its designated use.
8. Reason: In the interests of highway safety.
9. 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.
9. Reason: In the interests of the appearance of the area.
10. Further to condition 9 above, soft landscape details shall include planting plans; written specifications including cultivation and other operations associated with plant and grass establishment; schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate) and the implementation programme.
10. Reason: In the interests of the appearance of the area.
11. 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.

11. Reason: In the interests of the appearance of the area.
12. The dwellings shall not be occupied until a layer of clean topsoil of at least 300mm depth has been provided in the garden areas of the proposed dwellings.
12. Reason: To provide a suitable barrier to any contamination in the interests of public health and safety.
13. 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).
13. Reason: To protect the amenities of adjoining properties and the locality generally.

Informatives:

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

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

To complete the attached certification form and return it at the appropriate time to the Council's Environmental Protection Manager.

That detailed plans of road levels, surface water drainage arrangements and the construction of the new street should be submitted to the County Surveyor, Derbyshire County Council, County Offices, Matlock, Derbyshire, DE4 3AG, prior to the commencement of the work.

17/12/2002

Item 1.5**Reg. No.** 9 2002 0887 F**Applicant:**

Butler Development
Comberford Hall
Comberford
Tamworth
Staffs

Agent:

Building Design Group Ltd
6 Albert Road
Tamworth
Staffordshire
B79 7JN

Proposal: The erection of two detached houses at Land Adjoining 10
Meadow Lane Newhall Swadlincote

Ward: Newhall

Valid Date: 03/09/2002

Site Description

This site is on the east side of Meadow Lane backing on to St John's Church cemetery and opposite Meadow Way. It is a 16m wide infill plot between existing residential development.

Proposal

It is proposed to erect two detached, two-bedroom dwellings of brick and tile construction.

Responses to Consultations

The Highway Authority has no objections subject to standard highway safety conditions.

Responses to Publicity

The existing neighbour is concerned that the replacement of the boundary wall with a fence would diminish their security.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 2 and 3; Housing Policy 3:

Local Plan: Housing Policy 4.

Supplementary Planning Guidance: Housing layout and design.

Planning Considerations

The main issues central to the determination of this application are private amenity space and overshadowing.

Planning Assessment

The rear gardens would be well below the area suggested in the Councils' SPG for housing layouts at 17 square metres each as opposed to the 50 square metres requirement. A pattern of very small rear gardens has been established for properties on this side of the road, three of which were granted in the 1980s. In view of this and the properties enjoying an open aspect across the cemetery, the proposal is acceptable.

A siting amendment has been submitted to overcome a potential problem of overbearance and this is now satisfactory.

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.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. This permission shall relate to the amended drawings, no 1977/03 Rev. B dated 22/8/02 received on 30 October 2002 showing revised siting and elevational detailing.
2. Reason: For the avoidance of doubt.
3. No part of the development shall be carried out until samples of the facing materials to be used in the construction of the external walls and roof of the buildings have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the agreed materials.
3. Reason: To safeguard the appearance of the existing building and the locality generally.
4. Notwithstanding any details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.
4. Reason: In the interests of the appearance of the area.
5. The dwellings shall not be occupied until space has been provided within each plot curtilage for the parking of two vehicles, laid in accordance with the application drawing, paved in a solid bound material (ie not loose chippings) and maintained thereafter free of any impediment to its designated use.
5. Reason: In the interests of highway safety.
6. The entire site frontage (including the boundary fence adjacent to No.16) shall be maintained clear of any structure or vegetation exceeding 1m in height relative to road level in order to maximise visibility for drivers emerging onto the public.
6. Reason: In the interests of highway safety.

Informatives:

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

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

17/12/2002

Item 1.6**Reg. No.** 9 2002 0972 R**Applicant:**

Mrs Mai Vi To
 20, Bells End Road
 Walton-on-Trent
 Swadlincote
 Derbyshire
 DE128ND

Agent:

Mrs Mai Vi To
 20 Bells End Road
 Walton On Trent
 Swadlincote
 Derbyshire
 DE12 8ND

Proposal: Variation of condition 2 of planning permission 9/1287/679 20
 Bells End Road Walton-on-Trent Swadlincote

Ward: Walton

Valid Date: 17/09/2002

Site Description

The site lies in a village location in a predominantly residential area.

Proposal

The proposal is to vary condition 2 of a planning approval granted in 1987 which permitted the use of the premises as a hot food takeaway between the hours of 9 am and 11.30 pm, Monday to Saturday. The Applicant now wishes to use the premises as a Post Office as well as a hot food takeaway and this application is for additional opening hours so that trade can take place between 6 am and 11.30 pm, Monday to Saturday and 6 am to 1 pm on Sundays.

Applicants' supporting information

Due to the closure of the village shop and Post Office earlier this August, the reason for extending the morning trading hours are that it will enable the premises to cater for retail sales in the village by selling of the morning newspapers and other essential items. Walton-on-Trent Parish Council has submitted a letter in support of the application.

Planning History

9/0498/0013/R – Variation of Condition 2 of planning permission 9/12287/679 to permit Sunday opening between 17.00 hours and 22.00 hours - Refused and dismissed on appeal.

Responses to Consultations

The Environmental Health Manager has no objections subject to conditions requiring A1 retail use only on Sundays with limited opening hours and A1 retail use only between 6 and 9 am.

The County Highway Authority has no comments.

Responses to Publicity

Two letters of representation have been received raising the following issues: -

- Additional traffic including early morning deliveries.
- Concern over Sunday opening.
- Concern over disturbance and noise caused by early morning opening.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Shopping Policy 3.

Planning Considerations

The main issue central to the determination of this application is the impact of the increased use of the premises on the amenity of the occupiers of adjoining dwellings.

Planning Assessment

The proposed additional opening hours for the takeaway premises are to allow an ancillary retail usage as a village shop in the mornings and to cater for paper sales/ deliveries. The only convenience goods shop in the village has recently closed down and the applicant states that the shop will provide an important village facility. The opening hours as originally approved for the takeaway are 9am to 11.30pm, Monday to Saturday. The hours now proposed are 6am to 11.30pm Monday to Saturday and 6am to 1pm on Sundays.

The application as originally submitted proposed afternoon and evening use as a takeaway on Sundays but the applicant has withdrawn this because it would be contrary to the relatively recent appeal decision. The Appeal Inspector considered that Sunday opening of the hot food takeaway would have an adverse impact on the occupiers of adjoining dwellings as a result of smells, noise and disturbance. It is considered that a retail use of the premises on Sunday mornings would not have the same detrimental impact on the occupiers of neighbouring dwellings. There would be no smells and the level of activity associated with a small village shop is not considered to be such that it would cause unacceptable levels of disturbance to occupiers of neighbouring dwellings. A condition can ensure that the use is limited to A1 retail only on Sundays and early mornings.

Recommendation

GRANT permission subject to the following conditions:

1. On Sundays the premises shall only be used for Class A1 usage of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order.
1. Reason: In order that the Local Planning Authority may retain control over the future use of the premises and in the interests of the amenity of the area.
2. The use hereby permitted shall only be carried out between the hours of 06:00 and 23:30 Monday to Saturday and between the hours of 06:00 and 13:00 on Sundays.

2. Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.
3. Between the hours of 06:00hrs and 09:00hrs the premises shall only be used for Class A1 usage of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order.
3. Reason: In order that the Local Planning Authority may retain control over the future use of the premises and in the interests of the amenity of the area.

Informatives:

You are advised that with the exception of Condition 2 the conditions attached to planning permission reference 9/1287/679 still apply.

17/12/2002

Item 1.7**Reg. No.** 9 2002 1016 F**Applicant:**

Mr Mrs Charles
 The Birches, Woodshop Lane
 Swarkestone
 Derby

Agent:

H B Architects
 45-47 Bartholomew Street
 Birmingham
 B55QW

Proposal: Alterations and extensions at The Birches Woodshop Lane
 Swarkestone Derby

Ward: Aston

Valid Date: 27/09/2002

Site Description

The property is one of three dwellings built in the mid-1990s. It sits between one of the new dwellings and the old Woodshop Lane House in the Swarkestone Conservation Area.

Proposal

The proposal would result in a two storey extension to the side of the dwelling, which would be about 11 m from one of the habitable rooms to Woodshop Lane House, measured along a 45° line from the centre of that window. Minor single storey extensions are also proposed.

Responses to Consultations

The Highway Authority has no objection subject to retention of parking for 3 vehicles.

Responses to Publicity

A letter of objection raises the following points:

- a) The extension would fill in the entire frontage to the plot and would be out of scale and proportion with the dwellings and its neighbours.
- b) The character of the conservation area is dependent upon open views, which the proposal would block.

Structure/Local Plan Policies

The relevant policies are:
 Joint Structure Plan: Environment Policy 9.
 Local Plan: Environment Policy 12 and Housing Policy 13.

Planning Considerations

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

- The impact on the character and appearance of the conservation area.
- Residential amenity.
- Parking.

Planning Assessment

The proposed extensions respect the architecture of the existing dwelling, which is a modern house of traditional style. There are other dwellings of similar scale and form adjacent to the site. As such the proposal would have a neutral impact on the character and appearance of the conservation area.

The proposal marginally fails to satisfy the normal tests set out in the supplementary planning guidance. However the neighbouring dwelling at Woodshop Lane House is set askew to the subject dwelling and has open views along Woodshop Lane. Furthermore there is a substantial hedge between the two properties. In these circumstances the impact on the living conditions of the occupiers of that dwelling would not be materially harmful. Reducing the width of the proposed extension to comply with guidelines would have little or no beneficial result for the neighbours.

There would be at least three parking spaces retained in the site, which would satisfy the requirements of the Highway Authority.

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.
1. 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. 14 Rev A received 29 November 2002.
2. Reason: For the avoidance of doubt, the original submission being considered unacceptable.
3. All external materials used in the development to which this permission relates shall match those used in the existing building in colour, coursing and texture unless otherwise agreed in writing by the Local Planning Authority.
3. Reason: To safeguard the appearance of the existing building and the locality generally.
4. A sample of both the roof tile and the brick shall be submitted for approval in writing by the Local Planning Authority before work commences.
4. Reason: To ensure the building/extension is in keeping with its surrounding in the interest of the character and visual amenity of the area.

5. Large scale drawings to a minimum Scale of 1:10 of external joinery, including horizontal and vertical sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery shall be constructed in accordance with the approved drawings.
5. Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.
6. External joinery shall be in timber and painted to a colour and specification which shall have been previously agreed in writing by the Local Planning Authority.
6. Reason: In the interests of the appearance of the building(s) and the character of the area.
7. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the building unless specifically agreed in writing by the Local Planning Authority. The type, number and position of heating and ventilation flues outlets shall be agreed in writing with the Local Planning Authority before development is commenced.
7. Reason: In the interests of the appearance of the building(s) and the character of the area.
8. Gutters shall be cast metal (with cast metal fall pipes) and shall be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.
8. Reason: In the interests of the appearance of the building(s), and the character of the area.