

**SOUTH DERBYSHIRE DISTRICT COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE – 8 October 2002**

**Planning Services Manager**

**I N D E X**

**PART 1 ..... Planning Applications**

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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).

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## 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



08/10/2002

**Item** 1.1**Reg. No.** 9 2002 0409 U**Applicant:**

Ron Grundy  
Ron Grundy (Melbourne) LTD  
Shardlow Marina, London Road  
Shardlow  
Derby  
DE722GL

**Agent:**

Ron Grundy  
Shardlow Marina, London Road  
Shardlow  
Derby  
DE722GL

**Proposal:** The change of use of touring caravan park to use for static holiday homes and tourings caravans at Shardlow Marina London Road Shardlow Derby

**Ward:** Aston

**Valid Date:** 12/04/2002

**Site Description**

The land is currently used for the siting of touring caravans. Part of the site is within the conservation area.

**Proposal**

The proposal would use approximately half the touring caravan site for static holiday homes.

**Applicant's Supporting Information**

The applicant has stated that he is willing to erect screen fencing to the boundary of the existing mobile home site with 173 London Road. [Comment: This is not directly relevant to the current application.]

**Site History**

The existing site was permitted as part of the development of Shardlow Marina as a leisure complex, in 1979 (9/1178/985). A condition of that permission was that no caravans shall be permitted to remain on the site permanently. The condition did not require the site to be closed for business at any time of the year.

## **Responses to Consultations**

The Parish Council objects on the following grounds:

- a) Visual impact to properties on Wilne Lane.
- b) Loss of amenity for touring caravans.
- c) Inadequate publicity.
- d) Inadequate information in the application.

The Highway Authority and Environmental Health manager have no objection.

The Environment Agency has no objection in principle but recommends conditions on floor levels and seeks to preclude occupation in the winter when flood risks are greater.

## **Responses to Publicity**

Two letters have been received objecting as follows:

- a) Publicity is inadequate.
- b) The development would be harmful to the character and appearance of the conservation area.
- c) The Ropery is not properly fenced off and users of the site trespass thereon when using it as a route to the village. Damage has also been caused.
- d) If permitted conditions should be imposed to require landscaping and screen fencing.
- e) There would be increased noise and disturbance, particularly late at night which would affect the amenities of the occupiers of the nearest residential properties.
- f) Seasonal restrictions on occupancy have been removed without consultation.
- g) Other development in the Conservation Area has been strictly controlled. Acceptance of "grotesque" static caravans would be inequitable.

## **Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 7.

Local Plan: Green Belt Policy 1.

## **Planning Considerations**

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

- The principle of development.
- Impact on the openness of the green belt and the character and appearance of the conservation area.
- Residential amenity.
- Traffic and highway safety.
- Flood control.

## Planning Assessment

The use of the site for mobile homes does not constitute 'appropriate development' for the purpose of applying green belt policy. However there is an existing lawful use at the site for smaller and more mobile touring caravans. Whilst these tend to move to and from the site there is otherwise little distinction between these and the larger static caravans now proposed. On this

basis green belt policy would not be materially offended by the proposal, subject to a condition precluding occupation on a permanent basis.

Whilst it may be argued that the static caravans have different character to the tourers, the impact on the openness of the green belt would be little different. Similar considerations apply to the impact on the general character of the area; in particular with regard to the conservation area, the character and appearance of which would thus be preserved.

It is unlikely that there would be any increased harm to residential amenity, particularly as there would likely be fewer caravans on the site as a result of the proposal.

On the advice of the Highway Authority there would be no material detriment to highway safety interests. Traffic movements would become different in character as vehicles would no longer arrive and leave the site towing a caravan.

The flood risk issue appears to be confined to the occupiers of the caravans and not to third parties. As such the situation is acceptable subject to incorporation of the Environment Agency's recommendations.

A neighbour's comment regarding the removal of restrictions on seasonal occupancy are inaccurate as no such condition was originally applied.

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 to Section 91(1) of the Town and Country Planning Act, 1990.
2. This permission does not authorise the layout submitted with the application.
2. Reason: For the avoidance of doubt and to ensure tree protection.
3. Before the site is brought into use details of the proposed access roads and hardstandings, on appropriately scaled drawings, shall be submitted to and approved in writing by the Local Planning Authority.
3. Reason: To ensure adequate tree protection and landscaping in the interests of the appearance of the site.

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. 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.
5. 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.
6. Reason: In the interests of the appearance of the area.
7. All mobile homes within the site shall be used solely for holiday accommodation and none shall be occupied as a main residence.
7. Reason: The site lies in the green belt and the Local Planning Authority is only prepared to grant permission on the basis of the mobile homes being used for recreational purposes.
8. The floor levels of the static caravans shall be a minimum of 600mm above ground level.
8. Reason: To protect the occupants from flooding.
9. The caravans shall be occupied only during months that shall have previously been specifically authorised in writing by the Local Planning Authority.
9. Reason: To protect the occupants from flooding.



08/10/2002

**Item** 1.2**Reg. No.** 9 2002 0603 F**Applicant:**

Mr M S Tomlinson  
 84, Victoria Street  
 Melbourne  
 Derby  
 DE731FQ

**Agent:**

E. Lee  
 Mr. Eric J. Lee  
 Pennside  
 Penn Lane  
 Melbourne  
 Derbyshire  
 DE73 1EP

**Proposal:** the erection of a dwelling on land forming part of the garden  
 at 84 Victoria Street Melbourne Derby

**Ward:** Melbourne

**Valid Date:** 11/06/2002

**Site Description**

The site is part of the rear garden to 84 Victoria Street. There are mature hedges to the boundaries.

**Proposal**

A dwelling with eaves at ground floor level is proposed. Two bedrooms and bathrooms would occupy the roofspace. Following discussions with the applicant the proposed height of the dwelling is reduced from 6.0 to 5.5 metres. Windows in the gables have been omitted and the upper rooms would be lit by rooflights only. The dwelling would be located behind a block of garages serving 47 & 49 Spinney Hill.

**Applicant's Supporting Information**

- a) The roof pitch is lowered to 45°, reducing the overall height to 5.5 metres. The eaves remain at a minimum dimension. The change in pitch would further limit the living accommodation in the roofspace.
- b) Windows to Bedroom 2 and the bathroom are eliminated.
- c) The application site is 700mm lower than the Spinney Hill development.
- d) The site section drawing clearly shows that the dwelling would be much less dominant than either 49 or 47 Spinney Hill and would be 1.5 metre lower than the existing bungalow at 84 Victoria Street.
- e) There would be no loss of privacy to neighbours.

- f) The use of the roofspace is a better use of space and avoids the need to increase the footprint of the building. Any structure would require a pitched roof and the proposal is therefore a suitable solution.

### **Site History**

Outline planning permission for the erection of a bungalow was granted last year following a site visit (9/2001/0593/O). A copy of the report is attached for information.

### **Responses to Consultations**

The Parish Council is disappointed about the high-level window facing west towards other properties [Comment: This window is omitted in the revised drawing].

Melbourne Civic Society objects for the following reasons:

- a) The proposal is backland development which, by reasons of its access and location, would lead to loss of privacy to adjoining houses.
- b) The existing bungalow would be left with a minuscule and inadequate garden for recreation.

The Highway Authority and Severn Trent Water Limited have no objection in principle.

### **Responses to Publicity**

Three letters have been received from neighbours on Spinney Hill, objecting as follows:

- a) Adjoining properties would be overlooked and suffer loss of privacy.
- b) Outline permission was only granted following a site visit on the casting vote of the Chairman. It is believed that the expectation of the Committee was for a single storey building with no first floor accommodation.
- c) It is to be expected that a bungalow will not have first floor rooms. This is not a suitable site for such backland development so close to residential property.
- d) A tree has already been felled resulting in loss of privacy.
- e) There would be loss of light.
- f) The proposal would not comply with supplementary planning guidance.
- g) There would be access problems, due to its restrictions

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

The relevant policies are:

Joint Structure Plan: Housing Policy 5.

Local Plan: Housing Policy 5 & 11.

## Planning Considerations

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

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

## Planning Assessment

Consideration of the matters of principle, including the backland development issue are as set out in the previous report. In this regard the application is clearly acceptable.

In its revised form the dwelling would comply with supplementary planning guidance and there would be no demonstrable loss of light or privacy to neighbouring dwellings. The mere fact that the roofspace is made use of for living accommodation does not in itself mean the amenities of adjoining occupiers would be adversely affected. The access would serve the proposed dwelling only and would not unreasonably threaten the amenity of the occupiers of the dwellings either side.

The dwelling is sensitively designed and, in this area of mixed dwelling types would be in keeping with the scale and character of its surroundings. Its mass and general design are characteristic of a bungalow.

The access and parking arrangement meet 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 received 16 September 2002.
2. 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.
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. 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).
5. Reason: To protect the amenities of adjoining properties and the locality generally.
6. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate two cars within the curtilage of the dwelling. Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), two parking spaces, measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of the site.
6. Reason: To ensure that adequate parking/garaging provision is available.
7. The access shall be provided with 2m x 50 m vehicular visibility splays and 2m x 2m pedestrian visibility splays, within which there shall be no obstruction to visibility exceeding 1 m above the level of the adjoining carriageway.
7. Reason: In the interests of highway safety.

08/10/2002

**Item** 1.3**Reg. No.** 9 2002 0739 F**Applicant:**

Dr & Mrs S Daniels  
 28, Weston Road  
 Aston-on-Trent  
 Derby  
 DE722AS

**Agent:**

Dodsworth Wright Grew Ltd  
 Office Suite 3 Gretton House  
 Waterside Court Third Avenue  
 Centrum 100  
 Burton On Trent  
 DE14 2WQ

**Proposal:** The erection of a private dwelling house at 28 Weston Road  
 Aston-on-Trent Derby

**Ward:** Aston

**Valid Date:** 22/07/2002

**Site Description**

The site is part of the large garden to 28 Weston Road, lying within the conservation area. It contains a walled orchard area. The land bounds 9 & 11 Green Leas to the north and 42 Weston Road to the west.

**Proposal**

A single dwelling is proposed, with a total floor area of about 220 sq. m. Its height to the ridge would be about 8 m. A double garage is also proposed, to serve the existing dwelling at 28 Weston Road. The existing garages to rear of the site would be used for the new dwelling. Following discussion with the applicant, the proposed siting of the dwelling has been altered by moving it further away from the boundaries and by rotating it so that it would be at a more oblique angle to No 9 Green Leas. A row of orchard trees adjacent to the boundary would be retained in the revised proposal. Other trees would need to be removed. The existing wall to the orchard would be demolished.

**Applicant's Supporting Information**

- a) The revised scheme pulls the house away from the northern boundary and forward on the plot.
- b) The existing line of fruit trees adjacent to the north boundary would be retained, together with the planting of a landscape screen adjacent to the north boundary.
- c) 45°/21m splays from the first floor windows are shown on the drawing showing the effect on neighbouring properties. There would very little overlooking to the garden of No 11 and

- d) overlooking to the adjacent garden (No 9 Green Leas) would be totally screened by existing mature trees and a tall conifer hedge.
- e) It is important to note that both the dwellings to the north (9 & 11 Green Leas) overlook the applicant's garden to a greater extent than the proposed dwelling would overlook theirs.

### **Site History**

Outline permission was granted for a bungalow in 1993 (9/0393/1000/O). This would have been contained within the existing walled orchard. The permission has lapsed.

### **Responses to Consultations**

The Parish Council objects as follows:

- a) The objections of neighbours are strongly supported by the Parish Council.
- b) The current application bears no resemblance to the previously approved bungalow, and would have a considerable overbearing impact and cause loss of light and privacy to neighbours.
- c) The proposal would harm the conservation area and a probable "conservation wall" would be demolished.
- d) Increased use of the access to the site would cause danger to road users.
- e) The proposal contravenes supplementary planning guidance.

The Highway Authority has no objection subject to widening of the access.

### **Responses to Publicity**

Four letters have been received from residents in Green Leas, objecting in the following terms:

- a) There would be loss of privacy and light.
- b) The new dwelling would be overbearing and have a poor aspect relative to other dwellings.
- c) The dwelling and garage would be harmful to the character of the conservation area.
- d) It would be out of keeping with other dwellings in the conservation area.
- e) The proposal is unreasonable because of the severe impact it would have on others.
- f) There would be loss of habitat.
- g) Trees of high amenity value would be lost.
- h) An attractive walled orchard would be lost.
- i) The proposal would represent cramming a dwelling into a backland site.
- j) A precedent would be set for inappropriate development.
- k) The dwelling would be visible from a number of public and private vantage points.
- l) There would be increased disturbance from the additional traffic and associated activities.
- m) There would be extra congestion in Weston Road.
- n) The plans are not accurate.
- o) There would be light pollution to neighbouring dwellings.
- p) A spacious layout was a planning criterion for the Green Leas development. The development is contrary to this approach.
- q) There would be loss of value to existing dwellings.
- r) A proposed extension to 9 Green Leas would be badly affected.

## **Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 3, Housing Policy 5 and Environment Policy 9.

Local Plan: Housing Policy 5 & 11 and Environment Policies 9 & 12.

## **Planning Considerations**

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

- The principle.
- The impact on the character and appearance of the conservation area.
- Trees.
- Residential amenity.
- Highway safety.

## **Planning Assessment**

The site is within the village confine and Aston on Trent is identified as a sustainable village in the settlement hierarchy. As such the principle of development at this site is acceptable.

The detail of the new dwelling takes account of the advice in Historic South Derbyshire. It is therefore an appropriate design for a traditional South Derbyshire village. There is a local historic pattern of buildings set back from the road frontage at right angles, as is proposed here, so the dwelling would be in keeping with historic grain of the settlement. The existing orchard wall is not generally visible and its current contribution to the character of the area is negligible. Its loss would therefore not harm the conservation area. The recommendations of the Highway Authority would necessitate alterations to the access, but the impact would not be significant, subject to conditional control. Because of the above factors the proposal would preserve the character of the conservation area and represents the type of development favoured by local and national policy for such an area.

The existing garden has an unusually high degree of tree planting. The loss of the orchard trees and some of the other trees in the garden would still leave significant tree cover. Most of the tree loss would occur at the more secluded rear part of the site. The overall impact on the amenity value of the site would be minimal.

The proposal satisfies the tests for space about dwellings set out in the supplementary planning guidance. This would apply also in respect of the extension proposed by the occupiers of 9 Green Leas, insofar as any windows facing the site would be in a side elevation and afforded less protection by the guidance. The new dwelling would use the existing drive and garages and there would thus be no demonstrable increase in noise and disturbance to residents in Green Leas. The part of the drive nearer to the highway would be more intensely used but the impact would not be demonstrably harmful.

On the advice of the Highway Authority the development would not result in demonstrable harm to highway safety interests.

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. 3144/11 Rev A received 12 September 2002.
2. Reason: For the avoidance of doubt, the original submission being considered unacceptable.
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. 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.
4. Reason: In the interests of the appearance of the area.
5. 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.
5. Reason: In the interests of the appearance of the area.
6. Notwithstanding the submitted details, prior to the commencement of building operations on adjoining areas, the boundary with the trees to be retained shall be fenced with chestnut pale fencing to a minimum height of one metre staked at 3 metre centres, in an alignment that shall have first been approved in writing by the Local Planning Authority. 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.
6. Reason: To protect the trees/landscape areas from undue disturbance
7. 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).



7. Reason: To protect the amenities of adjoining properties and the locality generally.
8. The windows to the ensuite and dressing room shall be permanently glazed in obscure glass.
8. Reason: To avoid overlooking of adjoining property in the interest of protecting privacy.
9. Prior to any other works commencing the access shall be altered in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority, to provide a minimum access width of 4.1 m and pedestrian/vehicle intervisibility splays.
9. Reason: To allow two vehicles to enter and leave the site simultaneously, thus avoiding the need to reverse onto the classified highway or wait longer than necessary to turn into the site and improve pedestrian intervisibility.
10. The area shown on the submitted drawing for the manoeuvring of vehicles shall be provided prior to the first use of the development and thereafter retained for that purpose.
10. Reason: In the interests of highway safety.
11. 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. 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.
11. Reason: To ensure that adequate parking/garaging provision is available.
12. 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.
12. Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.
13. 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.
13. Reason: To ensure the building/extension is in keeping with its surrounding in the interest of the character and visual amenity of the area.
14. Pointing of the existing/ proposed building(s) shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand). The finished joint shall be slightly recessed with a brushed finish in accordance with Derbyshire County Council's advisory leaflet "Repointing of Brick and Stonework".
14. Reason: In the interests of the appearance of the building(s).
15. A sample panel of pointing 2 metres square or such other area as may be agreed by the Local Planning Authority shall be prepared for inspection and approval in writing by the Local Planning Authority prior to the implementation of any other works of pointing.
15. Reason: In the interests of the appearance of the building(s) and the locality generally.

16. 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.
16. Reason: In the interests of the appearance of the building(s) and the character of the area.
17. 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.
17. Reason: In the interests of the appearance of the building(s) and the character of the area.
18. Gutters and downpipes shall have a black finish and be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.
18. Reason: In the interests of the appearance of the building(s), and the character of the area.

08/10/2002

**Item** 1.4**Reg. No.** 9 2002 0748 F**Applicant:**

Mr P Hammersley  
 Thurvaston House  
 Thurvaston  
 Derby  
 DE6 5BL

**Agent:**

Deville & Lear  
 Mill Lane  
 Roston  
 Ashbourne  
 Derbyshire  
 DE6 2EE

**Proposal:** The erection of an agricultural building at Thurvaston House Thurvaston Derby

**Ward:** North West

**Valid Date:** 29/07/2002

**Site Description**

The site comprises the frontage area to Thurvaston Farm. The farm is located in the heart of the settlement. There are traditional buildings to the rear of the proposed building and there is a hedge to the road frontage. There is a dwelling immediately to the south and other houses on the opposite side of the road. The nearest of these would be some 26 metres from the proposed building.

**Proposal**

The proposal involves the erection of a substantial building to house grain. It also involves the creation of a widened access at the southern end of the frontage to be used by delivery and other farm vehicles. The building would be 30 metres long 15 metres wide and 6.1 metres to the eaves and 8.2 m to the apex of the roof.

**Applicants' supporting information**

The applicant advises that he is having great difficulty in obtaining the relevant insurance cover to move his animals between the parcels of land that he owns in the vicinity of the farm. Animals have been known to enter other properties and cause damage. Cars have also been damaged.

The farmer has sought to find alternative means of accessing his land. However, the main land holding that lies to the south could only be accessed by a route that would take cattle through the Scheduled Ancient Monument at Thurvaston, this option is wholly unacceptable to English Heritage. This is notwithstanding the intervention of the MP on his behalf.

Having considered all his options, the applicant has decided that the only way forward for him is to go to an intensive milk production. This requires the provision of a grain store that is not accessed through the farmyard. The only site available to the farmer is the one proposed in this application.

### **Planning History**

There have been numerous applications for the farm. New dairy buildings have been erected to the east side of the original farm buildings. Those original buildings have permission for conversion to residential use.

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

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4

Local Plan: Environment Policies 1 and 5

### **Planning Considerations**

The main issue central to the determination of this application is the impact of the development on neighbours.

### **Planning Assessment**

This is a substantial building within an established farm complex. It would be well related to existing farm buildings and the farmhouse. The view for the adjacent properties would change significantly from one including a traditional range of brick and tile farm buildings to one of the side of a modern farm building albeit partly screened by an existing hedge which is shown to be retained.

On the other side is the desire of the farmer to carry on his family enterprise in the village where he has farmed all his life. The alternative would be for the farm to close. He has sought to find alternative routes to get his cattle to fields in his ownership without going through the village but has not been able to do so. He has now had to look at a radical change to the way in which he undertakes his farming. This has resulted in the current proposal.

On balance, the future well being of the farm business outweighs the loss of some outlook from the dwellings across the road.

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. The new access shall be formed and be made available for use prior to the first use of the building hereby permitted.
2. Reason: In the interests of highway safety.

08/10/2002

**Item** 1.5**Reg. No.** 9 2002 0835 F**Applicant:**

Mr J Restall  
 Hatton Bathroom Centre  
 60-62, Station Road  
 Hatton  
 Derby  
 DE65 5EL

**Agent:**

B. Williamson  
 Mr. B. A. Williamson  
 Genista  
 Broomhills Lane  
 Repton  
 Derbyshire  
 DE656FS

**Proposal:** The erection of a first-floor showroom extension at 60-62  
 Station Road Hatton Derby

**Ward:** Hatton

**Valid Date:** 14/08/2002

**Site Description**

The site comprises a shop with extensive single storey extensions to the rear providing showroom, offices and storage. It has limited access to the rear other than through the shop. There is no parking space other than on street parking. There is a path providing rear access to the adjacent dwellings on the immediate south boundary of the site.

**Proposal**

The proposal involves the erection of a first floor extension to the eastern most part of the existing building. This is intended to increase the area of showrooms available to the business.

**Planning History**

In the 1980's there were permissions granted to extend the premises. A new shop front was granted permission in 1997.

**Responses to Consultations**

Hatton Parish Council has no objection

The County Highways Authority and the Environmental Health Manager have no comments.

## Responses to Publicity

5 letters have been received objecting to the development on the following grounds: -

- a) There are no parking facilities available for the increased amount of trade that the showroom would attract. Cars and vans already park on the pavement and in a dangerous manner. [Photographic evidence provided that is available for inspection on the file.] Drivers emerging from Hoon Road have their view of traffic obstructed by these cars and lorries. This is a significant danger. This combined with the traffic to and from new community centre would be catastrophic.
- b) Goods delivery vehicles already park on the road causing an obstruction to the pavement forcing people to walk on the road. The application documents states that there are no deliveries, this is not the case, and there are deliveries two or three times a week.
- c) The proposed fire escape would result in people decanting onto private land - there is no public right of way along that land. The occupiers of 1-13 Hoon Road own it. There would be no access to construct the building extension – the only access would be through the shop.
- d) The existing premises are big enough to accommodate the further expansion of the building. The building looks out of character with this residential area. Other dwellings would be overshadowed by it. There would be significant loss of light.
- e) The submitted plans are not accurate and the extension is in fact going to be much larger than shown.
- f) There would be a loss of privacy from the first floor windows in the proposed extension.

## Structure/Local Plan Policies

The relevant policies are:

Local Plan: Employment Policy 1

## Planning Considerations

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

- The impact on neighbours
- The scale of the extension
- The highway issues

## Planning Assessment

The extension would be some 15 metres from the main rear elevations of the dwellings. Most have a conservatory type single storey extension to their properties that reduces this distance down to 13 or so metres. The proposed extension lies directly north of the dwellings. If it was a second storey extension to a dwelling and it was 13 metres from the main elevation of the dwellings and presenting a blank elevation to those dwellings, then it would accord with Supplementary Planning Guidance for Extensions. This test holds true to for this proposal. It would be unreasonable to refuse permission on this basis and prevent the reasonable expansion of an established business in what is a mixed-use area albeit primarily residential.

The objectors have stated that the extension is larger than shown on the submitted drawings and thus its scale and impact are misrepresented. The submitted drawings have been checked against

the OS base map and found accurate. The extension would be some 9m x 9m on top on a more substantial rear extension. The scale of the extension is not excessive.

The site does not have any on site parking. The County Highways Authority has examined the application and has no comments. Most of the businesses on Station Road have no parking available to them. There is a car park to the Metro Supermarket for its customers. On the basis that the County Highways Authority has no comments on the application, it would be unreasonable to withhold permission on this ground.

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. 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.
2. Reason: To safeguard the appearance of the existing building and the locality generally.
3. The fire escape to the rear of the extension shall be reversed in its direction and the door shall be linked to the fire alarm system.
3. Reason: In the interests of maintaining the privacy of the neighbours.



08/10/2002

**Item** 1.6**Reg. No.** 9 2002 0838 F**Applicant:**

Mr Mrs Sihota  
 9, Barn Close  
 Findern  
 Derby  
 DE656QR

**Agent:**

Simon Wrigley  
 20 Conway Street  
 Long Eaton  
 Nottingham  
 NG102AE

**Proposal:** The erection of an extension at 9 Barn Close Findern Derby**Ward:** Etwall**Valid Date:** 14/08/2002**Site Description**

The extensions would be attached to a detached dwelling on Barn Close, a cul de sac off Doles Lane. The dwelling has a common boundary with No 7 Barn Close and there is a hedge along the frontage to Barn Close. A detached garage stands in front of the dwelling. To the rear, the site is enclosed by hedges to Wallfields House and Gratton Lodge.

**Proposal**

The proposal involves the erection of a two-storey link between the house and the garage, the provision of a second storey extension over the existing double garage. One of the existing garages would be converted to living accommodation and the erection of a further single storey garage attached to the existing garages. To the rear, an existing conservatory would be replaced by a single storey extension to provide more kitchen space.

**Planning History**

Permission for the dwellings on Barn Close was first granted in 1983. An application for a two-storey extension was granted in 1990 and for the conservatory in 1995.

**Responses to Consultations**

Findern Parish Council supports the objections of the local residents.

The County Highways Authority has no objection.

## Responses to Publicity

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

- a) The proposed extension would occupy a disproportionate amount of the site, the rear garden is large enough to take the extension rather than have it on the front. The extension would intrude beyond the building line detracting from the openness of the road and removing virtually all green areas from the front of the house.
- b) The extension intrudes into the view of the turning head inhibiting the view of drivers using the hammerhead at the top of the Close. There is already a parking problem on the street.
- c) The proposed lightweight construction will be out of keeping with the rest of the houses.
- d) The design is not consistent with the rest of the dwellings on the Close. The house has already had one two-storey extension by introducing windows to overlook other dwellings where none exist now. The proposed extension would overlook several other properties invading their privacy. The adjacent dwelling would be overshadowed. One dwelling would then dominate the Close. An extension just over the garage may be more acceptable.
- e) If approved, the parking and access would be overloaded. This would be a hazard for other vehicles and pedestrians and children as there are no footways on the road. There has been one accident involving damage to vehicles.
- f) There may be a change to other use with increased occupancy thus affecting traffic levels.
- g) Views out to the countryside would be lost.

## Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 13

## Planning Considerations

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

- The impact on the street scene
- The scale of the extension and its impact on neighbours
- The proposed materials of construction
- The implications for highway safety

## Planning Assessment

There are numerous substantial dwellings on Barn Close. The extensions proposed here would remain subservient to the main dwelling albeit that they are on the front of the dwelling. There are examples of buildings in front of other dwellings in the locality albeit that these are single storey.

The impact of the extension on the immediate neighbour (No 7) is mitigated by the presence of a garage to that dwelling and the removal of one of the dormer windows previously proposed, in favour of rooflights in the proposed extension.

The distance between the proposed windows and those of the neighbours' dwellings mitigates the direct impact of the proposal on dwellings on the opposite side of the road, this is 25 metres,

which exceeds the minimum distance of 21 metres required in the Extensions Supplementary Planning Guidance. Those properties are also slightly elevated above the applicant's dwelling.

The proposed extension is to be constructed using lightweight materials. This has resulted in a rendered finish being proposed to the entire upper floor areas and part of the ground floor. The render is a prominent feature on the existing garage and it would be unreasonable to require an alternative finish at the upper floor. However, the render should match that of the existing building and have a smooth finish.

Notwithstanding the concerns of residents, the County Highways Authority has raised no objection to the development. The site would have sufficient space within the curtilage to park vehicles clear of the highway and to allow for on site manoeuvring.

In conclusion the proposal is in accord with Housing Policy 13 of the adopted South Derbyshire Local Plan.

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.... to be inserted
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.

08/10/2002

**Item** 1.7**Reg. No.** 9 2002 0856 F**Applicant:**

Mr Mrs Lewis  
 7 Manor Croft, Lullington Road  
 Coton-in-the-Elms  
 Swadlincote  
 Derbyshire  
 DE12 6PZ

**Agent:**

D. Rutter  
 Architectural/Graphic Services  
 36 Main Street  
 Linton  
 Swadlincote  
 Derbyshire  
 DE12 6PZ

**Proposal:** The erection of an agricultural store at 7 Manor Croft  
 Lullington Road Coton-in-the-Elms Swadlincote

**Ward:** Netherseal

**Valid Date:** 19/08/2002

**Site Description**

The site is currently a field area which has been fenced into sections, the field measures 8 acres in total. A recently constructed stable block and manege are located directly to the north west of the proposed site and are also in the ownership of the Applicant. An access track links the site to Lullington Road, the track runs alongside 7 Manor Croft and up to the site. The nearest dwellings to the site front onto Mill Green and Lullington Road and are at least 35 metres from the site. A public footpath runs across the site but about 14 metres to the east of the proposed building.

**Proposal**

The scheme proposes the construction of an agricultural building measuring 15 metres by 15 metres and 5.2 metres in height to the ridge. The building is to be constructed of brown coloured steel profile sheeting and Yorkshire boarding, these materials would match those of the recently constructed stable block. The proposed building would be for the storage of animal fodder and implements as well as to provide shelter in winter for sheep which are to graze the land.

**Planning History**

9/2001/0626 – Erection of a stable block and manege together with associated tree planting.  
 Approved.

## **Responses to Consultations**

The Parish Council objects to the application on the grounds that the magnitude of the building does not seem to be commensurate with the operation of the stable block for private use and the relatively small area of land and that the building is outside the building line for Coton-in-the-Elms. They also comment that they are not confident that the existing planning permission is being adhered to and that the stable is not being used for private use only.

## **Responses to Publicity**

A petition with responses from the residents of eight dwellings has been received, as well as a letter. The following issues are raised:

- The area is rural and in the National Forest and the proposed building will be unsightly.
- The building is overly large and beyond the village building line.
- The size and appearance of the proposed building are not in keeping with a residential area in a small, rural village.
- The building will result in built development extending nearer the Forest and result in additional noise levels in the woods.
- The building will result in a loss of views of the National Forest from neighbouring dwellings.
- The proposed materials are unsympathetic to the timber construction of the stable and the brick construction of the houses.

## **Structure/Local Plan Policies**

The relevant policies are:

Local Plan: Environment Policies 1 and 5

## **Planning Considerations**

The main issue central to the determination of this application is the impact of the proposed building on the character and appearance of the open countryside.

## **Planning Assessment**

The construction of agricultural buildings is appropriate development in the open countryside and is in accordance with Environment Policy 1 of the Local Plan. Environment Policy 5 of the Local Plan requires that proposals for agricultural development must be of an appropriate scale, be located close to existing buildings, not detract from views across the countryside, be appropriately designed and constructed of appropriate materials and not result in excessive traffic generation, noise or smells.

The proposed building is considered to be of an acceptable scale. The holding is only 8 acres although there is still a requirement for storage for implements used in hay making as well as the hay itself and additional animal fodder. The Applicant has stated that sheep are to be kept on the land and that these will require shelter in winter. The proposed siting of the building is close to that of the existing stable block and the proposed materials are to match those of the stable block. The siting of the building is not considered to have a significant adverse impact on the openness of the countryside. The field boundaries are marked by hedges and trees and the building would be viewed against the backdrop of these. The landscaping scheme approved for the stable block

includes an area of tree planting between the rear garden areas of the neighbouring dwellings and the application site which will provide screening, the planting is due to be carried out in the next planting season. The siting of the building in the location proposed would not be considered to have an adverse impact on the amenity of any neighbouring occupiers, the loss of a private view is not a material planning consideration.

### **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 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.