

SOUTH DERBYSHIRE DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 30 July, 2002

Planning Services Manager

I N D E X

PART 1 Planning Applications

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).

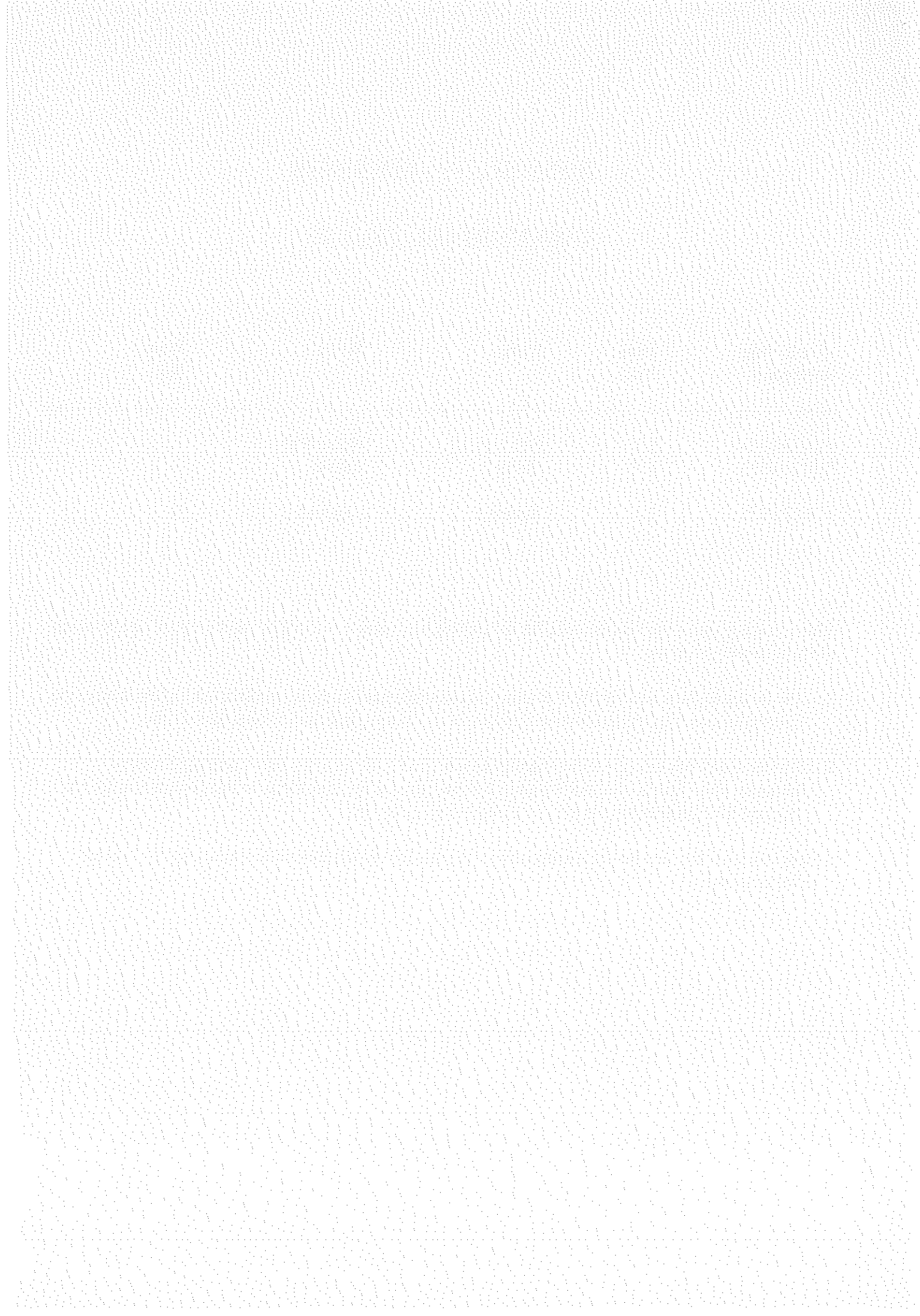
PLANNING SERVICES MANAGER

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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 similar cases.



30/07/2002

Item 1.1**Reg. No.** 9 2002 0364 F**Applicant:**

Mr Bartram & Mrs Bentink
 6A School Lane
 Hopwas
 Tamworth
 Staffs
 B783AD

Agent:

Design 30
 54 John Street
 Newhall
 Swadlincote
 Derbyshire
 DE110SR

Proposal: The erection of extensions, stables, a three bay car port and a machinery store at Meadow View Hunts Lane Netherseal Swadlincote

Ward: Netherseal

Valid Date: 28/03/2002

Site Description

The site is located in a relatively isolated position in open countryside outside the village confines. The existing dwelling is a collection of converted outbuildings which were once part of the main dwelling next door. A farmstead is located some 130 metres to the north and a pair of semi-detached houses approximately 200 metres to the west. The adjoining fields to the west are also shown in the same ownership, the one immediately adjoining the dwelling being an example of unimproved ridge and furrow scenery.

Proposal

The proposal originally submitted showed the stable block, three bay car port and machinery garage in a straight line running in a south westerly direction adjoining the boundary of the property immediately to the east with the extension to the dwelling linked to the stables. It showed a hard standing area extending a further 18 metres into the adjoining field. An amended scheme shows the stable sin the same position, a two bay carport and the machinery garage away from the neighbour's boundary. It also shows the hardstanding area extending only four metres further into the adjoining field.

Applicants' supporting information

a. The land had not been recently maintained. Stabling and basic facilities for maintenance would enable the re-establishment of a practical, living connection between the accommodation and the land.

b. A stable barn makes efficient use of space compared to a stable row by sharing a central alleyway. The building is the smallest of its type that they have found in the UK, and approximately the same height as the neighbour's garage. For an extra cost its roof will be finished in black shingles, to make it as compatible as possible with the existing buildings. A barn of this type offers hygiene, health and security benefits and allows working under cover. The neighbours explained that they did not care how far west across the field the development went (away from their property), or along the hedgerow, so long as the facilities were hidden from view behind their garage. However, the county archaeologist's interests have required a minimal use and impact on the field, and especially in the westerly direction as now shown on the amended plans. At the same an attempt has been made to minimise the visual impact when seen from neighbouring land and none of the permanent structures are visible from the neighbour's dwelling. Views across the site are also available.

c. The development will neither devalue neighbour's property nor reduce their quality of life. A neighbour has been encouraging others to protest and have offered to buy part of the site.

Planning History

The permission for the original conversion into a dwelling of the outbuildings was granted in 1988.

Responses to Consultations

The Parish Council whilst acknowledging that no objections were raised to the original submission, state that for environmental reasons it would be preferable if the stabling etc. were moved further away from the dwelling and neighbouring properties and that the use of the site should be restricted to private use only.

The Environment Agency has no objection subject to conditions requiring a manure storage scheme. The Environmental Health Manager has no objection but recommends that a site for the manure heap away from the stables is agreed to reduce the likelihood of odour nuisance to neighbours.

The Derbyshire Wildlife Trust originally objected to the scheme because the land involved forms part of a 'Candidate Wildlife Site' for its species-rich grassland and that the proposals would severely affect the nature conservation value of the site. It was also concerned that the field has an ancient ridge and furrow pattern which would also be affected. The County Archaeologist, whilst also concerned for the latter reason, rates the site as less significant but of sufficient value to be added to the Sire and Monuments Register. However, the amended plan shows a reduced encroachment into the adjoining field and as such the Derbyshire Wildlife Trust has withdrawn its objection subject to certain conditions: that any turf removed for the formation of the buildings is not deposited on the adjoining field, and that the hedge is a native planting mix. It also gives further advice on countryside management.

Responses to Publicity

Three letters were received objecting to the original scheme for the following reasons:

- a. The development would create a major impact on the countryside blocking the view of Windmill Farm from Hunts Lane contrary to policy.
- b. The barn is too large for two small horses and the proposals are as large as the total area of the house.

- c. The buildings would appear as an unsightly straggling line of buildings.
- d. There is no need to extend into the field as far as is shown
- e. The development would cause further flooding of neighbouring land.
- f. The stables would cut out virtually all natural light from the adjoining neighbour's garage.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4 Local Plan: Environment Policy 1 and 11 and Recreation and Tourism Policy 9 and Housing Policy 13.

Planning Considerations

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

- The impact on the countryside
- The impact on the amenity of neighbours
- The impact on ecology and archaeology

Planning Assessment

The development plan allows for the building of such structures in the countryside and seeks to ensure that they are: well related to existing development patterns (where possible), sited in proximity to existing buildings, are not detrimental to amenity (noise, smell, traffic) and the location is safe for riders and horses. Other policies in the plan seek to ensure that there is not significant disturbance to sites of natural history importance or archaeological features.

The extensions to the existing dwelling are relatively modest and would not result in any undue harm to the location, the visual quality of the building itself, or to the amenities of the occupiers of adjoining property.

With regard to the other buildings, over the course of the application, the ecological and archaeological issues have come to light and the applicants have made an effort to reduce the impact when informed. Neither the ecological or archaeological qualities of the adjoining field are of sufficient merit to justify any further amendment to the scheme. Equally, none of the buildings proposed would be likely to result in any undue detriment to the residential amenity of the occupiers of the adjoining property given their limited height and distance from the main dwelling. The applicants have also followed policy with regard to the siting of the buildings close to existing buildings and therefore avoiding any unnecessary intrusion into the countryside.

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

Recommendation

GRANT permission subject to the following conditions:

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

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

2. All external materials used in the residential extension 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.

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

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

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

4. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 10188.2B.

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

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

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

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

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

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

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

8. Notwithstanding any of the submitted details, the stables hereby permitted shall not be used for commercial purposes.

Reason: A commercial stables in this location may not be an appropriate use.

9. Prior to the commencement of development, a scheme for the storage of manure shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented upon the first use of the stables hereby permitted and followed in perpetuity.

Reason: To prevent the pollution of the surface water system.

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

Reason: In the interests of pollution control.

11. Notwithstanding the submitted details, any grassland turf removed from the upper part of the field to prepare for the development of the buildings shall not be deposited in any of the other grassland fields which make up the application site.

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

Informatives:

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

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

To note the comments of the Derbyshire Wildlife Trust with regard to the landscaping scheme required under condition 5 and the attached leaflets.

30/07/2002

Item 1.2**Reg. No.** 9 2002 0533 U**Applicant:**

Mr Mrs J A Gaunt
 24, Eaton Close
 Hatton
 Derby
 DE655ED

Agent:

Mr Mrs J A Gaunt
 24, Eaton Close
 Hatton
 Derby
 DE655ED

Proposal: The use as domestic garden of Education Authority land at the rear of 24 Eaton Close Hatton Derby

Ward: Hatton

Valid Date: 20/05/2002

Site Description

The site is a small piece of land to the rear of the dwellings that were constructed on the former Hatton School site. The land is currently overgrown.

Proposal

It is proposed that the land be enclosed by fences and used as part of the garden to the dwelling.

Planning History

The houses were erected during the 1990's following the grant of an outline planning permission.

Responses to Consultations

Sport England states that there is normally a policy to object to application that would result in the loss of playing fields. However, there are exceptions to that presumption one of which is that the site is incapable of forming part of a pitch. As that is the case here, Sport England has no objection to the development.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 1 Housing Policy 4

Local Plan: Environment Policy 1 Housing Policy 5

Planning Considerations

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

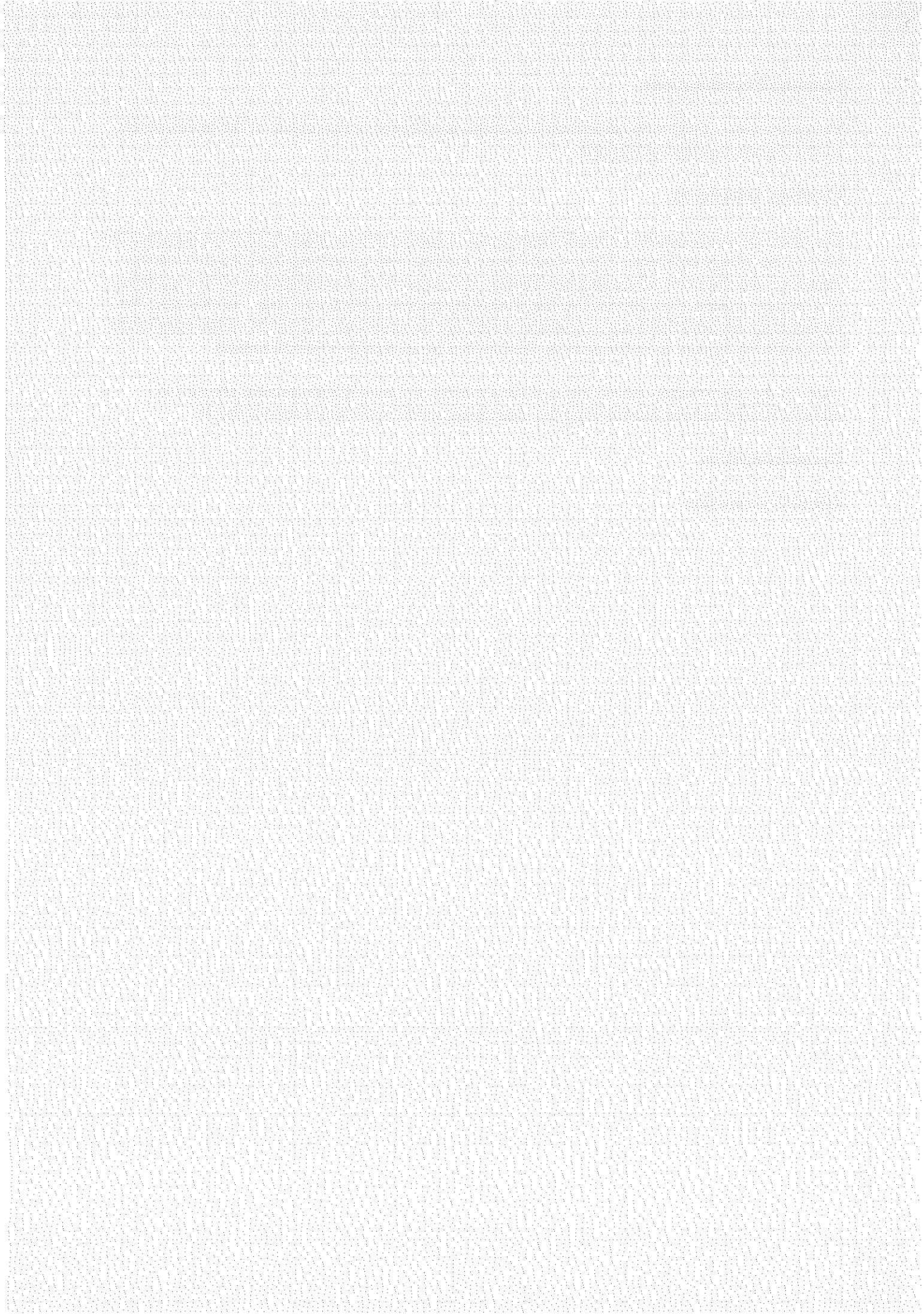
Planning Assessment

The proposal would result in a small expansion of a garden into the playing field on land that lies beyond the village confines. There would be no material loss of playing field and no material impact on the character of the area hereabouts. It is usual in the circumstances of an expansion of a garden to impose conditions limiting the ability to erect garden buildings. In this case, the impact is so minimal that such a condition would not be reasonable. If others on the edge of the site applied to expand their boundaries, there would be an equally minimal impact.

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



30/07/2002

Item 2.1**Reg. No.** 9 2002 0338 O**Applicant:**

Mrs Mc Clymont
 113, Wood Lane
 Newhall
 Swadlincote
 Derbyshire
 DE110LX

Agent:

P. Diffey
 Peter Diffey & Associates
 Cotesbach Villa
 54 Woods Lane
 Stapenhill
 Burton On Trent
 DE15 9DB

Proposal: Outline application (all matters except means of access to be reserved) for the erection of four dwellings on land at the side and rear of 113 Wood Lane Newhall Swadlincote

Ward: Newhall

Valid Date: 28/03/2002

Site Description

This rectangular backland site, some 50m wide by 90m long, is bounded on its northwest and northeast sides by the rear boundaries of dwellings fronting Bretby Hollow and on its south east side by the rear boundaries of dwellings fronting Wood Lane. Beyond its south west boundary is an open paddock used for grazing horses.

The site is presently an orchard and sometimes used for grazing horses. The 53 fruit trees and mature boundary trees including oak, horse chestnut, ash, poplar, hawthorn and holly have recently been made the subject to a tree preservation order due to their amenity value.

Proposal

This is an outline application for four dwellings with all matters apart from siting and means of access reserved for subsequent approval. The proposed access would be from Wood Lane which also serves 113 Wood Lane.

Applicants' supporting information

The applicant's agent's supporting statement is summarised as follows:

- The access would remain as a private drive as it would only serve five dwellings.
- Replacement parking would be provided for 113 Wood Lane.
- The retained garden to 113 and 115 Wood Lane would be screened by 2m high close boarded fencing.

- It is anticipated that the dwellings would be two storey and because of their location neighbouring dwellings are unlikely to be affected by privacy, overlooking or amenity issues.
- The site is within the built-up area and within the town envelope and neighbouring areas have recently been developed for housing.

He has submitted an additional statement in response to the tree preservation order which is summarised as follows:

- The apple trees are over 60 years old, are of poor quality and of minor importance in the landscape. Many of the trees, however, could be retained within the development.
- The relatively low density of the development would allow for tree planting more appropriate to the area maintaining a green backdrop.
- The imposition of a TPO is not an adequate reason in this case to refuse the application.
- Views are now dominated by residential development.
- The proposal is in broad compliance with Housing Policy 4 and Structure Plan Housing policy H3.
- PPG3 stresses the importance of developing sites within the urban envelope before developing on greenfield sites and Urban Housing Capacity studies should include vacant land within urban areas not previously developed.

Responses to Consultations

The Highway Authority raises no objections to the amended access details.

Derbyshire Wildlife Trust objects on the following grounds:

- The site includes a small orchard, which could be destroyed by the application for housing. Orchards are an important habitat and historical feature in their own right and we feel that not enough is known about the site to enable an informed decision to be made regarding the sites ecological and historical significance. In particular we would wish to know about the fruit varieties on the site as some fruit varieties are very old and thus valuable for heritage reasons.
- It adds that orchards in the County are rare and it could be one of the last of its type in South Derbyshire or the County. Some of the road names around Newhall suggest that there were other orchards at one time.

A detailed report has been submitted by an orchard specialist which concludes that he has lived and worked in the region for 17 years and this is the largest orchard he has found in Derbyshire. He says that "the trees are in better than average condition and would probably respond well to remedial pruning. This might be funded through a Countryside Stewardship grant. There is a high possibility of finding old, rare varieties here. It is an attractive part of the landscape which should be available to present and future generations. Every effort should be made to preserve and protect it."

Advice notes with information on the importance of orchards, especially traditional orchards has been received from Common Ground which is running a Save Our Orchards campaign that is partly funded by the Environmental Action Fund of the DETR (as amended). In a supporting letter it says that traditional orchards containing dead or unproductive trees are wonderful

habitats and can be home to rare species so that they are just as important if not more so than productive, new orchards. They may also contain old fruit varieties that are an important part of local heritage.

The Council's engineering technician has no comments to make with regard to land drainage.

Severn Trent Water has no objections.

Responses to Publicity

14 letters of objection have been received. One letter relates to land ownership which has been resolved. The objections are summarised as follows:

- Loss of privacy
- Loss of trees, hedgerows and wildlife
- Would be additional burden to already overstretched school and doctors surgery
- The access would be dangerous onto Wood Lane
- Increase noise and disturbance into a quiet area
- Introduction of street lighting
- Loss of pleasant outlook
- Noise and potential damage from building contractors vehicles
- Security risk created by providing access to the rear of existing properties

Neighbours have been renotified on details of siting and four letters have been received reasserting their previous objections.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 1, 2 and 3; Housing Policy 3; Environment Policy 16.

Local Plan: Housing Policy 4; Environment Policy 9.

Also material to this application is PPG3: Housing (2000) and the Swadlincote Urban Capacity Study.

Planning Considerations

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

- The development of a greenfield site not identified in the Swadlincote Urban Capacity Study.
- The loss and disturbance to trees and their amenity value to the area.

Planning Assessment

This site is not identified for development in the current or emerging Local Plan and is therefore a windfall site. PPG3 defines windfall sites as previously-developed sites that have unexpectedly become available. It states that no allowance should be made for greenfield windfalls. It defines previously-developed land that is or was occupied by a permanent structure and includes the curtilage of the development. The curtilage is defined as the area of land attached to a building. The garden to 113 Wood Lane follows the pattern of neighbouring

gardens and the application site whilst accessed from 113 Wood Lane is separate and distinct from the cultivated garden attached to the house. It cannot therefore be regarded as curtilage land.

The Council's Urban Capacity Study of the Swadlincote Urban Area, published in 2000, demonstrates that, together with existing commitments, there is sufficient previously used land in Swadlincote to meet the Structure Plan Housing requirement for the Swadlincote Sub Area. There is no need, therefore, to release this greenfield site for development.

The trees on the site are now protected by a tree preservation order on account of their amenity value and members will be given opportunity to confirm the order or not in due course. Some of the old fruit trees would need to be removed to accommodate the development and it is likely that pressure to remove others would arise from future occupiers. The reason given for preserving the orchard is as follows:

"This publicly visible orchard provides relief in an otherwise built up area. Being an established feature of the locality it provides an important link to past land use patterns and contributes pleasingly to the character of the area. It also provides habitat for wildlife whose amenity value is enhanced due its close proximity to a densely populated settlement, which is within the National Forest. Old orchards are an increasingly scarce resource and may contain old fruit varieties that are an important part of local heritage."

The proposal does not comply with Housing Policy 4 as it would involve the development of an open space, gap and landscape features which make a valuable contribution to the character and environmental quality of the area. PPG3 also encourages the greening of the residential environment which to some extent would be achieved by refusing this development and retaining the trees.

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

Recommendation

REFUSE permission for the following reasons:

1. The site is not identified for development in the current or emerging Local Plan and is therefore a windfall site. PPG3 defines windfall sites as previously-developed sites that have unexpectedly become available. It states that no allowance should be made for green field windfalls. The Council's Urban Capacity Study of the Swadlincote Urban Area, published in 2000, demonstrates that, together with existing commitments, there is sufficient previously used land in Swadlincote to meet Structure Plan Housing requirement for the Swadlincote Sub Area. There is no need, therefore, to release this site for development. The proposal is therefore contrary to the guidance in PPG3 and from the Structure Plan: General Development Strategy Policy 1 and General Development Strategy Policy 2.
2. The development would result in the loss of an open area containing mature trees which provides amenity in an otherwise built-up area contrary to guidance in PPG3, and from the Structure Plan: General Development Strategy Policy 1; General Development Strategy Policy 2; Housing Policy 3; Environment Policy 16 and from the Local Plan: Housing Policy 4 and Environment Policy 9.