

SOUTH DERBYSHIRE DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 29 October 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

29/10/2002

Item 1.1**Reg. No.** 9 2001 0596 F**Applicant:**Mr R D Neilson
Catton Estates
C/O Agent**Agent:**John Deakin
Fisher German Chartered Surveyors
The Grange
80 Tamworth Road
Ashby De La Zouch
Leicestershire
LE65 2BW**Proposal:** Conversion of vacant grain store to offices at Catton Hall
Catton Park Catton Swadlincote**Ward:** Walton**Valid Date:** 20/06/2001**Site Description**

The grain store is located within the curtilage of Catton Hall, a grade II* listed building, and is therefore a curtilage listed building.

Proposal

The proposal is the conversion of a redundant grain store to form offices. The scheme incorporates some external alterations to the building involving the replacement and repair of some windows and doors, re-opening of door openings, use of glazed and timber panels on doors and repair of brickwork. Internally the scheme proposes the provision of four offices with associated facilities over two floors.

Planning History

9/2000/0702/F and 9/2000/0704/L – Conversion of water tower to dwelling. Approved.
9/585/96 – Use of rear farm buildings as craft workshops. Approved.
9/1281/993 – Use of redundant farm buildings as craft workshops. Approved.

Responses to Consultations

The County Highway Authority recommends the lowering of the wall at the entrance to the site to provide satisfactory standards of visibility for emerging drivers. It is concerned that the absence of the improvement would be potentially detrimental to highway safety. It acknowledges that it is, however, for the Planning Committee to balance all interests of acknowledged importance before reaching a decision.

The Environment Agency objects to the proposed development in respect of the use of non-mains drainage on the grounds that establishments of the type proposed can cause problems when connected to a septic tank. It recommends that the development must be served by its own separate sewage treatment/ disposal system. If the application is to be determined a condition is recommended requiring a scheme for the provision of foul drainage works.

Responses to Publicity

None received.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan:

General Development Strategy Policy 4 and Economy Policy 5

Local Plan:

Employment Policy 4, Environment Policy 1 and Environment Policy 13

Planning Considerations

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

- The principle of conversion of a redundant agricultural building to a business use
- The impact of the conversion on the listed building
- Highway safety considerations.

Planning Assessment

Planning policy guidance makes provision for the conversion of rural buildings to employment uses. Employment Policy 4 of the Local Plan states that the re-use of rural buildings will be permitted provided the design is in keeping and the proposal is acceptable on environmental and traffic grounds.

The proposed alterations to the building are considered acceptable, the changes will not have an adverse impact upon the fabric and character of the listed building and have been agreed with the Conservation Officer.

The main balance of judgement that must be made in determination of this application is over the access improvements required by the Highways Authority which involve the lowering of the boundary wall and the fact that the wall is an important element of the setting of the listed building. The lowering of the wall is not considered acceptable from a listed building perspective. As access to the site is on to a relatively quiet stretch of road and removal of vegetation will result in an improvement to visibility, it is therefore considered that the scheme is acceptable without the reduction in height of the wall and without a significant impact on highway safety.

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 submitted drawings solid bottom panels shall be retained to all eight panelled doors on the north elevation.
2. Reason: In the interests of the appearance of the building(s).
3. All making good shall be carried out in matching materials. Unless otherwise agreed in writing by the Local Planning Authority bricks shall match the existing in colour, texture, size and jointing and bonding pattern.
3. Reason: To safeguard the appearance of the existing building and the locality generally.
4. A lime mortar shall be used, the specification for which shall be approved in writing by the Local Planning Authority before work begins.
4. Reason: In the interests of the appearance of the building(s).
5. 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.
5. Reason: In the interests of the appearance of the building(s) and the locality generally.
6. Large scale drawings to a minimum Scale of 1:10 of external and internal joinery, including ironmongery, fanlights and staircases showing 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.
6. Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.
7. 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.
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.
9. 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.
9. Reason: In the interests of the appearance of the building(s) and the character of the area.

10. No work shall take place on the site until details of a scheme for the disposal of foul water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.
10. Reason: In the interests of pollution control.
11. 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.
11. Reason: In the interests of pollution control.
12. Before the development hereby permitted is commenced a scheme to improve visibility at the road junction to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details of the scheme shall then be implemented prior to the first use of the building hereby permitted.
12. Reason: In the interests of highway safety.

Informatives:

Further to Condition 12 please note that a scheme to ensure the removal of vegetation and undertaking to control the height of future growth may be sufficient.

29/10/2002

Item 1.2**Reg. No.** 9 2001 0597 L**Applicant:**

Mr R D Neilson
 Catton Estates
 C/O Agent

Agent:

John Deakin
 Fisher German Chartered Surveyors
 The Grange
 80 Tamworth Road
 Ashby De La Zouch
 Leicestershire
 LE65 2BW

Proposal: The conversion of grain store to offices at Catton Hall Catton
 Park Catton Swadlincote

Ward: Walton

Valid Date: 20/06/2001

For report see planning application reference 9/2001/0596/F

Recommendation

GRANT Listed Building Consent subject to the following conditions:

1. The works to which this consent relates shall be begun before the expiration of five years from the date of this consent.
1. Reason: To conform with Section 18(1) of the Planning and Listed Buildings and Conservation Area Act 1990.
2. Notwithstanding the submitted drawings solid bottom panels shall be retained to all eight panelled doors on the north elevation.
2. Reason: In the interests of the appearance of the building(s).
3. All making good shall be carried out in matching materials. Unless otherwise agreed in writing by the Local Planning Authority bricks shall match the existing in colour, texture, size and jointing and bonding pattern.
3. Reason: To safeguard the appearance of the existing building and the locality generally.
4. A lime mortar shall be used, the specification for which shall be approved in writing by the Local Planning Authority.
4. Reason: In the interests of the appearance of the building(s).
5. 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.

5. Reason: In the interests of the appearance of the building(s) and the locality generally.
6. Large scale drawings to a minimum Scale of 1:10 of external and internal joinery, including ironmongery, fanlights and staircases showing 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.
6. Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.
7. 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.
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.
9. 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.
9. Reason: In the interests of the appearance of the building(s) and the character of the area.

29/10/2002

Item 1.3**Reg. No.** 9 2002 0265 R**Applicant:**

Mitchell Industries Ltd
 Station Yard
 Hilton Road
 Etwall
 Derbyshire

Agent:

Howard Sharp & Partners
 79 Great Peter Street
 Westminster
 London
 SW1P 2EZ

Proposal: Outline application (all matters except means of access to be reserved) for the erection of 18 dwellings at Land To The South Of Hilton Road Etwall Derby

Ward: Etwall

Valid Date: 14/03/2002

Site Description

The site comprises the premises of Mitchell's a well-established agricultural machinery supplier within the village. The site lies off the main road through the village at its eastern end. It lies below road level and has a group of trees on its west boundary that is subject to a Tree Preservation Order. To the east of the site is the former railway line that is to be converted to a cycle track. This is separated from the site by a substantial hedge.

Proposal

This is an outline application for the erection of up to 18 dwellings on 0.694 hectares served from the newly created Old Station Close. The only elements for consideration at this stage are the principle of the development and the means of access thereto. There is an indicative layout shown on the submitted drawing but this is not part of this consideration and would be the subject of a separate application for approval of reserved matters if this application were granted planning permission.

Applicants' supporting information

The site lies in the village confine; it is a brownfield site within a sustainable community; the company intends to relocate in the district. There would be a significant gain to highway safety from the closure of the existing access that is used by several HGV's each day. There is only one part-time employee who lives in the Etwall Ward.

The applicants have been asked to investigate the possibility of retaining the employment use of the site. In addition, they were put in touch with a local company that has been looking for a site for expansion.

The applicants have responded in the following terms: -

- a) Contact has been made with the local company and attempts have been made to meet the requirements of that company. However, it has not been possible to agree a way forward to meet the requirements of both the applicants and the company. There has been a break down in communication between the two parties.
- b) On the wider issue of the need to retain the land in employment use, figures have been produced to show that there are more than adequate employment opportunities in the village and the sustainable future of the village would not be compromised if this site were developed for housing. Figures for employment in the area have been submitted to support this contention.
- c) The company is seeking to relocate its business locally and assurances for this have been sought. A letter from the company has been received that states that the business has operated in South Derbyshire for 40 years. It has identified a need in its market for 24-hour operation. The company already has land and buildings on the Hilton Depot site and the sale of the Etwall site would enable it to consolidate on the Hilton site. The site at Etwall is cramped with poor access for commercial vehicles. The proximity of houses makes 24-hour operation more likely to cause disturbance. The relocation to Hilton is likely to boost business.

The applicants have also been advised that the local community together with the Council is seeking to redevelop the Etwall Leisure Centre. In response to this, they requested an indication of the level of contribution that would be necessary to make a meaningful difference to the project. The figure negotiated is £750/dwelling.

Planning History

There have been several applications over the years related to the expansion of the business on the site. This is the first application for the redevelopment of the site for residential purposes.

Responses to Consultations

Etwall Parish Council has concerns that the proposal would result in the loss of employment opportunities, the development could lead to further flooding, and some starter homes should be included in the proposal.

The County Highways Authority has no objection subject to conditions relating to the access point.

Severn Trent Water has no objection subject to a condition requiring details of the drainage of surface water.

The Environment Agency has no objection subject to conditions relating to the assessment of any contaminated land, surface water disposal and control of the flows into the Etwall Brook.

Responses to Publicity

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

- a) The proposed access road is not acceptable, it should be located further up the road away from the houses or the existing access should be utilised. The road is narrow and traffic levels would double together with the noise and pollution.
- b) There is no objection to the construction of the houses, it is just the access
- c) Children play in relative safety, this would be compromised if the development is allowed to proceed. Children's safety should be the paramount consideration. The close was never designed to become a thoroughfare and thus many families with young children purchased their houses
- d) The development would affect the trees protected by the Tree Preservation Order. The application documents state that no trees are to be felled. This is not the case there is at least one tree that would be felled. There may be more.
- e) There is concern that the areas of open space would not be properly maintained.
- f) Building works should not obstruct the watercourse as this would cause flooding when it rains.
- g) The speed restrictions should be extended to the other side of the railway bridge.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 5

Local Plan: Housing Policy 5 and Recreation and Tourism Policy 4

Employment Policy 3 of the 1st Deposit Plan

Planning Considerations

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

- The Development Plan
- The loss of employment land
- The relocation of the company
- The offer of monies towards leisure provision in the village.
- The objections to the proposal.

Planning Assessment

The site currently lies outside the village confine of Etwall as defined on the Proposals Map of the adopted Local Plan. However, it is within the confine of the Proposals Map for the replacement Local Plan. Etwall is one of those villages listed as sustainable in the Council's interim policy.

The employment land issue has been carefully considered along with the proposals by the company to relocate at Hilton. The company indicates that it is looking to consolidate its business at Hilton, capitalising at the expense of the site at Etwall. The applicants have submitted statistics to show that there are a variety of employment opportunities in the vicinity.

Therefore the Local Planning Authority has an inadequate case to substantiate a refusal of planning permission on the ground that the sustainability of the village would be compromised by the loss of this land in line with the emerging Local Plan .

The objectors' prime concern is of the impact of increased traffic on the safety of children playing on the road and the capacity of the road to take the additional traffic. Neither of these objections could be substantiated at appeal. The protection of trees can be achieved through the imposition of conditions on a subsequent application for approval of reserved matters.

The Parish Council's comments regarding affordable housing units within the scheme is being further investigated and will be the subject of a verbal report to the Committee. The last most recent housing needs survey will be assessed in the light of the provision for the Northern Parishes that has been made at Hilton.

The overall conclusion is that the redevelopment of the site for housing development would be of a benefit to the local community in the form of the consolidation of the settlement and provision of funding towards the costs of the replacement of the Etwall Leisure Centre. It would thus obviate the need to provide formal recreation space on site in accordance with Recreation Policy 4 of the 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

A That the Committee authorises the Legal and Administration Officer and the Planning Services Manager to negotiate an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution of £750/Dwelling towards the cost of a replacement Etwall Leisure Centre.

B 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 building(s) 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 the submitted details, the access to the site from the existing estate road shall be provided with footways around the junction radii and provided with a 1.0 metre wide berm between the footway and the ditch as indicated on the attached drawing. The south side of the junction shall be provided with a radius of 10 metres.
 3. Reason: In the interests of highway safety.

4. No work shall take place on the site until details of a scheme for the disposal of surface water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.
4. Reason: In the interests of flood protection.
5. No development approved by this planning permission shall be commenced until:
 - a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) of the site for all potential contaminant sources, pathways and receptors shall be produced.
 - b) A site investigation has been designed for the site using the information obtained from the desk study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must enable a risk assessment to be undertaken relating to ground and surface waters both on and off the site which may be affected, and refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirements.
 - c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been completed.
 - d) A Method Statement detailing remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

Prior to the commencement of main site works the approved remediation works shall be completed in accordance with the approved method statement to the satisfaction of the Local Planning Authority. Appropriate validation of the remedial scheme shall be submitted to the Local Planning Authority for written approval.
5. Reason: To ensure the site is suitable for its intended use, to protect the quality of the water environment.
6. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate, in the case of dwellings of four or more bedrooms three cars, in any other case two cars within the curtilage of each dwelling, or in any alternative location acceptable to the Local Planning Authority or as may otherwise be agreed in writing by the Local Planning Authority in accordance with its published standards. Thereafter three parking spaces (in the case of dwellings with four or more bedrooms) or two parking spaces (in any other case), measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of each dwelling unless as may otherwise be approved in writing by the Local Planning Authority.
6. Reason: To ensure that adequate parking/garaging provision is available.

7. In submitting details of the development required by condition 2 above, 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 also be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed levels.
7. Reason: To protect the amenities of adjoining properties and the locality generally.
8. Incidental open spaces, excluding areas of incidental landscaping and highway verges, shall be provided to a standard of 0.8 hectare per 1,000 population on the following basis:
 - 4 bed dwelling - 3.5 persons
 - 3 bed dwelling - 3 persons
 - 2 bed dwelling - 2 persons
 - 1 bed dwelling - 1 person.
8. Reason: To ensure an adequate standard of provision, in the interests of amenity.

Informatives:

You are advised that the existing ditch will have to be culverted beneath the road with headwalls set back 3 metres behind the footway.

The Environment Agency advises that it understands that the existing site discharges to the Etwall Brook. The Agency therefore has no objection to surface water from the redevelopment of the site being discharged to the Etwall Brook via the surface water drainage system for the adjacent residential development. The rate of discharge to the Etwall Brook may be altered accordingly to a discharge rate of 30l/sec for the redeveloped site and the existing residential development site combined.

In submitting the landscaping details required by condition 2 above the boundary with the area of protected trees in TPO 149 should be shown to be fenced with chestnut pale fencing to a minimum height of one metre staked at 3 metre centres.

You are advised that the Local Planning Authority considers that the illustrative layout would not be capable of being implemented.

29/10/2002

Item 1.4**Reg. No.** 9 2002 0484 F**Applicant:**

Mr C Poxon
 90, Springfield Road
 Swadlincote
 Derbyshire
 DE110BX

Agent:

Mr S. Cox
 Mr S. Cox
 56 Clifton Close
 Swadlincote
 Derbyshire.
 DE11 9SQ

Proposal: The erection of an extension and detached double garage at
 90 Springfield Road Swadlincote

Ward: Swadlincote

Valid Date: 02/05/2002

Site Description

This detached dormer bungalow is on the west side of Springfield Road some 50m south of the junction with Westfield Road.

Proposal

It is proposed to convert this dormer bungalow into a two-storey house, which will involve raising the eaves height from 4.5m to 6.2m and the ridge height to 9.5m. It is also proposed to erect a two storey rear extension alongside the northern boundary to provide an extended lounge and a bathroom at first floor and to erect a detached pitched roof double garage adjacent to the rear boundary.

Structure/Local Plan Policies

The relevant policies are:
 Local Plan: Housing Policy 13.

Supplementary Planning Guidance (SPG): House Extensions

Planning Considerations

The main issue central to the determination of this application is the impact the development would have on the amenities of the neighbouring residents.

Planning Assessment

The SPG for house extensions advises that to avoid overbearance two-storey development should not cross a 45° line drawn from the nearest habitable room window of the adjoining house within a minimum distance of 12m. The proposed rear extension would be 9m from the nearest habitable room window of the neighbouring house (which itself is enclosed by a conservatory) with the majority of the extension crossing the 45° line. The proposal is therefore in breach of this guideline. The ground level of the neighbouring bungalow however is approximately 1m higher than the applicant's property and a 6m length of boundary commencing from the neighbours main aspect would remain free from development where overbearance is most severely felt therefore retaining a sufficiently open aspect. The disposition of the two properties therefore provides sufficient mitigation to overcome any adverse effects and therefore demonstrable harm to the neighbour's amenities would not be caused.

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. This permission shall relate to the letter received on the 16 September 2002 confirming that the first floor rear extension on the north west side of the house will be used as a bathroom.
3. Reason: To safeguard the privacy of occupiers.
4. The proposed bathroom window shall be obscure glazed before the development is brought into use and shall remain as such thereafter.
4. Reason: To safeguard the privacy of occupiers.

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.

29/10/2002

Item 1.5**Reg. No.** 9 2002 0583 R**Applicant:**

Mitchell Industries Ltd
 Station Yard
 Hilton Road
 Etwall
 Derbyshire

Agent:

Howard Sharp & Partners
 79 Great Peter Street
 Westminster
 London
 SW1P 2EZ

Proposal: The variation of Condition 2 (to allow further time to submit details of the development) and Condition 10 of planning permission 9/1998/1005/O to permit the erection of a further sixteen dwellings at Land To The South Of Hilton Road Etwall Derby

Ward: Etwall

Valid Date: 05/06/2002

Site Description

The site comprises open land part of which was the former railway yard.

Proposal

The application seeks consent to extend the period for the submission of details of the 1998 permission (granted on appeal) and vary a condition (10) that restricted the number of houses to 22, to allow for the erection of a further 14. The proposals also include the reduction of the level of the existing yard area to the south of the new dwellings. This, it is contended, would compensate for the loss of land in the floodplain to the Etwall Brook.

Applicants' supporting information

The period for the submission of details of the development has expired but can be extended under the provisions of Section 73 of the Planning Act. The condition attached to the outline permission was limited to 22 as a direct result of the Environment Agency's requirement relating to the amount of land that would be required as compensatory floodplain. A letter from the Environment Agency is attached to show that the loss of the land now proposed is compensated for in an area of the site included in the original application area of 2.94 hectares. Although outside the village confines the site lies in the wider physical confines of the village and thus is in conformity with the adopted Derby and Derbyshire Structure Plan. The appeal Inspector, in 1998, accepted that the site as a whole lay within the wider physical confines of Etwall.

In response to the Environment Agency's holding objection to the development, the applicants have reduced the number of dwellings on the illustrative layout to 14 (from 16 originally

proposed). This would allow the existing line of the watercourse to be maintained on its route through the site in the best interests of nature conservation. This meets the objections of the Environment Agency it is contended.

The applicants have reiterated their contention that the site is in the wider physical confines of the village and argue that there would be no harm to the countryside beyond the settlement as it is enclosed by substantial vegetation that would be retained.

The future of the Mitchell's business has also been submitted in support of this application. (See details in the report on application 9/2002/0583). The outcome of both applications is tied to the future of the business in the locality it is contended.

In response to a possible presence of Bats in trees in the locality, the applicants have commissioned consultants to prepare a report for consideration by English Nature. The results of this should be available in time for the meeting.

As with 9/2002/0265 the applicants have offered £750/dwelling towards the cost of providing a replacement for the Etwall Leisure Centre.

Planning History

The site was subject to an application for outline planning permission in 1998. This was refused but subsequently allowed at appeal. In granting the permission, the Inspector imposed a condition limiting the development to 22 dwellings. This part of the site has been completed.

Responses to Consultations

Etwall Parish Council objects on the following grounds: -

- a) The access to the site to Old Station Close is not suitable for the additional traffic that would be generated. There is poor visibility.
- b) If Mitchell's continues to operate then there would be a conflict with the traffic on Old Station Close and this should be considered as part of the application.

The County Highways Authority has no objection to the development subject to conditions covering matters of highway drainage and culverting of the brook course.

The Environment Agency has confirmed that the washland aspect is acceptable subject to the reduction in the number of dwellings to 14. This would it is stated would allow the existing brook course to remain in place and be in the best interests of nature conservation.

English Nature has stated that it has a report about bats roosting in the trees within the site. It recommends a course of action that has been passed to the applicants.

Responses to Publicity

12 letters have been received objecting to the proposal for the following reasons: -

- a) The access to the site is dangerous with poor visibility.
- b) The land is part of the floodplain and it is not known where the flood water would go.
- c) The increase in traffic would put children in danger who currently can play in safety on the road.
- d) The houses should be made to have bigger gardens to increase the separation of the existing and proposed houses.
- e) The land although not particularly attractive is and was a haven for wildlife. The development of Old Station Close proved that development and wildlife do not mix.
- f) Since Old Station Close was developed, the road outside the site has flooded regularly. This never used to happen. The concern is that more development will mean more flooding.
- g) The primary school will not be able to cope with the additional children generated by this development.
- h) Residents would be disturbed during building works.
- i) The sewers are not large enough to deal with the flows from the development

Structure/Local Plan Policies

The relevant policies are:

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

Local Plan: Housing Policy 5 and 11, Environment Policy 2, Recreation and Tourism Policy 4

Planning Considerations

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

- The Development Plan policies
- The impact on highway safety
- The offer of a contribution to leisure facilities
- Flooding issues.

Planning Assessment

The site lies outside the village confine of the village as proposed in the emerging Local Plan. It is a green field site and the policies of the emerging Local Plan would count against the proposal. To be weighed against this policy objection is the material fact that in 1998, the planning inspector contended that the whole of the application site of 2.98 hectares lay within the wider physical confines of the village.

The judgement here is not whether the principle of the development is acceptable but whether the planning policy framework has changed to an extent that the Local Planning Authority could justify refusing the application to extend the period for the submission of details.

If the conclusion is that there is no material change then the next consideration is whether Condition 10 of the 1998 permission can be varied to allow the construction of additional dwellings.

Policy changes since 1998 are the adoption of the Structure Plan. This is the most up to date policy document. The Plan contains a similar policy relating to the wider physical confines that appeared in the previous structure plan. The inspector found that the whole of the 1998 application site lay within the wider physical confines of Etwall. The development at Old Station Close has taken place and its impact from the wider countryside is minimal. It is concluded that the refusal of this application based on the emerging local policy boundary would be difficult to sustain at appeal. In the light of the above, the amendment of the condition would also be unsustainable. Also worthy of consideration is that more recent guidance in the form of PPG 3 looks for housing densities to be increased where possible.

The County Highways Authority has raised no objection to the development. The arguments of the objectors and the parish council about the safety of the access and the suitability of the access road (Old Station Close) would not be sustainable.

Another material change since the previous application was granted is the permission for the replacement Etwall Leisure Centre. Members will be aware that the funding of the centre is proving problematic. The developers are aware of this and have offered to make a contribution of £750/dwelling towards the costs of providing the centre. Given the conclusions above about the policy issues, the offer to contribute if permission were granted would be valid, as it would relate directly to the development.

The flooding issue is a concern to local residents and to the Parish Council. However, the Environment Agency has accepted that the compensatory washland is a valid method of ensuring that the amount of land available for this function is available. Had this method been proposed in 1998, it is contended that the Inspector would not have limited the development to 22 dwellings.

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

A That the Committee authorises the Legal and Administration Officer and the Planning Services Manager to negotiate an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution of £750/Dwelling towards the cost of a replacement Etwall Leisure Centre.

B GRANT permission subject to the following conditions:

1. 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.
1. Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.
2. The development hereby permitted on the land shown edged orange on the attached plan 2002/583 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.
2. Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.

3. Approval of the details of the siting, design and external appearance of the building(s) the landscaping and means of enclosure of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.
3. Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.
4. No development shall take place until details of a scheme for the disposal of surface and foul water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.
4. Reason: In the interests of flood protecting and pollution control.
5. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate, in the case of dwellings of four or more bedrooms three cars, in any other case two cars within the curtilage of each dwelling, or in any alternative location acceptable to the Local Planning Authority or as may otherwise be agreed in writing by the Local Planning Authority in accordance with its published standards. Thereafter three parking spaces (in the case of dwellings with four or more bedrooms) or two parking spaces (in any other case), measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of each dwelling unless as may otherwise be approved in writing by the Local Planning Authority.
5. Reason: To ensure that adequate parking/garaging provision is available.
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. Incidental open spaces, excluding areas of incidental landscaping and highway verges, shall be provided to a standard of 0.8 hectare per 1,000 population on the following basis:
 - 4 bed dwelling - 3.5 persons
 - 3 bed dwelling - 3 persons
 - 2 bed dwelling - 2 persons
 - 1 bed dwelling - 1 person.
7. Reason: To ensure an adequate standard of provision, in the interests of amenity.
8. 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.
8. Reason: In the interests of the appearance of the area.
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.
10. The dwellings hereby permitted shall not be occupied before visibility splays measuring 4.5 m (minor road distance) by 120 m (major road distance) at the access to the site from Hilton Road have been laid out in accordance with details to be submitted to and approved in writing by the local planning authority; and the land within the visibility splays shall be constructed as footways and kept free of all obstructions to visibility above 0.9 m in height.
10. Reason: In the interests of highway safety.
11. No development shall take place before an ecological survey has been undertaken in accordance with a specification to be submitted to and approved in writing by the local planning authority; and the landscaping required by other conditions attached to this permission shall make provision for an area of replacement permanent wetland containing species identified in the ecological survey.
11. Reason: To ensure an adequate standard of provision, in the interests of amenity.
12. No development shall take place before details of a scheme for surface water regulation have been submitted to and approved in writing by the local planning authority and the scheme shall be implemented in accordance with the approved details. The scheme shall be such that the maximum rate of discharge to Etwall Brook for all floods up to a 1 in 100 year event will not exceed 10 litres per second. The scheme shall also include works which ensure that all surface water drained from parking areas and hard standings is passed through trapped gullies, which have an overall capacity compatible with the area being drained, before it is discharged into any watercourse, surface water sewer or soakaway system.
12. Reason: In the interests of flood protection and pollution control.
13. No development shall take place before a scheme for compensatory flood storage works has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before any other building operations are commenced on the site and shall thereafter be maintained for its designated purpose as a flood plain.
13. Reason: In the interests of flood protection.
14. There shall be no maintenance and/or repair of vehicles within the area shown edged in blue on the plan submitted with the application outside the following times: 0700 to 1900 hours on Mondays to Fridays; 0700 to 1300 hours on Saturdays, nor at any time on Sundays, Bank or Public Holidays.
14. Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.

29/10/2002

Item 1.6**Reg. No.** 9 2002 0622 F**Applicant:**

Henry Boot Homes Limited
 4 St Andrew's House
 Vernon Gate
 Derby
 Derbyshire
 DE1 1UJ

Agent:

Henry Boot Homes Limited
 4 St Andrew's House
 Vernon Gate
 Derby
 Derbyshire
 DE1 1UJ

Proposal: The erection of 65 dwellings at Land At Coronation Street
 Swadlincote

Ward: Swadlincote

Valid Date: 17/06/2002

Site Description

The site is currently a playing field, bounded to the south and east by existing residential development. The site is elevated relative to recently built housing at Middle Close and Little Close to the south and to the classrooms at Pingle School. The site is slightly lower than properties in Darklands Road and significantly lower than new residential development under construction in Coronation Street. There is a significant amount of tree and hedge planting to the east and south boundaries. A steel palisade security fence presently encloses the site.

Proposal

65 dwellings are proposed comprising 13 two bedroom, 9 three bedroom and 43 four bedroom units on a site area of 2.2 hectares. An area of public open space (2030 sq. m) and existing tree planting that would be within the gardens of the new dwellings combine to form a total planted area of 3310 sq. m (15 %).

Applicant's Supporting Information

A letter from the Headteacher at The Pingle School is attached confirming that the construction phase of new playing fields is underway. The new playing fields cover a larger area and are of superior quality to those previously used by the school (i.e. the application site). The new playing field will be ready from Spring 2003. In the interim the school is using alternative facilities.

Site History

Outline permission was previously granted for development of land to the south-west of the school. This permission was not implemented and is now the subject to development of the new playing fields to which the Headteacher has referred above.

Responses to Consultations

Sport England raises no objection on the basis that the replacement playing field would be equivalent or better.

Severn Trent Water Limited has no objection in principle.

The National Forest Company recommends 15% tree coverage for the site in accordance with its policy and suggests garden tree planting to give a wooded feel to the development.

The Highway Authority has detail comments in respect of the layout but raises no objection in principle.

The Environmental Health Manager recommends the carrying out of contaminated land site investigation because of the presence of former mine workings in the area. Any remedial measures should be undertaken before the commencement of development.

The Environment Agency seeks a sustainable surface water drainage scheme, retaining all surface water on site to prevent flooding.

Responses to Publicity

A petition of 53 signatories has been received from residents of Middle Close Little Close and Yard Close raising the following objections:

- a) The residents of Middle Close would be overlooked and overshadowed by the development because the application site is significantly higher, causing loss of light and privacy.
- b) The removal of the boundary hedgerow would result in detriment to wildlife and loss of privacy. The Council has already cut down a hedgerow in Middle Close resulting in loss of privacy trespass damage and loss of wildlife.
- c) There would be increased noise and pollution.
- d) Local services (schools medical and dental) cannot support additional housing.
- e) The loss of the playing field would deprive future generations of the facility.

6 individual letters have been received objecting as follows:

- a) There would be additional noise congestion and danger from additional traffic and more disturbance from the speed humps in Darklands Road.
- b) Local services (medical and schools) cannot cope with more development.
- c) Existing trees hedges and the perimeter security fence should be retained.
- d) There would be loss of views and reduced property value.
- e) There should be more space between the development and existing houses.
- f) Street lighting would harm the amenities of existing residents.
- g) There would be increased disturbance.
- h) Compensation should be paid.
- i) There would be overlooking and loss of privacy.
- j) There would be loss of a playing field.
- k) There could be damage to neighbouring properties as a result of development in an area of former mining.
- l) Bungalows would be better.

Structure/Local Plan Policies

The relevant policies are:

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

Local Plan: Housing Policy 4, Environment Policy 10 and Recreation and Tourism Policy 4.

Planning Considerations

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

- The principle of development.
- Residential amenity.
- Highway safety.
- Playing fields.
- Local services.
- Drainage
- Contaminated land
- Landscaping and amenity open space.

Planning Assessment

The site is a brownfield site in the heart of the urban area. As such residential development in this location accords with the general development and housing policies of the development plan and government advice in PPG3, which encourages the best use of previously developed land. The development proposes a mix of small and larger houses. This meets the needs of the locality where there is no pressing lack of affordable housing. Housing density would be 30 dwellings per hectare in accord with PPG3.

The development complies with the supplementary planning guidance on space about dwellings. The dwellings most sensitive to impact on this regard are in Middle Close and Little Close, because existing levels of the application site are considerable higher than the neighbouring dwellings. The applicant had addressed this problem by lowering the levels of the application site so that overlooking between existing and proposed ground floor windows would be screened by 2.1 metre high fencing. Views of the existing properties would be available from first floor windows but this situation is acceptable in terms of the supplementary planning guidance.

There is no evidence that the development would have a material impact on highway conditions relating to the existing road network. The development generally conforms to Roads in Housing. However the smaller house types are provided with 1.5 car parking spaces per dwelling in communal areas. The normally sought provision for this authority is 2 spaces per dwelling but the applicant's proposals accord with government advice in PPG3 and are thus acceptable.

The site is an alternative site to one that has previously been subject to the grant of planning permission. The existing playing field would be replaced on that land by an enhanced facility. As such the loss of the existing playing field is compensated for and PPG17 advises that this is acceptable.

Other authorities have a statutory responsibility to provide public services, such as health and education. In certain strategic situations it is appropriate to plan new facilities to meet an

incoming population but in this case, with a development of such modest scale, it is not appropriate to attempt to address existing shortfalls.

It appears unlikely that the development will meet the Environment Agency's objectives for sustainable drainage. However this is one of a number of material considerations and the desirability of providing housing on a brownfield site outweighs the desirability of a self contained surface water drainage scheme in this instance. Engineering means can be used to control runoff from the site and the use of an appropriate condition would enable the impact of drainage to be minimised.

A report on contamination has been produced by the applicant, which shows that the land is not contaminated and no remedial measures are thus proposed.

The amount of proposed open space is in accord with normal standards of 0.8 hectare per 1000 population. In accord with the policy of the National Forest it is proposed to plant this with trees. Existing trees around the perimeter of the site complete the objective of securing 15% tree cover for the site. There is no need to provide additional playing fields in this locality, particularly having regard to The Pingle School's proposals as detailed above. The applicant is prepared at this stage to agree the commuted sum for future maintenance of the public open space under Section 106 of the Town and Country Planning Act 1990.

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

Subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to pay a commuted sum in respect of the maintenance, for a period of ten years, of the public open space **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 nos. BH12234/25 Rev C received 26 September 2002; BH 12234/01 Rev A, BH12234 04, 256BdB/01 Rev E, 245LaB/01 Rev G, 232LeB/01 Rev B, 228HmB/01 Rev J, 216WiB/01 Rev F received 9 October 2002.
2. Reason: For the avoidance of doubt, the original submission being considered unacceptable.
3. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate, in the case of dwellings of four or more bedrooms three cars, in the case of dwellings of three bedrooms two cars within the curtilage of each dwelling, or in any alternative location acceptable to the Local Planning Authority or as may otherwise be agreed in writing by the Local Planning Authority in accordance with its published standards. Thereafter three parking spaces (in the case of dwellings with four or more bedrooms) or two parking spaces (in the case of dwellings with three bedrooms), measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of each dwelling unless as may otherwise be approved in writing by the Local Planning Authority.

3. Reason: To ensure that adequate parking/garaging provision is available.
4. 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.
4. Reason: To safeguard the appearance of the existing building and the locality generally.
5. 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.
5. Reason: In the interests of the appearance of the area.
6. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
6. Reason: In the interests of the appearance of the area.
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
7. Reason: In the interests of the appearance of the area.
8. No work shall take place on the site until details of a scheme for the disposal of surface water have been submitted to and agreed in writing by the Local Planning Authority. None of the dwellings shall be occupied until the drainage scheme has been implemented in accordance with approved details.
8. Reason: In the interests of flood protection.
9. No work shall take place on the site until details of a scheme for the disposal of foul water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.
9. Reason: In the interests of pollution control.
10. 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).
10. Reason: To protect the amenities of adjoining properties and the locality generally.

11. No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the existing and proposed levels and contours to be formed, showing the relationship of the proposed mounding to existing vegetation and surrounding landform.
11. Reason: In the interests of the appearance of the area.
12. Any other reasonable conditions recommended by the County Highways Authority.
12. Reason: In the interests of highway safety.

Informatives:

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

Responsibility/Liability for Safe Development (DISCLAIMER)

The landscaping and boundary treatment required pursuant to Conditions 5&6 shall incorporate measures to screen the development from the adjacent classroom block at The Pingle School.

29/10/2002

Item 1.7**Reg. No.** 9 2002 0711 F**Applicant:**

Mr Rogers
 125, High Street
 Woodville
 Swadlincote
 Derbyshire
 DE117DU

Agent:

C A Underwood
 The Barn, Church Lane
 Ravenstone
 Coalville
 Leicestershire
 LE67 2AE

Proposal: The erection of a house and garage (ammended siting) on land adjacent to 125 High Street Woodville Swadlincote

Ward: Woodville

Valid Date: 12/07/2002

Site Description

This site fronts onto the north east side of High Street some 30m south east of the junction with Station Road and is 13m wide by 25m deep. The site is between existing dwellings and forms part of the side garden to 125 High Street.

Proposal

It is proposed to erect a two storey, four bedroom dwelling with an integral single garage. The dwelling would be 11.7m wide by 8.6m deep by 4.3m to the eaves and 7.2m to the ridge and would be set back some 10m from the back edge of the highway

Planning History

A dwelling was refused on the site in May this year on grounds of it being detrimental to highway safety and of an unacceptable design.

Responses to Consultations

The Highway Authority raises no objections subject to standard highway conditions.

Woodville Parish Council raises no objections but considers the dwelling to be too large for the site, that it should be constructed in brick and tile and the access is too close to the proposed puffin crossing.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 4: Housing Development Swadlincote; Housing Policy 11: Layout and Design.

SDDC Supplementary Planning Guidance: Housing Design and Layout.

Planning Considerations

The main issue central to the determination of this application is adequate private amenity space.

Planning Assessment

The proposal is on domestic curtilage land within the Swadlincote urban area and therefore is acceptable in principle.

The proposal has been satisfactorily amended to overcome highway and house design issues. The Council's SPG for Housing Design and Layout advises that the minimum rear garden depth should normally be at least 10.5m. The rear garden length for this proposal is 6.4m. The garden area however is 80 square metres, which provides sufficient private amenity space. The proposal complies in all other respects with the housing layout requirements.

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 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 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. Further to condition 4 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. 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. Prior to the occupation of the new dwelling, the access, parking and manoeuvring space shall be laid out in accordance with the revised application drawing, paved in a solid bound material (ie not loose chippings) and retained thereafter free of any impediment to its designated use.
7. Reason: In the interests of highway safety.
8. Any gates shall be set back 5m from the highway boundary and open inwards only.
8. Reason: In the interests of highway safety.
9. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 1/2/2002 received on 15 August 2002 showing amended siting of the dwelling.
9. Reason: In the interests of highway safety to provide sufficient off-street parking and turning area.

Informatives:

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

To note 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.

29/10/2002

Item 1.8**Reg. No.** 9 2002 0872 L**Applicant:**

The National Westminster Bank Plc
135 Bishopsgate
London

Agent:

W S Atkins
Citygate
Corss Street
Sale
Cheshire
M334WG

Proposal: The display of corporate signage at 5 The Cross Repton
Derby

Ward: Repton

Valid Date: 20/08/2002

See Committee report item 9/2002/0873

Recommendation**GRANT listed building consent.**

1. The works to which this consent relates shall be begun before the expiration of five years from the date of this consent.
1. Reason: To conform with Section 18(1) of the Planning and Listed Buildings and Conservation Area Act 1990.

29/10/2002

Item 1.9**Reg. No.** 9 2002 0873 A**Applicant:**

The National Westminster Bank Plc
135 Bishopsgate
London

Agent:

W S Atkins
Citygate
Corss Street
Sale
Cheshire
M334WG

Proposal: The display of corporate signage at 5 The Cross Repton
Derby

Ward: Repton

Valid Date: 20/08/2002

Site Description

This grade II listed two-storey end of terrace building is on the north-west side of The Cross junction within the Repton Conservation Area.

Proposal

It is proposed to replace the existing signs with a new fascia, projecting sign and information signs using the bank's new corporate style. The fascia sign would be 5m wide by 0.35m high and would accommodate the same area as the existing sign. It would be stoved aluminium finished in dark blue and the width of the white text and red logo would be confined to a central section of the sign above the front door. Only the text and logo would be illuminated from an internal light source. The non-illuminated projecting sign to be installed on the far left of the fascia would be disc shaped with a diameter of 0.6m and would display the bank's logo. Information signs would be displayed on the pilasters either side of the entrance door.

Applicants' supporting information

By way of background, the applicant states that the Royal Bank of Scotland acquired NatWest in March 2000 and is undertaking a major revitalisation of the NatWest branch network. Replacement of all external signs forms part of this exercise. The programme will affect 1,650 branches across England, Wales and Scotland. The proposal is to erect a new standard NatWest signage with the intention of introducing a consistent brand, providing a modern, direct, clear and simple image to enhance the NatWest presence in the High Street.

Responses to Consultations

Repton Parish Council objects to the illuminated signage.

Responses to Publicity

Repton Village Society considers that the use of a large illuminated sign would be inappropriate and that a non-illuminated flat projecting would be more acceptable.

The neighbouring resident considers the signs to be inappropriate on this listed building (citing that a previous application in 1970 for illuminated signage was refused) and that the existing signs are more in keeping in terms of colour, non-illumination, materials and size. Also of concern is that the illuminated sign would be directly below one of their bedroom windows.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Environment Policy 12: Conservation Areas; Environment Policy 13: Listed or Other Buildings of Architectural or Historic Importance

SDDC Supplementary Planning Guidance – Display of Advertisements

Planning Considerations

The main issue central to the determination of this application is the visual impact of the signs on the amenity of the area and their affect on the character of the listed building.

Planning Assessment

The size of the proposed fascia and projecting signs are the same as the existing signs. The proposed text and colour scheme is acceptable and the illumination is restricted to the small area of text and logo of the fascia sign. The signs would not detract from amenity including the character of the conservation area and listed building.

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 express consent.

29/10/2002

Item 1.10**Reg. No.** 9 2002 0903 F**Applicant:**

S Roberts-Watts
 5, Rodney Close
 Hilton
 Derby
 DE65 5GX

Agent:

C D Greenhalgh
 46 Wellfield Road
 Alrewas
 Burton Upon Trent
 Staffordshire
 DE13 7EZ

Proposal: The erection of an extension at 5 Rodney Close Hilton Derby**Ward:** Hilton**Valid Date:** 29/08/2002**Site Description**

The site comprises a detached dwelling with an attached single storey garage. To the north west is another detached dwelling separated from the application site by a 1.8 metre high fence. To the south are a couple of older dwellings that have a substantial tree and shrub screen between them and the proposed extension and in the case of the closest dwelling there is a garage.

Proposal

The proposal is to erect a second storey on top of the garage to create additional two bedrooms for the house. One of the existing bedrooms would become a study. The wall plate would be increased in height by 1.6 metres diminishing as the existing gable wall built up to create a solid structure. The roof would slope away from the boundary of the site with the neighbour's boundary. The extensions would be constructed in materials to match the existing.

Planning History

Planning permission for the erection of the dwellings was granted in 1994 and this is the first application since the dwelling was erected.

Responses to Consultations

Hilton Parish Council has no objection

Structure/Local Plan Policies

The relevant policies are:
 Local Plan: Housing Policy 13
 Supplementary Planning Guidance (SPG) - Extensions

Planning Considerations

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

Planning Assessment

The proposed extension intersects the 45° angle of overbearance set out in the SPG. It would be in close proximity to the ground floor kitchen window. This is a secondary window for the purposes of the interpretation of the Guidance. The existing garage already overshadows the kitchen window and the additional amount of over shadowing would be marginal. This is because there is a substantial (5.0 metre high) tree and shrub bed to the southern boundary of the applicants and the neighbours dwelling. The occupiers of the adjacent dwelling have raised no objection to the proposal. To sustain a refusal in these circumstances, the Local Planning Authority would have to demonstrate that there would be significant harm arising from the extension. This is not the case in this instance.

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.