

SOUTH DERBYSHIRE DISTRICT COUNCIL

DEVELOPMENT CONTROL SUB-COMMITTEE – 15th January 2002

Planning Services Manager

I N D E X

PART 1 Planning Applications

PART 2 Appeals

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

PLANNING SERVICES MANAGER

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15/01/2002

Item A1**Reg. No.** 9 2000 0411 U**Applicant:**

Mr N Jarvis
 13 Barratt Crescent
 Attenborough
 Nottingham
 NG96AH

Agent:

Mr N Jarvis
 13 Barratt Crescent
 Attenborough
 Nottingham
 NG96AH

Proposal: The retention of the siting of a caravan on land adjoining
 Shardlow Marina London Road Shardlow Derby

Ward: Aston

Valid Date: 09/06/2000

Site Description

The site comprises an area of open land that is occupied by two buildings, one a former modern agricultural building and the other a small traditional building that is in a poor state of repair. The site is used for general storage at present.

Immediately to the east of the site there is the touring caravan site at Shardlow Marina. To the west is the boundary of the edge of the village as defined by the village confine in the local plan.

The site is in the green belt.

Proposal

The applicant seeks consent in retrospect to store a single caravan on the site. However, the caravan is a touring type and is not permanently kept on the site.

Planning History

The former owner of Shardlow Marina retained the land when the marina was sold about 4 years ago. The applicant purchased the site in 1999.

Responses to Consultations

The Parish Council is concerned the caravan should not be occupied as a permanent residence. When permission was granted for the adjacent touring caravan site, it was conditional that none should be used for permanent residential accommodation. Similar conditions should be applied to this proposal to ensure no inconvenience to neighbouring properties. There is also concern that the caravan is too close to neighbours.

The Highway Authority and Environmental Health Manager have no objection.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 7.

Local Plan: Green Belt Policy 1.

Planning Considerations

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

- The principle of development.
- The effect on the openness of the green belt and the village.
- Residential amenity.
- Highway safety.

Planning Assessment

The use is not one that could be considered to be appropriate development for green belts as set out in PPG2. Therefore, the location of a caravan in this location would be contrary to green belt policy.

However, the primary reason that a green belt is designated is to ensure the openness of an area is maintained. In this case the site represents a narrow gap that currently contains buildings. In addition it is located between an existing caravan site and the built up edge of the village. Therefore, the proposed use would not prejudice the openness of the green belt and there are very special circumstances why permission should be granted in this case.

The potential to occupy the caravan on a permanent basis can be controlled by condition to preclude the establishment of a permanent residential unit in the green belt. A suitable condition is proposed.

The use is similar in character to the adjacent caravan site and the impact of the caravan in its context is minimal. There would thus be no adverse impact on the character of the area.

Given the close relationship of the site to the existing touring site there would be no material adverse impact on the living conditions of the occupiers of nearby residential property.

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

Recommendation

GRANT permission subject to the following conditions:

1. The site shall be used for the siting of no more than one touring caravan.

Reason: To protect the visual amenity of the green belt.

2. The caravan shall not be occupied as a permanent residence.

Reason: Such occupation would be contrary to green belt policy.

15/01/2002

Item **A2****Reg. No.** **9 2001 0980 F****Applicant:**

East Midlands H A
 65 Church Street
 Sutton In Ashfield
 Nottingham
 NG171FE

Agent:

Richard Galey & Partners
 The Old School
 Loughborough Road
 Leicester
 LE45PG

Proposal: **The erection of ten semi detached houses on Land At
 Chestnut Avenue And Between Elmsleigh Drive And Maple
 Road Midway Swadlincote**

Ward: **Midway**

Valid Date: **04/10/2001**

Site Description

The application comprises two separate sites.

The main site, Site A, lies between Maple Road and The Knoll and it is surrounded by existing residential uses. Two pairs of semi-detached houses (Orlits) formerly occupied the western portion of the site. These dwellings have been recently demolished. A car parking area occupies the eastern half of the site. The Maple Road frontage currently features an area of open grass that formerly separated the Orlits from Maple Road.

The other site, Site B, is located off Chestnut Avenue. This site is smaller than Site A and lies between existing houses within a built up frontage.

Proposal

The scheme as originally proposed showed a single pair of houses on Site B and four pairs of semi-detached houses on Site A.

The scheme for Site A also showed the removal of the existing car parking area and its redevelopment with a pair of semi-detached houses and parking. The Maple Road frontage also showed the loss of part of the open grass area that was to be given over to a number of off-street parking spaces.

Subsequent negotiations have resulted in an amended scheme which shows a terrace of three houses on Site B and two pairs of semi-detached houses and a terrace of three houses on Site A. The scheme also shows the retention and redesign of the existing car park. A footpath link from it is proposed to the new houses. It also allows for the continued access and use of it by other residents who currently gain access to the rear of their properties via the car park.

Responses to Consultations

Severn Trent Water has no objections.

In response to the original scheme the County Highway Authority expressed concern at the potential loss of off-street parking in the area and the possible consequent on-street parking problems that could occur on The Knoll. However, the amended scheme is acceptable subject to conditions to ensure that parking facilities are in place prior to the occupation of the dwellings to which they relate.

Responses to Publicity

In response to the original scheme, letters were received from five neighbours (one with a petition containing 18 signatures) objecting to the scheme on the grounds that parts of the open grass area would be lost and off-street parking space would be lost.

A single letter of objection has been received to the amended scheme asking that parking be provided for the houses furthest away from the communal car parking on Site A as it is too far for future residents to walk. This would result either in on road parking or the new residents making a run in off the road that would be done in a messy way that would affect the open space area.

Structure/Local Plan Policies

The relevant policies are:

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

Local Plan: Housing Policy 4.

Supplementary Planning Guidance (SPG): Housing Design and Layout.

Planning Considerations

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

- The principle of the scheme
- The impact of the scheme on the amenities of occupiers of existing properties
- The impact on the street scene and the visual amenity of the area
- Parking provision and highway safety

Planning Assessment

Development plan policies allow for the redevelopment of previously developed land within the urban area provided it is (inter alia): in keeping with the scale and character of the area and it does not involve the development of open spaces which make a valuable contribution to the character and environmental quality of the area.

This case largely involves the redevelopment of land, which was previously in the same use, and where the houses were also in a similar position on the site. Therefore, in principle, the scheme is now acceptable on both sites.

Whilst the original scheme was deemed unacceptable because of the loss of existing parking facilities and open space, the amended scheme addresses these concerns by restoring the existing car park on Site A (and potentially allowing for the continued access by adjoining occupiers) and safeguarding the existing open grassed area from development. The design of the proposed houses is traditional and would fit in well with other development around both sites.

In terms of residential amenity, the proposed dwellings on the smaller site, Site B, fit well into the existing pattern of frontage development. They would not adversely impact on the amenity of the adjoining residents.

With regard to the larger site, Site A, the layout of the new houses does not comply with the normal standards regarding space between dwellings. However, the proposed houses would be located further away from the existing dwellings to the rear of the site than those previously occupying it (thus allowing a greater separation than was previously the case) and also slightly further from the pair of semi-detached houses on the adjoining site to the east. Therefore, as this results in betterment for existing dwellings the proposed scheme is acceptable.

The revised scheme addresses the concerns of the highway authority on matters of 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.

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.

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

3. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 5078/(3A,3B)O.

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

4. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).

Reason: To protect the amenities of adjoining properties and the locality generally.

5. The areas shown on drawing ref 5078/(3A,3B)O for the parking and manoeuvring of vehicles, shall be laid out, hard surfaced and marked out prior to the first use of the development of site 3A hereby permitted. Thereafter those areas shall remain unobstructed for their designated use.

The car parking area shall make provision for the continued access for vehicular and pedestrian access currently enjoyed by adjoining property.

Reason: To ensure that all the activities associated with the development are contained within the curtilage of the site, so as to avoid parking and manoeuvring on the highway to the detriment of highway safety.

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

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

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

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

8. Prior to the first occupation of scheme 3A hereby permitted, the footpath to the car park shall be laid out in accordance with the amended plan, hardsurfaced and made available for uninterrupted use. It shall then be retained as such.

Reason: To ensure that a satisfactory route for users of the facility is available.

9. Prior to the first use of the scheme 3B development hereby permitted, parking facilities shall be provided so as to accommodate 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 by the Local Planning Authority in accordance with its published standards. Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), two parking spaces, measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of each dwelling unless as may otherwise be approved in writing by the Local Planning Authority.

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

10. The parking areas associated with the units 1, 2 and 3 shall be surfaced in a solid bound material at a gradient no steeper than 1 in 15 and measures shall be implemented to prevent the flow of surface water onto the highway.

Reason: In the interests of highway safety.

Informatives:

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

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

15/01/2002

Item **A3****Reg. No.** **9 2001 1055 F****Applicant:**

Mr Mrs Taylor
 14 Arnold Close
 Castle Gresley
 Swadlincote
 Derbyshire
 DE119HF

Agent:

John Ireland
 Hanbury Developments
 9 Oakfields
 Hanbury
 Burton On Trent
 Staffs
 DE138TP

Proposal: **The erection of a detached house together with the temporary siting of a mobile home at Plot 1 Burton Road Coton-in-the-Elms Swadlincote**

Ward: **Netherseal**

Valid Date: **30/10/2001**

Site Description

The site is located on the eastern edge of the village of Coton and it is accessed from Burton Road. The site has open countryside to the east with dwellings being located to the north. An area of open land, with planning consent, lies directly to the south of the site.

Proposal

The applicant seeks consent to erect a single dwelling house. It would be sited at the rear of the plot inside the village confine. The proposal also shows a domestic curtilage outside the confine (approximately 300 square metres in area). The mobile home would be used for accomadation during the time the house was being built.

Planning History

Outline permission for the development of the site was first granted in the late 1980s and last renewed in 1999.

Responses to Consultations

The Parish Council has no objection to the building but enquires whether the owner should be required to maintain Pelsall Brook that runs adjacent to the field he has purchased.

The County Highway Authority has no objection subject to conditions.

Severn Trent Water has no objection.

Responses to Publicity

Two letters have been received from neighbours commenting that the house appears to exceed the boundary of the site and that the occupiers of the mobile home have two dogs that continually bark and frighten a dog at the adjoining property.

Structure/Local Plan Policies

The relevant policies are:

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

Local Plan: Housing Policy 5 and 11.

Planning Considerations

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

- The provisions of the development plan and existing planning permission.
- The design and siting of the house, and the extent of the proposed garden area
- The impact of the proposal on the neighbours.
- Highway safety.

Planning Assessment

Although this is an application for full permission, outline permission is still extant on the site. Therefore, notwithstanding other considerations, the principle of development on this site is effectively already determined.

Therefore the primary issue here is the proposed extension of the plot outside the line of the village confine as set out in the Local Plan to form a domestic garden area.

Housing Policies in the development plan make no specific reference on the merits of extending garden curtilage in this way. As such, the case falls to be determined on the impact of the extended residential curtilage on the policies of the plan and more specifically on the setting of the village.

It is proposed that the garden curtilage be extended by a further 10 metres beyond the existing confines of the village into the adjoining field. When viewed from any public vantagepoint given its location, there would be little or no obvious manifestation of this and therefore it could not be said to constitute harm to any interest of acknowledged importance. It is, therefore, acceptable.

In all other respects the application is considered acceptable. The design of the dwelling is acceptable and would be sympathetic to the character of the area and there are no highway safety concerns.

The dwelling has been designed in such a way that it would not adversely impact on the other nearby dwelling units.

The mobile home is considered acceptable on a temporary basis only (with the necessary condition) and the issue of the barking dogs is not a planning consideration.

The issue of the maintenance of the brook is also not a planning consideration and a matter between individuals.

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. Notwithstanding the submitted details, no part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.

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

3. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate three cars within the curtilage of the dwelling. Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), two parking spaces, measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of the site.

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

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

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

5. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).

Reason: To protect the amenities of adjoining properties and the locality generally.

6. The dwelling shall not be occupied until the proposed estate street has been laid out in accordance with the application drawings (as amended), to conform with the County Council's Roads in Housing design guide, and constructed to at least base course level, drained and lit in accordance with the County Council's Specification for Housing Development Roads.

Reason: In the interests of highway safety.

7. No development shall commence until the highway (Burton Road) has been realigned in accordance with drawing C250/1 Revision A dated 29/04/1999.

Reason: In the interests of highway safety.

8. Notwithstanding the submitted details, the mobile home hereby permitted shall be removed prior to the first occupation of the dwelling hereby permitted or within a period of 36 months from the date of this permission whichever is the sooner.

Reason: The structure is of a temporary design and construction and is therefore unsuitable for permanent occupation in this location.

Informatives:

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

Further to condition 2 above, the use of large concrete interlocking tiles in the development may not be acceptable.

15/01/2002

Item **A4**

Reg. No. **9 2001 1058 A**

Applicant:
 Wolverhampton & Dudley
 Park Brewery
 Bath Road
 Wolverhampton
 WV14 NY

Agent:
 Pauline Asbury
 Principle Systems
 15 Birch Road East
 Wyrley Trading Estate
 Witton
 Birmingham
 B67 DA

Proposal: **The erection of various signs and illuminated advertisements
 at Hollybush Inn Main Street Church Broughton Derby**

Ward: **North West**

Valid Date: **01/11/2001**

Site Description

The site comprises the grounds around the public house, which is situated at the centre of Church Broughton.

The site itself has residential units to the north-west and south-east whilst the Church Broughton School occupies land to the east.

There is no physical boundary to the road frontage.

Proposal

The applicant seeks consent to replace the existing signs on the building and the existing hanging sign to the site frontage and to provide corporate signage on the moveable waste receptacles that would be sited in the beer garden.

Diachroic spotlights would light the hanging sign on the frontage. A trough light would illuminate the main pub sign. None of the other signs would be illuminated, however, five lanterns are also proposed at the entrances to the pub.

Planning History

The current signs were approved in early 1986.

Responses to Consultations

Church Broughton Parish Council has objected to the proposal on the basis that there would be an increase in the amount of light pollution in the village.

The County Highways Authority has no objection subject to conditions controlling the location of the pole mounted sign and conditions to prevent the light sources causing distraction to drivers.

Structure/Local Plan Policies

The relevant policies are:
Planning Policy Guidance Note 19

Planning Considerations

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

- The impact of the advertisements on the character and appearance of the area, and,
- Highway Safety.

Planning Assessment

The signs would be located on or close to the building and replace the existing signs that currently occupy it. The signs are well designed and complement the building. They do not detract from the amenity of the area. In addition, the lighting is designed to specifically illuminate the signs that it is directed at.

The Highway Authority has no objection to the proposal subject to conditions. Therefore, the proposal does not detract from public safety.

Whilst the comments of the Parish Council are noted the signs are well designed and would not be detrimental to the character of the area.

Recommendation

GRANT advertisement consent subject to the following conditions:

1. The intensity of illumination shall not exceed 350 candelas/sq.m.

Reason: To preserve amenity and prevent danger to road users.

2. All external light sources shall be shielded from highway traffic.

Reason: To (preserve amenity and) prevent danger to road users.

3. No part of the hanging sign shall be nearer than 450mm to the nearside carriageway edge.

Reason: To prevent danger to road users.

15/01/2002

Item **A5****Reg. No.** **9 2001 1076 U****Applicant:**

Alfred H Shotton
 Forge Nook, Longford Road
 Church Broughton
 Derby
 DE655AJ

Agent:

Alfred H Shotton
 Forge Nook, Longford Road
 Church Broughton
 Derby
 DE655AJ

Proposal: **The incorporation of land to the residential curtilage at Forge
 Nook Longford Road Church Broughton Derby**

Ward: **North West**

Valid Date: **13/11/2001**

Site Description

The site forms part of a wide highway verge along side the Longford Road, north of Church Broughton. The hedge to the existing garden area to Forge Nook forms the only boundary. The verge, the subject of this application is some 4 metres wide by some 40 metres long.

Proposal

The applicant seeks consent to take a portion of the highway verge into private ownership and for it to form part of the curtilage of the property.

Responses to Consultations

Church Broughton Parish Council has objected to the development because the loss of verge would make the busy road even more dangerous. The Parish Council already has problems with the width of Longford Road and have passed those complaints to the County Highways Authority. Highways have also been out to inspect the lane.

The County Highways Authority has no objection subject to 2 metres of verge being retained in the highway in order to maximise visibility for drivers emerging into the highway. The area of verge to be enclosed within the curtilage would require stopping up under the provisions of Section 247 of the 1990 Planning Act.

Planning Considerations

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

- The impact of the proposal on the area, and,
- The impact of the proposals on highway safety.

Planning Assessment

The site is located within the open countryside where new development is generally strictly controlled. However, due to the small size of the site and the proximity of the existing garden the inclusion of this area of land into the adjoining garden would not have an adverse impact on the area subject to the boundary to the site being treated in a sympathetic manner. An appropriate condition is proposed.

The concerns of the Parish Council are noted and reflect to an extent those of the County Highways Authority. The requirements of the Highways Authority have been discussed with the applicant and he has agreed to the requirements of that body. Therefore, this would address the matter of highway safety and subject to the condition proposed the application is acceptable.

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. Notwithstanding the submitted details an area of the site along the application site frontage for a distance 2 metres back from the carriageway edge shall be retained as highway verge.

Reason: In order to maximise visibility for driver emerging onto the highway and field accesses.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no buildings and no gates, walls, fences or other means of enclosure other than those required by Condition 4 below shall be erected on the application site without the prior written approval of the Local Planning Authority.

Reason: To ensure that any such structures are appropriate to the character and appearance of the area.

4. Before the land is first enclosed details of the means of enclosure of the land shall be submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall take the form of a hedge.

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

5. All planting approved by the Local Planning Authority required by condition 4 above shall be carried out in the first planting and seeding seasons following the enclosure of the land and any 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.

Informatives:

You are advised that the permission cannot be implemented before an application is made and consent granted by the Government Office for the East Midlands for the highway to be stopped up under the provisions of Section 247 of the Town and Country Planning Act 1990

Further to condition 4 above the Local Planning Authority would expect that the land be enclosed in the first place by a post and rail fence underplanted with a mixed thorn hedge. The hedge would ultimately take over from the fence as a means of enclosure.

28/12/2001

Item **A6****Reg. No.** **9 2001 1078 F****Applicant:**

Mr & Mrs I Clayton
 179, Burton Road
 Overseal
 Swadlincote
 Derbyshire
 DE126JL

Agent:

Mr A D Coombs
 Ashcroft
 256 Forest Road
 Woodhouse
 Leicestershire
 LE12 8UA

Proposal: **The erection of a triple garage and domestic workshop to the rear of 179 Burton Road Overseal Swadlincote**

Ward: **Overseal**

Valid Date: **06/11/2001**

Site Description

The site comprises a long domestic garden that extends to 85 metres. It is currently occupied by a dwelling house. To either side of the site are dwelling houses with further residential properties to the rear.

Proposal

The applicant seeks consent to erect a garage/workshop block. It comprises an area for three cars and a workshop area. The building is 12.8 metres wide by 8 metres deep and 6.1 metres high to the roof apex.

The submitted application shows a traditional hipped roof, brick and tile structure with rooflights to serve the roof space.

Planning History

An application for the extension to the main house is running concurrently with this submission and is the subject of on going negotiations.

Responses to Consultations

The Parish Council states that it would not normally object to a domestic garage, but in this case, there are several factors that give rise to concern.

- The building is two storeys high and has dormer windows in the roof space (dormer windows are not proposed, rooflights are), where the workshop would be situated, giving it a very large size and the appearance of a dwelling.

- The inclusion of such a large workshop leads the Council to suspect that the intention is not to use it in connection with the house, but rather for commercial purposes, which would be contrary to planning policy and inappropriate in this residential area.
- The siting is right at the back of the site, more than 50 yards from the access and quite close to neighbouring properties. It looks as though the owners are expecting the uses to cause a nuisance and are siting it as far away from their house as possible, notwithstanding that a very long drive would be required.

For these reasons, the Parish Council objects to this application.

The Council also state that if, notwithstanding the objections, planning permission were to be granted, two aspects be covered by conditions. Firstly, the use of the building should be only for purposes ancillary to the use of the house as a domestic residence and secondly, the siting should be closer to the house to prevent possible nuisance to neighbours.

The County Highway Authority has no objection.

Responses to Publicity

A neighbour has no objection to the building provided it is not used for commercial purposes or converted to a bungalow.

Planning Considerations

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

- Development plan policy,
- The impact of the proposal on the amenity of neighbours, and,
- Highway safety.

Planning Assessment

The site is located outside the confines of any sustainable settlement. Therefore, in such areas, new development is normally resisted.

However, in this case, the applicant seeks consent for a building ancillary to the main dwelling that occupies the site and one that would be situated within an existing residential curtilage. In addition, other domestic buildings surround the building. As such, the garage would not have any adverse impact on the surrounding area and it is, therefore, acceptable.

The only dwelling in close enough proximity to the building to be affected by the development is the bungalow at the rear of the site. Notwithstanding the hipped roof proposed, which reduces any visual impact, this dwelling unit is separated from the site by existing tree cover and its' main habitable room windows are a reasonable distance from the building and would not be unduly affected by it. Therefore, the building would not adversely impact upon the amenity of the near neighbour.

The activities that could be carried on in the building would relate to the use of it as an ancillary domestic building. Any other use would require planning consent.

The highway authority has no objection to the proposal.

With regard to the Parish Council's comments, the building is not two storeys high (but it is proposed to make use of the roof space served by rooflights not dormers), it is not part of the proposal to use the garage or workshop for commercial purposes, and any such use would require a further planning permission and it is not reasonable to assume that because the building would be sited at the bottom of the garden, it would be likely that a nuisance would ensue.

Recommendation

GRANT permission subject to the following conditions:

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

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

2. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the 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.

15/01/2002

Item **A7****Reg. No.** **9 2001 1095 D****Applicant:**

Dr's Williams, Newton, Vickers And Smith
 Etwall Surgery
 Egginton Road
 Etwall
 Derbyshire
 DE65 6NB

Agent:

John Gratton
 Blair Gratton Associates
 83 Burton Road
 Derby
 DE11 1TJ

Proposal: **The erection of a doctors surgery and car parking on land
 adjoining 2 Welland Road Hilton Derby**

Ward: **Hilton**

Valid Date: **15/11/2001**

Site Description

The site is an area of currently open land and it forms a part of the land identified for community uses on the Master Plan for the Hilton Depot.

There is a range of shops and a day nursery to the north of the site and houses to the south. To the west is the newly created playing field to the Hilton Primary School and to the east the last remaining area of land for community uses.

Access to the site would be from the recently permitted turning head off Welland Road. There are a variety of fences around the site boundary with the exception of the eastern boundary that is currently open.

Proposal

The applicant seeks consent to erect a doctors surgery and associated car parking on the site. The building would occupy the area of the site nearest to the shop and be two storeys in height but there would be a 3-storey element to house the lift shaft and some additional storage.

The ground floor would have mainly consulting and treatment rooms with the reception and records storage. The first floor would have mainly offices but also some meeting rooms.

Along the southernmost boundary, a line of shrub planting is proposed and beyond that would be some 45 standard parking spaces plus 8 disabled person parking spaces.

Planning History

The outline planning permission for the site requires that the land hereabouts be marketed for community purposes for a 10-year period following the signing of the Section 299A Agreement that accompanied the outline planning permission. That period of time will expire next year.

In the period since the signing of the Agreement, permission has been granted for the shops and day nursery, both of which have been implemented. Permission has also been granted for the erection of a public house that has yet to be implemented.

Permission for the creation of the turning head was granted late last year and has yet to be implemented. The additional land referred to above has had no applications made on it.

Responses to Consultations

Hilton Parish Council has no objection to the proposal but is aware of local concern of disturbance to the residents arising from the use of the car park whilst visiting the shops outside surgery hours. The Parish Council ask whether a barrier to the car park could be provided to prevent use of the car park outside surgery hours?

The County Highways Authority has no objection but would wish to see the application amended to suit its requirements and an explanation of why so many car parking spaces have been proposed when the maximum number required is 24.

Severn Trent Water has no objection subject to surface and foul water drainage being approved. Sewers are available but the applicant has not indicated how the site would be drained to the sewers.

The County Education Authority has no objection.

Responses to Publicity

Two letters have been received commenting on the application as follows: -

There is no objection to the proposal but the following matters should be considered:

- a) Lacks of Privacy - bedroom windows directly face the Health Centre that is proposed to be a two-storey building. As the first floor of the proposal will look directly into houses/back gardens, could the upstairs windows have semi-opaque glass to allow light in, but prevent people looking out? Or, will the windows be situated on the other side of the building where they do not directly look into neighbouring properties?
- b) Car Parking/Access - A large number of spaces directly face the bottom of our garden (and neighbouring properties); this will cause problems with headlights, exhaust fumes and general increase in noise. There is plenty of space to the rear of the proposed building, so why can't the car parking be re-located there? The large area of tarmac is ideal for use out of surgery hours by children/teenagers with increased amount of noise and disruption due to loud music, skateboarding. The access point from Welland Road also crosses the existing footpath to the shops, so will some form of speed control be introduced to ensure the safety of visitors to both the Health Centre and shops?

- c) Security of the Health Centre - The building will contain drugs, syringes, needles etc, so will there be adequate precautions to ensure the safe disposal of used equipment? Can you assure me that used sharps boxes will not be left outside or stored in areas that are accessible to the public?
- d) Will there be security lighting on the Health Centre at night, and if so, how do you propose to minimise the effect it has on neighbouring properties? It should be low level lighting sited as far as possible from dwellings. Is the car park going to be secured at night when the Health Centre is not in use with a barrier control, or do we run the risk of itinerants setting up camp there?
- e) Will there be an increased police presence in the area to ensure the safety of residents and reduce the number of people who 'hang around' these areas at night? There is already a problem at the back of the shops, so will this development simply transfer the offenders to a more private area?
- f) There have been incidents over recent months of teenagers being discovered asleep outside the back of the shops in the early hours of the morning, youths urinating against the fence and sexual activities. As responsible parents, this should not be pushed even closer to my doorstep.
- g) Traffic Issues - Have any areas of the proposed car park been allocated to delivery vehicles/ambulances etc which would require access immediately outside the Health Centre? Why can't there be a one-way system around the Health Centre in a clockwise direction; with traffic exiting through an area that is currently marked "possible future expansion" and using the same point for entrance/exit? This would make it easier for larger vehicles to use the car park and prevent problems reversing when the car park is full and people are looking for spaces.
- h) Would there be double yellow lines or some other form of parking restriction placed on Welland Road/Huntspill Road that would prevent overspill parking causing problems with through traffic?
- i) Finally, why are 2 areas marked as "possible future expansion"? Why can't the Health Centre be built to the appropriate size required now, so that all the building work is completed at the same time without further disruption to both local residents and users of the Health Centre in the future?

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 1

Planning Considerations

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

- Conformity with the Development Plan
- Impact on neighbours
- The design and appearance of the proposal
- Highway Safety
- Security and Lighting

Planning Assessment

The site is located within an area set aside for the provision of community facilities as part of the expansion of Hilton. Therefore, in principle, the proposal is in accord with the policies of the development plan and acceptable.

The two-storey element of the building is some 31 metres from the site boundary and some 41 metres from the rear of dwellings on the site that back onto it. The distances are significant and would ensure that there is no adverse impact on the amenity of nearby dwellings without requiring obscure glazing to windows. Two dwellings are located to the south of the site. However, these present blank gables to the site and so would not be adversely affected by the proposal.

The building proposed is primarily two storeys in height and would be constructed of brick and tile. This is acceptable and would be sympathetic to the buildings around the site, both domestic and business.

The Highways Authority has no objection to matters of highway safety. However, a request has been made that the turning head be altered and a justification be given as to why significant levels of car parking are proposed over and above those that would normally be required. The applicant has been requested to address these matters and further comments are awaited. However, notwithstanding this, the provision of car parking in excess of that normally required would ensure there would be no on street car parking.

The question of the security of the land is one that does need to be addressed and conditions are recommended to require the submission of details of lighting, car park barriers and similar facilities. These requirements would ensure that, as far as possible through the planning process, unauthorised access and security are restricted and enhanced respectively. However, clearly deterrent measures cannot prevent all aspects of unauthorised access. This would, ultimately remain a matter for the police.

In order to prevent direct access to house boundaries, it would be appropriate to plant species of plant that discourage people getting too close to those boundaries. A condition is recommended to ensure that appropriate planting is provided. In addition, the applicants have been requested to enlarge the planting areas along the boundaries to the houses so that the building can have a taller screen in places. Any further information on these matters will be reported verbally top the meeting.

Recommendation

GRANT permission subject to the following conditions:

1. No development shall take place until details of a scheme for the disposal of surface and foul water, including a timetable for its implementation, have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details and timetable which have been agreed before the development is first brought into use.

Reason: In the interests of flood protecting and pollution control.

2. 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.

3. 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.

4. Notwithstanding any details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected along the eastern boundary of the site. 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.

5. No development shall take place until precise details of all sources of illumination, including intensity, angling and shielding, and the area of spread of light have been submitted to and approved in writing by the Local Planning Authority. The lights shall then be installed in accordance with these details and thereafter retained in conformity with them.

Reason: To preserve amenity of the occupiers of the adjacent dwellings

6. Notwithstanding the submitted details a sample of all materials of construction shall be submitted for approval in writing by the Local Planning Authority before work commences. The development shall then be undertaken in accordance with the agreed details.

Reason: To ensure the building is in keeping with its surrounding in the interest of the character and visual amenity of the area.

7. Prior to the first use of the development hereby approved the car parking areas as shown on the approved plan shall be laid out as such. It shall then be retained in the agreed form thereafter.

Reasons: In the interests of highway safety.

8. Prior to the development hereby approved commencing details of a barrier across the car park entrance shall be submitted to and approved in writing by the Local Planning Authority. The agreed barrier shall then be erected prior to the first use of the surgery as such and be kept locked across the entrance to the car park at all times when the surgery is not in use.

Reason: To ensure that the car park is not used other than in accordance with its stated aims.

15/01/2002

Item **A8****Reg. No.** **9 2001 1144 S**

Applicant:
 South Derbyshire District Council
 Civic Office
 Civic Way
 Swadlincote
 Derbyshire
 DE110AH

Agent:
 John Morle
 Civic Offices
 Civic Way
 Swadlincote
 Derbyshire
 DE110AH

Proposal: **The use as a tenant resource centre of 54 Bass's Crescent
 Castle Gresley Swadlincote**

Ward: **Linton**

Valid Date: **26/11/2001**

Site Description

The site is located to the south of Bass's Crescent at Castle Gresley. It comprises a single bed sitting room on the ground floor of a block of similar properties.

The property itself is reached via a shared corridor that provides access to other similar properties.

Proposal

The applicant seeks consent to use the room as a tenant office/meeting room.

Members should also be aware that in October 2001, the Community Services Committee approved this change of use for a twelve-month period.

Applicants' supporting information

The Housing Services Manager states the following:

- a. The property will remain under the ownership and control of South Derbyshire District Council's Housing Services.
- b. A survey of the existing tenants has been undertaken and accompanies the application. All tenants approached were in favour of the change of use.
- c. It is hoped that a computer, printer and small photocopier will be installed in the property.
- d. To ensure the facility gives equal opportunity of use to tenants the proposed opening times would be 9am to 8pm Monday to Friday and 10am to 4pm on a Saturday.