

26/03/2002

Item           A7

Reg. No.       9 2002 0118

<b>Applicant:</b> Mr Mrs A Orrey 96, Bretby Lane Bretby Burton-on-Trent Staffordshire DE150QP	<b>Agent:</b> Mr Mrs A Orrey 96, Bretby Lane Bretby Burton-on-Trent Staffordshire DE150QP
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**Proposal:**       **Outline application (all matters to be reserved) for the erection of a detached house on land forming part of the side garden of 96 Bretby Lane Bretby Burton-on-Trent**

**Ward:**           **Repton**

**Valid Date:**     **05/02/2002**

**Site Description**

The site is the side garden to 96 Bretby Lane, this being at the end of a long ribbon of housing..

**Proposal**

The application is in outline only with all matters reserved.

**Site History**

Outline permission was granted in 1989 and renewed in 1992 (9/0392/1156/O). That permission has now lapsed.

**Responses to Consultations**

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

**Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 3 and Housing Policy 4.  
Local Plan: Housing Policy 6. Insofar as the site is not at the edge the Swadlincote urban area the settlement hierarchy needs to be taken into account.

**Planning Considerations**

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

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

### **Planning Assessment**

The proposal satisfies the basic locational requirements of the structure plan, being closely related to the urban area of Burton Trent along with its services. Being infill the development would also satisfy Housing Policy 6 of the Local Plan. The proposal does not meet the precise approach as set out by the settlement hierarchy. However that is an interpretative document to enable the Council to adopt a consistent approach in the light of PPG3. Because this site is closely related to Burton the proposal offends neither the development plan nor the government's policy in PPG3. Thus the principle of development is acceptable.

The proposal would fit in with the general character of the area being an infill plot in a long ribbon of housing.

There would be no harm to the amenities of existing residents, subject to consideration of reserved matters.

Subject to conditions recommended by the Highway Authority there would be no harm to highway safety interests.

### **Recommendation**

**GRANT** permission subject to the following conditions:

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

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 means of access thereto and the landscaping and means of enclosure of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.

3. Before any other operations are commenced a new vehicular access shall be formed to Bretby Lane, located, designed, laid out, provided with sightlines and constructed in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The area in advance of the sightlines shall be maintained in perpetuity clear of all obstructions to visibility in excess of 1 metre above the level of the adjoining nearside carriageway channel.

Reason: In the interests of highway safety.

4. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate, in the case of a dwelling of four or more bedrooms three cars, in any other case two cars within the curtilage of the dwelling 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 a dwelling 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 the dwelling unless as may otherwise be approved in writing by the Local Planning Authority.

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

5. In submitting details under condition 2 above, provision shall be made within the site curtilage for vehicles to enter and leave the site in a forward gear.

Reason: In the interests of highway safety.

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.

26/03/2002

**Item**            **A8****Reg. No.**        **9 2002 0121****Applicant:**  
Hutchinson 3G (UK) Ltd**Agent:**  
Crown Castle (UK) Ltd  
P O Box 98  
Warwick  
CV346TN**Proposal:**        **The removal of the existing 15 m high monopole and its  
replacement with a 20 m high lattice tower on Land At Hilton  
Industrial Estate Sutton Lane Hilton Derby****Ward:**            **Hilton****Valid Date:**     **05/02/2002****Site Description**

The site comprises an area of land immediately off the old line of Sutton Lane Hilton. There are two existing monopole masts for service providers. The new lane passes over the new A50 and there are views down into the current site. There is a hedge along the south boundary of the site. The remaining boundaries are to the Hilton Industrial Estate.

**Proposal**

The proposed lattice mast would replace one of the existing monopole masts.

**Applicants' supporting information**

Following the prior consultation concerning the above the proposals are now finalised. Thus, on behalf of Hutchison3G, we submit herewith a planning application for an extension of the existing mast from 15 metres to 20 metres, necessary to accommodate mast sharing by Hutchison3G and provide necessary vertical separation between antenna systems. In addition, new equipment as illustrated on the enclosed drawings will be located on the mast and at ground level in an extended compound.

To enable you to determine the application we have enclosed for your attention the following:

- i. The relevant coverage plots
- ii. A statement on Health and Safety, together with accompanying diagrams
- iii. Leaflets from the Department of Health
- iv. A declaration of ICNIRP compliance.
- v. A background paper on Hutchison3G
- vi. A copy of the prior consultation letter sent previously to your Council.

*Officer Comment*

*The above documents are available for inspection on the file. The Health and Safety Statement is a lengthy document that the applicants state shows that the proposed mast is unlikely to have any adverse effects.*

**A Public Service**

As explained in the background paper, Hutchison3G is licensed to establish a new network for the delivery of third generation services. The installation proposed will therefore form an integral part of a comprehensive network being planned to cover the UK. When launched the services will be made available to the public and the background paper highlights the very significant benefits that will be associated. These include economic benefits of local and national significance and a major contribution to sustainable objectives.

**The Development Proposed**

The proposed development consists of building a new tower of 20m in height in order to install two Hutchison 3G panel antennas at 16m mean, two 0.6m dishes and one 0.3m HP dish all at 15m. In addition two equipment cabinets (1300 x 790 x 1300 and 770 x 790x 1300) are to be built at ground level. The existing One2One equipment will be relocated to 19m mean and the existing non-shareable monopole will be removed.

In making your determination, we should be grateful if the following matters could be taken into account, in addition to all the other supporting and background documentation submitted.

**The Hutchison 3G Requirement**

Hutchison3G is licensed to establish a new network for the delivery of third generation services. The installation proposed will therefore form an integral part of a comprehensive network being planned to cover the UK. In particular, it is seeking to provide coverage over the surrounding area.

The relationship of the cell to the national network has already been drawn to your attention in the prior consultation carried out. You will also be aware from this that this application was preceded by a proper attempt to accommodate the requirement to minimise potential environmental impact, consistent with planning policy. We expand upon this below, with reference to national planning policy.

**National Planning Policy Considerations**

The recently revised PPG8 -Telecommunications, continues to stress the benefits of modern telecommunications, and the longstanding encouragement towards such development as being essential to a modern economy and contributing to sustainable objectives remains. These are matters amplified upon in the accompanying background paper.

In view of this policy, authorities are advised in PPG8 to respond positively to proposals for telecommunications development and to understand the associated special problems and technical needs. That advice and the permitted development rights maintained to facilitate the establishment of networks apply even in locations usually subject to policies of restraint.

PPG8 also emphasises the significance of national networks and the context of the proposed installation in this regard is explained above, together with the coverage plots submitted.

Against this background of encouragement, PPG8 also recognises the need, now with greater emphasis, to strike an appropriate balance between operational and environmental considerations. The operators own 10 Commitments are an industry response to introduce a process to better help strike that balance, together with local planning authorities. That process leading up to this application has been properly followed leading to such a balance being struck in this case.

In particular, paragraph 66 of the Supplementary Guidance to PPG8 clearly states that in order to limit visual intrusion the Government attaches considerable importance to keeping the numbers of radio and telecommunications masts, and of the sites for such installations, to the minimum. Thus, it is clear that operators should mast or site share whenever possible and this is reflected as a requirement in their licences. The proposal to extend the existing mast at the existing Crown Castle site is wholly consistent with this.

The onus set out in paragraphs 66 and 67 on operators to demonstrate why a new mast site is necessary, requires them to provide compelling evidence that mast and site sharing has been properly explored as an option first. Again, as the proposal entails mast sharing and will not result in the development of a new site, it is consistent with the approach advocated in national policy.

In view of the existing apparatus on the site, the net additional impact from the proposal should be well within acceptable parameters and less than the impact associated with the development of a new site. This is particularly the case if all aspects of developing a base station site are taken into account, including a new radio mast on a new site, the provision of power, the provision of vehicular access and the creation of a new secure compound.

The prior consultation exercise carried out affirms that mast sharing as proposed represents the best solution available. In this process the following factors, as applicable were assessed:

Will it satisfy the operator's siting requirements?

Does or can the option fulfil the operator's other requirements including power supply with emergency backup, vehicular access, security, an ability to construct and maintain in compliance with Con dam regulations and ICNIRP guidelines, and flexibility and scope to accommodate future requirements?

Does or can the option have access to high capacity optical fibre networks and can it provide a satisfactory link for such to other immediately surrounding sites, consistent with the network rollout strategy?

In order to reasonably satisfy the above, would the resultant form of development bring about an appreciably lower or higher environmental impact than using the Crown Castle site as proposed, having regard to any development plan designations and proximity to any sensitive receptors to visual impact?

If appreciably lower is the option available to the operator on realistic terms?

Are there any other relevant factors that might reasonably influence the selection of an option?

Against this assessment, no suitable alternatives were identified.

## **The Development Plan**

Because PPG8 is so new, we have focussed on why the proposal is properly justified against the approach set out therein. However, we have also had due regard to the Development Plan.

### **South Derbyshire Local Plan Telecommunications Development: para 9.26**

A. (1) There is an existing telecomm facility at this site, which has been identified by the operator as suitable for their requirements, the existing structures at this site are non- shareable and as such redevelopment is required. Hutchison advise us that the 3G service will require such a facility every 1.5km along major roads.

(2) The existing monopole is sited adjacent to an industrial estate and it is considered the increase in height will result in a minimal impact to the surrounding area, and will not affect any locally designated areas or listed buildings.

B. The development is partially screened by the topography of the land together with trees and the industrial buildings.

In the light of this information and the serious attempts to minimise environmental impact, we trust you can agree the development proposed is in accordance with the relevant development plan policies and should be approved accordingly.

## **Planning History**

The site has been the subject of two previous Prior Notification Notices relating to the erection of two monopole masts referred to the supporting information above. Both have been erected.

## **Responses to Consultations**

Hilton Parish Council has objected to the development on the basis that the proposal is not conducive to the visual amenity of the area.

The Highways Agency has no objection

The Environmental Health Manager notes the supporting information and as the proposal meets the ICNIRP guidelines for public exposure, the department is unable to comment further.

## **Structure/Local Plan Policies**

The relevant policies are:

Local Plan: Community Facilities Policy 4

## **Planning Considerations**

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

- The availability of alternative sites.
- The impact of the proposal on the countryside and whether the proposed siting and design minimise the visual impact of the mast.

## Planning Assessment

There is another mast to the east of the site and the applicants were requested to examine the possibility of using that mast. However, the applicants have pointed out that that 3<sup>rd</sup> Generation of mobile phones will require more masts to be provided at about 1.5km separation. There are no other suitable structures in the vicinity that would provide an alternative to this proposal. These would include electricity pylons that have been used in other parts of the District to minimise impact. It is concluded that there are no other suitable sites available.

The site is not particularly prominent in the countryside hereabouts. Clearly, the lattice mast is a more substantial structure than the monopole it is replacing and would be more prominent. However, the site is already an established location for telecommunication equipment and one of the permitted monopoles would be replaced. The bridge, the existing industrial buildings and the vegetation to the south would all help to minimise the visual impact of the development and would screen a substantial part of the structure.

Although sited in the countryside numerous 'urban' structures detract from the character of the countryside hereabouts. Thus, the concerns expressed by the Parish Council could not form a reason for refusal that could be sustained at appeal.

## 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



26/03/2002

**Item**            **A9****Reg. No.**        **9 2002 0146****Applicant:**

Squirrel Developments Ltd  
41 Whitmore Road  
Trentham  
Stoke On Trent

**Agent:**

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

**Proposal:**        **Outline application for the residential development at Yew  
Tree Farm Station Road Hatton Derby**

**Ward:**            **Hatton**

**Valid Date:**     **11/02/2002**

**Site Description**

The site is located within the built framework of Hatton as defined in the South Derbyshire Local Plan. It is 0.33 hectares in area and comprises the farmhouse, farm buildings (both modern and older), yard and garden of the farm that currently occupies it.

The site is bounded on two sides by fields and on the other two by houses. Immediately to the south of the existing access to the farm is a small parking area.

The house immediately adjoining the site on The Hays is also in the ownership of the applicants.

**Proposal**

The applicant seeks permission to redevelop the site for residential purposes. No details of the development have been submitted as the submission was made in outline with all matters reserved for subsequent approval. Although the application drawing does indicate a possible means of access to the site off The Hays, this does not form a part of the application. The sole purpose of the application is to establish whether the principle of residential development is acceptable on the site.

**Applicants' supporting information**

The application is designed to overcome the ground for refusal and follows discussions with the Head of Development Control and with the Council's Chief Executive Officer. The application was refused on the grounds of the development potentially causing additional flooding in the area. The Council has a scheme designed to alleviate the possibility of additional future flooding. The application is submitted on the basis that if permission is granted it will be subject to a Section 106 Agreement relating the development of the site to contribution towards the flood

alleviation works on the adjacent water-course. It is proposed that £2000 a dwelling is contributed towards the costs of the works. Payment would be made at the commencement of construction works. A draft unilateral undertaking to this effect is submitted with the application. Further work is required to finalise the wording.

### **Planning History**

The site had permission granted in 1989 for either the erection of three dwellings granted in outline or the conversion of outbuildings to three dwellings. Both schemes involved the retention of the farmhouse.

An application for outline planning permission was refused late last year against the recommendation of officers. An appeal has been lodged against that decision, a hearing into the appeal is to be held in early May. A copy of the Committee report is attached.

### **Responses to Consultations**

Hatton Parish Council is understood to have no objection.

The County Highways Authority recommends that the development be limited to no more than five dwellings served off a private drive unless otherwise agreed. The potential access would require the extension to the Hays is to be accommodated within the adoptable highway limits including the existing turning head in an altered form. Details of the means of disposal of surface water from an adoptable highway would also need to be provided.

Severn Trent Water has no objection. In a separate letter regarding the appeal, the company has confirmed the following: -

Regarding the surface water discharge from the site, the application stated 'unknown' to the method of disposal from the proposed development. The site is however in very close proximity to a land drainage watercourse, and whilst there is a 600 mm. diameter public surface water outfall sewer close by, it is expected that surface water from the development will be discharged directly to the brook. The proposed development could be accommodated within the existing public surface water sewer, but a free outfall into the watercourse may be restricted in times of flood.

As the development would be expected to generate a foul flow of approx. 0.5 litres/sec., the additional foul water discharge would have a minimal impact on the existing foul combined sewage overflow at the Church Avenue pumping station.

Improvements to the public foul sewerage system have recently been completed to resolve foul sewage flooding problems in the locality. No further schemes are currently anticipated in this Asset Management Plan period, or in the foreseeable future.

The Environment Agency has no objection subject to a condition requiring the finished floor levels to be raised 600mm above the last known flood level. (November 2000). This is 54.13 AOD. Ground levels in the general area are about 53.9. Thus, the floor level of the houses would be about 700mm above existing ground levels. This would mean that in an event similar to last November the floors of the proposed dwellings would be clear of the water levels.

The Agency acknowledges that some dwelling nearby were flooded in November 2000. This was associated with the overtopping of flood defences.

### **Responses to Publicity**

Two letters had been received objecting to the development on the following grounds: -

- a) There should be no development until Severn Trent Water confirm that in the case of flooding, no sewage will be allowed to overflow onto roads, gardens and house interiors and flood water will not rise through storm drains. Development means more soil covered, more water down storm drains and thus more floods.
- b) The development should be limited to single storey dwellings so that there is no overlooking of existing houses.

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

The relevant policies are:

Joint Structure Plan: Housing Policy 5

Local Plan: Housing Policy 5

### **Planning Considerations**

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

- Conformity with the Development Plan
- The impact on the amenity of neighbouring properties
- The impact of the development on the foul water drainage system
- The highway implications

### **Planning Assessment**

The site lies within the confines of Hatton as defined by the provisions of Housing Policy 5 of the Local Plan. Hatton is a sustainable settlement. Therefore, the principle of the development is in accord with the development plan and so acceptable.

Whilst no details of the development accompany the submission, the site is sufficiently large such that an acceptable residential layout could be accommodated within the site without adversely impacting on the amenity of adjoining residents. This would be so even given the finished floor requirements of the Environment Agency.

The issue of water disposal has been raised in objections to the application. The specialist consultee on this matter, Severn Trent Water, has commented there is no objection to the proposal as flows likely to be generated are unlikely to impose a significant additional load on the Church Avenue Pumping Station. The situation at this pumping station has been improved as stated by Severn Trent Water and it does not foresee a future problem following these works.

The Environment Agency has no objection subject to a condition that is recommended below. In these circumstances, it would be unreasonable to refuse permission based on general flooding of the site.

The developers have recognised that there is a problem with flooding in the village and have made a unilateral undertaking to provide funds that could be used to implement a scheme of works to improve the potential for future flooding. In order to facilitate the payment of the above funds, the applicants have submitted a Draft Section 106 Unilateral undertaking that would legally commit the developers of the site to making the payment within two weeks of commencement of the development. The Council is asked to undertake the works to alleviate the flooding problems within 5 years of the date of the commencement of the works. If no works or the works cost less than the funds provided, then the Council would undertake to return any monies or the balance of any monies that are not spent at the expiry that time. To request that the monies are spent in a specified period is not unreasonable and the 5 years suggested is acceptable from a planning point of view. Informal discussions with the Technical Services Manager indicate that works are capable of being undertaken within the stated period that would help to minimise the flood risk.

It may be that the final agreement could be signed by the applicant prior to the Committee date. In which case the decision notice could be attached to that document.

The County Highways Authority has no objection to the principle of development save for concerns about the ability to achieve adoptable access points to The Hays. Access is not a matter that is subject to this application albeit that a potential access is shown. As the applicant has not intended that access be determined at this time it is not intended that the additional details required by the County Highways Authority be requested now.

#### **Recommendation**

1) That subject to the undertaking under S106, relating to the provision of £2000 per dwelling towards the cost of flood alleviation works around the settlement of Hatton, then

2) **GRANT** planning 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.

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 means of access thereto and the landscaping and means of enclosure of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.

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 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.

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

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.

Reason: Interests of flood protecting and pollution control.

5. Finished floor levels should be set at least at a level of 54.73m AOD, 600mm above the recorded flood level of 54.13m AOD.

Reason: To protect the development from flooding.

Informatives:

You are advised to note the comments of the Environment Agency as set out in the attached letter with particular regard to condition 3 above.

The County Highway Authority is not satisfied that the illustrative access would be capable of adoption without further details being submitted. Additional land around the turning head adjacent to the site may be required above that shown on the submitted drawing.

