

REPORT OF THE HEAD OF COMMUNITY AND PLANNING SERVICES

SECTION 1: Planning Applications

SECTION 2: Planning 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).

1. PLANNING APPLICATIONS

This section also includes reports on applications for: approvals of reserved matters, listed building consent, work to trees in tree preservation orders and conservation areas, conservation area consent, hedgerows work, advertisement consent, notices for permitted development under the General Permitted Development Order 1995 (as amended) responses to County Matters and submissions to the IPC.

Reference	Item	Place	Ward	Page
9/2012/0493	1.1	Newhall	Newhall & Stanton	1
9/2012/0577	1.2	Etwall	Etwall	6
9/2012/0579	1.3	Newhall	Newhall & Stanton	10
9/2012/0613	1.4	Woodville	Woodville	14
9/2012/0665	1.5	Swadlincote	Swadlincote	17
9/2012/0702	1.6	Melbourne	Melbourne	22
9/2012/0703	1.7	Melbourne	Melbourne	27
9/2012/0592	1.8	Hartshorne	Woodville	30
9/2012/0644	2.1	Barrow on Trent	Aston	40

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 Head of Community and Planning Services' 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 Head of Community and Planning Services, arise from a Member's personal knowledge of circumstances on the ground that lead to the need for clarification that may be achieved by a site visit.
3. Implications that may be demonstrated on site arise for consistency of decision making in other similar cases.

Item 1.1

Reg. No. 9/2012/0493/FM

Applicant:

Mr A.S. Lehal
Barlestone Road
Newbold Verdon
Leicestershire
LE9 9NF

Agent:

Mr David Raybould
David Raybould & Associates
23a West Street
Derbyshire
Swadlincote
DE11 9DG

Proposal: The addition of a first floor and conversion to four Flats
at 2 Rose Tree Lane Newhall Swadlincote

Ward: NEWHALL & STANTON

Valid Date: 08/06/2012

Reason for committee determination

Members will recall this case being deferred at the meeting of 28 August for a visit to the site to take place. There have been no changes to the report.

The application is brought before Committee at the request of Councillor Bambrick because local concern has been raised about a particular issue.

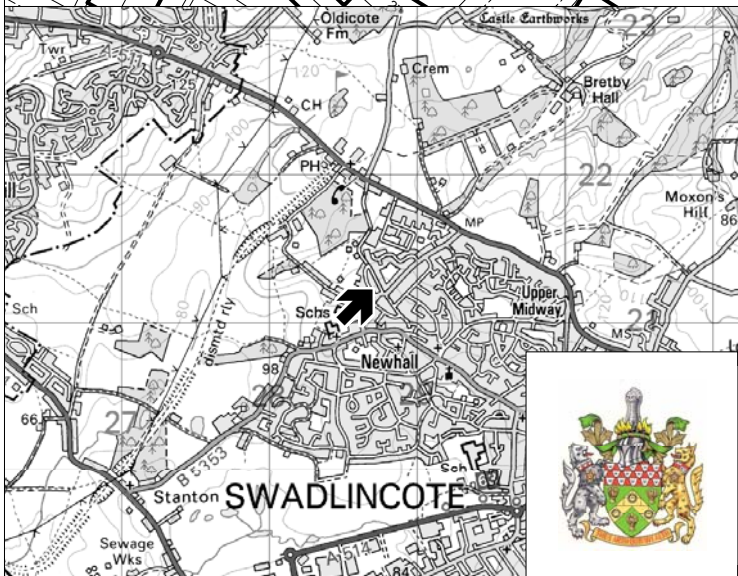
Site Description

The site is located on Rose Tree Lane, immediately behind the shop which has recently been constructed on the corner of Rose Tree Lane and Bretby Road, Newhall. There is currently an unoccupied pitched roof 3-bedroom bungalow on site with a 4-5m high conifer hedge along the majority of the Rose Tree Lane frontage. Rose Tree Lane is narrow with no footpaths.

Proposal

Planning permission is sought for the erection of a first floor extension and conversion into four 2-bedroom flats. Four car parking spaces are proposed on the site's frontage on Rose Tree Lane and the garden area would be retained for amenity spaces for the residents.

9/2012/0493 - 2 Rose Tree Lane, Newhall, Swadlincote DE11 0LN



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South Derbyshire District Council. LA 100019461. 2010

Applicants' supporting information

Design and Access Statement – This includes a site description, details of local facilities and services and an assessment of why the proposal is acceptable in terms of streetscene, residential amenity and parking.

Planning History

9/2010/0227 - The demolition of existing convenience store with accommodation over and demolition of adjacent bungalow. The construction of new convenience store with five apartments above, refused 17/5/10

9/2009/0314 -The demolition of existing building and the erection of a retail unit with six residential units above, withdrawn 11/6/09

9/2009/0058 - The demolition of existing building and the erection of a retail unit with six residential units above, withdrawn 11/3/09

9/2007/1328 - The demolition of existing shop and the erection of shop and two residential units above, granted 7/4/08

Responses to Consultations

The Highway Authority notes that the planning history associated with the site is closely linked to 51 Bretby Road. The redevelopment of the two sites combined has been the subject of a number of applications 9/2009/0058, 9/2009/0314 and 9/2010/0227 to provide an increase in the retail space plus 6 and then 5 flats. None of the above applications were approved and the only consent granted was for the redevelopment of 51 Bretby Road to form a replacement store with two flats above. However, on the basis that the Authority did not raise objections to the applications, which would have resulted in not only six flats but also an increase in retail floorspace, it is not considered that an objection on highway safety grounds could be sustained. Therefore there are no objections subject to the imposition of conditions relating to the car park, visibility on the frontage and informatives in relation to works within the highway.

Severn Trent Water has no objections.

Responses to Publicity

Two letters of objection have been received. Concerns relate to the lack of a site notice, overlooking of property and loss of privacy, overshadowing, design not in keeping with the 'cottage style' dwellings on the Lane, potential impacts on utilities and increase in vehicles and parking on the lane.

Development Plan Policies

The relevant policies are:

East Midlands Regional Plan Policies 3, 12 & 48.

South Derbyshire Local Plan Saved Housing Policies 4 & 11 and Transport Policy 6.

National Guidance

NPPF Paragraphs 11-14, 17 and Chapters 6 and 7.

Planning Considerations

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

- Residential Amenity
- Streetscene
- Car Parking

Planning Assessment

The site is located in the built up area and housing development is thus favoured by Policies 3 & 12 of the East Midlands Regional Plan, Local Plan Saved Housing Policy 4 and Chapter 6 of the NPPF.

Residential Amenity

In respect of the impact of the proposal on the residential amenity of neighbouring properties, neither 10 Rose Tree Lane to the north west nor the flat development to the south east have any windows on the elevations facing the site. The proposal involves the insertion of ground floor and first floor bathroom windows, which would be obscured glazed on the north western (side) elevation. Overlooking and overshadowing are thus not considered to be significant. Two bedroom windows are proposed on the rear elevation. However, due to their distance from the boundary, any overlooking of the garden area of No. 10 would be minimal.

The rear elevation of the flats would be 7-8 metres from the rear boundary with the garden area of No. 51A Bretby Road and there is a 2m high hedge on this boundary. Overlooking to this property would not be significant. The proposal meets the tests of supplementary planning guidance and the amenities of neighbours would thus be adequately protected in accordance with Local Plan Saved Housing Policy 11, which also seeks to provide for the development of adjacent undeveloped land. In this case there is undeveloped land fronting Thorntree Lane, the potential development of which would not be unduly prejudiced by the application proposal.

Streetscene

The proposed conversion and extension retains the openings on the ground floor and proposes new openings on the first floor which are smaller and in general alignment with the existing openings. Rose Tree Lane is characterised by two-storey gabled roof properties tight onto the road. The scale and design of this proposal is thus considered acceptable and due to its set back of 6m from the road it would not dominate the streetscene. As such the proposal is of suitable scale and character in accordance with the requirement of Local Plan Saved Housing Policy 4 and Chapter 7 of the NPPF.

Car Parking

The Highway Authority has assessed its comments to previous applications for the shop and flat development to the south east and these have formed the basis of the consultation response. The scheme that has been implemented in accordance with the 2007 permission is for a shop with two flats above, with two parking spaces on Bretby Road. Although permissions for a larger number of flats were never approved, the Highway Authority did not object to increased numbers of flats at the premises. This proposal for four flats with four car parking spaces on the site frontage is therefore considered acceptable and the Highway Authority raises no objections. On this basis the proposal is compliant with Local Plan Saved Transport Policy 6, which requires adequate access and parking provision.

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 three years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
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 have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.
Reason: To safeguard the appearance of the existing building and the locality generally.
3. Prior to the occupation of the first flat, the car parking space shall be provided within the site curtilage, laid out in accordance with the application drawing no. 2505/12/4530/sp and maintained thereafter free of any impediment to its designated use.
Reason: In the interests of highway safety.
4. Prior to the occupation of the first flat, the entire frontage shall be cleared, and maintained clear, of any obstruction exceeding 600mm in height relative to the road level for the first 2m into the site from the highway boundary in order to maximise visibility available to drivers emerging from the site onto the public highway.
Reason: In the interests of highway safety.
5. Gutters and downpipes shall have a black finish.
Reason: In the interests of the appearance of the building, and the character 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.

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.

Informatives:

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 3 months prior notification should be given to the Environmental Services Department at County Hall, Matlock (telephone 01629 538595) before any works commence on the vehicular access within highway limits.

Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures should be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin.

This usually takes the form of a dished channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the householder.

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

Item **1.2**

Reg. No. **9/2012/0577/NO**

Applicant:

Mr Tony Smith
95 Egginton Road
Etwall
Derby

Agent:

Mr Ian Raistrick
IMR CAD Design Systems
112 Derby Street
Staffordshire
Burton On Trent
DE14 2LF

Proposal: **Retrospective application for the erection of a porta
cabin for temporary accomodation at 95 Egginton Road
Etwall Derby**

Ward: **ETWALL**

Valid Date: **31/07/2012**

Reason for committee determination

Councillor Mrs Brown considers that the Committee should consider the application as issues of local concern have been raised.

Site Description

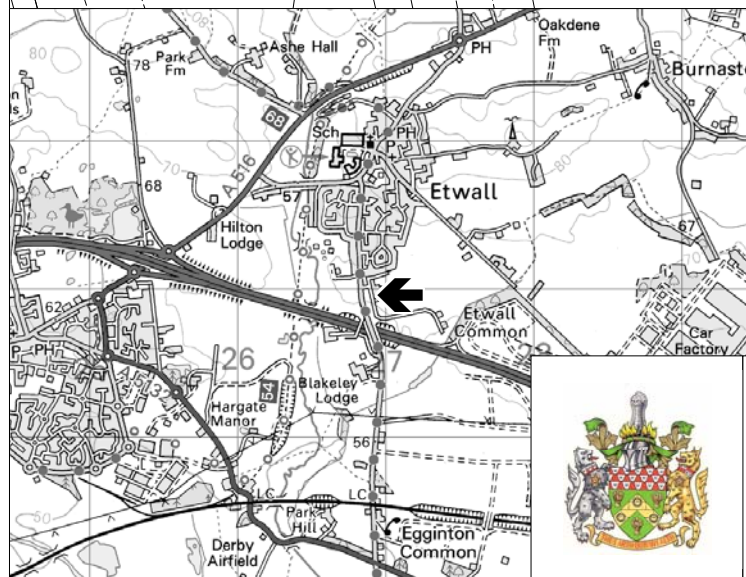
The site is a flat area to the rear of 93 & 95 Egginton Road, enclosed by a wall to the north and east boundaries, and a 1.8m high fence to the south and west. Vehicle access is via a private drive that also serves 95 Egginton Road.

Proposal

The application is to retain two portacabins that have been joined together to form a temporary dwelling. The dwelling is set about 600mm above the ground level and it extends above the level of the fences. The front portion of the structure is brown in colour with larch lap boarding facing towards the access. The sides of this part of the structure are painted brown panels. The other unit is painted grey or white, with the gable end of this part being brown painted panels. Two air conditioning units are mounted on the ground on the 'site' side of the structure.

The main part of the structure is 13m x 7.2m with a 5.4m x 1.55 side projection to the northern end of the structure as illustrated on the plan displayed at the meeting.

9/2012/0577 - 95 Egginton Road, Etwall, Derby DE65 6NP



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Applicants' supporting information

The intention is that the portacabins would be occupied pending the construction of the new dwelling that is permitted on the site and is only required for a temporary period.

The applicant states that the structure has been located so that it does not overlook any of the adjoining houses. It is connected to all mains services.

Planning History

There is an extant planning permission for a new dwelling on the plot (9/2011/0038).

Responses to Consultations

Etwall Parish Council objects to the development on the grounds that there is no sign of the permitted development being undertaken and would not wish to see a portacabin on the site until work is well underway.

The County Highway Authority has no objection subject to the applicant being advised that the necessary visibility splay across the front of 95 Egginton Road is provided.

Responses to Publicity

Three letters received objection to the development for the following reasons have been received: -

- a) The portacabin dominates and towers over a garden and is out of character with the area.
- b) It has the appearance of being permanent.
- c) The front of the building has been timber clad to improve the appearance from Egginton Road but no such courtesy has been afforded to the occupiers on The Grove and Grove Park.
- d) It is requested that if permitted the structure should be lowered, timber cladding be provided to all sides, a brick wall be completed and the permission should be very short so that the house is built and the site tidied up to restore the area.
- e) The boundary wall has not been built in accordance with the planning permission.
- f) There has been no start on the permitted dwelling.
- g) The form appears to have some mistakes on it in terms of the applicant and agent. *[The form has been correctly filled in]*

Development Plan Policies

The relevant policies are:
Local Plan: Housing Policy 5

National Guidance

The NPPF – Paragraph 49 relating to providing housing in accordance with sustainable principles.

The Town and Country Planning (General Permitted Development) Order 1995 (As amended) [GPDO].

Planning Considerations

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

- Temporary Planning permission and fallback position as set out in Part 5 of the GPDO.
- The impact of the appearance of the structure on the locality and potential mitigation measures.

Planning Assessment

The site lies within the defined built framework of Etwall and the principle of residential development is acceptable under the terms of this policy subject to consideration of the impact on neighbours and an assessment of the impact on the character and appearance of the area.

Permitted development rights under part 5 of Schedule 2 to the Town and County Planning (General Permitted Development) Order 1995 (as amended) [GPDO] grants permission for people undertaking development to live in a caravan on the site of the development whilst those works are undertaken. An application has been requested here, as the structure does not meet the definition of a caravan.

The fall back position for the applicant is to remove the structure and install a caravan on the site, for the duration of the build, that complies with the provisions of Part 5 of the GPDO.

The structure has been adapted for human habitation and some colouring/cladding has been undertaken on parts of the structure as described by the objectors. The non-brown coloured parts of the structure are considered unsightly and incongruous in the locality. However, this is capable of resolution by the imposition of a planning condition. Objectors have requested the timber cladding be installed on the whole of the structure but painting/colouring the whole building in brown would reasonably minimise its impact on the locality.

The right to occupy a caravan on the land to construct the dwelling is a material planning consideration. A temporary planning permission for a maximum 2 years would be in the spirit of the Order and allow a reasonable time for the house to be constructed. There is a valid building notice on the site and development was commenced on 30 August 2011 when the drains were inspected and signed off. This work is sufficient for the planning permission for the dwelling to become permanent.

The planning permission for the new dwelling has a condition requiring a visibility splay across the front of 95 Egginton Road. As the structure is already occupied it is reasonable to require the visibility splay to be provided within 2 months.

Some 12 months has passed since the development was started. In the light of this and the above, it is recommended that planning permission be granted for a maximum of 2 years, to enable the local planning authority to review the need for continuing temporary accommodation after that time. A condition requiring the structure be painted to match the parts that are already brown in colour would make its appearance acceptable for the duration.

Recommendation

GRANT planning permission subject to the following conditions:

1. This permission shall be for a limited period only, expiring on 19th September 2014 on or before which date the structures shall be removed and the site reinstated to the satisfaction of the Local Planning Authority unless, prior to that date, an application has been made and permission has been granted for an extended period.

Reason: Temporary planning permission is granted for this structure to facilitate the construction of the dwelling that has an extant planning permission.

2. Within 2 months of the date of this planning permission the structure shall be painted brown to match the colour of that part of the structure that is currently coloured brown.

Reason: In the interests of mitigating the impact of the structure on the amenities of the occupiers of adjacent dwellings.

3. Within 2 months of the date of this planning permission the visibility sight line required by Condition 3 of planning permission 9/2011/0038 shall be provided in accordance with the requirements of that condition and shall thereafter be retained in place.

Reason: In the interests of highway safety.

Item **1.3**

Reg. No. **9/2012/0579/FH**

Applicant:

Mr Martin Hicks
13 Cedar Grove
Newhall
Swadlincote

Agent:

Mr Martin Hicks
13 Cedar Grove
Newhall
Swadlincote

Proposal: **The erection of an extension to dwellinghouse and replacement of existing garage at 13 Cedar Grove Newhall Swadlincote**

Ward: **NEWHALL & STANTON**

Valid Date: **03/07/2012**

Reason for committee determination

Members will recall this case being deferred at the meeting of 28 August for a visit to the site to take place. Changes to the report have been highlighted in italics.

Councillor Bambrick has requested that the application be determined by Committee as local concern has been expressed about a particular issue.

Site Description

The application property is a detached bungalow in a row of similar properties (consecutive 10-14), all with single garages to the rear.

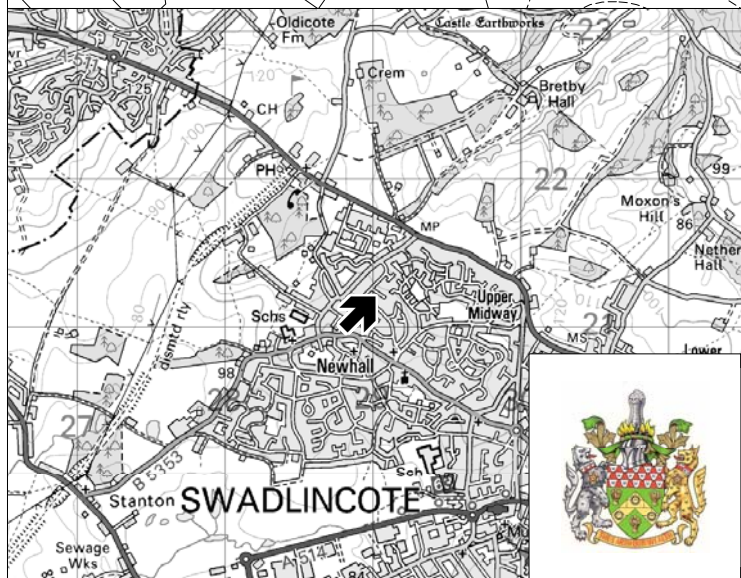
Cedar Grove has a gradual slope from its east to west. This is mirrored by the land levels on which the dwellings are positioned.

Proposal

The proposal would involve a rear pitched roof extension, projecting 3.3 m from the rear wall of the dwelling, and a replacement garage. The proposal would also involve the insertion of a study window in the side of the existing bungalow. *An amended internal layout plan was submitted on 7th September 2012 showing the proposed study now becoming a proposed family bathroom.*

Applicants' supporting information

A supporting letter, submitted with the amended plan, states the change has been made following concerns raised regarding privacy. The proposed study will now become a



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bathroom, allowing the use of obscure glazing in the window, hence alleviating the privacy issue.

The applicant also proposes to erect a 2 metre high fence between the application site and the neighbouring property in response to condition 3 of the recommended approval reported to committee on 28th August 2012.

The proposed change to the internal layout does not alter the proposed external plans.

Planning History

None relevant.

Responses to Consultations

None

Responses to Publicity

Two neighbours object on the grounds that;

- i) the rear extension to the dwelling will impact on their privacy due to the proposed study window, and
- ii) the loss rear extension will cause loss of light to rooms of their property, and
- iii) the design of the rear extension is not in keeping with the locality.
- iv) the building works would result in too much adverse impact upon the road in terms of skips and parking.

Development Plan Policies

The relevant policy is South Derbyshire Local Plan Saved Housing Policy 13.

National Guidance

None directly relevant.

Planning Considerations

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

- The design of the proposed scheme.
- The affect the property would have on the amenities of neighbouring properties.

Planning Assessment

The garage and rear extension would be largely obscured from public view and would be in keeping with the host property, with little or no impact on the general character of the area, in accordance with Saved Housing Policy 13.

The proposal conforms to the relevant distance guidelines between main windows as set out in supplementary planning guidance. However the proposed side facing study window would look onto the side elevation of No. 14 Cedar Grove, which has three

secondary windows. This could be resolved by a condition requiring a suitable screen to be erected on the boundary.

The changes to the internal layout as shown on the amended plan, received 7th September 2012, would mean the window in question would serve a non-habitable room and be obscured glazed, hence alleviating the privacy issue with the neighbouring property. Obscure glazing would be secured by condition. As such there is no need to require a screen fence, although the applicant is at liberty to erect it should he wish to do so.

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 three years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. Notwithstanding the originally submitted details, this permission shall relate to the amended 'proposed floor plan - revision A' drawing, received on 7th September 2012.
Reason: For the avoidance of doubt.
3. The window serving the proposed family bathroom, as annotated on the amended floor plan received 7th September 2012, in the north west elevation, shall be permanently glazed in obscure glass.
Reason: To avoid overlooking of adjoining property in the interest of protecting privacy.
4. 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.
Reason: To safeguard the appearance of the existing building and the locality generally.

Informatives:

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

Item **1.4**

Reg. No. **9/2012/0613/U**

Applicant:

Mr Steve Baker
Property Services Department
South Derbyshire District Council
Civic Offices
Civic Way
Swadlincote

Agent:

Mr Steve Baker
Property Services Department
South Derbyshire District Council
Civic Way
Civic Offices
Swadlincote

Proposal: **The change of use from allotments to garden land at
land to the rear of 67 73 Station Road Woodville
Swadlincote**

Ward: **WOODVILLE**

Valid Date: **17/07/2012**

Reason for committee determination

This application is brought to Committee because the Council is the applicant.

Site Description

This 0.12 Hectare site is located to the rear of 67-71 Station Road, Woodville. There is no vehicular access to the site from Station Road or Brunt Lane to the south west. It is surrounded by residential properties and fairly flat. The area of land to the rear and side of 67 is maintained garden area with the remaining land un-maintained grass.

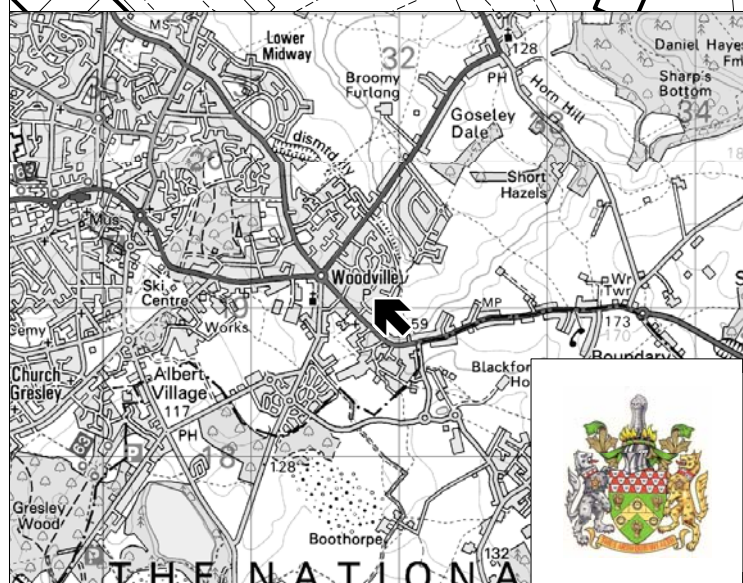
Proposal

Planning permission is sought for the change of use of the land from former allotments to garden areas. The Council owns the land and has been unable to use it as allotments due to its lack of vehicle access. If permission is granted the land would be divided up and sold or leased to the surrounding properties to extend their garden areas.

Applicants' supporting information

The Council acquired this land in 1933 as part of the Station Road housing development. This land was surplus following the housing development later that year, and was laid out as, possibly two, allotments. They were therefore classed as 'temporary allotments' rather than 'statutory allotments'. The access was by a path that ran alongside the garden path of number 65.

**9/2012/0613 - Land to the rear of 67 - 73 Station Road, Woodville,
Swadlincote DE11 7DY**



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The allotments fell into disuse. The Council's current tenant of number 65 applied in 1992 to take over the land as an allotment and said he had been cutting the grass to keep the land clear. Since then he appears to have used the land, to a greater or lesser extent. A shed was erected some time in 1994 and the tenant cultivated the land with a tractor. By 2005 the land was overgrown and had become an eyesore so the Council decided to dispose of it.

The Council's Property Service section has now agreed with the tenant of 65 that he will accept a manageable part of the land as an extension to his garden and they will include it in his tenancy. The Council will then sell off the remaining land to adjoining owners. The possibility of finding an alternative access to the site has been explored in the past, as the original access path was inadequate and there were already parking problems on the street. However the site is now enclosed by houses.

Planning History

None

Responses to Consultations

None

Responses to Publicity

None

Development Plan Policies

The relevant policies are:
East Midlands Regional Plan Policies 3 & 12
South Derbyshire Local Plan Saved Housing Policy 4

National Guidance

NPPF paragraphs 11-14 (presumption in favour of sustainable development)

Planning Considerations

The main issue central to the determination of this application is:

- Conformity with the development plan.

Planning Assessment

Although the land has been used in the past, in a low key manner as temporary allotments, it has been disused for a number of years. Its use as garden land is acceptable as the site is located within the main urban area and the proposal thus accords with Local Plan Saved Housing Policy 4 and paragraphs 11-14 of the NPPF. It is likely that its use as gardens would enhance the appearance of the land.

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 three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

Item 1.5

Reg. No. 9/2012/0665/B

Applicant:

Mrs S Pickess
Doggy Style
29 Wilmot Road
Swadlincote

Agent:

Mrs S Pickess
Doggy Style
29 Wilmot Road
Swadlincote

Proposal: The variation of condition 4 of planning permission 9/2001/0217/U to allow for 2 dogs in and out and allowances for dogs awaiting collection at 29 Wilmot Road Swadlincote

Ward: SWADLINCOTE

Valid Date: 15/08/2012

Reason for committee determination

The application is brought before Committee at the request of Councillor Mulgrew because local concern has been expressed about a particular issue.

Site Description

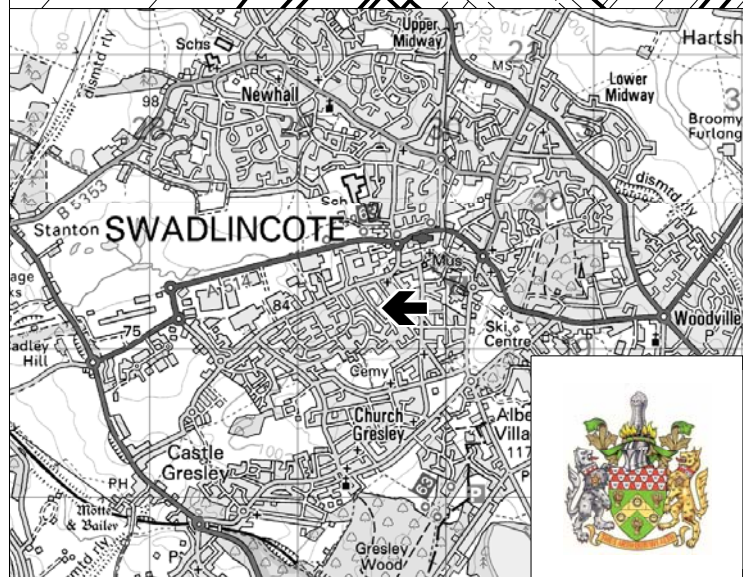
29 Wilmot Road is a large detached dwelling to the rear of 23 – 27 Wilmot Road which is accessed in between 27 and 33 Wilmot Road. This property shares an access road with 31 Wilmot Road. Both these properties are not visible from Wilmot Road and are set within large plots with substantial frontages for parking and manoeuvring.

Proposal

A variation of condition application has been made in respect of a current dog grooming business within an attached converted garage area to the west of the main dwelling 29 Wilmot Road. The variation of condition 4 proposed is to increase the number of dogs that can be on the premises to 2 dogs being groomed, with a total of four dogs on the premises at any one time, to allow for situations whereby customers either drop their dogs off too early for the scheduled appointment or arrive late to collect their dogs.

Applicants' supporting information

The applicant works Tuesdays, Fridays and two Saturdays in a month and on the run up to Christmas this increases to every day. Appointments are on a 1½ hour basis with no gaps between appointments. Overlaps are occurring as customers come early or collect late. However, these only last for approximately 10 minutes. Therefore, the number of dogs on the premises would only increase to four for short intervals when there is a



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change over between appointments. The applicant is training 3 students at present. Two of the students get dropped off by car and one has a car that is parked on the driveway. The maximum number of people in the salon would be three. The majority of customers park on Wilmot Road and walk their dogs along the access road to the premises.

Planning History

9/2001/0217 - The conversion into a dog grooming parlour of part of the garage, Refused 25/4/01.

The application was refused permission for the following reasons:

1. The application is considered to be unacceptable as the site and adjoining private driveway are located in close proximity to other residential properties. Any increase in activity, such as that generated by the proposed use, would cause undue disturbance to neighbouring dwellings and therefore renders the proposal unacceptable and contrary to Economy Policy 5 of the Derby and Derbyshire Joint Structure Plan and Employment Policy 3 of the Local Plan.

Appeal Allowed 8/11/01

Permission was granted subject to the following conditions:

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

2. The use permitted shall not be open to customers outside the following times;
0900 to 1700 hours Monday to Friday
0900 to 1200 Saturday
and shall not be open at any time on Sundays and Bank Holidays.

3. The permission shall relate to the use of a single room only as shown on the submitted plan and no other room in the house shall be used for dog grooming.

4. The use shall operate on an appointment basis alone and no more than one dog shall be groomed on the premises at any one time.

Responses to Consultations

The Highways Authority has no objection.

The Environmental Health Manager has no records of complaints at the address.

Responses to Publicity

One objection has been received through the Council's website. Concerns raised include:

- a) The red line plan does not include 23 – 27 Wilmot Road and the text on the floor plan is illegible.
- b) Two dogs in and out is ambiguous and unclear as to what allowances will be made for dogs waiting and provisions for parking.
- c) It is not clear what provisions there are for welfare of staff and dogs.

- d) The previous application was in breach of the property's covenant.
- e) Noise from the dogs affects the amenity of neighbouring properties and the use may have extended into the garage.
- f) An extractor fan releases dust into the neighbouring dwelling.
- g) More of the property is being used than was previously permitted.
- h) It is not clear where vehicles will park.
- i) The previous condition was unenforceable.
- j) The business has outgrown its location.

Development Plan Policies

The relevant policies are:

East Midlands Regional Plan Policies 3 & 12

South Derbyshire Local Plan Saved Transport Policy 6 and Employment Policy 3

National Guidance

National Planning Policy Framework Chapter 1 (Building a strong, competitive economy)

Planning Considerations

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

- Principle of Development
- Impacts on residential amenity

Planning Assessment

Principle of Development

The relevant Local Plan Policies are Saved Transport Policy 6, which states that developments should incorporate adequate provision for access, parking and manoeuvring and off-street servicing and Saved Employment Policy 3, which requires proposals to not be detrimental to the amenity and character of the locality on environmental and traffic grounds.

The principle of running the dog grooming business was established by the Planning Inspector allowing the appeal in November 2001. The inspector concluded that the additional vehicle activity that might arise would not be out of the norm with what could reasonably be expected in a residential area and the extra vehicle movements associated with the use would not cause unacceptable harm. In coming to this view he took into account that a planning condition could be imposed to preclude usage at unsociable hours.

Impacts on residential amenity

The applicant has confirmed that the increase in numbers is solely to avoid the situations that have arisen that have meant that condition 4 has been breached. The business does operate on an appointment basis, but due to dog owners either arriving early or collecting their dogs late there has been some overlap and more than one dog has been at the premises at any one time. The premises also now has the facility to

groom two dogs at a time due to equipment and students training. Therefore, the use has increased slightly from what was assessed at the appeal. The proposed increase means that two dogs could be groomed at the same time and two dogs could be waiting for short periods if they are dropped off too early or are waiting for collection. The increase would allow the use to operate within these limits and there is space within the salon to accommodate the dogs.

The salon is accessed down the side of two other properties and there is space for 5-6 cars. The applicants park their two cars and motor home to the south west of the property and there remains adequate space for 3 customers to park and manoeuvre. The appointment system would allow for 6 appointments per day and if two dogs are groomed at the same time this increases to 12 per day. Whilst the hours of use are controlled, the applicant is not restricted in terms of the numbers of days per week. The Inspector based his judgement on the fact the property is a substantial 4 bedroom dwelling which is likely to generate significant numbers of vehicles and thus felt that the level of additional vehicle activity would not be abnormal. This is a view that is still held in relation to the proposed increase.

Dog and staff welfare is not considered an issue in this case as there is sufficient room for four dogs for short periods of time and the students can access the residential facilities for breaks etc. Planning permission does not override legal covenants and the numbers of dogs are considered to be at a level which would not cause significant levels of noise for long periods. The Environmental Health Manager has not received complaints about of noise. A site visit has confirmed that the use has not extended into the garage area.

To conclude, the proposed increase would allow for two dogs to be groomed at the same time and a total of four dogs on the premises at any one time. The vehicle movements associated with the increase are not considered to detrimental to residential amenity by virtue of the numbers of days the use operates and the space available on site for parking and manoeuvring. The proposal therefore accords with Local Plan Saved Transport Policy 6 and Employment Policy 3.

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 use shall operate on an appointment basis alone and no more than two dogs shall be groomed at any one time and there shall be no more than four dogs on the premises in total at any one time.

Reason: In the interests of residential amenity.

2. The use permitted shall not be open to customers outside the following times;
0900 to 1700 hours Monday to Friday
0900 to 1200 Saturday
and shall not be open at any time on Sundays and Bank Holidays.

Reason: In the interests of residential amenity.

3. The permission shall relate to the use of a single room only as shown on the plan submitted pursuant to planning application 9/2001/0217/U and no other room in the house shall be used for dog grooming.

Reason: In the interests of residential amenity.

Item **1.6**

Reg. No. **9/2012/0702/NO**

Applicant:

Mr Frank Mcardle
South Derbyshire District Council
Civic Offices
Civic Way
Swadlincote

Agent:

Mr Frank Mcardle
South Derbyshire District Council
Civic Way
Civic Offices
Swadlincote

Proposal: **The erection of a storeroom extension, brick wall to outdoor amenity space and 2 pedestrian gates at Melbourne Assembly Rooms & Library High Street Melbourne Derby**

Ward: **MELBOURNE**

Valid Date: **13/08/2012**

Reason for committee determination

The Council owns the land and is the applicant.

Site Description

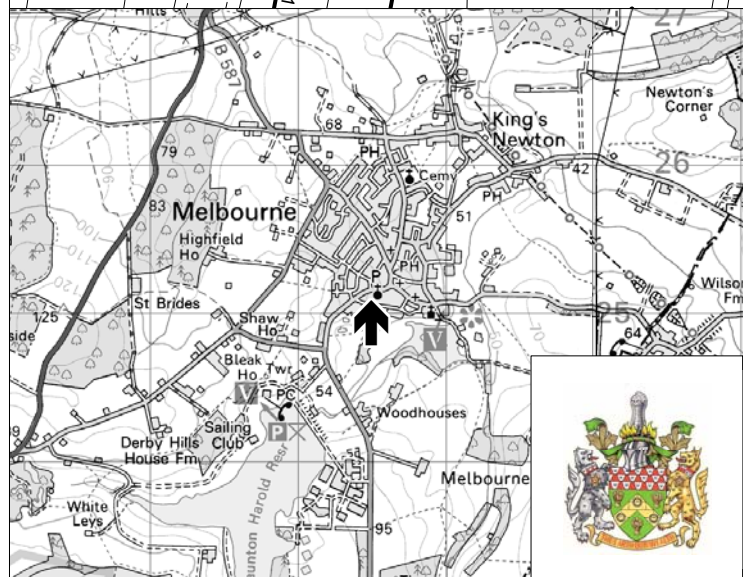
The application site contains a Grade II listed building (a former school built in 1896-7), now in use as assembly rooms, library and car park. It is situated in at the centre of the village, within the Melbourne Conservation Area.

Proposal

The application proposes internal and external alterations comprising:

- Relocation of kitchen, including a new external door, alteration to window to form a door, bricking up of a modern door, new doorway and service hatch, new steel flue emerging through roof valley, and vinyl floor covering.
- A new storeroom extension is proposed to the west wall of the building. This would enable the existing storeroom to be put to more appropriate use.
- The existing kitchen would become a bar foyer, with the introduction of double doors to the east lobby and single doors to the bar store/reception booth and west lobby.
- Removal of short lengths of internal wall would be undertaken to create an enlarged entrance lobby.

**9/2012/0702 - Melbourne Assembly Rooms and Library, High Street,
Melbourne, Derby DE73 8DS**



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- The existing walk-in store cupboard of the east lobby would be removed to improve internal circulation with the hatch opening to the lounge walled up.
- The Shone Room would be served by a hatch to main kitchen and would be provided with a new external door to a dedicated amenity space outside. The courtyard would be secured by a new 2m high brick wall with gates either end.
- Demolition of incomplete sheds on the east boundary.

Applicants' supporting information

The submitted Design and Access Statement provides a detailed account of the proposed alterations and the reasons for them. The applicant acknowledges that the store extension and the new outdoor amenity space would result in the loss of some public parking provision in the village centre. However the affected parking on the west side of the building is little used due to awkward vehicular access. The demolition of the store sheds on the eastern boundary would provide more convenient compensatory parking.

The statement concludes that one of the guiding principles of the scheme is to address the poor presentation and maintenance of the building, and through sensitive change to once again make the building a source of pride to the town.

Planning History

Various consents have been granted for alterations over the years but none are relevant to the current applications.

A condition imposed on the grant of planning permission for the Melbourne Medical Centre (9/0993/0502 as modified by 9/2000/0176) requires 4 parking spaces on the application site to be kept clear for use by its patients during surgery hours. These would not be affected by the development.

Responses to Consultations

Melbourne Civic Society fully supports the proposal.

The Highway Authority has no objection.

The County Council's Conservation and Design Officer has provided a detailed response which concludes:

"The principal aim of this phase of works is to make the building and its facilities more attractive and user-friendly. I consider that the alteration to the building and its curtilage is the minimum required to achieve this aim and that the special interest of the building would not be adversely affected by the works. A small amount of historic fabric will be lost, but this has been recognised in the works and sensitively accommodated within a full understanding of the building's character, design and construction. Improvements to the way the building functions to meet 'modern day' requirements will ensure the future life of the building is safeguarded by it generating income that will hopefully justify its existence.

A degree of controlled and restrained enhancement and ‘modernisation’ is incorporated into the proposals, which offers a new layer of interest in the building’s life. Subject to resources, future repairs will address less sympathetic changes to the building undertaken in the more recent times, within a full understanding of its historic, spatial and design significance.

I consider that the special interest of the building will not be adversely affected by the works included in the application and therefore, subject to the agreement of specific details and the provision of further specified information.”

Responses to Publicity

A letter of support has been received commending the thought, vision and insight that has gone into the proposals to make this a much more usable building for the whole community.

Development Plan Policies

The relevant policies are:

East Midlands Regional Plan Policy 27
South Derbyshire Local Plan Saved Environment Policies 12 & 13, Community Facilities Policy 1, Transport Policies 6 & 7

National Guidance

National Planning Policy Framework (NPPF) Paragraphs 11-14, 17, Chapters 8 & 12.

Planning Considerations

The main issue central to the determination of this application is the impact on heritage assets.

Planning Assessment

The proposal would result in significant enhancement to the existing assembly rooms, this being a positive sustainability criterion and in accord with Local Plan Saved Community Facilities Policy 1 which, in principle, favours improved facilities. As such the proposal is supported by the presumption in favour of sustainable development set out in Paragraphs 11-14 of the NPPF. The proposal would contribute to the core planning principles in Paragraph 17, in particular the conservation of heritage assets and the delivery of sufficient community and cultural facilities to meet local needs, the latter also being an objective of Chapter 8. There would be no material loss of town centre public parking, and access to this public building would be enhanced in accordance with Local Plan Saved Policies 6 & 7.

The alterations would bring about an enhancement the character and appearance of the conservation area and to the historic fabric and appearance of the host listed building. This satisfies Policy 27 of the Regional Plan, Saved Environment Policies 12 & 13 of the Local Plan, and Chapter 12 of the NPPF, all of which seek a positive approach to conservation and enjoyment of the historic environment.

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 three years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. Notwithstanding the submitted details of the Store Room extension, full details of the external elevations, including brickwork details to panels, parapet coping, window heads and cills shall be submitted to and agreed in writing with the Local Planning Authority, prior to being incorporated in the building. The details shall include samples of the brick and coping. The work shall be carried out in accordance with the approved details.
Reason: In the interests of the character and appearance of the building.
3. Prior to being incorporated in the building large scale drawings to a minimum scale of 1:10, including horizontal and vertical sections, precise configuration of opening lights (if any) and (where appropriate) cill and lintel details, of the following features:
the new windows W38A, W38B and W38C, to the New Store Room (G024A);
the 3No lantern rooflights to the new Store Room link corridor;
the new roller shutter to the new Store Room link corridor;
the new double doors D6C;
the new single external door D6B;
the new double-leaf internal doors D6A and D21A; and
the modified windows W34, W35 and W36, to the former Infant Hall (Studio G024),
shall be submitted to and approved in writing by the Local Planning Authority before being incorporated in the building. These features shall be constructed in accordance with the approved drawings.
Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.
4. Notwithstanding the submitted drawings, full details of the new external boundary wall, including its alignment and position related to the west elevation of building shall be submitted and approved in writing by the Local Planning Authority. The wall shall be constructed in accordance with the approved details.
Reason: In the interests of the character and appearance of the building.

5. All new 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, position and finish of heating and ventilation flue outlets shall be agreed in writing with the Local Planning Authority before being incorporated in the building.

Reason: In the interests of the character and appearance of the building.

6. Prior to implementing any works that affect it, a photographic record of the corner fireplace to be removed in the original Infant Classroom (Room G030) shall be submitted to and approved in writing by the Local Planning Authority.

To enable this record to be lodged with the County's Historic Environment Record.

7. Unless as may otherwise be agreed in writing with the Local Planning Authority the cast iron columns to the demolished sheds to the east boundary shall be stored for possible re-use in accordance with a scheme, including the maximum duration of storage, that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To enable these items of historical interest to be put to appropriate re-use.

8. Pointing of the existing building, the proposed extension and new wall shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand). The finished joint shall be slightly recessed with a brushed finish.

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

9. A sample panel of pointed brickwork 1 metre 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. The works shall be carried out in accordance with the approved sample.

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

Item **1.7**

Reg. No. **9/2012/0703/L**

Applicant:

Mr Frank Mcardle
South Derbyshire District Council
Civic Offices
Civic Way
Swadlincote

Agent:

Mr Frank Mcardle
South Derbyshire District Council
Civic Way
Civic Offices
Swadlincote

Proposal: **The erection of a storeroom extension and minor internal/external alterations including creation of improved entrance lobbies, foyer/bar and bar store, new kitchen and outdoor amenity space at Melbourne Assembly Rooms & Library High Street Melbourne Derby**

Ward: **MELBOURNE**

Valid Date: **13/08/2012**

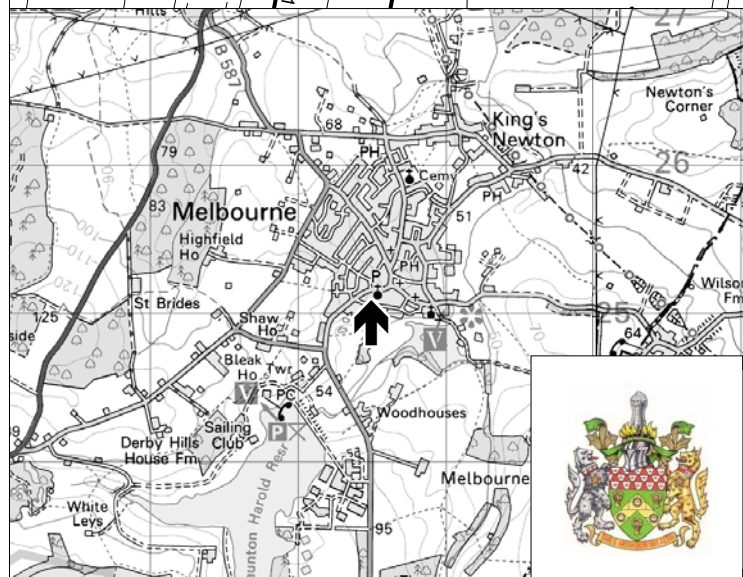
See preceding report 9/2012/0702 on this agenda.

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 three years from the date of this consent.
Reason: To conform with Section 18(1) of the Planning and Listed Buildings and Conservation Area Act 1990.
2. Notwithstanding the submitted details of the Store Room extension, full details of the external elevations, including brickwork details to panels, parapet coping, window heads and cills shall be submitted to and agreed in writing with the Local Planning Authority, prior to being incorporated in the building. The details shall include samples of the brick and coping. The work shall be carried out in accordance with the approved details.
Reason: In the interests of the character and appearance of the building.
3. Prior to being incorporated in the building large scale drawings to a minimum scale of 1:10, including horizontal and vertical sections, precise configuration of opening lights (if any) and (where appropriate) cill and lintel details, of the following features:

**9/2012/0703 - Melbourne Assembly Rooms and Library, High Street,
Melbourne, Derby DE73 8DS**



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the new windows W38A, W38B and W38C, to the New Store Room (G024A);
the 3No lantern rooflights to the new Store Room link corridor;
the new roller shutter to the new Store Room link corridor;
the new double doors D6C;
the new single external door D6B;
the new double-leaf internal doors D6A and D21A; and
the modified windows W34, W35 and W36, to the former Infant Hall (Studio G024),

shall be submitted to and approved in writing by the Local Planning Authority before being incorporated in the building. These features shall be constructed in accordance with the approved drawings

Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.

4. Notwithstanding the submitted drawings, full details of the new external boundary wall, including its alignment and position related to the west elevation of building shall be submitted and approved in writing by the Local Planning Authority. The wall shall be constructed in accordance with the approved details.

Reason: In the interests of the character and appearance of the building.

5. All new 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, position and finish of heating and ventilation flue outlets shall be agreed in writing with the Local Planning Authority before being incorporated in the building.

Reason: In the interests of the character and appearance of the building.

6. Prior to implementing any works that affect it, a photographic record of the corner fireplace to be removed in the original Infant Classroom (Room G030) shall be submitted to and approved in writing by the Local Planning Authority.

To enable this record to be lodged with the County's Historic Environment Record.

7. Unless as may otherwise be agreed in writing with the Local Planning Authority the cast iron columns to the demolished sheds to the east boundary shall be stored for possible re-use in accordance with a scheme, including the maximum duration of storage, that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To enable these items of historic interest to be put to appropriate re-use.

8. Pointing of the existing building, the proposed extension and new wall shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand). The finished joint shall be slightly recessed with a brushed finish.

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

9. A sample panel of pointed brickwork 1 metre 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. The works shall be carried out in accordance with the approved sample.

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

Item **1.8**

Reg. No. **9/2012/0592/SSA**

Applicant:

Mr Greg Pickstock
Pickstock Ashby Ltd
The Abbatoir
Coal Lane
Hartshorne
Swadlincote
DE11 7AT

Agent:

Mr James Ellis
J Ross Developments Ltd
17 Mile Oak Industrial Estate
Maesbury Road
Oswestry
Shropshire
SY10 8GA

Proposal: **The erection of extensions and alterations at
Pickstocks Meats Ltd Ticknall Road Hartshorne
Swadlincote**

Ward: **WOODVILLE**

Valid Date: **17/07/2012**

Reason for committee determination

The application is reported at the request of Councillor P Watson because local concern has been raised about a particular issue.

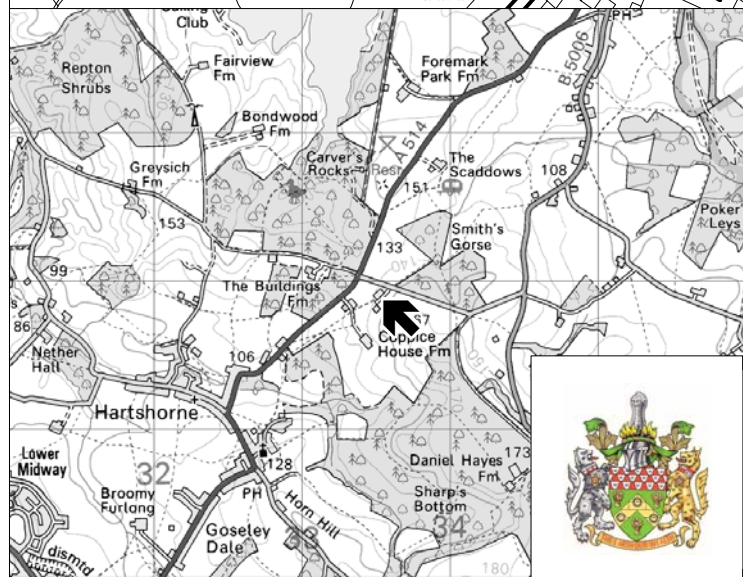
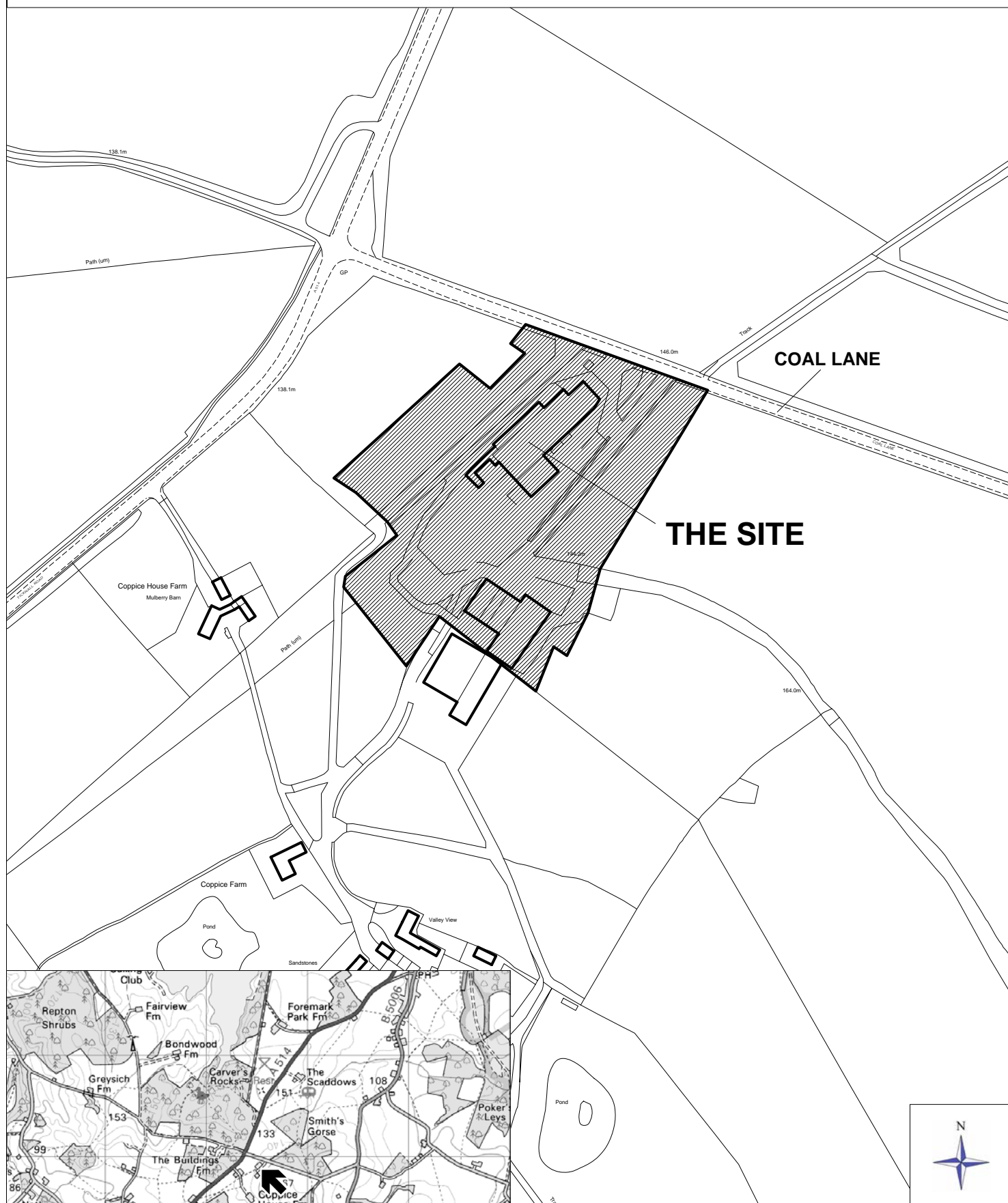
Site Description

This 2.7 hectare site is an established abattoir on Coal Lane, Hartshorne. The buildings are 90m from A514 Ticknall Road and are not highly visible due to a line of conifer trees providing screening. The land to the south east adjacent to Coal Lane rises with farmland surrounding it in this direction and National Forest Planting to the east.

There are two farm houses to the west and south west with the closest being Coppice House Farm 87m to the west. A complex of former barns have been converted to dwellings to the south. These dwellings have a recently completed separate access directly off the A514.

There are approximately four vehicle accesses for the abattoir off Coal Lane at present in close proximity. The applicant has purchased a 0.9 hectare section of farmland to the south east to include in the application. Footpath No. 24 Hartshorne runs through the yard area between the existing buildings.

**9/2012/0592 - Pickstocks Meats Ltd, Ticknall Road, Hartshorne,
Swadlincote DE11 7AT**



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Proposal

Planning permission is sought for 1,303 square metre extensions, the largest of which would be to the south west of the main building complex and would link the main abattoir buildings with the lairage. A separate two storey office building is proposed adjacent to Coal Lane. Two accesses are proposed from Coal Lane which would separate the meat production processes to clean and dirty entrances. A new staff parking area is proposed to the north west and would be screened by a 20m native tree planting buffer.

The conifer trees would remain to the north west to provide screening in the short term and would eventually be replaced by a more native tree planting area 13m in width opposite over the access road from the buildings.

In total the complex would have 80 car parking spaces which would replace the ad hoc parking areas that currently exist on site. Footpath No. 24 Hartshorne currently runs between the abattoir building and the lairage and as such a Section 257 application to divert the footpath has been submitted to this Authority and is currently at informal consultation stage.

Applicants' supporting information

The Design and Access Statement gives some background information in terms of the abattoir business. The site is a beef slaughterhouse which processes in the region of 1500 OTM and UTM cattle per week. The extensions are required to meet the growing demands of customers and expand and improve the facility to maintain its viability. The amount of livestock would not increase, just the production processes.

When considering the siting of the extensions reducing the visibility from the north west was paramount and as the land rises to the south east and the extension would be cut into the slope it would minimise its visual impact on the surrounding countryside. Pre-application plans indicate the initial proposals and how the proposed location was decided. Advice given was that heights of the buildings should be kept to a minimum and should not exceed existing buildings.

The applicants have confirmed that the amount of commercial traffic will not alter as they are not increasing the number of cattle being processed, the works are improving the standards plus some additional processes to the meat. The cattle coming in will be in HGV's and Landrovers with trailers, the meat going out is in HGV's fridges and obviously as the animal has been processed there are fewer fridges going out.

30 HGV's fridges going out per week (proposed and existing)

100 livestock HGV's (proposed and existing)

150 Landrovers with trailers (proposed and existing)

Planning History

9/2010/0790 - The erection of 7 bay fridge/freezer and extension to existing loading bays with offices, changing room and toilets above, Granted 18/11/10

Various extensions 2003 -2010

Responses to Consultations

The Contaminated Land Officer does not have any significant concerns, however, due to the proximity of unknown filled ground there may be a risk from ground gas migration and ingress into proposed buildings. A condition requiring a risk assessment is recommended.

The Highway Authority states that the existing site has three access points on Coal Lane with no clear indication of which access serves which part of the site. The proposals will reduce the access points to two and formalise one of these accesses which, when considering that there is to be no increase in the amount of vehicular traffic to and from the site, as clarified by the applicant, is considered to be an improvement over the existing situation. The improvements within the site also includes the formalisation of the parking areas including an increase in the number of spaces available. On this basis, it is considered that the proposed improvements to the site will be an improvement over the existing situation and there are no highway objections to this proposal subject to the conditions relating to the accesses and parking areas.

The County Footpaths Section advises that Hartshorne Footpath 24 crosses the site. The County Council has made an order to divert the footpath under Section 119 of the Highways Act 1980. They have received objections to the order and as such it will be submitted to the Planning Inspectorate. They have Creation Agreements to link the diversion to the existing network.

Severn Trent Water considers that there would be no increase in the volume of the discharge to the main sewer and thus has no objection.

The Environment Agency were not formally consulted on the application as it was not required, however, due to the drainage issues raised, the Area Planning Officer has had correspondence from the EA Officer that has dealt with the pollution permit for the site for 3 years in order to establish if there are any issues. The information provided has been included within the drainage section of the report.

Responses to Publicity

Hartshorne Parish Council objects to the application, its main concerns being that this development indicates a 30% increase in production however there appears no provision to increase the capacity of the drainage system. Over recent years there have been several incidents where the drains have become blocked causing blood and other animal debris to run down Ticknall Road and into Repton Brook. The Parish Council will want assurances that the drainage system will be improved before planning permission is granted.

Concerns were also expressed about the resulting smell from such a large increase in production.

When the footpath diversion was proposed the Parish Council agreed that so long as the trees would remain and the overall look of the surrounding fields remain unchanged. However the application indicates that trees will be removed and new roadways will be created. It would also appear that the proposed footpath through the site has been amended.

The Parish Council is also very concerned about the increase in traffic through Hartshorne and surrounding villages, which will naturally occur if production at the factory is increased by 30%.

Development Plan Policies

The relevant policies are:

East Midlands Regional Plan Policies 3, 12, 48

South Derbyshire Local Plan Saved Environment Policy 1, Employment Policy 1, Transport Policy 6, Recreation and Tourism Policy 8

National Guidance

National Planning Policy Framework paragraphs 17, 28, 32, 56, 57.

Planning Considerations

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

- Principle of Development
- Visual Amenity
- Highways Issues
- Drainage Issues
- Footpath 24 Hartshorne

Planning Assessment

Principle of Development

The proposal is an established employment use within the countryside and thus Local Plan Saved Environment Policy 1 and Employment Policy 1 apply. Environment Policy 1 relates to development in the countryside and as this proposal is for extensions to an existing complex it is unavoidable in this countryside location. This policy requires the character, landscape quality, wildlife and historic features to be safeguarded and protected. If development is considered acceptable then it should be designed and located to minimise its impact.

Employment Policy 1 relates to existing industry and expansion on or adjacent to existing sites. It states that their expansion will be permitted provided that the proposal is not detrimental to the character of the locality or residential amenity and does not cause environmental or traffic problems.

Paragraph 21 of the NPPF states that “*Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing*”. The purpose of the proposed extensions are to make the complex fit for purpose as at present, due to the site configuration, accesses are unclear, offices are located within the main abattoir building with access through the yard area and clean and dirty processes do not have separate accesses. The current facility therefore acts as a potential barrier to increasing investment in the site and the proposals would mean that the growing demands of customers could be met, thus securing the viability of the business.

Paragraph 28 of the NPPF states that “*planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should....support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings*”

The proposal is considered to be acceptable in principle as it improves an existing business within the countryside and the impacts on landscape character, residential amenity, the environment and highways would not be significant or adverse. The sections of adjacent land to be included within the site would be appropriately screened and impacts on the surrounding countryside minimised. The proposal thus accords with the principles of Local Plan Saved Environment Policy 1 and Employment Policy 1. The improvement of the facility is supported by paragraphs 21 and 28 of the NPPF.

Visual Amenity

The proposed extension that would link the main abattoir building to the lairage building would be set 50m south east of the existing abattoir building. The existing buildings are not highly visible from long and short distance views from the north west due to the conifer screening. From Gravelpit Hill the majority of the complex of buildings is screened by the line of conifer trees with the adjacent agricultural building visible to the south west. Due to the location of the proposed extensions and the retention of the trees views would remain virtually unchanged from this direction. The height would not exceed that of existing buildings on site with a ridge height of 9 metres.

The complex is partially obscured from view from the residential properties to the south west by existing agricultural buildings and the conifer planting surrounding the existing yard area which would be retained and improved. The lairage extension would extend 21.6m to the north west with a ridge height 1 metre higher than the existing lairage, however, as the existing landscaping would remain it would not have a significant impact on the visual amenity from the south west.

The farmland immediately to the south east rises steeply and as such the proposed extension would be cut into the slope with a retaining wall of 2.8m in height. This significantly reduces its visual impact on the open countryside to the south east. Long distance views would not be adversely affected and due to the location of the office building adjacent to Coal Lane landscaping is proposed to screen the complex from this road.

Proposed external materials would be composite metal cladding panels of a type and colour to be agreed through a condition.

The proposed office would be set 18 metres from Coal Lane road frontage and a 5 metre wide landscaped area is proposed adjacent to the road to provide screening. 13 car parking spaces for staff and visitors are proposed to the north east of this building with a 37 space car park to the rear and south east. The office building would be two storey with a mono-pitch roof and large double height sections of glazing that extend to the side elevations. It is a simply modern design of a total height of 7.4m. Due to the proposed screening and set back from the road frontage this is not considered to have a significant impact on the character of the countryside.

Therefore, in respect of visual amenity impacts, the proposal would not have a detrimental impact on the character of the locality or significant adverse impacts on landscape quality, as it has been designed and located to minimise its impact in accord with Local Plan Saved Environment Policy 1 and Employment Policy 1.

Highways Issues

The applicant has provided confirmation that the proposed extensions would not result in an increase in vehicle movements at the site and traffic levels would remain as existing. The proposal involves providing two clearly identified accesses for dirty and clean processes which is an improvement on the existing situation whereby it is not clear where the access to the site is and there are no formal car parking areas. The proposal would improve highway safety. The Highway Authority has no objection to the application on the basis that traffic would not increase, with the access and parking arrangements significantly improved. Therefore, adequate provision for access, parking and manoeuvring has been provided in accordance with Local Plan Saved Transport Policy 6.

Drainage Issues

The Environment Agency has confirmed that the previous drainage issues that have arisen have related to Severn Trent Water's maintenance regime. Water runoff from farmland does occur on occasions of high rainfall down the slope to Hartshorne. The perception may be that this is due to the abattoir, however, it is due to the land drainage on the surrounding agricultural land.

As part of the proposal, the internal drainage systems within the site would be improved. An effluent treatment plant is proposed that would involve waste being removed by tanker and result in cleaner water discharge to the STW foul sewer. STW is legally responsible for setting limits in terms of sewer capacity

The proposal involves a reconfiguration and improvement to the existing facility without increased numbers of animals processed. The current abattoir building would be used for storage and additional cutting of the meats. A storage facility does not exist at present and as such the slaughtering has to be timed to coincide with lorries arriving to transport the meat elsewhere.

For the last three years large improvements of the facility have been made and proposal would comply with the Environment Agency's Best Available Techniques guidance. The site is currently in terms of Environment Agency Pollution permit a Band A good performer. Based on the information provided by the Environment Agency it is considered that the proposal would not have a significant impact on the environment and thus accords with Local Plan Policy EV1 in this respect.

Footpath No. 24 Hartshorne

This footpath currently crosses the yard area in between the abattoir and the lairage buildings and such the County Council has made an order to divert the footpath under Section 119 of the Highways Act 1980. They have received objections to the order and as such it will be submitted to the Planning Inspectorate. The applicants and owners of land have signed Creation Agreements to link the diversion to the existing network. Due

to the objection on the County Council diversion, the applicants have also submitted the diversion under Section 257 of the Town and Country Planning Act 1990 as it relates to a planning application. This diversion is at informal consultation stage and shall be the subject of a committee report at a later date. In this case, the existing footpath would be protected as a suitable alternative route has been proposed in accordance with Local Plan Policy Saved Recreation and Tourism Policy 8.

Conclusion

The proposal is considered to be acceptable in principle as it improves an existing business within the countryside. Impacts on landscape character, residential amenity, the environment and highways would not be significant or adverse in accordance with Local Plan Saved Environment Policy 1 and Employment Policy 1. The improvement of the facility is supported by paragraphs 21 and 28 of the NPPF. Adequate provision for access, parking and manoeuvring has been provided and a suitable alternative route for the footpath is proposed in accordance with Local Plan Saved Transport Policy 6 and Recreation and Tourism Policy 8.

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 three years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. 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: In the interests of flood protecting and pollution control.
3. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the buildings have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.
Reason: To safeguard the appearance of the existing building and the locality generally.
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.

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

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

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

6. Prior to commencement of any other development, the existing accesses to Coal Lane shall be modified in accordance with application drawing number 1010-12-sit-P01 (A0 1-500), both to be laid out, constructed and provided with 2.4m x 153m visibility splays in both directions, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason: In the interests of highway safety.

7. Within 28 days of the access improvements being carried out, as specified in condition 6, the most south easterly access to Coal Lane shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway (or verge) in a manner to be agreed in writing with the Local Planning Authority in consultation with the County Highway Authority.

Reason: In the interests of highway safety.

8. The modifications to the parking layout shall be provided within the application site in accordance with application drawing number 1010-12-sit-P01 (A0 1-500) for the parking and manoeuvring of visitors', staff, service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interests of highway safety.

9. No development shall take place until monitoring at the site for the presence of ground gas and a subsequent risk assessment has been completed in accordance with a scheme to be agreed with the Local Planning Authority, which meets the requirements given in Box 4, section 3,1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.

OR A suitable scheme for the prevention of ground gas ingress is submitted to the LPA and approved in writing.

Upon completion verification of the correct installation of gas prevention measures (if any) shall be forwarded to the LPA for approval.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

Informatives:

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 12 weeks prior notification should be given to the

Environmental Services Department of Derbyshire County Council before any works commence on the vehicular access within highway limits, please contact Gail Mordey on 01629 538537 for further information.

The Highway Authority recommends that the first 10m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the owner.

The application site is affected by a public Right of Way (Footpath/ Bridleway number 24 on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 08456 058058 and asking for the Rights of Way Duty Officer.

- Please note that the granting of planning permission is not consent to divert or obstruct a public right of way.
- If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 08456 058058 for further information and an application form.
- If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.
- Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.
- To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for the proposed development rather than await the granting of permission.
For assistance in complying with planning conditions and other legal requirements applicants should consult "Developing Land within Derbyshire - Guidance on submitting applications for land that may be contaminated". This document has been produced by local authorities in Derbyshire to assist developers, and is available from http://www.south-derbys.gov.uk/environment/pollution/contaminated_land/default.asp. The administration of this application may be expedited if completion or verification evidence is also submitted to the Environmental Protection Officer (Contaminated Land) in the Environmental Health Enforcement department: thomas.gunton@south-derbys.gov.uk.

Further guidance can be obtained from the following:

- CLR 11: Model Procedures for the Management of Contaminated Land.
- CLR guidance notes on Soil Guideline Values, DEFRA and EA.
- Investigation of Potentially Contaminated Land Sites - Code of Practice, BSI 10175 2001.

- Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination, R & D Technical Report P5 - 066/TR 2001, Environment Agency.
- Guidance for the Safe Development of Housing on Land Affected by Contamination Environment Agency. ISBN 0113101775.

Item 2.1

Reg. No. 9/2012/0644/FH

Applicant:

Mr Adrian Dawson
The Hill Lodge
Deep Dale Lane
Barrow On Trent
Derby

Agent:

Mr Tim Foster
2 Broomfield Cottages
Morley
Ilkeston

Proposal: **The erection of an extension and garage / workshop at
The Hill Lodge Deep Dale Lane Barrow On Trent Derby**

Ward: **ASTON**

Valid Date: **31/07/2012**

Reason for committee determination

The application is reported to Committee at the request of Councillor P Watson because local concern has been expressed about a particular issue.

Site Description

The Hill Lodge is situated in open countryside about 500 m to the north of the village of Barrow on Trent. The site is located close to the bridge over the Trent and Mersey Canal, on Deepdale Lane. The property has been extended and altered and there are free standing buildings in the curtilage.

The application site slopes up from Deepdale Lane and the subject buildings would be located on land that was a paddock until the grant of permission to use it as garden (see Planning History below).

Proposal

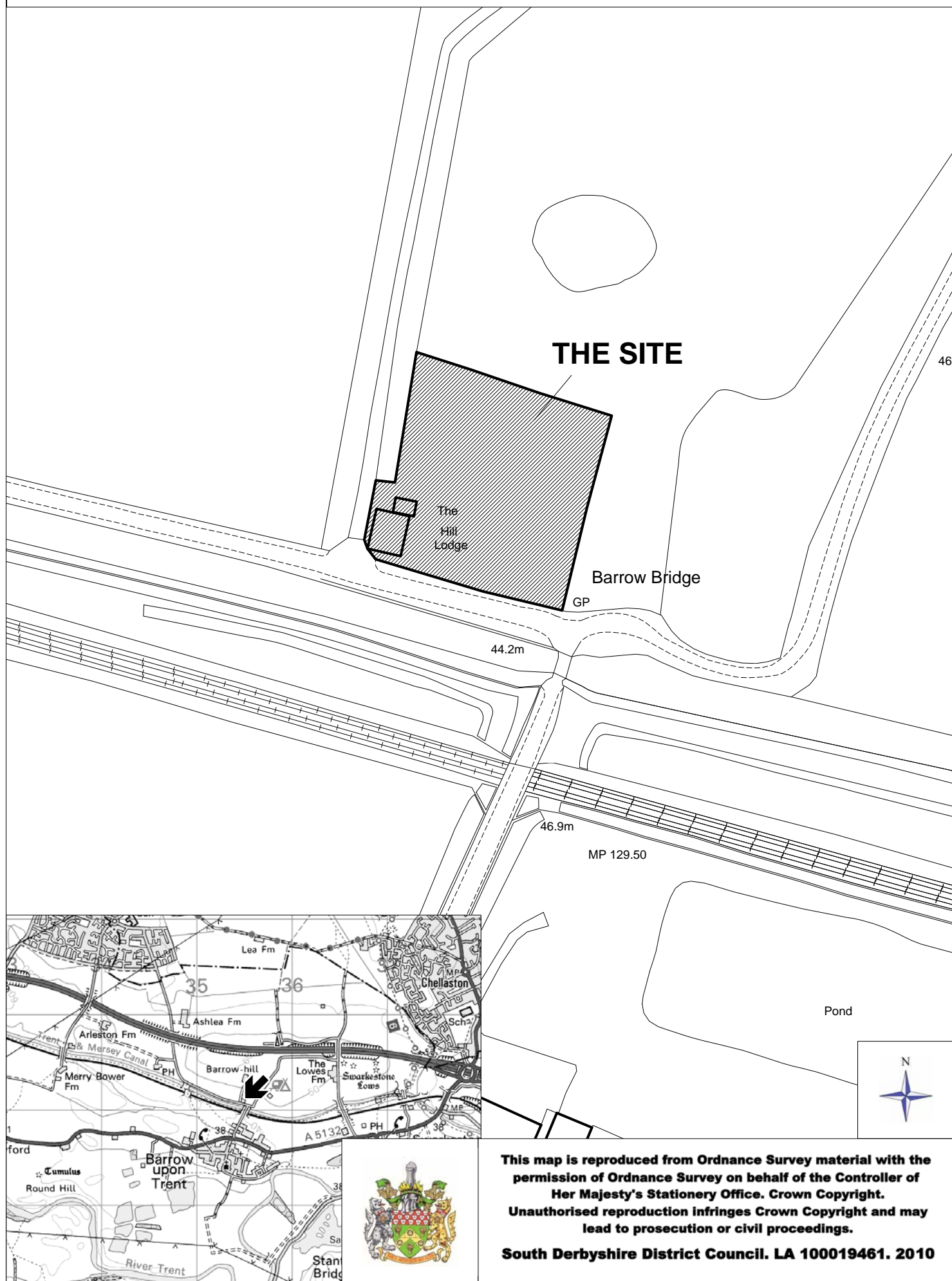
The proposal comprise two elements:

- An extension to a building in the north west corner of the site, presently occupied as ancillary accommodation.
- A 4 m high brick clad steel framed shed, set behind the building presently being built (see Planning History below). The footprint scales at 9.4 m x 15.5 m, although the longer wall is annotated 20.5 m on the drawing.

Applicants' supporting information

None

9/2012/0644 - The Hill Lodge, Deep Dale Lane, Barrow on Trent,
Derby DE73 7NH



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South Derbyshire District Council. LA 100019461. 2010

Planning History

9/0390/1320/F - Stable block. Permitted. Work commenced within five years of the grant of permission.
9/2002/1020/F – Conservatory to dwelling. Permitted.
9/2002/1038/F - Storage shed and revised plan for stables. Permitted.
9/2002/1211/F - Hardstanding and access - permitted.
9/2003/0267/F Erection of feed store and tack shed to be attached to stable. Permission refused on the grounds of visual impact.
9/2003/0480/F – Conservatory to dwelling and garage permitted.
9/2003/1026/U - Change of use and alterations to stables for office use. Refused on the grounds of traffic and the visual impact of the proposed changes.
9/2004/0534/FH - The installation of a balcony to the dwelling, and alterations to previously approved shed - permitted.
9/2005/0194/F - Animal rearing shed. Refused on the grounds of visual impact.
9/2005/0040/F – Garage (revised elevations) - permitted.
9/2005/0807/U – Change of use of stable to office and retention of hardstanding - permitted.
9/2006/0423/F – Animal rearing shed. Refused on the grounds of visual impact.
9/2007/0076/F – Extension to office. Refused on policy, visual impact and sustainability grounds. Appeal Ref. APP/F1040/A/07/2046425 dismissed.
9/2008/0579/U – Change of use of paddock to garden – permitted. Permitted development rights are removed by Condition No 2.
9/2008/1059 – Covered structure attached to garage – permitted.
9/2010/0674 Formation of vehicular access – permitted.
9/2011/0391 – Retrospective application for the installation of dormer windows in garage roof –permitted.
9/2011/0389 - retrospective application for the erection of a garden store, -permission refused and appeal **APP/F1040/C/11/2159044** dismissed.

In addition to the above a building is being constructed under permitted development rights.

Responses to Consultations

Any response from the Parish Council will be reported verbally.

Responses to Publicity

None.

Development Plan Policies

The relevant policy is:

South Derbyshire Local Plan Saved Environment Policy 1, Housing Policy 8.

National Guidance

The National Planning Policy Framework in its core principles (paragraph 17) recognises the intrinsic beauty of the countryside. Paragraph 55 seeks to avoid new isolated homes in the countryside.

Planning Considerations

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

- The effect of the proposed development on the character and appearance of the countryside.
- The scale and nature of the extended outbuilding used as living accommodation.

Planning Assessment

The effect of the proposed development on the character and appearance of the countryside

There have been many planning applications submitted over recent years including permission 9/2008/0579/U for the change of use of paddock into garden. This is subject to a condition withdrawing permitted development rights, for buildings and means of enclosure, in order to protect the countryside.

Saved Environment Policy 1 of the South Derbyshire Local Plan is the relevant policy against which the application should be determined. It sets out the criteria for development in the countryside, one of which is that the development should be unavoidable. The site already contains significant buildings, and another one is being constructed under permitted development rights. In the absence of any reasoned justification, the proposals do not appear to be necessary to a rural location. The proposed store would be similar to the one dismissed on appeal **APP/F1040/C/11/2159044**, albeit in a slightly different position and shorter in length.

The policy also requires development to be designed and located to minimise its impact. Although the site presently has high conifer hedges to the rear and side the structures would be visible from certain parts of Moor Lane and prominent from the road bridges over the railway and canal. The scale and siting of the structures adds further to an urbanizing effect created by the various buildings on the site and this is detrimental to the openness of the countryside and the character of the area. The resultant harmful impact would not be mitigated by a condition controlling facing materials, or by the screening effect of the roadside hedgerow when in leaf. Accordingly, the development does not accord with Environment Policy 1 of the Local Plan. The policy is not at odds with the core principle of the National Planning Policy Framework, to recognize the intrinsic beauty of the countryside. Although the Council's policy pre-dates the Framework, it does not conflict with the provisions of the Framework and it is therefore accorded significant weight in the determination of this application.

The scale and nature of the extended outbuilding used as living accommodation

The extended ancillary accommodation would more than double the size of the building and would be tantamount to the creation of a dwelling with abundant space for completely self-contained living. As such this element of the application would also be contrary to Local Plan Saved Environment Policy 1, Saved Housing Policy 8, and Paragraph 55 of the National Planning Policy Framework, which seeks to avoid new isolated homes in the countryside. Although the Council's policies predate the Framework, they do not conflict with the provisions of the Framework and are therefore accorded significant weight in the determination of this application.

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

Recommendation

REFUSE permission for the following reasons:

1. Saved Environment Policy 1 of the South Derbyshire Local Plan is the relevant policy against which the application should be determined. It sets out the criteria for development in the countryside, one of which is that the development should be unavoidable. The site already contains significant buildings, and another one is being constructed under permitted development rights. In the absence of any reasoned justification, the proposals do not appear to be necessary to a rural location. The proposed store would be similar to the one dismissed on appeal APP/F1040/C/11/2159044, albeit in a slightly different position and shorter in length. The policy also requires development to be designed and located to minimise its impact. Although the site presently has high conifer hedges to the rear and side the structures would be visible from certain parts of Moor Lane and prominent from the road bridges over the railway and canal. The scale and siting of the structures adds further to an urbanizing effect created by the various buildings on the site and this is detrimental to the openness of the countryside and the character of the area. The resultant harmful impact would not be mitigated by a condition controlling facing materials, or by the screening effect of the roadside hedgerow when in leaf. Accordingly, the development does not accord with Environment Policy 1 of the Local Plan. The policy is not at odds with the core principle of the National Planning Policy Framework, to recognize the intrinsic beauty of the countryside. Although the Council's policy pre-dates the Framework, it does not conflict with the provisions of the Framework and it is therefore accorded significant weight in the determination of this application.
2. The extended ancillary accommodation would more than double the size of the building and would be tantamount to the creation of a dwelling with abundant space for completely self-contained living. As such this element of the application would also be contrary to Local Plan Saved Environment Policy 1, Saved Housing Policy 8, and Paragraph 55 of the National Planning Policy Framework, which seeks to avoid new isolated homes in the countryside. Although the Council's policies predate the Framework, they do not conflict with the provisions of the Framework and are therefore accorded significant weight in the determination of this application.

2. PLANNING AND OTHER APPEALS

(References beginning with a 9 are planning appeal and references beginning with an E are an enforcement appeal)

Reference	Place	Ward	Result	Cttee/Delegated
9/2011/0608	Church Gresley	Church Gresley	Dismissed	Delegated
9/2011/0750	Rosliston	Swadlincote	Dismissed	Delegated



Appeal Decision

Site visit made on 20 March 2012

by Mrs A L Fairclough MA, BSc(Hons), LLB(Hons), PGDipLP, MRTPI, IHBC
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 August 2012

Appeal Ref: APP/F1040/A/12/2168376

Site to the rear of the pavement at the junction of New Street and York Road, Church Gresley, Swadlincote, Derbyshire DE11 9PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Telefonica 02 Ltd/Vodafone Limited against the decision of South Derbyshire District Council.
 - The application Ref 9/2011/0608/NT, dated 20 July 2011, was refused by notice dated 1 September 2011.
 - The development proposed is described as the provision of a 13.8m high streetworks telecommunications pole with Vodafone and O2 antennas located behind a shroud, 1 No small scale equipment cabinet, 1 No AC mains pillar and minor ancillary works.
-

Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue in this case is the effect of the proposal on the character and appearance of the area.

Preliminary Matters

3. Since the site visit, the National Planning Policy Framework (the Framework) has been published, cancelling, amongst other things, *Planning Policy Guidance Note 8: Telecommunications (PPG8)*. The parties were given the opportunity to comment on the implications of the changed policy position and a response was received from the appellant. Paragraphs 42-46 of the Framework relate to telecommunications. The Framework seeks to facilitate the growth of existing and new telecommunication systems. The Framework indicates that decision makers should not question the need for the telecommunications system or determine health safeguards where International Communications guidelines would be met.
4. The relevant policies of the *South Derbyshire Local Plan (LP) adopted 1998* although of some vintage are broadly consistent with the Framework. Therefore, LP Community Facilities Policy 4: Telecommunications Development (LP CF Policy 4) carries due weight. Thus I have dealt with the appeal on the basis of the Framework, the relevant LP Policies and the comments received.

Reasons

5. LP CF Policy 4 indicates, amongst other things, that planning permission will be granted provided the siting of the development would not result in damage to

the character of the area. The appeal proposal would be situated within a predominantly residential urban area and the National Forest. The proposed mast would be positioned near to a cross roads and close to an existing lamp post and telegraph pole plus other BT installations. Although it would be close to several trees and would be a similar height to the tallest, it would be set on the footway close to the carriageway. Thus, given its prominent position, it would create a dominant and incongruous feature when viewed from York Road in both directions and from New Street as well as from across the road within Maurice Lea Park.

6. Furthermore, Maurice Lea Park/ War Memorial provide an important local public recreational space and valuable community features. To my mind the proposal would create a significant visual intrusion when viewed from the park and it would be detrimental to the setting of the park/memorial to the extent that it would detract from the pleasant character and appearance of community features.
7. Moreover the mast would be prominent when viewed from nearby properties including the dwellings closest to it on New Street and York Road as well as the nearby public house and as such it would create a dominant overbearing feature.
8. The cabinet and electrical pillar would be located close to the back edge of the footway adjacent to/close to a tree and grassed verge. They would be positioned opposite a recycling centre (across New Street) and adjacent to existing street furniture items including a road sign, a lamppost and a BT Cabinet. Consequently I consider that the cabinet and pillar would contribute to street clutter. Thus I consider that the siting and appearance of the appeal scheme would be detrimental to the visual impact of the proposal on the surrounding streetscape.

Other Considerations

9. Concerns have been raised by local residents regarding health. The application included a certificate indicating compliance with the guidelines for public exposure established by the ICNIRP¹. Given the guidance in the Framework it is unnecessary to give further consideration to concerns regarding health effects.
10. I note that the proposed mast would facilitate mast sharing by two operators to provide the required level of third generation (3G) telecom coverage and capacity in the locality. The appellant has considered alternative sites. From the evidence provided, I am satisfied that they are unsatisfactory due to the built up nature of the target coverage area, the presence of parkland, the absence of suitable and available existing installations in the area on which to mast share and the absence of suitable and available tall buildings in the locality. However, this does not overcome my concerns regarding the abovementioned harmful impact on the character of the locality or the visual amenity of nearby residents.

Conclusions

11. I conclude that the proposed development would have a significantly detrimental effect on the character of the area, including the adjacent Maurice

¹ International Commission on Non-Ionizing Radiation Protection

Lea Park and Memorial, and on the visual amenity of local residents. This would conflict with LP CF Policy 4 and the Framework. I have taken account of all other matters raised but these do not outweigh the conclusions I have reached. Therefore, the appeal should not succeed.

Mrs A Fairclough

INSPECTOR



Appeal Decision

Site visit made on 25 July 2012

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 September 2012

Appeal Ref: APP/F1040/A/2171873

Crown Stores, 108 Alexandra Road, Swadlincote, Derbyshire, D11 9AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Diana Lawton against the decision of South Derbyshire District Council.
 - The application Ref: 9/2011/0750 dated 16 August 2011, was refused by notice dated 24 November 2011.
 - The development proposed is change of use from kitchen and bathroom showroom (A1 shops) to children's day care/nursery (D1 non-residential institution) with parking land adjacent to 88 Stanhope Road.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposed development above is based on the Council's decision notice. Although it differs from that given on the application form, I consider it more accurately and concisely describes the proposal.
3. On 27 March 2012 the Government published the *National Planning Policy Framework* (The Framework). I have taken into account the policies in the Framework, but in the light of the facts in this case the Framework does not alter my conclusions, and I have attached full weight to those saved policies of the *South Derbyshire Local Plan* (LP) to which I have been referred.

Main Issue

4. I consider the one main issue is the effect of the proposed use and related parking and dropping off/picking up arrangements on highway safety.

Reasons

5. The application relates to a kitchen and bathroom showroom at the junction of Alexandra Road and Stanhope Road south of the town centre. No external changes to the building area proposed, and a small outside play area is indicated to the rear of the building. The operating hours would be 0700 to 1900 Mondays to Fridays.
6. There is no on-site parking, although six spaces within an existing car park on Stanhope Road would be made available for users of the day nursery. Alexandra Road in the vicinity of the appeal site is subject to a 30mph speed

- limit and has on street parking restrictions between 0800 and 1800. Stanhope Road and Hastings Street in the vicinity of the site have similar restrictions.
7. The most relevant LP policies are Employment Policy 8, Community Policy 1, and Transport Policies 6 and 7. Amongst other matters, these say new development will not be permitted unless provision is made for access, car parking, and safe and pleasant conditions for pedestrians. Development which interferes with the free and safe flow of traffic will be resisted. Paragraph 32 of the Framework states that account should be taken of whether safe and suitable access can be achieved for all people.
 8. The car park which the appellant proposes to utilise is about 50m from the appeal premises, and the majority of the parking spaces are about 85m away. The appellant says parents will be encouraged to use this car park in the first instance, and would be expected to be generally responsible and considerate about where they park. However, although not a great distance away, I consider it most unlikely that many parents would choose to use this car park for the short periods when dropping off or picking up children, particularly as it would involve crossing a busy classified road including at peak times when traffic levels are heavy. I consider it equally unlikely that parents and other visitors would make use of the town centre public car parks, as these are not conveniently located.
 9. I understand that the forecourt area in front of the building was previously used by showroom customers for limited short stay parking. However, as a result of increased levels of activity, I consider this lay-by parking arrangement at a busy four-way junction would cause confusion for motorists and not be a practicable option. Its use would involve potentially unsafe and intricate manoeuvres with drivers needing to rely on car mirrors to judge visibility and the speed of on-coming traffic.
 10. I accept that arrival and departure times would be staggered during the day. However, it is likely that the majority of vehicle movements to and from the site would be during the morning and late afternoon peak to coincide with conventional day time working hours. In any event, I consider that a condition to restrict or control pick-up/collection times, as suggested by the appellant, would be very difficult to monitor and enforce. The appellant says staff will be encouraged to use public car parks and utilise the driveways of senior members of staff living nearby. I also accept that some staff may walk, cycle or use public transport to reach the site. However, this does not overcome the fact that the 6 spaces proposed off Stanhope Road would be wholly inadequate for visitor parking in relation to the number of children that would be accommodated. Nor would it overcome my reservations concerning the inconvenient location of the car park.
 11. I therefore conclude that the proposal would harm highway safety due to increased vehicular activity, interference with the free and safe flow of traffic, inadequate and inconvenient parking arrangements, and the potential for pedestrian/vehicular conflict. I find it would conflict with saved LP Employment Policy 8, Community Policy 1, Transport Policies 6 and 7, and Government policy in the Framework. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Nigel Harrison INSPECTOR