

Item 1.1

Reg. No. 9/2006/1141/FH

Applicant:

Mr Mrs R Brown
Cedar House
41 Main Street
Newton Solney
Burton-on-Trent
Staffordshire
DE15 0SJ

Agent:

Abacos Design Co-Operative
138 Alexandra Road
Burton Upon Trent
Staffordshire
DE15 0JE

Proposal: The erection of a garage and outbuilding block at 41,
Cedar House Main Street Newton Solney

Ward: Repton

Valid Date: 04/10/2006

Reason for committee determination

The proposal could be interpreted as being contrary to policy and the recommendation is to grant permission.

Site Description

Cedar House, a large detached house in extensive grounds, is a grade II listed building on the south side of Main Street opposite the junction of Church Lane. The house and its garden back on to open countryside.

Proposal

It is proposed to erect a garage block with workshop to the rear of the house and on the eastern side of the property curtilage. The building would be linear in form and would occupy a corner position where existing boundary walls meet. The building would be next to and with its back to the boundary walls and would be 22.6m long from east to west and 22m long from north to south. The maximum depth of the building would be 6m and would be 2.5m to the eaves and 4.7m to the ridge.

The walls of the building would be finished in cedar boarding and the roof cover with Staffordshire plain clay tiles.

The land slopes down from southeast to northwest, and the site has been levelled to provide a flat base. The forecourt area has been designed to provide sufficient space to accommodate an existing mature walnut tree.

It is also proposed to construct a temporary stoned access to the site from The End off Bretby Lane to facilitate building operations. This does not form part of this proposal, however, because it benefits from being permitted development.

Applicants' supporting information

- The buildings are required to house the applicant's private collection of classic cars in safety and in good condition with some storage space over.
- The proposed site of the building was considered optimum in terms of keeping the outbuilding group as a whole as tight as possible to preserve the agricultural nature of the field to the south whilst not impinging on the setting of the listed building. The impact of the development from the south and west was further minimised by setting it against the existing boundary walls with a narrow walkway for maintenance purposes.
- Although a pitched roof and traditional roofing materials matching the existing outbuildings were considered appropriate, the roof has not been raised in any way to facilitate storage and full height access is possible only immediately below the ridge. This has facilitated minimum impact on adjacent properties as well as allowing the height of the building to remain below that of the existing outbuilding.
- It is proposed to level the area of the building, retaining the existing level to the south with a retaining wall. This is proposed for practical reasons, but also to minimise the height impact in adjacent properties and to allow the new building to sit down in the landscape when viewed from the public footpath to the south.
- The form of the building is low key and broadly agricultural. Timber cladding is evident on agricultural buildings close by.

Responses to Consultations

Newton Solney Parish Council objects to the proposal on the following grounds:

- The development is outside the village development boundary and there are no overriding exceptional circumstances to justify allowing the development
- A bungalow was recently refused outside the village development boundary and in the interests of consistency this should also be refused.
- The options showing the building within the village development boundary are preferred.
- The temporary access would emerge on a blind bend and therefore be detrimental to highway safety
- The building is excessive in size and if allowed conditions should be applied to prevent the conversion to residential.

The Council's Design and Conservation Officer has also examined the alternative sites and is of the opinion that the submitted site is acceptable having less impact on the conservation area and the listed building and that the rough-sawn boarded buildings would result in a more simple low-key appearance.

The Council's Arboriculturist has no objection to the amended scheme subject to the incorporation of tree protection measures.

Responses to Publicity

One objection has been received which is summarised as follows:

- The development would be outside the village development boundary
- Despite a reduction in height the proposal would still overshadow adjoining properties
- The site was previously occupied by a shed used as a shelter for horses
- The site does not form part of the garden to Cedar House but is a field adjacent to the garden used until recently as grazing for horses
- A workshop would generate noise in a rural setting
- The development would obscure the garden wall which would be detrimental to the Conservation Area
- Allowing the development would be inconsistent with a recent appeal decision to refuse a house outside the Village Confine on Church Lane.

Development Plan Policies

The relevant policies are:

RSS8: Policy 27

Joint Structure Plan: GDS Policy 2 and 3, Environment Policy 9 and 10

Local Plan: Environment Policy 1, 12 and 13

Planning Considerations

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

- Whether the development should be allowed outside the village development boundary
- The impact on the Conservation Area and the listed building.

Planning Assessment

The development site is just outside the Newton Solney Village Confine.

Environment Policy 1 of the Local Plan restricts development outside settlements to that which is essential to a rural based activity or unavoidable in the countryside and the character of the countryside, the landscape quality, wildlife and historic features are safeguarded and protected.

The development is not essential to a rural based activity but could be described as being unavoidable in the countryside. To accord with Environment Policy 13 regard should be given to preserving the setting of the listed building. Alternative sites were considered during the course of the planning application, which would be within the village confine, but were rejected on grounds that they would have had an undue impact on the setting of the

listed building. Members may choose to conclude from this that there are no suitable sites for this development because: a. within the village confine it would detract from the setting of the listed building and, b. outside it, it would be inappropriate development in the countryside.

An alternative conclusion could be that having protected the setting of the listed building it would then be unreasonable to prevent a house of this size from enjoying its own garage facilities, and specifically in this case for the storage of a private classic car collection. On this basis, the development becomes unavoidable in the countryside and the issue that remains is whether the siting and design of the development would be harmful to the character of the countryside and the Conservation Area.

Environment Policy 1 is designed to protect the undeveloped openness of the countryside from inappropriate development. The chosen site is tucked into a corner formed by the boundary walls to the gardens of neighbouring properties. The proposal would therefore be read in the context of existing built development and thereby would avoid obtrusive encroachment into the countryside. Further visual mitigation would arise from the development being single storey and it having cedar boarded walls and a clay tiled roof, more typically found in a rural location. As such, the development would have a neutral impact on the character and appearance of the Conservation Area.

The proposal is unlikely to cause an unacceptable loss of amenity to neighbouring properties caused either through overshadowing or noise.

In answer to local concern raised about inconsistent application of policy to development outside the village confines, the appeal in question was for a house and therefore different policies applied and the development was contrary to those policies with no overriding material considerations.

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 commence on site in connection with this approval until samples of materials for the external surfaces of the development (including the retaining walls and proposed finish to the cedar boarding) have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.

Reason: To safeguard the setting of the listed building and the character of the Newton Solney Conservation Area.

3. Gutters and downpipes shall have a black finish.

Reason: To safeguard the setting of the listed building and the character of the Newton Solney Conservation Area.

4. The proposed retaining walls to the turning area and steps shall have a traditional style of shaped clay or stone coping. No development shall commence on site in connection with this approval until a sample of the coping has been submitted to and approved in writing by the Local Planning Authority and the approved coping shall be installed before the development is first brought into use.

Reason: To safeguard the setting of the listed building and the character of the Newton Solney Conservation Area.

5. No development shall commence on site in connection with this approval until precise details including paving patterns, specifications and samples of the materials to be used in the hard landscaping works have been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into use until the approved hard landscaping works have been installed.

Reason: To ensure the materials are appropriate to safeguard the setting of the listed building and the character of the Newton Solney Conservation Area.

6. No development shall commence on site in connection with this approval until construction details of any retaining features or walls in the vicinity of the crown of the walnut tree have been submitted to and approved in writing by the Local Planning Authority and these features shall be constructed in accordance with the approved details.

Reason: To safeguard the root zone of the tree.

7. No development or other operations shall commence on site in connection with this approval until a scheme (herein after called the approved protection scheme) which provides for the retention and protection of the walnut tree, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme.

Reason: To ensure that the tree is protected in the interests of safeguarding the amenities of the area.

8. No operations shall commence on site in connection with the development hereby approved until the tree protection works required by the approved tree protection scheme are in place.

Reason: To ensure the tree is protected in the interests of safeguarding the amenities of the area.

9. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved tree protection scheme.

Reason: To ensure the tree is protected in the interests of safeguarding the amenities of the area.

10. Protective fencing shall be retained intact for the full duration of the development hereby approved, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To ensure the tree is protected in the interests of safeguarding the amenities of the area.

Item 1.2

Reg. No. 9/2006/1151/O

Applicant:

Blue Square Projects Ltd
111 Hagley Road
Edgbaston
Birmingham
B16 8LB

Agent:

Intergrated Designs (Midlands) Ltd
38 Old Walsall Road
Birmingham
B42 1NP

Proposal: Outline application (all matters reserved except for layout and access) for the demolition of existing dwelling and the erection of a block of eight flats on land at 34 Oversetts Road Newhall Swadlincote

Ward: Newhall

Valid Date: 02/11/2006

Reason for committee determination

Councillor Mrs Mead has requested that this application be determined by the Committee due to the access being dangerous, the development having an overbearing impact on the streetscene and that the density is too high for the space available.

Site Description

The site is currently occupied by a two storey detached house on the east side of Oversetts Road and on the north corner of the Parliament Street/ New Road cross roads junction. Five dwellings are currently being built across the road.

Proposal

It is proposed to demolish the existing house and erect a block of eight apartments on two floors. Layout and access are to be considered as part of this application and scale, appearance and landscaping reserved for subsequent approval.

The footprint of the proposed building would be 20.6m wide by 8m deep and set back some 3m from the carriageway edge. A parking area for eight cars would be provided at the rear of the building.

Applicant's Supporting Information

A design and access statement submitted with the application concludes that the site would improve prospects for first time buyers; eight apartments is below the density required by government guidelines; local services infrastructure would not be stretched by the development; the parking provision would meet present needs; the scale and mass conform to the existing street scene; there will be disabled access and compliance for DA requirements on the whole of the ground floor.

Responses to Consultations

The Highway Authority accepts the provision of eight parking spaces and therefore raises no objections.

The Primary Care Trust requests a financial contribution of £444 per unit.

The Education Authority does not request a contribution.

Development Plan Policies

The relevant policies are:

RSS8: Policies 2, 3 and 4

Joint Structure Plan: Housing Policy 3, Environment Policy 17

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

Planning Considerations

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

- The visual impact of the development on the streetscene
- Highway safety

Planning Assessment

The site is located within the main urban area and therefore its residential redevelopment is acceptable in principle.

The gable span of a building would generally determine its final scale and massing against neighbouring buildings and whether it would assimilate into the streetscene. The gable spans for buildings in the area range from between about 6.5m and 8m. The building proposed for demolition has a gable span of 8m. The span of the proposed building has been reduced from 10.3m to 8m. The proposed building is therefore unlikely to appear incongruous in the streetscene and subject to appropriate detailing and materials would be acceptable.

The County Highway Authority raises no objection to this proposal. It would therefore be difficult to substantiate an objection on highway safety grounds.

In addition to the medical contribution, there would also be a requirement for a contribution of £7760 for recreational facilities.

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

Recommendation

Subject to the receipt of a satisfactory Unilateral Undertaking or Agreement under Section 106 of the Town and Country Planning Act for the payment of contributions towards local medical and recreational facilities then, **GRANT permission** subject to the following conditions:

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

(b) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.
2. Approval of the details of the scale, appearance and the landscaping shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.
3. No development shall commence on site in connection with this approval until samples of materials for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.

Reason: To ensure the materials are appropriate to safeguard the appearance of the area.
4. Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. This shall include steel railings or wall on the front boundary. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the area.
5. Further to condition 2 above, soft landscape details shall include planting plans; written specifications including cultivation and other operations associated with plant and grass establishment; schedules of plants (noting species, plant sizes and

proposed numbers/densities where appropriate) and the implementation programme.

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

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

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

Informatives:

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.