

SOUTH DERBYSHIRE DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 18th June 2002

Planning Services Manager

I N D E X

PART 1 Planning Applications

PART 2 Appeals

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

PLANNING SERVICES MANAGER

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When moving that a site visit be held, Members will be expected to consider and propose one or more of the following reasons:

1. The issues of fact raised by the Planning Services Manager's report or offered in explanation at the Committee meeting require further clarification by a demonstration of conditions on site
2. Further issues of principle, other than those specified in the report of the Planning Services Manager, arise from a Member's personal knowledge of circumstances on the ground that lead to the need for clarification that may be achieved by a site visit
3. Implications that may be demonstrated on site arise for consistency of decision making in other similar cases

Item **1.1**

Reg. No. **9 2001 0730**

Applicant:

Morris Homes (EAST MIDLANDS)
Morris Homes (East Midlands)
9 Glaisdale Drive
Bilborough
Nottingham
NG8 4GU

Agent:

Dean Fisher
Morris Homes Ltd
Morland House
18 The Parks
Newton Le Willows
WA12 9JT

Proposal: **Proposed residential development and additional parking to
adjacent doctor's surgery at Qualitas Bathrooms Hartshorne
Road Woodville Swadlincote**

Ward: **Woodville**

Valid Date: **26/07/2001**

For report see Item 1.4

A copy of the previous report to the committee of 16th April 2002 is attached.

18/06/2002

Item 1.2**Reg. No.** 9 2001 0799**Applicant:**

Mr C Thurman
Haven Wood Farm
Sutton Lane
Hatton
Derbyshire

Agent:

Mr. E. Austin
Mr. E. Austin
Solitaire
Higham
Derbyshire
DE55 6EH

Proposal: The conversion attached outbuildingsto provide an extension to the dwelling, a granny flat and dwelling at Haven Wood Farm Sutton Lane Hatton Derby

Ward: Hatton

Valid Date: 10/08/2001

Site Description

The site comprises a range of traditional 2 storey farm buildings attached to the former farmhouse and a single storey detached from the above. Access is via an unmade track off Sutton Lane. Boundaries are not particularly distinctive.

Proposal

As originally submitted the proposal involved the conversion of all the buildings into residential accommodation. The application has been amended and the proposal now relates solely to the conversion of the attached outbuildings only, into an extension of the main dwelling, a granny annexe and a separate dwelling. A further single storey building is no longer included in the application.

Applicants' supporting information

The following information should be considered, in accordance with Planning Policy Guidance Note 7 to support a planning application to convert the existing barns/derelict buildings to residential use.

"If the planning authority requires justification for granting residential planning permission as part of Planning Policy Guidance Note 7, the following information should be presented.

Craft Workshops

From a commercial point of view, these types of businesses generate very little profit, when located in a popular location, e.g. Markeaton Park, and Heart of the Country Craft Centre at Swinfin near Burton on Trent.

Our client's property is not a popular location for craft workshops or close to a commercial area, therefore the opportunity to make a viable craft workshop is not feasible, as there is no passing trade to generate business.

Holiday Accommodation

As a Derbyshire Holiday Property, a tourist would nearly always be attracted to Matlock or the Peak District due to the level of tourist attractions. Our client's location has no tourist attractions and suffers noise from the A50 Derby Southern by-pass, hence their Land Compensation Act 1973 -Part I claim. If holiday lets were granted as a restricted use planning permission, they would generate only 28 weeks income if they were lucky but in reality there is very little or no demand for tourism in this location.

Commercial/ Light Industrial Use

Due to the private driveway, built to a light traffic use construction, and the formation of the barns, this option is not feasible.

The location and property could not stand 15-20 cars to the site on a daily basis. This level of traffic would also annoy the neighbours, therefore causing objections to any planning application.

From a value point of view, they would be considerably lower value, from a client prospective, this use would make any development not financially feasible.

Residential Use

Quite clearly the first three options are not financially sound uses for the buildings and they would generate more traffic to the location than a residential use.

A residential use for the three barns would generate say six cars.

From a value aspect, this option utilises the maximum value and keeps the buildings from falling into disrepair.

Under Planning Policy Guidance Note 7, restrictions would be applied to limit extensions and provide guidance on appearance therefore a good design would be in all parties' best interest.

The following summary and recommendations of the Structural Engineer's report has been submitted on the structural condition of the buildings to support the application:-

Single Storey Block

Generally, external walls are of good alignment, the only exceptions being evidence of past roof spread and the bulge to the field gable.

Roof spread is a common consequence of the form of construction adopted and has in part been arrested by the introduction of tie bars. Damage is most noticeable internally where open bed joints are evident at high level, particularly to the rear elevation.

In the course of re-roofing, the upper 3 or 4 courses of brickwork may become unstable and require rebuilding.

The outward bulge in the field gable appears to be long standing and in the course of refurbishment we recommend that the wall is rebuilt above eaves level and the in built steel section removed.

Internally, as noted in 3.10, an internal loadbearing wall shows long-standing fracture patterns and warrants local rebuilding.

Two Storey Barn

Although of 215mm solid brickwork and having the benefit of supporting a first floor, the gable wall shows a significant outward bulge and associated cracking. The pattern and location of damage suggests past horizontal movement of the first floor structure but damage is clearly of a long-standing nature. <

As opposed to taking the wall down in part, we recommend that consideration be given to building a new inner blockwork leaf. Full height, this would support floor and roof elements but tied back to the original brickwork to provide additional structural integrity and insulation.

As noted the gable pier return shows fractures above and below a beam bearing. Local rebuilding should be carried out to re-bond brickwork.

A small, later addition to the rear elevation shows evidence of inadequate foundations, resulting in significant movement and roof collapse. This portion of the building, measuring approximately 2.5 metre square is considered dangerous and should be taken down in a controlled manner.

Fire Damaged Barn

Considering the extent of fire damage and length of time that brickwork has been exposed to the weather, wall alignment is reasonable.

Where pre-fire rebuilding is evident, wall alignment is good and therefore it is likely that the bulk of high level misalignment relates to past roof spread.

In assessing the suitability of the remaining walls to form the basis of rebuilding, we note that rebuilding requirements should not exceed the following: -

- a) To each end gables, rebuild up from eaves level.
- b) To the courtyard elevation, rebuild the upper metre or stiffen with a new inner skin.
- c) To the rear elevation, the past rebuilt area probably only requires the upper two or three courses rebuilding due to weathering damage. The remainder should be rebuilt for the upper 1 metre.

General Items

In the course of refurbishment, minor fractures in brickwork and open joints should be repointed and weathered bricks cut and replaced.

All roofing areas should be stripped of tiles to allow the provision of felting, new battens and re-covering using the existing tiles. Once tiling is stripped, all roof timbers should be checked for signs of rot and insect attack in order to verify their structural adequacy.

Likewise, floor timbers should be checked.

Refurbishment, particularly the introduction of more rigid roof structure and upper floors improves the overall integrity of the buildings and hence long-term stability.”

A full copy of the structural survey is available for inspection on the file together with a plan indicating the areas of rebuilding that would be necessary for the buildings to be converted. Subsequent to the above information, the applicant has been asked to provide a detailed assessment of all the above options. This has resulted in the submission of a substantial document that is available for inspection on the file.

The document deals in turn with all of the above mentioned alternative uses for the buildings in greater depth and is accompanied by building costs for each of these alternatives. It is also accompanied by correspondence from various organisations about the appropriateness of the alternatives. This includes the Council on the potential for the use as holiday accommodation. These aspects are considered further in the ‘**Planning Assessment**’ below.

Responses to Consultations

Hatton Parish Council has no objection to the development

The County Highways Authority has objected to the proposal on the basis that the development is poorly related to the public highway and not well served by public transport. Thus, there would be increased reliance on the private car that is contrary to the principles of sustainable development. Refusal on these grounds would therefore be appropriate.

Severn Trent Water has no objection.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 1 & 4, Housing Policy 6

Local Plan: Environment Policy 1, Housing Policy 7

Planning Considerations

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

- The provisions of the Development Plan with particular reference to the issue of sustainable development.
- The character and appearance of the buildings, the proposed method of conversion of the building now proposed for conversion.

- The impact of the development on the character and appearance of the countryside hereabouts.

Planning Assessment

The development plan has two objectives in relation to the issue of sustainable development. The first relates to maintaining the character and appearance of the countryside and the retention of buildings of a form and character that are worthy of preservation is one area that helps with this objective. However residential use is the least preferred of the several alternatives that are suggested. The others relate to uses that might benefit the local economy such as holiday use and craft workshops/light industrial use.

The applicants have had a report prepared on the alternatives and it is suggested in that report that these alternatives are unlikely to generate a sufficient income to allow the conversion of the buildings. There is no evidence to the contrary, indeed a conversion of outbuildings at a farm north of here to craft workshops was not successful, albeit that a storage use persists there..

Thus, the Local Planning Authority has to examine the building and the potential impact of the conversion on the character and appearance of the area. The proposal as originally submitted proposed the conversion of a single storey range of outbuildings that are not considered of any particular merit. The inclusion of this building would also have necessitated the use of land as garden that would be particularly prominent from the public footpath that runs along the access track. The cumulative effect of which would be detrimental to the character and appearance of the countryside. In view of this, the applicants were advised that the retention of that building in the application would render the whole unacceptable. Accordingly, the applicants have withdrawn this element of the proposal from the application.

The remaining buildings have merit in that they make a positive contribution to the countryside and any garden area would be well screened from public vantage points. The amount of rebuilding is likely to be modest even in the fire-damaged area. The proposed method of conversion makes good use of existing openings and the number of new openings is minimal.

The other area of policy requires an examination of the benefits of retaining the buildings against the potential for reliance on the private motor car as the only means of transport available. The area poorly served by public transport and remote from the usual services such as schools and shops.

In this case, the net increase in the number of dwellings proposed is one. The other parts of the building are to be occupied as ancillary accommodation to the existing dwelling. A condition is recommended below to ensure that the granny annexe is so occupied. The attached outbuildings are considered worthy of preservation. Whilst it is acknowledged that the site is in a remote location, the retention of the buildings outweighs the detriment that may be caused by forming a new dwelling in the countryside.

The additional information submitted by the applicant has clarified some of the issues relating to the conversion. There is some concern that the building costs for the workshop use of the buildings is higher than the average but there are additional costs for a conversion that would not appear in a new build operation. The holiday let option is marginal in terms of the potential income but the Council has no figures on this type of operation that would stand scrutiny at appeal given the level of research undertaken by the applicant.

Overall, the buildings now subject to the application are of some merit and contribute to the landscape quality of the area. The alternative uses for the building have been appraised and indicate that the remote location and distance from recognised tourist locations make the alternative workshop/holiday let options untenable. On the basis of this the following recommendation is made.

Recommendation

GRANT permission subject to the following conditions:

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

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

2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. T/HWFH/4A; T/HWFH/6. The latter drawing replacing drawing no T/HWFH/3 that was unacceptable.

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

3. Notwithstanding the submitted plans, the garden relating to plot 2 shall be used as set out on drawing T/HWFH/4A only.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the dwelling hereby permitted shall not be altered, enlarged or extended, no satellite dishes shall be affixed to the dwelling and no buildings, gates, walls or other means of enclosure (except as authorised by this permission or required by any condition attached thereto) shall be erected on the application site (shown edged red on the submitted plan) without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the site area and effect upon neighbouring properties and/or the street scene.

5. The living accommodation indicated on drawing no T/HWFH/6 as a granny flat and hereby permitted shall be occupied solely by members of the household of the occupiers of the dwelling described in the application as Haven Wood Farm or by domestic staff, and shall not be severed from the main house as a separate and unconnected dwelling.

Reason: Permission is granted in the light of your particular personal circumstances. Although the erection of an extension to provide additional accommodation to be used in conjunction with the existing dwelling is acceptable, the Council would not normally be inclined to allow the formation of a separate residential unit in this locality. Since the extension includes all the domestic facilities necessary for the establishment of a separate self-contained unit, the Council hereby seeks to make it clear that separate occupation is not authorised by this permission.

6. A sample of both the roof tile and the brick to be used to repair the outbuildings shall be submitted for approval in writing by the Local Planning Authority before work commences.

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

7. Large scale drawings to a minimum Scale of 1:20 of external joinery, including sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery shall be constructed in accordance with the approved drawings.

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

8. The extent of repointing works shall be agreed in writing by the Local Planning Authority before any such works are commenced.

Reason: In the interests of the appearance of the building(s) and the character of the area.

9. External joinery shall be in timber and painted to a colour and specification which shall have been previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the building(s) and the character of the area.

10. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the building unless specifically agreed in writing by the Local Planning Authority. The type, number and position of heating and ventilation flues outlets shall be agreed in writing with the Local Planning Authority before development is commenced.

Reason: In the interests of the appearance of the building(s) and the character of the area.

11. Gutters and downpipes shall have a black finish and be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

Reason: In the interests of the appearance of the building(s), and the character of the area.

12. Pointing of the existing/ proposed building(s) 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 in accordance with Derbyshire County Council's advisory leaflet "Repointing of Brick and Stonework".

Reason: In the interests of the appearance of the building(s).

13. A sample panel of pointing 2 metres square or such other area as may be agreed by the Local Planning Authority shall be prepared for inspection and approval in writing by the Local Planning Authority prior to the implementation of any other works of pointing.

Reason: In the interests of the appearance of the building(s) and the locality generally.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, there shall be no external alterations, including the insertion of new windows, to the buildings other than as approved under this permission.

Reason: In the interests of preserving the setting of the building and the character of the area.

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

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

16. The extent of rebuilding of the structures shall be as shown coloured blue on the attached drawing no T/HWFH/3 that has been amended to reflect the changes to the application.

Reason: For the avoidance of doubt.

Informatives:

This permission is for conversion and it does not convey any right to demolition and replacement by a substitute building. Any further demolition/replacement necessitated by on-site works should be first agreed in writing by the Local Planning Authority.

18/06/2002

Item 1.3**Reg. No.** 9 2001 1251**Applicant:**

Glen Rogers
2, High Street
Woodville
Swadlincote
Derbyshire
DE11 7EH

Agent:

Cresswell Property Surveys Ltd
24 Market Street
Ashby De La Zouch
Leicestershire
LE65 1AL

Proposal: The formation of a carpark and play area New Inn 2 High Street Woodville Swadlincote

Ward: Woodville

Valid Date: 24/12/2001

Site Description

The New Inn public house is on the south side of the Clock Island at the junction of Moira Road and High Street, Woodville.

Proposal

It is proposed to develop the area at the rear of the public house including the bowling green for use as a car park, landscaped drinking area and enclosed children's play area with a timber play fixture. Vehicular access to the car park would be from Moira Road.

Applicants' supporting information

the applicants have submitted two supporting statements, the first submitted with the application and the second in response to objections received from Woodville Bowls Club. The main points of the first statement are as follows:

- The lack of any on-site parking restricts trade considerably, particularly now with the provision of eating facilities within the restaurant.
- The 29 parking spaces are needed to enable the lessee to improve and continue his trade.
- With regards to the loss of the bowling green, the green is run entirely by the lessee and forms part of the public house. The lessee already sponsors the club and green, along with funding the general upkeep of the green itself. The lessee could withdraw any further funding and close the club at any time. Currently there are only a small number of members, most of whom are not local to Woodville. The club itself runs for a four-month period only, from April to September. During this time there is one session per week, normally on a Saturday when the green is in use. It is not considered that this would be any form of loss to the local community. The bowling

green facility provides no specific income to the lessee, as members do not patronise the public house.

- The scheme includes the formation of a beer garden area, which in itself will provide further planting and greenery within the site for use by patrons of the public house. Furthermore, a children's play area is to be incorporated, which will also make the public house more family-orientated.
- The proposed car-parking scheme will provide a much-needed facility to aid the continuation of a public house and restaurant service within the central area of Woodville.
- The lessee will be forced to cease trading in the daytime if the car park is not approved. This will result in the loss of three jobs at the public house.

Following objection from Woodville Bowls Club the applicant submitted the following statement:

"In reply to our phone conversation to-day, I would like to inform you of a few factors surrounding my intentions to replace the bowling green at my premises with a car park. I have lived at The New Inn since 1975 and from the age of ten played bowls for one of its sides. I am now thirty-three so you can see I have been a playing member for twenty-three years. It is a decision that has not been made lightly, a lot of thought, heart searching and loyalty has been given though. I took over the license on May 21 last year from my father, who unfortunately has had to retire with ill health, but who had already set the idea with Punch Taverns in to motion. When my father took the licence of The New Inn in 1975 things were a little bit different, the pub was fortunate to have parking facilities adjacent to the pub, namely The Clock Garage and Wards scrap yard. Over the years this facility has changed and first Donald Ward's erected bollards to stop people parking and Clock Garage followed suit, this has happened in the last two years. This obviously did the New Inn no favours at all and consequently with people having no where to park their cars, custom waned. This was also encountered also by the Bowls Club, over the previous two seasons we have failed to send a full team (twelve players) several times. The Ladies section had a spread in the Burton Mail in November appealing for players with very little success. One of the Sunday sides had to withdraw half way through the season because they could not field six players. Club competitions were the worst supported in history with six players contesting the individuals trophy, ten the doubles as little as four for a team competition and three were not contested at all. The green was only used on a Saturday afternoon twenty times, a Wednesday evening fourteen times, Tuesdays on eight occasions. At one time you had to put your name on a board and wait to get a game on a Friday, the last two years you could not get a doubles match (consisting of four players) on a Friday evening, support has been that poor."

"Several meetings have taken place, the last official one being on Friday 8 February, when everything was discussed amicably and the bowlers decided to look elsewhere for their summer game. Then someone wrote a letter anonymously to the Mail which not only upset myself but a lot of bowlers as well. The outcome being another meeting was convened with the Bowls Club on Friday 15 February, resulting in the Bowls Club ceasing to exist. Nine male members and the Ladies section transferring to Netherseal Bowls Club, two members who live in Derby to play for a Derby side, three going to Swadlincote Catholic Club, three to Belmont Services and several not playing. I saw in the opposition to our request for a car park the Bowls Club stated they had thirteen members living in Woodville. Take my wife, my mother and father, my brother and myself, I can only think of four others residing in Woodville. It has always been a private members club i.e. you just could not come and have a game of bowls, you had to be a member, and at no time in the previous twenty six years has any finance been paid to the public house for

the use of the bowling green. On quite a few occasions last year I had to ask the bowlers not to consume their own drinks on the premises but received little support. There is a green on

Woodville recreation ground that is never used, Woodville Band Club has a green with only one team, so that stands empty every other Saturday. To be used for just eleven Saturdays during the year sums up the support for bowls in the village. As regards to the opposition from Sport England, to my knowledge no one from that organisation has visited my premises, been in contact with me or been in contact with anyone from the Bowls Club, apart from a letter from an irate member."

"It has been with a heavy heart that this decision has been taken, but we have to accept the fact that the licensed trade is no longer the trade it was and other options have to be pursued. In The New Inn's case this is food, we have steadily built it up to where we can no longer compete without a car park. The overheads keep increasing and the way forward in our instance is in the catering, and as for diners as well as bowlers, if they cannot drive to the door they go elsewhere. If the support for the bowling green was there I would not be writing this letter, but unfortunately it is not. To enable me to compete in the 21st century, I ask you to support our application which has been given a lot of soul searching and has not been taken lightly."

During a meeting with the applicant he listed the following bowling greens in the area:

- Eureka Park, Swadlincote
- Newhall Recreation Ground
- Woodville Working Mens Club
- Swadlincote Catholics Club
- Belmot Services, Swadlincote
- Gresley Common

Following a meeting with the Sports Facilities and Development Manager and the Community and Leisure Development Manager, the applicant offered to make a financial contribution to the restoration of the pitch on the Woodville Recreation Ground and to help run a club from there.

Responses to Consultations

Having expressed severe reservations about the loss of the facility, the Facilities and Development Manager admits that there is no strong evidence of demand for the pitch and that the way forward may lie with re-instating playing at the recreation ground

"Sport England objects to this planning application as it will result in the loss of a well used sporting facility. The closure of the bowling green will result in increased pressure on public facilities."

"I consider that the proposal is also contrary to Recreation and Tourism Policy 5 of the Local Plan which seeks to prevent the loss of existing sporting facilities to development. This policy is carried forward in the First Deposit Draft of the local plan as Policy LRT 1."

"I note the applicant's comments about low level of usage. I would ask whether any discussions have been held between the applicant and the Local Authority's Leisure Department to see whether the levels of usage could be improved. I understand from my discussions with Chris Mason of your Leisure Services that there is demand for such facilities in the area."

The Highway Authority has no objections subject to the parking and turning space being provided prior to the access being brought into use. It recommends that 2m of the Moira Road frontage to the south of the access is maintained free of obstructions exceeding 600mm in height above road level for a distance of 2m rear of the footway, in order to maintain satisfactory driver/pedestrian visibility.

Woodville Parish Council has no objections but is concerned that the access is to come out onto an already dangerous piece of road but accepts that the proposed carpark would alleviate parking on the High Street. The bowling green on the recreation ground at Woodville is not used as such at the present time.

Responses to Publicity

Woodville Bowls Club has submitted two letters. "Woodville Bowls Club was formed in 1925 and have played bowls on the bowling green at the New Inn, High Street, Woodville since then. Club Members were therefore naturally disappointed to hear that a planning application had been made to replace the bowling green by a car park."

"We have examined the application which was lodged with South Derbyshire District Council on 24 December 2001 and request the Planning Committee to take the following comments into account. In particular we contend that this proposal is in direct contravention of section 8.38(a) of the Local Plan which states that: Proposals for the redevelopment of existing recreational facilities will not be permitted unless either:

- i. A suitable replacement site is provided,
- ii. Alternative provision of equivalent community benefit is made,
- iii. Sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site, or
- iv. The existing facility is no longer required."

"In the addendum to the application entitled "Additional Information" the applicant argues that the bowling green is no longer required. Our comments, which follow the order of the points made in the applicant's addendum, set out to disprove this."

"As far as the Club is aware the New Inn bowling green is part of the property leased to the applicant and as such forms part of the public house. It is used by the Club rent free with the permission and active support of the applicant, Mr Rogers, who is both President of Woodville Bowls Club and a playing member. Maintenance of the bowling green and all other running expenses are however funded by club members. At its Annual General Meeting each year club members appoint an Executive Committee and other officials (eg Chairman, Secretary, Treasurer etc) who are responsible for running the Club. Funds are raised primarily from subscriptions, match fees/raffles and a weekly tote. This income is used to pay for maintenance of the green, the pavilion and any other running expenses. Whilst it is acknowledged that this could not be done without the support of the landlord, the Applicant's statement that he "funds the general upkeep of the green" is incorrect. Unfortunately it is probably true that the landlord could close the green at any time."

"For the 2001 season the Club had 42 members all but 5 of which live in South Derbyshire."

"During the 2001 season the Club ran 7 teams:

.Two in the Burton and District League playing on Saturdays (pm)

Two in the East Midlands Parks League playing on Wednesday evenings

.Two in the Swadlincote Sunday League playing on Sunday mornings, and

.One in the Burton and District Ladies League playing on Tuesday evenings

Consequently during 2001 the bowling green was in regular use for matches on Saturdays, Wednesday evenings, Sunday mornings and every other Tuesday evening. In 2001 the bowling green was opened on 31 March, the first league match was on 7 April, the last league match on 15 September and was closed the following week, that is a period of almost six months."

"Additionally during 2001 the bowling green was used for the following competitions:

.The Jocker Redfern Memorial Trophy, an open competition, was run for the fifteenth successive season during which time a total of £13,249 has been raised for cancer related charities. This competition involves 8 qualifying rounds and a Finals Day, which usually attracts a good attendance.

.The Annual Junior Merit competition for young players in the area.

.The Burton Ladies Merit competition (an all day competition) was staged at the New Inn by the Burton & District Ladies Crown Green Bowls Association

.Eight club competitions."

"Whilst it is true that the club provides no specific income to the lessee and the majority of club members are not regulars in the New Inn (in that they do not drink there most nights), members and of course visiting teams do use the New Inn when playing bowls, such that it clearly generates business for the lessee. As indicated, the club remains very active, the bowling green is well used and it is considered that its closure would be a loss to the local community."

"In the Additional Information supplied by the Applicant reference is made to a bowling green located at Woodville Recreation Ground some 500m or so away. It is correct that there used to be a bowling green at this location (plus a putting green and two tennis courts), however this is now a continuous grassed area. Also part of what used to be the bowling green is now fenced off and the turf removed in preparation, possibly, for some alterations to Woodville Primary School."

"As set out in our detailed comments the Additional Information provided with the Planning Application is inaccurate and misleading. The bowling green at the New Inn continues to be well used and will represent a loss to both existing club members and to the local community."

The applicant's additional information was forwarded to the Bowls Club and the position relative to the use of alternative facilities at Netherseal has been confirmed but the club will continue to play this season under the name of Woodville Bowls Club and has not ceased to exist. The chairman concludes:

"I could take issue with other comments in Glens letter but we have decided to move on, and end this unfortunate and unpleasant saga."

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Leisure and Tourism Policy 1: General Principles; Leisure and Tourism

Policy 3: Provision of Specific Recreation Facilities

Local Plan: Recreation and Tourism Policy 5: Loss of Recreation Facilities.

Planning Considerations

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

- The loss of a recreational facility.

Planning Assessment

Approaches have been made to Woodville Parish Council by members of the Woodville Bowls Club with a view to reinstating the bowling green at New Road Recreation Ground. It is understood that the bowling green requires relatively little work to bring it back into use and the applicant has agreed to contribute £1000 towards the facility or something of equivalent community benefit. The applicant has declared himself to be keen to play a key part in bringing the bowling green back into use for the benefit of the community. There is therefore opportunity to provide alternative provision which would satisfy the requirements of Recreation and Tourism Policy 5.

The proposed car park, beer garden and purpose built play area would improve the viability of this centrally located public house and restaurant and provide a much needed family friendly facility which is also close to new residential developments. The proposal is likely to appeal to a broader section of the community and contribute to the social life of the settlement and surrounding area.

Recommendation

Subject to the conclusion of an agreement under S106 whereby the applicant agrees to contribute £1000 towards the reinstatement of the bowling green at New Road Recreation Ground or for a facility of equivalent community benefit then

GRANT permission subject to the following conditions:

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

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

2. The car parking and manoeuvring space shall be provided and finished in a suitably bound material prior to the access being brought into use and retained as such thereafter.

Reason: In the interests of highway safety.

3. 2 metres of the Moira Road frontage to the south of the access shall be maintained free of obstructions exceeding 600mm in height above road level for a distance of 2 metres from the rear of the footway.

Reason: As recommended by the Highway Authority to maintain satisfactory driver/pedestrian visibility in the interests of highway safety.

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. Further to condition 4 above, soft landscape details shall include planting plans; written specifications including cultivation and other operations associated with plant and grass establishment; schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate) and the implementation programme.

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.

18/06/2002

Item 1.4**Reg. No.** 9 2002 0055**Applicant:**

Morris Homes (EASt MIDLANDS)
 Morris Homes (East Midlands)
 9 Glaisdale Drive
 Bilborough
 Nottingham
 NG8 4GU

Agent:

Dean Fisher
 Morris Homes Ltd
 Morland House
 18 The Parks
 Newton Le Willows
 WA12 9JT

Proposal: The erection of 100 dwellings, vehicular access off Burton Road and Hartshorne Road, extended parking area for doctors surgery and open space (amended site layout and house types) at Qualitas Bathrooms Hartshorne Road Woodville Swadlincote

Ward: Woodville

Valid Date: 18/01/2002

Joint Report with 9/2001/0730 (Item 1.1 and supplementary to previous report attached at Annexe A).

Proposal

The application has been amended to incorporate:

- The retention of the main office block on the Hartshorne Road frontage
- The provision of a 2.5m (instead of 2m) accoustic fence on top of the retaining wall on the boundary with the adjoining factory
- The provision of 1.2m high bow topped galvanised fence on the road side edge of the open space

Applicants' supporting information

The applicants have sent in correspondance and notes of meetings with Scomark Holdings and Greenbank relating to negotiations to achieve an acceptable outcome to both parties. These resulted in the alteration of the proposal to raise the height of the fence and retain the office buildings, both of which will assist in lessening the noise from the factory. Whilst the applicants remain willing to come to an accommodation with the neighbouring businesses, they regard the measures already offered to their neighbours as sufficient to meet the planning requirements as agreed with the Environmental Health Manager. They draw attention to the fact that baffles on

the plant housing at the rear of the factory appear currently to have been removed and are lying beside it.

Responses to Consultations

The County Highways Authority has no objections subject to conditions.

The Environmental Health Manager has concerns that potentially the noise from the factory could still impact on the new dwellings but it is not possible to support this opinion with substantive evidence. Without this a recommendation of refusal would be difficult to sustain. Conditions should be attached covering:

- Provision of an acoustic barrier at least 2.5 m above the noise source
- The orientation and design of the houses should remain in accordance with the plans submitted
- Double glazing of windows (location to be agreed) closest to the factory
- Provision of a remediation statement for any ground contamination or of potable water in nearby wells discovered as a result of a survey.

A meeting has been held with the Chief Executive of the PCT after she had spoken to the medical practitioners at Woodville. She put forward the view that, given the timescale for currently planned developments, the PCT would support the provision of the car park for the Surgery at Woodville as an appropriate planning gain at this time. Nevertheless, in relation to the draft Local Plan, she did indicate a need for a new surgery for the area. The preferred site is the Ambulance Station on Civic Way, which is already in the ownership of the PCT. She is going to give consideration, to a mechanism for future contributions to assist with necessary capital works but no clear formula exists at present to equate new patients from new housing with the shortfall in funding new primary care provision.

Responses to Publicity

The owners of the neighbouring engineering businesses have responded to the applicants initiative by stating their dissatisfaction with the level of amelioration on offer, in relation particularly to possible moves to longer working hours. The raising of the height of the fence would have little or no effect and further measures are required as follows:

- Acoustic lagging to the Scomark Buildings.
- High level acoustic fencing to an acceptable standard along the perimeter of the adjoining site.
- Security fencing between the factory building and Burton Road
- High level shrubbery along the perimeter
- Additional security cameras covering the shared perimeters
- Upgrade to quieter compressors and/or acoustic upgrade of compressor building
- Assessment and possible modifications to high level crane to reduce travelling noise.
- Extension of allowed working hours to cover for occasional out of hours emergency work. (i.e. 1 or 2 days/nights per month).

Planning Assessment

In addition to the considerations set out in the previous report, the following additional issues arise from the further negotiations reported above:

- The PCT endorses the provision presently offered by the applicants

- The retention of the office block would assist in noise attenuation and the raising of the fence would further enhance measures already found to be acceptable by Environmental Health Officers. In these circumstances yet further measures would be held to be unreasonable
- Noise restrictions imposed on the factory at the time of its permission are intended to protect the amenity of existing Hartshorne Road residents. This would be an issue in any extension of hours of operation, completely outside the remit of the current consideration.
- Improvements to the security of the premises is not a relevant planning issue
- In the absence of clear objection from the Environmental Health Manager or the County Highway Authority no sound or clear cut reason for refusal on these grounds could be put forward.

Recommendation

Subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act to secure financial contributions towards the provision of local education facilities and for the provision of a car park for the Woodville Surgery and for the future maintenance of the open space

GRANT permission subject to the conditions set out in the previous report plus those recommended by the County Highway Authority and the Environmental Health Manager.

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

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

2. No development shall take place until details of all earthworks to be undertaken on the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the existing and proposed levels and contours to be formed, showing the relationship of the proposed mounding to existing vegetation and surrounding landform. The earthworks shall then be completed as agreed in accordance with a timetable that shall have first been submitted to and agreed in writing by the Local Planning Authority.

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

3. 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.

4. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of appropriate 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 development shall be constructed using the agreed materials

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

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

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

6. This permission shall relate to the amended drawings, no(s) 1889.01 RevA, received on 28 March 2002, layout plan PL1C received on 27 March 2002, 2APP/A-B/P, 2APP/C-E/P received on 27 March 2002, 4H 1054/35 received on 8 March 2002 showing in particular:

- a. revised layout
- b. amended house types
- c. amended elevational details.
- d. landscaping scheme

Reason: For the avoidance of doubt and to safeguard the amenities of future occupiers

7. No development shall commence on site until details of all boundary hedgerows to be retained, and measures to protect them during development have been submitted to and approved in writing by the Local Planning Authority. The method of protection shall then be in place until all works of development have been completed.

Reason: To safeguard the amenities of the area.

8. All retained hedgerows and trees on the site shall be protected during the full construction period in accordance with BS5837: 1991 - "Trees in relation to construction" unless specifically otherwise agreed in writing with the local planning authority.

Reason: To protect the trees and hedgerows in the interests of safeguarding the amenities of the area.

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

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

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

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

11. The extended parking area for the doctor's surgery shall be provided as shown on the submitted drawings before plots 85 and 86 are occupied unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the occupants amenities are not adversely affected.

12. If any unexpected, visibly contaminated, or odorous material encountered during redevelopment (given any previous desk study, site investigation and/or remediation work) remediation proposals for the material shall be agreed with the Local Planning Authority and carried out in accordance with the agreed details.

Reason: As recommended by the Environment Agency to protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.

13. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate the use Sustainable Drainage systems and shall not result in an increase in the rate of surface water discharge to the local land drainage system. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: As recommended by the Environment Agency to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

14. During the period of construction, any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: As recommended by the Environment Agency to prevent pollution of the water environment.

15. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

Reason: As recommended by the Environment Agency to prevent pollution of the water environment.

Informatives:

(i) Any culverting of a watercourse requires the prior written approval of the Agency under the terms of the Land Drainage Act 1991 or Water Resources Act 1991. The Agency resists culverting on conservation and other grounds, and consent for such works will not normally be granted except for access crossings.

Applicants or developers should be aware of their responsibilities to ensure that the operations do not interfere with riparian owners' common law rights to receive water undiminished in quantity or quality. If any watercourses crossing the site are interrupted or diverted then, notwithstanding the need for any statutory consents or licences, it is the applicant's responsibility to take appropriate steps to protect the rights of the riparian owners, for which he has a liability.

As part of the Environment Agency's objective to further the sustainable use of our water resources it is promoting the adoption of water conservation measures in new developments. Such measures can make a major contribution to conserving existing water supplies.

The Environment Agency recommends the installation of fittings that will minimise water usage such as low, or dual flush WC's, spray taps and economical shower-heads in the bathroom. Power showers are not recommended as they can consume more water than an average bath. Water efficient versions of appliances such as washing machines and dishwashers are also recommended. For outdoors consider installing a water butt, or even a rainwater harvesting system, to provide a natural supply of water for gardens. Simple treatment systems exist that allow rainwater to be used to supply WC's within the home. Following the above recommendations will significantly reduce water consumption and associated costs when compared to traditional installations. Rainwater harvesting utilises a free supply of fresh water and reduces the cost to the environment and the householder.

(ii) Severn Trent Water Ltd advises that the proposal involves the redevelopment of an existing site draining to a public sewerage system which has no available capacity and additional flows would create or exacerbate a flooding problem. It requests further information to demonstrate that the discharge from the development would not exceed current flow rates from the site

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

18/06/2002

Item 1.5**Reg. No.** 9 2002 0091**Applicant:**

Miss Joy Cotton
 Hill Farm, Moor Lane
 Barrow-on-Trent
 Derby
 DE731HH

Agent:

Ian Woore/Haydn Watkins
 Peter Woore Watkins Partnership
 61 Friar Gate
 Derby
 DE1 1DJ

Proposal: The extension and conversion into a dwelling and garage of a barn at Hill Farm Moor Lane Barrow-on-Trent Derby

Ward: Ticknall

Valid Date: 29/01/2002

Site Description

The subject building is detached from the farmhouse. It has been converted to living accommodation at first floor level and there is garaging and stores on the ground floor.

Proposal

The proposed conversion would introduce more living space by utilising the ground floor to form a kitchen, living room and dining hall. The upstairs accommodation would comprise two bedrooms a box room and a bathroom. A ground floor extension for a single garage is also proposed.

Applicant's Supporting Information

The applicant has provided an affidavit stating that the building has been in consistent use for residential purposes other than by the applicant and family members for upwards of 15 years.

Site History

There is no record of planning permission being granted in respect of the current conversion.

Responses to Consultations

The Parish Council has no objection.

The Highway Authority has no objection on the basis that there is a lawful residential use.

The Environment Agency has no objection in principle.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 1 & 4 and Housing Policy 8

Local Plan: Environment Policy 1 and Housing Policy 7.

Planning Considerations

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

- The principle of development.
- Sustainability.
- The impact on the character of the countryside.
- Highway safety.
- Pollution control.

Planning Assessment

Whilst in accord with the Local Plan policy for conversion, the proposal is not supported by the Structure Plan or government guidance in PPG3 and PPG7. However on the balance of probability the building has a lawful use for occupation as a single dwelling. The proposal does not seek to increase the number of units and would therefore not offend the aforementioned policies.

Given the history of the site the proposal would be no less sustainable and would therefore not be demonstrably harmful in this regard.

The alterations to the building would be minimal and there would be no demonstrable impact on the character and appearance of the countryside. Activity associated with the proposal would not be materially different from the current use of the building.

On the advice of the Highway Authority there would be no harm to highway safety interests.

Subject to the recommendations of the Environment Agency there would be no pollution of the water environment.

Recommendation

GRANT permission subject to the following conditions:

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

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

2. A sample of both the roof tile and the brick shall be submitted for approval in writing by the Local Planning Authority before work commences.

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

3. Large scale drawings to a minimum Scale of 1:20 of external joinery, including sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery shall be constructed in accordance with the approved drawings.

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

4. External joinery shall be in timber and painted to a colour and specification which shall have been previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the building(s) and the character of the area.

5. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the building unless specifically agreed in writing by the Local Planning Authority. The type, number and position of heating and ventilation flues outlets shall be agreed in writing with the Local Planning Authority before development is commenced.

Reason: In the interests of the appearance of the building(s) and the character of the area.

6. Gutters and downpipes shall have a black finish and be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

Reason: In the interests of the appearance of the building(s), and the character of the area.

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

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

8. No work shall take place on the site until details of a scheme for the disposal of foul water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.

Reason: In the interests of pollution control.

9. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995, the dwelling hereby permitted shall not be enlarged or extended without the prior grant of planning permission on an application made to the Local Planning Authority in that regard.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the site area and effect upon neighbouring properties and/or the street scene.

18/06/2002

Item 1.6**Reg. No.** 9 2002 0127

Applicant:
 Baldwins Transport
 Hawkins Lane
 Swadlincote
 Derbyshire
 DE14 1PT

Agent:
 Baldwins Transport
 Hawkins Lane
 Swadlincote
 Derbyshire
 DE14 1PT

Proposal: The removal of condition 2 of 9/2000/0841/R (noise emissions and hours of operation) at Baldwins Transport Ryder Close Swadlincote

Ward: Gresley

Valid Date: 07/02/2002

Site Description

See previous report attached.

Proposal

The condition is set out in the previous report.

Planning History

The history of the proposal is set out in the previous report. Temporary permission was granted expiring at the end of February 2002.

Responses to Consultations

The Environmental Health Manager states that whilst the department has received no complaints regarding noise nuisance in the last year, complaints were received when the unit was operating during the night. There are concerns that 24-hour operation of the site could potentially generate renewed complaints.

For this reason the following condition is recommend to be attached:

1. The noise from reversing alarms during the night is very intrusive and has had a huge impact on local residents, therefore the use of reversing beepers should be not be used between 22.00 and 07.00. The use shall be prohibited other than in an **emergency** involving another vehicle.