

SOUTH DERBYSHIRE DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 19 November 2002

Planning Services Manager

I N D E X

PART 1 Planning Applications

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 condition of 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

19/11/2002

Item 1.1**Reg. No.** 9 2002 0818 F**Applicant:**

A Cooper
 8 Back Lane
 Whittington
 Lichfield

Agent:

C D Greenhalgh
 46 Wellfield Road
 Alrewas
 Burton On Trent
 Staffordshire
 DE13 7EZ

Proposal: The demolition of an existing bungalow and the erection of three houses and a bungalow at 45 Stanhope Road Swadlincote

Ward: Swadlincote

Valid Date: 12/08/2002

Site Description

The site is in a mixed residential area within Swadlincote. There are a variety of house types within the immediate vicinity with a row of terraced houses to the north, semi-detached dwellings to the south and detached properties across the road, to the east.

The site itself measures 675 square metres and currently houses a detached bungalow with a large rear garden area. The rear and side boundaries of the property are marked by fences and a wall on the boundary with No 43.

Proposal

The application is a full submission for the construction of a terrace of three houses and a detached bungalow. The terrace of three houses is located at the front of the site and the bungalow at the rear. The houses are set back from the road frontage in line with the semi-detached dwellings to the south of the site and parking is provided along the frontage. A further parking space and garden areas are located to the rear of the houses with the bungalow beyond this.

The proposal has been amended from the originally submitted scheme so that one bungalow rather than two are proposed at the rear of the site. This ensures that the layout can incorporate adequate space around the dwellings and adequate parking provision.

Responses to Consultations

Severn Trent Water has no objections to the proposal and no comments to make.

County Highways has no objections to the scheme subject to conditions.

Responses to Publicity

Two letters of representation were received in response to the originally submitted scheme and no additional letters have been received with respect to the revised plans. The letters submitted raise the following points:-

- The siting of the bungalow to the rear will result in a loss of privacy to adjoining occupiers.
- The roof of the bungalow will result in a loss of views.
- The plot is not large enough to accommodate the scale of development proposed.
- The development may result in increased on road parking and be detrimental to highway safety on Stanhope Road.
- There are trees in the rear garden which would have to be removed.
- Concern expressed over the proposed boundary treatment surrounding the bungalows.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policies 1 and 3, Housing Policy 3.

Local Plan: Housing Policy 4.

Planning Considerations

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

- Location and scale of new housing development.
- Appearance of proposed development and impact on both streetscene and amenity of adjoining occupiers.

Planning Assessment

The site is located within the Swadlincote urban area where new housing development is acceptable in accordance with the principles of sustainable development and the provisions of the relevant policies in the Development Plan.

The site is considered large enough to accommodate the scale of development proposed and comply with the requirements of the County Highways. The proposed layout incorporates a sufficient area of amenity space around the dwellings although the bungalow at the rear only has a rear garden length of 6.5 metres rather than 10.5 metres which the standard laid out in the Supplementary Planning Guidance requires. The dwelling to the rear of the site has a long rear garden and the siting of the bungalow in the location proposed is considered acceptable and will not have an adverse impact on the occupiers of any adjoining dwellings or the occupiers of the proposed dwellings. Distances required between windows are complied with.

The proposed dwellings are acceptable in terms of design and external appearance. The dwellings have been set back from the road frontage to the same distance as the semi-detached properties to the side. It is therefore considered that the dwellings will not look out of keeping in the streetscene.

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 five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.
2. Reason: To safeguard the appearance of the existing building and the locality generally.
3. 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.
3. Reason: In the interests of the appearance of the area.
4. The access to plot 4 shall have a minimum width of 3.2m and be surfaced in a solid bound material (ie not loose chippings) for at least 5m into the site from the highway boundary.
4. In the interests of highway safety.
5. The entire site frontage shall be maintained clear of any obstruction exceeding 600mm in height relative to road level for at least 1m back from the highway boundary.
5. In the interests of highway safety.
6. Any gates shall be set back at least 5m from the highway boundary.
6. In the interests of highway safety.
7. Prior to the occupation of the dwellings, space shall be provided within each plot curtilage for the parking of 2 vehicles (each space measuring at least 2.4m x 4.8m), spaces 1 - 5 being surfaced in a solid bound material and all spaces being maintained in perpetuity free of any impediment to their designated use.
7. In the interests of highway safety.
8. Prior to the occupation of the dwellings, space shall be provided for vehicle turning within the site, laid out in accordance with the hatched area shown on the attached plan and maintained thereafter free from any impediment to its designated use.
8. In the interests of highway safety.

Informatives:

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

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

The applicant is required to contact the County Highways Area Manager South East (01629 580000 extension 5957) giving at least 6 weeks notice prior to commencing any works in the existing highway. Please also be advised that the shared maintenance responsibility of the drive and turning area shall be clearly defined in the deeds of the relevant properties.

19/11/2002

Item 1.2**Reg. No.** 9 2002 0961 D**Applicant:**

Mr G Jones
45 Main Street
Milton
Derby

Agent:

M. Blood
M. A. Blood Building Design
6 Brecon Close
Spondon
Derby.
DE21 7JD

Proposal: The erection of three dwellings with detached garages
Former Railway Goods Yard Trent Lane Weston-on-trent
Derby

Ward: Aston

Valid Date: 16/09/2002

Site Description

The site is part of the old railway yard. Access is gained from Trent Lane via a private track. This serves two existing cottages and the residual railway storage yard. The area displays a mixture of old and new houses. The older dwellings around the railway yard display overhanging roofs with fascias and barge boards.

Proposal

Three detached dwellings are proposed. Following discussion with applicant all would be in brick. A brick boundary wall would enclose the rear garden to the unit nearest to Trent Lane. There is no proposal to affect the old railway building in the yard.

Applicant's Supporting Information

A bat survey has been commissioned, which will be undertaken on 16 November. Initial views are that the trees on the site are unlikely to be used for hibernation. The site is only likely to be use for foraging.

Site History

Outline permission was granted in 2000 (9/2000/0232/O). Condition 7 required the former station building to be used for purposes within Class D of the Use Classes Order. The condition was imposed because the applicant had agreed to it on the basis that such usage would be distinct from the housing development.

Responses to Consultations

The Parish Council objects for the following reasons:

- a) The design and size of the houses is completely out of character with this older part of the village.
- b) The Parish Council has recently received a letter from Railtrack refusing to sell the old ticket office on the basis that land is required for future operational purposes including storage and vehicular access to lineside. The yard is regularly used by a number of vehicles including some large commercial vehicles. The combined traffic from the commercial operation and residential development would be excessive for the single track access.
- c) The bus stop adjacent to the access could result in the access being blocked. There is already congestion in the area as parents drop and collect school children.
- d) The proposal could de-stabilise the bank that supports the dwellings at Weston Court.
- e) Trees would be removed, including those that currently stabilise the bank.
- f) Drainage disposal should not jeopardise adjoining properties.
- g) The site is the last safely accessible wildlife site in the village.
- h) The Parish Council had hoped to acquire the old ticket office to provide a much needed post office for the village.

Severn Trent Water Limited has no objection.

The Highway Authority has no objection subject to conditions.

English Nature, in response to an alleged sighting of bats requires the undertaking of a bat survey with any mitigation measures to be incorporated in the development.

Responses to Publicity

5 letters have been received objecting as follows:

- a) There would be overlooking and loss of privacy, contrary to the Human Rights Act.
- b) There would be loss of light and overshadowing.
- c) Despite the application form there would be loss of trees. These provide habitat for a wide variety of fauna.
- d) It is understood that bats use the site.
- e) Drainage from the site could cause flood damage to adjacent property.
- f) The site is at Trent Lane and not Park Lane as stated in the application.
- g) Sewage would need to be pumped, which would bring about subsequent maintenance issues.
- h) The overhead electricity supply could be prejudiced.
- i) A piece of land adjacent to Trent Lane is unaccounted for and could impact on safety.
- j) The access is inadequate and adverse safety conditions would result.
- k) The presence of the bus stop close to the access would increase danger.
- l) The plans do not specify the width of the road or whether a pavement would be available. There would be maintenance implications.
- m) Existing dwellings would not want a change of address.
- n) Existing rights of way should not be affected.
- o) There could be instability to the bank and damage to dwellings in Weston Court.
- p) Access to fencing at Weston Court would be impaired.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 5.

Local Plan: Housing Policy 5.

Planning Considerations

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

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

Planning Assessment

The principle of the development is established through the grant of outline permission for three dwellings.

On the advice of the Highway Authority the proposal would not give rise to unacceptable highway safety conditions. In any event the traffic implications of the development were fully considered outline stage.

The proposal satisfies the tests set out in the supplementary planning guidance on new housing. As such the proposal would not be demonstrably harmful to the living conditions of the occupiers of nearby dwellings.

The design of the dwellings picks up on some of the features of the older dwellings near the railway with overhanging eaves and verges, and steep roofs. The amended drawings cut down the amount of window to wall ratio and avoid the contrasting rendered unit. Public views would be somewhat limited as the site is set well back from the road. The overall impact of the development on the general character of the area would not be substantial.

The reported sighting of bats relates to their use of the old railway building, which is unaffected by the proposal. Nevertheless any mitigation measures recommended by the bat consultant could be incorporated by appropriate condition.

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

APPROVE details subject to the following additional conditions:

1. Notwithstanding the originally submitted details, this approval shall relate to the amended drawing nos 02.103.02A & 03A received 5 November 2002 and to the amended site plan and revised layout to Plot 3 received 7 November 2002.

1. Reason: For the avoidance of doubt, the original submission being considered unacceptable.
2. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate three cars within the curtilage of each dwelling. Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), three parking spaces, measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of each dwelling.
2. Reason: To ensure that adequate parking/garaging provision is available.
3. Before development begins a scheme of measures to protect bats on the site shall be submitted to and approved in writing by the Local Planning Authority and the measures shall be implemented in accordance with the approved scheme unless as may otherwise be approved in writing by the Local Planning Authority.
3. Reason: In the interests of nature conservation.
4. The windows in the east wall of the dwelling at Plot 3 shall be permanently glazed in obscure glass.
4. Reason: To avoid overlooking of adjoining property in the interest of protecting privacy.
5. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995, no windows shall be inserted in the east wall of the dwelling at Plot 3 without the prior grant of planning permission on an application made to the Local Planning Authority in that regard.
5. Reason: To maintain privacy to adjacent dwellings.
6. Notwithstanding the submitted drawings large scale drawings to a minimum Scale of 1:10 of eaves and verges shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The eaves and verges shall be constructed in accordance with the approved drawings.
6. Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.
7. 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.
7. Reason: In the interests of the appearance of the area.

19/11/2002

Item 1.3**Reg. No.** 9 2002 0987 R**Applicant:**

Mr Mrs J B & C Hatton
 The Willows
 Blackwell Lane
 Melbourne
 Derbyshire
 DE731EL

Agent:

Mr Mrs J B & C Hatton
 The Willows
 Blackwell Lane
 Melbourne
 Derbyshire
 DE731EL

Proposal: The variation of condition 1 of planning permission
 9/2002/0108 to permit the continued use for storage of land at
 Samuel Jackson Growers Ltd Cross House Trent Lane Kings
 Newton Derby

Ward: Melbourne

Valid Date: 20/09/2002

Site Description

The proposal affects a modern steel-framed former agricultural building at the outskirts of the village.

Proposal

The applicant seeks permanent usage of the building following the grant of temporary permission.

Site History

Permission was granted in March 2002 (9/2002/0108/U) on a temporary basis, to enable the impact on traffic to be assessed. The use has operated since then.

Responses to Consultations

The Parish Council and Environmental Health Manager have no objection.

Melbourne Civic Society objects as follows:

- a) The site is in appropriately located in traffic and amenity grounds.
- b) The applicant may be encouraged to apply for more traffic generating development on this extensive site.
- c) The society is opposed to business uses but would be prepared to give favourable consideration to redevelopment of the site for a purpose that safeguards the amenities of residents and improves the physical appearance of the area.

d) No objection is raised to a further temporary permission.

Kings Newton Residents Association considers that permission should be granted on a renewable basis.

The Highway Authority comments that there is no significant evidence of a material change in highway conditions and therefore does not object.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Economy Policy 5.

Local Plan: Employment Policy 4.

Planning Considerations

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

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

Planning Assessment

The principle of the use is in accord with the relevant policies and established through the earlier grant of permission.

There have been no recorded problems with traffic associated with the use. On the advice of the Highway Authority this matter is considered to be satisfactory. The use has had little impact in the character of the area, being confined to the use of an existing building for storage. The situation could be safeguarded by re-imposition of the condition precluding open storage. There is no evidence that the use has had an adverse effect on residential amenity.

Circular 11/95 advises against the continued use of temporary permissions without good reason. The reasons for imposing the subject condition appear to have been adequately tested and in the absence of demonstrable harm there is no clear basis to withhold the applicant's request.

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. There shall be no goods or materials stored in the open.
1. Reason: In the interests of the amenity of the area.

19/11/2002

Item 1.4**Reg. No.** 9 2002 1011 U**Applicant:**

Cooper Brothers Property Ltd
 Northside House, Northside Bus Pk
 Hawkins Lane
 Burton On Trent
 Staffs

Agent:

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

Proposal: The industrial use (Classes B1 and B8), and use as an Auction room (unit 8) and A1 Use (to be limited to aquatic and pet wholesale) of Units 8 & 9 Aults Industrial Estate Midland Road Swadlincote

Ward: Swadlincote

Valid Date: 27/09/2002

Site Description

The application is for the increased usage of two units on an industrial estate, the units are at the front of the estate facing onto Midland Road. Access to the site is existing with a flow of traffic around the site and a dedicated entrance and exit. The exit is located in front of the two units and parking is also provided in front of the buildings. A dwelling is located to the north of the site adjoining the parking area, business uses surround the other sides of the buildings.

Proposal

The proposal is to allow A1 retail usage for the wholesale supply of pet and aquatic goods. The buildings currently have consent for B1 and B8, business and storage and distribution use, as well as permission for use as an auction room and the application is for an additional A1 usage of the buildings.

Applicants' supporting information

SCS Aquatics and Pet Wholesale at present operate from the from George Holmes Business Park. The operation has been fraught with planning difficulties because of the nature of the business. The company wholesales and retails pet and aquatic goods (including food). Retailing has, in the past, caused problems on the George Holmes Business Park. The firm is expanding significantly and the present premises are too small for the business.

The aim is to relocate the business to Midland Road Industrial Estate. Relocation will provide approximately double the present floor space on one site. Relocation will allow the expansion of the mail order business.

At present approximately 50% of the turnover is retail generated, 40% wholesale and 10% mail order. Relocation will allow significant growth in the mail order business, which in turn is expected to generate up to 4 additional (initially part time) jobs. The business presently employs 1 full time and 4 part time staff.

The retail facilities are very specialist. Many of the items purchased from the business (especially food) are sold in bulk. Because of the bulky nature of goods sold easy access by car is essential. The items sold do not compete directly with town centre pet associated retailing because 1) similar items are not sold, 2) goods are sold in bulk, and, 3) the range of specialist items is much broader. The type and form of goods stocked means that the wholesale, mail order and retail services are very similar and require identical open storage methods. The different forms of business cannot easily be carried on from separate sites. The wholesale and mail order businesses require easy access by delivery vehicles.

Midland Road Industrial Estate has good access. Parking is immediately available. Service vehicles can easily access the site. The site is within walking distance of the town centre. 50% of the site was previously used as an auction room; specialist retailing has therefore previously been associated with the site. Unit 8 continues to have permission for use as an auction room.

The application is to allow a limited broadening of the existing consent to allow occupation by the named user alone. The user is already located in a business park elsewhere in Swadlincote. The proposed relocation removes a specialist part retail use from a less appropriate location and places it in a building where specialist retailing is already permitted.

Planning History

9/1999/0495 – Alterations to units 8 and 9, Midland Road Industrial Estate, Swadlincote. Approved.

Responses to Consultations

British Coal – A prudent developer would seek appropriate technical advice before works are undertaken on site.

County Highways Authority – no objections subject to conditions.

The Environmental Health Manager has no objection.

Responses to Publicity

None received.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Town Centre and Shopping Policy 4.

Local Plan: Shopping Policy 2.

Planning Considerations

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

The suitability of the site for a retail use and impact on the town centre.

Planning Assessment

The site has an established industrial and auction room use and is in an industrial area divorced from the town centre and other retail development. The Applicant has applied for retail usage in association with the existing business and storage and distribution usage of the buildings because their needs involve a mix of uses. The proposed pet and aquatic supply company is a wholesale retailer specialising in a niche market and the sale of bulky goods. It is not considered that the use proposed could be accommodated in a town centre location or that the type and quantity of goods to be sold will compete with those available in the town centre, therefore the use will not adversely affect the viability and vitality of the town centre.

Although the scheme proposes an additional A1 retail use for the site it is considered that much of the company's business will still be storage and distribution for which the buildings already have established consent. The site is considered suitable for the mix of uses proposed and a personal condition could limit the A1 use for SCS aquatic and pet wholesale only to prevent general retail development in this location.

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.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. This permission shall enure for the sole benefit of SCS Aquatics and Pet wholesale only.
2. General retail use would be contrary to Shopping Policy 2 of the Local Plan. Permission is granted on the sole basis of the particular circumstances whereby bulky quantities of specialist goods are sold, not normally in competition with High Street shops.
3. Prior to the premises being brought into use, the car parking space shall be laid out in accordance with the application drawing, paved in a solid bound material (i.e. not loose chippings) and maintained thereafter free of any impediment to its designated use.
3. Reason: In the interests of highway safety.

Informatives:

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

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

19/11/2002

Item 1.5**Reg. No.** 9 2002 1015 U**Applicant:**

Foremarke Hall, Foremark
Milton
Derby
DE656EJ

Agent:

Repton Preparatory School
Foremarke Hall, Foremark
Derby
DE656EJ

Proposal: The use for a casual clay pigeon shoot of the walled garden
Repton Preparatory School Foremarke Hall Foremark Milton
Derby

Ward: Repton

Valid Date: 03/10/2002

Site Description

The site is the walled garden to Foremark Hall, now in the ownership of the applicant school.

Proposal

The proposal seeks to formalise the use of the grounds for clay pigeon shooting, for pupils' extra-curricular activity.

Applicant's Supporting Information

The applicant has been interviewed and has stated that the use is purely for school children using low power weapons, three times a week, for a duration of one and a half hours.

Responses to Consultations

The Parish Council objects for the following reasons:

- a) The site is adjacent to a public footpath.
- b) The noise would be unacceptable to people and animals.
- c) There would be danger to children.
- d) Distress would be caused to horses and dogs.

The Highway Authority has no objection subject to use being ancillary to the school.

The Environmental Health Manager has no objection subject to permission being granted on a temporary basis.

Responses to Publicity

Any responses to publicity received within the requisite time period will be reported verbally.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 1 and 4.

Local Plan: Environment Policy 1 and Community Facilities Policy 1.

Planning Considerations

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

- The principle of the use.
- The impact on the character of the countryside and the setting of the listed building.
- Noise.

Planning Assessment

The proposal is ancillary to the main use of Foremark Hall and its grounds for the purposes of education. As such the basic locational policies of the development plan are satisfied and the development is thus acceptable in principle.

Because of the limited and ancillary nature of the use, with no reliance on permanent or semi-permanent structures, the physical impact on the countryside and the setting of the listed building would be negligible.

Clay pigeon shooting is inherently noisy. However the shooting is ancillary to the main use of the land by the school and its impact is unlikely to amount to a significant disturbance to local residents or passers by. At the level and nature of activity proposed the use could be carried out on other more established parts of the school grounds without planning permission, on the same basis that other school sports are undertaken.

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 site shall be used solely for shooting on a basis ancillary to the use of Foremark Hall and its grounds as a preparatory school.
1. Reason: For the avoidance of doubt and in the interests of highway safety and aural amenity.

2. This permission shall be for a limited period only, expiring on 30 November 2003 on or before which date the use shall be discontinued 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.
2. Reason: To enable the Council to assess the impact of noise on the locality during this period.

19/11/2002

Item 1.6**Reg. No.** 9 2002 1072 F**Applicant:**

Mr D Collett & Mrs G Sinclair
 Barehurst Farm Barn, Scropton Road
 Hatton
 Derby
 DE655DT

Agent:

Mr B A Williamson
 Genista
 Broomhills Lane
 Repton
 Derby
 DE656FS

Proposal: Convert garage to living accommodation for relatives
 Barehurst Farm Barn Scropton Road Hatton Derby

Ward: North West

Valid Date: 11/10/2002

Site Description

The site comprises part of the curtilage of the barn at Barehurst Farm that was converted to residential use in the early 1990's. The garage was erected at that time. Access to the site is via a drive off Scropton Road. Hedges enclose the site and provide a substantial screen.

Proposal

The garage would be converted and extended by about 50% to provide additional living accommodation for the elderly parents.

Parking for the site would be provided elsewhere in the curtilage. The extension would be built in bricks and tiles to match the barn and the garage.

Applicants' supporting information

The applicants have confirmed that the father in particular needs assistance and his daughter wishes to provide close care for her parents. The father suffers considerable pain resulting in a request for two bedrooms to allow the mother to enjoy undisturbed sleep.

Planning History

The barn and garage were provided in the early 1990's. There have been no applications since that time.

Responses to Consultations

Hatton Parish Council has no objection

The County Highways Authority has no objection if the living area is retained as ancillary living accommodation.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4, Housing Policy 5

Local Plan: Environment Policy 1, Housing Policy 8

Planning Considerations

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

- The Development plan policies.
- The case submitted and whether that warrants an exception to policy and if conditions could control the use of the building.

Planning Assessment

The buildings are located in the countryside where there is a presumption against new residential development. The proposal would result in the creation of living accommodation that would be capable of separate occupation. The relationship between the existing barn conversion and the garage block is close but there would be the possibility of separate plots.

In mitigation, the applicants have stated a desire to provide close care for the parent. There is scope to attach a planning condition limiting the occupation of the annexe to those persons that are related to or employed by the occupiers of the barn. There will clearly be a time when the accommodation is no longer required for the parents at which time the premises could be occupied by other relatives or employees. If an application were made to vary or remove the condition that would have to be judged on its merits at that time. Alternative uses such as holiday lets could be considered.

In the interests of ensuring that the barn is not despoiled by a significant extension, the conversion and extension of the garage would provide a building capable of allowing care for the parents.

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.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. 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.
2. Reason: To safeguard the appearance of the existing building and the locality generally.

3. The parking arrangements indicated on the submitted drawing shall be implemented prior to the occupation of the annexe. The parking shall thereafter be maintained available for its designated use.
3. Reason: To ensure that adequate parking provision is available.
4. The living accommodation hereby permitted shall be occupied solely by members of the household of Barehurst Farm Barn or by domestic staff, and shall not be severed from the main house as a separate and unconnected dwelling.
4. Reason: Permission is granted in the light of your particular personal circumstances. Although the erection of 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 annexe 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.

19/11/2002

Item 2.1**Reg. No.** 9 2002 1022 O**Applicant:**

Mr R Thompson
 421 Burton Road
 Littleover
 Derby
 DE23 6AN

Agent:

Frederic Chadburn
 137 Forest Road
 Coalville
 Leicestershire
 LE67 3SP

Proposal: The erection of a single residential dwelling forming a country residence on land to the north of The Gables Ingleby Stanton-by-bridge Derby

Ward: Ticknall

Valid Date: 01/10/2002

Site Description

The site is a field containing the remains of a building towards its northern boundary. The land slopes down from the highway.

Proposal

An illustrative elevation is proposed. Siting and access are for consideration as part of the outline application. A three storey dwelling with single storey wings either side is proposed, measuring some 45 m across the frontage. A driveway bounded by an avenue of trees is indicated and the land to the front and sides of the dwelling is annotated as meadow parkland. The dwelling would be about 80 m off the highway.

The total area of the application site and its surrounding paddock is about 1.05 hectares.

Applicant's Supporting Information

Applicants' supporting information

- a) The applicant has strong local connections with Ingleby and has owned the site for a considerable period of time.
- b) There is no objection in principle to development from the Parish Council, the Highway Authority and the Environment Agency.
- c) Part of the site was previously occupied by a dwelling and forge.
- d) There is scope for a limited form of new development that could be sensitively related to the existing settlement pattern, contributing to a sense of local identity and enhancing local distinctiveness.

- e) The settlement has an identifiable character of a former farming community, with farmhouses, outbuildings and cottages scattered throughout. It would be normal for such a village structure to have a manor house or hunting lodge.
- f) The building would demonstrate a high degree of sympathy and harmony with the settlement. The high quality design and detailing would present a landmark building, complementary to the settlement and the establishment of a country house or manor.
- g) The design incorporates the defining characteristics of the local vernacular.
- h) The chosen position of the building and proposals for its setting would enhance the landscape of the area.
- i) PPG7 supports the proposal, both in terms of development in villages and new county houses.
- j) The Parish Meeting was not notified of the previous application and the applicant feels that the application has local importance. Local views should thus be considered.
- k) The development is sustainable because the applicant visits the site daily on business and family matters. The proposal would thus reduce vehicle movements in this instance.

Site History

An application for the erection of a cottage style dwelling on the site was refused in 1997 (9/0997/0489/O).

A proposal identical to the current application was refused in earlier this year (9/2002/0579/O).

Responses to Consultations

The Parish Meeting comments as follows:

- a) The community has been canvassed. Three responses have been received.
- b) The consensus is that there would be no objection rebuilding of the former cottage on the former site in keeping with that building and neighbouring properties.
- c) The proposed dwelling is totally inappropriate and intrusive to the village.
- d) There are examples, such as Ivy Cottage and Noahs Ark Cottage where significant development has taken place without objection.

The Highway Authority objects on the grounds that the development would lead to increased reliance on the private car. No highway safety issue is raised as such.

Severn Trent Water Limited has no objection.

Responses to Publicity

6 letters have been received from the locality commenting as follows:

- a) The village already has a country house at Ingleby Toft.
- b) The development of a large house on this site would confuse the village identity and be out of scale and character with its rural setting.
- c) The applicant's statement appears to seek to justify an unacceptable proposal.
- d) A new dwelling may be acceptable but should be much smaller and of appropriate design.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policies, 1,3 & 4 and Housing Policy 6.

Local Plan: Environment Policy 1 and Housing Policy 8.

Housing Policy 1 of the draft Local Plan sets out interpretation of the advice in PPG3 (Housing) on sustainable development.

Planning Considerations

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

- The principle of development.
- Impact on the countryside.
- Sustainable development.
- Contaminated land.

Planning Assessment

In terms of principle the development does not comply with the relevant development plan policies. Furthermore the proposal does not meet the very rigorous criteria of PPG7 in respect of new country houses. To this end the issues are little changed from the previous refusals of permission.

The house would inevitably have a substantial impact on the countryside because of its high degree of visibility. In the absence of special justification, such impact would be harmful.

Ingleby is not a serviced village as identified in the Sustainable Settlement Hierarchy and the draft Local Plan. Development of the site would thus be in conflict with PPG3 and Structure Plan General Development Policy 1 and lead to increased reliance on the private car. Notwithstanding the applicant's current travel pattern the issue of sustainability takes account of the long-term situation and this pattern could change.

The site contains the remains of an old smithy and there could be residual contaminants on the site. The issue of contaminated land has not been resolved, as this would require the applicant to undertake detailed specialist site investigation work. In the event of members being minded to grant permission this would need to be done first.

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. The proposal conflicts with the approved Derby and Derbyshire Joint Structure Plan General Development Strategy Policies 3 & 4 and Housing Policy 6 and the adopted South Derbyshire Local Plan Environment Policy 1 and Housing Policy 8 which seek to permit residential development outside settlements only if it is necessary to the operation of a rural based activity. The development would result in a harmful intrusion into the countryside to the detriment of the rural character of the area, which is unwarranted in the absence of such a need.
2. Ingleby is not identified as a sustainable location for further residential development as it does not provide sufficient facilities to enable residents to live within the village without being reliant on the private car to travel significant distances for goods and services, or to take up employment. The proposal would therefore lead to additional housing in an unsustainable location contrary to the advice contained in PPG3: Housing, the Council's Sustainable Settlement Hierarchy and Housing Policy 1 of the draft South Derbyshire Local Plan Review; and General Development Strategy Policy 1 of the approved Derby and Derbyshire Joint Structure Plan.