

SOUTH DERBYSHIRE DISTRICT COUNCIL

DEVELOPMENT CONTROL SUB-COMMITTEE – 26th March 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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26/03/2002

Item A1**Reg. No.** 9 2001 0118**Applicant:**
B T Airwave
17-19 Dorchester Row
London
Sw1p1la**Agent:**
Katie Dean
Kingfisher estates Ltd
Cloister House
New Bailey Street
Manchester
M35AG**Proposal:** The erection of a 30 metre high telecommunications tower together with three antennae, two microwave dishes an equipment cabin and chain link fence on land forming part of O S Field Number 2917 Woodside Farm Stanton Hill Ticknall Derby**Ward:** Ticknall**Valid Date:** 09/02/2001**Site Description**

The site lies in open countryside on the high ground between Ticknall and Stanton by Bridge. It is adjacent to the mature plantation at Robin Wood. A National Forest planting scheme is underway between the existing wood and the A514.

Proposal

The proposal seeks a 30-metre high lattice tower to provide part of a public safety radio (PSRCP) communications service.

Applicants' supporting information

- a) The site forms an integral part of the PSRCP within the South Derbyshire area.
- b) Alternative sites in Chapel Street Melbourne and the Severn Trent Water plant were discounted. In the case of the former it would have been in the heart of a residential area and would have had a detrimental visual impact. The other was unavailable because of Severn Trent's operational constraints. A third site at Dovesite Melbourne was subject to application. However in the face of fierce opposition this was withdrawn.
- c) The Home Office placed the Public Safety Radio Communications Service (PSRCP) with the Applicant Company in 1997.
- d) The PSRCP service is for all public safety users, including the Police, Fire Service, Ambulance, NHS, MOD Police, Royal Parks Police, Prison Service, Local Authority organisations such as Emergency Planning.
- e) The development is part of a roll out plan to improve communications amongst the public services.

- f) The main aim of PSRCP for the public is to improve public safety, allowing a better service and enhanced officer safety.
- g) The location has been chosen with regard to technical and environmental considerations and the advice in PPG8. The technical requirements are met by the height of the location. As much natural screening as possible has been utilised to reduce the environmental and visual impact of the proposal.
- h) PPG8 is supportive of modern telecommunications, noting their benefit to the local community and the national economy. The guidance recognises the technical problems of this kind of development and urges local authorities to respond positively.
- i) Airwave is limited in the locations it occupies. High locations are necessary for proper functioning.
- j) The proposal meets the various safety requirements pertinent to this type of development.

Planning History

Permission was granted for a 34 metre high mast at this site in 1990 (9/0690/0248/F).
An application by this applicant at Dovesite Melbourne was withdrawn following strong objection by people living in the locality. (9/2000/1144/F).

Responses to Consultations

The Parish Council's views are awaited.

Structure/Local Plan Policies

The relevant policies are:

Derby and Derbyshire Joint Structure Plan: General Development Strategy Policy 5.
South Derbyshire Local Plan: Environment Policy 1.

Planning Considerations

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

- The need for the development.
- The visual impact of the proposal.
- Public safety.

Planning Assessment

There is a clear need for a mast in this locality, based on the technical requirements of the service.

The mast would break the skyline and would be clearly visible. However it would be viewed against the backcloth of the existing wood and the emerging woodland will help to reduce its impact. The tower is a slender structure, which would help to reduce its impact. Having regard to the specific nature of this development the impact would be acceptable. Most locations that meet the technical requirements of the operator will have similar impact as the system relies on height to function.

The proposal satisfies the requisite safety standards. Furthermore the location of the mast away from residential properties eliminates the strong fears of health risk by neighbours, experienced when the applicant sought to locate a mast at Dovesite. The existing roadway is suitable for the limited access required.

Recommendation

Subject to the Parish Council raising no additional issues **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. 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.

3. 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.

26/03/2002

Item A2**Reg. No.** 9 2001 0465**Applicant:**

Wilcon Homes Midlands
 Century House
 The Lakes
 Northampton
 NN4 7SJ

Agent:

Wilcon Homes Midlands
 Century House
 The Lakes
 Northampton
 NN4 7SJ

Proposal: Single dwelling approved under 9/1097/0580/F (Block J) split internally to provide two seperate dwellings at Bretby Hall Hospital Bretby Burton On Trent

Ward: Repton

Valid Date: 14/05/2001

Site Description

The site is a part of ongoing redevelopment of Bretby Hall and is sited to the rear of the former sanatorium block where a terrace of nine dwellings is approved. The site is within the curtilage of the Grade II* listed hall and lies in a registered historic garden.

Proposal

The application seeks to divide a currently approved 5 bedroom detached house into two units.

Applicant's Supporting Information

- a) The proposal seeks to utilise the approved scheme and incorporates amendments to present a blank elevation to the outward facing side.
- b) The only change is that there would be two dwellings instead of one.
- c) The number of bedrooms would remain the same.
- d) The garden area would be no different.
- e) Vehicular movements would be no different.
- f) Market research ahs established that there would be very little demand for the permitted five bedroom house in this location with a small garden.
- g) The smaller units would address the needs of the local housing market, whilst complying with spirit of PPG3 in terms of making the best use of land available with a mixed tenure development.

Site History

Permission was granted for comprehensive redevelopment of the former Bretby Hospital in 1999 (9/1097/0580/F). The subject building was thereby permitted on the basis of being one dwelling.

Responses to Consultations

The Parish Council and Highway Authority have no objection.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4, Housing Policy 5 and Environment Policies 9, 10 & 11.

Local Plan: Community Facilities Policy 3 and Environment Policies 12, 13 & 15. The Settlement Hierarchy is also applicable.

Planning Considerations

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

- The principle of development.
- The impact on the conservation area, the setting of the listed building and the historic garden.
- Highway safety.

Planning Assessment

The site is not within a sustainable settlement as defined in the Settlement Hierarchy. There is an extant permission in this case for one dwelling. The increase to two dwellings is not favoured by the general approach of PPG3 having regard to the hierarchy. Nevertheless there would be no demonstrable implications for the policy because of the potential for traffic generation would not be demonstrably greater than the approved scheme. Thus given the extant permission the proposal raises no clear issue that would distinguish it from the approved scheme and the principle of the development is thus acceptable.

In terms of the impact on the conservation area, the setting of the listed building and the historic garden the impact would be precisely as the approved scheme, because layout and design remains unchanged.

On the advice of the Highway Authority there are no adverse highway safety implications.

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. 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.

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.

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

4. 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.

5. 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).

6. 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.

7. 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.

8. 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.

9. Gutters shall be cast metal (with cast metal fall pipes) and shall 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.

10. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. C715/200 RevB received 30 July 2001.

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

11. 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 level(s).

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

12. Details of all external hard surfaces shall be submitted to and approved in writing by the Local Planning Authority before development begins and the development shall be implemented on accordance with the approved details.

Reason: To ensure that these are appropriate to their setting.

13. 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.

14. 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.

15. Notwithstanding the submitted details, prior to the commencement of building operations on adjoining areas, the boundary with the areas of trees not directly affected by the development, as shown on the submitted drawing, shall be fenced with chestnut pale fencing to a minimum height of one metre staked at 3 metre centres. The fencing shall be retained in position until all building works on adjoining areas have been completed unless otherwise agreed in writing with the local planning authority.

Reason: To protect the trees/landscape areas from undue disturbance

16. 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.

26/03/2002

Item **A3****Reg. No.** **9 2001 0859****Applicant:**

Mrs L V Marsh
 36, Vine Cottage, Twyford Road
 Barrow-on-Trent
 Derby
 DE731HA

Agent:

Mrs L V Marsh
 36, Vine Cottage, Twyford Road
 Barrow-on-Trent
 Derby
 DE731HA

Proposal: **The erection of a detached house in accordance with condition
 no 2 of planning permission 9/0698/0231/O on land to the rear
 of 36, Vine Cottage Twyford Road Barrow-on-Trent Derby**

Ward: **Ticknall**

Valid Date: **29/08/2001**

Site Description

The site is part of the large garden to No 36 and is within the conservation area. There is already significant backland development either side of the site. The neighbouring cottage, No 34, is a listed building.

Proposal

A single detached house is proposed. The design incorporates the usual traditional South Derbyshire features.

The proposal would share a drive with the existing cottage, which would be left with a smaller curtilage incorporating its own parking area.

Site History

Outline permission was granted in 1998 (9/0698/0231/O).

Responses to Consultations

The Parish Council has no objection subject to the retention of all trees.

The Highway Authority has no objection in principle..

Severn Trent Water Limited has no objection.

Responses to Publicity

A neighbour objects for the following reasons:

- a) The dwelling would be too large for the plot.
- b) The dwelling would be out of keeping with area because of its scale, which is larger than buildings in the locality.
- c) There would be overshadowing and loss of privacy to neighbours.
- d) Trees and hedgerows at the boundary should be preserved.

The neighbour at No 34 has no objection to the development.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 6 and Environment Policies 9 & 10.

Local Plan: Housing Policies 5 & 11 and Environment Policies 12 & 13.

Planning Considerations

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

- The principle of development.
- Impact on the conservation area and the adjacent listed building.
- Residential amenity.
- Highway safety.
- Trees

Planning Assessment

The site lies in the confines of the settlement and the proposal is therefore in accord with development plan policies. PPG3 and the settlement hierarchy are not relevant to this case because outline permission is extant and this application therefore seeks consideration of reserved matters only.

The dwelling incorporates the usual aspects of design that are recognisable as the local distinctiveness of the district and as set out in Historic South Derbyshire. The proposal would therefore not be harmful to the character and appearance of the conservation area. The dwelling would be set back relative to 34 Twyford Road and would not have a harmful effect on the setting of that listed building.

Insofar as the dwelling would intersect a line drawn at 45° from the nearest habitable room window to No 34 the proposal does not fully satisfy the guidelines in the supplementary planning guidance on the layout of new housing. However the proposed dwelling would be set the north west of No 34 and for the majority of the day would not adversely affect sunlight reaching that property. No 34 has large gardens to the front and rear. The owner of that dwelling has written to state that he has no objection to the proposal. In these circumstances the proposal is felt to be acceptable in terms of residential amenity. No other dwellings would be materially affected having regard to the supplementary planning guidance.

Subject to appropriate conditions the development would not prejudice highway safety interests.

Some garden bushes would be affected but these are not of sufficient stature and do not make such a contribution to public amenity as to warrant a tree preservation order. Other significant trees are protected by virtue of conservation area status.

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 received on 16 January 2002.

Reason: For the avoidance of doubt.

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. 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.

5. 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).

6. 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.

7. 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.

8. 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.

9. 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.

10. The first floor window in the west wall of the building shall be permanently glazed in obscure glass.

Reason: To avoid overlooking of adjoining property in the interest of protecting privacy.

11. 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 level(s).

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

12. The access shall be surfaced in a solid bound material (i.e. not loose chippings) for a distance of 5 m back from the highway boundary with measures to prevent surface water escaping from the site onto the footway.

Reason: To prevent danger to road users.

13. The access shall be 4 metres wide for the first 10 metres from the highway boundary.

Reason: In the interests of highway safety.

Informatives:

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 xt 7595) at least six weeks before the commencement date of the proposed works in order to arrange the necessary supervision of any necessary works on the highway crossing.

You are reminded that you will need to submit details of the area to be used by vehicles associated with the existing dwelling at 36 Twyford Road, under the requirements of the outline planning permission.

26/03/2002

Item A4

Reg. No. 9 2001 1261

Applicant:
Mr & Mrs P Plant
Bower Lodge, Well Lane
Repton
Derby
DE656EY

Agent:
D Graham Campbell
D Graham Campbell
The Mill
Repton Road
Bretby
Burton On Trent
DE150RG

Proposal: The erection of one new house, alterations and restoration of existing cottage, restoration of existng garden wall at Bower Lodge Well Lane Repton Derby

Ward: Repton

Valid Date: 03/01/2002

Site Description

The site is the walled garden to Bower Lodge, being part of extensive and mature landscaped grounds. There is a cottage (former outbuilding) within the site currently in use as residential accommodation and garaging. That traditional building has been subject to unsympathetic alteration in the past, notably by the installation of dormer windows and other elevational alterations.

The boundary wall to the garden is about 3.5 metres high along the roadside, dropping to about 2.5 metres along the boundary of the site with adjacent field. The wall extends to a total length of some 64 metres. The wall occupies a most prominent position in the conservation area and shows signs of decay.

Proposal

The proposal seeks to erect a split-level dwelling of modern design using a mixture of old and new materials. The new dwelling would fit within the enclosure defined by the existing garden wall. The use of the existing outbuilding as a separate dwelling would cease and it proposed to restore that building to a traditional appearance, most notably by the removal of both dormers to the elevation facing the road and the blocking up of inserted openings. The building would become ancillary to the proposed dwelling. The vehicular access to the existing cottage would be used. An existing opening in the roadside wall would be reduced to form a pedestrian access.

Applicant's Supporting Information

- a) The existing residential cottage is currently rated as a separate individual dwelling. The proposal would transfer this benefit to the new house, with use of the existing cottage being precluded in the future. As such no additional dwelling would be created.
- b) The application includes a large element of enabling development to restore and improve this part of the conservation area.
- c) The existing cottage has suffered from a series of unsympathetic alterations and extensions over the years. A full restoration/improvement scheme is proposed, including the removal of asbestos sheds adjacent and general upgrading of the curtilage.
- d) The garden wall would be retained and restored. There is no question that the wall is an important feature of the conservation area and needs to be preserved as part of the enclosure of the village boundary.
- e) Up to 50% of the wall could be taken down without consent. The applicant is willing to accept a condition that the wall is to be retained in its current position and height. The only exception is that an existing double door opening would be reduced to a single door.
- f) Because there would be no increase in the number of dwellings there would be no increased traffic.
- g) The restoration works proposed would enhance the conservation area.
- h) The new house is designed to restore the existing garden wall and garden from within the site and to minimise the impact from outside the site.
- i) The slope of the site gives the opportunity to create a semi-basement with window cills at ground level. This window wall will be would be constructed in second hand brick, with intermittent piers, to create the impression that it formed part of the original garden wall. This wall would be at right angles to the existing east wall and set back slightly from the leading edge of the east wall to line up with the base of the existing pier.
- j) The use of this semi-basement would create a level platform 200 mm above the existing ground level at the existing north wall on to which would be placed a low pitched single storey upper floor.
- k) At its closest the house would be 3 metres from the north wall and some 7.5 metres at its furthest. This would create a triangular area to be used as a kitchen garden. Existing fruit trees against the north wall would be retained. Access to this area would be through glazed doors. All other windows in this elevation would be small, designed for lighting rather than views out.
- l) The east wall of the new house would be set away from the existing garden wall to allow main access from both the existing opening in the north wall and from the restored cottage via a new timber bridge over the stream.
- m) The west wall would similarly be positioned away from the garden wall but with a 'stagger' to allow for a timber deck. The stagger also allows the living area to have a south-facing window for sunlight.
- n) The house has been designed to be a contemporary interpretation of a greenhouse, linking two solid 'potting sheds', containing the living room and cloakroom/utility.
- o) The conservatory to the south would maximise sunlight and has been designed to be a heat store in the winter months, transferring heat build-up during the day to the living rooms behind and the bedrooms below.
- p) The height of the existing north wall would preclude views from Well Lane. The eastern gables appearing over the top of the east wall would be substantially screened by existing trees, mainly evergreens.
- q) Any building within the walled garden would be visible from the west. A sympathetically designed contemporary house that would not conflict with or destroy the integrity of the existing garden wall would be an acceptable and appropriate visual solution to ensure the future retention of an important feature in the conservation area.

Site History

None relevant to this proposal.

Responses to Consultations

The Parish Council objects for the following reasons:

- a) The site in the conservation area and the proposed building is not in keeping with the area.
- b) The building is not considered to be a replacement and there would be two dwellings.
- c) There would be increased traffic.
- d) There is concern that the wall may be reduced in height.

Repton Village Society objects as follows:

- a) The site is outside the village envelope and does not meet the criteria for development in the countryside.
- b) The design of the dwelling would be out of character with the conservation area.
- c) The existing dwelling could be extended.
- d) The garden wall should be retained in its existing state irrespective of the outcome of the application.

The Highway Authority has no objection on the basis of there being no additional dwellings.

Severn Trent Water Limited, the Environment Agency and the Environmental Health Manager have no objection in principle.

Responses to Publicity

Three letters have been received raising the following objections:

- a) Since the site is outside the village confines a precedent would be set, the cumulative impact of which would be severely detrimental to the character and amenity of the village.
- b) The site is in the conservation area and highly accessible to the public at this point. From the well-used public footpaths the dwelling would appear as an unsatisfactory intrusion into the open edge of the village. It would severely detract from the character and amenity of the conservation area.
- c) The conservation area objection would be exacerbated by the proposed design, which is not traditional and is out of keeping with its surroundings.
- d) There would be a severe impact on the outlook and privacy of Bower Hill Cottage opposite.
- e) The close proximity of the boundary wall would impact on the reasonable enjoyment of the proposed dwellinghouse by its dominating presence and loss of light to private amenity areas. This would lead to pressure to reduce the height of the wall, worsening the impact on the neighbouring dwelling.
- f) Taken with other recent development the open edge of the conservation area would be eroded in an unsatisfactory manner.
- g) Well Lane is well used by pedestrians, including children. It lacks footways, is narrow and was initially built as access to four properties. Increased traffic is bound to have an adverse impact on pedestrian road safety.

- h) A new access has recently been created by the formation of a doorway through the northern wall to the enclosed garden. These works may not be permitted development and should be investigated. (Comment: The alterations to the wall are permitted development and are of insufficient extent as to require conservation area consent).
- i) There would be disturbance to wildlife and the general peace of the lane.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4, Housing Policy 6 and Environment Policy 9

Local Plan: Environment Policy 1, Housing Policy 8 and Environment Policy 12.

Planning Considerations

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

- The principle of development.
- The impact on the character and appearance of the conservation area.
- Residential amenity.
- Highway safety.
- Whether other material considerations indicate that the development plan should not prevail.

Planning Assessment

The proposal is not favoured by the general locational and housing policies. Housing Policy 8 of the Local Plan favours replacement dwellings outside settlements subject to four criteria. It fails to meet two by being larger than the existing cottage and by not being on substantially the same site as the old.

The conservation area issue has several elements that need to be considered, concerning the garden wall, the existing dwelling, the design of the new house in its setting, and the relationship of the new house to the other considerations.

The existing garden wall is a substantial historic feature at the edge of the conservation area. It makes a most positive contribution to the character and appearance of the area. Whilst it is subject to controls over substantial demolition it is clear that significant works could be carried out to it without the need for Conservation Area Consent and on the basis of permitted development. Therefore its future depends to a great extent on the will of the owner of the wall. It is clear that the wall has reached a stage whereby works of maintenance and restoration are necessary.

The existing cottage is a traditional building that has been marred by unsympathetic alteration in the past. Its contribution to the conservation area is thereby diminished. The proposed alterations to the building would be a significant enhancement to the character and appearance of the locality.

The proposed new dwelling is well considered as a contemporary design in an historic setting. It builds on the presence of the existing garden walls and proposes a fourth side to the existing

garden wall that would form the spine of the property. The wall would attach to the outer walls and follow through as an internal feature, visible from outside through the heavily glazed conservatory. At the lower level another brick wall would define the semi-basement rooms. Viewed from the south there would be a tiered effect of three brick walls with the northern roadside garden wall being the highest. The roof facing the garden would be designed to resemble a green house, whilst the roof slope presented to Well Lane would be in natural slate. The overall design, whilst being unequivocally modern would reflect the concept of a large green house in a walled garden, with a mixture of old and new materials. It is felt that the design concept is appropriate and in its specific setting would make a positive contribution to the character and appearance of the conservation area.

Bower Hill Cottage is elevated relative to the application site. The height of the garden wall relative to habitable room windows and the roof of the proposed dwelling would ensure no loss of privacy or light to Bower Hill Cottage. Whilst the outlook from that dwelling would change, the main manifestation would be a view of the slate roof seen over the garden wall. On balance the impact on Bower Hill Cottage would not be demonstrably harmful. No other dwellings are close enough to be affected.

Because the existing cottage would come out of use as a separate dwelling the impact on traffic movements would be neutral and there would thus be no increased risk to safety.

The proposal is not fully favoured by the development plan policies for new housing development outside settlements, although it satisfies two of the criteria in Housing Policy 8, notably that there would be no increase in the number of dwellings and the design and materials would be in keeping. The development has the potential to satisfy conservation policies if measures can be taken to secure the restoration and maintenance of the garden wall, which makes a most positive contribution to the character of the area, and to effect improvements to the existing cottage, which has been somewhat despoiled. Neither of the latter two benefits can be required of the owner at the present time. The applicant has offered these as part of the proposed development.

The application presents an opportunity to implement a well thought out contemporary design that is in keeping with its surroundings, whilst also securing the restoration of the historic wall and the altered cottage. These benefits are considered to be of sufficient weight as to set aside the locational policies of the development plan, subject to them being secured by an appropriate legal agreement.

Recommendation

Subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act to secure the maintenance and restoration of the garden wall and restoration to the existing cottage, along with an undertaking to cease usage of the cottage as a separate dwelling **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. 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 have been submitted to and approved in writing by the Local Planning Authority.

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

3. The copings shall be in natural stone to match the existing wall copings and a sample shall be submitted for approval in writing by the Local Planning Authority before they are placed on the walls.

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

4. 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.

5. Large scale drawings to a minimum Scale of 1:20 of the balustrade, steps and new timber bridge shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The balustrade, steps and bridge 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.

6. Notwithstanding any details submitted, precise details of the type, size and position of the proposed rooflight(s) shall be submitted to and approved in writing by the Local Planning Authority. The approved rooflight(s) shall be fitted such that their outer faces are flush with the plane of the roof, unless otherwise agreed in writing with the Local Planning Authority.

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

7. 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.

8. Unless as may otherwise be approved in writing by the Local Planning Authority, external joinery shall be in timber and painted/stained 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.

9. 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.

10. A lime mortar shall be used for pointing, the specification for which shall be approved in writing by the LPA before work begins, and 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.

11. No part of the development shall be carried out until precise details and specifications of the rainwater goods have been submitted to and approved in writing by the Local Planning Authority.

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

12. 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 include the use of 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: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

13. Notwithstanding the originally submitted details, this permission shall relate to the amended drawings, amended 28/02/02 and received under cover of the agent's letter dated 5 March 2002..

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

26/03/2002

Item A5**Reg. No.** 9 2002 0077**Applicant:**

Mr Mrs Smith
18, Calder Close
Hilton
Derby
DE655HR

Agent:

Darren Insley
Bi Design Architecture
First Floor Studio
79 High Street
Repton
Derbyshire
DE656GF

Proposal: The use as a day micro nursery of part of the dwelling and the use of the garage as additional residential accomodation at 18 Calder Close Hilton Derby

Ward: Hilton

Valid Date: 25/01/2002

Site Description

The site comprises a domestic dwelling on the former Hilton Depot. The access to the site is via the cul de sac, Calder Close. The site currently has space for two cars to park on the frontage. The dwellings either side of the site are staggered in relation to it. There is no dwelling in front of the site as the house looks directly down Calder Close. The dwelling to the rear has a side elevation to the proposed site.

Proposal

The use would involve providing accommodation for up to 7 pre-school children (4 x 2-3 year olds and no more than 3 babies). The nursery would operate from 7:30 – 18:00 Monday to Friday. The proposal involves the conversion of the garage to living accommodation and the erection of a conservatory at the rear of the dwelling. Parking for 4 cars would be provided on the frontage. Two of these would be on the existing lawn area where a product known as grass-crete would be used to make a hard surface. The application estimates that there would be up to 12 vehicle movements associated with the proposal although there would be scope for very local children to arrive on foot.

Planning History

The house was developed in the 1990's as part of the redevelopment of the Hilton Depot Site.

Responses to Consultations

Hilton Parish Council has observed that the nursery does not appear to be adequate for 7 – 8 children and there is concern that the use of the upstairs as there is only one exit through the kitchen. The Parish Council asks that these matters be taken into consideration.

The County Highways Authority has no objection subject to the parking area being provided before the use is commenced.

The Environmental Health Manager has stated that there are no major issues with noise during working hours. There is a possibility of noise disturbance from parents bringing children at 7:30 in the morning. This may be a problem as the house is on a quiet cul de sac. There is however no provision for The Environmental Health Manager to act against traffic noise. It is suggested that the permission be limited initially to a period of one year so the situation can be monitored.

Responses to Publicity

There has been one letter in response to the application that objects strongly to the establishment of a day nursery on the basis that it would create an increase in noise and there is already a large nursery just around the corner.

Structure/Local Plan Policies

The relevant policies are:
Local Plan: Housing Policy 13
Community Facilities Policy 1

Planning Considerations

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

- Conformity with the Development Plan.
- Impact of traffic noise and noise from children.

Planning Assessment

The main issue here is the impact of the development on the residential amenity of occupiers of the adjacent dwellings. By 7:30, car movements are well underway from a residential area such as this. There would be no material difference in planning terms between the cars leaving the street and the limited number of cars arriving to bring children to the site. Noise from children attending the site would be no more than if there were a large family living in the house. There is therefore inadequate justification for imposing a temporary permission on the development. Moreover, the lack of significant impact on the occupiers of adjacent dwellings and the relative lack of alteration to the appearance of the dwelling means that the development is in accordance with the Development Plan.

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. The parking spaces shown on Drawing No 309 CS 01 shall be provided prior to the use hereby permitted being brought into use and be thereafter maintained available whilst the dwelling is being used for the purpose permitted.

Reason: In the interests of highway safety.

3. The use permitted shall be limited to the number of children specified on the application form (7). There shall be no increase in the number of children cared for unless otherwise agreed in writing by the Local Planning Authority in response to an application made in that regard.

Reason: For the avoidance of doubt as a more intensive use of the premises may adversely impact on the residential character of the area.

Informatives:

You are advised that once this permission is implemented any erection of extensions or structures in the garden, climbing frames and the like, would require planning permission as the property would cease to enjoy the permitted development rights enjoyed by dwellings in sole residential use.

26/03/2002

Item **A6**

Reg. No. **9 2002 0108**

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
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Proposal: **The use for storage of land at Samuel Jackson Growers Ltd
Cross House Trent Lane Kings Newton Derby**

Ward: **Melbourne**

Valid Date: **05/02/2002**

Site Description

The site is a redundant farmyard containing a large modern agricultural building at the edge of the village..

Proposal

The applicant seeks permission to use the building for storage. It is understood that the product stored will be glass containers.

Applicants’ supporting information

Previous vehicle movements associated with the agricultural use amounted to more than is now proposed. Estimated vehicle movements will be between 14-18 lorry movements per week with none on Saturday afternoons or Sundays.

Planning History

Permission was granted for the retention of use of the site for the parking of four commercial vehicles in 1997 (9/0897/0426/U).

Responses to Consultations

The Parish Council has no objection.

Melbourne Civic Society would object to open storage but not if storage were to be contained within the building.

Kings Newton Residents Association comments/objects as follows.

- a) The applicant is not the owner or controller of the land.
- b) Traffic generation is of significant relevance, the site being in a residential area and having access on a blind corner. There is also a weight restriction on Main Street.
- c) Any increase in the use of Main Street by heavy vehicles should be resisted. The Trent Lane storage site was allowed to develop in an uncontrolled way to the extent that the commercial traffic attracted to the site causes damage and inconvenience to an extent that was never originally considered or anticipated.
- d) The processes carried on in the building could be harmful to residential amenity and should be specified.

The Highway Authority and Environmental Health Manager have no objection in principle.

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 of development.
- The impact on the character of the area.
- Highway safety and traffic.
- Residential amenity.

Planning Assessment

The conversion of existing buildings to business use is favoured in principle by the relevant policies.

Subject to controls over open storage the impact on the general character of the area would be little changed from the existing situation.

On the basis of comparison between the applicant's traffic forecast and the previous agricultural use there would be no demonstrable increase in traffic. Therefore highway safety interests would not be materially prejudiced. However a condition that sought to control the number of vehicle movements and their direction in the local road network would not be enforceable. A temporary permission would be the most effective way of dealing with increased traffic if this became manifest in the future.

Subject to the preceding paragraph there would be no demonstrable harm to residential amenity.

Recommendation

GRANT permission subject to the following conditions:

1. This permission shall be for a limited period only, expiring on 31 March 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.

Reason: To enable the Local Planning Authority to retain control in the event of harm to safety and amenity caused by vehicle movements, having regard to the amount of storage space in the building.

2. There shall be no goods or materials stored outside the building.

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