

SOUTH DERBYSHIRE DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 20 August 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

INDEX TO REPORT – 20 August 2002

Application Reference	Item No.	Place	Ward	Page No.
9/2001/0889	1.1	Findern	Etwall	1
9/2002/0429	1.2	Milton	Repton	7
9/2002/0430	1.3	Milton	Repton	14
9/2002/0485	1.4	Egginton	Hilton	17
9/2002/0514	1.5	Etwall	Etwall	21
9/2002/0589	1.6	Smisby	Ticknall	24
9/2002/0657	1.7	Burnaston	Etwall	29
9/2002/0674	1.8	Coton Park	Linton	33
9/2002/0707	1.9	Milton	Repton	38
9/2001/0946	2.1	Hartshorne	Hartshorne	40
9/2002/0609	2.2	Dalbury Lees	North West	42
9/2002/0697	2.3	Coton Park	Linton	48

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

20/08/2002

Item 1.1**Reg. No.** 9 2001 0889 R**Applicant:**
Atkins Family Trust**Agent:**
Salloway Property Consultants
184 Horninglow Street
Burton On Trent
Staffs
DE141NG**Proposal:** The renewal of planning permission 9/1095/0547/O for the erection of a 200 bedroom hotel with restaurant and associated parking on Land To The South Of Doles Lane And Adjoining Derby Road Findern Derby**Ward:** Etwall**Valid Date:** 06/09/2001**Site Description**

The site comprises fields and the former petrol filling station on the south bound carriageway of the A38 at Findern. The site also has a frontage to Doles Lane, this frontage has no boundary hedge. The frontage to the A38 is open and there are hedges of a substantial size to all other boundaries. There is also a footbridge that links the site to the cycleway on the other side of the A38.

Proposal

The proposal is to renew a long-standing outline planning permission for the erection of a hotel on the application site. Access would be through the former petrol filling station site that would be required to be removed from the land before the hotel is allowed to open. The subsequent application for reserved matters would have to show that highway improvements to the A38 could be achieved.

Applicants' supporting information

The applicants have submitted a revised plan to bring the whole of the petrol filling station site within the application area.

The applicants submit that the application has been outstanding for a considerable period in an attempt to meet the concerns of the Highways Agency. There is a major hotel group waiting to develop the site and there has been a contract ready to be implemented since May of this year.

Provisional meetings have been held with officers to discuss the possibilities of developing the site. The landowners and the prospective purchasers have invested a considerable sum in trying to get the site off the ground. Whilst there may be some

In addition, a Transport Statement has been submitted. This was at the request of the Highways Agency, which felt that there was a change in circumstances since the last application was permitted arising from the 'New Deal for Trunk Roads'. The Analysis assesses the impact on the A38 and its hinterland. The conclusion is that there are no highway grounds to refuse planning permission for the hotel. The analysis includes an assessment of all current Government advice in relation to sustainable development. It is a substantial document that is available for inspection on the file.

In response to discussions with the Highways Agency, the following amendments to the application have been made: -

- The petrol filling station will not be brought back into use
- The applicants will fund the removal of lay-bys in the vicinity of the site if a Highways Authority study reveals it is necessary in the interests of highway safety.
- The applicants will agree to fund the refurbishment of the footbridge over the A38 if the Highways Agency can agree access rights with the third party. The bridge would then be offered up for adoption and become maintainable at public expense
- All details of internal road layout will be submitted for subsequent approval and the amount of car parking would be reduced to no more than 270 spaces.

The delay in bringing the application to Committee has arisen from the above negotiations.

Planning History

Outline planning permission for the hotel was first granted in the 1980's with subsequent renewals every three years. The latest permission expired in November 2001. This application was submitted in September 2001

Responses to Consultations

Findern Parish Council has no objection to the proposal.

The County Highways Authority has no objection subject to previous conditions being re-applied to any permission that may be granted.

The Highways Agency has no objection subject to conditions that it has directed to be applied.

Severn Trent Water has no objection

Government Advice

Planning Policy Guidance Notes 13 & 21

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 2 & 4; Leisure and Tourism Policy 5.
Local Plan: Environment Policy 1 Recreation and Tourism Policy 1

Planning Considerations

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

- Recent Government advice in Planning Policy Guidance Notes 1,13 & 21.
- The development Plan policies and the influence on them of Government advice
- Highway safety

Planning Assessment

In the absence of a highway objection to the development from the Highways Agency, the criteria set out in Planning Policy Guidance Note 13 have been adequately considered in relation to the sustainability aspects of developing a hotel on the site. The removal of the petrol filling station from the proposal would also help to minimise the impact on the traffic generation arising from the development of the hotel. This aspect has been the main reason for the delay in reporting the application to the Committee.

The Development Plan policies currently extant relate to encouraging the provision of overnight accommodation in the locality if there is no significant adverse traffic, environmental or noise impact on the area.

Planning Policy Guidance Note 21 encourages hotels on the edge of the main urban areas to provide a range of accommodation to meet the needs of the travelling public. But it also states that there is no need to treat hotel development any differently from other development in the countryside. Planning Policy Guidance Note 13 has the same basic objectives and seeks to ensure that the hotels are located where there is a variety of transport options available to serve the development.

The site is well related to the trunk road and there are options of using cycles on the cycle track that runs along the North bound carriageway, access to which could be obtained via the bridge over the A38, subject to improvement. However, that would not be a significant option. The site is located not far from the Toyota factory and is not far from the boundary with Derby City.

The following recommendation is made on balance, given the long-standing nature of the permission, the relationship to the trunk road and Toyota and the reuse/improvement of the petrol filling station.

Recommendation

GRANT permission subject to the following conditions:

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

(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.

2. Approval of the details of the siting, design and external appearance of the building(s) the means of access thereto and the landscaping and means of enclosure of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.

3. 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. No development shall take place until details of a scheme for the disposal of surface and foul water have been submitted to and agreed in writing by the Local Planning Authority. The submitted scheme shall include details of any balancing facilities to control the discharge of surface waters to the local drainage system. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.

Reason: In the interests of flood protecting and pollution control.

5. 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 the provision of a belt of trees not less than 12 metres wide along the north and east boundaries of the site together with 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.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become

seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

7. No part of the development is to be commenced until the works indicated on Drawing No 63071/001 have been completed.

Reason: To ensure that the A38 Trunk Road continues to serve its purpose as part of a national system of route for through traffic in accordance with Section 10 of the Highways Act 1980 and satisfy the reasonable requirements of road safety on that road.

8. Details of the internal road layout shall be submitted to and approved by the Local Planning Authority in consultation with the Highways Agency so as to ensure that the internal road layout permits free entry to the site such that queues do not form within the site which could then disrupt the free flow of vehicles on the A38.

Reason: To ensure that the A38 Trunk Road continues to serve its purpose as part of a national system of route for through traffic in accordance with Section 10 of the Highways Act 1980 and satisfy the reasonable requirements of road safety on that road.

9. No development shall be commenced until the petrol filling service station and its associated equipment has been removed and the area made safe.

Reason: To ensure that the A38 Trunk Road continues to serve its purpose as part of a national system of route for through traffic in accordance with Section 10 of the Highways Act 1980 and satisfy the reasonable requirements of road safety on that road.

10. There shall be no provision for a future petrol filling station

Reason: To ensure that the A38 Trunk Road continues to serve its purpose as part of a national system of route for through traffic in accordance with Section 10 of the Highways Act 1980 and satisfy the reasonable requirements of road safety on that road.

11. Notwithstanding the submitted illustrative drawings there shall be no more than 270 car parking spaces associated with the permitted use. The actual provision of car parking shall be to the standard of 1 space per bedroom and 1 space per 3 for staff and other visitors.

Reason: To ensure that the A38 Trunk Road continues to serve its purpose as part of a national system of route for through traffic in accordance with Section 10 of the Highways Act 1980 and satisfy the reasonable requirements of road safety on that road.

12. There shall be no vehicular access to the site from Doles Lane.

Reason: In the interests of highway safety.

13. Building development shall be limited to the areas shown hatched on the attached plan no 9/2001/0889/A and such development shall be limited to that described on the this decision notice.

Reason: In the interests of protecting the rural character of the area. Development of the land outside the hatched area would have an adverse impact on the open character of the countryside and be detrimental to the rural character of the area.

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

Reason: In the interests of pollution control.

15. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor, designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: In the interests of pollution control.

Informatives:

Conditions 7 - 11 inclusive are imposed at the direction of the Highways Agency. The plan referred to in condition 7 is attached to this permission.

20/08/2002

Item 1.2**Reg. No.** 9 2002 0429 F**Applicant:**

S G I Ltd
96/98 St Peters Street
Derby

Agent:

Mr. S. Greaves
S. G. Design Studio
202 Woodville Road
Hartshorne
Swadlincote
Derbyshire
DE11 7EX

Proposal: Extension and conversion of barns into four dwellings and the farmhouse into two dwellings (including the erection of garages) at The Farm 20 Main Street Milton Derby

Ward: Repton

Valid Date: 17/04/2002

Site Description

The site is a redundant farm, last used in 1988, set in the heart of the village conservation area. The principal farmhouse, a grade II listed building is set at the road frontage. A substantial range of outbuildings project to the rear. A public footpath runs through the courtyard. There are two existing accesses to the site, either side of the farmhouse.

Because of lack of maintenance and use the buildings are visibly in decay.

Proposal

The development would subdivide the main house into two dwellings and convert the outbuildings to four additional units and garaging. A new block for four cars and two garden stores would be erected adjacent to the boundary of the site with Walnut Close. A barn to the rear part of the site would be raised in height to accommodate two floors. A double garage would be attached to this unit.

One dwelling would be served by the northerly access and five by the one to the south of the farmhouse.

Amended plans have been received with detailed changes to the conversion scheme and the reduction in site levels and the height of the new garage block.

Applicant's Supporting Information

A detailed financial appraisal has been submitted and the applicant makes the following points through a chartered surveyor:

- a) Permission was granted in 1990 for four units.
- b) The site has been on the market for a considerable period of time and had been turned down by many developers as it was considered unviable.
- c) The building is obsolete having been vacant for 12 or 13 years and with no agricultural potential. It is considered by many to be an eyesore, with ongoing deterioration.
- d) The property is listed and this has added to the non-viability of the site.
- e) The main house at 5000 sq. ft is too large for a single dwelling, given its position and lack of private outdoor space. It would be difficult to achieve a profit on this basis.
- f) The group of buildings is important to the character of the village and should be preserved.
- g) Because of their listed status and dilapidated state, building costs will be higher than normal.
- h) The sub-division of the main house into two units would provide more affordable housing.
- i) The development of the site for four dwellings as permitted would result in an overall loss of 1.71%.
- j) Conversion to six units would show a return of 14.4%, which is a modest development profit.
- k) In response to local concerns about the traffic implications of the development the developer is prepared to contribute £8500 towards the implementation of traffic calming measures in the vicinity of the site, this sum based on the financial appraisal of the project.

Site History

Permission to convert to 4 units was granted in 1990 (9/0490/0093/F & 0094/L). Some initial works were carried out to the farmhouse to begin development. The units would have been served solely by the southern access.

Responses to Consultations

The Parish Council objects for the following reasons:

- a) The northerly access is extremely dangerous.
- b) If the scheme were to be reduced to 5 dwellings then the northerly access would not be required.
- c) The district council previously opposed the use of the northerly access and limited the use of the southerly access to 4 units.
- d) If permission is granted then the developer should fund traffic calming and safety measures.
- e) A site meeting should be held.

The Parish Village Society, whilst supporting conversion in principle raise the following concerns:

- a) The proposal would not provide housing for local people, including starter homes.
- b) The northern access is unsafe. Traffic should use an improved southern entrance.

The Highway Authority recommends refusal because the accesses are of substandard width and emerging visibility contrary to the best interest of highway safety. Furthermore there is insufficient space for service vehicles to access and turn within the site resulting in the need to reverse onto the classified highway or wait longer on the highway to the detriment of highway safety. Milton is also an unsustainable settlement and people would be reliant on the private car.

Severn Trent Water Limited has no objection.

Responses to Publicity

8 letters have been received from local residents. Whilst 5 of these acknowledge benefits in the principle of restoration of the building all raise objections, summarised as follows:

- a) There would be a major increase in traffic in the village.
- b) The accesses are dangerous, in particular the northerly one. Local residents, including children, would be at risk.
- c) If permission is granted the developer should fund traffic calming measures.
- d) Parts of the development would out of character with area.
- e) The extent of new construction is not necessary.
- f) There should be fewer units.
- g) The public footpath should be retained.
- h) Multiple residential conversion would not be in keeping with the historic character of the area.
- i) The new garage block would be overbearing to neighbours, reduce natural light and would cause loss of privacy and disturbance and pollution from light, noise and fumes.

Repton and Milton Village Design Group objects as follows:

- a) The development does not provide a mix of housing for local needs.
- b) There would be impact on traffic and road safety. In particular visibility to the northern access is blind and dangerous. Additional parking should be provided.
- c) The developer should be required to finance traffic calming and road safety measures.
- d) Use of local materials should be ensured.
- e) The public footpath should be retained.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policies 1 & 3, Housing Policy 5 and Environment Policies 9 & 10.

Local Plan: Housing Policy 7, Transport Policy 6 and Environment Policies 12 & 13.

Planning Considerations

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

- The principle of development.
- The impact on the conservation area and listed building.
- The degree of development.
- Residential amenity.
- Highway safety.
- Public footpath.

Planning Assessment

The site lies within the confines of Milton and thus receives the favour of the locational policies of the development plan. However the Council's settlement hierarchy, reflecting government advice in PPG3 does not identify Milton as a sustainable settlement and this factor would normally supersede those particular development plan policies. Nevertheless General Development Strategy Policy 1 of the Structure Plan acknowledges that sustainability is multi-faceted and can be contribute to by the re-use of buildings and by protecting the built environment. In this particular case the buildings include a listed farmhouse and its associated outbuildings, which make a positive contribution to the built environment of the village. Furthermore permission has previously been granted for conversion as detailed above, and a start appears to have been made. On balance the conversion of the buildings to residential use is clearly capable of being acceptable in principle.

The buildings make a significant positive contribution to the character and appearance of the conservation area. They enjoy statutory protection. Furthermore there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, reflected in the development plan policies. The buildings have suffered demonstrably from lack of use and maintenance over a prolonged period to the detriment of their historic character and appearance. The buildings have become increasingly at risk from this process. Officers have previously negotiated emergency repairs to the principal building to prevent it from more severe deterioration. The proposal would keep the principal building in its original use, albeit sub-divided in to two dwellings. The outbuildings would be converted from their original agricultural use to residential but the proposal in amended form makes good us of the existing fabric. Overall the development would preserve the listed building and, compared to the existing state of the complex, enhance the appearance of the conservation area.

The applicant's financial appraisal indicates that the number of units proposed is the minimum to enable development to take place. Officers have received numerous enquiries about the property over the a period of several years, some of which proposed more intense development and new build housing in the grounds. Comments from other potential developers support the applicant's contention that the current approved scheme would not be viable. The property has a clear record of decline and despite being offered on the market no other formal proposals have been put forward for consideration. The current application would thus appear to offer an enabling facility to secure the restoration of this most important group of buildings.

Residential usage of the site would not likely result in unacceptable disturbance to neighbours. The reduced height of the garage block would minimise overbearing and loss of light to neighbours to an acceptable degree. The layout of the accommodation would not cause unreasonable overlooking to nearby dwellings.

Neither access meets the standards for visibility and width and cannot do so without at least partial demolition of the principal listed building. Therefore the proposal raises irreconcilable planning issues. In this case it is felt that the preservation and enhancement of the listed building and conservation area outweighs the objection from the Highway Authority. Both access points exist and could be made use of if the buildings were to revert to agriculture. In the opinion of the Highway Authority, traffic calming would not resolve the safety issue. However if members felt that mitigatory measures could be achieved through traffic calming then this could be secured by an agreement between the Council and the developer under Section 106 of the Town and Country Planning Act 1990. Any subsequent firm proposals for traffic calming would need to be subject to consultation between the Highway Authority and the local community.

As the scheme would retain the existing line of the public footpath this issue does not materially affect the proposal.

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 drawings received 07 August 2002.

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

3. The approved works to convert and restore the farmhouse shall be completed prior to the occupation of any part of the development, unless as may otherwise be approved in writing by the Local Planning Authority.

Reason: The Council is only prepared to grant permission for the proposed development on the basis that it will enable the principal listed building to be restored.

4. With regard to the new garage block 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. All works of alteration and making good of the existing fabric of the building(s) shall be carried out in matching reclaimed brick and plain clay tiles, samples of which shall have previously been submitted to and approved in writing by the Local Planning Authority.

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

6. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the materials to be used in all external hard surfaces 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.

7. 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.

8. 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.

9. With respect to any condition that requires the written approval of the Local Planning Authority, the works thereby approved shall be carried out in accordance with that approval unless subsequently otherwise approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

10. Large scale drawings to a minimum Scale of 1:10 of external joinery, including horizontal and vertical 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.

11. 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).

12. 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.

13. 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.

14. 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.

15. 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.

16. The landing window to Unit 3 shall be permanently glazed in obscure glass.

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

17. Garaging and parking shall be provided in accordance with the submitted drawings prior to the first occupation of the dwellings to which they relate and shall be retained as such thereafter except as may otherwise be approved in writing by the Local Planning Authority

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

20/08/2002

Item 1.3**Reg. No.** 9 2002 0430 L**Applicant:**S G I Ltd
96/98 St Peters Street
Derby**Agent:**Mr. S. Greaves
S. G. Design Studio
202 Woodville Road
Hartshorne
Swadlincote
Derbyshire
DE11 7EX**Proposal:** Conversion of barns into four dwellings and the farmhouse
into two dwellings at The Farm 20 Main Street Milton Derby**Ward:** Repton**Valid Date:** 24/04/2002

See report 9/2002/0429/F

GRANT consent 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 drawings received 07 August 2002.

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

3. All works of alteration and making good of the existing fabric of the building(s) shall be carried out in matching reclaimed brick and plain clay tiles, samples of which shall have previously been submitted to and approved in writing by the Local Planning Authority.

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

4. 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.

5. With respect to any condition that requires the written approval of the Local Planning Authority, the works thereby approved shall be carried out in accordance with that approval unless subsequently otherwise approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

6. Large scale drawings to a minimum Scale of 1:10 of external and, in respect of the farmhouse, internal joinery, including horizontal and vertical 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.

7. 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).

8. 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.

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

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

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

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

11. Gutters 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.

20/08/2002

Item 1.4**Reg. No.** 9 2002 0485 F**Applicant:**

Mr D Price
 45, Duck Street
 Egginton
 Derby
 DE656HG

Agent:

B. Williamson
 Mr. B. A. Williamson
 Genista
 Broomhills Lane
 Repton
 Derbyshire
 DE656FS

Proposal: The removal of conditions 2 and 3 of planning permission 9/485/12 to permit the unrestricted occupancy of the residential annexe at 45 Duck Street Egginton Derby

Ward: Hilton

Valid Date: 02/05/2002

Site Description

The site comprises a former Methodist chapel within the village. The chapel is on the road frontage and has boundary walls on all three sides save for a car width opening on its road frontage.

Proposal

The proposal is to allow the chapel building that is currently used as a residential annexe to 45 Duck Street to be occupied as a separate dwelling. The existing gap in the frontage wall would be infilled to ensure that only pedestrian access is available.

Applicants' supporting information

The applicants have submitted a letter from the County Highways Authority stating that it would have no objection to the proposal if the dwelling were not provided with a separate access. Given the light traffic and the lane it would be acceptable for traffic to park on the highway.

Planning History

Permission to convert the chapel to an annexe to 45 Duck Street was granted in 1985. An application to convert it to a separate dwelling was withdrawn in 1984.

Responses to Consultations

Egginton Parish Council has no objection.

The County Highways Authority has commented as follows: -

Previous informal proposals from the applicant included the creation of an access onto Duck Street. The Highway Authority did not consider this suggestion acceptable since drivers would be emerging onto Duck Street in conditions of severely substandard visibility to the detriment of highway safety.

The current details exclude the formation of another access or the creation of additional parking facilities. Whilst this is likely to lead to an increase in on-street parking on Duck Street it is considered that this will not prejudice highway safety. There are no objections therefore to the granting of planning permission although it is recommended that permitted development rights relating to the construction of an access or further areas of hardstanding are removed.

The County Highways Authority has seen the objection letter below and confirmed that there is no objection to the proposal.

Responses to Publicity

One letter has been received objecting to the development on the following grounds: -

- a) The annexe has been let out in the past to individuals known to the applicants having first being occupied by family members.
- b) The lane outside the cottage is not very wide, when exiting their property, owners are practically in the middle of the road before they can see properly. If there were cars parked in the lane this view would be severely restricted.
- c) Cars have been parked in front of the neighbour's drive causing problems of access. This would be especially so if the family occupying the dwelling had three cars.

Government Advice

Planning Policy Guidance Notes 3 & 13

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 2 & 4 Housing Policy 6

Local Plan: Environment Policy 1 & Housing Policy 8

Planning Considerations

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

- The material impact of the creation of an additional dwelling in an unsustainable village under the provisions of the above Development Plan policies.
- The impact on highway safety.

Planning Assessment

The main issue is the creation of a new dwelling in an unsustainable village. Government office comments on the creation of small-scale developments that have been referred to it in the past have indicated that such developments are only of local significance. (The Village Hall site at Foston is one of these). The material impact of the use of this building as a dwelling would not be such that it would compromise the policies referred to above. The issues in this case are local and not material to the overarching policy of limiting development to sustainable locations.

The County Highways Authority is satisfied that in a location such as this highway safety would not be compromised by on street parking. In these circumstances, the refusal of permission based on this issue would be difficult to sustain at appeal.

Subject to conditions limiting the right of occupiers to extend the dwelling or create accesses and hardstanding without the prior grant of planning permission the following recommendation is appropriate.

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.

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

2. Before the building is occupied as a separate dwelling, the existing access to the east of the building shall be closed in accordance with the details shown on drawing no 5925.1. The wall shall thereafter be maintained in position such that vehicular access to the land behind the wall is not possible.

Reason: In the interests of highway safety.

3. A sample of both the brick and coping to be used to construct the wall referred to in Condition 2 above shall be submitted for approval in writing by the Local Planning Authority before work commences.

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

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

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no access shall be formed to the site without the prior grant of planning permission by the Local Planning Authority in response to an application made in that regard.

Reason: To ensure that any such structures are appropriate to the character and appearance of the building.

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

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

20/08/2002

Item 1.5**Reg. No.** 9 2002 0514 R**Applicant:**

Mrs F Holton
 Barleyfields Equestrian Centre, Ash Lane
 Etwall
 Derby
 DE656HT

Agent:

John Church
 John Church Planning & Development
 Consultant
 Victoria Buildings, 117 High St
 Clay Cross
 Chesterfield
 Derbyshire
 S45 9DZ

Proposal: The retention of chalet for exclusive occupation by elderly dependant relative at Barleyfields Equestrian Centre Ash Lane Etwall Derby

Ward: Etwall

Valid Date: 13/05/2002

Site Description

The site comprises a chalet type structure adjacent to the main dwelling at the site. It is enclosed by a small picket fence. Otherwise, it is a small part of the Equestrian Centre. The County Council has carried out adaptations to the structure to enable a dependant relative of the applicants to live in the chalet.

Proposal

The proposal is to retain the structure on the site for the relative and then remove it once the current occupier no longer requires the accommodation.

Applicants' supporting information

Letters from the occupier's doctors and occupational therapists confirm that she is in need of accommodation close to her family to assist in maintaining her quality of life.

The applicant's agent has suggested that the Authority could draw comfort from a unilateral undertaking under Section 106 of the Planning Act as a means of assuring that the structure is removed from the site once it is no longer required. He has confirmed that the use of the Unilateral Agreement would be acceptable to his client and has forwarded a signed agreement to the Authority.

Planning History

The chalet was first permitted for a temporary period to assess the viability of the equestrian centre. A permanent dwelling was then allowed and the chalet was retained under a temporary permission for the head girl to meet what was said to be a very short-term need to accommodate a head girl. A subsequent application for its retention was refused. The argument was that the business had a need for two full time people present on the site at all times. The Inspector at a subsequent appeal did not accept this and that appeal was dismissed.

An Enforcement Notice was issued requiring the removal of the chalet from the land. An appeal has been made and is outstanding.. In the meantime, the dependant relative became very ill and the applicant's requested that the appeal be held in abeyance. The Local Planning Authority agreed to this on compassionate grounds. Nevertheless, the appeal remains on the books and it is scheduled to be convened in mid September.

The current application seeks to remove the need for that appeal hearing whilst at the same time giving the Local Planning Authority certainty in respect of the removal of the chalet.

Responses to Consultations

Etwall Parish Council has no objection

Structure/Local Plan Policies

The relevant policies are:

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

Local Plan: Environment Policy 1, Housing Policy 8.

Planning Considerations

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

- Whether the health problems of the occupier of the chalet are sufficient to warrant a short-term departure from normal planning policy.
- The proposed terms of the Section 106 Agreement if the above is accepted.

Planning Assessment

The Local Planning Authority has sought for a time now to seek the removal of this structure from the land following the grant of permission for the permanent dwelling. The outstanding enforcement notice is the subject of an appeal that has been postponed due to the health circumstance of the occupier and pending the submission of this application. The terms of the Agreement would ensure the removal of the chalet once it is no longer required for the occupier but the Council would need to have some mechanism that would allow it to monitor if the chalet were no longer being occupied. It is suggested that a twice-yearly visit to the site by the Senior Enforcement Officer would suffice for this purpose as part of his weekly visits round the District.

The health circumstances of the occupier are capable of being a material consideration in exceptional circumstances and members are advised that this is such a circumstance given that there is a finite end date for the removal of the structure. In the event that the structure is not removed, two courses of action would be open to the Local Planning Authority. Prosecution under the terms of the Agreement and the service of a fresh Enforcement Notice. This latter course of action should not be necessary.

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

- A. **GRANT** planning permission subject to the following conditions set out below, and:
- B. That the enforcement notice relating to the structure be rescinded, and
- C. That the Senior Enforcement be requested to monitor the occupation of the chalet to ensure that the terms of the above Section 106 Unilateral Undertaking on the basis of two visits per year commencing 6 months from date of the determination of the application.

Conditions:

1. The chalet hereby granted planning permission shall be occupied as set out in the attached Section 106 unilateral undertaking until such time as it ceases to be occupied by Mrs Meg Holton who occupies the chalet as at 20 August 2002.

Reason: In the interest of the ensuring that the total number of dwellings in the countryside is minimised in the interests of the character of the countryside.

20/08/2002

Item 1.6**Reg. No.** 9 2002 0589 F**Applicant:**

The Harpur-Crewe Estates
Estates Office
1 High Street
Ticknall
Derbyshire
DE73 1JH

Agent:

Anthony Short and Partners
34 Church Street
Ashbourne
Derbyshire

Proposal: Extension and alterations to existing dwelling and provision of a new vehicular access at The Poplars Annwell Lane Smisby Ashby-de-la-zouch

Ward: Ticknall

Valid Date: 06/06/2002

Site Description

This two storey detached road-side house is on the south side of Annwell Lane opposite St James's church and is within the Smisby Conservation Area. The house presently consists of single, one and a half and two storey elements.

Proposal

It is proposed to demolish the single storey roadside extension and in its place erect a double garage, which would be linked to the house by a one and a half storey extension. The rear blank elevation of the garage would run parallel to the road and would be 8.6m long by 5.5m deep by 2.5m to the eaves and 5.2m to the ridge. The link extension would be 3m long by 3.8m to the eaves and 6.8m to the ridge. At the rear of the property it is proposed to extend the two storey part of the house with a two storey extension which would be 4.6m wide by 9.5m deep by 4.6m to the eaves and 7m to the ridge.

It is also proposed to form a new access some 13m west of the existing access and the existing entrance would be occupied by the new garage.

Applicants' supporting information

In a supporting letter the applicant's agent makes the following comments:

- The cottage is vacant and in need of major refurbishment to raise it to the condition necessary for it to be re-let.
- It is a very small dwelling, and tenancies for properties of this size are very difficult to let. Although the proposal includes the provision of four bedrooms, one of these is very small indeed.
- Due to the sensitive nature of the setting within the proximity of the church, the internal headroom has been restricted significantly in the central part of the house in order to keep the roof, closest to the road, subordinate to existing roofs.
- Following discussions, the garage has been realigned and the access has been improved by resiting it where visibility is vastly improved.

Responses to Consultations

The Highway Authority has no objections subject to standard conditions in the interests of highway safety.

Smisby Parish Council is concerned about the size, design and external appearance of the proposal in relation to its immediate surroundings. It says that the building is within the conservation area, opposite the Church and adjacent to Smisby Manor and as such at the historical heart of the village. It considers that a smaller cottage style would be more appropriate.

Responses to Publicity

Two letters of objection are summarised as follows:

- Excessive increase in size of dwelling, which would be inappropriate close to the church and next to older properties;
- The proposal would dominate the area being adjacent to the road;
- The dwelling would not be difficult to let with the present 2 bedrooms, as suggested by the applicant.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan:

Local Plan: Housing Policy 13: Residential Extensions; Environment Policy 12: Conservation Areas.

Planning Considerations

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

- The impact of the development on the Smisby Conservation Area.

Planning Assessment

This modest sized dwelling has had extensive single storey additions in the past, which are of poor architectural quality. Although the proposed extensions are large in relation to the existing dwelling they have been sensitively designed such that their overall massing has been broken down with the result that its apparent scale is much smaller than its actual scale. This has been achieved by separate roof height variations and with the nearest element to the roadside being single storey and elevations from the south and east being almost featureless. In view of this the development would preserve the character and appearance of the conservation area.

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.

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

2. This permission shall relate to the amended drawing, no M28-04 A received on 25 July 2002 showing in particular window alterations on the north, south and west elevations and clarification of the brick work joint and door pattern on the east elevation.

Reason: To preserve the character of the Smisby Conservation Area.

3. No work shall commence on site in connection with this development until samples of the external materials of the development have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the agreed materials.

Reason: To ensure the materials are appropriate to preserve the character of the Smisby Conservation Area.

4. Large scale drawings to a minimum Scale of 1:20 of external joinery, the eaves and verge detail, the canopy over the door to the north elevation and gates shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery and detailing 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 within the Smisby Conservation Area.