

SOUTH DERBYSHIRE DISTRICT COUNCIL

DEVELOPMENT CONTROL SUB-COMMITTEE – 14th August, 2001

Planning Services Manager

I N D E X

PART 1 Planning Applications
PART 2 Appeals

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

PLANNING SERVICES MANAGER

INDEX TO REPORT – 14th August, 2001

Application Reference	Item No.	Parish	Ward	Page No.
9/2001/0206/F	A1	Ticknall	Ticknall	1
9/2001/0441/F	A2	Alvaston	Aston	7
9/2001/0474/F	A3	Woodville	Woodville	11
9/2001/0542/U	A4	Woodville	Woodville	14
9/2001/0566/F	A5	Hatton	Hatton	17
9/2001/0575/F	A6	Newhall	Newhall	20
9/2001/0580/F	A7	Midway	Midway	23
9/2001/0612/F	A8	Willington	Willington	29
9/2001/0621/F	A9	Church Gresley	Church Gresley	34
9/2001/0499/A	B1	Hartshorne	Hartshorne	37
CW9/0601/0029	D1	Repton	Repton	41

14/08/2001

Item **A1****Reg. No.** **9 2001 0206 F****Applicant:**

Harpur Crewe Estate
Estate Office
Ticknall

Agent:

E. Lee
Mr. Eric J. Lee
Pennside
Penn Lane
Melbourne
Derbyshire
DE73 1EP

Proposal: **The erection of two garages at Spring Cottage 42 High Street
Ticknall Derby**

Ward: **Ticknall**

Valid Date: **14/03/2001**

Site Description

This site forms part of the rear garden of 42, High Street, otherwise known as Spring Cottage, a grade II listed building within the Ticknall Conservation Area. The garden has become overgrown and includes some mature fruit trees. Access to the garages would be from a private driveway on the south-west side of the site, which serves four dwellings. To the north east of the site is 40 High Street, the dwelling of which is some 7.5m from the site boundary.

The site is located within the Ticknall conservation area and the village confines defined for the village in the South Derbyshire Local Plan

Proposal

It is proposed to erect two double garages in the rear garden of Spring Cottage, both being set 2m in from the north-east boundary. The larger of the garages would be 7.8m wide by 5.7m deep by 2.3m to the eaves and 5.5m to the ridge. The smaller garage would be 5.8m wide and the same size in all other respects. The garages are intended to provide off-street parking for Spring Cottage and the recently completed dwelling neighbouring Spring Cottage on its southern side.

The original scheme has been amended to incorporate design features that are sympathetic to the Conservation Area and listed building and the garages have been sited a further 1m from the party boundary to improve the space about dwelling distances for the neighbouring dwelling.

Applicants' supporting information

In a supporting letter the applicant's architect, in response to a request to further lower the ridge of the garages to reduce any overbearance on the neighbouring dwelling, says that he is reluctant to lower it to less than 45 degrees as this

would not be common to the village. In response to queries about surface water drainage, he says that it would be taken to soakaways in the normal way as would the water from the parking and turning area. He says that he understands that there is an occasional problem with surface water from the fields at the rear of the site but this is outside of his client's control. He has also provided details of the garage floor levels in relation to the existing ground at the point of entry into the site.

Responses to Consultations

The Highway Authority considers that the erection of garages would not generate additional vehicle movements but will merely provide protection and security for vehicles which could already be parked on the site in question. It considers that both the access to the specific site and the hardstanding for vehicles could be constructed without the need for planning permission and the proposed garaging does not therefore increase the potential for vehicle movements onto High Street.

Two letters of objection have been received from the Parish Council, the first requests that a Tree Preservation Order is made on the remaining trees in the back garden and the second objects on the following grounds:

- a) loss of privacy
- b) intrusion into open land
- c) adjacent properties are not shown
- d) it could lead to further development
- e) the remaining trees should be protected
- f) it could involve a loss of bat habitat
- g) there would be up to 15 more cars on a private driveway coming onto High Street where the site lines are poor

Responses to Publicity

The Ward Councillor raises the following concerns:

- a) loss of privacy for neighbouring property
- b) consideration should be given to making a Tree Preservation Order on the site
- c) consideration should be given to its proximity within the Conservation Area
- d) Do the applicants have the requisite rights to use the access road to the site?

Four letters of objection have been received from neighbouring residents. These are summarised as follows:

- a) increase in traffic noise and disturbance
- b) the access road was only constructed for light traffic
- c) there is poor visibility at the private road junction with High Street
- d) the development would result in a loss of privacy
- e) all the existing properties are not shown
- f) the garages would result in a substantial loss of light to living room and kitchen
- g) Built development would replace existing garden resulting in an urban outlook rather than trees and vegetation
- h) Loss of trees would result contrary to that confirmed on the application form
- i) It would exacerbate existing poor surface water drainage

- j) The proposed garage is large and should only be used for domestic purposes
- k) There is a lack of clarity with regards to landscaping
- l) The new boundary wall at the rear of the new house would obstruct visibility for vehicles turning into the driveway from the proposed garages

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Environment Policy 9, Environment Policy 10 and Environment Policy 17

Local Plan: Environment Policy 12 and Environment Policy 13.

Planning Considerations

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

1. The principle of the development when set against development plan policy,
2. The impact on the Conservation Area
3. The impact on the setting of the listed building
4. The potential loss of tree cover
5. The impact on neighbouring dwellings.
6. Highway safety

Planning Assessment

The proposed development would be within the village limits as defined in the South Derbyshire Local Plan. As such, further development is acceptable in principle.

Following discussions with the applicant's architect, amended plans have been submitted which improve the design of the development and preserves the character of the Conservation Area and reflects the appearance of the listed building. The nearest garage would be some 12m from the listed building providing sufficient area to safeguard the setting of the building.

The trees on the site are mainly old fruit trees. There is insufficient justification from an amenity point of view to make the trees the subject of Tree Preservation Order. New tree and shrub planting, however, would be required as a condition of planning permission and a condition to that effect is proposed.

The main aspect of No. 40, High Street faces the rear of the garages at an intervening distance of some 10m. The Council's Supplementary Planning Guidance (SPG) recommends a distance of 12m between main and side aspect, a side aspect being a blank wall as in this case. However, the SPG is designed to cater for two storey development. In this case the garages are single storey. Additionally, the roof slopes away from the boundary with the most affected neighbour. In view of this there would be no adverse affect from the garages on the nearest residential properties.

The views of the Highway Authority are noted. The proposal is therefore satisfactory from a highway safety point of view.

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 received by the Local Planning Authority on 19 July 2001 showing in particular:

- a. the roof pitch reduced
- b. resiting of the garages and a distance of 2m between the garages and the site boundary
- c. alterations to the front elevations of the garages

Reason: To safeguard the amenities of the neighbouring property and to preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

3. No work in connection with this development shall commence until samples of the brick and tile for the development have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed using the approved brick and tile. A slop moulded brick and Staffordshire blue clay plain tile shall be used unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

4. Pointing of the proposed buildings 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: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

5. Prior to the development being brought into use windows shall be painted timber in a colour and to a specification which shall have previously been agreed in writing by the Local Planning Authority. The windows shall then be maintained as approved.

Additionally, the windows shall be:

- a. be set back from the face of the wall by a minimum of 50 mm,
- b. have segmental brick arches (unless they are located directly underneath the eaves) and unless otherwise agreed by the Local Planning Authority,
- c. be traditionally constructed so that opening casements are flush with the frame (modern EJMA detailing is not acceptable),
- d. have any glazing bars with a maximum overall width of 18mm and a maximum outer nosing width of 5mm,
- e. have a traditional brick/stone/tile cill. Integral timber cills are not acceptable, and
- f. be single glazed unless otherwise agreed in writing with the Local Planning Authority.

All of the above shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street, which is a grade II listed building.

6. External doors shall be timber and prior to the development being brought into use shall be painted in a colour and to a specification which shall have previously been agreed in writing by the Local Planning Authority and be set back from the face of the wall by a minimum of 50mm, and have segmental brick arches unless otherwise agreed by the Local Planning Authority.

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

7. No work shall commence on site in connection with this development until construction details of the garage doors, which shall be timber, have been submitted to and approved in writing by the Local Planning Authority and in their closed position shall give the appearance of side hung doors. Prior to the development being brought into use the garage doors shall be installed in accordance with the approved details and painted in a colour and to a specification which has previously been approved in writing by the Local Planning Authority.

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

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: To preserve the character of Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

9. No windows or openings shall be inserted in the rear elevations of the garages and no additional windows or openings shall be inserted elsewhere in the elevations or roofs of the garages unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the privacy of the neighbouring dwelling and to preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

10. No development shall commence on site until details of the surfacing material of the parking and turning area has been submitted to and approved in writing by the Local Planning Authority and the area shall be completed in accordance with the approved details before the development is brought into use.

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

11. No development shall commence until details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed levels.

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

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

Reason: To safeguard the amenities of the neighbouring dwelling.

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: To preserve the character of the Ticknall Conservation Area, to soften the visual impact of the development when viewed from the neighbouring dwelling and to provide for the future amenity of the area.

14. Further to condition 13 above, soft landscape details shall include planting plans; written specifications including cultivation and other operations associated with plant and grass establishment; schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate) and the implementation programme.

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

15. 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.

14/08/2001

Item **A2****Reg. No.** **9 2001 0441 F****Applicant:**

Mr E A Chamberlain
 83 London Road
 Shardlow
 Derby
 DE72 2GP

Agent:

Barton Willmore Planning Partnership
 Beansheaf Farmhouse,
 Bourne Close
 Calcot
 Reading, Berkshire
 RG13 7BW

Proposal: **Construction of an extended landscaped earthbund on land adjacent to A6 Alvaston By-pass**

Ward: **Aston**

Valid Date: **08/05/2001**

Site Description

The site is a presently open land in the green belt, although it will be subject to the construction of the A6 Alvaston Bypass in due course.

Proposal

The applicants seek consent to erect a 4 metre high earth bank along the proposed line of the A6 spur into Derby. The bank would abut the one already proposed by the Highway Agency pursuant to the Alvaston Bypass scheme and would extend to the traffic island at the A6/A50 junction.

Applicants' supporting information

- a) The Alvaston Bypass scheme includes the provision of a landscape bund for noise protection alongside existing houses in Derby City. The Highway Agency is prepared to extend the bund southwards towards the A6, subject to the applicant obtaining permission. The scheme involves no extra land take since it is within an area already identified for landscaping under the Highway Agency's CPO. The bund would be constructed, landscaped and maintained by the Agency to its own specification similar to that already proposed for the approved section of road and bund.
- b) An acoustic consultant (who gave evidence at the Public Inquiries for the road schemes) has stated that there would not be any measurable increase in the noise level within Alvaston Castle Country Park as a result of the bund proposal. This is because the angle of the slope of the bund would not be reflective in noise terms.

Responses to Consultations

The Parish Council has the following concerns:

- a) The proposal appears to be motivated by the potential for residential development in the green belt to the west of the Bypass line. If land is to be allocated for development here it should only be after the designation of compensatory green belt between the old and new Snelsmoor Lane. (This is not a matter material to this planning application)
- b) There could be increased noise in Thulston.

The County Council, as an interested party, comments as follows:

- a) There could be reflected noise in Elvaston Castle Country Park.
- b) The design of the bund should be adequate to protect the proposed pedestrian cycle underpass.
- c) The proposal may reduce the Highway Agency's requirement to compulsorily purchase County Council land, potentially isolating a small piece of land. This matter has been taken up direct with the Agency.

The County Planning Authority comments that the line of the bund follows the line of the bypass, which affects three archaeological sites. It recommends that archaeological work on the bund and bypass should be carried out at the same time.

The Highways Agency requires the imposition of conditions to protect the trunk road scheme.

The County Highway Authority, Environmental Health Officer, Environment Agency and Severn Trent Water Ltd have no objection in principle.

Responses to Publicity

A letter has been received from an Elvaston resident, objecting as follows:

- a) The development would lead to increased noise.
- b) The proposal would give tacit approval to future development in the green belt.
- c) If the application is approved a compensatory bund should be provided on the east side of the road to protect residents from noise.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 7.
Local Plan: Green Belt Policy 6.

Planning Considerations

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

- a) The principle of development.
- b) Its visual impact.
- c) Noise.
- d) Highway matters.

Planning Assessment

The site is located within the green belt where development is generally strictly controlled.

In this case there is no current need for the proposed bund, in terms of noise attenuation, at this location as no residential development exists directly to the south of it.

The land to the west of the site is currently located within the green belt. However, there are logistical advantages to constructing a bund when the trunk road scheme is built as existing residents to the west of the bypass would benefit to some degree from the bund, irrespective of any future development in the green belt.

The proposal would in effect be an extension to a scheduled bund, following the line of the bypass. In the context of the road, and subject to the bund being constructed concurrent with or after the road, the openness of the green belt would not be materially affected. In these circumstances the principle of the development would not prejudice the policies for development in the green belt.

The proposal would act as a landscaped screen to the trunk road when viewed from the westerly approach and would therefore not have an adverse impact on the appearance of the countryside. Indeed, it would be beneficial to it.

There is no evidence that reflected noise would be perceived in the villages and the country park.

Highway interests would be protected by condition.

Recommendation

GRANT permission subject to the following conditions:

1. The development, hereby approved, shall not be begun before the first operations of the A6 Alvaston Bypass has started.

Reason: To ensure that the trunk road scheme is not prejudiced.

2. The bund shall be constructed in accordance with a detailed design that shall have previously been submitted to and approved in writing by the Local Planning Authority. The bund shall not exceed four metres in height.

Reason: To ensure that the development does not prejudice the trunk road scheme and as the bund is described as not exceeding 4 metres in the submitted application documents.

3. 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.

4. 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.

5. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that items of archaeological interest are adequately recorded/preserved.

Informatives:

Further to condition 2 above the detailed design of the earth bund should be in accordance with Highways Agency standards.

14/08/2001

Item A3**Reg. No.** 9 2001 0474 F**Applicant:**

Mr Riley
 9, High Street
 Woodville
 Swadlincote
 Derbyshire
 DE11 7EH

Agent:

Mr Stephen Graves
 S G Design Studio
 202 Woodland Road
 Hartshorne
 Swadlincote
 Derbyshire
 DE11 7EX

Proposal: The conversion, including rebuilding, into two flats of the building at 7 High Street Woodville Swadlincote

Ward: Woodville

Valid Date: 23/05/2001

Site Description

This combined shop and house is on the north east side of High Street in Woodville and it is some 40m from The Tollgate roundabout. There is an existing vehicular access between this and the neighbouring property (No.5) leading to a small tarmaced area at the rear of the property. The site is located within a mixed use area.

The property to the south east of the site is owned by the applicant.

Proposal

The applicant seeks consent to convert the premises into two flats. It is proposed to convert the existing shop and office into a lounge and kitchen and combine this with the existing bedrooms at first floor to form a flat. At the rear of the property it is proposed to build a two storey rear extension to provide additional area to form a second flat. The extension would be built above an existing single storey flat roof extension and would be 5.3m to the eaves and 8m to the ridge and would be 5.5m wide.

A parking area would be provided in the courtyard at the rear of the premises.

Responses to Consultations

The Highway Authority comments that as the change of use is likely to result in a reduction in the overall amount of traffic visiting the site, there is no objection to the application subject to the parking facilities being provided before the flats are first occupied.

Woodville Parish Council objects to the proposal as it considers the access to be dangerous as it is situated on the A511 and very close to the Tollgate Island.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Transport Policy 6 and Housing Policy 13

Planning Considerations

The main issues central to the determination of this application relates to the affect of the proposal on the amenity of neighbours to the site and highway safety.

Planning Assessment

The site is located within the built up area of Woodville. In this area the establishment of new residential units is generally considered to be acceptable.

It is noted the premises is located between two other buildings. There is a detached two-storey dwelling owned by the applicant on the north east-side of the application building. The extension proposed to the rear of the application building would have a marginal impact on the main aspect of this dwelling when considered against the distance criteria in the Council's SPG on house extensions. However, as the dwelling is currently already affected by the two storey rear projection of the unit and it is owned by the applicant this would not be sufficient to warrant refusal of the application.

The dwelling on the other side of the building has two windows at first floor level, only one of which is obscure glazed, and they face a proposed bedroom window at a distance of some 3m. The SPG advises that where bedroom windows are obscure glazed and /or high level they may be acceptable at distances less than those specified. Therefore, whilst the relationship between the windows is in accord with guidance any permission should be conditional on the proposed window being obscure glazed.

From an appearance point of view the extension would integrate satisfactorily with the building and surrounding area.

The comments of the Parish Council are noted. However, the Highway Authority has raised no objections as the proposal would generate less traffic movements than the existing use as a shop and dwelling. In view of this the proposal is acceptable from a highway safety aspect.

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 hereby approved and forming part of this development shall be provided before any part of the development is first occupied and retained as approved thereafter free from any impediment to their designated use.

2. The parking spaces hereby approved and forming part of this development shall be provided before any part of the development is first occupied and retained as approved thereafter free from any impediment to their designated use.

Reason: As recommended by the Highway Authority to provide sufficient off-street parking in the interests of highway safety and efficiency.

3. The development shall not be brought into use until the stone lintels above the ground floor window and door on the front elevation have been installed and the brick work in this area made good and to match the existing brick work.

Reason: In the interests of the appearance of the building and the streetscene.

4. No development shall commence on site until brick and tile samples have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out using the agreed materials. The brick and tile shall match those used on the existing building.

Reason: To ensure the materials used are appropriate for the locality and would integrate satisfactorily with the existing building.

5. The first floor bedroom windows on the north west facing elevation shall be obscure glazed and/or high level unless otherwise agreed in writing by the Local Planning Authority. If the windows are to be high level then no works shall commence on site until details of the windows within the elevation have been submitted to and approved in writing by the Local Planning Authority and the development shall then be carried out in accordance with the agreed details.

Reason: To safeguard the privacy of the occupiers of the neighbouring dwelling and future occupiers of the development.

14/08/2001

Item **A4****Reg. No.** **9 2001 0542 U****Applicant:**

Mr M King
 100
 Heaton Road
 Solihull
 West Midlands
 B91 2DZ

Agent:

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

Proposal: **Proposed change of use of part of rear gardens for car
 parking at Land To The Rear Of 126 And 128 Swadlincote
 Road Woodville Swadlincote**

Ward: **Swadlincote**

Valid Date: **06/06/2001**

Site Description

The site is an area of land set behind the frontage dwellings on Swadlincote Road. It is formed from land previously in use as rear garden space belonging to the dwellings fronting Swadlincote Road. The area has been recently surfaced in rolled stone to provide approximately 5 car parking spaces and is accessed off an access road that links the site to Swadlincote Road.

Proposal

The applicant seeks retrospective planning consent to use the land to provide parking for the tenants of nos. 126 and 128 Swadlincote Road and as an occasional overspill parking area for visitors to Spencers Drinks Ltd (on the opposite side of Swadlincote Road) and the owners of the dwellings.

Planning History

There are no applications relating specifically to the site although the Spencers Drinks factory has been the subject of many applications.

Responses to Consultations

The County Highway Authority has no objection to the granting of permission.

Responses to Publicity

Five letters of objection have been received making the following comments:

- a. The land has already been converted to a car park without planning permission (this is not a matter material to this planning application);
- b. The ground has sunk since it has been surfaced and has affected the drainage of water in the area which may now be causing additional water to run off onto neighbours gardens (this is not a matter material to this planning application);
- c. It is not clear whether the car park is to be used by residents of the adjoining properties or by Spencers Drinks who own both properties;
- d. This appears to be another attempt by the company to change their parking facilities which will result in an abuse of the facility with no concern to their neighbours;
- e. If permission is granted the land ought to be properly drained and surfaced and the type of vehicle that can be parked restricted.
- f. A number of well established conifer trees have been lost possibly due to the removal of drainage on the land and causing a loss of privacy;
- g. The parking area is directly off a well used public footpath. The additional vehicles would increase the risk to the health and safety of pedestrians a number of whom are young children;
- h. The site is currently the subject of fly tipping (this is not a matter material to this planning application);
- i. The site may be used for the parking of lorries which already cause problems on Swadlincote Road;
- j. The use of the land for business purposes is an invasion of privacy and would generate added noise from frequent comings and goings to the rear;
- k. The junction with Swadlincote Road is substandard and as such has resulted in planning permissions for another commercial user of the access being restricted by condition;
- l. If permission is granted for the current application it would make it difficult for the Council to resist a similar retrospective application for land on the other side of the access track exacerbating the problems at the junction and detrimental to highway safety.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Economy Policy 4.

Local Plan: Employment Policy 1.

Planning Considerations

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

- Highway safety
- Impact on residential amenity

Planning Assessment

Although there are no specific planning policies that deal with cases such as this, it does seek to ensure that any expansion of existing industrial uses are permitted where the proposal is not detrimental to the character of the locality or residential amenity and does not cause environmental or traffic problems.

In this case the car park accommodates five vehicles and is designed to be used by the residential properties that front Swadlincote Road (an element of the application that would not require planning permission) and occasionally by vehicles visiting the business premises opposite the junction (hence the need for permission). The access track and junction also serves other

properties and a commercial premises. In such circumstances a small scale development such as that proposed would not increase the number or type of vehicle movements to a level that would have a detrimental impact on the amenity of neighbouring residents. A condition restricting the vehicles that park on the area to domestic vehicles only is considered appropriate.

With regard to highway safety (both for vehicles and pedestrians) the County Highway Authority has no objection to the proposal. In view of this there is no highway safety reason to resist this submission.

The issues of flooding and loss of conifer trees are civil matters. Problems with fly-tipping and the use of other land should be dealt with as separate matters and in the case of the latter on its own merits.

Recommendation

GRANT permission subject to the following conditions:

1. Notwithstanding the originally submitted details, the car park, hereby permitted, shall not be used for the parking of any commercial vehicles.

Reason: In the interests of residential amenity and highway safety.

14/08/2001

Item **A5****Reg. No.** **9 2001 0566 F****Applicant:**

Denaco Uk Ltd
 Units4-5, Station Yard,
 Station Road, Hatton
 Derby
 DE655DU

Agent:

Denaco Uk Ltd
 Deryk Naylor
 Units4-5, Station Yard,
 Station Road, Hatton
 Derby
 DE655DU

Proposal: **The retention of a portable building for use as an office at
 Denaco Ltd Units4-5, Station Yard Station Road Hatton
 Derby**

Ward: **Hatton**

Valid Date: **14/06/2001**

Site Description

The site is located within an industrial complex off Station Road in Hatton. The siting of the building, the subject of this application, is immediately to the south of other units occupied by the applicant. There is a security fence to the rear of the structure and the flank wall of a further industrial building to the north.

Planning History

There is no relevant history relating to the determination of this application but the units that the applicants occupy were constructed in the 1980's.

Responses to Consultations

Hatton Parish Council objects to the development on the basis of the loss of parking areas and the potential for parking on the roads.

The County Highways Authority has no comments.

The Environmental Health Manager has no objections.

Responses to Publicity

Two letters have been received objecting to the development on the following grounds: -

- a) Parking is already very tight on the site exacerbated by the fence erected by another company and the loss of further parking spaces would make it even more difficult and dangerous for delivery vehicles to manoeuvre within the site.

- b) The presence of the structure will make maintenance of an adjacent fence more difficult. At least 1.0 metre is required between the structure and the fence. (This is not a matter material to the determination of this application)

Structure/Local Plan Policies

The relevant policies are:

Planning Policy Guidance Note 13 (PPG 13)

Joint Structure Plan: General Development Strategy Policy 1

Local Plan: Employment Policy 1

Planning Considerations

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

- The impact of the building on the general character of the area, and,
- The loss of parking spaces and its impact on the operation of the industrial estate.

Planning Assessment

The structure is sited in an unobtrusive position within the industrial estate. As such, it is not visible generally and it has therefore a neutral affect on the area.

There are no residential properties directly affected by the building. Therefore, it has no impact on the amenities of dwellings.

The building is located on an area of hard-standing. However, it is not possible to determine whether or not this area accommodated car parking previously. Notwithstanding this, the Highway Authority raise no objections to it. Additionally, the guidance in PPG 13 is such that the reliance on the motor car as a means of transport is to be discouraged in any case. Reducing parking provision is part of that strategy. Therefore, the building has no adverse impact on highway safety and it is not at odds with the principles of sustainability.

The proposal accords with the policies of the Development Plan but as with all temporary structures, a time limited permission is recommended. This is to ensure that the condition of the structure can be monitored from time to time to ensure that its appearance is not detrimental to the appearance of the area.

Recommendation

GRANT permission subject to the following conditions:

1. This permission shall be for a limited period only, expiring on 31 August 2006 on or before which date the structure shall be removed 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: The structure is permitted on a temporary basis to meet your short term needs for additional accommodation. The structure by virtue of its materials of construction is unsuited to permanent retention and the Local Planning Authority retains control over the structure to maintain the appearance of the area.

14/08/2001

Item **A6****Reg. No.** **9 2001 0575 F****Applicant:**

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 65, Park Road
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Agent:

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Proposal: **The erection of a two storey extension at the front of 65 Park Road Newhall Swadlincote**

Ward: **Newhall**

Valid Date: **15/06/2001**

Site Description

This two storey detached dwelling is located on the east side of Park Road between detached dwellings and is set back some 9m rear of the highway. The dwelling is located within a mixed residential area with the dwelling on its south western side being a bungalow.

Proposal

The applicant seeks consent It is proposed to erect a part two storey extension on the right side of the front elevation of the property. The two storey element of the extension would be 4m wide and have a height of 5.1m to the eaves and 7.1m to the ridge. It would extend 2.4m from the front of the house and would mirror in proportions the front facing gable on the left side of the elevation, which project some 3m from the house. The single storey element of the extension would be a ground floor lean-to addition that would project a further 0.9m from the two-storey extension and would be 5.7m wide by 2.4m to the eaves.

Planning History

Planning permission was refused in May this year for a larger two storey front extension. This was 4m wide with a height of 5.1m to the eaves and 7.1m to the ridge and projected 4.3m from the main front elevation. The reasons for refusal were as follows:

1. The overall size and forward projection of the extension, and its close proximity to the dining room window and bedroom window of the neighbouring bungalow, would result in an overbearing effect which would unacceptably detract from the outlook presently enjoyed by the occupants of the property and would be contrary to Housing Policy 13 of the Local plan and the Council's Supplementary Planning Guidance on House Extensions.

2. The overall scale, forward projection and unsympathetic detailing of the extension would unacceptably detract from the appearance of the dwelling and thereby diminish the overall visual quality of the street scene contrary to Housing Policy 13 of the Local Plan and the Council's Supplementary Planning Guidance on House Extensions.

Responses to Consultations

The Highway Authority and Coal Authority have no objections.

Responses to Publicity

The neighbour occupying the bungalow objects on the following grounds:

- a) Despite amendments to reduce the size of the extension from the previous refusal, it would still overshadow their dining room and bedroom windows resulting in a loss of daylight.
- b) It would have an overbearing effect on their property which would spoil their present outlook and the new route to the back door would remove their privacy from the dining room, part of the hall and part of the kitchen.
- c) It would conflict with the Council's planning guidance on house extensions which suggests that only small additions would be acceptable for front extensions.
- d) The application does not comply with the 9 metre rule as stated in the Council's Supplementary Planning Guidance as the distance between the objectors bedroom windows and the proposed extension as the distance is only 8.4 metres and the distance between the dining room window is only 2.9 metres.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 13

Planning Considerations

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

- The impact on the living conditions of the neighbouring dwelling in terms of overshadowing and overbearance.
- The impact on the appearance of the dwelling and the character of the area.

Planning Assessment

The property is located within the built up area of Newhall. Therefore in principle an extension to the property is acceptable.

The extension would project forward of the neighbours' main dining room window by 3.2m, 2.4m of which would be two storey and the remainder single storey. The extension would be some 3m from the centre of the window. The supplementary planning guidance (SPG) on extensions advises that such a window is classed as a primary light source and that, where houses are staggered in relation to each other, it is important that they do not overbear on the other with primary windows being afforded particular attention. Therefore, an extension should not cross a

45 degree line drawn from the nearest habitable room window. In this case the extension would comply with that guidance and it is therefore acceptable.

In addition a main bedroom window would face the side elevation of the extension with a separation distance of some 8m. The SPG suggests a distance of 9m. Whilst below the distance specified in the SPG the reduction in the projection of the proposed extension as compared to the previous refusal, would allow a reasonable outlook to be maintained from this window. In this case, therefore, the extension is acceptable.

SPG is also provided with respect to the appearance of extensions, which should be in keeping the house and surroundings. Front elevations are generally considered to be the most sensitive to alteration and only small additions are generally acceptable. The proposed extension mirrors in proportions the tile hung projecting bay and gable but does not project forward of it and thus from a design point of view is an acceptable solution.

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. Prior to the commencement of work on site in connection with this developments samples of the brick and tile for the extension shall be submitted to and approved in writing by the local planning authority and the extension shall be constructed using the approved materials.

Reason: In the interests of safeguarding the appearance of the dwelling and the streetscene.