

**SOUTH DERBYSHIRE DISTRICT COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE – 28th May 2002**

**Planning Services Manager**

**I N D E X**

**PART 1 ..... Planning Applications**

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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).

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**PLANNING SERVICES MANAGER**

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28/05/2002

**Item** 1.1**Reg. No.** 9 2001 0730**Applicant:**

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

**Agent:**

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

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

**Ward:** Woodville

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

Members will recall at the Committee of 7 May 2002 that further information was requested regarding this proposal. Officers will update the members verbally at Committee.

A copy of the previous reports are attached at Annexe A.

28/05/2002

**Item** 1.2**Reg. No.** 9 2002 0170**Applicant:**

Mr T Warr  
 41, High Street  
 Repton  
 Derby  
 DE656GD

**Agent:**

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

**Proposal:** Alterations and extensions including the change of use of a school outbuilding at 41 High Street Repton Derby

**Ward:** Repton

**Valid Date:** 15/02/2002

**Site Description**

The site comprises an existing cottage with an attached building formerly used as a store by Repton School. The old store is in very close proximity to adjacent apartments at Brook House and there is a right of way to the building alongside Apartment 16. Currently the only access to this store is alongside the apartment.

**Proposal**

In addition to extensions and alterations to the existing dwelling the applicant seeks to convert the store to living accommodation. The windows in the side elevation facing Brook House would be obscure glazed. In the same elevation there would be a utility room door at ground floor level.

**Responses to Consultations**

The Parish Council and the Highway Authority has no objection.

**Responses to Publicity**

Three letters have been received objecting in the following terms:

- a) There would be overlooking to adjacent apartments at very close quarters to an imposing degree.
- b) The use of the proposed utility room door would result in activity very close to the adjacent ground floor apartment. Whilst there is an existing right of way it was envisaged that this would be for normal maintenance purposes only.
- c) There would be a reduction in the value of adjacent property.
- d) There is no right to carry out works to the adjacent British Legion car park.

## **Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: Environment Policy 8.

Local Plan: Environment Policy 12 and Housing Policy 13.

## **Planning Considerations**

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

- The impact on the character and appearance of the conservation area.
- Residential amenity.

## **Planning Assessment**

The proposed extensions and alterations to the building would be in keeping with the character and appearance of the conservation area and would make appropriate alternative use of the old store.

The proximity of habitable room windows to the apartments would give rise to loss of privacy if they were to be clear glazed or fully opening. The applicant has agreed to the use of obscure glass in the side elevation but an appropriate condition (including restricted opening of the windows) would be necessary for privacy to be maintained. The utility room door does not provide access to the rear of the property and is not likely to be intensively used as such. Whilst the store has been in limited use in recent times (apparently having previously been used in conjunction with Brook House when it was a boarding block) it could be put to use in its existing state with attendant movements in close proximity to Apartment 16. In these circumstances the impact on the occupiers of the adjacent apartment would not be materially harmful.

## **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. Subject to Condition 3 below and notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. C1A 8225/6 received 7 May 2002.

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

3. 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.

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

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

5. Pointing of the existing/ proposed building(s) shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand). The finished joint shall be slightly recessed with a brushed finish in accordance with Derbyshire County Council's advisory leaflet "Repointing of Brick and Stonework".

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

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

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

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

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

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

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

9. Gutters shall be cast metal (with cast metal fall pipes) and shall be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

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

10. The windows and door in the north (side) wall of the building shall be permanently glazed in obscure glass.

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

11. Before development begins details of measures to restrict the opening of the windows referred to in Condition 10 above shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first occupation of the associated rooms and shall be retained as such thereafter.

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



28/05/2002

**Item** 1.3**Reg. No.** 9 2002 0230**Applicant:**

Riverside Midlands Housing Association  
Riverside House  
49 Western Boulevard  
Leicester  
LE27HN

**Agent:**

Kent Porter Warren Architects  
28 Great Central Street  
Leicester  
LE24JZ

**Proposal:** The erection of eleven dwellings (2 flats and 9 houses) on land being the site of 37 Granville Street Woodville Swadlincote

**Ward:** Swadlincote

**Valid Date:** 27/02/2002

**Site Description**

The site is currently occupied by a detached house, stables and paddock/garden area and the remains of a fish and chip shop on the site frontage. Although with only a relatively narrow frontage onto Granville Street, the site opens out and descends into an area of approximately 0.5 hectares located in the heart of the urban area surrounded by existing dwellings.

**Proposal**

The submitted scheme shows the dwellings arranged around a cul-de-sac with parking areas in front. An amended scheme shows the parking areas increased to 18 spaces all within the site.

**Planning History**

Outline permission for the residential development of the site was granted in 1989 but never implemented.

**Responses to Consultations**

The County Highway Authority has no objection to the amended scheme showing increased and better parking provision.

Severn Trent Water has no objection subject to the submission of a satisfactory drainage scheme for the development.

**Responses to Publicity**

No letters have been received from any local residents.

## **Structure/Local Plan Policies**

The relevant policies are:

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

Local Plan: Housing Policy 4 and 11.

Supplementary Planning Guidance (SPG): Housing Design and Layout.

## **Planning Considerations**

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

- The proposals with regard to the provisions of the development plan and Government guidance
- The impact on residential amenity
- The impact on highway safety

## **Planning Assessment**

The development plan (and more recently central government guidance) seeks to secure the full and effective use of previously developed land within sustainable urban areas prior to the development of other land subject to development being of a suitable scale and character.

In this case the site is located well within the urban area but is only sparsely developed. The submitted scheme shows the site utilised much more efficiently with housing designed for affordability (housing association).

Given the relatively high density of the design, it has not been possible to gain the usually required garden depths. However, this has not led to any existing dwelling on adjoining land being overlooked at below the usual distances and many garden areas on the site do meet the minimum garden sizes set out in the SPG. With regard to space between dwellings within the site, one of the front elevations is also shown marginally too close to the corner of a proposed dwelling opposite. However, given that the offending dwelling is set to one side, this marginal shortfall (0.5 metre) is considered acceptable.

In all other respects the scheme is considered acceptable.

## **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. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

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

5. 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.

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

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

7. The car parking spaces/manoeuvring areas shown on the submitted plan 02012.02B shall be hard surfaced with a solid bound material and marked out prior to the first use of the development and thereafter retained for that purpose free of obstruction.

Reason: In the interests of highway safety.

8. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 02012.02B.

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

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

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

10. Before any other operations are commenced, a temporary access shall be formed into the site for construction purposes, and space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring for site operatives and visitor's vehicles, loading and unloading of goods vehicles, all in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

11. Before any operations commence involving the movement of materials in bulk to or from the site, facilities shall be provided that have previously been approved in writing by the Local Planning Authority, to prevent the deposition of mud or extraneous material on the access roads to the site.

Reason: In the interests of highway safety.

12. No dwellings shall be occupied until the proposed estate street has been laid out in accordance with the application drawings (as amended), to conform with the County Council's Roads in Housing design guide, and constructed to at least base course level, drained and lit in accordance with the County Council's Specification for Housing Development Roads.

Reason: In the interests of highway safety.

Informatives:

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

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

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

The County Highways Authority advises that:

1. Appropriate alterations to the existing drainage on Granville Street must be carried out to prevent surface water from Granville Street flowing across or onto the bell mouth of the proposed cul-de-sac to the satisfaction of the Highway Authority.
2. The structural design of the retaining walls adjacent to and supporting the highway must be submitted to and approved by the Highway Authority. Such walls will become part of the maintainable highway and are subject to a commuted sum to cover the cost of future maintenance, and require an easement for working space within the adjacent private land.

28/05/2002

**Item** 1.4**Reg. No.** 9 2002 0253**Applicant:**

Mr Howell  
The Old Stables, Lees Lane  
Dalbury Lees  
Ashbourne  
Derbyshire  
DE6 5BE

**Agent:**

Tim Foster  
2 Broomfield Cottages  
Morley  
Ilkeston, Derbyshire  
DE7 6DN

**Proposal:** The erection of a detached double garage and conservatory at  
The Old Stables Lees Lane Dalbury Lees Ashbourne

**Ward:** North West

**Valid Date:** 05/03/2002

**Site Description**

The site comprises a part of the yard to Top House Farm. The site is separated from dwellings to the west by a high leylandii hedge and the other boundaries comprise post and rail fences.

**Proposal**

There are two elements to the application. The first relates to the construction of a sunroom on the eastern end of the former farm buildings. The second relates to the erection of a double garage at the west side of the site adjacent to the hedge referred to above.

**Applicants' supporting information**

In order to try to meet objections received, the applicants have reduced the width and height of the garage. The reduction in height has brought the building into the allowances that would normally have been permitted development save for the condition referred to below.

**Planning History**

Permission for the conversion of the building to a dwelling was granted in the late 1990's. That permission removed permitted development rights from the site so all extensions and garden buildings require planning permission.

## **Responses to Consultations**

Dalbury Lees Parish Council has no objection to the sunroom but considers that the garage is poorly located in relation to existing dwellings and would be better sited at the other side of the site. This would remove the garage from its close proximity to the adjacent dwelling. The conversion should have included an integral garage and this would have been more in keeping. The original plans did show an integral garage.

The County Highways Authority has no comments.

## **Responses to Publicity**

Two letters have been received objecting to the garage proposed for the following reasons: -

- a) The building although reduced in height would overshadow the adjacent property.
- b) The barn should have been converted in its original form then there would not have been a need for a separate garage. If it is to be built then the garage should be sited to the north and east.
- c) Hedges have been removed and replaced by fences.

## **Structure/Local Plan Policies**

The relevant policies are:

Local Plan: Housing Policy 7 & 13

## **Planning Considerations**

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

- The acceptability of the proposed extension and garage
- The impact of the siting of the garage in the alternative location suggested by the Parish Council and objectors.

## **Planning Assessment**

The positioning of the sunroom minimises its impact on the buildings and the surrounding countryside. The garage is shown in a location that minimises its visual impact on the countryside. The alternative location is more prominent from the wider countryside. The building would be sufficiently far away from neighbouring dwellings to avoid direct impact on them.

## **Recommendation**

**GRANT** permission subject to the following conditions:

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

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

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

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

3. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 107 OS 001 received on 10 April 2002.

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

4. Notwithstanding the submitted details, the verge and eaves details of the garage shall be constructed to match those of the adjacent farm buildings

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

28/05/2002

**Item** 1.5**Reg. No.** 9 2002 0332**Applicant:**

Mr Williams  
 Yew Tree Cottage, Mount Road  
 Bretby  
 Burton-on-Trent  
 Staffordshire  
 DE150RD

**Agent:**

Mr T Williams  
 Yew Tree Cottage, Mount Road  
 Bretby  
 Burton-on-Trent  
 Staffordshire  
 DE150RD

**Proposal:** The erection of an extension at Yew Tree Cottage Mount  
 Road Bretby Burton-on-Trent

**Ward:** Repton

**Valid Date:** 26/03/2002

**Site Description**

The property is a small cottage in the heart of the village conservation area, set back from the road. The rear of the building is well screened by existing buildings and vegetation. The house currently has two small bedrooms. The bathroom is at ground floor level.

**Proposal**

The application proposes extensions to the rear that would roughly double the size of the house. There would be three bedrooms at first floor level along with a new bathroom.

**Responses to Consultations**

The Parish Council objects for the following reasons:

- a) The resultant building would not be affordable by the local community. Housing availability within the parish is already very limited.
- b) The proposed extension would be too large and out of character with the area.

**Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: Environment Policy 8.

Local Plan: Environment Policy 12 and Housing Policy 13.



## Planning Considerations

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

- The impact of the extension on the character and appearance of the conservation area.
- Residential amenity.

## Planning Assessment

Whilst the overall size of the dwelling would be increased by as much again, the visual impact of this is much more limited. The extension has been designed to appear subordinate to the original dwelling which would still be predominant visually when viewed from public vantage points. Existing screening from trees and buildings further reduces the impact. As such there would be neutral (preserving) effect on the character and appearance of the conservation area.

Because of the space between the site and other dwellings, in conjunction with the orientation of the proposed windows there would be no material impact on the living conditions of neighbours.

There is no current planning policy that seeks to restrict extensions to dwellings to depress their value. In any event the village has few facilities and would therefore be an inappropriate location for low cost housing, particularly in the absence of a clear and demonstrable need.

## 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 15 May 2002.

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

3. 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.

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

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

5. Notwithstanding the submitted drawings large scale drawings to a minimum Scale of 1:20 of eaves and verges including sections shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The eaves and verges shall be constructed in accordance with the approved drawings.

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

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

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

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

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

8. Gutters 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.

9. 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).

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

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

11. 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.

28/05/2002

**Item** 1.6**Reg. No.** 9 2002 0379**Applicant:**

B T Cellnet Ltd  
 1 Brunell Way  
 Slough  
 Berkshire  
 SL11XL

**Agent:**

APT Ltd  
 Trent Lock  
 Lock Lane  
 Long Eaton  
 Nottingham  
 NG10 2FF

**Proposal:** The erection of 15 m high monopole together with an equipment cabinet and ancillary development on Land At Sutton Lane Hilton Derby

**Ward:** Hilton

**Valid Date:** 04/04/2002

**Site Description**

The site lies adjacent to the A50 at the Hilton Industrial Estate. To the west is the embankment for the bridge on Sutton Lane and to the north the landscaping associated with the A50. The land to the south and east is the Industrial estate. There are two other monopole masts to the south on the industrial estate.

**Proposal**

This would be a third monopole mast sited on the Hilton Industrial Estate, submitted under the 56 day notification procedure.

**Applicants' supporting information**

A full statement of need accompanies the application and this is available for inspection on the file. The site has been selected on the basis of site search criteria that are explained in the statement. The site is remote from housing and well situated to serve the needs of the travelling public. The applicants are satisfied that this is a well-screened location suited to the needs of the telecommunications industry. This industry plays an important role in the commercial and social welfare of the Country. Possible mast sharing has been examined and not proceeded with on account of the additional height and impact caused by the necessary latticed structure that would be required.

**Planning History**

Two other monopole masts have been accepted in the recent past at Hilton Industrial Estate.

## Responses to Consultations

Hilton Parish Council has objected to the development on the basis of the proliferation of masts in the locality.

The Highways Agency and the County Highways Authority have no comments.

## Structure/Local Plan Policies

The relevant policies are:

Local Plan: Community Facilities Policy 4

## Planning Considerations

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

- The impact of the proposal on the character and appearance of the area insofar as that relates to the siting, design and location of the mast are concerned.
- The proliferation of masts in the area.

## Planning Assessment

The mast would be visible from Sutton Lane and the A50. The mast is shown in a position where its impact is minimised by the road embankment and adjacent landscaping. Given its location on an industrial estate, the proposal cannot be said to adversely affect the character of the area. Siting design and appearance are the only other criteria that the Authority can take into account when looking at this type of submission. These aspects are considered acceptable.

The alternative to an additional mast would be a larger and more intrusive latticed mast. The outcome would be as or more intrusive as compared to the proposal at hand. The Council is not in a position to challenge the need for the facility in the first instance.

## Recommendation

**ADVISE** the applicants that South Derbyshire District Council have **no objection** to the proposal.

28/05/2002

**Item** 1.7**Reg. No.** 9 2002 0421**Applicant:**

Mr Mrs P Hooper Smith  
Lullington Court  
Coton Road  
Lullington  
Swadlincote  
DE128EJ

**Agent:**

C T Planning  
19 Bird Street  
Lichfield  
Staffs  
WS136PW

**Proposal:** The erection of a replacement dwelling at The Bungalow  
Lodge Road Netherseal Swadlincote

**Ward:** Netherseal

**Valid Date:** 16/04/2002

**Site Description**

The site lies in a rural location about 450 metres north of Netherseal village. A relatively small bungalow set within a disproportionately large landscaped garden currently occupies the site. The nearest dwelling is a two storey detached house about 35 metres to the north east whose garden adjoins the application site.

**Proposal**

The submitted scheme shows the existing bungalow demolished and replaced with a four bedroom house designed in a rustic vernacular style with the first floor largely utilising the roof space. The site plan shows the new dwelling sitting on part of the footprint of the existing. The house is sited at right-angles to the road with a detached garage on the opposite side and a landscaping scheme largely confined to the periphery of the site. The dwelling would lie some 8 metres from the boundary with the neighbour's garden.

**Applicants' supporting information**

1. It is submitted that the proposed development falls to be considered favourably in the context of Policy H8 (b) of the adopted South Derbyshire Local Plan wherein it states that planning permission will be granted for the replacement of existing dwellings outside settlements provided that the form and bulk of the new dwelling does not substantially exceed that of the original and the design and materials are in keeping with the character of its surroundings.

2. The existing bungalow on the application site is evidently in a very poor state of repair. Furthermore it is not of a design or appearance that contributes positively to the character and appearance of the surrounding area. The bungalow itself has not been subject to any alterations or extensions since it was first built. The bungalow could be extended by up to 70 cubic metres without the need for planning permission under the General Permitted Development Order.
3. Considerable attention has been put into the design and siting of the proposed new dwelling. The proposed replacement dwelling is a two storey dwelling which is to be constructed in red stock bricks, to provide variety and colour, with a pitched blue clay tile roof. Careful consideration has been given to the shape and size of the dwelling. It will be evident that the dwelling has been broken down into a number of elements of single storey, storey and a half and two storey construction. In this respect, the apparent size of the proposed replacement dwelling and its impact upon the surrounding area is substantially reduced. The variations in height that have been achieved in the design of the dwelling ensure that the dwelling can be easily assimilated into its surroundings.
4. The design of the dwelling is such that it has been designed so as to present its narrowest facade to Lodge Road. In the manner proposed, the siting of the dwelling will present an unimposing dwelling similar to that which is already on the application site. The design of the dwelling together with its materials of construction and its siting achieves a scheme which is substantially better in terms of its appearance than the existing dwelling. The development can be undertaken without disrupting or blocking any important views.
5. The design of the replacement dwelling has been produced so as to ensure that it does not have a gable width exceeding 7 metres. The proposed roof has a pitch of some 50 degrees. All windows and doors are to be constructed in timber which is to be painted white. All rainwater goods are to be cast iron with guttering provided on rise and fall brackets. These are typical characteristics of dwellings to be found in the locality. Although the replacement dwelling will be of modern construction, it will nevertheless incorporate traditional design features and materials so as to ensure that it is compatible with other dwellings to be found in the locality.
6. The Architect has produced sections for the verge treatment. The treatment of the windowsills and heads are considered to reflect designs found in the locality.
7. The replacement dwelling is sited substantially in the same position as the existing dwelling on the site. There is a substantial screen along the south eastern boundary of the site which limits views into the site when travelling along Lodge Road and Gunby Hill. The existing landscape features along this boundary are of such density that it will only afford filtered views of the eastern elevation of the proposed dwelling. So as to ensure that this screening is safeguarded, the new house has been sited further away from this screening than the existing dwelling. Nevertheless the dwelling remains substantially in the same position as the original dwelling. The re-positioning away from the south eastern boundary of the application site is therefore justified in the interests of retaining existing landscape features.

8. Discussions have been undertaken between the applicant and the Council's Landscape Architect, Mr Wood. Additional tree planting is also to be undertaken along the north western boundary of the site. The proposed landscaping will assist in the assimilation of the replacement dwelling into its surroundings. The new landscaping will also make a significant contribution to the objectives of the National Forest within which the site is located.
9. It is proposed that a new vehicular access to be formed centrally within the site frontage. The existing access will be retained for pedestrian purposes only. It is considered that this new point of access is necessary so as to enable the dwelling to be sited as close as is practicable to the original siting of the bungalow and still provide sufficient room for vehicles to turn so as to enter and leave the site in a forward position. The garage into the proposed dwelling is to be provided in the north west corner of the site. It is of a design and is to be constructed in materials to match those of the proposed dwelling.
10. In conclusion it is submitted that the replacement dwelling by virtue of its design, siting and proposed materials of construction present a new dwelling the form and bulk of which will not appear substantially different to that of the original dwelling. The replacement dwelling is of traditional design incorporating traditional materials and design features to be found in the locality. The dwelling has been sited so as to take advantage of the substantial screening afforded by existing landscape features. In the light of these circumstances it is submitted that the proposed dwelling will be in keeping with the character of its surroundings. In these circumstances the proposed replacement dwelling is considered to be entirely consistent with Policy H8 of the South Derbyshire Local Plan. Planning permission should therefore be granted.

### **Responses to Consultations**

The Parish Council and the County Highway Authority have no objections.

### **Responses to Publicity**

A neighbour objects on the grounds that the new dwelling would overlook his property. He suggests that if permission is granted, even with a lot of planting it would takes years for the loss of privacy to be reduced. As such he suggests that the building be moved across to the other side of the site which would make the dwelling less visible on the site and better protect his privacy.

### **Structure/Local Plan Policies**

The relevant policies are:  
Local Plan: Housing Policy 8.

### **Planning Considerations**

The main issues central to the determination of this application is the appropriateness of the proposal with regard to Housing Policy 8.

## **Planning Assessment**

The development plan seeks to allow replacement dwellings in the countryside provided the form and bulk do not substantially exceed that of the original, the design is in keeping with its surroundings and that they are on substantially the same footprint as the old.

Notwithstanding the applicant's agents' comments, the proposed dwelling could not be said to be of a similar form and bulk to that of the original, the existing bungalow being only single storey and rather understated in terms of its impact on its location. However, at the same time the existing bungalow is far from being in keeping with its surroundings. It probably dates from around the early 20<sup>th</sup> century but with a synthetic slate roof. It appears to be in a poor state of repair and that combined with its design represent a building that is at odds with its location. The proposed dwelling, on the other hand, appears to have been designed with the rural South Derbyshire vernacular in mind and would be constructed in materials far more sympathetic to its countryside location. As such the benefits that would result from the replacement of the existing dwelling with that proposed is a material consideration which is considered to outweigh any marginal contrast with the precise wording of the Local Plan policy. With regard to the neighbour's comments, the submitted location shows the dwelling well away from the neighbour's house and occupies a site in accordance with the policy set out in the Local Plan. As such it is considered that a resiting of the dwelling on the site would be unwarranted.

## **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. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.

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

3. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate three cars within the curtilage of the dwelling, or in any alternative location acceptable to the Local Planning Authority or as may otherwise be agreed in writing by the Local Planning Authority in accordance with its published standards. Thereafter three parking spaces, measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of each dwelling unless as may otherwise be approved in writing by the Local Planning Authority.

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



4. Prior to any access commencing on site, details of the construction of the access, including any necessary culverting of the existing highway ditch, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

5. Prior to any other operations commencing, the new access shall be formed with Lodge Road, laid out in accordance with the application drawing and paved with a solid bound material (i.e. not loose chippings) for at least the distance between the carriageway edge and the site boundary.

Reason: In the interests of highway safety.

6. No development shall take place until full details, including surface materials, of a vehicular turning area within the site have been submitted to and approved in writing by the Local Planning Authority. The turning area shall be provided as approved prior to the first occupation of the development and shall thereafter be retained for that purpose.

Reason: In the interests of highway safety.

7. The gates hereby permitted shall be designed so as to open inwards only.

Reason: In the interests of highway safety.

8. 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.

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

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

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

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

11. 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.

Informatives:

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

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

28/05/2002

**Item** 1.8**Reg. No.** 9 2002 0433**Applicant:**

Miss L Fairbrother  
 368 Burton Road  
 Midway  
 Derbyshire  
 DE11 7ND

**Agent:**

Miss L Fairbrother  
 368 Burton Road  
 Midway  
 Derbyshire  
 DE11 7ND

**Proposal:** The erection of one bungalow (all matters to be reserved except means of access) at 167 Burton Road Overseal Swadlincote

**Ward:** Overseal

**Valid Date:** 23/04/2002

**Site Description**

The site comprises the side garden to the applicant's bungalow. It forms a gap in a ribbon of development between two bungalows.

**Proposal**

The application plan suggests that the new bungalow could be sited on the same building line as those either side.

**Planning History**

Outline permission for the erection of a dwelling on the site was granted in 1989 but since lapsed.

**Responses to Consultations**

The Parish Council supports the application. The County Highway Authority and Severn Trent Water have no objections.

**Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 3 and Housing Policy 4.

Local Plan: Housing Policy 6.

## Planning Considerations

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

- The provisions of the development plan and Central Government Guidance

## Planning Assessment

The adopted Local Plan, prior to the publishing of PPG 3, states that within other rural settlements (i.e. those that do not have a confine and are not in the main urban area) housing development is acceptable provided it represents the infilling of a small gap within the group. However, the council's interim position since PPG 3 is to resist housing developments outside of the sustainable settlements and the urban area. Housing Policy 4 of the Joint Structure Plan states (inter alia) that new housing is acceptable where well related to urban areas in scale and location, capable of integration in its settlement pattern and where significant public transport infrastructure is available.

Although not included within either the village confines of Overseal or the urban area, the site lies within a closely developed and well established ribbon of development between the two on a main route into the urban area. As such it would appear contrary to the spirit of sustainability to resist a site in this location within walking distance of main facilities in Overseal and close to public transport links. The development would fit well into the existing settlement pattern and would only involve the use of previously developed land (i.e. this is not a greenfield site). On balance, the application is considered acceptable.

## 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. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate, in the case of dwellings of four or more bedrooms three cars, in any other case two cars within the curtilage of each dwelling, or in any alternative location acceptable to the Local Planning Authority or as may otherwise be agreed in writing by the Local Planning Authority in accordance with its published standards. Thereafter three parking spaces (in the case of dwellings with four or more bedrooms) or two parking spaces (in any other case), measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of each dwelling unless as may otherwise be approved in writing by the Local Planning Authority.

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

Informatives:

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

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

28/05/2002

**Item** 1.9**Reg. No.** 9 2002 0445**Applicant:**

Hutchison 3G U K Ltd  
 Star House  
 20 Grenfell Road  
 Maidenhead  
 SL61EH

**Agent:**

Stappard Howes  
 Unit B1 The Viscount Centre  
 University Of Warwick Science  
 Millburn Hill Road  
 Coventry  
 CV47HS

**Proposal:** The siting of a 15 metre high monopole, 3 dishes and 3 antennas together with associated equipment cabin on O S Field Number 0084 Swayfield Close Mickleover Derby

**Ward:** North West

**Valid Date:** 23/04/2002

**Site Description**

The proposed monopole would be situated in fields at the rear of Daventry Close, Naseby Close and Swayfield Close in Mickleover. The pole would be located adjacent to trees, on the boundary between fields that is formed by a hedge. In this position, the pole would be about 80m from the nearest dwellings on Daventry Close. Within the vicinity of the site and nearby dwellings, the land is flat.

**Proposal**

The proposal involves the creation of a temporary access track off Swayfield Close to the site in addition to the monopole and its associated compound.

**Applicants' supporting information**

A full statement of need accompanies the application and this is available for inspection on the file. The site has been selected on the basis of site search criteria that are explained in the statement. The site is away from housing and well situated to serve the needs of the community. The applicants are satisfied that this is an appropriate location suited to the needs of the telecommunications industry.

Details have been provided to show that the radiation emitted by the mast is many thousands of times lower than the recommendations for public exposure to radiation recommended by the International Commission for Non-Ionising Radio Protection. (ICNIRP).

## Responses to Consultations

Derby City Council considers that the proposed pole would have an unacceptable impact upon the residential amenities at nearby properties. In the proposed location, it would be highly prominent in the landscape and would be visually intrusive, particularly given the land levels. Moreover, it is not satisfied that the trees would sufficiently screen the pole.

The City Council raised objections to a similar proposal in Mickleover, south of the A516. In that case, the proposal was for a 15m high radio mast with antennae and associated equipment housing. The mast would have been located on land about 3m below road level with trees and shrubbery providing limited screening. The mast would have been directly opposite housing at the south of Mickleover, albeit separated from the housing by the A516. The nearest property would have been just 45m from the mast.

In objecting to that proposal, it was concluded that the mast would be highly visible in this location and that this would have an unacceptable impact upon residential amenities. Whilst in that case, the mast would have been closer to residential areas than in the current proposal, the land levels would have marginally reduced the impact of the proposal. The current proposal would be situated on flat land and therefore land levels would not minimise the impact in anyway. On this basis, the City Council is of the view that the two cases are comparable and objection is made for these reasons.

The Environmental Health Manager states that the applicants have provided information that seeks to demonstrate that the proposals accord with international standards and thus has no comment on the proposal.

## Responses to publicity

At the time this report was prepared, three letters had been received objecting to the proposal for the following reasons: -

- a) The health implications of these masts are not fully understood and it is inappropriate for masts to be placed in such close proximity to houses especially when masts are now not to be sited close to schools. Masts should not be located near houses where there are large numbers of children.
- b) There is a footpath running through the field that is very popular and the mast would spoil the rural nature of this walk.
- c) The mast will degrade the view from dwellings on Ladybank Road and all the Closes off that road.
- d) Why should people who do not have a mobile phone put up with this sort monstrosity
- e) This would be the first of numerous applications that will be increasingly difficult to resist if there is one there already.

## Structure/Local Plan Policies

The relevant policies are:

Local Plan: Community Facilities Policy 4

## Planning Considerations

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

- The impact of the proposal on the character and appearance of the area insofar as that relates to the siting, design and location of the mast.

## Planning Assessment

This is a remote location well away from the usual locations adjacent to the main road network. However the operators have a duty to provide coverage and the information accompanying the application indicates that there is a need for coverage in this area. The planning authority has control over the siting design and location of the masts when submitted for prior notification. The location of the masts amongst the trees does help to minimise the impact of such structures and although the company has offered the colour brown for the mast, it may be that a lighter colour is appropriate to minimise the effect against the sky.

Members may have read that some Authorities have sought to argue that the fear of adverse health affects can form a reason for refusing planning permission for these masts. Indeed, there were a couple of cases where this view was upheld at appeal. Subsequently, the courts have held that these are not proper grounds for withholding consent for what is permitted development. Accordingly, there are no grounds for withholding permission for fear of or a perceived fear of health effects.

Objectors have referred to a public footpath in the field. There is one located some 270 metres to the southwest. This is not close enough to be adversely affected by the proposals. The loss of outlook is also not grounds for refusing permission. Loss of amenity would be a reason to withhold consent but as the dwellings are more than 80 metres from the site, there is no significant loss of amenity.

## Recommendation

**ADVISE** the applicants that South Derbyshire District Council have **no objection** to the proposal.

1. Notwithstanding the submitted details the colour of the mast shall first be agreed in writing by the Local Planning Authority. The mast shall then be erected in the agreed colour.

Reason: To minimise the impact of the development.