

**SOUTH DERBYSHIRE DISTRICT COUNCIL**

**DEVELOPMENT CONTROL COMMITTEE 25<sup>TH</sup> SEPTEMBER 2001**

**Planning Services Manager**

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**Part 1.....Planning Applications**

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



## PLANNING SERVICES MANAGER

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25/09/2001

**Item**            **A1****Reg. No.**        **9 2001 0130 F****Applicant:**

Mr M Rossiter  
 125 Derby Road  
 Aston On Trent  
 Derby  
 DE722AE

**Agent:**

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

**Proposal:**        **The use as an equestrian centre including the erection of stables and indoor arena and a timber building to provide a single dwelling unit at Land At The Rear Of Alderslade House 125 Derby Road Aston-on-Trent Derby**

**Ward:**            **Aston****Valid Date:**     **13/02/2001****Site Description**

The application site comprises farmland set behind a ribbon of residential development to the west of Derby Road. The land rises to the west and there is woodland to the north. There is a narrow access to the field adjacent to Alderslade House.

There is a new access, formed when the A50 project was undertaken, about 290 metres to the north of the existing entrance.

**Description of Proposal**

The application seeks consent to erect a building measuring some 90 m x 70 m, arranged around a courtyard. Within this envelope, the floor space would consist of an indoor arena, offices, feed store, box store, feed and tack supplies shop, offices, canteen, viewing gallery, 76 stables, outdoor arena and courtyard and a swimming pool.

The highest part of the building would be the indoor arena block (90 m x 30 m approx. in area), which would be approximately 8 metres high to the ridge. The remainder of the building would be approximately 5.3 metres high.

The building would be orientated such that the courtyard faces away from residential properties. The building would be approximately 120 metres way from the nearest residential property at Alderslade House and 130 metres from 135 Derby Road. The land between the building and the residential area would be used for grazing.

It is proposed to cut the building into the rising land to the west. The overburden would be used to form a landscaped embankment between the building and dwellings in Derby Road.

The northern access would be used by traffic associated with the use.

A free standing temporary dwelling unit is also proposed to serve the unit.

The following amendments have been received:

- a) A three-bedroom temporary timber dwelling is proposed, in hexagonal form, measuring about 16 m across the flats. This compares with a similar shaped structure measuring about 22 m across and containing 6 self-contained flats as originally submitted.
- b) Initially proposing a feed and tack supplies shop of some 300 sq. m the proposed retail floorspace is now reduced to 90 sq. m, with the remainder specifically identified for hay and feed and box storage.
- c) The canteen and internal viewing area is reduced from 130 sq. m to 85 sq. m.

### **Applicant's Supporting Information**

- a) The proposal is a new generation of equestrian centre aimed at being the flagship for many more new centres throughout England, improving the sport in general and excellence alike.
- b) There are endorsements from the British Equestrian federation and the British Olympic Association. Contact has been made with Sport England, which is keen to catch up with the rest of the world in sport facilitation, improving sports for the good of the country.
- c) It is a struggle to create a thriving and self-sufficient industry in England and it is essential for every body to work together to help with this aim, not just for gold medals but for the health and well being of the country and generations to come.
- d) There is not massive opposition to the project. The applicant has received a massively positive reaction. It is believed that the village is 95% behind the project. It is understandable that people adjacent to the site object, who are possibly worried about the value and stature currently placed on their homes. However their homes won't be affected in the way that they think. With landscaping the houses would benefit from view and also from improving the village with a well appreciated facility that is in line with its rural quality.
- e) From a sample of 16 local homes a positive reaction was received from all but one and nine people wrote letters of support.
- f) There would be 107 riders in Aston/Weston.
- g) A comprehensive breakdown of activity is supplied. In essence there would be about 24 client cars per day weekdays and twice that amount at weekends.
- h) There is already livestock activity in the fields amounting to 50 head of cattle on occasions. This activity involves open feeding and the use of a tractor two or three times per day.
- i) The centre is unlikely to cause more of a disturbance to residents, especially when landscaped, because training and stabling would take place in the building.
- j) The proposed living accommodation is necessary to the operation of the enterprise. A letter from a specialist academic and a specialist vet are attached to support this contention.
- k) Competitions undertaken on the surrounding land would generate few spectators. It is expected that these events would be in house involving about 20 horses from the centre and an equivalent number of people.
- l) The odours from horses are minimal compared with cattle and poultry. At present there is a sizeable muckheap, possibly two or three times more potent than the applicant's proposed mist heap. It is about 120 metres from any dwelling and is not known to have caused a problem. The mist heap would be placed in a covered channel to minimise flies and odour (a normal method in Europe). Residences would be unaffected at this distance.
- m) It is likely that there would be a demand for the manure from the site.
- n) The potential for vermin would be controlled by the use of feral cats.

- o) There would be low level lighting only. The indoor facility would be used in hours of darkness.
- p) The amount of grazing land available is adequate for the needs of the animals. There may be scope to acquire more land in the future.
- q) The stables would be of adequate size and are designed to be flexible to deal with different sizes of animal.
- r) There would be no external tannoy system. The indoor arena may require such a facility for training.
- s) 50% -75% of business is expected from the immediate area, so disturbance from additional traffic in the area would be minimal.
- t) The design and landscaping, including major tree planting, would integrate the development with its surroundings.
- u) There would be significant rural employment.

The applicant has supplied letters from the British Equestrian Federation and The British Olympic Association, which offer the following comments:

- a) There is a substantial need to upgrade or establish improved facilities for equestrian sport throughout the country.
- b) There are well over 800,000 horses and ponies throughout the country and as the farming industry seeks to diversify it is anticipated that demand will increase.
- c) Any plans to create better conditions for sportsmen and sportswomen are to be applauded.

Nine letters of support from residents of Aston on Trent and Weston on Trent have also been supplied raising the following points:

- a) The development would create new interests and additional employment.
- b) It would introduce sporting and recreational facilities for all ages, in particular for the young people of the village.
- c) The centre would provide facilities that are needed by local people but are presently lacking.
- d) The economy of the village would be enhanced and other business would be attracted.
- e) The development would be of benefit to the environment and overall cultural aspects of the village.
- f) The village has suffered closure of shops factory and virtual closure of the hospital adding to its demise as a thriving community. The encouragement of new business into the area would to the long-term advantage of the community.
- g) The development would be at the edge of the village and thus would not cause disturbance or nuisance to local residents.
- h) There is good access.
- i) The area would receive publicity.
- j) The facility would enable the training of potential international riders.

An equine consultant, addressing issues of odour and noise and supplying a list of other establishments, has prepared an appraisal of the development. This has been commented on by the Environmental Manager Officer below.

### **Site History**

Permission was granted for the erection of a free-range egg unit (measuring 40 m x 10 m) in 1991. In addition an agricultural worker's dwelling was permitted concurrently. Work

commenced so the permission is still extant. The agricultural building would be sited about 180 m from the nearest dwelling.

### **Responses to Consultations**

The Parish Council strongly objects for the following reasons:

- a) The scope of the development is staggering. It may be suitable for a venue such as Newmarket, but certainly not for a village like Aston on Trent, where the infrastructure is totally inadequate.
- b) The proposal is environmentally unacceptable.
- c) An Environmental Statement should have been provided.
- d) The proposal does not address the criteria of the Local Plan.
- e) One of the access points is unsafe and the other is next to the new burial ground, which is completely inappropriate.
- f) There would be problems for emergency vehicles.
- g) There would be surface water drainage problems causing flood risk to dwellings and the school.
- h) The amount of noise pollution, traffic and visitors would have a devastating effect on the village.
- i) The site is extremely close to housing.
- j) The septic tank could cause problems.
- k) There could be waste disposal problems and manure on the roads.
- l) High power lighting would be intrusive to residents.
- m) Horses on the highways would cause safety problems.
- n) There is insufficient land for proper grazing.
- o) This is a major commercial undertaking and not farm diversification.
- p) A site visit is recommended although it is inconceivable that permission would be granted.

Save Aston Village environment objects in the following terms:

- a) The proposal does not meet the tests of the Local Plan.
- b) The site is outside the boundary of the village.
- c) There would be disturbance from noise, smell, traffic generation and light pollution.
- d) The applicant's traffic figures are questioned. Furthermore there could be parking on the highway.
- e) The access is adjacent to the new village cemetery site and there could be disturbance to graveside services and the peace of visitors.
- f) The buildings would be out of proportion and out of character with the area. Of particular concern is the proposed use of sheeted material for the roof instead of tiles.
- g) There would be light pollution.
- h) There would be noise and disturbance to nearby residents, particularly at weekends when the centre would be most used. No details of competitions are supplied and this aspect is of particular concern.
- i) Staff levels would generate significant traffic.
- j) An environmental appraisal should be undertaken to investigate the effects of soakaways, manure storage and disposal, the impact on wildlife and the effects of light and noise pollution.



The Environmental Health Manager, after raising initial objection on the grounds of potential noise, odour, visual and light intrusion has revised observations following receipt of the equine consultant's report:

- a) The list of sites supplied for comparison did not provide enough information to assist in final assessment. It would appear that the proposal is of such magnitude that there are few sites in the country on which a relevant comparison can be made and conclusion drawn.
- b) There is still concern relating to odour and general impact from the development on nearby properties. However from investigations undertaken there is insufficient evidence to back up the concerns, which are based purely on professional opinion.
- c) The applicant has employed an equine expert who states that in his opinion the development should not create any problems in relation to noise, odours and general impact. There is insufficient evidence to contradict the consultant's report.
- d) Whilst there is insufficient evidence to sustain the opinion that a development of this magnitude does have the potential for giving rise to complaints from its activities as indicated in previous comments.
- e) Should permission be granted schemes for the control of noise, odours and lighting should be submitted for approval.

The County Planning Authority comments/objects as follows:

- a) Whilst development involving horses is an appropriate use in the countryside the overall development included other uses such as a large shop and a canteen/coffee shop, which are inappropriate uses in the countryside and which exacerbate the overall scale. (Comment: The applicant has reduced the extent of these elements as described above.)
- b) If the development provided for the stabling, exercising and care of horses only, and subject to adequate landscaping and screening to minimise the visual impact of the development then no objection would be raised as the development would accord more closely with Structure Plan policy.
- c) There is no objection to temporary accommodation provided that the accommodation needs of staff could not be met from the local area, and subject to a time-limited permission.
- d) The local County Member, Councillor Harrison, is concerned about the number of riders likely to be using local roads in view of a limited bridle way network in the area. He also objects because the development would be an excessive intrusion into the countryside, contrary to Housing Policy 8 of the South Derbyshire Local Plan and General Development Strategy Policy 4 and Housing Policy 6 of the Structure Plan.
- e) There is concern about the access, which will be subject to separate comments from the Highway Authority.

The Highway Authority has no objection in principle.

The Environment Agency objected on the grounds that the application initially proposed the use of a septic tank. The application has been amended such that foul sewage would be disposed of to the public sewer.

Severn Trent Water Limited has no objection.

### **Responses to Publicity**

18 letters have been received with the following objections:

- a) There is no need in the village for the proposal, nor is it in the interests of the village.
- b) Objection to this proposal is as strong as that expressed in respect of the previously withdrawn application.
- c) The proposal is not in accord with the development plan.
- d) The proposed access is not suitable for large vehicles.
- e) The existing access to the site adjacent to Alderslade Farm would more likely be used and this is unsafe.
- f) There would be health risks due to flies and vermin.
- g) There would be noise dust and smell disturbance.
- h) Noise would emanate from the animals, vehicles and possibly loudspeakers, amplified by the site being on the side of a hill.
- i) There would be pollution from site lighting at night.
- j) Drains and sewers would be overloaded from effluent discharge and there could be pollution.
- k) The change to the pattern of land drainage would be altered causing a flood risk to adjacent properties.
- l) The existing road network is already congested and the proposal would aggravate the situation.
- m) There could be an adverse effect on wildlife.
- n) There is inadequate information in respect of the external appearance of the building and boundary fencing.
- o) The number of vehicles estimated appears to be grossly underestimated.
- p) There is concern over the temporary living units and what would be proposed to replace them.
- q) The normal minimum land requirement for 76 stables would be 32.12 hectares. This does not allow for such things as event courses, shops and hydrotherapy pools. The application site of 8 hectares is thus totally inadequate for the development proposed.
- r) There would be inadequate facilities for parking, storage of fodder and bedding, manure storage/removal and poor access for service vehicles.
- s) The land area is too small for proper animal welfare and it would be necessary to import feed to the site.
- t) The business plan for the proposal indicates income levels that would necessitate far greater levels of traffic than stated in the application.
- u) The hours required to make the centre viable would need to be longer than as stated by the applicant. Most shows at indoor riding stables go on well beyond 10 p.m.
- v) There is no need for all staff to be present on site. One or two would be sufficient.
- w) Due to local competition it is unlikely that the development would ever attract sufficient numbers of customers. The business plan forecast is probably greater than the combined incomes of all the riding schools and livery yards within a five mile radius.
- x) The presence of horses on public highways would cause hazards. The bridleway network is inadequate.
- y) The proposal is not a farm diversification project.
- z) The buildings would not be sited in proximity to existing buildings as required by the local plan.
- aa) No provision is made for a firebreak or isolation area to prevent infection.
- bb) Manure left by horses in the village would be a nuisance to residents.
- cc) The potential of the site to attract visitors could lead to increased crime in the village.
- dd) Views from neighbouring dwellings would be adversely affected.
- ee) Levelling works to the site would change the landscape. The development would be harmful to the character of the area.
- ff) Local services would be overloaded.

- gg) There could be harm to wildlife in the adjacent woodland.
- hh) There would be loss of privacy to existing dwellings.
- ii) Property values would be reduced.
- jj) Riders due the lack of bridleways may use public footpaths.
- kk) An application for motorcross, using the proposed access, was refused in 1991 on highway safety grounds.
- ll) The proposal would erode the open space between the village and Derby, threatening the identity of Aston on Trent as a separate community.

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

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 5 and Housing Policy 6.

Local Plan: Environment Policy 1, Recreation and Tourism Policy 9 and Housing Policy 8.

### **Planning Considerations**

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

- The principle of development.
- The need for a dwelling.
- The impact on the character of the area.
- Residential amenity.
- Animal welfare.
- Traffic and highway safety.
- Land drainage and pollution.
- The existing permission for a chicken unit and dwelling.

### **Planning Assessment**

Development plan policies do allow for the erection of commercial stables and the establishment of stables is generally appropriate to a rural area. The local plan seeks to constrain commercial stables to areas well related to existing settlements and sited in proximity to existing buildings. The justification of the policy states that to protect the amenities and undeveloped character of the open countryside, the most appropriate locations for such uses are the rural fringes of towns and villages.

PPG7 states that the government wishes to see a positive approach towards planning applications for horse-based development which respect the rural environment. The revised proposals reduce the amount of floorspace given over to the shop and canteen to a level reasonably commensurate with ancillary usage. In principle, therefore, the development is acceptable.

Whilst originally proposing multiple dwelling units, the presence of a single unit to provide 24 hour cover is considered to be reasonable having regard to the nature and scale of livestock to be kept at the site. The dwelling is not permanent and would not have an adverse impact on the area.

PPG7 seeks high standards of design, construction and maintenance of buildings and care of land to ensure that equestrian activities do not have an adverse effect on the countryside. The building would be situated behind existing housing development when viewed from Derby Road.

Earth mounding and landscaping would take place between the dwellings and the building. Therefore users of Derby Road would have only limited views of the complex. The residents of the houses facing the site would have clearer views of the site, albeit filtered by the proposed landscaping works.

The site is not generally visible from the north and east due to the topography of the land and the existence of woodland in the locality. From the west views are generally more distant and filtered by existing hedgerows. The use of lights in hours of darkness could draw attention to the site during these times, although conditional control would help to minimise this effect. Overall, having regard to the size of the development, it would be designed and located so as to create as little impact as practicable on the countryside. However it would be necessary to impose conditions relating to the position of chattels such as horse jumps and landscaping to ensure that the use does not create a detrimental effect on the landscape around the buildings.

The development, involving livestock, has the potential to be harmful to the living conditions of residents living close to the site. The Environmental Health Manager has investigated this matter at length. Despite the concerns raised there is no firm evidence that the development would cause disturbance to the locality. However conditional control as recommended by the Environmental Health Manager would be necessary if residents are to be adequately protected. The building would be too far away from dwellings to cause any demonstrable harm by way of loss of light or privacy.

PPG7 encourages local planning authorities to bear in mind recommended standards for the comfort and safety of horses as well as other material planning considerations. The applicant has demonstrated that he has taken specialist advice in this regard and there is no evidence that animals would suffer with the proposed management regime for the land and buildings.

The impact on the proposed cemetery is not anticipated to be great. The access track is separated from the cemetery site by a hedge. There will already be significant traffic noise from the adjacent A50 trunk road.

On the advice of the Highway Authority the proposal would not cause harm to the interests of highway safety.

Provided that the requirements of the Environment Agency are incorporated in the decision there would be no pollution of the water environment or other harmful drainage issues.

The existing permission for an agricultural building is still capable of full implementation. It would be necessary for the applicant and landowner to enter into a legal agreement to undertake not to carry out any further works in respect of planning permission 9/0690/0273/O and approval of reserved matters 9/0991/0541/D.

The development of an equestrian centre of this scale is unprecedented in South Derbyshire and there are no comparable facilities that can be assessed. Nevertheless the applicant has chosen a site and design approach that is encouraged by policy. It is incumbent on the Local Planning Authority to show the harm that would be caused to residents. On balance the proposal appears to meet the relevant criteria against which it should be judged.

## Recommendation

Subject to the owner entering into an appropriate agreement under Section 106 of the Town and Country Planning Act to secure the cessation of works commenced under planning permission 9/0690/0273/O and approval of reserved matters 9/0991/0541/D **GRANT** permission subject to the following conditions:

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

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

2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos. 8046/P1 001, 002, 005 received 20 April 2001 and 8046/P1 003 received 12 September 2001.

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

3. Samples of all external materials for the new buildings shall be submitted for approval in writing by the Local Planning Authority before work commences.

Reason: To ensure the buildings are in keeping with their surroundings in the interest of the character and visual amenity 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. Before any other operations are commenced the existing access to the site adjacent to Alderslade Farm shall be permanently stopped up in accordance with a scheme that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

7. Before development begins details of any pruning works to the hedges alongside the access track shall be submitted to and approved in writing by the Local Planning Authority. The works shall only be carried out in accordance with the approved scheme.

Reason: To ensure that the visual amenity and wildlife value of the hedges are retained.

8. The occupation of the mobile home shall be limited to the family and/or dependents of a person employed in the running of the equestrian centre hereby permitted.

Reason: The site is within open countryside where the Development Plan provides that development shall be confined within the limits of an existing town or village, except where the needs of agriculture or other overriding reasons justify a departure from that policy. The Local Planning Authority is concerned to ensure that dwellings needed for the operation of a rural based activity are maintained available to meet the needs of the locality and to avoid proliferation of dwellings in the countryside.

9. With regard to the mobile home this permission shall be for a limited period only, expiring on 31 December 2003 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: To enable the Local Planning Authority to assess whether there is a continuing need for the dwelling beyond that period.

10. Before development begins full details of a scheme for lighting of the premises during hours of darkness, including the duration of lighting, shall be submitted to and approved in writing by the Local Planning Authority. The site shall be lit only in accordance with the approved details.

Reason: To prevent light spillage and glare in the interests of residential amenity and to preserve the character of the countryside.

11. Notwithstanding the submitted plan, and before development begins, a drawing showing the provision of areas for the parking and manoeuvring of vehicles and including details of the surface materials shall be submitted to and approved in writing by the Local Planning Authority. The areas shall be provided in accordance with the approved details before the development is first brought into use.

Reason: To ensure adequate provision for vehicles and to minimise their visual impact.

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: In the interests of flood protection.

13. Prior to being discharged into any watercourse, surface water or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible to the area being drained.

Reason: To prevent pollution of the water environment.

14. Prior to the commencement of development a scheme for the control of noise emanating from the site shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented concurrent with the commencement of development and shall remain in place thereafter unless as may otherwise be approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of nearby residential property.

15. Prior to the commencement of development a scheme for the control of odours emanating from the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented concurrent with the commencement of development and shall remain in place thereafter unless as may otherwise be approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of nearby residential property.

16. The amount of retail foorspace shall not exceed 90 sq m and the area for the sale of food and drink shall not exceed 85 sq m as shown on the submitted amended plan.

Reason: To ensure that these elements of the proposal remain at a level ancillary to the principal use.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no gates, walls, fences or other means of enclosure shall be erected on the application site, except as authorised under the submitted application or by any other condition attached to this permission, without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

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

18. Details of any moveable structures to form jumps or obstacles shall be submitted to and approved in writing by the Local Planning Authority before they are placed on the land. The structures shall be removed from the approved positions and stored in a position that shall be previously approved in writing by the Local Planning Authority when they are not in use.

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

19. Except as may otherwise be approved in writing by the Local Planning Authority the area shown hatched on the attached plan 9/2001/0130/F shall be used for grazing only and in particular shall not be used for the tuition of riders or exercising of horses.

Reason: In the interests of the amenities of the occupiers of nearby residential property.

Informatives:

With regard to Condition 10 above the Council will seek to ensure that the lighting scheme complies with the Institute of Lighting Engineers Guidance Notes for the reduction of Light Pollution in Areas of Low District Brightness (E2)

To note the attached requirements of the Environment Agency.

25/09/2001

**Item A2****Reg. No.** 9 2001 0206 F**Applicant:**

Harpur Crewe Estate  
Estate Office  
Ticknall

**Agent:**

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

**Report**

This application was considered at the last meeting of the Committee and followed a previous deferral for negotiations to be undertaken between the applicant and officers. The Committee resolved to approve the application subject to conditions. Copies of the previous reports to Committee are appended.

Since the last meeting it has been brought to the attention of officers that condition 8 of the recommended conditions sought the use of gutters and downpipes with a black finish and fixed directly to the brickwork on metal brackets. There was, however, no restriction on the material that would be used to form the guttering.

The house to which the garages relate has cast metal guttering. This material should be used in the guttering on the garages also.

Therefore, it is recommended that consent be granted for the development but subject to a revised condition 8 that specifies the use of cast metal guttering.

**Recommendation:**

**GRANT** planning 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 shall be cast metal (with cast metal fall pipes) and shall be fixed direct to the brickwork on metal brackets. The gutters and fall pipes shall have a black finish. No fascia boards shall be used.

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

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.

Informatives:

(i) You are advised that the details to satisfy condition 10 above should indicate the use of porous materials wherever possible.

25/09/2001

**Item**            **A3****Reg. No.**        **9 2001 0580 F****Applicant:**

J S Bloor (Measham ) Ltd  
 Ashby Road  
 Measham  
 Swadlincote  
 Derbyshire  
 DE127JP

**Agent:**

Nick Wilkins  
 J S Bloor (Services) Ltd  
 Ashby Road  
 Measham  
 Swadlincote  
 Derbyshire  
 DE127JP

**Proposal:**        **The erection of 32 houses on plots 14-17, 24, 200-226 on Land  
 To The South Of Eureka Road Midway Swadlincote**

**Ward:**            **Swadlincote**

**Valid Date:**     **19/06/2001**

**Report**

This application was deferred at the last meeting of the Development Control Committee in order for the Environment Agency to be consulted on the application. This has now been done although no reply has yet been received. The application was previously deferred to allow the Committee to undertake a site visit. A copy of the previous report to the Committee is appended.

The Committee will be updated verbally at the meeting on the situation.

Notwithstanding that all other matters are as set out in the previous report and the application is presented to the Committee for determination.

**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 the originally submitted details, this permission shall relate to the amended drawing no. M59/2/1rev.A., and rev.A amendments to house types 4489, 4488, 4497 and 3395 for plots 216 to 219 respectively.

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

4. 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.

5. 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.

6. No work shall take place on the site until an adequate site investigation and assessment of ground stability has been undertaken and submitted to the Local Planning Authority, and the development shall incorporate any measures shown in that assessment to be necessary for the stability of the development.

Reason: To ensure the stability of the development, having regard to the comments of the British Coal Corporation (see copy letter attached).

7. 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 septic tank shall be installed in accordance with the approved details before the development is first brought into use.

Reason: In the interests of pollution control

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. Notwithstanding the submitted details and the details submitted pursuant to condition 8 above, the existing hedge on the southern boundary of the site shall not be removed or in any way undermined by the development of the site, and shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

To provide a screen between the site and the residential area to the south and in the interests of the visual appearance of the area.

11. No work shall take place on the site until details of a scheme for the continuation of the land drainage pipe/culvert, which currently runs across the western side of the former cutting, including a timetable for the implementation of the scheme, into the scheme completed for its discharge to the Midway Ponds to the north west has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall then be carried out in conformity with the details and agreed timetable.

Reason: In the interests of flood protection.

12. Before any other operations are commenced, a temporary access provided with visibility sightlines shall be formed onto Eureka Road for construction purposes, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring for site operatives and visitors vehicles, and loading and unloading of goods vehicles.

Reason: In the interests of highway safety.

13. Before any operations are commenced, details of facilities to prevent the deposition of mud or extraneous material on the public highway shall be submitted to and approved by the Local Planning Authority. The agreed scheme shall be implemented prior to the commencement of any excavation work and be retained as such until all works of construction have been completed..

Reason: In the interests of highway safety.

14. Before the first occupation of the dwelling to which it relates, private driveways shall be constructed and surfaced with a solid bound material.

Reason: In the interests of highway safety.

15. Dwellings shall not 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.

16. Notwithstanding the submitted details, prior to the commencement of building operations on adjoining areas, the boundary with the area of trees/hedges proposed to be retained as part of the landscaping scheme submitted under condition 8 shall be fenced with chestnut pale fencing to a minimum height of one metre staked at 3 metre centres. The fencing shall be retained in position until all building works on adjoining areas have been completed unless otherwise agreed in writing with the local planning authority. No materials shall be stored within the fenced areas and the ground levels within the fenced areas shall not be altered in any way.

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

17. There shall be no tipping or deposition of materials within the area fenced under condition 16 above without the prior written authorisation of the local planning authority.

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

Informatives:

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

(ii) 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.

(iii) That the hedgerows on the application site may contain nesting birds. It is an offence under the Wildlife and Countryside Act 1981 to intentionally kill, injure or take any wild British breeding bird or its eggs or damage its nest whilst in use or being built. The nesting season normally encompasses the months March to July inclusive. If you are in doubt as to requirements of the law in this regard you should contact English Nature, Peak District and Derbyshire Team, Manor Barn, Over Haddon, Bakewell, Derbyshire, DE4 1JE.

25/09/2001

**Item**            **A4****Reg. No.**        **9 2001 0662 U****Applicant:**

Pyro Enterprises Ltd  
 16, The Green  
 Aston-on-trent  
 Derby  
 DE722AA

**Agent:**

Mr. P. Billham  
 Planning & Design  
 Old School Lodge  
 Aston On Trent  
 Derbyshire  
 DE72 2AF

**Proposal:**            **The use as an office of first floor flat (Flat No. 2) at 16 The Green Aston-on-trent Derby**

**Ward:**                **Aston**

**Valid Date:**        **10/07/2001**

**Site Description**

The property, the subject of this application, is a listed building located at the edge of the old part of the village of Aston. It is presently in mixed use as offices and flats. There is some off street parking within the curtilage of the building.

**Proposal**

The applicant seeks consent to change one of the current flats located on the first floor into additional office accommodation. This would affect 30.25 square metres of floor space.

**Planning History**

Permission to use the building as offices and flats was originally granted in 1974 (9/774/286). Subsequent applications have sought to increase the floor space given over to flats. (9/0894/0401/U and 9/0397/0957/F).

**Responses to Consultations**

The Parish Council, the Highway Authority and the Environmental Health Officer have no objection in principle.

**Responses to Publicity**

Three letters have been received objecting as follows.



- a) There is inadequate parking. The proposal would exacerbate existing on street parking resulting from the use of the premises.
- b) Access to and from Manor Farm Road would be impaired.
- c) There would be more instances of drives being blocked and cars parked on the footway.

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

The relevant policies are:

Joint Structure Plan: Economy Policy 5 and Environment Policy 9 & 10.

Local Plan: Employment Policy 5 & Environment Policies 12 & 13.

### **Planning Considerations**

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

- The principle of the development
- Residential amenity.
- Impact on the listed building and conservation area.
- Traffic and parking.

### **Planning Assessment**

The site is located at the centre of Aston. It is located within the framework of a sustainable village. Therefore, in principle the development is acceptable and in accord with development plan policy.

No building works are proposed to the exterior of the building. Internal works would require listed building consent and would be controlled in that way. Therefore, the proposal would produce no adverse effect on the character and appearance of the conservation area or the listed building.

Having regard to its existing use there would be no demonstrable impact on the living conditions of the occupiers of nearby residential property.

Given the limited floor space involved there would be no demonstrable change to existing traffic generated by the site. There is no objection from the Highway Authority and this issue is therefore acceptable.

The Environmental Health Manager suggests that a condition be imposed restricting the ventilation equipment that could be installed at the premises. However, as any alterations to the listed building would be controlled under existing powers it is not considered reasonable in this case to seek to control matters of this nature.

### **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

Informatives:

(i) You are advised that any alterations to the building, external or internal require listed building consent from this Council.

25/09/2001

**Item** A5**Reg. No.** 9 2001 0692 Z**Applicant:**

J M Deadman  
 The Chalet Royden Hall Farm, Cana  
 Shardlow  
 Derby

**Agent:**

David J Loveday BSc. MRTPI  
 15 Burley Road  
 Oakham  
 Rutland  
 LE15 6DH

**Proposal:** Application for a certificate of lawfulness for the siting of a mobile home at The Chalet Royden Hall Farm Canal Bank Shardlow Derby

**Ward:** Aston

**Valid Date:** 17/07/2001

**Site Description**

The site, the subject of this application, is on the edge of a small group of houses and farm buildings at the end of a private drive off Canal Bank, Shardlow. It currently contains an existing mobile home, standing on a concrete base.

**Proposal**

The application seeks to establish whether it would be lawful to attach another mobile structure to form a larger mobile home, to be occupied by one household.

The submission, in this case, has to be determined on the basis of fact rather than on its planning merits.

**Applicants' supporting information**

- a) The basis upon which the application is made is in respect of the definition of a caravan contained in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.
- b) The proposal is a twin unit caravan. Its size when assembled would not exceed; length 60 ft (18.288 m); width 20 ft (6.096 m); overall height, measured as specified in the Caravan Sites Act 1968, internally from the floor at the lowest level to the ceiling at the highest level – 10 ft (3.048 m).

## **Planning History**

Permission to site the existing mobile home was granted in 1998 (9/0997/0471/F), subject to a Section 106 Agreement that relinquished the owner's lawful right to site a mobile home on adjacent land.

Permission was refused in February 2001 for the erection of an extension to the mobile home to provide additional family accommodation. This followed a site visit.

## **Responses to Consultations**

Shardlow Parish Council asks for the matter to be deferred for a site visit. Clarification is needed regarding the size of the proposed mobile home, which would be unacceptable.

Aston on Trent Parish Council objects as follows:

- a) It is particularly important to establish whether the mobile home is actually standing on concrete.
- b) Aston Parish Council would like to visit the site.

## **Structure/Local Plan Policies**

None relevant

## **Planning Considerations**

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

- Is the proposed development lawful, therefore, not requiring planning consent.

## **Planning Assessment**

The definition of a twin-unit caravan in the Caravan Sites Act 1968 is unequivocal. It is as set out in the applicant's supporting information.

The applicant's proposal is within the parameters set out by statute. Therefore, as an extant consent exists to use the site for a caravan, it is not open to the Council to withhold the requested certificate.

## **Recommendation**

**ISSUE** Certificate of Lawful Proposed Development.

25/09/2001

**Item**            **A6****Reg. No.**        **9 2001 0695 F****Applicant:**

Mr & Mrs C R Kibble  
 14, Cavendish Court  
 Shardlow  
 Derby  
 DE722HJ

**Agent:**

C J Dickinson Building Design  
 24 Rectory Lane  
 Breadsall  
 Derby  
 DE21 5LL

**Proposal:**        **The erection of a garage extension to side of house and new boundary wall at 14 Cavendish Court Shardlow Derby**

**Ward:**            **Aston**

**Valid Date:**      **18/07/2001**

**Site Description**

The property lies at the head of Cavendish Court, a cul-de-sac in Shardlow. There is presently a gap of some 2.35 metres between the subject property and the side wall of 12 Cavendish Close.

**Proposal**

The garage, the subject of this application, would measure 2.3 m x 5.9 m externally. Its internal width would be 2.05 m. The garage door would be 1.8 m wide. Following discussion with the applicant an additional parking space is proposed to the front of the property.

The proposed wall would extend the full length of the south west boundary of the site. Its original height was to be 2.4 metres, however, following discussions, the height of the proposed boundary wall has been reduced from 2.4 m to 2.1 m.

**Responses to Consultations**

The Parish Council objects as follows:

The application should be deferred for a site meeting to assess the impact of a 2.4 m high wall on the amenities of the adjoining occupiers.

The Highway Authority objects on the following grounds:

- a) The space to the side of the house is already of inadequate width for parking.
- b) The garage wall would make the space even narrower and it is likely that this would discourage use of the garage for parking.
- c) The space between the garage and the highway would be inadequate to park a car clear of the highway.

d) The proposal would effectively result in the loss of two car parking spaces causing obstruction and inconvenience to other road users.

### **Responses to Publicity**

A single letter of objection has been received which makes the following points:

- a) The proposal may affect the wall to the adjoining property.
- b) The neighbour's right to enter the application site to carry out maintenance would be infringed (This is not a matter material to the determination of this application)
- c) The garage would only be wide enough for a small car. The garage could be used for the storage of scaffolding associated with applicant's business.

### **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 principle of the development
- Residential amenity.
- Appearance.
- Highway safety and parking.

### **Planning Assessment**

The site is located within the confines of Shardlow as defined in the Local Plan. As such, the development is, in principle, acceptable.

There are no windows in the side elevation to No 12, the most affected dwelling. The garage would therefore have no impact on the amenities of the occupants of the adjoining dwelling. No other properties would be materially affected.

The reduced height of the boundary wall would not be demonstrably harmful to the occupants of No 12 because it would be only 0.1 m higher than the permitted development allowance of 2 m. For most of the day, sunlight would be unaffected, although there could be some overshadowing to the rear garden in late afternoon.

The proposal would be in keeping with general character of the area.

The revised plan shows the provision of two off street parking spaces and this is adequate to negate the objection of the Highway Authority.

### **Recommendation**

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

1. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing received 23 August 2001 showing the boundary wall reduced to 2.1 metre in height and the provision of two parking spaces within the curtilage of the dwelling. The wall shall be erected to the specified height solely along the south east boundary of the site and in no other location.

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

2. All external materials used in the development to which this permission relates shall match those used in the existing building in colour, coursing and texture unless otherwise agreed in writing by the Local Planning Authority.

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

3. 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

25/09/2001

**Item** A7**Reg. No.** 9 2001 0711 F**Applicant:**

Mitreform Ltd  
 17 George Street  
 Melbourne  
 Derbyshire

**Agent:**

N Astle  
 24, The City  
 Woodville  
 Swadlincote  
 Derbyshire  
 DE11 7DH

**Proposal:** The erection of a single dwelling at Land At The Rear Of 52  
 Derby Road Melbourne Derby

**Ward:** Melbourne

**Valid Date:** 23/07/2001

**Site Description**

The site lies within both the built up area of Melbourne and the conservation area and is presently in limited use for business purposes. There are two storage containers sited to the rear of the existing shop and flats at 52 Derby Road.

Access to the site is gained between No 52 and the Liberal Club premises. Modern dwellings in Beech Avenue are visible from the access point.

**Proposal**

The applicant seeks consent to erect a single detached dwelling of traditional design and materials. Also proposed is a formal parking area that would serve both the new dwelling and the two existing flats to the rear of the shop.

**Applicant's Supporting Information**

The applicant has supplied details of traffic movements and concludes that there will be fewer movements from the dwelling when the business usage of the yard ceases.

**Planning History**

Permission to site the two containers on the land was granted in June 2000 (9/2000/0197/F).

**Responses to Consultations**

Melbourne Civic Society objects for the following reasons: