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Our Ref: DS
Your Ref:

Date: 16 September 2019

Dear Councillor,

Planning Committee

A Meeting of the **Planning Committee** will be held in the **Council Chamber**, Civic Offices, Civic Way, Swadlincote on **Tuesday, 24 September 2019 at 18:00**. You are requested to attend.

Yours faithfully,



Chief Executive

To:- **Conservative Group**

Councillor Mrs. Brown (Chairman), Councillor Mrs. Bridgen (Vice-Chairman) and
Councillors Angliss, Brady, Ford, Muller, Watson and Mrs. Wheelton

Labour Group

Councillors Gee, Dr Pearson, Shepherd, Southerd and Tilley

AGENDA

Open to Public and Press

- 1** Apologies and to note any Substitutes appointed for the Meeting.
- 2** To note any declarations of interest arising from any items on the Agenda
- 3** To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.
- 4** REPORT OF THE STRATEGIC DIRECTOR (SERVICE DELIVERY) **3 - 24**

Exclusion of the Public and Press:

- 5** The Chairman may therefore move:-
That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.
- 6** To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.

REPORT OF THE STRATEGIC DIRECTOR **(SERVICE DELIVERY)**

SECTION 1: Planning Applications

SECTION 2: Appeals

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

1. PLANNING APPLICATIONS

This section also includes reports on applications for: approvals of reserved matters, listed building consent, work to trees in tree preservation orders and conservation areas, conservation area consent, hedgerows work, advertisement consent, notices for permitted development under the General Permitted Development Order 2015 (as amended) responses to County Matters and strategic submissions to the Secretary of State.

Reference	Item	Place	Ward	Page
9/2019/0605	1.1	Church Gresley	Church Gresley	5
9/2019/0379	1.2	Hilton	Hilton	11

When moving that a site visit be held, Members will be expected to consider and propose one or more of the following reasons:

1. The issues of fact raised by the Strategic Director (Service Delivery)'s report or offered in explanation at the Committee meeting require further clarification by a demonstration of condition of site.
2. Further issues of principle, other than those specified in the report of the Strategic Director (Service Delivery), arise from a Member's personal knowledge of circumstances on the ground that lead to the need for clarification that may be achieved by a site visit.
3. Implications that may be demonstrated on site arise for consistency of decision making in other similar cases.

Item 1.1
Ref. No. 9/2019/0605
Valid Date 05/06/2019

Applicant:
 C/O Agent
 Farrington Properties Limited

Agent:
 Mr James Hodgkins
 Simply Planning Limited
 Suite 204
 Cheltenham House
 Temple Street
 Birmingham
 B2 5BG

Proposal: CHANGE OF USE FROM A MIXED USE OF COMMERCIAL AND RESIDENTIAL (USE CLASS A1 AND C3) TO HOUSE IN MULTIPLE OCCUPATION WITH A TOTAL OF 8 NO. BEDSIT ROOMS (USE CLASS SUI GENERIS) WITH ASSOCIATED ALTERATIONS AT 3 CHURCH STREET CHURCH GRESLEY SWADLINCOTE

Ward: CHURCH GRESLEY

Members will recall deferring the determination of this application pending a visit by the Committee. The only change to the report is the addition of an informative from Environmental Health at the very end of the report.

Reason for committee determination

The item is presented to Committee as the development does not accord with the provisions of the Development Plan but the recommendation is of approval.

Site Description

The application property lies on Church Street, Church Gresley, with the host building being a detached two-storey property with a steep pitched, tiled gable roof, built from red facing bricks, with white render to the first floor front elevation. The ground floor front elevation features a timber framed, glazed, shop frontage. The property is traditional in character with features such as the traditional style shop frontage, stone cills/lintels and large sash style windows. The street scene is a combination of residential and a mix of commercial uses, including shops and hairdressers. The property is not separated from the footway, which is typical of the character along this part of the street scene, with the area being well built up and comprising a mix in character with modern and traditional style properties and no consistent use of materials.

Proposal

A change of use is proposed from a mixed use of commercial and residential (Use Class A1 and C3), to a house in multiple occupation with a total of 8no. bedsit rooms (use class sui generis) with associated alterations, which includes removal of the existing shop frontage.

Applicant's supporting information

Supporting Marketing Evidence has been submitted to demonstrate that the unit has been fully marketed for a period of 6 months; this includes a report detailing all of the enquiries received and the change in value the property has been marketed as.

OXFORD STREET

SCHOOL STREET

MARKET STREET

Gresley House

THE SITE

Lemon Grove

800 SOUTHERN GROVE

St George's
CE Controlled
Primary School

SWADLINCOTE

Stanton

Tetton Point

Castle Gresley

Church Gresley

Albert Village

Woodville

Mount Pleasant

Foxley Wood

Greenfields

THE N

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South Derbyshire District Council. LA 100019461. 2014

Planning History

9/1296/0673 The conversion into a bedsit unit of the ground floor store at the rear of – Granted
21/01/1997

Responses to Consultations

The Environmental Health Officer has raised no objections but has recommended an informative on any decision granted, requesting that the applicant contacts Licensing/Environmental Health as a license would be required for the use as a 'house in multiple occupation' (HMO).

The County Highway Authority has raised no objections.

Responses to Publicity

Nine objections have been received, raising the following concerns:

- a) No off street parking provided, during school times this will be problematic and raises highway safety concerns.
- b) Factual errors in the application as the residential element of the property has not been vacant since Dec 2017, but has been occupied since 2015.
- c) Would result in unwanted noise, impacting neighbours.
- d) Would result in antisocial behaviour.
- e) A further strain on already fluctuating water pressure and recorded sewerage issues.
- f) It would be a shame to see the home of T.G. Green lost, it is considered a precious asset to the areas heritage.
- g) A loss of a retail unit would be harmful to the area, with there being a decline in the number shops locally.
- h) Considered to be over development of the property, 2/3 bed apartments would be more appropriate for the area.
- i) The intended use as bedsits would encourage younger people to live at the property, which is not appropriate for the area.
- j) Concerns raised over the blocking up of the neighbouring right of way and the impact that would have on access.
- k) Concerns over the impact on neighbouring privacy
- l) No market demand for the type of housing proposed.
- m) The proposal is for 8 bedsits yet the plans show a 'bedroom 9' on section AA.
- n) The consultation letter was received after the 21 day consultation period.

Development Plan Policies

The relevant policies are:

- 2016 Local Plan Part 1 (LP1): S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S7 (Retail), H1 (Settlement Hierarchy), SD1 (Amenity and Environmental Quality), BNE1 (Design Excellence), BNE11 (Shopfronts) and INF2 (Sustainable Transport).
- 2017 Local Plan Part 2 (LP2): SDT1 (Settlement Boundaries and Development) and RTL1 (Retail Hierarchy).

National Guidance

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

Local Guidance

- Design Guide Supplementary Planning Document (SPD)

Planning Considerations

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

- Principle of Development;
- Neighbouring Amenity;
- Design; and
- Highway Safety.

Planning Assessment

Principle of Development

The site is located within the settlement boundary of the Swadlincote urban area within a predominantly built up residential area, with several retail units within the locality. The development would result in a loss of a retail unit and will therefore be assessed against Policy RTL1. The site is located within an existing local centre as identified on Map 1 of RTL1.

Point F of Policy RTL1 refers to the loss of retail within local centres; it states that the loss of retail units in centres will be permitted where:

- i) The current use can be demonstrated to be no longer viable; and
- ii) The unit has been sufficiently and actively marketed for a range of retail uses over a 6 month period; and
- iii) The impacts arising from the resulting use do not cause an adverse effect on amenity, parking needs or highway safety.

Insufficient evidence has been provided to enable us to form a judgement as to whether the property has been adequately marketed for the required period. No marketing report was prepared and the asking price was not agreed with the Council. It is known that no press advertising was undertaken. Full details of mailshots, including the dates on which these took place, have not been provided. Other than the case for a proposed HMO, no evidence has been provided as to the nature of any of the enquiries received, nor of the reasons for not proceeding to purchase. Therefore the marketing evidence submitted fails to demonstrate that the current use of the unit is no longer viable as such it is considered that the proposal does not fully comply with policy RTL1.

Notwithstanding this, it is considered that the evidence submitted does show that there has been limited interest in the property as a mixed use including retail. The price as advertised was reduced from £160,000 to £150,000. The evidence shows that there have been only 6 viewings of the property to date, with the property being marketed for a sustained period of 354 days. Therefore it is considered that although the applicant has failed to fully comply with the full requirements of Policy RTL1, the proposal would allow for what is currently a vacant retail unit to be turned into a building that would provide living accommodation for 8 people. As the site is within the urban area as defined by Policy H1 and SDT1 it is considered a sustainable location where there is a presumption in favour of sustainable development.

Neighbouring Amenity

No extensions are proposed as part of the application only internal alterations and some minor external alterations to include several new window openings and the bricking up of the existing shop frontage, to include 2 new windows on the front elevation. These changes are required in order for the property to provide 8 separate bedsits. As the first and second floors of the property were previously used as a dwelling, and as the 2 new windows to the first floor side elevation would serve an en-suite and hallway, it is considered that there would be no increase in the level of overlooking of neighbouring properties if consent was to be granted. In terms of the use of the property as

bedsits, it is not considered that this change would result in a level of disturbance that would be unacceptable to neighbours that surround the site as it could be argued that this use would generate fewer disturbances than that of a potential new retail use. It is also noted that Environmental Health raised no objections and as such the proposed use is considered to comply with Policy SD1 and iii) of part F of Policy RTL1.

Design

The property is clearly visible along Church Street, with no separation from the footway. The property is currently a timber framed, heavily glazed shop frontage on the ground floor, with render and a large sash window on the first floor front elevation. The applicant originally proposed to brick up the existing ground floor frontage and install several small windows to the upper level of the ground floor; this was considered to be poor design and not appropriate for the area. As a result of an amended design, the proposal is now to brick up and render the existing shop front and to install two sash windows with cills and headers, matching the style of the first floor and that of the neighbouring property at the side. It is considered that the proposed change of use would have limited harm on the character of the area and has no impact on the street scene as it would integrate well with the character of the neighbouring dwelling. As such it is considered that the proposal would not be detrimental to the character of the surrounding area and is of a high quality design that integrates well with the existing character of the building and therefore complies with Policies BNE1.

Highway Safety

There are no car parking spaces included within the red line of the application site, as shown on the location plan. Comments have been raised as to the lack of parking provision and the impact that this would potentially have on the highway. There is no parking currently provided on site and it is considered that the proposed change of use would not result in an increase in the requirement for parking on site, with the current mixed retail use potentially generating significant traffic and parking. It is noted that the County Highway Authority have raised no objections in regards to parking or highway safety and as such it is considered that the proposal complies with Policy INF2 and iii) of part F of Policy RTL1.

Conclusion

Although technically the applicant has failed to fully demonstrate that the current use is no longer viable and therefore not compliant with Policy RTL1, when considering the planning balance, the benefits of filling what is currently a neglected vacant unit and providing bedsit accommodation for up to 8 people within a sustainable location, would outweigh the negative impacts of the potential loss of a retail unit within the local centre.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

GRANT permission subject to the following conditions:

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with Drawing No. 50335-2019-FP-01 received 05 June 2019 and Drawing No. 50335-2019-FP-03F received 31 July 2019; unless as otherwise required by condition attached to this permission or allowed by way of an approval of a non-material minor amendment made on application under Section 96A of the Town and Country Planning Act 1990 (as amended).

Reason: For the avoidance of doubt and in the interests of sustainable development.

3. Prior to their incorporation in to the building hereby approved, details and/or samples of the facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved facing materials.

Reason: In the visual interest of the building and the surrounding area.

4. Prior to the first use of the bedsits, details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: In the interests ensuring secure cycle storage is available to all residents and visitors of the HMO.

Informatives:

1. The Council's Environmental Health Department has commented that the development would require a licence having regard to the provisions of the Housing Act 2004 Part 2 (Licensing of Houses in Multiple Occupation).
2. The applicant is advised to contact the Council's Environmental Health Department in regards to a tenancy behaviour management plan.

Item 1.2
Ref. No. 9/2019/0379
Valid Date 25/04/2019

Applicant:
 Owl Homes Limited

Agent:
 Mr John Williams
 The Studio
 White Cottage
 Astley
 Nr Stourport On Severn
 DY13 0RS

Proposal: APPROVAL OF RESERVED MATTERS FOR ACCESS, LAYOUT, SCALE, APPEARANCE AND LANDSCAPING OF OUTLINE PERMISSION REF. 9/2016/0162 (AS ALLOWED BY APPEAL REF. APP/F1040/W/16/3160135) FOR THE ERECTION OF 34 DWELLINGS ON LAND ADJACENT TO THE MANDARIN CHINESE RESTAURANT EGGINTON ROAD HILTON DERBY

Ward: HILTON

Reason for committee determination

This item is presented to Committee at the request of Councillor Billings on grounds that local concern has been raised about a particular issue. In addition, there have been more than two letters of objection received.

Site Description

The site comprises the land surrounding the Mandarin restaurant on Egginton Road (the outline application included the restaurant, however it was never intended for this to be developed). The site predominantly comprises of flat fields with existing hedgerows and trees. It contains a set of dilapidated brick buildings which were formally used as stables. The site is bounded by Egginton Road to the north-east, with a field separating the site from residential properties to the north-west. Further east there is an equestrian centre and further to the west and south lies a significant expanse of built form containing commercial and industrial uses, therefore the site lies at the end of a ribbon of development along Hilton Road. In its wider context, the site is located to the south east of the settlement of Hilton. The Mandarin Restaurant and surrounding fields currently have separate accesses off Egginton Road. There are no public rights of way crossing the site although there is one that runs along the western boundary which leads into the centre of Hilton village. There are two known ponds and a watercourse on the site.

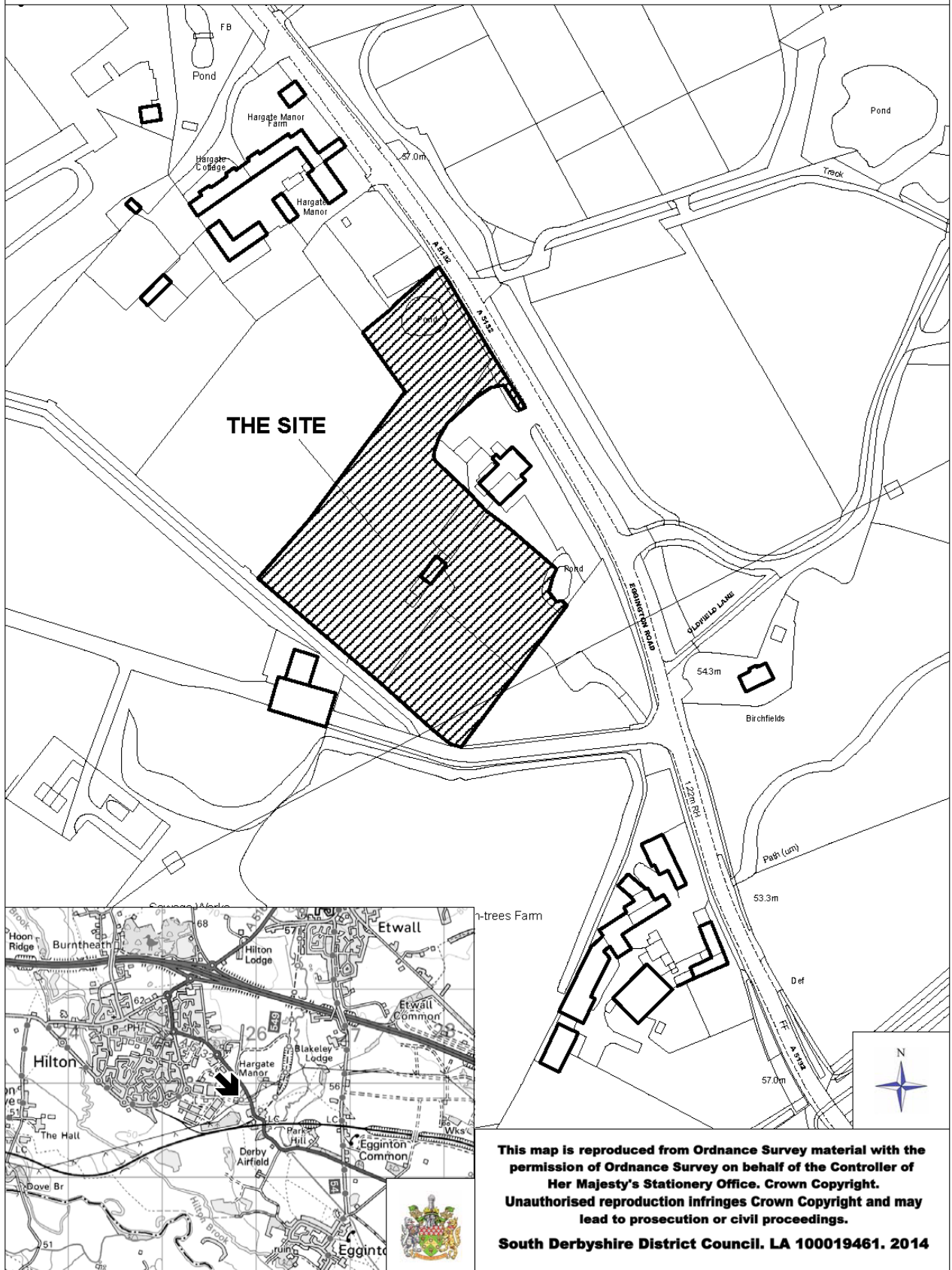
Proposal

This reserved matters application is seeking approval for the following details:-

- Layout
- Scale
- Appearance
- Access
- Landscaping

The development comprises a mix of one, two, three and four-bedroom dwellings of up to two storeys in height, providing a combination of open market and affordable housing. Thirty-four

9/2019/0379 - Land adjacent to The Mandarin Chinese Restaurant, Egginton Road, Hilton, Derby DE65 5FJ



dwellings are to be delivered in total. The layout illustrates a medium density scheme, with each dwelling having private amenity space and dedicated parking provision, and house types would be evenly distributed throughout the site. Two areas of open space, incorporating SUDS features are illustrated within the northern and southern corners of the site and a footpath is shown leading towards the south western boundary, where it would connect with an existing public right of way.

Applicant's supporting information

The Design and Access Statement seeks to demonstrate the design principles and concepts that underpin the development proposals indicating how the scheme will contribute towards the creation of a high-quality sustainable development. It is stated that the proposed design and layout have been informed by a thorough assessment of the site and appreciation of the local context, with particular attention to the natural and built environment and that the proposal has been considered in accordance with the principles set out in the current guidelines. The statement concludes that the use and density of the site for residential development is considered acceptable in this location taking account of the existing surrounding residential area and that the location of the site within the existing settlement confines of Hilton, is considered sustainable and in accordance with both national and local planning policies.

The Construction Environmental Management Plan provides details of the following:- development phases, show home area and sales parking, compound area, site cabins (providing workers amenity facilities), overflow parking area for site operatives, site parking for operatives, pedestrian walkways, construction site fencing, delivery routes, turning facilities for site operatives, site for visitor parking, soil/storage rising area, wheel cleaning, dust and noise suppression, waste recycling/disposal and site opening times.

The Tree Survey Report The survey was undertaken in August 2018 in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction – Recommendations. The survey is concerned, primarily, with the assessment and survey of the trees growing within, or on the boundary of the site only, and aims to assist with the integration, where feasible, of the existing trees with the proposed development. A total of 22 individual trees, 3 groups and 2 hedges were identified in this survey. Full details of the survey data can be found in the Tree Survey Schedule in Appendix A of the report. The report continues to provide various recommendations at paragraph 5.0.

Planning History

9/2016/0162 Outline application (all matters reserved) for the erection of up to 34 dwellings with associated access, public open space, sustainable drainage and landscaping.
Refused 20 July 2016. Appeal allowed 6 February 2017.

Responses to Consultations

The Designing Out Crime Officer initially raised concerns in relation to the orientation and detail of a number of plots. Amended plans were subsequently provided and whilst a number of the original issues were addressed, concerns remained in relation to the Guscott house type, the orientation of some plots, along with concerns over the types and position of the various forms of enclosure. Any additional comments received will be verbally updated.

Strategic Housing has commented on the scheme, but has raised no objection subject to conditions and a deed of variation being undertaken to the original S106 agreement. Comments are predominantly centred around the size of dwellings and their tenure along with a query relating to the access arrangements to the ground floor shower. Additional information has been provided to address these comments; the tenure of a 2 bed and a 3 bed has been changed to shared ownership, the house types have been updated and a ground floor level access has been shown to

the shower. On the basis of these details, Strategic Housing has confirmed they have not further comments.

The County Highway Authority (CHA) initially commented that whilst the outline application was all matters reserved and whilst at the time it was considered that an acceptable access could be achieved, the position of the access as indicated then, differed from that shown on the current application drawing (1007_0 rev*) and additional land was shown within the red outline of the site. The CHA considers that limited detail has been shown on the current application for the land fronting The Mandarin and this fails therefore to demonstrate that the visibility sightlines of 2.4m x 103m, required by Condition 6 of the consent can be achieved over controlled land. It is also noted that the submitted drawing does not exactly tie in with the Topographical Survey accompanying the outline application. In relation to more technical issues the following points have been raised:-

- The highway margin should have a minimum width of 1m
- Tracking of refuse vehicle is required
- Parking spaces need to be 5.5m in length
- 2 spaces required for plots 28 & 29
- 6m manoeuvring space not available at plots 31-34 or 18-23
- Visibility obstructed by dwellings at plots 14 & 23
- Dwellings need to be at least 0.5m from the highway boundary to ensure that eaves, downpipes do not affect the highway and windows do not overhang when opened.

Amended plans have been provided to address the highlighted concerns and in response, the CHA has commented that the revised plans are much more closely aligned to the original topographical survey and that 2.4m x 103m visibility splays now appear to be achievable over controlled land as the verge at rear of footway forms part of the highway and have acknowledged that the majority of the technical issues identified have now been addressed. The only outstanding issues concern the proximity of some of the dwellings to the proposed highway boundary and that the incorrect refuse lorry has been tracked. Amended tracking details and a revised site layout have now been provided and on the basis of these, the CHA has raised no further objections subject to standard conditions.

The Lead Local Flood Authority initially requested additional clarification on the main purpose of the swales, on their maintenance area and of details to illustrate that their design has been suitably sized relative to their purpose. It has also been requested that the applicant provides certainty over off site connectivity. The requested information has been provided and any comments received will be verbally updated.

Responses to Publicity

Hilton Parish Council has made the following observations:-

- a) Positively the application recognises the need for affordable housing, for provision for disabled people retains as many trees as possible and proposes a scheme which is above the average housing density.
- b) There are no bungalows proposed - the NP requires 25% of houses to be bungalow.
- c) 50% of the parking spaces are end on end; from the parking survey undertaken for the NP having more than 7% of spaces not adjacent to a property and not parallel, leads to parking problems and makes for a potentially unsafe environment, makes access for the bin lorry difficult and could potentially be a problem for emergency vehicles.
- d) There are concerns with the position of the storage areas for refuse bins – they are too far from the properties which they serve.
- e) The fence that backs onto the walkway is proposed to be a 1.2m post and rail fence. This is not secure enough given the location of garden sheds abutting this fence. It should be 1.8m close boarded fencing.

Three objections/letters of support have been received, raising the following concerns/points:

- a) Concerns about the landscaping that will take place.
- b) The realignment of the pond at the north western point of the site would be closer to residential properties - this would undermine existing boundary treatment and may cause it to collapse.
- c) Highway safety concerns relating to the traffic and blind bend on Egginton Road.
- d) The development would result in a loss of privacy.

Development Plan Policies

The relevant policies are:

- 2016 Local Plan Part 1 (LP1): S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S4 (Housing Strategy), S6 (Sustainable Access), H1 (Settlement Hierarchy), H20 (Housing Balance), H21 (Affordable Housing), SD1 (Amenity and Environmental Quality), SD3 (Sustainable Water Supply, Drainage and Sewage Infrastructure), BNE1 (Design Excellence), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF7 (Green Infrastructure) and INF9 (Open Space, Sport and Recreation).
- 2017 Local Plan Part 2 (LP2): SDT1 (Settlement Boundaries and Development), BNE5 (Development in Rural Areas), and BNE7 (Trees, Woodland and Hedgerows)

Emerging Policies

Hilton Parish Council made an application for designation of the area comprising the Parishes of Hilton, Marston on Dove and Hoon as a Neighbourhood Area for the purpose of preparing a Neighbourhood Development Plan (NDP). The area was designated on 6th March 2019.

National Guidance

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

Local Guidance

Design Guide Supplementary Planning Document (SPD)
Affordable Housing (SPG)

Planning Considerations

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

- Principle of Development
- Layout
- Appearance and Scale
- Landscaping
- Access and;
- Other issues

Planning Assessment

Principle of Development

Whilst the application site is situated within the countryside where there is generally a presumption against new housing development, the 'in principle' acceptability of the proposal has already been established by the outline permission granted at appeal and therefore there is no scope to revisit this matter.

Layout

Policy BNE1 expects new development to be well designed, visually attractive and appropriate having regard to existing characteristics. The principles underpinning this policy are expanded upon within the South Derbyshire Design SPD. The NPPF highlights that good design is a key aspect of sustainable development and that new development should respond to local character and be visually attractive.

Policy BNE4 also sets out that the character, local distinctiveness and quality of South Derbyshire's landscape will be protected and enhanced through the careful design and sensitive implementation of new development.

Owing to the physically constrained nature of the site, the layout is based on a circular route leading from a single point of access off Egginton Road. Three private drives would lead from this at various points. Dwellings have been sited to positively address the street, with the majority following the principles of perimeter block development. To capitalise on the site's existing natural features, two areas of public open space are shown; one within the northern corner of the site and the other within the southern corner. Whilst ideally such facilities should be centrally located, their siting in this case would ensure the retention and enhancement of an existing pond and a collection of mature trees, and would facilitate the development of a sustainable urban drainage scheme and an enhanced green buffer. The position of the space to the south would also enable connection to an existing public right of way (situated adjacent to the site's south western boundary). As detailed within the Section 106 agreement, there is no requirement for formal recreation provision on the site (contributions have been secured for offsite improvements), but it remains important that such areas are designed in such a way to ensure they are safe, attractive and fit for purpose. To this end, the siting of dwellings closest to these spaces would promote natural surveillance, which is beneficial, but more could be done to improve their suitability. To maximise the potential of the space to the north, it would need to be carefully designed. The space would benefit from a more formal layout, including the siting of a pathway, supplemented by seating facilities and possibly a focal flower bed. Furthermore, given that the western most end of the space would not be overlooked, a sympathetic, low level lighting scheme would be beneficial. These suggestions have been discussed with the agent who has agreed to the imposition of condition to secure such. Details relating to the space to the south are further discussed under the 'landscaping' section below. Subject to the open spaces being appropriately designed, on balance the biodiversity and drainage benefits are considered to override any harm associated with their edge of site location.

Owing to the orientation of the dwellings (adjacent to the perimeters of the site) and the layout of the open space, a green buffer would be retained between the development and the countryside beyond, thus reducing potentially harmful impacts of the built development.

In terms of the layout of the dwellings, an even distribution of house types and sizes are shown throughout and the 10 affordable dwellings have been appropriately dispersed. In terms of parking provision, the required quantum has been provided and the dimensions of individual spaces are acceptable, but in some cases their siting is not ideal. There are occurrences of frontage parking, however where such are present they would be mitigated by more robust forms of soft landscaping, which is considered an acceptable compromise in this case. The siting of individual dwellings would also ensure appropriate separation distances would be retained and adequate private amenity provision is illustrated.

On balance, the proposed layout would result in a legible, well connected and inviting development and although it would inevitably appear somewhat detached from the main built up area of the settlement, its impact on the surrounding countryside would be reduced as a consequence of the green buffer, which would help assimilate the built development within its setting. In this regard the proposal would be consistent with the intentions of policies BNE1 and the Design Guide SPD and the overarching principles of the NPPF.

Appearance and Scale

Policy BNE1 requires development to be well designed, with more specific guidance on how this is to be achieved provided within the Design SPD.

Throughout the course of the application amendments have been requested to the house types, boundary treatments and surfacing materials. In response a revised house pack was provided, along with further clarity on the proposed boundary treatment. The revised detail did not however go far enough in addressing the concerns raised and further amendments were therefore sought. These were as follow:-

- Additional details of the boundary treatment, in terms of its material and siting;
- An amended side elevation for plot 8 (illustrating further detail);
- Removal and replacement of the Healey house type; (this was not appropriate as a focal property)
- The use of render on focal plots – to aid legibility and add interest;
- Details of the demarcation/enclosure to all perimeters of the site;
- Alternative surfacing of private drives;
- Details of the pumping station.

Whilst some of these details – such as those requiring alternative forms of boundary treatment could be secured by way of condition, more fundamental changes, including alterations to house types and elevations need to be appraised as part of the main submission. Amended plans have subsequently been provided which address the majority of these concerns. Brick boundary walls have been provided to public facing elevations throughout the development, private drives would be finished in block paving, the design of the pumping station and details of its boundary treatment and landscaping have been provided, the Healey house type has been significantly revised through the incorporation of amended fenestration and render, render has been added to the Guscott house type, fenestration on the Attwood house type has been aligned, details have been incorporated into the side elevation of the Webb and Ellis house type and additional landscaping and boundary treatment has been illustrated to the perimeters of the site.

Owing to their specific architectural features, the dwellings would take on a predominantly traditional appearance and on the basis of the amended detail, the dwellings would appear well balanced and symmetrical. Further interest and improved legibility has also been secured through the incorporation of chimneys, rendered panels (on focal plots) and decorative brick detailing. Furthermore, where gardens face onto public areas they would be enclosed by curved brick walls aligned with the corresponding dwelling, which would ensure a positive and strong framing of the street.

As part of the amended plans submission, a materials schedule has been provided. Two bricks are proposed (Forterra Worcestershire red multi and Forterra Clumber Red Multi) which are textured with a red tone. These are considered suitable given the character of the dwellings. In terms of the roof tile, a red and a brown Russell Lothian is suggested. Whilst these are split tiles, they are considered too large and thus would not be acceptable in this relatively rural location. Details of materials are however to be agreed by way of a condition imposed on the outline. Surfacing details of the private drives have also been provided; these areas would be finished in grey block paving. Whilst the alternative material is supported, the proposed colour would not provide the required degree of variation between the adopted highway and the private drives, however the specific finish would be secured by the outline condition.

The development would be two storey in scale, although there would be some minor variation between the ridge height of alternative house types. By virtue of the site's relatively isolated position, there is little to relate to in this regard. The closest buildings are however of two storey scale and as such, the scale proposed is considered acceptable.

On the basis of the amended plans, the scale and appearance of the proposal is considered to accord with Policies BNE1 and the requirements of the outline consent, the aspirations of the Design Guide SPD and the principles of the NPPF.

Landscaping

Policy BNE1 seeks, amongst other objectives to ensure that new developments create places with locally inspired character that respond to their context and have regard to valued landscapes, townscape, and heritage characteristics. Landscape character and local distinctiveness considerations are further set out in policy BNE4, and Policy INF9 which seek to ensure both sufficient, and high quality green space and recreation facilities.

The soft landscaping details proposed are relatively simplistic. To its perimeters, the site would be enclosed by a native hedgerow, which would serve to integrate the development within its rural setting. Internally, public/private spaces would be defined by ornamental hedgerow planting and throughout the development external boundary treatment would be supplemented and so softened by landscaping belts. The frontage of dwellings would be turfed, resulting in a more formal appearance, whilst the public open spaces would be seeded with a mix of more durable amenity grass, along with a wetland mix on the approach to the ponds. Where the pond to the north has been realigned, it would be planted with native emergent planting, which would secure biodiversity enhancements. External boundaries would be further supplemented by additional tree planting, and clusters of trees would be planted within the public open space to the south. Throughout the development, individual trees have been strategically positioned to further soften the appearance of, or to provide focal views within the development. As discussed, additional details are required to further enhance the public open space to the north, which can be secured by way of a condition. In addition, following removal of the swales from the public open space adjacent to the south eastern boundary, the remaining strip of land has the potential to host antisocial behaviour and owing to its shape would not be well suited to public recreation provision. To capitalise on the land and to further enhance the green buffer along this boundary, the area should be planted comprehensively with native hedgerow, to act as a deterrent, supplemented by clusters of tree planting. This solution has been discussed and agreed with the agent and can be secured by the landscaping condition.

Overall the proposed landscaping is considered to be an appropriate response to developing the site taking into account the existing natural features and the surrounding area and would ensure an attractive development is provided whilst also providing natural amenity and ecological areas. In this regard the development is therefore considered to comply with the requirements of policies BNE4 and INF9 of the Local Plan, the Councils Design SPD and the overarching principles of the NPPF.

Access and Highway Safety

Policy INF2 1(a) seeks to ensure that the development will have no undue detrimental impact upon highway safety, (b) requires appropriate provision to be made for safe and convenient access to and within the development for all users and (c) that car travel generated by the development is minimised. Criterion E of the policy also states that development should include appropriate car parking provision.

The site would be served by a single point of access off Egginton Road. Whilst access was not a matter for detailed consideration with the outline application, it was discussed during the appeal hearing and four highway related conditions were imposed. Condition 5 requires parking provision, condition 6 requires the provision of a temporary construction access designed to stipulated specification, condition 7 requires the closure of the existing access serving the site from Egginton Road and condition 8 requires the submission of a Construction Management Plan.

As stated, the CHA initially raised both fundamental and technical objections to the proposal. To address these, amended plans were provided. The amendments include additional detail, and illustrate that the required visibility splays are achievable within controlled land. They also address the majority of the technical concerns relating to the layout and associated highway impacts. Updated vehicle tracking and site layout plans have also been provided, which are now considered acceptable by the Highway Authority.

In order to promote connectivity, a footpath link has been shown to the existing PRoW to the south west of the site.

Subject to the imposition of a condition to secure details of the site access, the development would not result in any materially adverse impacts in terms of highway safety and would therefore be compliant with Policy INF2.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

GRANT permission subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the drawings and plans listed in the Drawing Schedule received by the Local Planning Authority on the 12th September 2019 unless otherwise required by a condition attached to this permission or allowed by way of an approval of a non-material minor amendment made on application under Section 96A of the Town and Country Planning Act 1990 (as amended).

Reason: For the avoidance of doubt and in the interests of sustainable development.

2. Notwithstanding the details on the submitted landscaping plans, prior to occupation of any dwelling hereby approved, a landscaping scheme along with details of its implementation for the areas of public open space situated to both the north and south of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: To safeguard the character and visual amenities of the site and the wider area.

3. The site access shall have a minimum width of 5.5m, minimum radii of 6m, be constructed to base level and be provided with visibility sightlines 2.4m a 103m in each direction. The area forward of the sightlines shall be cleared and maintained clear of any obstruction exceeding 600mm in height relative to the nearside carriageway edge.

Reason: To ensure a safe and suitable access is provided, in the interests of highway safety.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, no further boundary treatments shall be erected forward of any walls, fences or other means of enclosure which are exposed to a highway, footpath, shared courtyard or driveway or public open space/forest planting.

Reason: In the interests of overall design, in order to maintain the character of green and public spaces as secured under the plans hereby approved.

5. Rainwater gutters and all soil and downpipes shall have a black or dark grey finish.

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

6. Notwithstanding the approved plans, prior to their incorporation into the buildings hereby permitted details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- a. colour of fascia boards and mortar for verges;
- b. eaves, verges, string/dentil course and window/door reveal details;
- c. porch and bay canopies (which shall utilise traditional materials for tiled appearance porches/bays); and
- d. utility cupboard colours (both wall and ground mounted).

For the avoidance of doubt, no fascia boards shall be placed over corbelling and there shall be no use of cloaking tiles/dry verges. The buildings shall be constructed in accordance with the

approved details and thereafter, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, maintained as such.

Reason: In the visual interest of the buildings and local distinctiveness, and so to ensure this character is retained throughout the lifetime of the development.

7. Notwithstanding the details shown, where brick wall boundary treatment is proposed, it should be sited flush with the corresponding dwelling.

Reason: To safeguard the character and visual amenities of the site and the wider area.

Informatives:

1. The developer is encouraged to install recharge points for electric vehicles to comply with the following criteria:

- Residential: 1 charging per unit (dwellinghouse with dedicated parking) or 1 charging point per 10 spaces (or part thereof) where individual units have shared or courtyard parking;
- Commercial/Retail: 1 charging point for every 10 parking spaces;
- Industrial: 1 charging point for every 10 parking spaces;

To prepare for increased demand in future years, appropriate cable provision should be included in scheme design and development. Residential charging points should be provided with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. This socket should be located where it can later be changed to a 32amp EVCP. Non-residential charging points should be supplied by an independent 32 amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to IEC62196-2 (or equivalent standard that may replace it). Measures should be taken to prevent subsequent occupiers of the premises from removing the charging points.

2. The watercourses, attenuation pond(s) and/or swale(s) hereby permitted or which would be incorporated into public areas on the site should be designed to accord with health and safety guidance as set out in the CIRIA SuDS Manual 2015 (C753) or guidance that may update or replace it, and to meet the requirements of the Construction (Design and Management) Regulations (CDM) 2015 through assessing all foreseeable risks during design, construction and maintenance of the pond, minimising them through an 'avoid, reduce and mitigate residual risks' approach.

3. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of the Economy, Transport and Environment Department at County Hall, Matlock (Tel: 01629 533190). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 38 Agreement.

4. Pursuant to Section 149 and 151 of the Highways Act 1980, the developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

5. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport and Communities at County Hall, Matlock regarding access works within the highway. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website

www.derbyshire.gov.uk, email Highways.Hub@derbyshire.gov.uk or telephone 01629 533190.

6. The applicant is advised to seriously consider the installation of a sprinkler system to reduce the risk of danger from fire to future occupants and property.

2. PLANNING AND OTHER APPEALS

(References beginning with a 9 are planning appeals and references beginning with an E are enforcement appeals)

Reference	Place	Ward	Result	Cttee/Delegated	Page
9/2019/0116	Weston	Aston	Dismissed	Delegated	22



Appeal Decision

Site visit made on 19 August 2019

by **Sarah Colebourne MA, MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2nd September 2019

Appeal Ref: APP/F1040/D/19/3231935

The Water Tower, Swarkestone Road, Weston-on-Trent, Derby, DE72 2BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Ford against the decision of South Derbyshire District Council.
 - The application Ref 9/2019/0116, dated 31 January, was refused by notice dated 11 April 2019.
 - The development proposed is a three storey extension to side of house.
-

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this case is the effect of the proposed extension on the character and appearance of the building and the area.
3. The appeal building is located a short distance from the village of Weston-on-Trent. The surrounding area is characterised mostly by agricultural land. It is approached from a long drive opposite three other dwellings and which also leads to another dwelling.
4. The Council says that the building was previously used for wartime water storage and has heritage interest as a wartime structure. The appellant disputes its heritage interest because the water tank and top part of the building were removed in the early 1960's. He says that the building was part of a large prisoner of war camp and that other buildings have been converted or replaced without reference to their historic context.
5. The building is a tall and narrow four storey structure of brick with a shallow hipped roof with almost all windows in one elevation and blank elevations on the roadside elevation and a side elevation. As such it has an unusual and unique character and appearance. Its form and blank elevations have a simple and striking, utilitarian character.
6. The building is not listed and I have not been provided with any evidence that it is locally listed. Given the limited evidence I am unable to ascertain whether or not it has significance as a heritage asset. Therefore I have not taken into account the Council's development plan policies for heritage assets but have assessed the proposal on the basis of the other development plan policies referred to. Those are policies BNE1 and H27 which seek to encourage well-designed developments that respect the character and appearance of the

<https://www.gov.uk/planning-inspectorate>

property and the area. The National Planning Policy Framework (the Framework) has similar objectives.

7. The building is presently almost completely covered by dense ivy planting on all elevations other than around window and door openings. Although the building is sited close to the road, roadside vegetation and the ivy on the building make it almost impossible to discern that a building is there. As such, it presently contributes to the leafy character of the roadside area but the presence of the building is not clearly perceived from there.
8. The proposed extension would be sited to one side of the building. It would have three storeys with a hipped roof at a steeper pitch than that of the existing roof. This would give it an overly prominent and rather discordant appearance. Although its ridge height would be lower than that of the main roof, the length of the extension would be only slightly less than that of the existing side elevation and its width would be only slightly less than that of the front elevation. Its size and scale would therefore be considerable in relation to the existing building and it would not have a sufficiently sub-ordinate appearance. This would significantly harm the character and appearance of the building.
9. Although it is the appellant's intention to cover the extension in ivy to help it blend in, future owners/occupiers could choose to remove it and planting should not be used to screen an otherwise unacceptable extension. Without planting, the extension would be clearly seen from the road through gaps in the roadside planting and during winter months. The size and scale of the proposal would thus appear overly dominant given its proximity to the road and this would cause some harm to the character and appearance of the area.
10. I am not persuaded that the other permissions referred to by the appellant are directly comparable with this, given the unique character and appearance of this building. I do accept that the building is narrow and has little natural lighting. However, I am not satisfied that there is no other means of providing additional accommodation and natural lighting in a more sensitive way that respects the building's character.
11. For the reasons given, I conclude that the proposal would harm the character and appearance of both the building and the area, contrary to the development plan and the Framework. There are no material considerations that justify determining the appeal otherwise and the appeal should be dismissed.

Sarah Colebourne

Inspector