Item

1.5

Reg. No.

9 2002 0835 F

Applicant:

Mr J Restall

Hatton Bathroom Centre

60-62, Station Road

Hatton

Derby

DE65 5EL

Agent:

B. Williamson

Mr. B. A. Williamson

Genista

Broomhills Lane

Repton Derbyshire DE656FS

Proposal:

The erection of a first-floor showroom extension at 60-62

Station Road Hatton Derby

Ward:

Hatton

Valid Date:

14/08/2002

## Site Description

The site comprises a shop with extensive single storey extensions to the rear providing showroom, offices and storage. It has limited access to the rear other than through the shop. There is no parking space other than on street parking. There is a path providing rear access to the adjacent dwellings on the immediate south boundary of the site.

# Proposal

The proposal involves the erection of a first floor extension to the eastern most part of the existing building. This is intended to increase the area of showrooms available to the business.

### Planning History

In the 1980's there were permissions granted to extend the premises. A new shop front was granted permission in 1997.

#### Responses to Consultations

Hatton Parish Council has no objection

The County Highways Authority and the Environmental Health Manager have no comments.

## Responses to Publicity

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

- a) There are no parking facilities available for the increased amount of trade that the showroom would attract. Cars and vans already park on the pavement and in a dangerous manner. [Photographic evidence provided that is available for inspection on the file.] Drivers emerging from Hoon Road have their view of traffic obstructed by these cars and lorries. This is a significant danger. This combined with the traffic to and from new community centre would be catastrophic.
- b) Goods delivery vehicles already park on the road causing an obstruction to the pavement forcing people to walk on the road. The application documents states that there are no deliveries, this is not the case, and there are deliveries two or three times a week.
- c) The proposed fire escape would result in people decanting onto private land there is no public right of way along that land. The occupiers of 1-13 Hoon Road own it. There would be no access to construct the building extension the only access would be through the shop.
- d) The existing premises are big enough to accommodate the further expansion of the building. The building looks out of character with this residential area. Other dwellings would be overshadowed by it. There would be significant loss of light.
- e) The submitted plans are not accurate and the extension is in fact going to be much larger than shown.
- f) There would be a loss of privacy from the first floor windows in the proposed extension.

#### Structure/Local Plan Policies

The relevant policies are: Local Plan: Employment Policy 1

# **Planning Considerations**

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

- The impact on neighbours
- The scale of the extension
- The highway issues

### Planning Assessment

The extension would be some 15 metres from the main rear elevations of the dwellings. Most have a conservatory type single storey extension to their properties that reduces this distance down to 13 or so metres. The proposed extension lies directly north of the dwellings. If it was a second storey extension to a dwelling and it was 13 metres from the main elevation of the dwellings and presenting a blank elevation to those dwellings, then it would accord with Supplementary Planning Guidance for Extensions. This test holds true to for this proposal. It would be unreasonable to refuse permission on this basis and prevent the reasonable expansion of an established business in what is a mixed-use area albeit primarily residential.

The objectors have stated that the extension is larger than shown on the submitted drawings and thus its scale and impact are misrepresented. The submitted drawings have been checked against

the OS base map and found accurate. The extension would be some 9m x 9m on top on a more substantial rear extension. The scale of the extension is not excessive.

The site does not have any on site parking. The County Highways Authority has examined the application and has no comments. Most of the businesses on Station Road have no parking available to them. There is a car park to the Metro Supermarket for its customers. On the basis that the County Highways Authority has no comments on the application, it would be unreasonable to withhold permission on this ground.

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

#### Recommendation

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

- 1. The development permitted shall be begun before the expiration of five years from the date of this permission.
- 1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
- 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.
- 2. Reason: To safeguard the appearance of the existing building and the locality generally.
- 3. The fire escape to the rear of the extension shall be reversed in its direction and the door shall be linked to the fire alarm system.
- 3. Reason: In the interests of maintaining the privacy of the neighbours.



		Date Plotted 21/10/2002	NORTH /
	60-62 Station Road Hatton		
South Derbyshire District Council Civic Offices Civic Way		Plot centred at 421591 329940	Scale 1:1250
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Item

2.2

Reg. No.

9 2002 0826 F

Applicant:

Mr Mrs G Cerrone Briar Lee, Etwall Lane

Burnaston

Derby

**DE65 6LF** 

Agent:

Montague Architects

9 Vernon Street

Derby DE11FR

Proposal:

The erection of an extension at Briar Lee Etwall Lane

**Burnaston Derby** 

Ward:

Etwall

Valid Date:

12/08/2002

## Site Description

The site is located is located outside the framework of Burnaston village within open countryside.

The site itself comprises the house, a detached outbuilding and the associated domestic curtilage. To the east, south and west are open countryside whilst the road bounds the northern boundary.

There is a substantial hedge to the road frontage and to the track (public footpath) to the eastern site boundary.

#### Proposal

The applicant seeks consent to erect extensions to the dwelling house. The proposal involves the extension of the dwelling in the form of the erection of two wings and a conservatory across the whole of the rear of the dwelling. It is also proposed to erect a garage block on the west side of the extended dwelling linked to the house by a newly erected corridor.

### Applicants' supporting information

The agent has stated that the applicants are committed to the project and wish to produce an extension of high quality that respond to the architectural style of the existing dwelling using materials that are also of a high quality.

# Planning History

This application reverts to extensions first proposed in 2001, later subject to a revised smaller extensions albeit of significance. The current proposal omits a conversion and link to the outbuilding and a link to it from the house that was proposed in the original application. Both the previous applications were withdrawn before being considered by the Committee.

## Responses to Consultations

Burnaston Parish Council has the following concerns: -

- a) The hedge to the front of the property should be retained as this will help to reduce the impact on a visual basis
- b) The extensions should match the existing building to the same standard as portrayed in the artist's impression. This is particularly important given the position of the dwelling at the entrance to the village.
- c) There is concern that the entrance and exits are not safe and the Parish Council is concerned that there is sufficient space for the splays that have been shown on the drawings.
- d) The existing stable block should have been converted to garage accommodation to reduce the size of or remove the need for the new block. As proposed the view is that the garage would be highly visible and imposing.

The County Highways Authority notes that the proposed access would be severely substandard but not materially worse than the existing access. Thus, there would be no objection provided the existing access was closed and visibility improved across the whole frontage.

#### Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4

Local Plan: Housing Policy 13.

## **Planning Considerations**

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

- The development plan policies
- The impact of the proposal on the character and appearance of the countryside
- Other material considerations

#### Planning Assessment

The site is located outside the confines of any village and within the open countryside. In such areas, new residential development is strictly controlled. Whilst domestic extensions may be acceptable in certain circumstances this will only be the case where the extension does not have an adverse impact on the character and appearance of the area in which it is to be located. Housing Policy 13 of the South Derbyshire Local Plan specifies this approach.

In this case, the dwelling is located in a prominent position at the entrance to, but outside, the village of Burnaston. The extensions and other buildings proposed would approximately double the size of the dwelling.

The size of the extensions, including the mass of the proposal, would greatly add to the prominence of the house and would result in a significant urbanisation of the area. Therefore, the proposal would have an adverse impact on the character of the dwelling and the area in which it is located. In this regard, it is contrary to planning policy.

The comments made by the applicant concerning the design of the dwelling are noted. However, the submitted scheme is not considered to be of such an outstanding design such that this outweighs the other considerations and the impact the proposal would have on the area.

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

#### Recommendation

**REFUSE** permission for the following reasons:

1. Housing Policy 13 of the adopted Local Plan requires that all extensions should be of a scale and character in keeping with the property and not adversely affect the amenities of adjoining properties. The size of the extensions, including the mass of the proposal, would greatly add to the prominence of the unit and would result in a significant urbanisation of the area. Therefore, the proposal would have an adverse impact on the character of the dwelling and the area in which it is located contrary to the above policy.



		Date Plotted 21/10/2002	NORTH 1
Accord	Briar Lee Etwall Lane Burnaston		
South Derbyshire District Council		Plot centred at 428568 332436	Scale 1:1250
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Item

1.6

Reg. No.

9 2002 0838 F

Applicant:

Mr Mrs Sihota 9, Barn Close Findern

Derby DE656QR Agent:

NG102AE

Simon Wrigley 20 Conway Street Long Eaton Nottingham

Proposal:

The erection of an extension at 9 Barn Close Findern Derby

Ward:

Etwall

Valid Date:

14/08/2002

#### Site Description

The extensions would be attached to a detached dwelling on Barn Close, a cul de sac off Doles Lane. The dwelling has a common boundary with No 7 Barn Close and there is a hedge along the frontage to Barn Close. A detached garage stands in front of the dwelling. To the rear, the site is enclosed by hedges to Wallfields House and Gratton Lodge.

## Proposal

The proposal involves the erection of a two-storey link between the house and the garage, the provision of a second storey extension over the existing double garage. One of the existing garages would be converted to living accommodation and the erection of a further single storey garage attached to the existing garages. To the rear, an existing conservatory would be replaced by a single storey extension to provide more kitchen space.

# Planning History

Permission for the dwellings on Barn Close was first granted in 1983. An application for a two-storey extension was granted in 1990 and for the conservatory in 1995.

## Responses to Consultations

Findern Parish Council supports the objections of the local residents.

The County Highways Authority has no objection.

# Responses to Publicity

11 letters have been received objecting to the development for the following reasons:

- a) The proposed extension would occupy a disproportionate amount of the site, the rear garden is large enough to take the extension rather than have it on the front. The extension would intrude beyond the building line detracting from the openness of the road and removing virtually all green areas from the front of the house.
- b) The extension intrudes into the view of the turning head inhibiting the view of drivers using the hammerhead at the top of the Close. There is already a parking problem on the street.
- c) The proposed lightweight construction will be out of keeping with the rest of the houses.
- d) The design is not consistent with the rest of the dwellings on the Close. The house has already had one two-storey extension by introducing windows to overlook other dwellings where none exist now. The proposed extension would overlook several other properties invading their privacy. The adjacent dwelling would be overshadowed. One dwelling would then dominate the Close. An extension just over the garage may be more acceptable.
- e) If approved, the parking and access would be overloaded. This would be a hazard for other vehicles and pedestrians and children as there are no footways on the road. There has been one accident involving damage to vehicles.
- f) There may be a change to other use with increased occupancy thus affecting traffic levels.
- g) Views out to the countryside would be lost.

#### Structure/Local Plan Policies

The relevant policies are: Local Plan: Housing Policy 13

### **Planning Considerations**

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

- The impact on the street scene
- The scale of the extension and its impact on neighbours
- The proposed materials of construction
- The implications for highway safety

## Planning Assessment

There are numerous substantial dwellings on Barn Close. The extensions proposed here would remain subservient to the main dwelling albeit that they are on the front of the dwelling. There are examples of buildings in front of other dwellings in the locality albeit that these are single storey.

The impact of the extension on the immediate neighbour (No 7) is mitigated by the presence of a garage to that dwelling and the removal of one of the dormer windows previously proposed, in favour of rooflights in the proposed extension.

The distance between the proposed windows and those of the neighbours' dwellings mitigates the direct impact of the proposal on dwellings on the opposite side of the road, this is 25 metres,

which exceeds the minimum distance of 21 metres required in the Extensions Supplementary Planning Guidance. Thos properties are also slightly elevated above the applicant's dwelling.

The proposed extension is to be constructed using lightweight materials. This has resulted in a rendered finish being proposed to the entire upper floor areas and part of the ground floor. The render is a prominent feature on the existing garage and it would be unreasonable to require an alternative finish at the upper floor. However, the render should match that of the existing building and have a smooth finish.

Notwithstanding the concerns of residents, the County Highways Authority has raised no objection to the development. The site would have sufficient space within the curtilage to park vehicles clear of the highway and to allow for on site manoeuvring.

In conclusion the proposal is in accord with Housing Policy 13 of the adopted South Derbyshire Local Plan.

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

#### Recommendation

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

- 1. The development permitted shall be begun before the expiration of five years from the date of this permission.
- 1. 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 no.... to be inserted
- 2. Reason: For the avoidance of doubt, the original submission being considered unacceptable.
- 3. 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.
- 3. Reason: To safeguard the appearance of the existing building and the locality generally.



		Date Plotted 21/10/2002	NORTH 🔨
0.00	9 Barn Close Findern		
South Derbyshire District Council Civic Offices Civic Way		Plot centred at 430681 330899	Scale 1:1250
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Item

2.1

Reg. No.

9 2002 0786 TP

Applicant:

Agent:

Mrs Marlene Griffiths

Kedleston Arboricultural & Tree Services Ltd

27, Wilne Lane

582 Kedleston Road

Shardlow

Allestree

Derby

Derby

DE722HA

DE22 2NH

Proposal:

The felling of a birch tree at 27 Wilne Lane Shardlow Derby

Ward:

Aston

Valid Date:

01/08/2002

## Site Description

The tree is located at the rear of 27 Wilne Lane about 300mm from the boundary wall between the property and No 29 Wilne Lane. It is about 20 m in height and is clearly visible from the adjacent Trent and Mersey Canal. The tree is subject to Tree Preservation Order No.189.

The boundary wall between the two properties comprises two layers of brick, one contemporary with No 29 and the other being much older.

#### Proposal

The applicant wishes to fell the tree, a mature Silver Birch.

### Applicant's Supporting Information

- a) Consultants' reports support the view that the tree needs to be removed.
- b) Within the last 2 months East Midlands Electricity have notified the applicant of their intention to prune the tree away from electricity cables. This will necessitate severe pruning, which will not suit this species of tree.
- c) The tree leans towards No 29 and there is damage to the boundary wall, causing safety concerns.

Two consultants, one an arboriculture and tree services firm and one a local authority grounds maintenance manager have commented. The salient points of their appraisal and conclusions are as follows:

- a) The tree has a notable lean towards No 29, with the prevailing westerly wind.
- b) The tree appears to be healthy and is expected to continue to grow.
- c) The roots have damaged the boundary wall pushing the bricks towards No 29 and causing a crack.

- d) Due to the proximity of the tree to the wall it is likely that the prevailing wind causes the tree to bounce against the wall.
- e) The tree will continue to grow and cause catastrophic failure of the wall.
- f) The tree has outgrown its current position in relation to the two adjacent brick walls.
- g) The tree is likely to become unstable in the future due to its lifting root plate.
- h) The age of the tree is at the highest limit of a tree of this species and is starting to show signs of decline.
- i) Damage to the neighbouring wall is only likely to increase with time and will eventually result in the wall becoming dangerous also.
- j) Due to the nature of the tree and its likely intolerance of pruning, any remedial works are only going to increase the likelihood of the tree's death.
- k) There are safety implications as the tree overhangs a garden path and conservatory. Any large falling branch would certainly cause injury to any individuals in the locality of the tree.
- 1) If the pruning works required for the electricity wires are undertaken the tree would become unbalanced and a desirable tree would not result from the remains.

# Site History

A copy of the report to Committee in respect of the Tree Preservation Order attached for information.

# Responses to Consultations

The Parish Council has no objection.

# Responses to Publicity

The neighbour at No 29 supports the application, commenting that the tree leans noticeably towards his property and damage to the boundary wall has increased. Work is also needed to prune branches that interfere with electricity cables.

#### Structure/Local Plan Policies

None relevant.

## **Planning Considerations**

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

- Whether the tree can be considered to be sufficiently dangerous as to warrant its removal with the consequent loss of its high public amenity value.
- Compensation.

#### Planning Assessment

- The tree is leaning, but this is because of the prevailing wind and not because it is dangerous.
- The tree is unlikely to grow significantly as it has reached full maturity.
- The tree is sufficiently far away from buildings so as not to cause direct damage in strong winds
- The boundary wall has suffered damage. However this occurred primarily before the Order was made and with or without the subject tree, the wall is likely to need some repair. It

appears to have moved on the damp proof course. The cracked brickwork could be removed (with appropriate works to the foundation) and a gap could be left (possibly infilled with a timber panel) to reduce the risk of further damage by the tree.

- There is no evidence of decay or instability. Branch drop in high winds is not uncommon and does not indicate that the tree is unhealthy.
- Electric cables can be kept free from the tree without the need to remove it.
- Regular monitoring of the tree would reduce any risk.

On balance the tree has not yet reached the stage of its life at which felling is necessary. Its retention would enable its high amenity value to be enjoyed for several years to come. The owner's ability to deal with unforeseen problems with the tree would not be prejudiced. Whilst damage to the boundary wall has occurred it is likely that this could be remedied so that both the wall (in a modified form) and the tree will survive.

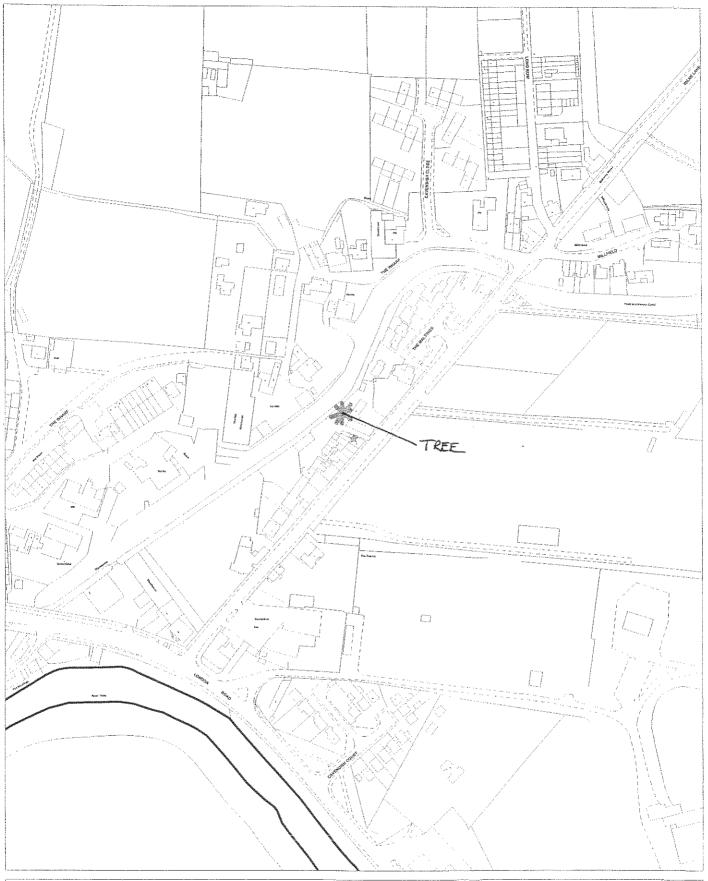
Where damage to an existing structure is caused by a tree subject to an Order, the Council may be subject to a claim for compensation under certain circumstances. However this cannot be retrospective and damage caused prior to the making of the Order will be discounted. The damage already caused to the wall appears capable of repair in such a manner as to reduce to a minimal degree the risk of further damage.

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

REFUSE consent for the following reason:

1. The Silver Birch does not show any signs of dying or becoming inherently dangerous. Therefore the loss of its high amenity value is not warranted at the present time. The adjacent boundary wall displays signs of damage but there is no evidence that it could not be repaired in such a way as to secure its stability without the need to fell the tree, particularly as the tree is unlikely to be subject to significant additional growth.



		Date Plotted 21/10/2002	NORTH 1
	27 Wilne Lane Shardlow		
South Derbyshire District Council Civic Offices Civic Way		Plot centred at 444450 330413	Scale 1:1250
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Item

1.2

Reg. No.

9 2002 0603 F

Applicant:

Mr M S Tomlinson

84, Victoria Street

Melbourne Derby DE731FO Agent:

E. Lee

Mr. Eric J. Lee

Pennside Penn Lane Melbourne Derbyshire

Derbysnire

Proposal:

the erection of a dwelling on land forming part of the garden

at 84 Victoria Street Melbourne Derby

Ward:

Melbourne

Valid Date:

11/06/2002

## Site Description

The site is part of the rear garden to 84 Victoria Street. There are mature hedges to the boundaries.

### Proposal

A dwelling with eaves at ground floor level is proposed. Two bedrooms and bathrooms would occupy the roofspace. Following discussions with the applicant the proposed height of the dwelling is reduced from 6.0 to 5.5 metres. Windows in the gables have been omitted and the upper rooms would be lit by rooflights only. The dwelling would be located behind a block of garages serving 47 & 49 Spinney Hill.

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

- a) The roof pitch is lowered to 45°, reducing the overall height to 5.5 metres. The eaves remain at a minimum dimension. The change in pitch would further limit the living accommodation in the roofspace.
- b) Windows to Bedroom 2 and the bathroom are eliminated.
- c) The application site is 700mm lower than the Spinney Hill development.
- d) The site section drawing clearly shows that the dwelling would be much less dominant than either 49 or 47 Spinney Hill and would be 1.5 metre lower than the existing bungalow at 84 Victoria Street.
- e) There would be no loss of privacy to neighbours.

f) The use of the roofspace is a better use of space and avoids the need to increase the footprint of the building. Any structure would require a pitched roof and the proposal is therefore a suitable solution.

## Site History

Outline planning permission for the erection of a bungalow was granted last year following a site visit (9/2001/0593/O). A copy of the report is attached for information.

### Responses to Consultations

The Parish Council is disappointed about the high-level window facing west towards other properties [Comment: This window is omitted in the revised drawing].

Melbourne Civic Society objects for the following reasons:

- a) The proposal is backland development which, by reasons of its access and location, would lead to loss of privacy to adjoining houses.
- b) The existing bungalow would be left with a minuscule and inadequate garden for recreation.

The Highway Authority and Severn Trent Water Limited have no objection in principle.

# Responses to Publicity

Three letters have been received form neighbours on Spinney Hill, objecting as follows:

- a) Adjoining properties would be overlooked and suffer loss of privacy.
- b) Outline permission was only granted following a site visit on the casting vote of the Chairman. It is believed that the expectation of the Committee was for a single storey building with no first floor accommodation.
- c) It is to be expected that a bungalow will not have first floor rooms. This is not a suitable site for such backland development so close to residential property.
- d) A tree has already been felled resulting in loss of privacy.
- e) There would be loss of light.
- f) The proposal would not comply with supplementary planning guidance.
- g) There would be access problems, due to its restrictions

#### Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 5. Local Plan: Housing Policy 5 & 11.

## **Planning Considerations**

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

- The principle.
- Residential amenity.
- Impact on the general character of the area.
- Highway safety.

# Planning Assessment

Consideration of the matters of principle, including the backland development issue are as set out in the previous report. In this regard the application is clearly acceptable.

In its revised form the dwelling would comply with supplementary planning guidance and there would be no demonstrable loss of light or privacy to neighbouring dwellings. The mere fact that the roofspace is made use of for living accommodation does not in itself mean the amenities of adjoining occupiers would be adversely affected. The access would serve the proposed dwelling only and would not unreasonably threaten the amenity of the occupiers of the dwellings either side.

The dwelling is sensitively designed and, in this area of mixed dwelling types would be in keeping with the scale and character of its surroundings. Its mass and general design are characteristic of a bungalow.

The access and parking arrangement meet the requirements of the Highway Authority.

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

#### Recommendation

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

- 1. The development permitted shall be begun before the expiration of five years from the date of this permission.
- 1. 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 received 16 September 2002.
- 2. Reason: For the avoidance of doubt, the original submission being considered unacceptable.
- 3. 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.
- 3. Reason: To safeguard the appearance of the existing building and the locality generally.
- 4. 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.

- 4. Reason: In the interests of the appearance of the area.
- 5. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).
- 5. Reason: To protect the amenities of adjoining properties and the locality generally.
- 6. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate two cars within the curtilage of the dwelling. Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), two parking spaces, measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of the site.
- 6. Reason: To ensure that adequate parking/garaging provision is available.
- 7. The access shall be provided with 2m x 50 m vehicular visibility splays and 2m x 2m pedestrian visibility splays, within which there shall be no obstruction to visibility exceeding 1 m above the level of the adjoining carriageway.
- 7. Reason: In the interests of highway safety.



		Date Plotted 21/10/2002	NORTH 1
	84 Victoria Street Melbourne		
South Derbyshire District Council Civic Offices Civic Way		Plot centred at 438240 325413	Scale 1:1250
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