

5. External joinery shall be in timber and painted to a colour and specification which shall have been previously agreed in writing by the Local Planning Authority. The approved paint shall be applied before the development is brought into use.

Reason: In the interests of preserving the character of Smisby Conservation Area.

6. No development shall commence on site in connection with this development until details of the rooflights have been submitted to and approved in writing by the Local Planning Authority and the work shall only be carried out in accordance with the approved details. The rooflights shall be designed to fit flush with the roof and the frame shall have a black finish.

Reason: In the interests of preserving the character of the Smisby Conservation Area.

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

Reason: In the interests of preserving the Smisby Conservation Area.

8. A sample panel of pointing 1 metre square or such other area as may be agreed by the Local Planning Authority shall be prepared for inspection and approval in writing by the Local Planning Authority prior to the implementation of any other works of pointing.

Reason: In the interests of preserving the character of the Smisby Conservation Area.

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

Reason: In the interests of preserving the character of the Smisby Conservation Area.

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

Reason: In the interests of preserving the character of the Smisby Conservation Area.

11. Prior to any other works commencing in connection with this development, the new access shall be formed with Annwell Lane. The access shall have a minimum width of 3.2m and be provided with 2m x maximum achievable visibility sightlines with no obstruction forward of the sightlines exceeding 1m in height relative to the nearside carriageway edge.

Reason: As recommended by the Highway Authority in the interests of highway safety.

12. Prior to any other works commencing, excluding condition 11 above, the existing access shall be permanently stopped up.

Reason: As recommended by the Highway Authority in the interests of highway safety.

13. Prior to the new access being brought into use it shall be surfaced in a solid bound material (i.e. not loose chippings) for at least 5m into the site from the highway boundary with measures to prevent surface water escaping from within the site onto the highway.

Reason: As recommended by the Highway Authority in the interests of highway safety.

14. Any gates shall be set back 5m from the highway boundary.

Reason: As recommended by the Highway Authority in the interests of highway safety.

15. Prior to the development being brought into use, space shall be provided within the plot curtilage for the parking of four vehicles and maintained thereafter free of any impediment to its designated use.

Reason: To ensure there is sufficient off-street parking in the interests of highway safety.

Informatives:

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

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

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

20/08/2002

Item 1.7**Reg. No.** 9 2002 0657 F**Applicant:**

Menzies Hotels P L C
 East Mill
 Bridgefoot
 Belper
 Derbyshire
 DE562UA

Agent:

Morrison Design Limited
 St Alkmunds House
 103 Belper Road
 Derby
 DE13ES

Proposal: The demolition of the existing lodge and the erection of a two storey building with associated parking to provide corporate headquarters at Bakum Lodge Etwall Road Burnaston Derby

Ward: Etwall

Valid Date: 26/06/2002

Site Description

The site comprises land immediately opposite the Mickleover Court hotel. There are several trees that are the subject of a Tree Preservation Order within the site. The site immediately abuts the Derby City boundary.

Proposal

There is an existing planning permission for a building of this scale and shape on the land. The current application seeks permission for amendments only to the elevations that are materially different from those originally permitted.

Planning History

Permission was granted last year for the erection of an office block.

Responses to Consultations

The County Highways Authority has no objection nor do the Environment Agency and Severn Trent Water.

Responses to Publicity

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

- a) Traffic speeds are excessive for traffic entering Ladybank Road from the A516. A man was knocked down recently, another car crashed through the wall of Mickleover Manor. It will not be safe for children to use the bus stop or ride their bikes or walk in the area because of the extra traffic.
- b) There is poor visibility between the access and the island
- c) If permission were granted sleeping policemen or similar should be provided and the fence should be set back several feet to improve visibility.
- d) There would be a loss of valuable woodland, the trees should be preserved.
- e) The proposed building would be an eyesore, the existing building is also an eyesore in its present state. The lodge should be restored
- f) The building should not be seen as a precedent for future such buildings in Mickleover. This is a residential area and commercial uses should not be introduced. Also the building may ultimately be used to accommodate guests rather than be used as an administrative centre for the Hotel group.
- g) It is assumed that there will be a consultation with Derby City as this is only a few metres from the boundary – it is unacceptable for developments that adversely affect the residents of Derby not to be dealt with by the City Council. It is doubted that South Derbyshire District Council has any feeling whatsoever towards the Mickleover area and therefore is not in a position to make a fair and valid judgement.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4 and Economy Policy 4

Local Plan: Environment Policy 1 and Employment Policies 1 and 8.

Planning Considerations

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

- The impact of the proposed changes on the character and appearance of the area.

Planning Assessment

The changes to the fenestration are acceptable and although materially different in appearance, do not affect the overall principle of the development or alter its impact on its environment.

The objections received relate mainly to the principle of the development and as a valid permission exists, cannot have a material bearing on the determination of this application. For the information of Members, the previous report is attached.

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 have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the locality generally.

3. The tree protection fencing set out in paragraph 3.3 and the appendix of the Derwent Treescapes report attached to planning application 9/2001/0363 shall be erected prior to the commencement of building operations on adjoining areas of trees. The fencing shall have signs affixed to it at 10 metre centres advising contractors that it is tree protection fencing and that it should not be removed or adjusted to suit building operations. 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.

Reason: In the interests of maintaining the health of the trees that are to be retained

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

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

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

Reason: In the interests of highway safety.

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

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

8. 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.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the building hereby permitted shall not be altered, enlarged or extended and no buildings, gates, walls or other means of enclosure (except as authorised by this permission or required by any condition attached thereto) shall be erected on the application site (shown edged red on the submitted plan) without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the site area and effect upon the street scene.

Informatives:

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

20/08/2002

Item 1.8**Reg. No.** 9 2002 0674 FT**Applicant:**

Orange Personal Communications
 St James Court, Great Park Road
 Bradley Stock
 Bristol
 BS12 4QJ

Agent:

Graham Turner
 APT Limited
 Unit C, Southmere Court
 Electra Way
 Crewe
 CW1 6GU

Proposal: The removal of a lighting tower and the erection of a 25 metre high telecommunications mast with associated telecommunications equipment at Former Coal Stocking Yard Coton Park Linton Swadlincote

Ward: Linton

Valid Date: 01/07/2002

Site Description

The site lies in the heart of the former coal stocking yard to the east of the dwellings at Coton Park. The stockyard is enclosed by chain link fencing with vegetation behind that. In some areas there are also bunds in place. There is an existing lighting tower some 30 metres high adjacent to the site. The site is quite prominent from a number of public vantagepoints.

Proposal

The proposed mast would be 25 metres high and so is subject to full planning control. It would replace the existing 30 metre high lighting tower. It and its associated equipment cabin would be enclosed by its own security fence.

Applicants' supporting information

The applicant's state that the proposed tower is some 300 metres from the nearest dwelling. It would replace an existing structure that is some 30 metres high. The mast would conform to the international standards for such structures and emissions therefrom would be well below international standards for radiation. Calculations have been provided those indicate that the safe limits for maximum radiation exposure for the general public would be exceeded closer than 8.5 metres directly in front of the antennas. The general public will be physically prevented from gaining access to such close proximity to that level of radiation.

The applicants have examined whether the equipment could be satisfactorily located the existing tower but the tower is not sufficiently stable. In removing the tower, it would be stored for use elsewhere if the need arose. Alternative sites in the urban area have also been examined, including Church Street Church Gresley Industrial Estate and Swains Park Industrial Estate. These have been rejected either on the grounds that they are close to dwelling and sensitive properties such as schools. Other structures were examined but these were either in the wrong location to provide the necessary coverage or the landowners were not willing to deal with the company.

A full copy of the submission is available for inspection of the site file. It includes plot maps to show coverage in the area of the Orange mobile phone system.

Planning History

The site has previously been used to stock coal.

Responses to Consultations

Linton Parish Council has no objection to the application but considers that there are potential problems. Access to the site could be a problem as in the past, the site has been broken into and Power Mains equipment removed. This has resulted in the village being plunged into darkness. The site has become a motor car and motorbike-racing track, it is also used as a dump for stolen and burnt out cars. The Parish Council has also made repeated requests for the light tower to be removed to date with no reply. Children have been seen climbing to the top of the tower. Linton Parish Council feels that the site is not a very safe location for the mast and trusts that the Committee will give some deep consideration to this application before making a decision.

The Coal Authority has no objection

Responses to Publicity

A petition signed by 109 residents has been received and makes it make the following objections to the proposal: -

- a) Residents are concerned at the risk to health caused by radio waves from the tower to occupiers of the houses and to children in the proposed play area that is proposed on land directly opposite the tower. There is substantial evidence in the Stuart report to support these concerns.
- b) The village is in the middle of the National Forest. The local area has been much improved by tree planting but the lighting tower has been an eyesore for the last 15 years. Residents want the tower removed but not replaced with a 25 metre high mast that will be visible from all sides of the valley and will spoil views from all aspects.
- c) Residents have endured dust, noise, heavy traffic, travellers and the dumping/burning of cars on this site. The last thing residents need is a radio mast and it is time they had a fair deal on the use of this land.

Five individual letters of objection have been received that make the following objections: -

- a) The villagers are worried about the potential health risks of radiation from these structures harmful to health. Why is it if these structures are safe, that the Government has put health warnings on mobile phones?
- b) The village has not been properly consulted about this proposal and residents strongly oppose it.
- c) Houses are too close to the mast and a play area is proposed just across the road from the site. There are more open sites available that would not be close to houses.
- d) The site would be susceptible to vandalism, as there are numerous burnt out cars on the land.
- e) The village has suffered enough from the dust from coal stacking and should not be subjected to more health risks. There is no proof that the radiation is harmless, the research that has been done is not conclusive. Recent experiments on animals do not prove that this is safe.
- f) The profits of shareholders should not come before the lives of future generations.

National Government Advice

Planning Policy Guidance Note 8

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Community Facilities Policy 4

Planning Considerations

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

- The perceived health risk
- The impact on the character of the area.

Planning Assessment

Members may have read that some Authorities have sought to argue that the fear of adverse health affects can form a reason for refusing planning permission for these masts. Indeed, there were a couple of cases where this view was upheld at appeal. Subsequently, the courts have held that these are not proper grounds for withholding consent. In mid July there was a report that an inspector had dismissed an appeal in a conservation area. She also rejected the appeal because a perceived fear of health damage arising from the mast affected residents perception of the quality of the environment in a Conservation Area. There is a distinction to be made here.

The inspector is not saying that there is a health risk, rather that the *fear* that there may be a risk and this is potentially detrimental to the perceived amenity of the Conservation Area. Nevertheless, the weight of court decisions is that the masts are generally acceptable unless sited very close to schools and the fear of health risk is not a reasonable ground for refusing planning permission. The mast would be located some 300 metres from the nearest dwelling.

At a recent conference in London Dr Michael Clarke of the Radiological Protection Board put in context the emissions from base stations. He stated that the Average total exposures are 18 millionths of the ICNIRP public reference level and maximum total exposures are 0.18% of the ICNIRP public reference level. Exposures are well within guidelines and are not considered hazardous. He acknowledged that the Stewart Report advised that more research was necessary.

His conclusion was that the balance of evidence to date suggests that exposures to RF radiation below those international standards do not cause adverse health effects on the general population.

This is not a permitted development proposal as the mast is more than 15 metres high. The structure will replace the light tower. Neither structure is a natural feature in the landscape and both are and would be visible from a wide area. The determining factor from a policy point of view is whether the mast would have a detrimental effect on the character and appearance of the area. The applicants have examined the existing structure and found that it is unsafe for workers to access to maintain the facility. Your officers have looked closely at the tower and found that it is rusting. Planning Policy Guidance Note 8 advocates the use of existing structures to site telecommunications equipment and cites as an example the use of electricity pylons.

The applicants having examined other masts and structures in the area concluded that the application site represents the best solution in terms of minimising the impact of a mast on the area. Having looked at the alternatives listed in the submitted documents, officers agree with the applicants. There would be no net addition to the structures in the locality. Had it been possible to utilise the existing tower for the mast, this would have been fully in accord with Government advice.

Overall Conclusion

The mast is sited at a considerable distance from the nearest dwelling. Evidence is presented that the General Public may be at risk in areas very close to the antenna on the mast. This would be prevented by the security measures around the site. The mast would replace an existing structure that had it been suitable, would have resulted in a proposal totally in accord with Government advice. The location of the proposed mast at such a distance from housing and potential play site would suggest that the Authority could not sustain an objection based on the perceived fears about a risk to their health. This is especially so when the courts have ruled that masts in reasonably close proximity to schools should not have had permission refused on those grounds.

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.

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

2. Before works to erect the mast hereby permitted are commenced the existing lighting tower identified for demolition in the submitted documents shall be dismantled and stored in a location to be agreed in writing by the Local Planning Authority.

Reason: In order to minimise the number of structures in the locality.

20/08/2002

Item 1.9**Reg. No.** 9 2002 0707 U**Applicant:**

Mr D J Walton
 4 The Hollies, Main Street
 Milton
 Derby
 DE656EF

Agent:

Mr D J Walton
 4 The Hollies, Main Street
 Milton
 Derby
 DE656EF

Proposal: The use as domestic garden of agricultural land at the rear of
 4 The Hollies Main Street Milton Derby

Ward: Repton

Valid Date: 16/07/2002

Site Description

The site is part of a field, now redundant to agriculture. It is secluded from general public view.

Proposal

The application merely proposes the change of use of the land. No other details are submitted.

Responses to Consultations

The Parish Council objects on the grounds that the site is outside the village envelope.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4.
 Local Plan: Environment Policy 1.

Planning Considerations

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

- The principle of the development.
- The impact on the character and appearance of the countryside.

Planning Assessment

The proposal is only necessary to location outside settlements because the applicant has no other land in the village confine within which to extend his garden. However the proposal is very small scale and would not prejudice implementation of the general policies that seek to protect the countryside from unwarranted development. As such the principle is acceptable.

The change of use in its own right would have minimal visual impact on the countryside or the character of the village. However the extended garden would become subject to permitted development rights that would enable domestic buildings and structures to be erected without the need to apply for permission. The potential impact of these could be safeguarded by an appropriate condition.

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.

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

2. 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.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no buildings and 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.

20/08/2002

Item 2.1**Reg. No.** 9 2001 0946 O**Applicant:**

Mr K Ensor
 17-23 Repton Road
 Hartshorne
 Swadlincote
 Derbyshire
 DE117AF

Agent:

Mr K Ensor
 17-23 Repton Road
 Hartshorne
 Swadlincote
 Derbyshire
 DE117AF

Proposal: Outline application (all matters to be reserved) for the residential development of Land Forming The Site Of 17- 23 Repton Road Hartshorne Swadlincote

Ward: Hartshorne

Valid Date: 25/09/2001

Site Description

This site is within a built-up frontage on the south-west side of Repton Road, some 70m from the junction of Main Street. The frontage is dominated by a two-storey nineteenth century building set at the back edge of the highway of which part is a vacant shop and the remainder is a dwelling. To the rear of the building are additional buildings which are partly used as a bakery and in the main are former farm buildings of brick and tile construction. The remainder of the site at the rear of the buildings is overgrown garden.

Proposal

The proposal is in outline for residential development with all matters including siting, design, external appearance, means of access and landscaping reserved for subsequent approval. The site would be cleared of all existing development.

Responses to Consultations

The Highway Authority comments that the existing accesses to either side of the site have restricted visibility due to adjacent walls and buildings and would not be appropriate with these buildings and walls retained to serve residential development. However, it adds that as this is an outline application, if the frontage buildings are to be removed and the site redeveloped then there would be no objections to this proposal subject to standard highway conditions.

The environmental health officer has no comments.

Severn Trent Water have no objections subject to the satisfactory disposal of surface water.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 5: Housing in Villages

Local Plan: Housing Policy 5: Village Development; Environment Policy 1: Development in the Countryside.

The Council's Settlement Hierarchy is also material to this proposal which identifies Hartshorne as a sustainable settlement.

Planning Considerations

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

- Development beyond the village confine
- The impact of the development on the appearance of the countryside
- Impact on highway safety

Planning Assessment

Approximately one third (400 square metres) of the development site is outside the village confine where there is a presumption against development and encroachment beyond the confine at this point would have a detrimental impact on the appearance of the countryside.

Whilst the core buildings on the site are not listed or within a conservation area, they do contribute to the street scene and historic character of the village. The core buildings have been identified as the frontage building and two brick and tile former farm buildings to the rear. Opportunity should remain open to convert these buildings to residential use, which would involve the utilisation of the existing accesses. The Highway Authority has identified these as being sub-standard but in view of the present use as a bakery and dwelling, a conversion scheme would be no worse by comparison and potentially an improvement.

Following discussion and site meetings, the applicant has been given opportunity to provide clarification of his aspirations for developing the site but to date no further information has been forthcoming. On this basis the proposal should be determined as submitted.

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 reason:

1. The rear boundary to the site is clearly visible from a public footpath that runs close by. Any development within that section of curtilage currently excluded from the Hartshorne village confine as defined in the Local Plan would be prominent and have a detrimental impact on the open character of the countryside and harden what is a soft edge to the countryside. The proposal would be contrary to Housing Policy 5: Village Development of the South Derbyshire Local Plan.

20/08/2002

Item 2.2**Reg. No.** 9 2002 0609 F**Applicant:**

A S Thompson
 Cedar Farm
 Dalbury Lees
 Ashbourne
 Derbyshire
 DE6 5BE

Agent:

The Planning & Design Practice
 61 Friar Gate
 Derby

Proposal: Alterations to the farmhouse and the conversion of barns, including extensions, into three dwellings together with the erection of garages and the formation of a vehicular access at Cedar Farm Dalbury Lees Ashbourne

Ward: North West**Valid Date:** 11/06/2002**Site Description**

The farmhouse and farm buildings are on the east side of the village green. The farmhouse is a large dwelling with attached barns, forming an 'L' shaped two-storey building. The farmhouse faces south-east across an extensive garden while the barn faces across the village green and across the farmyard. Also within Cedars farm, lies a part single and part two-storey traditional farm building and a range of more modern farm buildings including a cattle shed and hay barn. Both the cattle shed and hay barn are located on the north west side of the farmstead, directly behind a short row of cottages. The site faces broadly east/west and is bounded by housing to the north and south albeit that there is a large garden to each of these dwellings creating a gap in the built up frontage. There is further housing to the west on the other side of the village green. To the east is open countryside.

There are two entrances to the site. The first provides an access to the farmyard and was formally the only vehicular access to the house and the farm. This runs along the northern boundary of the site adjacent to the cottages. A second entrance provides access to a hardstanding in the garden at the front of the farmhouse. This was put in after the last application was refused under permitted development rights. The buildings are empty and the site has been fenced off by temporary fencing some 2.0 metres high.

Proposal

The application is for the conversion and extension of the of the two storey barn to form two three bedroom dwellings and the conversion of the single/two storey barn into a two bedroom single storey dwelling. The plans include proposals for four garages, with new access roads and boundary fences. The plans identify the renovated farmhouse as Unit 1, with the two-storey barn containing units 2 & 3 and unit 4 is the single storey barn conversion.

The design of the extensions and the conversion of the property respect the character of the existing buildings, the general form and appearance of the buildings will be retained and all existing openings will be used where possible. Extensions are kept to a minimum, with only a small ground floor extension proposed for units 2 and 3. Garages are provided separate to the converted farm buildings to ensure their character is protected. All new windows and doors will be constructed in timber and painted. New walls and alterations will be undertaken in matching brick with roof tiles to match existing. No extensions to unit 4 are proposed but a small outbuilding will be re-built.

Access to the proposed dwellings will be split, with units 2 & 3 coming off the northern access and unit 4 and the farmhouse coming off the southern access. Each unit will be provided with a garden and garaging. Three new garages will be constructed on the east-side of unit 4 in a single block with a fourth detached garage located in the garden of the farmhouse. The public right of way through the farmyard will not be altered.

Applicants' supporting information

None of the buildings at Cedar's Farm are listed but they are good quality traditional buildings, which are important to the setting and character of the settlement. Lees has evolved in the 20th Century. Whilst the road and pattern of small fields has remained consistent over the decades the village has grown and although Lees has never been subject to a large amount of new housing. The historic maps of the village indicate that the buildings were in place by mid 19th century and by 1900, the buildings were in place as we see them today. In particular Cedars Farm and the village green are enduring symbols of the village and its history.

The applicants argue that traffic is generally very light with peak traffic level represented by about 1 vehicle every five minutes or so with 1 or 2 an hour at off peak times.

It is argued that the relevant policies are found in the adopted Local Plan as those in the replacement Local Plan are still in the early stages of consideration. Thus Lees has a village confine and the policy allows for infill and other development to take place within those confines.

The emerging policies do not directly address the conversion of buildings in settlements to residential use. Those that touch on the subject are generally supportive if the applicant has addressed the possibility of alternative uses for the buildings. In particular the policies are looking to ensure that local distinctiveness is respected in terms of materials, design and street scene.

Cedars Farm makes an important contribution to the appearance and character of the village. The buildings are traditional in design and the proposals seek to retain the traditional buildings and bring them back into beneficial use. The farm has existed on this site for over 200 years and the buildings proposed for conversion are all over 100 years old. The barns are suitable for conversion without substantial extension or major rebuilding. It is important that these buildings are retained and residential conversion will protect them in the long term.

Negotiations have taken place with planning officers to reduce the size and extent of the extensions to units 2 & 3. The extensions are now considered acceptable and are a substantial improvement on the proposals previously submitted. The development meets the criteria as set out in policy Env21 of the 1st Deposit Draft and is acceptable therefore in principle under Policy Env22. The appearance of Cedars Farm as seen from the village green will not be altered except for the re-use of some openings previously bricked up. All new doors and windows will be constructed in timber and will be painted.

The village has a wide range of facilities such as a pub and village meeting hall, the local primary school is only a mile away and is an important local focal point along with the green and the pub.

The proposal would add to the range of houses available in the village and balance the 4/5 bedroom dwellings that have featured predominately in recent years.

Planning Policy Guidance Note 7 suggests that Local Planning Authorities should favour business use in the re-use of buildings in rural areas particularly where the creation of local employment is a priority. Creation of local employment remains a priority in the South of the District but not in this area. Unemployment in this part of Derbyshire is very low and housing surrounds the site. All the properties fronting the Green are residential except for the Black Cow. This is a very quiet location and the introduction of business or industrial activities is inappropriate. The First Deposit Draft acknowledges the importance of flexibility in terms of conversion to industry or business and proximity to housing is an important consideration. Holiday accommodation businesses were badly hit by the foot and mouth outbreak in 2001. Demand for new tourist accommodation in popular holiday locations. It should be remembered that Lees is not a tourist village and that housing surrounds Cedars farm. The conversion of the buildings to holiday accommodation will not help the village in terms of meeting housing demand. Given the current problems in the holiday industry, converted holiday lets could be vacant for much of the year opening the possibility of trespass, vandalism and burglary. The provision of holiday accommodation will require significant capital outlay with no prospect of a reasonable return. Recent appeal decisions in Staffordshire suggest that the reuse of buildings in the villages for housing is a reasonable approach for planning authorities to take.

In terms of highway issues, the applicants argue that the recent use of the site was by a cattle dealer and that the amount of traffic in and out of the farm was equivalent to or less than the traffic that would be generated by the application.

Overall the developers consider that the proposal is in accord with emerging and adopted Development Plan policies. Access is acceptable, the amount of extension reduced and these important buildings fronting the Green would be retained with little or no alteration to their frontage to the Green.

Planning History

There was little or no planning history for this site until the application last year for the conversion and extension of these building to residential use. The application was refused on the grounds that the amount of new built development was excessive in particular that proposed as extension to form the dwellings and that the access was inadequate to serve the use. In addition, the village was not considered a sustainable village.

Responses to Consultations

Dalbury Lees Parish Council has objected on the following grounds: -

- a) It is clear that the current application is essentially the same as that which was refused by SDDC in December last year. The issues in relation to Lees and Dalbury not meeting the criteria for being classed as sustainable developments have not altered. The issues in relation to the impact of this type of development on a very small community also remain and so the current application should be rejected for the same reasons as were identified by SDDC only 6 months ago
- b) Lees is a very small community with very limited facilities and services. The local sewage works were upgraded by Severn Trent in 2000 but appear to be subject to very regular maintenance work and so there are questions within the local community over their capacity. This application incorporates 4 garages and 12 parking spaces and so it is reasonable to assume that there would extensive use of cars as the mode of transport. DLPC contends that this argues against the proposal for large-scale development on this site.
- c) The village hall is rented from the adjoining property owner with little security of tenure. There is not a sports ground either in the village or the local community. As stated above to suggest that the local primary school is a mile away and within walking distance for small children is disingenuous.
- d) The Parish Council agrees that the farmhouse and building could be sympathetically refurbished and converted to create 2 dwelling in total with integral garaging. It is acknowledged that Cedars Farm is a well-established building on the village green. The scale of this proposal and the earlier proposal is neither sympathetic nor in context with the area. We do not believe that the criteria of either policy ENV21 or ENV22 are reflected in this proposal.
- e) The area around the village green is already densely populated and any level of increased road traffic would cause detriment. This application would create 4 garages and 12 parking spaces. The potential increased traffic volume thereby created is obvious.
- f) The application relies on the 1998 adopted Plan that has been superseded by the Policy statement issued in 2001 by the Local Planning Authority. Housing Policy 5 in its original form is no longer applicable.
- g) This application should be refused by SDDC as it was in December 2001. The same strong case for refusal remains as the application is contrary to planning, housing and environmental policies within both the 1998 Local Plan and the 1st Draft 2002 Plan. It is also directly contrary to PPG3.

The above is a short summary of the points made by the Parish Council, the letter of objection makes may other comments about the proposal and the supporting information. The full text of the letter is available for inspection on the file.

The County Highways Authority has considered the proposal but would prefer to see the whole development served off the southernmost access.

Severn Trent Water has no objection.

Responses to Publicity

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

- a) There is little or no difference from the last application
- b) The sewer system does not work despite recent upgrades
- c) There would be too much traffic generated
- d) The village remains unsustainable.
- e) Two dwellings would be acceptable.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4, Housing Policy 6

Local Plan: Environment Policy 1, Housing Policy 5 & 8

Planning Considerations

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

- The sustainability issue
- The design issues
- Highway issues

Planning Assessment

Notwithstanding the applicant's submissions that the policy from the adopted Local Plan should apply, the Council has adopted an interim policy. This was to reflect changes in Government policy set out in Planning Policy Guidance Note 3. The effect of this statement was to remove villages such as Lees from the provisions of Housing Policy 5 of the Local Plan. Thus, all applications for housing in these villages are to be considered as if they are in the countryside. The Government in Planning Policy Guidance Note 13 is seeking to minimise the need to travel by car and to encourage the use of alternative means of transport to the private motor car.

This has to be balanced against the need to preserve the nation's heritage as reflected in its buildings. The buildings at Lees do contribute to the setting of the village green and an alternative use for them is appropriate in order to maintain that setting.

Full residential development is not the answer. The applicants have been asked to consider if the units could be made live/work units, so the need to travel to work is minimised. Responses will be reported at the meeting.

On the basis of the submitted scheme, the Parish Council is correct in its assessment of the sustainability issue and there has been no material change since the last application was determined.

The amount of extension has been reduced in this application but the garage blocks remain virtually unchanged. The highway comments could be achieved by condition. However, the sustainability policy of the Government is considered paramount in this case.

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. The site lies in a settlement that is not considered to be sustainable such that new residential development would not be acceptable. General Development Strategy Policy 1 of the adopted Derby and Derbyshire Structure Plan seeks to ensure that development is directed to sustainable locations that minimise the need to travel between homes jobs and services, encourages the increased use of public transport, protecting and improving the natural and built environment and minimise pollution and wastes. The proposal would result in the creation of dwellings where the sole means of transport would be the private motor car. The application is, therefore, unacceptable as it would be contrary to the Government advice and the requirements of General Development Strategy Policy 1 of the adopted Structure Plan.
2. In September 2001 the Local Planning Authority adopted an interim policy to control development in unsustainable locations. This reflected the advice in Planning Policy Guidance Note 3 and General Development Strategy Policy 1 referred to in Reason 1 above. Thus applications in settlements that formerly had a village confine, such as Lees, are considered as if they were in the countryside if the village is considered unsustainable. General Development Strategy 4 of the Structure Plan and Environment Policy 1 of the adopted South Derbyshire Local Plan require that development in the countryside should be necessary in that location to meet the needs of an established rural business. There is no such requirement for the creation of three additional dwellings in this rural area and the development is therefore contrary to the above policies as it would result in the creation of unnecessary dwellings in the countryside that would have an unacceptable impact on it.
3. The proposed changes to the elevations of the buildings would have a domesticating influence to the detriment of their simple rural character and their setting on the village green. Were the proposals acceptable in principle, that change could be acceptable as an inevitable consequence of the development, but in the circumstances of reasons 1 & 2 above the changes would be contrary to Housing Policies 6 & 7 of the Local Plan.

20/08/2002

Item 2.3**Reg. No.** 9 2002 0697 O**Applicant:**

Mr D Castledine
 Field House, Coton Park
 Linton
 Swadlincote
 Derbyshire

Agent:

M E Thompson
 Marrons
 1 Meridian South
 Meredian Business Park
 Leicester
 LE3 2WY

Proposal: Outline Application (all matters to be reserved) for the residential development of land adjoining Field House Coton Park Linton Swadlincote

Ward: Linton

Valid Date: 09/07/2002

Site Description

The site is vacant land adjoining the northern boundary of the settlement but outside the settlement confines as set out in the Local Plan. The boundary of the application site lines up with that of dwellings on the opposite side of the track.

Applicants' supporting information

The opportunity has been taken with this application to clarify the applicant's intentions with regard to this land so that there is no doubt in the minds of members that they are permitting a very limited edition to the village. In particular, the application site area has been changed so that development does not extend beyond the existing edge of the village and for the avoidance of any doubt Mr Castledine would accept a limit of two dwellings on that area.

The following points are offered in support of the application: -

1. The development proposed is now very modest in extent and will not represent an extension of the built up limits of the village. It will, in substance, be little different to the development recently permitted on the Coton Park Methodist Church site.

2. The application site is not capable of any alternative beneficial use. It is essentially sandwiched between land owned by the District Council to the north east and the National Forest and development on Coton Park to the south west. It is not part of any agricultural holding nor would it be practicable to use it for such purposes.
3. The land has been used for a variety of informal and occasional uses. Some of these uses have been outside the control of the applicant, such as fly tipping and occupation by travellers. The land therefore does not have a recognisable and easily identifiable alternative use.
4. The proposal to plant woodland the land outside the limits of the built up area will result in a woodland area providing a visual link between the National Forest planting to the south west and the planting carried out on the District Council's land to the north east. The opportunity would also be taken to carry out much needed reinstatement of the pavement along the boundary of the site within Coton Park.
5. The intention of PPG3 is to encourage the best and most efficient use of land. The use of this site (being essentially at best an unused site and, at worst, a despoiled derelict site) for a limited amount of development, with the balance of the site being given over to providing woodland planting in sympathy with the surrounding planting, would appear to lie within the spirit of the intentions of PPG3.

During the course of the debate on the original application, it was suggested that Mr Castledine's better avenue would be to progress his proposal through the Local Plan process. The proposal is minor in nature and is not of the size or substance such as would give rise to any concerns with regard to pre-empting the outcome of the Local Plan. It is contended that development control decisions do proceed in parallel with Local Plan processes and some of those decisions will not always be on all fours with the policies contained in the Local Plan. Both policies and the law allow for this and expressly require that members take into account all matters and not just the policies of a Local Plan when determining planning applications.

The process of approving a Local Plan can be lengthy and it is simply not appropriate for someone wishing to progress development of this relatively small scale to have to wait until the Local Plan has run its course.

There is concern that the Committee may believe there is something wrong in Mr Castledine seeking permission for his proposals at this stage and the Committee should be advised that that is not the case.

Planning History

The applicant's current dwelling on the adjoining land to the south was granted outline permission against officer recommendation in 1991. A recent application for the erection of five dwellings later amended to two dwellings, was refused by Committee earlier this year. A copy of that report is appended as Appendix (A). This was on the basis that the site lies outside the built confines of the settlement and development thereon would be contrary to national and local planning policy. The site also lay in an unsustainable location

Responses to Consultations

Linton Parish Council strongly supports the application that would tidy up what is piece of private land that is not used. It would also compliment the adjacent site that is being set up as a wildlife site

Councillor M Lauro is very much in favour of the application and reports that Councillor Southern holds the same view. Coton Park is very much part of Linton and not an unsustainable separate settlement. Coton Park is in the same Parish Council area as Linton and the children attend the Linton School. They all use the same shops as the villagers of Linton and Coton Park is no less sustainable than Linton despite what the planners may say is. There is a village envelope and it would not stretch anyone's imagination to extend the boundary to include the application site to allow this small development. The line should have been drawn to reflect what the application now proposes. This is a small piece of land that is landlocked and offers an ideal opportunity to answer housing need in the village. It is far preferable to the telecommunications mast.

The County Highway Authority and Severn Trent Water have no objection.

The Director of Environmental Services at Derbyshire County Council objected to the previous application and officer indications are that the objection would be sustained to this proposal.

The Coal Authority has no comment.

Responses to Publicity

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

- a) The access track is in poor condition and narrow when cars are parked on both sides of the road. Cars park on the road because there are no spaces clear of the highway. The development would make the state of the road worse.
- b) Emergency vehicles would not be able to get through.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 3 and Housing Policy 5.

Local Plan: Housing Policies 5, 6 and 8

Planning Policy Guidance Note 3.

Planning Considerations

- The main issue central to the determination of this application is compliance with the development plan and national policy.

Planning Assessment

The proposal is in precisely the same form as it was when considered by the Committee in May of this year when it was refused.

The development plan clearly shows the site outside of any settlement and thus development would represent an extension into the countryside. As such, it is a principle of the plan to protect the countryside from unwarranted intrusion. The supporting information does not constitute sufficient reason to allow a development in the countryside. The site was used as a small holding and has never been developed. As such it is not brown field land. Permitting a site to become untidy or derelict or informally or unauthorised used for tipping has never constituted an acceptable reason for granting planning permission for residential development. The offer to plant trees even in the National Forest also does not constitute a reason for granting permission that would override policy.

The site is the subject of an objection to the Local Plan review. No sound reason is put forward for dealing with this case in advance of proper consideration as part of that process. The time taken to deal with Local Plan procedures applies equally to many other objections to the plan and there is no case to favour this proposal above others on account of the desire not to have to await the outcome of the plan.

In addition, more recently the Council has adopted an interim policy since the publication of PPG 3 seeking to refuse permission for the residential development of land in unsustainable locations. Coton Park is not a settlement that is considered to be in a sustainable location.

Councillor Lauro's comments are noted but none of them falls within the scope of policies of the Local Plan.

Recommendation

REFUSE permission for the following reasons:

1. In view of the location outside the built confines of the settlement, the proposal is in conflict with the approved Joint Structure Plan General Development Strategy Policy 3 and Housing Policy 5 and Housing Policy 5 of the Local Plan which seek to resist development in such locations. The development would result in a prominent intrusion into the countryside outside the confines of the settlement, not shown essential in the countryside, to the detriment of the rural character and appearance of the area.
2. The site is located in an area deemed unsustainable by the Council and therefore contrary to the advice set out in Planning Policy Guidance Note 3.

Item 2.5**Reg. No. 9 2002 0292****Applicant:**

Mr D Castledine
Field House, Coton Park
Linton
Swadlincote
Derbyshire

Agent:

Mr D Castledine
Field House, Coton Park
Linton
Swadlincote
Derbyshire
DE12 6RF

Proposal: Outline Application (all matters to be reserved) for the erection of five houses on land adjoining Field House Coton Park Linton Swadlincote

Ward: Linton

Valid Date: 26/03/2002

Site Description

The site is vacant land adjoining the northern boundary of the settlement but outside the settlement confines as set out in the Local Plan.

Applicants' supporting information

None.

Planning History

The applicant's current dwelling on the adjoining land to the south was granted outline permission against officer recommendation in 1991.

Responses to Consultations

The County Highway Authority has no objection. The comments of the Director of Environmental Services at Derbyshire County Council are awaited. The Parish Council has not commented.

Responses to Publicity

None received.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 3 and Housing Policy 5.

Local Plan: Housing Policies 5, 6 and 8

Planning Policy Guidance Note 3.

Planning Considerations

The main issue central to the determination of this application is compliance with the development plan and national policy.

Planning Assessment

The development plan clearly shows the site outside of any settlement. As such it is a principle of the plan to protect the countryside from unwarranted intrusion. No case has been made that would enable this case to be considered an exception to those policies. In addition, more recently the Council has adopted an interim policy since the publishing of PPG 3 seeking to refuse permission for the residential development of land in unsustainable locations. Coton Park is not a settlement that is considered to be in a sustainable location. For these reasons the application is considered unacceptable.

Recommendation

REFUSE permission for the following reason:

1. In view of the location outside the built confines of the settlement, the proposal is in conflict with the approved Joint Structure Plan General Development Strategy Policy 3 and Housing Policy 5 and Housing Policy 5 of the Local Plan which seek to resist development in such locations. The development would result in a prominent intrusion into the countryside outside the confines of the settlement, not shown to be essential in the countryside, to the detriment of the rural character and appearance of the area.
2. The site is located in an area deemed to be unsustainable by the Council and therefore contrary to the advice set out in Planning Policy Guidance Note 3.