

31/07/2007

Item 2.2

Reg. No. 9/2007/0706/FH

Applicant:
Mr Richards
Fearn Close
Church Broughton
Derby
DE65 5AF

Agent:
Ashcroft Building Consultancy
Suite 8
Sandown Road
Derby
DE24 83R

Proposal: The insertion of a dormer window at 6 Fearn Close
Church Broughton Derby

Ward: North West

Valid Date: 13/06/2007

Reason for committee determination

The application is brought before Committee at the request of Councillor Bale as there are special circumstances of the applicant and unusual site circumstances which should be considered by the Committee.

Site Description

The application site lies within the village boundary and forms part of a mixed residential development of converted farm buildings and new dwellings permitted in 1986. The application property is a modern end-terrace situated at the head of a cul-de-sac with a public footpath to the side.

Proposal

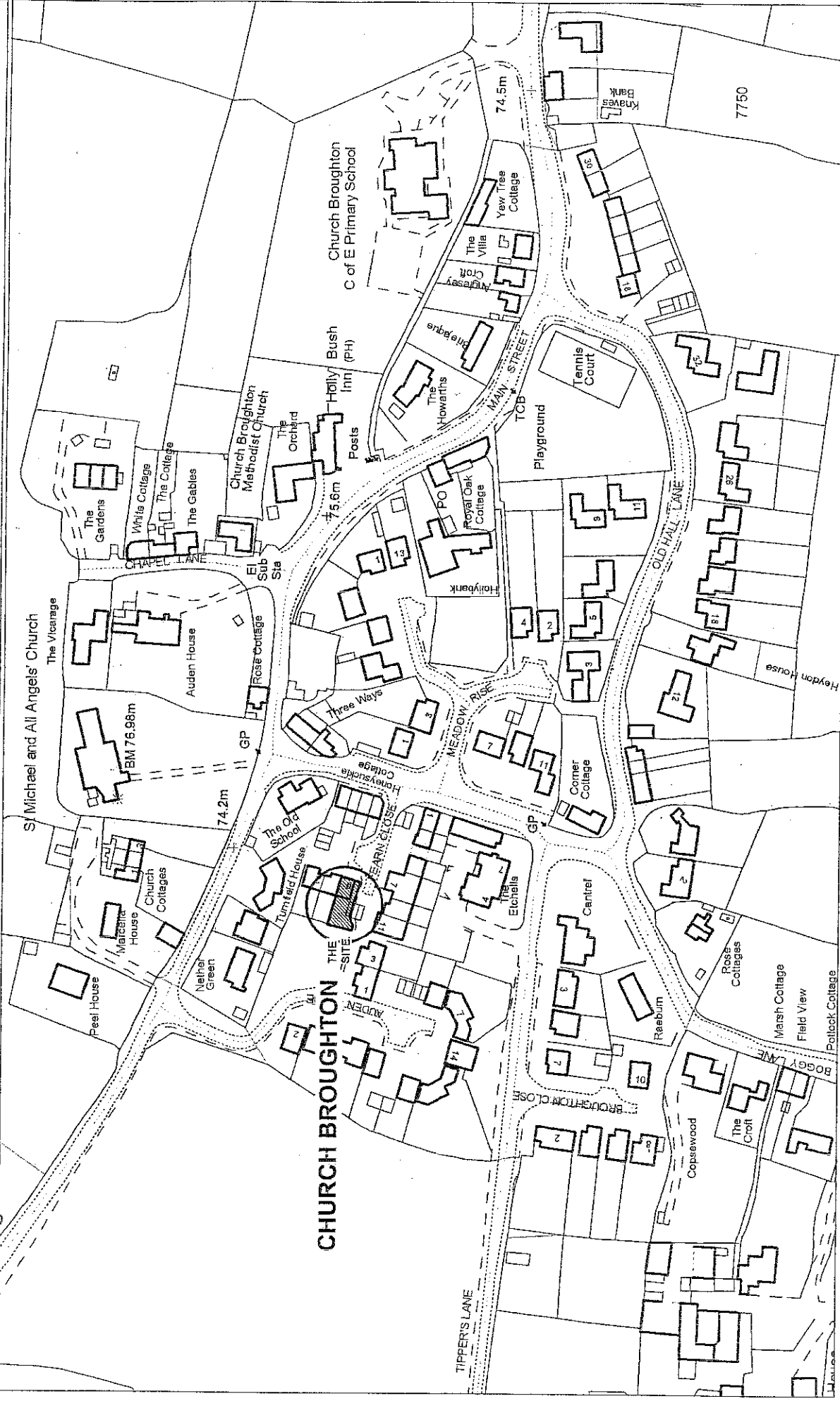
The proposal is for a flat roof dormer window on the side roof slope of the property facing towards the public highway.

Applicants' supporting information

The applicant has commented that there is a dwelling opposite with a similar style dormer and a number of dwellings nearby with loft conversions. The house is comparatively new and a loft conversion is required to enable the applicant's expanding family to live in the village.

Planning History

There is no previous planning history.



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Responses to Consultations

A letter of objection has been received with regard to overlooking.

Responses to Publicity

The Parish Council has no objection.

Development 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 character of the surrounding area
- The impact on the amenity of the neighbouring properties.

Planning Assessment

The proposed dormer is an alteration to a roof slope that fronts a highway and is therefore subject to planning approval. (An existing similar flat roof dormer has been constructed to the side of a neighbouring property however, that was constructed under permitted development as it did not front onto a highway). Housing Policy 13 of the Local Plan seeks to ensure that extensions to dwellings are in keeping with the scale and character of the property and are not detrimental to the amenities of adjoining properties or the general character of the area. The proposed dormer would be situated on a prominent roof slope clearly visible from the surrounding area. The proposal would appear as a visually prominent and out of scale addition to the property to the detriment of the character of the existing property and general character of the area.

No 9 and 11 Fearn Close form part of the converted farm buildings and have habitable room windows facing towards the application site. The ridge height of these neighbouring properties is lower than that of the application property. The layout of No 9 Fearn Close is such that the bedroom windows are situated at ground level with the kitchen and living room windows at first floor level all facing towards the side elevation of the application dwelling. No 11 Fearn Close has the main window into its kitchen facing the application dwelling. The proposed dormer window would be situated considerably less than the required minimum distance of 21m to lounge and 18m to kitchen with regard to overlooking to the main habitable room windows of these neighbouring properties to the detriment of the amenity of the occupiers.

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 subject to the following reasons:

1. Housing Policy 13 of the adopted South Derbyshire Local Plan provides, in part, that extensions to dwellings will be permitted provided that the proposal is of a scale and character in keeping with the property. The proposed dormer window would result in a visually prominent feature out of scale and to the detriment of the character of the existing dwelling and general character of the area.
2. The proposed dormer would overlook the main habitable room windows of Nos. 9 and 11 Fearn Close to the detriment of the amenity of the occupiers and contrary to Housing Policy 13 of the Local Plan and the Council's Supplementary Planning Guidance: Extending Your Home.

31/07/2007

Item 1.3

Reg. No. 9/2007/0330/F

Applicant:

Mr A Blackwood
 Littleover
 Derby
 DE23 4EF

Agent:

B A Reid
 Rectory Lane
 Breadsall
 Derbyshire
 DE21 5LL

Proposal: The erection of two retail units and a hot food takeaway with first floor apartments over Land At The Junction Of Eggington Road And Witham Close Hilton

Ward: Hilton

Valid Date: 21/03/2007

Reason for committee determination

The Parish Council and the County Highway object to the application and Committee determination is therefore required in the light of the recommendation.

Site Description

The site is on the car park associated with the adjacent day nursery. It has an access from Witham Close that in turn emerges onto Eggington Road. The site is at a higher level (approximately 1.0m) above the level of Witham Close but is at the same level as the nearest adjacent dwelling 72 Eggington Road. The site lies opposite the Hilton Brook Public House. To the rear of the site is the Doctors surgery and its associated car park.

Proposal

The proposal is for the erection of 2 buildings on the site of the car park. One would have 2 shop units at ground floor and be 2½ storeys high the other would comprise a hot food shop at ground floor and would be 1½ storeys high. The upper floors of both buildings would be flats. The buildings would be constructed in materials to fit in with the adjacent developments.

Applicants' supporting information

The applicant acknowledges that car parking space would be lost as a result of this development but is proposing that eight new parking spaces would be provided on the front of the nursery in the same way that the spaces are provided to the shops on Witham Close. Car parking for the apartments and disabled parking would be provided on the existing site with the remaining parking spaces provided for the use of customers.



South Derbyshire
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9/2007/0330/F Land at Junction of Egginton Road & Witham Close
Hilton

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Date Plotted 20/7/2007

NORTH ↑

Plot centred at 425096 330542

Scale 1:2000

The applicant considers that a footway should be provided into the site from Egginton Road to the front of the nursery as one is lacking at the moment. Accordingly it is proposed that a footpath be provided and it is hoped that this would remove the need for pedestrians to use the road to access the nursery and shops that happens at the present time.

The hot food premises would operate predominantly in the evening and odour controls would be installed to meet the requirements of Environmental Health legislation.

Since submission the application has been amended. One to improve the design of the buildings and the other is to provide a recycling centre for cardboard and plastic. This has reduced the overall parking provision on the site and adjacent nursery to 15.

It is stated that the new shops would provide a wider range of facilities for this expanded village and hopefully reduce the need to travel to obtain goods and services.

Applicant's response to Hilton Parish Council additional comments (See below)

Table 3 shows that even with the proposed development in place the various parking areas in Witham Close would only operate at a maximum of 71% of capacity.

The introduction of a new pedestrian footway on the western side of Witham Close in front of the nursery will result in a reduction in the number of pedestrians walking on the carriageway (see 7.2 of Transport Statement). This will be a significant contribution to pedestrian highway safety.

There has only been one accident on the highway network in the vicinity of the junction of Within Close and Egginton Road during the last five years (8.2) and this accident only resulted in a slight injury to a pedestrian.

Tesco Express, because of its size and turnover, requires large service vehicles to access the rear. The proposed small retail units would not require large articulated vehicles but would in all probability be serviced by small commercial vans.

The proposed Hot Food Takeaway (because of the nature of the business) be at its most active in the evenings. This is at a time when the available car parking, with the exception of the pub car parking would be at its lowest demand.

There is a demand for retail uses in the area and our proposal would go some way to satisfying that demand and with the recycling facilities being provided, together with the new footpath, would contribute to the needs of the large residential area which has been created in Hilton.

Provision of the footway

The applicant, following receipt of the Parish Council report on his application undertook a survey of persons on the site relating to the provision of the footway. The idea it is stated was to ascertain the thought of the users of the site over a 30-minute period. 17 people responded of which 13 gave their name. All the respondents lived in the area; all believe the current situation is dangerous or extremely dangerous and would welcome the provision of the footway. They saw the lack of the footway as an omission from the original development of the site.

Planning History

The site is part of an area of land that was allocated in the Master Plan for the redevelopment of the former Hilton Depot for community and shopping facilities. So far a range of shops, a doctors surgery, a children's nursery and a public house has been erected. The land was provided for the parking of vehicles to the nursery. Permission is in place for the erection of three shop units adjacent to the Tesco Store on the site. There is a current application is under consideration to allow two of these units to be used as a hot food takeaway.

Responses to Consultations

The then Councillor Mrs Littlejohn supports the Parish Council objections to this development, as Witham Close is inadequate to take any more development.

Hilton Parish Council is concerned about the safety of the access to and from Witham Close in principle and the proximity of the access to the hot food shop close to the access. There is concern that the provision of parking in front of the nursery will narrow the access road and that the provision of the footpath would have a similar effect. The flats above are considered too grand and would overlook other properties. It is considered that the hot food takeaway access is too close to the junction of Witham Close and Egginton Road where HGV's have difficulty in getting into the site. The increase in traffic using Witham Close is too much to contemplate and whilst the provision of the footway is welcomed, the junction is considered too dangerous. There would be a large increase in noise and disturbance arising from this development.

To seek to support its concern about the safety of the access and the parking provision Hilton Parish Council instructed a firm of Consultants to provide an independent transport and highways review of the proposed development.

It examines the current operation of Witham Close, including parking provision, parking demand, pedestrian facilities and assesses the potential impact the proposed development could have on Witham Close.

The report notes that the access to Egginton Road appeared to meet the required standards and that it appeared to operate well within capacity. It notes that visibility to the right would be reduced for traffic emerging from Witham Close if busses were at the bus stop.

The report then examines the likely trip generation arising from the proposed development. The residential element is likely to generate 4 trips (2 in and 2 out) in the period between 1400 and 1800 (the peak period). In terms of the proposed trips for the retail units the trip generation for the same period would average 44. Taking these trips together and assessing the operation of the Witham Close/Egginton Road junction, the consultants do not consider that the trips generated by this development would have an impact on the operation of the junction. The report notes however that there would be linked trips (persons visiting more than one facility on the site) that may result in parking spaces being occupied longer than is the case now.

On the car parking issue, the consultants express concern that illegal parking could take place and riskier manoeuvres undertaken in order to find a space. Accordingly a car

park survey was undertaken at peak times (1400 – 1800). The numbers of cars using the car parks (shops, pub, nursery and retail) every 15 minutes were noted. The average stay in the car park in this period was between 10 and 15 minutes. The report goes on to assess the impact of the various developments on the site and concludes that with the pub car park available for use, the spaces would operate at 65% of capacity with existing uses and 71% of capacity with the new developments. If the pub car park was closed to public use the report states that there would be a deficiency of parking provision on the site. Witham Close would become increasingly reliant on the pub spaces remaining available to the wider public to ensure appropriate operation of the site.

On pedestrian movements the report concludes that any increase in pedestrian movements arising from the development would be offset by the provision of the footway as part of this proposal – albeit some small concern is expressed about the lack of such provision between the takeaway and the shop units proposed on the application site.

Accident data on Egginton Road is noted and the one personal injury accident since 2002 does not represent an accident problem however the consultants do express concern about the speed of traffic on Witham Close due to its alignment.

Further housing development is likely to exacerbate the reliance on the parking provision in the pub area. The existing site relies on the Public house car park, and this will become more apparent when permitted development is taken into account and future development is undertaken.

The County Highway Authority considers that a total of 36 parking spaces are required to serve this development. Overflow parking would therefore occur on Witham Close that is likely to result in pedestrian safety being compromised. It is recommended that the application be refused for this reason. The County Highway Authority had also requested that the applicant demonstrate that the parking in front of the nursery was capable of implementation. The applicants have provided this information.

The Environmental Protection Manager recommends that the operating hours for the premises should be agreed, the location of plant and machinery and the provision of odour control measures should be submitted for approval, and a properly formulated Noise Survey should accompany the submitted details. If the operators of the shops occupied the apartments then the need for the above conditions would be removed. There is no evidence of contamination on the site but the standard condition of requirements if contamination is encountered is recommended.

Responses to Publicity

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

- a) There would be significant additional traffic attracted to the site. The area is already heavily congested and combined with the lack of a proper pavement; this is a recipe for accidents to occur.
- b) Land drainage is a major concern; land drainage should be to the main drains so that adjacent dwellings do not suffer any flooding.
- c) It is requested that the recycling bins be sited as far from the adjacent house as possible.

- d) The odour from the takeaway would prevent occupiers of dwellings enjoying their gardens albeit that the smell is not ordinarily that offensive
- e) There would be noise nuisance from the patrons of the takeaway; especially late at night when more elderly residents would be trying to get to sleep.
- f) There is the potential for vermin to be present and they will inevitable forage away from the food premises and could spread disease.
- g) The development would devalue houses in close proximity to it.
- h) The District Council have not consulted local residents properly on this application, site notices appear to have been removed; no neighbour letters have been sent out.

Development Plan Policies

The relevant policies are:

RSS8:

Joint Structure Plan: Town Centre and Shopping Policy 5

Local Plan: Shopping Policy 3

Planning Considerations

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

The Development Plan

Access and Parking

Hours of operation for hot food takeaway

Odour control and temperature control plant and equipment

The design of the buildings

Waste recycling

Neighbour notification

Planning Assessment

The Development Plan makes provision for local shopping facilities to serve new development. The policies contain criteria that should be met before development is permitted relating to access, noise and disturbance and parking provision.

Access and Parking.

The access concerns originally raised by the County Highway Authority have been addressed in the amended plans for the development. A condition is recommended to ensure that the access is constructed to meet County Council Standards. The Parish Council is concerned that Witham Close is to be reduced in width to accommodate the proposed pavement and parking area. This is not the case, the carriageway would remain unchanged and all the extra provision is met from within the application site or from land in the control of the applicant. There are no grounds for refusal on this basis. The consultants appointed by the Parish Council confirm the adequacy of the access and the road.

However the County Highway Authority considers that parking is inadequate to serve the development. It requires that some 38 spaces be provided to serve the existing nursery and the proposed development. The bulk of the requirement of the County Highway Authority arises from a standard requirement of 24 spaces to serve the

existing day nursery. The application proposes that 15 spaces be provided. This is due to the removal of 3 spaces at the request of your officers to provide a recycling facility.

It is clear that the existing parking provision to serve the nursery is little used with debris evident in the car parking spaces supporting this conclusion. Apart from the nursery requirement the development would generate a need for 14 parking spaces (6 for the apartments and 8 for the shops and hot food takeaway). It is considered that whilst the County Highway Authority parking requirements are not met, the retention of a large area of unused tarmac to meet a perceived need for parking for the nursery is both uneconomic and unsightly.

It is considered that the various uses will generate parking requirements at different times of the day and that refusal based on minimum parking standards would be difficult to sustain at appeal. The Parish Council consultants suggest that the parking provision on the site as it exists is deficient and there is reliance on the pub car park to provide parking for the site as a whole. The approved development and that proposed in this application would it is stated increase that reliance.

The land is allocated for shops and community use on the master plan for the site. There is clearly little use made of the existing nursery car park and the Parish Council consultants confirm this in their assessment of parking provision on the site. This is also the experience of the applicant who is the owner of the nursery; in effect the land would remain unused.

The application offers the opportunity to provide a footway on the west side of Witham Close to segregate pedestrians from traffic. A further 3 parking spaces could be provided within the site if the recycling centre was removed, but this is considered a valuable addition to local recycling facilities.

On balance, the pub parking provision being removed from public use is not considered likely as the site currently operates well and with the provision of the footway to the west of Witham Close and the clear safety implications arising from that tip the recommendation in favour of the development.

Noise, Odour Control and Hours of operation

Noise generation and odour controls can be required as conditions of the development to be agreed before any works are commenced. The extent of control will be dependant on surveys to be submitted in support of the potential discharge of any condition.

The hours of operation can also be the subject of an appropriate condition.

There will be no change to the width of Witham Close from the proposed parking or from the provision of the footpath.

The design of the buildings

The scheme has been amended to reflect concerns expressed by officers about the original proposals and is now considered to be capable of approval. Subject to the use of appropriate materials, it is considered that the development would enhance the existing development.

The waste recycling officer and the Parish Council have been seeking additional recycling areas in the village for some time. This site is considered an acceptable location but the Parish Council is understood to have concerns about the use of this site based on its objection to the development. The recycling facility has removed a potential three parking spaces but it is considered that the provision of an additional facility would benefit the wider community.

Neighbour Notification

Neighbour notifications were sent out in accordance with adopted policy plus site notices were erected. The objector lives beyond the area where individual letters are sent. The views of that objector are taken into account in reaching the recommendation.

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

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos. C7/31 Rev A, /32 Rev A, /33 Rev A, /34 Rev A
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 samples of the facing materials to be used in the construction of the external walls and roof of the buildings have been submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard the appearance of the existing building and the locality generally.
4. The hot food takeaway hereby permitted shall not be open to customers outside the following times 1100hours - 0000hours Monday to Saturday and 1100hours and 22300hours on Sundays bank and public holidays.
Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.
5. Before development is commenced details of the siting, appearance noise profiles for fume extraction equipment, temperature control equipment, air-handling equipment to be erected on the buildings together with measures to minimise any noise generation shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the first occupation of each of the buildings on the site and all plant and

equipment shall be maintained in accordance with the manufacturers specifications.

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

6. Details of the construction of the new footway across the frontage of the site shall be submitted to and approved in writing by the Local Planning Authority before development is commenced. The footway shall be constructed in accordance with the approved details before the first occupation of any of the buildings hereby permitted. Thereafter the land in question shall remain unobstructed and shall not be used for any other purpose unless agreed in writing by the Local Planning Authority.

Reason: In the interests of pedestrian safety and to ensure that the footway is constructed to appropriate standards such that the operation of the carriageway is not prejudiced.

7. The parking spaces shown on drawing C7/34 Rev A shall measure a minimum of 4.8m x 2.4 m. The parking spaces shall be provided, surfaced with a solid bound material and marked out in accordance with the approved details prior to the occupation of the first building on the site. Thereafter those spaces shall remain unobstructed for their designated use and shall not be used for any other purpose unless agreed in writing by the Local Planning Authority..

Reason: In order to ensure that the site is provided with parking spaces prior to the site being taken into use.

8. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA, and appropriate remediation proposals, and shall be submitted to the LPA without delay. The approved remediation scheme shall be implemented in accord with the approved methodology.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

9. Gutters and downpipes shall have a black finish and be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

Reason: In the interests of the appearance of the buildings, and the character of the area.

10. 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.

31/07/2007

Item 2.1

Reg. No. 9/2007/0625/F

Applicant:

Mr K Ellis
Church Road
Egginton
Derby
DE65 6HP

Agent:

Darryn Buttrill
Bi Design Architecture
79 High Street
Repton
Derbyshire
DE65 6GF

Proposal: Change of Use from electrical generator plant to staff accommodation at Egginton Hall Church Road Egginton Derby

Ward: Etwall

Valid Date: 05/06/2007

Reason for committee determination

The application is brought to Committee because the site has been the subject of several previous applications.

Site Description

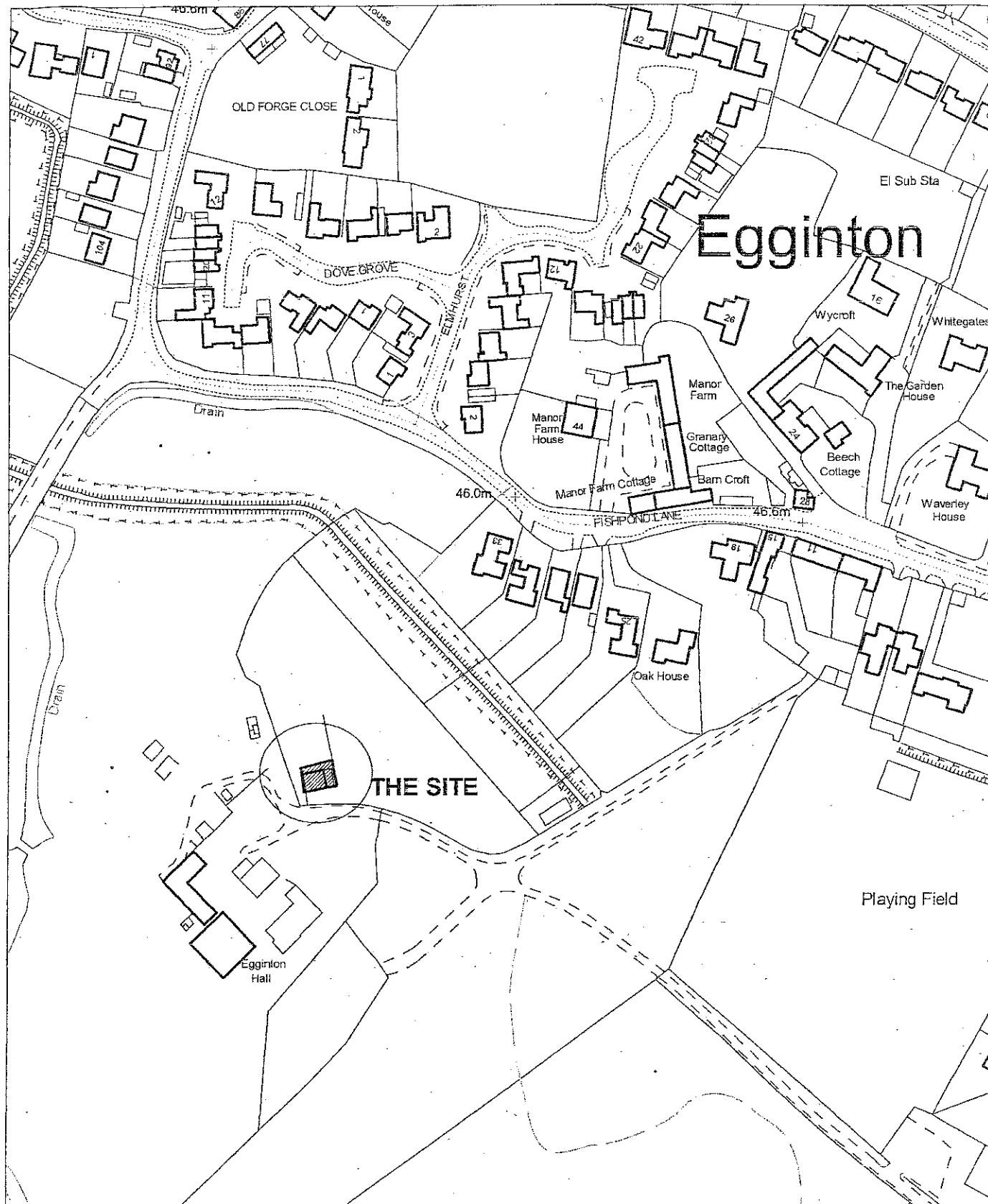
The site is a small part of the overall site of Egginton Hall and its associated buildings and land. The building, located immediately adjacent to the access drive, is utilitarian in appearance which reflects its original purpose – to house electricity generator plant. It is a 1½-storey structure with a small yard enclosed on two sides by a brick wall. A Tree Preservation Order protects the trees in the vicinity of the site.


Proposal

The proposal involves the creation of a dwelling within the fabric of the existing building. Three plain windows are proposed in the wall overlooking the access drive to Egginton Hall, two on the ground floor and one to the upper mezzanine level. A new opening in the wall that is totally screened by the existing blast wall would be provided to the proposed kitchen dining room. A lounge and toilet would also be on the ground floor with a single bedroom and bathroom on the mezzanine floor. No other alterations are proposed to the building.

Applicants' supporting information

It is stated that Members have never visited the site and that a Member has agreed to support a site visit should one be necessary.



 <p>South Derbyshire District Council Civic Offices Civic Way Swadlincote DE11 0AH</p>		Date Plotted 20/7/2007	NORTH ↑
	9/2007/0625/F Egginton Hall Church Road Egginton	Plot centred at 426474 328252	Scale 1:2000
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The applicants say that the scheme has been redesigned with the comments of previous inspectors in mind. Accordingly, the roof has been left unchanged and would be repaired. The last inspector felt that the gardener's cottage could be located elsewhere in the site thus the conversion of this building would remove the need for a separate gardeners cottage elsewhere in the site. *(NB This appeal related to the use of the building as a gardener's store, not a cottage)*. Utilitarian style windows have been proposed that reflect the style of the building. It is stressed that there would be no increase in the height of the building.

A flood risk assessment proposes various measures to protect potential residents from flooding, the current occupiers have not observed the structure under water, the access road is set at 46.5 that is the same level as the bund that protects Egginton from flooding. The finished floor level of the proposed dwelling is proposed at 46.68m AOD. A dry store for sandbags would be constructed on the north side of the building; the sandbags would be used to prevent any entry of floodwater from a northwesterly direction.

A statement from a firm of financial consultants states that the existing accommodation at Egginton Hall is fully utilised by the family who currently employ a cleaner and two gardeners. It is intended to employ a full-time housekeeper and gardener and retain the services of a part-time gardener and cleaner. This would enable the family to leave the property unoccupied at times and substantially improve the existing standards of the house and grounds. The existing staff live in villages surrounding Egginton and travel to work by car. The consultant considers that the property could be maintained by two staff; the requirement for four staff is a personal choice of the existing occupiers. In his opinion whoever occupied the property would need help consisting of one to one and a half permanent staff. It is confirmed that the owners have sufficient income to employ the proposed level of staff.

Planning History

This is the seventh application relating to this building in the past two years with the previous six all being refused. They were as follows:

- Conversion of a plant room to residential use – appeal dismissed
- Change of use of plant room into living/work unit – appeal dismissed
- Alterations to existing plant room to form a garden store – appeal dismissed
- Conversion of garden store to work unit (B1) use – appeal dismissed
- Change of use to office (B1) use including the installation of pitched roof and three windows – period for submitting an appeal expires 7th September
- Proposed new roof to garden store – period for submitting an appeal expires on 7th September.

All the applications involved significant changes to the character and appearance of the building.

Responses to Consultations

Egginton Parish Council objects to the development for the following reasons:

- a) The building is visible from Fishpond Lane and lies in a rural area.

- b) The building is utilitarian in appearance, has no visual value and the proposals would re-enforce this appearance.
- c) Occupiers would have to travel by car to get to facilities in Egginton and facilities in nearby towns and villages.
- d) It would be difficult to resist an application to enable it to be occupied as a separate house.
- e) The development does not accord with planning policy and the dwelling is not shown to be essential in this location.
- f) It is recognised that the applicants have sought to address some of the concerns expressed by Planning Inspectors but there remain many planning policy issues that suggest planning permission should be refused.
- g) If permitted, the occupation of the dwelling should be limited to Egginton Hall employees only.

The County Highway Authority has no comment on the proposals.

The Environment Agency comments will be reported at the meeting.

Responses to Publicity

None

Development Plan Policies

The relevant policies are:

RSS8: Policies 2 & 3

Joint Structure Plan: General Development Strategy Policy 4,

Housing Policy 6

Local Plan: Environment Policy 1, Housing Policies 7 & 8

Planning Considerations

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

- The Development plan and the need for additional living accommodation to serve the site.
- The impact of the alterations on the building itself and the character and appearance of the area.

Planning Assessment

A common theme in the appeal decisions is the impact of the proposals on the appearance of the building, the appearance of the area and the lack of proven need for the residential accommodation. This application is materially different in that the existing flat roof is retained and the window openings are simpler in character and appearance.

The main issue is the need for additional residential accommodation to serve the needs of the house and its grounds. In the circumstances of the appeals, the inspectors found against the creation of additional living accommodation, either in the whole building or the live/work proposals being unconvinced by the arguments put forward by the appellant. Indeed with regard to sustainability one inspector found that whilst the staff

would not need to travel to the site for employment purposes, they would in all likelihood, use a private motor car to access shops and other local facilities in Egginton or the bus service that provides access to more extensive facilities in Burton and Derby, due to the length and unlit nature of the drive. Another considered the concerns raised by the appellants regarding their personal safety but concluded the circumstances would be of concern to many residents in the countryside and that the matter did not outweigh the harm that would be caused to the established policies to protect the countryside from unnecessary development.

Whilst the applicants have stated that they would be willing to accept legal agreements that ensure the dwelling remains tied to the main house and that the occupants can only be staff or family of the occupiers of Egginton Hall, the supporting information does not in itself justify the conversion of the building to residential use or the need for staff to be resident on site. The statement merely confirms that any occupiers of the hall would require 1 - 1.5 permanent staff. Indeed the expert concludes that the requirement for four staff 'is a personal choice'.

In the light of this information the following recommendation is considered appropriate.

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 subject to the following reason:

1. Established Government and development plan policy requires that if a dwelling is to be permitted in the countryside, then there should be a justification for that dwelling to serve the requirements of an established rural enterprise. This is expressed in general terms within Policies 2 & 3 of Regional Spatial Strategy 8 and more specifically in General Development Strategy Policy 4 and Housing Policy 8 of the adopted Derby and Derbyshire Joint Structure Plan. Environment Policy 1 and Housing Policy 8 of the adopted South Derbyshire Local Plan also reflect the above stated objectives. In this case the justification for the dwelling is that it is necessary for security and maintenance purposes related to the running of the adjacent large dwelling and the occupants of the proposed dwelling would be limited to employees of the occupiers of that dwelling. This is considered to be insufficient justification for the creation of a new dwelling in the countryside and as such the development would be contrary to the above mentioned policies and current government advice.

