

Item 1.9

Reg. No. 9 2003 0074 FH

Applicant:

A Hydes
2 Chapel Lane
Barrow On Trent
Derby

Agent:

M J Harrison
7 Hall Park
Barrow On Trent
Derby
Derbyshire
DE731HD

Proposal: The erection of extensions 2 Chapel Lane Barrow-on-Trent
Derby

Ward: Ticknall

Valid Date: 24/01/2003

Site Description

The property is one of a small row of modern dormer style dwellings close to the heart of the village. The site is not within the conservation area but it is close to it.

Proposal

The proposal involves a two-storey extension to the side, set back from the front wall of the dwelling by 1.5 metres and a single storey extension to the rear, projecting by 3 metres.

Responses to Consultations

The Parish Council objects to the design because it would not be compatible with character of the street scene of Chapel Lane and comments that this is the view of residents.

Responses to Publicity

A neighbour objects because the rear extension would overshadow and cause loss of light to the adjoining dwelling, which is south facing.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 13.

Planning Considerations

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

- Impact on the general character of the area.
- Residential amenity.
- Parking.

Planning Assessment

Viewed from the street the extension would be subordinate in scale to the host dwelling. The design of the dwelling is utilitarian and the extension would have minimal impact on its character and that of the street.

The proposal satisfies the supplementary planning guidance on extensions with regard to impact on neighbours. Therefore the proposal is not demonstrably harmful in this regard.

The property would retain two off street parking spaces, which is adequate for the proposed three-bedroom accommodation.

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

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

3. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate two cars within the curtilage of the dwelling. Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), two parking spaces, measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of the site.

Reason: To ensure that adequate parking/garaging provision is available.

04/03/2003

Item 1.10**Reg. No.** 9 2003 0086 U**Applicant:**

Mr A S Thompson
 Dovecote House
 Heage Lane
 Etwall
 Derbyshire
 DE65 6LS

Agent:

Jonathan Jenkin
 The Planning & Design Practice Ltd
 61 Friar Gate
 Derby
 DE1 1DJ

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: 27/01/2003

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, lie 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.

There is a public footpath along the north boundary of the site.

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. 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.

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.

This is an identical submission to the one made last year. A copy of the report on that application is attached as Annexe A.

Applicants' supporting information

This application is resubmitted as a direct consequence of the Local Planning Authority's decision to redraft the terms of Policy H1 of the Replacement Local Plan. This now makes provision for the conversion of outbuildings to residential use provided the alternative commercial uses have been fully explored.

Cedars farm is located within Lees Village. The farmhouse, the traditional farm buildings and the proposed new garages are all located within the development boundary of the village as set out in the adopted development plan. Cedars Farm is important to the history of Lees and the farm buildings make an important contribution to the setting and character of the village. Negotiations have taken place with planning officers and the scheme has been amended to address concerns expressed back in December 2001. In converting and extending the buildings, their character will be retained and the appearance of the area will be enhanced. The buildings are worthy of conversion in their own right and can be converted without significant extensions or major rebuilding.

In planning policy terms the conversion of these redundant agricultural farm buildings in the village is acceptable in principle under Housing Policies 5 and 7 in the adopted South Derbyshire Local Plan and under Policy HI of the Replacement Local Plan. Commercial uses are neither practical nor viable. The buildings could not be converted into industrial premises without substantial alterations that could affect the appearance and character of the buildings. Such uses would potentially affect the residential amenities or nearby properties and would be unacceptable on that basis. There is no demand for small rural light industrial or office premises and the relative remote location would put any business located at Cedars farm at a competitive disadvantage when compared to business locations in Derby or Ashbourne. There are also very limited public transport links with no early morning or evening bus services. Workers and

visitors would have to arrive and leave by car making this an inappropriate location for business use. Nevertheless, the dwellings would be suitable for home working.

Housing surrounds the site and Lees is a residential village. The development will provide 2, 3 and 4 bedroom dwellings and will help meet the demand for housing from local people. Lees has an active local community but new housing is needed to maintain the local population, support locals services and re-invigorate the village. Using the existing farm buildings the development will not create new greenfield development and is therefore in accordance with national planning policies. The applicant has looked at alternative uses for the buildings but business use is not appropriate in this quiet residential area and there is no demand for either business or holiday accommodation. In highway terms, the development will lead to the long-term reduction in the use of a substandard access to the benefit of highway safety.

For the reason set out in this statement the application should be approved and planning permission granted.

This is the conclusion from the applicant's submission, it goes into much more detail but the essence of the case for the development is set out above.

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. Another application for the conversion of the buildings was refused on sustainability grounds last year based on the policy for villages such as Lees pertaining at the time. A subsequent appeal was withdrawn just prior to the site inspection.

Responses to Consultations

Dalbury Lees Parish Council strongly objects to the development. The Parish Council was strongly opposed to the last application and has discussed this matter with the officers frequently. The resubmitted application is substantially no different from that refused and insufficient change in policy has occurred warranting approval now. It was refused also for the effect on the rural character of the area and that has not changed. In particular, the recent changes to the Council's Local Plan have not yet been tested by a proper analysis of consultation responses. The Parish Council makes detailed countering comments and corrections to the applicant's submitted supporting information, challenging:

- That it is really limited in scale or brownfield land
- 3 dwellings are proposed when there will be 4 or that the openness will be retained
- that the second entrance was there before the land the land was purchased
- that the facilities in and access to the village are adequate and that therefore the development would not be sustainable
- that the garage blocks would be unobtrusive or in character with the farm and village green
- that the development would meet local needs and maintain the local population or facilitate any need for home working

The Parish Council believes the complex should be developed for 2 dwellings only and that Housing Policy 1 should have remained as it was in the 1st Deposit as a more appropriate solution for small settlements like theirs. They also fear a precedent being formed for further development and seek re-assurances in this regard from the Council.

The County Highways Authority and Severn Trent Water comments will be reported at the meeting if available.

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

Replacement Local Plan: Policy H1

Planning Considerations

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

- The sustainability issue
- The design issues
- Highway issues

Planning Assessment

As the applicant has stated the policy H1 in the replacement Draft deposit Local plan has changed from the one in the first deposit draft. This resulted in the Local Planning Authority making submissions in response to the appeal that would have resulted in a possible grant of planning permission as the Council was not able to substantiate its reasons for refusal. The applicant then chose to make a fresh application for determination at a local level rather than allow the appeal to proceed.

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.

The applicant's assessment of the prospects for alternative uses for the buildings indicates the probable outcome if the alternatives were required to be pursued prior to considering the residential option. Thus, there is likely to be no reliable evidence for refusal based on this potential alternative use.

The amount of extension has been reduced in this application but the garage blocks remain virtually unchanged.

On the last occasion the Highway Authority preferred to see all the dwellings served off the southern access. To do so would tend to disrupt the street scene and rural feel to the farmstead further than would be desirable from an environmental point of view. Further young trees would be lost. The northern access has traditionally been used for farm purposes for a very long time. However, the interests of safety are seen to override these considerations in this case.

In conclusion, there has been a material change since the last application was determined in that the policy for villages such as lees has changed in the current draft copy of the Local Plan and so

there are no grounds for refusing permission on sustainability grounds. The previous report to the Development Control Committee recognised that the proposed method of conversion was considered sympathetic to the rural character of the buildings. This holds true in this case. Subject to the conditions recommended below, the proposal would accord with the provisions of Policy H1 of the emerging Local Plan and of the advice in Planning Policy Guidance Note 7.

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 the submitted details, the development hereby permitted shall be served solely from the southern access in accordance with a scheme that shall have received the prior written approval of the Local Planning Authority.

Reason: In the interests of highway safety.

3. A sample of both the roof tile and the brick for the extensions and making good of brickwork shall be submitted for approval in writing by the Local Planning Authority before work commences. Thereafter the approved materials of construction shall be used to carry out the development.

Reason: To ensure the materials in keeping with its surrounding in the interest of the character and visual amenity of the area.

4. Pointing of the existing buildings and proposed extensions 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 the appearance of the buildings.

5. 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.

6. 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 the appearance of the buildings and the character of the area.

7. Large scale drawings to a minimum Scale of 1:10 of external joinery, including horizontal and vertical sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery shall be constructed in accordance with the approved drawings.

Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, none of the dwellings hereby permitted shall be enlarged or extended without the prior grant of planning permission on an application made to the Local Planning Authority in that regard.

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 neighbouring properties and/or the street scene.

9. 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 (other than as shown on the plan no.) shall be erected on the application site without the prior written approval of the Local Planning Authority.

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

10. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

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

11. 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.

04/03/2003

Item 1.11**Reg. No.** 9 2003 0116 S**Applicant:**

South Derbyshire District Council
 Civic Offices
 Civic Way
 Swadlincote
 Derbyshire
 DE11 0AH

Agent:

Me I Reid
 South Derbyshire District Council
 Civic Offices Civic Way
 Swadlincote
 Derbyshire
 DE11 0AH

Proposal: The formation of a footpath/cycleway link at Land Between
 Darklands Lane And William Nadin Way Swadlincote

Ward: Swadlincote

Valid Date: 04/02/2003

Site Description

The site is an area of open land currently used for the grazing of horses. The site is relatively flat but the land rises overall from Darklands Lane up to William Nadin Way. A stream runs alongside the proposed site of the track, first one side and then the other, the path would cross the stream at an existing crossing point. To the south of the first section of the site from Darklands Road is a scrub area with trees on the stream banks and allotments between the site and William Nadin Way, the proposed track then crosses the stream and runs directly alongside William Nadin Way.

Proposal

The proposal is to construct a new tarmac surfaced footpath/ cycleway link to form part of the route from Burton to Leicester on the National cycle route. The proposed footpath/ cycleway is to link Darklands Lane to William Nadin Way and measures approximately 460m in length. The scheme includes details of the proposed gate, fences and stiles to be used along the route.

Planning History

None.

Responses to Consultations

The County Highway Authority has no comments to make.

The Environment Agency has no objection to the principal of the proposal.

Responses to Publicity

One letter of representation has been received from the occupier of a neighbouring dwelling raising concerns that part of the site is within his ownership and that the track would encourage off road motorcyclists causing noise and disruption to the residents of Darklands Lane.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Transport Policy 10

Local Plan: Transport Policy 8

Draft Local Plan: Policy T4, Cycling

South Derbyshire District Council Cycling Strategy 2001

Planning Considerations

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

- The impact of the scheme on the landscape and the occupiers of neighbouring dwellings
- Securing a National Cycle Route and the cycling network required by the Council's Cycling Strategy.

Planning Assessment

The proposed cycle link/ footpath is to be located on land which is outside the Swadlincote urban area but which is located between the existing built up area and land allocated for leisure and recreational use in the Draft Local Plan, therefore it will provide an important link. The land is grazing and scrub land and the construction of the proposed track will not have an adverse impact on the visual amenity of the area, the majority of the route would run directly alongside William Nadin Way. The proposed track is over 100m from the nearest dwellings and following receipt of the letter of representation the site area has been amended to exclude any land in third party ownership. It is not considered that use of the track will result in disturbance to the occupiers of any dwellings, stiles to be installed at either end of the path have been designed to limit usage of the track to bicycles and pedestrians only.

The proposed cycle/ footpath link forms a part of the National Cycle Route and part of the cycling network required by the Council's Cycling Strategy. The principle and details of the proposed scheme are considered acceptable.

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 the originally submitted details, this permission shall relate to the amended drawing no. 9274A/02/A.

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

Informatives:

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

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.

04/03/2003

Item 2.1**Reg. No.** 9 2002 1324 R**Applicant:**

P C C Of All Saints Church Hatton C/O
 Mr J Cartmell
 The Lawns
 Main Street
 Church Broughton
 DE655AS

Agent:

Morrison Design Limited
 St Alkmunds House
 103 Belper Road
 Derby
 DE13ES

Proposal: The removal of condition 4 (requirement to provide temporary access) of planning permission 9/2002/0228/F at All Saints Church Hall Station Road Hatton Derby

Ward: Hatton

Valid Date: 16/12/2002

Site Description

The site forms part of a development site for the erection of replacement parish rooms. It is bounded on three sides by a mixture of hedges and fencing. The road frontage is subject to alteration following the grant of planning permission.

Proposal

The proposal seeks the removal of a condition imposed on the planning permission for the hall. This requires the formation of a temporary access, parking and contractors area within the site during construction works.

Applicant's Supporting Information

The condition was imposed for the duration of the building works, there is little room within the site and it is almost impossible for the contractor to ensure that there is room within the site for loading and unloading vehicles.

Despite this, the contractor is aware of the hazards to highway safety arising from its location within the village. Accordingly, advice has been sought from the police as to how to best manage construction vehicles and is complying with the recommendations that have been made. All vehicles as far as is practicable are contained within the site.

The overriding reason for the application relates to the impracticality of complying with the condition and it is hoped that the Authority will take the above into consideration when determining the application. It should be borne in mind that the situation will not apply once construction works are completed in the near future.

Planning History

The Committee granted permission for the erection of the hall on 20 June 2002 subject to the following condition: -

Before any other operations are commenced, a temporary access shall be formed into the site for construction purposes, and space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring for site operatives and visitor's vehicles, loading and unloading of goods vehicles, all in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

The reason was in the interests of highway safety.

Subsequently a scheme for the provision of a 'compound was submitted and approved by the Local Planning Authority under delegated procedures.

The current application was submitted in December 2002.

Responses to Consultations

The County Highways Authority are strongly opposed to the removal of the condition.

The Police have also written in response to the application stating that there are concerns about the safety of foot passengers who may be walking near containers that are on the edge of the footway. The conditions imposed are quite right and should be enforced.

Responses to Publicity

Twenty individual letters of objection have been received with the following reasons:

- a) The access is located next to an extremely busy main road with a significant number of hazards. (a pedestrian crossing, Church Avenue junction, awkward accesses nearby, bus stops, the post office and parking associated with it and being on the inside of a slight bend on Station Road that prevents clear views from the access).
- b) If the condition were removed then the contractors would be allowed to spread outside the site and this would increase the hazards on Station Road. The safety of all the road users is more important than the convenience of the contractors. The condition must remain in place.

One further letter of objection makes the following points has also been received: -

- a) The contractors have only complied with planning requirements following complaint from the neighbours and they appear to have a disregard safety procedures
- b) The police confirm from a viewing of video material that the contractors are not conforming to Health and Safety requirements. The police have written to the County Highways Authority about highway safety and it is hoped that the Local Planning Authority is liaising with the County Highways Authority about highway safety.
- c) There have been numerous occasions (listed in the letter) when action by the contractors has resulted in difficulties for the writer of the letter, his neighbours and passing traffic and pedestrians. (Parked vehicles, traffic queues, loading/unloading of vehicles) Whilst it is acknowledged that the vehicles may have been parked legally, the size and type of vehicle has meant that the hazards were increased to the detriment of highway safety. Highway safety was the reason the condition was imposed.

- d) Before any consideration of the removal of the condition is given, the contractors should be made to apply some common-sense measures to help to operate the site in a safe manner for all persons. The containers on site should be moved to a less dangerous location, the access should be moved and widened. The workers should use the public car park further down Station Road thus making more room on the site for manoeuvring other vehicles and improved management of logistics that would result in deliveries at staggered times to avoid HGV's having to wait on Station Road.
- e) Public safety was the reason the condition was imposed, nothing has changed and its provisions should be enforced as soon as possible.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Transport Policy 6

Planning Considerations

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

- The impact on highway safety of the removal of the condition.

Planning Assessment

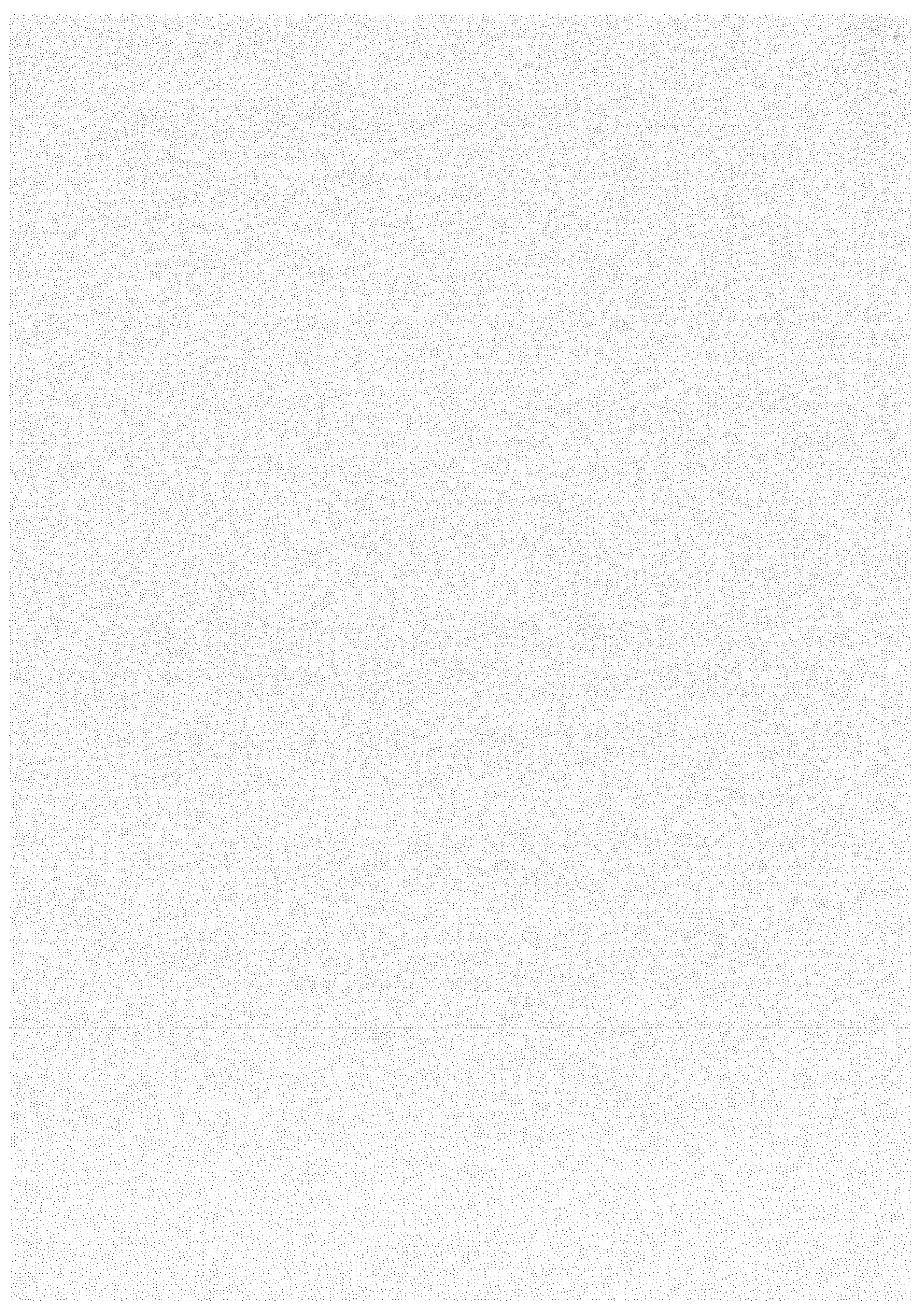
Members may recall that the County Highways Authority was strongly opposed to the proposal for the replacement hall. The Council decided to grant permission subject to conditions having regard to other material considerations. The objections raised are material and the removal of the condition could give rise to highway safety issues for the reasons stated above.

Nevertheless, in view of the imminent completion of the building works, a Breach of Condition Notice would be difficult to bring to a prosecution before the completion of building works.

Recommendation

REFUSE permission for the following reason and that, subject to establishing the necessary evidence, authority be given to take all necessary action under Section 187A (Enforcement of Conditions) and associated legislation to secure compliance with the condition:

1. The removal of the condition would result in an increased potential for vehicles and other material to be stored outside the limits of the site. This would increase the danger to road users particularly pedestrians, to the detriment of highway safety.



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.