

DEVELOPMENT CONTROL COMMITTEE – 10 February 2004

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

REPORT OF THE PLANNING SERVICES MANAGER

- 1. Planning Applications**
- 2. Appeals**

INDEX TO PLANNING APPLICATIONS

Application Reference	Item No.	Place	Ward	Page No.
9/2003/0965	1.1	Church Broughton	North West	1
9/2003/0999	1.2	Ticknall	Hartshorne/Ticknall	3
9/2003/1347	1.3	Etwall	Etwall	15
9/2003/1358	1.4	Midway	Midway	22
9/2003/1384	1.5	Egginton	Etwall	25
9/2003/1509	1.6	Melbourne	Melbourne	28
9/2003/1497	1.7	Melbourne	Melbourne	33
9/2003/1510	1.8	Barrow on Trent	Aston	35
9/2004/0001	1.9	Etwall	Etwall	41
9/2003/0319	2.1	Swarkestone	Aston	44
9/2003/0981	2.2	Elvaston	Aston	50
9/2003/1435	2.3	Ingleby	Repton	52
9/2003/1450	2.4	Melbourne	Melbourne	55

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

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



10/02/2004

Item 1.1
Reg. No. 9 2003 0965 F

Applicant:
 J A & A J Coxon
 Cromwell House Farm, Boggy Lane
 Church Broughton
 Derby
 DE65 5AR

Agent:
 J A & A J Coxon
 Cromwell House Farm, Boggy Lane
 Church Broughton
 Derby
 DE65 5AR

Proposal: The formation of a silage clamp at Cromwell House Farm
 Boggy Lane Church Broughton Derby

Ward: North West

Valid Date: 18/08/2003

Additional Information following Negotiations

This application was deferred at the meeting of the Committee in December 2003. The reason for the deferment was a request from the Committee to see if an alternative location for the silage clamp could be found away from the dwellings on Church Broughton Close. A copy of the report to the Committee is attached as Appendix A. This sets out the issues that are to be taken into account in determining this application. The applicant is unwilling to remove the clamp to an alternative location as he considers that this would prejudice the operation of his business. He has stated that he needs the new area of clamp next to his existing facility as this would reduce the amount of silage waste and would allow for easy mixing with other elements of the feed.

The applicant has looked again at the layout of the clamp and has proposed the a reduction in the length of the clamp to 12 metres (from 27.5 metres) and reducing it to 21 metres in width (as opposed to 30 metres originally proposed). This has meant a significant reduction in the length of mound adjacent to the paddock and beyond that, the houses. Access to the whole silage clamp area (existing and proposed) would be from the field rather than the farmyard.

Members are therefore asked to determine the application on the basis of the submitted amendment. This represents the extent to which the applicant is prepared to compromise in response to the Committee's request.

Church Broughton Parish Council has also restated its objections and has queried if the clamp would affect the line of the public footpath on the site. *The definitive footpath map has been checked and the path would be unaffected.*

The objections previously submitted have been reiterated through 7 letters received in response to the reconsultation. They are particularly concerned that the revised submitted plan does not reflect the potential situation on the ground and is not to scale. Objectors are also concerned that the submitted plan shows trees between the clamp and the houses that do not exist.

Planning Considerations

The main issues central to the determination of this application is whether the Committee accepts the scheme as now amended.

Planning Assessment

The recommendation from remains unchanged from the previous Committee. It is for elected members to consider the amendment and determine if permission should be granted or refused-.

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. 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.
2. Reason: In the interests of the appearance of the area.
3. 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.
3. Reason: In the interests of the appearance of the area.
4. Before development is commenced, precise details of the drainage system of the silage clamp hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall then be implemented in accordance with the approved details.
4. Reason: In the interests of preventing pollution of the water environment.
5. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing received under cover of your letter dated 9 December 2004.
5. Reason: For the avoidance of doubt, the original submission being considered unacceptable.

The facility must comply with the Control of Pollution (Silage Slurry and Agricultural Fuel Oil) Regulations 1991 (as amended). Silage liquor must be contained within a sealed system in accordance with the MAFF 'Code of Good Agricultural Practice for the Protection of Water'. You are advised to contact Mr G Harper Environment Protection Officer at the Environment Agency to discuss the specific requirements. (Tel: 01785 782555).

10/02/2004

Item 1.2**Reg. No.** 9 2003 0999 U**Applicant:**

Mr M Wilmot
 Slade House, Rose Lane
 Ticknall
 Derby
 DE73 1JW

Agent:

E. Lee
 Mr. Eric J. Lee
 Pennside
 Penn Lane
 Melbourne
 Derbyshire
 DE73 1EP

Proposal: The erection of a two bedroom dwelling, the erection of a garage and stables and the blocking of Rose Lane to Main Street and opening Rose Lane to Ingleby Lane Slade House Rose Lane Ticknall Derby

Ward: Hartshorne/Ticknall

Valid Date: 13/08/2003

Site Description

Slade Farm House, a grade II listed building, is at the end of Rose Lane and on its western side. The site for the proposed dwelling is occupied by a double garage of relatively recent construction which is some 6m from the west side of Slade Farm House and 11m north of the neighbouring dwelling which was converted from former farm buildings. The site is bounded on its east side by the playground to Dame Catherine School.

The house is set within a large garden, whose boundaries have recently been fenced following the grant of planning permission.

The property is within the Ticknall Conservation Area and the village development framework as defined in the Adopted and Emerging Local Plans.

Proposal

It is proposed to remove the existing double garage and construct a three bedroom, two storey dwelling. The dwelling would be some 5m from Slade House Farm and 15m from the neighbouring dwelling. It has been designed to take on the appearance of a traditional farm building converted to a dwelling. The front elevation visible from Rose Lane would be single storey in appearance constructed in brick and stone with a large central glazed opening. The building would be L shaped in plan with the front part 12.1m wide by 5.5m deep by 3.5m to the eaves and 7.4m to the ridge and the rear wing extending to 6.2m by 5m wide by 3.5m to the eaves and 7.1m to the ridge. The dwelling would benefit at its front from an existing drive and parking area off Rose Lane.

It is also proposed to erect a detached building in the garden some 24m to south west of the existing house to provide a double garage, a two stall stable and workshop/tack room. The building would be L shaped in plan. The garage and workshop/tack room element would be 10.3m long by 5.2m wide by 2.7m to the eaves and 5.5m to the ridge. The stable part would be 6m long by 4.7m wide by 2.1m to the eaves and 4.8m to the ridge. The external walls would be timber boarding and the roof would be of clay tiles. A hard surfaced drive would be formed to it from the west side of Rose Lane.

The Highway Authority has previously discouraged further residential development on Rose Lane because of the very sub-standard junction with Main Street. For this reason it is also proposed to reprioritise Rose Lane to ensure that vehicles to the new dwelling cannot use the Rose Lane/Main Street junction but are directed to the Rose Lane/Ingleby Lane junction. This will involve the roadblock in Rose Lane being moved from its present position to a position south of the access to the new dwelling. A new turning head would be formed on Rose Lane on the south side of the new roadblock.

Planning History

Planning permission for the garage, now proposed for removal, and the conversion to residential use of buildings on the south side of the site were granted in June 1988.

Responses to Consultations

The Highway Authority comments as follows:

The proposal is regarded as acceptable in principle from a highway aspect.

The proposed relocation of the point where Rose Lane is severed will result in additional traffic using the west-east section of the road linking to Ingleby Lane. Whilst this may conceivably generate objections from existing residents fronting onto that section of road there will be a consequential reduction in vehicle movements at the severely sub-standard junction of Rose Lane with the A514 principle road. On balance therefore it is considered that the development will not be prejudicial to highway safety interests and there is no basis to refuse planning permission for highway reasons.

Alterations to the closure of Rose Lane will need to be the subject of an Order under 1990 Town and County Planning Act, confirmed and implemented prior to any development being commenced. The Order will be made by the Government Office for the East Midlands and will itself be open to objections.

The Highway Authority adds further comment that it is conscious of concerns expressed by local residents regarding accessibility by emergency services and refuse vehicles following the proposed alterations to the highway. The validity of this view is regarded as questionable given that vehicle turning space will exist at the end of each section of Rose Lane, an improvement on present circumstances. However, the applicants may wish to consider whether there would be benefits in carrying out consultations with the relevant bodies at this stage.

The environmental health officer makes the following comments:

Contaminated land

Due to the previous use of the proposed land, it is possible that the soil may be contaminated. The Authority holds information that identifies the site as a potential Anthrax burial site. There are no official records to suggest the exact location of the burial site and therefore it is impossible to determine the extent of the risk. The situation has been discussed with DEFRA which has confirmed the risk to human health as extremely low due to the length of time the carcasses have been buried, however, it could not confirm that the land is not contaminated.

The Environmental Health Manager recommends that the applicant should carry out a thorough contaminated land investigation with a staged approach, and submit the associated report to the Authority.

Stables

When considering the siting of stables, one of the main concerns for this development is that of nuisance caused by odour. The factors which affect the risk of odour nuisance being caused include: the distance from neighbouring properties, the number of horses being kept, the prevailing wind direction in relation to neighbouring properties, the management system used and the type of feed used. Additionally there is a risk of smoke nuisance being caused if the manure from the stables is burned. He therefore recommends that a condition be attached to control such potential problems.

The Parish Council objects to the proposal as follows (original and amended proposal):

Proposed new dwelling

1. The new dwelling is too close to the existing building.
2. Slade Farm house is a listed building, in the conservation area and the closeness of the conversion will devalue it in future
3. There is a poor relationship between the new and listed building with contradictory designs
4. Overbearing view with respect to the windows on the existing barn conversions opposite in Rose Lane Mews
5. The red line detailing the house application does not cover the road blocking area therefore is not a legitimate application.

Proposed garage and stable

1. The drive and turning circle and possibly part of the building encroaches onto ENV8 land as detailed in the South Derbyshire Local Plan.
2. Positioning of the garage and stable is not in keeping with the appearance of Slade Farm house.
3. Why is there a requirement for stables, they have no horses and the land is not large enough to have two horses. There is not enough land for one horse.
4. What are the plans for any effluent created by two horses?
5. Access from Rose Lane is not acceptable for horseboxes.
6. There is no indication of the materials to be used to block off Rose Lane.
7. What plan is there for the brick outbuilding adjacent to the proposed garage and stables.

Blocking of Rose Lane to Main Street and opening Rose Lane to Ingleby Lane

1. The proposal to open Rose Lane to Ingleby Lane is not acceptable because it is narrower than the other half of Rose Lane.
2. There is a rose bed at the top of the lane, which is under licence to the Parish Council from Derbyshire County Council and has been for 12 years. The Parish Council maintains it, and it is a village amenity. The rose bed is not shown on the plans.
3. There will be major problems with emergency vehicles and bin collection vehicles because the angle will be too short for them to get into the schoolyard in an emergency.
4. There will be confusion for emergency vehicles
5. There is poor visibility from Rose lane onto Ingleby Lane and onto Main Street and Ingleby Lane.
6. There will be increased traffic caused by parents delivering children to school on a road, which is extremely narrow and always has a row of parked cars on it.
7. There will be more traffic, which will cause more disturbances to cottages facing the lane on the east whereas there are fewer dwellings and none facing the lane on the south part of Rose Lane.
8. It will almost certainly require the removal of the grass verge, and we are concerned about the stone wall behind the grass verge.
9. It will create difficulty for vehicles trying to exit from Slade Farm development on Rose Lane
10. There will be an increased risk of flooding into numbers 3 and 4 Slade Farm.
11. It has been brought to the attention of the Parish Council that deliveries of oil to St. George's church are brought in by tanker via the school's playground. Access is gained via Rose Lane from Main Street. Access will be very difficult if not impossible via Rose Lane from Ingleby Lane because the road is too narrow and the angle into the school ground too acute.

A further concern was submitted that because the gates between the property and the school yard remain open on the plan that the intention might be that the owner of the dwelling intends to use this access through the schoolyard into their property at some time in the future

Responses to Publicity

Forty letters of objection were submitted in response to the original submission and a further twenty four in response to the amended design. The proposed road re-prioritising remains unaltered and therefore all of the objections still stand. The objections are summarised as follows:

- a) The proposed dwelling will be overbearing and will have a direct impact on the neighbouring barn conversion.
- b) Ingleby Lane will become more congested and unsafe for children at Dame Catherine School.
- c) The proposal will create extra traffic including the extra hazard of horse boxes and horses riding up and down the Lane.
- d) Rose Lane is narrow and residents park cars outside their properties. This could introduce danger for school vehicles to pass stationary vehicles, particularly larger vehicles visiting the school.
- e) Many vehicles approach Main Street from Ingleby Lane at high speed introducing a further traffic hazard for vehicles emerging from Rose Lane.

- f) Rose Lane currently provides a direct route for emergency vehicles the revised route would be more difficult to gain access to the playground and school and could be hampered by parked cars, possibly putting a child's life at risk.
- g) Large vehicles would find it very difficult to turn directly into the school and would have to reverse manoeuvre on the playground causing further danger.
- h) The proposal would remove parents peace of mind about safety of their children.
- i) In the event of an emergency there would be inadequate access for emergency vehicles along the narrow lane and via the sharp right turn into the playground of Dame Catherine Harpur School.
- j) The school requires a wide access to allow for possible ambulance, fire engine, building maintenance vehicles etc and wide trailers used at its many fund raising events (necessary since the removal of Government funding in 1987).
- k) There would be risk from disturbing possible anthrax contaminated land.
- l) The conversion of the proposed stables to a dwelling could come at a future date.
- m) The flower garden near to pedestrian railings would be lost.
- n) Possible reuse of gates onto school playground.
- o) The dwelling would be too close to Slade House which is listed and a focal point of the village.
- p) The removal of any trees would detract from the character of the area.
- q) Timber stables would be out of context with the surrounding brick and tile buildings.
- r) Slade Farm courtyard is regularly flooded and changes to the road layout would lead to more water be siphoned that way.
- s) Slade Farm courtyard would subjected to greater levels of noise disturbance.
- t) Residents on the Ingleby Road stretch of Rose Lane would be subjected to traffic disturbance where they have enjoyed a quiet and virtually traffic-free road for many years.
- u) The proposal would harm the character of the conservation area by introducing new buildings and affecting mature trees.
- v) The garage and stable would be in an elevated position in an area identified as important open space in the Local Plan. An Inspector on a previous appeal for residential development identified the large garden area as an important open green space which, together with the trees and hedgerows that line it, contribute significantly to the character and appearance of the conservation area.
- w) The road layout should not be altered just to accommodate one planning application.
- x) Delivery of fuel by tanker to the church would be made difficult.
- y) Existing residents in the neighbouring barn conversion would be overlooked resulting in loss of privacy.
- z) Vehicular traffic leaving and entering the site of the garage would be completely unsighted to any vehicle or pedestrian leaving the Rose Lane Mews properties.
- aa) There would be a strong reason to widen the existing carriageway through the removal of the grass verge under the stone wall detrimental to the appearance of the area.
- bb) The amended design is worse than the original proposal and appears to be larger. The glass panelling on the front elevation is out of keeping with the design of the village.

Structure/Local Plan Policies

Joint Structure Plan: Housing Policy 5; Environment Policy 9, 10 and 16.

Adopted Local Plan: Housing Policy 5; Environment Policy 12 and 13; Environment Policy 9

Draft Local Plan: H1; ENV 19; ENV 8, 20 and 21

Planning Considerations

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

- Whether the development preserves or enhances the character or appearance of the Ticknall Conservation Area.
- Impact on the setting of the listed building.
- Loss of tree cover.
- Impact on highway safety and vehicle accessibility.
- Impact on the amenity of neighbouring residents.
- Potential ground contamination.
- Impact on the appearance of open land.

Planning Assessment

The proposed dwelling would be on previously developed land within the development framework of a serviced village and therefore would be acceptable in principle.

Impact on the conservation area and setting of the listed building.

Slade Farm is listed as an early 18th century farmhouse. Historically its farm buildings lay to the south and east. All of these are now converted to residential use and have separate curtilages. The more distant easternmost group were converted in 1978. The farm was first listed in January 1987 and the closest agricultural building, a stable block was converted in 1988. The original stable building was extended and two double garages provided as part of the conversion. The conversion was carried out under a less stringent policy regime than exists today and judged by present day design and conservation standards the quality of the conversion and the additional buildings leaves much to be desired. The present proposal involves the replacement of the double garage closest to the listed building and presents an opportunity to create an improvement in its setting and the appearance of the conservation area.

The existing building by virtue of its massing, materials and design especially in the context of the detailing of the adjacent conversion has a negative impact on the setting of the listed building and the character of the conservation area. The proposed dwelling, having a narrow span and simple shape, has a better massing and thus a better relationship with the listed farmhouse. A mixture of red brick and stone under a blue clay tile roof is proposed and conditions attached to the consent would ensure that the materials are carefully chosen. Though it is proposed that it should function as a dwelling the detailed design incorporates many features that are associated with agricultural buildings and this would help to assimilate the structure more harmoniously into the farm group setting. The resulting improvement would significantly enhance the character of this part of the conservation area.

The garage and stables building is proposed to the south west of the farmhouse off the alignment of the principle front. It has a massing typical of historic agricultural ancillary buildings and is 'tied' to the site by a boundary wall that links in with a tiny existing outbuilding. Its alignment, parallel and perpendicular to the farm house, reflects the geometric layout of the more distant historic farm buildings. The deeply overhanging blue clay tile roof would be the dominant characteristic, the walls are of timber boarding that would be finished in a recessive colour thus emphasising the ancillary and agricultural nature of the building. The proposal would not harm the setting of the listed building.

Loss of tree cover.

There are mature trees on the eastern boundary of the site that would be in close proximity to the proposed dwelling. These are a sweet chestnut, a multi-stemmed ash and two holly. The most important in terms of amenity is the sweet chestnut which would be unaffected by the development. The other trees could be retained if desired although their root systems are likely to be affected to accommodate the development. The benefits to be gained by replacing the existing garage with this more sympathetic building would outweigh the amenity value of the trees should they be removed and their loss would not be sufficient reason to refuse the application.

Impact on highway safety and vehicle accessibility.

The Highway Authority does not object to the proposal. Despite the concerns raised by local residents it observes that vehicle turning space will exist at the end of each section of Rose Lane, an improvement on present circumstances.

Alterations to the closure of Rose Lane will need to be the subject of an Order under 1990 Town and County Planning Act, confirmed and implemented prior to any development being commenced. The Order would be made by the Government Office for the East Midlands and would itself be open to objections.

Impact on the amenity of neighbouring residents.

1. Loss of privacy

The front elevation of the proposed dwelling would be 15m from the nearest dwelling known as 1 Rose Lane Mews, which has ground and first floor windows facing the proposal. The front elevation of the proposed dwelling would have a large central opening to the hall, 3.2m wide by 3.2m high, which would be obscure glazed with etched glass and subdivided equally by three oak mullions. A window each side of the glazed panel would serve the kitchen and study. These windows would consist of three vertical strips of glass, 1.3m high by 0.2m wide, set within stone mullions. To secure adequate privacy for occupiers it would be necessary for these windows to be obscure glazed. In addition, on the west elevation a small bedroom window at first floor and utility room window at ground floor would need to be obscure glazed to safeguard the privacy of occupiers of Slade Farm House.

Subject the above safeguards there would be no material loss of privacy for neighbouring residents.

2. Noise and disturbance from altered traffic movements.

The proposal would result in school traffic approaching the school along Rose Lane from Ingleby Lane rather than from Main Street. Whilst residents on Rose Lane may have become accustomed to the current highway arrangement, the proposed arrangement would not result in material loss of amenity over and above that to be expected from the normal use of the public highway. In addition, as identified by the Highway Authority, the provision of two turning heads on Rose Lane would be beneficial to improving the efficiency of the highway and school traffic would be directed to the safer junction with Ingleby Lane which would be in the public interest.

3. The stabling of horses on the land.

Planning permission would not be required to keep horses in the garden. The stables themselves are unlikely to result in a demonstrable loss of amenity and the advice of The Environmental Health Manager is likely to assist in this regard.

Potential ground contamination.

Whilst the risk of contamination from a former Anthrax burial site is considered to be very low, the imposition of the condition suggested by The Environmental Health Manager would allay concerns raised by local residents.

Impact on the appearance of open land.

The garage and stable building would occupy only a small fraction of the garden land which is identified in Policy ENV8 of the emerging Local Plan as contributing to the character and environmental quality of the area. The supporting text to this policy states that it is not the intention of the policy to prevent the owners of such properties carrying out development such as extensions or changes of use that would not undermine the overall undeveloped appearance of the area. The open character of the land within the village would not be diminished by this proposal.

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

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. This permission shall relate to the amended drawing, no(s) 1 and 2 received on 9th January 2004 and 12th December 2003 showing the proposed dwelling redesigned and resited, alterations to the public highway and the existing building and boundary linked to the proposed garage and stabling.
2. Reason: To preserve and enhance the character and appearance of the Ticknall Conservation Area and the setting of the grade II listed building and in the interests of highway safety.
3. The construction of the dwelling hereby approved shall not commence until the highway works have been completed in accordance with the approved plans and to the written satisfaction of the Local Planning Authority.
3. Reason: To ensure the highway works are completed in the interests of highway safety.
4. No development shall commence on site in connection with this approval until samples of materials for the external elevations of the buildings have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved samples.
4. Reason: To ensure the materials are appropriate for the Ticknall Conservation Area and the setting of the grade II listed building.

5. Large scale drawings to a minimum Scale of 1:10 of eaves, verges, 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.
5. Reason: The details submitted are inadequate to determine whether the appearance of the buildings would be acceptable for the Ticknall Conservation Area and the setting of the grade II listed building.
6. The precise type and size of the proposed rooflights shall be submitted to and approved in writing by the Local Planning Authority. The approved rooflights shall be fitted such that their outer faces are flush with the plane of the roof, unless otherwise agreed in writing with the Local Planning Authority.
6. Reason: In the interests of the appearance of the building, the character and appearance of the Ticknall Conservation Area and the setting of the grade II listed building.
7. 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.
7. Reason: In the interests of the appearance of the area.
8. External joinery including the boarding to the stable shall be painted timber 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 buildings are brought into use.
8. Reason: To preserve the character and appearance of the Ticknall Conservation Area and the setting of the grade II listed building.
9. 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.
9. Reason: In the interests of preserving the character and appearance of the Ticknall Conservation Area and the setting of the grade II listed building.
10. 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.
10. Reason: To preserve the character and appearance of the Ticknall Conservation Area and the setting of the grade II listed building.
11. 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".
12. Reason: To preserve the character and appearance of the Ticknall Conservation area and the setting of the grade II listed building.

12. A sample panel of pointing 1 metres 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. The pointing shall be carried out in accordance with the agreed sample panel.
12. Reason: To preserve the character and appearance of the Ticknall Conservation Area and the setting of the grade II listed building.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, no development within the curtilage of the proposed dwelling house under Schedule 2, Part 1, Class A, B, C, D, E, H and Part 2, Class A of that Order (except as authorised by this permission or required by any condition attached thereto), without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.
13. Reason: To enable the Local Planning Authority to retain control over any future changes to the dwelling and its curtilage in the interests of preservinf the character and appearance of the Ticknall Conservation Area and the setting of the grade II listed building.
14. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft 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.
14. Reason: To safeguard the amenity of the area.
15. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
15. Reason: In the interests of the appearance of the area.
16. No part of the development shall be carried out until precise details of paving patterns, specifications and samples of the materials to be used in the hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
16. Reason: To ensure the materials are appropriate to preserve the character and appearance of the Ticknall Conservation Area and the setting of the grade II listed building.
17. The windows on the south and west elevations shall be obscure glazed before the development is brought into use and remain as such in perpetuity. The entrance hall window shall be etched glass unless otherwise agreed in writing by the Local Planning Authority.
17. Reason: To safeguard the privacy of occupiers and the use of etched glass in the interests of the appearance of the building.
18. Development of the garage and stable building hereby approved shall not commence until a thorough contaminated land investigation with a staged approach has been carried out and the associated report submitted for approval by the Local Planning Authority.

The report shall include:

- . A desk top study with details of historical information.
- . Targeted on site sampling to identify any contamination.
- . If discovered, the locations of any contaminated zones within the site shall be identified.
- . A thorough explanation of the chosen remedial measures including depth, breadth of excavation and details of soil replacement.
- . Details of the measures to verify that the contaminant has been removed to an acceptable level.
- . Details of the long and short term risk to human health including the construction phase and post-development.
- . Details of the British Standards or other guidelines used in both the assessment and remediation measures proposed.

Any remediation measures shall be completed to the satisfaction of the Local Planning Authority before the development is commenced.

18. Reason: In the interests of safeguarding public health.
19. There shall be no burning of manure on site.
19. Reason: To safeguard the amenities of local residents.
20. 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).
20. Reason: To protect the amenities of adjoining properties and the locality generally.

Informatives:

The applicant is informed that the closure of Rose Lane will need to be the subject of an Order under the 1990 Town and Country planning Act, confirmed and implemented prior to any development being commenced. The Order will be made by the Government Office for the East Midlands and will itself be open to objections.

With respect to land contamination, further advice can be obtained from:

- Dr Manchee, Porton Down Centre for Applied Microbiology and Research 01980 613487
- CLR Guidance notes on Soil Guideline Values, DEFRA and EA
- Sampling Strategies for Contaminated Land, CLR4 1994, DoE.
- Investigation of Potentially Contaminated Land Sites - Code of Practice, BSI 10175 2001
- Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination, R & D Technical Report P5 - 066/TR 2001, Environment Agency
- Guidance for the Safe Development of Housing on Land Affected by Contamination, Environment Agency. ISBN 0113101775.

PLEASE NOTE: If bones are discovered during development, DEFRA shall be immediately informed by calling 01785 231900.

The applicant is advised to follow the above advice in the interests of neighbourliness:

In order to minimise the impact of this development on the surrounding area and to prevent nuisance being caused, the following measures are recommended:

- If the stable is within 50m of a residential property, then the manure heap should be positioned at the furthest point away from this property in such a position so as not to cause a problem from leachate running into a ditch or watercourse (I.e. not within 10m of a watercourse)
- Regular inspections should be undertaken for the control of rodents, flies and other insects. Should evidence of any problem be found then steps should be taken to alleviate the problem.

10/02/2004

Item 1.3**Reg. No.** 9 2003 1347 M**Applicant:**

Tara Buddhist Centre
 Ashe Hall, Ash Lane
 Etwall
 Derby
 DE65 6HT

Agent:

Mark Tole, Future Life Design
 Conishead Priory
 Ulverston
 Cumbria
 LA12 9QQ

Proposal: The erection of a new temple on the old swimming pool site at
 Tara Buddhist Centre Ashe Hall Ash Lane Etwall Derby

Ward: Etwall

Valid Date: 05/11/2003

Site Description

Ashe Hall is a Grade II listed building lying in substantial grounds to the north of Etwall. Access is via a tree-lined drive off Ashe Lane. The trees on the site are the subject of County Council Tree Preservation Order 212. The proposed building would be sited to the east of the listed building. The ground here slopes gently away from the Hall and then more sharply to a pond.

Proposal

The building comprises an enclosed inner area with an outer open veranda to three sides with a storage /preparation room on the fourth (east side). There is an entrance in the middle of each side, the main one being on the west side. The change in levels is accommodated by the provision of steps on the eastside of the building. The building is set some 12 metres behind the main façade of the Hall.

A previous planning permission envisaged some accommodation blocks on this land. The application proposes that these be consolidated in a block to the west of the temple building.

The maximum height of the temple would be 13 metres at its centre. Generally, the building would be some 6 metres high with a clear storey at 8 metre high. The inner temple measure 25m x 25 m, the outer veranda is 32m x 32m.

The development would involve the felling of some trees subject to the Tree Preservation Order.

Applicants' supporting information

Tara Buddhist Centre has been based at Ashe Hall since 1996. Established in 1983 as an educational charity, its early development took place in Buxton in the Derbyshire Peak District. Subsequently outgrowing its premises in the town in the early 1990s, eventually Tara Buddhist

Centre purchased Ashe Hall from Derbyshire County Council following a special school closure in August 1995.

Presently 40 people live in the community at Tara Centre and there is a planning permission to allow development to eventually accommodate 110 resident students (reg. no. 9/0196/0695/F). For at least one event each month attendance from the Midlands region varies between 150 and 300 people and it is expected that this figure will rise to 400 in the future.

The Centre is part of a worldwide organisation that holds events each year for members of the tradition. A similar event is planned for each following year from now on, principally due to Derbyshire's central location within the United Kingdom. It is planned to host this event in a large marquee for the first few years until the new Temple is constructed.

Throughout the year, Tara Centre hosts residential study and meditation courses, each attracting between 150 and 300 people. The existing Meeting Hall, seating up to 300, is housed in one of the temporary prefabricated buildings added to Ashe Hall during WW II.

All these facilities, especially the existing Meeting Hall, provide valuable extra revenue for the Centre, which continues to concentrate its funds on the restoration of Ashe Hall and its courtyards.

In the time, the Centre has been open, the Hall has been the subject of continuous restoration and work to complete the access is currently under way. The intention is to continue this work whilst erecting the new temple if permission were granted.

The new temple

Tara Buddhist Centre continues to be aware of its responsibility to protect the character and setting of Ashe Hall and intends that the architecture of a new Temple shall be in sympathy with, and not detract from, the original buildings. 3 possible sites have been considered Tara Buddhist Centre is now requesting that the location of the new Temple should be on the old swimming pool site. This will involve some redesign of the proposed residential accommodation and dining room for which Tara Centre already has planning permission (reg. no. 9/0196/0696/L).

Given the numbers gathering for worship and teachings the intention is for a new Temple to seat 700 people. The need for this size is clearly evidenced by the attendance at the first annual UK festival in October 2003 when 656 people attended the four-day event. On top of this, the Centre holds events monthly requiring seating in excess of 300. The Temple will be designed to accommodate temporary extensions for occasions when the numbers attending events exceed 700.

The design of the proposed new Temple has religious significance, and as designed it will be a modestly prestigious structure, worthy to stand adjacent to Ashe Hall but not detracting from it. The design is contemporary Western Buddhist; no Oriental or Tibetan features are included.

The materials will be red brick and buff-coloured local stone to match existing buildings of Ashe Hall. Roof coverings are to be leadwork or tinned stainless steel that has a similar appearance to lead, with the pitched roofs over the four doorways in natural slate. External joinery is to be of oak.

Local Benefits

In addition to religious tolerance, regularly taught at Buddhist meetings, the larger annual event involves people requiring accommodation in excess of what Tara Buddhist Centre can offer, therefore bringing commercial benefit to local hoteliers, shopkeepers and so forth. This has been the experience of the wider local community around Ulverston in the Lake District, where similar events have been held for 10 years.

There is a current school visit programme involving upwards of 2,000 children a year from schools in Derbyshire and the Midlands visiting the Centre to study the practice of contemporary Buddhism.

Parking and Highways

For many years, an annual Summer Fayre was held at Ashe Hall, a tradition Tara Buddhist Centre has continued in Etwall village. Up to 3,000 people have attended on that day with adequate car parking within the grounds for up to 500 cars. There is sufficient space for parking within the grounds for future activities.

There is no need for parking on the main road, and since the previous and present use of Ashe Hall involves school coaches there is adequate access and parking for such vehicles if needed; the driveway entrance is currently undergoing modification in liaison with both the Highways and Planning Departments.

Conclusion

To meet the costs of building the proposed new Temple and residential development, fundraising will be through donations from supporters. It is hoped to begin building work during Autumn/Winter 2004.

Phase III of the old barn development will provide an additional 19 rooms by August 2004. Surplus income from rents and accommodation charges on these new rooms will be directed towards the restoration of Ashe Hall.

The proposed project does not signal a shift of attention away from the main buildings at Ashe Hall; rather, it is a necessary development to secure the long-term prospects of the main Hall and its grounds for future generations.

Planning History

The site was originally built as a stately home, it was also used as a hospital during WWII. The Education Authority used it as a special school and the land was sold in 1996 to its current owners. Permission was granted as referred to above for the use as a Buddhist Centre which includes a large accommodation block in the vicinity of the proposal but as yet not started. Earlier this year an application was made for a temple in the grounds in a different location, that application was withdrawn.

Responses to Consultations

Etwall Parish Council does not object to the proposal but would like to see a building which is more in keeping with the Grade II building. Tree planting should also take place to screen the temple building to make it as unobtrusive as possible.

The County Highways Authority wishes to see the access works resolved as soon as possible. Parking arrangements need to be resolved.

The Environment Agency has no objection but requests that the surface water be disposed of via a sustainable drainage system.

The Environmental Health Manager has no objection.

The views of County Planning Authority on the loss of the trees will be reported at the meeting if available.

Responses to Publicity

None

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4, Environment Policy 19.

Local Plan: Environment Policy 1, Environment Policy 13

Emerging Local Plan: Policies ENV 7, 19 & 21

Planning Considerations

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

- The Development Plan
- The impact on the countryside
- The impact on the Listed Building
- The highway issues
- The loss of protected trees

Planning Assessment

The design of this building is nothing like anything else within the grounds of the Grade II listed building. The Development Plan calls for development in the grounds of Listed Buildings to not detract from the character or setting of the original building.

Whilst different to the original structure, the proposal offers the prospect of removing old, temporary buildings in close proximity to the original buildings. Thus, there is a marginal improvement to the setting of the building arising from this proposal.

This temple proposal is similar in scale to the meeting hall that has been approved. The location is only slightly different but the style is more strident. This is the most appropriate location that has been put forward. There would be glimpsed views of the building, partially screened by trees, from outside the site but the biggest visual impact would be from the south and east. The temple is set back from the principle front of Ash Hall and the new accommodation block and this would reduce its prominence.

The additional blocks are similar in design to the previous approvals and are sympathetic.

The religious symbolism of the design is clearly of great importance to the applicants. The use of locally distinctive materials will help to integrate it with the site and its scale is subordinate to the Ashe Hall. The quality of the materials is high and would reflect the local distinctiveness of the Hall.

The principle of erecting the temple in this location in substitution for the meeting hall previously permitted would represent the next stage in the evolution of the hall and its acceptance would complement the character of the setting of the listed building without detracting from it.

The access issue is currently being rectified and a condition on any permission granted could ensure that those works are completed before the temple is occupied. Parking capacity at the site, given the potential number of people attending the gatherings, is a matter of concern. However, the centre already holds several events each year, most notably one in October 2003, that attracted 700 people. Photographs of the parking arrangements have been submitted and show that the fields owned by the centre are used as temporary car parks without the roads being blocked at all. The information can be interpolated to the events that would be held on regular but infrequent occasions at the new temple. It would appear that the grounds are more than capable of accommodating the cars likely to be generated. Moreover, the provision of formal parking to accommodate the infrequent events would detract from the character of the countryside and the listed building.

The loss of any trees is regrettable and in the earlier application the location for the temple was proposed in an area where there would have been no loss of trees. However, in that location the temple would have been in competition with the main listed building and was considered unsuitable for that reason. The proposed site is much less prominent in the landscape and would be at a much lower level than Ashe Hall. The consequence of this is that several trees would have to be removed to facilitate the development. Nevertheless, there would remain a significant number of trees in the vicinity of the building and more on the east boundary. These trees would effectively screen the building from views from that direction and so the limited number to be felled would not amount to a material loss.

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

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. No part of the development shall be carried out until samples of the facing materials to be used in the execution of the works have been submitted to and approved in writing by the Local Planning Authority.
2. Reason: In the interests of the appearance of the area.

3. 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.
3. Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.
4. Notwithstanding any details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.
4. Reason: In the interests of the appearance of the area.
5. 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.
5. Reason: In the interests of the appearance of the building(s) and the character of the area.
6. 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.
6. Reason: In the interests of the appearance of the building(s) and the character of the area.
7. 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.
7. Reason: In the interests of the appearance of the building(s) and the character of the area.
8. 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.
8. Reason: In the interests of the appearance of the building(s), and the character of the area.
9. Pointing of the existing/ proposed building(s) 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".
9. Reason: In the interests of the appearance of the building(s).
10. A sample panel of pointing 2 metres 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.
10. Reason: In the interests of the appearance of the building(s) and the locality generally.
11. 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.

11. Reason: In the interests of the appearance of the area.
12. 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.
12. Reason: In the interests of the appearance of the area.
13. No part of the buildings hereby permitted shall be occupied unless the access improvement works approved by the Local Planning Authority by letter dated 14 January 2004 have been completed to the satisfaction of the Local Planning Authority.
13. Reason: In the interests of highway safety.
14. The pond to the north east of the proposed temple shall be surveyed in the coming spring period to assess for the presence of the great Crested Newt. The results of the survey shall be sent to the Local Planning Authority within one month of the completion of the survey. If great crested newts are present on the site, measures to protect them from the building operations shall be agreed in writing with the Local Planning Authority. The agreed measures shall then be implemented prior to the commencement of building operations to construct the temple.
14. Reason: To assess whether there is a presence of the species at the site and if so to agree measures to ensure its well-being during construction works.

Informatives:

Your are asked to note the advice from the Environment Agency regarding the use of SUDS methodology to dispose of surface water as set out in its letter dated 24 November 2003.

10/02/2004

Item 1.4**Reg. No.** 9 2003 1358 TP**Applicant:**

Darren Bridgen
 87, Chestnut Avenue
 Midway
 Swadlincote
 Derbyshire
 DE11 0EN

Agent:

Darren Bridgen
 87, Chestnut Avenue
 Midway
 Swadlincote
 Derbyshire
 DE11 0EN

Proposal: The pruning of a Horse Chestnut tree protected under South Derbyshire District Council tree preservation order 198 at 89 Chestnut Avenue Midway Swadlincote

Ward: Midway

Valid Date: 11/11/2003

Site Description

This mature horse chestnut tree is in the north east corner of the front garden of 89 Chestnut Avenue, a Council owned property. It is adjacent to the front boundary with the highway and the applicant's boundary, 87 Chestnut Avenue. The tree is some 8m from the house.

Proposal

It is proposed to fell the tree.

Applicants' supporting information

A letter of complaint from the applicant against the tree was submitted in October last year:

"We are writing this letter to inform you of the trouble we are having with the tree in the next door neighbour's garden, 89 Chestnut Avenue. The children throw sticks, bricks, piping anything they can get their hands on they throw to get the conkers. They have done damage to ours and the neighbours car. When we go and tell them not to do it all we get is a load of abuse and I don't think we ought to put up with it. The two ladies who live at number 89 are so frightened to go out as they are quite old and unsteady on their feet. But they leave such a mess with the conkers that one day somebody is going to get hurt. When we complained to the Council a tree preservation order was slapped on it after the conversation which we thought was an easy way out of it. There are only three parties affected by the tree that is 87, 89 and 91 Chestnut Avenue. It is us that has to pay for the damage caused. 87 and 91 are bought properties, number 89 is Council so you can see the trouble we are in. We have also had a survey on the property no. 87 and it has come up on the report that the trees roots are causing problems to the gardens and the brickwork to the house not to mention the public footpath. Nobody likes to see a tree cut down but I think and hope somebody will listen to us and show a bit of sympathy even if

a sapling could be replaced somewhere else nearby. We have been in touch with the police but they say it is Council property and it is up to the Council to make a decision. Last year we needed to have the branches lopped as they were on the telephone lines and very close to the windows and we had to go through our MP to get this done as nobody was listening to us. We know it is in the next door garden and it is Council owned and the occupants have spoken to you about this matter on a number of occasions, but they are old and I don't think anyone was listening to them. But we have got to come to some compromise over this matter before things get out of hand. If need be we will go to our MP again and also the papers if need be. We apologise if we seem a bit harsh but please see it from our point of view. Damage was done as I was writing this letter. It is so frustrating. I know you will say it is only a few weeks in the year but we have to pay for that damage in those few weeks and try to maintain the gardens."

Planning History

The tree is protected by a tree preservation order confirmed in 2002. The reason given for making the order was because it is a highly visible roadside tree, which contributes positively to the appearance of the area and where there is a dearth of mature trees.

Responses to Consultations

The Council's tree specialist makes the following comments:

There are always problems with these trees during the conker season. However, it is part of the heritage of living in the UK that young children forage for conkers. The tree is around 80 years old and with thought one would not plant this species of tree in the street now. However, the avenue is even named Chestnut Avenue. Trees have preservation orders placed on them for their amenity value. This tree has amenity value and there are very few other trees in the area.

The felling of such a fine, important street tree is not recommended. However, one can sympathise with the residents. A partial solution to the problem would be to remove the immature conkers or take off the flowers from the lower branches. A simpler solution would be to remove the tree and replant with a field maple for example.

Responses to Publicity

The Housing Department has no objection to allowing the pruning of the tree.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Environment Policy 16.

Local Plan: Environment Policy 9.

Planning Considerations

The main issue central to the determination of this application is the amenity value of the tree weighed against the disturbance caused to residents by children throwing items into the tree during autumn to remove the conkers. Occasional damage to property has occurred together with occupants feeling unsafe and threatened.

Planning Assessment

Tree Preservation Orders: A Guide to the Law and Good Practice advises with regards to trees and development that *'Incoming occupiers of properties will want trees to be in harmony with their surroundings without casting excessive shade, or otherwise unreasonably interfering with their prospects of reasonably enjoying their property.'* Unreasonable interference will inevitably lead to requests for consent to fell.

There are clear amenity grounds to justify retaining the tree in the interests of the appearance of the street and in an area where there is dearth of mature trees to relieve the appearance of this built-up residential area. Children collecting conkers is a familiar sight during the autumn and in open ground often does not cause a problem. Where, however, the tree is close to houses and children are determined to remove the conkers from the tree by throwing items into it, then real conflicts of interest can occur. It is clear that occupants feel vulnerable and threatened in their homes during the conker season to the point where it is causing unreasonable inconvenience. If it is accepted that something needs to be done to remove the problem then it is suggested that members have three options:

1. Fell and replant,
2. Lop the main branches and allow to regrow,
3. Remove the flowers whose conkers can be targeted from public areas.

Lopping branches would require continual management, as the tree would soon recover for the problem to return. In addition lopping would damage the natural form of the tree resulting in the loss of much of its amenity value. Pruning the flowers is an option using secateurs on an extension pole. This would be a labour intensive job; however, to be undertaken each year without a guarantee that all targetable conker flowers would be within reach for removal. The tree is also on Council land and therefore the onus would be on the Council to complete the work. There is no indication whether the Housing Department would be prepared to oblige. However, this is not a consideration for this Committee.

If members consider the inconvenience caused by the tree outweighs its amenity value then felling would be the most sensible option with a requirement to replant with a more suitable species. However, the issues are very finely balanced.

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 work hereby approved shall be carried out within two years of the date of this consent.
1. Reason: To enable the Council to consider future proposals should this consent not be implemented.
2. A field maple tree of 1.2m to 1.8m in height shall be planted within 2m of the felled tree within the planting season following the felling of the tree hereby approved or such other size, species, location or period as may be agreed in writing by the Local Planning Authority.
2. Reason: To ensure a replacement tree is planted close to the felled tree in the interests of providing for the future amenity of the area.

10/02/2004

Item 1.5**Reg. No.** 9 2003 1384 FH**Applicant:**

Mr Mrs C Brockington
 15, Fishpond Lane
 Egginton
 Derby
 DE656HJ

Agent:

John Reynolds & Associates
 3 Meadway Close
 Hednesford Cannock
 Staffordshire
 WS132PD

Proposal: The erection of a garden wall at 15 Fishpond Lane Egginton
 Derby

Ward: Etwall

Valid Date: 13/11/2003

Site Description

The site is the garden of a dwelling converted from an agricultural building, to the south side of Fishpond Lane, within the village of Egginton. The dwelling has its main aspect towards the east across the rear gardens of two further barn conversions which front the road. All three properties share an internal private access drive. There is a large detached house to the west and there is open land to the south.

Proposal

The proposal is a 4.8m length of brick wall approximately 2.45m high, with a brick-on-edge coping. The wall would contain, in accordance with an amended drawing, a close-boarded door with a brick arch above it. (The original application indicated a flat arch). The bricks are proposed to match an existing detached garage at the end of the garden. The wall would project out at right angles from the main aspect of the dwelling into its garden.

Planning History

Planning permission for conversion of the agricultural buildings was granted in 1978. The recently built detached double garage was built under the original permission, although slightly amended with the agreement of the Council.

Responses to Consultations

The Parish Council has objected to the height of the wall, the other boundaries in this area being 1.8m high, and considers this would be a considerable visual intrusion. It is keen to see reclaimed bricks used so that it matches the houses which it will abut, and not the detached garage, whose bricks do not match the houses. The gate should be in a material in keeping with the existing development.

The County Highways Authority has no objection.

Responses to Publicity

Two letters from neighbours have been received expressing concern that:

- 1) Nos. 9, 11 and 15 (originally Home Farm) and dating from the late 1700's, have a walled crew-yard setting, and were sympathetically converted, largely retaining the original brick and tile, supplemented by reclaimed material.
- 2) The rear of the properties has an "open" setting, containing a simple 1m paling fence and beech and evergreen hedges, in the ethos of the Councils "Historic South Derbyshire" booklet, which states that "intrusive suburban alterations to the setting such as fencing in crew yards and non traditional boundaries must be avoided".
- 3) The proposed wall will have a direct impact on the occupiers of the other two barn conversions, as it will be on a driveway shared by three households.
- 4) Contrary to the Council's Supplementary Planning Guidance, the proposed wall is inappropriate to the setting, being too tall and out of all proportion to the two existing 1.8m high screen walls to the rear of the properties.
- 5) The bricks proposed, which are stated to match the new garage (which is very out of character) will not harmonise with the brickwork of the dwelling or the other screen walls, and reclaimed bricks, not new ones, should be used, to match the dwelling.
- 6) The other screen walls are topped with slate under a row of header bricks, and matching treatment might be considered.
- 7) If the height of the wall is accepted, the door aperture should have a brick curved lintel instead of the straight lintel shown.
- 8) The three visitor parking spaces within the curtilage will be reduced to one, if the wall and proposed fence are built. This will be likely to lead to either blocking of the private access drive or increased roadside parking where Fishpond Lane is at its narrowest.

One neighbour has also objected to the erection of a proposed 2 metre high fence which is indicated on the drawings. This however is not part of the application, as it is permitted development.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 13

Emerging Local Plan: Policy ENV 21

Planning Considerations

The main issues are as follows:

- Residential amenity
- Impact on the general character of the area
- Highway safety and parking

Planning Assessment

The proposed height of the wall is to accommodate a pedestrian door with a traditional segmental arch above, and in conjunction with the proposed 2m high adjoining fence, to provide a garden area, in advance of the main aspect of the dwelling, and screened from the rear

elevations of the other two barn conversions. It would thus be a desirable amenity for the applicant, and it would also only be 0.45m above the "permitted development" height limit. The wall would be at least 13.6m away from the nearest objector's dwelling, and would not cause any loss of light to neighbouring dwellings.

The proposed wall would only be readily visible from the two other barn conversions, although passers-by on Fishpond Lane would be able to glimpse it through the arched vehicular access.

The three barn conversions are not Listed, or within a conservation area, although their original character has been sympathetically retained in their conversion. It is important therefore that the wall should reflect the materials and treatment of the existing development. Consequently, an amended drawing to show a curved brick arch above a close-boarded door, and a brick-on-edge coping, has been secured. These elements are matched by existing features in the property, even to the extent of an existing wall not having tiles under header bricks. The applicant proposes that the brickwork should match that of the detached garage at the far end of the garden, but although the garage bricks are a good match with those in the dwellings, it is considered that a condition of a permission should be that the brickwork should match that of the dwelling to which the wall is attached.

The original planning permission for the conversion did not require any parking space to be maintained. The Council's standards now state a maximum of 2 spaces to accommodate vehicles for a dwelling of this size. If the wall and fence are built, one parking space will remain alongside them, and the detached double garage can accommodate two more vehicles. Thus the Council's requirements would be exceeded. The County Highway Authority does not consider that there will be any significant impact on highway conditions.

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

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. All facing bricks used in the development to which this permission relates shall match those used in the existing dwelling in colour, coursing and texture unless otherwise agreed in writing by the Local Planning Authority.
2. Reason: To safeguard the appearance of the existing building and the locality generally.
3. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing revision A.
3. Reason: For the avoidance of doubt, the original submission being considered unacceptable.

10/02/2004

Item 1.6**Reg. No.** 9 2003 1509 F**Applicant:**

Melbourne Arms Ltd
 The Melbourne Arms, Ashby Road
 Melbourne
 Derby
 DE731ES

Agent:

DPDS Consulting Group
 Gleneagles House
 Vernon Gate
 Derby
 DE1 1UP

Proposal: The erection of a two storey extension to provide 11 bedrooms to the rear of The Melbourne Arms Ashby Road Melbourne Derby

Ward: Melbourne

Valid Date: 15/12/2003

The application is brought to Committee on the instruction of Councillor Carroll.

Site Description

The Melbourne Arms is a former public house, now primarily in use as a restaurant. The building immediately adjacent to Ashby Road is the oldest part of the range. The older parts of this listed building display rendered walls and plain clay tile roofs. There is a recent vernacular extension in brick, also with a plain clay tile roof. The building is situated at the corner of Ashby Road and Robinsons Hill. Access to the car park is from Ashby Road. The extension is visible mainly from Robinsons Hill, with a lawned garden in the foreground. The property is about 700 metres from the centre of Melbourne.

Proposal

The application proposes a T-shaped two-storey extension attached to the existing service range. It would occupy part of the car park resulting in a reduction from 49 to 36 parking spaces. The extension would have narrow gables, brick walls and a plain clay tile roof. It would be lower than the range to which it would be attached. At its nearest point the extension would be some 25 m away from the neighbouring dwelling at 86 Ashby Road.

Applicant's Supporting Information

The applicant has supplied a comprehensive planning statement, setting out policy and design considerations. It concludes as follows:

- a) The proposal conforms to both existing and emerging local plan policies.
- b) The development has been designed to fit in with its surroundings, whilst at the same time having no adverse effect on the listed building.

- c) The proposal has been specifically designed for this location and is supported by planning policy. Consequently it is entirely acceptable in both architectural and planning terms.
- d) An existing bus service provided by the owner will continue and be improved after the extension has been added.

Site History

Permission for the existing extension was permitted in 1993 (9/0493/0004/F & 0005/L). An application for a detached block of 19 bedrooms was withdrawn last year (9/2003/0738/F).

Responses to Consultations

The Parish Council objects on the grounds that:

- a) There would be greater traffic problems in the area, by taking away parking space whilst increasing the parking requirement.
- b) The extension would be unsympathetic to the area when viewed from the Ashby side.

Melbourne Civic Society comments/objects as follows:

- a) The proposal is smaller and better designed than the previous scheme.
- b) Concerns still exist over the scale of the development in relation to the listed building, and the amount of parking available.
- c) It should be ensured that any cars attracted to the site could be accommodated without any further loss of garden area on the Robinsons Hill frontage.

The Highway Authority is concerned that there would be additional demand for parking space whilst the existing parking provision would be reduced. This may result in an increase in parking on Ashby Road and Robinsons Hill, both classified roads, to the potential detriment of highway safety. However the authority considers that in the light of current thinking on sustainability an objection on such grounds could not be substantiated.

The Environmental Health Manager has no objection.

Responses to Publicity

Three neighbours object as follows:

- a) Very little has changed since the last application.
- b) The property has already been extended to provide large restaurant facilities.
- c) The listed building is a handsome introduction to the village and the changes would harm its character. This type of development is suited to an urban environment and not to a significant fringe to one of the most attractive South Derbyshire villages.
- d) At busy times and weekends the present car park is filled to capacity and sometimes leads to overflow parking on the main road. The on-street parking problem will be exacerbated by the demand for more parking, with less on site provision.
- e) Matters of noise, fumes and nuisance will be made worse.
- f) There could be a precedent for further development of the site.

- g) The property was once a simple country pub but is being developed year by year to become a motel.
- h) There is a proliferation of signboards that will worsen.
- i) The business attracts non-local visitors.
- j) The adjacent bungalow has been for sale but interest in it is sluggish. The more this listed building is expanded the greater will be the impact on the value of nearby properties

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Leisure and Tourism Policy 5 and Environment Policy 10.

Local Plan: Recreation and Tourism Policy 1 and Environment Policy 13.

Emerging Local Plan: Policy LRT 7 & ENV19.

Planning Considerations

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

- The principle.
- Impact on the character of the listed building and its rural setting.
- Residential amenity.
- Highway safety and parking.

Planning Assessment

The relevant policies encourage tourism related development in this location, subject to various qualitative safeguards. Therefore subject to consideration of the other main issues the proposal is capable of being acceptable in principle.

The proposed extension has narrow gables, like the host building, and would be lower than the range to which it would be attached. The detail design reflects the traditional characteristics of the area. Its character would thus be subordinate to the main building. The extension would be set well back from both road frontages and against a belt of tree planting at the western boundary. On balance its impact on the listed building and its rural setting would not be demonstrably harmful.

The provision of bedroom accommodation is unlikely to cause additional disturbance to neighbours. The building would be far enough away from the nearest residential property, and its windows positioned so as to avoid unreasonable loss of privacy or light.

The main concern relates to the loss of parking and the potential for increased vehicular activity. However Melbourne is a serviced settlement, where the benefits of agglomerated services and public transport are likely to be most effective in delivering government objectives on sustainable development in the long term. On the advice of the Highway Authority it would be difficult to substantiate a refusal of permission on safety and parking grounds, particularly as there is no longer a minimum standard for car parking provision.

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

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. 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 building have been submitted to and approved in writing by the Local Planning Authority.
2. Reason: To safeguard the appearance of the existing building and the locality generally.
3. Large scale drawings to a minimum Scale of 1:10 of eaves and verges and 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 eaves and verges and external joinery shall be constructed in accordance with the approved drawings.
3. Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.
4. Pointing of the existing/ proposed building(s) 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".
4. Reason: In the interests of the appearance of the building(s).
5. A sample panel of pointing 2 metres 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.
5. Reason: In the interests of the appearance of the building(s) and the locality generally.
6. 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.
6. Reason: In the interests of the appearance of the building(s) and the character of the area.
7. 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.
7. Reason: In the interests of the appearance of the building(s) and the character of the area.
8. Notwithstanding the submitted drawings, 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.
8. Reason: In the interests of the appearance of the building(s), and the character of the area.

9. 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.
9. Reason: In the interests of the appearance of the area.
10. 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.
10. Reason: In the interests of the appearance of the area.
11. Prior to the extension being brought into use the car parking spaces shall be laid out in accordance with the application drawing and shall thereafter be retained free of any impediment to their designated use.
11. Reason: In the interests of highway safety.
12. Before development begins details and specifications of the proposed ramp, including the materials for construction shall be submitted to and approved in writing by the Local Planning Authority. The ramp shall be constructed in accordance with approved details and specifications.
12. Reason: To ensure that the appearance of the ramp respects the setting of the listed building.