

- e) The parking area would be used by staff. Client visits would be about two per week.
- f) The firm currently employs 9 staff. 3 staff live in Melbourne who would walk to site; 2 staff want to use the flat (one has no car); and 4 would drive.

Site History

Permission was granted to convert the outbuildings to a dwelling in 2002 (9/2002/0959/F). The scheme included the restoration the modernised frontage to the Victorian dwelling.

Responses to Consultations

Melbourne Civic Society objects in the following terms:

- a) The previous hairdressing use was ancillary to the dwelling. The proposal would transform the use of the site as a whole from residential to predominantly business use. 10 people would be employed at the site.
- b) The previous approval was well designed and in particular proposed a sensitive restoration of the Derby Road frontage. The current scheme has few of the advantages of the previous approval and has many other disadvantages. In particular the proposed extension would almost double the building floorspace and lead to overdevelopment out of character with other properties in the locality.
- c) The number of parking spaces would be inadequate.
- d) Vehicular access would be particularly difficult, due to congestion in this part of Derby Road. The proposal would dramatically increase the number of vehicles attracted to the site, causing hazardous manoeuvres, hugely different to the number of customers associated with the hairdressing salon.
- e) There would be loss of amenity to local residents and others.

The views of the Civic Society are supported by Councillor Harrison.

On the basis of the restrictions offered in terms of car parking and the description of the operations likely to take place at the premises, the Highway Authority considers it unlikely that there would be a material increase in vehicular use of the substandard access. Accordingly no highway objections are raised subject to conditions relating to the laying out of the parking and manoeuvring areas and restriction of use to the applicant company only.

The Pollution Control Officer has no comment.

The Design and Conservation officer has no objection in principle.

Responses to Publicity

A neighbour objects as follows:

- a) The extension appears to excessively large and the application is tantamount to a new build commercial development.
- b) The demolition of existing 19th century outbuildings to facilitate extension would be harmful to the character of the conservation area.

- c) The development would reduce available parking at the site. The proposed office floorspace would generate a need for 27 parking spaces, which cannot be provided within the site. Only 4 spaces are proposed. The implications for safety and parking are immense at a time when Derby Road is already heavily congested and excessively busy.
- d) The proposal would be far better suited to an industrial estate.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policies 1 & 3, Environment Policy 9 and Economy Policies 2 & 4.

Local Plan: Employment Policy 5 and Environment Policy 12.

Emerging Local Plan: Policies ENV 20 & 21, T1 & T9 and EMP2.

Planning Considerations

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

- The principle.
- Impact on the character and appearance of the conservation area.
- Highway safety and parking.
- Residential amenity.

Planning Assessment

The site is previously used, land within the framework of a serviced settlement. The use of the site for business use would contribute to sustainable development objectives. Therefore the proposal is acceptable in principle.

The development would make use of existing buildings and involve restoration works to an altered historic building at the front of the site. The proposed extension would respect the grain of the settlement and the character and appearance of the host buildings, appearing as an additional ancillary building. The business use would contribute to the vibrancy of this part of the conservation area wherein there is a mixture of residential and business uses. Therefore the character of the conservation area would be preserved by the proposal.

On the advice of the Highway Authority the development would not cause demonstrable harm to highway safety interests. Parking guidelines in the emerging local plan are expressed as maxima. Melbourne is a serviced settlement with a range of transport options, other than the private car. The application would enable the applicant to continue to provide local employment, with employees being able to walk to work.

The use of the site for offices in this location would not generate disturbance to neighbouring residents. Subject to appropriate conditions the proposed extension would meet the normal supplementary planning guidance for space around dwellings and there would thus be no demonstrable harm in terms of light and privacy.

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

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.

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

2. Notwithstanding the particulars of the application, revised details and a schedule of works to secure the restoration of the Derby Road elevation of the building shall be submitted for approval in writing by the Local Planning Authority prior to commencement of building operations. The approved details and works shall be completed before the development is first brought into use or in accordance with a timetable that shall have first been agreed in writing with the Local Planning Authority.

Reason: The submitted details are considered unsatisfactory.

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 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.

4. Large scale drawings to a minimum Scale of 1:20 of external the piers and the capping to the boundary walls shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The boundary walls 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.

5. No part of the development shall be carried out until samples of the facing materials to be used in the construction of the external walls, boundary walls (including the capping materials) and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.

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

6. 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".

Reason: In the interests of the appearance of the building(s).

7. 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.

Reason: In the interests of the appearance of the building(s) and the locality generally.

8. 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 building(s) and the character of the area.

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

Reason: In the interests of the appearance of the building(s), and the character of the area.

10. Unless as may otherwise be approved in writing by the Local Planning Authority the development shall not be brought into use until the area shown hatched in red on the attached plan has been provided for the parking of four vehicles and the area shown hatched in blue has been cleared of all obstructions and made available for the manoeuvring of vehicles. Thereafter those facilities shall be retained free of any impediment to their designated use and, in particular, the area shown hatched in blue shall not be used for the parking of vehicles.

Reason: In the interests of highway safety.

11. This permission shall enure for the sole benefit of Easytiger Associates.

Reason: The Local Planning Authority is only prepared to grant permission on the basis of your particular circumstances and wishes to retain control over the impact on highway safety in the event of a future change of occupier.

12. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the materials to be used in the construction of the external hard surfaces have been submitted to and approved in writing by the Local Planning Authority.

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

13. Unless as may otherwise be approved in writing by the Local Planning Authority pursuant to Condition 3 above 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.

Reason: In the interests of the appearance of the building(s) and the character of the area.

14/09/2004

Item 1.8**Reg. No.** 92004 0936M**Applicant:**

Derbyshire Dales
 And South Derbyshire N H S Primary Care
 Trust
 Trust Headquarters
 Park Hill
 Egginton
 Derbyshire
 DE65 6GU

Agent:

The Design Buro Architects
 The Granary
 Kings Newnham Lane
 Bretford
 Warwickshire
 CV23 0JU

Proposal: The demolition of the existing clinic and the provision of a new three storey primary care centre and associated parking at former ambulance station and clinic Civic Way Swadlincote

Ward: Swadlincote

Valid Date: 20/07/2004

Site Description

The site is located on the north side of Civic Way in Swadlincote. A clinic occupies part of the land and the remainder of the site is used for informal parking following the demolition of the ambulance station. The Applicants' have also indicated that they own the adjoining land which houses a building formerly used as a base for a private hire business.

A low wall forms the boundary between the site and the grass verge fronting Civic Way and a hedge marks the side boundary with the Policy Station. There is a difference in levels between the site and Toulmin Drive to the rear; the site is raised between 2 and 4 metres above the level of Toulmin Drive. There is a high retaining wall, a planted strip of approximately 1 metre width and a low wall, on the highway boundary, between the site and Toulmin Drive. A semi-mature maple tree also stands just behind the wall on the Civic Way frontage and a number of other semi-mature trees stand on the Toulmin Drive frontage.

Proposal

The proposed development is a three-storey primary care centre with a parking area to the side. The care centre would provide the following medical services: paediatrics/ child health, GP's, dental, minor surgery, podiatry, x-ray, phlebotomy as well as general offices, meeting rooms, clinical rooms and surgeries. The proposed building is a horseshoe shape with the main section fronting Civic Way and two wings projecting to the rear of the site and an enclosed courtyard between the wings. The majority of the building is three storeys except for the last 5 metres of one of the wings and the entranceway to the eastern side which are two storey.

The proposed building would be faced in a variety of materials and colours; the facing materials would include blockwork, brickwork, render, cladding panels, timber cladding and glazing. The main elevation, facing Civic Way, would have a central flat roofed blockwork element with the two mono-pitch roof wings finished in brick either side. The main entrance to the building would be on the eastern elevation facing the parking area. Access to the site would be from Civic Way via a barrier controlled entrance into the car park which would provide 21 car parking spaces altogether, three spaces being for disabled users. All trees on the site would be felled.

Planning History

Part of the site housed the ambulance station, which has recently been demolished, and part of the site houses a clinic. The Applicant has also acknowledged ownership of the adjoining land which houses a building last used for running private hire vehicles.

Responses to Consultations

The Environmental Health Manager has no objections in principle but recommends conditions requiring a dust suppression scheme (during demolition) and a contamination investigation followed by appropriate remediation.

The County Highway Authority comments that the parking space to be provided in association with the use is limited. However the site is opposite the bus station and is also relatively accessible to the town centre with pedestrian crossings located on Civic Way in each direction. The County Highway Authority are considering whether it is feasible to require the provision of a further crossing within the site frontage close to the pedestrian access. The County also requested further clarification of access points and amended details from the Applicant, this information has been received and further comments from the Highway Authority are awaited.

Responses to Publicity

One letter of representation has been received from the occupier of a dwelling to the rear of the site raising the following issues: -

- The appearance and size of the new building are not suitable or in keeping with the surrounding area. A building of this large size should not be built so close to residential dwellings particularly as the planned site is already at an extremely elevated level compared to the level of the houses on Randall Drive/Toulmin Drive.
- All the houses closest to the proposed new building will be overshadowed and overlooked and will suffer an extreme loss of privacy.
- There will be an increase in noise and disturbance due to the increase of use on this site.
- The site is not big enough to accommodate such a large facility and also provide an adequate amount of parking for all the users of this proposed facility and the people required to run it. Overspill parking could be a big problem, as people would probably use Randall Drive/Toulmin Drive as the closest alternative parking.
- There is other land available for such a large development such as the land off the Sainsbury's Island which would not affect any residential dwellings in any way.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan:

Local Plan: Community Facilities Policy 1

Emerging Local Plan: Policy C3

Planning Considerations

The main issues central to the determination of this application are the location of the development, the design, appearance and scale of the proposed building, the impact on the amenity of occupiers of dwellings to the rear of the site and access to the site/ parking provision.

Planning Assessment

The site is located in an edge of town centre location on Civic Way in close proximity to all other public buildings within Swadlincote. Policy C3 of the emerging Local Plan seeks to ensure that proposals to develop new health care facilities are permitted provided they are readily accessible to the community they are intended to serve. The site is close to the centre of Swadlincote, is opposite the bus station, close to town centre car parks and within walking distance of concentrated residential areas and is therefore considered to be very accessible to the community.

The proposed building is well designed and it is considered that a three storey building of the innovative design, external appearance and mix of materials proposed will form a striking feature along Civic Way and will be a vibrant addition to the street scene.

The building is of a significant scale and will be more elevated than any other buildings fronting Civic Way. The building will also be elevated above Toulmin Drive to the rear, as there is a significant difference in levels between the two. The ridge of the three storey wing of the building will be 16 metres above the level of Toulmin Drive and the ridge of the two storey wing will be 12.5 metres above the level of Toulmin Drive. The nearest dwellings are at least 23 metres from the building. Nos. 23 Toulmin Drive and 2 Randall Drive are across the road and side on to the site. These dwellings have no main windows on the side elevations and it is considered that the development is a sufficient distance from these dwellings and their garden areas to ensure that it will not be unduly overbearing. No 2 Toulmin Drive is also side onto the site but the same side of the road, this dwelling will be adjacent to the car parking area and 23 metres from the proposed building. Again it is considered that the amenity of the occupiers of this dwelling will not be unduly affected by the development.

The proposed pedestrian and vehicular accesses to the site are from Civic Way, the vehicular access is at the easternmost point of the site and would be barrier controlled. The scheme will provide 21 parking spaces which will clearly not fully cater for staff and patients. However the site is in the best possible location to enable people to access the facility by bus or on foot in line with current policies and guidance. PPG13 Transport recognises that 'new health facilities should be planned to maximise accessibility by non-car modes of transport.' The Applicant is considering providing some informal parking space on the land under their ownership which adjoins the east of the site however there is the possibility of the expansion of the facility in the future onto this land. In addition it is considered that the provision of large parking areas on one

of the principle routes through the town may not be in the best interests of the visual amenity of the area.

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. No part of the development shall be carried out until samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard the appearance of the locality.
3. No work shall take place on the site until an adequate site investigation and assessment of contamination and the measures to be taken to avoid risk to people or the environment has been undertaken and submitted to the Local Planning Authority, and the development shall incorporate any measures shown in that assessment to be necessary for the removal or containment of any contaminated material when the site is developed.
Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.
4. 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.
5. 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.
6. Notwithstanding any details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.
Reason: In the interests of the appearance of the area.
7. Any other reasonable conditions recommended by the County Highway Authority.

Informatives:

In connection with Condition 3 above the site investigation report should include:

- Details of an overview of the initial walkover survey to include the identification of contaminants from other sources e.g. gases emitted from natural organic deposits such as coal, or structures such as disused drains.
- Detailed on site sampling to identify any contamination.
- The locations of any contaminated zones within the site including details of more extensive and geographically wider investigation of these zones. This will provide a more reliable picture of the distribution of contamination on the site and reduce the risk of failing to discover a hot spot of contamination.
- An assessment of any off site impacts such as the effect on watercourses etc.
- A thorough explanation of the chosen remedial measures including depth, breadth of excavation and details of soil replacement.
- Plan of action if further contamination is identified during remediation.
- Details of the measures to verify that the contaminant has been removed to an acceptable level. The identification as to whether a long term monitoring and maintenance programme is required, if so, details of the plans.
- 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.

Further guidance can be obtained from the following;

1. Sampling Strategies for Contaminated Land, CLR4 1994, DoE.
2. Investigation of Potentially Contaminated Lane Sites - Code of Practice, BSI 10175 2001.
3. Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination, R & D Technical Report P5 - 066/TR 2001, Environment Agency.

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals.

Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

14/09/2004

Item 1.9**Reg. No.** 92004 0937DM**Applicant:**

David Wilson Homes East Midlands
 Forest Business Park
 Cartwright Way
 Bardon Hill
 Leicestershire
 LE67 1UB

Agent:

David Wilson Homes East Midlands
 Forest Business Park
 Cartwright Way
 Bardon Hill
 Leicestershire
 LE67 1UB

Proposal: The erection of 36 apartments (amendment to plots 66 to 89 inclusive approved under planning permission 9/2003/0911/D) and associated works at Qualitas Bathrooms Hartshorne Road Woodville Swadlincote

Ward: Woodville

Valid Date: 20/07/2004

Site Description

Residential development is proceeding on this former industrial site with access off both Hartshorne Road and Burton Road.

Proposal

This is a reserved matters application following outline permission granted in June 2002.

It is proposed to amend part of the approved development that is accessed off Burton Road between the new access road and the doctor's surgery. The existing approval is for 12 houses and 12 flats. It is now proposed to provide 36 flats, 33 of which would be in three storey blocks and the remainder, next to Burton Road in two storey blocks.

Planning History

Outline permission was granted in June 2002 and details were approved in September 2003.

Responses to Consultations

The Highway Authority raises no objection to the proposal.

Responses to Publicity

Woodville Parish Council objects to the proposal on the following grounds:

- Increase of traffic onto the main A511 will cause major problems with all the extra vehicles
- Three storey apartments would not be proportional with the rest of the development
- The development will not be as originally planned and the apartment blocks will make the village more like a town.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 11, Recreation and Tourism Policy 4.

Emerging Local Plan: ENV21 and LRT 4.

Planning Considerations

The main issues central to the determination of this application is the appropriateness of three storey development in this location.

Planning Assessment

A block of three storey flats have already been built at this end of the site and because the land falls away from Burton Road, it does not appear as an unduly dominant feature in the streetscene. The proposed three storey flats would be set at a similar level, or lower, and, like the existing flats, would not be out of keeping with the rest of the development or the surrounding area. The County Highway Authority has not expressed concern regarding any extra traffic that may be generated.

The development is subject to a Section 106 Agreement and the increased density would result in a pro-rata increase in financial contributions towards local school and medical provision. No additional public open space would be required as the original scheme provided in excess of what is normally required.

The developer has reported that flats have proven to be very popular on this site, and the proposal is in response to supplying this high demand.

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

A. The publicity period for the application expires on 20 September. Grant delegated powers to the Head of Planning to deal with any new material issues raised;

B. Subject to A, APPROVE the reserved matters subject to the following conditions:

1. This permission shall relate to the amended drawings, nos S1374/101/02 Rev A, S1374/101/01 Rev A, S1374/3C/E RevA, S1374/C2/E Rev A, S1374/Type A/E Rev A, S1374/SB8/E Rev A received on 1st September 2004 showing plain brick eaves and verges to all buildings.

Reason: In the interests of the appearance of the building and to contribute to local distinctiveness.

Informatives:

The applicant is informed that alterations will be required to the street lighting scheme, the design for which has already been carried out by the County Council. Amended plans should be submitted accordingly.

14/09/2004

Item 1.10**Reg. No.** 92004 0940F**Applicant:**

Radleigh Homes
Riverside Court
Pride Park
Derby
DE24 8JN

Agent:

Radleigh Homes
Riverside Court
Pride Park
Derby
DE24 8JN

Proposal: The construction of underground foul water pump station adjacent to Butt Farm 163 High Street Woodville Swadlincote

Ward: Woodville

Valid Date: 23/07/2004

Site Description

This cleared sloping site, previously occupied by Butt Farm, is on the north side of High Street almost opposite Butt Lane and is set within a residential area of mainly Victorian properties. To the north of the site is open countryside.

Proposal

It is proposed to install a private foul sewer pumping station outside the northeast edge of the site. The facility would be submerged below ground. Vehicular access would be provided with a turning facility for maintenance purposes.

Applicants' supporting information

The applicant has submitted the following supporting statement:

1. Severn Trent Water Ltd confirmed in the network development response that a gravity outfall for this site was not achievable and that pumping would be required to the sewer in Ashby Road.
2. The fall across the site dictated that the pumping station would need to be located to the Northern boundary of the site.
3. To meet Severn Trent Water Ltd requirements for separation of such facilities from domestic properties it was at the earliest of stages determined that this required the pumping station to be located in the retained agricultural land on the Northern boundary of the site.
4. The precise location was further determined by the need for vehicular access to the Station and utilises the route of the existing public footpath through open space to provide this requirement

Planning History

Reserved matters approval for the erection of twenty-five dwellings was granted in December 2003 following outline permission granted in January 2001, which had been renewed from 1998.

Responses to Consultations

The environmental health officer raises no objections to the proposal.

Woodville Parish Council comments that it realises the importance of the proposal but questions why it is to be located outside the development site. It is also concerned about environmental problems should the pump fail.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Environment Policy 1.

Emerging Local Plan: ENV 7.

Planning Considerations

The main issues central to the determination of this application is the siting of the development beyond the urban area development boundary as set out in the Local Plan.

Planning Assessment

The pump itself would be sited within the urban area development boundary and therefore would be acceptable in principle. The vehicular access and turning area would however be outside the boundary. As there would be no above ground structures, the development would not cause harm to the appearance of the countryside and is therefore acceptable.

The proposed facility is outside the development site boundary as this is the lowest point for sewage collection to the pump chamber for all of the dwellings before it is pumped uphill to the main sewer in High Street.

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. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping.

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

3. All 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.

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

14/09/2004

Item 2.1**Reg. No.** 92004 0610FH**Applicant:**

Mr & Mrs Roche
 The Roaches Woodshop Lane
 Swarkestone
 Derby

Agent:

Matt King @ Making Plans
 Repton
 Derby
 DE65 6WR

Proposal: The erection of an extension at The Roaches Woodshop Lane
 Swarkestone Derby

Ward: Aston

Valid Date: 13/05/2004

The application is brought before Committee on the instruction of Councillor Atkin.

Site Description

The property is a converted extended traditional former farm building at the edge of the village. The site lies within the conservation area. The building is predominantly single storey although there is a two-storey element, measuring some 5.3 m x 4.6 m in plan. This part of the building has a dormer window on each roof slope.

Proposal

The applicant seeks to extend adjacent to the existing two-storey part of the building. The extension would measure some 6.7 m x 4.6 m in plan. An additional dormer would be constructed on each roof slope. The ridgeline of the extension would be at the same level as the existing two-storey part of the building.

A draft amended scheme, involving a lower roofline to the extension, has been the subject of discussion between the applicant and officers, but the applicant does not wish this to be considered

Applicant's Supporting Information

The applicant has indicated that the draft amended scheme would result in ceiling heights that would be too low for his requirements.

Site History

Permission to convert and extend the outbuilding was granted in 1986 (9/486/71). A single storey extension was permitted in 1992 (9/0192/0903/F).

Responses to Consultations

The Design and Conservation officer objects to the scheme because it would not respect the character of the building as a former farm structure, in particular because the continuation of the same ridge line would lead to a visually over dominant two-storey element. Furthermore the installation of more dormers would exacerbate the adverse impact of features that are alien to the traditional character of the building.

Responses to Publicity

A neighbour objects on the grounds that the building would not be in keeping with the character of the conservation area and that the design, materials and windows would be completely unsuitable.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Environment Policy 9

Local Plan: Environment Policy 12 and Housing Policy 13

Emerging Local Plan: Policy ENV 20.

The guidance in Historic South Derbyshire is also relevant to this case.

Planning Considerations

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

- The principle.
- Impact on the character and appearance of the conservation area.
- Residential amenity.

Planning Assessment

Although this is a converted building, further extension is capable of being acceptable in principle, subject to qualitative factors relating to design and location.

The building has already been subject to extension (in particular with regard to the dormer windows) that would not have satisfied the tests in Historic South Derbyshire. However they pre-date the guidance. Furthermore the building still retains significant characteristics that point to it being part of a traditional farm group. The proposal would introduce a full height two storey elements that is more than twice the size of the existing two-storey part of the building. This in conjunction with the dormer windows, being of domestic style, would seriously erode the traditional character of the building. As such the development would fail to achieve the policy requirements to preserve or enhance the character or appearance of the conservation area.

Whilst the dormer window facing into the courtyard fails the normal distance test in supplementary planning guidance this would not result in any material increase in the existing overlooking effect to the neighbouring dwelling.

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

Recommendation

REFUSE permission for the following reason:

The existing building retains significant characteristics that are evidential of it being part of a traditional farm group. The proposal would introduce a full height two-storey element that would more than double the size of the existing two-storey part of the building. This in conjunction with the dormer windows, being of domestic style, would seriously erode the traditional character of the building. As such the development would be harmful to the character and appearance of the designated Swarkestone Conservation Area, contrary to the following development plan policies: Derby and Derbyshire Joint Structure Plan: Environment Policy 9; South Derbyshire Local Plan: Environment Policy 12 and Housing Policy 13; Emerging South Derbyshire Local Plan: Policy ENV 20.

14/09/2004

Item 2.2**Reg. No.** 92004 09270**Applicant:**

Mr M Jakeman And Miss E Davies
 58 Oak Close
 Castle Gresley
 Swadlincote
 Derbyshire
 DE11 9RU

Agent:

James and Pye
 10 Victoria Road
 Tamworth
 Staffs
 B79 7HL

Proposal: **Outline application (all matters to be reserved) for the erection of a detached dwelling at Land Adjoining 15 Main Street Linton Swadlincote**

Ward: **Linton**

Valid Date: **19/07/2004**

Councillor Lauro has requested that this item be reported to Committee.

Site Description

The site is a small area of land that measures approximately 180 square metres and which used to be the side garden area to No 15 Main Street, the dwelling has now been sold off separately. A conifer hedge marks the front boundary to the site, a wall marks the side boundary and a fence marks the rear boundary.

Proposal

The application is an outline submission for a dwelling. Although all details have been reserved for future consideration an illustrative scheme for a dormer bungalow measuring 8.4 metres by 7.6 metres and 6.4 metres to the ridge has been included in order to establish that a dwelling can be accommodated on the site. All windows and doors to the dwelling are indicated on the front and side elevations. The scheme has an integral garage to the side with a roller door so that the garage door would not open onto a shared turning and parking area located between No 15 and the proposed dwelling.

Planning History

A planning application for a dwelling on the site was refused in March on the grounds that the development would result in the increased use of an access that is substandard in terms of visibility and the fact that the development would result in vehicles manoeuvring within the highway due to insufficient turning space being provided within the site.

Applicants supporting information

There is an existing driveway, and this is a positive consideration. There is a newly constructed house on the same side of the road which had no existing driveway pre-construction. The road is at its widest point in Linton and there is a 30 mph speed limit.

Responses to Consultations

Councillor Lauro requests that the Committee conducts a site visit. The previous application to build a house on the land was refused on the recommendation of the Highway Authority because it did not meet the required specification for vehicular movements and highway visibility. The applicants have redesigned the plan to meet the first requirement but are unable to meet the visibility standard, however they are proposing to use the existing access/ egress to the site which has been in use without any problem for many years. The applicants are a young couple trying to build their own home and on this occasion Councillor Lauro feels that some flexibility in the regulations should at least be considered by the Committee.

The County Highway Authority recommends refusal of the proposal on the grounds of increased use of an access which is substandard in terms of visibility and the fact that the development would result in vehicles manoeuvring within the highway due to insufficient turning space being provided within the site.

Responses to Publicity

None received.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 5

Local Plan: Housing Policy 5 and Transport Policy 6

Emerging Local Plan: Policies H1 and T1

Planning Considerations

The main issues central to the determination of this application are the impact on the amenity of occupiers of neighbouring dwellings and highway safety concerns due to substandard visibility and parking layout.

Planning Assessment

The site is a long narrow site fronting onto Main Street and backing onto the rear gardens of dwellings fronting Park Close. The application is in outline only although an indicative scheme has been submitted. The scheme establishes that a small dwelling could be located on the site and comply with the Council's Space About Dwellings standards. The required window distances between the site and the dwellings at the rear can be met. A small garden area could be provided to the side of the dwelling. The distance between windows on the front of the dwelling and properties across Main Street would be short of requirements but the Supplementary Planning Guidance allows for a reduction in standards where a road is between dwellings.

The proposed access currently serves No 15 Main Street only and is located in a position on the highway where visibility is substandard. The application proposes an additional dwelling served by this substandard access and therefore the development would be detrimental to highway safety. The illustrative parking and turning layout submitted with this application differs to that shown for the previous application however the Highway Authority consider that accessing the parking spaces would be difficult resulting in vehicles parking in the designated turning area, which would in turn result in vehicles being manoeuvred within the classified highway in order to reverse to and from the site, contrary to the best interests of highway safety.

Recommendation

GRANT permission subject to the following conditions:

1. Approval of the proposal would result in increased vehicle movement to and from the classified highway at a location where visibility is substandard to the detriment of highway safety and contrary to Transport Policy 6 of the South Derbyshire Local Plan and Policy T1 of the Revised Deposit Draft South Derbyshire Local Plan.
2. In view of the constraints of the site, accessing the parking spaces would be difficult and vehicles are likely to be parked in the designated turning area, resulting in vehicles being manoeuvred within the classified highway in order to reverse to and from the site, contrary to the best interests of highway safety and the provisions of Transport Policy 6 of the adopted South Derbyshire Local Plan and Policy T1 of the Revised Deposit Draft South Derbyshire Local Plan.

APPEAL DISMISSED

Appeal by Mr N F Willett

The erection of a detached dwelling at Woodville Car Shop High Street Woodville Swadlincote (9/2003/1355/F)

The application was refused permission for the following reason(s):

Removal of the service vehicle turning area, or relocation within the site where the likelihood of it being used for parking is much greater, would result in service vehicles being reversed to or from High Street, a busy classified road, or parking for long periods of time on High Street, in either case to the detriment of highway safety contrary to Transport Policy 4 of the Derby and Derbyshire Joint Structure Plan, Transport Policy 6 of the South Derbyshire Local Plan and Policy T1 of the emerging Local Plan.

The Inspector considered the main issue to be:

- The effect of the proposed development on highway safety, having particular regard to the adequacy of the proposed turning facilities.

The appeal site is on the highway frontage of a partially developed housing scheme accessed off High Street. The Inspector noted that the road was very busy.

The Inspector noted that the appeal site was part of the layout plans for the approved development intended to be used as a vehicle turning area and landscaped amenity area which would be lost with the proposed erection of a single dwelling. He considered that the turning area within the approved development site was essential to highway safety in order to avoid vehicles reversing into or from the principal road or waiting on High Street which, due to the volume of traffic using High Street, would “result in serious conflict with both vehicles and pedestrians using the main road.”

The Inspector considered the appellant’s proposal of an alternative turning area between plots 2 and 3 but concluded that it would be a poor substitute for the already approved turning area resulting in a significant number of vehicles reversing from or into the proposed access road or parking on High Street.

The Inspector commented that although the proposed increase in density of the scheme followed advice given in Planning Policy Guidance Note 3: Housing, it should not be at the expense of road safety.

The Inspector viewed that with a reasonable maintenance regime the proposed landscaped area should not cause any harm to the appearance of the area by attracting litter.

The Inspector concluded “that the proposed development would have a serious adverse effect on highway safety as a result of the loss of the proposed turning facility, contrary to the relevant policies of the development plan” and for the above reasons the appeal was dismissed.

APPEAL DISMISSED

Appeal by Mr & Mrs Craig

The erection of a two storey detached dwelling at Saxonby 11a Repton Road Willington Derby (9/2003/0741/O)

The application was refused permission for the following reason(s):

The site forms part of the rear garden of 11a Repton Road. Housing Policy 5 of the Adopted Local Plan and Policy H1 of the Draft Replacement Local Plan allow for the development of housing within the confines of villages such as Willington. However, Housing Policy 5 of the adopted plan and ENV21 of the draft Replacement Local Plan also require that the development should not interfere with the amenity of occupiers of adjacent dwellings. To assist with this interpretation, the Council has produced Supplementary Planning Guidance to guide housing design and layout. This document sets out distances for within which development is said to interfere with the amenity of the occupiers of adjacent dwellings. In this case the proposed dwelling would overbear on 11a Repton Road and overlook the occupiers of 11 Repton Road. This is contrary to the adopted policies and Supplementary Planning Guidance and permission is refused for this reason.

The Inspector considered the main issue to be:

- The effect of the proposal on the living conditions of the occupiers of adjoining dwellings, with particular regard to overbearing impact and privacy.

The Inspector confirmed that the site lies within the confines of the village and that the principle of housing development was acceptable under Housing Policy 5 of the Local Plan and Policy H1 of the Emerging Plan.

He noted that the distance from the rear windows of 11a Repton Road to the blank side wall of the proposed dwelling would be 6 metres as estimated by the Council, half the recommended distance in the Council's adopted Supplementary Planning Guidance. He considered that a two-storey blank wall at such a distance would have an "oppressive, overbearing effect on the occupiers of the existing house" with the two buildings being in "un-neighbourly proximity" adversely affecting the living conditions of the occupiers of No 11a. Although the present occupiers are the appellants the Inspector did not feel that a fundamentally unacceptable form of development should be allowed.

The Inspector noted the proximity of the proposal to No 11 Repton Road and the windows to the rear of that property, however the angle of overlooking would be very acute and would be unlikely to result in any substantial loss of privacy. He agreed that there could be some perception of overlooking that may result in some discomfort to the occupiers and although this was insufficient alone to warrant dismissal of the appeal it added weight to the Inspector's earlier conclusions.

Although it was suggested that the proposed dwelling would be a form of social housing for the applicants' semi-disabled son the Inspector did not feel that these circumstances outweighed the harm identified above.

In consideration of the above the Inspector dismissed the appeal.

APPEAL DISMISSED

Appeal by Mr Wright

The erection of a detached dwelling on Land To The West Of Ferry Green Willington Derby (9/2003/0703)

The application was refused permission for the following reason(s):

Approval of the application would result in an increase in the use of the junction of Ferry Green and Hall Lane where visibility is substandard contrary to the best interests of highway safety.

The inspector considered the main issue to be:

- The effect of the proposal on highway safety at the junction of Ferry Green and Hall Lane.

The inspector noted that the visibility of the Ferry Green junction to the right was limited to about 28m measured to the nearside of Hall Lane. In assessing the volume of traffic using Hall Lane that the inspector described as "lightly trafficked" and the speeds travelled by vehicles along Hall Lane, he felt it would be reasonable to reduce the visibility specified in Places, Streets and Movement from 90m to around 60m.

The inspector noted the reduction in visibility caused by vehicles parked to the left of the Ferry Green junction along Hall Lane and the poor visibility for drivers leaving Ferry Green and concluded that any additional use of the junction would be detrimental to highway safety.

The inspector considered the appellant's comments regarding the significant amount of new residential development accessed off Hall Lane allowed by the Council in recent years increasing the use of the substandard junction of Hall Lane and Repton Road. He noted that drivers could avoid this junction by using alternative routes and that the permission for previous developments did not persuade him to allow the appeal development due to his misgivings about highway safety.

The matters of pedestrian and driver safety within Ferry Green and off-street parking were not thought to create any unacceptable risks and the concerns of Ferry Green residents regarding construction traffic and the increased potential for flooding caused by the development were not thought by the Inspector to be sufficient reason to withhold consent.

With regard to the listed Willington Hall and the adjoining two listed properties and the effect of the proposal on the setting of the listed buildings the Inspector considered that the proposal would "significantly reduce the views of the listed buildings" from this site and consequently materially harm their setting. He did not consider that the views of the proposed dwelling from Willington Hall would cause any material harm to the occupier of Willington Hall or that there was any evidence to suggest any significant harm caused by a soak away and septic tank to the trees within the garden of Willington Hall.

The inspector also considered the concerns of the residents of Nos. 3 & 4 Ferry Green regarding outlook upon removal of the conifer screen but concluded that there would be a sufficient distance between the properties to avoid any material harm regarding loss of outlook.

In conclusion, the Inspector found that although some of the matters did not weigh against the proposal they were "insufficient to counterbalance the significant harm identified under the main issue referred to above and the material harm to the setting of the listed buildings".

APPEAL DISMISSED

Appeal by L J Burke

The conversion into four residential units of two outbuildings at Blakelow Farm Sutton Lane Hilton Derby (9/2002/1223/U)

The application was refused permission for the following reason(s):

The proposal is not in accord with Housing Policy 1 of the draft South Derbyshire Local Plan, which seeks to resist residential development away from settlements. The conversion of these isolated barns to residential use does not aid sustainability, as occupants would need to rely on the private car for all journeys. As such the proposal is also contrary to General Development Strategy Policy 1 of the Derby and Derbyshire Joint Structure Plan.

The Inspector considered the main issue to be:

- The implications of the proposal in the context of the national and local policies which promote sustainable forms of development in the countryside.

On visiting the site the Inspector concluded that the former agricultural buildings were unsuitable for modern agricultural use but were nonetheless suitable for conversion.

The Inspector noted the relevance of the General Development Strategy Policy 1 of the Joint Structure Plan which seeks to promote more sustainable patterns of development and make use of previously developed land by focusing additional housing on existing towns and cities and reducing the dependence on the private car.

Although not indicated by the Council as to whether the site lay within or outside of the development boundary for Hilton, the Inspector took the view that the site fell outside of the boundary on the basis of its separation from the village.

The Inspector considered that the site was in a moderately sustainable location in both absolute and relative terms allowing convenient access to local services being situated about 1 km from local bus stops and about 1½ km from the school and main concentration of shops, all within reasonable walking distance.

The Inspector agreed that the site should be regarded as previously developed land by reference to Annex C of PPG3 and looked favourably on a beneficial use for the buildings which he considered to be worthy of preservation.

Policy H1 of the Emerging Plan states that outside of the towns and serviced settlements, the Council will expect efforts to be made to secure a business re-use for agricultural buildings before a residential use will be considered and may require evidence that attempts have been made to do so. Although the Inspector noted that the appellant had given consideration to the buildings being converted to business use, there was no evidence of detailed consideration being given to these alternatives or of marketing for such purposes. In conclusion the Inspector took the view that "inadequate consideration had been given to the potential of the buildings for uses other than residential" but that the use of the buildings for either commercial or residential use would be sustainable.

The Inspector concluded that the proposal would not be unsustainable and, in principle, is acceptable.

However, the plans submitted with the proposal did not indicate a boundary to the development site and as the buildings lie within the wider curtilage of the farm the Inspector commented that it was not possible to infer any boundary. The Inspector concluded that it would be remiss of him to “overlook the potential for harm to other interests which could arise from a lack of definition of the boundary” and that it would be unreasonable to allow the appeal with such a “major, uncorrectable defect in the submitted material”.

In consideration of the above matters the Inspector dismissed the appeal.

