

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

Planning Assessment

Whilst affected by a condition controlling permitted development the extension is nevertheless unequivocally in the curtilage of the host dwelling. His extension is acceptable in principle.

The design and materials of the extension would be in keeping with the host dwelling. The impact on the general character of the area, in particular the edge of the village, would be minimal.

The proposal satisfies the supplementary planning guidance on extensions and the impact on neighbours is therefore acceptable.

Recommendation

GRANT permission subject to the following conditions:

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

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

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

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

07/05/2002

Item 1.8**Reg. No.** 9 2002 0367**Applicant:**
R Parkinson
1, Potter Street
Melbourne
Derby
DE731DW**Agent:**
M J Harrison
7 Hall Park
Barrow On Trent
Derby
DE731DW**Proposal:** The retention of storage units at the rear of the premises of J Parkinson Pharmacy 1 Potter Street Melbourne Derby**Ward:** Melbourne**Valid Date:** 02/04/2002**Site Description**

The site is a commercial garage in the centre of Melbourne. The site is screened from the adjacent public car park and highway by a mature hedge, although part of the site is visible through the access adjacent to the telephone exchange building. This access is little used because there is a main access into the site off the public car park.

Proposal

The application seeks to retain two concrete sectional garages used for storage of vehicles and proposes a third similar structure.

Applicant's Supporting Information

- a) The buildings were erected on the understanding that planning permission was not required.
- b) The existing gates at the access will be timber boarded and treated with a dark colour.
- c) The timber gable ends to the buildings will be painted in a dark colour.
- d) Measures will be taken to turn the existing hedge between the car park and the premises to thicken it at the base.
- e) The units will be used purely for the storage of vehicles and materials.

Site History

Permission was refused for a purpose built workshop/store in August 2001 on the grounds of highway safety. The Highway Authority had considered that the development would likely lead to an intensification of workshop activity on the site, increasing usage of the substandard access onto Chapel Street, adjacent to the telephone exchange.

Responses to Consultations

The Highway Authority seeks clarification of the precise nature of storage and the potential effect on associated traffic movements.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Economy Policy 5 and Environment Policy 8.

Local Plan: Employment Policy 5 and environment Policy 12. The supplementary planning guidance in Historic South Derbyshire is also relevant.

Planning Considerations

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

- The principle of development.
- Whether the development would preserve or enhance the character or appearance of the conservation area.
- Residential amenity.
- Highway safety.

Planning Assessment

The proposal relates to development ancillary to a long-standing employment use in the village. The principle of development is thus supported by the relevant economy and employment policies.

As the development is in the conservation area it would be normal to apply the design guidance in Historic South Derbyshire. The guidance seeks traditional design and materials. The proposal does not conform to this guidance. However the buildings are low and barely visible through the hedge. The applicant proposes solid gates at the Chapel Street entrance, which will further screen the development. The buildings would effectively occupy areas currently used for the storage of vehicles and chattels. Overall the visual manifestation of the development would have a neutral (preserving) effect on the conservation area and are in keeping with specific character of this particular industrial use.

There would be no changed impact for nearby residents.

Subject to appropriate conditions there would be no increase in traffic associated with the buildings.

Recommendation

Subject to consideration of any further representations as a result of the statutory notice (expiring 10 April) **GRANT** permission subject to the following conditions:

1. Within 2 months of the date of this permission the timber to the gables of the buildings and the fascia boards shall be treated with a dark coloured paint or stain, details of which shall have previously been submitted to and approved in writing by the Local Planning Authority. The new building shall be similarly treated.

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

2. Within 2 months of the date of this permission the new gates to the Chapel Street access shall be installed in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

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

3. The buildings shall be used for the purposes of storage ancillary to the existing use of the site only and shall not be used by other firms or for the carrying on of any industrial processes.

Reason: In the interests of amenity and highway safety.

07/05/2002

Item 1.9**Reg. No.** 9 2002 0368**Applicant:**
WILLOW CONSTRUCTION C/O AGENT**Agent:**
P. Billham
Mr. P. Billham
Planning & Design
Old School Lodge
Aston On Trent
Derbyshire
DE72 2AF**Proposal:** The erection of a detached dwelling on land to the north of
Fir Tree Farm Twyford Road Barrow-on-Trent Derby**Ward:** Ticknall**Valid Date:** 02/04/2002**Site Description**

The site is part of the paddock at Fir Tree Farm. Part of the paddock/farm yard has already been developed with two detached dwellings and the farmhouse has been demolished pending redevelopment with a replacement dwelling.

Proposal

The proposal is a substitute scheme for that permitted under planning permission 9/2000/0266/F. It occupies a similar footprint as the permitted dwelling but would be some 1.5 m closer to the No 27 Twyford Road (10.5 m instead of 12 m). The height of the range facing No 27 Twyford Road would be 6.6 m compared with 5.5 m previously. There would be kitchen windows facing the kitchen window of 27 Twyford Road opposite whereas previously there would be none. The access road would run between the application dwelling and No 27 as previously approved. There is a boundary fence but it is low and the occupants of No 27 have clear views of the site from the kitchen window. A small fruit tree would need to be felled but mature Scots Pines at the front of the site would be retained.

Applicant's Supporting Information

The applicant comments that the proposed kitchen windows would be only 800 mm wide with a central mullion and the frames would be of substantial section thus reducing the glazing area.

Site History

A copy of the previous report 9/2000/0266/F is attached for information.

Responses to Consultations

Any views of the Parish Council will be reported verbally.

The Highway Authority has no objection.

Severn Trent Water Limited has no objection.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 6 and Environment Policy 8.

Local Plan: Housing Policies 5 & 11 and Environment Policy 12.

Planning Considerations

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

- The principle of development.
- The impact of the character and appearance of the conservation area.
- Residential amenity.
- Highway safety.
- Trees.

Planning Assessment

Barrow is not a sustainable settlement. However there is an extant permission for a house on the site and the proposal therefore raises no new issues of principle.

The design of the house is acceptable in its setting and would have no worse effect on the character and appearance of the conservation area than the permitted scheme.

The proximity of the kitchen windows of the proposal to the kitchen of No 27 Twyford Road would not meet the normal guidelines, which seek a distance of 15 m in such circumstances. However the supplementary planning guidance does acknowledge that application of standard distances to protect side windows may be inappropriate, because affording such protection in these circumstances would be an unreasonable constraint on the development land. Whilst there are presently views of the site from No 27 the applicant would be within his rights to erect a screen fence to a height of 2 m without the need to apply for planning permission, which would deal with the overlooking problem. Furthermore the occupiers of No 27 will already experience a certain degree of overlooking from people using the existing access track. As such the proposal to have two small kitchen windows in the elevation facing the neighbour would be reasonable. In other respects the usual guidelines are met.

The highway issues remain as previously approved.

The loss of the fruit tree would not have a demonstrable impact on the visual amenities of the area.

Recommendation

Subject to consideration of any representation arising from the statutory advertisement of the application (due to expire on 10 May) **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 of the following: omission of the band course and breathers on the north elevation and the verge returns on all elevations; verge and eaves details to a scale of not less than 1:20; shall be submitted for approval in writing by the Local Planning Authority prior to commencement of building operations.

Reason: The submitted details are considered unsatisfactory.

3. Large scale drawings to a minimum Scale of 1:20 of external joinery, including sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery shall be constructed in accordance with the approved drawings.

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

4. A sample of both the roof tile and the brick shall be submitted for approval in writing by the Local Planning Authority before work commences.

Reason: To ensure the building/extension is in keeping with its surrounding in the interest of the character and visual amenity of the area.

5. 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).

6. 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.

7. 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.

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

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

10. Before the development is first occupied a 2 metre wall shall be erected in the position shown in red on the attached plan 9/2002/0368/F. Samples of the brick and capping shall be previously submitted to and approved in writing by the Local Planning Authority.

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

11. 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.

12. Notwithstanding any details submitted, precise details of the type, size and position of the proposed rooflight(s) shall be submitted to and approved in writing by the Local Planning Authority. The approved rooflight(s) 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.

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

13. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate three cars within the curtilage of the dwelling. Thereafter three parking spaces measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of each dwelling unless as may otherwise be approved in writing by the Local Planning Authority.

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

15. There shall be no discharge of surface water to the public foul sewer.

Reason: In the interests of sustainable drainage.

Informatives:

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

07/05/2002

Item 1.10**Reg. No.** 9 2002 0380**Applicant:**

D Graham Campbell
 Bretby Mill, Repton Road
 Bretby
 Burton-on-trent
 Staffordshire
 DE150RG

Agent:

D Graham Campbell
 The Mill
 Repton Road
 Bretby
 Burton On Trent
 DE150RG

Proposal: **Restoration and extension of Mill House together with the erection of one dwelling and associated outbuildings Bretby Mill Repton Road Bretby Burton-on-trent**

Ward: **Repton**

Valid Date: **04/04/2002**

Site Description

Bretby Mill and its neighbouring buildings form a most prominent group in an attractive isolated settlement on the Repton to Hartshorne road. The Mill has been renovated in recent years and is now occupied as a dwelling. The adjacent Mill House has a range of traditional and modern buildings that have been in long-term equestrian use.

Proposal

The proposal seeks to rebuild an existing traditional building (currently subject to permission for conversion) and to restore Mill House. The drawings also indicate a management regime for the land around the buildings, essentially to keep an open space between Bretby Mill, Mill House and the new rebuilt dwelling. Other buildings of no particular merit would be demolished. The existing access would be shared between Mill House and new dwelling.

Applicant's Supporting Information

- a) Permission was granted to convert Bretby Mill in 1992, followed in 1996 by permission to convert the building now subject to the proposal to rebuild. That was renewed in 2000.
- b) The Mill is a restored listed building, owned by the applicant, and forms part of a cluster of buildings, including Mill House and its outbuildings. As such its setting as a listed building is very much affected by these other buildings.
- c) The original Mill House and outbuildings, built in 1814, were farm buildings for the Bretby Estate. The Mill itself was built in 1830, although there is evidence of some form of water mill there as early as the 18th century.
- d) This is therefore a group of South Derbyshire buildings of historical significance. An early 20th century photograph shows the cluster from the original millpond.

- e) The current owner of Mill House has run agricultural and equestrian business at the site for 40 years.
- f) Due to nominal income there has been little investment in the fabric of the house and buildings by the current owner and the lack of maintenance has had an adverse effect in the setting of the listed mill.
- g) The applicant has been offered the opportunity to purchase the house and buildings and sees this as an opportunity to preserve restore and enhance this group of buildings in a holistic manner.
- h) The house would be repaired and restored (including the replacement with traditional examples of the modern windows) both internally and externally. The building is highly visible from the road and is fundamental to the setting of the listed mill.
- i) An open area would be created between the buildings and covenants would prevent this area from being domesticated by private gardens. Existing fencing in this area would be removed.
- j) The access would be similarly protected and improvements to safety would be implemented.
- k) Dilapidated and unsightly buildings would be removed and replaced by new ancillary buildings of traditional style. The building subject to permission for conversion would be demolished and rebuilt to form a dwelling.
- l) The reason for rebuilding is that the building is built on filled land, originally formed to contain the millpond. Underpinning would be difficult if not impossible. The existing roof has begun to collapse along with the eaves.
- m) The existing planning permission already allows for significant new work and rebuilding of the timber lean-to at the rear.
- n) The building would be rebuilt on the same footprint, re-using existing materials.
- o) Approval of the new building would enable the other works of enhancement to be implemented.
- p) Vehicle movements would be much reduced and safety would be enhanced.

Site History

The history of the site is as set out by the applicant. The Local Planning Authority has previously taken the view that the buildings around the Mill are protected by virtue of being within its curtilage (as a listed building) as a matter of historic association.

Responses to Consultations

The Parish Council comments that it looks forward to the sympathetic refurbishment that will improve the property.

Responses to Publicity

Two letters have been received in support of the proposal as follows:

- a) The natural and unspoilt nature of the site is appreciated.
- b) The buildings on the site have been subject to deterioration and restoration is welcomed.
- c) The proposal is sympathetic to the history and appearance of the old buildings.
- d) The proposal resists the temptation to over develop and complements the approach of the National Forest and areas of natural importance.
- e) The setting of the listed building would be enhanced.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 1&4, Housing Policy 8 and Environment Policy 9.

Local Plan: Environment Policies 1 & 9 and Housing Policies 7 & 8.

Planning Considerations

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

- The principle of development.
- The impact on the setting of the listed Bretby Mill and the particular character of this part of the countryside.
- Highway safety.

Planning Assessment

The policy for new residential development outside settlements now does not favour proposals to rebuild rural buildings to be used as dwellings. Furthermore the site is not within a sustainable settlement and PPG3 seeks to not increase reliance on the private car as a means of transport. Nevertheless there is an extant permission, in accord with the above policies, to convert the outbuilding without any requirement to otherwise improve the setting of the listed building. Section 54A of the Town and Country Planning Act and PPG1 acknowledge that other material considerations may indicate that the development plan should not prevail. In this case the applicant is in a position to offer enhancements to the Mill House and the setting of the listed building that could not be required by other means. Because of the prominence of the group the enhancement and preservation of its setting is an important material consideration. This is therefore a case in which the development plan policies could be outweighed by other material considerations, without prejudice to the Council's ability to apply policy consistently.

The range of works set out by the applicant have the potential to significantly enhance the setting of Bretby Mill. The distinctive character of this historic group of buildings in the countryside would thereby be preserved.

The proposal raises no highway safety considerations above and beyond the extant permission for conversion.

On balance the proposal is considered to be an opportunity for the Council to influence what happens to the group overall, which it would much less able to do if the site remained in the control of more than one owner. The benefits to the setting of Bretby Mill are considered to be of sufficient merit as to set aside the policy for new dwellings in the countryside in this instance, particularly in view of the extant permission for conversion. This would be subject to the applicant entering into an agreement to ensure that the enhancements are undertaken and maintained into the future. The heads of the agreement would include requirements to enhance the fabric of Mill House to an agreed specification, maintenance of the open area between the buildings and controls over permitted development at Mill House.

Recommendation

Subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act to secure works to Mill House and the land as described above **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. A sample of both the roof tile and the brick shall be submitted for approval in writing by the Local Planning Authority before work commences.

Reason: To ensure the building/extension is in keeping with its surrounding in the interest of the character and visual amenity of the area.

3. Large scale drawings to a minimum Scale of 1:20 of external joinery, including sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery shall be constructed in accordance with the approved drawings.

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

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".

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.

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.

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.

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.

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

9. Before development begins precise details and where necessary samples of materials for hard surfaces shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out using the approved materials.

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

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

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

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

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

13. Before development begins the existing Beech hedge shall be removed over the length 'X' annotated on the attached plan and shall be cut back to the root line over the length annotated 'Y'. Thereafter there shall be no obstructions to visibility above ground level, except for the existing Beech tree within the area shown hatched and the Beech hedge shall be kept trimmed over length 'Y' to its root line.

Reason: In the interests of highway safety.

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

Reason: In the interests of pollution control.

15. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos. 02A, 06A, 07A,09A,10A and 11A.

Reason: For the avoidance of doubt.

07/05/2002

Item 1.11**Reg. No.** 9 2002 0381**Applicant:**
D Graham Campbell
Brethby Mill, Repton Road
Brethby
Burton-on-trent
Staffordshire
DE150RG**Agent:**
D Graham Campbell
The Mill
Repton Road
Brethby
Burton On Trent
DE150RG**Proposal:** Restoration and extension of Mill House together with the erection of one dwelling and associated outbuildings and the demolition of existing barns at Brethby Mill Repton Road Brethby Burton-on-trent**Ward:** Repton**Valid Date:** 04/04/2002

See report 9/2002/0380/F

Recommendation

Subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act to secure works to Mill House and the land as described above **GRANT** consent subject to the following conditions:

1. The works to which this consent relates shall be begun before the expiration of five years from the date of this consent.

Reason: To conform with Section 18(1) of the Planning and Listed Buildings and Conservation Area Act 1990.

2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 02A, 06A, 07A,09A,10A and 11A.

Reason: For the avoidance of doubt.

3. Large scale drawings to a minimum Scale of 1:20 of external joinery, including sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery shall be constructed in accordance with the approved drawings.

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

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.

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

7. 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.

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.

