

DEVELOPMENT CONTROL COMMITTEE – 23 March 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.
9/2003/1460	1.1	Hatton	Hatton	1
9/2004/0067	1.2	Drakelow	Linton	7
9/2004/0079	1.3	Swarkestone	Aston	10
9/2004/0080	1.4	Swarkestone	Aston	13
9/2004/0198	1.5	Melbourne	Melbourne	15

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.

23/03/2004

Item 1.1**Reg. No.** 9 2003 1460 F**Applicant:**

Stubbrook Developments
C/O Ellastone Old House
Ellastone
Ashbourne
Derbyshire
DE62GZ

Agent:

Jim Chapman
Stubbrook Developments
C/O Ellastone Old House
Ellastone
Ashbourne
Derbyshire
DE62GZ

Proposal: The erection of fifteen dwellings Yew Tree Farm The Hays
Hatton Derby**Ward:** Hatton**Valid Date:** 05/12/2003**Site Description**

The site comprises the former farmyard to Yew Tree Farm. To the north is a major drainage channel and to the west is a drainage ditch demarcated by a hedge. There are dwellings to the south and east. The site and its surroundings are at or about the same level as each other.

Proposal

The application has been amended since submission. It is now proposed that the site accommodates 16 dwellings and access would be from an adopted road off the turning head to The Hays. The development would be a mix of terraced and semi-detached three bedroom dwellings.

Applicants' supporting information

The applicant has requested that as a replacement bridge is now no longer proposed and this represents a significant saving to this Authority in terms of the flood relief works to be undertaken, then the obligation to provide £2000 per dwelling towards those works be discharged.

Planning History

The site has outline planning permission for residential development that is tied to a planning agreement to provide £2000 per dwelling towards flood alleviation works in the vicinity of the site. This followed a refusal of planning permission in 2001 where the Committee sought to restrict the possibility of future flooding of the village.

The site previously operated as a working farm and there were permissions in the 1980's for residential development and for the conversion of outbuildings. None of those permissions have been implemented.

Responses to Consultations

The following responses relate to the second amendment made by the applicants. Responses to the last amendment will be reported to the meeting if available.

Hatton Parish Council has objected to the original proposals as the development boundary extended beyond the watercourse and that may encourage further development outside the village boundary. The density of the housing also is a cause for concern because of the potential for increased flooding. The Parish Council would need to be satisfied that the development would not exacerbate the current flooding/sewerage problems in the area.

The County Highways Authority had concerns about the initial layout, the applicant's had a subsequent meeting with the County Council and the new plan now meets the County Highways Authority concerns subject to some relatively minor technical amendments.

The Environment Agency had concerns about the proximity of the dwellings on Plots 1 and 2 to the watercourse. The latest amendments should meet those concerns but comments will be reported if available and there are no objections to the proposals subject to the conditions below.

The foul and surface water disposal details have been submitted and the final comments of Severn Trent Water are awaited.

The Council's land drainage officer has noted that the larger of the two bridges has been omitted from the scheme. Whilst there was a prospect of this bridge having to be replaced, its removal would not provide sufficient justification for the waiving of the financial contribution set out in the outline planning permission. Flow rates to the brook from the site have been agreed with the developer.

Responses to Publicity

One letter was received in response to the original submission that objected because there may be a precedent set if access is allowed over the bridge; the proposed access could be hazardous off The Hays and there is concern about the surface and foul water drainage in the village. Any further comments received during the requisite period will be reported to committee.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 5

Local Plan: Housing Policy 5

Emerging Local Plan: Policy H1 and ENV 21.

Planning Considerations

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

- The development plan

- The design and layout of the site and buildings
- The highway issues
- The Section 106 contribution

Planning Assessment

The site lies within the built confines of a serviced village, the site has had a mixed use in the past and qualifies as brownfield for the purposes of Policy H1 of the emerging Local Plan (and therefore Planning Policy Guidance Note 3).

The site is being used to optimise the space available. 15 dwellings on 0.33 hectares represent a density of 45 dwellings to the hectare. This does have some consequences in that there are 2 dwellings that have a garden depth of only 3 metres. However, these gardens back on to the fields to the north and it is unlikely that this land would be developed.

There is a row of dwellings proposed adjacent to a bungalow on The Hays. This has a substantial row of leylandii trees along its boundary and the main habitable rooms look away from those dwellings. Thus, the occupiers should not suffer loss of privacy or substantial light. The dwellings to the south and south-west are either sufficiently far away from the flank of the proposed dwellings or they do not overlook the houses.

The houses would each have parking areas allocated to them to meet the Council's standards. In the main, the allocated parking spaces would occupy the frontage of each dwelling.

The design of the dwellings is generally acceptable, but there is an element of exposed wood in the gables. This would be incongruous in terms of the local vernacular. The applicants are also proposing materials that would match the existing buildings around the site. This would not be appropriate, as this site should stand in its own right as a modern development with its own character. A condition declining the materials is recommended.

The current Section 106 Agreement (as agreed under the existing outline permission) requires a contribution of £2000 per dwelling towards the flood alleviation scheme. The applicants originally proposed that they demolish and reconstruct a bridge from the site into the fields on the north of the site. This would have reduced the amount of money spent by the Council meaning that more could have been spent on the rest of the scheme. However, the bridge no longer forms a part of the proposals and the applicants would therefore be only faced with the cost of removing the existing bridge. There would still be a saving to the Authority in carrying out the drainage scheme, as the structure would not be rebuilt and these monies can be reallocated to other infrastructure costs associated with the scheme.

In the light of this, the developer's request for a release from the 106 Agreement can be accepted and the Committee is recommended to resolve to this effect. In view of this, there is no need to require a fresh Agreement under the auspices of this application if Members choose to grant planning permission.

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. Notwithstanding the submitted details, the gable ends of the dwellings shall be constructed solely in brick and there shall be no exposed timber. For the avoidance of doubt, the verges and eaves shall be constructed in brick, upper floor windows shall be located under the eaves and window and doors on the ground floor shall be provided with arched heads rather than the soldier course indicated on the submitted drawings.
2. Reason: In the interests of the appearance of the area and to reflect the vernacular of the locality generally.
3. Notwithstanding the submitted details, no part of the development shall be carried out until precise details, specifications and, where necessary, 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.
3. Reason: To safeguard the appearance of the existing building and the locality generally.
4. Notwithstanding the originally submitted details, this permission shall relate to the following drawing nos. SBD/1C; /4A/1 & 2; /5A; /6; /7; /8 and /9.
4. Reason: For the avoidance of doubt, the original submission being considered unacceptable.
5. 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.
5. Reason: In the interests of the appearance of the area.
6. 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.
6. Reason: In the interests of the appearance of the area.
7. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate, in the case of dwellings of four or more bedrooms three cars, in any other case two cars within the curtilage of each dwelling, or in any alternative location acceptable to the Local Planning Authority or as may otherwise be agreed in writing by the Local Planning Authority in accordance with its published standards. Thereafter three parking spaces (in the case of dwellings with four or more bedrooms) or two parking spaces (in any other case), 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.
7. Reason: To ensure that adequate parking/garaging provision is available.

8. Before any other operations are commenced, a temporary access shall be formed into the site for construction purposes, and space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring for site operatives and visitor's vehicles, loading and unloading of goods vehicles, all in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.
8. Reason: In the interests of highway safety.
9. 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.
9. 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.
10. No dwellings shall be occupied until the proposed estate street has been laid out in accordance with the application drawings (as amended), to conform with the County Council's Roads in Housing design guide, and constructed to at least base course level, drained and lit in accordance with the County Council's Specification for Housing Development Roads.
10. Reason: In the interests of highway safety.
11. Notwithstanding the details on Drawing SBD1/C the bend at the turning head of The Hays shall be provided with a 10 metre centreline radius.
11. Reason: In the interests of highway safety.
12. The intermediate radius from the cul de sac at Plot 9 shall be provided with a similar radius as required at Condition 11 above and the parking spaces to plot 2B shall be provided with a splayed entry.
12. Reason: In the interests of highway safety.
13. Before occupation of the first dwelling, a scheme for disposal of highway surface water shall be carried out in accordance with a scheme first submitted to and approved by the Local Planning Authority in writing.
13. Reason: In the interests of highway safety.
14. Before any operations commence involving the movement of materials in bulk to or from the site, facilities must be provided and used to prevent the deposition of mud or extraneous material on the public highway.
14. Reason: In the interests of highway safety.

Informatives:

Pursuant to Section 184 of the Highways Act, at least six weeks prior notice shall be given to the County Council's Area Manager South East before commencement of works within highway limits for the construction of the access into the site.

Pursuant to Section 184 of the Highways Act, at least six weeks prior notice shall be given to the County Council's Area Manager South East before commencement of works within highway limits for the construction of the access into the site.

The structural design of any retaining walls or supporting structures adjacent and supporting the highway must be submitted to and approved by the Highway Authority. Such structures will become part of the maintainable highway and are subject to a commuted sum to cover the cost of future maintenance.

23/03/2004

Item 1.2**Reg. No.** 9 2004 0067 M**Applicant:**

Roger Bullivant Ltd
R B Drakelow
Walton Road
Drakelow
Burton On Trent
DE159HA

Agent:

Julian McAlster
ETC Design
2 Carriers Fold
Church Road
Wombourne
West Midlands
WV59DH

Proposal: The erection of an extension to the express 4 building at the premises of Roger Bullivant Ltd Walton Road Drakelow Burton-on-trent

Ward: Linton

Valid Date: 22/01/2004

Site Description

The existing Express 4 building is located at the rear of the industrial site behind other industrial buildings when viewed from the road.

Proposal

The proposed extension wraps around the rear of the existing building on the northern and western sides. The extension has a floor area of 2200 square metres and an overall height of 9 metres and would be constructed of profiled steel sheeting to match the existing industrial buildings in profile and cover.

Applicants' supporting informationCurrent Operations

The building houses a reinforced concrete building foundation machine, which manufactures a product known as a T Beam. The machine itself is a rollover machine and operates using a mobile lifting platform and metal pallets.

Adjacent to this machine is an area where metal reinforcement is manufactured for use with the rollover machine as well as in other areas of the site.

A further area is occupied by the tube shop. In this area metal tube is cut to various lengths and has joints welded to the cut lengths.

Proposed Improvements

The rollover machine is capable of manufacturing a number of different products in addition to T Beam. T Beam itself has a number of variants. However, the lack of room undercover prevents the Company from taking advantage of this in Express 4. These are made elsewhere on the site. The intention is to extend the track of the existing rollover machine to allow a full range of T Beam variants to be manufactured as required in Express 4 which allows a more efficient use of existing machinery. In addition the Company intends to invest in a second rollover machine to manufacture other concrete products, which are currently made elsewhere on the site. This does not mean that more products or different products are to be made. It is simply a case of rationalising current production of the different elements into a better manufacturing system. The system has more automation and associated controls, which will allow the Company to reliably produce with better consistency and higher quality.

Additional space will also be taken up allowing the rationalisation of the metal reinforcement operation and the tube shop. Particular benefits will be the ability to store the raw materials and finished products in closer proximity to the working area and undercover.

Additionally, there are at least two other operations, which take place on site in a variety of locations, as and when required. These will have a permanent location undercover in the new space. In particular, it is expected and intended that part of the extension of Express 4 will be used to house a research and development facility. This has not been possible to date. Yet again these activities already exist so there is no expectation of increased traffic arising from this development. It is simply a case of rationalising what is already going on.

Planning History

A series of permissions for industrial buildings have been granted since 1998.

Responses to Consultations

The County Highway Authority does not object to the application.

Responses to Publicity

No representations received.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Economy Policy 4

Local Plan: Employment Policy 1

Emerging Local Plan: Policy EMP 3

Planning Considerations

The main issues central to the determination of this application are: the impact of the proposed extension on the appearance of the area and the potential for increased noise and traffic levels.

Planning Assessment

The proposed extension would be located at the rear of the existing employment site abutting the existing buildings and would be constructed of materials to match the existing buildings. There are mature trees on the boundary of the industrial site with the highway, which screen the buildings from public view and the proposed extension would be at the rear of the existing buildings. It is therefore considered that the proposal would not have an adverse impact on the appearance of the area.

The extension to the building is required to house both new machinery and existing machinery which is operated elsewhere on the site and to rationalise overall production processes. The extension would therefore not result in increased noise or traffic levels on the site.

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

Informatives:

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

23/03/2004

Item 1.3**Reg. No.** 9 2004 0079 F**Applicant:**

Pathfinder Pubs
Albany House
Albany Road
Wolverhampton
WV1 4JT

Agent:

Paul Koren
4 Airdale Grove
Stone
Staffordshire
ST15 8JL

Proposal: The erection of an extension to provide an additional four hotel letting rooms at Crewe & Harpur Arms Derby Road Swarkestone Derby

Ward: Aston

Valid Date: 26/01/2004

Site Description

The Crewe and Harpur Arms is an old coaching inn close to Swarkestone Bridge, situated at the corner of Derby Road with Woodshop Lane. It is now a pub and restaurant with car parking for about 100 cars. The attached former stable block, attached to the main building is listed Grade II in its own right. It has been latterly in use as an indoor play area. There is a lawned beer garden opposite the front of the main building on the other side of Woodshop Lane, adjacent to the River Trent. There are residential properties to the west and north of the site.

Proposal

The development would involve a two-storey extension of simple form to the rear elevation of the listed former stables at the site. Works are already underway to convert the existing stable block.

Planning History

The site was subject to substantial extension following the grant of planning permission in 1994 (9/0993/0534/F).

Permission was granted for the current conversion works in January (9/2003/0931 & 2). An application was subsequently refused in respect of a proposal for two extensions, under delegated powers (9/2003/1364 & 5). A copy of the report is attached for information (because neighbours refer to their previous objections – see below).

Responses to Consultations

The Highway Authority and Environmental Health Officer have no objection in principle.

Responses to Publicity

Four neighbours object as follows:

- a) Objections raised to the previous applications still apply.
- b) It is understood that 70/75 more staff would be needed to run the hotel, although the applicant states that this is unknown at present. This would lead to additional parking requirement.
- c) Staff, delivery and other vehicles parked in Woodshop Lane cause obstruction and hazard. A personal injury accident occurred in the first weeks of February. More accidents are likely.
- d) Management does not co-operate with requests to move vehicles from Woodshop Lane.
- e) The car park is inadequate for the development.
- f) The paving of the beer garden is unacceptable on visual and safety grounds. [Comment: This was permitted under the earlier application].
- g) The extension would not be in keeping with the character of the listed building.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Environment Policies 9 & 10 and Leisure & Tourism Policy 9.

Local Plan: Environment Policies 12 & 13 and Recreation and Tourism Policy 1

Emerging Local Plan: ENV19 & 20 and LRT7.

Planning Considerations

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

- The principle.
- Impact on the listed building and conservation area.
- Residential amenity.
- Highway safety.

Planning Assessment

The site is an established public house and restaurant. The conversion of the building to overnight accommodation is, in principle, in accord with the locational policies of the development plan as set out in the recreation and tourism policies.

The extension would not affect the principal façade of the building, which faces the main road. It would be set well away from the outer corner of the building and would be of simple design, subordinate in scale to the host building. It would therefore have a recessive appearance. The impact on the character and appearance of the conservation area and the listed building would be neutral.

The use of the building as overnight accommodation is unlikely to cause any demonstrable loss of amenity to local residents.

On the advice of the Highway Authority the proposal would not result in an adverse highway safety situation.

None of the other matters raised through the publicity and consultation process, in particular with regard to the past, present and future management of the premises 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. 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.
2. Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.
3. 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.
3. Reason: To ensure the building/extension is in keeping with its surrounding in the interest of the character and visual amenity of the area.
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. 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.

23/03/2004

Item 1.4**Reg. No.** 9 2004 0080 L

Applicant:
 Pathfinder Pubs
 Albany House
 Albany Road
 Wolverhampton
 WV1 4JT

Agent:
 Paul Koren
 4 Airdale Grove
 Stone
 Staffordshire
 ST15 8JL

Proposal: The erection of an extension to provide an additional four hotel letting rooms at Crewe & Harpur Arms Derby Road Swarkestone Derby

Ward: Aston

Valid Date: 26/01/2004

See Report 9/20004/00079/F

Recommendation

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.
1. Reason: To conform with Section 18(1) of the Planning and Listed Buildings and Conservation Area 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.
2. 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 1:10 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. 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.

23/03/2004

Item 1.5**Reg. No.** 9 2004 0198 F**Applicant:**

Mr I Shaw Ms J Spridgeon
 Breachlands, Breach Lane
 Melbourne
 Derby
 DE731DF

Agent:

Gino Lombardo Associates
 45 Friar Gate
 Derby
 DE1 1DA

Proposal: **Erection of a single storey summer house at Breachlands
 Breach Lane Melbourne Derby**

Ward: **Melbourne**

Valid Date: **20/02/2004**

Site Description

The site is a sloping field with frontages to Breach Lane to the south and Derby Road to the north. It is situated adjacent to the garden of Breachlands and is not in productive agricultural use. There has been a significant amount of tree planting carried out in the field and there is a wildlife pond close to the western boundary at the bottom of the slope. Immediately to the north of the pond there is a derelict brick farm building. Whilst well screened by trees in the summer, the building can be seen from Breach Lane and Derby Road when the leaves have fallen.

Proposal

The existing building would be demolished. The replacement would be of modern design, featuring timber and glass walls with a plain clay tile roof. It would measure some 6 m x 12 m in plan with the roof overhanging by a further 3 m to cover a veranda area. The building would provide a summer room, kitchenette, shower room and mini-gym.

Responses to Consultations

The Parish Council objects on the grounds of visual impact due to the size of the building and its location in the centre of the field. There is concern as to the future use of the building.

Melbourne Civic Society has no objection.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4.
 Local Plan: Environment Policy 1

Emerging Local Plan: Policies ENV 3, 7 & 21.

Planning Considerations

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

- The principle.
- Impact on the character and appearance of the countryside.

Planning Assessment

As the structure would replace an existing building, albeit in very poor condition the proposal is capable of being acceptable in principle, as its function would be to enable the applicants to enjoy the woodland that they have planted. A condition could be imposed to ensure that the building is used solely for passive enjoyment of the land.

The use of timber and glass for the walls is a departure from the local vernacular, which would normally suggest the use of red brick. However the building would still maintain a rural appearance and its most visible part, the roof, would be covered in the traditional manner, with plain clay tiles. Having regard to the existing building on the site the visual impact would not be demonstrably more harmful to the character and appearance of the countryside.

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. 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.
2. 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. External timber shall be decorated only in accordance with details and specifications that shall have previously been submitted to and approved in writing by the Local Planning Authority.
3. Reason: In the interests of the appearance of the building and the character of the area.
4. The building shall be not be occupied as a dwelling.
4. Reason: For the avoidance of doubt. The establishment of living accommodation in this location would be contrary to the development plan.
5. Notwithstanding any details submitted, precise details of the type 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.
5. Reason: In the interests of the appearance of the building(s) and the character of the area.

APPEAL DISMISSED

Appeal by Mrs Forder

Outline application (all matters to be reserved except for means of access) for the erection of a residential development at 59 Ashby Road Woodville Swadlincote (9/2002/1266)

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

1. *The site is not identified for development in the current or emerging Local Plan and is therefore a windfall site. PPG3 defines windfall sites as previously developed sites that have unexpectedly become available. This is a green field site and PPG3 states that no allowance should be made for greenfield windfalls. The Council has identified adequate land for housing in its draft Local Plan following the completion of an Urban Capacity Study. There is no need, therefore, to release this site for development. The proposal is therefore contrary to the guidance in PPG3 and from the Structure Plan : General Development Strategy Policy 1, General Development Strategy Policy 2; from the Local Plan: Housing Policy 4 and from the emerging Local Plan: Housing Policy H1.*

The inspector considered the main issues to be:

- 1) Whether the appeal site lies within or on the fringes of the built up area of Woodville such that its development would comply with the objectives of local planning policies.
- 2) The effect of the proposed development on housing provision in the District, having regard to local and national planning policy.

The inspector considered that the appeal site and the neighbouring properties formed an important transition between the open countryside and the more densely developed western limits of the village. He considered that the site was not within the open countryside but on the fringe of the built up area where Housing Policy 4 of the Local Plan allows for residential development, however although the site is substantially surrounded by development the proposal would result in the loss of open space which is of local significance and which contributes to the character of the area. The resulting development would encourage further development on the fringe of the village and would not be well integrated or related to the prevailing pattern of development in the vicinity.

The inspector referred to PPG17 which advises that allotments may perform a wider public function than their intended use and provide a visual amenity without public access, a function which he considered the appeal site performed. The inspector concluded that although the appeal site fell within the fringes of the built up area of Woodville, the proposal would fail to integrate effectively with the established pattern of development and would result in the loss of an important open space.

With regard to housing land supply the inspector referred to the relevance of the South Derbyshire Structure Plan which looked to provide some 5,500 dwellings in the Swadlincote Sub-Area, of which the appeal site forms part, and to the Urban Capacity Study for Swadlincote which identified 128 sites with an estimated capacity of 738 dwellings, the majority of which were windfall sites. Although the inspector agreed with the appellant that it was unlikely that all windfall sites would come forward during the plan period he considered the Council's 10% flexibility allowance for sites not coming forward reasonable.

The inspector and both parties were in agreement that the appeal site is a Greenfield site and not windfall and with no evidence of a shortfall in housing land within the sub-area the inspector saw no reason for the appeal site to be released for development. He felt there was no evidence to suggest the use of the allotments was in decline. The inspector concluded that the proposal would

constitute development of a Greenfield site for which no justification exists in housing land supply terms at present.

The loss of the allotments as a result of the development was not in itself a reason for refusal but the inspector acknowledged the various benefits and visual amenity of the allotments and considered that the suggested unilateral undertaking by the appellants to provide allotments at an alternative site was a matter between the appellant and the Parish Council.

He noted that the proposal would not have a significant impact on upon the local road network to require offsite highway improvements and that sufficient school and nursery places existed within the area. The inspector concluded that although these matters did not go against the proposal they could not outweigh the conflict with national and local plan policies should the proposal be allowed.

In consideration of the above matters the appeal was dismissed.

APPEAL ALLOWED

Appeal by & Sons Ltd

The change of use from agricultural use to class B1 (light industrial) use at Sapperton Manor Church Broughton Derbyshire (9/2002/1108)

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

1. *The building lies in the countryside in a location that is remote from the services that would normally serve such development and where there is no alternative to the motor vehicle to gain access to the site. General Development Strategy Policies 1 & 4 of the adopted Derby and Derbyshire Joint Structure Plan have as a basic requirement that a proposal be necessary in a particular location. They also place a duty on the Local Planning Authority to ensure that development in the countryside is based on sustainable principles. The creation of a business use in such a location would be contrary to the principle of sustainable development.*
2. *Whilst the reuse of redundant farm buildings is encouraged in government advice, in particular in PPG 7, the policies of the adopted South Derbyshire Local Plan require at Employment Policy 4 that the building to be converted should be capable adaptation without significant alteration. The proposed use would require significant alteration to the building to form a workshop that meets the usual health and safety requirements. This is contrary to the provision of the policy.*
3. *The grant of permission for the conversion of this building would set a precedent for the conversion of other similar buildings within the holding with the potential for a significant amount of employment floorspace being created. This would have the potential to add significantly to the traffic generation in the area to the detriment of the character of the countryside, attracting additional people to the area where the alternative to the private motor car do not exist. This would be contrary to the stated government objective of reducing the need to travel as set out in PPG 13.*
4. *The development would result in additional traffic movements on roads that are unsuited to the traffic generated to the detriment of the best interests of other road users particularly pedestrians and horse riders.*
5. *The close proximity of the extensive modern group of buildings (of which the application site forms a part) is detrimental to the setting of the listed buildings which would be continued should the modern buildings be found alternatives uses and should a proliferation of industrial activity ensue. The proposal is therefore contrary to Environment Policy 10 of the Joint Structure Plan, Environment Policy 13 of the Local Plan, and Policy ENV 19 of the Deposit Draft Local Plan (January 2003).*

The Inspector considered the main issues to be:

- 1) Whether the proposal would constitute a sustainable form of business development in this countryside location with regard to local and national policies.
- 2) The effect of the development would have on existing highway safety conditions in the locality.
- 3) The impact on the rural character and appearance of the area and on the setting of nearby listed buildings.

The inspector considered that General Development Strategy 4 of the Structure Plan regarding development away from settlements and in particular section 2.13 covering the change of use of buildings to be the most relevant to the appeal but also had regard to Policy 1 in which development should respect the principles of sustainable development and Policy 5 relating to the re-use of buildings for small scale business.

The inspector considered that the proposed use of the modern agricultural building, granted permission in 1994, is remote from main towns and villages in an area with limited public transport provision therefore necessitating the use of private or commercial vehicles which in principle goes against the general principles of sustainable development.

He regarded the relevance of PPG13 in terms of the need to promote adequate employment opportunities within rural areas and thereby reduce the need for travel, which would include the re-use of farm buildings for other business purposes, possibly in remote locations. Local authorities are encouraged not to reject proposals for small scale business development in rural areas which give rise to modest additional daily vehicle movements compared to other permitted uses on site and where impact on minor roads would be insignificant. He also noted PPG7 part of which states that there should be no reason for preventing the conversion of rural buildings for business re-use subject to various criteria and Annex G which encourages local authorities to consider their approach to proposals for the re-use of individual buildings which are especially large and complexes of buildings with large aggregate floor areas.

The inspector concluded that the proposal would be a relatively small scale business development with modest daily vehicle movements and that there were no clear grounds that the proposal would be unacceptable on transport sustainability grounds to warrant refusal of permission and that it would constitute a sustainable form of business development in this countryside location.

With respect to the highway safety concerns of the Council regarding the narrow width of the surrounding lanes, in particular, Hay Lane and Crowfoot Lane which are the most direct routes from the A50, the inspector did not consider the forward visibility to be so substandard to warrant refusal and felt that the traffic movements generated would be less than that created by Sapperton Manor's former use as a dairy farm. In conclusion the proposal would not have a harmful effect on existing highway safety conditions.

With regard to the rural character and appearance of the area and the setting of nearby listed buildings the inspector commented that the building did not appear overly dominant in the landscape and that any external environment changes such as parking would not be easily visible. He felt that the appeal building did not intrude into the setting of the listed buildings which was formed by their relationship and main aspect to Marjory Lane and that the Council's concerns could have been addressed previously by exercising control over the siting prior to permitting the building. He concluded that the development would not harm the rural character and appearance of the area or the setting of nearby listed buildings.

The inspector considered the Council's concerns in allowing the appeal in that it would be difficult to resist further conversion of modern buildings on the site resulting in an industrial estate in a rural area but viewed that each planning case is decided on its own merits and that this particular scheme did not conflict with local and national planning policies. All other modern agricultural buildings on the site would require major reconstruction and adaptations for convert to business re-use. The inspector had regard to the unimplemented planning permissions relating to both the conversion of the listed farm buildings to workshop uses and for the erection of an open-sided agricultural building but felt there was insufficient evidence to demonstrate that the cumulative impact of either scheme together with the appeal scheme would be unacceptable.

In consideration of all of the above the appeal was allowed.

13/01/2004



Item 1.3

Reg. No. 9 2003 0932 U

Applicant:

Pathfinder Pubs
Albany House
Albany Road
Wolverhampton
WV1 4JT

Agent:

Paul Koren
4 Airdale Grove
Stone
Staffordshire
ST15 8JL

Proposal: Alterations to premises and conversion of former stables to hotel letting rooms and formation of paved area at the Crewe & Harpur Arms Derby Road Swarkestone Derby

Ward: Aston

Valid Date: 30/07/2003

Site Description

The Crewe and Harpur Arms is an old coaching inn close to Swarkestone Bridge, situated at the corner of Derby Road with Woodshop Lane. It is now a pub and restaurant with car parking for about 100 cars. The attached former stable block, attached to the main building is listed Grade II in its own right. It has been latterly in use as an indoor play area. There is a lawned beer garden opposite the front of the main building on the other side of Woodshop Lane, adjacent to the River Trent. There are residential properties to the west and north of the site.

Proposal

The applicant proposes mainly internal alterations to the stable block, to form seven rooms for overnight accommodation. There would be minor elevational changes but the fabric of the building would be largely retained. The play area would thus cease to exist. An area paved with natural stone flags would be provided in the beer garden, close to Swarkestone Bridge. No extensions are proposed.

Site History

The site was subject to substantial extension following the grant of planning permission in 1994 (9/0993/0534/F).

Responses to Consultations

The Highway Authority and Environmental Health Manager have no objection.

Responses to Publicity

Nine letters have been received objecting as follows:

- a) The works would alter and adversely affect the historic internal and external character of the building.
- b) The paved area in the beer garden would be out of keeping with the conservation area and the historic setting. It would also lead to the curtailment of community events thereon.
- c) The existing waste bin area is unsightly and should be screened or relocated. It also causes odours and attracts vermin.
- d) The bin store provided pursuant to the 1994 permission should be used, with access gained from the car park.
- e) Existing congestion in Woodshop Lane, from customers' and service vehicles would be exacerbated. This problem causes nuisance and hampers passage by emergency vehicles.
- f) Delivery hours should be controlled to prevent disruption to neighbours. The proposal is likely to make the existing situation worse.
- g) The proposal would exacerbate existing noise and smell disturbance, caused by the premises being open continuously.
- h) More motorcyclists with the associated noise of their machines would be attracted.
- i) The management and maintenance of the premises causes environmental, amenity and visual effects that are not in keeping with the area.
- j) A precedent would be set for harmful development.
- k) The infrastructure is inadequate for the development.
- l) The pub will not be suitable for local residents.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Environment Policies 9 & 10 and Leisure & Tourism Policy 9.

Local Plan: Environment Policies 12 & 13 and Recreation and Tourism Policy 1.

Emerging Local Plan: ENV19 & 20 and LRT7.

Planning Considerations

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

- The principle.
- Impact on the listed building and conservation area.
- Residential amenity.
- Highway safety.

Planning Assessment

The site is an established public house and restaurant. The conversion of the building to overnight accommodation is, in principle, in accord with the locational policies of the development plan as set out in the recreation and tourism policies.

The proposal pays due regard to the need to work around the historic fabric of the old stable block and the proposal would provide a viable use for the building. Conversion of the building would thus preserve the fabric of the listed building and the character and appearance of the conservation area. The proposed paving to the lawned beer garden would occupy a small part of the garden and its informal layout would have a neutral impact on the character and appearance of the conservation area and the setting of the listed building.

The use of the building as overnight accommodation, rather than as a children's play area, is unlikely to cause any demonstrable loss of amenity to local residents. Similarly the proposed paved area is unlikely to cause any additional disturbance. Existing management issues are not material to this application.

On the advice of the Highway Authority the proposal would not result in an adverse highway safety situation.

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. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos. 0243-12B, 13B and 14C received 15 December 2003.
2. Reason: For the avoidance of doubt, the original submission being considered unacceptable.
3. Large scale drawings to a minimum Scale of 1:10 of internal 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 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. 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.
4. Reason: In the interests of the appearance of the building(s) and the character of the area.
5. 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.
5. Reason: In the interests of the appearance of the building(s) and the character of the area.
6. Before development begins samples of the stone paving and the edging to the paved area along with a specification for their laying including laying patterns shall be submitted to and approved in writing by the Local Planning Authority. The paving shall be laid in accordance with approved specification.
6. Reason: To ensure that the paving is appropriate to the setting of the listed building.

7. Before the stone paving is constructed the existing steps and wall to the garden shall be replaced in stone in accordance with details, specifications and samples that shall have previously been submitted to and approved in writing by the Local Planning Authority.
7. Reason: To preserve the character and appearance of the conservation area.
8. Notwithstanding the submitted drawings full specifications of the alterations to Bedroom 3 shall be submitted to and approved in writing by the Local Planning Authority before work begins and work shall be undertaken in accordance with the approved specification.
8. Reason: To ensure that the work is in keeping with character of the listed building.
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. All works of alteration and making good of the existing fabric of the building shall be carried out in matching reclaimed brick and natural slate, samples of which shall have previously been submitted to and approved in writing by the Local Planning Authority.
11. Reason: In the interests of the appearance of the building.