

ANNEXE 'A'

18/11/2003

**Item**            1.10

**Reg. No.**        9 2003 1123 F

**Applicant:**  
Mr Mrs M Dean  
87, Main Street  
Milton  
Derby  
DE656EF

**Agent:**  
N Astle  
24 The City  
Woodville  
Swadlincote  
Derbyshire  
DE117DH

**Proposal:**        **The erection of a detached garage and a building to provide self contained living accommodation at 87 Main Street Milton Derby**

**Ward:**            **Repton**

**Valid Date:**     **18/09/2003**

**Site Description**

The site contains an extended and modernised cottage, a flat roofed garage and a furnished outbuilding. The garage and outbuilding are of non-traditional design and materials.

**Proposal**

The application seeks to erect a new garage and a detached building. The garage would be located at the western boundary of the site within an extended garden area. It would measure 5.7 m x 5.2 m in plan. Access to the garage would be from within the site. A blank wall would be presented to the adjacent highway. The other new building would have internal accommodation comprising one bedroom, a shower room and a kitchen/living area. It would measure 6.8 m x 6.3m in plan. It would be located at about the same distance from the house as the existing furnished outbuilding, but closer to the road. It would be higher because of its steeper pitched roof but would cover a lesser area of ground.

Because the garage affects an area that does not appear to benefit from a lawful use as residential curtilage the application includes a de facto proposal to change the use of that piece of land.

**Applicant's Supporting Information**

Both buildings are replacements. The family's needs for the new accommodation are as follows:

- a) It is single storey, more maintainable and provides appropriate access for all abilities.
- b) Both applicants have serious medical conditions and find it increasingly difficult to live in the two-storey dwelling.

- c) If the application were permitted then the applicants' daughter, who lives in rented accommodation in the village, would be able to move into the main dwelling. She would be able to provide 24 hour supervision for the applicants' medical needs.
- d) The applicants are long term residents of the village (over 25 years) and wish to remain so.
- e) It has never been the applicants' intention to form a new residential building in the countryside. The building would be ancillary to the main house only.

### **Responses to Consultations**

The Parish Council strongly objects for the following reasons:

- a) The site is on the edge of an unsustainable village with no public transport.
- b) Part of the site has been taken from woodland indicating a change of use.
- c) Trees would need to be felled to facilitate building.
- d) Another recent proposal has been turned down so this one should not be allowed.
- e) The access would be on an unmade track used by large farm vehicles, walkers, riders and mountain bikers.
- f) The proposal would constitute a new separate residence.

Repton Village Society objects as follows:

- a) The proposal is described as a granny flat but is in effect a new detached residence.
- b) Milton is a non-sustainable village with no public transport, schools, shops etc.
- c) The access would be on an unmade track used by large farm vehicles, walkers, riders and mountain bikers. The development would have an adverse effect on safety issues.
- d) Mature trees surround the site and it is likely that trees would need to be cleared before building to obtain light.

The Highway Authority has no objection in principle.

### **Responses to Publicity**

Letters have been received from four local households objecting in the following terms:

- a) The proposal is contrary to policy.
- b) Although conditions could be imposed to ensure that use is restricted to a granny flat, this could be lifted in the future.
- c) There is no need for the granny flat.
- d) The garage would be on land that was until recently woodland.
- e) The access would be dangerous to users of the footpath and bridle way and farm track.
- f) Extra traffic would cause nuisance.
- g) The woodland should be protected to secure its long-standing amenity value.
- h) The applicant has already felled trees and other would be encouraged to do likewise.
- i) The existing water supply is inadequate. The proposal would exacerbate the situation.
- j) Permission for a granny flat was recently refused at 85 Main Street.

## **Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: General Development Strategy 4 and Housing Policy 6.

Local Plan: Environment Policy 1 and Housing Policies 8 & 13.

## **Planning Considerations**

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

- The principle.
- Impact on the general character of the area.
- Trees
- Residential amenity.
- Services.
- Highway safety.

## **Planning Assessment**

Normally the establishment of new residential development would be contrary to policy. However the development would replace existing buildings, it would be very small scale and intimately related to the host dwelling. There is a specific family need for the extra accommodation at this particular site. In view of these circumstances the proposal is capable of being acceptable in principle subject to the imposition of appropriate conditions.

The proposal would replace two existing structures with buildings of more appropriate design and materials. The development would thus enhance the general character of the area.

The development poses no threat to the surrounding woodland. The trees to be removed to facilitate development are not of sufficient amenity value as to warrant the making of a Tree Preservation Order.

The proposal satisfies supplementary planning guidance on space about dwellings and there would thus be no detriment to the amenities of the occupiers of residential property.

As the entire site would be occupied by a single family there would be no demonstrable impact on the provision of services and utilities.

For similar reasons there would be no demonstrable harm to highway safety interests, subject to conditional control over occupation.

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

## Recommendation

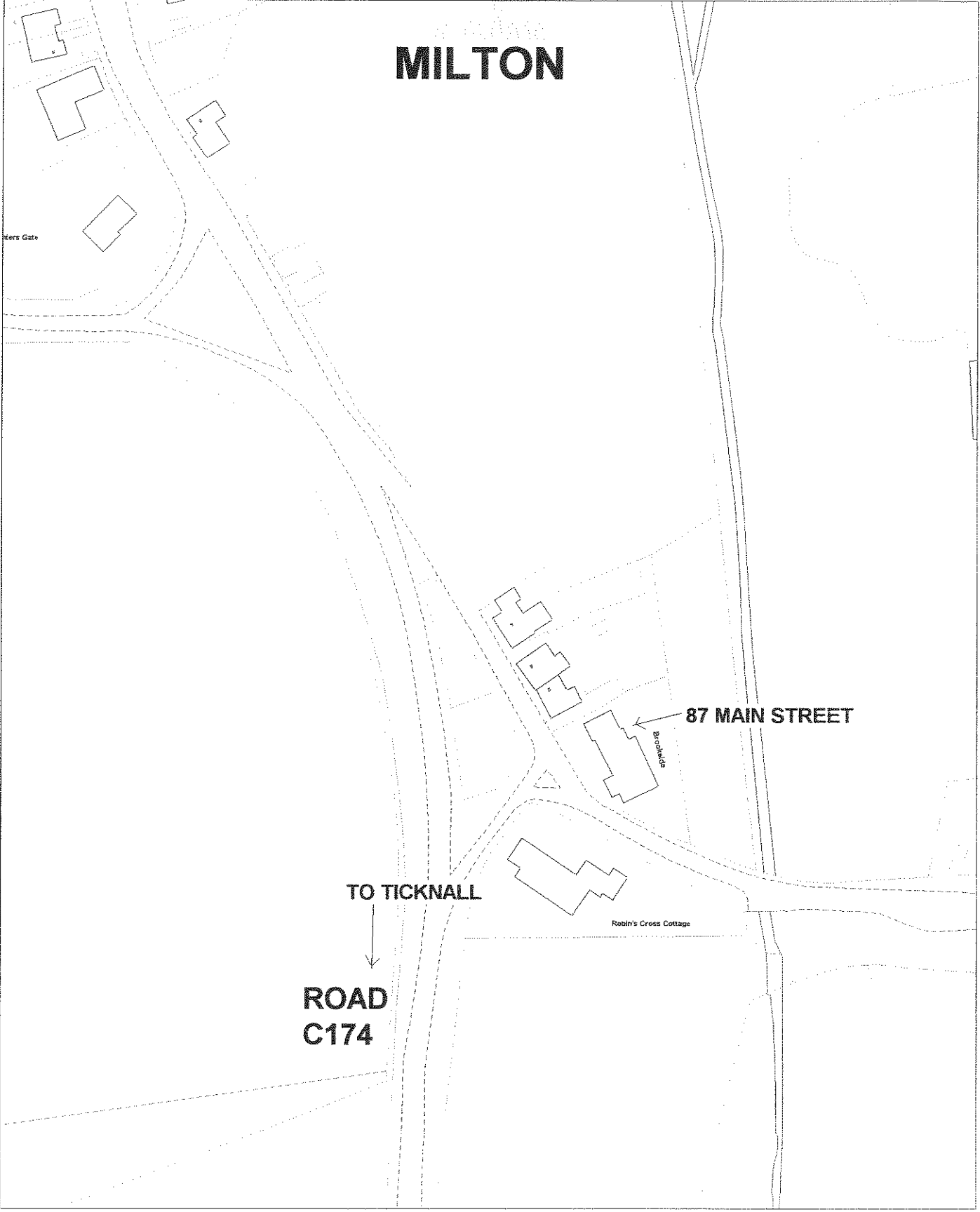
**GRANT** permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. No part of the development shall be carried out until precise details, specifications and, 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.
2. Reason: To safeguard the appearance of the existing building and the locality generally.
3. Large scale drawings to a minimum Scale of 1:10 of eaves and verges and external joinery, including horizontal and vertical sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The eaves and verges and external joinery shall be constructed in accordance with the approved drawings.
3. Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.
4. The living accommodation hereby permitted shall be occupied solely by members of the household of 87 Main Street Milton or by domestic staff, and shall not be severed from the main house as a separate and unconnected dwelling.
4. Reason: Permission is granted in the light of your particular personal circumstances. Although the erection of an extension to provide additional accommodation to be used in conjunction with the existing dwelling is acceptable, the Council would not normally be inclined to allow the formation of a separate residential unit in this locality. Since the extension includes all the domestic facilities necessary for the establishment of a separate self-contained unit, the Council hereby seeks to make it clear that separate occupation is not authorised by this permission.

### Informatives:

Footpath 18 and Bridleway 19 are adjacent to the site. The routes must remain unobstructed at all times and the safety of the public using it must not be prejudiced either during or after development takes place.

# MILTON



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

87 Main Street  
Milton

Date Plotted 4/12/2003

NORTH ↑

Plot centred at 428536 325343

Scale 1:1250

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**Item** 1.5

**Reg. No.** 9 2003 0965 F

**Applicant:**

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

**Agent:**

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

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

**Ward:** North West

**Valid Date:** 18/08/2003

**Site Description**

The site comprises part of a field immediately to the north of the farm buildings. A hedge fronting Tippers Lane separates the site from the road. There is a post and wire fence to the east boundary closest to the houses.

**Proposal**

The proposal relates to the creation of silage clamp that would be constructed with clay walls some 3 metres high, 3 metres wide at the top and 7 metres wide at the base. Its front to the farmyard would be open its width would be 32 metres (35 Yards) and one side would be 45 metres long (50 yards) and the other 27.5 metres long (30 yards).

**Applicants' supporting information**

Since submission, the applicant has confirmed that the banks will be grassed and there would be no objection to a requirement for a hedge to be planted along the east boundary.

The applicant advises that the farm has an open slurry store and that material from an existing silage clamp has drained into the slurry store for the past thirty years. He confirms that he has sought the advice of the NFU for confirmation of the regulations regarding such.

**Planning History**

There have been numerous applications at the farm for buildings and other structures over the years but no applications on the land that is subject to this application.

## Responses to Consultations

Church Broughton Parish Council has objected on the basis that:

- a) The proposed structure would have an adverse impact on the visual amenity of the area through its mass and the use of plastic sheeting and old tyres.
- b) There is also concern about the ability of the adjacent slurry pit to accommodate run off from the clamp and whether the increased size of the pit would result in odour or flies. The land adjacent to the slurry pit already floods and this proposal could make matters worse.
- c) The clamp is excessively close to the roadside hedge and there is concern that vehicles entering the highway may not be able to see properly.
- d) There must be a better location for the clamp within the farm complex.

The County Highways Authority has no objection subject to the measures being implemented to prevent the flow of surface water or the transfer of debris onto the highway.

The Environment Agency has no objection subject to there being no possibility of contaminated water entering and polluting surface or underground waters. The facility must also comply with relevant legislation and advice.

The Environmental Health Manager has concerns about the potential for the mixing of slurry and silage effluent creating smells. There is also concern that drainage facilities must be put in place in order to help to minimise smells from the site itself. The base and sides of the clamp should be professionally designed to meet the latest standards but the drawings suggest that this may not be the case. There are guidelines published that would ensure that the clamp is properly designed. If permitted a condition is necessary to ensure that there are drainage channels within the clamp and requiring that there is no storage of slurry in the clamp as the mixing of liquids can produce dangerous gasses. The gasses can become a problem if the store is enclosed, otherwise they dissipate to the air. It is also recommended that the attention of the applicant be drawn to the various advice leaflets available.

## Responses to Publicity

8 letters have been received objecting to the proposal for the following reasons: -

- a) The size of the proposal is unbelievable and should not be allowed so close to dwellings. The structure would be an eyesore in a green belt area. There is plenty of other space within the farm holding where the clamp could be sited. These should be assessed before this location is accepted.
- b) The existing slurry pit/silage clamp causes land drainage problems and the farmer would be held responsible if his proposals make the situation worse. It is alleged that the pit/clamp obstructs a natural water course that subsequently causes the adjacent land to flood. If the natural course is affected it could affect the stability of an adjacent dwelling
- c) Children play close to the proposed site and their health could be at risk.
- d) There would be an increase in the odours from the site that are already strong and cause residents to have to keep their windows and doors closed. This is an environmental hazard that has not yet been seriously or adequately addressed.
- e) The views from the backs of the houses will be totally spoilt especially the views of the setting sun. It will cause unacceptable shadowing across garden and other land.

- f) The height of the material within the clamp will exceed that of the banks and then be topped by black plastic sheets covered in old tyres.
- g) The proposal will reduce the value of our house.
- h) If ultimately permitted following the investigation of alternative sites at the farm, the east boundary should be planted with hedge and trees, the material stored should not be allowed to extend above the height of the bunds. The bund walls should be seeded with an appropriate grass seed mix to reduce its visual impact.
- i) The drawings are not professionally prepared and are not good enough to enable the proposals to be properly assessed.
- j) A silage clamp would have an adverse impact on the character of Tippers Lane. The use of the lane by heavy farm vehicles has already caused damage and the increased use that would arise from this development would cause further damage.
- k) The siting of the silage clamps near to homes may in fact infringe human rights.

### **Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4

Local Plan: Environment Policy 1

### **Planning Considerations**

The main issue is the impact of the proposal on the character and appearance of the area and the potential for control of smells from the site.

### **Planning Assessment**

The nearest dwellings lie some 60 metres to the east of the site. The receiving open slurry store is in place and has received silage runoff for a considerable number of years. The Environmental Health Manager has confirmed concerns about smells from the proposal but states that the emissions could be minimised by the use of conditions. Such a condition is recommended below.

The visual appearance of the proposal is intended to be mitigated by the use of grass seeding and the planting of a hedge along the east boundary of the site. The use of an earth mound will be less intrusive than a more usual concrete wall provided that the requirements of the environmental protection legislation are met. The attention of the applicant would be drawn to these requirements should permission be granted. The seeding and planting could be a requirement of a planning condition.

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:

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

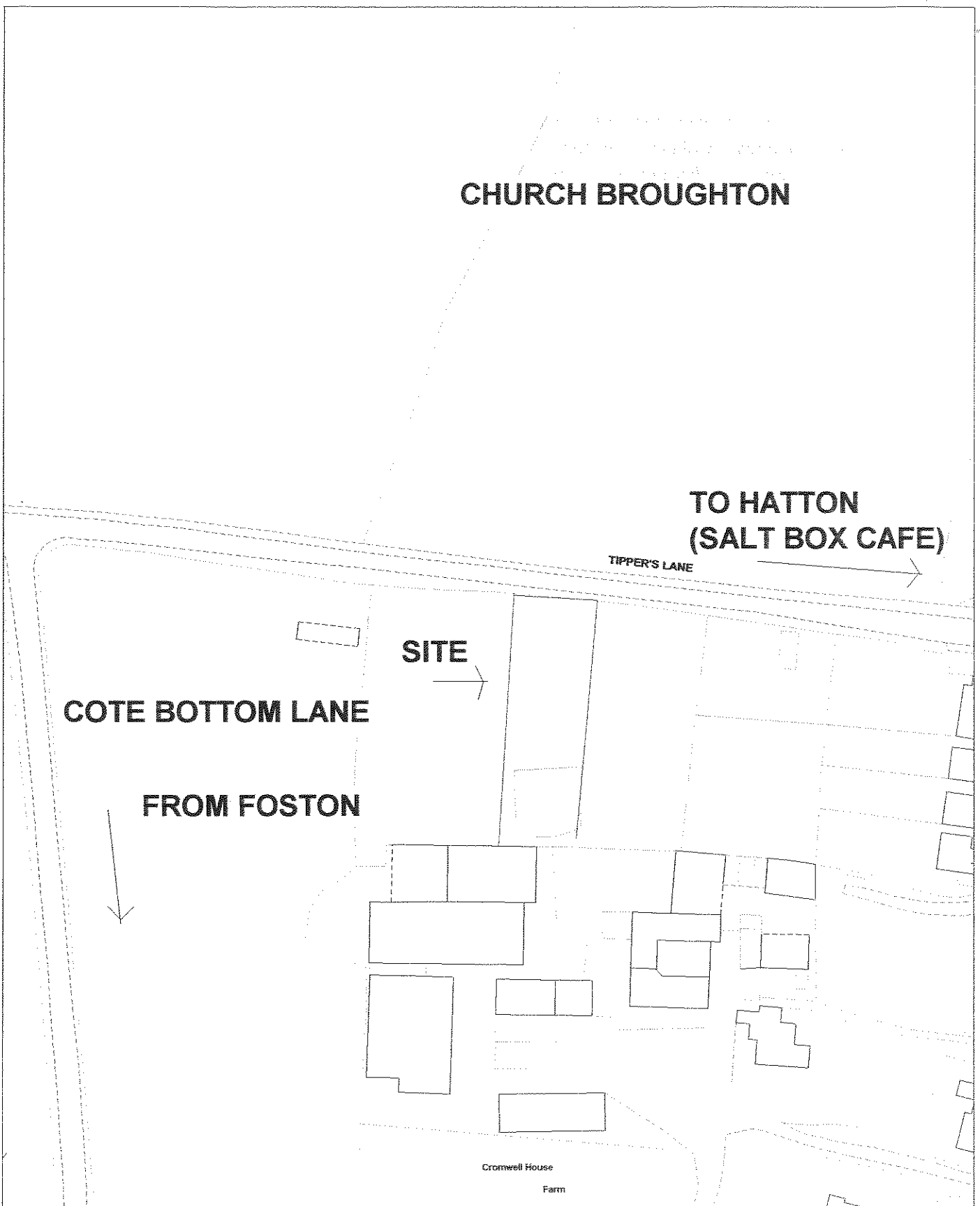


2. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
2. Reason: In the interests of the appearance of the area.
3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
3. Reason: In the interests of the appearance of the area.
4. Before development is commenced, precise details of the drainage system of the silage clamp hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall then be implemented in accordance with the approved details.
4. Reason: In the interests of preventing pollution of the water environment.

Informatives:

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

# CHURCH BROUGHTON



  
**South Derbyshire  
 District Council**  
 Civic Offices  
 Civic Way  
 Swadlincote  
 DE11 3AL

**Cromwell House Farm**  
**Boggy Lane**  
**Church Broughton**

**Date Plotted 4/12/2003**  
  
 Plot centred at 428536 325343

NORTH ↑  
  
**Scale 1:1250**

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