

14/08/2001

**Item**            **B1****Reg. No.**        **9 2001 0499 A****Applicant:**

Lane Park Ltd  
 19 Snelsmore Lane  
 Chellaston  
 Derby

**Agent:**

Peter Diffey & Associates  
 54 Woods Lane  
 Stapenhill  
 Burton on Trent  
 DE15 9DB

**Proposal:**        The retention of a free standing illuminated sign on land at the front of Snooty Fox, Woodville Road, Hartshorne, Swadlincote

**Ward:**            **Hartshorne**

**Valid Date:**     23/05/01

**Site Description**

The Snooty Fox public house is situated between dwellings on the west side of Woodville Road, Hartshorne. It is located some 20m from the junction of Woodville Road with Goseley Avenue.

**Proposal**

The applicant seeks retrospective consent to retain the sign, the subject of this application, which was erected on 27 July 2001. The sign is double sided, 5.2m high by 1.6m wide. The sign consists of illuminated perspex panels supported between two vertical uprights. It is sited roughly in the centre of the 90m wide site frontage and is adjacent to the highway boundary.

A sign was originally erected on the site partly on highway land. Following objection from the Highway Authority it was dismantled during the week commencing 9 July 2001.

An amended scheme was submitted on 2 July 2001 showing a reduction in wording on the sign and the removal of the digital readout to overcome objections raised by the Highway Authority.

**Applicants' supporting information**

The applicant's agent states that the sign is intended to improve the visibility of the public house to passing trade and to identify the entrance to the car park.

It is stated that the background colour of the sign is neutral cream being very similar to the paint colour of the rendering on the terrace houses opposite. The sign is compared with the "Total" and "Kwikfit" signs at the Clock Roundabout, the "Lidl" sign off Belmont Street and the Sainsbury's and Co-op signs at the Civic Way roundabout. The sign is said to be less visually distracting than these.

The statement concludes that whilst the sign is not traditional in character, such signs are not unusual and its design does not offend the eye.

In a further letter, the applicant's agent draws comparison with signs at The Chesterfield Arms. He says that these signs, as with the Snooty Fox sign, are adjacent to the countryside and have a significantly greater impact than the Snooty Fox sign.

Members should be aware that the signs at the Chesterfield Arms are currently the subject of an application for advertisement consent which is yet to be determined.

### **Planning History**

Advertisement consent was granted for two externally illuminated board signs in September 2000. These are not similar in any way to the application sign.

### **Responses to Consultations**

The Highway Authority raises no objection to the amended sign subject to illuminance not exceeding 700 candelas per square metre and the sign being entirely outside highway limits.

The Parish Council objected on highway safety grounds and its not being in keeping with the rural area and being out of character with other pub signs in the immediate area. It adds that there has been nine deaths at the dangerous junction since 1975.

### **Responses to Publicity**

In response to the original scheme, a letter of objection was received from both Ward Councillors and seven letters of objection were received from local residents and a letter from a letting agent.

The objections from the Ward Councillors are summarised as follows:

- a) The sign is a major distraction to traffic, particularly travelling towards Hartshorne Village, and it is situated adjacent to the junction of Goseley Avenue, a known accident black spot.
- b) The area of display is excessive.
- c) It is completely out of character with the surroundings and is visually intrusive.

The objections from local residents are summarised as follows:

- a) It is a terrible eyesore.
- b) It is situated at one of the most dangerous junctions in the area where there has been numerous accidents.
- c) The moving illuminated sign is an obvious distraction to passing traffic and two accidents have occurred subsequent to its display.
- d) It is unsympathetic and out of character with the area.
- e) The sign's illumination shines into neighbouring bedrooms.
- f) The sign belongs somewhere more built up e.g. a large city. It is too overwhelming for the area and spoils the village setting.
- g) It is more like a motorway sign.
- h) It restricts views.

The letting agent objects saying that it would reduce the potential for letting and suggests a sign that is more appropriate to the character of the area.

Two further letters of objection were submitted in response to the amended scheme continuing to outline concerns of road safety and loss of visual amenity.

182 letters of support, set out on a standard proforma, have been received. The contents of the letter are as follows:

"I live close to the Snooty Fox Public House.

I used Woodville Road before the Snooty Fox sign was erected and continue to use it. The sign is not a traditional public house sign, but it causes no offence to me and in fact tidies up the area.

It also provides early warning of the pub entrance, meaning that cars no longer slow down rapidly as they approach the entrance.

I do not believe the sign causes any highway or safety problems and I support its retention."

I hope the Council will allow its retention."

#### Structure/Local Plan Policies

There are no development plan policies directly relevant to this submission. It has, however, been considered against PPG19: Outdoor Advertisement Control and South Derbyshire District Council's Supplementary Planning Guidance - Display of Advertisements.

#### **Planning Considerations**

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

1. Highway safety.
2. Visual amenity

#### **Planning Assessment**

Policy ADV1 of the Council's Supplementary Planning Guidance (SPG) states that:

"In determining applications for consent to display advertisements the Council will consider the effect of the proposals on amenity and public safety. The Council will only grant consent for the display of an advertisement where it is satisfied that:

- a) it is well located in relation to the building or site on which it is to be displayed;
- b) it is of a suitable size, colour and design, and of materials that are acceptable in the locality;
- c) it is not unduly prominent;
- d) it does not contribute to visual clutter in the streetscene; and
- e) it does not adversely affect the safety of users of any form of transport and pedestrians."

In this case the public house is set within a relatively low-density residential area of ribbon development on the outskirts of Woodville. There are views through, and either side, of the site towards open countryside. Due to its excessive height, width, surface area, synthetic materials and prominence in the streetscene, the sign appears as an obtrusive and incongruous feature, which detracts significantly from the amenities of the area.

In view of the comments from the Highway authority there are no objections on highway safety grounds.

As the sign is already erected it is open to the Council to pursue action to secure its removal. If the applicant does not remove the sign the Council could take legal action to secure its removal.

**Recommendations**

A. **Refuse** Advertisement Consent for the following reasons:

1. The site is set within a low-density residential area of ribbon development on the outskirts of Woodville where there are clear views through, and either side, of the site to open countryside. Due to its height, width, surface area, synthetic materials and prominence in the streetscene appears, the sign as an obtrusive and incongruous feature, which detracts significantly from the amenities of the area contrary to the Council's Supplementary Planning Guidance - Display of Advertisements and PPG19: Outdoor Advertisement Control.

B. That all necessary action be taken, including legal action, to secure the removal of the sign, subject to the Legal and Members Services Manager being satisfied with the evidence.

14/08/2001

**Item**            **D1****Reg. No.**        **CW9 0601 0029 CW****Applicant:**

Mr & Mrs R Beeston  
 32 Main Street  
 Repton  
 Derbyshire  
 DE65 6FZ

**Agent:**

Darren Insley  
 Bi Design Architecture  
 First Floor Studio  
 79 High Street  
 Repton  
 Derbyshire  
 DE656GF

**Proposal:**        **Restoration of land using imported topsoil at Land Adjoining  
 Shakespear Cottage Main Street Repton Derby**

**Ward:**            **Repton**

**Valid Date:**     **05/07/2001**

**Site Description**

The site is a piece of vacant land to the south of Shakespeare Cottages, south of the village of Repton. Part of the land is in the floodplain for Repton Brook.

**Proposal**

The application is in retrospect, seeking to retain works already carried out.

**Responses to Consultations**

As this is a matter for the County Council that authority is responsible for consultation and publicity.

**Responses to Publicity**

Two letters have been addressed to this Council in the following terms:

- a) The work has already been completed, with significant and dangerous soiling of the highway.
- b) There could be an adverse impact on surface water drainage, leading to more flooding in the area.
- c) There would be increased surface water in the highway running off from the site, causing danger.

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

The relevant policies are:

Structure Plan: Waste Management Policy 4.

### **Planning Considerations**

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

- The principle of development.
- The impact on the character of the area.
- Drainage and flooding.

### **Planning Assessment**

The Structure Plan favours tipping only where it would help to improve the quality of low-grade agricultural land, subject to environmental acceptability. In this case there appears to be no evidence that the work is necessary to improve the agricultural quality of the land. The tipping would, therefore, be contrary to planning policy

The amount of material tipped at the site has resulted in only minor changes to the appearance of the land, given that the soil will become vegetated. There would be impact through traffic movements if the deposited soil was to be removed for little or no visual gain.

The development is not located within the floodplain of the brook as defined in the South Derbyshire Local Plan Proposals Map. However the Environment Agency will be able to offer technical advice direct to the County Planning Authority.

### **Recommendation**

That the County Planning Authority be informed that this Authority raises no objection subject to:

- 1) No further material being brought onto the site.
- 2) Any requirements of the Environment Agency being incorporated into any approval granted to retain the restored levels.

APPEAL DISMISSEDAppeal by Mr Mrs Tunnicliff

The use as a dwelling house of a building at the Recreational Livery Yard At O S Field 9830 Coton Park Linton Swadlincote (9/2000/0909)

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

1. *The proposal is contrary to Housing Policy 8 of the Joint Derby and Derbyshire Structure Plan and Housing Policy 7 of the South Derbyshire Local Plan in that it is neither necessary to the operation of a rural based activity nor in keeping with the character of its surroundings.*
2. *A permission for this proposal would provide unfortunate encouragement for the progressive establishment either by seeking permission for compliant uses with policy and their subsequent progressive alteration so as to establish plausible arguments for the conversions to dwellings or unauthorised developments, each minor in its own right, which it would be difficult progressively to resist, pecicely as in this case.*

The Inspector identified the main issues as whether the use of the building and site for residential purposes would accord with the aims of prevailing planning policies for the countryside, and its impact on the rural character and appearance of the area.

The appellants argued that as this was to be a straightforward conversion and as such it would fully accord with the relevant development plan provisions. However, the Inspector considered that, in strategic terms, government policy encourages sustainable development and the structure plan aims to focus new residential development in existing settlements and limit it within the open countryside. Other policy seeks to allow the conversion and re-use of existing buildings preferring business use rather than housing. He stated that no effort had been made to consider business use or assess the need for new market and affordable housing and as such this proposal would not accord with adopted development plan policy and should fail for this reason alone. With regard to local impact, the use of the interior of the building would require little physical alteration to its exterior with the exception that a domestic curtilage would be created within the current yard. Whilst this is largely screened from public view, the Inspector considered that the parking of vehicles on the open driveway and associated residential use would be glimpsed in occasional views from Occupation Lane. The night-time use of the building, in an otherwise isolated location, for residential purposes would also result in a noticeable change through additional internal lighting and activity.

He also commented that the residential conversion of the building would create the potential for a greater level of vehicular and pedestrian traffic which would lead to increased activity and noise adding to the change in character of the narrow, unmade lane. In general the Inspector concluded that the changes to the site would add cumulatively to a "creeping suburbanisation" which would be hard to control and which would further dilute the unspoilt rural character of the area contrary to the aims of adopted policy.

### **Costs Application**

The appellants argued that the Council had not supported its decision to refuse the application with any substantive evidence or reasonable argument and that the Council's committee report made no reference to many of the issues raised by the planning officer at the hearing.

In dismissing the application, the Inspector opined that the extent to which the Council reviewed the previous enforcement appeal Inspector's conclusions is somewhat academic since, on the appellant's own evidence, a material change of use requiring planning permission was involved in the appeal proposal. The appellants claimed that the extent to which the Council at the hearing highlighted new aspects of policy was unreasonable. The Inspector considered that there is a legal duty on the decision maker to consider the relevant policy and that the appellant also had the opportunity to consider the implication of these before and during the hearing. He also concluded that the question of precedent was supported by one example and it is not unreasonable to suppose that there could be others.



APPEAL ALLOWEDAppeal by Midlands Ltd

The erection of twenty, two bedroomed apartments and sixteen one bedroomed apartments on land on the Phase II Of The Redrow Development At Mickleover Country Park Former Pastures Hospital Mickleover Derby (9/2000/1019)

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

1. *Housing Policy 11 and Community Policy 3 of the adopted South Derbyshire Local Plan seek to ensure that housing development is implemented in a way that respects the amenities of the occupiers of existing and proposed occupiers of dwellings. The proposed erection of the apartments would significantly overlook the fronts and private amenity space of dwellings occupied and under construction to a point where the amenity of these residents would be adversely affected. This is contrary to the Development Plan as expressed in the policies referred to above.*

An appeal was made under the Informal Hearing process and the hearing was held on 10 July 2001. The inspector concluded that the main issue was the impact of the proposed apartments on the living conditions of neighbours.

The inspector examined the relevant policies and acknowledged that the distances between dwellings around the proposed flats would be shorter than those specified in the Council's Supplementary Planning Guidance. However, having noted the aspects of those dwellings in relation to the proposals and the presence of public land between the proposals and the dwellings, the conclusion that the inspector came to was that any impact would not be sufficient to warrant refusing planning permission.

The inspector also considered other matters raised by objectors relating to the isolated location, lack of bus services, density of development, the lack of parking space, poor access and the design of the building. It was acknowledged that the increase in the density of the development was very much in line with the advice in PPG 3 to make the best use of brown field land and that the other matters did not outweigh the conclusion that permission should be granted.

The Inspector allowed the appeal subject to conditions.

APPEAL ALLOWEDAppeal by MrButler

Outline application for the erection of a detached bungalow and detached house (all matters except access to be reserved) on land adjoining 30 Belfield Road EtwallDerby (9/2000/1062)

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

1. *The application is considered unacceptable as the proposed dwelling at the rear of the site would adversely affect the residential amenity of the existing dwelling to the west of the site as well as those of the potential occupiers of the other dwelling that forms the application in particular by the passing and repassing of vehicles along the site boundary in close proximity to those dwellings. This is directly contrary to the provisions of Housing Policy 5 & 11 of the adopted South Derbyshire Local Plan which seek to ensure that development is of a scale and character in keeping with the settlement and that existing and future occupiers enjoy reasonable amenities in terms of light, air and privacy.*

An appeal was made under the Informal Hearing procedure. The Inspector identified that the main issue as being the effect of the proposed development on the living conditions of the occupiers of adjacent dwellings.

Having examined the policies and carried out a site inspection the Inspector concluded that there would not be an adverse impact on the occupiers of the properties as a result of noise and disturbance. The proposal was therefore in accord with the policies of the Local Plan and permission was granted subject to conditions.

APPEAL DISMISSEDAppeal by Estate

The erection of a detached house on Land To The North Of Myrtle Lodge Main Street  
Smisby Ashby-de-la-Zouch (9/2000/0469)

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

1. *The access to the application site, at its junction with Main Street, is narrow with insufficient space for two vehicles to pass and visibility for drivers emerging onto Main Street from the access is severely substandard. The proposal is therefore detrimental to highway safety.*

The Inspector considered the main issues to be whether the development would preserve or enhance the character and appearance of the conservation area and whether the existing access would be capable of serving an additional dwelling without leading to unacceptable dangers to the free and safe movement of vehicular and pedestrian traffic.

He considered that the size of the proposal when compared to barns and other farm buildings in the area was not excessive and the concept of a full height glazed area would be complementary as it would compare to a threshing door in a traditional barn. He, therefore, considered the proposal would not harm the character or appearance of the conservation area.

Notwithstanding this, he observed that the access already serves several dwellings and the vehicles generated by another dwelling would not be in the best interests of vehicular and pedestrian safety.

In conclusion, the Inspector accepted the Council's reasoning that the development would preserve the character and appearance of the Conservation Area but dismissed the appeal on highway safety grounds.

APPEAL ALLOWEDAppeal by Mr & Mrs BlanshardThe erection of a conservatory at The Sycamores 1 The Old Waterworks Meadow Lane Milton Derby (9/2000/0678)

The application was refused permission for the following reason:

The application is considered unacceptable as the conservatory would introduce an extension of overtly domestic design into a group of former non-residential buildings (a Victorian waterworks). Permission for conversion of the waterworks buildings to residential use was only permitted on the basis that the building was of a form bulk and general design in keeping with its surroundings; and suitable for conversion without extensive alteration, rebuilding and or extension; and the conversion was in keeping with the character of its surroundings. The conservatory would introduce an extension that would not be in keeping with the character of the building and its surroundings, contrary to Housing Policy 13 of the adopted Local Plan and Housing Policy 9 of the approved Derbyshire Structure Plan.

The Inspector considered the main issue to be the proposal's impact on the character and appearance of the host building and the rural surroundings, having regard to the aims of countryside planning policy.

He was of the opinion that, in the light of established development plan policies the supplementary planning guidance on conversions has general applicability to schemes of residential conversion of a range of buildings where the preservation of the character of the buildings in question is material to the general acceptability of the proposal.

The inspector noted that the appeal property had a more residential appearance than other parts of the group, and noted that part of property had once been used as a residence. He considered that its position in the landscape and the presence of screen planting would render the proposal acceptable, without causing material harm to the host building.

Comment: The Council argued that The Old Waterworks complex should be considered as an entity, being a converted industrial building. The inspector chose to view the appellant's property as a more clearly defined residential building, but he did comment on the more clearly industrial scale and character of the former pump house to the east of the appeal site. The decision is unlikely to prejudice the application of the supplementary planning guidance in Historic South Derbyshire which seeks to prevent domestic style additions to converted rural and industrial buildings.