
REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM:
DATE OF MEETING:	28TH OCTOBER 2003	CATEGORY: DELEGATED
REPORT FROM:	CHIEF EXECUTIVE	OPEN PARAGRAPH NO: N/A
MEMBERS' CONTACT POINT:	NEIL BETTERIDGE (5895)	DOC:
SUBJECT:	SITE VISITS	REF: NB/KW
WARDS AFFECTED:	REPTON, NEWHALL AND STANTON, SWADLINCOTE AND SEALES	TERMS OF REFERENCE: DC01

1.0 Recommendations

1.1 See copies of the reports to the last Meeting.

2.0 Purpose of Report

2.1 To receive the reports of the Development Control Committee Site Visits in respect of the following:-

- (a) The erection of extensions at No. 20 Burdett Way, Repton (9/2003/1016/FH) (Copy of the report to the last Meeting attached at Annexe 'A').
- (b) Formation of a car park on land to the rear of No. 127 High Street, Newhall (9/2003/1019/F) (Copy of the report to the last Meeting attached at Annexe 'B').
- (c) The demolition of a dwelling and outline application (all matters to be reserved) for the residential development of site of No. 224 and land at the rear of No. 220-230 Burton Road, Woodville (9/2003/0641/O)(Copy of the report to the last Meeting attached at Annexe 'C').
- (d) The demolition of a bungalow and the erection of a house on land adjacent to Overseal Manor, Moira Road, Overseal (9/2003/0709/F) (Copy of the report to the last Meeting attached at Annexe 'D').

3.0 Detail

3.1 See copy of the reports to the last Meeting.

4.0 Financial Implications

4.1 None.

5.0 Corporate Implications

5.1 None.

6.0 Community Implications

6.1 See copy of the reports to the last Meeting.

7.0 Background Papers

7.1 None.

07/10/2003

Item 1.6

Reg. No. 9 2003 1016 FH

Applicant:

Mr Mrs Jones
20, Burdett Way
Repton
Derby
DE65 6GA

Agent:

Darryn Buttrill
Bi Design Architecture
First Floor Studio
79 High Street
Repton
Derbyshire
DE65 6GF

Proposal: The erection of extensions at 20 Burdett Way Repton Derby

Ward: Repton

Valid Date: 14/08/2003

Site Description

The property is a detached bungalow with flat-roofed dormers on the rear roof slope. The front garden slopes down to the highway boundary. The property is situated close to the head of the cul-de-sac. The other properties in the vicinity are set to fairly regular building lines, although there are three projecting flat roofed garages on the same side of the cul-de-sac.

Proposal

The application proposes a two-storey pitched-roof front extension extending some 3.6 metres from the front face of the dwelling and 7 metres in width, and a small pitched-roof dormer on the existing front roof slope.

Planning History

Permissions have been granted for a rear ground floor extension and a rear dormer. These developments have been implemented.

Responses to Consultations

Councillor Mrs Wheeler has requested that this application be brought to Committee.

The Parish Council has objected for the following reasons: -

- 1) Neighbours have asked for support for their objections.
- 2) The building will protrude in front of the building line, blocking views.

- 3) The number of bedrooms “will increase from 3 to 7” and the dwelling will be totally out of keeping with neighbourhood dwellings.
(Note – the applicant’s agent has stated that the number of bedrooms will remain as at present (5 in total).
- 4) Neighbours opposite who could see “one window opposite” will have 4 bedroom windows “overlooking their lounge”.
(Note – neighbours opposite who can see two windows opposite will have 2 bedroom windows, 1 family room window and 1 study/store room window opposite).
- 5) The split level extension will appear much taller and will be overbearing, out-of-character, and over-development of the plot, the linear features of the housing and character of the area being major factors.
- 6) There will be parking for only two cars, turning will be difficult, and the applicants already use their neighbour’s drive to access their property when cars are parked on their own drive.
(Note – the submitted scheme indicates accommodation for 5 vehicles)

The Parish Council has requested a site meeting.

The Village Society has objected for some of the above reasons.

Any comments of the County Highways Authority’s will be reported to the meeting.

Responses to Publicity

Objections have been received from the neighbours to each side and from two other dwellings on the opposite side of Burdett Way, for most of the reasons given by the Parish Council, and on grounds of overshadowing and of there being a dangerous difference in levels of up to 1.8 metres between the applicant’s property and an adjoining property.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 13
Emerging Local Plan: Policy ENV21

Planning Considerations

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

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

Planning Assessment

Although nos. 14 to 20 (evens) Burdett Way are built to a fairly rigid building line, there are three projecting flat-roofed garages within these numbers. The properties in the vicinity are bungalows, although several have dormers on front roof slopes. It is considered that in view of the extension’s limited projection (less than half-way towards the highway boundary and part-way along the front elevation of the bungalow), there would not be material detriment to the street scene.

The proposed extension more than complies with the standards of the Council's supplementary planning guidance. There will be approximately 24.4 metres between the extension and the main aspect of the property opposite (the minimum standard being 21 metres), and the extension will also satisfy the overbearing test regarding the living room in the adjacent dwelling to the south.

The proposed scheme shows accommodation for 5 vehicles within the site.

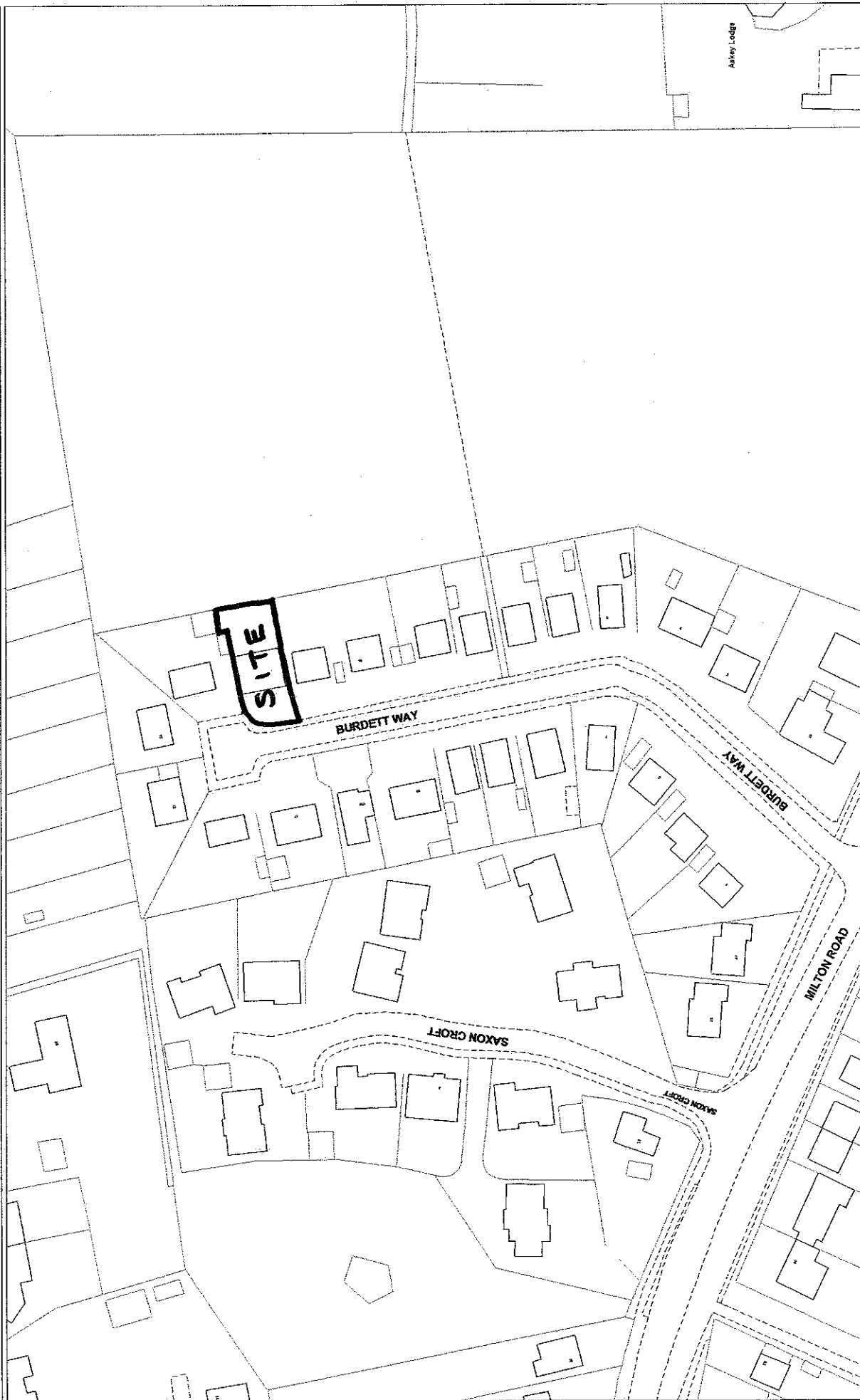
The application is therefore considered acceptable.

Recommendation

GRANT permission subject to the following conditions:

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

Burdett Way Repton



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07/10/2003

Item 2.3

Reg. No. 9 2003 1019 F

Applicant:

Reverend Bob Hollings
The Vicarage, Church Street
Newhall
Derbyshire
DE11 OHY

Agent:

Reverend Bob Hollings
The Vicarage, Church Street
Newhall
Swadlincote
Derbyshire
DE11 OHY

Proposal: **Formation of carpark on Land To Rear Of 127 High Street
Newhall Swadlincote**

Ward: **Newhall**

Valid Date: **15/08/2003**

Site description

This 46m long open grassed area is on the east side of Church Road which is off the south side of High Street. There are four roadside equi-spaced mature lime trees on the site, which are subject to a tree preservation order. Beyond the site to the south is St John's Church which is a grade II listed building.

Proposal

It is proposed to hard surface the area to provide a car park for 14 cars involving the felling of the lime trees. The proposal would provide parking for the church congregation and local businesses.

Applicant's supporting information

The vicar of the church has submitted a supporting letter to justify the proposal. The points raised are as follows:

1. It will provide the necessary car park space for St John's Parish Church and its parishioners, as well as providing welcome parking space for businesses and their customers, of which there is a dearth of space in the locality.
2. Two trees have already been planted in front of the church and it is planned to plant others to replace the four to be felled, and others that have been felled in the past.
3. The removal of the trees will take away a major nuisance value from local residents who have had to put up for years with fall out from the trees and the problems it poses.
4. The church will be able to be seen from High Street for the first time in years. Many local residents do not know the church is there.

Responses to consultations

The Highway Authority comments that it is aware of the existing parking problems in the vicinity of St John's Church and the on-street parking situation on Church Road. However, whilst the proposed car park may alleviate some of the existing problems, it would inevitably attract additional vehicles to the site. Therefore, approval of the proposal would result in an increase of the use of Church Road and Church Street which are unsuitable to serve additional traffic in terms of layout and construction and, in particular, an increase in the use of the Church Road/High Street junction which is severely sub-standard in terms of visibility. Furthermore, approval of the proposal would set a precedent for further development of Church Street, thus exacerbating the hazards outlined above. It objects to the proposal on these grounds.

Responses to publicity

One letter of objection has been received, summarised as follows:

- The trees should not be felled. The walk to the church is peaceful and beautiful and will impair the surroundings of the church.
- There are no green areas left in Newhall
- Mature trees should not be felled in the National Forest
- There is doubt as to who owns the land
- The car park would attract a criminal element to a residential area. There are already problems in the area with noise and unsociable behaviour that the Council and Police are aware of.

Structure/Local Plan Policies

Joint Structure Plan: Environment Policy 10, 16

Local Plan: Environment Policy 9, 13 and Community Facilities Policy 1.

Revised Deposit Draft Local Plan: Policy ENV 8, 19

Planning Considerations

The main issues relating to this development are:

- The loss of protected trees and the impact of this on local amenity
- The impact on the historic setting of the church
- The community benefits of providing off-street parking
- Impact on highway safety

Planning Assessment

It is clear that there is a need for off-street parking for the church and local businesses and that current parking in the area is inadequate and inconvenient. The benefits of off-street parking, however, need to be weighed against the costs to local amenity. The trees are healthy and are an important feature in the streetscene in a built-up area where there is a dearth of mature trees. In addition, they play an important part in emphasising the main approach to the listed church and therefore contribute to its historic setting. Views of the church could be enhanced from High Street with appropriate tree management without them being felled. On balance the benefits of the proposal do not outweigh the costs to amenity.

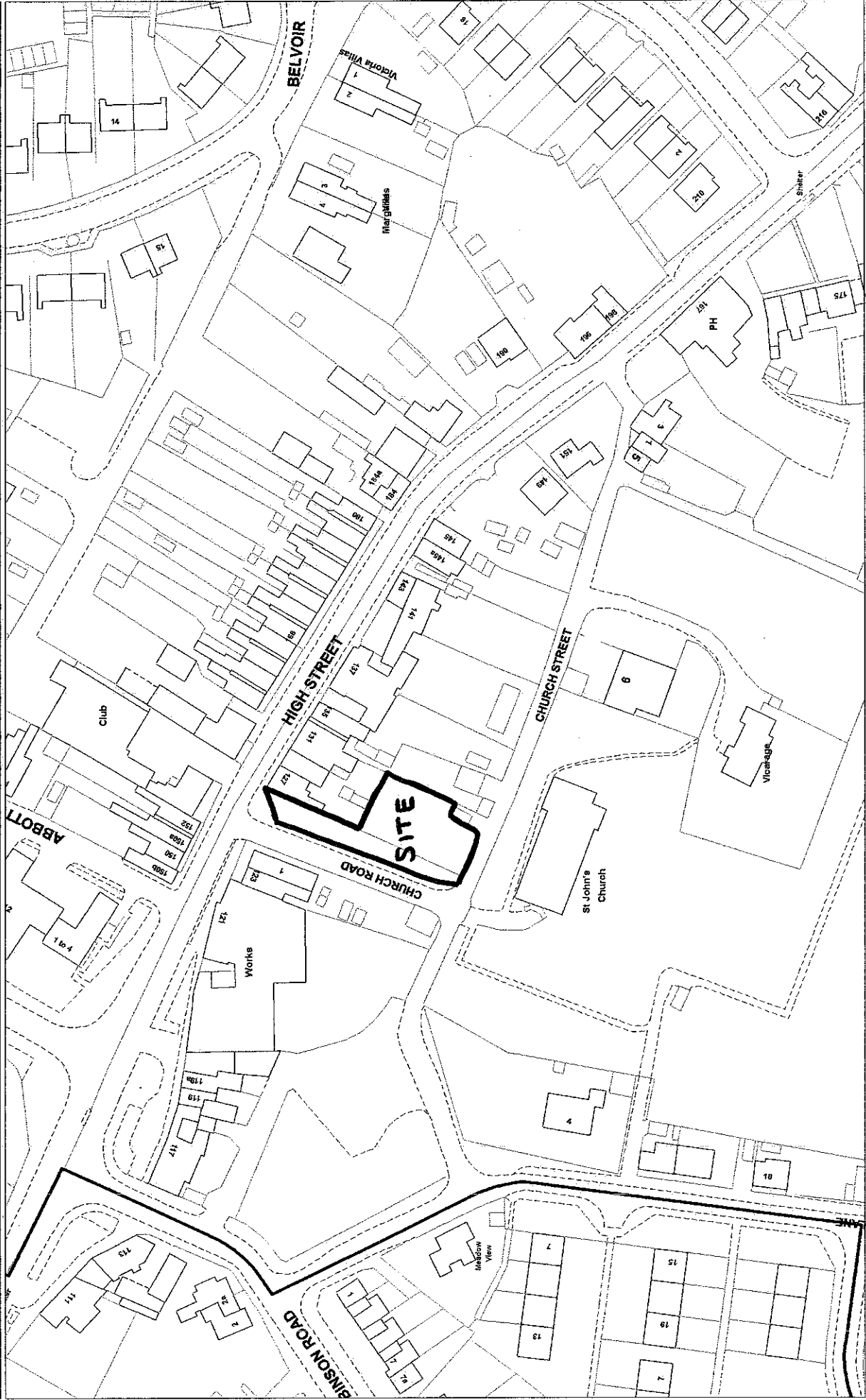
None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendations

REFUSE permission for the following reasons:

1. Whilst the proposed car park may alleviate some existing parking problems, it would inevitably attract additional vehicles to the site. Therefore, approval of the proposal would result in an increase of the use of Church Road and Church Street which are unsuitable to serve additional traffic in terms of layout and construction and, in particular, an increase in the use of the Church Road/High Street junction which is severely sub-standard in terms of visibility. Furthermore, approval of the proposal would set a precedent for further development of Church Street, thus exacerbating the hazards outlined above. The proposal would therefore be detrimental to highway safety.
2. The trees are the subject of SDDC Tree Preservation Order 203 which form an important feature in the streetscene in a built-up area where there is a dearth of mature trees. In addition, they play an important part in emphasising and visually enhancing the main approach to the church and therefore contribute to its historic setting. The proposal would therefore be detrimental to the amenities of the area contrary to Environment Policy 10 and 16 of the Joint Structure Plan, Environment Policy 9 and 13 of the Adopted Local Plan and Policy Env 8 and 19 of the Revised Deposit Draft Local Plan.

127 High Street Newhall



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07/10/2003

Item 1.1

Reg. No. 9 2003 0641 O

Applicant:

Mainstream
Properties Ltd
12 Stafford Street
Derby
DE11JG

Agent:

Steedman Planning
Chestnut Farm
Ashby Road
Moirs
Swadlincote
DE126DP

Proposal: The demolition of a dwelling and outline application (all matters to be reserved) for the residential development of Site Of 224 And Land At The Rear Of 220 230 Burton Road Woodville Swadlincote

Ward: Swadlincote

Valid Date: 22/05/2003

Site Description

This 0.5ha back land site is on the east side Burton Road to the north of The Granville School. It forms part of the rear gardens to four detached dwellings, which front Burton Road. The rear of the site is bounded by the former Swadlincote Loop railway line and beyond this is open countryside.

Proposal

The proposal is in outline with all matters (siting, design, external appearance, means of access and landscaping) reserved for subsequent approval. The proposal would involve the demolition of 224 Burton Road to provide access to the site.

Responses to consultations

The Education Authority comments that whilst it is conscious that the proposed development, though situated within the normal area for Woodville School it is also convenient for the Eureka Primary School, which at present does have some spare capacity. It does not therefore require a contribution to local education facilities.

The Primary Health Care Trust comments that population growth in this area is already putting extra demands on Primary Care services and further developments will exacerbate this further. It would therefore be looking for a contribution from the developer in recognition of these pressures. A contribution of £444 per dwelling would be a reasonable contribution to local medical facilities.

The Highway Authority has no objection to the proposal and comments that as the number of dwellings would exceed five, the site would need to be served by an adoptable highway subject to appropriate highway safety conditions .

Severn Trent Water Limited raise no objections subject to satisfactory means of drainage.

Responses to publicity

Four letters of concern have been submitted (including one from the headteacher of the adjacent school) which are summarised as follows:

- The school is not ideally situated on a bend in the road where 400-500 children have to cross the A511 on four occasions during the day. Even a small development is likely to increase danger to them.
- Traffic is already congested and further development onto a dangerous stretch of road is likely to make matters worse for motorists and pedestrians.
- There have been many serious accidents on this stretch of road
- The new road will provide convenient parking spaces for parents promoting more dangerous manoeuvres
- A safer access is needed for the school.
- Demolition and construction work could weaken foundations of neighbouring houses.
- Existing boundary walls are in a poor state of repair.
- Concerns about levels of dust/debris and noise during demolition and hours of working
- The property to be demolished contains a colony of bats and felling of garden trees could be involved.

Structure/Local Plan Policies

Structure Plan: Housing Policy 3

Local Plan: Housing Policy 4, Recreation and Tourism Policy 4, Community Facilities Policy 1.

Revised Deposit Draft Local Plan: Policies H1, C3, C5, LRT4

Planning Considerations

The main issues relating to this proposal are:

- Appropriate use of previously developed land
- Potential loss of amenity
- Highway safety
- Contributions to education and medical facilities

Planning Assessment

The site is within the defined area for development from the Local Plan and is within the definition of previously developed land. The proposal is therefore acceptable in principle.

Conditions relating to boundary treatment and landscaping can be used to overcome any amenity issues and the garden trees on the site are not of sufficient amenity value to justify them being made the subject of a tree preservation order.

Despite the concerns raised by the school and local residents, the expert opinion of the Highway Authority is that the proposal would not be detrimental to highway safety.

The location of play space on the site, in accordance with the Councils SPG for public open space, can be considered at the reserved matters stage. A commuted sum for future maintenance would be required at this stage by way of legal agreement.

The contribution to local medical facilities should also be secured by way of a legal agreement.

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

Recommendation

- A. Subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure:
- a. financial contribution to local medical facilities and
 - b. the provision and future maintenance of public open space (to include equipped toddlers play area or other facility as deemed appropriate);
- B. **GRANT permission** subject to the following conditions:
1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.
 1. Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.
 2. Approval of the details of the siting, design and external appearance of the buildings the means of access thereto and the landscaping and means of enclosure of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.
 2. Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.
 3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.
 3. Reason: In the interests of the appearance of the area.
 4. No development shall commence on site in connection with this approval until samples of materials for the external elevations of the buildings have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.
 4. Reason: To ensure the materials are appropriate to safeguard the appearance of the area.

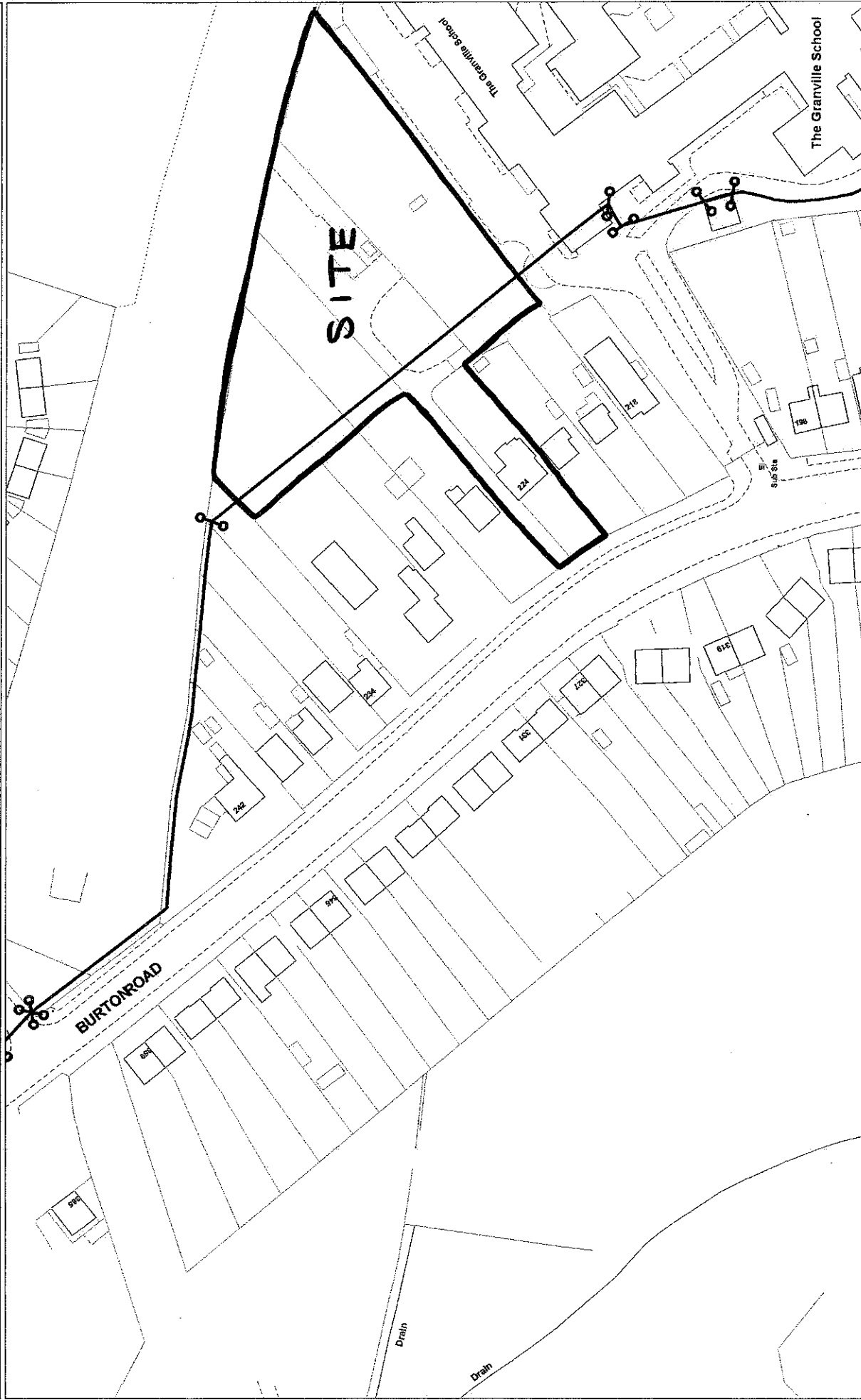
5. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
5. Reason: In the interests of the appearance of the area.
6. Further to condition 5 above, soft landscape details shall include planting plans; written specifications including cultivation and other operations associated with plant and grass establishment; schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate) and the implementation programme.
6. Reason: In the interests of the appearance of the area.
7. 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.
7. Reason: In the interests of the appearance of the area.
8. The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.
8. Reason: To ensure the development is provided with a satisfactory means of drainage.
9. Prior to any other works commencing in connection with this development, the new access shall be formed with Burton Road. The access shall be laid out and constructed to adoption standards comprising a 5.5m carriageway, 1.8m footways, radii of 10.5m and being provided with 4.5mx90m visibility sightlines with an obstruction exceeding 600mm in height relative to the nearside carriageway edge forward of the sightlines unless agreed otherwise in writing by the Local Planning Authority.
9. Reason: In the interests of highway safety.
10. The internal road within the adoption site shall be laid out and constructed to adoption standard in accordance with Derbyshire County Council's policy document 'Roads in Housing' and material and construction specification document unless otherwise agreed in writing by the Local Planning Authority.
10. Reason: In the interests of highway safety.
11. The gradient of the new road shall not exceed 1 in 14.
11. Reason: In the interests of highway safety.
12. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).
12. Reason: To protect the amenities of adjoining properties and the locality generally.

13. 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.
13. Reason: To ensure that adequate parking/garaging provision is available.

Informatives:

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

220 - 230 Burton Road Woodville



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ANNEXE 'D'

07/10/2003

Item 1.2

Reg. No. 9 2003 0709 F

Applicant:

Pinehouse Ltd
School House
Normanton Le Heath
Leicestershire
LE672TH

Agent:

Brownhill Haywood Brown
Georgian House
24 Bird Street
Lichfield
Staffordshire
WS136PT

Proposal: **The demolition of a bungalow and the erection of a house on
Land Adjacent To Overseal Manor Moira Road Overseal
Swadlincote**

Ward: Seales

Valid Date: 23/06/2003

Site Description

The site for the proposed dwelling is an area of open parkland within the curtilage of Overseal Manor (a listed building). The site fronts on to Moira Road but is elevated approximately 1 to 2 metres above road level. The boundary with Moira Road is marked by a wall and there are mature trees and hedging within the site on top of the wall. A public footpath runs alongside the western boundary of the site. The bungalow to be demolished is located within close proximity of the Manor adjacent to one of the main approaches to the building.

Proposal

The application proposes the demolition of an existing bungalow which was constructed in the 1960's and it's replacement with a four bedroom dwelling in an alternative location further away from the Manor. The proposal involves reducing the site levels by between 1 and 1.5 metres so that the dwelling has a lower ridge height than the adjoining dwelling fronting Moira Road and would be screened by the existing trees and hedges on the Moira Road boundary. The proposed dwelling would be accessed via a driveway located on the site of part of the former bungalow and across the Manor grounds from the existing drive to the Manor which currently serves the bungalow.

Planning History

Planning permission was granted in 1999 for the conversion of the Manor into three dwellings and the construction of a block of four new dwellings alongside the Manor fronting Hallcroft Avenue..

Responses to Consultations

The County Highway Authority have no objections on the grounds that the application is for a replacement dwelling as long as no new access is formed onto Moira Road and provided that there is no adverse impact on the line, level, structural stability or safe pedestrian passage of the public right of way.

Overseal Parish Council strongly objects to the application insofar as the siting is concerned. The land on which the house would be built is within an area designated as important open space and contributing towards the character and environmental quality of the area. When the development of the adjoining Overseal Manor site was approved, this land was to be protected from development. It would be contrary to Local Plan Policies to allow development on this site. The siting would also make it more likely that infilling could be difficult to resist in the future, thereby further developing an area of land which should remain open.

The County Council Tree Officer has no objections providing the house has an adequate stand off area from the trees which would normally be about 10 metres.

Responses to Publicity

Six letters of representation have been received raising the following issues:-

- Additional traffic generation on an already busy road and from a dangerous access point.
- Loss of privacy due to overlooking of the houses across Moira Road. The proposed dwelling would be at a higher level than existing properties.
- Impact on the protected trees through severing of roots through the construction of both the dwelling and driveway.
- The development would set a precedent for the construction of further dwellings on the rest of the land adjacent to Overseal Manor.
- This proposal is going back on what has previously been agreed with the developers, as it was agreed that this land would remain as a green field.
- The application calls the dwelling a replacement but it is a house not a bungalow and is in a different location. The position of proposed dwelling will leave another plot fronting Moira Road for future infill development.
- Concerns over the new access driveway and impact on access to the existing dwellings sharing the narrow drive from Moira Road and safety on the driveway.
- The driveway up to the Manor from Moira Road was supposed to be closed off and made into a cul de sac but this hasn't yet occurred.
- The driveway to the dwelling would pass alongside the bedroom window of the adjoining bungalow resulting in increased noise and a loss of privacy.
- The proposed site of the house is on land that is shifting and has a fault running down it.
- The existing bungalow doesn't have a carport attached and therefore this cannot be considered in calculating the footprint of the bungalow for comparative purposes.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Environment Policy 10, Housing Policy 5.
Revised Deposit Draft Local Plan: Policies ENV8, ENV19 and H1.

Planning Considerations

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

- The impact of the existing and proposed dwellings on the setting of the listed building.
- The impact of the proposed dwelling on an area of land that has been identified as contributing to the character and environmental quality of the settlement.
- The impact on residential amenity and the protected trees.

Planning Assessment

The curtilage land around Overseal Manor is located within Overseal village development boundary. Overseal is classified as a serviced village under Policy H1 of the Draft Local Plan where there is a presumption in favour of the residential development of brownfield land. However the curtilage land around Overseal Manor has also been identified as land that contributes towards the character and environmental quality of Overseal on the Draft Local Plan proposals map and as such is protected from development under the provisions of Policy ENV 8 of the Draft Local Plan.

The curtilage around Overseal Manor was included in the Draft Local Plan as an area of land that contributes to character and environmental quality of the village in order to protect the setting of the listed manor house and retain the park like quality of the grounds. The existing bungalow is of very poor quality design and external appearance and is located within 50 metres of Overseal Manor house, the existing bungalow is therefore considered to have an adverse impact on the setting of the listed building. The proposed dwelling is of a good quality design and is sited adjacent to the end of the row of existing dwellings fronting Moira Road so that it would read as part of the existing development in the streetscene. The proposed dwelling would be located over 90 metres from the listed Manor. It is considered that the benefits gained from the improvement to the setting of the listed building as a result of the replacement of the bungalow would outweigh the adverse impact created by development of the land that has been designated as contributing to the character and environmental quality of the area. This case is considered to be unique and will not set a precedent for development of more of the grounds in the future, the protection of the openness of the land provided under Policy ENV 8 will still apply.

The driveway to the dwelling has been repositioned so that it is located centrally between two lime trees protected under a Tree Preservation Order so that the effect on the trees would be minimised. The proposed dwelling itself would be located 14 metres from the centre of the nearest tree and this distance is considered acceptable by the County Tree Officer.

The County Highway Authority have no objections to the application on the basis that the dwelling will be a replacement for the existing bungalow and therefore the existing access will not serve an increased number of dwellings.

The driveway would be 7 metres from the side elevation of the neighbouring dwelling, which contains a bedroom window but this distance is considered to be sufficient when considering that the drive will serve a single dwelling. The proposed dwelling would be located over 30 metres from the nearest property on the opposite side of Moira Road and therefore the window distances comply with the Council's standards set out in the Supplementary Planning Guidance on Housing Layout. Although the proposed dwelling would be located at a higher level than the road, the proposal includes the reduction in site levels by 1 to 1.5 metres and the dwelling will be located to the rear of existing mature trees. No 18 Moira Road, which is adjacent to the site, does

not have any windows in the side elevation and the occupiers will not be affected by the proposed development.

The proposal is therefore considered acceptable.

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. The existing bungalow shall be demolished and the driveway hereby granted permission shall be constructed prior to the commencement of building works on the dwelling hereby approved.
2. Reason: To ensure that there is adequate access provision to the site.
3. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).
3. Reason: To protect the amenities of adjoining properties and the locality generally.
4. No part of the development shall be carried out until samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.
4. Reason: To safeguard the appearance of the existing building and the locality generally.
5. Large scale drawings to a minimum Scale of 1:10 of 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.
5. Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.
6. Notwithstanding any details submitted, precise details of the type, size and position of the proposed rooflight(s) shall be submitted to and approved in writing by the Local Planning Authority. The approved rooflight(s) shall be fitted such that their outer faces are flush with the plane of the roof, unless otherwise agreed in writing with the Local Planning Authority.
6. Reason: In the interests of the appearance of the building(s) and the character of the area.
7. Notwithstanding any details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

7. Reason: In the interests of the appearance of the area.
8. 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.
8. Reason: In the interests of the appearance of the building(s) and the character of the area.
9. 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.
9. Reason: In the interests of the appearance of the building(s) and the character of the area.
10. 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.
10. Reason: In the interests of the appearance of the building(s), and the character of the area.
11. 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.
11. Reason: In the interests of the appearance of the building(s) and the locality generally.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the dwelling hereby permitted shall not be altered, enlarged or extended, no satellite dishes shall be affixed to the dwelling and no buildings, gates, walls or other means of enclosure (except as authorised by this permission or required by any condition attached thereto) shall be erected on the application site (shown edged red on the submitted plan) without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.
12. Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the site area and effect upon neighbouring properties and/or the street scene.
13. 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.
13. Reason: In the interests of the appearance of the area.
14. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
14. Reason: In the interests of the appearance of the area.
15. There shall be no new access created on to Moira Road.
15. Reason: In the interests of highway safety.
16. Notwithstanding the submitted details, prior to the commencement of building operations on adjoining areas, the boundary with the area of protected trees shall be fenced with chestnut pale fencing to a minimum height of one metre staked at 3 metre centres. The

fencing shall be retained in position until all building works on adjoining areas have been completed unless otherwise agreed in writing with the local planning authority.

16. Reason: To protect the trees/landscape areas from undue disturbance
17. There shall be no tipping or deposition of materials within the area fenced under condition 16 above without the prior written authorisation of the local planning authority.
17. Reason: To protect the trees/landscape areas from undue disturbance
18. 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.
18. Reason: In the interests of the appearance of the area.

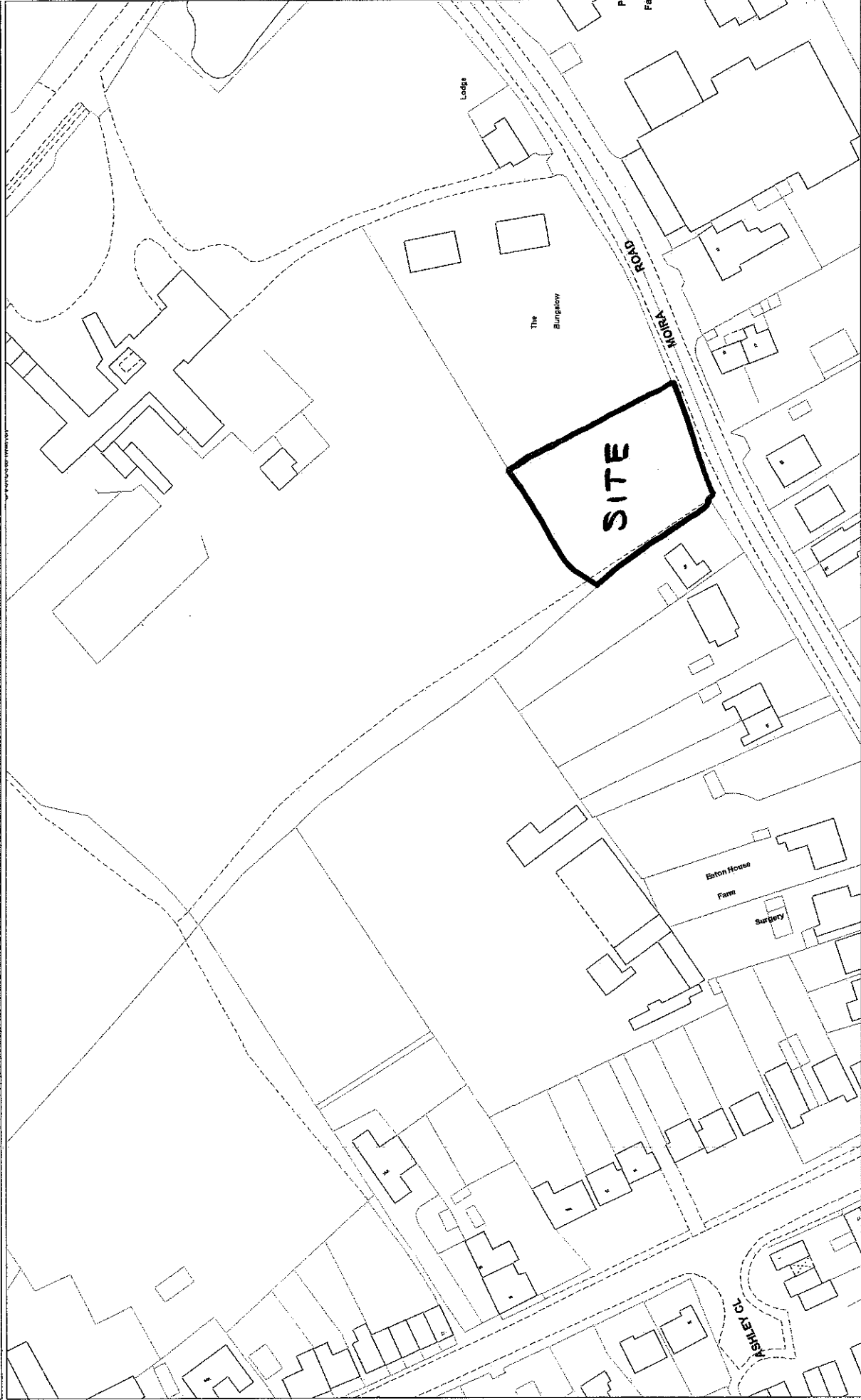
Informatives:

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

Further to the above Informative, the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. This grant of planning permission does not give a warranty of ground support or stability, neither does it necessarily imply that the requirements of any other controlling authority would be satisfied.

To note that the Public Right of Way which runs alongside the site must remain available for use for members of the public at all times and that there should be no adverse effect on the line, level, structural stability of the footpath or safe passage of pedestrians along the footpath as a result of the proposed development.

Overseal Manor



**SOUTH DERBYSHIRE
DISTRICT COUNCIL
CIVIC OFFICES
CIVIC WAY
SWADLINCOTE DE11 0AH**

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