

DEVELOPMENT CONTROL COMMITTEE – 16 September 2003

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

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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

16/09/2003

Item 1.1**Reg. No.** 9 2003 0831 F**Applicant:**

Mr Mark Goodall
Clover Fields, Osleston Lane
Dalbury Lees
Ashbourne
Derbyshire
DE56 5BN

Agent:

Montague Architects
9 Vernon Street
Derby
DE11FR

Proposal: The demolition of an existing barn and the erection of a new dwelling at Arleston Farm Arleston Lane Barrow On Trent Derby

Ward: Stenson

Valid Date: 07/07/2003

Site Description

The property is part of an L-shaped former agricultural building within a larger group of traditional buildings. Part of the building has already been converted to a dwelling. The remainder is in popper condition.

Proposal

The applicant seeks to rebuild a section of the building measuring some 22.3 m x 5 m. The proposal differs from a previously approved scheme as follows:

- The eaves line would be raised by 300mm.
- The increased height would enable first floor accommodation to be provided.
- There would be five rooflights to the north (courtyard) elevation and one to the south elevation.
- There would be minor changes to fenestration.

Planning History

Permission to convert the L-shaped range was granted in 1988. In 1999 permission was granted to convert the building to two dwellings (9/0499/0015/F). One of the permitted dwellings is now occupied. Another barn, elsewhere in the overall group and belonging to a different owner, was rebuilt last year following its collapse during conversion (9/2001/0830/F). The application was permitted because the building was an important part of the group, forming a visual stop to domestic activity within the curtilage of other converted barns. Permission was granted to rebuild the subject building for similar reasons last February (9/2002/1272/F).

Responses to Consultations

The Parish Council and the Highway Authority have no objection.

Structure/Local Plan Policies

The relevant policies are:

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

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

Draft Local Plan: Housing 1.

Planning Considerations

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

- The principle.
- Impact on the character and appearance of the area.
- Residential amenity.
- Highway safety.

Planning Assessment

The policies of the development plan seek to resist new development in the countryside. Specifically, new residential units are only permissible when proposed in connection with a rural based activity. Therefore in principle the proposal is contrary to the development plan.

However the following issues also need to be given weight in this matter and they are relevant material considerations:

- There is an extant permission to re-build
- There is an existing building that has been there for a considerable period of time.
- It would be rebuilt using materials reclaimed from the site.
- Its appearance would be very similar to the previously approved conversion scheme and would therefore not have a significantly greater impact.
- The proposal would retain a very important visual element of the whole farm group. Permission was granted for the conversion because the building contributed to the visual quality of the group.
- The building would provide a significant screen to domestic activity in the courtyard and gardens of the converted barns.

Of particular importance in this case is the contribution that the barn makes to the group as a whole. It closes off views into the courtyard of the converted complex, particularly from the public right of way that passes the site, and contributes to the setting of the complex as a whole. For these reasons, its original conversion was considered to be an important element of the conversion of this group of buildings as whole. Additionally the re-erection of the building would have no greater impact than the barn that has been granted permission to be converted.

On balance, these other considerations outweigh the normal presumption against the erection of new dwellings in the countryside.

In terms of general disturbance the impact on other residents would be less than as approved for the conversion because there would be fewer vehicles using the shared courtyard. Although there would be rooflights facing other properties these are within the terms of supplementary planning guidance so there would be no demonstrable harm.

Highway safety would not be compromised by the proposal.

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 no.1691-03 A & 04A received 12 August 2003.
2. Reason: For the avoidance of doubt, the original submission being considered unacceptable.
3. Unless as may otherwise be approved in writing by the Local Planning Authority the building shall be reconstructed using facing bricks and roof tiles reclaimed from the existing building.
3. Reason: In the interests of the appearance 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. 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.
5. Reason: In the interests of the appearance of the building(s) and the character of the area.
6. 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.
6. Reason: In the interests of the appearance of the building(s) and the character of the area.
7. Gutters and downpipes shall have a black finish and be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.
7. Reason: In the interests of the appearance of the building(s), and the character of the area.
8. 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.

8. Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.
9. Hawthorn hedges shall be planted in the positions shown on the attached plan at a density of five plants per metre in the first planting season following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any plants which within a period of five years from the completion of the development die, are removed or become seriously diseased or damaged 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.
9. Reason: In the interests of the appearance of the area.
10. 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.
10. 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.
11. No development shall take place until details of a scheme for the disposal of surface and foul water have been submitted to and agreed in writing by the Local Planning Authority. The septic tank shall be installed in accordance with the approved details before the development is first brought into use.
11. Reason: In the interests of pollution control.
12. Before development begins the access permitted under Planning Permission 9/0898/0363/F shall be permanently closed and the boundary of the site with the adjacent highway planted in accordance with the requirements of Condition 8 above.
12. Reason: In the interests of highway safety and to preserve the character of the countryside.

16/09/2003

Item 1.2**Reg. No.** 9 2003 0904 FH**Applicant:**

M Trow
 11, Hall Park
 Barrow-on-Trent
 Derby
 DE731HD

Agent:

M J Harrison
 7 Hall Park
 Barrow On Trent
 Derby
 Derbyshire
 DE731HD

Proposal: The erection of a part two storey rear extension at 11 Hall Park Barrow-on-Trent Derby

Ward: Stenson

Valid Date: 23/07/2003

Site Description

No. 11 Hall Park is a semi-detached bungalow surrounded by other residential properties. The property is close to the Conservation Area.

Proposal

The proposal is the erection of rear extensions comprising a flat-roofed dormer on the rear roof slope and a two-storey gable-ended extension projecting (as amended) 2 metres into the rear garden. The latter would accommodate a kitchen extension on the ground floor and a bedroom on the first floor.

Planning History

Front and rear dormers were permitted in 1995.

Responses to Consultations

Councillor Atkin has requested that this application be brought before Committee.

The Parish Council has not commented.

Responses to Publicity

An objection has been received to the application as originally submitted, which proposed a 3 metre projection for the two-storey gable-ended element. The objection is from the occupier of a house directly to the rear of the proposal, and is on the following grounds: -

- a) The loss of all privacy by reason of the proposal being far too close and at a higher level - overlooking will occur from the bedroom in the proposed gable end into the lounge, dining room, master bedroom, en-suite shower room, and back garden.
- b) An overbearing effect and loss of light to the rear garden which is already shaded by trees to the side and rear after midday.
- c) A design which is at best unimaginative
- d) A reduction in property value.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 13

Emerging Local Plan: Policy ENV 21

Planning Considerations

The main issue is the impact of the proposals on the residential amenities of the occupiers of nearby dwellings.

Planning Assessment

The relevant SPG states that there should be 21 metres between facing main aspects. Since the neighbour's objection, the application has been amended so that approximately 20.75 metres is achieved. The objector's house is slightly south of east of, and at a slightly lower level than, the application site. The common boundary is an approximately 1.8 metre high wall, flanked on each side by 3 metre high (approximately) cupressus leylandii hedges. However, on the applicant's side a deciduous tree makes up a small part of the hedge. It is acknowledged that the hedges may not always exist (and that the deciduous tree will lose its leaves in winter), but even so they would presently substantially limit overlooking from the proposed bedroom window into the ground floor lounge and dining room. At almost the recommended 21 metre distance, the objector's dining room would be the nearest window to the proposed extension, while the lounge and master bedroom would be approximately 23 metres away.

On balance, therefore, the amended application is 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.
3. This permission shall relate to the amended drawing B.2040.1A showing the 2-storey extension reduced to 2 metres in length.
3. Reason: For the avoidance of doubt.

16/09/2003

Item 1.3**Reg. No.** 9 2003 0911 D**Applicant:**

David Wilson Homes East Midlands
 Forest Business Park
 Cartwright Way
 Bardon Hill
 Leicestershire
 LE67 1UB

Agent:

David Wilson Homes East Midlands
 Forest Business Park
 Cartwright Way
 Bardon Hill
 Leicestershire
 LE67 1UB

Proposal: The erection of one hundred dwellings at **Qualitas Bathrooms
 Hartshorne Road Woodville Swadlincote**

Ward: Woodville

Valid Date: 23/07/2003

Site Description

This irregular shaped 3 hectare former industrial site is north of the Clock Island junction and has accesses off both Hartshorne Road and Burton Road. It is bounded to the north east by housing, to the north west by housing and the cricket ground, to the south west by Burton Road and to the south east by general industrial units occupied by Greenbank Terotech and Scomark Engineering.

Proposal

This application is for the approval of details - reserved matters - following the grant of outline permission (9/2001/0730 refers). A Section 106 Planning Agreement is also attached to this outline permission relating to provision and maintenance of open space, provision of a car park extension to the neighbouring doctor's surgery and provision of funding for local schooling provision.

This reserved matters application is for the construction of 100 dwellings consisting of 4 one bedroom apartments, 23 two bedroom apartments, 40 three bedroom houses and 33 four bedroom houses. Access would be from Burton Road and Hartshorne Road providing two service roads into the site, which would not be interconnected to provide a through route. The proposal amends a recently refused reserved matters application by setting the two apartment blocks some 25m and 30m back from Burton Road.

Public open space would be along the southeast boundary providing a natural buffer between the existing industrial units and the nearest proposed dwellings. The majority of the open space would be planted with trees to further the National Forest planting objectives. Also within the open space would be an enclosed children's play area.

Planning History

Outline planning permission and detailed planning permission were granted for residential development on the site at the end of last year.

A reserved matters application was refused in July this year on grounds that the two apartment blocks fronting onto Burton Road would appear incongruous on this side of the street because of their height and design and would therefore be an obtrusive feature in the streetscene.

Responses to Consultations

Woodville Parish Council comments that the development should be built on the natural levels of the site and that a fence should be erected around the site adjacent to the cricket ground to protect houses from cricket balls.

The Highway authority comments that on certain plots there could be a clash of vehicle and pedestrian use, a shortfall in parking provision for two plots and the junction radii onto Hartshorne Road and Burton Road should be 10m.

Severn Trent Water raise no objections subject to the satisfactory disposal of foul and surface water drainage.

Responses to Publicity

A local resident objects to the proposal on grounds that the mix of proposed house types alongside Burton Road would be unsightly in the streetscene and inappropriate on the approach to the village centre.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 11
Draft Local Plan: Policy Env 21

Planning Considerations

The main issue central to the determination of this application is the appropriateness of the design of the development.

Planning Assessment

The two, three storey apartment buildings are now proposed to be sited some distance from Burton Road so as not to have a significant impact on the existing streetscene, which at this point has remained undeveloped. There will now be a greater reliance on the roadside boundary hedge and trees in maintaining a defined edge to the development. Details of finished levels have been submitted showing the land to be graded down from Burton Road. The current raised levels near Burton Road made up of crushed demolition materials are not the finished levels. The design of the development is considered to have overcome the previous reason for refusal and is therefore considered acceptable.

It is the responsibility of the cricket club to ensure that their game does not encroach onto neighbouring land that they do not own or control.

Other issues regarding junction radii and pedestrian safety raised by the County Highway Authority have been addressed by conditions.

Recommendation

GRANT permission subject to the following conditions:

1. This permission shall relate to the amended drawing, no S1374/Planning Rev H showing alteration to house type codes.
1. Reason: For the avoidance of doubt.
2. No development shall commence on site in connection with this approval until revised plans have been submitted to and approved in writing by the Local Planning Authority showing the junction radii onto Hartshorne Road and Burton Road to be 10m unless agreed otherwise by the Local Planning Authority and the development shall be completed in accordance with the agreed details.
2. Reason: In the interests of highway safety.
3. A revised scheme to show the rear entrances to plots 54, 60 and 72 reworked to incorporate the provision of a raised, kerbed threshold area at least two metres wide where cars may not encroach (or other such scheme designed to improve pedestrian safety in this courtyard) shall be submitted to and approved in writing by the Local Planning Authority.
3. Reason: In the interests of pedestrian safety.

16/09/2003

Item 1.4**Reg. No.** 9 2003 0929 FH

Applicant:
Mr J Cornall
2, Utah Close
Hilton
Derby
DE655JA

Agent:
Martin Bromley
9 Byron Road
Swadlincote
Derbyshire
DE110DD

Proposal: The erection of extensions at 2 Utah Close Hilton Derby**Ward:** Hilton**Valid Date:** 29/07/2003**Site Description**

The site comprises a single dwelling plot on a site that was developed in the early 1990's. There is a range of dwellings to the north of the application site that back onto the plot, two of which lie directly behind the site. The dwellings on the housing site have generally open plan appearance; a 1.8 metre high close-boarded fence separates the plot from the dwellings to the rear. There is a distance of about 24 metres to the dwelling opposite and 13 metres between the side of the proposed dwelling and the dwellings to the north, both measurements are taken from the ordnance survey base.

Proposal

The part of the proposal requiring planning permission involves the erection of an additional floor to provide a bedroom above the existing integral garage to the dwelling. A window would be inserted in the newly formed gable overlooking Utah Close and a blank side wall would be presented to the dwellings to the north.

Another proposal proposing the conversion of the loft space to a bedroom is also shown on the submitted drawings but as the rooflights are proposed in the rear roof slope, this part of the proposals constitutes permitted development.

Planning History

The erection of these dwellings was permitted in the early 1990s.

Responses to Consultations

Councillor Mrs Walton requested that this application be brought to Committee.

Responses to Publicity

Two letters have been received objecting to the development on the following grounds:

- a) There would be a loss of light to the dwellings arising from the development. This light comes from the south east and its loss is unacceptable
- b) There would be an increase in the bulk of the property. The wall is only 24 feet (*8m approx.*) from the rear of the properties. The grant of permission would result in an intrusive overbearing and over-dominant development.
- c) The original plans showed two dwellings backing on to the adjacent dwellings, indeed this is shown on the deeds. However, the developers changed the plans that resulted in three dwellings being erected with the application dwelling being much closer to the side of rear of the objectors' house. The erection of the extension would result in excessive over-development of the plot and it would not be in keeping with the layout of the rest of the estate.
- d) The application dwelling already gives neighbours a feeling of being imprisoned as it stands now. Any further development would have an adverse effect on the quality of life of the neighbours and a significant effect on their health.
- e) There was no contact from the applicant prior to the application being submitted and it would help with the Committee's understanding of the application if it were to visit the site.
- f) There would be no objection to the roof alteration nor to the conversion of the garage to additional living accommodation if that would be helpful to the family.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 13

Emerging Local Plan: Policy ENV 21

Supplementary Planning Guidance – Extensions.

Planning Considerations

The main issue central to the determination of this application is the conformity or otherwise of the proposal with policy and Supplementary Planning Guidance.

Planning Assessment

Supplementary planning Guidance states that most extensions have an impact on neighbours and that the Council will seek to ensure that neighbours are not unacceptably affected having regard to reasonable expectations of daylight, sunlight, privacy and aspect from habitable rooms.

To assist in assessing the impact on neighbours, the guidance applies a set of space about dwelling standards that are regarded as the minimum distances to ensure reasonable standards of privacy, light and amenity. The minimum standards apply to situations where the ground levels are the same between the properties.

The windows in the rear of the adjacent dwellings are regarded as main habitable rooms. The minimum space requirement between a main habitable room and a plain flank wall is 12 metres. If an extension meets this requirement then there is deemed to be an adequate level of daylight and sunlight reaching the habitable room windows of the adjacent dwelling.

In this case the objectors have stated that the flank wall of the application dwelling is only up to 8 metres approx. (24 feet) from their windows. A visual inspection, confirmed by actual measurements on the OS base (a copy of the map is available for inspection on the file) indicate that the shortest distance between the affected dwellings is 12.9 metres to the original dwelling. The discrepancy is explained by the fact that the objectors have erected conservatories and this has reduced the distance between their dwellings and the proposal to a point that is substandard. The neighbours have chosen to reduce this distance and in these circumstances it is considered that the minimum standard can be reduced in favour of the applicant and is no different to the existing situation except in terms of its mass.

Reference has also been made to the proposal being overdevelopment and being of a scale that is out of character with the area. This is a relatively modest extension to the dwelling with a ridge height some 1.3 metres below the ridge of the main part of the dwelling. For comparison purposes, had the developers proposed a dwelling with an appearance similar to the extended dwelling now proposed, then it would have been acceptable under the terms of the adopted policies.

If permitted a 5-bedroom dwelling would be produced and the required maximum 3 parking space would remain available within the curtilage of the dwelling.

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. 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.

16/09/2003

Item 2.1**Reg. No.** 9 2002 1223 U**Applicant:**

L Burke
Blakelow Farm, Sutton Lane
Hilton
Derby
DE655FE

Agent:

R. Wood
Richard Wood Associates
21 Curzon Street
Derby
DE1 1LH

Proposal: The conversion into four residential units of two out buildings
at Blakelow Farm Sutton Lane Hilton Derby

Ward: Hilton

Valid Date: 19/11/2002

Site Description

The site comprises a group of traditional farm buildings in the countryside to the north of the A50 at Hilton. There are both single and two storey buildings constructed in red brick under plain clay tile roofs. Access would be via the old Sutton Lane the route of which was diverted when the A50 was constructed. A public footpath passes through the yard of the farm holding. The site lies adjacent to the Hilton Gravel Pits SSSI (Site of Special Scientific Interest) but does not extend into it.

Proposal

The application seeks to convert the buildings to four dwellings. The gardens to three of the dwellings would abut the SSSI. The land that would form some of the gardens is already cultivated for growing vegetables. The proposals make good use of the existing openings; limited new openings are proposed.

Applicant's Supporting Information

The application is accompanied by a structural survey. This indicates that the buildings are capable of conversion without substantial rebuilding. Plans have been submitted to show the extent of these works. A full copy of the report is available on the file.

The applicants have submitted an assessment of the alternative uses for the buildings and have concluded that the use for workshops or holiday lets would not be viable alternatives as the conversion costs would not be sustained by the returns available from these uses. It is also stated that the buildings do not accord with current regulations for the keeping of farm animals and are therefore unsuited to this purpose.

Site History

The buildings were until recently used for farming purposes. There is no relevant planning history.

Responses to Consultations

Councillor Mrs Walton has no objection to the principle of the proposal but is concerned that full access to the footpath should be maintained at all times including during construction works

Hilton Parish Council has no objection subject to the retention of public access to the footpath.

The County Highways Authority has no objection subject to the provision of adequate parking and the retention of the public footpath.

The Environment Agency seeks an assessment of the impact of the proposed septic tank but if none is forthcoming, then a condition is recommended requiring the submission of details of the method of disposal of the foul water.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policies 1 & 4, Housing Policy 6 and Environment Policy 10 & 11.

Local Plan: Housing Policies 7 & 8 and Environment Policy 13.

Emerging Local Plan: Policy H1, ENV21

Planning Considerations

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

- The principle of development.
- Impact on the countryside.
- Highway safety.

Planning Assessment

The main issue is the principle of development. The publication of the replacement Local Plan the Council has applied Housing Policy 1 for the purposes of development control, because this has been drafted to accord with PPG3. This takes into account the government's policy of aiming to reduce the need to rely on the private car in the interests of sustainable development.

The government has made it clear that PPG3 should supersede any out of date adopted Local Plan policies. Housing Policy 1 now identifies specific settlements where residential conversion may be acceptable, but only after it has been demonstrated that commercial uses are not acceptable.

The submitted information fails to adequately demonstrate that the alternative uses would not provide a viable alternative use for the buildings. Thus, conversion to residential use would not meet the tests set out in Policy H1 of the Local Plan that is the adopted policy of the Local Planning Authority.

The proposal would maintain the simple agricultural character of the buildings and would unitise existing cultivated areas. Its curtilage would be limited in size and visibility. The impact on the character of the countryside would therefore be acceptable.

On the advice of the Highway Authority, there would be no harm to safety.

The matter of drainage could be resolved through the imposition of an appropriate 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

REFUSE permission for the following reason:

1. The proposal is not in accord with Housing Policy 1 of the draft South Derbyshire Local Plan, which seeks to resist residential development away from settlements. The conversion of these isolated barns to residential use does not aid sustainability, as occupants would need to rely on the private car for all journeys. As such the proposal is also contrary to General Development Strategy Policy 1 of the Derby and Derbyshire Joint Structure Plan.

16/09/2003

Item 2.2**Reg. No.** 9 2003 0975 FH**Applicant:**

Mr Michael Davies
 44, Coton Park
 Linton
 Swadlincote
 Derbyshire
 DE126RE

Agent:

Mr Michael Davies
 44, Coton Park
 Linton
 Swadlincote
 Derbyshire
 DE12 6RE

Proposal: The retention of a car port in the front garden of 44 Coton Park Linton Swadlincote

Ward: Linton

Valid Date: 06/08/2003

Site Description

The site is the front garden of a terraced house fronting to the highway known as Coton Park. The house is one of a terrace of four houses, Coton Park being lined by such short terraces for a considerable distance. The front garden has a mean length of some 23.5 metres, and other front gardens on the same side of the road are of a similar length. The front gardens slope steeply down to the road for their last 5 metres or so.

Proposal

The carport is built of mid-green stained timber adjoining stepped red-brick side walls, and has a flat corrugated clear, sheeted roof. Green painted timber trellis has recently been attached to its southern flank. The structure fronts a garage built into the ground, which then rises to the front of the dwelling. The front of the carport adjoins the highway boundary.

Applicants' supporting information

The applicant is disabled.

Planning History

The garage was permitted in 1986.

A previous application for retention of the carport (9/2003/0442/FH) was refused in June this year under delegated powers, and following an objection from the Parish Council for the following reason: -

"The carport is of a large scale and located in a prominent location within the streetscene and as a result of its siting and poor external appearance it is considered to be detrimental to the character of the area contrary to the provisions of Housing Policy 13 of the Local Plan."

Responses to Consultations

Councillor Southern has requested that this application be brought before the Committee.

Councillor Lauro has responded as follows: -

"I wish to register a strong objection to the retention of the above structure. This building is completely out of character with the street scene in Coton Park, it abuts the footway when there is ample space in the front gardens of these houses to accommodate less obtrusive parking arrangements. If every householder along this road was allowed to build a similar structure it would look like a shanty town. As you will be aware it is quite a large structure and is a considerable distance to the fore of the building line. I don't believe there is any way we should allow the erection of a random structure such as this; which, quite frankly is an eyesore."

The Parish Council fully supports fully supports the District Council's view to have this car port removed. The application is not supported because the car port was erected prior to the submission of an application and 'it looks a total mess'.

The comments of the County Highways Authority will be reported at the meeting.

Responses to Publicity

A petition containing 10 signatures of the occupiers of 10 nearby houses has been received, stating no objection to the carport.

Two letters from each of the residents at a nearby property were received prior to the submission of this application, stating that the roof joists are beginning to sag, the carport is an eyesore, it should be used for parking and not a workshop to free up the road as cars need to pass clearly on the brow of the hill, and there is no need for a carport as the property already has a garage.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 13

Emerging Local Plan: Policy ENV 21

Planning Considerations

The main issues are the impact of the carport on the street scene and on the residential amenity of the occupiers of nearby dwellings.

Planning Assessment

Very few structure have been permitted in the front gardens of houses along Coton Park, the garage on the applicant's property being one of them, and all the properties are built to consistent building lines. Although several properties in the vicinity of the carport have mature hedges and

vegetation in their front gardens, the large carport is prominent in the street scene. Its roof, being of light reflective material, is noticeable from the front elevations of nearby properties. The application is therefore considered an unacceptable intrusion into the street scene.

Recommendation

A. REFUSE permission for the following reason:

The carport is of a large scale and located in a prominent location within the streetscene and as a result of its siting and poor external appearance it is considered to be detrimental to the character of the area contrary to the provisions of Housing Policy 13 of the Local Plan.

B. That the committee authorise the necessary enforcement action to secure the removal of the structure.

Item 3.1

Reg. No. CM9 2001 0108 CM

Applicant:

Derbyshire County Council
County Offices
Matlock
Derbyshire
DE43AG

Agent:

Mrs Heather Pugh
David lock Associates Ltd
50 North Thirteenth Street
Milton Keynes
MK93BP

Proposal:

Incidental coal extraction as part of land remediation works in preparation for redevelopment of site for housing and open space on land adjoining Former Mount Pleasant Works And Woodville Pipeworks Off Moira Road Woodville Swadlincote

Ward:

Woodville

Valid Date:

Site Description

This proposal is located within the north east corner of the masterplan area on land known as "The Hollows". The site is near to the former "Woodville Pipeworks", bounded to the north by houses along South Street and industrial premises adjacent to the western boundary including the "Montracon" factory, manufacturer of trailers for heavy goods vehicles. The eastern boundary is open land whilst the southern boundary follows a former access road of the Woodville Pipeworks.

The site is designated as a County Wildlife Site known as the "Hollows" (SD355 - designated in 2001) predominately regenerated land with a significant mosaic of habitats including acidic grassland habitat. Historical mining, both opencast and shallow underground has resulted in unstable landform, comprised of old mine shafts and spoil heaps. It has been left untouched which has allowed it to establish to a habitat which is now only occasionally occurring in the locality. The site generally comprises heath land with continuous bracken, areas of heath, small ponds and scattered scrub

Proposal

Members will recall their consideration of the 'Woodville Woodlands' application at the last committee. This is a planning application to make the area safe by preparing it for development. The site would be excavated and then backfilled and compacted in a phased operation over a six to nine month operation which would include the incidental recovery of some 24,000 tonnes of coal. Land south west of the coaling area would be used to store part of overburden.

Great Crested Newts and Translocation of the Acidic Grassland

Protected under separate legislation the applicant is required to trap and translocate Great Crested Newts, before any operations commence of the site. The applicant proposes to re survey the site for Great Crested Newts and translocate any that might be found under licence, to a proposed receptor water body within Leicestershire.

Screen Bund

The applicant has proposed a screen / baffle mound to minimise noise impacts from the remediation scheme. The bund would follow the northern boundary adjacent to South Street and the boundaries adjacent to the industrial premises, the majority being constructed from soil forming material and subsoil from the application site. Woodland planting would be undertaken adjacent to the north and north-western boundaries to remain as advance planting beyond the life of the mound.

Working

Coal recovery would take place over a total period of 20 weeks at a maximum depth of 26 metres. Coal would be loaded onto dumptrucks to be transported along an internal haul from the south western corner of the site, through the adjacent Albion opencast coal site to join the existing haul road to Swainspark Processing Plant at Overseal.

Coal extraction would be take place concurrently with overburden removal. Backfilling of the site would be progressive with overburden being compacted on replacement for future built development in accordance with specifications from an Independent Consultant Engineer.

Surface Water Drainage

The applicant states the only water arising from the development would be surface run off that would be linked into a closed water treatment system.

Noise

The applicant has submitted revised details to predict the noise levels at the closest dwellings in South Street some 20 metres from operations. To reduce the noise levels received at the noise sensitive properties, the applicant has proposed revisions to the method of construction, using dump trucks and an excavator to place the material. The applicant also proposes to construct a temporary perimeter 3 metre high hoarding along the line of the baffle mound, which will provide a further reduction in emissions.

Dust

A dust action plan has been submitted based on the approved scheme for the New Albion Opencast Coal Site.

Hours of operation

The proposed hours of operation would be from:

0800 - 1800 hours Mondays to Fridays

0800 - 1300 hours Saturdays

No working is proposed for Bank or Public Holidays.

Restoration

The applicant has submitted a schedule of works for the excavation of materials, filling operations and tests that would be carried out to ensure the fill has been compacted to national standards suitable for built development. There are also proposals for advanced and post restoration planting.

Environmental Statement and Contamination

The application was accompanied by an Environmental Statement covered the whole of the Masterplan proposals, which provides information on Geotechnical and Contamination Assessment. In summary it confirms that the Hollows area did not show signs of contaminations from the activities and disposal of the former clay pipe and refractory industries.

Applicants' supporting information

- The scheme of land stabilisation and coal extraction will form an integral part of the Woodville Woodlands Masterplan Proposals.
- An environmental Statement has been prepared for the site which includes consideration of the coal extraction proposals.
- The scheme, in accordance with national policy and with the principles of sustainability, will allow the removal of a nationally valuable resource prior to built development taking place.
- The site provides opportunities for local employment both during the land stability engineering phase, and the subsequent built development stage. It will also contribute to the local economy supporting many local service providers, and will assist in the general regeneration of the area and growth in the local economy.

Planning History

Members will recall being minded to grant permission for the redevelopment of the site at the last committee.

Responses to Consultations

All consultations are sent directly to the determining mineral planning authority (DCC). However, the Environmental Health Manager comments as follows:

The coal extraction is expected to take approximately 8 months and the predicted maximum noise level is 59dB L_{Aeq} . The current background noise levels are between 35-37 L_{A90} and the ambient levels between 38-43 L_{Aeq} . Even with the proposed mitigation measures of a 3m noise bund and a noise limit of 55dB L_{Aeq} the impact will again be significant and give rise to complaints. MPG11 is the appropriate guidance to use in this case. However, there is also a draft MPG11 out for consultation with the Governments intention on noise laid out. Both the current MPG11 and the draft both state that where the difference in the background noise level and the limit of 55dB is greater than 10dB then consideration should be given to setting lower limits. In this case the difference is in the region of 18-20 dB and is therefore significant.

In order to ensure the impact is kept to a minimum he suggests that conditions be attached to the permission to control noise and dust emissions.

Structure/Local Plan Policies

The relevant policies are:

- i) Derby and Derbyshire Minerals Local Plan: First Alteration: Coal Policies:
 - *Policy MP27*: Coal Extraction and Colliery Spoil Disposal.
- ii) Derby and Derbyshire Minerals Local Plan:
 - *Policy MP1* (The Environmental Impact of Mineral Development),
 - *Policy MP3* (Measures to Reduce Environmental Impact),
 - *Policy MP4* (Interests of Acknowledged Environmental Importance)
 - *Policy MP6* (Nature Conservation - Mitigation Measures).
 - *Policy MP8* (Planning Conditions)

Planning Considerations

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

- The prevailing development plan policies and government guidance
- The impact on amenity

Planning Assessment

The County Council is content that the applicant has addressed all the potential impacts of the proposal and, where those impacts are adverse they have been addressed through appropriate mitigation measures to ensure that the environmental impact of the development would be kept to a minimum level, commensurate with the location of the site.

There would be disruption to the environment resulting from the site operations but this would be short term. Because of the need for the remediation of the land if the development proposal were to proceed, some mass engineering works would have to take place in any case.

Throughout the consideration of this application, improvements have been sought and obtained to mitigate the environmental impacts of the proposal as far as possible. As such the development is not unacceptable in the context of the prevailing minerals planning policies provided the necessary safeguards are incorporated into conditions as recommended by the Environmental Health Manager and those considered necessary by the County Minerals Authority.

Recommendation

That the County Minerals Authority be advised that the District Council has no objection in principle to the application provided the necessary safeguards are incorporated into conditions as recommended by the Environmental Health Manager and those considered necessary by the County Minerals Authority.

Conditions recommended by The Environmental Health Manager:

1. Before each stage of the development commences a scheme shall be agreed with the local planning authority which specifies the provisions to be made for the control of noise emanating from the site. (This is in order to agree measures for each stage to keep noise

levels to a minimum and could include both physical and/or administrative measures). (Such measures should include the provision of a noise barrier, the height, layout and construction agreed prior to commencement of the work).

2. Notwithstanding the measures agreed within the above condition, the maximum noise level for the coal extraction work shall be as follows :-

Monday – Friday 0700-1900 50dB $L_{Aeq1hour}$
Saturday 0800-1300 50 dB $L_{Aeq1hour}$

These noise limits shall apply to the nearest noise sensitive properties along South Street Woodville. The only exception to this condition is detailed in the following condition.

3. The following maximum noise limit shall apply to temporary works such as soil stripping, removal of spoil heaps, construction of bunds and roadways :-

Monday-Friday 0800-1800 67dB $L_{Aeq1hour}$
Saturday 0800-1300 67dB $L_{Aeq1hour}$

