

**SOUTH DERBYSHIRE DISTRICT COUNCIL**

**DEVELOPMENT CONTROL SUB-COMMITTEE – 27th November 2001**

**Planning Services Manager**

**I N D E X**

**PART 1 ..... Planning Applications**

**PART 2 ..... Appeals**

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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).

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## PLANNING SERVICES MANAGER

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27/11/2001

**Item** A1**Reg. No.** 9 2001 0806 F**Applicant:**

N Williams  
 6, Penn Lane  
 Melbourne  
 Derby  
 DE731EQ

**Agent:**

E J Lee  
 Penn Side  
 Penn Lane  
 Melbourne  
 Derbyshire  
 DE73 1EP

**Proposal:** The erection of an extension at 6 Penn Lane Melbourne  
 Derby

**Ward:** Melbourne

**Valid Date:** 13/08/2001

**Site Description**

The property lies towards the edge of the village, albeit within the defined village confines. It is located within a residential area and within a group of similar semi-detached properties.

**Proposal**

The applicant seeks consent to erect extensions to the front, rear and side of the property. The rear extension would be two storeys in height, built over an existing flat roof extension that projects from the rear wall of the original dwelling by some 3.8 metres. The front and side extensions are proposed to be single storey only.

**Responses to Consultations**

The Parish Council has no objection.

Melbourne Civic Society does not object but comments as follows:

- a) The cloakroom extension to the front would detract from the 1930s style houses surrounding the site.
- b) Any objections should be from neighbouring properties, which may be concerned about loss of privacy etc.

**Responses to Publicity**

The adjoining neighbour at 8 Penn Lane has written to confirm that there is no objection to the proposal

## **Structure/Local Plan Policies**

The relevant policies are:

Local Plan: Housing Policy 11.

## **Planning Considerations**

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

- The principle of the development
- Impact on the general character of the area.
- Residential amenity.

## **Planning Assessment**

The site is located within the confines defined for Melbourne in the Local Plan. Therefore, the principle of the extension is acceptable.

The proposed extensions are well designed and are sympathetic to both the dwelling itself and the area in which it is located. The proposal would, therefore, not have a demonstrably harmful effect on the general character of the area.

The proposal would not cause loss of privacy to neighbouring properties as no windows would be overlooked by the proposal. However, the two storey rear extension would not meet the guidelines in the supplementary planning guidance because a 45 degree line drawn from the middle of the nearest habitable room window to 8 Penn Lane would intersect the extension. However, both dwellings face south and there is currently a single storey extension in the position that the two-storey extension would be located. Therefore, the effect of the additional overbearance would not have an overriding detrimental effect.

## **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.

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.

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

27/11/2001

**Item**            **A2****Reg. No.**        **9 2001 0884 D****Applicant:**  
Dove Valley Park Ltd C/O Agent**Agent:**  
David Steele  
T S Design Group  
58 Portswood Road  
Southampton  
Hampshire  
SO172FW**Proposal:**        **The provision of a new commercial facility falling within classification B1, B2, and B8 of the Use Classes Order (approval of reserved matters of application 9/0595/0170/O) at Plot 5000 Dove Valley Park Foston Derby****Ward:**            **North West****Valid Date:**      **05/09/2001****Site Description**

The plot lies on the western side of Dove Valley Park close to its boundary with Woodyard Lane. A landscaped bund has been formed to the northern boundary to supplement existing planting.

The site is located within an area allocated for industrial development in the Local Plan.

The route of a public footpath affects the site.

**Proposal**

The applicant seeks consent to erect a 45,870sq.metre building on this 11.8 hectare site. The height to the eaves of the building would be 16 metres and to the apex 20.5 metres. It would be some 140 metres wide by 295 metres long.

The end user of the building is not yet known but it would be occupied by one of the uses permitted by the outline planning permission.

The roof is proposed to be coloured Merlin grey with the final colour of the walls being subject to approval by the Local Planning Authority.

**Applicants' supporting information**

The developers have identified a need for a building of the scale proposed in this application. If this is to be achieved, it will be necessary to divert one part of the public footpath that crosses the site. This will need to be the subject of a separate application once permission for the building

has been issued. An alternative route through the site is shown on the submitted drawings that is contended will be an integral part of the footpath network across Dove Valley Park and its environs.

### **Planning History**

A 10-year outline planning permission was granted in 1995 for the development of the site for uses in Classes B1 B2 & B8. Detailed applications for substantial buildings on the site have been approved in the past few years.

### **Responses to Consultations**

Church Broughton Parish Council has objected for the following reasons: -

- a) There is a lack of information on hours of work, type of use, traffic flows, employment, servicing, hazardous materials and lighting. Councillors and parishioners feel that it is unethical for an application for this size of building to be considered without this type of information.
- b) It is hoped that appropriate noise conditions will be applied and 24-hour working avoided.
- c) The council remains concerned about the type of construction materials used on the site and trust that a suitable sympathetic material will be used for this building rather than the Merlin grey colour now suggested.
- d) Again there is no indication of the lighting arrangements for the site and it is hoped that the latest lighting technology will be insisted upon.
- e) There is concern that the height of the building will be emphasised by the difference in level between the Hays Building and the roofline of the new building making it visible from the village environs.
- f) The landscaping for the site is not as deep as for the Amelca building and should be increased to match that on the Amelca site.
- g) The footpath diversion should be on the northern boundary of the Dove Valley site and join up with Footpath 28.
- h) There is yet again reference to Phase 2 development with potential access points shown.
- i) There are trees to be felled but these are not shown on the application drawings. As this is a speculative proposal, the site should be developed around the trees and not through them.

Foston and Scropton Parish Council has requested that the question of lighting and a sympathetic consideration of colour form the basis of the determination of the application.

The County Highways Authority has no objection subject to conditions.

The Environment Agency has no objection subject to conditions and draws attention to the presence of a landfill site in the vicinity. Attention is drawn to the need to have regard to the need for an assessment of the condition of the ground prior to carrying out building works to ensure that there is no possibility of gas migrating to the building or into the surrounding area. The Environmental Health Manager should be consulted in this regard.

The Environmental Health Manager reports that there may be a noise nuisance problem for the dwellings on Woodyard Lane but this is controlled by a condition attached to the outline planning permission. Early discussions on this matter are recommended. Attention is drawn to the need for an assessment of the site under Part IIA of the Environmental Protection Act 1990 and by Section 57 of the Environment Act of 1995. These require a ground condition survey to be undertaken to establish if there is ground contamination and if there is then there is a duty to



carry out remediation operations to make the land 'suitable for use'. This is the developer's responsibility. None of the other buildings have been subject to this advice but it is considered prudent to do so for this proposal.

Severn Trent Water has no objection to the proposal as submitted.

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

The relevant policies are:

Joint Structure Plan: Economy Policy 17.

Local Plan: Employment Policy 2

### **Planning Considerations**

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

- Compliance with the Development Plan
- The scale of the development
- The public footpath
- The contaminated land issue

### **Planning Assessment**

The site is allocated in the Local Plan as part of the land required to meet the Structure Plan requirements between 1991 and 2011. The proposal is therefore in accord with the Development Plan and, in principle, acceptable.

This would be the largest building on the Dove Valley site. The main part of the building is some 43,270sq.metres with 2600sq.metres of offices. The height of the building is not excessive for a development of this type but the building will be prominent when viewed from Woodyard Lane. However, the site is allocated for large scale development in the development plan and with suitable landscaping the proposal is acceptable in this location. The colour of the roof proposed is acceptable while those for the walls of the building remain controllable by the Local Planning Authority.

Whilst there are 6 dwellings on Woodyard Lane they would not be detrimentally affected by the new building as the building is set well within the site away from the road and those premises.

The concern over noise is noted. However, there are conditions attached to the outline planning permission that control noise levels on the boundary of the site. The Environmental Health Manager is anxious to ensure that the best practicable means of controlling noise are implemented at the site. Accordingly, an informative is recommended if consent is granted to supplement the condition referred to above.

The impact of the development on existing trees and other vegetation along Woodyard Lane also needs to be assessed. The retention of an area of trees on the road side is under consideration by the applicants as well as the retention of the existing hedges on that frontage. The results of the discussions will be reported at the meeting, however, neither of these matters are issues affecting the principle of erecting the building on the site.

The matter of the public footpath is dealt with by other elements of the Town and Country Planning Act. Members may recall these provisions being used to seek the closure of Marston Lane at Hatton where it passed through the Nestle site. Planning permission for a development to bring about closure is a prerequisite for the use of the provisions of the Planning Act. Thus if consent is granted for this building, its implementation would be delayed pending consideration of the proposed diversion of the footpath and any alternatives that may be suggested during the process. An acceptable alternative is considered available in this case.

The lack of precise details of the development such as the hours of operation, as specified by the Church Broughton Parish Council, are noted. However, the remainder of the site is not restricted in terms of its hours of operation and it would not be reasonable to control this building and restrict its operating hours. The operation of the building on a 24 hour basis would not adversely impact on the amenity of the area.

However, the lighting of this particular building is an issue that can be controlled under the current reserved matters application and a condition relating to this is proposed.

Contaminated land is an issue that has been raised since the granting of the outline planning permission. The suggestion from the Environmental Health Manager that an informative be attached to the consent is an appropriate way of dealing with this matter. The final responsibility for ensuring that the land is suitable for use remains with the developer.

### **Recommendation**

**GRANT** approval of reserved matters subject to the following conditions:

1. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 01043/01Rev A

Reason: For the avoidance of doubt, the original submission being considered unacceptable.

2. No development shall take place until precise details of the sources of illumination, including intensity, angling and shielding, and the area of spread of light have been submitted to and approved in writing by the Local Planning Authority. The lights shall be installed in accordance with these details and thereafter retained in conformity with them.

Reason: To preserve amenity and/or prevent danger to road users.

3. Details of the materials of construction for the walls of the building shall be submitted to and approved in writing by the Local Planning Authority. The approved material shall then be used to construct the building.

Reason: No details have been submitted.

4. Notwithstanding the originally submitted details the proposed footway to car park access 2 shall be set back to the line of the 4.5m x 50m visibility splay.

Reason: In the interests of highway safety.

5. The car parking spaces/manoeuvring areas shown on the submitted plan 01043/01 Rev A shall be hard surfaced with a solid bound material and marked out prior to the first use of the development and thereafter be retained for that purpose free of obstruction.

Reason: In the interests of highway safety.

6. Before the development hereby approved is commenced precise details of the emergency access onto Woodyard Lane shall be submitted to and approved in writing by the Local Planning Authority. The access shall then be constructed in accordance with the approved details. The access shall be kept closed at all times and be used solely for access to the site by emergency vehicles.

Reason: In the interests of highway safety.

7. Before the commencement of any operations on site, a scheme for disposal of highway surface water, including a timetable for its implementation, by a positive gravity-fed system discharging to an outfall in public sewer, highway drain or watercourse, must be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in accord with the agreed timetable and be retained as such thereafter.

Reason: To ensure that there is an adequate means of highway surface water disposal.

8. Before any other operations are commenced, a temporary access shall be formed for construction purposes, and space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring for site operatives and visitors' vehicles, loading and unloading of goods vehicles, all in accordance with a scheme first submitted to and approved by the Local Planning Authority. The facilities must be maintained available throughout the course of the construction works.

Reason: In the interests of highway safety.

9. Before any operations commence involving the movement of materials in bulk to or from the site, facilities must be provided in accord with a scheme approved in writing by the Local Planning Authority. The facilities shall be retained as such thereafter.

Reason: To prevent the deposition of mud or extraneous material on the public highway.

10. Before the premises are first brought into use, the proposed adoptable road serving the development must be laid out and constructed, drained and lit in accordance with the application drawings as amended to conform with the standards for Industrial Development Roads and to a design to be agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

11. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

12. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of

interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

Informatives:

(i) The application proposes the Diversion of Footpath No 9 that crosses the site. The diversion must be carried out under Section 247 of the Town and Country Planning Act 1990 prior to any development taking place. The Highway Authority reserves the right to object to any such diversion.

(ii) The Environment Agency is promoting the use of sustainable drainage techniques, such as soakaways, swales etc. for the disposal of clean surface water to sources allowing recharge of the underlying aquifer. It is, therefore, recommended that if ground conditions are suitable, then the applicant should consider these alternatives to the more traditional drainage methods.

(iii) You are advised to note the comments of the Environment Agency, a copy of whose comments are attached.

(iv) You are advised that the noise levels on the boundary of the site with Woodyard Lane are controlled by condition 7 of the outline planning permission 9/1995/00170. With this in mind and before any building works are commenced, you are advised to make contact with the Environmental Health Department of this Authority in order to discuss measures for the control of noise emanating from the site, both whilst being built and when it is in final use. This would enable any potential problems in terms of noise nuisance to neighbouring residential properties to be dealt with at an early stage.

(v) In addition to the comments of the Environment Agency, the Environmental Health Services Manager of South Derbyshire District Council advises that the developer be informed that the site of the proposed development is a former air base. Part IIA of the Environmental Protection Act 1990, which was inserted into that Act by section 57 of the Environment Act 1995, provides a new regulatory regime for the identification and remediation of contaminated land. Whilst the outline permission for this application was granted before this legislation was introduced and there have subsequently been a number of developments on the site which have not been advised to undertake a survey of the ground for contamination, in view of the previous use, it would be prudent to undertake a ground contamination survey. The important point to note is that the land should be "suitable for use". Ultimately, this means that an industrial use such as this may not require as much remediation as would be required if the site was to be developed for housing, but some remediation may still be necessary. It is the developer's responsibility to ensure that the land is suitable for its use.

27/11/2001

**Item**            **A3****Reg. No.**        **9 2001 0891 U****Applicant:**

Thornewill Construction  
 Stenson Fields,  
 Stenson  
 Derby  
 DE237LP

**Agent:**

Paul Thornewill  
 Thornewill Construction  
 Stenson Fields,  
 Stenson  
 Derby  
 DE237LP

**Proposal:**        **The use of the land for B1(light industry) and B8 (storage and distribution) purposes of Stenson Fields Stenson Road Stenson Derby**

**Ward:**            **Ticknall**

**Valid Date:**      **12/09/2001**

**Site Description**

The site lies at the edge of the built up area of Derby and was once a working farm. It is located, for planning purposes within the countryside.

The site was used for a number of years in association with a tractor and vehicle repair and sales business. More recently the site has been in use as offices and storage for a construction company.

**Proposal**

The applicant seeks consent to change the use of buildings on the site for purposes of light industry and storage and distribution. The submission is for the change of use of a large steel-framed building. The present occupiers of the site do not currently use it.

Initially, the applicant sought consent to use the buildings for B2 usage (general industry) also. However, this element of the submission has subsequently been withdrawn.

**Applicant's Supporting Information**

- a) A proposed user of the site would import car parts for storage and distribution.
- b) The total number of persons operating from the site for the operation would not exceed 8 persons and 5 cars.
- c) Turning and loading facilities are available in the site.
- d) There is no proposed alteration to the access.

## **Site History**

The current use was granted permission last year (9/2000/1177/U), subject to conditions limiting hours of operation and open storage. A condition requiring improvements to visibility sight lines imposed at that time has been complied with.

## **Responses to Consultations**

The Parish Council is concerned about the number of HGVs coming to and from the site and the probable use of the Stenson Road railway bridge, which already copes with increasing traffic.

The Highway Authority, Severn Trent Water, Environment Agency and the Environmental Health Manager have no objection in principle.

## **Responses to Publicity**

Three letters have been received objecting in the following terms:

- a) B2 usage could generate disturbance.
- b) The use should be controlled, so that future occupants do not cause disturbance to the area.
- c) The premises share a cesspit and surface water drainage with the adjoining property.
- d) There could be disturbance at unsociable hours.

## **Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: Economy Policy 5.

Local Plan: Employment Policy 5.

## **Planning Considerations**

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

- The principle of development.
- The impact on the general character of the area.
- Residential amenity.
- Highway safety.
- Drainage.

## **Planning Assessment**

Industrial and business development in rural areas is generally encouraged by the policies of the development plan and central government guidance, particularly where the re-use of existing buildings is proposed as in this case. Accordingly the principle of the proposal is acceptable.

As the site has been in a business use for some years the impact on the general character of the area from the proposed use is not likely to be detrimental. However, that would only be the case

if a condition restricting the level of open storage on the site was imposed. A suitable condition is recommended.

The application has been amended to restrict any permission to light industrial or storage uses. The general industrial activities (B2 uses) that would have been likely to have had most impact on local residents have been deleted from the application. Therefore, subject to control over the hours of operation of the site, the uses now proposed will not impact on the living conditions of local residents in a detrimental way and have no greater impact than the current use of the site.

There is adequate space within the site to meet the likely requirements for vehicles. The highway authority does not object to the application and, therefore, significant weight cannot be placed on the comments of the Parish Council.

Subject to the recommendations of the Environment Agency foul drainage issues can be controlled by condition.

### **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.

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

2. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times nor at any time on Sundays, Bank or Public Holidays:

8.00 a.m. to 6.00 p.m. Monday to Friday

8.00 a.m. to 1.00 p.m. Saturday.

Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.

3. There shall be no goods, machinery or materials stored in the open within the site, unless as may otherwise be approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area.

4. Notwithstanding the submitted drawing the use shall not commence until details (including precise dimensions and proposed surface materials) of a vehicular turning area within the site curtilage adequate to enable all vehicles to enter and leave the site in a forward direction have been submitted to and approved in writing by the Local Planning Authority. The turning area as approved by the Local Planning Authority shall then be laid out and hard surfaced accordingly prior to the first use of the development and be retained available for that purpose thereafter.

Reason: In the interests of highway safety.

5. No work shall take place on the site until details of a scheme for the disposal of foul water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.

Reason: In the interests of pollution control.



27/11/2001

**Item**            **A4****Reg. No.**        **9 2001 0916 A****Applicant:**  
Hays Logistics UK Ltd  
C/O T S Design Group**Agent:**  
Paul Morris  
T S Design Group  
58 Portswood Road  
Southampton  
SO17 2FW**Proposal:**        **The display of an illuminated sign on the south elevation of  
Plot 1000 Pakenham Avenue Dove Valley Park Foston****Ward:**            **North West****Valid Date:**      **17/09/2001****Site Description**

The site is occupied by a large building currently in the process of construction at the entrance to Dove Valley Park (Plot 1000).

**Proposal**

The applicant seeks consent to place a sign to the gable end of the building. The elevation faces south/south-west towards the slip road from the A50.

The sign would read 'HAYS' with the 'h' as a capital letter and the rest of the letters in lower case. It would be illuminated by two spotlights affixed to the building shining onto the sign.

**Applicants' supporting information**

During the consideration of the application the applicant was asked to look at an alternative proposal to locate signs on the south-east corner of the building. That elevation faces across the industrial park rather than towards the A50. However, the response was in the negative as the applicant feels that the central location of the sign is most appropriate and that the suggested position on the corner of the building would make the building appear lop sided. The applicant's appreciated the interest taken in putting forward the alternative suggestion.

**Planning History**

Detailed planning permission for the building was granted in 2000.

## **Responses to Consultations**

Foston and Scropton Parish Council has objected to the sign being illuminated.

Hatton Parish Council raises no objection.

The County Highways Authority has no objection subject to conditions controlling the illumination of the sign and preventing distraction to road users.

The Highways Agency has no objection subject to conditions ensuring trunk road safety.

## **Structure/Local Plan Policies**

None relevant

## **Planning Considerations**

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

- The impact of the sign in terms of amenity and highway safety.

## **Planning Assessment**

Applications for advertisements may only be considered on the basis of their impact on amenity or public safety.

The comments of Foston and Scropton Parish Council are noted. However, the sign would be located in the centre of a large elevation and it is designed to complement the building adding interest to an otherwise featureless elevation.

The sign would be illuminated by up lighting attached to the building. However, the level of illumination is not excessive and if properly directed would not be detrimental to the area. A condition to control light spill is recommended.

There are no adverse affects of the sign in terms of highway safety.

## **Recommendation**

**GRANT** advertisement consent subject to the following conditions:

1. The intensity of illumination shall not exceed 700 candelas/sq.m.

Reason: To preserve amenity and prevent danger to road users.

2. The illumination of the sign is to be by fixed and constant lights and not by lights which are, or appear to be, intermittent, moving, flashing or vibrating.

Reason: To preserve amenity and prevent danger to road users.

3. All external light sources shall be shielded from highway traffic.

Reason: To prevent danger to road users.

4. The light sources shall be angled and shielded and of such an intensity as to confine the area lit to the area of the sign hereby permitted .

Reason: To preserve amenity.

27/11/2001

**Item**            **A5****Reg. No.**        **9 2001 0932 F****Applicant:**

P Barrett  
 43, Main Street  
 Netherseal  
 Swadlincote  
 Derbyshire  
 DE128DB

**Agent:**

Mr. C. Greenhalgh  
 Building Design  
 46 Wellfield Road  
 Alrewas  
 Burton On Trent

**Proposal:**        **The erection of a double garage at Seal Inn 43 Main Street  
 Netherseal Swadlincote**

**Ward:**            **Netherseal**

**Valid Date:**     **19/09/2001**

**Site Description**

The site is located within the village confines defined for Netherseal in the Local Plan. It is currently in use as a Public House. Currently, a double garage, small parking area and elevated garden occupies the majority of the area to the rear of the property. The property is surrounded by residential development.

**Proposal**

The applicant seeks consent to erect a double garage on the site. The proposed garage would require the excavation of part of the raised garden area to allow a reasonable grade of access. The existing garage would be demolished and that area would become a manoeuvring space for the new garage.

**Planning History**

Planning permission for the current garage was granted in 1978.

**Responses to Consultations**

The County Highway Authority has no objection to the application.

**Responses to Publicity**

Six letters of objection have been received (two from the same immediate neighbour and four from people who are occasional social visitors to that neighbour. The grounds of objection are as follows:

- a.        The development would cause overshadowing of the adjoining property resulting in a loss of light to various rooms.

- b. The extra parking space created would encourage the use of land to the rear for the parking of private and customers' cars thus causing extra exhaust fumes, noise, disturbance and a loss of privacy to an adjoining neighbour.
- c. The existing access onto the highway is very narrow and directly opposite two driveways and the adjoining neighbour's driveway which could prove quite dangerous.
- d. The development may involve the loss of trees on the boundary.
- e. The development could result in a possible landslide.
- f. The neighbour needs an assurance that surface water from the proposed building would not undermine his foundations.

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

There are no relevant policies which apply to this case.

### **Planning Considerations**

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

- The principle of the proposed development
- Whether the development would cause undue harm to the amenities of any adjoining neighbour
- Whether the development would be detrimental to highway safety

### **Planning Assessment**

The site is located within the village of Netherseal. Therefore, the principle of this development is acceptable.

Notwithstanding the comments that have been received from the objectors, there would be no harmful impact from it on the amenity of the adjoining property. This is due to the following reasons:

- (i) there is already a well established parking area and garage at the rear of the public house,
- (ii) the proposed garage is a single storey structure and would be erected at a level similar, and primarily to the side, of the neighbouring property and, as such, would not have any discernible impact on its amenity or the rear facing main habitable room windows, and,
- (iii) the garage would sit between the enlarged parking and manoeuvring area and the adjoining neighbour's property and, therefore, any additional noise generated would be unlikely to have any material effect on the living conditions of the neighbours.

Given the lack of any objection from the County Highway Authority, no detriment in that regard could be demonstrated.

Issues relating to the escape of surface water from the development and impact upon foundations are private matters between the parties.

None of the trees on the boundary are of sufficient public amenity value to formally protect by way of a Tree Preservation Order.

**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.

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

2. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building have been submitted to and approved in writing by the Local Planning Authority.

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

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).

Reason: To protect the amenities of adjoining properties and the locality generally.

27/11/2001

**Item**            **A6****Reg. No.**        **9 2001 0948 F****Applicant:**

Mr Charnjit Singh Johal  
 9, Silverton Drive  
 Stenson Fields  
 Derby  
 DE243BU

**Agent:**

Mr Charnjit Singh Johal  
 9, Silverton Drive  
 Stenson Fields  
 Derby  
 DE243BU

**Proposal:**        **Extensions and alterations to provide ensuite bathroom and  
 bedroom at 9 Silverton Drive Stenson Fields Derby**

**Ward:**            **Ticknall**

**Valid Date:**      **25/09/2001**

**Site Description**

The property is a detached modern house at the edge of the estate, served by a private drive. The property is surrounded by residential units.

**Proposal**

The applicant seeks to erect a two storey extension. The new element would extend over the existing garage at first floor level.

The extension would not project beyond the planes of the existing front and rear walls of the property.

**Responses to Consultations**

The Parish Council raises concern about existing conifers at the property, which together with the proposal would restrict light to a neighbouring property.

**Structure/Local Plan Policies**

The relevant policies are:

Local Plan: Housing Policy 13.

**Planning Considerations**

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

- The impact on the general character of the area.

- Residential amenity.

### **Planning Assessment**

The site is located within an existing residential area. Therefore, the principle of the extension is acceptable.

The design of the extension is in keeping with the dwelling and the general character of the area.

The proposal satisfies the guidelines in supplementary planning guidance (SPG). There would be no material increase in overlooking to neighbours, as the new bedroom window proposed at first floor level would be no nearer to other properties than existing windows.

Whilst there is a window in the side gable of the adjoining property this is to a non-habitable room at first floor level. It is, therefore, not afforded protection in the Council's SPG. The property is far enough away from neighbours so as to avoid undue impact on light.

The presence of conifers is a matter between the parties and not a matter for consideration here.

### **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.

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.

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



27/11/2001

**Item**            **A7****Reg. No.**        **9 2001 0959 R****Applicant:**

A A Malpass  
 Willington Sports And Social Club  
 Willington  
 Derby

**Agent:**

A A Malpass  
 Willington Sports And Social Club  
 Willington  
 Derby

**Proposal:**        **The renewal of planning permission 9/2000/0672/U at  
 Willington Sports And Social Club Twyford Road Willington  
 Derby**

**Ward:**            **Willington**

**Valid Date:**     **28/09/2001**

**Site Description**

The site comprises the buildings and land of the Willington Sports and Social club based at the Willington Power Station. To the west of the site are residential properties. Open countryside is located to the north.

**Proposal**

The applicant seeks permission to retain the use of the site as a car boot site not limited by time. The applicant holds the sale outside during the summer and inside during the winter.

Permission for a temporary period of one year was granted in September 2000. It was subject to conditions that controlled the development and to enable the Local Planning Authority to assess the impact of the use on the local area.

**Planning History**

See above – no other relevant history.

**Responses to Consultations**

Willington Parish Council has no objection subject to controls being placed on the number of pitches on the site, on the number of visitors' cars, specific provision being made for traffic control and stewarding on the site, on the noise level and to allow for a review in 2 years.

The County Highways Authority has no objection subject to the previous conditions being maintained.

The Environmental Health Manager has no objections subject to the same conditions as before.

## **Structure/Local Plan Policies**

There are no policies strictly applicable to this use.

## **Planning Considerations**

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

- The impact of the proposals on the amenity of local residents
- The comments of the Parish Council
- Highway implications

## **Planning Assessment**

The use of this site for car boot sales is considered, in principle, to be acceptable due to the site's location on the periphery of a sustainable settlement and the temporary nature of car boot sales.

However, a temporary consent for one-year was originally granted in order that the impact of the proposal on the locality could be assessed. Since the original consent was granted there have been no complaints registered with the Local Planning Authority regarding the use. This suggests that the use of the site, in its permitted form, is being carried on without any undue detriment to the amenity of nearby residents. It is, therefore, acceptable to continue.

The Parish Council raise a number of issues. However, there is already a limit on the number of vehicles that can trade at the site at any one time (45), a limit to the hours of operation and a condition imposed limiting the use of the site to Sundays only except where a Sunday falls on Bank Holidays. This reflects the requirements of the Environmental Health Manager.

The controls of numbers and stewarding of the site requested by the Parish Council are not matters that can be controlled by condition. The temporary consent sought to establish if there were problems regarding possible noise from the site. No problems have occurred.

The request made by the Parish Council for a further temporary period would be unreasonable given that the reason for the first temporary permission was to assess the impact of the proposal on the local area.

The comments of the highway authority are noted. There is no adverse impact on highway safety from the use of the site.

## **Recommendation**

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

1. The site shall operate with no more than 45 vehicles trading from the site at any one time

Reason: In the interests of the amenity of the residents of adjacent dwellings

2. Within 28 days of the date of this permission a plan showing the location of all trading vehicles that visit the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, trading vehicles shall only operate as such from within the agreed area.

Reason: In the interests of the amenity of the residents of adjacent dwellings

3. The site shall operate between the hours of 0800 and 1400 only.

Reason: In the interests of the residential amenity.

4. The site shall operate on Sundays only with the exception of when Sundays fall on Bank Holidays, such as Christmas Day, when there shall be no trading from the site at any time.

Reason: In the interests of the residential amenity.

27/11/2001

**Item**            **A8****Reg. No.**        **9 2001 0976 O****Applicant:**

Squirrel Developments Ltd  
 41 Whitmore Road  
 Trentham  
 Stoke On Trent

**Agent:**

Peter Diffey & Associates  
 Cotesbach Villa  
 54 Woods Lane  
 Stapenhill  
 Burton On Trent  
 DE15 9DB

**Proposal:**            **Outline application (all matters to be reserved) for the residential development of Yew Tree Farm Station Road Hatton Derby**

**Ward:**                **Hatton**

**Valid Date:**        **03/10/2001**

**Site Description**

The site is located within the built framework of Hatton as defined in the South Derbyshire Local Plan. It is 0.33 hectares in area and comprises the farmhouse, farm buildings (both modern and older), yard and garden of the farm that currently occupies it.

The site is bounded on two sides by fields and on the other two by houses. Immediately to the south of the existing access to the farm is a small parking area.

The house immediately adjoining the site on The Hayes is also in the ownership of the applicants.

**Proposal**

The applicant seeks consent to redevelop the site for residential purposes. No details of the development have been submitted as the submission was made in outline with all matters reserved. The sole purpose of the application is to establish whether the principle of residential development is acceptable on the site.

**Applicants' supporting information**

The farmhouse may be retained or it may be redeveloped. This would depend on the layout to be submitted later if permission were to be granted. Access would be from The Hayes and it is anticipated that a service vehicle turning area would be provided in the site. The site is large enough to ensure that normal space about dwellings standards could be maintained for existing residents. The site is currently used for horse stabling

The development would probably be two-storey in height but it would comply with recent Government Advice in PPG 3. The site lies within the village envelope for Hatton and there is a presumption in favour of the development as this settlement is one of those identified as being sustainable in the Council's recently adopted guidance note on sustainable villages.

### **Planning History**

The site had permission granted in 1989 for either the erection of three dwellings granted in outline or the conversion of outbuildings to three dwellings. Both schemes involved the retention of the farmhouse.

### **Responses to Consultations**

Hatton Parish Council objects to the development for the following reasons: -

a) This area is in the lowest lying part of the village, in the flood plain, and the brook to the north was the cause, in part, of severe flooding in November 2000. This also had an impact on the sewer system. There appears to be a difficulty in removing surface water from this area. The sewer system is being reviewed by Severn Trent Water and no more development should be allowed until the review is completed.

b) There is no clear, satisfactory, access to the site.

The County Highways Authority recommends that the development be limited to no more than five dwellings served off a private drive. This is on the basis that it does not appear that adoptable new street junctions could be accommodated within the frontage available.

Severn Trent Water has commented on the development on the basis that additional foul flows from the site would exacerbate a flooding problem in the village. The company has recently made some improvements to the Hatton pumping station in the form of increased storage and storm pumping but is not satisfied that this would be adequate. Severn Trent Water is also undertaking a Drainage Action Plan looking at the total catchment area for the pumping station. The plan is a feasibility study that is programmed to report by the end of the year at which time there would be an indication of further areas of the public foul system that may be need attention. If remedial works are identified those works will be undertaken.

The Environment Agency has no objection subject to a condition requiring the finished floor levels to be raised 600mm above the last known flood level. (November 2000). This is 54.0 AOD. Ground levels in the general area are about 53.9. Thus, the floor level of the houses would be about 700mm above existing ground levels. This would mean that in an event similar to last November the gardens of the proposed dwellings would be clear of the water levels.

### **Responses to Publicity**

Some objectors are under the impression that the development relates to the fields around Yew Tree Farm. This is not the case, the application relates to the existing farmyard.

10 letters have been received objecting to the development for the following reasons: -

a) There is a problem with the drains and pipes are not likely to take any more development in the area. Having experienced the problems in November last year, people do not want to go through that again. People away from the site and not directly affected by it are concerned. For this reason, the Council should object to the development. Residents who occupy houses that were almost flooded last year do not want extra water into the brook that might cause levels to rise further and cause actual flooding of their property. The area is always water laden. The brook is in need of serious maintenance

b) The access points to the site are inadequate there is not enough room for two vehicles to pass each other and it would be a bottleneck for traffic.

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

The relevant policies are:

Joint Structure Plan: Housing Policy 5

Local Plan: Housing Policy 5

### **Planning Considerations**

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

- Conformity with the Development Plan
- The impact on neighbouring properties' amenity
- The impact of the development on the foul water drainage system
- The highway implications

### **Planning Assessment**

The site lies within the confines of Hatton as defined by the provisions of Housing Policy 5 of the Local Plan. Hatton is a sustainable settlement. Therefore, the principle of the development is in accord with the development plan and so acceptable.

Whilst no details of the development accompany the submission, the site is sufficiently large such that an acceptable residential layout could be accommodated within the site without adversely impacting on the amenity of adjoining residents.

The issue of water disposal has been raised in objections to the application. Whilst the specialist consultee on this matter, Severn Trent Water, has commented specifying that additional foul flows would exacerbate an existing problem, no formal objection to the scheme on this basis has been lodged by Severn Trent Water. This is because the existing problem is currently being investigated by the company and any necessary remedial action will be put in place should they be required. Therefore, whilst this issue is a material consideration it is not overriding in this instance.

The Environment Agency has no objection subject to a condition. In these circumstances, it would be unreasonable to refuse permission based on general flooding of the site.

The County Highways Authority has no objection to the principle of development save for concerns about the ability to achieve adoptable access points to The Hayes. Access is not a