

18/11/2003

**Item** 2.1**Reg. No.** 9 2002 0801 U**Applicant:**  
Church Commissioners  
Foremark Estate**Agent:**  
S. Spencer  
Smiths Gore  
Brooke House  
24 Dam Street  
Lichfield  
Staffs  
WS13 6AB**Proposal:** The conversion of redundant farm buildings to residential use  
at Ridgeway Farm Mount Pleasant Road Repton Derby**Ward:** Repton**Valid Date:** 05/08/2002**Site Description**

This farm complex is at the end of a 115m access track off Mount Pleasant Road. The farmhouse is a grade II listed building and adjoining to the north and west of it are original brick and tile farm buildings mixed with modern buildings and temporary livestock shelters.

**Proposal**

It is proposed to convert the two main brick and tile buildings opposite the farmhouse to two dwellings and a cart shed to garages to serve both units. The land immediately to the south, west and north of the buildings, which includes the concrete silage pit, would be restored to open pasture. The private amenity space for the buildings would be contained within the complex. Two small outbuildings adjacent to each unit would be converted to office space to provide opportunity for the occupiers to work from home.

**Applicants' supporting information**

The applicant has provided a supporting statement, the salient points of which are as follows:

- a. Consideration had been given to converting the farm buildings for office/light industrial uses. Neither of these options was deemed viable because of the location of the site within Repton. The only businesses within the village are either situated on the High Street or near to the roundabout by the main school buildings.
- b. It was also noted that the local garage and car dealership has recently relocated from Repton High Street, indicating that demand for businesses uses in the area is poor.

c. The conversion of buildings 2 and 3 into two 'work/live' units with small curtilages to include Buildings 4 and 5, which are to be converted into small offices attached to each unit. This will minimise the impact of the development on the surrounding area and also to ensure that the development is sustainable under PPG3.

d. Grazing paddocks are to be created over the remainder of the site following the demolition of the modern agricultural buildings. These will further reduce the impact of the proposed development and also improve the visual amenity for the area, including Footpath no.5 which follows the access track through the site.

e. The proposals will improve the visual amenity of the area and create two sustainable work/live units on the southern edge of Repton without detracting from the character of either the farmhouse or the buildings themselves. The demolition of the modern agricultural buildings will reduce the impact of the proposals to the surrounding area.

The applicant's agent has submitted an analysis of options for the buildings and rejected the following:

Storage - Reason for rejection: poor configuration of buildings

Conference Facility - Reason for rejection: risk/good quality local supply

Hotel - Reason for rejection: risk/limited market

Educational facility - Reason for rejection: limited market

Leisure facility - Reason for rejection: buildings not suitable, incompatible with farmhouse

Equestrian - Reason for rejection: low returns

The market risk/10 for the remaining options are as follows:

Offices - 6/10 - significant local supply although quality and location should prevail.

Light Industrial - 8/10 - inflexibility will limit demand, high local supply in Burton on Trent.

Residential - 4/10 - good local demand.

Work/live - 4/10 - local demand for residential properties in Repton remains high. Ancillary office space could be seen as an added attraction.

Other considerations

Offices - Incompatible with the farmhouse, due to its proximity to the site

- Additional traffic generated is incompatible with the popular public footpath that runs along the access track - Low demand locally for additional office space

Light industrial - Incompatible with the farmhouse, due to its proximity to the site - Additional traffic generated is incompatible with the popular public footpath that runs along the access track. Larger vehicles, including lorries could require access for manufacturing materials. Low demand locally for light industrial units. The local garage/dealership has recently relocated away from Repton.

Residential - Compatible with retention of adjacent far- Less additional traffic generated than by either office or light industrial developments - More in keeping with the buildings' character

Work/live - same benefits for residential use.

## Responses to Consultations

The Highway Authority raises no objections subject to two passing places being provided, visibility sightlines at the access to the site and provision of sufficient on-site parking.

Repton Parish Council objects to the proposal on the following grounds:

1. It is outside of the village envelope.
2. There is concern that an increasing number of applications are coming in for stabling etc.
3. Access is not suitable for the requested number of dwellings using the single-track access without a passing place, the access in and out of the site is very dangerous.
4. The junction outside the Mount Pleasant pub should be inspected to assess what priorities should be given.

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

## Responses to Publicity

Repton Village Society has no objections but makes the following comments:

1. The part of Mount Pleasant Road leading to Mill Hill and also branching off to Milton is very narrow. The junction outside the Mount Pleasant Public House has poor visibility and is potentially dangerous if more traffic occurs. Bearing in mind that planning permission has recently been granted for several houses on the part of Mount Pleasant Road beyond the entrance to Ridgeway Farm it would appear that a fairly substantial increase in traffic will occur. The society would like to see improvements to the road width and layout at this point and possibly a change of priorities at the junction.
2. The site stands fairly high and appropriate screening would lessen the visual impact.
3. A Public Footpath runs through the site and this should be retained
4. Concern has been expressed that no further development should take place between Ridgeway Farm and Mount Pleasant Road as this area is outside the Repton Village Envelope.

Following submission of the amended scheme the Repton Village Society adds that this type of conversion of redundant buildings can be an asset in maintaining the character of the countryside.

## Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 6: Housing Development Away From Settlements

Local Plan: Housing Policy 7, Environment Policy 13

Draft Local Plan: H1, Env 19

## Planning Considerations

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

- Development of a green field site and sustainable location
- The viability of alternative uses that would benefit the rural community and economy

- Impact on the character of curtilage buildings to a listed building
- Impact on the appearance of the countryside

## Planning Assessment

### Development of a green field site and sustainable location

PPG3 states that windfall sites are those which have not been specifically identified as available in the local plan process. They involve previously developed sites that have unexpectedly become available. The definition of previously-developed land excludes land and buildings that are currently in use for agricultural or forestry purposes. For clarification, an inspector considering an appeal at Wealdon District Council stated that the words currently in use were to be interpreted in the sense of a planning 'use' and buildings retain their class whether they are actively used or not. Based on this, the application buildings, whilst not actively used for agriculture, are excluded from the definition of previously developed land.

The draft Local Plan reflects policies contained in PPG3 and in accordance with paragraph 38 of that document, should supersede existing windfalls policy. The relevant policy is H1. With respect to Policy H1(B)(I), the Housing Topic Paper (April 2003) confirms that the annual completion rate for the period 1991-2003 for the Swadlincote Sub-Area has out performed the assumed Joint Structure Plan rate of 275 dwellings p.a.. Proposed allocations in the draft Local Plan and extant planning permissions will ensure sufficient land supply to maintain completion rates until the end of the Plan period (2011). With respect to criteria (II), it can be demonstrated that a steady flow of small brown field windfall sites has been coming forward for development in the Swadlincote Sub-Area in the last year maintaining the modest over-provision of land supply. There is therefore no justification to release this green field site. With respect to criteria (III), the site is outside the village confine and therefore is not favoured by Policy H1 of the draft Local Plan for residential development. The site, however, is some 800m from High Street with its shops and services, following a route along Mount Pleasant Road and Pinfold Lane and therefore within comfortable walking distance. The site could reasonably be considered to be in a sustainable location on the edge of Repton, but the proposal fails on criteria (I) and (II).

The site is outside the serviced settlement and in line with PPG7, alternative uses that would benefit the rural community and economy should be given preference. No marketing evidence has been submitted to demonstrate whether or not there is any demand for a commercial use of the buildings and residential conversion is the dominant part of the scheme, contrary to this guidance.

Being within comfortable walking distance of Repton, the site could play a part in meeting identified needs for new market or affordable housing. No evidence has been submitted to confirm that this should not be the case.

### Impact on the character of curtilage buildings to a listed building

Amendments have been submitted relating to use of existing openings and joinery details to better respect the character of the buildings. The proposal is now acceptable in this respect. One unit has been deleted from the scheme for it to remain ancillary to the listed farmhouse in order to safeguard its setting.

### Impact on the appearance of the countryside

The curtilages to the proposed dwellings have been tightly drawn against the north west and south west elevations of the buildings to retain the agricultural setting of the buildings and to preserve the character of the countryside.

Whilst a commercial re-use might better retain the utilitarian character of these farm buildings, the amended scheme now proposed would not cause material harm to the character and setting of the buildings and the countryside. This however is a material consideration of insufficient weight to set aside the policies of the development plan.

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 reasons:

1. The South Derbyshire Local Plan Revised Deposit Draft (January 2003) reflects policies contained in PPG3 and in accordance with paragraph 38 of that document, should supersede existing windfalls policy. The relevant policy is H1. With respect to Policy H1(B)(I), the Housing Topic Paper (April 2003) confirms that the annual completion rate for the period 1991-2003 for the Swadlincote Sub-Area has out performed the assumed Joint Structure Plan rate of 275 dwellings p.a.. Proposed allocations in the draft Local Plan and extant planning permissions will ensure sufficient land supply to maintain completion rates until the end of the Plan period (2011). With respect to criteria (II), it can be demonstrated that a steady flow of small brown field windfall sites has been coming forward for development in the Swadlincote Sub-Area in the last year maintaining the modest over-provision of land supply. There is therefore no justification to release this green field site. The proposal fails on criteria (I) and (II).
2. PPG7 and Policy H1 of the South Derbyshire Local Plan Revised Deposit Draft (January 2003) require applicants to demonstrate that commercial uses are not viable or practical for redundant buildings in the countryside before allowing residential use. PPG7 says that the applicant should make every reasonable attempt to secure suitable business re-use and the application is supported by a statement of efforts which have been made; or residential conversion is a subordinate part of a scheme for business re-use. No marketing evidence has been submitted to demonstrate whether or not there is any demand for a commercial use of the buildings and residential conversion is the dominant part of the scheme, contrary to this guidance. In addition, being within comfortable walking distance of Repton, the site could play a part in meeting identified needs for new market or affordable housing as advised by PPG7. No evidence has been submitted to confirm that this should not be the case.

### **Informatives:**

The applicant is advised to protect the rights and safety of users of Footpath 5 in the Parish of Repton, which runs along the access track, at all times.

18/11/2003

**Item** 2.2**Reg. No.** 9 2003 0998 F**Applicant:**

Mr Mrs N Swales  
71, Barley Cottage, Ashby Road  
Ticknall  
Derby  
DE73 1JJ

**Agent:**

E. Lee  
Mr. Eric J. Lee  
Pennside  
Penn Lane  
Melbourne  
Derbyshire  
DE73 1EP

**Proposal:** **The conversion of the existing garage into a dwelling together with the erection of detached double garage at 71, Barley Cottage Ashby Road Ticknall Derby**

**Ward:** **Hartshorne/Ticknall**

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

**Site Description**

This brick and tile detached double garage is on the east side of Ashby Road some 750m from High Street. It is at the back edge of the highway behind a stone boundary wall and is some 21m south of the dwelling to which it relates. The garage was granted planning permission in September 1989 along with change of use to garden of the land to the rear of it. The site is within the Ticknall Conservation Area and outside the village development boundary as defined on the Local Plan.

**Proposal**

It is proposed to extend the garage and use the whole building as a dwelling. The garage is 8m wide by 6.5m deep by 2.2m to the eaves and 5m to the ridge. The extension, to be attached to the north side of the garage, would be 4.5m wide by 7.7m deep by 4.3m to the eaves and 6.5m to the ridge.

It is also proposed to erect a replacement double garage at the end of the rear garden to the dwelling with access off an existing private drive.

**Responses to Consultations**

The Highway Authority has requested that the applicant submit an accurate survey to demonstrate whether the necessary 2m x 90m visibility sightline can be achieved over controlled land in the northerly direction, with no obstruction forward of the sightline exceeding 1m in height relative to road level.

Ticknall Parish Council objects to the proposal on the following grounds:

- The application is outside the village envelope, and there is so much new build relative to the conversion element that this would be judged as a new house to which there are objections.
- The materials (reclaimed brick and tile) are acceptable, however, the existing building is shown not coloured in - it is not signifying that the existing garage building is built of, or is to be clad in timber.
- The size of the building is unacceptable. This is poorly located with limited visibility when leaving the access particularly to the south due to the bend and crest in the hill. Equally drivers travelling north towards Ashby would have limited time to react to vehicles emerging from the access. The site is only just inside the 30mph restriction and vehicle speeds entering the village will, on average be higher. Approval for the development served by this access was only granted on the basis/understanding that the traffic generated by the barn conversions (not new build) was no more than was generated by (slow moving) farm vehicles. There is no justification now to add the traffic from a further dwelling.
- There are no drawings of the existing building. Whilst it is not doubted that the existing garage is capable of being converted (was it built with this objective in mind?), however, what if structurally it can't? In that scenario it may end up with the garage having to be demolished and a completely new dwelling being proposed/erected.

### **Responses to publicity**

A local resident is concerned that the access to Ashby Road is already used by three dwellings as well as a considerable number of farm vehicles, the road is narrow and has a blind spot on the corner and the owners and visitors of a new dwelling would exacerbate this problem. She also comments that her sewerage pipe crosses the applicant's land and therefore adequate protection would be required throughout the build.

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

Joint Structure Plan: Housing Policy 6

Local Plan: Housing Policy 7

Revised Deposit Draft Local Plan : Policy H1, Policy Env 20, Policy Env 21.

### **Planning Considerations**

- Residential development outside of the village development boundary on previously developed land
- Setting a precedent for similar proposals
- Scale and character of the proposal
- Highway safety

## Planning Assessment

The building falls within the definition of previously development land as defined in PPG3. It is therefore a windfall site.

The Revised Deposit Draft Local Plan (2003) reflects policies contained in PPG3 and in accordance with paragraph 38 of that document, should supersede existing windfalls policy. The relevant policy is H1. Ticknall is defined in the draft Local Plan as a serviced village. The site, however, is outside the village development boundary by some 220 metres and therefore is not favoured by this policy. It is however within a loose straggle of development that extends along Ashby Road connecting back to the village, and being some 750m from High Street could reasonably be described as being just within comfortable walking distance of services offered by the village, thereby enabling occupants to avoid entire reliance on the private car.

The garage, however, is of relatively recent construction and would have been considered against policies appertaining to domestic curtilage buildings and not new dwellings. If the proposal was for an entirely new build dwelling, then it would fail as it would not be within a gap in an otherwise built-up frontage. Whilst part of the proposal is to convert an existing building, this should not be an overriding consideration to allow the development, even if it had been demonstrated that commercial uses are not viable or practical. The reality of the situation is that the construction of a building, acceptable under one set of policies, should not then, once constructed, be used to circumvent policies that have a clear intention to preclude residential development in a particular location.

The proposal being outside the village development boundary is contrary to Policy H1 and PPG7. The proposal if allowed could lead to this type of situation being too easily repeated outside the village development boundary where residential development would normally be resisted in the interests of safeguarding the character of the existing settlement pattern and surrounding countryside.

Policy B of Housing Policy 6 of the adopted Local Plan requires, amongst other design considerations, that the building is suitable for conversion without extensive alteration, rebuilding and/or extension. Policy Env 20 (E) of the draft Local Plan requires extensions to be in scale and to respect the architecture of the main building. The floor area of the new build element is a 62% increase on the existing building. The overall design, however, is unlikely to materially detract from and therefore would preserve the character and appearance of the Conservation Area.

In the view of the development being a part conversion and being set within a cluster of existing development, it would not appear as a prominent intrusion into the countryside nor would it harm its open character.

No additional information has been submitted to demonstrate that the access would be in accordance with the Highway Authority requirements and therefore in the absence of this, the application should also be refused on highway safety grounds.

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 on the following grounds:

1. The proposal being outside the village development boundary is contrary to Policy H1 of the South Derbyshire Local Plan Revised Deposit Draft (January 2003) and PPG7. The proposal if allowed could lead to this type of situation being too easily repeated outside the village development boundary where residential development would normally be resisted in the interests of safeguarding the character of the existing settlement pattern and surrounding countryside contrary to Environment Policy 12 of the Local Plan, Policy Env20 of the Local Plan Revised Deposit Draft (January 2003).
2. No additional information has been submitted to demonstrate that the access would be in accordance with the Highway Authority requirements and therefore in the absence of this, the proposal would be detrimental to highway safety.

18/11/2003

**Item** 2.3**Reg. No.** 9 2003 1095 U**Applicant:**

Harpur Crewe Estate  
The Estate Yard  
Ticknall  
Derby

**Agent:**

Montague Architects  
9 Vernon Street  
Derby  
DE11FR

**Proposal:** The conversion into a dwelling of Brierfield Barn Main Street  
Ticknall Derby**Ward:** Hartshorne/Ticknall**Valid Date:** 03/09/2003**Site Description**

This brick, stone and tiled detached building is on the south side of Main Street some 160m east of the entrance to Calke Abbey. Within the curtilage of and set forward of Brierfield House, a grade II listed building, the building is sited end on to the highway. The site is within the Ticknall Conservation Area and outside the village development boundary by some 280m measured along the south side of Main Street.

**Proposal**

It is proposed to convert the building into a four bedroom dwelling. Conversion would involve the insertion of two windows, a door and two roof lights in the rear (west) elevation where there are presently no openings; the insertion of a window and two additional rooflights (making five in all) on the east elevation and the insertion of a new window on the south elevation.

It is also proposed to use the area of land (12.5m by 25m) adjoining the west side of the building and highway boundary as private garden.

**Responses to Consultations**

The Highway Authority comments that it would appear that the access to the application site and at least part of the land shown within the red outline on the submitted plan are currently used to access and as parking space for Brierfield House. This being the case it has no objections to the proposal subject to a condition being included in any consent requiring the provision of space within the site for the parking and turning of three vehicles for both the new and existing dwellings.

Ticknall Parish Council objects to the proposal on the following grounds:

- 1) It lies outside the village boundary
- 2) The intended garden is at present an allotment. Attention is drawn to Policy LRT1. Allotments cannot be developed if they are in use. This one is in use.
- 3) There are only two allotments in Ticknall. If this one is used as garden Ticknall would lose 50% of allotment availability.
- 4) It is overdevelopment.
- 5) The barn should be conserved in the conservation area
- 6) The exit and entrance for vehicles is poor.

Severn Trent Water has no objections.

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

Joint Structure Plan: Housing Policy 6

Local Plan: Housing Policy 7, Environment Policy 12, Environment Policy 13.

Draft Local Plan: Policy H1, Policy Env 20, Policy Env 19.

### **Planning Considerations**

The main issues are:

- Residential development outside of the village development boundary on previously developed land
- Preference for commercial use
- Preference for meeting local housing needs, including need for affordable housing
- Impact on character of conservation area and listed building
- Loss of allotment land.

### **Planning Assessment**

The site falls within the definition of previously development land as set out in PPG3. It is therefore a windfall site.

The Revised Deposit Draft Local Plan (2003) reflects policies contained in PPG3 and in accordance with paragraph 38 of that document. The relevant policy is H1. Ticknall is defined in the draft Local Plan as a serviced village. The site, however, is outside the village development boundary and therefore is not favoured by this policy for residential use. It is however within a ribbon of development that extends along Main Street connecting back to the village, and being less than 500m from village services could reasonably be described as being within comfortable walking distance (according to the companion guide to PPG3), thereby enabling occupants to avoid entire reliance on the private car.

The site, however, is outside the serviced settlement and it has not been demonstrated that alternative uses that would benefit the rural community and economy would not be practical or viable. In line with PPG7, a commercial use or affordable housing, should be given preference. The applicants have volunteered no such evidence in this regard.

Further implications arise, however, from residential conversion. The barn forms part of the curtilage of Brierfield House, originally a farmhouse, with associated farm buildings. It is located immediately in front and to the north of the listed farmhouse in a prominent position on the Main Street frontage. Because of its historical connection and physical proximity and unspoilt character it has considerable group value in combination with the listed farmhouse. The agricultural character of these buildings form an important element of the character of this part of the conservation area. The change of use incorporating alterations including additional door and window openings, changes to existing external joinery and the provision of a domestic garden would change its character from an essentially agricultural one to a domestic one. The resulting changes will neither preserve nor enhance the special historic or architectural character of the conservation area.

The proposal would also involve the loss of an allotment and there are no proposals for a replacement for the benefit of the village community.

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 on the following grounds:

1. The site is outside the village development boundary of the serviced settlement of Ticknall and it has not been demonstrated that alternative uses that would benefit the rural community and economy would not be practical or viable. In line with PPG7, a commercial use or affordable housing, should be given preference. The proposal is therefore contrary to Policy H1 of the South Derbyshire Local Plan Revised Deposit Draft (January 2003) and PPG7: The Countryside: Environmental Quality and Economic and Social Development.
2. The barn forms part of the curtilage of Brierfield House, originally a farmhouse, with associated farm buildings. It is located immediately in front and to the north of the listed farmhouse in a prominent position on the Main Street frontage. Because of its historical connection and physical proximity and unspoilt character it has considerable group value in combination with the listed farmhouse. The agricultural character of these buildings form an important element of the character of this part of the conservation area. The change of use incorporating alterations including additional door and window openings, changes to existing external joinery and the provision of a domestic garden would change its character from an essentially agricultural one to a domestic one. The resulting changes will neither preserve nor enhance the special historic or architectural character of the conservation area and would be damaging to the setting of the principle listed building contrary to PPG 15: Planning and the Historic Environment, Environment Policy 9 - Conservation Areas and Environment Policy 10 - Historic Buildings of the Derby and Derbyshire Joint Structure Plan 2001, Environment Policy 12 : Conservation Areas and Environment Policy 13: Listed and Other Buildings of Architectural or Historic Importance of the Adopted South Derbyshire Local Plan 1998 and Policy ENV 19: Listed and Other Buildings of Architectural and Historic Importance and Policy ENV 20: Conservation Areas of the South Derbyshire Local Plan Revised Deposit Draft (Jan 2003).

3. The proposal would result in the loss of an allotment and no alternative provision is proposed and no evidence has been provided to demonstrate that there is no longer a demand for it contrary to Policy LRT 1: Loss of Recreational Facilities of the South Derbyshire Local Plan Revised Deposit Draft (Jan 2003).

18/11/2003

**Item** 2.4**Reg. No.** 9 2003 1117 L**Applicant:**

Harpur Crewe Estate  
The Estate Yard  
Ticknall  
Derby

**Agent:**

Montague Architects  
9 Vernon Street  
Derby  
DE11FR

**Proposal:** The conversion into a dwelling of Brierfield Barn Main Street  
Ticknall Derby**Ward:** Hartshorne/Ticknall**Valid Date:** 10/09/2003

Please refer to the report on planning application 9/2003/1095 reported elsewhere in this agenda.

**Recommendation****REFUSE** listed building consent for the following reason:

Originally a threshing barn, later adapted to form a stable at one end, this building has great charm, has suffered no disfiguring twentieth century alterations and contributes considerably towards the special character of the conservation area and forms a part of the curtilage and setting of Brierfield House which is listed Grade II. It is characterised by large expanses of solid roof and wall and agricultural style openings and is very sensitive to change. The proposal would be damaging to the building's own intrinsic character, the character of the conservation area and the setting of the principle listed building and is contrary to PPG15: Planning and the Historic Environment, Environment Policy 10 - Historic Buildings of the Derby and Derbyshire Joint Structure Plan 2001, Environment Policy 13: Listed or Other Buildings of Architectural or Historic Importance and Policy Env 19: Listed and Other Buildings of Architectural and Historic Importance.

Item

A14

25/6/96

Reg.No.

9/0995/0459/0

## Applicant:

Mrs. J.M.Hunt & Mrs. Toon,  
c/o Bakewells Solicitors,  
64 Friar Gate,  
Derby,  
DE1 1DJ.

Montague Architects,  
1 & 2 Vernon Street,  
Derby,  
DE1 1FR.

Proposal The residential development with access from Pinfold Close of approximately 0.57 hectares of land being the site of the bungalow and outbuildings at 7A Pinfold Lane Repton

Dated

18th September, 1995

Ward : Repton

At the meeting of the Committee on 14th May 1996 it was resolved to defer consideration to enable the extent of the Repton Brook floodplain and effects of flooding to be reviewed. The Environment Agency has clarified this on a larger scale plan and this confirms that over one third of the site proposed for development would be constrained by the floodplain. The Agency comments that the floodplain outline does not represent the 1 in 100 year outline. During such a flood event the outline may be more extensive. As a precaution against such an event finished floor levels at least 600 mm above the maximum recorded flood level are recommended. Whilst part of the road would be within the floodplain it is considered that an appropriate condition relating to levels would preclude this from being an obstruction.

Recommendation

As previous report (attached) with additional condition:

12. Notwithstanding the details shown on the submitted plan no part of the new highway, insofar as it is affected by the Repton Brook floodplain, shall be higher than existing ground level.

Reason for Condition:-

12. In the interests of flood control.

Informative:

You are advised:

The Environment Agency recommends that finished floor levels are at least 600 mm above the maximum recorded floor level indicated on the attached drawing, to secure protection from the 1 in 100 year flood event which may have a more extensive outline than that shown.

Item A03

23/4/96

Reg.No. 9/0995/0459/0

**Applicant:**

Mrs. J.M. Hunt & Mrs. Toon,  
c/o Bakewells Solicitors,  
64 Friar Gate,  
DE1 1DJ

Montague Architects,  
1 & 2 Vernon Street,  
DEFSY  
DE1 1FR.

**Proposal** The residential development with access from Pinfold Close of approximately 0.57 hectares of land being the site of the bungalow and outbuildings at 7A Pinfold Lane Repton

Dated 18th September, 1995 Ward : Repton

Site description

The site lies to the north east of Repton Brook and is presently occupied by a single bungalow and former workshop buildings. The large garden is overgrown. A public footpath passes through the site. There are numerous trees on the site, most notably in the vicinity of the brook, which are subject to a Tree Preservation Order. The north western boundary of the site lies adjacent to the conservation area. The site lies within the defined confines of the village.

Proposal

The proposal is in outline but detailed drawings of the proposed means of access, which would cross a small piece of public open space to connect the site with Pinfold Close, have been submitted. The access details include alignment to avoid the canopy of the mature horse chestnut tree at 19A Pinfold Lane, which has a Tree Preservation Order in effect. The land between the brook and the public footpath would become an area of public open space following agreed management of the trees and undergrowth.

Planning History

In 1982 the Council had been minded to grant permission for residential development subject to the area in the vicinity of the brook being transferred to the Council as public open space. Access would have been from the end of Pinfold Lane, crossing the land to the north west. However the applicant failed to sign the requisite legal agreement and the proposal was deemed refused (9/1181/963). A further application, in 1988 (9/988/576) was withdrawn.

Responses to Consultations

The Parish Council raises the following objections:

- a. The access to the site would be inadequate, and difficult to negotiate for many vehicles, Pinfold Close was not designed to serve such a number of properties and the gradient of the access would be too steep for vehicles to negotiate in icy weather.
- b. The emergency access onto Pinfold Lane is only 2.9m wide and is impossible for large vehicles, fire engines removal of the trees could also be used as a short cut and bring many more vehicles onto Pinfold Lane. Traffic emerging on to Pinfold Lane at the junction is a major traffic hazard. A site meeting needs to be held.



- c. There would be a large volume of traffic using Pinfold Close which is unacceptable for such a minor road.
- d. The Parish Council would like to know what has been promised with regard to the public open space.  
(Comment: The developer has merely been advised of the requisite procedures).
- e. There are concerns regarding surface water and sewage disposal. It should be noted that this part of Repton is regularly prone to flooding and the proposal would exacerbate the problem.
- f. The proposal would be detrimental to the character of this historic village.
- g. Wildlife would be adversely affected, along with the amenity value of the site.
- h. The public footpath should be clearly marked and kept separate from the development.
- i. All the trees should be preserved.

The Highways Authority has no objection subject to conditions.

The National Rivers Authority objects to development of that part of the site within the floodplain of the Repton Brook but on the remainder has no objection subject to conditions.

#### Responses to Publicity

57 letters have been received objecting in the following terms:

- a. The village is already over populated for the facilities that it has, for example, primary school places, policing etc.
- b. There would be loss of light, privacy and overlooking to existing dwellings in Pinfold Close, High Street, Pinfold Lane and Richmond Court.
- c. The aspect of existing dwellings would be adversely affected.
- d. There is already an excessive amount of traffic in the village and the proposal would generate more.
- e. The surface of Pinfold Lane, which has been surface dressed would suffer increased rates of deterioration from construction traffic and vehicle associated with the development. This would require further repair or public expense.
- f. Pinfold Close is already subject to congestion and the turning circle proposed to gain access to the site is presently used for overspill parking.
- g. The public open space and the turning circle are used by children as there is a lack of alternative safe play areas in the locality. There would thus be increased risk to children.
- h. There would be increased danger to pedestrians.
- i. Recent infill development in the village have been unsympathetic to adjacent properties.
- j. There are attractive trees on the open space area which would be removed and the amenity value of the space would be lost.
- k. The site is affected by a Tree Preservation Order. The trees provide a prominent and important amenity to the area, being visible from High Street and Pinfold Lane. There is also a large attractive hedge on the site which would be affected by the access.
- l. There is no need for any more housing in Repton.
- m. There may be inadequate visibility at the access.
- n. Access for emergency vehicles would be difficult.
- o. Public footpaths would be lost.

- p. The existing access from Pinfold Lane may be used as a shortcut or by emergency vehicles for which purpose it is inadequate. Furthermore the access is in separate private ownership and there would be no right of way for such usage.
- q. Noise, dust, pollution and disturbance would aggravate respiratory and cardiovascular problems suffered by elderly residents in Pinfold Close. The houses were purchased on the basis of the environmental amenity characteristics of the existing situation.
- s. Development should be accommodated at other sites.
- t. Surface water discharge would increase existing flooding problems.
- u. Permission was refused to develop the adjacent open land to the north of the site.
- v. The site in its open state makes a valuable contribution to the character of the village and forms part of a network of open areas within the framework of the village. Its development would be detrimental to the character of the village and result in a suburbanising effect.
- w. The site provides a valuable flora and wildlife habitat and several protected species have been observed there. In addition the presence of such natural history interest contributes to the character of the village.
- x. The development could result in the enclosure of the public footpath. There are already footpath stretches through Repton which have become suburban type fenced passageways.
- y. The site is within the washland of Repton Brook. Development could cause flooding elsewhere in the village. Land levels have already been raised pursuant to other development operations.
- z. A precedent would be set for the development of adjacent and other open land.
  - a.i If development is to be permitted it should be for a lesser number of houses.
  - b.i The sewerage system is inadequate.
  - c.i The village presently attracts many visitors. The development would erode the character which attracts them.
  - d.i Clearance of trees could de-stabilize the banks of the brook.
  - e.i The conservation area would be adversely affected.
  - f.i The access would require substantial civil engineering works.
  - g.i The Council should not allow access over its own land.

A petition of 64 signatories objects on the following grounds:

- a. Increased road hazards to local children.
- b. The ongoing development of Repton into a housing estate out of keeping with the character of the village.
- c. The destruction of trees to build an extended access road.
- d. The loss of a vehicle traffic turning area for the Close.
- e. The loss of an additional parking area for the Close.

#### Structure/Local Plan policies

Structure Plan Housing Policy 6 and Local Plan Housing Proposal 5 and Environment Proposal 9 apply.

#### Relevant Planning Considerations

The proposal raises issues relating to the character and appearance of the area, residential amenity, highway safety and flood control.

In terms of highway safety the applicant has produced a scheme which the Highways Authority considers to be satisfactory and it is considered that this issue is acceptable.

Reg. No. 9/0995/0459/0 (continued):

The concerns of the National Rivers Authority relating to flood control may be adequately dealt with by an appropriate condition. The applicant's agent has suggested that this should be subject to an accurate survey of the extent of the floodplain.

The issue of residential amenity relates to factors of disturbance by additional traffic, loss of privacy and loss of a piece of open space which is currently allegedly used by local children for informal play. Adequate standards of privacy can be achieved at detail stage by applying the space about dwellings standards in supplementary planning guidance. It is considered that the likely levels of traffic generation from a relatively small site, compared with existing traffic on Pinfold Close and Pinfold Lane would not be of such magnitude as to cause demonstrable harm to residential amenity. Whereas it appears that the open space, which would be lost to the new access, is used informally for childrens' play it is nevertheless not designed for that purpose and there is no safety fencing or play equipment. It is considered that the loss of this piece of land, given that the area of the compensatory land (some 0.14 ha.) for open space is substantially larger, is not of such weight as to warrant refusal of permission. In any event the applicant would need to follow a separate procedure, through the Recreation and Amenities Committee, before the land could be purchased.

The main issue relates to the impact of the development upon the character of the area, not least with regard to the value of the site as an open gap wherein there is significant cover with trees and vegetation. To a large extent the current situation has arisen because the former occupier of the bungalow took no steps in recent years to maintain the land. Even if the site were to be retained with only one dwelling it is unlikely that its unmanaged character would be perpetuated. On balance it is considered that a compromise involving management of the wooded area between the brook and the public footpath, providing an attractive brookside public space, is a reasonable stance to take. It is probable that some of the trees subject to the Tree Preservation Order would be felled on the land to the north east of the footpath. However this factor needs to be balanced by the proper maintenance of the principal group of trees adjacent to the brook. In view of these comments it is considered that the character and appearance of the adjacent conservation area would not be materially harmed.

On balance it is felt that impact of the development would not be so harmful as to outweigh the strong policy presumption in its favour.

#### Recommendation

GRANT Planning permission subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act to manage and then transfer the woodland, subject also to the following conditions:

1. C2 - Time Limit (Outline).
2. C3 - Submission of details (Outline).
3. The details required pursuant to condition no. 2 above shall include a plan at not less than 1:500 showing the position, species, girth and height of all trees within the site, indicating those to be retained and those proposed for felling. This plan shall also show the siting of all proposed buildings, existing and proposed, and the position and depth of all sewers, drains and water pipes.

Reg. No. 9/0995/0459/0 (continued):

4. Cl6 - Implementation of landscaping.
5. Cl0c - Provision of parking.
6. Cl1 - Retention of parking.
7. No development shall commence until details of the junction of the new estate street with Pinfold Close, including details of any consequential effects on existing highway retaining structures or of any necessary new structures have been submitted to and approved in writing by the Local Planning Authority.
8. The internal road layout shall accord with the County Council's road design guide.
9. There shall be no direct means of vehicular access between the site and Pinfold Lane unless otherwise agreed in writing by the Local Planning Authority.
10. No development shall commence until details of a positive means of highway surface water drainage disposal to an acceptable outfall have been submitted to and approved in writing by the Local Planning Authority.
11. Unless otherwise agreed in writing, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, there shall be no built development including gates, walls, fences or other means of enclosure within the Repton Brook floodplain as shown on the attached plan.

Reason(s) for Condition(s):

- 1 & 2. Standard.
3. To ensure that the overall amenity value of protected trees is retained.
- 4 - 6. Standard.
- 7 - 10. In the interests of highway safety.
11. In the interests of flood control.

Informative(s):

You are advised:

1. The details submitted subsequent to this permission must not prejudice safe passage along Foc, atn 26 and, as necessary, shall include its construction in accordance with the County Council's specification.
2. To note the attached requirements of the National Rivers Authority