

04/09/2001

**Item**            **A10****Reg. No.**        **9 2001 0616 A****Applicant:**

Punch  
 107 Station Street  
 Burton On Trent  
 Staffs  
 DE14 1BZ

**Agent:**

Mr B Campbell  
 Ashleigh Image Business  
 Ashleigh House  
 Marsh Street  
 Rothwell  
 Leeds  
 LS26 0AG

**Proposal:**        **The continued display of advertisements at the "The  
 Chesterfield Arms" Ashby Road Bretby Burton-on-Trent**

**Ward:**            **Repton**

**Valid Date:**     **26/06/2001**

**Site Description**

The Chesterfield Arms public house is located on the south side of Ashby Road next to the junction of Wood Lane at Bretby. It sits between residential properties and on the opposite side of the road is open countryside identified in the Local Plan as an Area of Local Landscape Value.

**Proposal**

It is proposed to retain two free standing signs and signs on the front and side elevations of the building and to display three further information signs next to the main entrance. There would be sixteen signs in all.

The most prominent signs are "The Chesterfield Arms" and "Two for One" signs on the gable ends of the building and the free standing pub signs displaying similar information either side of the car park entrance.

The signs would be externally illuminated with a number having intermittent, flashing displays.

**Responses to Consultations**

The Highway Authority has no objections subject to the following:

1. The illumination shall be static, not intermittent or flashing
2. The illuminance shall not exceed 700cd/square metre
3. Light sources shall be shielded to prevent dazzle or distraction for highway users.

Bretby Parish Council objects to the proposal saying that it is sign overload. It says the signs are completely out of character with the area, which has a listed wall on the other side and is on the lines of American sign clutter inappropriate for a rural parish.

### **Responses to Publicity**

A local resident objects to the signs on grounds that they are not in keeping with the character of the building and there is an over proliferation of signs on the site which could constitute a road traffic hazard adjacent to the busy main road and Wood Lane junction.

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

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

### **Planning Considerations**

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

1. Visual amenity
2. Highway safety

### **Planning Assessment**

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

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

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

In this case there is a significant number of signs proposed or already on display at the premises. This quantity of signs is excessive, often repeating the same information, and presents a cluttered appearance which is detrimental to the appearance of the streetscene. The information on the two free-standing signs could be accommodated on one sign. In addition, the “Two for One” internally illuminated Perspex box signs detract from the appearance of the building and the street scene. However, some level of signage is acceptable.

For these reasons it is recommended that a split decision is issued in this case allowing a proportion of the signage but resisting some elements of the scheme. This would allow for the proper advertising of the premises without unacceptably detracting from the street scene.

The views of the highway authority are noted and the appropriate conditions recommended.

## Recommendation

**GRANT EXPRESS CONSENT** subject to the following conditions:

1. The illumination shall be static, not intermittent or flashing unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the area and as recommended by the Highway Authority in the interests of highway safety

2. The illuminance shall not exceed 700 candelas per square metre

Reason: As recommended by the Highway Authority in the interests of highway safety.

3. Light sources shall be shielded to prevent dazzle or distraction for highway users.

Reason: As recommended by the Highway Authority in the interests of highway safety

4. Permission is expressly not granted for the following signs:

The "Two for One" signs (shown as B on the submitted plans) on the south east and north west gable end elevations, the "Two for One" sign on the freestanding sign (shown as sign A on the submitted plans) and the freestanding sign (shown as sign K on the submitted plans) next to the car park entrance. These signs are not permitted in any form and should not be placed on the site.

Reason: The "Two for One" signs are considered unacceptable due to their size, colour, materials, method of illumination and siting which detract from the appearance of the building and the streetscene and the free standing signs alone and in combination with the other signs present a cluttered unsightly appearance which detracts from the amenities of the area contrary to the Council's Supplementary Planning Guidance - Display of Adverts and PPG19 - Outdoor Advertisement Control.

5. This permission grants consent solely for signs A (the Chesterfield Arms part only), C, H, E, F and J as referenced on the application plan and for no other signs or advertisements on the property.

Reason: For the avoidance of doubt.

**Item**            **A11**

**Reg. No.**        **9 2001 0672 F**

**Applicant:**

B T Airwave  
17-19 Rochester Row  
London  
SW1P1LA

**Agent:**

James Scholfield  
Kingfisher Estates  
Cloister House  
Riverside  
New Bailey Street  
Manchester  
M35AG

**Proposal:**        **The erection of a 40 metre lattice telecommunications tower accommodating 3 antennae and 2 dishes within a fenced compound and the siting of an associated equipment cabin at Roger Bullivant Ltd Walton Road Drakelow Burton-on-trent**

**Ward:**            **Walton**

**Valid Date:**     **12/07/2001**

**Site Description**

The site forms a small part of the area previously occupied by Drakelow Power Station. The site is located towards the eastern boundary of the site within 75 metres of one of the main Walton Road accesses to it.

The site is within open countryside and is largely unused at present.

**Proposal**

The submitted details show a 40 metre high lattice tower (capable of a 10 metre extension) with associated cabins and apparatus at ground level none of which would exceed three metres in height.

**Applicants' supporting information**

The applicant's agent makes the following points (inter alia):

(i) BT's promotional literature states that: "BT's Airwave service is the new digital radio communications network designed to meet the needs of the police and other public safety organisations in the 21st century. Airwave service is a digital private mobile radio service, developed and managed by BT to provide a secure, powerful and flexible communications network." The system is designed to cover the numerous systems currently run by the emergency services in England, Wales and Scotland, which currently cannot communicate effectively with each other. The new system is designed to eliminate such problems in the future.

(ii) PPG 8 urges Local Authorities to respond positively to such development and facilitate the growth of new and existing systems.

(iii) The location of this installation has been chosen with regard to technical and environmental considerations. [a synopsis of the search method for arriving at the application site also forms a part of the submission].

(iv) With regard to visual considerations, the design of the equipment mounted on the proposed structure is considered to be discreet, thus minimising the visual impact of the installation when viewed from the A444 and within Burton-on-Trent. The site also benefits from an excellent backdrop screening from mature vegetation and the extensive power station development (particularly the cooling towers).

### **Responses to Consultations**

The Head of Environmental Health has no comment to make.

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

The relevant policies are:

Local Plan: Community Facilities Policy 4, Environment Policy 1.

Planning Policy Guidance Note 8 (PPG 8).

### **Planning Considerations**

The main issue central to the determination of this application is the impact of the development on the visual amenity of the area.

### **Planning Assessment**

The policies of the development plan regarding these facilities require that it is demonstrated to a satisfactory degree that there is no alternative means of providing the same facility and that the siting is not unduly intrusive in the countryside.

The submitted evidence sufficiently demonstrates that the siting of the mast is necessary in this "cell area" for the operation of an essential emergency services network which is in the national interest.

With regards to siting, the application site is located in an area where there are many structures such as cooling towers, flues, pylons, lighting towers etc. which exceed the height of the proposed mast. In view of these factors, along with the mature tree cover around the site, the location is acceptable and would not adversely affect the amenities of the area.

### **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. Within 42 days of the mast hereby approved ceasing to be operative it shall be removed, along with all the associated equipment, and removed from the site which shall then be restored in accordance with a scheme, including a timetable for implementation, that shall have been first submitted to and approved in writing by the Local Planning Authority.

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

Informatives:

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

**Item**            A12

**Reg. No.**        9 2001 0676 D

**Applicant:**

Hamlet New Homes  
Thorncliffe House  
278 Uttoxeter Road  
Derby  
DE223LN

**Agent:**

Tom Wood  
Montague Architects  
9 Vernon Street  
Derby  
DE11FR

**Proposal:**        **The erection of twenty four houses on the site of the former  
Willington House Hotel Hall Lane Willington Derby**

**Ward:**            **Willington**

**Valid Date:**     **12/07/2001**

**Site Description**

The site comprises the whole of the curtilage of the Willington House Hotel that is situated on Hall Lane. The site is located within the settlement confines of Willington.

There is a low boundary wall on the west side of the site that increases in height on the neighbours side because of a change in the ground levels on his side. The hotel currently fronts onto Hall Lane with the rest of the site enclosed by 1.8 metre high close-boarded fences.

There are roads separating the site from adjacent dwellings. The land to the west is a farmyard part of which is used as a base for a milk delivery business.

**Proposal**

The proposal involves the demolition of all the existing buildings on the site. The new dwellings would be arranged in four blocks in the form of a courtyard with a central access point on the Hall Lane frontage providing access to it.

Three of the blocks would be three storey in height with the remaining one being two storey and sited towards the eastern site boundary.

The application has been amended since submission to reflect the comments of the County Highways Authority and there has been an amendment to the fenestration detailing in the rear elevation of the dwellings on the southern boundary.

**Applicants Supporting Information**

In submitting amended drawings, the applicants note on the drawing that the rear elevations of the southern most block would be some 23 metres from the front of one dwelling on the Riverbank, more in other cases. It is noted that these dwellings have a kitchen at ground floor

level and a second bedroom at first floor level. In these circumstances a separation distance of 23 metres minimum would seem adequate. This is especially so as the evergreen hedge on the residents side of the fence would help screen any views.

### **Planning History**

Planning permission for the dwellings on The Riverbank was granted in the mid 1990's.

Outline planning permission for the redevelopment of the site was granted last year.

### **Responses to Consultations**

Willington Parish Council has objected to the plans as amended on the following grounds: -

- a) There will be serious overlooking and loss of privacy for the dwellings on The Riverbank development and Hall Lane. There are only 7 windows in the existing hotel whereas there are many more in the proposal.
- b) The access gates are anti social and would block access for deliveries and emergency vehicles
- c) There is concern that the number of vehicles will be reversing out onto Hall Lane close to the Oaks Road junction.
- d) There appears to be a lack of parking for multiple vehicles at each house.
- e) No conversion of the ground floor garages should be allowed if the application is permitted.
- f) The three-storey development is not in keeping with the area.

The County Highways Authority would have no objection to an amended scheme that reflected concern about the proposed access. An amended scheme for the access has been received and forwarded to the County Highways Authority. It is claimed that this meets the concerns of the County Highways Authority. Any additional comments from the County Highways Authority will be reported at the meeting.

The Environment Agency has no objection subject to conditions controlling drainage from the site and ensuring proper controls on site for fuels that may be stored thereon.

Severn Trent Water has no objections subject to conditions.

### **Responses to Publicity**

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

- a) The three storey development would intrude onto the privacy of adjacent dwellings – this privacy is very highly valued by residents and two storey development would be more appropriate. The developments at The Riverbank and the Sycamore Court are a credit to the District Council and something like those developments would be acceptable to local residents. Perhaps incorporating a conversion of the hotel into apartments thus retaining one of the few buildings of character in the village. The balcony would remove privacy for residents and look more like a marina development on the south coast or a city centre location. The Willington site is in the heart of the village and the dwellings would overlook numerous other single and two-storey dwellings. These are really maisonettes, not a form of development that is in keeping with the locality.

- b) There would be a significant loss of light for existing occupiers, the proposed dwellings are just too close to the boundary
- c) The development is totally out of keeping with the leafy, tree-lined character of Hall Lane. There are numerous dangerous junctions along Hall Lane, especially the junction of the lane with Repton Road. The road is unsuited to the additional traffic that would be generated.
- d) There would be an increase in the noise levels from living accommodation on the second floor particularly in the summer months – all the dwellings hereabouts are either bungalows or two storey houses.
- e) Just because three-storey development is deemed acceptable in Hilton, it does not mean that it is acceptable in all areas of the district. People at Hilton have the opportunity of deciding whether to move into an area where there are three-storey dwellings, people at Willington would have no choice. The development at Hilton has living accommodation that has been restricted to the ground floor. All applications should be judged on their individual merits taking account of the local circumstances and local opinion. The prospect of three-storey development horrifies some residents.
- f) There are too many houses proposed, the density of the development is out of keeping with the rest of the village. It is an example of developers maximising their profits at the expense of residents
- g) There is not enough space available in the school to accommodate the extra children in the development.
- h) There is insufficient parking space, especially to the Hall Lane frontage where cars from eight houses would back out on to Hall Lane. The parking spaces are immediately in front of the garages and it is likely that cars will be parked on the road and not on the drives. It is more likely that the occupiers would have three cars rather than two.
- i) The application should be refused and the developers asked to come up with a more appropriate design. The development does nothing to achieve the objective of the Development Control Charter 'to improve the quality of the built environment'.
- j) The electronic gates at the entrance would not enhance any development and should be omitted.
- k) The developer may have a better idea of the potential flooding of the site and proposes to build accordingly.
- l) The operator of the adjacent milk delivery business is concerned that the boundary wall be retained or increased in height to ensure that future residents are not affected by the business. Deliveries start at 3:30am.

Since reconsultation on the amendments to the proposal a further 12 letters of objection have been received. There are no new points of objection beyond those referred to above.

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

The relevant policies are:

Planning Policy Guidance Note 3

Joint Structure Plan: General Development Strategy Policy 1, 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 and Government Advice.

- The suitability of the access and highway safety.
- The design of the development and its impact on the character and appearance of the area.
- The impact of the development on the amenity of nearby residents.

### **Planning Assessment**

The site lies within a sustainable settlement. It also lies within the settlement confine identified in Housing Policy 5 of the adopted Local Plan. In addition, outline consent for the redevelopment of the site has been granted and remains extant. The principle of redevelopment of the site is therefore acceptable.

The highway authority has no objection to the proposal in principle. There is no reason in this case to question that view. However, the matter of the site access is still under discussion. An update on that matter will be reported at the meeting.

There have been many comments made concerning the proposed design of the dwellings being out of character with their surroundings. Whilst there are no other traditional dwellings of this type in the village, the current hotel and Willington Hall are examples of three-storey development. The development would, therefore, replace an existing building of a similar height and retain a strong built element along the Hall Lane frontage and this would benefit rather than detract from the Hall Lane frontage.

Three storey units elsewhere on the site would reflect the frontage development and introduce some variety in the design of dwellings in this locality. The overall design of the dwellings is acceptable and it would form an acceptable form of development in this area that would not harm the character and appearance of the area and it would help to achieve the Government's objective of making the best use of land that is capable of being redeveloped.

The objectors on Hall Lane are concerned that the occupiers of the proposed dwelling would have unrestricted views into their living accommodation. On Hall Lane, there would be a minimum of 25 metres between the living room windows of the respective dwellings across the road. This would be acceptable under the Council's Supplementary Planning Guidance (SPG) and reflect the stance taken by inspectors in appeal cases elsewhere in the district.

The proposed dwellings that back onto the Riverbank dwellings are also three-storey in height. The minimum separation here is 21 metres between the first floor living accommodation and the front kitchens and bedroom of the existing dwellings although the distance does increase to the east of the site. In this case the degree of separation together with the existing boundary hedge and the presence of the road between the dwellings is again sufficient to achieve privacy levels reflective of SPG and the comments made at appeal by planning inspectors.

The relationship between the proposed dwellings on the west and east boundaries do not conflict with adopted standards.

### **Recommendation**

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

1. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos 1603-04B, 07B, 08A and 10B

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

2. 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 trapped gullies with an overall capacity compatible with the site being drained.

Reason: To prevent pollution of the water environment.

3. Notwithstanding any details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected on the eastern boundary of the site. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

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

4. The windows in the flank wall of the dwelling on Plot 13 shall be permanently glazed in obscure glass.

Reason: To avoid overlooking of adjoining property in the interest of protecting privacy.

5. 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.

Informatives:

A. You are reminded that conditions attached to the outline planning permission remain to be discharged relating to the means of foul and surface water disposal, landscaping and site levels relative to surrounding development.

B. The Environment Agency advises that

- i) The finished floor levels of the properties should be raised a minimum of 600mm above the maximum recorded flood level of the River Trent in order to reduce the risk of flooding in the occurrence of a flood event larger than previously recorded.
- ii) Applicants or developers should be aware of their responsibilities to ensure that the operations do not interfere with riparian owners' common law rights to receive water undiminished in quantity or quality. If any watercourses crossing the site are interrupted or diverted then, notwithstanding the need for any statutory consents or licences, it is the applicant's responsibility to take appropriate steps to protect the rights of the riparian owners, for which he has a liability.
- iii) During the period of construction any facilities for the storage of oils, fuels or chemicals should be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should 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 should be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets should be detailed to discharge downwards into the bund.

iv) If the highway is to be adopted through an agreement under the provisions of S38 of the Highways Act 1980 the adopting Highway Authority will require the use of appropriate construction techniques, including the use of trapped gullies, for the disposal of surface water.

v) As part of the Agency's objective to further the sustainable use of our water resources it is promoting the adoption of water conservation measures in new developments. Such measures can make a major contribution to conserving existing water supplies. It recommends the installation of fittings that will minimise water usage such as low, or dual, flush WC's, spray taps and economical shower-heads in the bathroom. Power showers are not recommended as they can consume more water than an average bath. Water efficient versions of appliances such as washing machines and dishwashers are also recommended. In the garden consider installing a water butt to provide a natural supply of water for plants. Following the above recommendations will significantly reduce water consumption and associated costs when compared to traditional installations, reducing the cost to the environment and the householder.