

08/08/2006

Item 1.2**Reg. No.** 9/2006/0753/F**Applicant:**
Mrs J P Goacher
C/O Agent**Agent:**
Mr N C Jervis
Rimmington
7 Upper Packington Road
Ashby-De-La-Zouch
Leicestershire
LE65 1ED**Proposal:** The erection of ancillary living accommodation at 14
Ashby Road Melbourne Derby**Ward:** Melbourne**Valid Date:** 21/06/2006**Reason for committee determination**

The application is brought to Committee at the request of Councillor Harrison on the grounds that local concern has been expressed and there are unusual site circumstances.

Site Description

14 Ashby Road is a late Victorian detached villa with a walled rear garden. There are properties of similar period to the south west side, with modern bungalows to the north east side and to the rear.

Proposal

The applicant proposes a single storey dwelling (ancillary living accommodation) in the rearmost part of the garden. It would be an L shaped building with narrow (4.5 metre) gables and about 4.5 metres in height to the ridge, providing two-bedroom accommodation. Because the level of the garden falls to the rear of the property the eaves line of the new building would coincide with the top of the boundary wall.

The host dwelling has vehicular access to the side. The existing access and parking arrangements would remain unchanged.

Applicants' supporting information

The applicant states that a dependent relative would occupy the building.

Planning History

An application for a bungalow of more modern design was withdrawn earlier this year (9/2006/0277/F).

Responses to Consultations

The Parish Council objects on the grounds that the proposal would be a totally separate self-contained dwelling without provision for parking.

Melbourne Civic Society objects as follows:

- a) The description is misleading - the proposal is for a self-contained unit of accommodation, which could be sold as a separate dwelling.
- b) No evidence has been submitted to demonstrate the need for a dependent family member. If such a need exists the accommodation could be provided in the form of an extension.
- c) The proposal is unacceptable on the grounds of inadequate access, loss of privacy, visual intrusion and noise from additional vehicles manoeuvring in the back garden.
- d) A precedent would be set for similar speculative applications, amounting to tandem development. Such development has been subject to numerous appeal dismissals on amenity and access grounds.
- e) It is arguable that gardens are 'brownfield' and in any event PPG3 presently gives gardens in Melbourne extra protection from development.

The Highway Authority has no objection to ancillary accommodation.

Severn Trent Water Limited has no objection in principle.

Responses to Publicity

Two letters of objection have been received from neighbours as follows:

- a) An adjoining dwelling was purchased on the basis that following withdrawal of the earlier proposal there would be no further application.
- b) The objections of the other neighbour are endorsed.
- c) The proposal would not be in keeping with the host dwelling and its surroundings and would fill the rear garden.
- d) There would be substantial a loss of privacy to neighbouring dwellings.
- e) Existing parking problems would be exacerbated.
- f) The level of the dwelling is likely to be higher than indicated on the drawing, to facilitate occupation by an elderly person.
- g) The boundary walls may be de-stabilised.
- h) An extension to the existing dwelling may be acceptable as an alternative.

Development Plan Policies

The relevant policies are:

RSS8: Policy 3

Joint Structure Plan: General Development Strategy Policies 1& 3, Housing Policy 5 and Transport Policy 1.

Local Plan: Housing Policies 5 & 11.

Planning Considerations

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

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

Planning Assessment

The site lies within the village confine as defined in the adopted local plan. Furthermore Melbourne has a good range of local services and transport options. As such the proposal is acceptable in land use and sustainability terms.

The building would be low and not prominent in the townscape. Therefore its impact on the general character of the area would be minimal.

Because of the height of the building, the position of its windows and its juxtaposition with the boundary walls, the tests of supplementary planning guidance would be met. Thus there would be no harm to neighbours in terms of overbearance and loss of light or privacy. The new building would be set behind an existing dwelling, sharing access. Tandem development of this nature consisting of one house immediately behind another, and sharing the same access, can be unsatisfactory because of the difficulties of access to the house at the back and the disturbance and lack of privacy suffered by the house in front. However the applicant has made it clear that the proposal would be ancillary to the host dwelling, providing accommodation for a dependent relative in the first instance. As such it would be necessary, relevant to planning and the development to be permitted, reasonable, precise, and enforceable to impose a condition limiting occupation of the new building to members of the household of 14 Ashby Road. This would negate the potential for adverse amenity caused by usage of a shared access.

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

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

Recommendation

GRANT permission subject to the following conditions:

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

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(s) 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.

4. Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

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

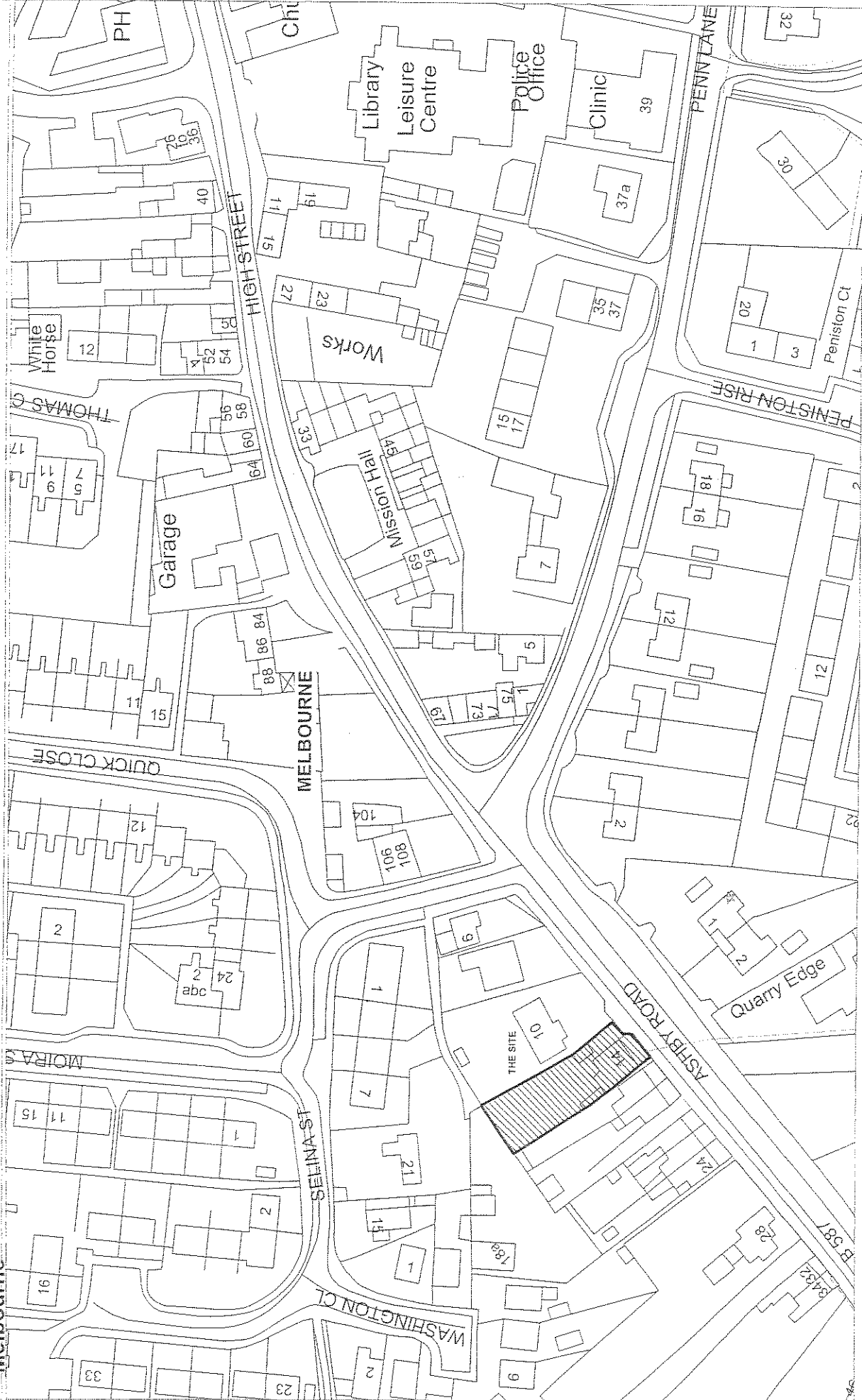
5. The living accommodation hereby permitted shall be occupied solely by members of the household of 14 Ashby Road Melbourne or by domestic staff, and shall not be severed from the main house as a separate and unconnected dwelling.

Reason: Permission is granted in the light of your particular personal circumstances. Although the erection of a building to provide additional accommodation to be used in conjunction with the existing dwelling is acceptable, the Council would not normally be inclined to allow the formation of a separate residential unit in this locality, on amenity and highway safety grounds. Since the extension includes all the domestic facilities necessary for the establishment of a separate self-contained unit, the Council hereby seeks to make it clear that separate occupation is not authorised by this permission.

6. No development shall take place until details of a scheme for the disposal of surface and foul water have been submitted to and agreed in writing by the Local Planning Authority. The 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 flood protecting and pollution control.

9/2006/0753/F 14 Ashby Road
Melbourne



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DISTRICT COUNCIL
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08/08/2006

Item 2.1**Reg. No.** 9/2006/0159/F**Applicant:**

W G Cooper & Sons Ltd
 The Shortwoods Waterfalls Lane
 Linton Heath
 Swadlincote
 Derbyshire

Agent:

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

Proposal: The erection of a B8 repository and associated offices, service area, park and landscaping at Land To The South Of Park Road Overseal Swadlincote

Ward: Seales

Valid Date: 08/02/2006

Reason for committee determination

This application is brought before this committee at the request of Cllr Southern on the grounds of consistency.

Site Description

This site lies in the countryside and outside of any settlement. Whilst there is a small long-established pocket of industrial uses close-by these are largely located up to the boundary with the railway line that lies to the north east of the site. Adjacent to the application site a single business occupies a group of buildings on the south western side of the railway line.

A wide access leads to the site and the land which falls from the highway is clearly visible from Park Road. To the south of the application site land is planted with trees and public footpaths run through the young wood between Park Road and Overseal. Further afield, due to the topography of the land, a building of the size proposed would remain visible from the west.

Proposal

This proposal is for the construction of a warehouse building some 18m x 27m x 7.4m to the ridge together with ancillary offices in a single storey forward projecting wing.

Applicants' supporting information

The applicant has submitted a supporting document that in summary asserts that since the red line for applications granted under references 9/1189/936/O, 9/1090/686 and

9/192/935 encompassed the application site, the land is vacant land within an employment site. He also asserts that the site is accessible by public transport, compliant with policy and is outside of the landscaping scheme that was planted in the mid 1990s.

Planning History

Planning permission was exceptionally granted in 1990 for the company the subject of this application to construct and occupy the adjoining original unit to the south west of the railway line. The site lay lower than the road and sufficient land provided extensive landscaping to mitigate the impact of the proposal on the countryside. An extension in the form of a separate building granted in 1996 reinforced the landscaping requirements with a Section 106 Agreement (9/296/766).

Subsequently a further extension also in the form of a separate building was granted in 2002 and was the subject of an amended plan in 2005 (applications 9/2002/1029 and 9/2005/0095 refer). All of this development after the original permission relates to the expansion of the company occupying the original building for which there is support in Employment Policy 1 of the Local Plan.

In order to safeguard the exceptional circumstances that surrounded the original grant of permission, occupancy was restricted by condition. In 2000 a case was put to the local planning authority that the company could no longer continue to trade from Park Road and application 9/2000/0736 for the removal of condition 5 that restricted occupancy was granted. A new single company now occupies the original building and the subsequent extensions.

Responses to Consultations

Overseal Parish Council supports the application and both Severn Trent Water and the County Highways Authority have no objection subject to conditions.

The Pollution Control Officer requires a site investigation

Responses to Publicity

There has been no response to publicity

Development Plan Policies

This site is not allocated for employment purposes in the adopted Local Plan. It was, however, the subject of an objection into the now withdrawn Local Plan. The case put forward on behalf of the objector seeking allocation of the land stated that the site has good access, is well screened and lies adjacent to the railway line. The Inspector however, agreed with the Council's stance that the site performs poorly in terms of the sequential test approach required as it is not within nor adjacent to an urban area and it has poor accessibility by public transport. Although it is adjacent to the railway line differences in levels would appear to make rail access difficult. He went on to say that whilst the site has some natural screening any significant industrial development would detract from the predominantly rural character and appearance of the surrounding area,

particularly from a public right of way. He concluded in favour of the Council's case that the site should not be allocated for employment use.

The relevant policies are:

RSS8: Policy 2

Joint Structure Plan: Economy Policies 2 & 5, General Development Strategy Policies 2 & 4, Transport Policy 4

Local Plan: Employment Policy 5, Environment Policy 1, Transport Policy 6

Planning Considerations

There have been no material changes in circumstance since the site was considered by the Local Plan Inspector. The main issues central to the determination of this application are the location of this site away from any allocated area for development and the impact of the proposal on the countryside.

Planning Assessment

The site is not, as has been suggested, employment land. The site boundaries in respect of earlier applications included all the land necessary to grant permission and impose conditions and the area of application would necessarily include access, any visibility splays and land required for landscaping.

The site lies within the countryside and the proposal would clearly be contrary to Environment Policy 1 in the adopted Local Plan which states that new development in such a location must be essential to a rural based activity or unavoidable in the countryside. This policy reflects well established government and regional guidance that underpins the whole planning system. Furthermore the question of whether an exception should be made to bring this site forward was tested by a Government Inspector at Inquiry as recently as November 2004 when it was decided not to include the site as employment land.

In addition to the strong policy objection in terms of location, the new building would also be contrary to Employment Policy 5 in the adopted Local Plan which supports small industrial units under certain circumstances in rural areas. One of the criteria is that rural buildings should be acceptable in environmental terms. This proposal would involve the development of a new building and the hard surfaced apron in front of it to within a metre of the site boundary with the countryside beyond leaving no room for any meaningful landscaping scheme whilst at the same time using land that was required to be planted under the terms of a Section 106 Agreement that was attached to planning permission reference 9/296/766.

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

Recommendation

REFUSE permission for the following reason:

1. Policies in the Derby and Derbyshire Joint Structure Plan and the South Derbyshire Local Plan seek to protect the countryside from unwarranted development and to ensure that new development in the countryside is only permitted where it is necessary in such a location. They require that new business developments in rural areas should normally be located within the framework or on the fringe of existing settlements making good use of existing infrastructure and avoiding prominent intrusion into the countryside. This site for a new industrial unit unrelated to any existing business on the land, is in the countryside beyond the edge of any settlement. No special justification has been submitted and therefore to permit the proposal would be contrary to the aims set out above. Furthermore, the development would be located on land previously shown to provide part of the landscaping scheme required by an earlier planning permission to mitigate the impact of existing units that adjoin this site and as a result the proposal would result in unwarranted intrusion into the countryside to the detriment of the rural character of the area. The proposal is thus contrary to Development Strategy Policies 2 and 4 and Economy Policy 5 of the Structure Plan and Employment Policy 5 and Environmental Policy 1 and Employment Policy 5 of the Local Plan.

9/2006/0159/F Land to the South of Park Road

Overseal



Date Plotted 28/7/2006
 Scale 1:3500

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