

Residents will not allow the developer to use the private drains unless they are upgraded to Severn Trent Water Limited standards.

- k) The public sewer in Weston Road is already overloaded and in a poor state of repair.
- l) Village facilities are inadequate.
- m) In view of the drainage situation further development would be a public health risk
- n) Many trees have been removed to the detriment of the green character of the area. Another tree would be lost and a protected Oak could be damaged. Lime trees could also be affected and the Council has previously refused consent to fell such a tree.
- o) The site lies outside the village confine and the development would not be infill.
- p) No notices were displayed and the Parish Council received late consultation. (Comment: The application is not in the category that requires statutory notices – instead letters were sent to neighbours).
- q) The scale and character of the dwellings would be out of keeping with the existing houses and the locality.
- r) Officers have previously given wrong advice and councillors should not dismiss information provided in respect of the drains on the advice of an officer.
- s) Councillors are reminded that they are supposed to represent the views and interest of their constituents and not pursuing their own personal agendas whilst debating planning applications. They should also be wary of any recommendations of Weston Parish Council because a parish councillor retained a piece of land when representing residents of Yates Avenue during the transfer of Yates Avenue to the developer, and the Parish Council received substantial donations of many thousands of pounds from the applicant.
- t) Local residents have consistently challenged the land transfer and development. An ‘enquiry’ by Derbyshire’s Fraud Squad has resulted in the ongoing investigation of a senior police officer and on the instruction of the Minister of State for Health an investigation into the sale and development of Aston Hall has been instigated.
- u) Emergency access would be impaired.
- v) There would be loss of privacy and overshadowing/overbearing to neighbouring property.
- w) Development has caused animosity in the community.
- x) The proposed houses are not of the type that would provide affordable housing for the community.
- y) No mention is made of what will happen to derelict garages on the site.
- z) The proposal would be gross over development of the area.

7 letters of support have been received from residents of Yates Avenue in the following terms:

- a) Residents have been working with the Parish Council to achieve improvements to Yates Avenue. The application forms the mainframe of these improvements.
- b) The development would improve accessibility in the event of emergency.
- c) The undemolished garages on the site are unsafe. Local residents supervise their own children but children from elsewhere in the village misuse the garages. The development would sort this problem out.
- d) Yates Avenue will remain a shoddy, dangerous and dated environment if the application is refused through objections that have no bearing on the day to day lives of the “actual” residents of Yates Avenue.
- e) Residents of Yates Avenue have continually had to put up with residents of Weston Road using and abusing the unadopted road despite having no right of access. The application would help to resolve this matter.
- f) Two residents of Weston Road use the land to carry out repairs to their vehicles.
- g) Existing playing fields provide for the recreational needs of local children. Any objection in this regard is irrelevant.

- h) Similar improvements to the access for the other part of Yates Avenue have been very successful for those residents.
- i) There is currently no mutual agreement to pay for maintenance of the area. The development would allow the area to be adopted to accommodate the modern day lifestyles of residents.
- j) Problems with drainage, sewerage and flooding could be dealt with at development stage.
- k) Others living in Weston Road do not represent the residents.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 3 and Housing Policy 5.

Local Plan: Housing Policy 5 & 6.

Planning Considerations

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

- The principle of development.
- Impact on the general character of the area.
- Highway safety.
- Trees.
- Residential amenity.
- Drainage.
- Open space.

Planning Assessment

The site does not lie within the village confine as defined in the local plan. However it is entirely surrounded by residential development. Therefore the proposal complies with the locational criteria of the Structure Plan and Housing Policy 6 of the South Derbyshire Local Plan. Aston is a sustainable settlement and the site comprises previously used land. Therefore the development would not offend the sustainability criteria of PPG3 and in principle its development is acceptable.

The character for the area is defined by a wide variety of house types. As such the proposed development would be in keeping with the scale and character of the settlement.

The current private drive serves 15 dwellings in Yates Avenue. Parking for these dwellings is informal and relies to some degree on land owned by others (i.e. the applicant). The proposed adoptable standard highway and parking areas would lead to a substantial improvement to highway safety, particularly as it would afford the opportunity to permanently close off the part of Yates Avenue that links to the old substandard hospital access. This measure would also stop traffic from manoeuvring through this access into the estate beyond.

The provision of 1 space per dwelling for the existing houses does not meet the usual provision of 2 spaces per dwelling. However residents currently rely on informal parking on land belonging to the applicant. As such the formal provision of parking would effect an improvement to the situation. It is not reasonable to try to impose increased provision on existing housing bearing in mind the circumstances of this case. The alignment of the parking

spaces to Plot 207 is acceptable given the overriding need to avoid undue damage to the protected Oak.

A Cherry tree would be lost to form the service vehicle turning head at the end of the new road. The planting of new trees in this area would compensate for the amenity value of the tree that would be lost. The overall benefits of the scheme outweigh the amenity value of the tree, which is not protected by a Tree Preservation Order. The protected Oak would not be significantly damaged (subject to protection during building work) as the dwelling at Plot 207 would be set away from its base by 9.4 metres.

The proposal meets the supplementary planning guidance on space about dwellings. The amenities of existing residents would therefore not be materially harmed. By providing proper access to Nos. 7 – 21 Yates Avenue the living conditions of those residents would be improved, as indicated by letters of support from residents of that group of houses.

The provision of the new road would enable the new dwellings to be drained adequately into the main sewer. Severn Trent Water Ltd has no objection. To require improvements to existing private drainage would exceed the scope of Circular 11/95 on the use of planning conditions, although there may be scope to effect improvements pursuant to the construction of the new road.

Whilst objectors have referred to parts of the site as play areas there is no current formal provision in the locality and the owners are entitled to disbar trespassers from entering their land. Letters of support indicate that the site is used by children from elsewhere and is not necessarily needed by local children. Incidental open space is provided within the larger Aston Hall development site and formal provision for access to the hospital playing fields is included in the Section 106 agreement relating to the original grant of outline planning permission (9/0292/1038/O).

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. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. M49/3/4 Rev A received 21 January 2002.

Reason: For the avoidance of doubt.

3. 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.

4. 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.

5. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

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

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

7. Notwithstanding the submitted details, prior to the commencement of building operations on the site chestnut pale fencing to a minimum height of one metre staked at 3 metre centres shall be erected within the application site 1 metre beyond the edge of the canopy of the protected Oak tree to the west of Plot 207. The fencing shall be retained in position until all building works on the site have been completed unless otherwise agreed in writing with the Local Planning Authority. Within the areas so fenced there shall be no storage of machinery, materials or plant and the ground levels within those areas shall remain unaltered.

Reason: To protect the trees/landscape areas from undue disturbance

8. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate, in the case of dwellings of four or more bedrooms three cars, in any other case two cars within the curtilage of each dwelling, or in any alternative location acceptable to the Local Planning Authority or as may otherwise be agreed in writing by the Local Planning Authority in accordance with its published standards. Thereafter three parking spaces (in the case of dwellings with four or more bedrooms) or two parking spaces (in any other case), measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of each dwelling unless as may otherwise be approved in writing by the Local Planning Authority.

Reason: To ensure that adequate parking/garaging provision is available.

9. Neither of the dwellings hereby approved shall be occupied until the new parking area for Nos 7-21 Yates Avenue has been provided and surfaced in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

10. Unless as may otherwise be agreed with the Local Planning Authority, no other part of the development shall be commenced until the existing vehicular access connecting 7-21 Yates Avenue with Weston Road has been sealed in accordance with measures that shall have previously been submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be retained in perpetuity.

Reason: In the interests of highway safety.

11. Before development begins details of a scheme for disposal of highway surface water to a positive gravity-fed system shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented concurrent with the construction of the new road.

Reason: In the interests of highway safety.

12. The new road (extension to Yates Avenue) shown on the submitted plan shall be constructed in accordance with County Council's published standards for housing development roads and shall be completed at least to base course level prior to the occupation of either of the two dwellings hereby permitted.

Reason: In the interests of highway safety.

13. Prior to the development hereby approved commencing the specifications of the footway to the new road adjacent to Plot 205 shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be constructed in accordance with approved specification.

Reason: To ensure that the Lime tree affected by the proposal is protected during and after development.

14. 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. 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.

Informatives:

The Highway Authority will not be prepared to take on maintenance liability for the car parking courtyard.

12/02/2002

Item **A16****Reg. No.** **9 2001 1230****Applicant:**

J S Bloor Measham Ltd
 Ashby Road
 Measham
 Swadlincote
 Derbyshire
 DE12 7JP

Agent:

J S Bloor Measham Ltd
 Ashby Road
 Measham
 Swadlincote
 Derbyshire
 DE12 7JP

Proposal: **The erection of four No apartments and the erection of 1
 storey dwelling at Land At Weston Road Aston-onTrent
 Derby**

Ward: **Aston**

Valid Date: **17/12/2001**

Site Description

This site lies outside the village confines of Aston but within the built up area that constitutes part of the re-developed Aston Hospital.

The site, the subject of this application, comprises two parcels of land that are occupied by former garage courts and grassed areas within the existing built up area of residential development at Aston Hall.

Proposal

A block of four apartments is proposed adjacent to 22 Yates Avenue, with five parking spaces provided in a courtyard to the rear. Access would be from the end of the recently constructed cul-de-sac.

The other proposed dwelling would be adjacent to 1 Yates Avenue, also served by the adoptable standard highway.

Applicant's Supporting Information

- (i) Storm water would discharge into an extended section of 'public' sewer in the existing access road.
- (ii) Foul water would discharge into the 'public' foul sewer.
- (iii) The small sections of scrubland that currently exist are in the applicant's ownership and are not public open spaces.
- (iv) Additional car parking space for Plots 201-204 (the apartments) is difficult to achieve without compromising existing rights of way. The 125% off-street parking provided is consistent with the latest government guidance in PPG3.

Site History

Permission was granted for the erection of a pair of semi-detached houses on the land now proposed for apartments in 1999 (9/1999/0299/F).

Responses to Consultations

The Parish Council has no objection and welcomes the single apartments, which will give the opportunity for affordable housing.

The Highway Authority initially sought an extra parking space for the apartments (to achieve 150% parking provision). However, on the basis of the applicant's statement about the availability of land for parking the Highway Authority raise no objections to the application in terms of highway safety. It is also stated that it would be unable to demonstrate that the absence of the extra space would result in adverse highway conditions. Further the ability to defend such a reason on appeal would inevitably be compromised by national policy aimed at reducing private off-street parking facilities.

Severn Trent Water Ltd and the Environmental Health Manager have no objection.

Responses to Publicity

Eight letters have been received objecting as follows:

- aa) The area cannot cope with existing traffic levels. The dwellings would take away areas where there used to be garages and which are currently used for parking by residents of Yates Avenue and Weston Road.
- bb) There would be inadequate parking and existing congestion would be exacerbated.
- cc) The existing road and footways has not yet been brought up to an adequate standard.
- dd) Areas previously used for children's' play, supervised, would be lost. This would necessitate children having to walk almost a mile or to play unsupervised behind the hospital. There has already been increased juvenile delinquency since the play areas were fenced off two years ago. Quality of life would thus be impaired. The areas should be restored without delay. The development would generate extra demand for these facilities whilst providing none.
- ee) Children have tended to play in front of other residents' houses since the play areas were lost, causing loss of amenity.
- ff) Not all residents of Yates Avenue have been approached by the developer for views on matters that affect their title deeds.
- gg) Weston Road is a totally unsuitable place to park cars and the access at Red Lodge is extremely unsafe. Increased traffic would increase the risk for all road users. An application for a new access at 153 Weston Road was refused for safety reasons.
- hh) Residents have already had to endure years of inconvenience due to development.
- ii) Surface water and sewage would overload the existing over stretched private drains. Residents will not allow the developer to use the private drains unless they are upgraded to Severn Trent Water Limited standards.
- jj) The public sewer in Weston Road is already overloaded and in a poor state of repair.
- kk) Village facilities are inadequate.
- ll) In view of the drainage situation further development would be a public health risk
- mm) Many trees have been removed to the detriment of the green character of the area. More trees could also be affected and the Council has previously refused consent to fell such a tree.
- nn) The site lies outside the village confine and the development would not be infill.

- oo) No notices were displayed and the Parish Council received late consultation. (Comment: The application is not in the category that requires statutory notices – instead letters were sent to neighbours).
- pp) The scale and character of the dwellings would be out of keeping with the existing houses and the locality.
- qq) Officers have previously given wrong advice and councillors should not dismiss information provided in respect of the drains on the advice of an officer.
- rr) Councillors are reminded that they are supposed to represent the views and interests of their constituents and not pursuing their own personal agendas whilst debating planning applications. They should also be wary of any recommendations of Weston Parish Council because a parish councillor retained a piece of land when representing residents of Yates Avenue during the transfer of Yates Avenue to the developer, and the Parish Council received substantial donations of many thousands of pounds from the applicant.
- ss) Local residents have consistently challenged the land transfer and development. An ‘enquiry’ by Derbyshire’s Fraud Squad has resulted in the ongoing investigation of a senior police officer and on the instruction of the Minister of State for Health an investigation into the sale and development of Aston Hall has been instigated.
- tt) Emergency access would be impaired.
- uu) There would be loss of privacy and overshadowing/overbearing to neighbouring property.
- vv) Development has caused animosity in the community.
- ww) The proposed house are not of the type that would provide affordable housing for the community.
- xx) No mention is made of what will happen to derelict garages on the site.
- yy) The proposal would be gross over development of the area.

One letter of support from an adjoining neighbour has been received raising the following points:

- a) The state of the avenue has gone on for too long and the proposal would enhance the area and increase the value of present houses.
- b) Any objection from people in Weston Road should be discounted as they do not live in the avenue and do not speak for local people.
- c) The boundary wall to the site has been in a poor state for four years due to two householders in Weston Road objecting to the developer connecting to the sewer in the neighbour’s garden.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 3 and Housing Policy 5.
Local Plan: Housing Policy 5 & 6.

Planning Considerations

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

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

- Trees.
- Residential amenity.
- Drainage.
- Open space.

Planning Assessment

The site does not lie within the village confine as defined in the local plan. However it is entirely surrounded by residential development. Therefore the proposal complies with the locational criteria of the Structure Plan and Housing Policy 6 of the South Derbyshire Local Plan. Aston is a sustainable settlement and the site comprises previously used land. Therefore the development would not offend the sustainability criteria of PPG3 and it is, in principle, acceptable.

The character for the area is defined by a wide variety of house types. As such the development would be in keeping with the scale and character of the settlement.

The normal parking requirement for the proposed detached house is met. The Council's supplementary planning guidance on parking seeks 6 spaces for the apartments. Only 5 spaces are provided. There is adequate space to park more cars in front of the apartment buildings, but it is understood that private rights of way could prejudice implementation of such a scheme. Therefore it is necessary to consider the merits of the parking provision as proposed. Having regard to government advice in PPG3 and the comments of the Highway Authority the parking proposed is acceptable. With regard to the matter of preventing through traffic on the old hospital main access this is addressed in the report on application No. 9/2001/1229/F that is also on this agenda.

Subject to conditional control the development would not cause significant harm to any of the trees on the application site.

The proposal meets the supplementary planning guidance on space about dwellings apart from a bedroom window to Plot 205 that would overlook a window to Red Lodge at a distance of 19.5 metres rather than 21 metres as set out in the guidance. The potential for overlooking would be reduced to an acceptable degree by a condition requiring obscure glazing to that window. The amenities of existing residents would therefore not be materially harmed.

The applicant has stated that drainage will be to existing public sewers. If the applicant wishes to use any private drains this would be a matter to be resolved privately with affected owners. Severn Trent Water Ltd has no objection. To require improvements to existing private drainage would exceed the scope of Circular 11/95 on the use of planning conditions.

Whilst objectors have referred to parts of the site as play areas there is no current formal provision in the locality and the owners are entitled to disbar trespassers from using their land. Incidental open space is provided within the larger Aston Hall development site and formal provision for access to the hospital playing fields is included in the Section 106 agreement relating to the original grant of outline planning permission (9/0292/1038/O).

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(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. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

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

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

6. The parking spaces shown on the submitted plan shall be provided prior to the first occupation of the dwellings to which they relate and shall thereafter be retained for the purposes of parking unless as may otherwise be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

7. Prior to their construction specifications of the parking area for Plot 205 shall be submitted to and approved in writing by the Local Planning Authority. The parking area shall be constructed in accordance with the approved specification prior to the first occupation of the house to which it relates.

Reason: To ensure that the Lime tree on the site is adequately protected during and after development.

8. The window to Bedroom 3 of Plot 205 shall be permanently glazed in obscure glass.

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

9. 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. 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.

12/02/2002

Item **A17****Reg. No.** **9 2001 1247****Applicant:**
Mrs C Shaw C/O Agent**Agent:**
Roy Williams & Company
The Old Manor House
6 Main Street Hartshorne
Swadlincote
Derbyshire
DE11 7ES**Proposal:** **The provision of an additonal parking area and the extension
and conversion of an outbuilding into a single dwelling unit at
Manor Farm Church Close Coton In The Elms Swadlincote****Ward:** **Netherseal****Valid Date:** **21/12/2001****Joint report with 9/2002/1248/L****Site Description**

The site is located with the village confines currently defined for Coton in the extant South Derbyshire Local Plan. The site is currently occupied by the applicant's farmhouse (a Grade II listed building) and its curtilage. The out-building, the subject of this application, is part of a longer range enclosing a courtyard at the side and rear of the main house and is currently used for casual storage but is generally redundant and stands in a fairly poor state.

Proposal

Although described as the formation of a dwelling, the proposal is to convert the building into accommodation ancillary to the main house as an annexe thereto comprising a bedroom with en-suite, lounge, kitchen and utility room. The rebuilding of a former small washroom would create the utility room.

Applicants' supporting information

The applicant's agent states that the conversion is to provide additional living accommodation for the farmhouse and it is accepted that a condition could be attached to prevent the unrelated occupation of the land.

Planning History

Planning permission and listed building consent for the conversion of the adjoining barn into two dwellings was granted ten years ago. So far one of these dwellings has been completed and is fully occupied.

Responses to Consultations

As ancillary accommodation, the County Highway Authority considers that the proposal would have no effect on existing highway conditions and therefore has no objection.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Environment Policy 10.

Local Plan: Housing Policy 13 and Environment Policy 13.

Planning Considerations

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

- The provisions of the development plan and the impact of the proposal on the listed building
- The impact on amenity and highway safety.

Planning Assessment

Coton is not a sustainable settlement and, therefore, the provision of new independent residential units within them is considered to be unacceptable.

However, in this case, the proposal involves the provision of ancillary accommodation to the main house and comprises only limited living space. Additionally, it would not involve the splitting off of any land within the curtilage of the unit and there would, therefore, remain only one dwelling unit. This would not carry with it the potential dangers and impacts associated with a wholly independent dwelling. As such the proposal is considered tantamount to an extension to the main house and, therefore, in principle, the proposal is acceptable.

The development plan seeks to ensure that all alterations and conversions to listed buildings, which would have an adverse effect on their fabric or character should not be permitted and that their setting should be preserved. Given that the building is an integral part of the site and is surrounded by residential accommodation, the conversion of this part of the barn would not be harmful to the principal listed building. The submitted scheme shows a sensitive attention to the integrity of the existing buildings and (with the use of the necessary conditions) is acceptable.

With regard to residential amenity, the windows in the positions proposed would not adversely affect unduly any neighbouring property.

The County Highway Authority has no objection to the further use of the existing access subject to the additional accommodation being ancillary to the main house.

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. Large scale drawings to a minimum Scale of 1:20 of external joinery, including sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery shall be constructed in accordance with the approved drawings.

Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.

3. A sample of both the roof tile and the brick to be used shall be submitted for approval in writing by the Local Planning Authority before work commences. The agreed materials shall then be used.

Reason: To ensure the building/extension is in keeping with its surrounding in the interest of the character and visual amenity of the area.

4. The extent of repointing works shall be agreed in writing by the Local Planning Authority before any such works are commenced.

Reason: In the interests of the appearance of the building(s) and the character of the area.

5. Notwithstanding any details submitted, precise details of the type, size and position of the proposed rooflight(s) shall be submitted to and approved in writing by the Local Planning Authority. The approved rooflight(s) shall be fitted such that their outer faces are flush with the plane of the roof, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the building(s) and the character of the area.

6. Windows shall be painted timber in a colour and to a specification which shall have previously been agreed in writing by the Local Planning Authority, and;

- a. be set back from the face of the wall by a minimum of 50 mm,
- b. have segmental brick arches (unless they are located directly underneath the eaves) and unless otherwise agreed by the Local Planning Authority,
- c. be traditionally constructed so that opening casements are flush with the frame (modern EJMA detailing is not acceptable),
- d. have any glazing bars with a maximum overall width of 18mm and a maximum outer nosing width of 5mm,
- e. have a traditional brick/stone/tile cill. Integral timber cills are not acceptable, and
- f. be single glazed unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the building(s), and the character of the area.

7. External doors shall be timber and painted in a colour and to a specification which shall have previously been agreed in writing by the Local Planning Authority and be set back from the face of the wall by a minimum of 50mm, and have segmental brick arches unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of the appearance of the building(s) and the character of the area.

8. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the building unless specifically agreed in writing by the Local Planning Authority. The type, number and position of heating and ventilation flues outlets shall be agreed in writing with the Local Planning Authority before development is commenced.

Reason: In the interests of the appearance of the building(s) and the character of the area.

9. Gutters shall be cast metal (with cast metal fall pipes) and shall be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

Reason: In the interests of the appearance of the building(s), and the character of the area.

10. All works of alteration and making good of the existing fabric of the building(s) shall be carried out in matching reclaimed brick and plain clay tiles, samples of which shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the building(s).

11. Pointing of the existing/ proposed building(s) shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand). The finished joint shall be slightly recessed with a brushed finish in accordance with Derbyshire County Council's advisory leaflet "Repointing of Brick and Stonework".

Reason: In the interests of the appearance of the building(s).

12. A sample panel of pointing 2 metres square or such other area as may be agreed by the Local Planning Authority shall be prepared for inspection and approval in writing by the Local Planning Authority prior to the implementation of any other works of pointing.

Reason: In the interests of the appearance of the building(s) and the locality generally.

13. The living accommodation hereby permitted shall be occupied solely by members of the household of Manor Farm House 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 conversion of the building and the erection of an extension 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. 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.

14. 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. 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.

Informatives:

- (i) To note and act upon as necessary the comments of the Coal Authority (see attached letter).
- (ii) This permission is for conversion and it does not convey any right to demolition and replacement by a substitute building. Any further demolition/replacement necessitated by on-site works should be first agreed in writing by the Local Planning Authority.

12/02/2002

Item A18**Reg. No.** 9 2001 1248**Applicant:**
Mrs C Shaw C/O Agent**Agent:**
Roy Williams & Company
The Old Manor House
6 Main Street Hartshorne
Swadlincote
Derbyshire
DE11 7ES**Proposal:** The provision of an additonal parking area and the extension and conversion of an outbuilding into a single dwelling unit at Manor Farm Church Close Coton In The Elms Swadlincote**Ward:** Netherseal**Valid Date:** 21/12/2001**Joint report** 9/2002/1247/F**Recommendation****GRANT** listed building consent subject to the following conditions:

1. The works to which this consent relates shall be begun before the expiration of five years from the date of this consent.

Reason: To conform with Section 18(1) of the Planning and Listed Buildings and Conservation Area Act 1990.

2. Large scale drawings to a minimum Scale of 1:20 of external joinery, including sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery shall be constructed in accordance with the approved drawings.

Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.

3. A sample of both the roof tile and the brick shall be submitted for approval in writing by the Local Planning Authority before work commences.

Reason: To ensure the building/extension is in keeping with its surrounding in the interest of the character and visual amenity of the area.

4. The extent of repointing works shall be agreed in writing by the Local Planning Authority before any such works are commenced.

Reason: In the interests of the appearance of the building(s) and the character of the area.

5. Notwithstanding any details submitted, precise details of the type, size and position of the proposed rooflight(s) shall be submitted to and approved in writing by the Local Planning Authority. The approved rooflight(s) shall be fitted such that their outer faces are flush with the plane of the roof, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the building(s) and the character of the area.

6. Windows shall be painted timber in a colour and to a specification which shall have previously been agreed in writing by the Local Planning Authority, and;

- a. be set back from the face of the wall by a minimum of 50 mm,
- b. have segmental brick arches (unless they are located directly underneath the eaves) and unless otherwise agreed by the Local Planning Authority,
- c. be traditionally constructed so that opening casements are flush with the frame (modern EJMA detailing is not acceptable),
- d. have any glazing bars with a maximum overall width of 18mm and a maximum outer nosing width of 5mm,
- e. have a traditional brick/stone/tile cill. Integral timber cills are not acceptable, and
- f. be single glazed unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the building(s), and the character of the area.

7. External doors shall be timber and painted in a colour and to a specification which shall have previously been agreed in writing by the Local Planning Authority and be set back from the face of the wall by a minimum of 50mm, and have segmental brick arches unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of the appearance of the building(s) and the character of the area.

8. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the building unless specifically agreed in writing by the Local Planning Authority. The type, number and position of heating and ventilation flues outlets shall be agreed in writing with the Local Planning Authority before development is commenced.

Reason: In the interests of the appearance of the building(s) and the character of the area.

9. Gutters shall be cast metal (with cast metal fall pipes) and shall be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

Reason: In the interests of the appearance of the building(s), and the character of the area.

10. All works of alteration and making good of the existing fabric of the building(s) shall be carried out in matching reclaimed brick and plain clay tiles, samples of which shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the building(s).

11. Pointing of the existing/ proposed building(s) shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand). The finished joint shall be slightly recessed with a brushed finish in accordance with Derbyshire County Council's advisory leaflet "Repointing of Brick and Stonework".

Reason: In the interests of the appearance of the building(s).

12. A sample panel of pointing 2 metres square or such other area as may be agreed by the Local Planning Authority shall be prepared for inspection and approval in writing by the Local Planning Authority prior to the implementation of any other works of pointing.

Reason: In the interests of the appearance of the building(s) and the locality generally.

12/02/2002

Item **A19****Reg. No.** **9 2002 0017****Applicant:**

Hilton Garage
Main Street
Hilton
Derby

Agent:

Millar Management
Broughton House
London Road
Shardlow
Derby
DE72 2HA

Proposal: **The erection of a car sales facility at Plot E 1 The Mease
Hilton**

Ward: **Hilton**

Valid Date: **09/01/2002**

Site Description

The site comprises some 1.3 hectares of land situated at the junction of The Mease and Egginton Road in Hilton.

There is housing to the north of the site on the opposite side of Egginton Road and to the East on land adjacent to Huntspill Road. There is a parcel of land allocated for community uses on the opposite side of The Mease which includes an area of land that has a valid planning consent for use as a public house.

Within the application site are a number of trees that would be felled should consent be granted for this development. However, these have been previously scheduled for removal as part of the re-development of this site.

Proposal

The applicants seek consent to establish a car sales and repair facility on the site. The development would comprise of the erection of a showroom, a covered sales area, an open sales area, workshops and offices. The buildings would be sited close to the Egginton Road and The Mease frontages with the open sales areas partially hidden behind the buildings and the landscaping that has been planted along the Egginton Road frontage.

On The Mease frontage the existing bunds and tree planting are not shown on the submitted details, however, it is understood they would remain. A 600mm high knee rail fence would be erected inside the bund and this would extend around part of the Egginton Road frontage. A 2.1 metre high security fence is proposed along the southern and eastern boundary and part of the Egginton Road frontage. Both of these fences would link back into the building.

The proposal would consolidate the firm in one location as opposed to the company's three existing premises, two in Hilton and one in Repton. Permission has been granted for housing development on the Hilton sites but the application to redevelop the Repton site has yet to be determined.

There would be a total of 20 staff employed on the site 15 of whom would be transferred from existing business premises at Hilton and Repton.

Whilst the proposals indicate the location of signs on the buildings and of a separate free-standing sign some 4 metres high on The Mease, these signs would be the subject of a separate application under the Advertisement Regulations and are not considered here.

The application drawings indicate that there would be glazed sides to the showroom area and the showroom and canopy would be 4 metres high. The workshop would have a height of 7 metres. The walls would be constructed in metal profiled steel with silver to the lower walls and white to the top. The roof would be in silver. The buildings would occupy about a quarter of the site area.

The application has been amended following discussions with officers to include additional glazing to the sales building on the Egginton Road frontage.

There would be no new landscaping, the development would rely on existing landscaping along The Mease and Egginton Road.

Access to the site would be off The Mease via a new road to be constructed as a part of the development. This road would also serve other land allocated for further employment uses in the Master Plan for the redevelopment of the Hilton Depot.

Planning History

Outline planning permission was granted in 2000 for the development of this part of the site for uses falling in Classes B1, B2 and B8. The proposed use does not fall in any of these classes and so the application is for full permission rather than for the approval of reserved matters.

The agreement between the Council and MOD for the development of the site states that where development takes place for employment uses that certain monies are called down to fund other elements of development on the site. (That is the expansion of the school, landscape maintenance and provision of recreation facilities).

The developers have been notified that the Local Planning Authority would see the occupation of this site as generating the equivalent of 52 occupied dwellings once the showrooms are open for business. (1.3 hectares/5 hectares x 200) Any response to this notification will be reported at the meeting.

Responses to Consultations

Hilton Parish Council has no objection.

The local councillor states that she is concerned that there may not be enough parking areas for staff and visitors leading to parking on The Mease. She would also like to see some more planting of shrubs to soften the site. She draws attention to the presence of a heronry and

possibly a protected species resident in the area. Other than these concerns she supports the application to start the development of this part of the depot site.

The County Highways Authority has no objection subject to the proposed access being included in the application site boundary. Revised plans to show this are awaited.

Severn Trent Water has no objection.

The Environment Agency has no objection subject to conditions ensuring that there is a desk top study undertaken to ensure there is no contamination of groundwaters; provision of interceptors for surface water run off; proper drainage facilities for run off from car wash facilities and bunding of fuel storage facilities.

Responses to Publicity

Two letters have been received objecting on the following grounds: -

- a) The showroom and workshop are not in keeping with the rest of this part of the village that is largely used by families and local facilities.
- b) The proposal will directly affect the dwelling and cause disruption and disturbance through light from the sign and from the powerful lights that would be required to illuminate the site shining on the house, the unsightly grey steel should be screened.
- c) Nesting herons will be disturbed and there may be badgers in the wooded area.
- d) The area is used extensively by local residents for walking their dogs, if the land is developed, then there is concern that the dogs would defecate on pavements instead.
- e) The increased traffic that would be attracted to the area would mean that children would not be walked to school. The County Council encourages walking to school. The roads are already under strain from heavy traffic on its way to the depot site.

Development 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:

- The principle of the proposed development and the impact of the proposal on the allocation of business uses at Hilton Depot as envisaged in the Development Plan.
- The impact of the loss of trees and on the heronry.
- The impact of the building on the local area and landscaping.
- Highway safety

Planning Assessment

The land is allocated for employment uses within classes B1, B2 & B8 of the Use Classes Order and outline consent to this effect has already been granted for the site. Whilst the use proposed does not fall into any of the permitted classes of use it is an employment generator and the

appearance of the site would not be dissimilar to the appearance of sites within industrial estates. Therefore, the principle of the proposal is acceptable and it would neither impact significantly on the overall redevelopment of the depot nor the objectives of the Local Plan policy.

The proposal would result in the loss of a number of trees from the site. Reference has also been made to the potential impact of the development on a small heronry that has become established in the wooded area.

However, the loss of this wooded area as a whole has been envisaged since the permission for the site was granted in 1993. The Local Planning Authority has additionally sought to mitigate the impact of the trees' loss by requiring the planting of a 5 metre wide landscaped bund on the depot side of Egginton Road. A 5 metre wide landscaped zone on the opposite side of Egginton Road adjacent to the new housing was also put in place. Most of these areas are now becoming well established and this would mitigate against the loss of the more mature planting. It would also ensure that there would not be an unacceptable impact on the nearby residential occupiers.

There is a heronry in the area of trees to be felled. Herons are not a protected species and as such, there is no scope for preventing the development on these grounds. However, if the birds are nesting, it is an offence to disturb them during that period. The developers have contacted Derbyshire Wildlife Trust with a view to establishing when the breeding season is and have marked the submitted drawings to the effect that no works will take place during the breeding season. A note to confirm this is recommended.

If there were a protected species in the wooded area then the matter of the felling of the trees and possible disturbance would have to be assessed. Further information is awaited on this matter.

The design of the building is considered acceptable in its amended form. The additional glazing is considered to provide a better appearance to the development and its acceptance is recommended.

The change of use of car display buildings to A1 retail use can be undertaken without the need for planning permission. Given the size of the site and its relationship to a large residential area, such a change may be proposed at some stage in the future. In order to retain the Local Planning Authority's control of the situation it is proposed to withdraw those rights. A condition to this effect is recommended.

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. Notwithstanding the originally submitted details, this permission shall relate to the following drawing nos. 3281 001 Rev A; 002; 003 Rev A.

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

3. Notwithstanding the submitted details, precise specifications, including elevations, of the security fencing shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall then be implemented in accordance with the approved drawings.

Reason: In the interests of visual amenity.

4. No works of any kind to construct the building shall be commenced until the proposed access road has been laid out in accordance with the application drawings (as amended), and the hardstanding formed to at least base course level and drained in accordance with a scheme that shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

5. Before any operations commence involving the movement of materials in bulk to or from the site, facilities shall be provided that have previously been agreed with the Local Planning Authority, to prevent the deposition of mud or extraneous material on the access roads to the site.

Reason: In the interests of highway safety.

6. 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.

7. Notwithstanding the provisions of Part 3 of Schedule 2 the Town and Country Planning (General Permitted Development) Order 1995 (as amended) the land and buildings hereby permitted shall be used solely for the purposes described in the application and for no other purpose permitted by the Order unless the Local Planning Authority has granted permission for an alternative use in response to an application made in that regard.

Reason: To ensure that the site and building are not used for purposes that may be detrimental to the vitality and viability of nearby retail centres except if it demonstrated that there would be no such harm. In order to ensure that this is the case it is necessary for the Local Planning Authority to withdraw a right to what otherwise would be a permitted change of use by virtue of the above Order.

8. 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.

9. No development approved by this planning permission shall be commenced until:

- a) A desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) of the site for all potential contaminant sources, pathways and receptors shall be produced.

b) A site investigation has been designed for the site using the information obtained from the desk study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must enable a risk assessment to be undertaken relating to ground and surface waters both on and off the site which may be affected, and refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirements.

c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been completed.

d) A Method Statement detailing remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

Prior to the commencement of main site works the approved remediation works shall be completed in accordance with the approved method statement to the satisfaction of the Local Planning Authority. Appropriate validation of the remedial scheme shall be submitted to the Local Planning Authority for written approval.

Reason: To ensure the site is suitable for its intended use, to protect the quality of the water environment.

10. 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.

11. Any tanks for the storage of oils, fuels or chemicals, hereby approved, shall be sited on impervious bases and surrounded by impervious 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 should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks plus 10%. All filling points, vents or gauges and site glasses must be located within the bund. 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 be protected from accidental damage. All filling points and tank overflow pipe outlets shall be designed to discharge downwards into the bund.

Reason: In the interests of pollution control.

12. 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.

13. Prior to the first use of the development hereby permitted, the land in advance of the sight lines measuring TO BE ADVISED shall be cleared and thereafter retained free of all obstructions to visibility over a height of 1 metre above the adjoining carriageway level.

Reason: In the interests of highway safety.

Informatives:

- (i) You are advised that there is a small heronry in the vicinity of the trees to be felled on the Egginton Road frontage. No works should be undertaken that would disturb the birds during the nesting season. Disturbance during this period may constitute an offence under the relevant legislation.
- (ii) This permission does not constitute approval of the signs shown on the submitted drawings. A separate permission under the Advertisement Regulations may be necessary before any signs are erected. A booklet is attached that explains the background to the regulations.
- (iii) Any facilities for car washing should be sited on impervious areas with positive drainage to the foul sewer to meet the requirements of the sewerage undertaker. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters. Car wash water should not pass through the oil interceptor as detergents entering oil interceptors may render them ineffective.