

04/09/2001

Item **B1****Reg. No.** **9 2000 1087 F****Applicant:**

Harpur Crewe Estates
 The Estate Office
 Main Street
 Ticknall
 Derby

Agent:

J. James
 Montague Architects Limited
 9 Vernon Street
 Derby
 DE1 1FR

Proposal: **The extension and conversion into two dwellings of The Mill
 Main Street Smisby Ashby-de-la-zouch**

Ward: **Ticknall**

Valid Date: **23/11/2000**

Site Description

This site is located within the Smisby Conservation Area on the south side of Main Street some 35m east of Chapel Street and 70m west of the B5006. The site frontage is 15.6m wide and located between existing properties, these being the former mill cottage on its east side and a detached property on its west side known as Ivanhoe House, which is a grade II listed building. The exact depth of the development site has been difficult to determine, but based on the information submitted it is some 55m.

A small complex of buildings, which were formally used as a mill, occupies the forward most part of the site. The remnants of the milling operation are contained in a small two storey red brick building with a tiled roof, which forms a wing from what was the miller's house on Main Street. There is also a small forge, animal sheds or shelters and a small pig sty.

Proposal

The mill building is approximately 11.3m long and it is proposed to extend it with buildings of similar height and width by some 24.5m to provide two dwellings each with a single integral garage.

The proposal also includes the repair and preservation of the mill building.

Applicants' supporting information

The applicant's agent states that whilst their client would not be able to administer directly the means by which public access to the Mill could be given, they would be prepared to provide covenants to the effect that any subsequent owners would be obliged to allow public access at specific periods and be responsible for the continued maintenance of the buildings.

In a later statement the agent states that the local Mill interest group are keen to retain the mill but they do not accept the necessity to carry out the development of the site. He adds that the part conversion and sensitive development of the site is an essential part of the repair and preservation of the Mill. It is stated that irrespective of whether the Mill interest group wish to be actively involved in its future preservation the applicant would be willing to enter an agreement whereby the future owners of the first unit would be obliged to allow interested groups to inspect the Mill at agreed periods during the year.

Responses to Consultations

The Highway Authority objects to the proposal on grounds that an increase in vehicle movements at an access which is severely sub-standard in terms of visibility for emerging drivers would be contrary to the best interests of highway safety.

The Environment Agency comments that provided foul water is discharged to mains drainage then it would not object to the proposal.

Responses to Publicity

The objections of Smisby Parish Council are summarised as follows:

- It would not preserve important views, trees, gardens, open spaces and boundaries as required under Environment Policy 12B(ii)
- It would detract from the privacy and light of neighbouring dwellings
- It would detract from the setting of the neighbouring listed building, Ivanhoe House and the visual aspect of the listed building, Hillside Farm House.
- If permission is granted then the Mill should be restored and made available for visitors to see.

Also summarised are comments and objections from three local residents:

- Additional development on the edge of the village would not preserve the character of the conservation area
- It would block light and remove privacy from the garden of Ivanhoe House, and detract from the setting of this listed building
- It would involve construction of buildings where none previously existed and would be inappropriate in scale and form
- It would increase the rate of surface water run-off which could cause flooding of cellars of neighbouring property
- The tenancy for the occupier of the mill cottage might end if development is allowed
- Local people are interested in retaining the mill in its rural setting without further development

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 1; Housing Policy 5; Transport Policy 1; Transport Policy 4; Environment Policy 9.

Local Plan: Housing Policy 5; Housing Policy 11; Environment Policy 8; Environment Policy 12; Environment Policy 13.

Planning Considerations

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

- The appropriateness of Smisby in terms of sustainability as a location for residential development
- Highway safety
- The preservation and public access to the Mill as an overriding benefit
- The impact on the Conservation Area and the setting of listed buildings

Planning Assessment

The policies of the development plan seek to ensure new housing development is located within the confines of existing villages and in a sustainable location.

Therefore, Policy H5 of the Local Plan allows for residential development in villages located within the village confines. However, development also has to pass the test as to whether it is sustainable or not. Smisby is not a sustainable settlement and scores poorly with respect to village facilities in terms of the Council's recently adopted hierarchy of sustainable settlements. On this basis the proposal is unacceptable.

The preservation of the Mill building is not an overriding issue in this case. English Heritage have been approached concerning the building and it has been specified that the building and its contents are not worthy of being listed in its own right and that the level of proposed development would seriously compromise any historical interest the Mill complex may have.

The design of the proposal would be appropriate in the Conservation Area and would not detract from the setting of neighbouring listed buildings. It would also provide an acceptable living environment for both existing residents and future occupiers of the development.

The Highway Authority raises concern over the access to the site. Visibility is poor at the site access and the development of further residential development would exacerbate an already dangerous situation.

Recommendation

REFUSE permission for the following reasons:

1. The application is considered to be unacceptable as Smisby is not identified as a sustainable location for further residential development as it does not provide sufficient facilities to enable residents to live within the village without being reliant on the private car to travel significant distances for goods and services, or to take up employment. The proposal would therefore lead to additional residential development in an unsustainable location contrary to the advice contained in PPG3: Housing, the Council's Settlement Hierarchy and the General Development Strategy Policy 1: Sustainable Development from the Derby and Derbyshire Joint Structure Plan.
2. The application is considered to be unacceptable as it would result in an increase in vehicular movements at an access which is severely sub-standard in terms of visibility for emerging drivers, contrary to the best interests of highway safety.

04/09/2001

Item **B2****Reg. No.** **9 2001 0579 U****Applicant:**

Peter And Linda Bate
The Orchards
19 Main Road
Collyweston
Stamford, Lincs
PE9 3PF

Agent:

Peter & Linda Bate
The Orchards
19 Main Road
Collyweston
Stamford, Lincs
PE9 3PF

Proposal: **The conversion into living accommodation of the public house known as the The Wheel 50 Main Street Ticknall Derby**

Ward: **Ticknall**

Valid Date: **19/06/2001**

Site Description

The Wheel Public House is a prominent three storey building sited at the back edge of the pavement on the south side of Main Street opposite the junction of Ingleby Lane. It is a grade II listed building and is within the Ticknall Conservation Area.

Proposal

It is proposed to convert the public house into a single dwelling. Any proposed internal alterations would be the subject of a separate application for listed building consent.

Responses to Consultations

The Heritage Officer makes the following comments:

“The Wheel Inn provides a focus of interest for the conservation area, being prominently sited at the open junction of Ingleby Lane and Main Street. Most traffic through the village passes it. It complements the village shop which is just a few doors away, giving a sense of vibrancy, activity and “busyness” in a village which has otherwise lost most of its non-residential uses. It is difficult to see, therefore, how conversion to residential use would preserve or enhance the character of the conservation area. The building itself, while it would benefit from some minor elements of restoration, e.g. to the external joinery, is a well-preserved traditional public house and conversion to a dwelling would not bring any obvious benefits from the point of view of the built environment.”

“Moreover, the building has the appearance of a traditional public house and appears to have been built as one in the late 18th century, probably on the site of a pub of the same name recorded in the 1770s. There are many other three storey buildings in Ticknall, but at the Wheel the eaves level is of an unusually generous height as the top storey houses a former club room running the whole length of the frontage with a fireplace at each end. There is a parallel to this at the former “White Lion” public house at 49, Church Street, Melbourne. The Wheel is therefore of a bold scale singling it out from ordinary domestic properties, with large front windows, formerly leaded.”

“The Wheel is a convenient meeting place, well situated for passing trade. Ticknall, on the doorstep of Calke Abbey, can potentially benefit from the trade of both tourists and walkers, and the Wheel is ideally placed at the convergence of several public footpaths in attractive walking country. As such, it can only be of benefit to the Council’s tourism strategy. It is well placed for adjournments from events at the Village Hall nearby, and is an important part of the village’s “public face”.”

The Highway Authority has no comments

The objections to the proposal from Ticknall Parish Council are summarised as follows:

- The loss of a village amenity
- Has been a public house since 1821 and an historic building since before that time
- It is a grade II listed building
- It could be the thin end of the wedge for the closure of village pubs
- It is regularly used by walkers and hikers because it is near the public car park
- There were as many as fifty people in on one lunch time which is good for such a small village
- It has also started serving cream teas as there are no tea shops in the village
- Ticknall is a long village and the Wheel serves that end of the village
- Some of the patrons have visited the pub for as long as forty years
- It is a meeting place for the fishing club

Responses to Publicity

The Member of Parliament for South Derbyshire considers that the applicant should demonstrate that the pub is not viable. He says that he assumes that some objective test is needed, such as testing non-viability over a specific period and allowing new tenants to come forward if the existing one did not wish to continue.

Two letters of objection from the tenant of the pub have been received. Enclosed with the second letter was a petition signed by 500 people in opposition to the proposal. The tenant’s objections are listed as follows:

- It is his only home occupied by his wife and daughter
- It is a thriving popular facility which contributes to village life
- Loss of facilities such as village pubs can reduce informal social contact, create a sense of isolation in the community and increase dependency on other settlements, which is not in the interests of sustainability

- The proposal would detrimentally affect the character of the listed building and the Ticknall Conservation Area. It is located centrally within the village and commands the junction with Ingleby Lane and Main Street.
- The activity associated with a village pub is part of that character which will diminish considerably if reduced to the comings and goings from a single dwelling
- Inappropriate alterations could result from adapting the property to be used solely as a dwelling
- The signatures on the petition are from people in the Ticknall and Melbourne area who regularly use the pub as a meeting point and social centre
- Other signatures are from further afield and obtained from visitors to Calke Abbey and numerous hikers
- It is the first public house visible to outsiders when approaching the village
- Hiking groups have visited the pub from Leicester, Ilkeston, Coalville, Eastwood, Stoke on Trent and Birmingham
- It caters for locals who find the walk to the other pubs too far
- The village fishing club has met at the pub for the last 40 years
- The pub is becoming more integrated to village life. Darts teams are now being formed and there is a quiz team
- The Women's Institute meet at the pub once a month for lunch
- The intention is to broaden the appeal of the pub for local people
- He took on the pub three years ago and its poor condition through neglect has been rectified, with hard work and money invested from pub takings. This has been done with little help from the brewery.
- There was little commitment from previous landlords denying the pub continuity and stability of management it requires to prosper
- Income from sales two years ago was approximately £800-900 per week, but is now around £2000. This has been achieved over two years in which the Ticknall entrance to Calke Abbey has been closed throughout the summer season and with the recent outbreak of foot and mouth disease
- Outside bars are provided from the pub for weddings and birthdays at the village hall which remains unlicensed

The objections and comments from the Derby Branch of CAMRA (Campaign for Real Ale) are as follows:

- It is not a question of transferring the community benefit to another public house. The pub is vibrant and an undoubted benefit to the community of Ticknall
- Of the other two public houses in the village, one concentrates on catering and the other on a similar domestic scale to the Wheel, is quite some distance away. The pub has the reputation of being the villagers local
- The pub is ideally located to serve the needs of Ticknall as a tourist attraction, for walkers, ramblers and visitors to Calke Abbey
- There is scope for enlarging this trade without compromising the existing trade or the appeal of the building
- The Wheel can be counted as viable, with tourist attractions, a large population within easy travelling distance, a distinctive character of its own, adequate parking and exceptionally good access to public transport, being on the main bus route between Swadlincote and Derby, with an hourly service

- Ticknall pubs were promoted in Derby Drinkers, a newsletter published by Derby Camra before the proposal was known
- The tenant has reversed the decline of the pub following previous mismanagement, without a ready supply of capital and little assistance from the owners.
- The business has survived in the face of the Foot and Mouth disease and its consequent impact on the tourist trade and the mandatory rate relief for village pubs not being in force..

Six further letters of objection have been received which are summarised as follows:

- Residents of Newhall have written to say they travel to the pub at least once or twice each week. It is an unpretentious traditional English pub with a welcoming and friendly landlord and landlady.
- The pub caters for all kinds. The other two pubs are completely different, one is more like a restaurant and the other has a more upmarket customer base.
- Elderly residents visit the pub regularly and would lose a valuable meeting place and would be unable to make the dark long walk to the Chequers
- The pub is beginning to enjoy a marked increase in business.
- There is no proof that the pub is not viable
- The pub is central to the continuing survival of Ticknall as a functioning thriving village
- The pub has been a social focal point, meeting place and haven for many years
- The Wheel is the hub of the community
- Other social amenities have been dwindling in the village and it is vital for the social health of the village that what amenities are left are maintained

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 1: Sustainable Development;
Housing Policy 5: Housing in Villages; Town Centre and Shopping Policy 5: Local Shopping;
Environment Policy 5-Conservation Areas; Environment Policy 10-Historic Buildings.
Local Plan: Housing Policy 5: Village Development; Housing Policy 7: Residential Conversion;
Environment Policy 12: Conservation Areas; Environment Policy 13: Listed or Other Buildings
of Architectural or Historic Importance.

Also material to this application is PPG1 – General Policy and Principles, which contains guidance on the need to achieve sustainable patterns of development whilst sustaining economic activity in the countryside and PPG7- The Countryside – Environmental Quality and Economic and Social Development, which stresses the need to retain existing services for people in rural areas. The Government's White Paper also stresses the important community role that local services provide in small settlements.

Planning Considerations

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

- The impact the development would have on the character and appearance of the Ticknall Conservation Area;
- The impact the development would have on the character of the listed building;
- The loss of the pub as a community facility;

- The need to maintain a balance of uses in the village in the interests of sustainability.

Planning Assessment

There are no specific policies that relate to the loss or retention of public houses. In the absence of such policies the proposal should be considered on its merits in the light of all material considerations and assessed against the objectives of sustainable development.

There are three public houses in Ticknall, these being The Wheel, The Chequers and the Staff of Life. The village therefore appears to be well served in this respect. The petition and letters objecting to the proposal however suggest a clear preference to keep the Wheel in its present use. Ticknall is a long linear village and whilst residential development is dispersed along its length, there is a greater concentration in close proximity to The Wheel. The Chequers and Staff of Life are both on High Street, the former being some 380m from The Wheel and the latter 270m. It is clear that those people living close to The Wheel and particularly east of it would be disadvantaged by its closure due to the inconvenience of having to travel the extra distance to the other public houses. Whilst this is important to those affected, what is perhaps more important is that it would diminish the mix of uses at this end of the village and the activity this generates which contribute to the character and vibrancy of the village.

The Wheel provides a valuable focus and because of its visual prominence, and importance as a community facility, contributes significantly to the vibrancy and visual interest of the streetscene and the appeal of the village both to residents and visitors alike. The proposal would result in the loss of these important social and visual factors, which help define the character and distinctiveness of the village. In this regard the development would fail to preserve or enhance the character or appearance of the Conservation Area.

From the evidence submitted it would appear that the business is viable. In the absence of any other convincing evidence which might contradict this, the development should be refused as it would result in a less interesting and vibrant street scene which would neither preserve or enhance the character and appearance of the Conservation Area.

The present use also provides employment in a rural area and has the added advantage of providing a work place and living accommodation for the occupier thus reducing dependency on the private car.

Recommendation

REFUSE permission for the following reasons:

1. The Wheel Public House provides a valuable focus in the village and because of its visual prominence, and importance as a community facility, contributes significantly to the vibrancy and visual interest of the streetscene and the appeal of the village both to residents and visitors alike. The proposal would result in the loss of these important social and visual factors, which help define the character and distinctiveness of the village. In this regard the development would fail to preserve or enhance the character or appearance of the Conservation Area and would be contrary to Environment Policy 9 of the Derby and Derbyshire Joint Structure Plan and Housing Policy 7 and Environment Policy 12 of the South Derbyshire Local Plan.

2. The proposal would result in the loss of a use which provides employment in a rural area and has the added advantage of providing a work place and living accommodation for the occupier thus reducing dependency on the private car. The Wheel is a convenient meeting place, well suited for passing trade. Ticknall, on the doostep of Calke Abbey, can potentially benefit from the trade of both tourists and walkers, and the Wheel is ideally placed at the convergence of several public footpaths in attractive walking country. It is well placed for adjournments from events at the Village Hall nearby, and is an important part of the village's "public face". Retention of the present use accords with the Government's objective of achieving sustainable patterns of development whilst sustaining economic activity in the countryside and retaining existing services for people in rural areas as outlined in PPG1 - General Policy and Principles, PPG7 - The Countryside-Environmental Quality and Economic and Social Development and the White Paper , "Our Countryside: the future" 2000.

14/08/2001

Item A1**Reg. No.** 9 2001 0206 F**Applicant:**
Harpur Crewe Estate
Estate Office
Ticknall**Agent:**
E. Lee
Mr. Eric J. Lee
Pennside
Penn Lane
Melbourne
Derbyshire
DE73 1EP**Proposal:** The erection of two garages at Spring Cottage 42 High Street
Ticknall Derby**Ward:** Ticknall**Valid Date:** 14/03/2001**Site Description**

This site forms part of the rear garden of 42, High Street, otherwise known as Spring Cottage, a grade II listed building within the Ticknall Conservation Area. The garden has become overgrown and includes some mature fruit trees. Access to the garages would be from a private driveway on the south-west side of the site, which serves four dwellings. To the north east of the site is 40 High Street, the dwelling of which is some 7.5m from the site boundary.

The site is located within the Ticknall conservation area and the village confines defined for the village in the South Derbyshire Local Plan

Proposal

It is proposed to erect two double garages in the rear garden of Spring Cottage, both being set 2m in from the north-east boundary. The larger of the garages would be 7.8m wide by 5.7m deep by 2.3m to the eaves and 5.5m to the ridge. The smaller garage would be 5.8m wide and the same size in all other respects. The garages are intended to provide off-street parking for Spring Cottage and the recently completed dwelling neighbouring Spring Cottage on its southern side.

The original scheme has been amended to incorporate design features that are sympathetic to the Conservation Area and listed building and the garages have been sited a further 1m from the party boundary to improve the space about dwelling distances for the neighbouring dwelling.

Applicants' supporting information

In a supporting letter the applicant's architect, in response to a request to further lower the ridge of the garages to reduce any overbearance on the neighbouring dwelling, says that he is reluctant to lower it to less than 45 degrees as this

would not be common to the village. In response to queries about surface water drainage, he says that it would be taken to soakaways in the normal way as would the water from the parking and turning area. He says that he understands that there is an occasional problem with surface water from the fields at the rear of the site but this is outside of his client's control. He has also provided details of the garage floor levels in relation to the existing ground at the point of entry into the site.

Responses to Consultations

The Highway Authority considers that the erection of garages would not generate additional vehicle movements but will merely provide protection and security for vehicles which could already be parked on the site in question. It considers that both the access to the specific site and the hardstanding for vehicles could be constructed without the need for planning permission and the proposed garaging does not therefore increase the potential for vehicle movements onto High Street.

Two letters of objection have been received from the Parish Council, the first requests that a Tree Preservation Order is made on the remaining trees in the back garden and the second objects on the following grounds:

- a) loss of privacy
- b) intrusion into open land
- c) adjacent properties are not shown
- d) it could lead to further development
- e) the remaining trees should be protected
- f) it could involve a loss of bat habitat
- g) there would be up to 15 more cars on a private driveway coming onto High Street where the site lines are poor

Responses to Publicity

The Ward Councillor raises the following concerns:

- a) loss of privacy for neighbouring property
- b) consideration should be given to making a Tree Preservation Order on the site
- c) consideration should be given to its proximity within the Conservation Area
- d) Do the applicants have the requisite rights to use the access road to the site?

Four letters of objection have been received from neighbouring residents. These are summarised as follows:

- a) increase in traffic noise and disturbance
- b) the access road was only constructed for light traffic
- c) there is poor visibility at the private road junction with High Street
- d) the development would result in a loss of privacy
- e) all the existing properties are not shown
- f) the garages would result in a substantial loss of light to living room and kitchen
- g) Built development would replace existing garden resulting in an urban outlook rather than trees and vegetation
- h) Loss of trees would result contrary to that confirmed on the application form
- i) It would exacerbate existing poor surface water drainage

- j) The proposed garage is large and should only be used for domestic purposes
- k) There is a lack of clarity with regards to landscaping
- l) The new boundary wall at the rear of the new house would obstruct visibility for vehicles turning into the driveway from the proposed garages

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Environment Policy 9, Environment Policy 10 and Environment Policy 17

Local Plan: Environment Policy 12 and Environment Policy 13.

Planning Considerations

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

1. The principle of the development when set against development plan policy,
2. The impact on the Conservation Area
3. The impact on the setting of the listed building
4. The potential loss of tree cover
5. The impact on neighbouring dwellings.
6. Highway safety

Planning Assessment

The proposed development would be within the village limits as defined in the South Derbyshire Local Plan. As such, further development is acceptable in principle.

Following discussions with the applicant's architect, amended plans have been submitted which improve the design of the development and preserves the character of the Conservation Area and reflects the appearance of the listed building. The nearest garage would be some 12m from the listed building providing sufficient area to safeguard the setting of the building.

The trees on the site are mainly old fruit trees. There is insufficient justification from an amenity point of view to make the trees the subject of Tree Preservation Order. New tree and shrub planting, however, would be required as a condition of planning permission and a condition to that effect is proposed.

The main aspect of No. 40, High Street faces the rear of the garages at an intervening distance of some 10m. The Council's Supplementary Planning Guidance (SPG) recommends a distance of 12m between main and side aspect, a side aspect being a blank wall as in this case. However, the SPG is designed to cater for two storey development. In this case the garages are single storey. Additionally, the roof slopes away from the boundary with the most affected neighbour. In view of this there would be no adverse affect from the garages on the nearest residential properties.

The views of the Highway Authority are noted. The proposal is therefore satisfactory from a highway safety point of view.

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. This permission shall relate to the amended drawing received by the Local Planning Authority on 19 July 2001 showing in particular:

- a. the roof pitch reduced
- b. resiting of the garages and a distance of 2m between the garages and the site boundary
- c. alterations to the front elevations of the garages

Reason: To safeguard the amenities of the neighbouring property and to preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

3. No work in connection with this development shall commence until samples of the brick and tile for the development have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed using the approved brick and tile. A slop moulded brick and Staffordshire blue clay plain tile shall be used unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

4. Pointing of the proposed buildings 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: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

5. Prior to the development being brought into use 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. The windows shall then be maintained as approved.

Additionally, the windows shall be:

- 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.

All of the above shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street, which is a grade II listed building.

6. External doors shall be timber and prior to the development being brought into use shall be 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: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

7. No work shall commence on site in connection with this development until construction details of the garage doors, which shall be timber, have been submitted to and approved in writing by the Local Planning Authority and in their closed position shall give the appearance of side hung doors. Prior to the development being brought into use the garage doors shall be installed in accordance with the approved details and painted in a colour and to a specification which has previously been approved in writing by the Local Planning Authority.

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

8. Gutters and downpipes shall have a black finish and be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

Reason: To preserve the character of Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

9. No windows or openings shall be inserted in the rear elevations of the garages and no additional windows or openings shall be inserted elsewhere in the elevations or roofs of the garages unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the privacy of the neighbouring dwelling and to preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

10. No development shall commence on site until details of the surfacing material of the parking and turning area has been submitted to and approved in writing by the Local Planning Authority and the area shall be completed in accordance with the approved details before the development is brought into use.

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

11. No development shall commence until details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed levels.

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

12. No work shall take place on the site until details of a scheme for the disposal of surface 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: To safeguard the amenities of the neighbouring dwelling.

13. 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: To preserve the character of the Ticknall Conservation Area, to soften the visual impact of the development when viewed from the neighbouring dwelling and to provide for the future amenity of the area.

14. Further to condition 13 above, soft landscape details shall include planting plans; written specifications including cultivation and other operations associated with plant and grass establishment; schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate) and the implementation programme.

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

15. 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.

24/07/2001

Item A7**Reg. No.** 9 2001 0401 F**Applicant:**
Mr & Mrs F Tyler
C/o Agent**Agent:**
Philip Billham Planning & Design
Old School Lodge
Aston On Trent
Derbyshire
DE72 2AF**Proposal:** Erection of a dwelling and attached garage in substitution of planning permission 9/0698/0263/F at Land To The South Of 42 Weston Road Aston-on-Trent Derby**Ward:** Aston**Valid Date:** 25/04/2001**Site Description**

The site forms part of the former garden to 42 Weston Road and it is located within a residential area. Its southern boundary is contiguous with the edge of the conservation area.

There is a conifer hedge on the north side of the wall that defines the edge of the conservation area and the boundaries to 30-38 Weston Road. The hedge is not in the conservation area. A number of conifers have recently been reduced in height to about 3 metres in height.

Access to the site is shared with three other dwellings.

Proposal

The applicant proposes to erect a two-storey building with narrow (5 metre gables) in an L shape, with 45 degree pitched roofs. There would be a conservatory at the rear and a single storey garage, attached to the building, at the front.

The maximum height of the dwelling would be 8 metres, this being that part of the building set at right angles to the southern boundary. The remainder of the dwelling would be about 7.2 metres in height, with a single storey garage to the front. The southern wall of the dwelling would be situated close to the southern boundary. This would result in the loss of about 11 metres of the conifer hedge.

Following discussion with the applicant's agent the proposed siting of the dwelling has moved 4.5 metres to the west of its original position to secure compliance with the Council's supplementary planning guidance on space about dwellings relative to 30 Weston Road.

A subsequent amendment has resulted in the omission of a dormer window facing 42 Weston Road, this being replaced with roof lights.

Applicants' supporting information

- a) The house is designed to minimise any impact on 42 Weston Road.
- b) The design incorporates narrow gables to reduce bulk and height in order to minimise shadowing.
- c) Being due north of the houses on Weston Road there would be no effect on their gardens.
- d) The revised proposal satisfies the Council's space standards.

Planning History

Outline permission for the erection of 4 houses in the grounds of 42 Weston Road was granted in 1988 (9/988/605) and renewed in 1991 (9/1091/0666/O). Two plots on the site have been developed. Permission was granted for the erection of a dwelling on the application site in 1993 (9/0593/0129/F). This was renewed in 1998 (9/0698/0263/R). The house type permitted is of suburban scale and character, with a roughly square plan form, set 2 metres in from the southern boundary. The permissions for the house were both subject to a condition requiring the conifer hedge to be retained at "its existing height", although the height of the hedge had apparently increased in the interim period. The reason for the condition, having regard to the design of the house and the proximity of the conservation area, was imposed in the interest of amenity and privacy.

Responses to Consultations

The Parish Council objects strongly for the following reasons:

- a) The dwelling would be unacceptably close to neighbouring properties.
- b) The applicant has already removed some of the screening hedge, despite the condition attached to the previous permission requiring its retention.
- c) The removal of the conifers would have a severe impact on the conservation area.
- d) The objections of local residents are supported.

The Highway Authority and Severn Trent Water Ltd have no objection in principle.

Responses to Publicity

Letters have been received from 6 local households, objecting in the following terms:

- a) There would be direct overlooking to habitable room windows, in conflict with supplementary planning guidance.
- b) There would be loss of light to habitable rooms.
- c) There would be total overshadowing to neighbouring property.
- d) The dwelling would be excessively large and out of keeping.
- e) The sewerage system is inadequate, indicated by recent problems.
- f) The access to the site is difficult, exacerbated by vehicles parked on the highway. The proposal would cause potential hazard.
- g) A 2 metre fence should be required along the adjoining boundary.
- h) The submitted plan fails to show other land owned by the applicant.
- i) The application fails to show trees to be lopped or felled. Full details should be submitted. The previous grant of permission required the conifer hedge to be retained in the interests of maintaining privacy. The current proposal would necessitate the removal of a large number of conifers, in breach of the conditions.
- j) The revised plans would necessitate the removal of three well-established trees, one of which is a horse chestnut tree. This would diminish the aesthetics of the site. The site is understood to be in a conservation area, which would necessitate a separate application.

- k) New trees shown on the plan would further reduce light to the adjoining dwelling.
- l) The revised plans make the loss of amenity to the adjoining dwelling worse and would cause severe problems to all surrounding neighbours.
- m) Some of the existing conifers, required to be retained pursuant to the previous permission, have already been lopped.
- n) The roof space to the dwelling would be used as a habitable room and there would be overlooking from the windows at second floor level.
- o) The proposal would be detrimental to the conservation area.
- p) The previous permission was more acceptable and of reasonable size.
- q) There would be loss of outlook from adjoining properties.
- r) The revised proposal would impair access along the private drive, by removing the turning area.
- s) The plans are inaccurate by showing more outbuildings on adjacent land than actually exist. Therefore the screening effect is not as great as implied in the drawings. A neighbour's conservatory is not shown either.
- t) A site visit should be undertaken.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 5 and Environment Policies 9 & 16.

Local Plan: Housing Policy 5 and Environment Policies 9 & 12.

Planning Considerations

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

- Residential amenity.
- Impact on the character of the area, in particular with regard to the setting of the conservation area.
- Trees.
- Drainage.
- Highway safety.

Planning Assessment

The site lies in the village confines and there is an extant planning permission to erect a dwelling on the site. Therefore the proposal is acceptable in principle.

The dwelling in its revised position satisfies space standards as set out in the supplementary planning guidance in respect of 28 – 38 Weston Road, subject to appropriate screen fencing to prevent overlooking from ground floor windows. The impact on these properties in terms of light and privacy is therefore acceptable. In terms of overbearing there would be minimal impact on 28-38 Weston Road, because the dwelling would be sited to the north and its mass, compared with the existing hedge, would be negligible. The southern (side) elevation to 42 Weston Road has a large patio window facing the site. The nearest part of the new dwelling to this window would be some 6 metres. This is less than the 12 metres normally sought to minimise overbearing. However there are other main windows in the east (rear) elevation of 42 Weston Road. The supplementary planning guidance makes allowance for such a situation and does not always seek to attain the guideline distances for side windows. Furthermore the dwelling already permitted would have a similar impact. The revised plan showing the omission of the dormer to

bedroom 2 would preclude overlooking to No 42 from first floor accommodation. Appropriate screen fencing would prevent overlooking from ground floor windows.

The design of the dwelling follows the principles set out in Historic South Derbyshire, featuring narrow gables and steep roofs, with the mass of the building broken down in to several elements. Traditional materials are proposed.

The proposal would necessitate the removal of some of the conifer hedge, exposing the building to views from the conservation area. The previous proposal would have benefited from the presence of the hedge, because its modern design would have made no positive contribution to the setting of the conservation area. However the current scheme is of an appropriate form to the conservation area. The dwelling would therefore not have an adverse on the character and appearance of the conservation area, even though it would be more visible therefrom.

The existing conifer hedge has attained substantial height (about 6 metres). It is planted at 2.5 metre centres. This close spacing means that the only green growth is on either side of the hedge. This type of conifer does not grow well when light is excluded and there is evidence of this where the hedge is growing next to the brick boundary wall. The erection of a dwelling on the site, as well as causing direct damage to the root systems, would also result in loss of light to the hedge. It is likely that a section of hedge as indicated on the submitted plan would be permanently lost. Whilst the hedge is not in the conservation area it is clearly visible from it. Whilst there is local opinion in favour of retaining the hedge in its current state, this type of conifer is generally considered to be alien to traditional areas. There was previously an arguable case to retain the hedge, to screen modern development behind but the design of the current proposal makes this less of an imperative. Left unchecked the hedge itself could become an incongruous and overbearing feature in the locality.

Severn Trent Water Ltd raises no concerns about sewerage disposal and there is no other evidence that the public system is inadequate.

On the advice of the Highway Authority, and having regards to the extant permission there would be no material impact on highway safety.

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 nos. T25.1/2 A received 15 June 2001; and T 25.1/4 A and T 25.1/3 B received 9 July 2001.

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

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. 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, and thereafter shall be retained as such.

Reason: In the interests of the appearance of the area and the privacy of adjoining occupiers.

4. 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 is in keeping with its surrounding in the interest of the character and visual amenity of the area.

5. 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.

6. 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.

7. External joinery shall be in timber and painted to a colour and specification which shall have been previously agreed in writing 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. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995, the dwelling hereby permitted shall not be altered, enlarged or extended without the prior grant of planning permission on an application made to the Local Planning Authority in that regard.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the site area and effect upon neighbouring properties and/or the street scene.

10. The windows in the first floor of the north wall and the second floor of the east wall of the building shall be permanently glazed in obscure glass.

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

11. Unless as may otherwise be approved in writing by the Local Planning Authority the access shall be widened to 6 metres, laid out and surfaced with a solid bound material for a distance of 10 metres back from the highway boundary, and shall be provided with 2 m x 2 m x 45 degree splays either side at the entrance to the site 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.

12. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate three cars within the curtilage of the dwelling. Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), three parking spaces, measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of the site.

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

13. Notwithstanding the submitted drawing, large scale drawings to a minimum Scale of 1:20 of eaves and verges shall be submitted to and approved in writing by the Local Planning Authority before building development begins and 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.

Informatives:

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 xt 7595) at least six weeks before the commencement date of the proposed works in order to arrange the necessary supervision of works on the highway crossing.

APPLICATION ALLOWED

Application by Mr D Pegg and Mr K Wheatcroft for conversion of outbuildings to 3 dwellings, erection of 2 dwellings and demolition of flat roofed modern extensions at Bretby Country Club Geary House Geary Lane Bretby (Application No 9/2000/0456/F).

The Council was minded to grant permission for this development, following a site visit by the Development Control Sub-Committee. The matter required referral to the Government Office, because the development included two new dwellings in the green belt and it was, therefore, contrary to the development plan. The Secretary of State directed that the application be called in for consideration through a public inquiry.

The Secretary of State has affirmed the Inspector's report and has granted permission for the development.

In a 21-page report the inspector reached the following conclusions:

- The conversion proposals would comply with the relevant policies for the re-use of buildings outside settlements and in the green belt. He considered the buildings to be unsuitable for business re-use because of the narrow road (Geary Lane) and the proximity of the outbuildings to residential accommodation (Geary Farmhouse). He also felt that a business user would be unlikely to remove existing flat roofed extensions and car parks. Therefore environmental improvements would be unlikely to occur.
- The removal of the existing leisure use and providing the opportunity for its business to transfer to urban locations would represent a more sustainable type of development. Residential use would allow more journeys to be made other than by private cars; there are bus routes within 600 metres and employment opportunities within half a mile or so.
- The removal of flat roofed extensions and car park areas would enhance the openness of the green belt.
- The two new build units would not be in accord with green belt policy and could only be justified by very special circumstances.
- The overall form of the development would be beneficial to the setting of the listed building. Having regard to the approach to enabling development taken by English Heritage the inclusion of 2 new dwellings in the application scheme would be necessary to achieve the improvements to the setting of the listed building.
- The removal of the unsympathetic alterations and car parks, along with the restoration of the traditional buildings and significant reduction in traffic would benefit the rural character and amenity of the area.
- The present use of the site as a function centre generates significant levels of traffic. In contrast the proposal would be expected to result in a considerable reduction in the amount of traffic using Geary Lane. This would improve safety and the character of the area.

Comment:

The decision demonstrates the importance of weighing all material considerations in determining applications as this may result in a decision being taken that does not accord with a general interpretation of development plan policy. The decision endorses the Council's own consideration of these issues.

