

## DEVELOPMENT CONTROL COMMITTEE – 13 July 2004

In accordance with the provisions of Section 100D of the Local Government Act 1972, BACKGROUND PAPERS are the contents of the files whose registration numbers are quoted at the head of each report, but this does not include material which is confidential or exempt (as defined in Sections 100A and D of that Act, respectively).

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### REPORT OF THE PLANNING SERVICES MANAGER

#### **1. Planning Applications**

#### **2. Appeals**

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When moving that a site visit be held, Members will be expected to consider and propose one or more of the following reasons:

1. The issues of fact raised by the Planning Services Manager's report or offered in explanation at the Committee meeting require further clarification by a demonstration of condition of site.
2. Further issues of principle, other than those specified in the report of the Planning Services Manager, arise from a Member's personal knowledge of circumstances on the ground that lead to the need for clarification that may be achieved by a site visit.
3. Implications that may be demonstrated on site arise for consistency of decision making in other similar cases.



13/07/2004

**Item** 1.1**Reg. No.** 92004 0068M**Applicant:**

The Organic Egg Company Ltd  
Ivy Court  
Etwall  
Derby  
DE65 6JG

**Agent:**

Alan Taylor  
Talbot Associates Limited  
Bretby Business Park  
Ashby Road  
Burton On Trent  
Staffordshire  
DE150YZ

**Proposal:** **The erection of a 6000 bird organic free range egg production unit (No 1) at Land Off Willow Pit Lane Hilton Derby**

**Ward:** Hilton**Valid Date:** 22/01/2004

This report relates to this and two other applications on this agenda 9/2004/0069 and 9/2004/0070. One overall report is produced to reflect the interrelated nature of the proposals. Individual recommendations are proposed in respect of each of the applications.

**Site Description**

The site comprises an area of flat pastureland currently used for grazing. Hedges interspersed with trees enclose the site. There is another hedge within the site set about half way between opposing boundaries. The access to the site at Willowpit Lane also has a public footpath running along the line where the access drive is proposed.

The southern most boundary of the site is some 200 metres from the boundary of the SSSI at Hilton Gravel pits albeit that the proposed buildings lie some 500 metres north of the Gravel Pit.

The nearest dwellings are some 300 metres or more from the proposed buildings. There are three dwellings to the south of the site access and two of which adjoin the highway and one is set further back. There are 5 dwellings to the north.

A large pond adjoins the north boundary of the site and two or three smaller ponds are indicated within the site boundary.

**Proposal**

The three applications relate to the establishment of a new farm enterprise comprising two free-range egg production units and a mobile home to supervise the operation of the holding.

The buildings (measuring 69.2 metres x 18.3 metres x 5.36 metres high) would be sited either side of the line of the public footpath that passes through the site area. Four feed silos are proposed between the two buildings that would be some 7.55 metres high. The nearest point of one of the buildings to the south boundary would be 160 metres.

The proposed mobile home would be sited beside the hedge on the north boundary. It would measure 12.0 metres x 6.0 metres. It would have a slight pitch to the roof and comprise a lounge diner and three small bedrooms.

The access track would follow the line of the footpath to a point just beyond the proposed buildings. At the access point on Willowpit Lane the track would be 5.0 metres wide for a distance of 15 metres into the site; it would then narrow to 3.0 metres for the rest of its length. Loading and turning areas are proposed close to the chicken buildings.

At the north boundary adjacent to the access track, new deciduous tree planting is proposed. On the south side of the track a new hedge would be planted that would link to the line of the existing hedge in the middle of the site. The new planting would reinforce that hedge. In addition, groups of tree are proposed within and adjacent to this new hedge planting in the vicinity of the proposed egg production units. One of the ponds mentioned above, adjacent to the existing hedge, would be fenced off at a distance of 5 metres from the waters edge.

### **Applicants' supporting information**

The supporting information is submitted by the applicant in two parts. The first is a general statement in favour of the development. The second is a detailed assessment of the presence of flora and fauna with specific reference to the potential for the presence of Great Crested Newts that are known to inhabit the ponds at the SSSI and may occupy other water areas within the site.

#### General Statement of Support

This starts with an outline of the organic egg production system and the standards operators are required to meet to achieve and maintain their organic status. The size of the unit is limited to the area of land available. A 6000-bird unit must have at least 6 hectares associated with it. The emphasis is on the welfare of the birds at the unit and the operator is subject to regular inspections by the Organic Farmers and Growers organisation that is responsible for the operation and maintenance of the certification system.

There then follows an assessment of the advice in Planning Policy Guidance Note 7 that encourages the diversification of the farming industry and it is asserted that this proposal represents such diversification. The applicant offers opportunities to bona fide applicants to be part of a 750,000-bird flock using the system developed by the applicants to produce free-range eggs. The company operates a support system including a collection system using company owned vehicles. The methods employed by the company have been proved to be effective over a number of years.

It is argued that the buildings have to be arranged as proposed to ensure that adequate grazing is available to the chickens. Lightweight moveable fences to ensure that the birds can graze on different areas of their pasture without degrading the land would divide each 6-hectare grazing area. The supporting document contends that the use of the land in this way would improve the quality of the land that has been previously used for intensive arable uses. A further design

statement attached to the document gives a further justification for the layout of the buildings. *[As with all the documentation, the design statement is available for inspection on the file].*

The statement then goes on to discuss the potential impact from smell, day to day and at clean out times, noise, dust, flies, rodents and feral activity.

Full details are in the statement but briefly, the applicant asserts that day-to-day smells are not detectable other than when in close proximity to the building. There is acknowledged to be a smell when the houses are cleaned out at the end of each 60-week cycle but this would represent two days out of that period. Much less than is the case with normal farming operations.

Noise is limited to a small fan outside the egg cooling area, the main part of the building being self-ventilating. There are no cockerels in the buildings. Dust emissions are minimised by the open nature of the buildings but operatives must be protected from a dust-laden atmosphere.

Flies are not normally a problem but if there is evidence of an infestation, it is dealt with by external contractors. There is equal if not greater concern about rodents as the production batch being rejected at the packing station. Contractors are again employed to minimise the risk of intrusion into the buildings. The buildings are secured at night to prevent the intrusion of foxes.

Details in annexe 2 of the statement deal with commercial traffic likely to visit the site. There are twice weekly egg collections and periodic feed deliveries. It is argued that there would be an average of 2.5 vehicles to the site each week during the 60-week cycle.

Waste management measures would include the disposal of dead birds by incineration, compliance with recognised disposal protocols. Measures to prevent the waste becoming wet by directing surface water away from the building to keep the areas around the buildings as dry as practicable are proposed, thus the potential for producing odours is reduced. The dry material that is taken from the buildings at the end of the 60-week cycle is taken away from the site for spreading elsewhere.

The mobile home/supervision of the site is essential, the system works and can support a full-time worker from day one. However, it is recognised that the Local Planning Authority has to be satisfied that the individual operator has the competence to run the enterprise. Thus, a mobile home is proposed for a temporary period of three-years to meet that requirement.

A list of essential tasks, the amount of work generated and a full financial appraisal of the operation of similar units is submitted in support of this element of the proposal. It suggests that an operation of a 6000-bird unit is likely to generate 2.7 full-time equivalent work but the level of automation introduced with the applicant's system, mean that the FTE is reduced to one full-time worker plus assistance necessary for egg collection.

The proposal would result in the introduction of a new, but well-proven use onto the land. The location is both environmentally and commercially suitable and is sustainable in the long-term. It is a new employment opportunity with relatively low impact on the area. It reflects the need to make a positive response to the changes in agriculture taking place in the countryside.

The applicants have also submitted three protocols developed by the company that cover waste management, internal and external and surface water disposal. Again these are available on the file for inspection but the main provisions are summarised above.

## The Ecological and Great Crested Newt Survey

This is an ecological and newt survey undertaken on behalf of the applicant by Loughborough Ecologists of Shepshed. It deals with a survey undertaken by the consultants at a time of year best suited to assess the presence of newts and other vertebrates active in the area. The full report is available for inspection on the file but the overall conclusions and recommendations are as follows.

The majority of the site proposed for development is currently arable land that is floristically poor and of low importance for fauna. A change in land use from arable to free-range egg production is unlikely to result in any loss or gain in wildlife habitat. Mitigation measures should be aimed at measures to protect and enhance existing habitats that have been identified of greatest value to wildlife. Some newt activity was observed but nothing of any significance. Any measures implemented to conserve the preferred habitat of great crested newts would also benefit other amphibians such as smooth newt and the common toad and frog.

Main recommendations are that care should be taken to prevent pollution of hedgerow ditches as these do link to the ponds in the SSSI. Habitats for wildlife should be protected and maintained under the supervision of an ecologist. There should be a watching brief on badger activity and an assessment of the presence of a sett(s) on the outward facing hedges. A bat survey should be undertaken if any trees are affected by the development. Attention is drawn to the law regarding the protection of nesting birds. The presence or otherwise of Black Polar on the site should be established in line with the Lowland Derbyshire Biodiversity Plan.

### **Planning History**

Late last year three similar applications were withdrawn to allow further information to be assimilated by the applicants. The current applications are now submitted for consideration.

### **Responses to Consultations**

In response to the applications for the egg production buildings Hilton Parish Council objects on the grounds that the Lane is unsuited to heavy traffic and even if the access were extended these vehicles would have difficulty entering and leaving the site. If permitted, there is no guarantee that they would be removed if the enterprise failed or that the land would be restored to its present state. In respect of the mobile home, the concern is that siting of the home with permission would lead to a permanent dwelling. The site is considered unsustainable. These units could be serviced from another site half a mile to the south and the dwelling is therefore not necessary.

The County Highway Authority has no objection subject to conditions requiring the formation of the access before any other works are commenced, gates opening inwards only, provision of a solid bound material for the footpath and the provision of turning facilities before the use is started and protection and signing of the route of the footpath.

The Environment Agency has no objection to the provision of the egg production units but requires details of foul water disposal before the building is commenced.

Following receipt of the Ecological appraisal and Newt Survey the Derbyshire Wildlife Trust has withdrawn its original objection subject to the imposition of conditions to secure the measures to reduce pollution risk and secure ecological improvements to those parts of the site where such

interest has been identified. The Environment Agency supports any comments made by English Nature. Overall the measures suggested by the applicant and the recommended conditions would secure the enhanced nature conservation value for the site.

English Nature supports the comments of the Derbyshire Wildlife Trust and requires that the protocols suggested by the applicant are incorporated as conditions and an alternative form of habitat is suggested for the link between two ponds on the site. This advice can be incorporated as an informative.

Severn Trent Water has no objection subject to the submission of details of the foul water disposal system.

The Environmental Health Manager has no objection to any of the applications.

The Council's footpaths officer has no objection to the applications but draws attention to the need for him to approve the structures that may be erected before they are put in place. There may be a need for a temporary closure order on the footpath before work starts, this should be discussed with the Rights of Way section at the County Council.

### **Responses to Publicity**

7 letters have been received that object to the applications for the following reasons: -

- a) Access – this is a single-track road without passing places, there is a poor existing access that would require the removal of an established hedge to improve it and the buildings would be serviced by HGV's that would have road safety implications for other users of the road. The roads have already suffered from damage and the culverts in the road may suffer damage and cause flooding in the area. The construction traffic associated with the building of the Transco transfer station were directed away from Willowpit Lane for safety reasons, this company uses 44 tonne vehicles and the same safety arguments apply to this case. If the application were approved, the developer should be asked to contribute to road strengthening and the provision of passing bays through the mechanism of
- b) Environment - in addition to the need to remove a hedgerow to form the access point, the construction of the access track to the mobile home and buildings would have an adverse impact on the environment. There would be a strong risk of pollution affecting the many ponds in the area as chickens produce waste that has a high ammonia and nitrate concentration. In particular the Nature reserve and SSSI to the south. The land frequently becomes waterlogged. The development would be in an area of agriculture only development and would be a massive unwarranted visual intrusion into the countryside. The landscape along Willowpit Lane has hardly changed in 100 years and is an increasingly well-used resource by local people. This aspect alone should cause considerable debate amongst members of the Committee.
- c) Pollution - smells and dust would be a problem, as would the increase in vermin in the area. The amount of dust can be seen on the roofs of these buildings. The same business operates a site to the south where light pollution from security lights and alarms have caused disturbance to sleep, the impact of lights would be greater in this darker location. The smells from the buildings when they are cleaned out is very strong and unpleasant and would cause nuisance and distress to residents. There are 4 such units in a relatively small geographical area and there must be a question about the cumulative effect of all the waste produced by these units.

- d) Effect on Flora and Fauna – there is a known badger colony in the vicinity, fencing on the site may impede the passage of these animals and other species, identified in the Lowland Derbyshire Biological Action Plan (LDBAP), across the site.
- e) Planning Policy – the proposal is contrary to several policies in the Development Plan (*see the Structure/Local Plan policies listed below for the relevant policy numbers*). The development would not conserve, enhance or restore local distinctiveness or the diversity of the landscape within which it is situated. The proposals could result in the loss of agricultural land to a concrete access track, storm and foul drainage all contrary to the policies that seek to protect the best and most versatile agricultural land.
- f) Employment – there would be very little employment created (5 jobs at most) which is little return for the potential loss to the environment.
- g) Public Footpath - the development would adversely affect the footpath that crosses the land. Ramblers may be deterred from using the path. Local residents are aware that ramblers are upset by the prospect of the development and it is not believed that the developer would respect the rights of the users of the footpath.
- h) Location – the development should not be sited in such close proximity to houses. There is no justification for allowing a dwelling in the countryside.
- i) General Comments – the applications should be refused and referred to appeal.

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

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4 & 5, Environment Policy 14  
Housing Policy 6.

Local Plan: Environment Policy 1, 4, 5, 11; Housing Policy 8.

Emerging Local Plan: Policies ENV 1, 2, 3, 7, 9 & 21.

### **Planning Considerations**

- The main issues central to the determination of this application are: Compliance or otherwise with Development Plan policies i.e. the need for the agricultural development in the countryside;
- Its potential for impact on the countryside, local SSSI and its contribution or otherwise to the local distinctiveness of the area;
- The suitability of the access, access point and Willowpit Lane;
- The agricultural quality of the land;
- Environmental factors (noise dust smell and vermin).
- The need for the residential accommodation.

### **Planning Assessment**

Development in the countryside is only acceptable if it is necessary for it to be located there. The proposal is clearly an agricultural operation relating to the production of food from the land – a location in the countryside is therefore necessary. (Policies -General Development Strategy Policy 4, Environment Policy 1 & 5, Policy ENV 7 and 21 relate to this element).



If development is necessary in the countryside, then the development should be so designed and located such that the impact of the proposal is minimised. (Policies Environment Policy 5 and ENV 21 relate to this element).

There are two public vantage points from which this development would be apparent. The first of these is Willowpit Lane where views of the buildings would be seen as structures in fields beyond the roadside hedge and the less prominent hedge in the field next to the buildings.

The most apparent view would be from the public footpath that passes through the middle of the proposed buildings. In the countryside, there are numerous buildings of this type that are visible from public vantage points. This does not mean that necessary development should be refused. The applicants are proposing additional hedgerows and tree planting and nature conservation measures that would help to screen the buildings and provide additional habitat. This would mitigate the impact of the development in the long-term.

The judgement then is whether or not the impact of the development would be such that the proposal could be refused and that refusal could be sustained at appeal. The conclusion is that the refusal of an agricultural related development in the countryside when there are examples of similar structures in the surrounding area would be difficult to sustain at appeal. The buildings have a relatively low eaves height, the proposed roof colour would help to merge them into the sky and the silos can be conditioned to ensure that they do not form a prominent intrusion into the countryside.

If that assessment is accepted then it follows that the welfare of the birds requires a permanent on-site presence. The agricultural justification supporting the application for the dwelling shows that need and the financial appraisal shows that the potential business would support the provision of the dwelling. The suggestion that the site could be supervised from the dwelling associated with the enterprise at the south would not be able to be supported as the proposed use justifies a dwelling in its own regard. (Policies - General Development Strategy Policy 1, Environment Policy 1 Housing Policy 6 & Housing Policy 8 and Policy ENV 7 apply in this regard).

The reason that this application has been delayed is that the Derbyshire Wildlife Trust required an ecological appraisal to be undertaken in accord with statute. This has been done and the results are reported above in the 'responses to consultations' section of the report. English Nature and the Derbyshire Wildlife Trust are both satisfied that subject to the measures proposed in the report and suggested by the applicants in their protocols, then there is no objection to the development in terms of its impact on the nature conservation issues and impact on the SSSI. (Policies - Environment Policy 11 and ENV 1 apply in this regard).

The environmental impacts (as identified above in Planning considerations) have attracted no objection from the Environmental Health Manager. There is clearly no noise impact arising from the development. Dust is produced as can be seen from the roofs of the nearby units. However, this is not to a point where refusal of permission could be considered. The smell from the buildings is an issue when the material is removed from the building and transported from the site. However, this is a 'one off' occurrence that may last for a couple of days when the buildings are cleared. This is not considered unreasonable in a rural environment. Your officer have visited other sites operated by the applicants and found that the day to day smells on the occasions he has visited are no more, and perhaps less, than would be found at any other farm. (Policies - Environment Policy 5 and ENV 7 apply in this regard).

The County Highway Authority has raised no objection to the potential impact of the proposal on the local highway network. The applicant is limited in the route his lorries can take from the other enterprise at the end of Willowpit Lane and a similar restriction relating to the road north of the application site could be applied in this case. In the absence of a request from the County Highway Authority no request has been made to the applicant to provide passing places along the road. However, care would be needed in terms of their siting so that the noise of lorries slowing and starting again was not an intrusion on roadside dwellings. (Policies – General Development Strategy Policy 4, Environment Policy 1 & 5 and ENV 21 apply to this issue).

The agricultural land in this area is generally Grade III that is not classed as the best or most versatile. The policies seek to protect land that is Grade I II or IIIA.? (Policies Environment Policy 4 & ENV 9 apply to this issue).

The conclusion is that the development would have a neutral overall impact and is a use that is appropriate to its location.

The protection of the route of the public footpath and its subsequent use can be controlled through the use of conditions and the provisions of other legislation that can be drawn to the attention of applicants through the use of informatives.

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

## **Recommendation**

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

1. The development permitted shall be begun before the expiration of 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 submitted details, 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 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. The operation of the site in terms of waste disposal and surface water discharge from the roofs of the buildings shall be undertaken in accordance with Free Range & Organic Datasheets 9, 10 & 11 submitted under cover of your letter dated 11 December 2003 to the Peak District and Derbyshire Team of English Nature.  
Reason: To minimise the risk of contamination of adjacent water courses and in the interests of ensuring that the risk of smell is minimised.
4. Before development is commenced a survey of the water quality of the ditches and ponds within the site boundaries shall be undertaken. This shall establish a base record of the levels of nutrients within these water bodies. The applicants shall then forward the survey results to the Local Planning Authority within one month of the completion of the survey. In the first calendar month following the stocking of the buildings, a further sample of the waters shall be undertaken and the results forwarded to the Local Planning Authority. Thereafter, a further sample of the waters shall be undertaken each month for

the first cycle of egg production (60 weeks) and the results forwarded to the Local Planning Authority.

Reason: In order to assess the impact, if any, on ditches and ponds in the site in the interests of ensuring water quality in the vicinity of the SSSI and within the site is maintained as envisaged in the application.

5. Notwithstanding the submitted indicative landscaping scheme, a detailed scheme for the protection, enhancement and ongoing management of the site in terms of landscaping and nature conservation features shall be submitted to and approved in writing by the Local Planning Authority. Particular regard shall be paid to the creation of a suitable link between ponds W2 and W3 identified in the Ecological and Great Crested Newt Survey submitted under cover of your letter dated 26 May 2004. (Please see a letter dated 14 June 2004 attached to this permission for further information in this regard).

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

6. Before development is commenced, a great crested newt survey shall be undertaken and any animals discovered shall be removed from the area by a person licensed by English Nature.

Reason: To ensure that any protected species present on the site are removed to conform with the requirements of the Wildlife and Countryside Act 1980.

7. No development shall be commenced until the access to Willowpit Lane has been provided in accordance with the submitted drawing number 831/1. Unless otherwise agreed in writing, the area between the highway boundary and the proposed gates shall be surfaced in a solid bound material and similarly maintained thereafter. The gates shall only open inwards to the site.

Reason: In the interests of highway safety.

8. The buildings shall not be occupied until the section of access track that carries the route of Public footpath No 7 has been constructed in a solid bound material in accordance with submitted details and similarly maintained thereafter. The development shall not prejudice the safe pedestrian use of the public footpath 7 and the right of way shall not be diverted, stopped up or otherwise obstructed either temporarily or permanently unless an appropriate Order has been first made.

Reason: In order to protect the line of the public right of way.

9. The building shall not be taken into use until a scheme for the signposting of the public footpath has been implemented in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the route of the public footpath is clearly marked for the benefit of users.

10. The building shall not be occupied unless and until the loading/unloading, parking and manoeuvring space has been implemented in accordance with the details on the submitted drawing 831/1. Thereafter, the facilities shall be maintained free of any impediment to their designated use.

Reason: In the interests of highway safety.

11. No work shall take place on the site until details of a scheme for the disposal of foul water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.

Reason: In the interests of pollution control.

**Informatives:**

Advice regarding the signing of the Public Footpath or the need for a temporary closure during the construction period can be obtained from the County Highways Rights of Way Section, telephone 01629 580000 extension 7610.

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 ext 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.

In the event that the footpath require any new gates or stiles to be installed on the line of the public footpath, then these must be authorised by South Derbyshire District Council's Footpaths Officer prior to installation. Prior discussion about the works would be welcomed and you are advised to telephone 01283 595725 to make an appointment.

Further to Condition 4 above, you are advised that it may be an offence to undertake works that may cause damage to an SSSI.

The Wildlife and Countryside Act protects nesting birds, accordingly no works should be undertaken to trees, hedges and marshy areas during the bird nesting season.

13/07/2004

**Item** 1.2**Reg. No.** 92004 0069M**Applicant:**

The Organic Egg Company Ltd  
Ivy Court  
Etwall  
Derby  
DE656JG

**Agent:**

Alan Taylor  
Talbot Associates Limited  
Bretby Business Park  
Ashby Road  
Burton On Trent  
Staffordshire  
DE150YZ

**Proposal:** The erection of a 6000 bird organic free range egg production unit (No 2) at Land Off Willow Pit Lane Hilton Derby

**Ward:** Hilton

**Valid Date:** 22/01/2004

The information to determine this application is contained in the report above on 9/2004/0068.

**Recommendation**

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

(See conditions and informatives as for 9/2004/0068).

13/07/2004

**Item** 1.3**Reg. No.** 92004 0070F**Applicant:**

The Organic Egg Company Ltd  
 Ivy Court  
 Etwall  
 Derby  
 DE656JG

**Agent:**

Alan Taylor  
 Talbot Associates Limited  
 Bretby Business Park  
 Ashby Road  
 Burton On Trent  
 Staffordshire  
 DE150YZ

**Proposal:** The siting of a temporary mobile home in connection with proposed egg production units at Land Off Willow Pit Lane Hilton Derby

**Ward:** Hilton

**Valid Date:** 22/01/2004

The information to determine this application is contained in the report above on 9/2004/0068.

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

1. This permission shall be for a limited period only, expiring on 31 July 2007 on or before which date the structure shall be removed and the site reinstated to the satisfaction of the Local Planning Authority unless, prior to that date, an application has been made and permission has been granted for an extended period.

The case for the construction of the free range egg production buildings is based on the need for the full-time presence of an agricultural worker at the site. Temporary permission is granted on this basis and to assess the viability of the business prior to the assessment of the need for a permanent dwelling in three years time in accordance with the advices in PPG 7.

2. The occupation of the dwelling shall be limited to the family and/or dependents of a person employed, or last employed, wholly or mainly, in agriculture, as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry.

Reason: The site is within open countryside where the Development Plan provides that development shall be confined within the limits of an existing town or village, except where the needs of agriculture or other overriding reasons justify a departure from that policy. The Local Planning Authority is concerned to ensure that agricultural workers' dwellings are maintained available to meet the needs of the locality and to avoid proliferation of dwellings in the countryside.

3. The mobile home shall not be occupied in advance of the stocking of the egg production buildings permitted under applications 9/2004/0068 & 9/2004/0069 unless otherwise agreed in writing by the Local Planning Authority in response to an application made in that regard.

The need for the mobile home is based on the requirement to supervise stock on the land in accordance with planning policy, thus occupation of the structure without the presence of the stock would be contrary to the provisions of the Development Plan.

Informatives: (as for application 9/2004/0068).

13/07/2004

**Item** 1.4**Reg. No.** 92004 0529FH**Applicant:**

Len Smith  
 120, Springfield Road  
 Swadlincote  
 Derbyshire  
 DE11 0BU

**Agent:**

Len Smith  
 120, Springfield Road  
 Swadlincote  
 Derbyshire  
 DE11 0BU

**Proposal:** The erection of a conservatory at 120 Springfield Road  
 Swadlincote

**Ward:** Swadlincote

**Valid Date:** 29/04/2004

This item is brought before the Committee due to the applicant's partner being an employee of South Derbyshire District Council.

**Site Description**

The site is a residential semi-detached property.

**Proposal**

The applicant proposes to erect a conservatory to the rear of the property.

**Planning History**

Planning permission was previously granted for a two-storey rear extension in June 1987. This permission has been implemented.

**Responses to Consultations**

No comments have been received.

**Structure/Local Plan Policies**

The relevant policies are:

Local Plan: Housing Policy 13

Emerging Local Plan: Environment Policy 21



## **Planning Considerations**

The main issues central to the determination of this application are the effect of the proposal on the amenity of the neighbouring properties.

## **Planning Assessment**

The proposed conservatory would not be detrimental to the amenity of the neighbouring properties in terms of overlooking or overbearance.

## **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. All facing bricks used in the development to which this permission relates shall match those used in the existing building in colour, coursing and texture unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the existing building and the locality generally.

## **Informatives:**

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals.

Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at [www.coal.gov.uk](http://www.coal.gov.uk).

13/07/2004

**Item** 1.5**Reg. No.** 92004 0625F

**Applicant:**  
 Pathfinder Pubs  
 Albany House  
 Albany Road  
 Wolverhampton  
 WV14JT

**Agent:**  
 Paul Koren  
 Stone  
 Staffordshire  
 ST158JL

**Proposal:** Retention of external lighting at Crewe & Harpur Arms  
 Derby Road Swarkestone Derby

**Ward:** Aston

**Valid Date:** 19/05/2004

### Site Description

The site is a longstanding public house and restaurant adjacent to Swarkestone Bridge. The main building and the attached former stable block are listed buildings. There is a beer garden opposite, next to the River Trent, separated from the front of the main building by Woodshop Lane.

### Proposal

The application duplicates an earlier proposal (9/2004/0214 & 0215) with the following amendments incorporated:

- Removal of two lighting columns (5m high) to the rear corners of the car park.
- Removal of one floodlight fitting to front garden area
- Reduction in number of floor mounted light fittings to stone paved area reduced (from 17 to 13).

The application proposes to retain two columns to the riverside beer garden on Woodshop Lane. Each of these would have a light fitting to illuminate the south face of the building and one would provide down lighting to the beer garden.

### Applicant's Supporting Information

- a) Lighting to the car park and beer garden has already been disconnected.
- b) The application seeks to reinstate the garden lighting. This would be redirected to the garden terrace and away from the bridge, without nuisance to neighbours. The lighting could also be fitted with baffles to suppress the spread of light should this be appropriate.

- c) The applicant is willing to participate in an evening meeting with officers to make final adjustments should conditional approval be granted.
- d) The lanterns to the pub entrance could be changed to lower wattage or possibly amber colour. This could also be adjusted during an evening meeting with officers.

### **Site History**

Permission was refused following a site visit by the Committee on 11 May. In particular the Committee found the column mounted floodlights to the car park and beer garden unacceptable and resolved to instigate enforcement action. These have been switched off as an interim measure.

### **Responses to Consultations**

The Highway Authority has no objection in principle.

### **Responses to Publicity**

Five neighbours object in the following terms:

- a) Car park floodlighting would contribute to excessive light pollution. [Comment: This does not form a part of the application].
- b) The beer garden floodlight would dazzle motorists.
- c) General levels of illumination would cause dazzle and distraction to motorists.
- d) The lanterns over the door are excessively large and bright, and would cause nuisance and danger.
- e) The lighting is detrimental to the conservation area and the character of the building.
- f) Conditions should be imposed to deal with any lights that cause a problem. There would be distraction and danger to motorists and pedestrians.

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

The relevant policies are:

Joint Structure Plan: Environment Policies 9 & 10

Local Plan: Environment Policies 12 & 13

Emerging Local Plan: Policies ENV 19 & 20.

### **Planning Considerations**

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

- Impact on the character and appearance of the conservation area and listed building.
- Residential amenity.
- Light pollution.
- Highway safety.

## Planning Assessment

The application seeks to overcome the previous objections of the Committee. The omission of the car park lighting would avoid potential annoyance to neighbours whose gardens bound the car park. The applicant acknowledges the need to undertake works to ensure that the beer garden light would not cause dazzle to motorists or loss of residential amenity. The site can be described as being within a rural or small village location. The Institution of Lighting Engineers Guidance Notes for the Reduction of Light Pollution make specific recommendations for lighting in such an area. Provided the guidelines are met by conditional control then light pollution from the development would be acceptable. The applicant's offer to assess individual lights on site would appear to be a reasonable procedure to secure compliance with these requirements. The Highway Authority would be able to advise on any detailed adjustment necessary to protect highway safety interests. The application of the recommended condition would provide the lawful basis for this procedure to be followed.

On the advice of the Council's Design and Conservation Officer the design of the lighting units is in keeping with the character and appearance of the area, having regard to the fact that the site is a long-standing commercial undertaking. The recommended conditions would ensure that the levels and duration of lighting would be in keeping with the rural character of the area.

On the advice of the Highway Authority there would be no detriment to safety, subject to appropriate conditions.

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

## Recommendation

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

1. The lighting shall conform at all times to 'Table 1 - Obtrusive Light Limitations for Exterior Lighting Installations' for Category E2 low district brightness areas, as set out in the attached Institution of Lighting Engineers Guidance Notes for the Reduction of Light Pollution, 2000.

Reason: To avoid light pollution in the interests of preserving the character and appearance of the area and to prevent loss of amenity to nearby residents.

2. With the exception of any lights that may be approved by the Local Planning Authority as essential security measures, the lights shall meet the guidelines referred to in Condition 2 above for 'After Curfew' between 23.30 hrs and dawn, unless as may otherwise be agreed in writing by the Local Planning Authority.

Reason: To avoid light pollution in the interests of preserving the character and appearance of the area and to prevent loss of amenity to nearby residents.

3. All external light sources within floodlights and spotlights shall be shielded from highway traffic.

Reason: To preserve amenity and prevent danger to road users.

4. All external light sources shall be angled and shielded and of such an intensity as to confine the area lit to the boundaries of the application site.

Reason: To preserve amenity and prevent danger to road users.