

# **REPORT OF THE STRATEGIC DIRECTOR (SERVICE DELIVERY)**

**SECTION 1: Planning Applications**

**SECTION 2: Appeals**

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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## **1. PLANNING APPLICATIONS**

**This section also includes reports on applications for: approvals of reserved matters, listed building consent, work to trees in tree preservation orders and conservation areas, conservation area consent, hedgerows work, advertisement consent, notices for permitted development under the General Permitted Development Order 2015 (as amended) responses to County Matters and strategic submissions to the Secretary of State.**

<b>Reference</b>	<b>Item</b>	<b>Place</b>	<b>Ward</b>	<b>Page</b>
9/2018/0290	1.1	Findern	Willington & Findern	5
9/2018/0496	1.2	Findern	Willington & Findern	19
9/2018/0447	1.3	Repton	Repton	27
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9/2018/0492	1.6	Etwall	Etwall	49
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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 report of the Strategic Director (Service Delivery) 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 Strategic Director (Service Delivery), 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.

Item 1.1

Ref. No. 9/2018/0290/FM

**Applicant:**  
RDF Property Developments Ltd  
c/o Agent

**Agent:**  
Mr Darren Abbott  
Freeths LLP  
Cumberland Court  
80 Mount Street  
Nottingham  
NG1 6HH

**Proposal:** THE ERECTION OF 6 DETACHED DWELLINGS ON LAND OFF  
DOLES LANE FINDERN DERBY

**Ward:** Willington and Findern

**Valid Date** 12/03/2018

#### **Reason for committee determination**

The item is presented to Committee at the request of Councillor Ford as a local concern has been expressed about a particular issue and there are unusual site circumstances that should be considered by committee.

#### **Site Description**

This 0.39 hectare site lies to the rear of existing properties on Doles Lane with an existing gated access to the front of 11 Barn Close. The site is a field, recently cleared of vegetation with some trees remaining on the eastern boundary. Existing properties adjoin the site to the north, south and east. Land levels reduce towards the south west and the adjoining field rises up to the west, with existing properties on East Lawn stepped up along the southern boundary and with trees on the field boundary.

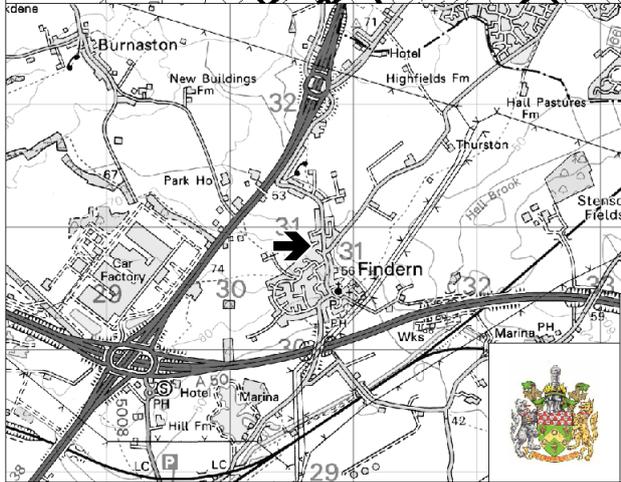
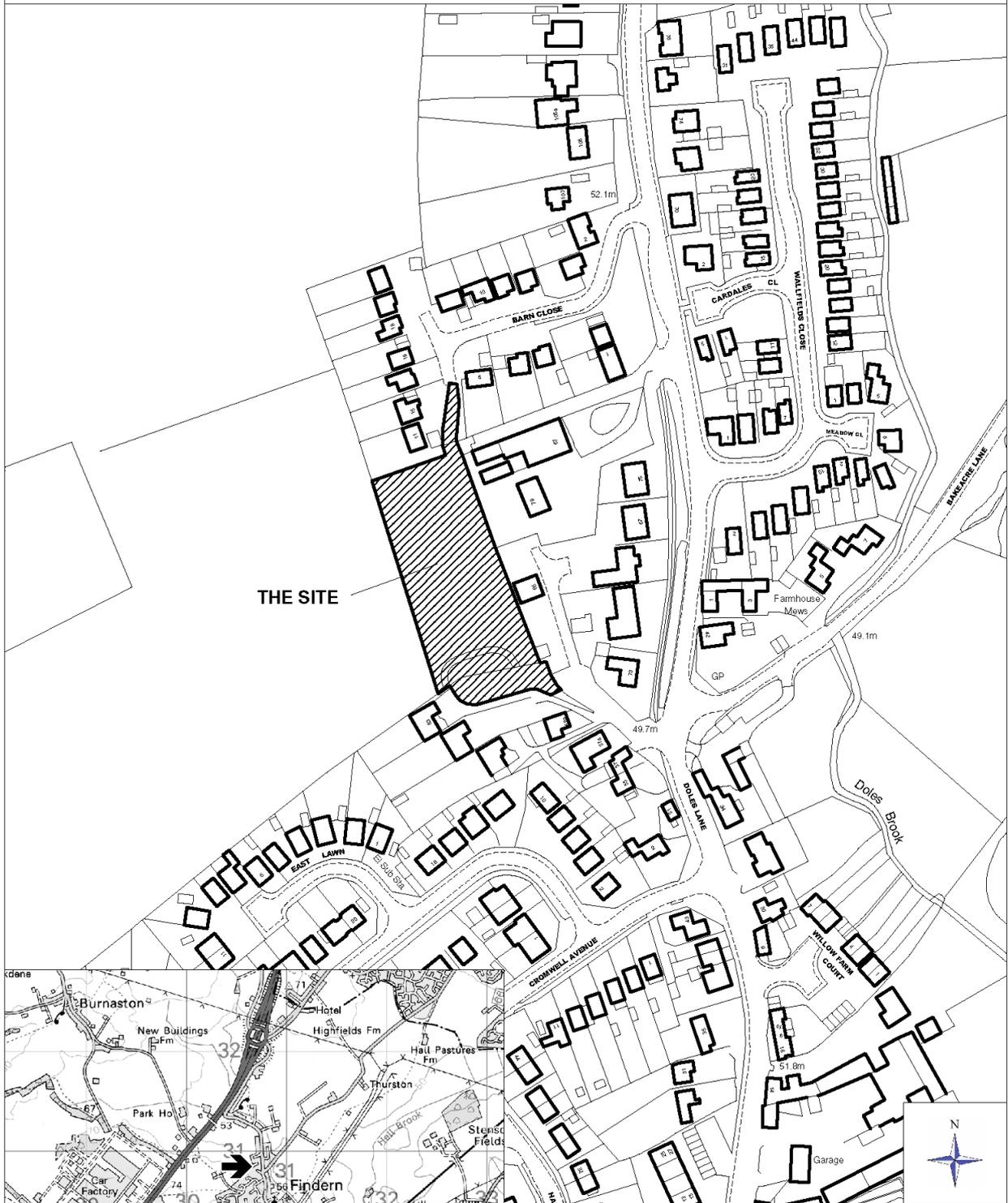
Two existing trees on the eastern boundary have been protected by TPO493 – a Sycamore and a Walnut.

#### **Proposal**

Full planning permission is sought for 6 five-bedroomed dwellings running parallel with the eastern boundary, set back 11.5 to 15m from it. The northern most dwelling (plot 6) would be accessed from the existing access onto Barn Close with the other five plots served from a new access in-between 63 and 65 Doles Lane.

The dwellings would be two and a half storey in nature and have projecting gable sections set forward of the main elevation by between 0.5 and 2 metres. The design includes chimneys to some plots, with curved porch headers below the gable

9/2018/0290 - Land off Doles Lane, Findern, Derby DE65 6BA



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features. Either single or integral garages are proposed with a further two spaces within each plot providing 3 spaces per dwelling.

### **Applicant's supporting information**

The Design and Access Statement describes the site as isolated and self-contained, well screened from existing properties by hedging. It is located within the settlement boundary of Findern. There is a level difference from the north western corner to the south eastern corner of 5.9m. Photographs show the views of the site from surrounding areas and descriptions of the surrounding properties are provided. The pattern of development of Findern is described as following main roads with dwellings behind and 'The Green' being the focal point of the village. It includes discussion of the Design Guide, rationale behind the access and layout proposed, together with the design strategy diagram and description.

A Highway Impact Statement states the existing cul-de-sac off Doles Lane serves 9 properties at present and is unadopted. A private drive off Barns Close presently serves the site. A radar speed survey, accident data review and an assessment of access by non-car modes have been undertaken. Based on traffic generation calculations, the proposal would generate 36 daily two-way movements. A section of the existing retaining wall would have to be demolished to provide the proposed access. A 5m carriageway width and parking for 3 vehicles per plot is proposed.

The Planning Statement describes the site, relevant planning policy including the Design Guide and NPPF. The site was included within the settlement boundary of Findern in Policy SDT1 and therefore it is considered to be a sustainable location with the Local Service Village. The existing facilities within the village are listed and it is noted that the primary school is undersubscribed.

An Ecological Appraisal describes the site as poor semi-improved grassland, dense scrub, tall ruderal and mostly self-seeding immature broadleaved woodland. The impact on Great Crested Newt habitat is considered negligible as the site is not within the intermediate zone of influence. The site does not have any bat roosting potential with limited foraging opportunities (Note: this report was undertaken prior to the site clearance work and removal of the line of conifers along the western boundary). A precautionary approach in respect of birds and reptiles is recommended. Ecological enhancements such as new landscape planting, bat, bird and hedgehog boxes are also recommended.

The Tree Survey identifies two grade B trees on the eastern boundary with the rest of the trees category C. It makes recommendations in terms of improvements to existing boundary hedging, removal of the 17m high Leylandii on the western boundary together with removal of a group of Oak, Prunus, Sycamore and Apple of up to 7m in height.

The Arboricultural Method Statement identifies the Construction Limitation Zone (CLZ) for the two protected trees (T2 and T4) specifying the work restrictions. A Tree Protection Plan shows the area to be protected and further survey work has confirmed that the incursion into the Root Protection Area (RPA) of T4 for the driveway of plot 6 would be minimal and a constructed using a cellweb system.

## **Planning History**

9/2000/0048 Certificate of lawfulness for the use as garden (land adjoining 63 Doles Lane) – Refused November 2000

## **Responses to Consultations**

Environmental Health has no objection subject to a condition requiring each dwelling to be provided with an electrical vehicle charging point and an informative regarding the use of solid fuels in order to reduce impacts on air quality.

The Lead Local Flood Authority (LLFA) has no comments.

Derbyshire Wildlife Trust states that natural habitats identified as present on the site (during the survey) included semi-natural broad leaved woodland, semi-improved grassland, dense scrub and tall ruderal vegetation. Since the completion of the survey, significant vegetation clearance and ground disturbance took place in early 2018 with a large proportion of the site now covered with shredded bark. Fortunately, however, Table 6 of the PEA provides accurate figures for the areas of different habitats presented on the site at the time of the appraisal. Offsite compensatory habitat creation would need to be provided and it is advised that use of the Defra metrics should be employed in order to calculate adequate compensation. Whilst likely to be mainly offsite, based on the size of the application area and current layout; it should remain within the local area. The Trust concur with the survey that the site is unlikely to support reptiles, or other protected species – particularly in light of the vegetation clearance and ground disturbance. As such, no further surveys are considered necessary. The proposal presently constitutes a net loss of biodiversity. It is therefore important to demonstrate no net loss of biodiversity in line with the environmental dimension of sustainable development, such that a calculation of meadow and broadleaf woodland has been provided by the Trust in order to secure a financial contribution of £5,500 to create habitat elsewhere.

The Highways Authority has no objection subject to conditions relating to a construction compound, wheel washing, the private drive construction, parking and manoeuvring areas.

The Tree Officer recommended the protection of T2 Walnut and T4 Sycamore trees (now done under Tree Preservation Order (TPO) No. 493).

## **Responses to Publicity**

Findern Parish Council strongly objects on the grounds that the site access is unsuitable, there are drainage issues on the land and the extra traffic generated on a narrow lane.

13 objections have been received, raising the following concerns/points:

- a) The proposal would be detrimental to the village character.
- b) There is no housing need for such large 5 bedrooomed dwellings.
- c) There would be a detrimental impact on wildlife.

- d) There would be overlooking and overshadowing of existing houses.
- e) Existing properties would lose the view of the countryside.
- f) There is not sufficient capacity in local schools and GP surgeries.
- g) The owner of the access and gate at the Barn Close is No.11 Barn Close and not the applicant.
- h) The Barn Close access width is 3.35m and not 4.1m as stated in the Highways Impact Statement and is not an 'unsurfaced private driveway' but a field access.
- i) The proposal would result in a loss of privacy for 11 Barn Close.
- j) It would result in increased traffic.
- k) Noise and disturbance during construction would occur.
- l) A previous planning application was refused on the basis of inadequate access for emergency vehicles.
- m) The road traffic survey is carried out at quiet times of the day.
- n) Construction traffic should not use Barn Close.
- o) If approved Section 106 monies should secure improvements to play areas, education and transport.
- p) A surface water drainage study should be undertaken.
- q) The access from Doles Lane is private serving 59, 59A, 61 and 63 and should not be used for construction traffic and is narrow and restrictive to emergency vehicles.
- r) Since the conifers have been removed there is increased surface water run-off down the access road.
- s) Due to an increase in traffic the access would require re-surfacing.
- t) The driveway onto Doles Lane has no known owners but is used by 12 properties and frequently floods due to natural springs in the area.
- u) The Doles Lane access is in a poor state of repair and any increase in vehicle use especially construction traffic would lead to further degradation.
- v) Vehicles currently park on the proposed access road and thus parking provision would be reduced with vehicles parking closer to the junction.
- w) Existing residents use the area proposed for the access onto Doles Lane for a bin collection area.
- x) The proposal would alter the surface water run-off in the area and would exacerbate flooding.
- y) A desk top ecology survey is not sufficient and the value has been reduced by the clearance and tree removal work undertaken in earlier this year.
- z) The proposed dwellings have a higher land level than Gratton Lodge and would have a higher ridge than 11 Barn Close and as such would loom over their property.
- aa) The proposed garages for Plots 5 and 6 would overshadow the main room windows of Gratton Lodge and should be set further away from the boundary.
- bb) The driveway would be adjacent to the garden area of Gratton Lodge and would cause a significant increase in noise and disturbance to their property.
- cc) Drainage plans are required to ensure that the risk of increase surface water run-off is controlled.
- dd) The Doles Lane access should be the sole access for the development.
- ee) A gated development is not in character with the village and it should be open to the public.

- ff) A reduction in the number of dwellings would be more in character with the area.

## **Development Plan Policies**

The relevant policies are:

- 2016 Local Plan Part 1 (LP1): S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S4 (Housing Strategy), S6 (Sustainable Access), H1 (Settlement Hierarchy), H20 (Housing Balance), SD1 (Amenity and Environmental Quality), SD2 (Flood Risk), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), BNE1 (Design Excellence), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF1 (Infrastructure and Developer Contributions), INF2 (Sustainable Transport)
- 2017 Local Plan Part 2: SDT1 (Settlement Boundaries and Development), BNE7 (Trees, Woodland and Hedgerows)

## **National Guidance**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

## **Local Guidance**

- South Derbyshire Design Guide SPD

## **Planning Considerations**

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

- Principle of development
- Impact on residential amenity
- Effect on highways safety
- Design and impact on the character of the area
- Trees and ecology

## **Planning Assessment**

### Principle of development

The site is located within the settlement boundary of Findern which is categorised as a Local Service Village in LP1 policy H1 where development of sites within the settlement boundary is considered appropriate. The principle of residential development is therefore acceptable and accords with policy H1 and the wider housing strategy under policies S1 and S4.

## Residential Amenity

LP1 policies SD1 and BNE1 require that developments should not lead to adverse impacts on the privacy and amenity of existing nearby occupiers. A detailed assessment against the distance guidelines within the Design Guide has been undertaken, informed by the sections through the site. Plot 6 would sit some 800mm higher than the existing property to the east (Gratton Lodge); however, considering the existing 2.5m hedge on this boundary and the separation between habitable room windows being compliant with the SPD, the relationship is considered acceptable. There are no habitable room windows on the side elevations of plot 6 and 11 Barn Close, and as such the distance of 4m is acceptable. No. 65 Doles Lane is within the ownership of the applicant and therefore the relationship between windows is accepted. Whilst the existing property sits higher than the proposed properties, the minimum distance guidelines are exceeded. The nearest window on the front elevation of No. 61 Doles Lane is a bedroom and this would be 22m from the living room patio doors on the southern elevation of plot 1 and small bedroom window within the roof gable, exceeding the distance guidelines.

Overall, the impacts on neighbouring properties in terms of overlooking and overshadowing is considered acceptable as the distance guidelines are met in line with the Design Guide, and thus residential amenity would be adequately protected in accordance with policies SD1 and BNE1.

## Effect on highway safety

LP1 policy INF2 requires appropriate provision to be made for safe and convenient access to and within the developments of all users. The ownership of accesses from both Doles Lane and Barn Close are not within the control of the applicant, but protocol has been followed by service of notice on the owner of the Barn Close and publication of a notice in the local paper to endeavour to find the owner (with no owner coming forward). It should be noted that a grant of planning permission does not override rights of access or land ownership, and this is for the applicant to resolve.

The Highway Authority has assessed the application in relation to the access from both Barn Close for plot 6 and the remaining plots from Doles Lane, and reviewed the information within the Highways Impact Statement. They consider the accesses, parking and manoeuvring space to be adequate and as such there are no objections. The proposal is therefore compliant with policy INF2.

## Design and impact on the character of the area

LP1 policy BNE1 requires all new development to be well designed, to embrace the principles of sustainable development, to encourage healthy lifestyles and enhance people's quality of life by adhering to design principles relating to community safety, street design, movement and legibility, diversity and community cohesion, ease of use, local character and pride, visual attractiveness, neighbouring uses and amenity, healthy lifestyles and resource use. All proposals for new development are assessed against the Council's Design SPD.

The existing properties surrounding the site are a mix of styles and types, ranging from two storey dwellings with gable features projecting forward (to the south), properties with gabled roofs (to the north) and a two storey rendered property and dormer bungalows to the west. The projecting gables to the width proposed are found in the surrounding area and are therefore considered to reflect the character of the area. Barge boards would not be acceptable on these features and a more pronounced overhang than shown on the elevations would serve to improve their appearance and this could be secured by condition. The proposal is considered to represent high quality design with chimneys, stone arched porches and lintels. It would read as a whole, introducing a new street which is considered acceptable due to their less prominent position, set back behind existing properties on Dole Lane.

The rear elevations have larger gable features and large openings. However, the field to the rear rises steeply, and on its boundaries trees screen the site from the wider countryside thus reducing the impact. The dwellings step up in land level from south to north taking into account existing levels and the floor levels of existing properties adjacent. Overall, the proposal is considered to be a high quality design that is both in context and character with the area in accordance with policy BNE1 and the aims of the Design Guide.

### Trees and ecology

LP1 policy BNE4 and LP2 policy BNE7 requires proposed development that could affect trees to demonstrate that the layout and form of the development respects existing landscape features and has been informed by appropriate arboricultural surveys, shading impacts have been considered and appropriate measures secured to ensure adequate root protection and buffers around trees, woodland and hedgerows.

The Tree Survey recommended removal of the hundred 17m high *Leylandii* on the western boundary together with removal of group (G1) which were a mix of Oak, Prunus, Sycamore and Apple of up to 7m in height. This removal was carried out prior to the submission of the application. However, the two grade B trees on the eastern boundary were retained and are now protected by a TPO. A Tree Protection Plan shows the area to be protected and further survey work has confirmed that the incursion into the RPA of one of the trees (T4) for the driveway of plot 6 would be minimal and a constructed using a cellweb system. The Tree Officer considers the survey, tree protection plan and mitigation to be adequate in compliance with policy BNE7 and recommends protection of the Walnut tree to provide a feature in the new street being created.

LP1 policy BNE3 relates to biodiversity and states that development which contributes to the protection, enhancement, management and restoration with net gains will be supported, unless the need for and benefits of the development in that location clearly outweigh the loss. The aim within NPPF paragraph 175 is to conserve and enhance biodiversity and where significant harm resulting from the development cannot be avoided or mitigated, or as a last resort, compensated for, then permission should be refused.

Due to the site clearance and removal of a group (G1) of broadleaved trees, considered by the Wildlife Trust to be Habitat of Principal Importance (HPI), compensation to offset the loss in biodiversity is required. Extensive negotiations have been undertaken between the applicant and Wildlife Trust and a financial contribution of £5,500 linked to an identified project to benefit biodiversity in the local area to offset the impacts has been agreed. This figure includes 0.19 Ha of meadow creation, 0.07 Ha of native broadleaf woodland creation and their 10 year management. In this case the habitat has already been lost and as such compensation shall be secured through a Unilateral Undertaking. Additional landscaping on site, along with other enhancement measures, would also be secured by condition. Adequate compensation and enhancement is therefore possible in compliance with policy BNE3.

### Other matters

Objections raise concern as to the lack of capacity in local schools and doctors, along with surface water run-off. The PPG stipulates that the threshold for securing financial contributions is more than 10 dwellings. Policy INF1 does not overrule this with a lower threshold and as such contributions from this development cannot be commanded. However, the contribution in respect of biodiversity compensation is required to mitigate the impact of the proposal and ensure compliance with wider legislation.

In terms of drainage, the LLFA were consulted and referred to their standing advice in respect of surface water which shall be covered by condition. The site is within flood zone 1, with the lowest risk of flooding. Notwithstanding this, the site layout includes areas of soft landscaping and the site sections show that modest re-leveling would be undertaken – limiting the potential for surface water runoff. Foul water disposal is controlled under separate legislation.

### Summary

To conclude, the proposal represents sustainable development within the settlement boundary of a Local Service Village with adequate access, parking and manoeuvring space. There are no significant impacts on the residential amenities of neighbouring properties and the high quality design is considered to be in context with the site and character of the area. Loss of habitat, whilst regrettable, can be adequately compensated for and remaining important trees protected.

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**

- A.** That delegated authority be granted to the Planning Services Manager to negotiate and secure the section 106 agreement (Unilateral Undertaking) referred to above.
- B.** Subject to A, **GRANT** permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with RU(P) 101 P2 received 18 April 2018, RU(P) 202 P2, 203 P2, 205 P2, 206 P2, 207 P2, 208 P2, 209 P2, 301 P2, 302 P2, 303 P2, 304 P2, 305 P2, 306 P2 received 20 June 2018 and 307 P2 received 21 June 2018; unless as otherwise required by condition attached to this permission or allowed by way of an approval of a non-material minor amendment made on application under Section 96A of the Town and Country Planning Act 1990 (as amended).  
Reason: For the avoidance of doubt and in the interests of sustainable development.
3. No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the Local Planning Authority no later than 5 working days before clearance of vegetation begins.  
Reason: In order to safeguard protected and/or priority species from undue disturbance and impacts.
4. The development shall be carried out in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan by Canopy Trees Ltd dated June 2018. The protective measures shall be implemented prior to any works commencing on site and thereafter retained throughout the construction period, whilst the permanent measures for root protection areas shall be installed in accordance with the Arboricultural Method Statement.  
Reason: In the interests of safeguarding existing habitat and the visual amenities of the area, recognising that initial preparatory works could bring about unacceptable impacts.
5. No development, including preparatory works, shall commence until space has been provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, and parking and manoeuvring of employees and visitors vehicles, with this space laid out in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. Once implemented, the approved facilities shall be retained free from any impediment to their designated use throughout the construction period.  
Reason: To ensure safe and suitable access for all users, in the interests of highway safety, recognising that initial preparatory works could bring about unacceptable impacts.
6. Throughout the period of construction vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their

wheels cleaned on a hard surface before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.

Reason: To ensure safe and suitable conditions are maintained on the public highway, in the interests of highway safety.

7. Prior to any other works being commenced, excluding site clearance and activities to adhere with conditions 5 & 6 above, the access onto the existing private drive onto Doles Lane shall be laid out in accordance with the approved drawings, constructed to base level and drained. Prior to the first occupation of a dwelling hereby permitted, the access shall be completed in accordance with the approved plan(s), constructed to wearing course level and thereafter be maintained throughout the life of the development free from any impediment to its designated use as such.

Reason: To ensure safe and suitable access for all users, in the interests of highway safety, recognising that even initial preparatory works could bring about unacceptable impacts.

8. Prior to the first occupation of Plot 6, the access to the private drive serving 11 Barn Close shall be provided in accordance with the approved plan(s), constructed to wearing course level and thereafter be maintained throughout the life of the development free from any impediment to its designated use as such.

Reason: To ensure safe and suitable access for all users, in the interests of highway safety.

9. Prior to the occupation of each dwelling hereby permitted, the parking and manoeuvring areas to serve that dwelling shall be laid out in accordance with the approved plan(s), and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, such space shall be maintained throughout the life of the development free of any impediment to its designated use as such

Reason: To ensure adequate parking and turning provision, in the interests of highway safety.

10. No development, including preparatory works, shall commence until details of the finished floor levels of the buildings hereby approved, and of the proposed ground levels of the site relative to the finished floor levels and adjoining land levels, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be supplemented with locations, cross-sections and appearance of any retaining features required to facilitate the proposed levels. The development shall be constructed in accordance with the approved details.

Reason: To protect the amenities of adjoining properties and the appearance of the area generally, recognising that site levels across the site as a whole are crucial to establishing infrastructure routeing/positions

11. Prior to their incorporation in to the building(s) hereby approved, details and/or samples of the facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved facing materials.

Reason: In the visual interest of the building(s) and the surrounding area.

12. Prior to their incorporation in to the building(s) hereby approved, details of the eaves, verges, cills and lintels shall be submitted to and approved in writing by the Local Planning Authority. The details shall include drawings to a minimum scale of 1:10 and provide for a greater roof overhang on the forward projecting gable features. The dwellings shall be constructed in accordance with the approved drawings.

Reason: In the visual interest of the building(s) and local distinctiveness.

13. Notwithstanding the plans hereby approved or the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, prior to the construction of a boundary wall, fence or gate, details of the position, appearance and materials of such boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in accordance with the approved details before the respective dwelling(s) to which they serve is first occupied or in accordance with a timetable which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area and so to protect residential amenity.

14. Prior to the occupation of a dwelling a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All hard landscaping shall be carried out in accordance with the approved details prior to occupation of each respective dwelling, whilst all planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the first occupation of each respective dwelling or the completion of the development, whichever is the sooner; and any plants which within a period of five years (ten years in the case of trees) 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 and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the visual setting of the development and the surrounding area.

15. No laying of services, creation of hard surfaces or erection of a building shall commence until a scheme for the drainage of surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the approved details prior to the first occupation of each respective dwelling served by the surface water drainage system.

Reason: In the interests minimising the likelihood of flooding incidents and damage to the environment, property or life.

16. Each dwelling shall be constructed and fitted out so that the estimated consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day, consistent with the Optional Standard

as set out in G2 of Part G of the Building Regulations (2015). The developer must inform the building control body that this optional requirement applies.

Reason: To ensure that future water resource needs, wastewater treatment and drainage infrastructure are managed effectively, so to satisfy the requirements of policy SD3 of the Local Plan Part 1.

Informatives:

1. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport and Communities at County Hall, Matlock regarding access works within the highway. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website [www.derbyshire.gov.uk](http://www.derbyshire.gov.uk), email [Highways.Hub@derbyshire.gov.uk](mailto:Highways.Hub@derbyshire.gov.uk) or telephone 01629 533190.
2. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner.
3. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
4. The LLFA expect development to include Sustainable Drainage Systems (SuDS) within the design of a drainage strategy for any proposed development, applying the SuDS management train. Developments that do not include any SuDS features are expected to provide evidence as to why these principles cannot be followed. The applicant is advised to review the Planning and Development Guidance Notes available on Derbyshire County Council's website ([www.derbyshire.gov.uk/flooding/strategy](http://www.derbyshire.gov.uk/flooding/strategy)) should any guidance on the drainage strategy for the proposed development be required. The LLFA requires that site surface water drainage is designed in line with DEFRA's Non statutory technical standards for SuDS, including restricting developed discharge of surface water to greenfield runoff rates, making suitable allowances for climate change (in line with the latest guidance from the Environment Agency) and urban creep (allowance of 10%), managing surface water as close to the surface as possible and prioritising infiltration as a means of surface water disposal. There should be no increase in the current greenfield runoff rate and the LLFA require that this should be measured in l/s/ha for all proposed development sites. It should be confirmed prior to commencement of works which organisation will be responsible for SuDS maintenance once the development is completed. The LLFA also strongly encourage that the developer should take into account designing drainage systems for exceedence working with the natural topography of the site, utilising natural mini sub-catchments.

5. It is advised that recharge points for electric vehicles should be considered within the development of 1 charging point per house with dedicated parking. To prepare for increased demand in future years, appropriate cable provision should be included in scheme design. Residential charging points should be provided with an IP65 rated domestic socket 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. This socket should be located where it can later be changed to a 32amp EVCP.
6. The applicant and/or developer is reminded of the Council's responsibility to issue official addresses for all residential and business premises within South Derbyshire. All new addresses are allocated in line with our street naming and numbering guidance (search for 'Street naming and numbering' at [www.south-derbys.gov.uk](http://www.south-derbys.gov.uk)) and you are advised to engage with the Council as soon as possible to enable the issuing of street and property names/numbers created by this development. Any number and/or property name that is associated with identifying individual properties must be displayed in a clear, prominent position that can be read from the roadside. It is the developers' responsibility to erect the appropriate signage once the build(s) is/are ready for occupation. There are two types of the name plate the Council uses: Type A carries the Council's crest, whilst Type B does not. You are advised that the Types are usually expected in the following locations:
  - Type A: on classified (A, B and C) roads, at junctions with classified roads, and at the commencement of local distributor roads (roads acting as through routes within developments);
  - Type B: intermediate name plates along local distributor roads, on collector roads (roads which run within a development providing access and linking small access roads and access ways), on access roads (roads serving a small number of houses which may also have a surface shared by pedestrians and vehicles), and access ways which have a different name from their access road; all unless at a junction with a classified road (where Type A will be expected instead).Further advice can be found online at [www.south-derbys.gov.uk](http://www.south-derbys.gov.uk) or by calling (01283) 228706.
7. The developer is strongly encouraged, as part of the delivery of properties on the site, to provide full fibre broadband connections (i.e. from streetside cabinet to the property). Further details of initiatives to support the provision of full fibre connections as part of broadband installation at the site can be obtained from Digital Derbyshire on [broadband@derbyshire.gov.uk](mailto:broadband@derbyshire.gov.uk) or 01629 538243.
8. The applicant is advised to seriously consider the installation of a sprinkler system to reduce the risk of danger from fire to future occupants and property.

**Item**            **1.2**

**Ref. No.**        **9/2018/0496/NO**

**Applicant:**  
**Mr & Mrs Litting**  
**8 The Old Forge**  
**The Green**  
**Findern**  
**Derby**  
**DE65 6AA**

**Agent:**  
**Mr Manuel Gross**  
**Simon Foote Architects**  
**74 Friar Gate**  
**Derby**  
**DE1 1FN**

**Proposal:**    **ALTERATIONS AND EXTENSIONS TO THE REAR OF CHILDRENS DAY NURSERY AT THE OLD FORGE 8 THE GREEN FINDERN DERBY**

**Ward:**           **Willington and Findern**

**Valid Date**    **22/06/2018**

#### **Reason for committee determination**

The item is presented to Committee at the request of Councillor MacPherson as a local concern has been expressed about traffic and parking generated by the proposal.

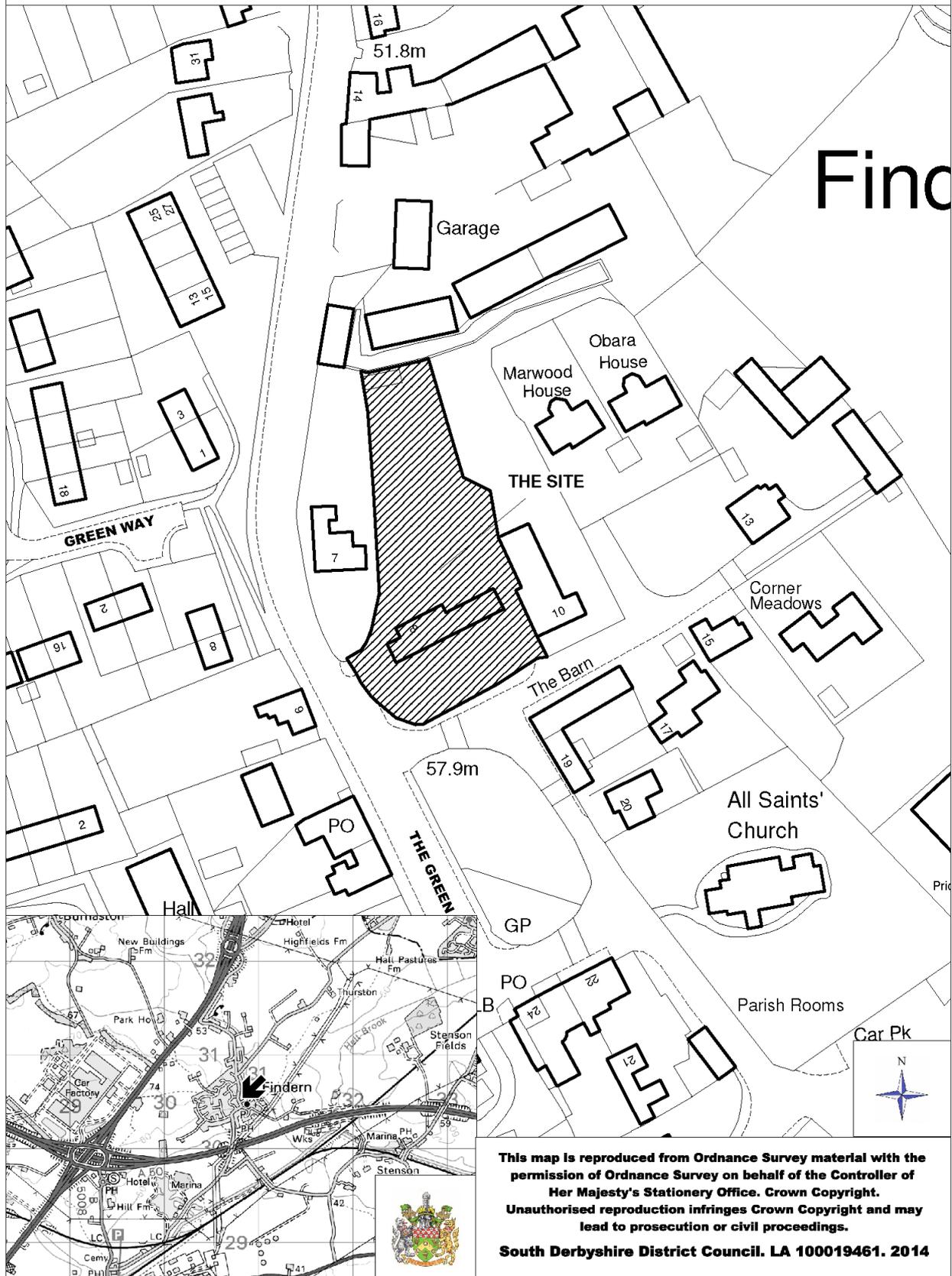
#### **Site Description**

The application site fronts The Green in the centre of Findern. The nursery is a prominent two storey building of white render with black boarding. The building is set back some 13-14 metres back from the road, enclosed by a 1m fence, with this area used for parking of staff and parents' vehicles. The property has an enclosed, extensive rear garden area – some 52m in length. Existing trees screen the rear of the premises from Doles Lane to the west.

#### **Proposal**

Planning permission is sought for a rear extension to the nursery in order to re-configure and improve the internal space. The extension would stretch across the whole of the rear elevation, extending between 4.5 and 5.5m beyond the rear of the main building and replacing a single storey flat roof extension along with two external staircases. The proposal would be clad in wood with two gable sections and a glazed balcony area and escape route area. The extension would allow improved circulation space within the building as well as reducing the points of entry.

9/2018/0496 - The Old Forge, 8 The Green, Findern, Derby DE65 6AA



The Design and Access Statement describes the location and use of the building. The rear garden area is described as an asset to the business as the nursery has a 'forest school' status. The proposed extension would provide increased opportunities for overlooking the garden. The nursery employs the equivalent of 18 full and 10 part time staff. Currently there are 164 children registered. The maximum number of children at one time can reach up to 76. This equates to 24 in the age of 0-2 years, 20 in the age of 2-3 years and 32 in the age of 3+ years. The document lists the relevant local and national planning policies. The rationale for the extension are to improve circulation space, open up areas to the garden, and create a more open and light environment with more areas for outdoor play. The parking area would remain unaltered as the number of children registered with the nursery would not increase as a result of the extension.

The Tree Report reviews the trees to be retained on the south western boundary and confirms that the RPAs of the trees would not be compromised. An arboricultural method statement and tree protection plan during construction is provided.

The Nursery Car Park Plan and Guidelines indicate that staff and parents are advised to use certain spaces. Staff should use certain spaces in relation to their shift end times, which in practice means that blocked in spaces are used by staff leaving the at the latest time of 6pm. These spaces are then blocked by staff finishing at 5.30pm, with these blocked by either parents or staff arriving at lunchtime and leaving at 5.30pm.

## **Planning History**

9/2009/0963     The erection of single dwelling with garage and boundary wall –  
Approved January 2010 (not implemented and expired)

## **Responses to Consultations**

The Highway Authority considers that as nursery accommodates up to 76 children at any one time, and the proposal would not increase this number and parking would remain unchanged; there is no grounds for objection. A condition controlling the existing parking is recommended.

The Tree Officer considers the Silver Birch trees adjacent to the south western part of the building are the best specimens and are unaffected by the extension. The trees to the rear of the building on the north western boundary have low arboricultural value but do offer a screening benefit. Recommendations for works to the Willow and removal and replacement of the Cypress and Pear tree are made.

The Environmental Health Officer confirms that there are no ongoing complaints in relation to the nursery. A condition restricting the construction phase is recommended.

## **Responses to Publicity**

9 objections have been received, together with a petition with 20 signatures raising the following concerns/points:

- a) The nursery has grown significantly over time from 45 places since opening in 2009 to 164 registered children.
- b) Ofsted reports indicate an increased number of staff from 13 in 2011 to 28 in 2018.
- c) The parking area has not been increased to accommodate the increased number of children and staff.
- d) Residents of The Green continually have issues with congestion, blocked accesses and lack of parking outside their houses.
- e) No. 7 The Green requires replacement fencing to retain privacy in the winter months.
- f) Does the 18 spaces include parking on the highway?
- g) The parking on The Green is taken up by nursery staff reducing parking for other businesses nearby.
- h) Farm vehicles find access to the fields difficult due to on street parking.
- i) Emergency vehicles would not be able to access properties due to the parking issues.
- j) During peak times of the day (morning, lunchtime and evening pick –up and drop off) access to 11 The Green is restricted.
- k) The car park means that people are blocked in so they are not used and only 4 spaces are available.
- l) What measures for parking will be in place for when construction starts?
- m) 7 staff park on the village green and 6 permanently use the 9 parking spaces available at the lower green car park.
- n) The village green is gridlocked at peak times.

### **Development Plan Policies**

The relevant policies are:

- 2016 Local Plan Part 1 (LP1): S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S6 (Sustainable Access), SD1 (Amenity and Environmental Quality), BNE1 (Design Excellence), BNE4 (Landscape Character and Local Distinctiveness), INF2 (Sustainable Transport)
- 2017 Local Plan Part 2 (LP2): SDT1 (Settlement Boundaries and Development), BNE7 (Trees, Woodland and Hedgerows)

### **National Guidance**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

### **Local Guidance**

- South Derbyshire Design Guide SPD

### **Planning Considerations**

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

- Principle of development;
- Parking and highway safety impacts;
- Residential amenity and design; and
- Impact on trees

## **Planning Assessment**

### Principle of development

The site is located within the settlement boundary of Findern and involves an extension to an existing children's nursery. The proposal does not fit within a specific policy; however, the site is considered to be in a sustainable location within a Local Service Village, accessible by means of transport other than the private car – such as a bus service through the village and walking opportunities. The principle of development is therefore considered acceptable, in line with LP1 policies S1 and S6, and LP2 policy SDT1, with other issues addressed below.

### Parking and highway safety impacts

LP1 policy INF2 requires appropriate provision to be made for safe and convenient access to and within the development for all users. The Design and Access Statement has confirmed that the staff numbers and nursery places would not increase as a result of the extension as it is merely to improve the facility in terms of the internal layout, and provide areas where the garden is overlooked and more open spaces of play are created. Based on there being no increase in staff or children, the current parking levels are considered acceptable and as such the Highway Authority has no objection. The applicant has also provided details in the nursery car park plan and guidelines of how the existing car park works in practice, with staff on later shifts being blocked in and parents using the unrestricted spaces. The proposal is thus considered to comply with policy INF2.

### Residential amenity and design

LP1 policies SD1 and BNE1 require that developments should not lead to adverse impacts on the privacy and amenity of existing nearby occupiers. There are two residential properties either side of the nursery building. No. 7 The Green has main room windows on the southern elevation. However, the proposed first floor children's room would be outside the sector of view of these windows and there is also existing 6m high tree screening on the boundary. There is a balcony area adjacent to the boundary with that property's garden which would be 12m from the rear of the dwelling. This area is annotated as an escape route and as such would not be used by children and staff due to its proximity to the boundary and potential impacts on the amenity of No. 7. A condition restricting its use is considered necessary to ensure the amenities of No. 7 are protected.

No. 10 The Green has a blank wall adjacent to the rear of the nursery and a bedroom window within its gable end. This property is set forward of the nursery building and due to the orientation of the buildings the proposed extension would not significantly overlook or overshadow this property.

The Environmental Health Officer has no ongoing complaints in relation to noise, but due to the proximity of neighbouring properties it is recommended that hours of construction activities should be controlled by condition. The proposal would not result in increased activity at the premises as the staff and children numbers would remain as existing, therefore the impact on the amenity of the neighbouring dwellings is not considered significant and the proposal accords with policies BNE1 and SD1.

Policy BNE1 along with BNE4 requires all new development to be well designed and visually attractive, and reflect local character. NPPF paragraph 124 and the Council's Design Guide consider high quality design to be essential, and this proposal is considered to achieve this aim. It would create a modern and innovative space for children that compliments the existing building with the cladding being recessive allowing the existing building's prominence within the village green to be maintained. Due to the retention of the tree screening, only glimpses would be seen from Doles Lane.

### Impact on trees

LP2 policy BNE7 relates to trees and requires proposals that could affect trees to demonstrate that the layout and form of the development has been informed by appropriate arboricultural surveys, shading impacts have been considered and appropriate measures secured to ensure adequate root protection and buffers around trees, woodland and hedgerows.

The submitted tree report has adequately assessed the trees and the Tree Officer concurs with its recommendations. The two Silver Birch trees adjacent to the western part of the building would be retained and works to the Willow tree are recommended. Raft foundations are proposed for the building where it is close to the trees and it is acknowledged that the Willow is resilient should works within its Root Protection Area prove necessary. Removal of the low quality trees and replacements with more suitable species shall be conditioned in order to retain screening. The Tree protection plan and mitigation are considered appropriate in accordance with policy BNE7.

### Summary

To conclude, the proposal would create substantial improvements to the existing facility for the benefit of children, staff and parents. This factor carries considerable weight in favour of supporting the application. The proposal is considered a high quality design that compliments the existing building without significant harm to the visual amenity of the area and the amenity of neighbouring properties. Due to the staff and children numbers being retained the existing parking is considered acceptable and no detrimental highway issues can be demonstrated.

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

## Recommendation

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

1. The development permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with drawings ref. 17/555/P01 received 4 May 2018 and 17/555/P02 received 22 June 2018; unless as otherwise required by condition attached to this permission or allowed by way of an approval of a non-material minor amendment made on application under Section 96A of the Town and Country Planning Act 1990 (as amended).  
Reason: For the avoidance of doubt and in the interests of sustainable development.
3. The existing parking area as shown on the approved drawings shall be maintained in perpetuity free from any impediment to its designated use as such.  
Reason: To ensure adequate parking space, in the interests of highway safety.
4. The area annotated 'escape route' on the approved first floor plan on the approved drawings shall not be used for any other purpose.  
Reason: In the interests of protecting the amenities of neighbouring residential occupiers.
5. The numbers of staff and children shall be restricted to that described on page 7 of the Design and Access Statement submitted with the application.  
Reason: To ensure adequate parking space and to control vehicular movements, in the interests of highway safety.
6. During the period of construction of the development, no works shall take place or construction deliveries be received other than between 0800 and 1800 hours Monday to Friday and 0800 and 1300 hours on Saturdays. There shall be no works or construction deliveries at any time on Sundays and public holidays (other than to carry out emergency works in the interests of health and safety).  
Reason: In the interests of protecting the amenities of neighbouring residential occupiers.
7. The development shall be undertaken in accordance with the Tree Protection Plan Figure 3 within the Tree Survey by Jonathan Oakes dated 20th June 2018, with protective measures installed prior to any construction works commencing. Trees T1 and T2 shall be retained and works to be carried out to T3 to reduce its canopy bias. Prior to the occupation of the extension, details of suitable replacement trees for T4 and T5 shall be submitted and approved in writing by the Local Planning Authority and thereafter planted in the first

available planting season following occupation of the extension. Any trees which within a period of ten years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the health of the trees and in the interests of residential and visually amenity.

8. Prior to their incorporation into the development, 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 extension shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

Informatives:

1. The applicant is advised to seriously consider the installation of a sprinkler system to reduce the risk of danger from fire to future occupants and property.

**Item**            **1.3**

**Ref. No.**        **9/2018/0447/FH**

**Applicant:**  
**Mr Adam Hazel**  
**18 Monsom Lane**  
**Repton**  
**Derby**  
**DE65 6FX**

**Agent:**  
**Mr Harlow**  
**33 Cadgwith Drive**  
**Allestree**  
**Derby**  
**DE22 2AF**

**Proposal:**    **PROPOSED EXTENSION AND ALTERATIONS AND ERECTION OF  
NEW BOUNDARY WALL AND GATE TO 18 MONSOM LANE  
REPTON DERBY**

**Ward:**            **Repton**

**Valid Date**    **23/04/2018**

**Reason for committee determination**

The item is presented to Committee at the request of Councillor Peter Smith as local concern has been expressed about a particular issue and unusual site circumstances should be considered by the Committee.

**Site Description**

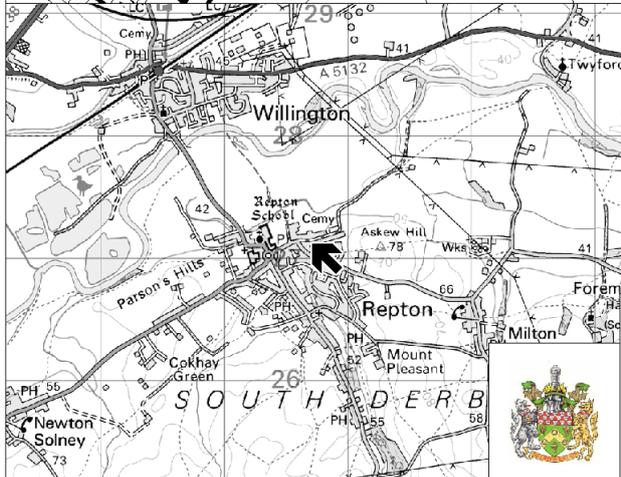
The site sits on the southern side of Monsom Lane. The host property, a bungalow, sits above the level of the road, as do most of the visible properties in the immediate area, with some garden space to the front. A small wall separates the site from the road whilst there is some taller fencing to the side and a retaining wall to the frontage of number 16.

Monsom Lane overall features a mix of house types and a variety of building materials, some properties situated immediately adjacent to the road; some set back. The area is characterised by soft landscaping, the lane bound in parts by mature trees and roadside vegetation.

**Proposal**

The proposal is to modernise the property, adding a front extension, altering its finish (from brick to render and cedar type clad), and enclosing the site with a new wall and gates. All discernible soft landscaping has already been removed from site, although the proposed drawings do show some replacement.

9/2018/0447 - 18 Monsom Lane, Repton, Derby DE65 6FX



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## **Applicant's supporting information**

None.

## **Planning History**

None.

## **Responses to Consultations**

Following initial objection to the original layout, the County Highways Authority offers no objection to the proposal subject to the inclusion of conditions.

## **Responses to Publicity**

The proposals have been altered twice since they were first submitted. Each revision was subjected to a round of publicity. Initial proposals, received on 23 April 2018 attracted 15 objections (from 9 individuals), the comments summarised as:

- a) The garage would have a negative effect on the adjacent property, the flank wall of it being very high;
- b) It is out of character for the lane, being too big and totally out of keeping;
- c) Development is linear here and the development protrudes further forward than the house/building line;
- d) Properties in the lane are mainly well set back from the road;
- e) Repton has seen much change such there is a desire to preserve Monsom Lane as a peaceful quiet haven where ultra-modern development (unless well hidden) seems totally out of character.
- f) The development is excessive in terms of the additional space created;
- g) Changes along the lane (of late) have generally been in-keeping and not been detrimental to neighbours in terms of access to views or natural light;
- h) All vegetation from the front of the site has been removed, spoiling the area;
- i) Proposed materials would be very prominent;
- j) Comparisons with a modern build at Newton Solney (very stark) and cladding may make it look like a stable;
- k) Hope that the development does not look like a blot on the landscape in what is a picturesque spot;
- l) Need to preserve trees, plants and vegetation;
- m) Alterations to the boundary wall between 16 and 18 would impact on the conifer hedge there, the hedge currently providing some privacy for No 16;
- n) Development would give the feeling of being hemmed in;
- o) The build would cause a reduction in light to habitable rooms adjacent;
- p) Rear dormer with French doors would cause overlooking of adjacent rear garden;
- q) Concerns over the revised access (limited visibility), the changes having the potential to obscure views for other car users using the lane, and whether there would be room to manoeuvre on site;
- r) Builders/delivery vans may cause congestion in the narrowest part of the lane – this being the case when one lorry removed the material from the front garden;

- s) Concerns over drainage in the road;
- t) Plans are not up to date as there is no garage on the front of No. 14;
- u) Claims made on the forms are inaccurate with regards that the works have started and that the development will affect trees on site;
- v) Plans show limited detail as to how the space would be used;
- w) No pre application advice has been sought;
- x) Could set a precedent;

Revised proposals, received on 15 May 2018, attracted 4 further/revised objections, the comments summarised as:

- y) The proposal still looks large and forward of other buildings here, meaning a precedent would be set for other buildings in the lane;
- z) The amendments do not alter the extent to which the proposal extends towards Monsom Lane, merely to reduce height of the proposed structure nearest to lane;
- aa) The proposal would completely alter the open nature and character of this part of the lane, which has featured in many historic photos of Repton;
- bb) Plans have little regard for the historic character of Monsom Lane;
- cc) Appears ill thought out regards the pruning or felling of trees;
- dd) The emerging Repton Neighbourhood Development Plan clearly indicates the feelings and aspirations of local residents, but many people in the lane are clearly dismayed by the scale of the proposal, including the proposed materials;
- ee) The roof line is lifted implying that the description as a loft conversion is an understatement;
- ff) access visibility would limited.

Revised proposals (now subject of this report), received on 6 August 2018, attracted 7 further/revised objections, the comments summarised as:

- gg) The extension protrudes beyond the implied (historic) building line compared with neighbouring properties. Other sites have not been allowed to breach this line;
- hh) This would allow everyone on Monsom Lane to extend their property beyond the frontage, despite others being prevented from doing so previously;
- ii) The height of the extension is still the same as in the original proposals;
- jj) The amended plans still portray a very ultra-modern property that is totally out of character;
- kk) There is no mention of building materials to be used. These need to be clarified;
- ll) The lower section of Monsom Lane is one of the few old lanes in Repton, featuring old cottages. Just outside of the conservation area it is essential to preserve the small pockets of historical importance;
- mm) The Neighbourhood Development Plan supports sympathetic development but is concerned that the character of the village should be preserved;
- nn) The front perimeter wall appears to be too high in relation to the narrowness of this part of the lane;
- oo) The wall and fencing is out of keeping with the rest of the lane which is all open plan;

- pp) Is there a right to remove shrubbery on neighbouring land without permission, as the removal of the wall between 16 and 18 would result in the demise of the conifer screen and the privacy it provides;
- qq) No evidence has been submitted to show the boundary wall (between 16 and 18) is unsafe, as stated;
- rr) The impact of a new build at the narrowest point of the lane will be considerable on regular attendance by larger vehicles;
- ss) Pleased that the revised plans show the original access is to be retained;
- tt) The updates do not match up with detail on the forms.

### **Development Plan Policies**

The relevant policies are:

- 2016 Local Plan Part 1: SD1 (Amenity and Environmental Quality), BNE1 (Design Excellence), BNE4 (Landscape Character and Local Distinctiveness), INF2 (Sustainable Transport)
- 2017 Local Plan Part 2: H27 (Residential Extensions and Other Householder Development)

### **Emerging Policies**

The relevant policies are:

- Repton Neighbourhood Development Plan (NDP)

### **National Guidance**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

### **Local Guidance**

- South Derbyshire Design Guide SPD

### **Planning Considerations**

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

- The impact of the development on the amenity of neighbours; and
- The impact of the development on the character of the area

### **Planning Assessment**

There is no doubt the original plans here were of significant detriment to the local character and to the amenity of neighbours. Plans have therefore subsequently been altered in an attempt to address these matters.

### The impact of the development on the amenity of neighbours

Revisions have removed the potential for a loss of privacy, the rear loft space balcony removed from the scheme. Indeed, all alterations to the roof have gone save for the removal of the chimney stack. No. 16 would experience a change from their perspective, but because of the levels across the site they would read akin to single storey extension, and as such should not unduly overbear. It is likely that the current conifer screen that separates the properties (and indeed would have softened the development) will be removed, but most of that appears to be on the application site and could be removed without consent. The closest space at No. 16 is a lounge – that space afforded both a front window and rear (south facing) aspect in the way of patio doors. It is the front aspect which would include a peripheral view of the development. Other neighbours are considered to be too distant to suffer from a loss of light or privacy.

### The impact of the development on the character of the area

The site lies outside of the conservation area such that the built context here is not of such high value as if were within the conservation area. Whilst in the main the houses sit recessively in their respective contexts, most have limited architectural merit. This is however a pleasant setting and a generally quiet lane. The original plans proposed significant alterations, but the latest revisions are now felt to be less intrusive, with the forward protrusion reduced to the point where it is not felt to compromise the above described character. The rising levels of the site and the adjoining levels assist in minimising the prominence of this projection.

The design of the proposal has drawn primarily negative comment. The NPPF however comments that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Policies BNE1, BNE4 and the SPD also allow for creativity whilst ensuring local vernacular and character is respected. Certainly this development would appear different, but not so significantly as to be dismissed out of hand. This is more so when other similar examples can be found across the village. Equally the character of the immediate area is considered to have capacity to support an extension of this size, especially where the new form principally mirrors the characteristics of the host (i.e. a matching gable width and matching roof pitch). Even the size of the glazed openings reflects those that exist here already.

Much has been made of the forward protrusion. The street however is not so strict in its layout to limit a modest intrusion. Some houses are tight to the pavement; some are set further back, whilst the conifer screen that would without doubt have softened the development is not of such value as to retain indefinitely. The build here would still feel 'set back', with the diminishing nature of the build (as it extends towards the highway) assisting and a feature often replicated in new dwellings on infill plots.

The treatment of the front and side boundaries is of some concern, however; felt to be overly domestic and urbanising for what remains a lane providing transition from the more densely built up area of the village to the countryside beyond its edges. A

condition to revisit this matter and secure a more suitable alternative can address this concern.

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

## **Recommendation**

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

1. The development permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with drawing 1800-02 Rev D, received on 6th August 2018; unless as otherwise required by condition attached to this permission or allowed by way of an approval of a non-material minor amendment made on application under Section 96A of the Town and Country Planning Act 1990 (as amended).  
Reason: For the avoidance of doubt and in the interests of sustainable development.
3. Notwithstanding the approved details and the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, the garage shall only be fitted with a roller shutter door.  
Reason: In order to maximise space for the driver to pull clear of the highway before opening/operating the garage door so to avoid overhanging the footway causing an obstruction and hazard to pedestrians, in the interests of highway safety.
4. Notwithstanding the approved details and the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, prior to the construction of any boundary treatments to the northern, eastern and western boundaries of the property revised details of the proposed boundary treatments, including elevational drawings to show their height, design and materials, shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall subsequently be constructed in accordance with the approved details.  
Reason: The submitted details are considered unsatisfactory, the design, height and appearance failing to respect the character and appearance of the locality.

## Informatives:

1. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the

Department of Economy, Transport and Communities at County Hall, Matlock regarding any access works within highway limits. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website [www.derbyshire.gov.uk](http://www.derbyshire.gov.uk), email [Highways.Hub@derbyshire.gov.uk](mailto:Highways.Hub@derbyshire.gov.uk) or telephone 01629 533190.

2. The Highway Authority recommends that the first 5m of the access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner.

**Item**            **1.4**

**Ref. No.**       **9/2018/0558/FH**

**Applicant:**  
**Mr James Duffield**  
**29 Windsor Avenue**  
**Melbourne**  
**Derby**  
**DE73 8FN**

**Agent:**  
**Mrs Julie Buckler**  
**Extension Drawing Services**  
**34 Queen Street**  
**Kings Chambers**  
**Derby**  
**DE1 3DS**

**Proposal:**    **THE ERECTION OF A DETACHED GARAGE AT 29 WINDSOR AVENUE MELBOURNE DERBY**

**Ward:**         **Melbourne**

**Valid Date**   **22/05/2018**

**Reason for committee determination**

The item is presented to Committee at the request of Councillor John Harrison as local concerns have been expressed.

**Site Description**

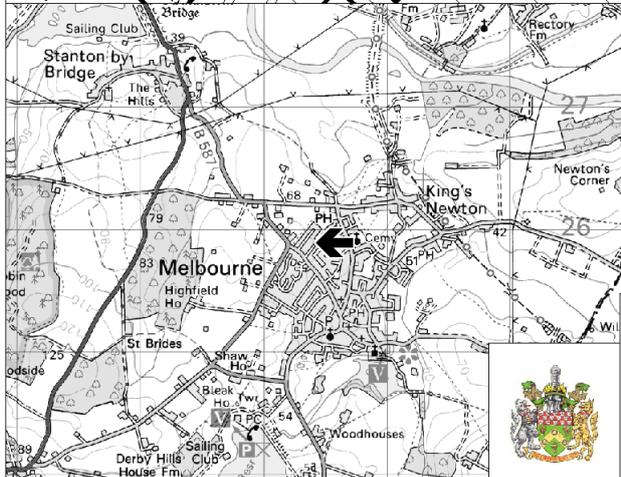
The application site relates to a two-storey detached dwelling within the settlement boundary of Melbourne, one of the Districts Key Service Villages. Windsor Avenue is generally characterised by semi-detached dwellings of a consistent character, with the exception of its north eastern which includes the application site and is comprised of 4 detached dwellings which appear to have been built at a later date, built to varying sizes and styles and different to that of the distinct character of dwelling along Windsor Avenue.

The dwelling is set back 9m from the highway and is separated by a footpath and driveway. The dwelling sits on a good sized plot of land, with a substantial garden at the rear and small garden at the front and side. There are currently 4 existing outbuildings of varying sizes, ages and styles located within the rear garden.

**Proposal**

The application proposes the erection of a single storey detached garage and workshop, to the rear of the host dwelling and situated along the western boundary. The garage would replace 3 of the existing single storey outbuildings that are built along the same boundary. The outbuilding is proposed to be constructed in matching materials. The scale of the building has been significantly reduced during the application, and a true single storey building is now proposed.

9/2018/0558 - 29 Windsor Avenue, Melbourne, Derby DE73 8FN



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## **Applicant's supporting information**

None

## **Planning History**

9/2013/0963 The erection of an extension and retention of detached garden room –  
Approved 31/01/2014

## **Responses to Consultations**

Melbourne Civic Society's comments on the original submission were that the garage length was rather large and that a first floor was not necessary and that the width of the garage is perplexing as it would not be able to fit two cars side by side. Their main concerns were the effect on direct neighbours. Following re-consultation on the revised scheme they consider the amended scheme to be an improvement.

## **Responses to Publicity**

Following re-consultation on the revised proposals a total of 12 objection letters have been received from 8 addresses, raising the following concerns/points:

- a) The size and scale of the development is too large.
- b) The garage size is not a conventional size for garages in a built up area such as the application site.
- c) It will cause an eyesore to the surrounding area.
- d) It will result in overshadowing of neighbour's properties and gardens.
- e) Reduced amount of sunlight will be able to enter neighbouring properties.
- f) Reduced amount of privacy for neighbours.
- g) If being used for restoration/modification of cars, the surrounding area will be impacted by an increase in noise.
- h) Concerns over the development crossing the boundary line once completed.
- i) Concerns over damage to a silver birch tree located within the neighbours garden but close to the boundary as result of the garage being built.
- j) The size/design of the garage would suggest that it is not going to be used for domestic use only.
- k) The increase in traffic and build-up of parked cars on the highway would be significant if the garage was to be used as a car related business or similar.
- l) Concerns over the ridge height being higher than proposed once built.
- m) A toilet/shower is not required for a domestic garage.
- n) Soundproofing on all external walls and windows and doors is required.
- o) Concerns over a window being placed at the rear of the building after completion.
- p) The inward opening doors would hit a car once parked inside.

## **Development Plan Policies**

The relevant policies are:

- 2016 Local Plan Part 1: S2 (Presumption in Favour of Sustainable Development), SD1 (Amenity and Environmental Quality), BNE1 (Design Excellence), BNE4 (Landscape Character and Local Distinctiveness), INF2 (Sustainable Transport).
- 2017 Local Plan Part 2: H27 (Residential Extensions and Other Householder Development), BNE7 (Trees, Woodland and Hedgerows)

### **Emerging Policies**

The relevant policies are:

- Melbourne Neighbourhood Development Plan (NDP)

### **National Guidance**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

### **Local Guidance**

- South Derbyshire Design Guide SPD

### **Planning Considerations**

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

- Design and impact on the street scene;
- Effect on neighbours; and
- Other issues.

### **Planning Assessment**

#### Design and impact on the street scene

The proposed garage is of a simple design with a gabled roof, which features 7 rooflights facing into the garden, large double doors at the south elevation and multiple doors and windows on the east facing side elevation. The design is considered acceptable in terms of its appearance against the host dwelling, the height is considerably smaller than that of the host dwelling, which in addition to it being set back from the frontage of the dwelling provides for a building which appears as a subservient element when viewed from the street scene as such the design of the proposal is considered to comply with policies BNE1 and H27.

#### Effect on neighbours

In relation to the impacts of the proposed development on the residential amenities of neighbouring occupiers that surround the application site. The proposed building is single storey, and as such would not significantly impact on the reasonable amenities of the adjoining dwellings through overbearing, and any perceived impacts

are further mitigated by existing intervening obstructions (fencing and hedging). As such it is considered that the proposed development would not demonstrably impact the residential amenities of neighbouring properties, in terms of an overbearing impact, loss of light or privacy as measured against the benchmark of the standards set out in the SPD and the proposal is therefore considered to comply with the requirements of policy H27.

### Other issues

Impact on neighbouring silver birch tree; Concerns have been raised over the potential damage that the development could cause to an existing Silver Birch tree located within the rear garden of neighbouring property No.27 Windsor Avenue. The tree is not located within Melbourne conservation area and is not protected by a tree preservation order, therefore no consent from the council is required for any works to the tree and as such the applicant can remove any branches that overhang into the application site if required. Whilst the tree is not considered to be of sufficient amenity value to warrant its individual protection by virtue of a Tree Preservation Order it does have amenity value for the local area and as such it is considered appropriate to provide for some protection for the tree and its root system, and an arboricultural method statement is proposed as a condition.

Car Parking; The development does not result in a reduction to the size of the driveway and parking area at the front of the dwelling. The proposed development would replace the existing garage, with a larger one. As such there would be an increase in the amount of parking that will be provided on site, the proposal therefore complies with Policy INF2 in regards to car parking.

Use of the building; The comments of the neighbours are noted in terms of the use of the building for business use and for clarity a condition requiring the building to be used for purposes incidental to the existing house is considered appropriate.

### Conclusion

The proposed development is considered acceptable, remaining in the style and form of the host dwelling and the surrounding buildings and in keeping with the scale and character of the street scene. There will be no adverse impact on the amenity of neighbouring occupiers. It is considered that the proposal would be consistent with the SPD and Policies INF2, H27, S2, SD1, BNE1, BNE4 and BNE7 and the National Planning Policy Framework.

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

### **Recommendation**

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

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

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

2. The development hereby permitted shall be carried out in accordance with drawings ref. EDS\_0604\_01 Rev B and EDS\_0604\_02 Rev B, received on 17 July 2018; unless as otherwise required by condition attached to this permission or allowed by way of an approval of a non-material minor amendment made on application under Section 96A of the Town and Country Planning Act 1990 (as amended).

Reason: For the avoidance of doubt and in the interests of sustainable development.

3. The garage hereby approved shall only be used for purposes incidental to the enjoyment of the dwelling known as 29 Windsor Avenue, Melbourne, DE73 8FN.

Reason: To safeguard the amenities of nearby occupiers.

4. No development including preparatory works, shall commence until an Arboricultural Method Statement (AMS) has been submitted and approved in writing with the Local Planning Authority. The AMS should include details of all excavation within RPA, and include contingency plans for if large roots are encountered during this process (e.g. to hand dig to determine exactly where roots are growing and either prune them in accord with BS:5837 to facilitate the pilings or shift access points). Any approved measures shall be implemented in accordance with the AMS, whilst all protective fencing shall be erected prior to works starting on site and retained as such until the construction phase is completed. Foundations on the north-western part of this proposed build should be designed as to withstand any root intrusion that may latterly occur.

Reason: To safeguard the health of the silver birch tree adjacent.

5. All external materials used in the development to which this permission relates shall match those used in the existing building in colour, coursing and texture unless prior to their incorporation into the development hereby approved, alternative details have been first submitted to and approved in writing by the Local Planning Authority.

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

04/09/2018

Item 1.5

Ref. No. 9/2018/0361/FM

**Applicant:**  
Mr Glyn Poxon  
1 Betony Road  
Brizlincote  
Burton-On-Trent  
DE15 9JU

**Agent:**  
Aaron Morris  
Bi Design Architecture Ltd  
79 High Street  
Repton  
Derby  
DE65 6GF

**Proposal:** THE ERECTION OF A REPLACEMENT DWELLING ALONG WITH ALTERED ACCESS TO REPTON ROAD AT HEATHERS REPTON ROAD NEWTON SOLNEY BURTON ON TRENT

**Ward:** Repton

**Valid Date** 05/04/2018

#### **Reason for committee determination**

The item is presented to Committee at the request of Councillor Peter Smith as local concern has been expressed about a particular issue and unusual site circumstances should be considered.

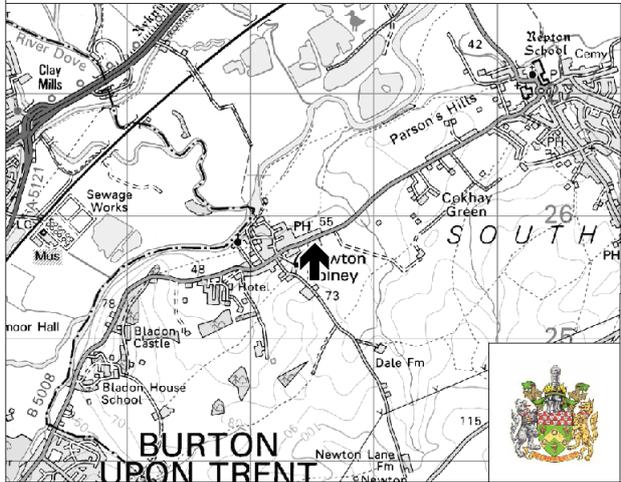
#### **Site Description**

The application site is broadly rectangular comprising approximately 825 sq m of land with traditional front and rear gardens. The site gently rises from the front to the back (north to south) and the rear gardens back on to fields, these dwellings being on the edge of the Newton Solney settlement boundary. The current dwelling, a bungalow, sits roughly in the centre of the plot and is the middle of three bungalows on the south side of Repton Road. The bungalows on either side have both been recently modernised with Meadow View to the east having a two storey rear extension. Grey Gables to the west has been significantly modernised and extended but remains single storey accommodation.

#### **Proposal**

The application seeks the demolition and replacement of the existing dwelling and garage which is set back from the existing dwelling with a replacement dwelling and double garage forward of the proposed new dwelling. This replacement building would be predominantly two storey but appearing to be one and a half storeys from the street.

9/2018/0361 - The Heathers, Repton Road, Newton Solney, Burton on Trent  
DE15 0SG



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## **Applicant's supporting information**

The application form and plans were supported by a topographical survey.

## **Planning History**

- 9/1096/0561      Erection of a detached building as garage/workshop – Approved December 1996
- 9/1098/0577      Erection of a single storey rear extension – Approved December 1998
- 9/2015/1011      Erection of a side and rear extension at Meadow View – Approved December 2015

## **Responses to Consultations**

The Highway Authority raises no objection in principle but initially objected to the relocation on of the driveway to the north eastern corner. As the applicant now retains the driveway in the central position as proposed under revisions, the Highway Authority has no objection.

The Contaminated Land Officer has no significant concerns about this proposal but recommends a condition relating to a suitable scheme for the prevention of ground gas ingress.

The County Archaeologist states that the proposal would have no archaeological impact.

## **Responses to Publicity**

Newton Solney Parish Council objects on the grounds that the size of the proposal is excessive and out of keeping with the streetscape and restricts light to adjacent properties.

No neighbour objections have been received.

## **Development Plan Policies**

The relevant policies are:

- 2016 Local Plan Part 1 (LP1): S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), SD1 (Amenity and Environmental Quality), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), BNE1 (Design Excellence), BNE4 (Landscape Character and Local Distinctiveness), INF2 (Sustainable Transport)
- 2017 Local Plan Part 2 (LP2): SDT1 (Settlement Boundaries and Development)

## **National Guidance**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

## **Local Guidance**

- South Derbyshire Design Guide SPD

## **Planning Considerations**

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

- Principle of development;
- Design and residential amenity;
- Highway safety.

## **Planning Assessment**

### Principle of development

The principle of development is supported by policy H1 which sets out the settlement hierarchy for the District and states that new redevelopment of sites within settlement boundaries (Local Service Villages) will be considered appropriate. In addition, the principle of replacement dwellings outside of village confines is considered appropriate subject to certain limitations as set out in policy H24 of the LP2. Whilst these are not directly relevant to this particular proposal, they are a good 'checklist' for the proposed scheme.

### Design and amenity

The initial proposal for a two storey dwelling to replace the existing bungalow was considered to be out of character with the immediate surroundings, the site being the middle bungalow of a row of three. Although the two other bungalows on the south side of Repton Road have both been substantially modernised and enlarged with 'Meadow View' to the east of the application site having had a one and a half storey rear extension, the character of the area along Repton Road is that of low and retiring building of generally single storey appearance. The applicant was asked to reconsider the initial proposal in the light of these comments and revised proposals were submitted.

This latest iteration reflects the single storey nature of the immediate surrounding area whilst at the same time increasing the 'headroom' to achieve rooms at first floor level. The design includes two gables to the front of the property, keeping the roof low, and a main hipped roof to the main part of the accommodation set back into the site. The absence of first floor windows on the front elevation, with the exception of rooflights to the 'inner' front pitches, retains the appearance of a single storey dwelling – albeit with a higher than normal ridge height at 7.3m on the main accommodation. The ridge height of the two gables is 6.3m, similar to that of the

adjacent bungalow to the west (Grey Gables) – assisted by the ground level of the adjacent property being slightly higher than the application site. The impact of the higher ridge height would be minimal in this context.

In terms of the scale of the proposal, whilst providing significantly more floorspace than the original bungalow, the existing footprint includes a garage workshop in a similar location to the now proposed dwelling. The proposal also includes the addition of detached double garage to the frontage. It is considered this can be accommodated in the street scene due to its evident separation to the proposed dwelling and there being a similar character on the adjacent property, which has a carport forward of the front elevation of the dwelling. Whilst slightly larger than the car port and of more 'solid' construction; this is not considered harmful. Further along Repton Road development also becomes closer to the highway edge and the character of the area is by no means 'open' throughout with unrestricted views. A condition is proposed to require details of boundary treatments to ensure appropriate materials/implementation. The design is therefore considered to be in accordance with policies BNE1 and BNE4 of the LP1.

As regards residential amenity, the proposed replacement dwelling is in largely the same location as the existing dwelling. However, as the replacement dwelling is taller and now set further back into the plot, its impact on neighbour amenity should be considered. There are no primary windows on either side elevation – the only windows being to a ground floor WC and a roof light to a bathroom on the east elevation, and a secondary kitchen window and utility room door to the west elevation. There are no side windows other than rooflights to bathrooms and a walk-in wardrobe at first floor level. The extended built development closer to Meadow View and further into the rear garden complies with the 45 degree rule and has no detrimental effect on neighbouring amenity. The proposal is considered to comply with policy SD1 of the LP1 and the Design SPD.

#### Highway safety

As this is a proposal for a replacement dwelling with the existing access and driveway to be retained, albeit widened. The Highway Authority has no objection to the proposal. A condition relating to the provision of space for the parking and manoeuvring of cars to be provided prior to the occupation of the new dwelling, and to be maintained thereafter, has been added to the conditions. The applicant also intends to remove part of the hedgerow at the front and replace it with 1m high fencing. This is not considered to compromise visibility. The proposal therefore complies with policy INF2.

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

#### **Recommendation**

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

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

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

2. The development hereby permitted shall be carried out in accordance with drawing No 6 and drawing No 7; unless as otherwise required by condition attached to this permission or allowed by way of an approval of a non-material minor amendment made on application under Section 96A of the Town and Country Planning Act 1990 (as amended).

Reason: For the avoidance of doubt and in the interests of sustainable development.

3. No development shall take place until a suitable scheme for the prevention of ground gas ingress has been submitted to and approved in writing by the Local Planning Authority. Alternatively, the site shall be monitored for the presence of ground gas and a subsequent risk assessment completed in accordance with a scheme to be agreed with the Local Planning Authority, which meets the requirements given in Box 4, section 3,1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'. Upon completion of either, verification of the correct installation of gas prevention measures (if any) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby permitted. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 2A, and appropriate remediation proposals, and shall be submitted to the Local Planning Authority without delay. The approved remediation scheme shall be implemented to the satisfaction of the Local Planning Authority.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

4. Prior to their incorporation in to the buildings and hardstanding hereby approved, details and/or samples of the facing and surfacing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials.

Reason: In the visual interest of the buildings and the surrounding area.

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

6. Prior to the first occupation of the development hereby permitted, parking facilities shall be provided so as to accommodate a minimum of two cars

within the curtilage of the dwelling. Thereafter, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, two parking spaces, each space measuring a minimum of 2.4m (3m wide where abutting a wall or fence) by 5m (6m where enclosed as a garage), shall be retained for that purpose within the curtilage of the site.

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

7. Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order; 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 treatments shall be completed in accordance with the approved details before the dwelling is first occupied or in accordance with a timetable which shall first have been submitted to and approved in writing by the Local Planning Authority.

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

8. 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 or adjacent to the site (including those which would have their root or canopy structure affected), and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the appearance of the area, recognising that initial clearance and groundworks could compromise the long term health of the trees/hedgerows affected.

9. 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 (ten years for trees) 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.

10. Each dwelling shall be constructed and fitted out so that the estimated consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day, consistent with the Optional Standard as set out in G2 of Part G of the Building Regulations (2015). The developer must inform the building control body that this optional requirement applies.

Reason: To ensure that future water resource needs, wastewater treatment and drainage infrastructure are managed effectively, so to satisfy the requirements of policy SD3 of the Local Plan Part 1.

Informatives:

1. The applicant is advised to seriously consider the installation of a sprinkler system to reduce the risk of danger from fire to future occupants and property.
2. The developer is strongly encouraged, as part of the delivery of properties on the site, to provide full fibre broadband connections (i.e. from streetside cabinet to the property). Further details of initiatives to support the provision of full fibre connections as part of broadband installation at the site can be obtained from Digital Derbyshire on [broadband@derbyshire.gov.uk](mailto:broadband@derbyshire.gov.uk) or 01629 538243.

04/09/2018

**Item**            **1.6**

**Ref. No.**        **9/2018/0492/FH**

**Applicant:**  
**Mrs P Dingwall**  
**3 Laburnum Way**  
**Etwall**  
**Derby**  
**DE65 6JU**

**Agent:**  
**Mr Daniel Wright**  
**Woore:Watkins Ltd**  
**61 Friar Gate**  
**Derby**  
**DE1 1DJ**

**Proposal:**    **PROPOSED LOFT CONVERSION, ROOF LIGHTS AND NEW SIDE ESCAPE WINDOW AT 3 LABURNUM WAY ETWALL DERBY**

**Ward:**            **Etwall**

**Valid Date**    **05/06/2018**

#### **Reason for committee determination**

The item is presented to Committee as it proposes the approval of a non-major application which is not in conformity with supplementary planning guidance.

#### **Site Description**

The site is generally flat. Properties in Laburnum Way are bungalows, as are the most immediate properties on Belfield Road. The properties to the south/south-west of the site are however two storey but have longer than standard gardens. The rear garden is enclosed by 2m high fencing, whilst two large oak trees in the garden of 27a Belfield Road create a vegetative screen between the site on which they sit and the application site. Views into the rear space at 3 Laburnum Way, from the public realm are limited.

#### **Proposal**

The proposal includes three elements. Plans show three rooflights to the front roof slope, a side window (first floor) to the gable, and a sloped box dormer to the rear roof slope.

#### **Applicant's supporting information**

None.

#### **Planning History**

None.

9/2018/0492 - 3 Laburnum Way, Etwall, Derby DE65 6JU



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## **Responses to Consultation**

Etwall Parish Council has no objection.

## **Responses to Publicity**

Two neighbours have offered no objections.

## **Development Plan Policies**

The relevant policies are:

- 2016 Local Plan Part 1 (LP1): SD1 (Amenity and Environmental Quality), BNE1 (Design Excellence), BNE4 (Landscape Character and Local Distinctiveness)
- 2017 Local Plan Part 2 (LP2): H27 (Residential Extensions and Other Householder Development)

## **National Guidance**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

## **Local Guidance**

- South Derbyshire Design Guide SPD

## **Planning Considerations**

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

- The impact on the character of the area; and
- The impact on the amenity of neighbours.

## **Planning Assessment**

The proposal includes 3 parts. All are principally achievable by way of permitted development rights. This is a key factor when considering what alternative development might be possible in the event of a refusal of permission. The only variation here is that the applicants wish to the proposed side window to be openable/useable as an escape window in the event of fire.

### The impact on the character of the area

The changes to the front, and thus the public realm, are modest – the roof lights being of a proportionate level. The changes to the rear are not easily seen, over and above houses closest to the site. No. 5 Laburnum Way has been extended in a similar fashion so a principle for modest change has been established. The rear dormer, by virtue of context and its design, should not jar or appear overbearing on

the property – designed in a proportionate fashion and set in from eaves and verges, etc.

### Impact on adjacent occupiers

The roof lights to the front do not cause undue harm, situated quite high in the roof slope such they offer little potential for an intrusive view. The side window simply mirrors one similar at 5 (serving a first floor bathroom) and is proposed to be obscure glazed in any case. Any overlooking impacts would therefore be infrequent, when the window were open, with any immediate view of the downstairs windows at No. 5 screened by the car port roof which is present there.

In terms of retaining a reasonable level of privacy for others, whilst the 21m preferred separation distance from the new rear bed dormer window to a kitchen/diner window at 29 Belfield Road is not achieved; 20m is possible. There is a tree, a third party garden and some fencing in the intervening space. The significant material consideration here, however, is the fact that the rear dormer in isolation could be achieved by way of permitted development rights. It would thus be feasible to undertake those works now and approach the Council later separately for the sole element requiring permission – the side window, as discussed above.

Given the strong fall-back position, the level of separation, the peripheral nature of where the breach of minimum distances occurs and the intervening features; on balance the development is not felt to cause an undue level of harm to adjacent occupiers and such a departure from the SPD is appropriate in this instance.

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

### **Recommendation**

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

1. The development permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the drawing titled 'proposed plans' dated 13.11.2017 unless as otherwise required by condition attached to this permission or allowed by way of an approval of a non-material minor amendment made on application under Section 96A of the Town and Country Planning Act 1990 (as amended).  
Reason: For the avoidance of doubt and in the interests of sustainable development.
3. Prior to the construction of the dormer, details and/or samples of the cladding to be used on the exterior walls of the dormer shall be submitted to and

approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: To ensure the development is in keeping with the character and visual appearance of the area.

4. All roofing materials used in the development to which this permission relates, save for that separately controlled under condition 3, shall be similar in appearance to those used in the existing building in colour, coursing and texture unless prior to their incorporation into the development hereby approved, alternative details have been first submitted to and approved in writing by the Local Planning Authority.

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

04/09/2018

Item 1.7

Ref. No. 9/2018/0719/U

**Applicant:**  
**Revd Susan Rolls**  
**51 Methodist Church**  
**Tennyson Avenue**  
**Swadlincote**  
**DE11 0DJ**

**Agent:**  
**Mr Andrew Nichols**  
**Gadsby Nichols**  
**21 Iron Gate**  
**Derby**  
**DE1 3GP**

**Proposal: CHANGE OF USE FROM A GYM (USE CLASS D2) TO MEETING AND FUNCTION ROOM ALONG WITH RETAIL USE (MIXED USE COMPRISING USE CLASSES D1 AND A1) AT 6 THE DELPH CENTRE MARKET STREET SWADLINCOTE**

**Ward: Swadlincote**

**Valid Date 02/07/2018**

#### **Reason for committee determination**

The item is presented to Committee as the site is a Council owned property.

#### **Site Description**

The site is located within the Swadlincote conservation area. The property is located amongst a row of modern shops which all benefit from the same aluminium shopfronts, with similar proportions, dimensions and signage styles. This particular row of shops does not form part of the properties that are covered by an Article 4 Direction within the conservation area, but the property is located within the primary frontages of the town centre.

#### **Proposal**

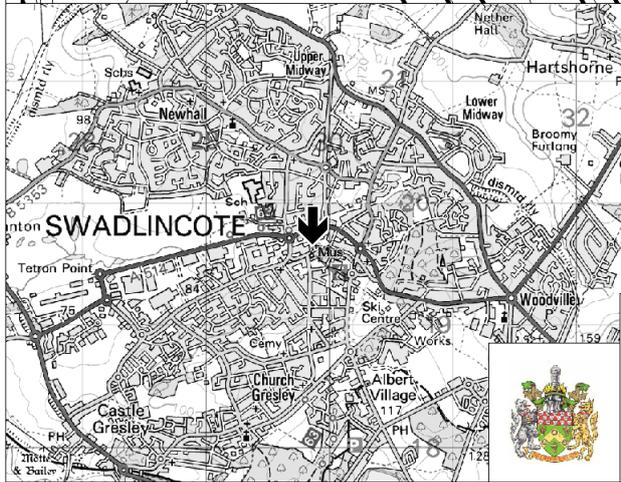
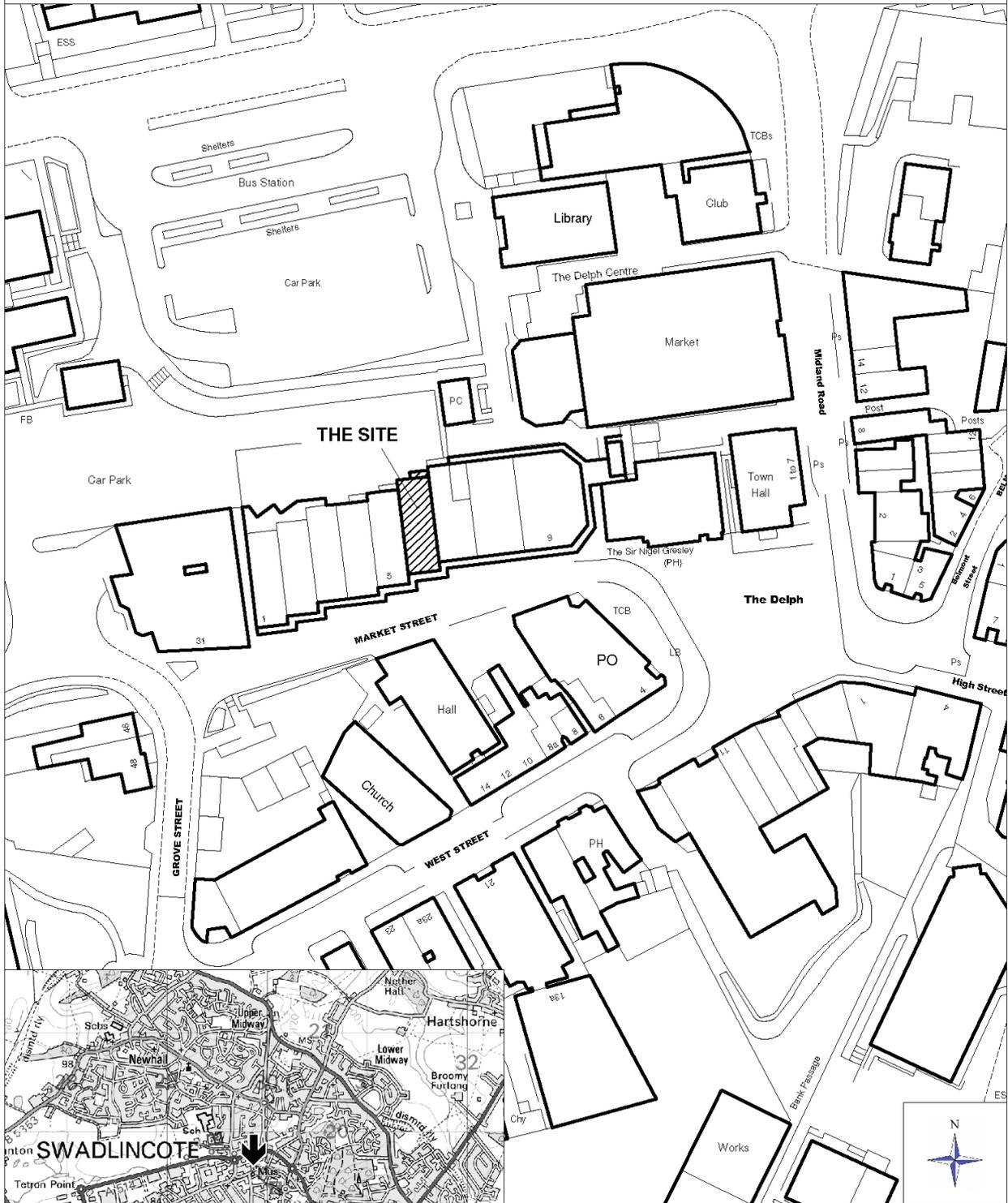
Consent is sought for the change of use of the property from a gym (use class D2) to a meeting and function room facility for the Methodist Church, including a fair trade retail shop (comprising use classes D1 and A1).

#### **Applicant's supporting information**

##### Covering letter and details of usage

It is been noted that the premises has been marketed to attract a new user since December 2017. The Methodist Church previously operated a community facility from 10-14 West Street which provided a welcoming and listening environment for

9/2018/0719 - 6 The Delph Centre, Market Street, Swadlincote DE11 9DA



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people to come to. The Oasis community drop in was operated on a weekly basis (Tuesday and Friday) and it is intended to operate the same service from the property as part of the proposed change of use. The Oasis group is run by volunteers and visitors and offers refreshments and activities such as a community music group, a discussions group and a carers Oasis meeting once a month and charity events. There would be a fair trade shop (use class A1) which would sell fair trade products at the front of the property. The Town Hall has been useful to operate from but now a more definite base is needed which would give stability for the long term future of the group.

### **Planning History**

None relevant.

### **Responses to Consultations**

The County Highway Authority has raised no objections as the property is located within a Town Centre location.

The Conservation Officer has raised no objections to the proposal as the building is a modern development located within the conservation area which does not make a positive contribution. The proposed change of use would be suitable and would maintain an active frontage.

The Environmental Health Officer has no objections due to the nature of the proposed use within a town centre location.

### **Responses to Publicity**

There have been no representations received.

### **Development Plan Policies**

The relevant policies are:

- 2016 Local Plan Part 1 (LP1): S2 (Presumption in Favour of Sustainable Development), S6 (Sustainable Access), S7 (Retail), SD1 (Amenity and Environmental Quality), BNE1 (Design Excellence), BNE2 (Heritage Assets), INF2 (Sustainable Transport) and INF6 (Community Facilities).
- 2017 Local Plan Part 2 (LP2): SDT1 (Settlement Boundaries and Development), BNE10 (Heritage) and RTL1 (Retail Hierarchy).

### **National Guidance**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

### **Local Guidance**

- South Derbyshire Design Guide SPD

- Swadlincote Conservation Area Character Statement (CACS)
- Swadlincote Townscape Heritage Scheme Conservation Area Management Plan and Article 4 Direction

## **Planning Considerations**

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

- Principle of development
- Impact on neighbouring amenity and parking availability
- Impact on the character and appearance of the conservation area

## **Planning Assessment**

### Principle of development

Policy RTL1 of the LP2 does not support the loss of retail uses within primary frontages of the town centre unless there is evidence that the property has been marketed for in excess of six months. However, the property previously operated as a gym (use class D2) and the proposed change of use would not result in the loss of retail space within the town centre. The proposed mixed use would create an interactive shopfront and would allow a community and retail based use to be allocated to the front of the property at ground floor. In any case, the property has been marketed unsuccessfully in excess of six months. The proposed use would be considered as a positive contribution to the town centre and would comply with the principles of policy RTL1.

### Impact on neighbouring amenity and parking availability

The property is located within Swadlincote town centre and there have been no objections raised by the Environmental Health Officer or the Highway Authority. Owing to the town centre location, the property would be located close to public car parks and adjacent to existing commercial properties and away from residential properties. It is therefore considered that the change of use would not have a harmful impact on the amenity of local residents and would be a suitable use within the town centre. The proposal would therefore comply with policies SD1 and INF2 of the LP1.

### Impact on the character and appearance of the conservation area

There are no external works proposed and consequently there would be no harm to the character and appearance of the conservation area and the visual amenity of the area, in compliance with policies BNE1 and BNE2 of the LP1.

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

## **Recommendation**

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

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

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

2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and Article 3 and Part 3 of the Town and Country Planning (General Permitted Development) Order 2015, or any Order(s) which revokes, amends or replaces that Order(s); this permission shall relate to the use of the premises as a meeting and function room along with retail shop as described in the supporting statement accompanying the application and for no other purpose.

Reason: In order that the Local Planning Authority may retain control over the future use of the premises in order to protect the vibrancy of the town centre and in the interests of ensuring acceptable impacts on adjoining occupiers and highway safety.

## **2. PLANNING AND OTHER APPEALS**

(References beginning with a 9 are planning appeals and references beginning with an E are enforcement appeals)

<b>Reference</b>	<b>Place</b>	<b>Ward</b>	<b>Result</b>	<b>Cttee/Delegated</b>	<b>Page</b>
9/2017/1185	Beech Avenue, Willington	Willington & Findern	Dismissed	Delegated	60



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## Appeal Decision

Site visit made on 26 June 2018

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

**Decision date: 08 August 2018**

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**Appeal Ref: APP/F1040/D/18/3197454**

**35 Beech Avenue, Willington, Derby DE65 6DB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr David Trickett against the decision of South Derbyshire District Council.
  - The application Ref 9/2017/1185, dated 1 November 2017, was refused by notice dated 22 December 2017.
  - The development proposed is retention of a 1.96m high timber boundary fence.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I have amended the description of development for that supplied by the Council on the Decision Notice, for the purposes of clarity as the development has taken place.

### Main Issue

3. The main issue is the effect of the development upon the character and appearance of the area.

### Reasons

4. The appeal property is located on the corner of Beech Avenue and Mercia Drive. The vast majority of dwellings that have highway boundaries in this locality have open frontages or limited planting. This gives the street scene a pleasant open character.
5. Whilst I note that the fence replaced a tall hedge, the appeal proposal introduces a tall and hard boundary treatment and a solid form of enclosure which is out of character with the street scene, as viewed from along Mercia Drive, as well as from Beech Avenue. Due to its height and materials the impact is overly dominant and prominent, thus representing an incongruous form of development in the street scene
6. I note the frustration of the appellant in regard to a number of other tall fences and boundary treatments in the locality that the Council have permitted or not taken action against. I have also noted that there has been local support for the fence. Nonetheless the existence of these other boundary treatments and

the support of some local residents do not justify further harm to the character and appearance of the locality.

7. I also note the comments of the applicant with regard to litter and disturbance, as well as the reasons why planting to the front of the fence would suffer due to the above factors. Nonetheless this does not outweigh the harm that I have identified by the appeal proposal.
8. I conclude that the development harms the character and appearance of the area and conflicts with Policies BNE1 and H27 of the South Derbyshire Local Plan (adopted 2016) which state that, amongst other matters, development should respect the local character and appearance of the area and be visually attractive and appropriate for the location.

**Conclusion**

9. For the above reasons, the appeal is dismissed.

*Paul Cooper*

INSPECTOR