

24/07/2001

Item **B1****Reg. No.** **9 2001 0144 F**

Applicant:
 R Parkinson
 1, Potter Street
 Melbourne
 Derby
 DE731DW

Agent:
 M J Harrison
 7 Hall Park
 Barrow On Trent
 Derby
 DE731DW

Proposal: **The erection of a detached garage/workshop at the rear of the premises of J Parkinson Pharmacy 1 Potter Street Melbourne Derby**

Ward: **Melbourne**

Valid Date: **05/03/2001**

Site Description

The site is located at the centre of Melbourne within the built up area. It is occupied by an established vehicle repair yard, adjacent to the public car park in Chapel Street.

To the rear of the site there are dwellings constructed following the closure of Nixon Knowles timber yard.

The site is included within the conservation area.

Proposal

The proposed building would be located alongside the boundary of the site with the car park. It would be a single storey pitched roof structure in brick and plain clay tile and measures 13.1 metres by 6.7 metres and 5.1 metres at its highest point. It would be used in connection with the existing commercial use.

The land between the building and the boundary with the new houses in Jubilee Close would be about 9 m. The existing access adjacent to the telephone exchange would be used.

Applicants' supporting information

- a) There would be no increase in traffic to and from the premises because the new unit is required mainly to provide cover for the vehicles and parts that are presently parked, stored and worked on in the open.
- b) By transferring vehicles in to the unit any noise levels created would be kept to a minimum, as the building would be fully sound insulated.
- c) The remaining site area would be cleared of vehicles and tidied thus improving its appearance.

- d) The existing access from Chapel Street would be unaffected and is adequate for existing levels of traffic to and from the site.
- e) The site area for the parking of vehicles would be reduced so as to allow for the new building and access to and from the unit.
- f) There would be no increase in staff and work levels would remain the same.

Responses to Consultations

The Parish Council and Melbourne Civic Society have no objection.

The Highway Authority objects because the development of further workshop facilities would be likely to generate an increase in vehicle movements at a substandard access.

In response to the applicant's supporting information the Highway Authority comments as follows:

- a) Whilst the applicant's statement about maintaining levels of activity is understood the situation could not be controlled or maintained in planning terms.
- b) Whilst there would be a reduction in available parking area within the site, vehicles could be displaced onto the adjacent public highway.

The Environmental Health Officer recommends changes to the position of the doors to the workshop and sound proofing and pollution control measures.

Responses to Publicity

4 letters have been received from residents in Jubilee Close, objecting as follows:

- a) Residents presently experience substantial noise disturbance and fumes. The proposal would exacerbate these problems.
- b) The proposal would not preserve or enhance the conservation area.
- c) There would be overshadowing to adjacent property.
- d) Existing surface water drainage problems could be exacerbated.
- e) There would be loss of privacy to neighbours.
- f) Property values would be adversely affected. (This is not material to the determination of the application)
- g) There could be tree loss.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Economy Policy 4 and Environment Policy 9.

Local Plan: Employment Policy 5 and Environment Policy 12.

Planning Considerations

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

- Residential amenity.
- The impact on the conservation area.
- Highway safety.

Planning Assessment

In land use terms, the principle of the development is acceptable because the building would be ancillary to an existing use in a built up area.

Subject to incorporation of the recommendations of the Environmental Health Officer the proposal would not give rise to a material increase in disturbance or pollution such that it would have an adverse impact on the amenity of the adjoining residential occupiers.

Because of its height and position, the building is single storey and located away from residential properties, the building would not significantly affect light to the neighbouring dwellings. There would be no overlooking of adjacent property from the building and privacy would not be materially affected.

The building would be of simple form and design and subject to some amendments to the detail, which could be secured by condition, the building would have a neutral impact on the character and appearance of the conservation area.

Notwithstanding the comments made by the applicant, the proposal would be likely to lead to an intensification of the use of an existing substandard access. This would have an adverse impact on the safety of other users of the highway in this location and exacerbate an already unsatisfactory position. This view follows the advice of the Highway Authority.

Consideration has been given to whether the situation could be controlled by condition. However, a condition that sought to control the management of the premises to ensure no increase in business would not meet the tests set out in Circular 11/95.

Recommendation

REFUSE permission for the following reason:

1. The site is served by an access on to Chapel Street which is poorly aligned and where visibility for emerging drivers is compromised by the lack of control over adjacent land in both directions. The development of further workshop facilities would be likely to generate an increase in vehicle movements which, under the circumstances, would be potentially prejudicial to the best interests of highway safety.

Item **B2**

Reg. No. **9 2001 0400 O**

Applicant:

Mr & Mrs P Hammersley
Thurvaston Farm
Dalbury Lees
Nr Brailsford, Ashbourne
Derbyshire
DE6 5BL

Agent:

B. Williamson
Mr. B. A. Williamson
Genista
Broomhills Lane
Repton
Derbyshire
DE656FS

Proposal: **Outline application for two dwellings (all matters reserved) at
Thurvaston Farm Dalbury Lees Ashbourne**

Ward: **North West**

Valid Date: **25/04/2001**

Site Description

The land comprises part of the farmyard to Thurvaston Farm and occupies a location opposite other residential units. It is located close to a Scheduled Ancient Monument. The flank of the adjoining dwelling, Thurvaston House, forms part of the southern boundary of the site

Proposal

The applicant seeks consent in outline to erect two detached dwellings on the site. All matters are reserved for further approval.

Planning History

Permission has been granted for the conversion of farm buildings to the North of the application site to residential uses within the past twelve months. That development takes the form of a courtyard and retains a number of traditional farm buildings in the settlement.

Responses to Consultations

The County Highways Authority has recommended refusal of the application due to an inadequate access and on the basis that the site is not sustainable.

Severn Trent Water has no objection.

English Heritage advises that even if outline planning permission is granted, the applicant would need to obtain Scheduled Monument Consent from the Department of Media Culture and Sport.

Responses to Publicity

One letter has been received objecting to the development on the following grounds: -

- a) Although in outline there is not enough information on access siting and design, the objector needs to know these things before he can comment in detail.
- b) The plan does not show a fruiting tree on the boundary
- c) A large new dwelling would overshadow adjacent dwellings.
- d) There is potential for a loss of view that could erode property values although it is accepted that there is no right to a view.

Structure/Local Plan Policies

The relevant policies are:

Planning Policy Guidance Note (PPG) 3 & 13

Joint Structure Plan: General Development Strategy Policy 1 and 2; Housing Policy 5

Local Plan: Housing Policy 6

Planning Considerations

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

- Conformity with the Development Plan and Government advice.
- The impact on the scale and character of the village.
- The impact of the development on residential amenity
- Availability of alternative modes of transport to the motor car.

Planning Assessment

The recently adopted Joint Structure Plan has policies that reflect the advice in the relevant PPG's. General Development Strategy Policy 1 & 2 together with Housing Policy 5 seek to ensure that development in villages should be of a scale and character in keeping with the settlement. In addition the policies require that development only be permitted where there is or likely to be significant public transport provision thereby ensuring the development is sustainable.

The erection of two dwellings on the site would significantly erode an important open space in the village to the detriment of the character of the settlement. This character is demonstrated by the large spaces between buildings and large dwellings set back from the road with some smaller dwellings close to the road. The erection of two dwellings in this significant gap would be contrary to the above policies from the structure plan and Housing Policy 6 of the approved South Derbyshire local plan.

There is limited public transport provision in Thurstaston. The occupiers of the new dwellings would therefore be reliant upon the private motor car for gaining access to the usual facilities such as shops, schools and doctors. This is directly contrary to the provisions of Housing Policy 5 in the Joint Structure Plan and the advice in PPG 3. On this basis too the application is unacceptable.

The site is large enough to enable two appropriately designed dwellings to be erected upon it without adversely impacting upon the amenity of the adjoining residential occupiers.

The County Highways Authority has also stated that the visibility achievable on the frontage is likely to be below the recommended standards. The application is not acceptable from that position also.

Recommendation

REFUSE planning permission for the following reasons:

1. The application is unacceptable as the site represents an open gap that contributes to the traditional and open appearance of the settlement of Thurvaston complementing the traditional farmyard to the north. The proposal would, therefore, represent a change to the character of the village contrary to Housing Policy 6 of the adopted South Derbyshire Local Plan and General Development Strategy Policy 2 and Housing Policy 5 of the Derby and Derbyshire Joint Structure Plan which seeks to ensure new housing development is in keeping with the scale and character of the settlement in which it is located.
2. Thurvaston is a settlement which is lacking in convenient modes of transport other than the motor car. Planning Policy Guidance Note 13 represents government advice in respect of sustainable development and seeks to ensure that development is only permitted where there is a suitable choice of modes of transport. In rural areas the advice is that new development should not be permitted where it is likely to cause significant additional trips by motor vehicle. Bus services in Thurvaston are limited and it is considered unlikely that walking or cycling would be regarded as convenient means of transport in view of the need to use rural highways that, in some cases, are subject to high speed traffic. Accordingly the proposal to erect 2 dwellings in the settlement would be contrary to the above Government Advice and General Development Strategy Policy 1 of the Derby and Derbyshire Joint Structure Plan.
3. Approval of the proposal would result in a material increase in the vehicular use of the site where satisfactory standards of visibility cannot be achieved to the detriment of highway safety.

Informatives:

English Heritage advises that if permission is eventually granted, then you would need to obtain Scheduled Monument Consent from the Department of Media Culture and Sport before any works are undertaken as it will affect the setting of an Ancient Monument. This consent is entirely separate from any planning permission that may ultimately be granted at appeal.

24/07/2001

Item B3**Reg. No.** 9 2001 0500 F**Applicant:**

Mr Mrs T S Read
 2A, Jacksons Lane, Egginton Road
 Etwall
 Derby
 DE656NQ

Agent:

Mr Mrs T S Read
 2A, Jacksons Lane, Egginton Road
 Etwall
 Derby
 DE656NQ

Proposal: The erection of a detached house on land at 2A Jacksons Lane, Egginton Road Etwall Derby

Ward: Etwall

Valid Date: 24/05/2001

Joint with 9/2001/0488

Site Description

See 9/2001/0488

Planning History

Planning permission was first granted on the site for the erection of a dwelling in the 1970's and renewed on subsequent occasions. Currently there is no extant permission on the site, the last one having expired some years ago.

Responses to Consultations

Etwall Parish Council, the County Highways Authority and the Environment Agency have no objection subject to conditions.

Structure/Local Plan Policies

The relevant policies are:

Planning Policy Guidance Notes 3 & 13

Joint Structure Plan: General Development Strategy Policy 1 & 4, Housing Policy 6

Local Plan: Environment Policy 1 & Housing Policy 8

Planning Considerations

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

- Conformity with the Development Plan and any material considerations that might dictate a decision not in conformity with the Development Plan.

Planning Assessment

The site is located within the countryside where there is generally a presumption against new residential development unless special justification is shown. In this case no such case has been made. As such the submission, in principle, is contrary to planning policy.

Whilst there has been a long term permission for a dwelling on this site, that has now expired. In addition, the advice in PPG 3 is that Local Planning Authority's should review all applications to renew permission in the light of the advice in the Guidance. This is to enable them to be considered against up to date policy advice and particularly the policies relating to the re-use of previously developed land and sustainability.

In this case, there are no criteria in the Guidance that would support the grant of planning permission in this countryside location as the site is located away from any settlements, in an area where new housing is generally restricted and it is not sustainable.

Therefore, it is inappropriate to grant a further permission on this site for the erection of a dwelling house.

Recommendation

REFUSE planning permission for the following reasons:

1. General Development Strategy Policy 1 of the adopted Derby and Derbyshire Joint Structure Plan requires that development will respect the principles of sustainable development. General Development Strategy Policy 4 of the same Plan requires that in the countryside development will be permitted if it can be shown appropriate to the location and can be designed and positioned to minimise impact on the environment. Structure Plan Housing Policy 6 states that housing development will be permitted only if it can be shown to be necessary for the operation of a rural based activity and that a location outside a settlement is essential. There is no justification for the erection of a dwelling in this countryside location and in the absence of any justification the proposal is contrary to the above policies as it would represent an unnecessary intrusion into the countryside to the detriment of the character of the area and represent unsustainable development that would result in an unacceptable dependence on the use of private motor vehicles.
2. Environment Policy 1 of the adopted South Derbyshire Local Plan requires that outside settlements new development will not be permitted unless it is essential to a rural based activity or is unavoidable in the countryside and the character of the countryside, landscape quality, wildlife and historic features are safeguarded and protected. Housing Policy 8 requires that housing development is necessary to the operation of a long term established rural based activity, a countryside location is necessary to the efficiency of the activity, the site is well related to buildings and the dwelling is of a size commensurate with the functional requirement of the activity. In the absence of a justification for the dwelling as required by the policies, the proposal is contrary to the above policies and would represent an unwarranted intrusion into the countryside to the detriment of the character of the area.

Item **B4**

Reg. No. **9 2001 0511 F**

Applicant:
 Greatorex Building Services Ltd
 40
 Vauxhall Avenue
 Mackworth
 Derby
 DE22 4DE

Agent:
 Matthew Montague
 Matthew Montague Architect
 127A Derby Road
 Duffield
 Derby
 DE56 4FQ

Proposal: **The erection of a two bedroomed bungalow at Hilton Primary School Uttoxeter Road Hilton Derby**

Ward: **Hilton**

Valid Date: **25/05/2001**

Site Description

The site comprises the western portion of the former Hilton Primary School. A terrapin classroom occupied the land prior to the closure of the school. The west boundary is formed by a hedge and the south boundary is currently a chain link fence. There is a wall beyond the access drive that is the boundary to one of the dwellings created in the former school buildings. There is a new garage building, formed to serve the converted school, to the east of the site.

Applicants' supporting information

It is recognised that the site is outside the confines of the village but it is within the immediate curtilage of the primary school and would sit on the site of a former terrapin building that is readily identified on the O.S. extract of the site. This is a brown field site as defined in the latest issue of PPG 3. The Structure Plan requires development to be within or well related to existing settlements. Housing Policy 5 requires development to be well related to the wider physical confines of a village. In this case, the site satisfies these requirements. The access to the site has been improved following the grant of permission for the conversion of the school buildings and is capable of accommodating 5 dwellings. There is a high demand for this type of aged or disabled person accommodation. The design is fully in keeping with the existing buildings and would have little impact on the countryside as required by policy.

Planning History

Planning permission for the conversion and extension of the school building was permitted in May last year.

Responses to Consultations

Hilton Parish Council objects as the development is outside the village envelope.

Councillor Mrs Walton strongly supports the application on the basis that there is a need for such accommodation. The land used to have a building on it and it would be a bit of dead ground if its not built on.

The County Highways Authority has no objection subject to conditions maintaining visibility splays, parking and manoeuvring provision.

Severn Trent Water has no objection

Responses to Publicity

None has been received. Any responses received will be reported at the meeting.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policies 1 & 3, Housing Policy 6.

Local Plan: Environment Policy 1, Housing Policy 8.

Planning Considerations

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

- Compliance with the Development Plan
- Material planning considerations that dictate that permission may be granted if the proposal is contrary to the Development Plan.

Planning Assessment

The site lies outside the village confines and within the countryside. In such circumstances it is a requirement of the Development Plan that any new dwellings are only permitted if there is a special justification related to the needs of an established rural enterprise. There is no such justification in this case and development on the site would be contrary to the provisions of the Development Plan.

The applicants have sought to justify the proposal on the basis that the site is part of the curtilage of the former primary school site and the land was occupied by a temporary building. There is also an assertion that there is a need for such accommodation in the village.

The site did form part of the curtilage of the former school and was formally occupied by a temporary building. Following its removal the land should have been restored to its former state. The definition of previously developed land, as set out in government guidance (PPG3), may include, in specific cases, the curtilage of the building. However, the advice in PPG 3 goes on to state that just because a piece of land is within the curtilage of a building does not automatically mean it is suitable for re-development. It specifically notes that where the footprint of the building only occupied a proportion of the site the whole site should not be developed. It goes on to state that the Local Planning Authority has to make a judgement but that the location of a site in the countryside is an important consideration in allowing development on any particular piece of land. In this case the site's location outside of any settlement, and the effect of the new dwelling on the countryside are overriding, outweighing the location of the site on the curtilage of the former school.

In granting permission for the conversion of the school buildings, a condition was attached to require the submission of a landscaping scheme for the area the subject of this application. This was done to ensure the residential use of the buildings would not have a significant impact on the countryside. Granting consent for this unit would remove the area that such an area of landscaping would occupy.

Recommendation

REFUSE permission for the following reasons:

1. General Development Strategy Policy 1 of the adopted Derby and Derbyshire Joint Structure Plan requires that development will respect the principles of sustainable development. General Development Strategy Policy 4 of the same Plan requires that in the countryside development will be permitted if it can be shown appropriate to the location and can be designed and positioned to minimise impact on the environment. Structure Plan Housing Policy 6 states that housing development will be permitted only if it can be shown to be necessary for the operation of a rural based activity and that a location outside a settlement is essential. There is no such justification for the erection of a dwelling in this site outside the village confines and the proposal is contrary to the above policies and it would adversely affect the character and appearance of the area..
2. Environment Policy 1 of the adopted South Derbyshire Local Plan requires that outside settlements new development will not be permitted unless it is essential to a rural based activity or is unavoidable in the countryside and the character of the countryside, landscape quality, wildlife and historic features are safeguarded and protected. Housing Policy 8 requires that housing development is necessary to the operation of a long term established rural based activity, a countryside location is necessary to the efficiency of the activity, the site is well related to buildings and the dwelling is of a size commensurate with the functional requirement of the activity. In the absence of any justification for the erection of a dwelling to meet the needs of an established rural business, the proposal is contrary to the above policies and it would adversely affect the character and appearance of the area.

24/07/2001

Item B5**Reg. No.** 9 2001 0564 F**Applicant:**

Joginder Kaur Kalirai
 2, Tulla Close
 Stenson Fields
 Derby
 DE243AD

Agent:

Richard Wood
 21 Curzon Street
 Derby

Proposal: The erection of an extension to the garage and a 2.0 metre high boundary wall in substitution for that permitted under 9/2000/1094/F at 2 Tulla Close Stenson Fields Derby

Ward: Ticknall**Valid Date:** 13/06/2001**Site Description**

The application site comprises a single detached property, a bungalow, and a detached garage. The site forms a corner plot in a residential area.

Proposal

The applicant seeks consent to retain a wall/railings that have not been constructed in accord with previously approved plans (See history below).

The majority of the wall/railings were approved, and have been built, to a height of two metres. However, a section on the corner of the property was only granted consent to be built up to one metre high. This area has also been built to two metres. It is this area for which the revised consent specifically relates.

Planning History

A copy of the previous report to the Sub-Committee (9/2000/1094/F) is attached for information. This demonstrates that consent for the wall/railings and garage extension were approved in February 2001.

Responses to Consultations

The Parish Council has no objection in principle but raises the following points:

- a) The quality of the brickwork is questionable and the wall may not be in keeping with the area.
- b) The views of neighbours are important and should be taken into account.

The Highway Authority has no objection in principle to the application.

Responses to Publicity

3 letters have been received objecting as follows:

- a) The work has already been carried out. (This is not a material planning consideration).
- b) The area is an open plan estate.
- c) A neighbour was told that only a low fence would be permitted to a nearby property. (This is not a material planning consideration).
- d) The site has been untidy during building works. (This is not a material planning consideration).
- e) The quality of the work is poor. (This is not a material planning consideration).
- f) More neighbours should have been notified. (N.B. The correct neighbours have been notified in accord with the Council's normal policy)
- g) The wall looks like a prison compound and a precedent would be set for the erection of 'mini-fortresses' throughout the area.
- h) A carport has been erected. (This matter is being investigated separately)

Structure/Local Plan Policies

None relevant

Planning Considerations

The main issue central to the determination of this application is:

- The impact on the appearance of the area.

Planning Assessment

The area in which the application property is located is predominantly open plan and characterised by low fences and walls to boundary frontages. However, there are many examples where screen walls/fences exist adjacent to roads if these are required to secure privacy to private rear gardens. This reflects the character of the wall approved at this site under code no 9/2000/1094/F, which is sympathetic to the appearance of the area.

However, the increase in height to the front of the property that is sought by this application would be contrary to this general character and it is exacerbated by the proposed design, which incorporates railings between tall brick piers. Therefore, the extended wall/railings is not sympathetic to the character of the area and would adversely impact on the general character and appearance of the area. It is, therefore, unacceptable.

Additionally, as the wall/railings have been erected it is open to the Local Planning Authority to take action to secure the reduction in the height of them to reflect the originally approved scheme. It is recommended that action is taken due to the unsympathetic nature of the wall/railings and the effect it has on the appearance of the area.

Recommendation**A. REFUSE** permission for the following reason:

The fence is considered to be unacceptable as it is harmful to the general character of the area, which is typified by open plan frontages with low enclosures. The extension of a 2 metre boundary structure around the frontage of the property is incongruous in this setting having regard to the prevailing pattern described above and it is therefore harmful to the character and appearance of the area..

B. That the Committee authorises the instigation of enforcement action to secure the lowering of the wall to the height as approved under planning permission code no 9/2000/1094/F

06/02/2001

Item A12

Reg. No. 9 2000 1094 F

Applicant:

Joginder Kayr Kalirai
2, Tulla Close
Stenson Fields
Derby
DE243AD

Agent:

Richard Wood
21 Curzon Street
Derby
DE11LH

Proposal: The erection of a boundary wall and an extension to enlarge
the garage at 2 Tulla Close Stenson Fields Derby

Ward: Ticknall

Valid Date: 04/12/2000

Site Description

The property is a bungalow on a corner plot.

Proposal

As initially submitted the application proposed a 2 metre high wall around the perimeter of the site adjacent to the highway. However the applicant has amended the scheme such that the wall to the front of the bungalow, as it turns the corner, would be only 1 metre in height. Some work has already been carried out.

Responses to Consultations

The Parish Council objects to a high wall because it would be out of keeping with its surroundings and recommends a 1 metre high structure.

The Highway Authority has no objection subject to the provision of a pedestrian visibility splay.

Structure/Local Plan Policies

None relevant.

Planning Considerations

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

- Visual impact.
- Highway safety.

Planning Assessment

In amended form the proposal would maintain a degree of openness to the front of the property, whilst maintaining a screen to the side, to provide privacy for the occupants. Its appearance would be acceptable in these circumstances.

Subject to the recommendation of the Highway Authority there would be no adverse effect on highway safety.

Recommendation

GRANT permission subject to the following conditions:

1. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 201101 1 Rev C received 15 January 2001.

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

2. The land in advance of the pedestrian/vehicle intervisibility sight line shown on the attached plan 9/2000/1094/F shall be retained free of all obstructions to visibility over a height of 1 metre above the adjoining carriageway level.

Reason: In the interests of highway safety.