

**SOUTH DERBYSHIRE DISTRICT COUNCIL**

**DEVELOPMENT CONTROL SUB-COMMITTEE – 6th November 2001**

**Planning Services Manager**

**I N D E X**

**PART 1 ..... Planning Applications**

-----

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).

-----



**PLANNING SERVICES MANAGER**

**INDEX TO REPORT – 6<sup>th</sup> November, 2001**

<b>Application Reference</b>	<b>Item No.</b>	<b>Place</b>	<b>Ward</b>	<b>Page No.</b>
9/2001/0055/U	A1	Acresford	Netherseal	1
9/2001/0451/F	A2	Findern	Etwall	6
9/2001/0636/F	A3	Woodville	Woodville	12
9/2001/0715/U	A4	Newhall	Newhall	16
9/2001/0852/F	A5	Woodville	Woodville	20
9/2001/0857/F	A6	Hilton	Hilton	24
9/2001/0899/F	A7	Overseal	Overseal	28
9/2001/0906/D	A8	Etwall	Etwall	31
9/2001/0919/F	A9	Swadlincote	Gresley	34
9/2001/0935/F	A10	Repton	Repton	39
9/2001/0864/F	A11	Scropton	North West	41



06/11/2001

**Item**            **A1****Reg. No.**        **9 2001 0055 U**

**Applicant:**  
Mr D & P Edwards  
Seale Lodge Farm, Burton Road  
Acresford  
Swadlincote  
Derbyshire  
DE128AP

**Agent:**  
Stephen M Clarke  
104 Station Road  
Ibstock  
Leicestershire  
LE67 6JJ

**Proposal:**        **Use of land for the storage of touring caravans at Seale Lodge  
Farm Burton Road Acresford Swadlincote**

**Ward:**            **Netherseal**

**Valid Date:**      **22/01/2001**

### **Site Description**

The site, the subject of this application, is located within open countryside north east of Netherseal village. The site is adjoined by a single dwelling to its south. That property also has a kennel facility operating from it.

The main storage area forms part of an open field to the rear of the farm's existing grain and general store.

The site is separated from the village of Acresford by woodland.

### **Proposal**

The applicant seeks consent to form an area for the storage of caravans. The submitted details show the storage area would accommodate 23 caravans with a 3 metre wide landscaped tree belt on the site's two exposed sides.

Access is shown using the existing driveway. The site is some 100 metres from the track's junction with the A444

### **Applicants' supporting information**

In response to queries raised by the Parish Council and local residents, the applicants' agent makes the following comments:

- a. The owners of individual caravans are the only source of this diversification business and they are the only ones responsible for bringing their vehicles to the farm and taking them away again.
- b. The applicants do not wish to carry out any works on the caravans or to provide any retail service for accessories etc. nor do they wish to start a caravan sales business.

- c. There is a rapidly increasing demand for this storage from local residents who cannot accommodate their caravans at home.
- d. Clients are attracted to the farm because the caravans are stored well away from the road, behind the buildings and the farmhouse which enables the site to be supervised at all times.

### **Planning History**

Planning permission for the farmhouse and associated buildings was granted in 1992.

### **Responses to Consultations**

The Parish Council objects to the application for the following reasons:

- a. The site is situated on an already dangerous stretch of highway where there have already been several serious accidents and a fatality in recent months. To add additional long, slow moving vehicles turning into and off the highway at this point would exacerbate the situation.
- b. The development would cause disruption to local residents through additional noise and visual impact.
- c. A site visit should be made prior to any decision being made to assess these impacts.
- d. Should the application be granted, conditions are requested to: require speed restrictions/traffic calming; suitable sympathetic screening to give a woodland appearance; any security lighting should not be intrusive; there should be no storage outside the marked area; the site should not be used for any other purpose such as sales etc.; the site should be used only for private touring caravans not for the storage of commercially owned vehicles.

The County Highway Authority has no objection provided that a visibility splay opposite (required under a previous permission) is installed.

### **Responses to Publicity**

25 letters of objection have been received (including one from the "Acresford Action Group" stating the following:

- a. The caravans on site are already an eyesore and should be removed pending the determination of the application.
- b. The site can be seen for considerable distances (e.g. from Donisthorpe, the A444 and Coopers Close in Acresford). No amount of screening can hide it especially during the winter months. The countryside and the environment should be preserved.
- c. The real intention may be to set up a caravan park and then have people living in them draining the site into the Hooborough Brook
- d. More traffic will be encouraged into the village with the extra danger from manoeuvring caravans. As such the number of visitors must be investigated thoroughly.
- e. The site will cause pollution from chemical cleaning of the caravans which could affect wildlife.
- f. There will be noise from visitors to the site, any alarm system installed and any repairs that need to be undertaken.
- g. The planning application leaves many questions unanswered (e.g. will renovation work be carried out, who owns the caravans?) The statement on traffic flow being 'variable depending on season' gives the impression that a caravan park is intended.

- h. This is not an appropriate use of land within the National Forest.
- i. The water pressure in Acresford is very low and additional demands on supply would have an adverse effect.
- j. There are already over 30 caravans on the site.
- k. Investigations show that of all the caravans that are stolen every year, two-thirds are from caravan storage sites.

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

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4.

Local Plan: Environment Policy 1.

### **Planning Considerations**

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

- whether the proposal complies with development plan policy
- the impact of the development on the countryside
- the affect on neighbouring properties
- the impact of the development on highway safety

### **Planning Assessment**

The development plan contains no specific policy relating to caravan storage in the countryside. However, more general environment policies require that any development in the countryside is either essential in its location or is unavoidable and that the character of the countryside is protected.

In this case the applicants wish to store caravans at the site to introduce some form of diversification to the current farming business. However, this is not an essential operation in the countryside.

Notwithstanding this, it also needs to be considered whether there would be any harm caused to the area from the use being established at this location.

Whilst the area for the storage of caravans extends to 55 metres by 25 metres the site is located such that the land form mitigates its impact from the A444. Additionally, the application details show a three metre wide belt of planting around the site and there is a small woodland area (The Dumbles) to the south which screens the majority of the site from that direction.

The site sits close behind buildings fronting the A444 and screening from this direction is also assisted by existing planting. This could be bolstered further with some additional planting.

Therefore, it would be difficult to demonstrate that the caravans would present an unacceptably intrusive feature in the landscape and the harm from the storage of caravans would be limited. On balance, therefore, the development is acceptable in this regard.

There is one near neighbour to the site. The use would not have an unacceptable impact on that property owner in view of the owner's own business operation and the level of noise in the area caused by the movement of traffic along the A 444. However, when those noise levels are reduced, at night for example, the movement of vehicles to the site may be more noticeable. Therefore, it is recommended that vehicle movements are restricted to between 8.00 a.m. and 6.00 p.m. each day.

The issue of ancillary activities has been raised by objectors. In view of this, a condition restricting the use to storage only is also appropriate.

No details of lighting have been submitted with the application. However, it may be a necessary function of the use that some lighting is needed. Therefore, in order to retain control over ancillary lighting a condition is recommended to ensure all such lighting is only installed with the agreement of the Local Planning Authority.

With regard to highway safety, given the views of the County Highway Authority and with the suggested condition being complied with, and enforced if necessary, any refusal on these grounds again would be difficult to sustain.

Other matters raised by local residents have no relevance in planning terms or are unsubstantiated.

### **Recommendation**

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

1. Notwithstanding the submitted details, the use shall cease to operate unless, within six weeks of the date of this permission, a scheme of landscaping for the site, including a timetable for its implementation, has been submitted to the Local Planning Authority. If acceptable, the details shall be approved in writing by the Local Planning Authority. The details shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. The details shall also include a scheme for a three metre wide planting belt in the position shown on the submitted details and further planting between the site and the A444 and screening of the property to the south.

The scheme shall then be implemented in accord with the agreed timetable and any trees, plants or shrubs that die or are removed within five years from the date of planting shall then be replanted with specimens of a similar size and species.

Reason: Policy requires that such developments in the countryside are designed to create as little impact as practicable.

2. Notwithstanding the submitted details, this permission shall be for the storage of unoccupied touring caravans only. No maintenance of the caravans shall be carried out on the site, none of the caravans shall be occupied at any time and none shall be sold from the site.

Reason: In order that the Local Planning Authority may retain control over the future use of the premises and in the interests of the amenity of the area.



3. Notwithstanding the submitted details, no more than 23 caravans shall be stored on the site at any one time and none shall be stored outside the area shown on the submitted plan.

Reason: In order that the Local Planning Authority may retain control over the future use of the premises and in the interests of the amenity of the area.

4. Within two months of the date of this permission, the land in advance of the sight lines shown on drawing A1 attached shall be cleared between points A and B and the area of land on the highway side of the visibility sightline shall be reduced to a level not exceeding 200mm above the adjoining carriageway level and soiled and seeded and the area maintained clear of any obstructions exceeding one metre above adjoining carriageway level.

Reason: In the interests of highway safety.

5. During the current planting season (i.e. before 31 March 2002), a new hedgerow including appropriate hedgerow trees shall be planted behind the visibility sight line required under Condition 4 in accordance with a planting and maintenance schedule which shall have received the prior written approval of the Local Planning Authority. The hedgerow shall be maintained in accordance with the approved maintenance schedule.

Reason: In the interest of the amenity and rural character of the area.

6. No lighting shall be erected, placed or installed on the site without the prior written approval of the Local Planning Authority. Specifically, this permission does not relate to the erection of free-standing floodlighting on or around the site.

Reason: For the avoidance of doubt.

7. The development hereby permitted shall be operated solely by members of the household of Seale Lodge Farm or by domestic staff, and shall not be severed from the main house as a separate and unconnected business.

Reason: Because of its countryside location, the Council would not normally be inclined to allow the formation of a separate residential unit in this locality which may be applied for if the business was sold off as an unsupported enterprise.

8. There shall be no movement of any vehicles into or out of the caravan storage area except within the hours of 8.00 a.m. and 18.00 p.m. daily.

Reason: In the interests of the amenity of the area and as these hours are expressly given on the submitted application form.

06/11/2001

**Item**            **A2****Reg. No.**        **9 2001 0451 F****Applicant:**

Wilfred Young Homes Ltd  
 St Helens Business Centre  
 8 St Helens Street  
 Derby  
 DE1 3GY

**Agent:**

Darren Insley  
 Bi Design Architecture  
 First Floor Studio  
 79 High Street  
 Repton  
 Derbyshire  
 DE656GF

**Proposal:**            **The erection of four dwellings at Longlands Hotel Longlands Lane Findern Derby**

**Ward:**                **Etwall**

**Valid Date:**        **10/05/2001**

**Site Description**

The site forms part of the grounds of The Longlands, a substantial property on the edge of the village. The site is located within the village framework for Findern as defined in the South Derbyshire Local Plan.

The site is occupied by a considerable number of trees that are covered by Derbyshire County Council TPO 70. These trees are mainly on the boundary of the site and comprise willow and poplar.

Access to the site would be via a track that extends off Longlands Lane. It currently provides limited access to the site and access for a further dwelling before carrying on past the site to serve a smallholding.

**Proposal**

The application was originally submitted as an outline application for 7 dwellings with an indicative layout.

It has subsequently been amended to a full planning application and a revised layout has been submitted showing 4 dwellings arranged in an arc facing towards the trees on the west boundary. One double garage would look back towards the houses.

**Applicants' supporting information**

In support of the latest amendment, the applicants have submitted a comprehensive survey of the trees that confirms that the scheme now submitted can be accommodated without threatening the

remaining trees. Three trees are proposed to be removed, two pollarded poplars and one willow. These, it is contended are not considered to be of significant landscape significance.

Discussion with the Council's tree consultant has taken place and a further amended layout drawing is awaited.

### **Planning History**

Works to remove some trees has been carried out in accordance with a consent issued by the County Council. This required the planting of replacement trees. Such planting is proposed in this application.

There is a long and complex history to this site. Applications to extend the hotel and provide ancillary facilities have been approved in the past. Outline planning permission was granted for housing development on a larger area of land in 1992.

Before it was used as a hotel, permission was granted in the 1980's for use of the main house as an old persons' home.

### **Responses to Consultations**

Findern Parish Council objects to the development on the following grounds: -

- a) Access to the site would be extremely difficult due to the extremely narrow lane
- b) It is felt that the development is probably outside the structure plan for the village
- c) The trees are covered by a tree preservation order.
- d) There would be limited access for service vehicles
- e) It is envisaged that there would be problems with both sewerage and water.

The Parish Council has confirmed that it objects to the latest amendment to the application.

The County Highways Authority is understood to be satisfied with the latest amendment subject to conditions. Any further comments received will be reported at the meeting.

Severn Trent Water has no objection.

The County Council has no objection to the latest proposals and its impact on the protected trees.

### **Responses to Publicity**

19 letters have been received objecting to the development as first submitted and the first amendment thereto. All the objectors have been consulted on the latest amendment and responses received will be reported at the meeting. The objections received can be summarised as follows: -

- a) The proposed development would have a detrimental impact on the adjacent fields making them much wetter than they currently are. The current ditches will not cope with flows from the hard surfaces.
- b) The access to the site is poor, narrow, awkward and a danger to other road users. Children and pedestrians would be at risk especially from construction traffic as there would be no scope for a pavement. Extra traffic would also be generated along Longlands Lane and

Hillside. Traffic already speeds along these roads and the new dwellings would make the situation worse. Refuse and other large vehicles would not get access. The proposed access is not in keeping with a rural area and would be detrimental to country life. Current users of the lane have to perform a three-point turn so that they can use the main junction in a forward gear. Large vehicles already reverse down the track to service existing properties. The dangers are obvious. The proposed turning area is totally inadequate to allow large vehicles to turn.

- c) The houses would be a visual intrusion into the countryside. It would set a precedent for further similar applications that would result in the loss of the village atmosphere. The site is too small to accommodate the number of houses now proposed.
- d) There is a bat colony at the site that has reduced in size since the trees were removed.
- e) There would be a loss of privacy for existing residents and an increase in noise.
- f) Old established trees would have to be removed if sewer construction is to take place, as the cesspit at the Longlands could not cope. 15 trees have already been removed and not replaced by the 30 new trees as required by the permission to fell them. The remaining trees would obscure daylight from the proposed houses. More trees would have to be removed.
- g) The foul drainage would need to be significantly enhanced, if it is not, then the village would be faced with the smell of raw sewage. A pumping station would be required and this is a point that may have been overlooked. The main drain in Longlands Lane is already at capacity and cannot take additional flows.
- h) The local school is already overcrowded and could not cope with the extra children and there would be an extra burden on other local facilities from the family type houses proposed. The addition of more children would prejudice the Government's objective of reducing class sizes.
- i) Previously only 4 dwellings were permitted, six are now proposed. There are plenty of houses for sale in the village thus new ones are not required. Residents do not want to see the village turned into another Heatherton, this is the thin end of the wedge.
- j) The consultation period should have been longer.
- k) There would be a loss in value to property.
- l) The person selling the land is going to sell the land at a high price. This is purely selfish and ought to be taken into account when the Council determines the application. The motives of the person making the application should be taken into account when determining applications.

Three letters had been received at the time the report was prepared on the latest amendment. These confirm objections listed above and further state that the trees on the site should be treated as jewels that are a part of the history of the village and that the house and gardens should be kept intact

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

The relevant policies are:

Planning Policy Guidance Note 3

Joint Structure Plan: Housing Policy 5, Environment Policy 16.

Local Plan: Housing Policy 5, Environment Policy 5.

### **Planning Considerations**

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

- Compliance with the Development Plan and Government advice
- The suitability of the site for development in particular the impact on the protected trees.
- The presence of bats
- Access implications
- Local Facilities

### **Planning Assessment**

The site lies within the confines of Findern a village that is a sustainable settlement. In these village the reuse of brownfield land is acceptable under the provisions of the advice in PPG 3. The development there fore accords with the provisions of the Development Plan and it is, in principle, acceptable.

The site has a number of trees protected by order within or bounding it. Due to this, the applicants were advised that the submission of an outline application was not acceptable and a detailed proposal for 6 dwellings was then submitted and subjected to public consultation.

This was not considered to be acceptable due to its impact on the trees and the applicants were asked to reconsider their proposals. This resulted in the current proposal for the erection of 4 dwellings on the land which, in the main, would result in the retention of most of the trees on the site. Additionally, it is proposed that the poplar trees on the boundary be pollarded to 50% of their existing height in the future interests of the trees. In addition, it is suggested that additional trees be planted within the site in addition to those required by the County Council referred to by the objectors. The applicant's have agreed to this and an amended plan is being prepared.

On the basis of the final amended scheme, the proposal would be in accordance with the policies of the development plan which seek to ensure new development is sympathetic to the environment in which it is to be located.

There are no residential properties that would be affected by the proposal and it complies with the Council's Supplementary Planning Guidance on Space about Dwellings.

The presence of bats is being investigated in consultation with the Derbyshire Wildlife Trust. If resolved prior to the meeting the results will be reported.

The County Highways Authority has no objection subject to the recommended conditions.

The erection of 4 dwellings would not put an undue strain on the local school and there are no objections form Severn Trent Water on sewer or other water related grounds.

### **Recommendation**

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

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos. [to be inserted]

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

3. No development shall be commenced until space has been provided within the curtilage for site accommodation, storage of plant and materials, parking, loading, unloading and manoeuvring of lorries, and parking and manoeuvring of employees and visitors vehicles in accordance with a scheme first submitted to and approved by the Local Planning Authority. This facility shall be maintained throughout the construction period.

Reason: In the interests of highway safety.

4. No dwelling shall be occupied until the access to Longlands Lane, the access road, turning areas and parking facilities relating to each dwelling have been provided in accordance with the submitted plan and surfaced with a solid bound material. Thereafter each facility shall be maintained free of any impediment to their designated use.

Reason: In the interests of highway safety.

5. Prior to occupation of any dwelling on the site, Longlands Lane shall be improved, in accordance with details to be submitted to and approved in writing by the Local Planning Authority between the southerly point at which it is currently surfaced and the tangent point of the radius on the southern side of the new access.

Reason: In the interests of highway safety.

6. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).

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

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

Reason: In the interests of flood protecting and pollution control.

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

Reason: To ensure the buildings are in keeping with their surrounding in the interest of the character and visual amenity of the area.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the dwellings hereby permitted shall not be altered, enlarged or extended and no buildings, gates, walls or other means of enclosure (except as authorised by this permission or required by any condition attached thereto) shall be erected on the application site

(shown edged red on the submitted plan) without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

Reason: To maintain control in the interests of protecting the trees around the properties that are subject to Tree Preservation Order No 70, in the interests of the visual amenity of the areaproperties and/or the street scene.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the garage accommodation/parking space to be provided in connection with the development shall not be used other than for the above stated purpose except with the prior permission of the Local Planning Authority granted on an application made in that regard.

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

11. Notwithstanding the submitted details, prior to the commencement of building operations on adjoining areas, the boundary of the crown spread of all protected trees that occupy the site shall be fenced with chestnut pale fencing to a minimum height of one metre staked at 3 metre centres. The fencing, once erected shall be inspected by the Local Planning Authority prior to building works being commenced. No materials, machinery or implements shall be stored within the fenced area and no alterations in ground levels shall take place. The fencing shall be retained in position until all building works on the site have been completed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the trees from undue disturbance during building operations.

12. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

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

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

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

Informative:

You are advised that an agreement under Highways Act 1980, Section 278, will need to be completed before any works are undertaken within highway limits to implement the requirements of Condition 5 above

06/11/2001

**Item**            **A3****Reg. No.**        **9 2001 0636 F****Applicant:**

Mr G Hall  
1, Swallow Road  
Woodville  
Swadlincote  
Derbyshire  
DE117QE

**Agent:**

Armstrongs Estate Agents  
Midland Road  
Swadlincote  
Derbyshire  
DE11 0AJ

**Proposal:**        **The erection of one detached house and garage on land to the rear of 36 Hartshorne Road Woodville Swadlincote**

**Ward:**            **Woodville**

**Valid Date:**      **02/07/2001**

**Site Description**

The site is located within the built up area of Woodville and forms part of the rear garden of 36 Hartshorne Road. However, the site proper fronts onto Swallow Road. Some 5m beyond the rear boundary is a 3 storey block of flats on Stanley Close and abutting the north-east boundary is the dwelling of 14 Swallow Road.

**Proposal**

The applicant seeks consent to erect a two-storey dwelling, which would be 8.5m wide by 6m deep by 5m to the eaves and 7.3m to the ridge and would be set back some 4m from the highway. It is also proposed to erect a single garage with a pitched roof.

**Applicants' supporting information**

In a supporting statement the applicant's agent acknowledges that the rear garden depth falls short of the guideline of 10.5m but points out that the rear garden area exceeds 70 square metres being some 104 square metres. He adds that neighbouring new dwellings appear to have smaller gardens than their proposal

**Responses to Consultations**

The Highway Authority advise that the access should have a minimum width of 3.2m and be provided with 2m by 2m by 45 degree pedestrian visibility splays. The authority also adds that in order to comply with these requirements, street lighting column 588533 and the Post office pouch box will need to be relocated.

Woodville Parish Council raises no objection to the proposal.



## **Structure/Local Plan Policies**

The relevant policies are:

Local Plan: Housing Policy 11

## **Planning Considerations**

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

- The principle of the development and whether it accords with planning policy
- The proposed layout and any impact on neighbouring residents
- The access

## **Planning Assessment**

The site is within the Woodville urban area and therefore there is no objection in principle to the development.

The proposal has been considered against the guidelines in the Councils Supplementary Planning Guidance on Housing Design and Layout. In general terms the proposal accords with the guidance.

However, the garden depth falls short of the recommended depth in that it has a depth of only 7.5 metres. Guidance suggests it should be 10.5 metres deep. Notwithstanding this a significant area of private amenity space is provided which would ensure that there would be no affect on the amenity of the future occupier of the premises and it is similar in design to other gardens in the area. It is, therefore, acceptable.

Additionally, a kitchen window is the only habitable room window proposed on the rear elevation of the property. However, providing this is obscurely glazed, there would be no impact on amenity from this window. An appropriate condition is proposed.

The comments of the highway authority are noted. A condition to address those comments is recommended.

## **Recommendation**

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

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. No development shall commence on site until samples of the external materials proposed have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out using the approved materials.

Reason: To ensure the materials are appropriate for the locality

3. All of the windows including the kitchen door in the north east elevation facing the block of flats shall be obscure glazed prior to the development being first occupied and they shall remain as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the privacy of neighbouring residents and future occupier of the development.

4. Notwithstanding the originally submitted details, no development shall commence on site until details of the access, which shall have a minimum width of 3.2m and be provided with 2m x 2m x 45 degree intervisibility splays, have been submitted to and approved in writing by the Local Planning Authority. The access shall be provided in accordance with the approved details before the development is first occupied and shall be retained as such thereafter.

Reason: As recommended by the Highway Authority in the interests of highway safety.

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

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

6. Notwithstanding any details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

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

7. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping.

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

8. Further to condition 7 above, soft landscape details shall include planting plans; written specifications including cultivation and other operations associated with plant and grass establishment; schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate) and the implementation programme.

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

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 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, no development shall be carried out under Schedule 2, Part 1, Class A, B, C, D, E without the prior permission in writing from the Local Planning Authority.

Reason: To enable the Local Planning Authority to assess further development which may have a detrimental affect on the amenities of neighbouring residents.

Informative:

(i) To comply with the access requirements, street lighting column 588533 and the Post Office pouch box will need to be relocated.

06/11/2001

**Item** A4**Reg. No.** 9 2001 0715 U**Applicant:**

Trevor Ivan Collins  
 442 Burton Road  
 Midway  
 Swadlincote  
 Derbyshire  
 DE11 0DW

**Agent:**

Trevor Ivan Collins  
 442 Burton Road  
 Midway  
 Swadlincote  
 Derbyshire  
 DE11 0DW

**Proposal:** Use as operating base for 5 private hire cars and the erection of a six metre high radio mast attached to the roof apex of the dwelling at 199 High Street Newhall Swadlincote

**Ward:** Newhall

**Valid Date:** 27/07/2001

**Site Description**

The site is occupied by a detached bungalow and it is located to the rear of dwellings fronting High Street. Access to the site is via a driveway, which runs between 195 and 201 High Street. The rear elevations of three terraced cottages on Rose Valley abut the rear boundary of the site.

**Proposal**

It is proposed to convert one small room in the rear of the house into an operating base for a taxi business. It is also proposed to erect a six metre high radio mast on the dwelling to serve the taxi business.

**Applicants' supporting information**

The following information was received in response to a request for further information.:

1. The number of private hire cars that would be based at the property would be two, all other cars would be run from drivers' own homes.
2. The maximum number of domestic cars that would be parked at the property would be two, those of the wife and son of the operator Mr T I Collins.
3. The number of other private hire cars associated with the business but which would not operate from the property would be three.
4. The number of times per day when the other hire cars would visit the property would be once a day to pay the previous days money in. All other business is done by telephone and radio.

5. The hours of operation of the business would be as follows:

Mon - Wed: 6am to 11pm

Thurs - Sat: 6am till late

Sun: 10am to midnight

Or by appointment at any other time.

6. The parking and vehicle turning area shows space for five vehicles and turning areas for two vehicles.

7. A specification for the aerial shows it secured by two angle brackets onto the side of the house. It is shown not exceeding the apex of the roof

8. There would be no other staff living at the premises.

### **Planning History**

Planning permission was granted this year for the erection of a pair of semi-detached dwellings in the side garden of the property. Application 9/2001/0272 refers.

### **Responses to Consultations**

The Environment Health Officer makes the following comments:

"From past experience of other taxi hire firms in similar locations, there is a potential for complaints from adjacent residential properties. The general ambient and background noise levels for the location will be low in the late evening, night and early hours of the morning and this the most likely time for a noise nuisance to be caused. Noise levels from the taxi hire firms are created by the engine noise of the vehicles (Particularly diesel), radios, voices, doors slamming and general activity. This obviously cannot be quantified in a noise level. However, due to the lower background noise levels at night, such noise would become audible and potentially intrusive to the adjacent residential properties.

In the view of the above, I would recommend the following conditions are applied to the permission:

1. No taxi hire vehicle, used in connection with the business, shall be on site (i.e. Returning or leaving base) outside the hours of 0700hrs - 2100hrs.
2. The business shall operate with a maximum of 6-taxi hire vehicles."

The Highway Authority has no objection to the proposal subject to the inclusion of conditions regarding the site access width, the opening of gates and the provision of an appropriate level of parking and manouvring areas.

### **Responses to Publicity**

Four letters of objection have been received. These make the following points:

- There will be an increase in noise and disturbance from extra traffic and other activities especially late at night.

- Potential TV interference from the radio mast
- The radio mast would be unsightly in a residential area.
- This type of business should operate from a commercial area.
- The use will encourage personal callers to the office late at night particularly from nearby pubs.
- The increased movement of vehicles would introduce a traffic hazard.
- The access road runs next to a neighbouring garden and would cause disturbance.

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

The relevant policies are:

Local Plan: Employment Policy 8

### **Planning Considerations**

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

- The effect of the proposal on the amenity of neighbours by reason of noise and disturbance.
- The impact on visual amenity of the mast
- The provision of sufficient on site parking and manoeuvring area
- Is the access proposed acceptable

### **Planning Assessment**

The site is located within an urban area and the business if granted consent would operate in an area of residential properties. It does, therefore, have the ability to affect the amenity of the occupiers of those properties particularly by the coming and goings of vehicles visiting the site.

In this case it is understood that there is likely to be only limited activity on the site and in particular only one vehicle leaving the site in the early hours of the morning. This is not an unreasonable level of activity and is the equivalent of someone leaving home to do a night shift for example. However, unforeseen fluctuations in business activity may increase traffic movements in the early hours and at other times of the day and night. In view of this concern and in order to allow the business to begin operation in a controlled manner, so the Local Planning Authority may assess its impact, a temporary planning permission of 2 years is recommended. Notwithstanding that the comments of the Environmental Health Officer are noted. The recommended conditions are appropriate and they are also recommended so that any impact on the amenity of near neighbours is mitigated.

The mast proposed would not be greater in height than the apex of the existing dwelling. This would not adversely impact on the visual amenity of the area and, therefore, it is acceptable.

The comments of the highway authority are noted. The recommended conditions are appropriate for the business to operate in an acceptable manner. However, there is insufficient area to both accommodate the taxi business parking and manoeuvring requirements and the permission to erect a pair of semi-detached dwellings (See planning history above). Therefore, to enable the taxi business to operate it would be necessary for the applicant to submit a unilateral undertaking rescinding the planning permission for two dwellings.

The issue of radio and TV interference is not a matter material to this submission as it is controllable through other legislation.

### **Recommendation**

Provided the applicant provides the Council with a unilateral undertaking that the planning permission for two dwellings (9/2001/0272) will not be implemented then GRANT permission subject to the following conditions:

**GRANT** permission subject to the submission of a section 106 agreement and the following conditions:

1. No taxi hire vehicle, used in connection with the business, shall return or leave the base outside the hours of 0700hrs - 2100hrs unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise noise and disturbance for the benefit of local residents.

2. The business shall operate with a maximum of 6 taxi hire vehicles only.

Reason: To safeguard the amenities of this residential area.

3. The use, hereby approved, shall not commence until the access has been widened to 5m and paved in a solid bound material (i.e. not loose chippings) for a distance of 5m back from the highway boundary and it shall be retained as such thereafter.

Reason: In the interests of highway safety.

4. Any gates shall be set back at least 5m from the highway boundary

Reason: In the interests of highway safety.

5. The use shall not commence until a scheme for the parking and manoeuvring of vehicles within the site shown at an appropriate scale has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been provided on site. The area shall be retained and remain free of any impediment to its designated use.

Reason: In the interests of highway safety.

6. There shall be no clients of the taxi business coming to the premises between 2100hrs and 0700hrs.

Reason: To minimise any noise and disturbance for the benefit of local residents.

7. This permission shall be for a limited period only, expiring on 30th November 2003 on or before which date the use shall be discontinued and the site reinstated to the satisfaction of the Local Planning Authority unless, prior to that date, an application has been made and permission has been granted for an extended period.

Reason: In the interest of the amenity of the area.

06/11/2001

**Item** A5**Reg. No.** 9 2001 0852 F**Applicant:**

Donald Ward Ltd  
 Rawdon Works  
 Moria Road  
 Woodville  
 Deryshire  
 DE11 8DG

**Agent:**

John Church Planning and Development  
 Consultant  
 Victoira Buildings  
 117 High Street  
 Clay Cross  
 Chesterfield, Derbyshire  
 S45 9DZ

**Proposal:** The retention of car parking and change of use of dwelling to offices at Donald Ward Moira Road Woodville Swadlincote

**Ward:** Woodville

**Valid Date:** 28/08/2001

**Site Description**

The site is located within the built up area of Woodville and adjoins the applicant's existing site.

The detached two-storey dwelling, the subject of the application, is located on the west side of Moira Road between the current scrap yard and Woodville Community Centre. The car parking area is located on the road frontage of the property.

Terraced dwellings are located on the opposite side of the road to the site.

**Proposal**

The applicant's seek consent to retain the parking area formed in front of the dwelling and to change the use of the dwelling to offices.

**Applicants' supporting information**

The applicant's agent provides the following supporting statement:

"The background to the development is that the property recently became available to, and was acquired by, Donald Ward Ltd. For a long time, the company has had problems with regard to the amount of operational car parking that it can provide. The utilisation of the front garden area to the dwelling, served by the existing access on the south side of the office building is very convenient."

"The difficulties that might otherwise be caused by parking within the public highway can now be overcome without detriment to residential amenity. Indeed, a number of residents in the immediate vicinity of the site have commented favourably about my



client's purchase of the premises and its utilisation for car parking. If and when there is additional demand for additional office accommodation my clients would like to have the flexibility to use all or part of the existing dwelling for that purpose. They are, however, still examining the possibilities of a relocation from the Moira Road site so that, following discussions with your Council's Chief Executive, you will be kept informed of developments."

### **Responses to Consultations**

The Highway Authority requires that there shall be no direct access to Moira Road.

The Environmental Health Officer raises no objection to the proposed offices but is concerned about the future use of the rear garden and how this might impact on existing residents with respect to increased noise. It is recommended that a restriction is placed on the use of the land and that the fence between the site and the scrapyards is retained.

The Environment Agency has no objections subject to conditions relating to remediation of any ground contamination and surface water from hard standings to be passed through trapped gullies.

Woodville Parish Council objects to the proposal as being too close to the Community Centre and the footpath and would result in the loss of a domestic property and garden.

### **Responses to Publicity**

A local resident raises no objection to the car park and office use but is concerned that the rear garden area will become used for the storage of scrap and toxic materials which would be inappropriate close to residential properties.

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

The relevant policies are:

Local Plan: Employment Policy 3

### **Planning Considerations**

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

- The principle of the proposed development
- Highway safety
- Affect of the development on residential amenity

### **Planning Assessment**

The proposal is within the urban area of Woodville and therefore there is no objection in principle to the proposal.

The use of the building itself for office purposes would not cause any discernible loss of residential amenity as the character of the street would be retained and the use would not have any adverse impact on neighbours.

The comments of the Environmental Health Officer are noted. Therefore, in order to ensure that inappropriate uses do not take place in the existing rear garden area the use of that land should be restricted so that the scrap yard is not able to encroach upon it. A condition to that effect is recommended. Additionally, the retention of a strong boundary around that area would assist in ensuring there is no encroachment onto it. Again, a condition to that effect is recommended.

The highway authority require there is no direct access from the car parking area onto Moira Road. This is to ensure access to the road is controlled through existing access points. To ensure this a boundary feature needs to be provided. A condition to ensure a boundary feature is retained is also recommended. Otherwise, there is no objection from a highway safety standpoint.

The effect on the community centre would be minimal subject to the conditions recommended. In this case the loss of a domestic property is not detrimental to the character of the area.

### **Recommendation**

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

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. The area of land to the rear of the building, hereby authorised for office use, shall not be used for any other purpose other than as a garden area to the offices, unless otherwise agreed in writing by the Local Planning Authority. There shall be no storage of materials or any use of it in connection with the adjoining scrapyard use.

Reason: To safeguard the amenities of local residents and the neighbouring community centre.

3. Within 28 days of the date of this permission a scheme of boundary treatment for the site shall be submitted to the Local planning Authority. The scheme, which shall include a timetable for its full implementation, shall indicate a roadside boundary sufficient to ensure vehicles are unable to access Moira Road directly and a boundary fence to the rear garden area sufficient to ensure there is no encroachment onto that area of scrap or other materials.

If acceptable the scheme shall be approved in writing by the Local Planning Authority and it shall then be implemented in accord with the agreed timetable and retained as such thereafter.

Reason: In the interests of the appearance of the area, to prevent direct access to the road network and to ensure no unauthorised use of the site.

4. The concrete panel fence on the northern boundary of the site shall be retained in its present position in perpetuity.

Reason: To ensure a physical barrier is retained to prevent the neighbouring scrapyard from encroaching onto the land in order to safeguard the amenities of local residents and the neighbouring community centre.

5. There shall be no direct access from the site onto Moira Road.

Reason: In the interests of highway safety.

6. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

Reason: To prevent pollution of the water environment

Informative:

To note and act upon as necessary the comments of the Coal Authority (see attached letter).

06/11/2001

**Item**            **A6****Reg. No.**        **9 2001 0857 F****Applicant:**

Dr's Williams, Newton, Vickers & Smith  
Etwall Surgery  
Egginton Road  
Etwall  
Derbyshire

**Agent:**

Mr S Gratton  
Blair Gratton Architects  
83 Burton Road  
Derby  
DE11TJ

**Proposal:**            **The formation of a new vehicular access and turning head at  
Land At Welland Road Hilton Derby**

**Ward:**                **Hilton**

**Valid Date:**        **10/09/2001**

**Site Description**

The site is located within Hilton village between two remaining empty plots of land designated for community buildings on the approved Master Plan for the Hilton Depot site.

There is currently a stub of a road serving one of the dwellings on Welland Road next to the site. There is a footway running north off that stub towards the shops and children's nursery.

**Proposal**

The applicants seek consent to form a turning head on the land that would serve the two plots. The access point would, it is understood, be used to serve a future doctors surgery on the adjoining land. However, only the turning head is submitted at this stage.

**Applicants' supporting information**

The applicants have indicated that they need to be sure that an independent access is available to them to develop a new doctors' surgery and ancillary facilities on of the remaining plots mentioned above. If not, a review will be needed to ascertain whether the development of the surgery can go ahead.

**Planning History**

The application for the shops and nursery, which occupy the adjoining land, were to be serviced from this point in accordance with the approved Master Plan. However, the Council took the view that that development would be better served from Egginton Road and granted planning permission on that basis.

The outline planning permission for the depot site was renewed in 2000.

## Responses to Consultations

Hilton Parish Council objects to the development on the following grounds: -

- a) The level of traffic using Huntspill Road and Welland Road is considered excessive and the proposed development would increase the amount of traffic using the junction. This junction is dangerous due to traffic speeds and should be re-aligned just to cater for existing traffic.
- b) The Parish Council objected to the previous application and provision was made from Egginton Road.

County Councillor Mrs Littlejohn considers the Doctors surgery to be a very exciting venture and hopes that all can work together to make sure that everything is right.

The County Highways Authority has no objection subject to the access being constructed to adoption standards.

The Environmental Health Manager has no objections.

## Responses to Publicity

15 letters have been received objecting to the development for the following reasons:-

- a) The Committee is reminded that there was considerable objection to a similar proposal in 1997. At that time, the objections were expressed in a petition and numerous letters of objection. It is hoped that the level of objection will not be quietly swept under the carpet. The press would be very interested if that was the case. Nothing has changed in the past four years. In fact the dangers have increased as the site has grown. Permission for this access will undermine a decision taken only four years ago.
- b) There is no objection to the proposal for a Doctors surgery, it is just not safe to serve the development from an access off Huntspill and Welland Road. The surgery will have a large catchment area and people unfamiliar with the area when they visit. Drivers already perform U-turns in Welland Road and Huntspill Road when they realise that they cannot access the existing developments from these roads. A direct access from the Egginton Road/Mease junction would resolve this problem and is suggested as a proper alternative to the current proposal.
- c) There would be an increase in traffic and congestion caused by cars parking on the local roads – the development should be served of the Egginton Road or from The Mease. Welland Road is being used as a rat run by people wanting to get to other parts of the estate. This will only get worse as more houses are built. People should be made to use the Mease. Most of the traffic is through traffic and should be prevented from using Welland Road. The junction is substandard with poor intervisibility. These roads are in need of traffic calming. An integrated approach should be arrived at to provide access to all proposals in this area. There are clearly various alternatives available as suggested above.
- d) The increased use of the road would prejudice the safety of young children. This would be especially so at the times when the school run is taking place and there are a lot of unsupervised children in the vicinity and appointments are made to coincide with these times.
- e) There are cars parked outside dwellings already as people seek to gain access to the shops, a turning head will only make things worse. A traffic survey and site visit should be carried out to confirm the residents' suspicions. The Burton Mail believes the objections to the development to be valid.

- f) There is a lack of communication with local residents about the proposal. It is unacceptable that the proposals only come to attention through word of mouth and newspaper articles.
- g) Many children play on these green areas, where will they go if this is permitted? The nearest play facility is over a mile away.
- h) Why is the proposal submitted in isolation? There is clearly going to be much more development arising from the proposal to both the east and west of the proposed hammerhead. This should be assessed now rather than having one element submitted in isolation.

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

The relevant policies are:

Local Plan: Housing Policy 1

### **Planning Considerations**

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

- The suitability of the roads to serve the potential land for development of community facilities.

### **Planning Assessment**

The primary consideration in this case relates to the suitability of the highway network to accept traffic flows from the development of the remaining areas of land for community use that lie close to the application site.

The roads that would enable access to the proposed road were designed to take all the traffic generated by the development. The Mease is the main distributor road to take all traffic flows. Welland Road and Huntspill Road are the main local distributor roads off The Mease and are designed to take residential traffic flows off The Mease serving the rest of the housing development. Indeed, they would ultimately provide access for a bus service through the residential areas.

In addition, the County Highways Authority has no objection and this reflects the ability of the road network to accept the level of traffic anticipated at the time the Hilton redevelopment was first proposed.

Therefore, in short, the road network could accommodate the new section of road proposed and any additional development served off them.

Whilst the objections have been made in a serious and constructive manner, they are not grounds for refusing the grant of planning permission to a road network that has been designed and constructed to cater for an appropriate level of development.