

REPORT OF THE HEAD OF COMMUNITY AND PLANNING SERVICES

SECTION 1: Planning Applications SECTION 2: Planning 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).

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 1995 (as amended) and responses to County Matters.

Reference	Item	Place	Ward	Page
9/2011/0424	1.1	Swadlincote	Swadlincote	1
9/2011/0438	1.2	Netherseal	Seales	13
9/2011/0596	1.3	Repton	Repton	21
9/2011/0677	1.4	Burnaston	Etwall	34
9/2011/0688	1.5	Swadlincote	Swadlincote	39
9/2011/0715	1.6	Castle Gresley	Linton	44
9/2011/0729	1.7	Swadlincote	Swadlincote	48
9/2011/0679	2.1	Stanton-by-Bridge	Repton	52
9/2011/0723	2.2	Etwall	Etwall	58
9/2011/0725	2.3	Coton-in-the-Elms	Seales	67
9/2011/0735	2.4	Netherseal	Seales	71

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 Head of Community and Planning Services' report or offered in explanation at the Committee meeting require further clarification by a demonstration of condition of site.
2. Further issues of principle, other than those specified in the report of the Head of Community and Planning Services, 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

Reg. No. 9/2011/0424/SMD

Applicant:

Mr Michael Hall
Windmill Farm
Hunts Lane
Netherseal
Swadlincote

Agent:

Mrs Janet Hodson
JVH Town Planning Consultants Ltd
Houndhill Courtyard
Marchington

Proposal: **THE PROPOSED RESIDENTIAL DEVELOPMENT
(INCLUDING DEMOLITION WORKS) AND CONVERSION
OF 47-51 TO FORM 8 HOUSES AND 6 APARTMENTS
INCLUDING PROVISION OF PARKING AT 47-51
ALEXANDRA ROAD SWADLINCOTE**

Ward: **SWADLINCOTE**

Valid Date: **22/06/2011**

Reason for committee determination

The application is brought to Committee as the applicant is related to Councillor Hall.

Site Description

The application site is located within the Swadlincote Urban Area with two thirds of the site situated within Swadlincote Conservation Area. The site extends between Alexandra Road and Stanhope Road to the west and is currently occupied by Nos. 47-51 Alexandra Road, a two-storey Edwardian building with shop frontages at ground floor level fronting onto Alexandra Road, formerly occupied by R B Hall printers. The property has been extended at two-storeys to the rear such that the building wraps around the corner extending along the boundary with Alexandra Passage, a public footpath that runs along the entire length of the northern boundary of the site. To the rear of the frontage buildings are garages and a hard surfaced area beyond which is a rough overgrown area leading up to the boundary with Stanhope Road. The frontage buildings are staggered to follow the rise of Alexandra Road and the site rises gradually from front to rear towards Stanhope Road such that the site is situated approximately 1m above Alexandra Passage at this end. The surrounding area is predominantly residential with an element of commercial properties fronting Alexandra Road. There is currently vehicular access to the site from both Alexandra Road and Stanhope Road.

Proposal

The application has been amended as a result of conservation issues and proposes a residential development of 14 dwellings in total comprising the conversion and part



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South Derbyshire District Council. LA 100019461. 2010

demolition of 47-51 Alexandra Road to form six two-bedroom apartments and the erection of eight houses on the remainder of the site. The existing two-storey rear extension to the Alexandra Road frontage would be demolished and replaced by a group of four two-storey, two-bedroom terraces with open-plan living accommodation at ground floor level. The terraces would be built on the same alignment as the existing rear extension alongside Alexandra Passage with windows overlooking the public footpath and rear ground floor windows approximately 1.8m above footpath level increasing to 2.3m at the Alexandra Road end. The remainder of the site would be occupied by two semi-detached three-bedroom dwellings fronting onto Stanhope Road with parking to the rear and a detached two-bedroom dwelling with integral garage located at the centre of the site. A further detached two-bedroom dwelling would be located on the Alexandra Road frontage alongside the proposed new vehicular access. Access to the site would be from Alexandra Road only with 150% parking provided within the site including a detached carport to accommodate three vehicles. With the exception of the first floor apartments, private amenity space would be provided to the rear of all dwellings.

Applicants' supporting information

The applicant has submitted a Design and Access Statement which includes the following details:

- The proposals will help contribute towards achieving a high quality environment; help stimulate economic activity by bringing investment locally; provide employment opportunities for the local building industry; provide affordable housing for a local family; and result in more efficient use of previously developed land.
- The objective of the design approach has been to create a new development that completes the street scene and makes good use of the currently under-used site.
- The underlying purpose of development of the site is to provide a building that responds to its neighbours in scale and massing and layout whilst providing high quality affordable accommodation within easy sustainable access of the town; enclosure with a building that follows the general build line along Alexandra Road, Alexandra Passage and Stanhope Road and is of sufficient scale to sit comfortably in the street scene; a safe and secure active street frontage improving the security of neighbours surrounding the site; and a conversion of the attractive existing building emphasising the original architectural detailing and bringing it back into use.

A Highway Statement and Protected Species Report have also been submitted with the application.

Planning History

There is no relevant planning history.

Responses to Consultations

The Heritage and Conservation Officer has no objection following the receipt of amended plans which minimise the changes to the external appearance of the historic

buildings on Alexandra Road allowing more sympathetic division of the internal spaces and improving the alignment and detailing of the Stanhope Road frontage properties.

The Highway Authority has no objection to the amended scheme which removes the originally proposed parking spaces to the front of Plots 13 & 14 locating them more centrally within the site.

The Crime Prevention Officer welcomes the reuse of the site which is attracting vandalism and showing neglect: the ground floor fenestration requires protection on the public footpath side and the windows need to be crime resistant and as high as possible; public side boundaries should be 2m high, un-climbable and robust to deflect minor vandalism and CCTV should be used to mitigate against the lack of surveillance and guardianship to the access driveway, parking areas and cycle store; the existing lighting on Alexandra Passage should be replaced/reconfigured to avoid light intrusion.

The Contaminated Land Officer has no objection subject to standard contamination conditions.

The Footpath's Officer has no objection subject to conditions requiring that the footpath remain open, unobstructed and on its legal alignment at all times.

Severn Trent Water has no objection subject to the submission and agreement of details for the disposal of foul sewage and surface water.

The Coal Authority has no objection subject to a condition requiring further site investigation works as detailed in the submitted Desk Study Report prior to commencement of development and the need for remedial works as required.

The Education Authority has advised that the anticipated generation of pupils from the development could be accommodated within the existing schools and a S106 contribution is not required.

The Primary Care Trust has advised that due to the small number of dwellings proposed a S106 contribution is not required.

Responses to Publicity

One letter of objection has been received raising the following concerns:

- a) The development site is adjacent to locations where owls, bats and frogs are present upon which the development would negatively impact.
- b) The close proximity of the development to the mature trees to the north of Alexandra Passage is likely to place detrimental long term pruning pressures on the trees from future occupants.
- c) The site has been an open area for 40 years. Development would detract from the scenic and amenity value of the nearby Stanhope Road properties.
- d) Impact on availability of current on-street parking on Stanhope Road with development of Stanhope Road frontage and increased on-street parking requirements arising from proposed dwellings.
- e) Increase in volume of traffic using adjacent roads and incorrect comparisons in traffic generation made in submitted documents between previous business use and proposed residential use.

- f) Loss of privacy and impact on light to adjacent occupiers.
- g) Overdevelopment of site.
- h) Out of keeping with design and character of surrounding properties and conservation area.
- i) Longer-term employment opportunities would be reduced with change of use of the site.

Development Plan Policies

East Midlands Regional Plan Policies 1, 2, 3, 27 and 48

South Derbyshire Local Plan: Housing Policies 4 & 11, Environment Policy 12 and Transport Policy 6

National Guidance

PPS1, PPS3, PPS5, PPS9, PPG13

Planning Considerations

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

- Principle of development
- Design and impact on conservation area
- Highways and Public Footpath
- Trees
- Ecology
- S106 Unilateral Undertaking

Planning Assessment

Principle of development

The site was previously occupied by a printing business and categorised by the Derby Housing Market Area Employment Land Review 2008, as being of “average” quality and as such should be “protected and supported” for employment use. However, the site has since been vacant and it is now considered that it would fall in the Derby Housing Market Area Study as being in a “below average” category and should therefore be assessed as to “whether to protect/review through the LDF”. The available evidence does not support the retention of the site for industrial/business uses and, therefore, it is considered that residential use is acceptable in principle.

Housing Policy 4 of the Local Plan allows for residential development in Swadlincote providing that the site is substantially surrounded by development; does not place excessive demands on public utilities; involve the development of valuable open spaces or gaps; is of suitable scale and character; and does not prejudice the viability of adjacent commercial or community uses. The site is surrounded by existing development on all sides and makes no discernable contribution to the character of the surrounding area as an open space being predominantly occupied by disused buildings, areas of hard surfacing and rough overgrown vegetation. The nearby commercial uses are predominantly retail and office uses interspersed with existing residential and it is not considered that a further increase in residential use would adversely affect the

existing commercial uses within the vicinity of the site. Scale and character are assessed below.

This is a brownfield site in a sustainable location within the urban area with good access to services and public transport in accordance with the sustainability principles of PPS1 & PPS3.

Design and impact on conservation area

The scheme has been amended to remove the frontage parking to Plots 13 and 14 and re-align the properties with the frontages of existing properties on Stanhope Road. The proposed alterations to the historic frontage of the properties on Alexandra Road have been minimised to retain the existing historic character including the shop frontages and internal room arrangements altered to retain active frontages with living rooms rather than bedrooms proposed at ground floor level. The proposed link between the apartments and dwellings to the rear has been removed to allow for the retention/reinstatement of the three rear wings to 47-51 Alexandra Road resulting in a the number of apartments being reduced from eight to six with an additional dwelling proposed in the resulting block of four terraces. With the exception of the first floor apartments, sufficient private amenity space has been provided for the proposed dwellings. The amended scheme is of a scale and character sympathetic to the historic buildings and conservation area and in accordance with the requirements of Environment Policy 12, Housing Policy 4 and 11.

The proposed windows to the rear of Plots 8-11 fall outside the sector of view to No 45 and 43 Alexandra Road and as such would not adversely impact on the amenity of these neighbouring properties. Plot 12 has a living room window to the rear. The first floor bedroom windows of the neighbouring properties at Nos. 54 and 60 Stanhope Road would be situated approximately 19m away from this main room window in excess of the 15m required by the Council's standards. The proposed first floor velux windows to the rear of Plots 12 would be located at sufficient height so as to avoid overlooking of main room windows to the rear of these neighbouring properties. The proposal accords with the Council's minimum distance requirements in respect of neighbouring dwellings and is not considered to adversely affect the amenity of the surrounding dwellings in accordance with Housing Policy 11.

Highways and Public Footpath

The Highway Authority has no objection to the amended scheme removing frontage parking from Stanhope Road and sufficient parking and manoeuvring space has been provided within the site. The alignment and route of the adjacent public footpath, Alexandra Passage, would remain unaffected by the resultant development. If a risk to public safety is identified during construction then the applicant would need to apply to the County Council for a temporary closure.

Trees

There are a number of mature trees on the land to the north beyond Alexandra Passage including an ash and chestnut tree in the garden of No. 45 Alexandra Road, within the conservation area, and aspen trees on the adjacent land which currently overhang the public footpath. The trees would be situated in close proximity to the rear elevations of Plots 8-11 and, due to their proximity, may result in a reduction in light to these

dwelling. Whilst development of the site would not lead to any immediate adverse impact on these adjacent trees in view of the built structures already in place there is potential for pressure from future occupiers to carry out works to the trees in order to improve light to the properties which may adversely impact on the health and amenity value of the trees and this is a material consideration.

Ecology

A protected species report dated 3 March 2011 carried out by an ecological consultant was submitted with the application. The site was surveyed for bats and nesting birds. No evidence was found of any species of bat or ingress by birds for nesting however mitigation measures are proposed during the course of demolition in the event that bats are discovered on site and the implementation of these measures can be required by condition in accordance with PPS9.

S106 Unilateral Undertaking

A signed Unilateral Undertaking has been received including an obligation for contributions towards open space. There is no requirement for healthcare and education contributions as advised by the relevant authorities.

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.

Conclusion

The proposal would lead to a positive use of an existing brownfield site situated within a sustainable location in the Swadlincote urban area. The development would bring about the sympathetic restoration of a disused historic frontage building and derelict site which would contribute positively to and enhance the appearance of the Swadlincote Conservation Area. If the site remains undeveloped there is potential for the buildings to be demolished and for the site to remain derelict which would have a significant adverse impact on the character and appearance of the conservation area. On balance the issue of the trees is considered to be of minor significance when assessed against the more positive aspects of the development proposed.

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 originally submitted details, this permission shall relate to the amended drawing nos. 08.2359.12C, 13B, 15A, 17C received 6 September 2011 and 14B, 16C & 18C received 22 September 2011.
Reason: For the avoidance of doubt, the original submission being considered unacceptable.

3. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the new buildings and boundary walls have been submitted to and approved in writing by the Local Planning Authority.

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

4. Notwithstanding the submitted details full details of the general design and walling/roofing of the replacement link structure between Units 2/4 and 3/5 shall be submitted to and approved in writing by the Local Planning Authority before development commences.

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

5. All existing original joinery in Units 2-6 shall be repaired and retained, in accordance with a schedule to be drawn up and agreed between the developer and the Conservation Officer, unless otherwise agreed in writing by the Local Planning Authority.

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

6. Large scale drawings to a minimum scale of 1:10 of eaves, verges and all new external joinery (including horizontal and vertical sections, configuration of opening lights, cill and lintel details, and framing and cladding of dormer windows) shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The items shall be constructed in accordance with the approved drawings.

Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.

7. The extent of repointing works for Units 2-6 shall be agreed in writing by the Local Planning Authority before any such works are commenced. The works shall be carried out in accordance with agreed details.

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

8. The precise type and size of the proposed rooflights shall be submitted to and approved in writing by Local Planning Authority. The approved rooflights shall be fitted such that their outer faces are flush with the plane of the roof, unless otherwise agreed in writing with the Local Planning Authority.

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

9. Notwithstanding the submitted details plans indicating the proposed design and materials of site/unit boundary walls and fences shall be submitted to and approved in writing by the Local Planning Authority before work commences. The boundaries 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.

10. Prior to commencement of the development hereby permitted precise details, including specifications and samples of the materials to be used in the hard landscaping works, and (where relevant) paving patterns, shall be submitted to

and approved in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.

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

11. All boundary walls shall have a traditional style of shaped clay or stone coping the details, including a sample, of which shall have been previously agreed in writing by the Local Planning Authority prior to implementation.

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

12. All external joinery shall be in timber and painted to a colour and specification which shall have been previously agreed in writing by the Local Planning Authority. The joinery shall be painted in accordance with the agreed details within three months of the date of completion of the development unless otherwise agreed in writing by the Local Planning Authority.

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

13. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the buildings unless specifically agreed in writing by the Local Planning Authority. The type, number, finish and position of heating and ventilation flues outlets shall be agreed in writing with the Local Planning Authority before development is commenced.

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

14. Gutters shall be cast metal (with cast metal fall pipes) and shall 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.

15. All facing bricks, roofing tiles and roofing slates used in the alteration of Units 2-6 shall match those used in the existing buildings unless otherwise agreed in writing by the Local Planning Authority. Samples of such materials to be used in repairs shall be submitted to and approved in writing by the Local Planning Authority prior to use.

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

16. Pointing of the existing/ proposed building(s) shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand).

Reason: In the interests of the appearance of the building(s).

17. A sample panel of pointed brickwork/stonework 1 metre square or such other area as may be agreed by the Local Planning Authority shall be prepared for inspection and approval in writing by the Local Planning Authority before the work is generally executed.

Reason: In the interests of the appearance of the building(s) and the locality generally.

18. No demolition shall take place until a contract has been let for the works as set out in the submitted drawings and in accordance with a timetable that has been

set out in writing and agreed with the Local Planning Authority. The works shall be carried out in accordance with approved contract and timetable.

Reason: To prevent the site becoming vacant and derelict with the possibility of not being re-developed in the interests of the appearance of the conservation area

19. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for [storage of plant and materials/ site accommodation/ loading and unloading of goods vehicles/ parking and manoeuvring of site operatives and visitors vehicles], laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason: In the interests of highway safety.

20. Before any other operations are commenced, the existing vehicular access to Alexandra Road shall be modified in accordance with the application drawings, laid out, constructed and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access, to the extremities of the site frontage abutting the highway in each direction. The land in advance of the sightlines shall be maintained in perpetuity clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway edge.

Reason: In the interests of highway safety.

21. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents/ visitors/ service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interests of highway safety.

22. There shall be no gates or other barriers within 10m of the nearside highway boundary and any gates shall open inwards only.

Reason: In the interests of highway safety.

23. A) The development shall not be commenced until a scheme to identify and control any contamination of land, or pollution of controlled waters has been submitted to, and approved in writing by, the local planning authority (LPA); and until the measures approved in that scheme have been implemented. The scheme shall include all of the measures (phases I to III) detailed in Box 1 of section 3.1 the South Derbyshire District Council document 'Guidance on submitting planning applications for land that may be contaminated', unless the LPA dispenses with any such requirement specifically and in writing.
B) Prior to occupation of the development (or parts thereof) an independent verification report shall be submitted, which meets the requirements given in Box 2 of section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.

C) In the event that it is proposed to import soil onto site in connection with the development, this shall be done to comply with the specifications given in Box 3 of section 3.1 of the Council's 'Guidance on submitting planning applications for land that may be contaminated'.

D) No development shall take place until monitoring at the site for the presence of ground/landfill gas and a subsequent risk assessment has been completed in accordance with a scheme to be agreed with the LPA, 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'.

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.

24. 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 IIA, and appropriate remediation proposals, and shall be submitted to the LPA without delay. The approved remediation scheme shall be implemented in accord with the approved methodology.

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.

25. 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.

26. Prior to the first occupation of the development hereby permitted, measures to minimise the risk of crime to meet the specific security needs of the application site and the development shall be implemented in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

Reason: In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well-being of the area pursuant to the Council's powers under Section 2 of the Local Government Act 2000 and to reflect government guidance set out in PPS1.

27. The development shall be implemented in accordance with the recommendations of the submitted Coal Mining Risk Assessment, in particular with regard to intrusive site investigation works (which shall be undertaken prior to the commencement of any other development) and any resultant remedial works identified by the site investigation.

Reason: To ensure the stability and safety of the development, having regard to the Coal Mining Risk Assessment undertaken.

28. In the event of any bat(s) being found on site the development shall be carried out in accordance with the mitigation measures identified in Section 6 of the

submitted Protected Species Report prepared by Richard Fox, Ecological Consultant, dated 3 March 2011.

Reason: In the interests of the protection and preservation of European Protected Species.

Informatives:

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 3 months prior notification should be given to the Director of Environmental Services at County Hall, Matlock (telephone 01629 580000 and ask for the District Highway Care Manager on extension 7595) before any works commence on the vehicular access within highway limits.

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 householder.

Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures should be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dished channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action 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/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

The northern boundary of the site abuts Alexandra Passage, Public Footpath No. 33, Swadlincote.

The granting of planning permission is not consent to divert or obstruct a public right of way, the route must therefore remain open, unobstructed and on its legal alignment at all times both during and on completion of the development. This also applies to the obstruction of the route by parked vehicles, plant and equipment.

There should be no disturbance to the path surface without prior authorisation from Zoe Woodhouse, Rights of Way Inspector for the area.

Consideration should be given at all times to members of the public using the path. It would be preferable for the path to remain open during the works, however, a temporary closure of the route may be granted during the demolition and construction phases if a risk to public safety is identified. The applicant should contact the Rights of Way Section via email at espro@derbyshire.gov.uk or by telephoning 01629 533262 for further information.

No structures, for example fences, gates or barriers may be installed on the path without prior authorisation from the Derbyshire County Council's Rights of Way Section. Where development is proposed over areas of coal and past coal workings at shallow depth, The Coal Authority is of the opinion that applicants should consider wherever

possible removing the remnant shallow coal. This will enable the land to be stabilised and treated by a more sustainable method; rather than by attempting to grout fill any voids and consequently unnecessarily sterilising the nation's asset.

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from the Coal Authority's website at: www.coal.gov.uk/services/permissions/index.cfm. It is an offence to kill or damage or disturb bats or their roosts. If bats are found you are advised to inform Natural England, Block 7, Government Buildings, Chalfont Drive, Nottingham, NG8 3SN.

Practical advice on how to protect/relocate any bats may be obtained from Malcolm Hopton, Derbyshire Bat Group, 9 Ashton Close, Mickleover, Derby, DE3 5QD, (Tel. 01332 511427).

This permission is the subject of a unilateral undertaking or agreement under Section 106 of the Town and Country Planning Act 1990.

Item 1.2

Reg. No. 9/2011/0438/NO

Applicant:
MR S & MRS S & MS CHIPMAN

Agent:
MR A THOMAS
THOMAS TAYLOR PLANNING LTD
CASTLE HOUSE
SOUTH STREET
ASHBY DE LA ZOUCH

Proposal: **ERECTION OF NEW INDOOR RIDING SCHOOL,
PROVISION OF REPLACEMENT OUTDOOR MANEGE,
TOGETHER WITH ASSOCIATED ACCESS AND
PARKING ARRANGEMENTS AT WOODSIDE FARM
GRANGEWOOD GRANGEWOOD SWADLINCOTE**

Ward: **SEALES**

Valid Date: **26/05/2011**

Reason for committee determination

This application is brought before this committee following a request by Councillor Hall advising that local concern has been expressed about a particular issue.

Site Description

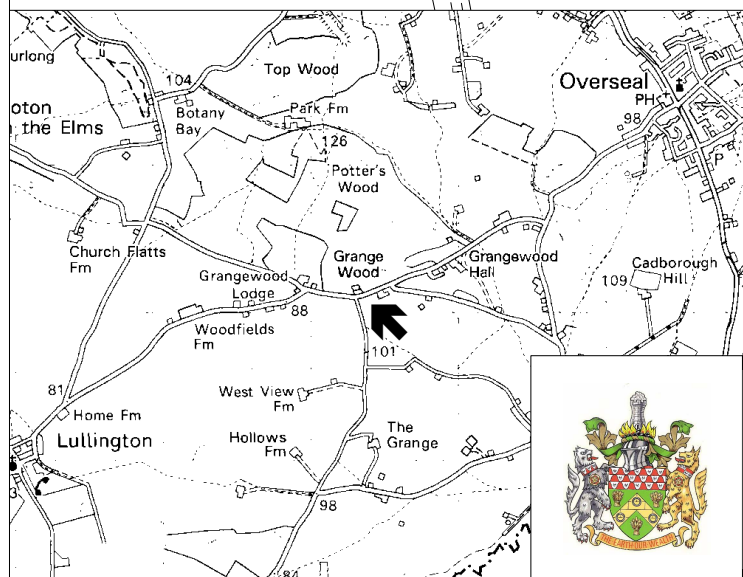
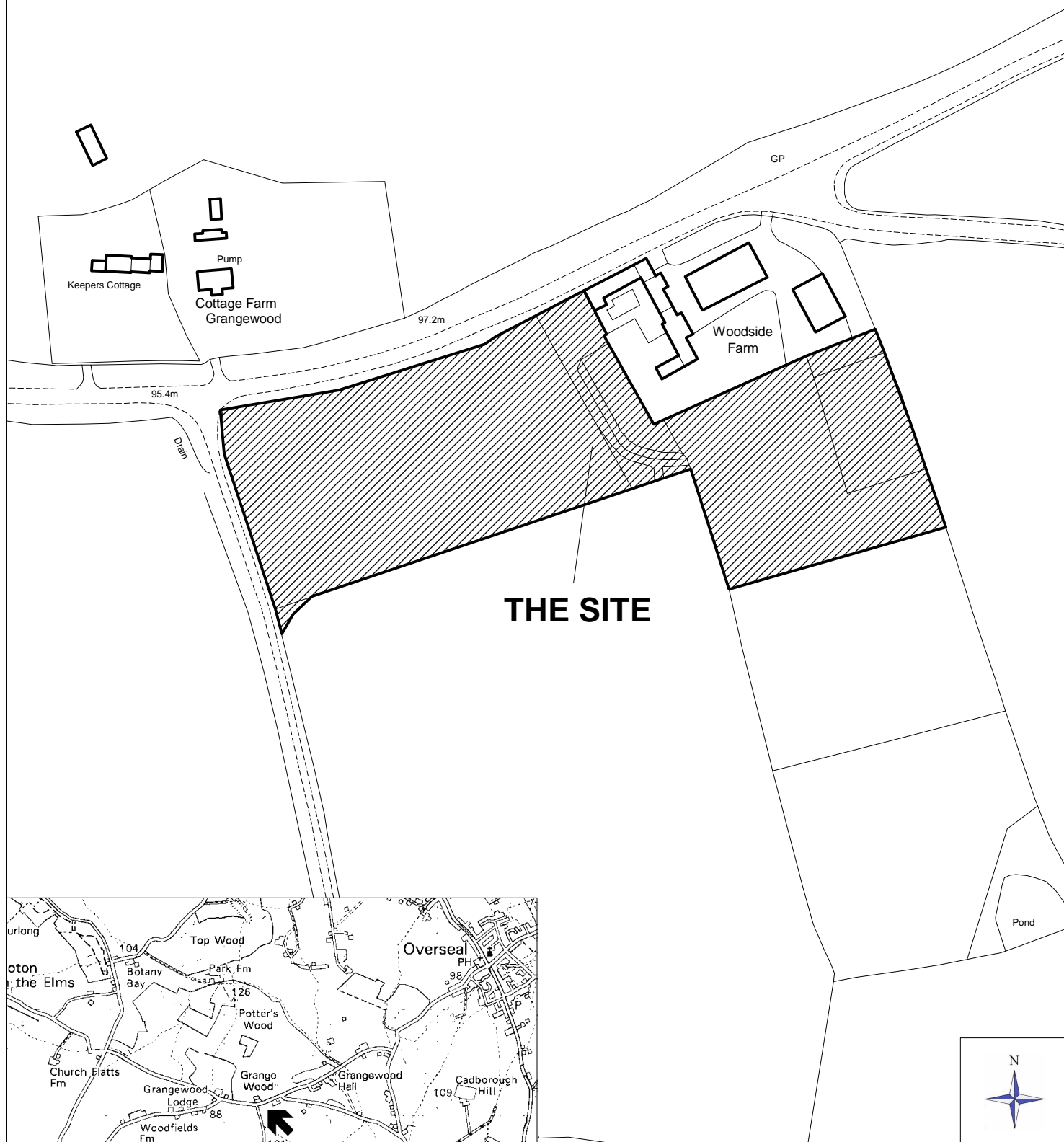
The application site is part of a farm, which is located within the open countryside, between the villages of Overseal and Netherseal. The site is part of Woodside Farm and is located within the catchment area of the River Mease Special Area of Conservation (SAC). The farm over the years has diversified and now concentrates on equestrian usage although not currently at a commercial level. There are few residential properties in the area, the nearest being Cottage Farm on the opposite side of the road.

Proposal

The proposal is to:

- Erect a new indoor riding school to the south of Woodside Farm on the site of the existing outdoor ménage, to the south west of Lodge Road measuring approximately 21m in width x 40m in length x 5.7m in height (4.7m to the eaves)
- Erect an outdoor manege to replace the existing manege to the east of Woodside Farm adjacent to Grangewood measuring approximately 58m x 19m

**9/2011/0438 - Woodside Farm, Grangewood, Grangewood,
Swadlincote DE12 8BG**



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South Derbyshire District Council. LA 100019461. 2010

- Close an existing access onto Grangewood and construct a new vehicular access on Clifton Road to serve the development
- Create an area of car parking

Applicants' supporting information

A Design and Access Statement has been submitted with the application which includes the following details:

- The proposal involves a recreational development of the type supported by Recreation and Tourism Policy 1. The applicants live at Woodside Farm and have existing equestrian facilities there (comprising of an outdoor ménage, grazing land and stables)
- The indoor school is essential to further the career and training of the applicants daughter and to allow training during poor weather and in the evenings
- The indoor school would be used in conjunction with the existing facilities and replacement indoor ménage will improve facilities for wider leisure and tourism uses beyond private use.
- It is essential to have the indoor riding school close to the ménage, stables and grazing land where the applicant's horses are stabled.
- The location of the proposed indoor riding school/ménage has been chosen after much discussion with planning officers and consideration of alternatives. The building would be 'dug-in' to rising ground behind the existing buildings so that views of the building would be screened as far as possible and seen against either a foreground or backdrop provided by the existing building.
- Views of the building from Lodge Road would be limited due to the siting of the building at a lower level and a mixture of the existing mature boundary hedge and the proposed tree planting.
- The outdoor ménage would be largely hidden by a new landscaped earth bank, which would screen the surface and fencing.
- No floodlighting is to be provided and there would be scope to provide significant woodland tree planting being designed to have as little impact as practicable on the countryside.
- The proposal is well related visually and physically to the existing complex of buildings at Woodside Farm and would preserve the landscape character in the area, which would remain one of essentially open fields and scattered woodland and copse punctuated by isolated farms and houses.
- A safe means of access/egress will be provided together with off-road manoeuvring and parking space for vehicles associated with the proposal.

The application site lies within the catchment area of the River Mease SAC/SSSI and therefore has been accompanied with a Habitats Regulations Assessment. This concludes that the proposal would not have any significant effect upon the River Mease SAC and would not undermine its conservation objectives.

Following concerns expressed by the Planning Authority regarding the proposed access driveway on Clifton Road and its location, an amendment plan was received which is in accordance with the recommendations of the planning officer and highway officer. This includes:

- Moving the access closer to Clifton Road.

- Providing a large landscaping buffer to the access road, screening it from Grangewood

The local Ward Member and the Parish Council expressed concerns regarding localised flooding and accordingly e-mail correspondence was received during the application process clarifying this issue. The applicant has provided the following comments:

- There are two other vehicular accesses to the site available through the “host” property at Woodside Farm and they are not intended for day-to-day use. However they could be used for emergency use as an alternative dry access route if necessary
- As far as surface water drainage is concerned on-site soakaways would serve the proposal and a planning condition to ensure a suitable system of drainage is acceptable to the applicants.
- There will not be any likelihood of the current proposal increasing the risk of surface water flooding in the area and any nearby flooding problems experienced previously are associated with matters unconnected to the current proposal.

Responses to Consultations

The Environment Agency has no comment.

The Environmental Protection Team (Environmental Health) does not raise any objections to the development as proposed and advises that the developer should contact the Commercial Section on all matters relating to health and safety or the Licensing Section relating to Horse Riding Establishments licensing.

Natural England does not raise any objections, advising that the scale of the proposal and terms and conditions of the application and submitted plans take account of the impact on designated sites and that the application may provide opportunities to incorporate features into the design which are beneficial to wildlife.

Derbyshire Wildlife Trust does not raise any objections to the development as proposed and advises that the hedgerow that is shown to be removed on Clifton Road comprising of at least 80% native species, meets the definition of a UK BAP priority habitat, therefore replanting using a mix of native species is required. Additionally the mature hedgerow alongside the existing outdoor ménage should be retained, banks should be regraded using a wildflower seed mix in preference to mass tree planting and also a check for badger setts should be carried out prior to any works commencing on the hedgerows.

Drainage Officer does not raise any objections to the development as proposed and advises that the District Council does not have any record of flooding at this location. As no surface water drainage proposals are included in the application a condition requiring details to be submitted prior to commencement is proposed.

Netherseal Parish Council advise that they are concerned regarding the siting of the proposed access to serve the development, the lane being virtually single track and is prone to flooding. In addition there is lighting to the existing manege.

County Highway Authority does not raise any objections to the development as proposed following the amended plans received on 1 September showing a revised access being located approximately 30m to the north of the original proposed access submitted in May. Conditions relating to the access and parking and manoeuvring details are required.

Responses to Publicity

Three letters have been received from the same residents in a neighbouring property. Whilst supporting the application as submitted the neighbours advise that they object to the application unless the following points are conditioned i.e.:

- The plans are inconsistent with relation to the size of the outdoor ménage
- No external lighting or PA system should be permitted
- The access road from Clifton Road should be graded so that the finished level is not less than one metre below the existing ground level
- Increased bunding running parallel to the northern boundary of the track should be provided
- The proposed landscaping should be increased in depth and mature locally native trees and evergreen species should be used along the northern edge of the track and also around the outdoor ménage.

National Guidance

PPS 1, 4 and 9
PPG 13

Development Plan Policies

The relevant policies are:

Saved Policies from the Local Plan: Environment Policies 1 and 10, Recreation and Tourism Policies 1 and 9 and Transport Policy 6.

Planning Considerations

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

- Development plan policy and national guidance and advice
- The impact of the proposal on neighbours and highway safety.

Planning Assessment

The proposed indoor riding school and replacement outdoor ménage have been the result of extensive pre application discussions at the site for over five years. The current proposal is for an indoor riding school to be sited to the south of the existing buildings at Woodside Farm, where the current outdoor ménage is located, and sunk down into the ground by 1.8m to reduce its visibility from Lodge Road with extensive tree planting proposed to all boundaries on the east, west and south being approximately 10m in depth. A replacement outdoor ménage would be located running parallel to Grangewood but located 1.6m away from the highway with a landscaping buffer proposed to the north, south and west of the ménage. The proposal would require the creation of a new access driveway from Clifton Road to run to the rear of the proposed

outdoor ménage and this would also involve the closure of an existing access onto Grangewood. This area would then become a parking area for 9 cars.

With regards to whether the development proposed is in line with national guidance and development plan policy, Planning Policy Statement 1 and Planning Policy Statement 4 support the development of tourism, equine enterprises and diversification. In this regard Policy EC6 of Planning Policy Statement 4 advises that where appropriate, local planning authorities should support equine enterprises, providing for a range of suitably located recreational and leisure facilities and the needs for training and breeding businesses that maintain environmental quality and countryside character. The proposal being sunk into the ground and being surrounded by landscaping buffers of up to 10m in depth would provide an equine enterprise which would also maintain the environmental quality and character of the countryside where the proposal is to be sited, being fully in accordance with Planning Policy Statements 1 and 9.

The most relevant development plan policies are Environment Policy 1 and Recreation and Tourism Policies 1 and 9. Environment Policy 1 advises that new development will not be permitted unless it is essential to a rural based activity, or unavoidable in the countryside and the character of the countryside, landscape quality, wildlife and historic features are safeguarded and protected. The proposed indoor riding school cannot readily be accommodated elsewhere other than in the countryside and would be unobtrusive by its siting behind the existing buildings at Woodside Farm, being sunk into the ground and screened by existing hedgerows and proposed new landscaping. It would provide a recreational facility in the area where car parking and manoeuvring is provided, with safe access off Clifton Road. There would be very little impact from the outdoor manege on the two neighbouring properties opposite and due to the development being screened with a landscaping buffer, whilst being easily viewed from the highway of Grangewood - it would maintain an open aspect with post and rail fencing.

The materials have been designed to be in keeping with the area and its surroundings and the colour proposed to clad the indoor ménage can be conditioned. The keeping of horses is a rural based activity that is acceptable in the countryside and there would be no further impact on the landscape, wildlife or countryside.

With regards to Recreation and Tourism Policies 1 and 9, these advise that the development should not cause disturbance to local amenity by virtue of noise or traffic generation. Adequate access, parking, servicing, screening and landscaping should be provided together with developments being sited in close proximity to existing buildings and provision should be made for the safe movement of horses and riders.

The County Highway Authority is satisfied that subject to conditions there are no highway safety concerns and adequate access, parking and servicing is proposed.

Both Derbyshire Wildlife Trust and Natural England are satisfied subject to conditions that there are no environmental concerns and that the proposal has taken account of its siting within the catchment area of the River Mease SAC.

The neighbour's and Netherseal Parish Council's concerns are noted and have been addressed above, with the exception of floodlighting and localised flooding. With regards to localised flooding the Council's Land Drainage Officer advises that there are no records of flooding at this location, and a suitably worded condition can control this.

The agent has also been contacted during the application process with regards to this concern and advises that:

... "there are two other vehicular accesses to the site available through the "host" property (Woodside Farm). There is one located alongside the main group of buildings and another behind the gates onto Lodge Road. It is not intended to use either of these for day-to-day use of the proposed development (which is why a new access drive is being proposed) although the submitted plans allow an existing gate between the "host" property and the application site to permit "through-access" (and then to either of these two alternative access points) for emergency purposes only (see application drawing 2011.007-001B). I suggest that either of these would be sufficient to provide an alternative dry access route if necessary"

Whilst no floodlighting is proposed a condition is considered appropriate as floodlighting can lead to an urbanising feature in the countryside if it is not controlled adequately.

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. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the cladding sheets to be used in the construction of the external walls, and roof of the building have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: To safeguard the appearance of the existing building and the locality generally.
3. Notwithstanding the particulars of the application, revised details of the proposed roller shutter door and external access doors on the indoor riding school shall be submitted for approval in writing by the Local Planning Authority prior to commencement of building operations.

Reason: The submitted details are considered unsatisfactory.
4. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no's 2011.007-003B, 2011.007-001B, 2011.007-004B and 2011.007-002B.

Reason: For the avoidance of doubt, the original submission being considered unacceptable.
5. 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.

6. Before any other operations are commenced, a new vehicular access shall be created to Clifton Road, all in accordance with the application drawing 2011.007-001B , laid out, constructed and provided with visibility splays extending from a point 2.4m from the carriageway edge, measured along the centreline of the access, for a distance of 80m in the northerly direction and 65m in the southerly direction, measured along the nearside carriageway edge. The land in advance of the visibility splays shall be maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.
Reason: In the interest of highway safety.
7. Before any other operations are commenced (excluding creation of the new access, the subject of Condition 6), the existing vehicular access to Grangewood shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as verge in a manner to be agreed in writing with the Local Planning Authority in consultation with the County Highway Authority.
Reason: In the interest of highway safety.
8. The proposed access drive to Clifton Road shall be no steeper than 1 in 14 for the first 15m from the nearside highway boundary and 1 in 10 thereafter.
Reason: In the interest of highway safety.
9. The premises, the subject of the application, shall not be taken into use until space has been provided within the application site in accordance with application drawing 2011.007-001B for the parking and manoeuvring of visitors and service/delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
Reason: In the interest of highway safety.
10. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
Reason: In the interests of the appearance of the area.
11. 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.
12. A detailed survey of the presence of protected species (namely badgers) shall be submitted for approval in writing by the Local Planning Authority prior to commencement of removing any hedgerows on site.
Reason: The presence of disused badgers set entrances have been found and the District Council require a survey as to the potential for protected species to be on site.
13. No external lighting shall be installed without the prior permission of the Local Planning Authority given on an application made in that regard.

Reason: In the interests of preserving the amenity of the countryside from unwanted visual intrusion through urbanising features.

14. Prior to the use commencing facilities for roosting bats and bird nest boxes shall be provided at the indoor riding school in accordance with details, which shall have been submitted previously to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of the preservation of the species.

Informatives:

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 3 months prior notification shall be given to the Environmental Services Department at County Hall, Matlock (tel: 01629 538595) before any works commence on the vehicular access within highway limits.

Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

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 householder.

The developer should contact the Commercial Section on all matters relating to health and safety or Licensing Section relating to Horse Riding Establishments licensing.

Item **1.3**

Reg. No. **9/2011/0596/SSA**

Applicant:
MR CARL BILSON
BURSAR
REPTON SCHOOL
REPTON

Agent:
MR DAVID FRANKLIN
FRANKLIN ELLIS ARCHITECTS
5 THE ROPEWALK
NOTTINGHAM

Proposal: **THE ERECTION OF A SCIENCE BUILDING WITH A
TOTAL OF 33 CAR PARKING SPACES LOCATED ON
TWO SITES ON LAND ADJACENT TO REPTON
SCHOOL'S GYMNASIUM WILLINGTON ROAD REPTON
DERBY**

Ward: **REPTON**

Valid Date: **19/07/2011**

Reason for committee determination

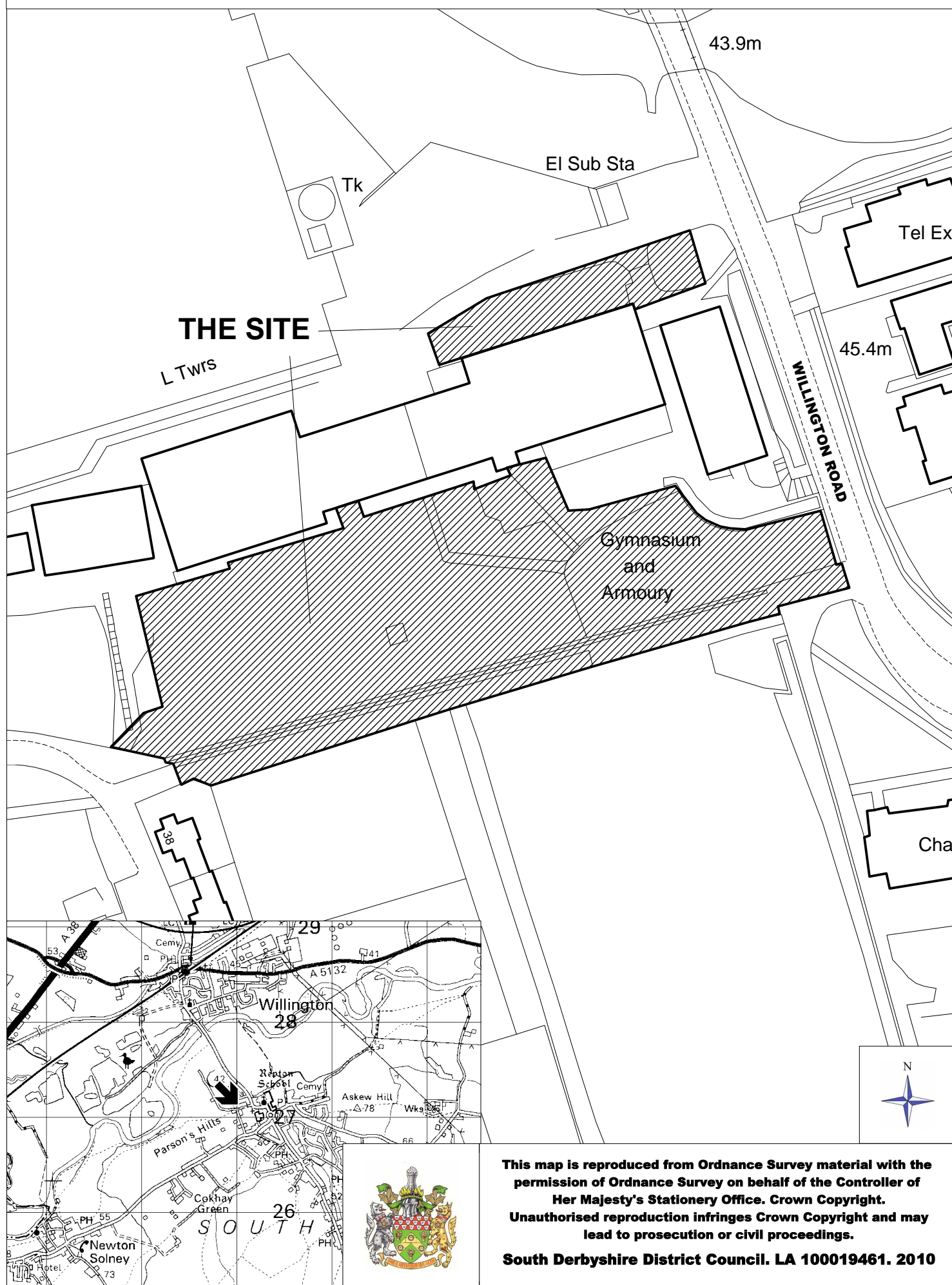
The application is brought to Committee at the request of Councillor Stanton as local concern has been expressed about a particular issue and the application is a major application with more than two objections.

Site Description

The application site is located on the northern edge of Repton village adjacent to Repton Conservation Area and incorporates two sites located within the grounds of Repton School. The main site is situated to the south of the existing school sports hall where a new science building is proposed with a further smaller site to the south of the hall to provide additional car parking. To the east of the site fronting onto Willington Road is the Grade II listed Gymnasium building beyond which on the opposing side of the road are residential properties and the Grade I listed Church of St Wystan. The site is bordered to the south by school playing fields and tennis courts. The Grade II Repton School Chapel is situated beyond playing fields to southeast. Forming a part of, and continuing to the west of the site, is a copse and an area of mature woodland.

The site currently consists of a car park accessed from Willington Road beyond which is an area of grassland extending towards Tanners Lane and the woodland. The land drops away some 6.5m from the southern to northern boundary adjacent to the sports hall, which is set below the application site, and a 2m fall from the western end to the eastern boundary with Willington Road.

9/2011/0596 - Land adjacent to Repton School's Gymnasium, Willington Road, Repton, Derby DE65 6FH



Repton Public Footpath No. 40, known as Jeremiah's Walk, extends along the length of the southern boundary of the site from Willington Road to Tanner's Lane bordered by a maintained hedge and line of mature trees.

Proposal

The application proposes the erection of a Science Priory Building to create a science hub for Repton school. The proposed building would be in linear form positioned along the southern boundary of the site and aligned with the adjacent sports hall and swimming pool. The footprint of the building would be 1670m² with an overall gross external area of 3670m² spread out over three stories comprising classrooms, teaching laboratories, a lecture theatre, a lecture room, resource centre/library, reception area, offices, staff room and ancillary spaces.

The main entrance would be positioned on the southeastern corner of the site towards Willington Road and consist of a glazed entrance area leading into a double height atrium space which would give internal glimpses of the building from the street and link the buildings interior to the outside with views to the sports pitches to the south. The entrance foyer would open straight onto an 'internal street' which would run through the centre of the building aligned to frame views of the Grade I St Wystan's Church and creating a central social space linking all the areas of the building horizontally and vertically.

The steep slope from south to north would be accommodated by cutting the building into the slope at the southwestern boundary. The north elevation would sit slightly out of the ground but would be level with the existing ground elevations at the eastern end.

The building would comprise simple elevations using high quality materials based on a series of stone planes which would run parallel with the existing sports hall and rise out of the ground. These would be separated by lightweight elements of zinc metal cladding and vertical glazing. The north facing elevation would be subdivided into two planes to accommodate the building into the slope. The south elevation facing the sports pitch would be predominantly stone to give reference to the older school buildings. The eastern end would be a recessed full height glazed and zinc clad element within the stone which would signify a change in function of the rooms beyond from teaching spaces to office and staff room. Adjacent to this would be the main entrance with a double height glazed atrium. At the centre of the building would be a small element rising up to create a second floor resource centre which would be of lightweight construction of zinc and metal cladding and glazing. The main entrance to the building will be situated at the eastern end adjacent to Willington Road with a secondary entrance consisting of a pedestrian footbridge providing access to first floor level located at the western end towards Tanners Lane.

It is proposed that Jeremiah's Walk be diverted approximately 3m to the south.

The car parking numbers for the site would not increase and would remain at thirty-three spaces. Six spaces would remain on the existing car park with the remaining spaces relocated in front of the existing sports hall and west of the proposed building on Tanner's Lane.

A number of trees would be removed as part of the proposal in order to accommodate the building on site including the line of trees along Jeremiah's Walk and a copse of

semi-mature trees to the west of the site adjacent to the woodland. The scheme proposes planting a number of trees as mitigation for the tree loss.

Applicants' supporting information

A Design and Access Statement has been submitted with the application which includes the following details:

- The proposal is to create an inspirational education space which will form a science hub for the school which will enhance scientific study for pupils aged between 13-18 years old.
- This multidisciplinary centre, which will be unique in the sector, will provide the best possible resource both for preparing pupils for a university education in science and also for educating those students requiring a scientific background before proceeding in a non scientific career. The building itself will provide a setting to inspire learning and provide the school with enhanced facilities to enable them to remain competitive with other schools.
- The proposed building will create a simple, elegant scheme which achieves a timeless quality linking it to the wider Repton School characteristics.
- Currently the view from Jeremiah's Walk footpath is the ugly rear of the sports hall complex and the path is quite isolated. The proposal will provide passive surveillance and enhance lighting of the footpath, improving safety, as well as providing an attractive backdrop.
- The main entrance to the building faces Willington Road creating an interesting and active frontage.
- The building will visually enclose the northern boundary of the playing fields.
- The process of the design has been informed by a wide discussion with a number of external parties including SDDC planning and conservation officers.
- The building has been located within the site to utilise the site's topography, thus the building sits slightly into the site at the western end but at the same time does not create a height issue at the eastern end of other boundaries.
- The paving adjacent to the main entrance will be natural stone to reflect the local character of the village.
- A new hedge would be planted along the western edge of Jeremiah's Walk adjacent to the building to reinforce the horizontal line of the building. On the opposite side new trees will line the Walk defining it along the edge of the sports field.
- New trees along the northern side of the site facing onto the sports hall are proposed to improve and enhance the local tree population and mitigate for the loss of some trees within the development.
- The building refers to its historic surroundings through its scale, the use of stone and more traditional window proportions. While the use of glass, zinc metal cladding, flat roofs and horizontal elements result in a design which is modern and sharply detailed.
- The development will not result in an increase in the number of existing pupils.
- There are no other suitable sites for the scheme.
- Currently the site is a visibly poor used area of landscape. The scheme will enhance the area by enclosing the existing square of the sports fields with a visually attractive building.

An Arboricultural Assessment, Appraisal of Renewable and Low Carbon Technology Energy Options, Ecological Appraisal, Archaeological Desk Based Assessment, Desk Study and Ground Investigation Report have also been submitted with the application and are available to view on file.

Following concerns expressed by the Planning Authority regarding the extent of tree loss resulting from the development a 'Development and Tree Impact Study' has been submitted which identifies a number of constraints to the site which have determined the proposed location of the new building as follows:

- Moving the building further West would result in the loss of additional existing trees.
- Moving the building further North is not possible due to the proximity of the existing sports centre buildings and the steep gradient of the slope leading up to them.
- The boundary is fixed to the South by Jeremiah's Walk.
- Moving the building further East is the only possibility, however, the extent to which this can be done is limited by the gradient of the site and the proximity of the Gymnasium, a Grade II listed building. Relocating the building towards the east would increase the height of the building towards Willington Road where site levels are lower and would require further excavation.
- In reassessing the proposed scheme the agent has identified that a further 6 additional trees could be retained and a further 18 new trees planted along the northern boundary of the site between the proposed building and the sports hall, to the south of the Gymnasium and lining Jeremiah's Walk.

The Arboricultural Assessment submitted with the application acknowledges that the loss of trees is regrettable however it should not be a limiting factor to the development. The temporary loss in amenity of the named trees can be fairly quickly regained through appropriate tree replacement as part of overall landscaping/mitigation measures and "the development should be seen as an opportunity to improve the current tree stock and improve the current conditions to be of benefit for any new planting to that it can greater succeed into the long term future."

Planning History

Repton School has been subject to a number of developments over the years none of which specifically relate to the application site.

Responses to Consultations

The Heritage and Conservation Officer supports the proposal and has commented that that the design of this building has been carefully, imaginatively and thoughtfully devised over a long period, with a great deal of attention to detail.

The Council's Tree Officer has assessed the proposed development and the submitted Arboricultural Assessment. Whilst there is no objection to the removal of the majority of trees proposed, including those along Jeremiah's Walk and located towards the front of the site, he objects to the removal of a number of semi-mature trees which form a copse located to the front of the mature woodland to the west. Removing the trees would impact on the wildlife within the copse and future colonisation if the copse were allowed

to mature. If the building cannot be located elsewhere then more native mature trees should be required as a replacement.

Environmental Health has no objection subject to a condition regarding control of noise levels of fixed plant or equipment.

The Contaminated Land Officer has no objection subject to standard conditions.

The Highway Authority has no objection advising that, when operational, the use of the building is unlikely to generate significant additional vehicle movements. Whilst the siting of the building would result in the loss of a number of existing parking spaces these would be replaced elsewhere, primarily in the area served by the Sports Centre access to the north.

The Development Control Archaeologist has no objection but advised that whilst the site does not contain any known heritage assets there is potential for archaeological interest which should be dealt with through a conditioned scheme of work in line with PPS5 requirements.

The Footpaths Officer has advised that the applicant would need to apply to Derbyshire County Council for the permanent diversion of the public footpath, Jeremiah's Walk.

Severn Trent Water has no objection subject to the submission of drainage details.

Repton Parish Council has expressed concern regarding inadequate visibility from the lower level car park which is compromised by the parapet to the bridge, hedges and trees and the inadequate overall number of parking spaces.

Repton Village Society has expressed concern regarding the loss of parking and potential for staff increases and extremely poor visibility from the lower car park.

Responses to Publicity

Five letters of objection have been received commenting as follows:

- a) This is a large building whose size and outline will dominate the vista from the south and north. Digging out the site more into the hillside and thereby lowering its profile may be the solution.
- b) Access for the building project and the resulting new car park will increase the traffic and affect pedestrian access and safety along Tanners Lane, which is poorly maintained, has no footpath and provides access to local farmers to the fields below in the Trent Valley.
- c) We need assurance that the recommendations for tree preservation and new planting are honoured in order to maintain the rural/wooded nature of the area and soften the harsh outline of a modern building.
- d) The north elevation is not in keeping with the historic view of Repton from Willington.
- e) As the proposed building ages it may become even more of a blot on the view in contrast to the church spire which enhances it.
- f) There should have been more discussion with the village: it appears that at no time during the planning stages was the village consulted, which is surprising for such a big project.

- g) The building is large and obtrusive for the location and does not blend well with the village and school buildings generally.
- h) When approaching the village from Willington the building will detract from what is at present a very pleasant skyline.
- i) It is proposed to increase the parking by the sports hall and this area has poor entry and exit visibility onto Willington Road.
- j) The site is too elevated and prominent for this type of structure in such an historic setting.
- k) Although the front of the proposed building is quite acceptable, the design of the rest of the building is very disappointing and not appropriate at the entrance to the village.
- l) Quite a number of trees will have to be removed and it is difficult to see where the new trees can be planted to screen the new building particularly from Willington.

Development Plan Policies

The relevant policies are:

East Midlands Regional Plan: Policy 1, 2, 3 and 27

Local Plan: Community Facilities Policy 1, Environment Policies 9,12, 13, 14 and Transport Policy 6

National Guidance

PPS1, PPS5, PPS9, PPG13

Planning Considerations

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

- The principle of development
- Design and Heritage Issues
- Highways and Public Footpath
- Trees
- Ecology

Planning Assessment

The principle of development

Community Facilities Policy 1 allows for improvements to existing community facilities providing that the development does not cause disturbance to local amenity by virtue of noise or traffic generation; that adequate provision is made for pedestrian and vehicular access, parking, servicing, screening and landscaping and that the proposal is of an appropriate scale well integrated with its surroundings.

Repton School is a historically established school within Repton village and the proposal represents an expansion and improvement of the existing education facility. Therefore, subject to meeting the above criteria, assessed in more detail below, the development is acceptable in principle.

Design and Heritage Issues

The proposed siting of the new science block has been the subject of numerous pre-application discussions with the Council's Conservation Officer and it was considered that the site as submitted was the most appropriate.

There are many rural conservation areas in the district where such a building would be deemed highly unsuitable. However, each conservation area has its own distinct character, and in the case of Repton much of the character comes from the presence of large, high quality buildings in the fashion of their day, principally associated with the school, and mostly of an institutional character. The present proposal represents a fitting continuation of that tradition.

The siting is well chosen, being on a strip of land that borders the Trent flood plain to the north and the existing tennis courts and sports pitches to the south. The building would not have undue prominence in the view approaching the village from the north (Willington) side; it would be unlikely to protrude above the skyline and in any case much of the walling on that side is of neutral zinc sheet.

Seen from the sports pitches to the south, the existing sports halls are lower down, at the bottom of the bank, and are not strongly present in views, or of high architectural quality. Construction of the new science block would complete the quadrangle of school buildings that already line the tennis sports and games pitches to the east, south and west, thus reinforcing the sense of identity and of place. To the east the unframed glass end of the proposed building is angled towards the chief line of approach, and attractively placed in line with the tower and spire of the Grade I listed parish church.

PPS1 advises that planning authorities should plan positively for the achievement of high quality and inclusive design for all development and that good design should contribute positively to making places better for people.

The high quality of the design proposed would contribute positively to the character of the conservation area and compliment the surrounding historical architecture without adversely affecting their setting in accordance with the requirements of PPS5 and Environment Policies 12 & 13.

A condition requiring the submission of a Written Scheme of Investigation for archaeological work and implementation as appropriate would ensure that the development would not adversely impact on any potential areas of archaeological interest within the site in accordance with the requirements of PPS5.

Highways and Public Footpath

The development would incorporate part of the existing car park accessed from Willington Road. Replacement parking would be provided adjacent to the sports hall and on Tanners Lane. The proposed development would not result in a reduction in parking provision and it is not anticipated that there would be an increase in the number of vehicles serving the site. The Highway Authority has no objection to the parking alterations and provision proposed and the proposal is considered to comply with the requirements of PPG13 and Transport Policy 6.

Whilst the current position of Jeremiah's Walk lies outside of the building footprint, a temporary diversion would be required during construction. The applicants however are

proposing that the footpath is permanently diverted 3m south of its current alignment and would need to apply to for a separate approval.

Trees

PPS1 advises that significant adverse impacts on the environment should be avoided and alternative options which might reduce or eliminate those impacts pursued. Where adverse impacts are unavoidable, planning authorities and developers should consider possible mitigation measures.

Environment Policy 9 advises that development which would lead to the loss of areas of woodland or specimen trees of value of their landscape setting should be not be allowed.

The proposed development would lead to the loss of a number of trees on the site. Whilst the majority of trees are not considered to be of any significant merit, the removal of the copse of semi-mature trees to the west would impact on the wildlife value of the copse and potential future colonisation. Whilst the copse has some current visual amenity value this would be obscured from public vantage points with the erection of the new building.

The applicant was approached regarding the concern of loss of trees and the repositioning of the building considered. A Development and Tree Impact Study was subsequently submitted detailing the constraints of the site and the impact of repositioning the building as detailed earlier in this report (within the Applicant's Supporting Information). Whilst the conclusion of the study does not allow for the repositioning of the building it amends the scheme to retain a further 6 trees and identifies areas where a further 18 trees could be planted in addition to the original replanting scheme proposed.

None of the trees on site are the subject of a Tree Preservation Order nor are they within the conservation area. Replacement planting is proposed in mitigation for the tree loss including an alignment of trees along the proposed diversion of Jeremiah's Walk. Whilst the mitigation measures proposed would not fully mitigate the loss of trees and provide an immediate compensation for the loss of the copse, the amenity and wildlife value of the new planting proposed would establish over time.

Ecology

The Ecological Appraisal submitted with the application has assessed the site and includes a Phase 1 Habitat Survey as well as initial observations of any suitable habitats for or evidence of protected species. The report concludes that there no direct evidence of protected species was recorded and the site provides few habitats of potential for such species being intensively managed.

Mitigation measures are proposed within the report to ensure there is no adverse impact on protected species should they be discovered and these measures can be required by condition in accordance with PPS9.

Conclusion

Repton School has an historic and prominent presence within Repton village and the District having had a continuous presence within the village since 1559. The school's

development has had the greatest impact on the physical appearance of the village providing areas of housing for teaching staff as well as numerous, large, purpose-built school buildings. The current proposal is a further enhancement of the educational facilities and represents a continuation of the development of both the school and the historic built environment. The resultant loss of trees is a material consideration in the determination of this application however mitigation measures are proposed and on balance the townscape and architectural merits of this high quality scheme and significant enhancement of educational facilities are considered to outweigh the adverse impacts of the initial tree loss.

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. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing stone to be used in the construction of the external walls of the building have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance and setting of the conservation area and adjacent listed buildings.

3. Prior to commencement of the development the colour of all powder coated elements of the external elevations shall be agreed with the Local Planning Authority prior to manufacture. The works shall be executed in accordance with the agreed details.

Reason: In the interests of the appearance of the building and the character and setting of the conservation area and adjacent listed buildings.

4. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the materials to be used in the construction of pedestrian footbridge have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the building and the character and setting of the conservation area.

5. Unless otherwise agreed with the Local Planning Authority, all methods of roof drainage shall be concealed within the outer envelope of the building.

Reason: In the interests of the appearance of the building and the character and appearance of the conservation area.

6. Precise details, including paving patterns, specifications and samples, of the materials to be used in the hard landscaping works shall be submitted to and

approved in writing by the Local Planning Authority prior to implementation. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed 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, which shall include indications of all proposed species and sizes of new specimens to be supplied for the new hedgerow and trees, together with measures for the protection of existing trees in the course of development. The landscaping shall be carried out in accordance with the approved scheme.

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

8. 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.

9. Notwithstanding the submitted details, prior to the commencement of building operations on adjoining areas, the boundary with the area of protected trees to be retained shall be fenced with steel mesh fencing to 2.3m high supported by steel scaffold poles staked at 3 metre centres. The fencing shall be retained in position until all building works on adjoining areas have been completed unless otherwise agreed in writing with the local planning authority.

Reason: To protect the trees/landscape areas from undue disturbance

10. There shall be no tipping or deposition of materials within the area fenced under condition 9 above without the prior written authorisation of the local planning authority.

Reason: To protect the trees/landscape areas from undue disturbance

11. Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), 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 treatments, including retaining structures, 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.

12. No operations shall be commenced until details have been submitted to and approved by the Local Planning Authority with regard to the proposed construction traffic access and implementation of a scheme for off-site warning signing. The approved details shall be implemented prior to the commencement of development and retained accordingly throughout the construction period.

Reason: In the interests of highway safety.

13. Before any operations are commenced, space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives' and visitors' vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. The facilities shall be retained throughout the life of the construction period in accordance with the approved designs free from any impediment to their designated use.

Reason: In the interests of highway safety.

14. Throughout the period of construction wheel washing facilities shall be provided within the site and used to prevent the deposition of mud and other extraneous material on the public highway.

Reason: In the interests of highway safety.

15. Unless otherwise agreed in writing by the Local Planning Authority the proposed car parking spaces shown on drawing no. PL003C shall be provided, surfaced and marked out prior to development being commenced. The spaces shall thereafter be retained free of any impediment to their designated use.

Reason: In the interests of highway safety.

16. A) No development shall take place until a Written Scheme of Investigation for archaeological work (archaeological watching brief) has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording;
2. The programme for post investigation assessment;
3. Provision to be made for analysis of the site investigation and recording;
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
5. Provision to be made for archive deposition of the analysis and records of the site investigation; and
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

B) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under Part A.

C) The development shall not be occupied until the archaeological site investigation and post investigation analysis and reporting has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part A and the provision to be made for publication and dissemination of results and archive deposition has been secured.

Reason: To enable items of archaeological interest to be recorded/and or preserved where possible.

17. 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 IIA, and appropriate remediation proposals, and shall be submitted to the LPA without delay. The approved remediation scheme shall be implemented in accord with the approved methodology.

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.

18. 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.

19. Notwithstanding the submitted details, in the event that the proposed building has any fixed plant or equipment (LAeq,t) then this shall not exceed the background level (LA90,t) as measured at the boundary of the nearest residential property at any time.

Reason: In the interests of the amenity of occupiers of nearby residential properties.

20. The development shall be carried out in accordance with the mitigation measures identified in Section 4 of the submitted Ecological Appraisal dated June 2011.

Reason: In the interests of biodiversity and the preservation of protected species.

Informatives:

The grant of planning permission does not entitle developers to obstruct public rights of way affected by the proposal. Development, in so far as it affects the right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of the Town and Country Planning Act 1990 for the diversion or extinguishment of the right of way has been made and confirmed. Nor should it be assumed that because planning permission has been granted an order will invariably be made or confirmed.

There should be no disturbance to the path surface without prior authorisation from Zoe Woodhouse, the Rights of Way Inspector for the area.

Consideration should be given at all times to members of the public using the path. No structures, for example, fences, gates or barriers may be installed on the path without prior authorisation from Derbyshire County Council's Rights of Way Section who can be contacted via email at esprow@derbyshire.gov.uk or by telephoning 01629 533262. In respect of Condition 16, the County Archaeologist, Steve Baker, should be contacted on 01629 539773 or email Steve.Baker@derbyshire.gov.uk for a written brief from which the archaeological Written Scheme of Investigation may be developed. The phased risk assessment should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA. The contents of all reports relating to each phase of the risk assessment process should comply with best practice as described in the relevant Environment Agency guidance referenced in footnotes 1-4, to the relevant conditions attached to this permission.

For further assistance in complying with planning conditions and other legal requirements applicants should consult "Developing Land within Derbyshire - Guidance on submitting applications for land that may be contaminated". This document has been produced by local authorities in Derbyshire to assist developers, and is available from http://www.south-derbys.gov.uk/business/pollution/contaminated_land/default.asp Reports in electronic formats are preferred, ideally on a CD. For the individual report phases, the administration of this application may be expedited if a digital copy of these reports is also submitted to the pollution control officer (contaminated land) in the environmental health department: pollution.control@south-derbys.gov.uk.

Item **1.4**

Reg. No. **9/2011/0677/FM**

Applicant:

MRS ZAHERA AMIN
68 PASTURES HILL
LITTLEOVER
DERBY

Agent:

MR RICHARD ROBERTS
ABACUS ARCHITECTS
GREEN FARM
GREEN LANE
BURNASTON
DERBY

Proposal: **THE ERECTION OF AN AGRICULTURAL WORKERS
DWELLING AT LIBERTY FARM FINDERN LANE
BURNASTON DERBY**

Ward: **ETWALL**

Valid Date: **10/08/2011**

Reason for committee determination

The application is brought to Committee following refusal of planning permission for a similar proposal earlier in the year.

Site Description

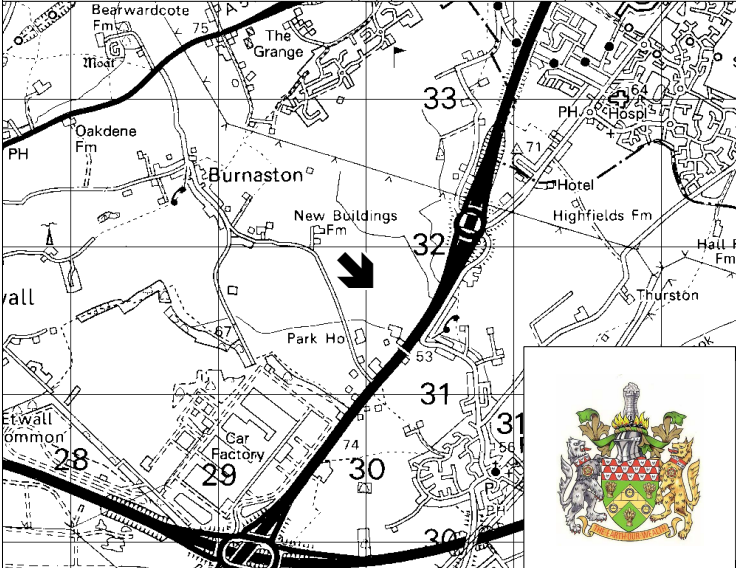
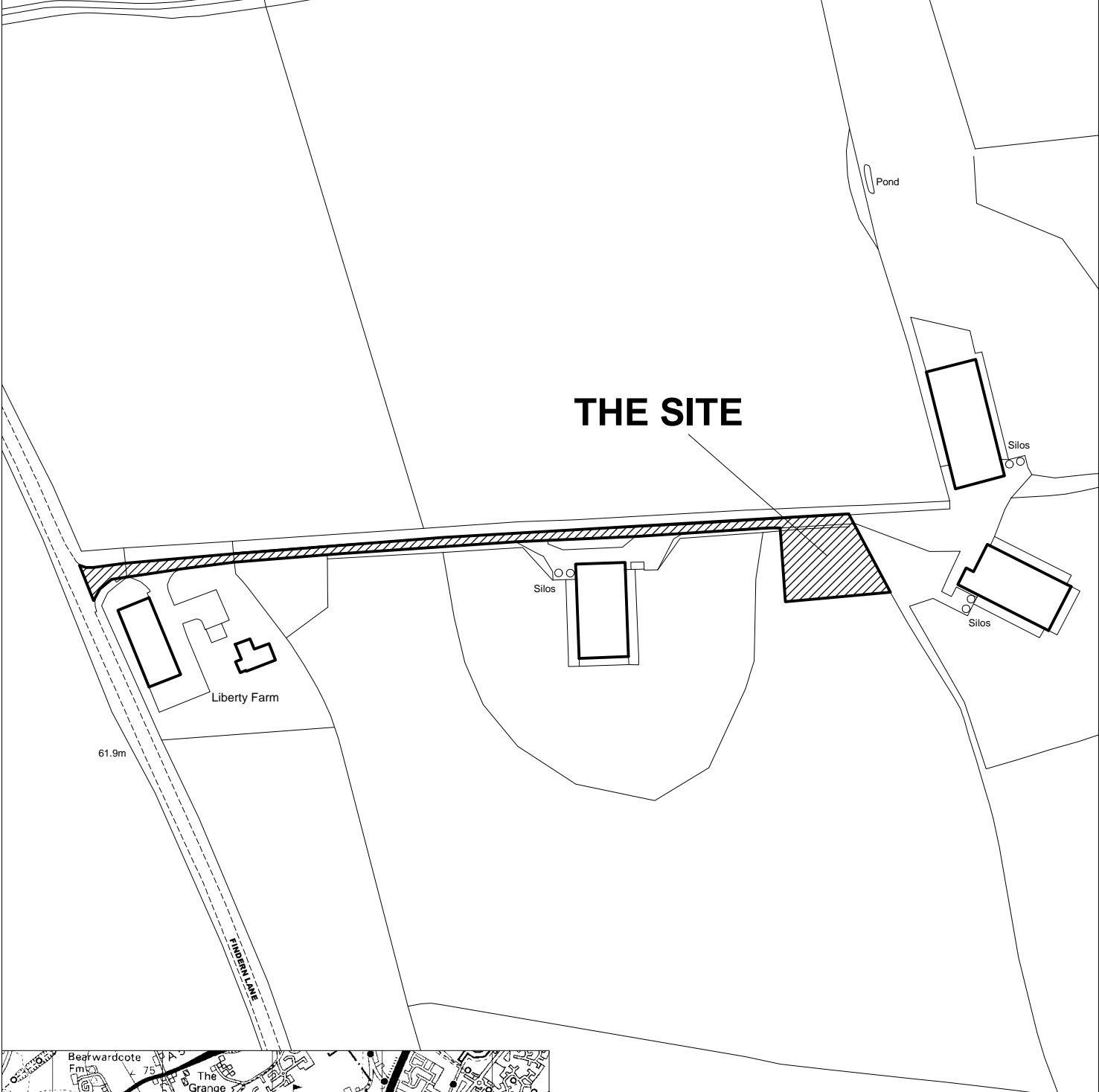
The application site is located in the middle of the 3 free-range egg production units at Liberty Farm. Another dwelling is located near the entrance to the farm off Findern Lane Burnaston.

Proposal

The scale of the proposed dwelling is smaller than that refused permission earlier this year by the Committee. The dwelling would sit on the site of the permitted bungalow albeit that a two-storey dwelling is still proposed with 5 bedrooms on the first floor with living and farm office accommodation on the ground floor. The first floor bedrooms are accommodated partially within the roof space; eaves height would be 4.4m with a ridge height of 7.8m. Materials of construction would match those of the adjacent farmhouse of Burnaston lane. Access to the house would be from Burnaston Lane to the west that currently provides access to the chicken farm.

Foul water drainage would be to a septic tank that current serves a WC in the chicken sheds.

Applicants' supporting information



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South Derbyshire District Council. LA 100019461. 2010

The applicants have confirmed that they intend to continue the existing organic egg production business and have entered in to a contract to this end.

The applicants have submitted a considerable level of information in support of the application. They assert that the permitted bungalow is not sufficient to accommodate their family and that the building now proposed represents the minimum level of accommodation to meet their needs. The amended scheme also seeks to address some of the concerns of the Committee when it met to determine the last application. They base this assertion on the profits made by the previous landowner and the fact that one of the potential occupiers currently has a building business and is able to construct a dwelling at a more competitive price than would be the case if a builder had to be employed to construct it on their behalf. The building costs of the dwelling have been submitted for consideration along with the details of the profits of the farm holding for the past three years.

Planning History

Planning permission for the establishment of the farm was granted in the 1990s with the original occupier living in a mobile home pending an assessment of the viability of the new enterprise in accordance with the provisions of PPS 7 (PPG 7 at that time).

Having established the viability of the business and its ability to make a profit that would support the erection of a dwelling, planning permission for a four-bedroom farm workers dwelling was granted and the dwelling was subsequently constructed. The farm was subsequently sold to another person who continued to farm the holding in accordance with the planning permission.

In 2009 an outline application was received to erect another farm workers dwelling for a manager on the holding on the basis that the owner now wished to retire from farming. It was argued that that the provisions of PPS 7 allowed for a farmer to retire but did not require that he move out from the farmhouse simply because of that decision. The application was supported by Court decisions that suggested that the applicant's interpretation of the PPS 7 provisions was correct. The occupation of the original farmhouse by the retired farmer is in compliance with the agricultural workers condition.

An application of reserved matters for the bungalow was also received at the end of 2009, which was approved in December 2009. Development commenced pursuant to that permission, which is thus extant.

Planning application 9/2011/0268 was refused for the following reason:

"Paragraph 3 of Annex A to PPS7 states that new permanent agricultural dwellings should only be allowed in support of existing agricultural units providing (inter alia) the unit and the agricultural activity concerned have been established for at least three years, and have a clear prospect of remaining profitable; and that the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned. At the time of making the decision, no livestock was evident on the site and therefore the need for a dwelling in relation to existing agricultural need has not been demonstrated. In addition, the dwelling on the site permitted in 2009 has been commenced and would be suitable for occupation in due course. The dwelling commenced would be more suitable in size: Paragraph 9 of the Annex states that agricultural dwellings should be of a size commensurate with the established functional requirement and that dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to income it can sustain in the long-term, should not be permitted. It

stresses that it is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of the dwelling. In this case the dwelling has primarily been designed to accommodate the needs of the prospective occupiers' family and appears inordinately large for the size and function of the enterprise thus contrary to this advice."

Responses to Consultations

Burnaston Parish Council has not commented on this application albeit, there was an objection to the last application.

The County Highway Authority has no objection subject to conditions.

Responses to Publicity

None received.

Development Plan Policies

The relevant policies are:

EMRP: Policies 1, 3 & 12.

Local Plan: Environment Policy 1 & Housing Policy 7.

National Guidance

PPS7 – paragraphs relating to the erection and siting of farm workers' dwellings.

Planning Considerations

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

- The impact of the development on the countryside.
- The size of the dwelling in respect of the advice in PPS 7.
- The ability of the farm holding to finance the erection of the dwelling with reference to the past accounts of the farm.

Planning Assessment

The dwelling as permitted was a bungalow that would have limited impact on the wider countryside. The current application would have more visual impact being two storey. However, given the amendments to the proposed house and on the basis that the building would be required to supervise the operation of an established rural business and that the principle of residential use is established on the application site, this is one of the circumstances that would permit limited intrusion into the countryside to meet that established need.

The requirements of PPS 7 are that any dwelling permitted should be of a size that is commensurate with the needs of the holding and that it can be financed from the operation of the business without regard to the ability of the owner to finance it separately. The amended scheme is of a more appropriate scale in terms of its impact on the countryside

The financial information accompanying the application demonstrates that this farm holding has been in profit for each of the last three years. That profit demonstrates that the holding could finance the building of the house. This is due almost wholly because the applicants currently operate a building business and can build without a significant profit from the construction operation. To support their contention on build costs, a schedule of construction from another large dwelling along with receipts has been submitted with the application.

In conclusion the proposal is reasonable given: the presence of an extant planning permission; the ability of the business to finance its construction and the site's context within an established group of large egg production units, with longer distance views mitigated by field hedges.

The usual agricultural occupancy condition is recommended along with the removal of the normal permitted development rights to ensure that the house can only be extended in future following consideration of a planning application.

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 one year from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990, and to ensure that, having regard to the changing needs of agriculture and the general policy of the approved Structure Plan to restrict development in the countryside, the number and life of planning permissions for agricultural workers' dwellings in being at any one time is limited.

2. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

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

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

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

4. 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.

5. In submitting details required by Condition 2 above the details shall include gutters and downpipes with 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. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, the dwelling hereby permitted shall not be enlarged or extended without the prior grant of planning permission on an application made to the Local Planning Authority in that regard.

Reason: To maintain control in the interest of ensuring that the dwelling is not extended to a point where it becomes unavailable to the agricultural community due to its cost becoming prohibitively expensive such that agricultural workers cannot afford to purchase it.

Item **1.5**

Reg. No. **9/2011/0688/NO**

Applicant:

MR S BAKER
C/O S G DESIGN STUDIO LTD
202 WOODVILLE ROAD
HARTSHORNE
SWADLINCOTE

Agent:

MR STEPHEN GREAVES
S G DESIGN STUDIO LIMITED
202 WOODVILLE ROAD
HARTSHORNE
SWADLINCOTE

Proposal: **ALTERATIONS AND CHANGE OF USE FROM INDOOR
MARKET TO INDOOR CAR PARK AT MARKET HALL
MIDLAND ROAD SWADLINCOTE**

Ward: **SWADLINCOTE**

Valid Date: **15/08/2011**

Reason for committee determination

The application has been brought to committee as the District Council is the applicant and owns the premises.

Site Description

The application site is the former indoor Market and is situated within the Swadlincote Conservation Area and pedestrianised area of the town centre. The building itself is of brick construction with in filled iron railings to the sides and its main frontage is on Midland Road, which has a semi-circular arched access. The roof material is corrugated sheet with roof lights inserted.

Proposal

Minimal external alterations are proposed and these consist of forming two accesses (one an entrance, the other an exit) using the existing bricks to form the new openings with brick piers, the installation of a barrier and laying out of parking bays within the car park. The existing gates on the north elevation would be permanently closed and the steps removed to allow for easier access along the side road. The gates on the south elevation would also be permanently closed with the exception of the gate in between bays 10 and 11, which would allow access to the town centre adjacent to the Sir Nigel Gresley Public House.

Also proposed are six timber bollards, being 900mm in height which would be sited to the front of the proposed car park either side of the access and exit and also in front of the emergency exit gates. The car park is designed primarily for use by Council staff.



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Planning History

None relevant.

Responses to Consultations

Contaminated Land Officer has no objection.

The Conservation and Heritage Officer does not raise any objections to the proposal advising that the existing premises has no active frontage and no positive relationship with the street or other buildings. It lacks the vitality needed to make a contribution to the public realm and the changes would have a neutral impact on its character and would not adversely affect the character and appearance of the conservation area, the proposal being an appropriate use for a currently vacant building.

The County Highway Authority does not raise any objections to the development subject to conditions being applied. The Authority advises that Midland Road is subject to a prohibition of driving order and is restricted to a single width in front of the application site. However the driving restriction is 'except for access' and therefore accessing the site would be permitted without the requirement to amend the order. The width of the fronting road can be widened by removing the street furniture located outside the existing properties opposite along with the removal of the designated disabled parking bays. This would provide sufficient width for two-way vehicle movement. Derbyshire County Council as part of a Section 278 agreement would undertake these works.

Responses to Publicity

No objections have been received however one query has been raised asking if the car park will be available to the general public.

Development Plan Policies

The relevant saved policies are:

Local Plan: Environment Policy 12 and Transport Policy 7

National Guidance

PPS 1 and 4

Planning Considerations

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

- Development plan policy and national guidance and advice
- The impact of the proposal on Swadlincote conservation area
- Highway safety.

Planning Assessment

Saved Environment Policy 12, Transport Policy 7 and Planning Policy Statements 1 and 4 are the relevant guidance on which a decision should be based.

PPS 1 advises that planning authorities should seek actively to bring vacant and underused previously developed land and buildings back into beneficial use. Furthermore planning authorities should bring forward sufficient land of a suitable quality in appropriate locations to meet the existing need for retail and commercial development, leisure and recreation amongst other things and take into account issues such as accessibility. The reuse of empty premises situated within the town centre is fully in accordance with the aims of PPS 1.

Policy EC8 of Planning Policy Statement 4 advises that Local Planning Authorities should take into account the need to make provision for adequate levels of good quality secure parking in town centres, to encourage investment and maintain vitality and viability. The development proposed is therefore fully in accordance with Policy EC8 of PPS 4.

The proposal, which is situated within the Swadlincote Conservation Area, should be assessed with regards to Environment Policy 12, which advises that developments, which would have an adverse effect on the character and appearance of a conservation area, will not be permitted. The Conservation and Heritage Officer has advised that the proposal is an appropriate use for a currently vacant building.

The County Highway Authority have been involved in pre application discussions prior to the receipt of the application and a S278 agreement is being drawn up with the Authority. This agreement would lead to the widening of Midland Road and the proposal to introduce bollards at the entrance and exit points to the car park would encourage pedestrians to walk away from the entrance/exit in order to provide pedestrian/driver intervisibility. Transport Policy 7 advises that the formation of car parks will be permitted subject to the provision of safe, pleasant and convenient conditions for pedestrians and people with disabilities. Three disabled parking bays (whilst requiring relocating within the site to afford better access to the exit) are being provided. Therefore the proposal is fully in accordance with Transport Policy 7.

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 under Regulation 3 of the General Regulations 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. Prior to any other works commencing, a scheme shall be submitted to and approved in writing by the Local Planning Authority for the provision of space within the site for the storage of plant and materials, site accommodation, loading and unloading of goods vehicles and the parking and manoeuvring of site

operatives' and visitors' vehicles. The space shall be maintained throughout the contract period free of any impediment to its designated use.

Reason: In the interest of highway safety.

3. Prior to any other works commencing, a scheme shall be submitted to and approved in writing by the Local Planning Authority in consultation with the County Highway Authority for the works within Midland Road to allow two way vehicle movement between Civic Way and the application site, safeguard pedestrian safety in the vicinity of the site and to provide improved visibility for drivers emerging from the site. The scheme shall be implemented prior to the premises being taken into use.

Reason: In the interest of highway safety.

4. Prior to any other works commencing, excluding conditions 1 & 2 above, the new access and exit shall be formed to the site and the existing access closed, all in accordance with the application drawing 211-47.02 B.

Reason: In the interest of highway safety.

5. The gradient of the access shall not exceed 1 in 14 for the first 5m into the site from the highway boundary.

Reason: In the interest of highway safety.

6. There shall be no obstruction or barrier within 5m of the highway boundary.

Reason: In the interest of highway safety.

7. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no.211-47.02 Rev B.

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

8. Notwithstanding the particulars of the application, revised details of the disabled parking bays shall be submitted for approval in writing by the Local Planning Authority prior to commencement of building operations.

Reason: The submitted details are considered unsatisfactory.

9. Notwithstanding the particulars of the application, the existing steps on the east elevation shall be removed in accordance with the submitted ground floor plan prior to the first use of the development hereby permitted unless agreement has been made with the Local Planning Authority to any variation.

Reason: For the avoidance of doubt.

Informatives:

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 3 months prior notification shall be given to the Environmental Services Department at County Hall, Matlock (tel: 01629 538595) before any works commence on the vehicular access within highway limits.

Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the Area Development Manager. The applicant is advised to allow at least 12 weeks in any programme of works to obtain a Section 278 Agreement.

Item **1.6**

Reg. No. **9/2011/0715/NO**

Applicant:

B.L. Trigg Haulage
THE OLD CHAPEL
158 MOUNT PLEASANT ROAD
CASTLE GRESLEY
SWADLINCOTE

Agent:

Mr Doug Rutter
36 Sycamore Villa
Main Street
Linton
Swadlincote

Proposal: **THE RETENTION OF LORRY WASH AREA AT THE OLD
CHAPEL 158 MOUNT PLEASANT ROAD CASTLE
GRESLEY SWADLINCOTE**

Ward: **LINTON**

Valid Date: **22/08/2011**

Reason for committee determination

The application has been brought to committee after a request by Councillor Wheeler who has stated that the committee should debate the issues, which are very finely balanced.

Site Description

The application site lies to the rear of 158 Mount Pleasant Road, which is a Lorry Haulage premise, with the workshop occupying a former Methodist chapel. To the north of the site are residential gardens of properties at Fields Lane, to the south east is a caravan sales premises and the main lorry parking and turning area.

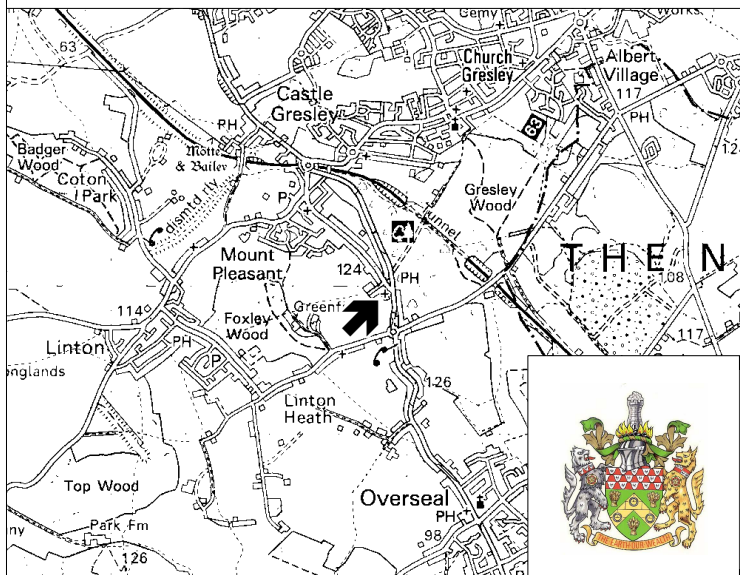
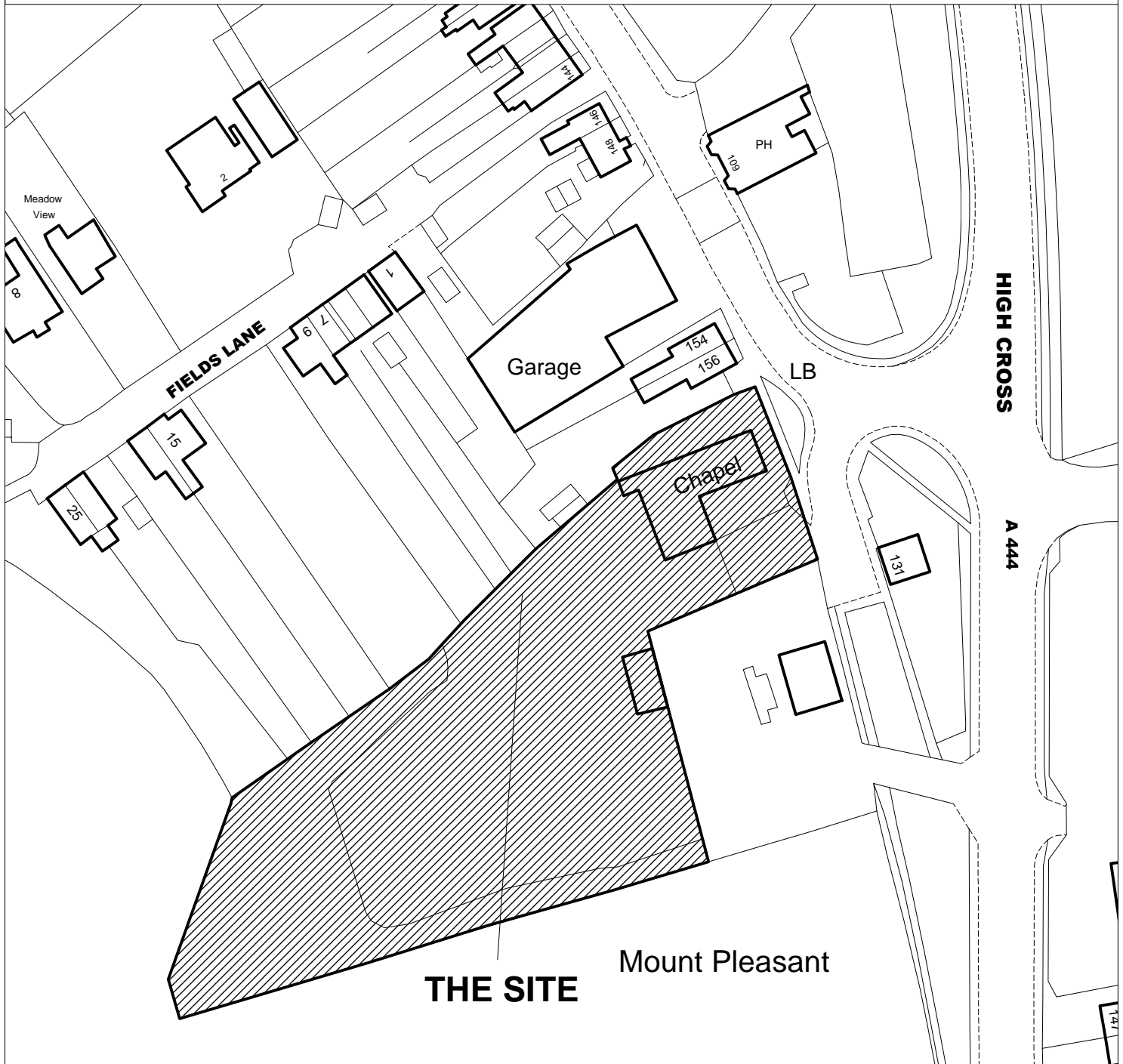
Proposal

The application has been submitted to retain a lorry wash area that is being used in conjunction with the existing haulage premise and to erect a boundary screen between the neighbouring gardens on Fields Lane that border the site. The lorry wash that has been installed has a concrete apron with a sump and silt tray leading to three silt interceptor drains with blue brick coping on the edge adjacent to the rear gardens of Fields Lane. The proposed boundary screen has not been erected and would be 3m in height and constructed of green profiled steel sheeting, running the entire length of the lorry wash area, i.e. 16.6m.

Planning History

The chapel was granted permission for a change to its current use in 1997.

**9/2011/0715 - The Old Chapel, 158 Mount Pleasant Road, Castle Gresley,
Swadlincote DE11 9JH**



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South Derbyshire District Council. LA 100019461. 2010

Responses to Consultations

The Contaminated Land Officer has no objection.

The County Highway Authority does not raise any objections to the application as submitted subject to the facility being ancillary to the existing use on the site.

Severn Trent Water does not raise any objections to the usual conditions relating to the disposal of surface water and foul sewage.

Castle Gresley Parish Council objects to the application advising that the lorry wash is a new build situated right up to adjacent property boundaries causing noise nuisance. They further advise that a diesel tank is situated on the site and there is evidence of leakage from the tank and boundary hedging has been removed making the lorry wash visible to neighbours.

The Pollution Control Officer does not raise any objections to the application as submitted, recommending conditions be applied with regards to enclosure details to be submitted, a temporary consent be granted, hours of operation restricted, restriction of amount of vehicles to be washed daily and restriction as to the use of the lorry wash.

Responses to Publicity

Two neighbour letters of objection have been received. The concerns noted are:

- The lorry wash has been constructed without consultation with any neighbours or even the Council
- Trees have been cut back, vegetation taken out and boundary hedging removed
- Excessive noise can be heard when the lorry wash is in use
- A 3m high screen will be highly visible and will not stop the noise
- Overlooking and loss of privacy as the existing vegetation has been removed and no new planting is proposed
- Diesel tank has been sited with no bund or surrounding wall to prevent spillage
- Existing yard hours are unacceptable as there are no control on hours of operation currently

Development Plan Policies

The relevant saved policies are:
Local Plan: Employment Policy 1

National Guidance

PPS 4 and PPG 24

Planning Considerations

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

- Development plan policy and national guidance and advice
- The impact of the proposal on neighbours

Planning Assessment

With regards to whether the development proposed is in line with national guidance and development plan policy, Saved Employment Policy 1, Planning Policy Statement 4 and Planning Policy Guidance 24 are the relevant guidance on which a decision should be based.

Planning Policy Statement 4 advises that Local Planning Authorities should ensure that development plans support existing business sectors taking account of whether they are expanding or contracting. Employment Policy 1 does take this into account whilst also ensuring that the character of the locality and residential amenity is not unduly affected.

Employment Policy 1 advises that the expansion of industrial and business uses on their existing sites will be permitted provided that the proposal is not detrimental to the character of the locality or residential amenity and does not cause environmental or traffic problems. The lorry wash has been installed in order for the existing business premises to clean their vehicles on site and to prevent extra journeys off site to provide this service.

The character of the locality where the proposal is sited is a haulage yard. It is industrial in character and form and the proposal has no affect on the character of the area in which it is sited. It is a small ancillary use associated with the existing business and therefore its impact is minimal.

The neighbour's concerns are noted and whilst existing vegetation has been cut back, the trees on this site are not covered by a tree preservation order and the site is not within a conservation area therefore pruning cannot be controlled through the planning process. Furthermore it appears that this vegetation was overhanging the site and the actual height of the existing trees and vegetation has not been significantly reduced and is still in excess of about 7 metres. The existing vegetation and trees provide some existing screening to the lorry wash and as stated previously the Pollution Control Officer is satisfied that noise issues can be dealt with by means of conditions to mitigate its effects (the properties being sited 47m away from the lorry wash), and therefore in accordance with the requirements of Planning Policy Guidance 24. The site currently does not have any working hours restriction but a suitable worded condition can cover this and prevent the lorry wash being used at all times as the haulage yard is currently.

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. Within 2 months of the implementation of the permission, precise details, specifications and, where necessary, samples of the material to be used in the boundary screening shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: To safeguard the appearance of the locality generally.

2. Within 2 months of the implementation of the permission, details of an enclosure shall be provided together with specifications and, where necessary, samples of the material to be used in the enclosure. The details shall be submitted to and approved in writing by the Local Planning Authority and the work shall be carried out within 2 months of the granted permission in accordance with the approved details that are submitted.

Reason: In order to protect the amenity of residential properties on Fields Lane.

3. This permission shall be for a limited period only, expiring on 11 October 2012 on or before which date the fencing and screening shall be removed and the site reinstated to the satisfaction of the Local Planning Authority unless, prior to that date, an application has been made and permission has been granted for an extended period.

Reason: To provide the Local Planning Authority with sufficient time in which to assess potential noise issues at the site.

4. The lorry wash shall be restricted to operate between 9am to 5pm Monday to Friday and not at all on Saturdays, Sundays and Bank or Public Holidays.

Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.

5. A maximum of 5 LGV tractor units shall be washed in any one day.

Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.

6. The wash area shall only be used for the purpose herein permitted (cleaning LGV tractor units) and use as a car wash or for other washing purposes is prohibited.

Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties and the use only being acceptable as it is ancillary to the existing use on the site.

7. No further development shall take place until drainage plans for the disposal of surface water and foul sewage 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.

Informatives:

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

Item **1.7**

Reg. No. **9/2011/0729/NT**

Applicant:
TELEFONICA O2 LTD VODAFONE
LIMITED

Agent:
MR MATTHEW WAUGH
HIGHAM & CO
500 STYAL ROAD
MANCHESTER

Proposal: **THE PROVISION OF A 14.8M HIGH STREETWORKS
TELECOMMUNICATIONS POLE WITH VODAFONE AND
O2 ANTENNAS LOCATED BEHIND A SHROUD
TOGETHER WITH 1 NO. SMALL SCALE EQUIPMENT
CABINET AND MINOR ANCILLARY WORKS ON SITE TO
WEST OF RINKWAY MOT & SERVICING BUILDING
LAND ADJACENT UNIT 11 RINKWAY BUSINESS PARK
RINK DRIVE SWADLINCOTE**

Ward: **SWADLINCOTE**

Valid Date: **30/08/2011**

Reason for committee determination

The application has been brought to committee after a request by Councillor Tilley who has stated that there has been local concern expressed about a particular issue, the committee should debate the issues which are finely balanced, there are unusual site circumstances which need to be considered and the application has been refused by planning committee previously (9/2011/0269) on the grounds of inappropriate siting, even though the mast is shorter the objections raised still apply.

Site Description

The application site is to the west of the existing Rinkway MOT station and servicing building on Rink Drive at Swadlincote. The surrounding area is of a mixed use being predominantly industrial in appearance with light industry dominating the area in terms of small units providing printing services, MOT's and electrical sales. To the front of the proposed site is a public car parking area and a public footpath, which leads to the town centre. Beyond the application site some 60m away is a small cul de sac of residential properties at Lindsey Court. The Swadlincote Conservation Area boundary lies approximately 8 metres to the west.

Proposal

**9/2011/0729 - Land adjacent to Unit 11 Rinkway Business Park, Rink Drive,
Swadlincote DE11 8JL**



A similar application was submitted under reference number 9/2011/0269 in April 2011, which was refused by planning committee. The proposal now submitted is to erect a 14.8m high Streetworks telecommunications pole with Vodafone and O2 antennas located with a small equipment cabinet and minor ancillary works associated with the proposal. The location is as the previous application, the difference between the two proposals being the design i.e. the top of the antenna now proposed is 14.53m from ground level, the previous application was 14.7m and the shroud is now proposed to be 12.53m from ground level, the previous application being 12.7m. The pole itself is slim line in design being only 300mm in width expanding to 500mm at the top. The equipment cabinet would measure approximately 2m in width x 1.6m in height and the pole would have the appearance of a lamppost. The proposal would be sited to the rear of the existing MOT station which itself is 7.6m in height.

Applicants' supporting information

The applicant has included:

- Site specific supplementary information including evidence of pre application discussion, consultations with neighbours and Councillors and summary of other sites considered and their suitability
- Supporting statement
- General background for Telecommunications development
- Health and mobile phone base stations document
- ICNIP declaration and clarification certificate
- Developers Notice
- A photomontage of the existing site and also of the proposal
- A analysis statement regarding the impact on the character and appearance of the Swadlincote Conservation Area.

Responses to Consultations

A request for the application to be determined by a Planning Committee has been received from Councillor Tilley advising that he is very concerned that the location is central to Swadlincote and it will affect residents in Lindsey Court who will over look the mast. He advises that it is wholly inappropriate to site the proposal next to a main gateway route (Rink Passage) into Swadlincote town centre and whilst the mast proposed is shorter than the previous application the objections raised still apply.

The Conservation and Heritage Officer advises that the proposal will not have a material impact on the setting of Swadlincote Conservation Area. It is located adjacent to but just outside the conservation area boundary. It is not in an area of high sensitivity, will be seen against the backdrop of an existing industrial building and will not be visually prominent.

Responses to Publicity

One neighbour letter of objection has been received. The concerns noted are:

- The mast will be an eyesore
- Siting close to a public footpath will make it highly visible

Development Plan Policies

The relevant policies are:
Saved Local Plan: Community Facility Policy 4
East Midlands Regional Plan: Policies 2 and 3

National Guidance

PPG 8.

Planning Considerations

The main issues central to the determination of this application are siting and appearance of the proposal.

Planning Assessment

The application has been submitted under Part 24 of the GPDO and is subject to a 56-day prior approval procedure. The applicant was advised during the application process that prior approval of the Local Planning Authority is required and under this procedure the only issues that can be considered are siting and appearance of the proposal.

The applicant has submitted evidence to show that 10 other sites were considered in the area, which has been demonstrated to require coverage. The reasons that these sites were discounted range from:

- Location in a conservation area
- Future of site being uncertain therefore unavailable for development
- Prominent building that would detract from the conservation area
- Site being located too far north to meet the optimum coverage required
- Policy of shop owner to not allow telecommunications equipment to be installed on their premises
- Pitched roof of premises makes siting difficult for the apparatus
- Insufficient room on grass verge to accommodate the required Streetworks
- Location of servicing bays and the constrained nature of the car park/hard standing area means it is not possible to site the installation in this location
- No response from owner despite several attempts to contact therefore assumed that the party is not interested
- Site overlooked by existing residential properties and a residential development is proposed to the east
- Signal blockage due to adjoining new commercial development

Furthermore the applicant has submitted further information analysing the impact on the character and appearance of the Swadlincote Conservation Area.

Planning Policy Guidance 8 stresses that the Government's aim is to facilitate growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. Councils can only consider siting and appearance of the proposal. The proposed telecommunications pole with the equipment cabinet would be 14.8m in height. It would mainly be visible from the rear of the existing industrial premises of the Rinkway MOT station, which fronts a public car parking area, a footpath and is mainly industrial in appearance. There are residential properties to the rear of the proposed site at Lindsey Court and these will have a view of the proposed structure, but only 7.2m of

the pole and they are sited 60m away. The shroud has now been reduced in size following refusal of the previous application. The appearance of the pole is as the existing street furniture in the area and it has been sited to the rear of the premises where its location will have minimal impact upon these dwellings. The area itself has prominent buildings being up to 8m in height and the pole when viewed from Lindsey Court will be minimal when looking at the backdrop of Swadlincote town centre with the chimney structures in the distance.

Community Facilities Policy 4 advises that telecommunications development would be acceptable provided there are no satisfactory alternative means of telecommunications available and the siting of the development does not result in an unduly prominent intrusion in the countryside or damage the character of areas of local landscape value, conservation areas or the setting or fabric of listed buildings. The applicant has demonstrated that there are no satisfactory alternative sites available and has explored a further three sites following the refusal of the previous application (all of which remain unsuitable). The siting in a predominantly industrial area is acceptable and the character of the area would not be unduly damaged by the proposal. The conservation area of Swadlincote is located adjacent to the site but the Conservation and Heritage Officer has advised that the proposal is located adjacent to but just outside the conservation area boundary. It is not in an area of high sensitivity and would be seen against the backdrop of an existing industrial building and would not be visually prominent; accordingly the application is in accordance with Saved Community Facility Policy 4.

Recommendation

Approve details as submitted.

Item 2.1

Reg. No. 9/2011/0679/FH

Applicant:

MR EDWARD HARVEY
STANTON HILL
STANTON BY BRIDGE
DERBY

Agent:

MR DAVID MORRIS
NEWLANDOWNER MANAGEMENT
SERVICES
LITTLE ORCHARD
FOSTON
DERBY

Proposal: **THE INSTALLATION OF AN ARRAY OF 12
PHOTOVOLTAIC SOLAR PANELS MOUNTED ON THE
SOUTH SIDE OF THE GARAGE ROOF AT 1 ST BRIDES
FARM STANTON HILL STANTON BY BRIDGE DERBY**

Ward: **REPTON**

Valid Date: **12/08/2011**

Reason for committee determination

This application is brought before committee at the request of Councillor Murray as the committee should debate the issues in this case which are very finely balanced.

Site Description

The application site is a new build garage block to the converted curtilage buildings of the Grade II listed St Bride's Farmhouse. The garage is situated in the south west corner of the residential complex which comprises the main listed farmhouse and 6 residential barn units with associated garage blocks. The site is located in the open countryside on the A514 between Stanton by Bridge and Ticknall. There is a public bridleway that runs along the southern edge of the site.

Proposal

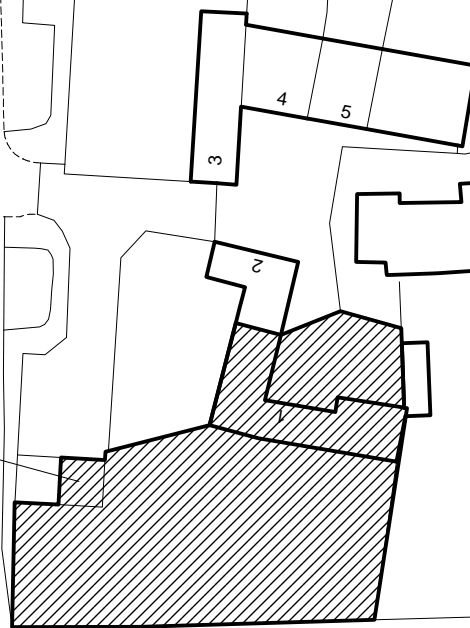
The proposal is for the installation of an array of 12 photovoltaic solar panels mounted on the south side of the garage roof.

Applicants' supporting information

The applicant has submitted a Design and Access Statement (DAS) covering the following:

9/2011/0679 - 1 St Brides Farm, Stanton Hill, Stanton by Bridge, Derby
DE73 7NF

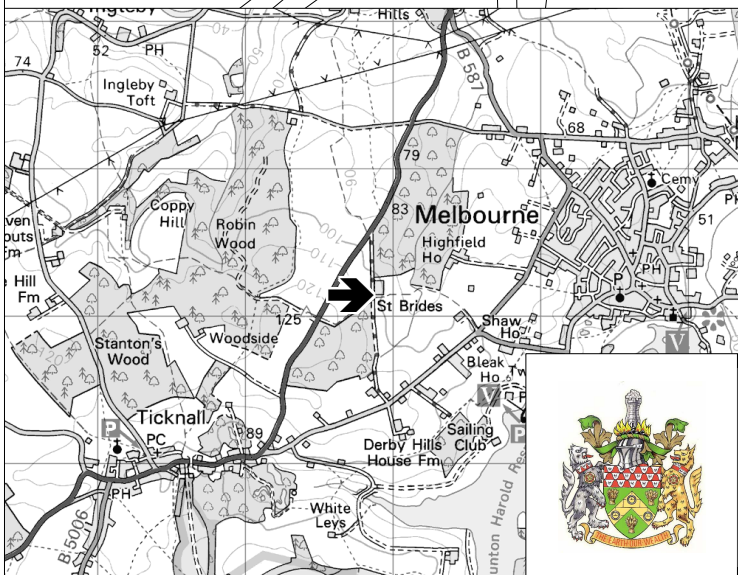
THE SITE



Well

St Bride's Farm

Path



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South Derbyshire District Council. LA 100019461. 2010

- The production of electricity from renewable sources through the use of Solar PV Modules will contribute towards reducing the carbon footprint of the application property and hopefully result in considerable cost savings.
- Electricity surplus to the household's requirement will be fed into the National Grid, contributing towards the Government's target to greatly reduce the percentage of electricity produced from renewable sources.
- The array of 12 Sanyo HIT 250W panels will be mounted on a specially designed metal framework located on a south facing garage roof, 18 metres to the south-west of the barn conversion and 57 metres to the south-west of the listed farmhouse. (Photographs of the mounting brackets shown in situ on a tiled roof and a solar panel array on an existing roof that will be of a similar installation to the one proposed are included in the DAS).
- Each panel measures 861mm x 1600mm and will be mounted in 2 rows in 'portrait' orientation (photographic example supplied). The framework will be fixed to the existing roof timbers with a space of 120mm between the tiles and the underside of the panels.
- No structure other than the array will be required as the associated electrical equipment will be wall mounted inside the garage.

Impact on the landscape

- The garage roof is partially concealed by large hedges and trees, however the upper third of the installation will be seen from the A514, Ticknall to Stanton by Bridge road and from some parts of the footpaths which intersect near the garage.
- The installation cannot be seen from the listed building or any nearby dwellings.
- No ancillary buildings will be required to house the electrical equipment.
- No landscaping will be required.

Appearance

- The panels are Sanyo HIT mono-crystalline modules, coloured dark blue to match the existing roof tiles.
- They will be south facing to maximise potential energy from the sun and will be partially hidden from view by hedges and evergreen trees in the garden, assisted by the existing topography.
- The panels will not protrude above the ridge of the roof.
- Glare from sunlight reflecting from modules is unlikely to affect any neighbouring dwellings or road users. The 35° angle or repose is such that reflection will be directed skywards.

Economic, Social and Environmental benefits

- The photovoltaic array will utilise sunshine, a renewable source, to produce clean, green electricity.
- Green energy surplus to the barn conversion will be fed into the National Grid.
- All electricity produced will contribute towards reduced demand on The Grid, resulting in lower Carbon Footprint.
- Reduced CO₂ production will benefit the environment.
- Visual intrusion will be minimal and noise will be nil.
- Wildlife and wildlife habitats will be unaffected.

Production figures

- Approx 3000kWh per year electricity produced.
- Annual electricity consumption is approximately 1000kWh.
- Approximately 2000kW of green electricity will be available to The Grid for public use.
- 1.29 tonnes of CO2 will be saved through the use of this solar production module.

The DAS goes on to list the national and local policies that the proposal is compliant with:

- Government's Energy White Paper;
- Planning Policy Statement 1: Delivering Sustainable Development, Planning and Climate Change;
- Planning Policy 7: Sustainable Development in Rural Areas;
- Planning Policy Statement 22: Renewable Energy;
- National Designations: Listed Buildings; and
- Local Planning Policy: no definitive policy on renewable energy found in Local Plan.

Planning History

Planning permission (9/1297/0746/F) and listed building consent (9/1297/0764/L) were granted in March 1998 to convert the outbuilding of the Grade II listed St Brides Farmhouse to 6 residential units with 3 garage blocks.

There is no further planning history for the application since its conversion.

Responses to Consultations

The Conservation and Heritage Officer has objected to the proposal and his comments are as follows:

St. Bride's Farmhouse, listed Grade II, may have the distinction of being the oldest residential building in South Derbyshire, as it appears to be a 16th century conversion of the nave of a former 12th century Norman chapel, with a little of the original stonework apparently still *in situ*. A 19th century stone barn is Grade II listed in its own right and the remainder of the historic farm buildings (including the application property) are protected as curtilage listed buildings of the farmhouse.

The farm buildings were converted to residential use about 12 years ago, and new garage blocks were constructed to accompany the conversions, aligned and sited in such a way that the layout and "grain" of the original farmstead was respected. There are no permitted development rights pertaining to the present application site as it falls within the curtilage of the original listing and permitted development rights for the conversions were removed.

The proposal is to put an array of 12 PV panels on the roof of the modern garage of unit 1. It is considered that the proposal would have a detrimental effect on the character of the farmstead as a whole. As the grouping is seen as a whole in the countryside and the difference between the old and new buildings was not intended to be obvious, there

would be no proper distinction between putting the panels on an old building or a modern one.

St. Brides is a conspicuous feature of the landscape in popular walking country on the edge of the National Forest, with extensive new planting and with public access and views via bridle path routes. It has a strong historic character due to its vernacular materials and forms, and its position on an east facing slope alongside a former major road from south to north.

There are also concurrent applications (planning permission and listed building consent) to place solar thermal panels on part of the listed farmhouse and, given the subdivision of the site into seven households, approval of the current applications would open the door to further applications from others, especially regarding the south facing roofslopes of units 1, 4, 5 and 6, and the garage of unit 2. It is considered that the current application is sufficiently detrimental in itself to warrant refusal, but the collective implications of allowing the proposal should not be ignored.

The proposal should therefore be refused on the grounds that it is contrary to the provisions of saved Environment Policy 13 of the Adopted Local Plan, and Planning Policy Statement 5.

Responses to Publicity

There has been 3 letters of support for the proposal:

- The proposal is not of any concern since the solar panels will not be intrusive or offensive to the neighbours, who fully welcome this eco-friendly venture.
- The application is strongly supported, as we need more renewable technologies in the UK and we need to move with the times. The supporter does not believe that the solar panels will harm the character of the area.
- The supporter is fully supportive of this application to reduce carbon emissions. The proposal is well hidden from view.

Development Plan Policies

The relevant policies are:

Local Plan: Saved Environment Policy 13 of the Adopted Local Plan.

National Guidance

PPS 5 and Practice Guide.

Planning Considerations

The main issue central to the determination of this application is the impact of the proposal on the setting of the complex that comprises the Grade II listed principal building, St Bride's Farmhouse, and its converted curtilage buildings and associated new buildings.

Planning Assessment

Paragraph 25 of Planning Policy Statement 5: Planning for the Historic Environment Practice Guide notes that “intrusive interventions, such as external mounting of microgeneration technology, can harm the significance of an heritage asset”. The guide goes on to state that development that impacts on the significance of a heritage asset, such as an historic landscape, should be carefully considered by the developer and planning authority with a view to minimising or eliminating the impact on the asset. Ideally the proposal should be discussed at pre-application stage to establish an acceptable balance between the necessity for measures that meet the challenge of climate change and the importance of conserving the significance of the asset.

Saved Environment Policy 13 of the Adopted Local Plan seeks to preserve the character and setting of listed or other buildings of architectural or historic importance from development that would have an adverse effect.

The application building is a new build garage block which forms part of a residential complex comprising the Grade II listed principal farmhouse and its converted curtilage buildings. All new buildings on the site were aligned and constructed in such a way as to respect the layout and grain of the original farmstead. The proposed solar panels would hide one half of the rear unbroken south facing tiled roofslope of the application building, which is visible from public bridle path routes in the vicinity.

The proposal was not subject to pre-application discussions therefore the feasibility of alternative locations has not been investigated. Approval of the current proposal could set a precedent for solar panels on the rest of the properties within the complex and therefore compound the impact this would have on the character and setting of the listed farm grouping.

The proposal would therefore be contrary to the provisions of Planning Policy Statement 5 and Saved Environment Policy 13 of the Adopted Local Plan in that it would have a detrimental effect on the character and setting of the farmstead as a whole, which has a strong historic character due to its vernacular materials, forms and location within a popular public walking area.

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

REFUSE permission for the following reason:

Paragraph 25 of Planning Policy Statement 5: Planning for the Historic Environment Practice Guide notes that "intrusive interventions, such as external mounting of microgeneration technology, can harm the significance of an heritage asset". The guide goes on to state that development that impacts on the significance of a heritage asset, such as an historic landscape, should be carefully considered by the developer and planning authority with a view to minimising or eliminating the impact on the asset. Ideally the proposal should be discussed at pre-application stage to establish an acceptable balance between the necessity for measures that meet the challenge of climate change and the importance of conserving the significance of the asset.

Saved Environment Policy 13 of the Adopted Local Plan seeks to preserve the character and setting of listed or other buildings of architectural or historic importance from development that would have an adverse effect.

The application building is a new build garage block which forms part of a residential complex comprising the Grade II listed principal farmhouse and its converted curtilage buildings. All new buildings on the site were aligned and constructed in such a way as to respect the layout and grain of the original farmstead. The proposed solar panels would hide one half of the rear unbroken south facing tiled roofslope of the application building, which is visible from bridle path routes in the vicinity.

The proposal was not subject to pre-application discussions therefore the feasibility of alternative locations has not been investigated. Approval of the current proposal could set a precedent for solar panels on the rest of the properties within the complex and therefore compound the impact this would have on the character and setting of the listed farm grouping.

The proposal would therefore be contrary to the provisions of Planning Policy Statement 5 and Saved Environment Policy 13 of the Adopted Local Plan in that it would have a detrimental effect on the character and setting of the farmstead as a whole, which has a strong historic character due to its vernacular materials, forms and location within a popular public walking area.

Item **2.2**

Reg. No. **9/2011/0723/FM**

Applicant:

MR STUART TURNER
MAIN STREET
ETWALL
DERBY
DERBY

Agent:

MR WILLIAM ROYALL
19 FIELD LANE
BURTON UPON TRENT

Proposal: **THE ERECTION OF THREE DWELLINGS ON THE SITE
OF THE EXISTING TENNIS COURT AT ETWALL LAWN
82 MAIN STREET ETWALL DERBY**

Ward: **ETWALL**

Valid Date: **25/08/2011**

Reason for committee determination

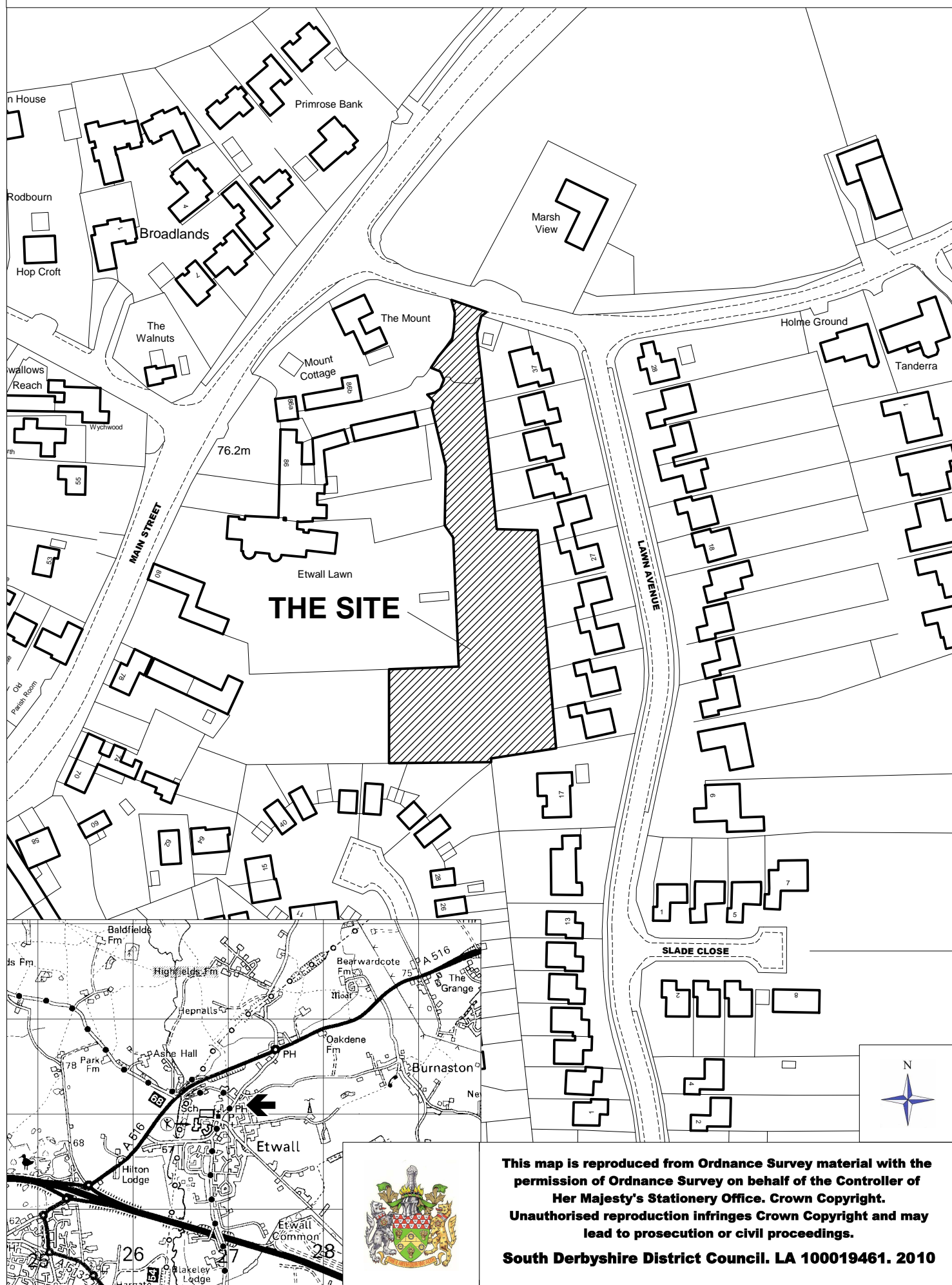
The application is brought to Committee at the request of Councillor Lemmon on the basis that local concern has been expressed about a particular issue and the Committee should consider unusual site circumstances.

Site Description

The site lies outside the Etwall Conservation Area, (with the exception of part of plot 3) but within the wider confines of Etwall Lawn, a Grade II listed building. The east boundary of the Conservation Area lies within the Etwall Lawns curtilage and is defined by the ha-ha that forms a physical if not a readily more apparent boundary. The fences on the Park Way boundary are the south boundary of the Conservation Area. The position of the Conservation Area boundary will be illustrated at the meeting. To the south and east the boundaries of the application site are 1.8 - 2.0 metre high fences that are the rear fences to houses on Lawn Avenue and Park Way. There are trees on these boundaries that are the subject of a Tree Preservation Order. A tennis court enclosed by the usual fencing currently occupies a significant part of the application site. Those areas outside the tennis court are grass with the exception of the areas formed by the trees and shrubs close to the site boundaries

Proposal

The application proposes the erection of the 3 dwellings served by the existing access to Etwall Lawn from Burnaston Lane. Most of the shrubs on the site boundaries would be removed but the trees are shown retained. The trees to be felled within the site comprise mainly Lawson Cypress that appear to have been originally planted as internal hedges.



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In order to try and address some of the objections raised by Committee in refusing a previous planning application, this application proposes that the finished floor levels of the new houses be set at a lower level than was previously proposed to reduce the impact of the adjacent houses.

Applicants' supporting information

The applicants have undertaken various pre-application discussions with officers and sought to address some of the design concerns that arose from the refusal of the application made in 2009 (see below) – in those meetings officers indicated that it would be difficult to overcome the matters of principle raised in the previous decision and that a recommendation of refusal of any application was likely whatever changes were to be made to the design or location of the dwellings. The following points are made by the applicant to address that potential recommendation.

- Circular 03/09 allows officers to maintain a professional recommendation even if a Committee disagrees with that professional view.
- The reason in the previous decision did not reflect the conclusions on openness put before the Planning Committee. The officer concluded that previous development to the park land had eroded the setting of Etwall Lawn and further development would not be as harmful to the setting as the original setting had been retained.
- The garden to the west of the development site would be retained as a setting for Etwall Lawn and that setting is adequately defined by the boundary of the Conservation Area. Historic mapping suggests that the application site was separated from Etwall Lawn for substantial periods of the 18th and 19th century. The part of the Conservation Area affected by the proposal is minimal and has no impact on the setting of the listed building. The site lies in the defined settlement framework and is therefore acceptable in principle and as such the officer recommendation should be consistent with that made in response to application 9/2009/0986.
- The draft National Planning Policy Framework is another consideration in support of a favourable recommendation. It promotes sustainable development and sets out guiding principles to be followed by the Local Planning Authority's in determining applications. It is accepted that the consultation period does not expire until October this year, but it is unlikely that it will differ substantially from its draft form.
- This states that the Local Planning Authority's should determine development proposals that accord with the development plan without undue delay. The case in favour of the development and statutory plans is made in the Design and Access statement (see below). Reference is also made to the part of the framework that states that the Government is committed to increasing the housing supply and everyone should be given the opportunity to live in a wide choice of well-designed quality homes.
- The three homes lie within the settlement framework, are well designed and would provide a wider choice of houses within the village.
- Accordingly the officer recommendation should be consistent with that made when the previous application was referred to the Planning Committee.

A Design and Access statement supports the application and an Arboricultural Impact Assessment and a first phase Habitat assessment of the trees on the site together with a Heritage Statement have also been submitted, these are available for inspection on the file. These can be summarised as follows:

Design and Access statement:

- The dwellings have been located beyond the ha-ha and the rose garden to maximise the screening effect and distance from Etwall Lawn. It is contended that the proposal would not affect the setting of the Grade II listed building.
- The development site is screened from houses on Lawn Avenue and Park Way by boundary hedges and fences as well as mature trees.
- The site lies within the built confines of the settlement and generally accords with the provisions of Housing Policy 5.
- The minimum separation distances between existing and proposed dwellings have either been met or exceeded and as such the development accords with Housing Policy 11 of the Local Plan.
- The development would have minimal impact on the Conservation Area. There are limited or no public views of the application site; all the important trees in the site would be preserved; the gardens to Etwall Lawn would be retained to the west of the ha-ha that marks the east boundary of the conservation area. The area containing the tennis court is visually separate from the listed building.
- There is no historic townscape to guide this development and it would have little or no impact on Main Street and would follow the pattern of housing established on Lawn Avenue and the reduction to three dwellings would give a more open feel to the development. The proposal therefore accords with the provisions of Environment Policy 12.
- Environment Policy 13 deals with development that affects the setting of Listed Buildings. The impact of the proposed development would have minimal impact on Etwall Lawn and the development is considered to accord with this policy. It is contended that the proposal respects the setting of Etwall Lawn and would bring some underused land back into productive use in accordance with the principles of sustainable development. The proposal would make a valuable contribution to the local distinctiveness of the area in accordance with the requirements of Policy HE7.4 of PPS 5.
- The setting of Etwall Lawn is very important - the lawns to the south of the ha-ha are important as they give a sense of scale to the property and this is backed by the mature trees that also provide a sense of enclosure to the site.
- The houses proposed would all have the same design with 4 bedrooms would be accessed from the existing drive to Etwall Lawn from Burnaston Lane. None of the proposed houses have windows looking towards either Lawn Avenue or Park Way.
- Overlooking has been minimised by setting the houses as far from the boundaries of existing houses as possible but in excess of the distance required by the Housing Layout and Design SPG and also setting the houses as low as possible within the site.
- The design of the dwellings picks up on historic gable widths with roof space utilised to form part of the living accommodation. This has the effect of reducing ridge and eaves heights on the proposed dwellings.
- Materials are proposed that reflect the character of the Conservation Area and the design of the dwellings have been amended from that previously refused to

have a more traditional appearance. The buildings would be constructed to high environmental standards.

- Additional tree planting is proposed within the site to enhance existing screening particularly towards Etwall Lawn.

Tree Survey

- The submitted tree survey notes the required root protection zone for each of the trees in the vicinity of the application site; the dwellings have been sited to take account of the root protection zones.
- None of the trees shown as retained within the site would be lost as a result of the development

Bat Survey

- This concludes that whilst some of the trees provide a potential for supporting bats their rating is low and works in the vicinity of those trees should be avoided, it is unlikely that an ecologist's input would be required. To avoid any disturbance night work on the site should be avoided, no lights and construction traffic in the vicinity of the site should be prohibited. If any of the trees identified in the report are to be felled then further survey work would be required and the advice of a licensed bat ecologist sought. None of the trees identified in the report are to be affected by the development, but three of the identified trees lie in the vicinity of the access to the site.

The application is in accordance with the recently published Draft National Planning Policy Framework and represents a material change in planning policy since the last application was refused and given the above arguments in favour of the development promoted on behalf of the applicants it is contended that planning permission should be granted.

Planning History

Permission for a dwelling on the site of the tennis court was granted in the early 1970s subject to an agricultural worker condition. A further application for a dwelling in 1979 was refused planning permission on the basis that the dwelling would adversely affect the setting of the listed building, a redundant 17th century cottage could provide separate living accommodation, and the access was over-long resulting in excessive man-carry distances.

During the 1980's there were various applications for extensions and alterations to Etwall Lawn. There was an application in 1991 for the conversion of the 17th century cottage in the grounds of Etwall Lawn that was granted permission.

In the later 1990's various works in the grounds to Etwall Lawn were permitted including the erection of the access gates referred to above. The last application in the 1990's was for the erection of the Orangery that is now in place.

An application for 4 dwellings was refused planning permission in 2010 and a subsequent application for 3 dwellings of the type now proposed, was withdrawn earlier this year to allow for additional works to be undertaken prior to its resubmission in this form.

Responses to Consultations

Etwall Parish Council supports the objection of two individuals referred to in their response and objects to the development for the following reasons:

- a) The exit/entrance onto Burnaston Lane is inadequate for any increase in traffic using it and would need to be improved at cost to any developer.
- b) The proposed development abuts the village conservation area and is totally intrusive into it. The trees that mark the boundary of Etwall Lawn are an essential part of the site, separating it from the modern development area and it is perhaps a mistake that the entire curtilage is not within the conservation area. At all events, this intrusion should be stopped on heritage grounds.
- c) The proposed dwellings are very close to the boundary of houses on Etwall Lawn that they would adversely affect the character of those houses)

The County Highway Authority has objected to the development on the basis that the development as submitted makes no provision for an adequate visibility splay between the site access and the junction of Burnaston Lane and Main Street.

The Development Control Archaeologist has no objection to the development subject to conditions to secure archaeological investigation of potential remains on the site. The County Planning Authority also comments that the submitted information on heritage assets required by PPS 5 are sufficient to allow the scheme to be determined in accordance with this Council's Heritage and Conservation Officer.

Severn Trent Water has no objection to the proposal subject to foul and surface water disposal details being submitted before development is commenced.

Natural England agree with the assessment that bats are unlikely to roost in any of the trees albeit that they may forage within the site and any disturbance would be to foraging areas rather than roost and that the trees that have the potential to act as roosts should not be felled. It is recommended that the new landscaping should contain planting that would attract bats.

The Environment Agency has objected on the basis that the site should drain to the foul sewer rather than the package treatment system proposed. The objection would be removed if the site utilises the adopted foul sewer system.

The comments of the Heritage and Conservation Officer and Tree Officer are included in the Planning Assessment below.

Responses to Publicity

18 letters or e-mails have been received objecting to the development.

One letter from a planning consultant on behalf of the occupiers of 14 properties who are against the development has also been received. The objections can be summarised as follows:

- a) Highway safety matters are not addressed in the application as stated as none of the improvements to Burnaston Lane secured for the previous application have been included in this application. Highway safety is a major issue, as the

development would significantly increase the use of an access to Burnaston Lane that is not suited to extra traffic. The drive itself is not wide enough to allow two cars to pass and this could result in traffic reversing out on to Burnaston Lane that is barely wide enough to allow two vehicles to pass. This increase in traffic using the access would be in the order of 80% where visibility towards Main Street is substandard. The same would be said of vehicles waiting to turn into the site where traffic turning into Burnaston Lane from Main Street would have views of the waiting traffic obscured by the roadside hedge. Users of the site would only be able to access the village centre by walking along Burnaston Lane where there is no footway. The Design and Access Statement fails to address these issues.

- b) Whilst the application is now accompanied by a Heritage Statement, which is welcomed, it is considered deficient in a number of ways that suggest that the document should be corrected prior to determination of the planning application.
- c) The application is still accompanied by the same Arboricultural assessment that supported the 2009 application, this has no regard for the newly designed scheme with its reduced land levels and the letter from the tree consultant that accompanied the application does not demonstrate how the conclusion that the trees would not be adversely affected by this proposal.
- d) The assertions that the application is supported by the draft National Planning Policy Framework are contested in that this document is still at an early stage of preparation. It is asserted that Etwall may not be a sustainable location, there are only a few shops, and surveys have demonstrated that between 40% and 60% of residents travel to either Burton or Derby for work. Whilst there is a regular bus service, the majority of people would use the car to access employment.
- e) The applicant makes much of the fact that the lawns around Etwall Lawn would be retained. There would be a significant loss of the open area around the listed building, and nothing would compensate for that loss.
- f) The changes to the design of the houses are welcome although the Design and Access statement is silent on the guiding principles behind the design. This suggests that the Design and Access statement has been drawn up after the proposed houses had been designed and made to fit that design.
- g) The trees along the east boundary would be at risk even if a Tree Preservation Order were placed on them. Once houses are occupied there would be pressure to have them removed due to the heavy shade, leaf and branch drop, notwithstanding that the applicant describe the trees as having high landscape value and encourages the placing of an order on these trees. If development were permitted this high landscape value would be compromised by the very presence of the dwellings that would reduce the impact of the trees to glimpses of the upper branches above the proposed dwellings from within the Conservation Area.

The following are additional objections submitted by the residents:

- a) The scale, height and massing of the proposed development would have an adverse impact on surrounding properties. The proposals are not in keeping with the South Derbyshire character as defined in SPG - Housing Layout and Design with overlooking of houses on Lawn Avenue, there would be a loss of outlook from those properties.

- b) Notwithstanding the assertions of the applicants some 2700sqm of the land surrounding the historic building would be lost and some of the development site intrudes into the Conservation Area.
- c) There are dwellings that overlook the proposed dwellings on Park Way and Lawn Avenue contrary to the assertions in the application.
- d) Etwall Lawn is a historic gem in the care of its current owner who should not be allowed to vandalise the site by putting up housing that detract from the setting of Etwall Lawn itself but the other listed buildings that are attached to it.
- e) The site no longer conforms to the definition of Brownfield land that it enjoyed when the previous application was refused. Permission should not be given to the benefit of a particular owner, the building should be preserved for future generations.
- f) Local Plan policies reflect national guidance in that they seek to preserve the character, identity and environmental quality of South Derbyshire villages and settlements. This statements seems in harmony with the emerging National Planning Policy Framework
- g) The reason for refusal in 2010 remains a valid and nothing in the current application statements remove the fundamental objection to the development set out in that decision.
- h) In order to address the lack of a footway between Main Street and Lawn Avenue, land should be compulsory purchased to facilitate its provision.
- i) Unit C encroaches into the Conservation Area and does not preserve or enhance the character or appearance of the Conservation Area.
- j) There is no need for more 4-bedroom homes smaller homes are required.
- k) The County Highway Authority has standards that limit the number of houses served off a private drive to 5 – there would be many more than that if this development was permitted.
- l) The submitted plans mislabel the elevations.
- m) There have been numerous 'back garden' developments that have altered the character of the village; in fact the village is becoming unrecognisable. The village must be approaching saturation point in terms of new housing development. However, a need for affordable housing (up to 18 units) in Etwall has been established and Etwall Lawn would be an ideal location to meet this need - to date no such developments have occurred.
- n) A footpath should be provided in the same way as required for the development further along Burnaston Lane. This is an unlit lane and lights on it or the access drive could cause detriment to the occupiers of nearby houses; there is currently no footpath on either side of Burnaston Lane.
- o) In addition to the bats, birds, hedgehogs and squirrels have been observed on the site this is their haven in the middle of the village. Trees and shrubs would be lost as a result of the development. Those retained would compromise the living conditions for future occupiers, giving the occupiers of the new houses a feeling of being cramped

Development Plan Policies

The relevant policies are:

EMRP: Policies 1, 2, 3, 12 and 27.

Saved Local Plan: Housing Policies 5 and 11, Environment Policies 9,12 and 13.

National Guidance

PPS1, PPS3, PPS5 & PPG13.

Planning Considerations

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

- Previous Officer advice
- The Development Plan and Government Advice on Heritage Assets
- National Planning Policy Framework
- Highway safety issues
- Nature Conservation and Ecology Issues
- Trees and landscaping

Planning Assessment

Previous Officer Advice

The comments of the applicants on this issue are noted. There was a recommendation to permit the 2009 planning application that was overturned by the Committee when it met to consider that application. The applicants have been advised that the reason for refusal for that application as put forward by the Committee represents sound grounds in principle for refusing permission for development.

In seeking discussions with officers, the applicants have been made aware of this view and that any comments made about design of dwellings or commenting on submissions were made on the basis that the matter of the principle of development could not be overcome by changes to the design of the buildings. The purpose of the meetings was to allow the applicants to produce a scheme that they felt would best suit the site and then if Committee were still minded to refuse the scheme, the current scheme would form the basis of an appeal to the Secretary of State.

Nothing in the applicant's submissions has overcome the previously expressed view of the Authority that the principle of housing development on the site is not acceptable and it is considered that the recommendation below is based on sound planning judgement and is capable of defence at appeal.

The Development Plan and Government Advice

The site lies within the defined village confines of Etwall. The principle of housing development is therefore potentially acceptable subject to the consideration of environmental or traffic impact, under the provisions of Housing Policy 5. However in this case the impact on the setting of the Grade II listed building is considered fatal to that principle of acceptance for the reasons set out in the recommendation. The proposal is therefore considered contrary to Environment Policy 13 of the adopted Local Plan and Government advice as set out in PPS 5 at policies HE9 and HE10.

Highway Safety Issues

The County Highway Authority in response to the 2009 application required a condition requiring the removal of part of the hedgerow within highway limits on Burnaston Lane to provide a visibility splay towards Main Street. The necessary land to allow the provision of the visibility splay is not included in the application site and as such no

condition can be imposed. The applicant is liaising with the County Highway Authority to see if an amended plan can be submitted and the outcome of those discussions will be reported at the meeting.

Nature Conservation Issues

In response to the assertion that bats are present in the locality, the applicants were asked to carry out an initial assessment of the likelihood of bats roosting within the site (the presence of bats or other protected species can lead to development being refused). However, English Nature has commented that the submissions made are reasonable and that the habitat could be improved with appropriate planting schemes in the development site.

Trees and Landscaping

The trees within the application site are an important feature and have a Tree Preservation Order placed on them. In response to this application the Council's Tree Officer advises that the protection works proposed in the Tree Report should ensure the retention of the trees during building operations. However, he has stated that once developed, there is a strong possibility that there would be pressure to have trees removed due to their impact on the living conditions within the dwellings.

None of the other objections fall to be considered in detail in this assessment, as the recommendation is to refuse planning permission for the reason set out below.

Recommendation

REFUSE planning permission for the following reason:

The development site lies within the curtilage of Etwall Lawn, a Grade II Listed Building. Historic evidence shows that the listed building had a large area of parkland that was eroded by development in the 1960s and 1970s. The remaining curtilage is therefore important to the setting of the listed building to a point where any further loss to development would erode the setting of the listed building to the detriment of its historic character. Policy 27 of the adopted East Midlands Regional Plan together with saved Environment Policies 12 and 13 seek to ensure that the historic assets of the District are retained such that any new development should demonstrate either a neutral or an enhancement to both the character or appearance of the Conservation Area or retain the setting of Listed Buildings. It is considered that the present boundary features formed by the fences with the protected trees to the houses on Lawn Avenue and Park Way constitute the curtilage of Etwall Lawn on its east and south flanks. In turn the future of these trees could be jeopardised by the development by their close proximity and future impact on living conditions contrary to Environment Policy 9 of the Local Plan. The erection of 3 new houses within its curtilage would compromise the setting of the Grade II listed building in the Etwall Conservation Area to the detriment of the setting of the listed building and would not preserve or enhance the character or appearance of the listed building from views within the Conservation Area contrary to these policies and the policies set out in PPS 5 that seek to ensure that the setting of Historic assets are retained for future generations.

Item **2.3**

Reg. No. **9/2011/0725/FO**

Applicant:

MR M J DEAKIN
J D DEAKIN & SONS
CHURCH FARM
COTON IN THE ELMS
SWADLINCOTE

Agent:

MR M J DEAKIN
J D DEAKIN & SONS
CHURCH FARM
COTON IN THE ELMS
SWADLINCOTE

Proposal: **OUTLINE APPLICATION (ALL MATTERS RESERVED)
FOR THE ERECTION OF A DWELLING ON LAND TO
THE NORTH EAST OF 1 CHURCH CROFT COTON IN
THE ELMS SWADLINCOTE**

Ward: **SEALES**

Valid Date: **25/08/2011**

Reason for committee determination

Councillor Frost has requested that the item be brought to committee, as committee should debate the issues in this case, which are very finely balanced.

Site Description

The application site is outside the defined village boundary of Coton In the Elms adjacent to open fields and countryside. To the west of the site is a farm track leading to open fields and countryside and the site contains trees the subject of a Tree Preservation Order (347) which consists of two individual specimens and also a group of trees located on the proposed access road and also the north and east of the site.

Proposal

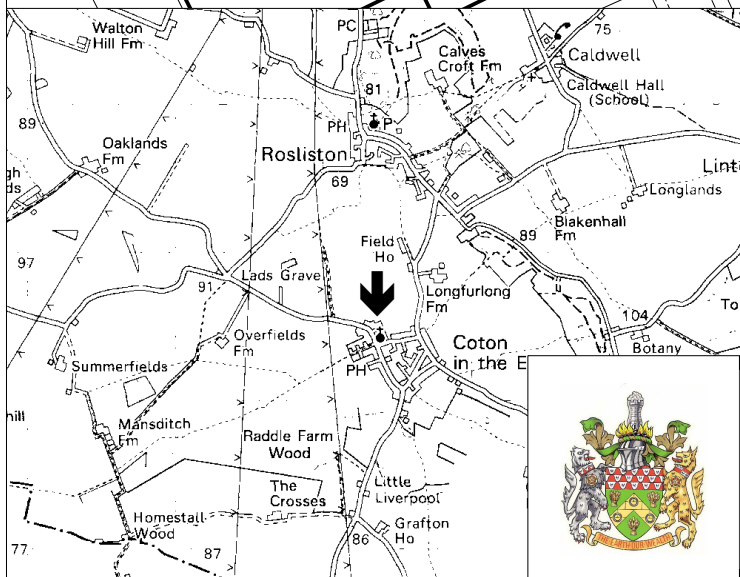
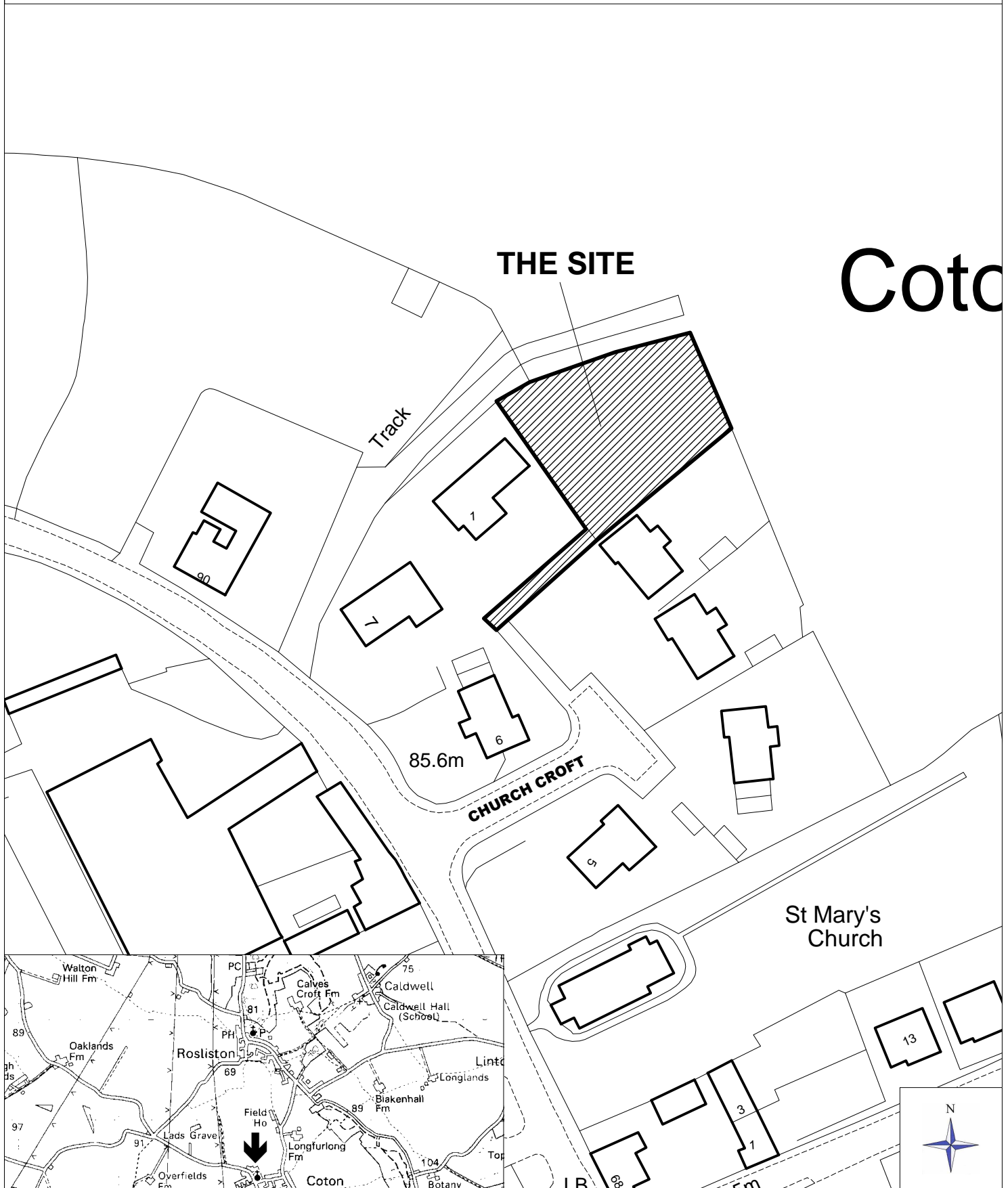
The application submitted is in outline with all matters reserved and is for the erection of one residential bungalow on the land, accessed via a new driveway running between No 2 Church Croft and No 1 Church Croft using a shared access which currently serves No's 7 and 1 Church Croft.

Planning History

9/2011/0289 - outline application (all matters reserved) for the erection of a dwelling – refused 02 June 2011. Reasons for refusal:

'1. Saved Environment Policy 1 and Housing Policy 8 of the South Derbyshire Local Plan and paragraphs 10 and 15 of PPS7 seek to restrict development in the countryside to that essential

**9/2011/0725 - Land to the north east of 1 Church Croft, Coton in the Elms,
Swadlincote DE12 8HG**



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to a rural based activity or unavoidable in the countryside and where amongst other things the character and landscape quality of the countryside are protected. The site lies in open countryside and the proposed dwelling is not essential to a rural based activity. The proposal therefore fails to meet the criteria set out in Saved Environment Policy 1 and Housing Policy 8 and PPS7.

2. Saved Housing Policy 5 of the South Derbyshire Local Plan restricts new housing development within the village confines as defined on the proposals map. The site proposed is outside the village confines and therefore fails to meet the criteria set out in Saved Housing Policy 5.

3. The proposed development for the erection of a dwelling in this location would require the removal of trees on the site, consisting of Oak, Silver Birch, Maple, Whitebeam, Cypress, Pyrus, Ash and Dawn Redwood which are protected by a Tree Preservation Order No. 347. The trees provide a high amenity value, are highly visible from public vantage points including the footpaths around Church Croft and provide a valuable landscape feature, the loss of which would be to the detriment of the visual amenity and character of the area, would be a loss of a natural habitat and contrary to Planning Policy Statement 9, Saved Environment Policy 9 of the South Derbyshire Local Plan and Policies 1, 26 and 30 of the East Midlands Regional Plan 2009.'

Responses to Consultations

Coton in the Elms Parish Council does not raise any objections to the application as submitted and requested that the application be determined by planning committee.

Severn Trent Water has no objection.

The County Highway Authority does not raise any objections and advise that the comments made on application 9/2011/0289 still stand, as there are no amendments to the current application under consideration.

Responses to Publicity

None.

Development Plan Policies

The relevant policies are:

EMRP: Policies 1, 2, 3, 26 and 30

Saved Local Plan: Housing Policies 5 and 8, Transport Policy 6, Environment Policies 1, 8 and 9.

Housing Design and Layout Supplementary Planning Guidance 2004 (SPG).

National Guidance

PPS 1, 3, 7 and 9.

Planning Considerations

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

- Development plan policy and national guidance and advice

- Impact of the proposal on the neighbours
- Impact on highway safety
- Impact on the trees covered by Tree Preservation Order 347

Planning Assessment

The application as stated above is in outline form only and all matters are reserved. An identical application was refused in June 2011(9/2011/0289).

The site lies outside the village settlement as defined on the proposals map of the adopted plan and although on the edge of the defined village confine, the proposed development cannot be accommodated within it and as such is not in accordance with Housing Policy 5.

As the development is not located within the village settlement of Coton in the Elms the most relevant policy therefore is Housing Policy 8 which considers housing development in the countryside and it is clear that for housing to be considered acceptable in the countryside it must be: necessary to the operation of a rural based activity, require a countryside location for efficiency, relate well to existing buildings and be of a size commensurate with the functional requirement of the activity. From the applicants supporting information the proposed development does not meet the criteria for being considered favourably under Housing Policy 8.

The local policies are consistent with both regional and national guidance, which seek to limit new residential development in the countryside without special justification.

The impact of the proposal on the neighbours cannot be fully assessed at this stage as it is outline in form and therefore no elevational details or siting have been submitted.

In terms of highway safety no objections have been raised by the County Highway Authority provided the LPA are satisfied that a right of access between the highway and the application site exists. Currently a private driveway that appears to service both 1 Church Croft and 7 Church Croft accesses the site.

As regards the impact on the trees the proposed access and proposed property would impact upon the existing trees that are on the site that provide extensive coverage, are highly visible from the highway and street scene and provide an excellent habitat for wildlife. For these reasons a tree preservation order was placed on the trees (TPO 347) and accordingly the proposed development with its access through the trees would threaten these trees being contrary to saved Environment Policy 9.

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

REFUSE permission for the following reasons:

1. Saved Environment Policy 1 and Housing Policy 8 of the South Derbyshire Local Plan and paragraphs 10 and 15 of PPS7 seek to restrict development in the countryside to that essential to a rural based activity or unavoidable in the countryside and where amongst other things the character and landscape quality of the countryside are protected. The site lies in open countryside and the proposed dwelling is not essential to a rural based activity. The proposal therefore fails to meet the criteria set out in Saved Environment Policy 1 and Housing Policy 8 and PPS7.
2. Saved Housing Policy 5 of the South Derbyshire Local Plan restricts new housing development within the village confines as defined on the proposals map. The site proposed is outside the village confines and therefore fails to meet the criteria set out in Saved Housing Policy 5.
3. The proposed development for the erection of a dwelling in this location would require the removal of trees on the site, consisting of Oak, Silver Birch, Maple, Whitebeam, Cypress, Pyrus, Ash and Dawn Redwood which are protected by a Tree Preservation Order No. 347. The trees provide a high amenity value, are highly visible from public vantage points including the footpaths around Church Croft and provide a valuable landscape feature, the loss of which would be to the detriment of the visual amenity and character of the area, would be a loss of a natural habitat and contrary to Planning Policy Statement 9, Saved Environment Policy 9 of the South Derbyshire Local Plan and Policies 1, 26 and 30 of the East Midlands Regional Plan 2009.

Informatives:

Item **2.4**

Reg. No. **9/2011/0735/FH**

Applicant:

D Savory
The Dairy Hall Farm
Main Street
Netherseal
Swadlincote

Agent:

D Savory
The Dairy Hall Farm
Main Street
Netherseal
Swadlincote

Proposal: **THE INSTALLATION OF SOLAR PANELS AT THE DAIRY
HALL FARM MAIN STREET NETHERSEAL
SWADLINCOTE**

Ward: **SEALES**

Valid Date: **01/09/2011**

Reason for committee determination

This application is brought before committee at the request of Councillor Mrs Hall as the committee should debate the issues in this case which are very finely balanced.

Site Description

The application property is a former agricultural barn of Hall Farm, converted to residential use in the late 1990s. The complex sits in the northwest corner of Netherseal village on the boundary of the village confines and within the Netherseal Conservation Area. The site is accessed off Main Street via a private driveway behind the village school.

There is open countryside to the north, west and south of the application site with a public footpath to the northwest and a public bridleway to the south west.

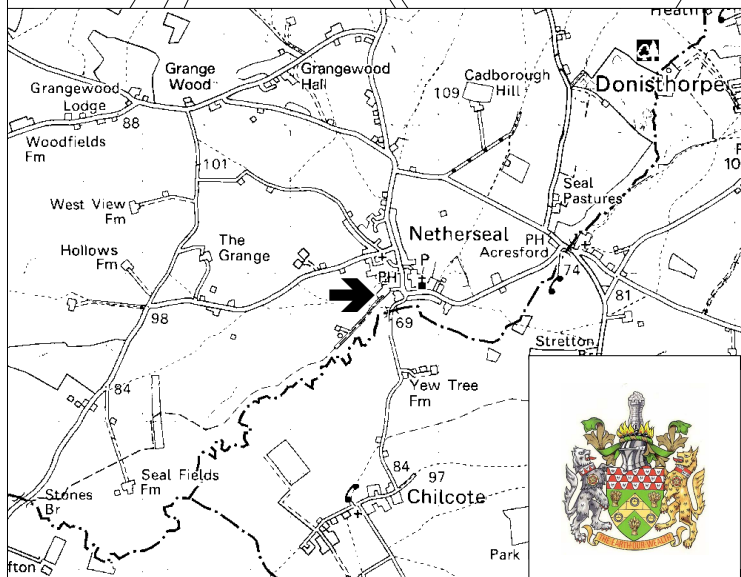
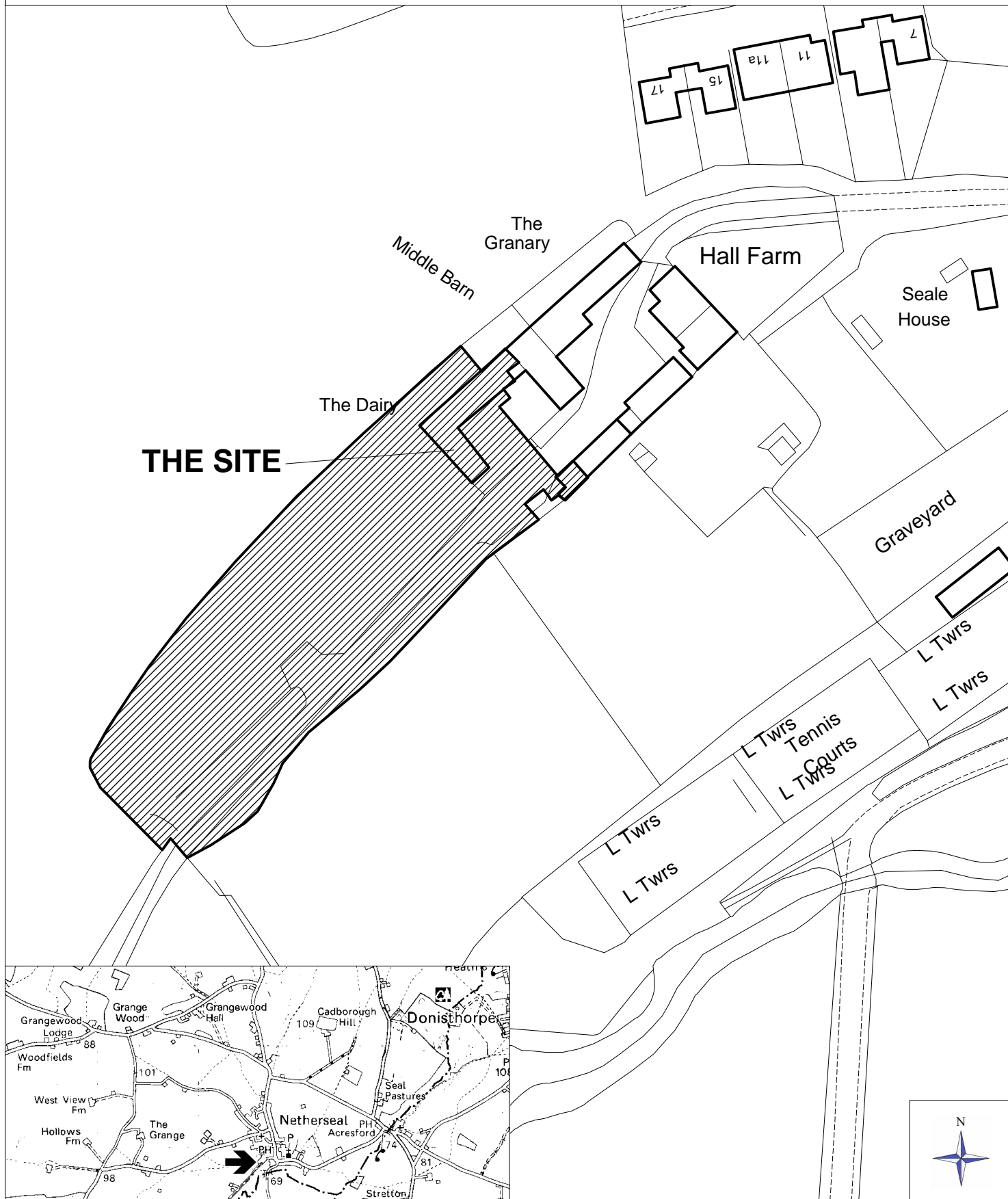
Proposal

The proposal is for the installation of an array of 18 solar panels on the south-west facing roof of the south east orientated single storey range of the property.

Applicants' supporting information

The applicant has submitted a Design and Access Statement (DAS) which includes the following:

**9/2011/0735 - The Dairy, Hall Farm, Main Street, Netherseal,
Swadlincote DE12 8BZ**



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South Derbyshire District Council. LA 100019461. 2010

General introduction

- The proposed development consists of the installation of solar panels. The Government is incentivising such development as part of its policy to achieve 20% of all energy generated from renewable sources by 2020 as part of its climate change and energy security strategy and sustainable development strategy. Under normal circumstances planning permission would not be required, as permitted development rights would apply. However permitted development rights have been removed at the property by virtue of a condition attached to the planning permission granted for the barn conversions in February 1999.
- Energy costs for residential properties in Netherseal are proportionally higher than elsewhere because of the absence of mains gas and the consequential reliance upon more expensive oil and electricity. Solar panels provide an opportunity to address these higher costs in a manner consistent with Government policy. To encourage such developments the Government has amended the General Development Order in 2008 to include solar panels and has provided financial incentives through the “Feed in Tariff” (FIT). This support for domestic renewables is also explicit in Planning Policy Statement 22: Renewable Energy, which identifies key principles that Local Planning Authorities (LPA) are required to adhere to in relation to providing support and encouragement to such developments.

The Dairy, Hall Farm

- The Dairy forms part of a group of interconnected barns converted from agricultural to residential use in 1999. Prior to this the barns were derelict and in a poor state of repair. Three residential units were formed; The Dairy, Middle Barn and The Granary. The latter 2 retain their original 2 storey form and footprint. A single storey extension was added to the original building comprising The Dairy to provide bedroom accommodation, which increased the floor space of the property by approximately 50%. A second smaller utility room extension was added in 2006 resulting in approximately 40% of the footprint of the property being new build. Whilst the two extensions have been built in an external style complimentary to that of the original barn, they have no historic heritage and only limited architectural value.
- The proposed 18 panel array, which will provide a maximum of 4kW of electricity, is considered to be the optimum size for a domestic photovoltaic system based on FIT rates, installation costs and payback periods. The initially selected roof area for the installation was the south west facing roof of the first extension.
- A similar application for a solar panel array installation on the south west facing roof of Middle Barn (attached neighbour) was refused on 21st July 2011. Following discussions with the LPA it was established that the basis of the refusal was that the solar panels would be visible from a public footpath and/or bridleway, described by the LPA as a public vantage point.
- In consultation with the LPA, 3 alternative locations were considered for the solar panel installation and the LPA's Conservation and Heritage Officer provided comments on each one. All 3 locations are visible from the bridleway to the south but are considered by the LPA to be “less intrusive on the special interest and character of the buildings/conservation area” and subject to conditions the LPA “would be prepared to support a proposal”. However the 3 locations have been rejected as unsuitable.

Location 1: installation on south east facing roof of The Dairy

- This is the original historic part of the property and would require the solar panels to be installed on an oak vaulted roof, increasing the technical complexity and therefore the installation cost.
- The panels would be clearly visible from Middle Barn, being immediately opposite and adjacent to the main, first floor living accommodation and the courtyard to the property.
- The panels would be shaded during the winter months by trees to the east reducing the economics of the scheme.

Location 2: installation on south east facing roof of The Dairy's two garages

- The two garages are located to the east of The Dairy and are immediately adjacent to the bridleway which passes alongside the outer wall of the garages. The roof space will not accommodate a 4kW (18 panels) system and it would therefore need to be reduced in size consequently reducing the economics of the scheme.
- The rear garage wall, adjacent to the bridleway, is in a very poor state of repair and was clearly not reconstructed as part of the renovation/conversion of the barns in 1999. The wall is unlikely to support the weight of the solar panels in its current condition and would have to be substantially rebuilt. The rear roof structure is similarly in a poor condition and significant reinforcement may be required to support the panels, significantly increasing the installation cost.
- An electrical connection between the garages and The Dairy will be required to enable the generated electricity to be exported. This will require excavation through a shared driveway and paths/garden of The Dairy at significantly higher cost than the proposed location.
- Installation of solar panels on the garage roof slope adjacent the bridleway could represent a target for vandalism and risk of damage to the panels from stones and rocks being thrown onto the roof.

Location 3: installation on a free standing wood framed or similar building in the garden, south of The Dairy.

- The LPA have confirmed that construction of a small timber frame building (less than 4m high) would require planning permission despite the fact it would be outside the Conservation Area. Whilst the building could be optimally aligned so the panels faced due south, the LPA have indicated that the building should be aligned to the axis of The Dairy, hence there would be no increase in the efficiency of the system compared with the other options.
- The installation cost would be significantly higher, including the cost of the building and the electrical connection costs, making the scheme economically non-viable.

Justification for proposed location of development

- It is therefore proposed to install the solar panels on the south west facing roof of The Dairy as originally proposed. This provides the appropriate alignment, approximately 45° west of south, is not significantly shaded by trees and the installation will be on a modern conventionally trussed roof simplifying the installation and reducing the cost.

- The only visible part of the system will be the solar panels installed on the south west facing roof of The Dairy. The existing roof is covered in black/dark grey clay tiles.
- In order to minimise visual impact, the glass panels are predominately black in colour and of low reflectivity with black frames and installed on a framework that is black and non-reflective. All other components will be within the roof space and therefore not visible.
- The panels will be aligned in a 6 x 3 array located centrally on the roof, equidistance from the edges, ridge and eaves, and will cover 25m², being 50% of the south west facing roof slope and less than 5% of the total roof area of The Dairy. The panels will be within 100mm of the roof surface.
- The proposed installation will address all the exceptions to the permitted development rights for solar panels. No part of the roof area to be used is visible from any public highway, including Main Street and Church Street to the north east and Chilcote Road to the south, any residential property or any other part of the conservation area.
- There are views from a footpath which runs along the north west boundary of the property and then crosses a field to the north in a southwest-northeast direction. The closest point from which the panels will be viewed is approximately 75m and at this distance visual impact will be minimal or insignificant. There is a bridleway which runs adjacent to and parallel with the south western boundary of the property and at its nearest point is approximately 25m from the solar array location. Whilst the panels will be visible from this point, the impact will not be significant. It is questionable whether the panels will be more intrusive than if they were installed on the south east facing roof of The Dairy or the 2 garages, locations which the LPA have indicated support for.

The DAS goes on to explain in detail how the proposal conforms with:

- Part 40, Class A of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 for the installation of domestic microgeneration equipment;
- Planning Policy Statement 22: Renewable Energy and Planning Policy;
- Statement 5: Planning for the Historic Environment;
- South Derbyshire District Council Local Plan Environmental Policy 12: Conservation Areas; and
- The Netherseal Conservation Area Character Statement

Conclusion

The proposed development is entirely consistent with Government policy regarding climate change, sustainable development and energy security, and through financial incentives and extended permitted development rights the Government has created a framework for householders to install such systems.

LPAs are required to actively support the development of renewables and to give significant weight to the environmental and economic benefits in the determination of planning applications, including in relation to installations on heritage assets.

The selected location for the solar panels is on a part of the building constructed in 1999. This part of the building is therefore not a heritage asset and has only limited architectural value. The design and arrangement of the solar panels is such they will have minimal, if any, impact on the appearance of The Dairy and this will be temporary

and reversible. Any impact on the appearance of The Dairy will not be visible from a public highway, from any other location in the conservation area or from any other property.

The development will be visible from a bridleway and footpath, however these “public vantage points” are not considered material in the Government’s review of permitted development rights relating to solar panels, i.e. ‘planning consent is required when panels are fitted on the principal or side elevation walls and they are visible from the highway’.

The alternative locations reviewed by the LPA would be closer to the bridleway and are therefore considered to be more intrusive than the proposed location. The alternative locations, to which the LPA have indicated support, have been rejected by the applicant on the grounds of cost and efficiency.

Planning History

Planning permission was granted during the late 1990s to convert the former agricultural buildings into 3 dwellings (ref’s 9/0791/0337/F, 9/0796/0302/F, 9/1297/0744/F and 9/1999/0801/F). The application property was granted permission for a single storey extension in March 2007 (ref 9/2007/0084/FH).

Refused scheme for PV cell array at the adjoining property, Middle Barn (planning application 9/2011/0294).

Responses to Consultations

The Conservation and Heritage Officer has recommended that the application be refused on the following grounds:

The application building is a converted barn in a typical arrangement of former farm buildings at Hall Farm. There are clear views of the roofslope from a public footpath and public bridleway. Although it is accepted that solar panels will soon become a familiar part of the local scene, even in conservation areas, due to relaxed permitted development rights, the legislation provides for exceptions to this general permission in the interests of preserving the character of particular historic buildings. Principal exceptions, apart from listed buildings, may include converted agricultural buildings, which often gain their strong character from their simple plainness and the qualities of their building materials. Permitted development rights may be removed at the time of conversion in the interests of preserving these attributes, and the barn at Hall Farm belongs in this latter category.

The proposed solar panels would hide a substantial part of the large unbroken roof slope of small plain clay tiles that lends character to the building, replacing them with an alien material. Through the division of the roofslope into separate areas, the proposed panels would also adversely affect the bold scale, unity and simplicity of the roof and would therefore be considered an incongruous addition to the historic building.

The proposal would therefore have a detrimental effect on the special architectural and historic interest of the former agricultural barn and on the character and appearance of the heritage asset, the Netherseal Conservation Area contrary to Saved Environment Policy 12 of the Adopted Local Plan and Planning Policy Statement 5.

Responses to Publicity

None.

Development Plan Policies

The relevant policies are:

Local Plan: Saved Environment Policy 12 of the Adopted Local Plan.

National Guidance

PPS 5

Planning Considerations

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

- The impact of the proposal on the character and appearance of the barn conversion; and
- The impact on the proposal on the character and appearance of the conservation area.

Planning Assessment

The proposal for the installation of solar panels was subject to pre-application discussions, however the proposed scheme as submitted was discouraged for similar reasons to the refused scheme at the adjoining property, Middle Barn (planning application 9/2011/0294/FH – see ‘Responses to Consultations’ section above for reasons).

There is a lot of national guidance and policy stimulating the use of solar energy, and in general Local Planning Authorities are encouraged to treat such development favourably. Since 2008 the Government has granted extensive permitted development rights for solar energy installations, even in conservation areas, however, it is a requirement that panels on a building should be sited, so far as is practicable, to minimise the effect on the appearance of the building.

In the case of The Dairy, permitted development rights have been removed for the usual reason that the essential simple character of residential barn conversions is easily spoilt by accretions and insensitive alterations that would normally be permitted development. Old farm buildings frequently derive their character from their simplicity, bold shapes and texture of walling and roofing materials.

For development in a conservation area requiring planning permission, the test still holds that development should preserve or enhance the character or appearance of the area (Local Plan). It is contended that this scheme for solar panels would not do that. The roof slope is highly visible from the footpath and bridle path approaching Netherseal from the south west, and the buildings group attractively in the view with the farm house itself. Solar panels covering a large part of the roof surface would have a marked effect on the historic character.

Planning Policy Statement 5 Practice Guide (paragraph 25) notes that *"intrusive interventions, such as the external mounting of microgeneration technology, can harm the significance of a heritage asset."* English Heritage's policy is that microgeneration equipment in conservation areas will be acceptable if (among other things) *"the visual impact of the equipment is minor or can be accommodated without loss of special interest"*. It is considered that the proposed installation does not meet these criteria for acceptability.

There is a clearly-evidenced desire for similar solar panels on the adjoining property Middle Barn, and if the present application is granted it would greatly weaken the Council's case for defending an appeal on Middle Barn, which is still current in the sense that there is time for an appeal to be lodged. The cumulative effect of both schemes would have a very significant effect on the character of the group as a whole.

Three alternative positions suggested by the owners of Middle Barn and The Dairy, (i.e. on the south east facing roofslopes), were considered. These are still publicly visible but have less impact on views of the group as a whole and would be invisible in the most important views from the south west and north west. Given the more limited visibility, extensive permitted development rights for solar panels in conservation areas, and the favourable government guidance, it is considered that all three of these locations could be acceptable and would still meet the main criterion of preserving the character of the area. Where planning permission is required, the Local Planning Authority is not obliged to find a suitable place to put solar panels in every case, and the Heritage and Conservation Officer does not consider the objections put forward to these suggestions to be conclusive evidence of unsuitability.

The options for a free-standing building were never fully explored and there could be potential in this idea to achieve something satisfactory. There is no reason why it could not be as successful as an installation on the existing building.

The applicant's comment that the part of the building concerned is a modern addition has been noted, but cannot be considered as relevant as the addition was designed to respect the layout, form, massing and materials of the older 'parent' buildings, and on the whole sits satisfactorily among them.

The proposal should therefore be refused on the grounds that the solar panel array would have a detrimental effect on the character of the application property, the farm group as a whole and the character and appearance of the conservation which is contrary to Saved Environment Policy 12 of the Adopted Local Plan and Planning Policy Statement 5.

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

REFUSE permission for the following reason:

The application building is a converted barn in a typical arrangement of former farm buildings at Hall Farm. There are clear views of the roofslope from a public footpath and public bridleway. Although it is accepted that solar panels will soon become a familiar

part of the local scene, even in conservation areas, due to relaxed permitted development rights, the legislation provides for exceptions to this general permission in the interests of preserving the character of particular historic buildings. Principal exceptions, apart from listed buildings, may include converted agricultural buildings, which often gain their strong character from their simple plainness and the qualities of their building materials. Permitted development rights may be removed at the time of conversion in the interests of preserving these attributes, and the barn at Hall Farm belongs in this latter category.

The proposed solar panels would hide a substantial part of the large unbroken roof slope of small plain clay tiles that lends character to the building, replacing them with an alien material. Through the division of the roof slope into separate areas, the proposed panels would also adversely affect the bold scale, unity and simplicity of the roof and would therefore be considered an incongruous addition to the historic building.

The proposal would therefore have a detrimental effect on the special architectural and historic interest of the former agricultural barn and on the character and appearance of the heritage asset, the Netherseal Conservation Area contrary to Saved Environment Policy 12 of the Adopted Local Plan and Planning Policy Statement 5.

2. PLANNING AND OTHER APPEALS

(references beginning with a 9 is planning appeal and references beginning with an E is an enforcement appeal)

Reference	Place	Ward	Result	Cttee/Delegated
9/2011/0057	Swadlincote	Swadlincote	Dismissed	Delegated



Appeal Decision

Site visit made on 12 September 2011

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 September 2011

Appeal Ref: APP/F1040/H/11/2151739

Aldi (SU8) Hepworth Retail and Leisure Park, Swadlincote, Derbyshire, DE11 9AA.

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Aldi Stores Limited against the decision of South Derbyshire District Council.
 - The application Ref. 9/2011/0057/A, dated 24 January 2011, was refused by notice dated 23 March 2011.
 - The advertisements proposed are the erection of an illuminated sign mounted on the exterior of the building and the erection of a double pole sign through the glazed entrance canopy.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application to the Council proposed an illuminated wall sign as well as the double pole sign but the Council issued a 'split decision' and only the latter advertisement is the subject of the appeal.

Reasons

3. The main issue is the effect of the scale and siting of the proposed pole sign on the amenity of the area including the design and appearance of the host building.
4. The site is a new shopping, commercial and leisure development with the new stores taking the form of an 'L' shape footprint. The overall building has a uniform modern design with rounded eaves being a prominent feature. Other retail units have corporate logo advertising in the fascia above the entrance doors of each unit and such adverts to not break the horizontal form of the edge of the roof.
5. The premises the subject of the appeal have a slightly different design in that there is a glazed canopy extending along the glazed windows next to the entrance. The application proposes that the double pole sign would extend through the canopy to a height of about 7.6m in total and thus would be about 2.4m above the glazed roof. This would result in a sign of a significant size, (2.47m by 2.07m) being located in an awkward position though the canopy and which would appear prominent above the horizontal edge of the main roof of the building, especially when viewed from the approach into the site from the north-east. In essence, I agree with the Council that the sign would appear as

an add-on and would not be well integrated into the overall design of the building. This would harm the architectural form of the building and the general amenity of the area.

6. I have taken into consideration the appellant's representation that the general form of corporate signs for the company, based on a square with more vertical emphasis, do not fit into the horizontal form that has been used elsewhere in this new commercial area, but I do not consider that this factor outweighs the harm to amenity that I have identified that the proposal will cause.
7. For the reasons given above I conclude that the display of the advertisement would be detrimental to the interests of amenity.

David Murray

INSPECTOR