

**Item**            2.1

16/04/2002

**Reg. No.**        9 2001 1208

**Applicant:**  
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Derby

**Agent:**  
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**Proposal:**        **Alterations and extensions at Briar Lee Etwall Lane  
Burnaston Derby**

**Ward:**            **Etwall**

**Valid Date:**     **11/12/2001**

### **Site Description**

The site is located is located outside the framework of Burnaston village within open countryside.

The site itself comprises the house and the associated domestic curtilage/grounds. To the east, south and west are open countryside whilst the road bounds the northern boundary.

There is a substantial hedge to the road frontage and to the track (public footpath) to the eastern site boundary.

### **Proposal**

The applicant seeks consent to erect extensions to the dwelling house. The proposal involves the extension of the dwelling in the form of the erection of two wings and a conservatory across the whole of the rear of the dwelling. In addition it is proposed to convert an outbuilding to ancillary residential accommodation and to erect a garage block on the west side of the extended dwelling linked to the house by a newly erected corridor.

### **Applicants' supporting information**

During the course of the consideration of the application, the applicant was made aware that the proposal might not meet policy requirements. In response to this, the applicants have stated that they are committed to the project and wish to produce an extension of high quality that responds to the architectural style of the existing dwelling. There is disappointment that the Council cannot share this but the design was revisited. The revised design moved the major extension back behind the main frontage of the dwelling. It did not reduce the bulk of these extensions. But did reduce the amount of conservatory. It was made clear that this alteration was not a formal amendment to the proposal but an attempt to meet the design concerns of officers. Officers have indicated that the suggested alterations were not likely to change the

recommendation on the application. Accordingly, the applicants have requested that the application be determined in its original format.

### **Responses to Consultations**

Burnaston Parish Council has objected to the development on the following grounds: -

- a) It is too large a development that swamps the character of the original Victorian dwelling
- b) There are too many architectural gimmicks e.g. the glazed roof over the stable block that detracts from the original features
- c) The house is situated on the edge of the village and the proposal would spoil the village aspect when approaching from the Etwall direction. It would be an overblown development.
- d) It was acknowledged that there are some good features and it was wondered whether the linkage to the outbuilding could be repeated for the link to the garage.

The County Highways Authority notes that the proposed access would be severely substandard but not materially worse than the existing access. Thus, there would be no objection provided the existing access was closed and visibility improved across the whole frontage.

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

The relevant policies are:

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

Local Plan: Environment Policy 1, Housing Policy 8 & 13.

### **Other Material Considerations**

Planning Policy Guidance Note 7

### **Planning Considerations**

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

- The development plan policies
- The impact of the proposal on the character and appearance of the countryside
- Other material considerations

### **Planning Assessment**

The site is located outside the confines of any village and within the open countryside. In such areas new residential development is strictly controlled. Whilst domestic extensions may be acceptable in certain circumstances this will only be the case where the extension does not have an adverse impact on the character and appearance of the area in which it is to be located. Housing Policy 13 of the South Derbyshire Local Plan specifies this approach.

In this case the dwelling is located in a prominent position at the entrance to, but outside, the village of Burnaston. In addition, the extensions proposed would more than double the size of the dwelling, even when excluding the new garage proposed, the covered link to it and the conservatory proposed to the rear of the dwelling.

Therefore, the size of the extensions, including the mass of the proposal, would greatly add to the prominence of the unit and would result in a significant urbanisation of the area. As a result, the proposal would have an adverse impact on the character of the dwelling and the area in which it is located. In this regard it is contrary to planning policy.

The comments made by the applicant concerning the design of the dwelling are noted. However, the submitted scheme is not considered to be of such an outstanding design such that this outweighs the other considerations and the impact the proposal would have on the area.

### **Recommendation**

**REFUSE** permission for the following reasons:

1. General Development Strategy Policy 1 of the adopted Derby and Derbyshire Joint Structure Plan requires that development will respect the principles of sustainable development. General Development Strategy Policy 4 of the same Plan requires that in the countryside development will be permitted if it can be shown appropriate to the location and can be designed and positioned to minimise impact on the environment. Structure Plan Housing Policy 6 states that housing development will be permitted only if it can be shown to be necessary for the operation of a rural based activity and that a location outside a settlement is essential. Whilst the proposals relate to the erections of extensions, they are of such a scale that it would be tantamount to the erection of a new dwelling in the countryside. There is no essential need for a dwelling to be created in the countryside and as such, there is no justification for the development. In addition the development is only accessible by the private motor car and as such is not a sustainable location for the extended dwelling. The development is therefore contrary to the above policies of the adopted Joint Structure Plan.

2. Environment Policy 1 of the adopted South Derbyshire Local Plan requires that outside settlements new development will not be permitted unless it is essential to the operation of a rural based activity or is unavoidable in the countryside and the character of the countryside, landscape quality, wildlife and historic features are safeguarded and protected. Housing Policy 8 requires that housing development is necessary to the operation of a viable long term established rural based activity, a countryside location is necessary to the efficiency of the activity, the site is well related to buildings and the dwelling is of a size commensurate with the functional requirement of the activity. Whilst the proposals relate to the erections of extensions, they are of such a scale that it would be tantamount to the erection of a new dwelling in the countryside. In the absence of any justification for a new dwelling, the proposal is contrary to the above policies.

3. Housing Policy 13 of the adopted Local Plan requires that all extensions should be of a scale and character in keeping with the property and not adversely affect the amenities of adjoining properties. The proposed extensions would result in a substantial addition to the existing dwelling to a point where it would appear as a new dwelling. This is out of scale with the existing accommodation and would significantly alter and adversely affect the character of the structure contrary to the above policy.



16/01/2001

**Item** A3**Reg. No.** 9 2000 0821 U**Applicant:**

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**Proposal:** The use for off road purpose built vehicles together with the formation of an associated carpark of Land Forming Part Of O S Field 4470 Heage Lane Etwall Derby

**Ward:** Etwall

**Valid Date:** 04/09/2000

**Site Description**

The site lies just off the A516 adjacent to the roundabout at Heage Lane. The access would be from Heage Lane along an agricultural access track. Hedges substantially surround the site and the field comprises grazing. The land is at a lower level than the adjacent roads.

**Applicants' supporting information**

The land would have a circuit formed within it on which standard 400cc silenced off road vehicles would be operated. The vehicles have no gears and the controls are limited to a brake accelerator and a steering wheel. The vehicles can only carry one person. There is an offer to demonstrate the vehicle for officers.

Sessions would be pre booked and the total number of participant and management vehicles present at any time is expected to total 10 that would be accommodated on a small car park next to the entrance. No more than 4 of the vehicles would be operated at the site at any one time. A small amenity/toilet block would be required

The site is located well away from other houses and settlements and notwithstanding perceptions that the use would be noisy, the applicants consider that the site is acceptable for the following reasons: -

- a) It is very close to the junction of Heage Lane with the A516
- b) The land is poor quality grazing land and its continued use for agriculture is a marginal activity
- c) The countryside hereabouts does not have any special designation the site is remote from residential areas.

- d) Because of its remote location there should not be a noise problem, background levels are high and the activities should not add demonstrably to noise levels in the area. The applicants would liaise with Environmental Health Officers throughout operations and to accept regular monitoring of the site.
- e) The existing landscaping can be reinforced which together with the landscaping on the A516 that is fast maturing will screen all activities on the site
- f) The intended hours of operation are 1030 - 1730 hours daily. - it is anticipated that there may be weekday early evening booking during the lighter summer months.

On the policy considerations it is noted that PPG 17 makes provision for what may be regarded as noisy sports activities in that the use of degraded land, former minerals workings and set aside farmland could be appropriate locations for such uses. Reference to site adjacent to other noise generators such as main roads or locations that are well screened by banks or trees.

It is noted that the Local Plan has no specific policies relating directly to motor sports activities but it is argued that the proposal does accord with the general countryside protection policies contained therein.

### Responses to Consultations

Etwell Parish Council strongly objects to the application on the following grounds: -

- a) The application is for a commercial operation and that part of the form has not been filled in
- b) The activity would have an adverse impact on nearby dwellings that have a direct line of sight to the or fall within earshot
- c) There is no estimate of the traffic flow or the numbers of people using the site
- d) The access is too close to the Heage Lane A516 junction, there would be distraction to road users on the A516 and the island that would be detrimental to highway safety.
- e) No details of facilities have been given that would be required to work on the vehicles nor is there mention of any facilities for changing or toilet facilities or any admin building.
- f) The type of vehicle using the site should be controlled, no such control is set out in the application. The hours of operation should be controlled.
- g) The use of the site is inappropriate and the proposal so ill defined that the proposal does not merit consideration

The County Highway Authority comments that the proposal is unlikely to have a detrimental effect on highway safety if measures are put in place to keep the activity low key. It is noted that the sessions will be pre booked and the size of the circuit will impose in itself a limit on the number of vehicles using the track at any one time. Subject to conditions, the proposal is therefore considered acceptable.

The Highways Agency has no objection but points out that it receives complaints about noise from the road

The Environmental Health Manager states that the proposal gives rise to a number of environmental concerns in particular noise and dust. The site is however adjacent to a busy major road and intersection which in itself creates a level of noise. To this end, it is considered that a temporary permission should be considered so that the impact of the development can be assessed. Various conditions are also recommended controlling the hours of operation, the maximum engine size, the number of machines operating at any one time, no tannoy or loudspeakers, no floodlighting and measures to control dust emissions.

Transco draws attention to the position of its service pipes in the locality and sets out measures that should be taken to minimise the risk of damage.

### **Responses to Publicity**

Two letters have been received objecting to the development on the following grounds: -

- a) Noise - the area is already subject to noise intrusion from the local farm open days, music, riding school, tannoy, and lorries making visits to the local chicken farm. The site should not be allowed to have a PA system.
- b) Loss of countryside - garage activities, sheds erected in the locality, bonfires, the recently erected telecom mast, all of which threaten the local habitat there is the possibility of pollution of the local environment from rubber, petrol oil all of which could end up in the Etwall brook.. The reuse of the former railway line is taking away privacy and is noisy. The site has been used to collect all sorts of food over the past 38 years, its time to stop the rot and cancel the plot the fields and hedges are natures own.
- c) Congestion - the numbers of people using the facility are not known and the site is very close to the roundabout.
- d) The application makes no mention of how often meetings would be held, winter meetings may cause mud on the road. Will it be all day every day and late into the evenings.
- e) Controls should be imposed to ensure that the use couldn't be extended into any other activity such as motor cycling.

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

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 5, Leisure and Tourism Policies 1, 2 and 4

Local Plan: Environment Policy 1 Recreation and Tourism Policy 1

### **Planning Considerations**

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

- . The principle of development in the countryside.
- . The impact of the development on the surrounding area in terms of noise and visual effects.

### **Planning Assessment**

Subject to the restrictions which may be imposed by condition, the location of the use is one that appears to accord with the considerations set out in the policies quoted above and PPG 17. The use would need a location away from built up areas. The site is well related to the road, screened by hedges and is not close to existing dwellings.

In terms of the visual impact of the proposal, the site is set below the level of the adjacent highways and is screened from dwellings in the vicinity by hedges. The proposed building referred to by the applicants is not likely to be much larger than a domestic garage and would not be a significant feature in the countryside given that permission is in place for a public house on the other side of the road.

Having said that there is concern from the Environmental Health Manager about the potential impact of the use in terms of noise and dust. In similar circumstance for the model aircraft flying club at Hartshorne some years ago a temporary permission was granted to enable an assessment to be made of the noise impact. Monitoring was undertaken of the use during that period so that the Committee had good information on which to base its judgement when the application to retain the use was submitted. A similar situation exists here and a similar monitoring period is appropriate to enable the operation to be monitored. Other controlling conditions are recommended so that the potential impact is minimised.

### **Recommendation**

GRANT permission subject to the following conditions:

1. This permission shall be for a limited period only, expiring on 31 January 2002 on or before which date the use shall be discontinued and the site reinstated to agricultural land to the satisfaction of the Local Planning Authority unless, prior to that date, an application has been made and permission has been granted for an extended period.

Reason: In order that the Local Planning Authority can assess the impact of the use on the locality.

2. The use hereby permitted shall not be open to customers outside the following times on Mondays to Fridays: 0900 hours to 2000 hours and on Saturday and Sunday: 0900 hours to 1700 hours.

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

3. The vehicles used on the site shall be limited to those specified in the application documentation (Madtrax) with a maximum engine capacity of 400cc and 13 horsepower and to no other vehicle type.

Reason: For the avoidance of doubt and to prevent the use of the land by other, more powerful vehicles, without the prior written approval of the Local Planning Authority in response to an application made in that regard.

4. No more than 4 vehicles of the type specified in condition 3 above shall operate on the track at any one time.

Reason: In order to minimise the impact of the use on the locality.

5. No tannoy or loudspeaker equipment nor any floodlighting shall be installed on the site without the prior written approval of the Local Planning Authority in response to an application made in that regard.

Reason: In order to retain the Local Planning Authority's control over such use that may not otherwise require planning permission.

6. In times of dry weather, measures shall be taken to ensure that dust from the site does not extend beyond the site boundaries.

Reason: In order to ensure that there is dust is retained within the site.



7. The use of the field for the purposes hereby approved shall not be commenced until the parking and manoeuvring area shown on the submitted drawing has been provided. The parking area shall be retained on the site available for its designated use whilst the use remains permitted on the site

Reason: In order to ensure that there is adequate space available within the site to park and manoeuvre vehicles clear of the highway.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no tank for the storage of oils, fuels or chemicals shall be erected unless it is sited on an impervious base and surrounded by impervious bund walls. The bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage.

Reason: In the interests of pollution control.

Informatives:

Further to condition 6 above, it may be necessary to water the circuit in order to suppress dust to comply with the condition.

You are advised to note the requirements of TRANSCO set out in the attached letter dated 22 September 2000.

