

- Impact on the countryside
- Residential amenity.
- Highway safety.
- Infrastructure.
- Outdoor playing space.

### Planning Assessment

General development and housing policies require development away from and outside settlements to be necessary to such a location. They are generally restricted. Notwithstanding this, Housing Policy 10 of the Local Plan clearly makes provision for low cost housing in such locations, on the basis that sites are unlikely to be found within the villages. As such the development is necessary to a location outside the village confines and in principle, subject to the conclusion of the necessary legal agreements, the proposal is acceptable.

The current application has emerged only after considerable research and community involvement, which has identified a clear need for the level and type of housing proposed. The practical problems of identifying need and then finding a landowner willing to sell land at a price that enables affordability to be incorporated means that applications such as this have been very rare. The special circumstances of this case clearly distinguish it from a speculative application for housing and arguments about precedent are not pertinent.

Government policy and the Local Plan, whilst positively weighted in favour of low cost housing also seek to ensure that the same benefit is transferred to future occupants. In this case, with a mixture of rented and shared ownership tenure the most effective way to ensure that the dwellings remain low cost to occupiers into the future is to secure an agreement under Section 106 of the Town and Country Planning Act. The agreement can also include the relevant local criteria for selecting occupiers, to ensure that the development best serves the parish in the long term.

As the site is located at the crest of a fold in the land the new houses will be visible, in particular from Milton Road. However the development would be immediately adjacent to existing residential development and the impact would thus be seen in the context of a landscape that currently displays the character of an edge of the village location. Furthermore the incorporation of the five bungalows to the outside of the site helps to minimise any impact.

Additionally, existing trees and hedges help to filter views of the site and the submitted plans show planting at the periphery of the site although its extent is limited by the amount of land available to the applicant. To obtain more substantial landscaping would necessitate renegotiations on land acquisition, which along with subsequent maintenance obligations, would be likely to escalate the cost of development, ultimately to be passed on to the occupiers, thus reducing the benefits of low cost housing. On balance the impact on the countryside, because of the strictly limited (by policy) scale of development, the position of the bungalows and proposed screening, is acceptable.

The proposal meets the supplementary planning guidance on space about dwellings. As such the living conditions of the occupiers of existing dwellings would not be materially affected. The level of additional traffic and general disturbance arising from 12 dwellings would not bring about demonstrable harm to existing residents.

On the advice of the Highway Authority there would be no material adverse impact on highway safety.

There is no evidence that existing facilities and sewers are inadequate. The Education Authority has affirmed that the school has sufficient capacity.

The supplementary planning guidance on outdoor playing space sets out a threshold of 10 dwellings to generate a need for formal provision. The application proposes 12 dwellings. However only 7 of these can rightly be regarded as family homes the remainder being elderly persons type accommodation. Therefore, in this case, because of this, there is no basis for seeking the provision of a play area.

In summary the principle of low cost housing is acceptable. A genuine and defined local need has generated the level and type of housing proposed. Given the difficulties in making development of this kind actually happen the application presents an opportunity to provide significant community benefit. No play space is provided for but the seven family houses proposed are below the normal threshold for requiring such facilities. It is unlikely the occupants of the bungalows would generate a need for outdoor playing space. Similarly, whilst a wide belt of landscaping would enhance the landscape and deal with concerns over visual impact the acquisition and maintenance costs could be significant, if achievable at all. On balance the provision of low cost housing is considered to be overriding.

### **Recommendation**

Subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990, to secure the benefits of low cost housing for the local community **GRANT** permission subject to the following conditions:

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

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

2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 5191/THA/02 E received 14 January 2002.

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

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

5. 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.

6. 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.

7. Before the commencement of any operations on site, a scheme for disposal of highway surface water via a positive gravity fed system, discharging to an outfall in public sewer, highway drain or watercourse shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

8. Before any other operations are commenced, a temporary access shall be formed into the site for construction purposes and space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring for site operatives and visitors' vehicles, loading and unloading of goods vehicles, all in accordance with a scheme first submitted to and approved by the Local Planning Authority. The facilities shall be maintained available throughout the course of the construction works.

Reason: In the interests of highway safety.

9. Before any operations commence involving the movement of materials in bulk to or from the site, facilities shall be provided as may be agreed with the Local Planning Authority and used to prevent the deposition of mud or extraneous material on the public highway.

Reason: In the interests of highway safety

10. The visibility sightline shown hatched on the attached plan 9/2001/1150/F shall be kept permanently free of any obstruction to visibility greater than 1m in height above adjacent carriageway level.

Reason: In the interests of highway safety.

11. Dwellings shall not be occupied until the proposed estate street has been laid out in accordance with the application drawings to conform with the County Council's Roads in Housing design guide and constructed at least to basecourse level, drained and lit in accordance with the County Council's Specification for Housing Development Roads.

Reason: In the interests of highway safety.

12. Before the occupation of the dwelling to which it relates, private driveways must be laid out and constructed and surfaced with a solid bound material. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the parking and garage spaces shall not be used for any purpose other than parking of vehicles except with the prior permission of the Local Planning Authority.

Reason: In the interests of highway safety.

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

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

Informatives:

(i) The developer must ensure that surface water run-off from private driveways is not allowed to flow onto the highway. Suitable measures such as a dished channel with outfall to the private surface water drain must be provided to the satisfaction of the Highway Authority.

12/02/2002

Item           A9

Reg. No.       9 2001 1207

<b>Applicant:</b> Mark A A Lintin & A J Hassell 31 Highfield Close Linton Swadlincote Derbyshire DE126RH	<b>Agent:</b> Mark A A Lintin & A J Hassell 31 Highfield Close Linton Swadlincote Derbyshire DE126RH
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**Proposal:**       **The conversion into two flats of the dwelling at 2a Weston Street Swadlincote**

**Ward:**           Swadlincote

**Valid Date:**     11/12/2001

**Site Description**

The site comprises an end of terrace house that is currently in single occupation and was built at the beginning of the last century.

The property has off-street parking for approximately two vehicles.

**Proposal**

The applicant seeks consent to convert the building into two independent self contained flats created one on each floor with access to them from the entry between the house and the adjoining neighbour.

**Responses to Consultations**

The County Highway Authority has no objection.

The Environmental Health Manager has no objection to the proposal but advises that it important that the Building Regulations are strictly applied with regard to the provision of acoustic barriers between the two flats.

**Responses to Publicity**

Three neighbours have written objecting to the proposal making the following comments:

- a.     Parking is already a major problem in the street for refuse and emergency vehicles and private driveways are blocked.
- b.     The scheme would generate extra noise and disturbance and privacy would be lost with so many people moving in.

### Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 3.

Local Plan: Housing Policy 4.

### Planning Considerations

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

- The provisions of the development plan
- The impact of the scheme on residential amenity, parking provision and highway safety.

### Planning Assessment

The development plan seeks (inter alia) to ensure that in accordance with principles of sustainable development, as much of the housing provision required is made within urban areas making full use of opportunities for redevelopment.

In this case, an extra unit of accommodation would be formed without there being any undue detriment caused to the amenity of the residential area as the unit would only have some minor external works and it would remain in residential use.

The additional noise and disturbance that may ensue from the house being subdivided is unlikely to be so intensive that any undue harm to the amenities of the neighbouring dwelling would result. The matter of compliance with the Building Regulations is not a planning matter to be considered here.

Notwithstanding the concerns expressed by neighbouring residents with regard to the existing problems with the parking situation in the street, the County Highway Authority does not consider that the proposal would result in any additional harm to highway safety.

### Recommendation

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

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

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

Informatives:

- (i) The insertion of any new windows into the building may require a further planning permission. If this is to be the case please contact the Planning Department at South Derbyshire District Council.

12/02/2002

**Item**            **A10****Reg. No.**        **9 2001 1216****Applicant:**

Mr Mrs D And C J Redfern  
Oaklands Farm, Sutton Road  
Church Broughton  
Derby

**Agent:**

Alan Taylor  
Talbot Associates  
Talbot House  
18 Grange Close  
Ticknall  
Derbyshire  
DE73 1LF

**Proposal:**        **The formation of an exercise paddock at Oaklands Farm  
Sutton Road Church Broughton Derby**

**Ward:**            **North West**

**Valid Date:**     **14/12/2001**

**Site Description**

The site of the proposed exercise paddock comprises part of a field on the holding. It is located to the east of the current complex of buildings and is located in the corner of a field and as such has no physical boundaries. There are existing boundary hedges to the south and east of the site.

**Proposal**

The applicant seeks consent to form an exercise paddock over an existing stoned area.

**Planning History**

There are two other current planning applications for development on the holding, one for an agricultural building and the other is for a farmhouse. Both are subject to reports to this Committee.

**Responses to Consultations**

Church Broughton Parish Council has objected on the grounds that the proposal is retrospective; it removes land from agricultural use on a holding that is already tightly stocked and the application would increase development in the open countryside.

The County Highways Authority has no objection subject to their being no commercial use of the site.

### **Responses to Publicity**

One letter has been received pointing out that the development has already commenced.

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

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4

Local Plan: Environment Policy 1

### **Planning Considerations**

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

- The impact of the development on the countryside

### **Planning Assessment**

The proposed exercise area is located to the east of an existing complex of farm buildings. The paddock would remain open in appearance. The policies of the development plan do allow for development in the countryside providing it needs to be located in a rural location. Facilities for horses are considered to be such a use. Therefore, in principle the proposal is acceptable.

The impact of the paddock would be minimal and, therefore, subject to there being no commercial use it would have no significant impact on the area.

No details of lighting have been submitted with the application. This matter should be subject to further control, as should the means of enclosure of the area. Suitable conditions are recommended.

The matter of the use of the land raised by the Parish Council is noted. However, the area of land to be used for the exercise area measures some 40 by 22 metres. This is not of a sufficient size to affect the viability or otherwise of the unit as a whole.

### **Recommendation**

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

1. The manege hereby permitted shall be used only by members of the household of Oakands Farm, their immediate family and their horses only and shall not be occupied as a separate planning unit or used for any commercial purpose without the prior written permission of the Local Planning Authority in response to an application made in that regard

Reason: In order to ensure that the unit is not operated as a commercial operation and is not separated as such in the interests of the objective of sustainable development. The creation of a commercial facility in this isolated location in the countryside would be contrary to the best interests of sustainable development.

2. The manege hereby permitted shall not be illuminated in any way and no lights shall be erected on any fencing or other means of enclosure around the manege unless the Local Planning Authority has granted permission in response to an application made in that regard.

Reason: In the interests of preventing unnecessary light intrusion into an isolated rural location.

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

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

12/02/2002

Item            A11

Reg. No.       9 2001 1217

<b>Applicant:</b> Mr D & Mr C J Redfern Oaklands Farm, Sutton Road Church Broughton Derby	<b>Agent:</b> Alan Taylor Talbot Associates Talbot House 18 Grange Close Ticknall Derbyshire DE73 1LF
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**Proposal:**        **The erection of a barn   Oaklands Farm Sutton Road Church  
                         Broughton Derby**

**Ward:**            North West

**Valid Date:**     14/12/2001

**Site Description**

The site comprises a number of agricultural and other buildings along with a mobile home in which the applicant and his family currently resides. The site of the proposed barn is on the south side of the existing farm buildings at Oaklands Farm to the east of the mobile home.

There is a hedge on the south side of the proposed building.

**Proposal**

The applicant seeks consent to erect a barn. It would be constructed in metal profile sheeting and would be 32m x 15m x 6.2 high.

**Planning History**

There are two other planning applications currently being considered by the Council for the holding, one for an exercise paddock and the other for a farmhouse. Both are subject to further reports to this Committee.

**Responses to Consultations**

Church Broughton Parish Council objects to this application because the number of buildings is too great for the small acreage in the ownership of the applicant; there are strong reservations about the need for the building. If the applicant needs the building, why not attach it to an existing building rather than extend into the countryside.

The Environmental Health Manager has no objection.

## Responses to Publicity

One letter has been received stating that there have been numerous similar applications for buildings in the past and there is concern that the development will be open-ended. Would this be the last application of this type?

## Structure/Local Plan Policies

The relevant policies are:

Local Plan: Environment Policy 5

## Planning Considerations

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

- The impacts of the development on the character of the countryside with reference to the relationship to existing buildings,
- the need for landscaping, and,
- whether there would be adverse traffic or noise generation.

## Planning Assessment

The building is located on a farm unit situated in the open countryside. The building is designed for agriculture and the policies of the development plan allow for the erection of such buildings where necessary for agriculture. Therefore, in principle, the building is acceptable.

The building is sited to the rear of the existing complex of farm buildings. It would be seen against the background of those buildings and there would, as a result, be no adverse impact on the area caused by the additional unit. However, this would be the case subject to some additional tree planting in the hedgerow that bounds the site in order to mitigate the impact of the proposed building. A condition requiring tree planting is recommended together with one requiring the submission of details of the colour of the building.

The proposal would not generate significant additional noise and traffic that would be detrimental to the character of the area.

On the issue of further development that has been raised in correspondence, it is not possible to judge if there will be further development proposed for the site. If any further application were to be made it would be judged solely on its own merits at that time.

## 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: If the development is required for the purposes of agriculture, the Local Planning Authority consider that the development should be commenced within a short period in order that the Authority can review the need for the development at the end of the permitted period.

2. No part of the development shall be carried out until precise details of the colour of the external walls and roof of the building have been submitted to and approved in writing by the Local Planning Authority. The agreed materials shall then be used to construct the building.

Reason: To safeguard the appearance of the locality generally.

3. 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 details of trees to be planted in the hedge along the southern boundary of the site.

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

4. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building. Any trees which within a period of five years from the occupation of the building 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.

12/02/2002

**Item**            **A12****Reg. No.**        **9 2001 1221****Applicant:**  
Mr Mrs D & C J Redfern**Agent:**  
Alan Taylor  
Talbot Associates  
Talbot House  
18 Grange Close  
Ticknall  
Derbyshire  
DE73 1LF**Proposal:**        **The erection of an agricultural workers dwelling at Oaklands  
Farm Sutton Road Church Broughton Derby****Ward:**            **North West****Valid Date:**     **14/12/2001****Site Description**

The site is located to the rear of a range of modern farm buildings to the south of Sutton Road and to the east of the village of Church Broughton. The site itself is generally level with no significant boundaries although the farmyard itself, which is situated in close proximity to the site, is enclosed by post and rail fencing.

A mobile home is situated on the site. The applicant and his family currently occupy it. A previous mobile home was destroyed by fire.

**Proposal**

The applicant seeks consent to erect a dwelling on the site to serve his agricultural need to be located close to his farm holding. The property, as with previous applications, would be of a primarily two-storey design and "L" shaped. One leg of the "L" would be single storey and house a garage and kitchen with the other leg being two storey in height.

The two storey element of the proposal in this case would measure 11.4 metres by 7.2 metres. (This compares with the house for which consent was sought in 2001 of 11.7 metres by 7.2 metres.) The single storey leg of the unit in this case would measure 10.3 metres by 5.7 metres, (This compares with the house for which consent was sought in 2001 of 10 metres by 5.7 metres.)

The accommodation that would be provided comprises:

- (i) at ground floor level: a double garage, a kitchen, a utility area, a porch, incorporating a toilet/shower area, an office, a dining room, a lounge and a hall, and,
- (ii) at first floor level: four bedrooms (one en-suite) and a bathroom.

### Applicants' supporting information

The applicant has submitted the following supporting information:

- (i) The plan as now proposed shows a reduced floor area with a slice being taken out of the two storey section of the dwelling and it is considered that this results in a dwelling that has reasonable but not excessive room sizes and a low proportion of circulation space,
- (ii) The kitchen is a little larger than usual but reflects its importance in the life of the working farm,
- (iii) The separate office and associated toilet and shower are important facilities in the farm,
- (iv) The ADAS information submitted previously remains accurate and current and a letter from the applicants accountant clarifies that the rents are included in the accounts,
- (v) Information on the growth of the farm reflecting the MAFF (as was) Area Aid records are included and show that the farm in 1995 had 103.13 acres with 341.66 acres in 2001,
- (vi) The accounts show a growth in the business and reflect PPG7 that seeks evidence that farms remain profitable,
- (vii) The applicants have agreed that if planning consent is forthcoming that the house be tied to the land owned by the applicant so that it would avoid its independent sell off.

A letter has been received from the applicant himself stating that:

- (i) The house would be for the sole occupation of the applicant, his wife and their three children,
- (ii) There is no dwelling on the farm at present and the family live in a mobile home,
- (iii) The applicant has farmed for twenty years and hopes to give his children the opportunity to farm if they want to,
- (iv) Oaklands Farm is under a countryside stewardship scheme and this is for 10 years of which 2 have been completed. This involves hedge planting, fence maintenance and re-instating hay meadows.

A further letter has been received from the applicant making the following additional points:

- (i) The applicant owns 46 acres of land,
- (ii) The remainder is rented on short term grazing agreements,
- (iii) Very little land in the area is let on long term tenancies unless it is for a complete farm,
- (iv) Land tends to be let as summer grazing lets or on verbal agreements,
- (v) The applicant farms his land from March to November for hay or silage or grazing by cattle or sheep,
- (vi) In November the sheep are either left on the land and winter sheep grazing payments are made or the sheep are moved onto the dairy farm for the winter to eat the excess grass,
- (vii) The cattle are winter housed in November and therefore do not need any land,
- (viii) The majority of the land has been rented to the applicant for 10-15 years, which demonstrates the trusting relationship between the applicant and the landlords.

The ADAS information referred to above is available for inspection should elected members require to do so. Notwithstanding that, it concluded that there is a viable and growing agricultural business on the site. A copy of the full document is available on the file for inspection.

## Planning History

9/1999/0651/O: Consent granted in outline for the erection of a single dwelling on the site.

9/2000/1010/F: Application to erect a dwelling on the site was refused due to a lack of justification for the erection of a dwelling on the site and that the size of the dwelling was larger than was warranted on the holding.

9/2001/0768: Application refused for the following reasons:

- (i) The application is considered to be unacceptable, as the site is located within the countryside where new dwellings are strictly controlled. In this case there is insufficient justification submitted in support of the application to erect a dwelling on the site and the necessity for it to serve the holding. The erection of a dwelling on the site would, therefore, be contrary to Environment Policy 1 and Housing Policy 8 of the South Derbyshire Local Plan and General Development Strategy Policy 4 and Housing Policy 6 of the Derby and Derbyshire Joint Structure Plan.
- (ii) The size of proposed dwelling on the unit holding is considered to be excessive and exceed the level of accommodation considered appropriate for the size of the holding. Additionally, due to its position, mass and bulk it would have a detrimental impact on the character of the area. This is contrary to the advice contained in Planning Policy Guidance Note No. 7: The Countryside: Environmental Quality and Economic and Social Development Annex I and Housing Policy 6 and GDSP4 of The Joint Derby and Derbyshire Structure Plan and Environment Policy 1 and Housing Policy 8 of the South Derbyshire Local Plan.

In addition two applications relating to this site, one for a manage and one for an agricultural building are also included on the current agenda.

## Responses to Consultations

Church Broughton Parish Council object to the application on the following grounds:

- (i) The footprint of the building is reduced by less than 1.5% and the reduction is insignificant,
- (ii) The grounds for refusal on 9/2001/0768 remain,
- (iii) The likelihood of a similar application from an adjacent site of similar size in the future,
- (iv) The fact that the original farmhouse has been sold and buildings converted with no apparent restrictions on the future development,
- (v) The applicant could purchase a home in the surrounding area. The original farmhouse is now up for sale again and there are other properties in the surrounding area. If these properties are too expensive the applicant could possibly purchase a home in Hatton,
- (vi) There are houses to rent in the surrounding area,
- (vii) The farm is scarcely viable with the farm accounts showing the applicant is more in debt than last year,
- (viii) The applicant has no secure tenure of the land other than the site itself,
- (ix) Given the relatively small acreage of the farm Councillors have concerns over the large amount of open countryside that is being encompassed in the proposed garden of the property,

- (x) When this application came before the Council; in November 2000, local residents objected to this application and were very concerned over the size of the proposed dwelling in relation to the size of the farm,
- (xi) In conclusion Parish Councillors object to the application and if consent is granted they would like to know what measures would be taken to ensure the farmhouse would not be sold off again.

Severn Trent Water Limited has no objection.

The Highway Authority has no objection.

### **Responses to Publicity**

A single letter of objection has been received which makes the following points:

- (i) There is no objection in principle to the dwelling but it is noted that the previous application was refused on the size of the unit and that the current proposal only marginally reduces the size of the dwelling.

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

The relevant policies are:

Derby and Derbyshire Joint Structure Plan: General Development Strategy Policy 4 and Housing Policy 6

South Derbyshire Local Plan: Environment Policy 1 and Housing Policy 8

### **Planning Considerations**

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

- (i) The principle of the proposed development, and,
- (ii) The impact of the proposal on the character of the area and the amenities of the nearby property owners.

### **Planning Assessment**

The site is located within the open countryside where new residential development is generally restricted unless it is required for an activity requiring a rural location. The applicant seeks consent for the erection of a dwelling in connection with the farming enterprise that he carries out.

Consent was originally granted for the erection of one dwelling on the site in January 2000 and followed the granting of consent for a mobile home. Both of those permissions have now expired. An application for the erection of a single house was refused due to the lack of evidence put forward to justify the dwelling and the size of the unit in early 2001. A further application was refused in 2001 for the same reasons. This submission seeks to justify a dwelling in terms of those refusals.

To satisfy the tests set out in government advice (Planning Policy Guidance Note No. 7) it is necessary to satisfy both a functional and a financial need. In this case the evidence that has accompanied the submission is satisfactory in terms of the functional need for a dwelling to be located on the farm. That is that there is a need for a single dwelling on the site to ensure there is 24 hour on site supervision for the unit.

In terms of the financial need, however, the evidence submitted is not as convincing. This is because the evidence of financial stability of the farm relies to a significant extent (approximately 85%) on the renting of land on a short-term basis to provide income for the farm. This fails to give the farm long-term stability as this land may be withdrawn from the farmer's use at any time. Whilst evidence as to the nature of these leases has been sought from the applicant no evidence has been forthcoming. By the applicant's own admission, some of the leases are only on verbal contracts.

However, this needs to be set against the continuing growth of the farm over a number of years and the fact that in 1999 the Council gave consent in outline for the erection of a single dwelling on the site.

Therefore, whilst the financial case for a dwelling unit on the site is finely balanced, there is a case of financial justification for the erection of a dwelling on the unit. However, should consent be granted for a dwelling on the site provision made in government advice (PPG 7) to tie by legal agreement the house to the land in owner occupation would be appropriately implemented in this case.

The previous two applications for a dwelling on the site have both been refused due to the size of the dwelling being considered to be excessive. Minor alterations to the size of the unit have been made in this case. However, the size of the unit remains relatively unaltered from the most recently refused submission. Advice in PPG 7 specifies that "Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings which are unusually large in relation to the agricultural needs of the unit, ..., should not be permitted".

The comments made concerning the financial viability of the farm above are also relevant here. The applicant has specified that he specifically needs this size of dwelling to accommodate his family in a comfortable environment. Notwithstanding the advice that it is the requirements of the unit that should dictate the size of the dwelling rather than those of the future occupier in this case, whilst again finely balanced, the size of the unit proposed is acceptable and would not be detrimental on the character and appearance of the area.

The comments made by the Parish Council are noted. However, the possibility of other applications being submitted, the current use of the former farmhouse and the possibility of purchasing a house elsewhere are not material to this submission.

The comments regarding possible future use of the building is noted and a condition restricting it for the use of a farmer is recommended, as is a condition restricting permitted development.

## Recommendation

**GRANT** planning permission subject to the completion of a legal agreement tying the dwelling to the owner occupied land on the holding and to the following conditions:

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

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

2. No 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.

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

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

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

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

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the dwelling hereby permitted shall not be altered, enlarged or extended and no buildings, gates, walls or other means of enclosure (except as authorised by this permission or required by any condition attached thereto) shall be erected on the application site (shown edged red on the submitted plan) without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the site area and effect upon neighbouring properties and/or the street scene.

6. 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.

7. 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.

8. 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.

9. No work shall take place on the site until details of a scheme for the disposal of 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 pollution control.

12/02/2002

**Item**            **A13****Reg. No.**        **9 2001 1225****Applicant:**

Mr & Mrs D Marshall  
6, Cote House Farm, Watery Lane  
Scropton  
Derby  
DE655PL

**Agent:**

Ian Woore/Haydn Watkins  
Peter Woore Watkins Partnership  
61 Friar Gate  
Derby  
DE1 1DJ

**Proposal:**        **The erection of extensions and the subdivision of the premises  
into two dwelling units at 6, Cote House Farm Watery Lane  
Scropton Derby**

**Ward:**            **North West**

**Valid Date:**     **17/12/2001**

**Site Description**

The site is located in the open countryside and comprise the grounds of the farmhouse where there is an existing granny annexe linked to the main dwelling.

The house is located in extensive grounds and is located some way north of the village of Scropton. It is served off a drive off Watery Lane.

**Proposal**

The applicants seek consent to erect a two-storey extension to the main house, a second storey extension to the existing granny flat and a single storey extension to the existing granny annexe. The two second storey extensions are on the north and east elevations. The single storey extension is on the east elevation of the building next to a cattle shed.

Part of the existing living accommodation in the main house would be transferred to the granny annexe. There would be maintained a link between the dwellings at both ground and first floor levels.

**Planning History**

Permission to extend the granny annexe was refused last year. That proposal was for the erection of two storey extensions over the whole of the existing annexe with no link shown between the two. It would have resulted in two unconnected dwelling units being formed.

## Responses to Consultations

Foston and Scropton Parish Council has no objection

The County Highways Authority has no objection subject to the new accomadation being ancillary to the main living accommodation.

## Structure/Local Plan Policies

The relevant policies are:

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

Local Plan: Environment Policy 1 & Housing Policies 8 & 13

## Planning Considerations

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

- The principle of the development
- The impact of the proposals on the character and appearance of the countryside and the dwelling itself.
- The question of the creation of a second dwelling in the countryside

## Planning Assessment

The site is located in the open countryside away from any sustainable settlement. In such areas new development is strictly controlled to that which would have no adverse impact on the character and appearance of the area.

In this case the two two-storey extensions proposed are related well to the existing house and reflect its form and layout. Therefore, neither of them nor the single storey extension proposed would adversely affect the character of the dwelling or the wider countryside.

A consideration on the previously refused proposal related to the formation of a separate unconnected dwelling in the countryside. In this regard this application differs from that previously submitted in that the current proposals represents a significant reduction of the massing that was previously proposed along with a consequent significant reduction in the level of accomadation sought.

In addition, the proposal as originally submitted showed no link between the two parts of the dwelling. This has now also been rectified and doors between the two units at both ground and first floor levels are shown. If the extension is constructed as now submitted there would be no creation of a separate dwelling. A condition requiring this connection to be maintained is recommended to ensure that two dwellings are not formed.

**Recommendation**

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

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

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

2. All external materials used in the development to which this permission relates shall match those used in the existing building in colour, coursing and texture unless otherwise agreed in writing by the Local Planning Authority.

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

3. The living accommodation hereby permitted attached to the dwelling known as Cote House Farm Watery Lane Scropton shall be occupied solely by members of the household of that dwelling or by domestic staff, and shall not be severed from the main house as a separate and unconnected dwelling.

Reason: Permission is granted in the light of your particular personal circumstances. Although the erection of an extension to provide additional accommodation to be used in conjunction with the existing dwelling is acceptable, the Council would not normally be inclined to allow the formation of a separate residential unit in this locality. Since the extension and associated accommodation includes all the domestic facilities necessary for the establishment of a separate self-contained unit, the Council hereby seeks to make it clear that separate occupation is not authorised by this permission.

4. The connecting doors as shown on the plans shall remain in place at all times to allow and enable access to all parts of the unit to be maintained.

Reason: For the avoidance of doubt and to limit the possibility of the creation of a separate dwelling.

12/02/2002

Item           A14

Reg. No.       9 2001 1227

<b>Applicant:</b> Morris Homes (East Midlands) 9 Glaisdale Drive Bilborough Nottingham NG8 4GU	<b>Agent:</b> Morris Homes Ltd 18 The Parks Newton Le Willows Merseyside WA12 0JQ
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**Proposal:**       **The erection of 49 dwellings on Land At Coronation Street  
Swadlincote**

**Ward:**           Swadlincote

**Valid Date:**     17/12/2001

**Site Description**

The site is located within the built up area of Swadlincote. The land is currently vacant but was previously occupied by 49 houses, originally built for the Council.

Adjoining the northern boundary of the site are the rear gardens belonging to dwellings fronting Valley Rise. To the south lie the Pingle School playing fields.

**Proposal**

The applicant seeks consent to erect 49 dwellings on the site. They would be located either side of the road, with a 5 metre deep landscape strip on the road frontages and all but one of the existing 18 roadside trees retained. The scheme has been amended to meet space about dwellings and highway standards.

The scheme also shows a junction and access that would afford access to land to the south of the site to be developed in the future.

Coronation Street is shown reduced in width in accordance with the County Highway Authority’s requirements.

**Applicants’ supporting information**

A five page development appraisal has been submitted which concludes that the proposal is in keeping with PPG 3 and meets all relevant requirements, forms a comprehensive scheme, whilst providing an individual development with its own sense of place but which is in keeping with the historic town of Swadlincote.

The applicant has submitted a unilateral undertaking that states that the landscaped area on both sides of the road would be retained under their ownership and not conveyed to individual owners. The space would then be landscaped in accordance with an approved scheme, maintained for one year and then conveyed to the Council together with a commuted sum to secure its future maintenance subject to agreement.

### **Responses to Consultations**

The County Highway Authority has no objection to the proposals subject to the scheme being amended to show more parking spaces, wider private driveways and larger private turning areas.

The Environmental Health Manager states that the land adjacent to the site and the surrounding area is highlighted on historic maps as being used for mining and therefore has the potential to be contaminated. The applicant has submitted a ground condition report but the measures proposed for remediation are considered to be insufficient. However, provided suitable measures are implemented, he has no objection to the scheme.

Severn Trent Water has no objection subject to conditions.

The Chief County Education Officer has written to request that the site when developed would generate 10 primary school children amounting to a contribution from the developer of £54,100. This would help to alleviate pressure on nearby schools, which are currently under pressure for accommodation.

### **Responses to Publicity**

Three neighbours have written with the following comments:

- A. There is no secured fence or wall shown on the boundary between the site and property on Darklands Road.
- B. Access to new properties on Coronation Street may adversely affect private accesses on Darklands Road.
- C. Existing trees on the boundary with properties on Valley Rise have always provided a screen from the houses on the site. The previous houses were considerably further from Valley Rise than the proposed houses. Boundary fences alone will not provide sufficient privacy or security (a recent burglary emphasises the concern). As such either the trees should remain or a replacement fence be erected.
- D. It is disappointing to see that no improvements are to be made to the junction of Coronation Street and Darklands Road, which currently becomes very congested.

A further period for comments on the amended scheme is yet to expire.

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

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 3 and Housing Policy 3.

Local Plan: Housing Policy 4 and 11.

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

## Planning Considerations

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

- The provisions of the development plan
- The impact of the scheme on residential amenity
- The impact of the scheme on highway safety.

## Planning Assessment

The development plan seeks to ensure that full and efficient use is made of previously developed land in urban areas subject to the usual scale and character requirements. As this site is located within the urban area and was previously occupied by dwellings the principle of the development is acceptable.

This case is a straightforward redevelopment of a site that was cleared by the Council because of difficulties with structural defects in houses. The land was cleared about four years ago. The current scheme does not result in any net increase in the number of units on the site except that whereas all houses on the site previously fronted Coronation Street, the current scheme shows landscaping and houses penetrating into what were previously rear garden areas. This has resulted in houses being much closer to houses on Valley Rise than those that previously occupied the site. However, the latest amendment to the scheme shows the required space between new and existing dwellings maintained in accordance with current SPG standards. In achieving these distances and seeking to ensure the density of the development is acceptable and in accord with PPG3, some of the separation distances *within* the site do not fully comply with the Council's outgoing standards. However, this is offset in this case by the benefits of the scheme, which incorporates landscaping areas and an innovative layout.

Negotiations for the improvement of the scheme have been extensive and have resulted in a layout and design that would result in an improvement to the visual amenity of the area and introduce a green corridor with planting on both Coronation Street frontages to compliment the existing avenue of Limes that stand in the footway. To enable this scheme to come about, it has been necessary to relax some of the private, *off-street* requirements of the County Highway Authority which would have required greater areas of hard surfacing and parking at the expense of landscaping. This does not mean that any of the requirements of the County Highway Authority in respect of junction visibility and design of the *public* highway have been overridden.

With regard to the request of the Chief County Education Officer, it is considered unreasonable to require the developer to pay for school places on a site where the numbers of dwellings have not increased. As such no approach to the developer has been made in this regard.

## Recommendation

- A. That power be delegated to the Planning Services Manager to deal with any further comments from neighbours received during the prescribed period; and , subject to A,  
 B. **GRANT** permission subject to the following conditions:

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

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

2. Notwithstanding any studies previously undertaken, no work shall take place on the site until an adequate site investigation and assessment of contamination and the measures to be taken to avoid risk to people or the environment has been undertaken and submitted to the Local Planning Authority for approval. The development shall incorporate any measures shown in that assessment to be necessary (and any others deemed necessary by the Local Planning Authority) for the removal or containment of any contaminated material when the site is developed.

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.

3. 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.

4. 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.

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

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

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

6. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 4H 1054/35 (dry verge style), A/EM/D188/SK02H, and site location plan.

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

7. The windows in the north wall of the building proposed for plots 28, 36, 37, 43, 44 and 49, and the south walls of buildings on plots 01, 09, 10, 17, 18, 22, and the west wall of the building on plot 26 shall be permanently glazed in obscure glass.

Reason: To avoid overlooking of adjoining property in the interest of protecting privacy.

8. The areas shown on the amended plans for the parking and manoeuvring of vehicles shall be laid out, hard surfaced and marked out prior to the first use of the dwellings to which they relate. Thereafter those areas shall remain unobstructed for their designated use.

Reason: To ensure that all the activities associated with the development are contained within the curtilage of the site, so as to avoid parking and manoeuvring on the highway to the detriment of highway safety.

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

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

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 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.

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

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

13. Prior to the first occupation to which it relates, private driveways shall be laid out and constructed and surfaced with a solid bound material at a gradient no steeper than 1 in 15 and shall incorporate measures to prevent the flow of surface water onto the highway.

Reason: In the interests of highway safety.

14. Prior to the first use of the development hereby permitted, the land in advance of the sight lines shown on drawing A/EM/D188/SK02H shall be cleared and thereafter retained free of all obstructions to visibility over a height of 1 metre above the adjoining carriageway level.

Reason: In the interests of highway safety.

15. Before any other operations are commenced, a temporary access shall be formed into the site for construction purposes, and space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring for site operatives and visitor's vehicles, loading and unloading of goods vehicles, all in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

16. Before any operations commence involving the movement of materials in bulk to or from the site, facilities shall be provided that have previously been agreed with the Local Planning Authority, to prevent the deposition of mud or extraneous material on the access roads to the site.

Reason: In the interests of highway safety.

17. Unless otherwise agreed in writing with the Local Planning Authority, prior to the first occupation of any dwelling hereby permitted, the Coronation Street carriageway shall be reduced in width to 6.5 metres in accordance with a specification first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

Informatives:

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

(ii) Further to the above Informative, the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. This grant of planning permission does not give a warranty of ground support or stability, neither does it necessarily imply that the requirements of any other controlling authority would be satisfied.

(iii) That detailed plans of road levels, surface water drainage arrangements and the construction of the new street should be submitted to the County Surveyor, Derbyshire County Council, County Offices, Matlock, Derbyshire, DE4 3AG, prior to the commencement of the work.

(iv) This permission gives no consent for the felling of any trees within the highway other than that tree shown on the approved drawing. All other trees to be retained should be properly protected during construction.

Following condition 2 above, you are advised to note the attached comments of the Council's Environmental Health Manager and act upon them as necessary.

12/02/2002

**Item**            **A15****Reg. No.**        **9 2001 1229****Applicant:**

J S Bloor Measham Ltd  
Ashby Road  
Measham  
Swadlincote  
Derbyshire  
DE12 7JP

**Agent:**

J S Bloor Measham Ltd  
Ashby Road  
Measham  
Swadlincote  
Derbyshire  
DE12 7JP

**Proposal:**        **The erection of two dwellings and extension to access road and  
creation of new parking courtyard and public open space at  
Land At Weston Road Aston-onTrent Derby**

**Ward:**            **Aston**

**Valid Date:**     **17/12/2001**

**Site Description**

The application site comprises an area of land that includes a private track, serving the dwellings at 7 – 21 Yates Avenue, a number of garage blocks and a number of grassed areas. The majority of the land comprises a strip of land that lies between the rear of 163-175, Weston Road and 1-21 Yates Avenue.

This site lies outside the village confines of Aston but within the built up area that constitutes part of the re-developed Aston Hospital.

**Proposal**

The application seeks consent to erect two detached houses, which would be served by a new adoptable standard highway.

A new parking area to serve the dwellings at 7– 21 Yates Avenue would also be provided

**Applicant's Supporting Information**

- a) Storm water would discharge into an extended section of 'public' sewer in the existing access road.
- b) Foul water would discharge into the 'public' foul sewer.
- c) The small sections of scrubland that currently exist are in the applicant's ownership and are not public open spaces.
- d) The existing vehicular access adjacent to Red Lodge would be blocked off when the extended access road has been completed and adopted.

- e) The parking spaces to Plot 207 are set in tandem so that the driveways do not cross the spread of the existing protected tree in the rear garden of No 175.

### Site History

The private road in front of 1– 6 and 22 – 31 Yates Avenue was upgraded to adoptable standard following the grant of permission for residential development in 1998 (9/1097/0560/F).

### Responses to Consultations

The Parish Council welcomes the application for the following reasons:

- a) It will greatly upgrade the whole area.
- b) It will solve parking problems.
- c) It will improve access onto Weston Road.
- d) The design of the courtyard is in accord with residents' wishes, with parking on both sides of the courtyard and landscaping of the area.

The Highway Authority has no objection in principle.

Severn Trent Water Limited and the Environmental Health Manager have no objection.

### Responses to Publicity

9 letters have been received from residents of Weston Road (5) and Yates Avenue (4) objecting as follows:

- a) The area cannot cope with existing traffic levels. The dwellings would take away areas where there used to be garages and which are currently used for parking by residents of Yates Avenue and Weston Road.
- b) Only one space for each dwelling (for the 15 existing dwellings in Yates Avenue) is proposed. On average each dwelling has 2 cars. No provision is made for visitor parking. This is contrary to supplementary planning guidance.
- c) The existing road and footways has not yet been brought up to an adequate standard.
- d) Areas previously used for children's' play, supervised, would be lost. This would necessitate children having to walk almost a mile or to play unsupervised behind the hospital. There has already been increased juvenile delinquency since the play areas were fenced off two years ago. Quality of life would thus be impaired. The areas should be restored without delay. The development would generate extra demand for these facilities whilst providing none.
- e) Children have tended to play in front of other residents' houses since the play areas were lost, causing loss of amenity.
- f) Not all residents of Yates Avenue have been approached by the developer for views on matters that affect their title deeds.
- g) Weston Road is a totally unsuitable place to park cars and the access at Red Lodge is extremely unsafe. Increased traffic would increase the risk for all road users. An application for a new access at 153 Weston Road was refused for safety reasons.
- h) The proposed access to the properties would add further to the confusing nature of the existing road layout. Lighting and signage is inadequate.
- i) Residents have already had to endure years of inconvenience due to development.
- j) The area proposed for the new parking courtyard is flooded throughout most of the winter months. Surface water and sewage would overload the existing over stretched private drains.