

SOUTH DERBYSHIRE DISTRICT COUNCIL

DEVELOPMENT CONTROL SUB-COMMITTEE – 04th September 2001

Planning Services Manager

I N D E X

PART 1 Planning Applications
PART 2 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).

PLANNING SERVICES MANAGER

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04/09/2001

Item **A1****Reg. No.** **9 2000 0870 F****Applicant:**
Mr R Brooks
Brookside Farm Malthouse Lane
Foston
Derby
DE655PT**Agent:**
Mr. C. J. Dickinson
24 Rectory Lane
Breadsall
Derby
DE21 5LL**Proposal:** **The erection of extensions to the abattoir and the retention of three silos at the premises of Messrs Brooks Brookside Farm Malthouse Lane Foston Derby****Ward:** **Hatton****Valid Date:** **27/09/2000****Site Description**

The site consists of the abattoir located on Church Broughton Road, Hatton. The site is located outside the confines of any village and within the open countryside.

Proposal

The applicant seeks consent to retain three silo tanks and an air filtration system and to erect three extensions to the existing building.

The largest of the extensions would be located on the northern elevation of the building and measure 27.5 metres deep by 23.5 metres wide. It would act as lairage for the site. The second extension would be located on the southern elevation of the building and extend the loading bay. This extension would measure 12 metres deep by 12.5 metres wide. There would also be a small extension to the changing facilities area to provide separate facilities for the meat inspectors.

In addition, permission is sought to retain three tanks, the tallest of which measures 8.2 metres in height, that have been located on the eastern and southern sides of the building.

Applicants' supporting information

In support of the application the applicant makes the following comments

The increased lairage capacity will allow more livestock to be held on site overnight thereby allowing deliveries to start at about 9am or even 10am instead of 6am. Also there have been many occasions when early deliveries arriving late have delayed the completion of a days work thereby extending the hours of activity and potential for nuisance from noise. With regard to the lairage extension the usual mode of working is for stock to be delivered each afternoon for the

following mornings kill (a lairage is barely necessary during the day as stock can be killed straight off the transport). Therefore given sufficient lairage, the early morning work can start without the need for deliveries.

During the course of negotiation on the application, it has been suggested to the applicant that a legal undertaking be agreed to limit the delivery hours. The applicant contend that, given the above, this is not necessary and would be commercially very restrictive. Meat is sold on a day to day basis and so an order might be taken in late afternoon for more lambs or a certain type than was available on site. Thus, an early morning delivery would still be needed so that the order can be met. The recent Foot and Mouth disease controls and future likely measures are all adding to transport complications. M.A.F.F. (DEFRA) actually recommend that the lairage hold one days kill based on 0.56m sq./sheep plus 25% for passages and unloading facility. The proposal falls short of this but is very much better than the present position.

The extension to the loading out area is to improve loading times again to reduce operating hours.

The provision of the fibreglass storage tanks is very much to do with the problems of alleged smell and nuisance. One of the tanks is to provide ample safe storage of blood so that it can be collected without risk of overflow. The others enable treatment of other effluent to reduce smell. However, it is expected that the greatest benefit to be derived from sealing the tanks is ensuring that foul air from them is vented through odour removal equipment.

Jones & Attwood of Stourbridge manufacture the two odour filters and both are machine type PDF 175. These are 200 ltr. drums filled with an odour absorbent granular material (CP Blend Media RP Bx) and inlet and outlet pipes arranged internally to cause air to pass through the media which removes any smells. The filters are also to be used to cleanse the air exhausted from vacuum pumps when tankers collect odorous materials.

Following meetings with officers the company has proceeded with concrete paving around the building particularly to the north and east of the plant. This is where "dirty" operations are situated.

The applicant has ceased the spreading of blood on the land although the fertiliser value will be a considerable loss to him as a farmer. The site operators have stopped using the incinerator on site and this is not now in use. Both of these actions are a direct result of the concern on the part of site operators and the applicant to minimise the effect of activities on the environment. Approval of these plans will further assist in this aim

With reference to the planning application, approval by S.D.D.C. will not lead to increased throughput of any more than is already achieved rather, it will allow a more efficient operation. It would also help to safeguard the 45 jobs on site and obviously a fair number of others in companies servicing the site. The abattoir is sourcing an increasing proportion of its stock locally and it is considered that the council appreciates the pressures that abattoirs and agriculture are currently under particularly after the recent failure yet again of another abattoir in this area.

The applicant lives nearby and not one neighbour has come to him to make him aware of the problems he is now aware that they have been reporting to S.D.D.C. He is concerned that the complaints do not necessarily relate just to smell and nuisance.

Planning History

Permission for the abattoir was first granted in the late 1980's and the building was erected in the early 1990's.

Responses to Consultations

Hatton Parish Council has strong objections to the application on the following grounds: -

- a) The obnoxious smells emanating from the site
- b) Lack of proposals for screening the site that lies in the countryside
- c) Need for clarification on the disposal of waste material. It should not be spread on the surrounding fields.
- d) No further permissions should be granted unless and until all the existing environmental problems are solved.

The County Highways Authority has no objection subject to the retention of manoeuvring space.

The Environment Agency has no objection.

Severn Trent Water has no objection subject to no works within 2.5 metres either side of a foul sewer.

The Environmental Health Services Manager notes that the application relates specifically to the extension of the lairage, the meat inspection room and the delivery area. It also relates to the retention of several storage tanks on the site.

The Environmental Health Division has been involved in the investigation of numerous complaints in relation to the operation of the abattoir. The complaints have mainly related to smoke from an incinerator used on site, which was subject to an abatement notice, and smells from the storage and disposal of waste from the site. Some of these complaints are on going and still under investigation.

The main concern is to ensure that any development of the site does not intensify the problems that have already been experienced by residents close to the site.

The applicant has stated within information provided that the development proposed should in fact reduce these problems as is set out in the supporting information above.

In order to ensure this is the case it is recommended that the following conditions are attached to any subsequent permission, if granted: -

1. The tanks referred to within the application shall only be used for the stated purpose and shall be airtight. Displaced air from the tanks shall vent through the odour filter units, as specified by the applicant.
2. The odour control equipment specified within condition 1 above shall be maintained in accordance with the manufacturer's instruction. This shall include the frequency of replacement of the filter media.
3. Notwithstanding condition 2 above, a maintenance log shall be kept on site, detailing any work undertaken on the tanks and odour control equipment.
4. The waste blood from the site shall be taken off the site in sealed bulk tankers in the manner described within the details provided by the applicant.

In conclusion, it is stated that the development of this site does have the potential to give rise to complaints due to odour and noise. However, from the information supplied by the applicant it is clear that there will not be an increase in the throughput of the plant and there would be a better control of odours from the site. It is, therefore, recommend that the above conditions be attached to ensure this is the case

Should complaints still be received regarding activities on the site then the division will still have powers available under the Environmental Protection Act 1990 to take action if required.

Responses to Publicity

8 letters have been received objecting to the application on the following grounds: -

- a) There is smoke from an incinerator
- b) Smells in the garden arising from blood being spread on the fields. It is understood that blood is not being disposed of properly. Tractors and trailers cart 'something' up the lane that slopes onto the highway. Numerous complaints about smells from the site have been made over the months. Rats and flies are also a problem, they are attracted by the blood.
- c) There is a lot of noise and the use is unsuited for a residential area.
- d) The abattoir is too close to the stream and there is concern that this will be polluted with liquids.
- e) The abattoir has always caused problems especially when it was in its old premises. Environmental Health have served abatement Orders on the operators to cease the use of the incinerator. The site is poorly managed and further extension of the works will only make matters worse.
- f) There is concern that hundreds of sheep could be left without grass and this should not be allowed these days. Animals frequently escape on to the lane and it is only a matter of time before there is a serious accident. The animals could also damage property as they are not adequately fenced in.
- g) There has been insufficient publicity for proposals on this site. The people of Hatton do not like the abattoir.
- h) The roads are unsuitable for the type of traffic using them. Lorries park on the roads causing obstructions. Lorries also have been seen regularly turning in Breach Lane rather than manoeuvring on the site. The road was tarred and chipped, but the potholes were not dealt with.
- i) Residents support the Parish Council's view that any permission should be withheld until environmental problems have been resolved.
- j) Properties are being devalued. It appears to be another case of 'railway syndrome' - commercial gain at the risk of public safety.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4

Local Plan: Environment Policy 1, Employment Policy 1.

Planning Considerations

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

- Compliance with the development plan

- Impact of the structures and extensions on the character and appearance of the area.
- Smell and Odour
- Highway Safety
- Other Issues raised by third parties

Planning Assessment

The development plan seeks to enable the expansion of existing commercial activities provided that they do not have an unacceptable impact on the character and appearance of the area in which they are located.

In this case the premises is an established business set in the countryside. Whilst the extensions proposed are large they would not have a harmful impact on the area in which the building would be located and would be designed to reflect that of agricultural buildings. The appearance of the silos is prominent from the former A50. However, their impact would be mitigated if they were coloured to match the cladding on the abattoir building. A condition to this effect is recommended.

Therefore, in this case, the proposal for the expansion of the existing business is acceptable.

The Environmental Health Services Manager reports that there has been a number of complaints about the operation of these premises. These have related in the main to smells, smoke/fumes and noise. The question of the hours of operation has also been addressed.

Detailed discussions have taken place between officers and the applicants particularly on those matters in an attempt to find an acceptable solution to them. The silos that have been erected are to accept blood from the abattoir and run off from the unloading area, solid materials having first being removed by a mechanical screen. The outlet for fumes would be connected to a filter system and this has recently been undertaken. The Environmental Health Services Manager is reasonably satisfied that these measures would result in a reduction in the emissions from the site subject to recommended conditions. However, even if the improvements proposed as a part of this submission do not address the problems powers remain under the Environment Protection Act for the the Environmental Health Services Manager to revisit the site to address complaints.

Whilst the concerns about the state of the highway are noted, the County Highways Authority has no objection to the proposal. The requirement to define a designated turning area within the site should address the lorries turning at Breach Lane. Again, a condition is recommended.

The objections of the local residents are primarily based on the operation of the site in the past. The applicant has sought to change the operating procedures. Past operations are not a reason to withhold planning permission in this case.

Recommendation

GRANT permission subject to the following conditions:

1. The silos shall, within 70 days of the date of this permission, be painted in a colour to match that of the cladding on the main building. Thereafter, the silos shall be retained in that colour unless an alternative colour has been agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area.

2. All external materials used to construct the extensions hereby approved shall match those used in the existing building in colour unless otherwise agreed in writing by the Local Planning Authority. They shall then be retained as such.

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

3. The tanks referred to within the application shall only be used for the stated purpose and shall be airtight. Displaced air from the tanks shall vent through the odour filter units, as specified by the applicant in his letters dated 11 November 2000 and 6 July 2001.

Reason: For the avoidance of doubt and to ensure that the systems are operated in accordance with manufacturers specifications.

4. The area hatched red on the attached drawing shall be maintained free from all obstructions to its use as a lorry manoeuvring and turning area.

Reason: In the interests of highway safety.

5. The odour control equipment specified within condition 3 above shall be maintained in accordance with the manufacturer's instruction. This shall include the frequency of replacement of the filter media and a maintenance log shall be kept on site, detailing any work undertaken on the tanks and odour control equipment.

Reason: For the avoidance of doubt and to ensure that the systems are operated in accordance with manufacturers specifications.

6. The waste blood from the site shall be taken off the site in sealed bulk tankers in the manner described within the details provided by the applicant.

Reason: In the interests of controlling smell emissions from the site.

Informatives:

Severn Trent Water advises that there should be no development within 2.5 metres each side of the centre line of the public sewer crossing or adjacent to the site in order to maintain essential access for maintenance, repair and to protect the structural integrity of the sewer.

04/09/2001

Item **A2**
Reg. No. **9 2001 0206 F**

Applicant:
Harpur Crewe Estate
Estate Office
Ticknall

Agent:
Mr. Eric J. Lee
Pennside
Penn Lane
Melbourne
Derbyshire
DE73 1EP

Proposal: **The erection of two garages at Spring Cottage 42 High Street
Ticknall Derby**

Ward: **Ticknall**

Valid Date: **14/03/2001**

Site Description

See previous report attached.

Proposal

This application was deferred at the last meeting of the Committee to enable officers to seek further amendments from the applicant concerning the design of the garages and the porosity of the finish to the site. The applicant has been approached and discussions taken place on these matters. However, the applicant has indicated that he is not prepared to further reduce the roof pitch of the garage. Clarification has, however, been received on the finish to the site. Therefore, the proposal remains as originally reported to the Committee at its last meeting.

Structure/Local Plan Policies

As previous report.

Planning Considerations

As previous report.

Planning Assessment

The scheme, as originally proposed and reported to the Committee, is acceptable and would not have any adverse impact on the character of the area or the amenity of neighbours.

The matter of the porosity of the hard areas to be formed could be acceptably dealt with by condition 10 proposed in the recommendation. An informative to the applicant stating that the area should be finished in a porous material is also recommended.

All other considerations are as set out in the previous report.

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. This permission shall relate to the amended drawing received by the Local Planning Authority on 19 July 2001 showing in particular:

- a. the roof pitch reduced
- b. resiting of the garages and a distance of 2m between the garages and the site boundary
- c. alterations to the front elevations of the garages

Reason: To safeguard the amenities of the neighbouring property and to preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

3. No work in connection with this development shall commence until samples of the brick and tile for the development have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed using the approved brick and tile. A slop moulded brick and Staffordshire blue clay plain tile shall be used unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

4. Pointing of the proposed buildings shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand). The finished joint shall be slightly recessed with a brushed finish in accordance with Derbyshire County Council's advisory leaflet "Repointing of Brick and Stonework".

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

5. Prior to the development, hereby approved, being first brought into use the windows shall be painted timber in a colour and to a specification which shall have previously been agreed in writing by the Local Planning Authority. The windows shall then be maintained as approved.

Additionally, the windows shall:

- a. be set back from the face of the wall by a minimum of 50 mm,
- b. have segmental brick arches (unless they are located directly underneath the eaves) and unless otherwise agreed by the Local Planning Authority,
- c. be traditionally constructed so that opening casements are flush with the frame (modern EJMA detailing is not acceptable),

- d. have any glazing bars with a maximum overall width of 18mm and a maximum outer nosing width of 5mm,
- e. have a traditional brick/stone/tile cill. Integral timber cills are not acceptable, and
- f. be single glazed unless otherwise agreed in writing with the Local Planning Authority.

All of the above shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street, which is a grade II listed building.

6. External doors shall be timber and prior to the development, hereby approved, being brought into first use shall be painted in a colour and to a specification which shall have previously been agreed in writing by the Local Planning Authority and be set back from the face of the wall by a minimum of 50mm, and have segmental brick arches unless otherwise agreed by the Local Planning Authority.

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

7. No work shall commence on site in connection with this development until construction details of the garage doors, which shall be timber, have been submitted to and approved in writing by the Local Planning Authority and in their closed position shall give the appearance of side hung doors. Prior to the development being brought into first use the garage doors shall be installed in accordance with the approved details and painted in a colour and to a specification which has previously been approved in writing by the Local Planning Authority.

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

8. Gutters and downpipes shall have a black finish and be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

Reason: To preserve the character of Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

9. No windows or openings shall be inserted in the rear elevations of the garages and no additional windows or openings shall be inserted elsewhere in the elevations or roofs of the garages unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the privacy of the neighbouring dwelling and to preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

10. No development shall commence on site until details of the surfacing material of the parking and turning area has been submitted to and approved in writing by the Local Planning Authority and the area shall be completed in accordance with the approved details before the development is brought into use and be maintained as such thereafter.

Reason: To preserve the character of the Ticknall Conservation Area and the setting of 42 High Street which is a grade II listed building.

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

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

12. No work shall take place on the site until details of a scheme for the disposal of surface 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: To safeguard the amenities of the neighbouring dwelling.

13. 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: To preserve the character of the Ticknall Conservation Area, to soften the visual impact of the development when viewed from the neighbouring dwelling and to provide for the future amenity of the area.

14. Further to condition 13 above, soft landscape details shall include planting plans; written specifications including cultivation and other operations associated with plant and grass establishment; schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate) and the implementation programme.

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

15. 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.

Informatives:

You are advised that the details to satisfy condition 10 above should indicate the use of porous materials wherever possible.

04/09/2001

Item A3**Reg. No.** 9 2001 0215 A

Applicant:
 Bensteads Ltd
 Victoria House
 33 High Street
 Woodville
 Swadlincote, Derbyshire
 DE11 7EA

Agent:
 Bensteads Ltd
 Victoria House
 33 High Street
 Woodville
 Swadlincote, Derbyshire
 DE11 7EA

Proposal: The retention of signs on the northern and southern elevations of Sportswear Victoria House 33 High Street Woodville Swadlincote

Ward: Woodville

Valid Date: 08/03/2001

Site Description

This brick and slate roofed Victorian former brewery building built in a classical style is located on the north east side of High Street opposite the New Inn Public house in Woodville. To the rear of the property is the Viking Business Centre.

Proposal

This submission seeks consent to retain a number of signs on the north-west and south-east gable end elevations of the building. There are four signs on the south-east elevation, three of which are displayed within the arched window openings and a further rectangular board sign displayed above the left hand window. On the north west elevation are two signs, one occupying the right hand window opening and a rectangular wall sign displayed above it.

There are also further signs displayed in the seven window openings in the front elevation which do not form part of this application. Express consent, however, is required for these signs.

Applicants' supporting information

The applicant requests that the following points are taken into account:

The signs have been in place for nine years without any complaint
 They were erected primarily for security reasons to prevent vandalism (the month prior to the erection of the signs 16 window panes had to be replaced due to missiles thrown through the windows).

The signs were made to the highest standards by a professional sign writer at great expense to the company

Planning History

There is no history of previous planning submissions being made with regard to this property.

Responses to Consultations

Woodville Parish Council objects to the signs applied for.

Structure/Local Plan Policies

There are no development plan policies directly related to this submission. It has, however, been considered against PPG19: Outdoor Advertisement Control and South Derbyshire District Council's Supplementary Planning Guidance – Display of Advertisements.

Planning Considerations

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

1. Public Amenity
2. Highway Safety

Planning Assessment

Policy ADV1 of the Council's Supplementary Planning Guidance (SPG) states that:

“In determining applications for consent to display advertisements the Council will consider the effect of the proposals on amenity and public safety. The Council will only grant consent for the display of an advertisement where it is satisfied that:

- a) it is well located in relation to the building or site on which it is to be displayed;
- b) it is of a suitable size, colour and design, and of materials that are acceptable in the locality;
- c) it is not unduly prominent
- d) it does not contribute to visual clutter in the streetscene; and
- e) it does not adversely affect the safety of users of any form of transport and pedestrians.”

The signs are displayed on an attractive and prominent building on High Street, the main thoroughfare through the settlement of Woodville. Whilst there is no objection to the wall mounted signs as they are designed to respect the character of the building the window signs are incongruous additions that detract from the architectural qualities of the building. There is also an excessive number of signs on the building, particularly when taken with the additional signage on the front elevation of the building, which presents a cluttered appearance detrimental to the appearance of the street scene. The retention of all of the signs would, therefore, be contrary to the advice contained in the Council's SPG.

In view of this a split decision is proposed which would grant permission to retain the wall mounted signs but not for the other signage displayed on the building.

There are further signs displayed in the window openings on the front elevation of the building. These too add to the cluttered appearance of the building and are unacceptable in the street scene in this location. In view of this, based on the advice of the Council's Supplementary Planning Guidance, it is also recommended that action be taken to secure the removal of those signs.

Recommendation

1. **GRANT EXPRESS CONSENT** for the wall signs subject to the following conditions:

1. This permission grants consent only for the wall mounted signs on either elevation. Consent is specifically not granted for the signs formed in the window openings.

Reason: For the avoidance of doubt and as the signs in the window openings are incongruous in the building and have an unacceptable impact on the visual amenity of the area and add to the cluttered appearance of the building contrary to the Council's Supplementary Planning Guidance "Control of Advertisements".

2. The Committee authorise the Planning Services Manager to pursue the removal of the window signs on all elevations subject to the Legal and Members' Services Manager being satisfied with the evidence.

04/09/2001

Item A4**Reg. No.** 9 2001 0401 F**Applicant:**
Mr & Mrs F Tyler**Agent:**
Philip Billham Planning & Design
Old School Lodge
Aston On Trent
Derbyshire
DE72 2AF**Proposal:** **Erection of a dwelling and attached garage in substitution of planning permission 9/0698/0263/F at Land To The South Of 42 Weston Road Aston-on-Trent Derby****Ward:** Aston**Valid Date:** 25/04/2001**Site Description**

See previous report attached.

Proposal

Following deferral at the last meeting of the Committee the applicant has further revised the proposal by moving its siting 1 metre eastwards. This would bring it closer to Talbot House, the occupant of which has raised concern about the impact of the dwelling, in particular with regard to overlooking. The revised position of the dwelling would meet the minimum guidelines for spatial separation set out in supplementary planning guidance. Any further movement eastwards would bring it into conflict with the guidance.

Applicants' supporting information

The applicant makes the following further comments:

- a) The revised siting would take the gable of the proposal to the side of the window of No 42.
- b) The house is designed to reflect the traditional detailing of the local buildings, with narrow gables also creating less shadow. The latest revision would significantly reduce the impact on the adjacent dwelling.
- c) The width of the proposed gable would be 5.05 m whereas the extant permission allows a gable width of 9.3 m and would be sited fully in front of the window of No 42 which would create continuous shadow.

Planning History

Planning permission 9/0698/0263/R is extant and could be implemented at the present time.

Responses to Consultations

As previous report.

Responses to Publicity

The previous report details neighbour objections. The occupier of Talbot House objected to both the original submission and the revised scheme that was considered by the Committee at the last meeting. The occupier of Talbot House and other neighbours have not been re-consulted on this proposal because it is considered not be materially different from the proposals that have previously been subject to consultation.

Structure/Local Plan Policies

As previous report.

Planning Considerations

As previous report.

Planning Assessment

The revised scheme would effect a relatively small change overall but would lead to an improvement in the situation in respect of the outlook from the side patio window to No 42.

There would be a marginally worse situation for the occupiers of Talbot House but the proposal meets the tests of the supplementary planning guidance and is therefore acceptable in this regard.

All other considerations are as set out in the previous report.

Recommendation

GRANT permission subject to the following conditions:

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

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

2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos. T25.1/2 A and T 25.1/3 B received 20 August 2001; and T 25.1/4 A received 9 July 2001.

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

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, and thereafter shall be retained as such.

Reason: In the interests of the appearance of the area and the privacy of adjoining occupiers.

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

Reason: To ensure the building is in keeping with its surrounding in the interest of the character and visual amenity of the area.

5. A sample panel of pointing 2 metres 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 prior to the implementation of any other works of pointing.

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

6. Large scale drawings to a minimum Scale of 1:20 of external joinery, including sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery 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. 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.

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

8. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the building unless specifically agreed in writing by the Local Planning Authority. The type, number 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.

9. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995, the dwelling hereby permitted shall not be altered, 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 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.

10. The windows in the first floor of the north wall and the second floor of the east wall of the building shall be permanently glazed in obscure glass.

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