

DEVELOPMENT CONTROL COMMITTEE – 16 November 2004

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).

REPORT OF THE PLANNING SERVICES MANAGER

1. Planning Application

2. Appeals

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When moving that a site visit be held, Members will be expected to consider and propose one or more of the following reasons:

1. The issues of fact raised by the Planning Services Manager's report or offered in explanation at the Committee meeting require further clarification by a demonstration of condition of site.
2. Further issues of principle, other than those specified in the report of the Planning Services Manager, arise from a Member's personal knowledge of circumstances on the ground that lead to the need for clarification that may be achieved by a site visit.
3. Implications that may be demonstrated on site arise for consistency of decision making in other similar cases.

16/11/2004

Item 1.1**Reg. No.** 92004 0652M**Applicant:**

E Bentley
 Transport Yard Woodyard Lane
 Foston
 Derby
 DE65 5PY

Agent:

The Winter Partnership
 Brighton
 BN2 9XE

Proposal: The change of use of area to transport/storage use and erection of store/office and office/maintenance buildings at Transport Yard Woodyard Lane Foston Derby

Ward: North West

Valid Date: 27/05/2004

Site Description

The site lies to the south of the existing transport yard off Woodyard Lane. There is no physical boundary to the north of the site; a dwelling lies immediately to the east of the application site. *[This dwelling used to be in the control of the applicant but is now in separate ownership]*. The application site wraps around this dwelling and is separated from Woodyard Lane by a hedge. Immediately to the south of the site is the Authority's Gypsy site. This is separated from the site by a substantial row of mature trees. Trees also form the west boundary and for part of its length has a common boundary with the former food factory. Again there are substantial trees along this boundary. The site would be served via the existing access from Woodyard Lane that passes immediately adjacent to the dwelling referred to above. On the opposite side of Woodyard Lane is the Midland Pig Producers site. *[This is subject to another application for conversion to employment use that will be reported to Committee in due course]*.

Proposal

The proposal involve the creation of large areas of hard standing that would be drained using the principles of sustainable urban drainage. Landscaping proposals are submitted with the application that concentrates on filling in the gaps on the south boundary of the site and reinforcing other areas within the site. Trees would be felled; these comprise a group at the west side of the site some of which are quite mature. The alteration to the parking area referred to below in the applicant's supporting information mean that some oak trees at the east end of the site are much less at risk.

Within the proposed yard two buildings would be erected; one would be a maintenance building for the trailers and the other would be an office building. The maintenance building would measure 36.5metre x 18.7metre, it would be 9.1metres high at its apex. The lower 2 metres of wall would be constructed in brick, the remainder in metal cladding. The second building is

single storey measuring 11 metres x 4 metres. It would be constructed in red brick with a flat roof. The applicant would restore an existing store building at the site also for the company's use.

Some 84-trailer parking spaces would be provided along with 44 car parking spaces. The area of car parking would be located to the rear of the dwelling on Woodyard Lane and has been set away from the boundary through the submission of an amended plan.

The applicants have requested that the site operate each day of the week between 0600 – 1900. The buildings would be involved in the maintenance of lorry trailers and associated processes and works.

Fencing is proposed on the south boundary and this would link into existing fences on the east and west boundaries. Surface water would be drained naturally and foul sewage would be disposed of through a septic tank and drained within the site boundaries.

Applicants' supporting information

Since submission, the application has been amended to exclude an area previously proposed for car parking, this has removed the boundary of the site away from the property known as The Gables.

The applicant's argue that the site is very well screened but several trees appear to have been removed from the land as evidenced by stumps apparent on the ground. Some of the hedges are in poor condition and would benefit from being layered. It is proposed to carry out a full tree survey if requested to do so by the Local Planning Authority.

The yard would be concreted to take the axle loads imposed by the proposed use, it is intended that the surface run off from buildings would be collected in a grey water tank and used to wash trailer bodies, this would reduce the overall site requirements for water consumption. Site water would be drained via oil interceptors to an onsite balancing facility that would ensure that surface water drainage from the site would be limited to that which currently flows from the site.

It is understood from the applicant that there is some landscaping missing from the southern boundary that was promised by the County Council when the gypsy site was developed. The applicant is proposing to implement planting on this southern boundary to reduce the impact of the trailer park from this aspect and request the County Council to carry out planting on its side of the boundary that may have been removed. A fence would also be erected along the south boundary to link with the fencing on the west boundary. Tree and shrub planting mixes are proposed to supplement the existing mature planting. It is argued that the site is already well screened and that the planting proposed for the boundaries and the areas around the proposed detention ponds would assist in the further screening of the site.

Planning History

There have been numerous applications at the site relating to its use as a transport yard. The last of these was in the mid 1990's when expansion of the established use onto part of this application site was permitted.

Responses to Consultations

Foston and Scropton Parish Council have objected to the development on the ground that the road is unsuitable to serve further development. If development is allowed then the development should be subject to the same Section 106 terms as other applications to secure improvements to the highway.

The County Highway Authority has concerns about the access to the site and the lack of appropriate visibility splays. These can be achieved over controlled land to the north of the access but the County Highway Authority state that a lesser standard, requiring the hedge on the applicants frontage to be set back would be acceptable provided that implementation of the requirement is enforced before the permission is implemented.

The County Planning Authority has no objection and informs the Local Planning Authority that the local County Councillor supports the application.

The Environment Agency has no objection subject to conditions and draws attention to a landfill site within 250 metres of the application site. That site was used as a receptor for construction waste only.

The Environmental Health Manager concerned that if refrigerated lorries were kept at the site then noise from the motors would have the potential to cause disturbance to local residents. A condition to limit this effect is recommended.

The Head of Housing comments that the proposal should have no significant impact on the gypsy site next door but the new building should be screened as much as possible to reduce its impact on the gypsy site.

Responses to Publicity

A petition signed by 34 residents of the area has been received objecting to the development.

10 objection letters plus a letter on behalf of a resident from a construction company and three other letters from those residents, including letters to the Traffic Commissioners, have been received making the following objections to the development.

- a) The development is inappropriate given the lane is a narrow country lane and already overcrowded and there is a large amount of undeveloped land on the adjacent Dove Valley Park. This is aggravated by the large number of planning permissions that have been granted along the length of the lane. There is plenty of non-agricultural land available for development and development should be directed to these areas rather than this open land. Development should be kept off agricultural land – cows graze on the land and residents do not want a load of lorries to look at.
- b) More vehicles are now parking on the verges to the lane since ATL opened for business. Lorries are also over running on the verges causing further damage to the edge of the highway, which also suffers and the edge of the tarmac is crumbling; potholes are appearing. The number of trailers (84) will add to these problems. Heavy vehicles often end up in the village having been badly directed especially to the ATL site.
- c) There are no footways along the lane, which means that walkers feel threatened.
- d) The land around this area does not drain very well, and it is suspected that the application site is equally poorly drained and will suffer problems of flooding and sewage disposal. The response of the Environment Agency will be viewed with interest.

- e) The development would pose a threat to the safety of the children who live on the land next to the site. Heavy lorries passing at all times of day and night cause loss of sleep and children play on the green adjacent to the road.
- f) A lot of noise would come from the site from both from maintenance and from lorries approaching the site. It is not believed that the maintenance shed will be erected and lots of the lorries would be worked on in the open air adding to the noise. One resident already suffers from noise and disturbance from the existing site through lorry engines, beepers and air brakes. To increase the size of the site could only add to those problems.
- g) This is a nice area but it will not stay that way for long if the development were permitted.
- h) There is a pig farm on one side, a turkey farm on the other and now a lorry depot on another side.
- i) One of the proposals involves the siting of 53 cars on a very small area that would potentially result in the loss of mature Oak trees. The same area of land also contains the septic tank for the dwelling, the efficiency of which may be compromised.
- j) There does not appear to be any restriction of hours proposed and residents may suffer 24 hours of noise and light pollution.
- k) There is a lot of wildlife in the vicinity and what would happen if its habitat were destroyed.
- l) The documents make no reference to the type of surface to be used; there is already a problem from dust arising from the site, particularly on windy days.
- m) It is assumed that a traffic impact study has been undertaken for such a large development, the County Highway Authority comments would make interesting reading.
- n) Preservation orders should be placed on trees in the site particularly those that are near the adjacent dwelling.
- o) Letters have been sent to the Traffic Commissioners about the operation of the site.

In response to the amended scheme the occupier of The Gables has stated that the moving of the boundary addresses only one of his concerns about the site. The ability of the road to accommodate the extra traffic and the noise problems that are likely to occur remain of primary concern.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Economy Policies 2,3,4,5 & 17.

Local Plan: Employment Policy 1 & 4, Environment Policy 1.

Emerging Local Plan: Policy EMP 2, ENV 7

Planning Considerations

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

- The Development Plan
- The impact on the character and appearance of the area.
- The impact on the adjacent residential properties.
- The impact on the highway

Planning Assessment

The proposal would involve the extension of an established business at the site on land that already has permission for the most part for the type of use applied for. The fact that the site is remote from any settlement counts against it, as does the fact that the site is not easily accessible by means other than the private motorcar. There may be an exception made to take account of its relationship to Dove Valley Park: a large distribution centre in the locality. The County Planning Authority has raised no objection to the development and the proposal is considered to be generally in accord with the Development Plan.

The policy factors are therefore considered to weigh in favour of the development as proposed.

The increase in the size of the haulage yard above that already permitted is marginal. The site is well screened by existing trees and where the tree shrub planting is deficient; there are proposals to improve the situation. The impact of the application on the character and appearance of the area is not considered to be of significance.

The County Highway Authority has considered the application and subject to the proper provision of visibility sight lines raises no objection to the development. In the absence of any objection to the development it would be difficult to sustain a reason for refusal based on highway objections to the development.

The primary housing affected by the development is that at the access to the site, The Gables and the two dwellings on the pig farm on the opposite side of Woodyard Lane. In addition there are the occupiers of the Local Authority Gypsy site that abuts the south boundary of the site. Objections have been received from these sources. One related to the proximity of the application site to mature oak trees and to this extent the application has been amended.

The occupier of the Gables has confirmed that the concerns about noise, the suitability of the access, the potential for dust and the suitability of Woodyard Lane to take more traffic remain of significant concern to him. The Environmental Health Manager has raised no objections to the proposal in this regard.

The improvement to the surface edges of Woodyard Lane was the subject of a previous Section 106 Unilateral undertaking. That resulted in £10,000 being made available to the County Highway Authority to carry out improvements to the carriageway. A contract to carry out the works has been let and the monies have been transferred to the County Council. The County Highway Authority was asked if further monies were required but none is necessary. These improvements to the highway would go some way towards meeting the concerns of objectors.

With regard to the noise and dust which arise from the existing use of the site, to argue that the increase arising from the expansion of the site onto land that already has permission for the most part would be difficult to sustain. Whilst the concern of the objectors is noted, the refusal of the application would be unsupportable.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of 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.GLA-145-002 Revision A received on 13 September 2004 showing the rearrangement of the parking arrangements at the east end of the site.
Reason: For the avoidance of doubt, the original submission being considered unacceptable.
3. Prior to any other works commencing, the visibility sightline to the north of the access shall be provided in accordance with the attached drawing, the area forward of the sightline being cleared and maintained in perpetuity clear of any obstruction exceeding 1m in height (600mm for vegetation) relative to road level.
Reason: In the interests of highway safety.
4. Prior to any other works commencing, except condition 1 above, the Woodyard Lane frontage to the south of the access shall be cleared and maintained in perpetuity clear of any obstruction exceeding 1m in height (600mm for vegetation) relative to road level for a distance of 2m back from the carriageway edge.
Reason: In the interests of highway safety.
5. Before the use hereby permitted is brought into operation, the entrance to the site shall be resurfaced for a minimum distance of 50 metres from the back edge of the Woodyard Lane carriageway in accordance a scheme that shall have received the prior written consent of the Local Planning Authority.
Reason: In order to minimise the disturbance caused by extra traffic entering and leaving the site.
6. No refrigerated lorries shall be allowed on the site with refrigeration unit running between the hours of 1800 and 0800 each day.
Reason: In order to minimise disturbance to the occupiers of nearby dwellings.
7. Prior to being discharges to any watercourse, surface water sewer or soak away system, all surface water drainage from parking areas and hard standings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
Reason: To prevent pollution of the water environment.
8. If any unexpected, visibly contaminated or odorous materials are encountered during the development remediation proposals for that material shall be agreed with the Local Planning Authority.
Reason: To protect the environment and ensure that the developed site is reclaimed to an appropriate standard.
9. A sample of materials of construction for the new buildings and those to be used to refurbish the existing building shall be submitted to and approved in writing by the Local Planning Authority before work commences.
Reason: To ensure the buildings are in keeping with its surroundings.

10. 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.

11. 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. 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. The development shall not be commenced until precise details of the intensity, angling and shielding, and the area of spread of the lights have been submitted to and approved in writing by the Local Planning Authority. The lights shall be installed in accordance with these details and thereafter retained in conformity with them. The submitted scheme shall comply with the Institute of Lighting Engineers "Guidance notes for the Reduction of Light Pollution" (2000).

Reason: To preserve amenity.

Informatives:

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 ext 7595) at least six weeks before the commencement date of the proposed works in order to arrange the necessary supervision of works on the highway crossing.

16/11/2004

Item 1.2**Reg. No. 92004 0815F****Applicant:**
T And J Equestrian**Agent:**
P. Billham
Philip Billham Planning & Design
Planning
Old School Lodge
Aston On Trent
Derbyshire
DE72 2AF**Proposal:** Conversion of existing seven stables to provide holiday lets on land to the south of Ashleigh House Grassy Lane Burnaston Derby**Ward:** Etwall**Valid Date:** 30/06/2004**Site Description**

The site comprises part of a large field with access from Grassy Lane (a public footpath). The site is screened from Grassy Lane by substantial hedges and there is a large hedge on the northern boundary. There is a partially constructed stable on the site that is now the only part of the original application that remains relevant to the consideration of this application.

Proposal

The proposal now relates solely to the conversion of the existing partially erected stable building. Originally the application proposed the erection of additional holiday units, a manager's dwelling and an office unit to manage the holiday accommodation. These elements are now removed from the application. An area in front of the building would be tended as amenity space for the occupiers of the units.

Applicants' supporting information

Whilst disappointed that the project as originally planned could not be accepted under current planning policy, the applicant has amended the scheme to bring it within the terms of the policy. The proposal now before the council is for the conversion of the existing buildings to holiday use, there would be no conflict with the County Highway Authority as there would be a reduced traffic impact from the reduced number of units. There should be no impact on the public footpath from the reduced proposal.

Financial appraisals submitted with the revised application show that there is a potential for a viable operation based on 65% occupation of the premises. The applicant and his family would supervise the site from his nearby dwelling with security cameras installed. Two cleaners from

the local area would be employed at the site and it is argued that the development would bring extra business to the locality.

Planning History

The stables were permitted a couple of years ago for the use of the applicant and his family.

Responses to Consultations

Burnaston Parish Council objects to the development on the grounds that:

- a) The access to the site from the A516 is unsuitable for the amount of traffic likely to be generated by the development.
- b) The development would be an intrusion into the countryside eroding the open area between Micklegate and Burnaston
- c) The users of the footpath would be in conflict with the traffic entering and leaving the site
- d) No parking provision is made
- e) Monies should be made available from the development to the Parish Council to allow for the provision of local facilities in the parish such as litterbins seats and play equipment on the Micklegate Country Park.
- f) There could be future applications for clubroom, restaurant or the like. The Parish Council is not aware of demand for such accommodation.

The County Highway Authority had concerns about the scheme as originally submitted arising from conflict with the users of the footpath and the access onto the A516. There is no concern arising from the reduced scheme.

The Environmental Health Manager has no comment.

The Environment Agency has no objection subject to the foul drainage functioning correctly and to this end a condition is requested.

Responses to Publicity

One letter has been received that make the same observations as the Parish Council above. In addition reference is made to the lorries that park on Grassy Lane causing obstruction and more traffic entering Grassy Lane would be held up. There would be a security risk to existing businesses from additional people being in the vicinity.

Structure/Local Plan Policies

The relevant policies are:

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

Local Plan: Environment Policy 1, Recreation and tourism Policy 1

Emerging Local Plan: Policy LRT 7.

Planning Considerations

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

- The development plan
- The impact on the character and appearance of the area
- The access and parking at the site.

Planning Assessment

The building now proposed for conversion is not completed, the applicant has submitted photographs of the building in use as stables. The structure is set against the hedge along Grassy Lane and this and other hedges in the vicinity substantially screen it. Development plan policy allows for the conversion of rural buildings to provide tourist accommodation, new build development is precluded in the emerging Local Plan. The building although not complete, is of a substantial construction and could be converted without substantial alteration. It is considered that the proposal is in general conformity to the provisions of the Local Plan.

The access to the site is as described but the reduced scheme is not thought to compromise highway safety. Users of the footpath could be protected from emerging traffic by the provision of appropriate pedestrian intervisibility splay (2m x 2m x 45°) in the vicinity of the access. It is probable that this would not require the removal of any hedgerow.

Parking provision and landscaping of the open boundaries can be secured through the use of conditions. The final colour of the building can also be controlled by condition.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of 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. C63.9/2 Rev A & /3 Rev A.

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

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 septic tank shall be installed in accordance with the approved details before the development is first brought into use.

Reason: In the interests of pollution control.

4. 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.

5. 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.

6. Before development is commenced, details of the parking and access arrangements for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the units hereby permitted.

Reason: In the interests of highway and pedestrian safety.

7. Before the first unit is occupied, pedestrian intervisibility splays measuring 2m x 2m x 45° shall be provided at the access to the site and thereafter maintained free of any obstruction exceeding 0.6 metres high above the level of the metalled surface of Grassy Lane.

Reason: in the interests of pedestrian safety.

8. Before development is commenced, details of the final colour of the units shall be submitted to and approved in writing by the Local Planning Authority. The approved colour shall be applied to the building before the first occupation of the units hereby permitted.

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

9. Notwithstanding the provisions of Part C, Class C3 to the Schedule of the Town and Country Planning (Use Classes) Order 1987, (or any Order revoking or re-enacting that Order), the premises hereby permitted shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order without the prior permission of the Local Planning Authority. No unit shall be occupied by any individual or groups of persons for a total period exceeding 28 days in any calendar year. The owner shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the Local Planning Authority at any time and a copy of the register shall be supplied to the Local Planning Authority at the end of each calendar year.

Reason: The permanent residential occupation of the building in the absence of the normal residential curtilage would be contrary to the planning policies for the area.

Informatives:

You are advised to note the advice of the Environment Agency in respect of drawing up the proposed means of foul water drainage as set out in the copy letter to your agent dated 9 August 2004 and required by Condition 3 above.

16/11/2004

Item 1.3**Reg. No.** 92004 0979FT**Applicant:**

O2 UK LTD
Wellington Street
Slough
Berkshire
SL1 1YP

Agent:

Darren M Long
Stappard Howes
Sovereign Court 2 University Of Warwick
Science Park
Sir Williams Lyons Road
Coventry
CV4 1EZ

Proposal: The erection of a 15 metre high lattice structure with 3 dual band dual polar antennae and 2 600mm dishes and cabinets with ancillary developments at land to the rear of unit 4 5 Station Yard, Station Road Hatton Derby

Ward: Hatton

Valid Date: 12/08/2004

This application has been brought to Committee at the request of Councillor Whyman.

Site Description

The site lies in a small space between the industrial units on the Station Road Industrial Estate. There are no dwellings in the immediate vicinity of the site but dwellings are present on Scropton Road and Jinny Close some 65 metres and 127 metres away respectively. There is an existing monopole mast at adjacent premises.

Proposal

The mast and antennae are as described above

Applicants' supporting information

O2 require a mast to serve the Hatton and Tutbury area. They have examined alternative sites in both villages. The applicants argue that the site is located away from residential premises in an industrial estate and there is a lack of available tall structures on which the mast could be mounted. Nestle do not wish to accommodate any non-essential equipment on its buildings. The existing mast on the adjacent site would need to be increased to 20 metres to provide a joint service but there is insufficient land available around the existing mast to allow this to happen. The buildings in the locality, the trees and presence of another mast help to minimise the impact of the proposed mast. The site is also remote from schools in the locality.

A certificate confirming that the emissions from the mast would conform to ICNIRP recommendations accompanies the application together with plans showing coverage with and without the planned mast.

The applicants have also amended the mast to a monopole at the suggestion of the planning officer.

Planning History

Another mast was erected in the grounds of an adjacent factory in the late 1990's.

Responses to Consultations

Hatton Parish Council is understood to be opposed to the application but at the time this report was prepared no response to the consultation had been received.

Responses to Publicity

The application has been advertised both by direct neighbour notification (industrial premises) and through the erection of site notices on Scropton Road and Station Road. In response one letter has been received objecting to the proposal on the grounds that two masts would be visible from his house within 200 metres.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: None

Local Plan: Community Facilities Policy 4

Emerging Local Plan: Policy C7

Planning Considerations

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

- The Development Plan
- The Submission and its compliance to the 10 Commitments
- The impact on the character of the areas.

Planning Assessment

The policies of the current and emerging Local Plan require that mast should be shown to be necessary in a particular location, the opportunities for mast sharing have been considered and that the equipment should be removed once it is no longer required.

The application is well sited in the middle of an industrial complex in close proximity to another mast. The proposed use of a monopole mast coloured sky grey would help to merge it into its surroundings. The application has gone through the procedure for pre-application consultation and the company was advised that the site was potentially a green site on the traffic light model advocated in the Best Practice guide issued by the ODPM.

Alternative sites have been examined, as referred to above and officers are satisfied that none would be more suitable than the proposed site. The company has supplied a certificate of conformity to the ICNIRP Public Exposure Guidelines.

If planning permission were granted, then a condition could be attached requiring the removal of the equipment if it became obsolete.

The conclusion is that the erection of an additional monopole mast in the proposed location would have less impact on the area than the extension of the adjacent mast were that to be possible. However, the Committee will note that the expansion of the existing mast is not possible because of the lack of land to site a taller lattice mast that would be necessary.

It is unfortunate that the owners of adjacent tall buildings will not allow telecommunication equipment on their buildings as potentially these structures would afford a less intrusive solution.

Members are reminded of the report on the health issues relating to Telecommunication Masts that was reported to a recent committee.

The proposal would therefore be in accord with the requirements of the above Development Plan policies.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

GRANT permission subject to the following conditions:

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

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

2. In the event that the site is no longer required for the operation of a telecommunications system, the mast and associated structures shall be permanently removed from the land.

Reason: In order to ensure that the land is restored in the interests of the open character of the area.

3. Notwithstanding the submitted details, the permission is granted on the basis of the erection of a monopole mast coloured sky grey as set out in your letter dated 30 September 2004.

Reason: For the avoidance of doubt.

16/11/2004

Item 1.4**Reg. No.** 92004 1075M**Applicant:**
Space 4 Living Ltd
C/O Agent**Agent:**
Alf Plumb
D P D S
Gleneagles House Vernon Gate
Derby
DE1 1UP**Proposal:** The demolition of a dwelling and the erection of 15 dwellings together with the formation of an associated access road Site Of 224 And Land At The Rear Of 220- 230 Burton Road Woodville Swadlincote**Ward:** Woodville**Valid Date:** 16/08/2004**Site Description**

This 0.5ha back land site is on the east side of Burton Road to the north of The Granville School. It forms part of the rear gardens to four detached dwellings, which front Burton Road. The rear of the site is bounded by the former Swadlincote Loop railway line and beyond this is open countryside.

Proposal

The proposal would involve the demolition of 224 Burton Road to provide access to the site and the erection of 15 dwellings, consisting of two blocks of terraces (four dwellings in one block and five in the other), a pair of semi-detached dwellings and four detached dwellings. Open space would also be provided in accordance with Council's standards. The terraced blocks would be two and a half storeys in height and the remaining dwellings would be two storeys.

Applicants' supporting information

The applicant's agent has provided a full supporting statement demonstrating that the site is in complete compliance with relevant national and local policies. It concludes that the site is in an entirely sustainable location because it is previously-developed, accessible to services and facilities by non-car modes of transport, and it makes best use of the site with PPG3 compliant density. In addition, it says the access is entirely in accordance with the requirements of the Highway Authority.

Planning History

Outline planning permission for residential development was refused by members in October 2003 overturning the officer's recommendation to permit. The reason given was as follows:

"A new access to the A511 serving up to 15 dwellings close to a busy school access would be detrimental to highway safety."

Responses to Consultations

The Highway Authority raises no objections to the proposal.

The Primary Care Trust recommends a contribution of £444 per dwelling towards local medical provision.

The Education Authority recommends a contribution of £23,652 towards local schools.

The Facilities and Development Manager has requested that a payment in lieu of adult and youth play space and on site play equipment be made to be used to improve existing recreational facilities in the area. The sum suggested to the applicant is £30,000.

The Police Liaison Officer has suggested gates be fitted as close to the front elevation of the houses as possible to prevent unauthorised persons from gaining access to the rear. The gates should have locks with anti-lift hinges.

Responses to Publicity

Three letters of objection or concern have been received, one from Granville Community School and two from neighbouring residents.

The school is concerned about the impact of safety on students with the additional traffic that would be generated near the school. It says that students cross at a particularly dangerous point. It adds that if there were a pelican crossing near the school it might think differently but as it stands it has serious reservations about the development.

The objections and concerns raised by neighbours are summarised as follows:

- a) The new junction would introduce an additional hazard on a busy and dangerous part of the A511, especially at school start, lunch and home times.
- b) Many serious accidents have occurred on this stretch of road.
- c) Parents will park on the new access road
- d) A safer access is needed at the school
- e) Neighbouring foundations could be disturbed by development activity
- f) Adequate boundary treatments should be provided
- g) Demolition should be undertaken at reasonable hours and dust and debris clearance properly managed
- h) There is a colony of bats in the roofspace of the house to be demolished and it is unclear as to what trees would be felled.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 3

Local Plan: Housing Policy 4

Emerging Local Plan: H1

Planning Considerations

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

- Appropriate use of previously developed land
- Potential loss of amenity
- Highway safety
- Contributions to education and medical facilities

Planning Assessment

The site is within the defined area for development from the Local Plan and is within the definition for previously developed land.

Conditions relating to boundary treatment and landscaping can overcome any amenity issues and the garden trees on the site are not of sufficient amenity value to justify them being made the subject of a tree preservation order.

Despite the concerns raised by the school and local residents, the expert opinion of the Highway Authority is that the proposal would not be detrimental to highway safety.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

A commuted sum for the future maintenance of the open space would be required by way of legal agreement.

The other contributions as mentioned above should also be secured by way of a legal agreement.

Recommendation

A. Subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure:

- a. financial contribution to local medical and education facilities
- b. the provision and future maintenance of public open space
- c. An in lieu of payment for play equipment and adult and youth play space.

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. This permission shall relate to the amended drawing, no 2003-48-01.C received on 3rd November 2004 showing amended layout and access and provision of public open space.
Reason: In the interests of highway safety and to accord with the Council's public open space requirements.
3. No development shall commence on site in connection with this approval until samples of materials for the external elevations of the buildings have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.
Reason: To ensure the materials are appropriate in the interests of the appearance of the development and the locality.
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. Further to condition 5 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.
7. The development hereby permitted shall not commence until drainage works for the disposal of both surface and foul sewage have been carried out in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the development is provided with a satisfactory means of drainage.
8. Prior to any other works commencing in connection with this development, the new access shall be formed with Burton Road. The access shall be provided with 4.5mx90m visibility sightlines with no obstruction exceeding 600mm in height relative to the nearside carriageway edge forward of the sightlines unless agreed otherwise in writing by the Local Planning Authority.
Reason: In the interests of highway safety.

9. The internal road within the adoption site shall be laid out and constructed to adoption standard in accordance with Derbyshire County Council's policy document 'Roads In Housing' and material and construction specification document unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

10. The gradient of the road shall not exceed 1 in 14.

Reason: In the interests of highway safety.

11. 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:

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals.

Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

16/11/2004

Item 1.5**Reg. No.** 92004 1157TP**Applicant:**

Mr Mrs G Leese
25 Hastings Road
Swadlincote
Derbyshire
DE119AH

Agent:

Mr Mrs G Leese
25 Hastings Road
Swadlincote
Derbyshire
DE119AH

Proposal: The felling of a tree (T3) covered by South Derbyshire District Council Tree Preservation Order Number 180 at 25 Hastings Road

Ward: Swadlincote

Valid Date: 02/09/2004

The application is brought before Committee, as the Applicant is a Council employee.

Site Description

The site is the front garden area of a dwelling that was constructed approximately two years ago. The front garden comprises lawn with trees.

Proposal

The application proposes the felling of one sycamore tree within the front garden area which is the subject of a Tree Preservation Order (TPO).

Applicants' supporting information

The Applicant has stated that the tree is crowding other trees and seems to be dead. Damage to the tree may have occurred as a result of the drastic cutting away of the tree's root system on the house side. The builder, whilst creating the driveway, when building the house allegedly carried out this work. The lack of the root system also raises concerns over the future stability of the trees in high winds.

Planning History

The dwellings were constructed approximately two years ago. Last year consent was granted for the felling of three trees located within the adjoining front garden area and covered by the same TPO.

Responses to Consultations

The Council's Arboriculturalist has stated that the tree is a poor quality, twin stemmed (at 1m), variegated Sycamore which is located only 1 metre from a fine Horse Chestnut tree. The Horse Chestnut tree will become the dominant tree if the Sycamore is removed. At present there are too many forest sized trees in the front garden and thinning is recommended and therefore felling of the tree is supported.

Responses to Publicity

Three letters of representation have been received raising the following issues:-

- The tree is in good condition and at 20 years old is in its ascendancy.
- The tree enhances the immediate area and provides a wildlife habitat, there are numerous species of bird as well as bats and hedgehogs in the area.
- The new houses have been built to accommodate the trees and the trees should not be cut down now.
- The area of land was a field at one point and when this became industrial land the trees were planted to compensate for the loss of the field.
- Residents of the houses bought the properties with the knowledge that the trees had a TPO on them, what parameters have now changed?
- The tree is not dead and is posing no threat to property or any other tree, trees were previously felled due to overcrowding and the remaining trees haven't grown much since then.
- Trees are an important factor in maintaining a balanced ecosystem in towns.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Environment Policy 16

Local Plan: Environment Policy 9

Emerging Local Plan:

Planning Considerations

The main issue central to the determination of this application is whether the loss of the protected tree would have a significant impact on the amenity of the area.

Planning Assessment

The tree proposed for removal is one of five forest sized trees located within a small front garden area. The TPO covers individual trees located within the front gardens of both No 25 and No 23 Hastings Road. The Council's Arboriculturalist has stated that there are too many large trees within the front garden area of No 25 and that the tree proposed for removal is of poor quality. He states that thinning of the trees is required and that the removal of the Sycamore is acceptable as it will allow a fine Horse Chestnut, which is only 1 metre away, to thrive and become the dominant tree. It is therefore considered that the removal of a single tree from the front garden, which contains five large trees, will not have a significant impact on the amenity of the area or amenity value of the TPO and indeed should result in an enhancement to the group.

In view of the fact that there are too many large trees within the garden area it is not considered appropriate to require a replacement tree.

Recommendation

GRANT permission subject to the following conditions:

1. The work shall be carried out in accordance with BS3998: 1989 - Tree Work.

Reason: To ensure that the work is carried out to a satisfactory standard.

2. The work hereby approved shall be carried out within two years of the date of this consent.

Reason: To enable the authority to assess any future proposals beyond this time period.

16/11/2004

Item 1.6**Reg. No.** 92004 1217M**Applicant:**

The Governors Of John Port School
Main Street
Etwall
Derby
DE65 6LU

Agent:

Horsley Huber & Associates
134 Newport Road
Stafford
ST16 2HB

Proposal: The erection of a 12 classroom building with associated offices and ancillary spaces at John Port School Main Street Etwall

Ward: Etwall

Valid Date: 21/09/2004

Site Description

The site lies within the campus of the John Port School. It lies above the site of the pond and to the west of the expressive arts building that is the most recently completed project.

Proposal

This is a 12-classroom block that would ultimately replace the 'Edale' building on the site. The area upon which the Edale building stands would ultimately be restored to a landscaped area. Since submission, the application has been amended to include a new parking area and a link to the access off Hilton Road. The car park would be adjacent to the new building. The materials of construction would match those of the Hathersage building. A temporary car park is proposed off the Hilton Road entrance whilst construction work takes place. The application form states that there are no proposals to fell any trees.

Applicants' supporting information

In a design statement accompanying the application it is stated that the school needs to replace its Edale building and relocate its Humanities faculty into the new complex. The concept is to provide a link between the Hathersage building and the Bakewell building (*an original school building*). This would produce it is argued a more harmonious school campus using the lake as a focal point. From north to south the building steps in height culminating in a glazed tower on the western corner. This would provide a visual link between the new building and the original four-storey building. The façade of the building mirrors the basic elements of the Hathersage building with the materials, roofscape and materials creating a more unified school campus. There is no physical link between the new and old buildings but a blue rendered wall running the length of the new building and projecting at each end provides a visual link.

Planning History

The site has been the subject of considerable development over the past few years and this is the latest of a range of architect-designed buildings. The last of these was completed in 2000.

Responses to Consultations

Etwall Parish Council originally objected to the development as it was thought that the school was expanding further without provision of additional parking areas. It has subsequently been advised by the school of the amended plans and has written again to clarify its position. The Parish Council remains opposed to this and any other development on the basis that the school does not accept the principle that parking for pupils is an obligation incumbent on the school but accepts that the additional parking and removal of the Edale building substantially mitigate the force of the objection originally made.

The County Highway Authority has no comments.
The Environmental Health Manager has no objection.

The Environment Agency has not commented on the principle of the development but advises that Sustainable Urban Drainage systems should be implemented to deal with surface water run-off.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: None

Local Plan: Community Facility Policy 1.

Emerging Local Plan: Policy ENV 21 and C2.

Planning Considerations

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

- The Development Plan
- The design of the building
- Parking provision

Planning Assessment

The development plan makes provision for the establishment and extension of school facilities provided that there is no impact in terms of noise, traffic generation, access screening and landscaping and the proposals are of an appropriate scale and design.

The school site abuts the Etwall Conservation Area but the proposal itself would not be readily visible from the village centre. The design of the building is of the same high standard that has been evident of the site in the past years; this proposal would continue that high standard.

The parking issue has been addressed by the amended plans. The Parish Council remains opposed to the development until the school accepts its obligations to provide pupil parking at the site. However, the County Highway Authority has no comments on this proposal and the amended plan makes provision for some additional parking albeit that this is not intended that

pupils should use this. The lack of pupil parking would not form the basis to refuse planning permission that could be sustained at appeal.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. The building shall be faced in the materials specified in the application documents and on the approved plans. No other materials shall be used other than those specified unless samples of alternative materials have been submitted to and subsequently approved in writing by the Local Planning Authority before they are used to construct the building.
Reason: To safeguard the appearance of the existing building and the locality generally.
3. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos. 3509/P08A and P07A received under cover of your letter dated 22 October 2004 received on 24 October 2004.
Reason: For the avoidance of doubt, the original submission being considered unacceptable.
4. The temporary car park hereby permitted shall be removed and the site reinstated to use as part of the playing field within one month of the opening of the new car park indicated on drawing no 3509/P08A unless the Local Planning Authority has granted permission for any alternative use in response to an application made in that regard.
Reason: In the interests of the character and appearance of the area.

Informatives:

You are advised to contact the Environment Agency to formulate a SUDS method for the disposal of surface water as set out in its letter dated 19 October 2004, a copy of which was sent to you by the Agency.

16/11/2004

Item 1.7**Reg. No.** 92004 1267O**Applicant:**

MrA Demetriou
Hillcrest Fish Bar
1 Lime Tree Avenue
Midway Swadlincote
DE11 0HD

Agent:

Cresswell Property Surveys Ltd
Market Street
Leicestershire
LE65 1AL

Proposal: Outline application (all matters to be reserved except for siting and means of access) for the erection of new units (ground floor retail and car parking) and the use of existing dwelling for retail purposes at Hillcrest Fish Bar 1 Limetree Avenue Midway Swadlincote

Ward: Midway**Valid Date:** 24/09/2004**Site Description**

The site is on the west side of Burton Road on the north side of its junction with Springfield Road and Limetree Avenue. It consists of the applicant's dwelling attached to Hillcrest Fish Bar, the front garden and the public open space to the south, both of which front onto Burton Road (A511). Access to the site however is currently from Limetree Avenue. The open space is in the ownership of the Council.

Proposal

The application is in outline with all matters except siting and access reserved for subsequent approval. It is proposed to convert the ground floor of the existing house attached to Hillcrest Fish Bar to retail use and to erect a terrace of three single storey retail units in the front garden. A 14 space car park would be constructed on the public open space with access off Limetree Avenue.

Responses to Consultations

The Highway Authority raises no objections to the proposal.

The Environmental Health Manager raises no objections subject to agreeing a scheme for the control of noise emanating from the site.

Responses to Publicity

Nine letters of objection have been received from local residents, which are summarised as follows:

- a) Loss of a public amenity area with a footpath crossing
- b) Increase in litter, noise and light pollution
- c) Increase in traffic congestion
- d) Extra lighting from signs would be detrimental to amenity
- e) Noise generated for the proposed car park late at night
- f) Loss of privacy
- g) Increase risk of accidents
- h) Overbearing effect on neighbouring property
- i) Development would not be in keeping with the area

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Shopping Policy 3

Emerging Local Plan: S1, S6 and S10

Planning Considerations

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

- The provisions of the development plan
- Location of retail use
- Loss of public open space
- Impact on local amenity
- Highway safety

Planning Assessment

The proposed development does not fall within any named centre set out in the draft Local Plan and therefore does not accord with the sequential approach set out in Policy S1. Nevertheless, the units proposed are very small and in an area not well served by local shops and other facilities. Given the limited scale of the individual units, it is unlikely that they would undermine the vitality and viability of Newhall or any other local centre as a whole. Whilst the site location towards the edge of the urban area is not optimal for serving walk-in trade, it is well placed to complement the adjacent existing facilities and is reasonably accessible to residents in this part of the urban area both by walking and by bus. Accordingly, in reinforcing existing local provision the proposal would enhance rather than undermine the shopping hierarchy and benefit local residents in terms of access to facilities and reduction in the need to travel.

The public open space is little more than extended highway verge and of relatively low amenity value. A well-landscaped car parking area with attractive boundary treatment would be beneficial both from an amenity point of view and to help alleviate parking problems in the area.

The proposal is for single storey development and thus unlikely to have an overbearing impact on the neighbouring residents. It could also be designed to be in keeping with the locality and therefore unlikely to be detrimental to the appearance of the streetscene (an issue to be dealt with

at the reserved matters stage). The public highway on both sides would act as a buffer between the car park and nearby dwellings and due to its relatively small size is unlikely to generate a level of activity that would be unduly harmful to residents' amenity in this built up area.

On the advice of the Highway Authority the proposal would not be detrimental to highway safety.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

GRANT permission subject to the following conditions:

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.

2. Approval of the details of the design and external appearance of the buildings and the landscaping and means of enclosure of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.

3. No development shall commence on site in connection with this approval until samples of materials for the external elevations of the development have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.

Reason: To ensure the materials are appropriate for the locality.

4. The erection of the proposed retail units shall not commence until the car park has been laid out in accordance with the approved drawing (including the marking out of individual spaces), paved in a solid bound material (i.e. not loose chippings) and retained thereafter free of any impediment to its designated use.

Reason: To ensure the parking area is provided in the interests of highway safety.

5. Further to condition 2 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.

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. 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: Bollards and low dwarf walls would be visually unacceptable and the Local Planning Authority would seek to ensure a more substantial and attractive boundary treatment is provided in the interests of safeguarding the appearance of the area.

8. The proposed retail units shall be used for A1 purposes only as defined in the Town and Country Planning Use Classes Order 1987.

Reason: To safeguard the amenities of the area.

9. 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.

10. Prior to the commencement of the development hereby permitted, a scheme which specifies the provisions to be made for the control of noise emanating from the site shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved scheme.

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

Informatives:

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 ext 7595) at least six weeks before the commencement date of the proposed works in order to arrange the necessary supervision of works on the highway crossing.

The site is affected by a Building Line prescribed under the Roads Improvement Act 1925 which will need to be recinded before works commence. The applicant should contact Mrs D Spencer at Derbyshire County Council (01629 580000 ext 7650) and be aware that a fee is payable to cover legal and administrative costs.

APPEAL DISMISSED

Appeal by Mr. M. G & Mrs. W. Davies against:

Enforcement Notice issued to correct breach of planning control at 44 Coton Park, Linton being the unauthorised erection of a car port on the front elevation of the garage.

The Notice was issued for the following reason:

The car port is located in a prominent position within the street scene and as a result of its siting and poor external appearance it is considered to be detrimental to the character of the area contrary to the provisions of Housing Policy 13 of the South Derbyshire Local Plan and Policy ENV21 of the then emerging Local Plan.

Having examined the policy background, site history and the context of the site in the street scene, the Inspector considered the main issue to be the effect of the original car port on the character and appearance of the area. He took the view that the long front gardens are an attractive feature of the village and that whilst many of the houses have parking areas in the front gardens, there are no other front car ports. He noted that the existing garage, being largely set into the garden slope had a limited visual impact but that the car port in its original form would have been a very intrusive feature in the street scene and that it was, as such in conflict with Housing Policy 13 of the Local Plan and accordingly had an unacceptable effect on the character and appearance of the area.

The appellant contended that the steps required to comply with the requirements of the notice were excessive and that lesser steps would overcome the objections. In support of this he pointed out that the car port had been substantially reduced in size and that was now in use as a pergola and had been appropriately planted as such. The Inspector considered that the reduced size of the structure together with the planting which, when grown, would enable the pergola to blend acceptably into its surroundings. In the light of this he took the view that the modified appearance of the structure had satisfactorily overcome the adverse visual effect of the original car port.

The Notice was accordingly upheld in respect of the original car port but varied to permit the retention of the shortened pergola type structure.

