

# **REPORT OF THE HEAD OF COMMUNITY AND PLANNING SERVICES**

**SECTION 1: Planning Applications**

**SECTION 2: Appeals (None)**

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).

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## **1. PLANNING APPLICATIONS**

**This section includes reports on applications for: approvals of reserved matters, listed building consent, work to trees in tree preservation orders and conservation areas, conservation area consent, hedgerows work, advertisement consent, notices for permitted development under the General Permitted Development Order 1995 (as amended) and responses to County Matters.**

<b>Reference</b>	<b>Item</b>	<b>Place</b>	<b>Ward</b>	<b>Page</b>
9/2009/0054	1.1	Swarkestone	Aston	1
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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 Head of Community and Planning Services' report or offered in explanation at the Committee meeting require further clarification by a demonstration of condition of site.
2. Further issues of principle, other than those specified in the report of the Head of Community and Planning Services, arise from a Member's personal knowledge of circumstances on the ground that lead to the need for clarification that may be achieved by a site visit.
3. Implications that may be demonstrated on site arise for consistency of decision making in other similar cases.

12/07/2011

**Item**            **1.1**

**Reg. No.**        **9/2009/0054/MAO**

**Applicant:**

Mr Robert Hartley  
Derby & Sandiacre Canal Trust  
43-45 St Peters Church Yard  
Derby

**Agent:**

Mr Robert Hartley  
Derby & Sandiacre Canal Trust  
43-45 St Peters Church Yard  
Derby

**Proposal:**        **The construction of new canal (Outline All Matters Reserved) joining the Erewash and Trent and Mersey canals at Former Derby Canal Swarkestone Lock and Bridge The Trent And Mersey Canal Swarkestone**

**Ward:**            **Aston**

**Valid Date:**      **14/04/2010**

**Reason for committee determination**

This is a major application with more than two objections.

**Site Description**

The site runs from the Trent and Mersey Canal at Swarkestone Bridge, to the east of the line of the former Derby and Sandiacre Canal northwards across agricultural land to the A50, where it passes underneath, and then follows the line of the disused canal to the City Council boundary, albeit with a margin of some 30m either side.

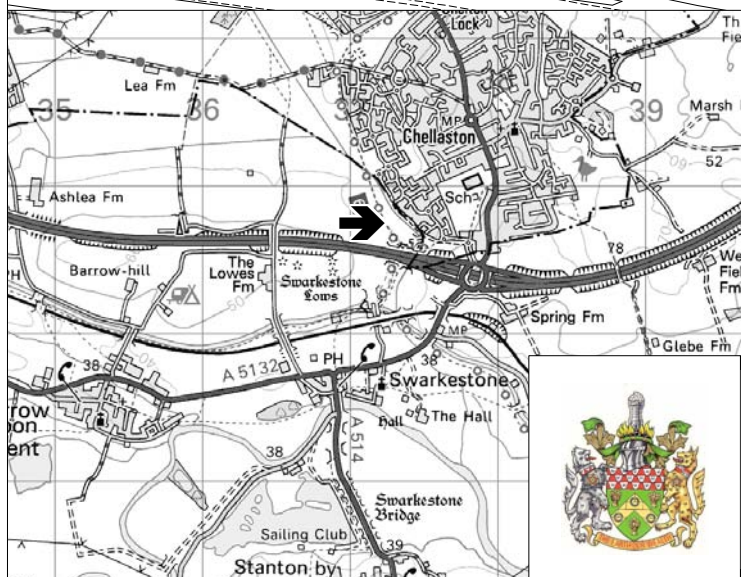
**Proposal**

The application seeks to re-open the Derby and Sandiacre Canal from Swarkestone, through Derby to connect to the Erewash Canal in Sandiacre. Derby City Council and Erewash Borough Council are also considering applications affecting their administrative areas.

While the general principle of the scheme is to re-open the canal along its original line, the first leg from Swarkestone would involve a new channel across farmland to the east of the former canal. A new junction with the Trent and Mersey Canal would be created here, where the site frontage would be some 100m. The new channel would pass under the A50 at or close to the existing underpass, which presently carries a footpath/cycleway and a farm access road. North of the A50 the canal would broadly follow its historical alignment although the application site encompasses about 30 m of land either side. At Cuttle Brook the canal would enter the City Council's administrative area.

**9/2009/0054 - Former Derby Canal Swarkestone Lock and Bridge,  
The Trent & Mersey Canal, Swarkestone, Derby (DE73 7GN)**

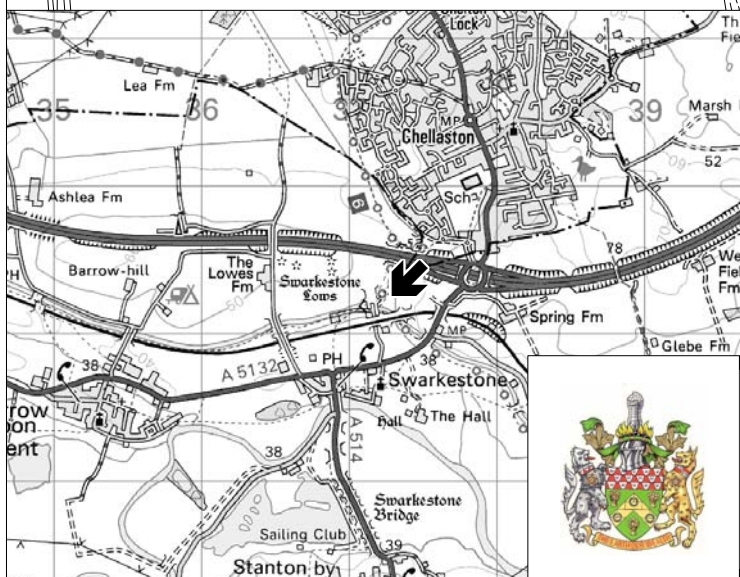
**THE SITE**



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**South Derbyshire District Council. LA 100019461. 2010**

## THE SITE



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**South Derbyshire District Council. LA 100019461. 2010**



The application is in outline and relates to the proposed canal's horizontal alignment only. It is accompanied by an Environmental Statement, Flood Risk Assessment and Ecological Report.

### **Applicants' supporting information**

- The proposal is the first stage of the reinstatement of the canal to a navigable waterway.
- The restoration would be undertaken in phases, when funding is available, with advantage being taken of developer contributions pursuant to other projects.
- While a 10 year phasing programme is assumed a 20 year time limit is sought to take account of unforeseen constraints.
- The land south of the A50 to the Trent and Mersey Canal is needed to provide adequate turning and passing room at the new canal junction.

### **Responses to Consultations**

East Midlands Airport has no objections in principle.

Derbyshire Wildlife Trust objected to Derby City Council but is reviewing its stance on the basis that additional ecological information has resulted in Natural England being satisfied. DWT's final position will be reported verbally.

The Contaminated Land Officer recommends a condition to ensure that appropriate investigation and risk assessment takes place, and subsequent management of excavated materials.

The Development Control Archaeologist does not object but comments that features of the historic canal should be retained (and restored if necessary). Conditions are recommended constrain the new cut entirely to the east of the former canal cut, where archaeological potential is lower, and the new canal route should undergo archaeological evaluation to inform design details and minimize the archaeological impacts.

On initial consultation Natural England responded with an objection, because the application did not provide sufficient information on the impacts on plants and animals. However Natural England removed its objection after receiving further ecological information from the applicant.

Having regard to the submitted Flood Risk Assessment the Environment Agency has no objecting in principle.

British Waterways recommends conditions to protect BW's water supply to its canal network and a flood mitigation scheme to prevent increased water flows from the canal into BW's canal system.

The Highway Authority raises no objection in principle but comments that a great deal of detail relating to the construction will emerge at reserved matters stage, creating a degree of uncertainty regarding the practicality and viability of road crossings and other

necessary mitigation measures along the route. In the circumstances conditions are recommended to control these elements of the scheme.

The Highways Agency comments that the existing A50 underpass was constructed to accommodate a farm access, following the Public Inquiry preceding approval of the line of the Trunk Road. The previous line of the canal was not provided with such a highway structure. The deliverability of a canal through the existing structure is dependent on the agreement of towpath access along the farm access. Therefore the principle of an alternative, new structure has been assessed. A new structure would require a greater drop in canal level than the existing structure, due to a greater headroom requirement. Since using the existing structure would already require lowering from the current canal level, the prospect of a greater drop in level required by a new structure is not an additional concern. A condition to require details of the crossing to be approved is recommended.

### **Responses to Publicity**

31 letters of support have been received, raising the following benefits:

- a) Employment during construction and after
- b) Wildlife enhancement
- c) Creation of amenities/leisure opportunities for residents and tourists
- d) Opening up the area for tourist and the benefits that brings
- e) Opportunities to provide facilities along the route to be for tourists and locals

3 letters of objection have been received.

- a) The application lacks sufficient detail to enable its implications to be properly assessed. The claimed benefits are vague, generalised and arguable. The disbenefits, such as property blight and confusion to other planning objectives have already started and will harm good planning.
- b) The application line is drawn too widely without detail of what might happen therein. No case has been made as to why the red line is so widely drawn. It implies that other development could be proposed
- c) The red line could be used as a justification for compulsory purchase. In any other scheme each square metre would need to be justified.
- d) If the wider area is to be used for active canal purposes then far too much land is included and the application should be refused as blighting more land that is justified by the scheme. If it is intended to include working areas then these should be specified.
- e) No explanation has been offered by the applicant to the affected landowner as to why so much land is included.
- f) The objector has put forward sites which include some of the application land in the LDF/SHLAAA process, which in itself could help to meet strategic housing objectives. If the application is approved the red line could be used as a kind of protection against development. Furthermore developers of adjacent land could be expected to make contributions to the construction of the canal. It is not clear how the project would be funded.
- g) The agricultural access provided under the A50 pursuant to the trunk road scheme could not co-exist with the canal. This would harm the farm operation contrary to PPS7 and PPS4.

- h) Some of the land is understood to be part of an agricultural tenancy, which indicates that the application has not been lawfully certified.
- i) A 20 year consent would blight existing land and would discourage the farmer from effecting maintenance and improvements due to uncertainty.
- j) Part of the land proposed for development is currently tenant farmed, therefore is not lawfully certified.
- k) High pressure gas mains would be affected.

## **Development Plan Policies**

The relevant policies are:

East Midlands Regional Plan Policies 1, 26, 27, 29, 31, 32, 35, 42, 43

South Derbyshire Local Plan Saved Environment Policies 1, 11, 12 & 13, Recreation and Tourism Policies 1 & 7 and Transport Policy 6.

## **National Guidance**

PPS1 PPS4 PPS5 PPS7 PPS9 PPS23 PPS25 PPG13

## **Planning Considerations**

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

- The principle and sustainability.
- Environmental Statement.
- Impact on the countryside.
- Heritage.
- Flood risk.
- Ecology.
- Highway safety.
- Time limit.

## **Planning Assessment**

### The principle and sustainability.

Local Plan Saved Recreation and Tourism Policy 7 acknowledges the recreation value of canals and seeks to safeguard their restoration. As part of a wider proposal the scheme would introduce a recreation facility accessible to a range of people. In addition to waterborne users, the restored canal would encourage other sustainable modes of transport such as walking and cycling. Saved Recreation and Tourism Policy 1 encourages new recreation proposals, subject to qualitative safeguards, and in particular acknowledges the value of water based recreation facilities. It is to be expected that the restored canal would generate economic activity. The restoration of this rural stretch of canal in South Derbyshire would satisfy the requirements of Saved Environment Policy 1 and PPS4 for economic development in the countryside and Policies 41 & 42 of the Regional Plan.



### Environmental Statement

The Environmental Statement is limited to the extent that the application seeks horizontal alignment only. It is likely that further environmental assessment will be needed at reserved matters stage when detail designs emerge.

### Impact on the countryside

The proposal would involve the formation of a new channel across a field. The visual impact on the landscape, having regard to its context, being adjacent to or on the line of the disused canal would not be unduly obtrusive, particularly given the scope for appropriate landscaping along the boundaries. As such there would be no conflict Regional Plan Policy 31 and Saved Environment Policy 1 of the Local Plan.

### Heritage

The restoration of the canal would be in keeping with the character and appearance of the Trent and Mersey Canal conservation area, subject to detail design at reserved matters stage, when the setting of nearby listed buildings would also inform design. As such the development would not conflict with PPS5, Policy 27 of the Regional Plan and Saved Environment Policies 12 & 13 of the Local Plan.

The recommendations of the Development Control Archaeologist would safeguard the cultural interest of the site in accordance with PPS5, Policy 26 of the Regional Plan and Local Plan Saved Environment Policy 14.

### Flood Risk

The concerns of British Waterways in respect of water supply and flood risk would be safeguarded by condition. The Environment Agency is satisfied with Flood Risk Assessment at this stage. As such the development conforms to PPS25 and Regional Plan Policies 32 & 35.

### Highway safety

On the advice of the highways authorities there would be no harm to highway safety with main issues being manifest during the construction phase. The recommended conditions of the Highways Agency and the County Highway Authority would protect this interest and in particular the A50 crossing.

### Ecology

Natural England and Derbyshire Wildlife Trust are satisfied that natural history interests can be safeguarded by condition and the proposal is thus in accord with PPS9, Regional Plan Policy 29 and Local Plan Saved Environment Policy 11.

### Time limit

The normal time limit for the submission of reserved matters is three years with development to be commenced two years after their approval. In this case the application is part of a long-term project that would be undertaken in phases. It is reasonable for the applicant to seek a longer time period to take account of the

particular circumstance of this project and to be able to rely on the certainty of an extant permission. Whilst the applicant seeks a 20 year period this is twice the assumed phasing period. As extended time periods need to be justified, a time limit of 8 years for the submission of reserved matters (with two years from their approval to start development) is a reasonable balance between the applicant's aspirations and the need to enable the community to remain engaged in event of protracted delay.

#### Other issues raised through the publicity process

Whilst an affected landowner is concerned about the strategic implications for the operation of his farm business and potential development proposals, the application would not unduly prejudice those interests. The canal restoration project is already effectively protected by Saved Recreation and Tourism Policy 7 of the Local Plan. In the event that the objector may seek to bring forward a development project there would be an opportunity to raise specific matters with the applicant, by which time there may be more information available about the specific impacts of the canal project on third party land. The applicant has stated that the land south of the A50 to the Trent and Mersey Canal is needed to provide adequate turning and passing room at the new canal junction hence the width of the application site in this area. A grant of permission would not place an undue burden on respective landowners and there is no existing commitment to compulsory purchase, it being anticipated that the applicant will negotiate the acquisition of land in the usual manner.

#### Conclusion

This is project that would provide a valuable leisure resource for the community, which would also stimulate economic activity. Environmental, water and heritage interests, and highway safety would be protected by condition and the scheme would therefore further the aims of sustainable development.

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 eight years from the date of this permission.  
(b) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.
2. Approval of the details of the layout, scale, appearance, access and the landscaping 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. Prior to excavation of each section of canal details of site investigation and methodology for treatment of the excavated material shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved investigation and methodology.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

4. No phase of the development hereby permitted shall take place until a scheme for providing a water supply to that part of the canal has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the water requirements of that phase of the canal and the means of providing the necessary water to maintain water levels within the canal, and the operating and maintenance arrangements for the scheme. In the case of any phase which results in a direct connection to the wider British Waterways canal network, or any subsequent phase which results in a further extension of that connection, the scheme shall also demonstrate the means of providing adequate water supplies to cater for the movement of additional craft between the completed phase(s) and the wider British Waterways network without resulting in a reduction in water supply within the wider British Waterways network. The development shall be carried out only in accordance with the approved scheme (or any alternative scheme that may be agreed in writing with the Local Planning Authority) and the completed phase of the canal shall not be brought into use until the approved scheme has been fully implemented.

Reason: To ensure that adequate water resources can be made available to provide water supplies sufficient to maintain water levels in the canal and to ensure that the development does not adversely affect the wider waterway network where it connects to the development.

5. No phase of the development hereby permitted shall take place until a scheme for flood mitigation has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the means of disposing of excess water from the canal during flood events, the means of preventing or attenuating increased water flows from the canal into any adjoining watercourses or canals and the operating and maintenance arrangements for the scheme. The development shall only be carried out in accordance with the approved scheme (or any alternative scheme that may be agreed in writing with the Local Planning Authority) and the completed phase of the canal shall not be brought into use until the approved scheme has been fully implemented.

Reason: To minimise and mitigate the risk of flooding from the canal and to reduce the risk of excess water from the canal being conveyed into adjoining water courses or canals and causing flooding from those adjoining watercourses or canals.

6. No development shall commence until a scheme for phasing of the work has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme unless as may otherwise be agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

7. Before any work commences in any phase approved in connection with Condition 6 above, detailed designs shall be submitted to and approved in writing by the Local Planning Authority in respect of any alterations or access to the highway network. The works shall be implemented in accordance with the approved design unless as may otherwise be agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

8. Before any work commences in any phase approved in connection with Condition 6 above, a scheme for construction traffic routing and traffic management shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall be implemented in accordance with the approved designs unless as may otherwise be agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

9. Before any work commences in any phase approved in connection with Condition 6 above, space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detail designs first submitted to and approved in writing by the Local Planning Authority. Thereafter the facilities shall be retained throughout the construction period within that phase free from any impediment to their designated use.

Reason: In the interests of highway safety.

10. Before any work commences in any phase approved in connection with Condition 6 above, design details of construction traffic access to that phase shall be submitted to and approved in writing by the Local Planning Authority. The access shall be implemented in accordance with the approved details and retained accordingly throughout the construction period within that phase.

Reason: In the interests of highway safety.

11. Throughout the period of construction within that phase vehicle cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.

Reason: In the interests of highway safety.

12. The construction of any part of the development within 67 m of the centreline of the A50 Trunk Road shall not commence until a Geotechnical Report and Method Statement for the proposed crossing has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Highways Agency. The trunk road crossing shall then be constructed in full accordance with the approved Method Statement.

Reason: To ensure that the A50 trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from geotechnical risks. To comply with highway standards as set out in the Design Manual for Roads and Bridges (DMRB), specifically HD22.

13. Unless as may otherwise be agreed following compliance with Condition Nos 14 and 15 below the new cut shall be constrained to the former canal cut and/or to the east of the former canal cut.

Reason: It is likely that nationally important archaeology exists to the west of the former cut. In the absence of an evaluation this heritage interest should not be disturbed.

14. No development shall take place within the site until the developer has submitted a mitigation statement demonstrating how historic canal features will be conserved within the detailed restoration scheme, and this document has been approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved mitigation statement.

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

15. A) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

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

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

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

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

16. Further ecological studies and mitigation measures shall be undertaken in accordance with the recommendations of the submitted ecological report dated November 2010 and the Middlemarch Environmental letter dated 11 January 2011, and no phase of the development shall be undertaken until such time as the Local Authority has approved the further surveys and mitigation measures. The development shall proceed only in accordance with the approved mitigation measures.

Reason: To ensure protection of ecological interests.

17. The development shall be implemented in accordance with the submitted Flood Risk Assessment 'Derby and Sandiacre Canal Revision B'

Reason: In the interests of flood prevention.

Informatives:

You are advised to contact Third Party Works Engineers Team at British Waterways Fazeley Office on 01827 252000, in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways "Code of Practice for Works Affecting British Waterways"

Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involve in Section 278 Agreements may be obtained from the Environmental Services Department at County Hall Matlock. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

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

The application site is affected by or adjacent to public rights of way (Footpath Nos 8 and 9 Swarkestone on the Derbyshire Definitive Map). The routes must remain unobstructed on their legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works taking place. Advice regarding the temporary (or permanent) diversion of such routes may be obtained from the Rights of Way Section, Environmental Services, County Hall, Matlock.

Pursuant to Section 149 and 151 of the Highways Act 1980, the applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.



12/07/2011

**Item**            **1.2**

**Reg. No.**        **9/2011/0265/FM**

**Applicant:**

Mr Sukh Sandhu  
9 Templar Close  
Stenson Fields

**Agent:**

Mr Tim Foster  
2 Broomfield Cottages  
Morley  
Ilkeston

**Proposal:**        **THE ERECTION OF A REPLACEMENT DWELLING AT  
115 TWYFORD ROAD WILLINGTON DERBY**

**Ward:**            **WILLINGTON & FINDERN**

**Valid Date:**      **14/04/2011**

**Reason for committee determination**

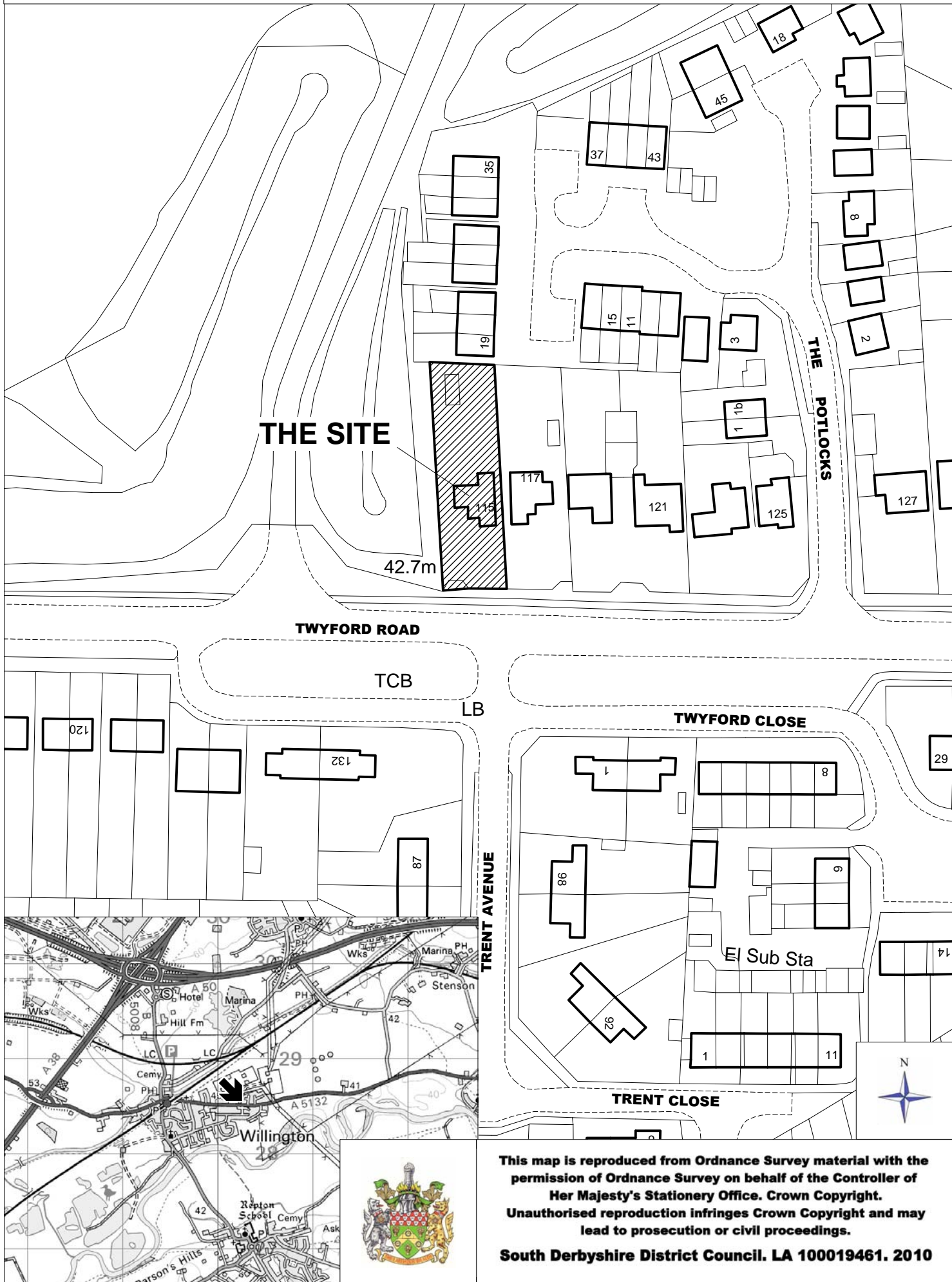
Councillor Ford has requested that the application be brought to Committee so it can consider the impact of the development from the neighbouring property.

**Site Description**

The site lies to the north of Twyford Road accommodating the existing bungalow. There is a bungalow adjoining the east boundary and housing development to the north on The Potlocks that was developed in the 1990s. The access to the National Grid sub station lies to the east of the plot where there is a mound with trees planted on it between the plot and the actual access road. There are fences and hedges to the side boundaries and a fence to the rear boundary. The new dwelling would be served by the existing access to Twyford Road. Beyond Twyford Road to the south are houses originally constructed as Council houses.

**Proposal**

The submitted scheme (as amended) shows a two-storey element away from the common boundary between this and the property to the east. This leaves a blank gable equivalent to a single-storey dwelling adjacent to this boundary. The roof of the building has been hipped so as to slope away from that boundary and two bedrooms are proposed in the roof space. The house would be constructed in brick under a concrete tile roof with grey powder coated aluminium frames. Car parking would be accommodated in a single integral garage and on the drive where space for two further cars to be parked is illustrated. The house as now proposed would be set back approximately 2 metres behind the front face of the adjoining property.



## **Applicants Supporting Information**

In response to neighbour objections and the potential breach of Council separation standards, the applicants have amended the proposal as described above. Having now measured the site on the ground, it is larger than first thought – 48m x 13.5m. The new house would be 12m wide and 12.5m deep with a ridge height of 7m with the highest eaves of about 5m. The applicants opine that the single storey element of the proposal with its hipped roof minimises the impact on the neighbour. The reason for the large areas of glazing are to give the property a modern feel to provide a contrast with surrounding houses that are very traditional in their appearance.

## **Planning History**

Planning permission for a new roof on the existing property was granted in the early 1990's but that permission was never implemented.

## **Responses to Consultations**

Willington Parish Council initially raised no initial objection. However, following a meeting with the neighbours the Parish Council planning committee empathised with the neighbours concerns and objections [these are reported below]. The Parish Council seeks an assurance that the application will be determined taking into account these concerns and objections along with relevant planning law, guidance and policies. In response to the amended scheme a parish councillor has queried whether the large window at first floor level should have a symmetrical appearance.

The County Highway Authority has no objection to the development subject to parking and manoeuvring space being provided prior to the occupation of the house.

Severn Trent Water has comments.

## **Responses to Publicity**

Several letters and emails have been received from the occupiers of the adjacent property. Their objections to the scheme as originally submitted and as amended can be summarised as follows:

- a) The property is too large in height and is not a bungalow.
- b) It is out of keeping with the character of the area, other houses in the area have a render finish and the brick house is much larger than anything else in the locality and have an overpowering effect on bedroom windows that are only 3m from what would be a solid brick wall. It is the wrong design constructed in the wrong materials in the wrong location.
- c) There would be a loss of privacy arising from the development.
- d) Reference is made to sewerage and electrics being inadequate.

In response to the amended scheme the objectors make the following comments:

- a) The house is now even larger, both in terms of its height, now 4.8m and its width, now 12m, and it is still out of character.

- b) The house would now be set back 2m from the front face of the existing houses and the preference would be for the new house to be set on the original line of the house to be demolished.
- c) If it is set back to accommodate parking space, the neighbours have no problem with parking and manoeuvring their 2 cars on the space in front of their dwelling.
- d) There is a question as to where the side building lines would be, as it seems that the plot size has increased from 13m to 13.5m. There are currently 3 metres between the sides of the property.

## **Development Plan Policies**

The relevant policies are:

EMRP: Policies 1, 3, 13

Local Plan: Housing Policy 5 & 11.

## **National Guidance**

PPS 1 & 3 – paragraphs relating to the siting of housing development in sustainable locations.

## **Local Guidance**

Adopted Supplementary Planning Guidance – Housing Design and Layout (SPG).

## **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 locality.
- The impact on neighbours assessed against the Council's adopted standards.

## **Planning Assessment**

The site lies within the village confine of Willington and subject to an assessment of the impact on the development on the character and appearance of the area, the principle of residential development is acceptable.

### The impact on the character and appearance of the locality.

There is a mixture of houses in this part of the village ranging from the bungalow on the application site to the later developments along Twyford Road and this is illustrated when passing along the road. The new dwelling is different in its appearance and would be amongst the tallest houses along the road taking into account the highest part of the property. However, the mix of old and modern house types is a feature of the character of this part of the village and it is considered that this proposal is of a modern design that would complement the differing types of houses along the length of Twyford Road.

### The impact on Neighbours

As originally submitted, the scheme did not comply with the Council's adopted standards for new housing development. Whilst it would have been easy for the

designer to go and develop a scheme simply based on separation standards, the new proposal is considered to both enhance the varied house types on Twyford Road but also provide the necessary standards for avoiding overlooking and overbearance set out the SPG. The eaves height on the mall adjacent to the neighbour's property is now 2.45m, previously 4.6m. This together with the roof sloping away from the boundary would allow the passage of light to the bedroom window of the adjacent bungalow that has a similar eaves height.

To ensure that any alterations to the permitted dwelling are controlled in the interests of the amenity of the occupiers of adjacent properties, conditions are recommended to remove permitted development rights.

### Conclusion

Whilst the proposed house would change the outlook from the neighbouring property and the views would be different from the conservatory, the separation distances and position of the 2-storey element ensure that the development complies with adopted standards. The dwelling would make a pleasing addition to the architectural variety in the street.

### **Recommendation**

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

1. The development permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 320 TR 001 received under cover of your email dated 14 June 2011.  
Reason: For the avoidance of doubt, the original submission being considered unacceptable.
3. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, the dwelling hereby permitted shall not be enlarged or extended without the prior grant of planning permission on an application made to the Local Planning Authority in that regard.  
Reason: To maintain control in the interest of 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.
4. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.  
Reason: To safeguard the appearance of the locality generally.

5. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate two cars within the curtilage of the dwelling. Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), two parking spaces, measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of the site.

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

6. Notwithstanding the submitted plans 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: In the interests of the appearance of the building and the character of the area.

7. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA, and appropriate remediation proposals, and shall be submitted to the LPA without delay. The approved remediation scheme shall be implemented in accord with the approved methodology.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, there shall be no external alterations, including the insertion of new windows, to the buildings other than as approved under this permission.

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

#### Informatives:

Where development is proposed, the developer is responsible for ensuring that development is safe and suitable for use for the purpose for which it is intended. The developer is thus responsible for determining whether land is suitable for a particular development or can be made so by remedial action. In particular, the developer should carry out an adequate investigation to inform a risk assessment to determine:

- whether the land in question is already affected by contamination through source - pathway - receptor pollutant linkages and how those linkages are represented in a conceptual model;
- whether the development proposed will create new linkages, e.g. new pathways by which existing contaminants might reach existing or proposed receptors and whether it will introduce new vulnerable receptors; and
- what action is needed to break those linkages and avoid new ones, deal with any unacceptable risks and enable safe development and future occupancy of the site and neighbouring land.

A potential developer will need to satisfy the local authority that unacceptable risk from contamination will be successfully addressed through remediation without undue



environmental impact during and following the development. In doing so, a developer should be aware that actions or omissions on his part could lead to liability being incurred under Part IIA, e.g. where development fails to address an existing unacceptable risk or creates such a risk by introducing a new receptor or pathway or, when it is implemented, under the Environmental Liability Directive (2004/35/EC). Where an agreed remediation scheme includes future monitoring and maintenance schemes, arrangements will need to be made to ensure that any subsequent owner is fully aware of these requirements and assumes ongoing responsibilities that run with the land.

12/07/2011

**Item**            1.3

**Reg. No.**        9/2011/0268/FM

**Applicant:**

Mrs Zahera Amin  
68 Patures Hill  
Littleover

**Agent:**

Mr Richard Roberts  
Abacus Architecture  
Green Farm  
Green Lane  
Burnaston

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

**Ward:**            **ETWALL**

**Valid Date:**      **07/04/2011**

**Reason for committee determination**

Councillor Lemmon has requested that this application be brought to Committee as local concern has been expressed about a particular issue.

**Site Description**

The application site lies in the heart of the free-range egg unit known as Liberty Farm; located in the middle of the 3 free-range egg production units on the farm. Another dwelling is located near the entrance to the farm off Findern Lane Burnaston.

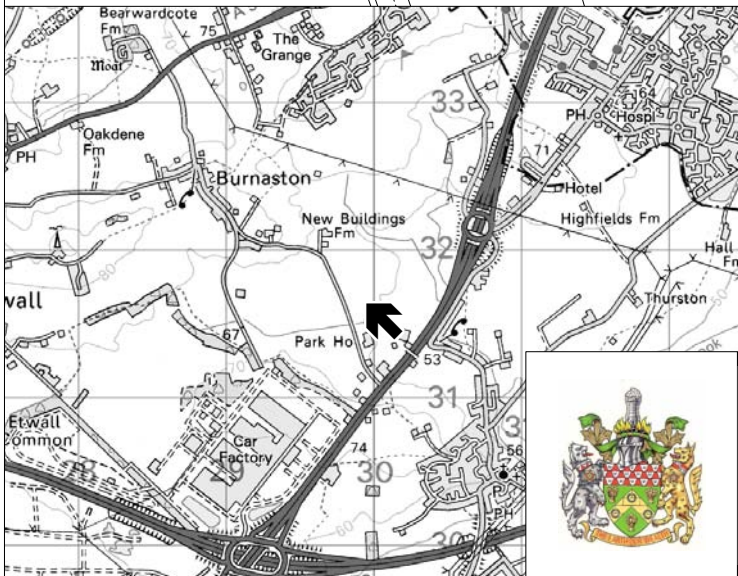
**Proposal**

The proposal involves the siting of a two-storey dwelling on the footprint of, and in substitution for, the bungalow permitted in 2010 (a copy of the permitted bungalow will be displayed at the meeting).

**Applicants' supporting information**

The applicants have submitted a considerable level of information in support of the application. They assert that the permitted bungalow is not sufficient to accommodate their family and that the farm business is capable of supporting a dwelling of the scale proposed. They base this assertion on the profits made by the previous landowner and the fact that one of the potential occupiers currently has a building business and is able to construct a dwelling at a more competitive price than would be the case if a builder had to be employed to construct it on their behalf. The building costs of the dwelling have been submitted for consideration along with the details of the profits of the farm

9/2011/0268 - Liberty Farm, Findern Lane, Burnaston, Derby DE65 6LJ



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**South Derbyshire District Council. LA 100019461. 2010**



Depot

holding for the past three years. [There is discussion of these matters in 'Planning Assessment' below].

The applicants have also confirmed that the farm will continue to operate in the same way as the previous owner, (i.e. under the auspices of John Bowler Eggs).

### **Planning History**

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

Having established the viability of the business and its ability to make a profit that would support the erection of a dwelling, planning permission for a 4-bedroomed farm workers dwelling was granted and the dwelling was subsequently constructed. The farm was subsequently sold to another person who continued to farm the holding in accordance with the planning permission.

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

An application of reserved matters was also received at the end of 2009 and these were approved in December 2009 – provided a start is made on the approved dwelling by 27 July 2011, that permission would remain permanent (provided all the pre-commencement conditions had been discharged prior to a start being made). These have been discharged and start has been made on the bungalow.

The occupation of the farmhouse by the retired farmer is in compliance with the agricultural workers condition.

### **Responses to Consultations**

Burnaston Parish Council has concerns as to whether an agricultural workers dwelling needs 5 bedrooms and if permitted, suggests a condition limiting occupation to agriculture to be attached to the permission.

The County Highway Authority has no objection

The Environment Agency has no comment.

### **Responses to Publicity**

None received.

### **Development Plan Policies**

The relevant policies are:  
EMRP: Policies 1, 3 & 12.

Local Plan: Environment Policy 1 & Housing Policy 7.

## **National Guidance**

PPS 7 – paragraphs relating to the erection and siting of farm workers' dwellings.

## **Planning Considerations**

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

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

## **Planning Assessment**

The dwelling as permitted was a bungalow that would have limited impact on the wider countryside. The current application would have a more significant impact being 2-storey and having a larger footprint. However, on the basis that the building would be required to supervise the operation of an established rural business and that the principle of residential use is established on the application site, this is one of the circumstances that would permit limited intrusion into the countryside to meet that established need. Provided the dwelling was built using traditional methods of construction and appropriate materials; and the surrounding hedgerows on the field boundaries of the holding were retained, the impact of the development on the countryside would be mitigated.

The proposed dwelling is considerably larger than that permitted on this site being in excess of 300sqm. The applicant's state that they have a large family that is growing and each of the children need their own room hence their requirement for 5 bedrooms. The requirements of PPS 7 are that any dwelling permitted should be of a size that is commensurate with the needs of the holding and that it can be financed from the operation of the business without regard to the ability of the owner to finance it separately.

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

A qualified building surveyor has assessed the information and confirms that the costs shown are genuine. It would therefore be difficult to argue that the farm holding could not finance the construction of this dwelling. Of course this is on the proviso that the holding continues to make a profit to finance it. The applicants have stated during the course of consideration of the application that it is their intention to expand agricultural activities on the farm to spread the potential profits arising from it. Nevertheless the

current operation of the farm would produce a profit sufficient to finance to the construction of the dwelling by these applicants.

On the basis of the above assessment it is considered that planning permission should be granted given: the presence of an extant planning permission; the ability of the business to finance its construction; the fact that the impact of the development can be mitigated by the use of traditional construction methods and the use of traditional materials; and the mitigation of impact on the wider countryside arising from field boundary hedges.

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

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

## **Recommendation**

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

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

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

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

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

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

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

4. No development shall take place until details of a scheme for the disposal of surface and foul water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.



Reason: In the interests of flood protecting and pollution control.

6. In submitting details required by Condition 2 above the details shall include gutters and downpipes with a black finish and be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

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

7. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, the dwelling hereby permitted shall not be enlarged or extended without the prior grant of planning permission on an application made to the Local Planning Authority in that regard.

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

12/07/2011

**Item**            **1.4**

**Reg. No.**        **9/2011/0301/NO**

**Applicant:**

Mr Hydes  
Woodlands Landscapes  
6 Club Lane  
Barrow on Trent

**Agent:**

Dan Stack  
Midbrook Enterprises Ltd  
74 Friar Gate  
Derby

**Proposal:**        **THE ERECTION OF PROPOSED STORAGE BUILDING  
AT LAND TO THE REAR OF 66 TWYFORD ROAD  
BARROW ON TRENT DERBY**

**Ward:**            **ASTON**

**Valid Date:**      **14/04/2011**

**Reason for committee determination**

The application is referred to Committee at the request of Councillor Watson because local concern has been raised about a specific issue, in particular the use of a storage facility in a substantially residential area, when an existing industrial estate is nearby.

**Site Description**

The site is a T shaped piece of land with access between No 64 Twyford Road and the village hall. A second access exists direct to the A5132. The site is used for storage of machinery and equipment associated with a landscape business.

**Proposal**

The application proposes a storage building measuring 15m x 5m in plan, 2.5m to the eaves with an overall height of 3m. It would lie adjacent to the rear boundary of No 64.

**Applicants' supporting information**

Two Silver Birch trees would be protected by the use of non-dig construction/ ground bearing slab to avoid root damage. No significant works to the boundary hedges would be needed.

**Planning History**

9/2001/1008 Application for a certificate of existing lawful use as a base for a tree cutting/maintenance business. Granted November 2001 on the basis that the use had been continuous for the preceding 10 years.

**9/2011/0301 - Land to rear of 66 Twyford Road, Barrow on Trent,  
Derby DE73 7HA**



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9/2005/0096 Storage building permitted April 2005 for temporary period due to the materials of construction. This has been removed from the site.

### **Responses to Consultations**

The Parish Council objects to the noise, intrusion and vehicle movements associated with the use, and impact on neighbours. The business has grown considerably and now appears to be outgrowing its quite residential location.

The Highway Authority has no objection, as the building would replace existing open storage.

The Design and Conservation Officer considers that because of its simple shape its impact on the character and appearance of the conservation area will be minimal. No objection is therefore raised.

### **Responses to Publicity**

Four neighbours object as follows:

- a) The building would cause loss of light and outlook, as it would extend almost the entire width of the garden to No 64.
- b) Maintenance of the boundary hedge would be prevented.
- c) The materials would be unsympathetic.
- d) The steel roller door would generate noise at unsociable hours, particularly early in the morning.
- e) This site is noisy.
- f) Pollution from vehicle fumes.
- g) The stored equipment and materials can be seen from neighbouring dwellings.
- h) Cars associated with the use have to park in the village hall car park.
- i) There would be no room for landscaping.
- j) The business has outgrown the site.
- k) Vehicles exit to the A5132 causing safety issues.
- l) A safe access should be formed.
- m) The proposal is in conflict with Employment Policy 1 of the Local Plan, which requires proposals not to be detrimental to amenity or character and not cause environmental or traffic problems.
- n) Guard dogs are noisy.

### **Development Plan Policies**

The relevant policies are:

East Midlands Regional Plan: Policy 27

South Derbyshire Local Plan: Saved Environment Policy 12 and Employment Policy 1.

### **National Guidance**

PPS4 PPS5

### **Planning Considerations**

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

- The principle.
- Impact on the character and appearance of the conservation area.
- Residential amenity.

## **Planning Assessment**

The site has a certificate of lawfulness. As the building would be used for the lawful use the proposal is acceptable in principle.

The building would be well screened from public view by the existing boundary hedges and its impact on the conservation area would be neutral and no greater than the previously permitted building. The two Silver Birch trees on the boundary with No 64 make a positive contribution to the area but these would be retained by the employment of the measures set out by the applicant.

As the site is already used for storage, the building would not in itself result in a material increase in disturbance to neighbours. The top 1 metre of the building would be visible from the rear windows and garden to No 64. While there is no specific guidance on space about buildings for this type of development, a two-storey gable would normally be acceptable at a distance of 12 metres from main windows. In this case the building would be 10-12 metres away but its low height would not cause a demonstrable overbearing effect on the neighbouring dwelling.

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

## **Recommendation**

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

1. The development permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development shall be implemented in accordance with the construction methodology and tree protection measures as set out in the agent's e-mail dated 31 May 2011.  
Reason: To ensure that the trees are adequately safeguarded from damage.
3. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.  
Reason: To safeguard the appearance of the existing building and the locality generally.

12/07/2011

**Item** 1.5

**Reg. No.** 9/2011/0462/FH

**Applicant:**

Mr & Mrs J Davey  
10 Brook Lane  
Foston

**Agent:**

Matt King  
Making Plans  
Ivy Lodge  
5 Twyford Road  
Willington

**Proposal:** THE ERECTION OF AN EXTENSION AT 10 BROOK  
LANE FOSTON

**Ward:** HILTON

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

**Reason for committee determination**

The applicant is a member of staff and so the application is to be determined by Committee.

**Site Description**

The property is the northern most cottage of a terrace in the countryside. Access to the site is via Brook Lane an unmade track off Church Broughton Road. Mainly hedges enclose the site ownership, but the residential curtilage within that ownership is in the main fenced. The existing cottage is built in brick and render and the roof is Staffordshire plain blue tiles.

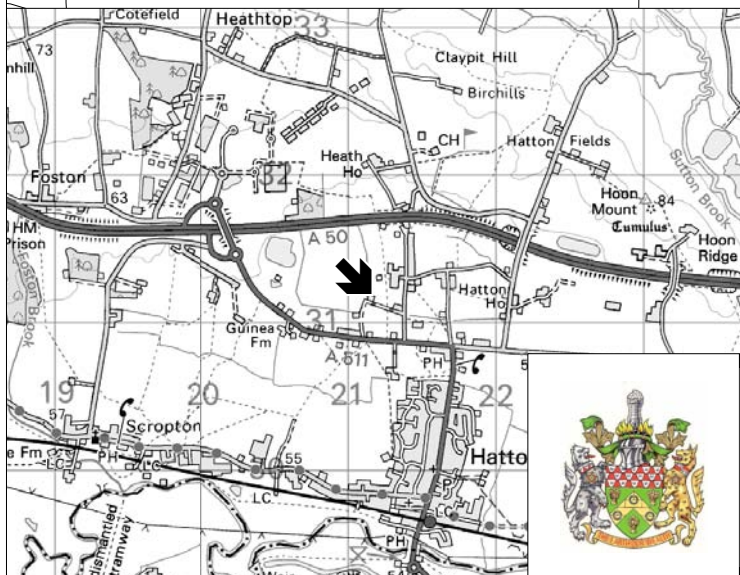
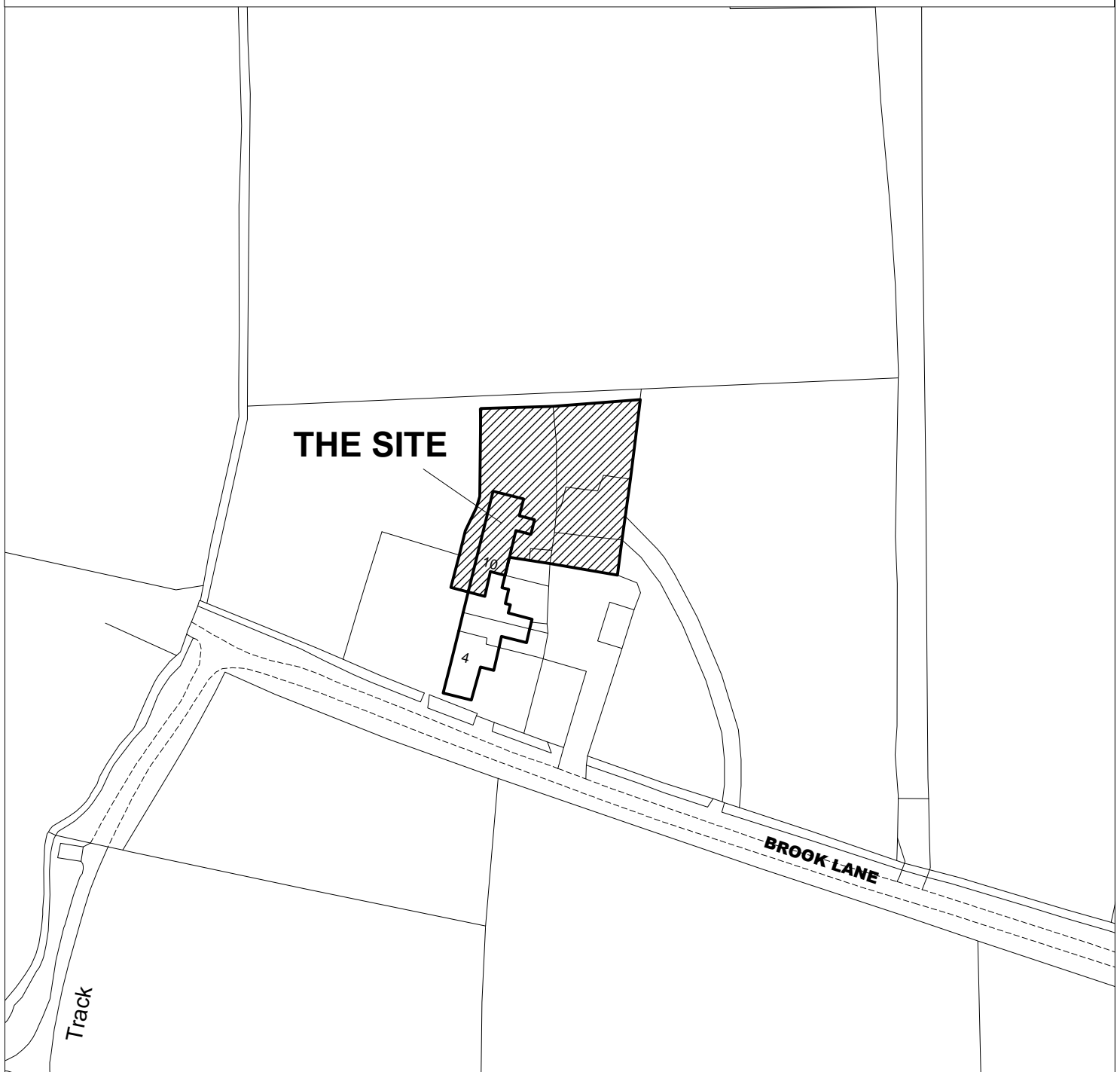
**Proposal**

The proposal is to extend the cottage with a single storey extension its north side clad in timber that would act as a sunroom with rooflights providing the extra natural light to the room. The extension would wrap around the front of the existing cottage with a glazed roof over that section of the extension. Forming the extension would require excavation of the garden but the applicant has access to sufficient land to ensure that no material would be removed from the site. A new decking area would also be installed around part of the house along with a garden shed against the northern boundary.

**Planning History**

In 2003 planning permission was granted for extensions to the original cottage, the expansion of the curtilage and the formation of an access drive.





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## **Responses to Consultations**

At the time this report was prepared no responses to consultation had been received, any that are will be reported at the meeting.

## **Responses to Publicity**

The attached cottages have all been consulted; no responses had been received when this report was prepared.

## **Development Plan Policies**

The relevant policies are: N/A  
Local Plan: Housing Policy 13.

## **National Guidance**

N/A

## **Planning Considerations**

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

- The scale and character of the proposal.
- The impact on neighbours.

## **Planning Assessment**

The use of timber cladding would compliment the property's rural location and would provide a pleasing contrast to the brick and render of the cottage. The use of Staffordshire blue tiles on the roof would help to blend the extension to the main house. The design is therefore considered acceptable.

In applying the SPG, there would be no undue impact on the neighbour.

## **Recommendation**

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

1. The development permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. All roofing materials used in the development to which this permission relates shall match those used in the existing building in colour, coursing and texture unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To safeguard the appearance of the existing building and the locality generally.

12/07/2011

**Item**            **2.1**

**Reg. No.**        **9/2011/0318/NO**

**Applicant:**

Mr Geoffrey Collier  
G. Colliers Butchers  
57 High Street  
Swadlincote

**Agent:**

Mr Andrew Clamp  
Altus Edwin Hill  
Parkside  
Birmingham Business Park  
Birmingham

**Proposal:**        **RETROSPECTIVE APPLICATION THE RETENTION OF A  
REPLACEMENT SINGLE STOREY LAIRING PEN AND  
BOUNDARY WALL AND RECONFIGURATION OF  
ENTRY GATES AT 57 HIGH STREET SWADLINCOTE**

**Ward:**            **SWADLINCOTE**

**Valid Date:**      **18/04/2011**

**Reason for committee determination**

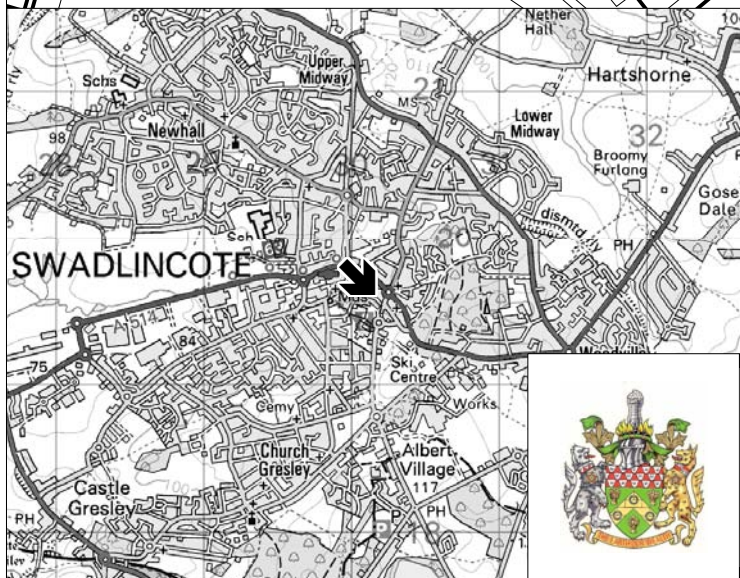
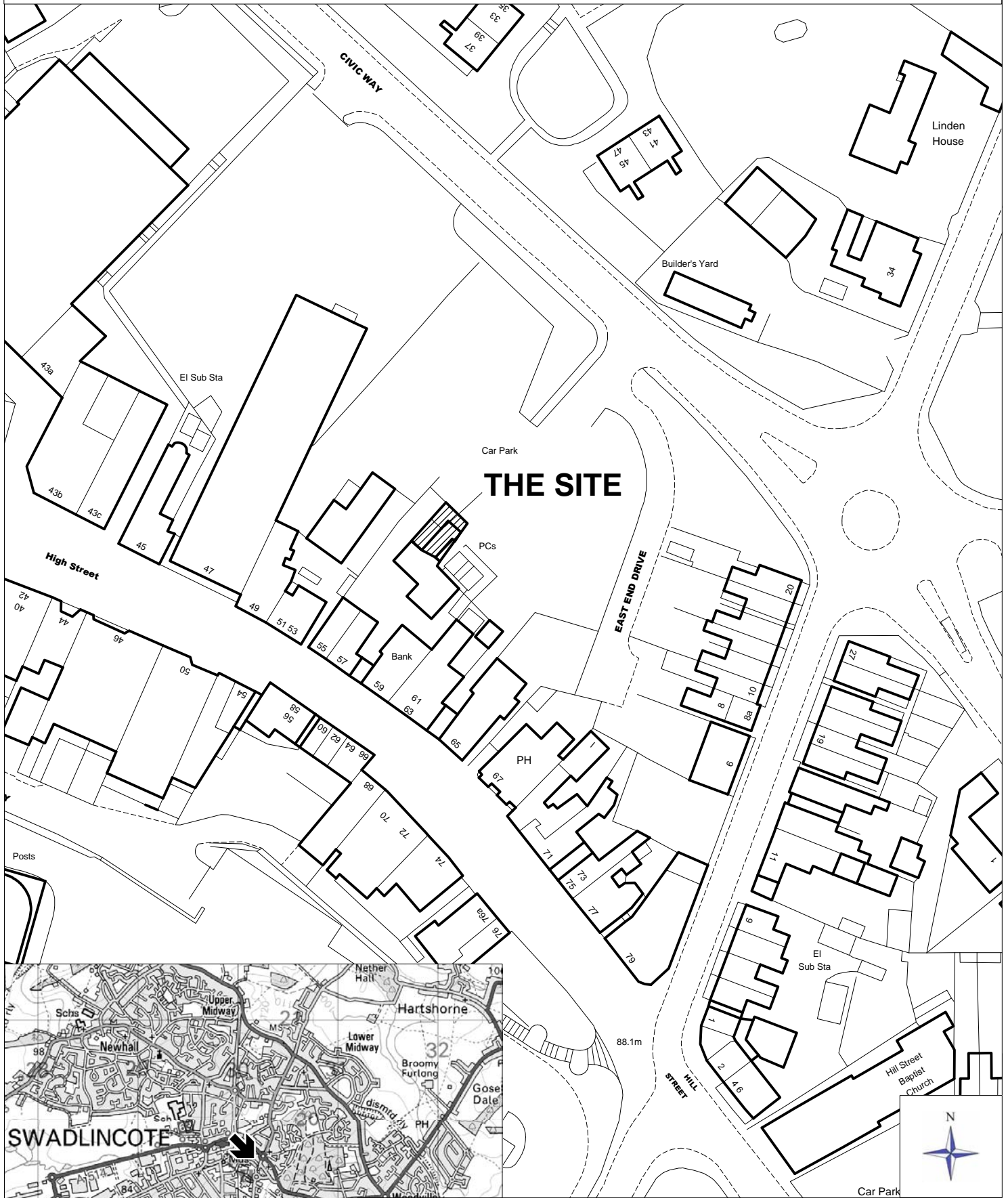
The application is reported to Committee following a request by Councillor Bale, advising that there are personal circumstances of the applicant, which members should consider.

**Site Description**

The application site is a slaughterhouse that is situated to the rear of 57 High Street, backing onto a public car park in the Swadlincote Conservation Area. The main building range, which is believed to have been built as a slaughter house in the late 19<sup>th</sup> century is prominent from Civic Way. It is constructed of brick, is of narrow span with a plain clay tiled roof with a corbelled eaves and plain verge.

**Proposal**

The application is submitted in a retrospective form to retain a replacement single storey lairing pen and boundary wall and to reconfigure the entry gates. The extension measures approximately 8.1m in depth x 6.2m in width x 4m in height and has a shallow roof pitch, with profile sheet roof covering with metal sheet lapped over the verge. Metal sheeting has been used on the upper part of the west elevation. A brick boundary wall has been erected at a height of 1.8m with an entrance gate, fencing has been erected facing the car parking area and a concrete block wall on the right elevation at a height of approximately 1.8m. The existing entrance gates have been widened and separated to provide separate vehicular and pedestrian access.



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## **Applicants' supporting information**

Design and access statement remarks that the applicant was unaware that the site was in a conservation area and was unadvised of this at the time. He states that the previous building was too small to accommodate the business requirements.

With the exception of the lower ridge height and different roof materials, the applicant considers it to largely follow the building consented in 2003 and that the building should be acceptable given the disparate style and appearance of some of the surrounding buildings.

## **Planning History**

9/2003/0499 - The erection of an extension to provide a cold store at the rear – approved 25 June 2003

9/2002/0849 - The erection of an extension – approved 03 February 2003

## **Responses to Consultations**

The Conservation and Design Officer objects to the application and advises that the building has not been constructed in accordance with the approved plans. The resulting altered form is alien to the existing historic building and is clearly visible from busy public vantage points on the car park side which is part of the main approach to the town centre from the east, an area the Council is actively seeking to enhance as part of its Vision and Strategy (2001) for the town centre. For these reasons (i.e. the extension by virtue of its roof pitch, the roof materials and verge details used) the building now has a negative impact on the character of the host building and the conservation area and he therefore recommends that the application be refused and enforcement action commenced.

## **Responses to Publicity**

Seven copies of a standard letter sent by commercial properties and two farmers have been received supporting the application and stating that:

“.... The building may not quite meet the requirements for the Swadlincote Conservation Area but I feel given the nature and appearance some of the other surrounding buildings, that Mr Collier's building (as found) is not detrimental to the locality”.

## **Development Plan Policies**

The relevant saved policies are:  
Local Plan: Environment Policy 12

## **National Guidance**

PPS 5

## **Planning Considerations**

The main issue central to the determination of this application is the impact on the character and appearance of the Swadlincote Conservation area.



## **Planning Assessment**

The retention of the extension is not considered acceptable as the roof pitch is much shallower than the existing building and a profiled sheet roof covering has been used instead of clay tiles. Metal sheet is lapped over the verge and metal sheeting instead of Yorkshire boarding has been used on the upper part of the west elevation. The resulting form is alien to the existing historic building and is clearly visible from busy public vantage points on the car park side which is part of the main approach to the town centre from the east - an area the Council is actively seeking to enhance as part of its Vision and Strategy (2001) for the town centre. Accordingly the proposal is contrary to Policy HE7 of Planning Policy Statement 5, which advises that local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. It is also contrary to Saved Environment Policy 12, which advises that developments which would have an adverse effect on the character and appearance of the conservation area, will not be permitted. The extension as built, significantly detracts from the character and appearance of the Swadlincote Conservation Area by virtue of its roof pitch, roof materials and verge details and also has a negative impact on the character of the host building. The presence of poor quality structures in the vicinity of the application site should not be emulated or used to condone further poor quality development.

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**

### **A. REFUSE** permission for the following reason:

By virtue of its shallow roof pitch, roof covering and verge details, the extension has a negative effect on the character and appearance of the host building and the Swadlincote Conservation Area, contrary to Policies HE7.4 and HE7.5 of Planning Policy Statement 5 and Saved Environment Policy 12 which seek to ensure that developments have no adverse effect on the character and appearance of a conservation area (EV12) and make a positive contribution to the character and local distinctiveness of the heritage assets and the historic environment (PPS5).

### **B. Authorise all necessary enforcement action to remedy the breach to the satisfaction of the Design and Conservation Officer.**