

REPORT OF THE HEAD OF PLANNING SERVICES

SECTION 1: Planning Applications

SECTION 2: Appeals

In accordance with the provisions of Section 100D of the Local Government Act 1972, BACKGROUND PAPERS are the contents of the files whose registration numbers are quoted at the head of each report, but this does not include material which is confidential or exempt (as defined in Sections 100A and D of that Act, respectively).

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.

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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 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 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.

2. PLANNING AND OTHER APPEALS

None to report

Item 1.1

Reg. No. 9/2008/0577/NU

Applicant:
Mr Buckland

Agent:
Green Planning Solutions
Mr M Green
Much Wenlock
Shropshire
TK13 6AA

Proposal: **Change of use and extension of existing gypsy caravan site to allow siting of touring caravans for members of the gypsy community as a transit site together with ancillary access road and replacement facilities block at Former Castle View Service Station Uttoxeter Road Foston Derby**

Ward: North West

Valid Date: 23/05/2008

Reason for committee determination

Councillor Bale has requested that this application be brought before the Committee as matters of local concern have been expressed about a particular issue.

Site Description

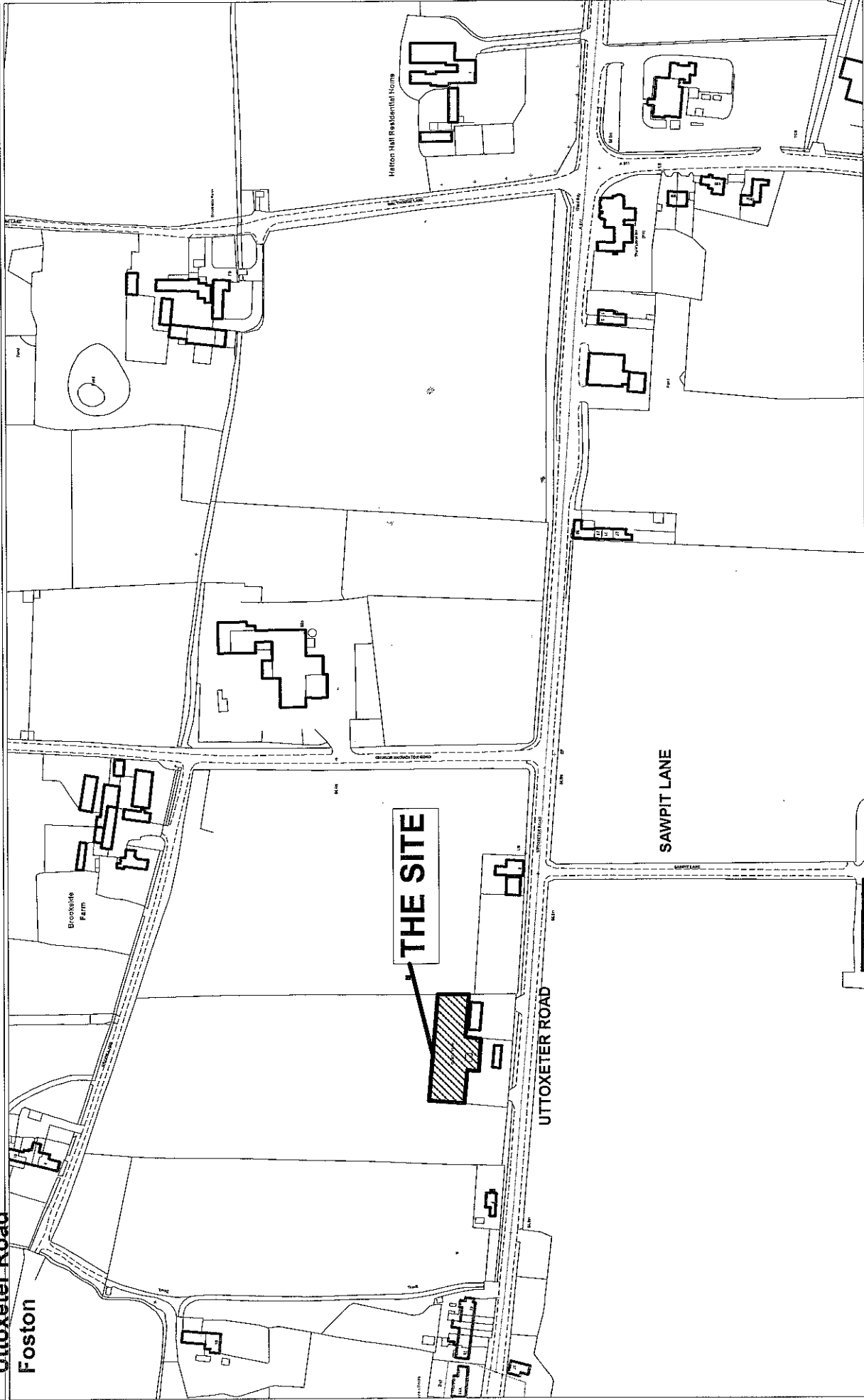
The site lies to the north west of Hatton, within the Northern Parishes Ward, on the site of a former petrol filling station. The land that the proposed caravans would be sited on has been incorporated into the original gypsy site and land levels raised so that the two areas are at the same level. A new fence has been erected around the north, west and east boundaries. A hedge on the road frontage mostly screens the original site. A public footpath follows the east boundary and beyond the field to the north of the site is Brook Lane. Access would be through the existing site that has access to Uttoxeter Road.

Proposal

The proposal is to retain the extended site to provide additional transit facilities that would compliment the existing permanent facilities at the site. An existing amenity block would be demolished and replaced by a larger structure more suited to serving the transit and permanent facilities constructed to meet the requirement of BS 8300 in respect of access by disabled people.

**9/2008/0577 Former Castle View Service Station
Uttoxeter Road**

Foston



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Scale 1:3000

Plot centred at 421410 330933

Date Plotted 24/10/2008



9/2008/0577 Former Castle View Service Station
Uttoxeter Road
Foston

Applicants' supporting information

The proposal is made with various elements to reduce its impact, new hedge planting, new 1.9 metre high fencing and the use of hedges to define pitches. Tree planting is also suggested. Access would be from the existing access points. The replacement amenity block will be designed and constructed to meet disabled access requirements. Its materials of construction would be appropriate to a rural area.

It is confirmed that the operators of the site are gypsies for the purposes of paragraph 15 in Circular 01/2006. National Regional and Local planning policies are referred to in the accompanying information and also reference to Circular 01/2006 and the Local Assessment of Need undertaken last year. *[These are referred to in detail in the Planning Assessment below].*

The applicants argue that the site is in an area frequented by gypsies and the 2007 survey identifies a need for some 19 pitches in South Derbyshire. The application site lies in a sustainable location close to Hatton that has good bus and rail services as well as a wide range of shops and services.

Circular 01/2006 makes it clear that a location in the countryside is acceptable for gypsy sites and cannot be used as a reason to deny planning permission. Views of the site are limited in that they are screened from Uttoxeter Road by the existing site and seen against a background of caravans from Brook Lane to the north.

Reference is also made to the Human Rights issues as they affect Gypsy site applications. In particular it is noted that Local Planning Authority's have to be sure it has carried out its duties in effectively assessing need and identifying additional possible sites. It is noted that the LDF is in its early stage of preparation and no policies relating to gypsy sites have been drafted.

Planning History

Planning permission was granted on appeal in 2000 for a mobile home on land to be occupied by a member of the gypsy community. The Inspector acknowledged that there would be harm to the open character of the countryside but considered that was outweighed by the need for gypsy site accommodation. Permission was granted in 2001 for the erection of toilet and wash facilities.

Following a refusal of planning permission to increase the number of caravans on the site in 2002, permission was granted for 6 additional caravans on appeal. Again the Inspector acknowledged that the provision of additional caravans would have a significant impact on the openness of the site and result in a 'fundamental change' to its rural character and low-density appearance. He considered whether the mitigation of the site resulting from the leylandii hedge and the screening available from the wider area would reduce that impact.

In his overall conclusions he again made reference to the impact on the openness of the area but concluded that there was a need for additional accommodation; that the site could meet that need and despite its impact on the openness of the area, the mitigation measures would reduce that impact. Whilst his colleague had limited the amount of structures on the site, the overall need for gypsy accommodation required by Housing Policy 15, overrode the importance of protecting the countryside. He allowed the

appeal, limited the number of caravans that could be accommodated on the site to 6 required their siting and the landscaping of the site prior to the occupation of the land by caravans.

An application for raising the ground levels at the rear of the site to form a parking/play area and a detached sectional double garage was refused. This is the land that is now the subject of this application.

Subsequently a complaint was received in late 2007 that the ground levels had been raised and that the extension to the site was being used for the parking of caravans. The operator of the site claimed that the land had been sold and that he was trying to buy it back. The original owner reacquired the site and has now made the current planning application that seeks to regularise the unauthorised development.

Responses to Consultations

Hatton Parish Council strongly objects, as the development is contrary to the planning inspectors condition that no further expansion of the site should take place.

The County Highway Authority has no objection subject to a condition requiring parking and manoeuvring space sufficient for one vehicle to be provided within each plot.

The Environment Agency has no objection in principle to the development but has requested confirmation of the foul drainage proposals for the site. The applicants have confirmed that the proposed amenity block will drain to the foul sewer in Uttoxeter Road that the EA finds acceptable.

The Environmental Protection Manager has no objection to the development in principle.

Responses to Publicity

None

Development Plan Policies

The relevant policies are:

RSS8: None

Replacement RSS8: Policy 16 and Appendix 2

Retained Local Plan Policies: Environment Policy 1, Housing Policy 15

Other Advice

Derbyshire Gypsy and Traveller Accommodation Assessment 2008

Under the terms of Circular 01/2006, local authorities are required to rigorously assess the accommodation needs of Gypsies and Travellers and make site specific allocations for new public and private sites in development plans (South Derbyshire was included in those authorities that had no needs survey.) Prior to that Derbyshire County Council has been co-ordinating a countywide survey.

The Accommodation Assessment was published in March 2008 and its principal role is to assess need to allow forecasts to be made to allow land use allocations of appropriate size to be included in emerging LDFs. The assessment took account of incidents of unauthorised encampments, the status of existing authorised private sites, the lifestyle and demographic profile of gypsies, the levels of occupancy on private and public sites and the twice yearly caravan counts undertaken on behalf of ODPM (now DCLG). The Accommodation Assessment confirms that there is a forecast growth in gypsy households.

Planning Considerations

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

- The Development Plan
- Impact on the countryside
- The need for gypsy accommodation in South Derbyshire

Planning Assessment

The emerging policy for the RSS has set an overall level for gypsy site provision across the region. Policy 16 encourages Local Authorities and other public bodies to work together across administrative boundaries to identify land for additional pitch provision based on clearly evidenced assessments of need.

Appendix 2 to the emerging RSS8 sets minimum levels of provision for each part of the Region that should be identified in Local Development Framework Documents and the minimum additional provision for South Derbyshire is 19 pitches.

However the RSS appears to have merely transposed the figures from the Derbyshire Gypsy and Traveller Accommodation Assessment 2008 omitting the vital qualifying statement that made it clear some re-apportionment would be appropriate for public sites to ensure provision is made in areas of actual need, rather than simply perpetuating areas of existing provision. The Council has formally objected to this vital omission.

Local Plan Housing Policy 15 allows for the provision of private gypsy sites provided they are located in an area frequented by gypsies; satisfactorily located in relation to other development, acceptable in environmental terms, capable of assimilation into its surroundings and has adequate vehicular and pedestrian access. This site is well related to the existing site and whilst it would add to the mass of caravans capable of being accommodated at the site, this is not considered to be to a point where permission should be withheld. The reasons for this are set out below.

This site has been considered twice previously by appeal inspectors who both considered that the need for the gypsy accommodation outweighed any harm to the open character of the area. The need remains a material consideration.

The main issue here is whether the extension to the existing site will cause any additional intrusion into the countryside to such an extent that the application should be refused. In making the assessment the mitigation measures proposed by the applicant must be taken into account.

There is a public footpath on the east boundary of the site. This is separated from the land by a hedge that is sporadic but nevertheless provides some existing screening of the boundary of this site. From this path there would be views of the site through the hedge.

The mitigation proposed by the applicants [*see Applicant's Supporting Information above*] would substantially screen the views of the caravans from the path that lies at a lower level than the application site. These mitigation measures would reduce the impact to a point where an appropriate condition would secure an acceptable environmental impact. The view from the north on Brook Lane would be of caravans; as are currently seen from this location but again mitigation measures are proposed to limit views from this direction.

Given that the intrusion of the original site is now partially mitigated and taking into account further landscaping that can be implemented as part of the current proposal secured by the imposition and enforcement of planning conditions the material impact of the extended site is not considered so significant as to warrant a recommendation of refusal.

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. 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.

2. Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), 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.

3. 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.

4. No more than 6 caravans shall be sited on the land at any one time. No caravan shall be sited on the land that is not capable of being towed legally on the public road.

Reason: In order to ensure that the site functions as a transit site for the gypsy community and no vans are brought onto the land that cannot be legally towed back onto the public highway.

5. This permission authorises the use of the land as a caravan site for the use of persons who are gypsies and travellers as defined by paragraph 15 of Circular 01/2006 and for no other purpose.

Reason: In order to ensure that the land functions as a site for occupation by the gypsy and traveller community as use for any other purpose would be contrary to the provisions of the Development Plan except for the special provisions in planning policy for the gypsy and traveller community.

6. No commercial activity shall take place at the site.

Reason: In the interests of the amenity of the occupiers of nearby dwellings.

7. No vehicle shall be parked or stored at the site that exceeds 3.5 tonnes unleaden weight.

Reason: In order to ensure that vehicles parked or stored at the site are limited in the interests of the amenity of the occupier of nearby dwellings.

8. Caravans sited on the land edged red on the plan accompanying this decision shall not occupy one or more of the caravan hardstanding for more than 35 days (5 weeks) consecutively in any calendar year within the context of the overall use of the site as a transit facility for members of the gypsy and travelling community as defined by Condition 5 above with no return to the site within 90 days following the site being vacated. When a caravan arrives at the site the owner shall maintain a register of the type and registration number of the caravan using the site 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 for its file records.

Reason: The application is expressed as a transit facility for members of the travelling community. The Local Planning Authority seeks to control the occupation of the site to a period that allows for a reasonable length of stay within the District whilst maintaining provision available for other members of the community that wish to resort to the area.

Item 1.2

Reg. No. 9/2008/0764/U

Applicant:
Mr W McCann
C/O Agent S G Design Studio Ltd

Agent:
Mr. S. Greaves
S. G. Design Studio
202 Woodville Road
Hartshorne
Swadlincote
Derbyshire
DE11 7EX

Proposal: The change of use of garden to accommodate static caravans at 179 The Bungalow Linton Heath Linton Derbyshire

Ward: Linton

Valid Date: 17/07/2008

Reason for Committee determination

The application is brought before the Committee at the discretion of the Head of Planning Services as the subject is known to have been of concern to Members in the past. Site Description

The application relates to a site occupied by a large mobile home resembling a bungalow. The site is hard surfaced with gravel and bounded by close boarded fencing, with decorative entrance walls and pillars.

The application site is 15.5m across its road frontage and is approximately 56m deep. It is generally flat and is clear of all vegetation. The land to the north east comprises National Forest woodland planting whilst a ribbon of residential properties adjoins to the south west. There is open land on the opposite side of the road. The site lies within the countryside albeit adjacent to a recognisable ribbon of houses

Proposal

Initially the application sought permission to position a further 3 caravans on the site. However, this has been negotiated down to 2 in order to reduce the noise and disturbance to the neighbouring resident to the south west.

There would be no extension of the site into the countryside as the additional caravans will be sited within the existing site. The two new caravans would be sited alongside the site's north eastern boundary and positioned one behind the other, both further back in the site than the present caravan (as shown on the amended plans received on 30th July 2008).

9/2008/0764 179 The Bungalow

Linton Heath

Linton

Linton Heath

THE SITE

112.2m
GVC

Allotment Gardens

179 Bungalow

Def

Linton
Heath
Meth
Ch

LINTON HEATH



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Scale 1:1500

Plot centred at 428391 316452

Date Plotted 24/10/2008

9/2008/0764 179 The Bungalow

Linton Heath

Linton



All pitches would gain access via the existing access driveway. Each pitch would provide standing for a single large caravan and have 2 parking spaces each.

Applicant's supporting information

The applicant is the person who secured the original planning permission on appeal. The additional caravans are required for his older children, reflecting the fact that he has more children living with him now than when the appeal was granted. There are currently five children of ages ranging from 2 – 18 years old living at the existing caravan on site together with both parents, making 7 occupants in total. There is also a young child currently living with his mother in Wales who is hoping to move in with this family later this year and an older son currently living away from home but who occasionally visits.

It is stated that council records should show telephone calls from the applicant to the Environmental Health section requesting larger additional bins, both last and this year, that will prove that the large family has occupied this site since moving there.

Essentially the present mobile home has 2 bedrooms and this is now too small to accommodate the parents and all the children. In traveller culture it is usual to allow older teenage children to occupy a separate caravan, although this is normally close by the parents home to provide care and supervision.

Planning History

Planning permission was granted on appeal to site two gypsy caravans in September 2006. (9/2005/0802) The Inspector considered that there was a demonstrable unmet need for gypsy sites in the District. He also accepted that whilst the development would extend the ribbon development there was an acceptability of gypsy sites on the edge of settlements and the low key nature of the proposal meant that it would not be out of keeping with its surroundings. He considered that in visual terms it would represent an appropriate transition between the built development and the woodland area to the north east.

The appeal allowed the siting of 2 caravans, reflecting the fact that at that time, the applicant owned two 25ft caravans. In 2007 the applicant applied under 9/20070751, to vary that consent to allow the siting of a single large mobile home. That was granted mainly having regard to the view that such a building would resemble a bungalow sited at the end of a row of houses.

Responses to Consultation:

County Highways Authority has no objection

Derbyshire Gypsy Liaison Officer states: Application supported;

- (i) There is a legal requirement on Council's to assess the accommodation needs of travellers and gypsies;
- (ii) Planning Circular of February 2006 requires gypsy pitches to be increased by 2009-2011,
- (iii) Derbyshire Councils have assessed such needs, in 2007;

- (iv) RSS requires a further 19 traveller/gypsy pitches in South Derbyshire, and DCLG; thinks this could be met by extending existing private sites by up to 4 pitches to allow for family growth;
- (v) DCLG supports a network of small sites rather than 1 large site.

Responses to Publicity

4 letters from neighbours making the following points:

- a) Is proposal for 2 or 3 additional caravans?
- b) Will result in a caravan park which is out of keeping,
- c) Applicant granted permission for the mobile home on the site for his own family,
- d) Do not believe there is a need for additional caravans for members of the applicant's family,
- e) Access unsuited to 4 residences,
- f) Access will be like a cul de sac and dangerous,
- g) Neighbours objected to original application to use site for caravans,
- h) Not a suitable place for a caravan site,
- i) Hideous units,
- j) Contrary to planning policy,
- k) Site suitable only for 1 dwelling,
- l) Caravans are out of keeping and character with detached and semi-detached houses in area,
- m) Access through a single gate to 4 units is dangerous,
- n) Increase risk of traffic accidents,
- o) Congested traffic on site,
- p) Applicant has not spoken to neighbours as he states,
- q) Original permission was for only one caravan, and this runs counter to that,
- r) For financial gain only,
- s) Loss of value of neighbours houses,
- t) There are caravan sites in Park Road only 500m away,
- u) Road is busy and usually there are cars parked on it
- v) Present use for 1 caravan is enough

Planning Guidance and Policies

Circular 01/06 - Planning for Gypsy and Traveller Sites

Derbyshire Gypsy and Traveller Accommodation Assessment 2008

Replacement RSS8: Policy 16 & Appendix 2

Retained Local Plan: Environment Policy 1, Housing Policy 15

National Guidance/Policy

Circular 01/06 - Planning for Gypsy and Traveller Sites post dates the Local Plan and, therefore, greater weight should be attached to it in making decisions on planning applications. It states that the Government's key objective for housing is to ensure that everyone has the opportunity of living in a decent home, and it promotes the encouragement of Gypsies to provide their own sites. Local Authorities should assess the needs of all parts of the community and make appropriate provision.

Derbyshire Gypsy and Traveller Accommodation Assessment 2008

Under the terms of Circular 01/2006, local authorities are required to rigorously assess the accommodation needs of Gypsies and Travellers and make site specific allocations for new public and private sites in development plans. (South Derbyshire was included in those authorities that had no needs survey.) Prior to that Derbyshire County Council has been co-ordinating a county-wide survey.

The Accommodation Assessment was published in March 2008 and its principal role is to assess need to allow forecasts to be made to allow land use allocations of appropriate size to be included in emerging LDFs. The assessment took account of incidents of unauthorised encampments, the status of existing authorised private sites, the lifestyle and demographic profile of gypsies, the levels of occupancy on private and public sites and the twice yearly caravan counts undertaken on behalf of ODPM (now DCLG). The Accommodation Assessment confirms that there is a forecast growth in gypsy households.

Planning Considerations

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

- (i) The need for additional gypsy caravan pitches in the area.
- (ii) Conformity with the Development Plan including access to day-to-day facilities and intrusion into the countryside.
- (iii) Access and highway safety
- (iv) The personal circumstances of the applicant.
- (v) Relevant appeal decisions.
- (vi) Sustainability

Planning Assessment

The emerging policy for the RSS has set an overall level for gypsy site provision across the region. Policy 16 encourages Local Authorities and other public bodies to work together across administrative boundaries to identify land for additional pitch provision based on clearly evidenced assessments of need.

Appendix 2 to the emerging RSS8 sets minimum levels of provision for each part of the Region that should be identified in Local Development Framework Documents and the minimum additional provision for South Derbyshire is 19 pitches.

However the RSS appears to have merely transposed the figures from the Derbyshire Gypsy and Traveller Accommodation Assessment 2008 omitting the vital qualifying statement that made it clear some re-apportionment would be appropriate for public sites to ensure provision is made in areas of actual need, rather than simply perpetuating areas of existing provision. The Council has formally objected to this vital omission.

Housing Policy 15: Gypsy Caravan Sites is criteria based. The policy is permissive of caravan sites provided that:

- The site is in an area frequented by gypsies;

- That it is satisfactorily related in relation to other development;
- That it is acceptable in environmental terms; that it is reasonably accessible to services and facilities;
- That it is capable of sympathetic assimilation into its surroundings; and
- That there is adequate provision for access.

The need for additional gypsy caravan pitches in the area.

Caravan counts show that unauthorised encampments in South Derbyshire are skewed towards two areas in the District, namely the Hilton/Hatton areas in the north and Linton in the south. This could possibly be attributed to the fact that there are public caravan sites in the vicinity of these areas which might attract hopeful travellers, or relatives of families residing on those sites.

Existing public sites at Church Broughton and Lullington continue to be generally fully occupied with turnover of plots being relatively rare. Planning permissions for small private sites have been granted at Walton on Trent and Overseal in the past 5 years.

The Accommodation Assessment states that there is a forecast growth in gypsy households and that this will need to be met by provision of caravan pitches, in additions to those at the existing sites. As a result it is considered that this application would be justifiable to meet an identified need for gypsy caravan pitches.

Conformity with the Development Plan including access to day-to-day facilities and intrusion into the countryside

It is clear that this is an area already frequented by gypsies evidenced by the number of public, private sites and unauthorised encampments. The applicant has suggested that the new pitches would be occupied by relatives of the family already living on the site.

In environmental and landscape terms, the site is presently occupied by a large mobile home and the remainder of the site is gravel surfaced and used for parking vehicles. The additional 2 caravans proposed would be sited on the existing hard surface alongside the eastern boundary fence beyond which is the National Forest woodland.

Access and highway safety

The county highway authority has no objection to the use of the existing access for 3 caravans.

Personal Circumstances

Essentially the existing mobile home has 2 bedrooms, and the only way to accommodate dependent children is to site more caravans close enough to provide care and supervision.

Relevant appeal decisions

The following recent appeal decision is relevant.

An application to expand the gypsy caravan site at Crafty Flats Lane in Coton in the Elms, from 2 to 8 caravans was granted planning permission on appeal in July 2006.

Although the Council refused permission on highway safety grounds, a matter that persuaded the Inspector to dismiss the appeal, the Inspector's comments are useful in examining the issues regarding the principle of expanding an existing gypsy site.

The gypsy status of the family was not disputed, they wished to live together in the traditional gypsy manner on the appeal site that was already in use for that purpose. Given the details provided the Inspector was satisfied that gypsy status of the appellant's family had been established in accordance with the definition in ODPM Circular 01/2006

There was also no dispute between the parties that the site was located within an area frequented by gypsies, that it is reasonably accessible to services and facilities, and that it would be capable of assimilation into its surroundings subject to extra landscaping being provided around the site boundary. The Council agreed that there was an unmet, although as yet unquantified, need for gypsy caravan sites in the general area. On the basis of the information supplied, his inspection of the site and its surroundings and the latest gypsy count figures for the District and County, the Inspector concurred with those views. He therefore agreed with the appellant that the proposed development met the majority of the criteria in both Structure Plan Housing Policy 8 (no longer relevant) and Local Plan Housing Policy 15.

He concluded a family need appeared to exist in that particular case which, subject to sensitive landscaping and screening, was capable of being acceptably accommodated on that occasion as an extension to the established site.

The previous permission for the site currently being considered confers acceptance that the family are gypsies and as such an exception to the normal policies for the protection of the countryside may apply as supported by Circular 01/06.

Sustainability

The closest village amenities lie in both Overseal and Linton, less than 1km away from the application site. A Post Office and primary school are in each of Overseal and Linton whilst medical and secondary school provision are further afield in Swadlincote.

Circular 01/2006 advises that rural settings for gypsy sites are acceptable in principle where they are not subject to special planning constraints. It goes on to advise local authorities to be realistic about the availability of alternatives to the car in accessing local services in rural areas. Given the overall scale of the proposal and the presence of some local facilities within walking/cycling distance, it is considered that it would be difficult to sustain a refusal on the basis of accessibility to services.

Conclusion

To summarise, therefore, the development or extension of gypsy sites in countryside locations such as the current application, is inappropriate in planning terms unless, firstly, available data demonstrates that a need for such accommodation exists which cannot be met on any existing sites, and secondly the proposal is acceptable in other planning respects.

It is considered that the need has been justified with the natural expansion of the applicant's family since he first occupied the site being a further relevant consideration.

The proposal satisfies Housing Policy 15, the site is satisfactory in terms of its location in relation to other development and there are no environmental issues that would preclude 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. 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. This permission does not authorise the use of the land as a caravan site by any person other than gypsies and travellers as defined in paragraph 15 of OPDM Circular 01.2006.
Reason: To satisfy the identified need for additional sites for gypsy pitches in South Derbyshire, in a location where development might otherwise not be supported.
3. The additional caravans hereby approved shall be occupied only by the immediate family of the occupiers of the existing mobile home on the site, unless otherwise agreed in writing by the local planning authority
Reason: In order to meet the needs of the existing family on the site
4. No more than a total of 3 caravans shall be sited on the site at any one time
Reason: Siting more than this number of caravans may lead to an unacceptably detrimental effect on the residential amenity of neighbouring properties in accordance with adopted policy H15 of the South Derbyshire Local Plan 1998
5. No commercial activity shall take place on the site
Reason: Such use might lead to an unacceptably detrimental effect on the residential amenity of neighbouring properties in accordance with adopted policy H15 of the South Derbyshire Local Plan 1998
6. No residential caravan shall be brought onto the site until the hard standing for it and the associated car parking spaces have been provided and allocated for the corresponding caravan and thereafter retained for that caravan
Reason: To ensure that all the activities associated with the development are contained within the curtilage of the site, so as to avoid parking and manoeuvring on the highway to the detriment of highway safety.
7. No vehicles which exceed 3.5 tonnes unladen weight shall be parked or stored at the site
Reason: Such a use might lead to an unacceptably detrimental effect on the residential amenity of neighbouring properties in accordance with adopted policy H15 of the South Derbyshire Local Plan 1998

8. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no 208-44.01 revision A

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

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.

The development hereby authorised does not override the requirements of the Caravan Sites Act/Site Licence legislation.

Item **1.3**

Reg. No. **9/2008/0811/RSD**

Applicant:

Davidsons
8 Forest Business Park
Cartwright Way
Bardon Hill, Coalville
Leicestershire
LE67 1UE

Agent:

Tim Peach
Davidsons
Cartwright Way
Bardon Hill, Coalville
Leicestershire
LE67 1UE

Proposal: **Approval of Reserved Matters of application
9/2006/0305/M for the erection of 55 residential units at
Land To The East Of Station Road Melbourne Derby**

Ward: **Melbourne**

Valid Date: **18/08/2008**

Reason for committee determination

This is a major application that has attracted more than two letters of objection.

Site Description

The site, amounting to some 4.8 ha, lies between Station Road and Carr Brook to the east of existing established residential development and to the north of Melbourne Industrial Estate. The land slopes down from the road towards the brook. There is a mature hedge along the Station Road frontage, part of which has been moved in order to facilitate the eradication of Japanese Knotweed. The land was previously in agricultural use.

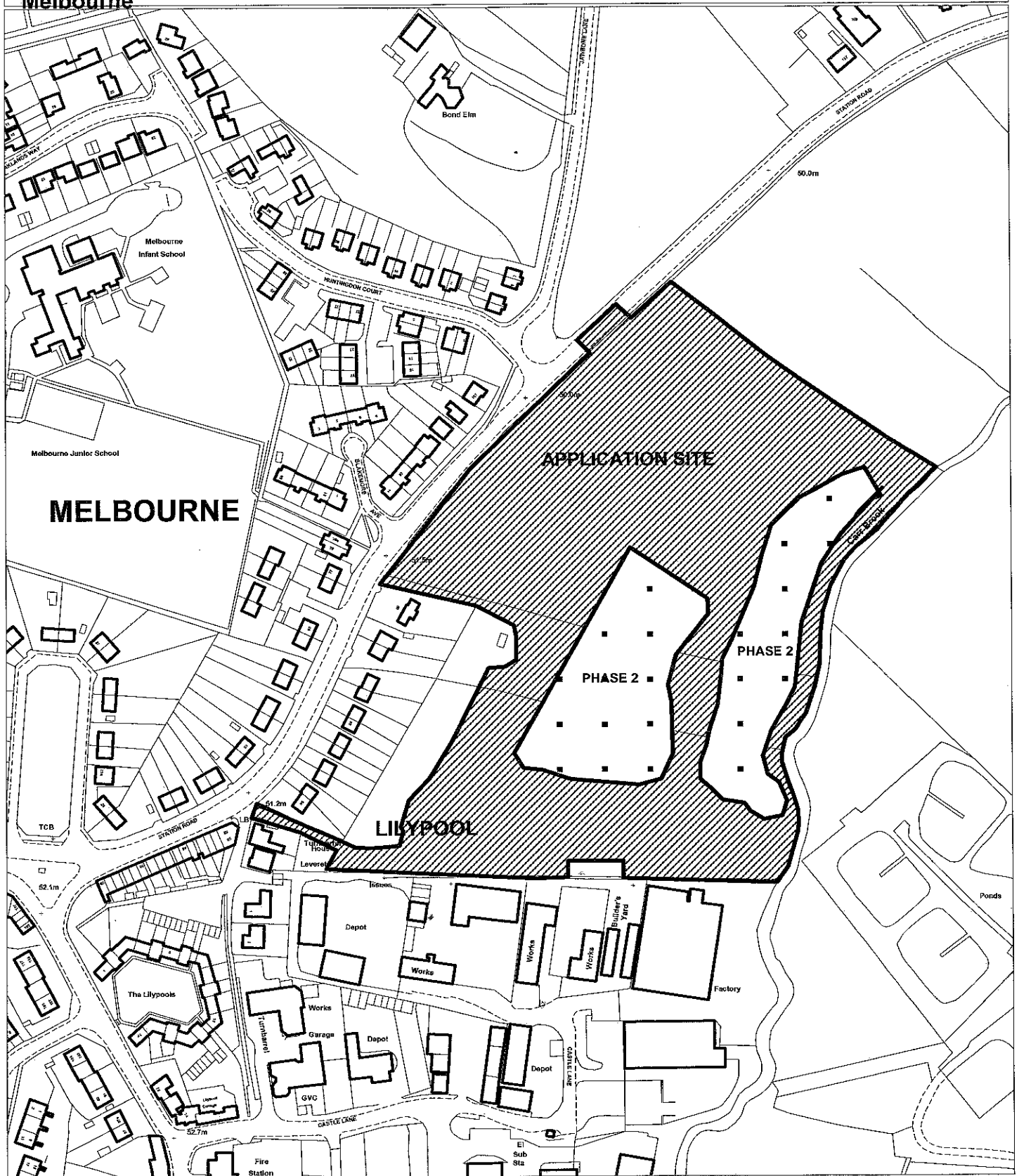
Proposal

The application is for reserved matters, covering the erection of 55 dwellings, roads, open space, means of enclosure and landscaping. An indicative Masterplan shows the remainder of the site layout for 130 dwellings. The new housing would be set to the northern part of the site focussed around the site access. The main recreational open space would be to the south, forming a buffer between the housing and Melbourne Industrial Estate.

The housing, which would follow a traditional design pattern, would be focussed on street frontages with parking mainly set to the sides and rear of the buildings. Some informal visitor parking would be provided in bays within highway limits.

The access would be located some 40 metres to the north of the Jawbone Lane junction, on the opposite side of the road. The highway design makes provision for good pedestrian movement within the site along with links to Station Road.

9/2008/0811 Land to the East of Station Road
Melbourne



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Scale 1:2500 Date Plotted 24/10/2008

Plot centred at 439004 325589



9/2008/0811 Land to the East of Station Road
Melbourne

The main open space would be focused on a small watercourse (diverted through the site to facilitate the erection of a noise attenuation building for Melbourne Metals adjacent to the southern boundary). Play equipment would be integrated with the design of the open area. A landscaped footpath link would be provided along the Carr Brook. Elsewhere, smaller open areas would be provided as focal and meeting points within the built up parts of the site.

Means of enclosure to public areas would typically be traditional style walls or railings, with close boarded fencing to more private areas.

Applicants' supporting information

The application is accompanied by an assessment of the proposal against Building for Life criteria. The applicant considers that the scheme achieves a rating of 18 out of 20 (Silver Standard).

Planning History

Outline permission was granted last year (9/2006/0350/M).

The site is allocated for employment purposes in the adopted Local Plan and previously benefited from permission for business/industrial/storage development.

Responses to Consultations

The Parish Council has no objection but would like some bungalows and starter homes and an assurance that the roadside hedge would be well maintained.

Melbourne Civic Society comments as follows:

- a) There is a preponderance of larger dwellings in this first phase and the correct number of affordable homes should be secured in phase 2.
- b) The layout should produce good landscape and townscape qualities. Place names should not duplicate existing places in Melbourne.
- c) Noise attenuation measures in respect of aircraft noise should be incorporated.
- d) 21st century design would have been preferable.
- e) Pedestrian/cycle exits onto Station Road should incorporate safety measures.

The Contaminated Land Officer recommends conditional control to deal with any contaminants. (Comment: This is already in place through the outline permission)

The Housing Strategy Manager has no objection to the affordable housing (required pursuant to the outline permission) being incorporated in phase 2.

The Open Space Development Officer considers that the play area is thoughtfully designed. However a management schedule for the open space should be provided to take account of the watercourse.

The Crime Prevention Design Advisor comments that it is difficult to comment in the absence of details for phase 2. Nevertheless phase 1 generally shows a good secure layout. The number of links to Station Road is criticised, as these would allow greater

choice of escape routes for any would be miscreants. However in this particular location, with the natural surveillance opportunities built in as a concept, the situation is acceptable. Low planting is recommended at the latter part of the Town Walk (linking the development with Station Road at The Turnbarrel). The junctions with Station Road and small plots of open space could attract gatherings of youngsters.

The Highway Authority and Severn Trent Water Ltd have no objection in principle.

Responses to Publicity

Letters have been received from three households and a local business raising the following comments/objections:

- a) The provision of housing for rent could increase noise and other activities at night.
- b) Bungalows should be provided.
- c) Safety measures should be incorporated to prevent danger to cyclists entering Station Road from the site.
- d) Vehicles should be precluded from using the access near The Turnbarrel.
- e) There could be damage/graffiti to the boundary wall to Turnbarrel House.
- f) The play area and green would attract users from other parts of the village to the detriment of the amenities of the occupants of Turnbarrel House.
- g) A pedestrian crossing is needed.
- h) Carr Brook needs to be dredged. The development would exacerbate existing flooding and water pollution.
- i) The access should be opposite Jawbone Lane and a traffic island provided, which would help solve existing speeding problems.
- j) The garage/parking yards to the rear of dwellings could become nuisance areas.
- k) A shelter should be provided near to the play area.
- l) Nearby businesses operate 24 hours per day and could be susceptible to complaint from the new residents.

Development Plan Policies

The relevant policies are:

RSS8: Policies 3, 4, 6, 17, 18, 33, 36, 40.

Local Plan: Housing Policies 5, 9 & 11, Environment Policy 14, Transport Policy 6, Recreation & Tourism Policy 4.

Planning Considerations

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

- Scale and design.
- Residential amenity.
- Open space.
- Crime prevention
- Highway safety.
- Landscaping.
- Means of enclosure.

Planning Assessment

The principle of development is established through the grant of outline planning permission 9/2006/0305/M. Therefore only matters relevant to the details fall to be considered in this reserved matters application.

The scheme has been prepared in dialogue with the Council's Design Excellence Consultant. The layout has been produced by reference to Manual for Streets and Building for Life criteria, against which it performs very well. The detail design and materials of the development are based on an analysis of historic Melbourne and the scheme places heavy emphasis on the local distinctiveness of the area. High quality spaces and visual reference points are integral to the design. The street layout gives high priority to use by pedestrians. Overall the development would make the positive contribution to the overall character and quality of the area sought by PPS1.

The development would comply with supplementary planning guidance in respect of existing neighbours. There would be a change of circumstances for neighbours either side of the pedestrian access to Station Road adjacent to The Turnbarrel. However screen walls, fencing and landscaping would minimise impact on the neighbours. There would be significant public benefit in this route, to facilitate easy access between the town and the development.

The open spaces would provide a series of well designed areas integrated with the built development. The landscaped footpath along the eastern boundary would provide views of Carr Brook and the countryside beyond. The main area of open space would provide an interesting area for play as well as passive recreation, and is well placed as a landscaped buffer between the new development and the existing industrial estate.

Whilst the Crime Prevention Design Advisor has some concerns about the number of pedestrian access routes and small areas of open space, he acknowledges that the level of natural surveillance in the context of this proposal would make the situation acceptable. Applying the Building For Life criteria there are significant benefits to the scheme by providing good pedestrian access and integrated spaces within the townscape.

The street layout has been specifically designed so that buildings and spaces, rather than highways, dominate the street scene. Equal priority is given to vehicles, pedestrians and cyclists, achieved by the application of changes in direction, width and surface materials, along with dedicated pedestrian and cycle routes. This approach is encouraged by Manual for Streets and Building for Life.

The proposed landscaping is comprehensive and designed to be appropriate to the various different character areas within the development.

The proposed various means of enclosure would be appropriate to their site context.

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. 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 buildings, boundary walls and external hard surfaces, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials.

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

2. Large scale drawings to a minimum Scale of 1:10 of eaves and verges and external joinery, including horizontal and vertical sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The eaves and verges and external joinery shall be constructed in accordance with the approved drawings.

Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.

3. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the building unless specifically agreed in writing by the Local Planning Authority. The type, number, position and finish of heating and ventilation flue outlets shall be agreed in writing with the Local Planning Authority before development is commenced.

Reason: In the interests of the appearance of the buildings and the character of the area.

4. Gutters and downpipes shall have a black finish.

Reason: In the interests of the appearance of the buildings, and the character of the area.

5. Unless as may otherwise be agreed in writing with the Local Planning Authority the means of enclosure shall be implemented in accordance with a schedule that shall have previously been submitted to and approved in writing by the Local Planning Authority.

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

6. Notwithstanding the originally submitted details, this approval shall relate to the amended drawing nos. D0254-02b, 04-1b, 04-2b, 04-3b, 04-4b, 04-5b, 04-6b, 04-7b, 04-8b, 04-9b, 04-10b, 04-11b, 04-13b, 04-14b, 04-15b, 04-16b, 04-17b, 04-18b, 17-3, BIR.2859-03A, 04A, 05A, 06A,07A, 13B.

Reason: For the avoidance of doubt.

7. Notwithstanding the submitted drawings screen fencing shall be provided either side of the Town Walk before it is first brought into use, in accordance with details and specifications that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To provide privacy to neighbouring properties.

Item **1.4**

Reg. No. **9/2008/0843/FM**

Applicant:

Mr Mrs N Leighton
Weston On Trent
Derby
DE72 2DQ

Agent:

Mr Paul Knifton
Matthew Montague Architects
70 Friar Gate
Derby
DE1 1FP

Proposal: **The demolition of existing bungalow and construction of new replacement dwelling with seperate garden room at 3 Main Street Ambaston Derby**

Ward: **Aston**

Valid Date: **13/08/2008**

Reason for committee determination

The application is brought to Committee at the request of Councillor Mrs Coyle because local concern has been expressed about a particular issue.

This application was deferred at the Committee meeting on 14th October for a site visit.

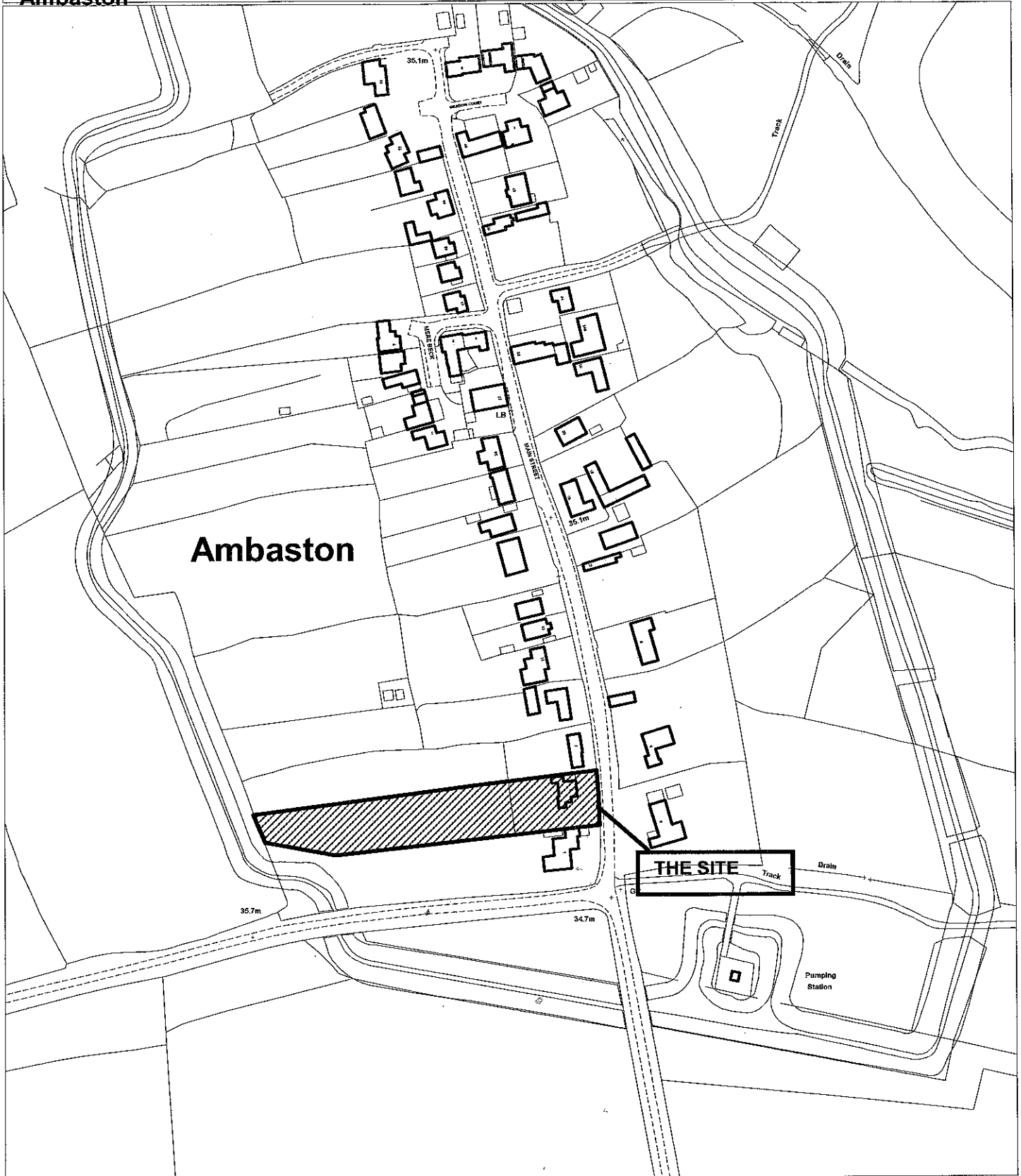
Site Description

Ambaston comprises a single street. Historically an agricultural settlement with a few farmsteads and traditional cottages, most of its development took place in the latter half of the twentieth century. As such the settlement contains a minority of old buildings. There are bungalows and dwellings dating from the 1960s, displaying architecture and materials typical of their time. In the latter part of the last century into the new millennium, farmyards at Avenue Farm and Meadow Farm were redeveloped, taking their design references from traditional farm outbuildings that they replaced. A single infill plot at No 51 also took a similar approach. Most recently a bungalow at River Reach was replaced with a contemporary two-storey house, albeit using red brick and plain clay tiles, as well as more modern materials. Overall the street displays a variety of architectural styles and tones of materials.

The application site lies at the southern end of the street and contains a modest 1960s bungalow set in a large plot, with tree and shrub planting to the frontage. The property is flanked by another bungalow and a traditional cottage, which is set close to the street frontage. Opposite the site there are more bungalows.

Proposal

The application proposes an unequivocally modern dwelling, comprising three distinct elements under overhanging mono-pitch roofs. The highest (central) element would



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Scale 1:2500 Date Plotted 24/10/2008

Plot centred at 442833 332521

92008/0843 3 Main Street
Ambaston



measure some 5.5 m to the eaves and 8.8 m to the top of the roof. The lowest would be 2 m to the eaves rising to 4.6 m from ground level. Floor levels would be set 150 mm above those of the existing bungalow, which sits on land raised 1 m above the prevailing ground level. The lowest part of the building, containing the garage, would be located next to the bungalow at No 1 Main Street, The element closest to the two-storey cottage at No 7 would measure 5.2 m to the eaves and 7.5 m to the top of the roof.

The front elevation would contain a full height glazed screen, with minimal fenestration either side. The private rear elevation would contain substantial areas of glass overlooking the gardens. Whilst the garage would be set towards the front of the site, the main part of the building would be set back some 17 m from the road, compared with about 11 m in the case of the existing bungalow. The roof would be covered with reconstituted slate (proposed by the applicant in view of local objection to the original suggestion of metal sheeting) and the walls would be rendered.

A small building is proposed in the rear garden that would serve as a private office for the applicant.

Applicants' supporting information

The applicant's design and access statement makes the following main points:

- a) The existing bungalow needs upgrading to bring it up to present day Buildings Regulations standards.
- b) The site does not lie in a conservation area and the street displays a mixture of house types, juxtapositions and materials, giving a piecemeal character.
- c) The existing bungalow has a floor level higher than adjacent properties and increased flood protection would be afforded by increasing this by 150 mm. Other flood risk betterments are proposed inside the building.
- d) The building has been designed to slope down at the sides to harmonise with the scale of the properties either side.
- e) Neighbours' amenity has been taken into account.
- f) The colour of the facing materials would be chosen to harmonise with the surroundings.
- g) It is intended to retain existing trees and shrubs and tree protection measures would be employed during construction.
- h) In terms of sustainability the dwelling would be designed to be 10% more energy efficient than the 2006 Building Regulations Standards.

Responses to Consultations

The Parish Council objects as follows:

- a) The development would be totally out of keeping with the area, in conflict with paragraph 3.57 of the housing policy document (Local Plan Housing Policy 6).
- b) The apex of the building would be much higher than surrounding buildings creating a dominant and disharmonious effect.
- c) The use of polystyrene bricks could lead to the risk of toxic fumes were they to be exposed to extreme heat.

The Highway Authority and the Environment Agency have no objection.

The Council's Design Excellence Consultant comments as follows:

"The settlement has grown organically and its character is in part derived from the range of architectural styles evident along the street. There is not a discernable, unifying character and in turn no clear justification for the Council to expect the development to conform to a particular form or style.

Based on the eclectic mix of building forms and styles evident along the street, it cannot be considered in my opinion that the proposed development would be inappropriate or would not contribute to the architectural mix and character of the settlement - nor would it negatively impact upon the way the area functions.

It is important to note that the sustainability of the proposed development is enhanced by built in flood protection, which is achieved by raising the building's foundations. In accordance with national planning policy, local authorities are instructed not to, '... stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.'"

Responses to Publicity

25 letters have been received from 18 households, raising the following objections:

- a) The building would be substantially higher and larger than the one it would replace.
- b) It would be substantially higher than adjacent properties (2.4 metres higher than the adjacent two-storey property, equivalent to an extra storey).
- c) The raised floor levels exacerbate the impact of the scale of the building.
- d) The building would display an industrial character or that of a car showroom.
- e) The proposed materials would be alien to those prevailing at present.
- f) The development would be out of scale and character with its surroundings and this is not an appropriate design for Ambaston, thereby contrary to the local plan.
- g) Whilst the dates of existing buildings can be identified this does not justify the proposed design.
- h) There would be increased flood risk to third parties, because of the increased footprint.
- i) A site visit should be undertaken in order to appreciate the impact of the development.
- j) The building would spoil the approach to the village from Thulston, particularly when trees have lost their leaves.
- k) The existing bungalow has 2 bedrooms, not 2/3.
- l) The existing bungalow is beautiful.
- m) The bungalow could easily be brought up to standard.
- n) The photographs submitted with Design and Access Statement do not show the site's context in its entirety, in particular with regard to impact on No 4.
- o) The buildings would overbear on neighbours and result in loss of light. It would be visible from a number of properties.
- p) No 51 is a good example of recent development.
- q) Trees would not effectively screen the development.
- r) There is a local vernacular of brick and tile and traditional shapes.
- s) A precedent would be set for other development of inappropriate nature, resulting in irretrievable loss of character to the settlement, which was once part of the Elvaston Estate and recorded in the Domesday Book.

- t) The Flood Risk Assessment does not accurately represent the increase in ground coverage and thus interference with flood capacity.
- u) Other development in the village has been subject to strict control over design and materials.

Development Plan Policies

The relevant policies are:

RSS8 Policy 3

Saved Local Plan Green Belt Policy 3, Housing Policies 6 & 11, Transport Policy 6

Planning Considerations

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

- The principle.
- Scale and Character.
- Residential amenity.
- Flood risk.

Planning Assessment

Under the provisions of the development plan, a replacement dwelling here would be acceptable as a matter of principle, subject to matters of scale and character.

The settlement displays a variety of house types and materials. Whilst there is only one other rendered property there are various shades and colours of brick, some stone and a variety of roof tiles. As such there is no prevailing historic vernacular, such as may be found, for example, in the district's conservation areas. Rather, as the applicant contends, Ambaston has a piecemeal and somewhat suburban appearance reflected in the style and period of the majority of its housing stock. PPS1 provides up to date design advice. Whilst it seeks to promote local distinctiveness, the guidance makes it clear that local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. The Council's Design Excellence Consultant finds no rational or informed objection to the design approach.

As the development meets the tests set out in supplementary planning guidance, there would be no demonstrable harm to the amenities of neighbours.

The dwelling would occupy a larger area of the site than as existing. However because flood defences surround the village, the site is not part of operational flood plain. In the event that the defences are overtopped, the level of water would equalise with the greater body outside the flood bank and there would be no increased risk to other property. As such the Environment Agency has confirmed that it has no objection.

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. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 633-01 Rev D received 8 September 2008, showing in particular the use of Redland Cambrian Slate (Ref: Slate Grey 30) roof tiles.

Reason: For the avoidance of doubt.
3. A sample panel of the render, including its finished colour, shall be prepared for inspection and approval in writing by the Local Planning Authority prior to the implementation of any other works of rendering. The works shall be carried out in accordance with the approved sample.

Reason: In the interests of the appearance of the building and the locality generally.
4. Large scale drawings to a minimum Scale of 1:10 of eaves and verges, rainwater goods, and external joinery, including horizontal and vertical sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The eaves and verges, rainwater goods, and external joinery shall be constructed in accordance with the approved drawings.

Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.
5. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the materials to be used in the construction of the eaves and verges, rainwater goods, and external joinery have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using the approved materials only unless as may otherwise be agreed in writing with the Local Planning Authority.

Reason: To safeguard the appearance of the existing building and the locality generally.
6. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the building unless specifically agreed in writing by the Local Planning Authority. The type, number, position and finish of heating and ventilation flue outlets shall be agreed in writing with the Local Planning Authority before development is commenced.

Reason: In the interests of the appearance of the building and the character of the area.
7. 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.

8. 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.

9. The development shall be implemented in accordance with the submitted Flood Risk Assessment prepared by Nick Leighton, dated July 2008.

Reason: In the interests of flood protection.

10. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate three cars within the curtilage of the dwelling. Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), three 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.

Item 1.5

Reg. No. 9/2008/0849/F

Applicant:

Mr Daniel Redfern
Mount Pleasant
Church Broughton
Derby
DE65 5DE

Agent:

Mrs Caroline Large
Ashley Adams Rural
The Estate Office
Melbourne Road
Nr Ashby de la Zouch
Leicestershire
LE65 1RT

Proposal: The erection of three log cabin chalets on land adjacent to Oaklands Farm Mount Pleasant Church Broughton Derby

Ward: North West

Valid Date: 11/08/2008

Reason for committee determination

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

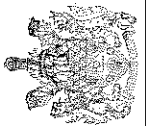
Site Description

The site comprises a field adjacent to Oaklands Farm. It is bounded to the north by a substantial belt of trees and hedges that separate it from Sutton Road. There is a garage court to the west boundary that serves the housing at Mount Pleasant Farm. There is a young hedge (2.0 metres high) to the east and south boundary beyond which is the house to the farm. Access would be from the existing farm access with a spur off into the field where the cabins would be sited. The new Mount Pleasant Farm complex lies to the north of the lane along with a pair of semi-detached dwellings. A power line passes through the site.

Proposal

The proposal is for 2 x 3-bedroom lodges and 1x 4-bedroom lodge spaced well apart within the field. One of the lodges would be adapted to provide for wheelchair access. The 3-bedroom lodges would be 11.7m x 6.1m x 3.5m; the 4-bedroom lodge would be 14.5m x 6.1 x 3.5m. Each would be constructed in timber under a shingle roof. Minimal tree planting is proposed as the site is already well screened from Sutton Lane and extensive planting would change the open character of the landscape in this location.

9/2008/0849 Oaklands Farm
 Mount Pleasant
 Church Broughton



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Scale 1:2000

Plot centred at 422300 333537

Date Plotted 24/10/2008

9/2008/0849 Oaklands Farm
 Mount Pleasant
 Church Broughton



Applicants' supporting information

The siting of the lodges has been done in a way such that the impact on surrounding properties is minimised. A fence has been erected on the boundary to the garage court so that there are no views from the site into the adjoining properties.

The proposal represents a diversification of farming activities at the holding as encouraged by national and local planning policies. These policies including those relating to tourism and listed buildings are included in the planning submission together with an assessment of government advice on 'Planning for Tourism'.

The farmer owns 46 acres and is responsible for farming a further 390 acres on short and medium term tenancies. He operates a mixed farm of livestock and arable crops.

The new enterprise would create an additional job in the community (cleaner) and would bring additional monies into the local economy. A safe access can be provided to the site and the log cabins would be unobtrusive in the countryside with minimal impact on the nearby listed structures.

Planning History

The farm holding became established following the conversion of the farm buildings at the original Mount Pleasant Farm to residential use in the early 1990's. Originally it was farmed from the farmhouse but following the sale of the farmhouse, a new dwelling was established on the farm in the early part of this century following occupation of a mobile home to establish the viability of the new farmer's business.

Responses to Consultations

Church Broughton Parish Council has no objections

The County Highway Authority has no objection provided minimum visibility splays are provided. (splays have been assessed and can be provided within highway limits).

Severn Trent Water has no objection subject to foul and surface water drainage details being submitted.

The Environmental Protection Manager has no objection.

Responses to Publicity

Two letters have been received objecting to the development for the following reasons:

- a) The development would be out of keeping with the character of a small hamlet in the countryside.
- b) Residents require access to the back of the garages for maintenance purposes
- c) There would be an increase in traffic levels day and night.
- d) Noise would be a problem day and night

- e) Privacy, security and the presence of strangers in the locality are also of concern as is the presence of dogs that may worry horses and other animals.
- f) There are services such as water pipes and land drains that pass through this field.

Development Plan Policies

The relevant policies are:

RSS8: Policies 24 & 25

Saved Local Plan Policies: Environment Policy 1 & 13, Employment Policy 4, Recreation & Tourism Policy 1.

Other Material Planning Guidance

PPS 7 – Sustainable Development in Rural Areas & The Good Practice Guide on Planning for Tourism.

Planning Considerations

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

- The Development Plan
- The impact of the development on the countryside
- The impact of the development on the nearby listed buildings
- Access considerations
- Control of the occupation of the log cabins
- Other matters raised during the planning application process.

Planning Assessment

Government advice in PPS 7 is directed towards the diversification of the rural economy in a sustainable way. Tourism is recognised as a means of adding to farmers' income to assist with the preservation of the countryside. The Good Practice Guide recognises the economic benefits of tourism in rural areas helping to maintain local services such as shops and rural pubs. Provision is made within the Development Plan for the provision of tourist accommodation. This is subject to access and environmental considerations.

Satisfactory access can be provided to the site subject to the provision of visibility sight lines. The site is well screened from Sutton Lane and the buildings may be visible from roads and footpaths to the south but would be seen in the context of the buildings and the barn conversions at Mount Pleasant Farm. It is not considered that the development would represent a significant intrusion into the countryside.

In addition to the above, Mount Pleasant Farm and its outbuildings are Listed Grade II. The Authority has a duty to consider whether development would adversely affect the setting of the listed building to a point where permission should be refused.

The proposed lodge buildings are set apart from the listed buildings by the garage court that does not form part of the curtilage of the listed building. In addition to the garage

court and parking area, various wooden stables have also been erected without compromising the setting of the listed building. It is therefore considered that the lodges would not adversely affect the setting of the listed building.

It would be necessary to control the occupation of the lodge buildings as they are of a size that could be occupied as separate dwellings. The usual condition to limit occupation of the buildings is recommended.

The matters of water mains and drainage routes are a matter between the individual owners and do not form a valid reason for refusing planning permission.

In conclusion the development is considered to accord with the provisions of the Development Plan subject to the recommended conditions being imposed.

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. 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.
3. Notwithstanding the provisions of Part C, Class 3 of the Schedule to 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 grant of planning permission by the Local Planning Authority. The unit shall not 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 Local Planning Authority is only prepared to grant permission for holiday accommodation because another dwellinghouse in this location would be contrary to the development plan and the objectives of sustainable development.
4. Prior to the first use of the development hereby permitted, the land in advance of the sight lines measuring 2.4 metres x 80 metres in each direction shall be cleared and thereafter retained free of all obstructions to visibility over a height of 1 metre above the adjoining carriageway level.

Reason: In the interests of highway safety.

5. Details of the colour of the shingles to be used on the roof of the structures shall be submitted to and approved in writing by the Local Planning Authority before the buildings are brought onto the site. The roofs shall then be clad in the approved colour and be maintained as such in perpetuity.

Reason: In the interests of helping to mitigate the impact of the development in the countryside.

6. In the event that the structures are no longer required to meet the requirement for tourist accommodation, they shall be permanently removed from the land and the land shall be restored to agricultural use in accordance with a scheme that shall have received the prior written approval of the Local Planning Authority unless the Local Planning Authority has granted planning permission for the retention of the structures in response to an application made in that regard. For the purposes of assessing if the structures are no longer required for tourist accommodation, the register required by condition 3 above shall be inspected and if no occupation has occurred in the 24 months prior to the date of the inspection of the register then that shall be the trigger for assessing if the structures are no longer required as tourist accommodation.

Reason: The structures by their nature are of a non-permanent construction and as such the Local Planning Authority seeks to ensure that when the structures are no longer required for their approved purpose, they are removed from the site and the land returned to agricultural use.

7. Before the structures are brought to the site, details of the formation of the access between the farm access and the application site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the chalets and be thereafter maintained in place.

Reason: In order to ensure that any conflict between farm vehicle and traffic using the site is minimised.

8. No development shall take place until a scheme indicating provision to be made for access by people with disabilities has been submitted to the Local Planning Authority. The scheme as approved shall be implemented before the development is brought into use.

Reason: To ensure adequate opportunity of access for people with disabilities.

Informatives:

A Caravan Site Licence may be required from the Council's Environmental Health Department.

Item **1.6**

Reg. No. **9/2008/0925/FH**

Applicant:

Mrs Cordelia Mellor-Whiting
Walton-on-Trent
Swadlincote
Derbyshire
DE12 8NH

Agent:

Mrs Cordelia Mellor-Whiting
42 Rosliston Road
Walton-on-Trent
Swadlincote
Derbyshire
DE12 8NH

Proposal: **The siting of a mobile home (amended scheme to previously approved application 9/2008/0043/FH) to the rear of 42 Rosliston Road Walton-on-Trent Swadlincote**

Ward: **Seales**

Valid Date: **08/09/2008**

Reason for committee determination

Councillor Timms (ward member) has requested that this application is brought to the Committee because local concerns have been expressed.

This application was deferred at the Committee meeting on 14th October. The report has been updated where necessary.

Site Description

The site consists of the rearmost third of a garden at the rear of a detached bungalow within the confines of the village. The site slopes gradually down towards the dwellings on Rosliston Road.

This area of garden has approximate dimensions of 18m (average) deep x 12m wide. It has been planted in the past with a variety of shrubs and trees and these have matured to form a densely planted area. To the south are 2 other visually distinct parts of garden, the furthest one comprising a lawned area immediately to the rear of the bungalow.

Beyond the site to the south are open fields, separated from the site by both a hawthorn hedge, marking the field boundary, and a line of conifers within the site. The field to the rear is uneven and sloping, rising up away from the site.

There is another line of conifers marking the site's eastern boundary with a neighbour's rear garden. A low fence against the planting on the site marks the west boundary which is the side boundary of a neighbour's garden.

9/2008/0925 42 Rosliston Road
Walton-on-Trent



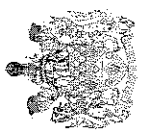
Date Plotted 24/10/2008

9/2008/0925 42 Rosliston Road
Walton-on-Trent

Scale 1:1500

Plot centred at 421915 317890

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Proposal

This application seeks to site a mobile home for occupation by a dependent relative that presently lives in the bungalow at No 42. The mobile home would have dimensions 12m x 3.8 m and contain 2 bedrooms, a lounge, kitchen and bathroom and en-suite.

The mobile home would be sited centrally within the planted garden area and would not have vehicular access; it would be approached on foot only via a pathway to run in the centre of the remainder of the garden, to provide access from the existing bungalow.

The mobile home would have windows to all 4 sides, and be clad in metal with a metal shallow pitched roof.

Applicants' supporting information

The applicant has indicated that a supporting statement describing the personal and special circumstances behind this application will be submitted shortly. This will be reported verbally to Members at the Committee. However it is understood that the mobile home would be occupied by a dependent relative with health problems.

Planning History

Planning permission was granted under delegated powers earlier this year for the construction of a one bedroom log cabin in this property's rear garden for a dependent relative. This granted permission for a building with dimensions sited elsewhere in the rear garden to the current application close to the western garden boundary.

That permission has not been implemented and the present application is intended to be an alternative to that scheme. If planning permission were granted for the present proposals a legal agreement would be required to prevent the erection of both buildings.

The consent for the log cabin was subject to restrictive conditions including allowing it to be occupied only for purposes ancillary to the residential uses of the existing bungalow, No 42.

Responses to Consultations

Parish Council advises that it still objects to the proposal and requests a site meeting. It supports the objections already made and considers that the development would still be visible from Footpath no 9.

County Highway Authority response awaited and will be reported at the Committee.

The Council's Private Sector Housing Manager reports that if planning consent is granted and the project proceeds, the applicant will be required to apply for a Caravan Site Licence from Environmental Health. The Licence will have standard conditions attached requiring the applicant to make proper provision for fire safety, drainage, water supply, hard standing and any other matters the council deems necessary or desirable in the interests of the occupant or others (e.g. neighbours). She confirms that the purpose of the caravan is to provide an economic solution to the applicant's problem of caring for her relative, who is an older person with mental health problems. Her current accommodation is limited in size and the caravan would provide additional space and

some respite, allowing the relative a degree of independence, whilst still being cared for at home. The Council has assisted the applicant to consider other options such as permanent removal of the relative to a care home or extending the existing property through a Disabled Facilities Grant, which would be costly to the local authority. As such she supports the application that will satisfy the needs of the family in the short to medium term (i.e. over the next 10 years).

Responses to Publicity

Three letters of objection have been received. The comments are summarised as follows:

- Overlooking as only a 1m boundary fence exists on the site boundary,
- This application should be subject to consideration against full planning policy and building regulations as it is for a permanent dwelling.
- The mobile home will need heating, lighting, fire protection, toilet, washing and security alert precautions to meet national standards as it is intended for a disabled occupant.
- Will cause a fire risk to neighbours, as it would be sited close to hedge boundaries.
- Represents back land infill development, which if approved would set a precedent.
- A Mobile home would be out of keeping with the existing dwellings nearby.
- Mobile home will not be accessible by ambulance and fire services so it is unsuited to use by a disabled person.
- Neighbours will lose privacy unless all the overlooking windows are made opaque.
- Mobile home will need services and how these are to be provided is unclear, and these must be provided only via applicants land.
- When the mobile home is no longer needed by the disabled family member, there are concerns about its future use, For example they may be pressure for it to be used for a business, and business uses in this area are contrary to policy and would be strongly opposed by neighbours.
- Mobile home will be visible from a public footpath,
- To bring the mobile home onto the site will involve the loss of a hawthorn/elderberry hedge, and this should not be removed.
- Moving a mobile home onto the site via the field to the rear is not possible as the existing field access gates are not wide enough for this purpose.
- All the other dwellings nearby have been enlarged by rear extensions or loft conversions, to meet family needs.
- There is no potential to bring a mobile home to the site from the field form the Coton Road direction due to large trees in field.
- Bringing a mobile home to the site will result in road closures.
- There are only 2 parking spaces on the site, which will be insufficient for the parking needs of people occupying the proposed mobile home as well as existing occupiers of No 42. As a result this will cause on road parking opposite a busy road junction,
- There is legislation which requires remote ancillary buildings, such as this, to be used only by householders or their staff.
- Siting a mobile home in the garden is contrary to the Deeds of the dwelling.

Development Plan Policies

The relevant policies are:
Local Plan Housing Policies 5, 11 and 12

Planning Considerations

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

- The principle of the development,
- Impact on residential amenity,
- The quality of the design and layout of the scheme,
- The impact on the character and appearance of the area.

Planning Assessment

Prevailing development plan policies generally support the provision of dwellings in the village confines of Walton on Trent, subject to protecting important gaps and landscape features, conservation areas and listed buildings. In this case there are no such outstanding matters to be taken into account.

Specific to this particular proposal is Policy H12 which supports the siting of caravans, mobile homes and boats for accommodation needs as these can help provide low cost housing. The policy specifically supports the siting of such units within settlements, making it clear that that the planning considerations to be given to such proposals are their relationship to other development, environmental effects and provision for access, landscaping and screening. The application site is within a garden within the confines of a village, adjoining residential properties on 3 sides and an open field to the remaining side. It is therefore acceptable in principle.

The application seeks to site a mobile home for occupation by a relative in need of care who presently resides with the remainder of the family occupying the bungalow at No 42. The mobile home would only be accessed on foot via the existing dwelling on the site. No additional car parking is proposed due to the dependent nature of the intended occupant. There is a garage and 2 driveway parking spaces for off street parking in front of the existing bungalow.

The mobile home would be sited at the end of the rear garden, with the result that it would be approximately 45m from the neighbouring dwellings on Rosliston Road. The single storey nature of the mobile home and the existence of planting around the mobile home mean that it is considered that undue loss of privacy to neighbours should not arise. The distance between the window of the mobile home and the site boundaries and neighbours property's meets the Council's adopted standards. The siting proposed for the mobile home would result in an acceptable relationship with neighbours' properties.

As the mobile home would be set directly behind a dwelling, and accessible only on foot it would generally only be acceptable in planning terms, for a use that is ancillary to the use of the existing dwelling. Therefore it is suggested that a condition should be imposed restricting use accordingly.

It is proposed to restrict occupancy to a relative dependent on the occupiers of No 42 and require removal of the mobile home when such a need no longer exists, or within

10 years, whichever is the sooner. This type of condition would secure removal of the caravan before its appearance deteriorates to an unacceptable degree, and should allay some of the neighbours concerns about the occupation and future use of the mobile home.

The particular characteristics of the site are important considerations. The site chosen means that the mobile home would benefit from screening and landscaping by the existing dense planting on this part of the site. This should ameliorate the pale and angular appearance of the mobile home.

The presence of the existing dense landscaping on the site will also reduce any visual intrusion from neighbour's properties, the field to the rear and the public footpath beyond. In distant views the mobile home would be viewed in context of the surrounding domestic curtilages and against a backdrop of larger buildings, consisting of the dwellings on Rosliston Road.

This siting proposed for the mobile home differs from that approved for the log cabin earlier this year. That permitted a building to be built closer to the existing dwelling at No 42, and against the garden boundary, in closer proximity to the neighbours' garden side boundary. It is considered that the mobile home although larger, would be less visually conspicuous than the approved log cabin, for the reasons described above.

The mobile home would be brought to the site on a trailer and manoeuvred across the fields at the rear into the garden. The applicant has not yet ascertained whether this is feasible, or whether a crane would be involved, nor whether the landowner would allow permission to access the site from his fields. Nevertheless these are not reasons which are material to the planning consideration. If the rear access option were selected, it appears likely that a section of hawthorn field hedge across the rear garden boundary would have to be removed. However this could be replanted and its short-term loss would not have detrimental effect on the landscape.

Conditions can be imposed requiring any loss and damage to the present plants on the site and its boundaries, caused during installation of the mobile home, to be made good and these plants thereafter maintained as part of an approved landscaping scheme.

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 mobile home hereby approved shall be removed from the site when it is no longer required for the accommodation of a dependent relative of the occupiers of the property at 42 Rosliston Road, or a period expiring within 10 years of the

date of this consent, whichever is the sooner, unless a new planning application has been made to vary this stipulation.

Reason: In order to secure removal of the mobile home when it is no longer required for the stated requirement

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include 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.

4. 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.

5. The colour of the mobile home hereby permitted shall be submitted for the approval of the Local Planning Authority prior to implementation of this consent, and the agreed details implemented and thereafter retained throughout the life of the development.

Reason: In order to protect the character of the area.

6. 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.

7. No development shall take place until the applicant has submitted to and had approved by the Local Planning Authority a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 to ensure that the permission granted under 9/2008/0043 is not implemented.

Reason: For the avoidance of doubt.

Informatives:

That the hedgerows on the application site may contain nesting birds. It is an offence under the Wildlife and Countryside Act 1981 to intentionally kill, injure or take any wild British breeding bird or its eggs or damage its nest whilst in use or being built. The nesting season normally encompasses the months March to July inclusive. If you are in doubt as to requirements of the law in this regard you should contact English Nature, Peak District and Derbyshire Team, Manor Barn, Over Haddon, Bakewell, Derbyshire, DE4 1JE.

A Caravan Site Licence is required from the Council's Environmental Health Department.

Item **2.1**

Reg. No. **9/2008/0866/SGF**

Applicant:

Mr John Bowler
John Bowler Ltd
Willow Pit Lane
Hilton
Derby
DE65 5FN

Agent:

Mr Ian Pick
Ian Pick Associates Ltd
Brook Street
Driffield
East Yorkshire
YO25 6QP

Proposal: **Outline application for the extension and alteration of existing buildings to form an egg packing facility at Badger Farm Willow Pit Lane Hilton Derby**

Ward: **Hilton**

Valid Date: **14/08/2008**

Reason for committee determination

The applicant is seeking to meet the objections raised to a previous application for the same use at this site and the matter is brought to Committee so that the applicant's case can be considered once more in the light of the recommendation.

Site Description

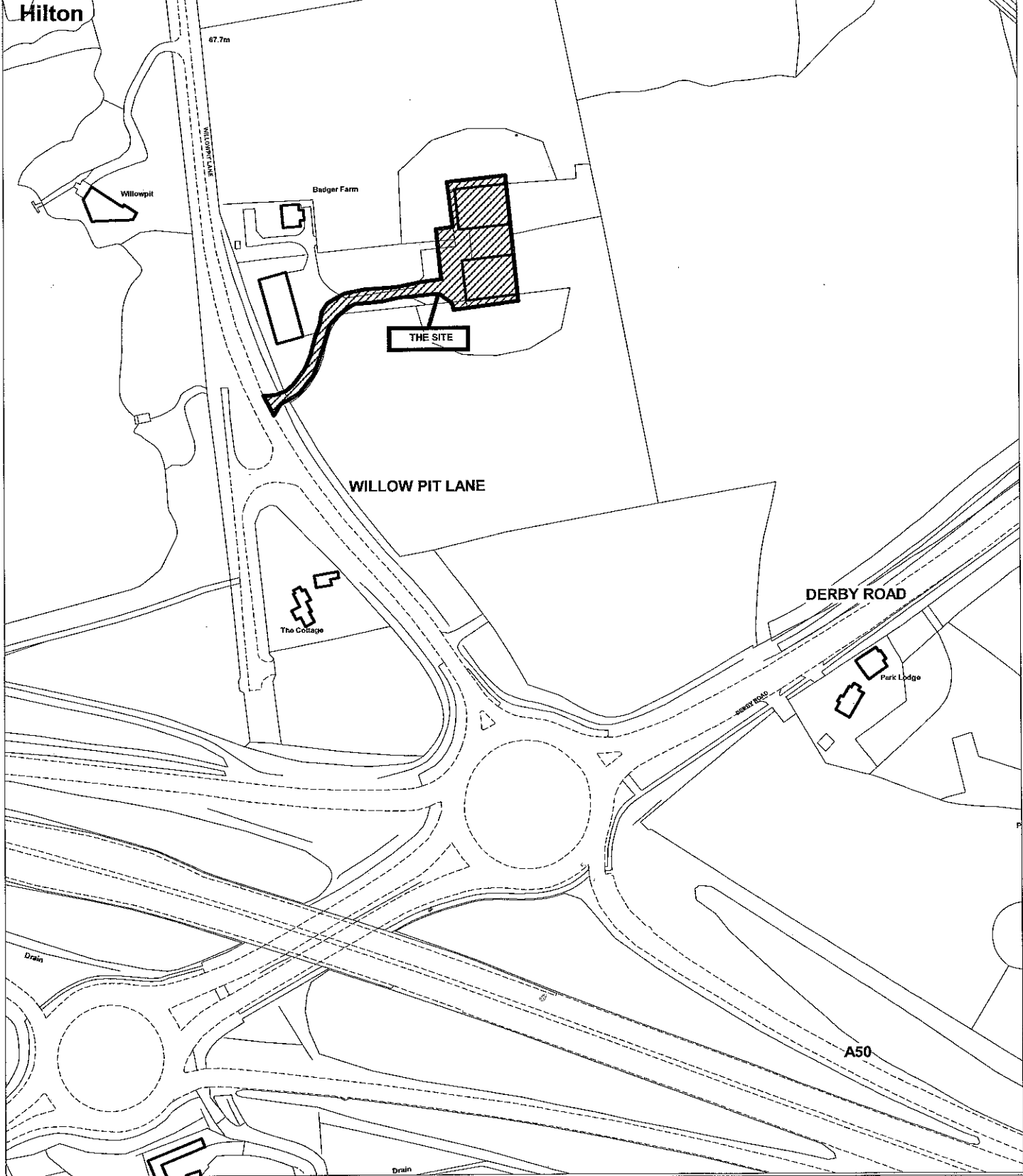
The site lies to the east of Willowpit Lane and its access is some 75 metres from the interchange of the A516 and A50. Two free-range egg production buildings currently occupy the site and a barn within the site is being redeveloped as the HQ for the John Bowler Business relocated from Etwall. A substantial number of trees have been planted within the site to complement the existing trees and hedges on the site. In addition to the above buildings there is also an agricultural workers dwelling on the site. To the west of Willowpit Lane is a Site of Special Scientific Interest (SSSI) – Hilton Gravel Pits

Proposal

This application is described as the conversion of two existing egg production buildings and their extension to form a single building to be used as an egg packing station.

The previous proposal has the same proposed floor area but the ridge height proposed then was 9.6 metres with an eaves height of 5.0 metres. The current proposal describes the existing buildings having an eaves height of 2.5 metres and a ridge height of 5.5 metres. The proposed building would have an eaves height of 4.0 metres with a ridge height consistent with that of the existing buildings i.e. 5.5 metres.

9/2008/0866 Badger Farm
Willow Pit Lane



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OS Licence No. LA 100019461. 2006

Scale 1:2500 Date Plotted 27/10/2008

Plot centred at 425500 331342

9/2008/0866 Badger Farm
Willow Pit Lane
Hilton



The building would be clad in dark green composite panels with roller shutter doors in each end elevation, the west elevation would incorporate windows to light the building.

Applicants' supporting information

The company has been established for 29 years and have 120 franchise free-range egg production units in England and Wales that produce with some 1.5 million birds. The franchise operation provides a one-stop shop where all the elements to produce and sell eggs are provided by the company.

Currently all eggs are sent to one processor in Wiltshire that handles some 1.3 million eggs produced using the Bowler system. Some 40% of that company's production is from the Bowler operation.

The Bowler organisation wishes to expand into the egg packing business at this site as a natural progression of the business that would enable the company to market its eggs directly to the supermarkets.

There are also logistical reasons for developing the Badger Farm site. The majority of the egg production units are sited in the Midlands and Wales, the proposed site is located centrally and would save road miles and the company wishes to have a more sustainable location to process the company eggs.

The company has its office base at Badger Farm and is now looking to expand its business in a sustainable manner.

Eggs would be delivered to the site by the company fleet of HGV's with some 20 HGV movements per day – 10 in and 10 out. The hours of operation would be 0600 – 0000 hours Monday to Friday and 0600 – 1300 on Saturdays. Lorry movements are proposed to be during the hours of 0800 – 2200 Monday to Friday and 0800 – 1300 on Saturdays. There would be no operation on Sundays. Some 20 staff would be employed in the packing operations in addition to the 40 already employed in the head office at the site.

This application follows a careful assessment of the reason for refusal for the last application. The main policy used against that proposal was Employment Policy 1. The main aim of this policy is to allow expansion of existing businesses unless there are overriding planning reasons for refusal. Although the proposed use is industrial in nature, the policy allows this type of use within its criteria. This is an established business on the site and if policy is to be followed, the expansion of that business should be allowed provided that it is not detrimental to the character of the locality or residential amenity and does not cause environmental or traffic problems.

In order to meet the environment impact cited previously the eaves of the building have been reduced from 5.0 metres to 4.0 metres and the ridge height has been reduced from 9.6 metres to 5.5 metres. This is lower than the barn conversion that the company now occupies. This reduction in height would significantly reduce the visual impact of the development from public vantage points in the locality. More planting will take place at the entrance to the site that would over time effectively screen the new structure.

It is therefore contended that the new building sited on the footprint of the existing buildings with a ridge height no greater than those buildings would not have a materially detrimental impact on the countryside – photographs in the supporting statement show this. The landscaping and colour of the proposed building would further mitigate the impact the development. Traffic is not considered to be an issue as neither the Highways Agency or the County Highway Authority has objected to the original proposal.

In terms of Employment Policy 4 the development would be an adaptation of the existing building for a new commercial use, the form and bulk of the building would be in keeping with the surroundings and there are no significant traffic or noise impacts arising from the use.

Employment Policy 5 allows for development on the edge of or within existing villages – it is contended that the site is well related to the A50 interchange and is only 750 metres from both Etwall and Hilton and as the proposal is for the conversion of existing buildings of a scale compatible with the existing, the development is now considered to be of a scale and character in keeping with the settlement.

Environment Policy 1

The development would represent an investment of some £3,000,000 and whilst it is argued that the development could go on sites such as Hilton Business Park, the fact that only leasehold property is available on such sites and the length of lease available does not justify such a large investment for the company. It is also contended that the development on the depot would mean more HGV movements through Hilton.

In conclusion the applicants contend that this is a very well screened site with a building of limited height the impact which would be further mitigated by additional landscaping. The building would have an agricultural appearance in keeping with the area and the development would accord with Development Plan Policy.

Planning History

The first development on this field was the free-range egg production buildings and general-purpose agriculture building that was supervised by a mobile home. A permanent dwelling followed some three years later when the viability of the production unit was proven. Subsequently the agricultural machinery building was declared surplus to requirements and members may recall that permission was granted to move the HQ of the egg production business there last year. This has been implemented and is now occupied by the business.

Responses to Consultations

Hilton Parish Council strongly objects to the application for the following reasons; -

- a) The new building would be just that, not a conversion and extension as described, it would have a significant impact on the area. It would change the use of the land from agricultural to industry and this would be contrary to the Local Plan policies.

- b) The hours of operation would mean that HGV traffic would have access to the site at all times but there would be no safeguard if 24-hour operations are required in the future. HGV operation would increase noise pollution and light pollution with the extra traffic as well as causing disturbance to neighbours.
- c) The development is contrary to the provisions of PPS 7 that states developments such as this are no longer acceptable – there is already a large business park in the village that is better rather than a location in the open countryside.

The County Highway Authority has no objection subject to conditions requiring the submission of details of the parking and manoeuvring areas, as the submitted plan proposals may not be adequate.

The Highways Agency has not been consulted on this proposal, as it raised no objection to the previous application

Severn Trent Water has no objection subject to foul and surface water disposal details being submitted.

The Environmental Protection Manager has no objection subject to conditions requiring the submission of details of the plant and machinery to be installed at the plant and that contamination issues be properly addressed.

Responses to Publicity

Two letters have been received objecting to the development for the following reasons: -

- a) The only change from the last application is the reduction in the height of the ridge; the bulk of the building would remain the same. It is not the conversion of existing buildings. The floor area is different, the orientation is different and the existing buildings would be completely demolished, as it is doubted that the existing concrete footings could take the weight of HGV's. The appearance of the new building would be industrial, not agricultural as stated in the application.
- b) The change from agricultural to industrial use would be contrary to the adopted Local Plan in terms of detriment to the character of the local area and residential amenity through noise, light and disturbance. Being on the site a relatively short time does not constitute an established business – it smacks of a manipulation of the planning rules. This operation is not essential to a rural based activity and unavoidable in the countryside as required by Environment Policy 1 of the adopted Local Plan. It does not meet the requirements of the other adopted policies quoted by the applicant as supporting the application.
- c) Contrary to the Design and Access statement assertions the site is highly visible from numerous vantage points most notably Willowpit Lane, north of the access to the site, the A516 to the south. Given that the building would be appreciable larger, its visual impact will be greater. Photographs illustrating the viewpoints are attached to the letter. Views would be more open in the winter months when most of the trees in the area will have lost their leaves. In summary the building would be more prominent than the existing agricultural buildings.
- d) PPS 7 states that development such as this is no longer acceptable.

- e) The development would lead to the coalescence of Etwall and Hilton contrary to the provisions of the Local Plan.
- f) The development would be better suited to one of the local Business Parks (Hilton or Dove Valley)
- g) There is reference to road miles savings, this may be the case in some instances but in others not, a greater distance may need to be travelled.
- h) The proposed hours of operation would be detrimental to the amenity of nearby residents with lorries having access to the site at all times despite what is stated in the application. There is no safeguard if the company chose to operate 24-hours.

One letter of support from another local free range egg producer has been received that states that his eggs are also sent to Wiltshire. There is an increasing demand for locally produced food and he produces some 5 tons of eggs each week some of which may take a 300 mile trip just to end up back in Derby/Derbyshire with their identity lost. However, if the eggs could be packed locally, then that would save a considerable amount of road miles each day and be marketed as being produced locally with impeccable traceability.

Development Plan Policies

The relevant policies are:

RSS8: Policies 2, 3 & 6.

Saved Local Plan Policies: Employment Policies 1, 4, 5 & 8, Environment Policy 1 & 11 and Transport Policy 6.

Planning Considerations

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

- The Development Plan
- The impact on the countryside
- Highway implications
- Noise
- Other material considerations

Planning Assessment

The Development Plan

Environment Policy 1 of the Local Plan requires that development should be permitted in the countryside only where a location in the countryside is shown to be necessary.

Employment Policy 1 makes provision for the expansion of existing firms on their site or on land adjoining the site provided that there are no significant traffic or environmental impacts. This business is now established on the Willowpit Lane site, thus the business use in a replacement 'agricultural building' falls within the provisions of Employment

Policy 1. It would be difficult to argue that on this issue; the business was not established on the site as some 40 people are directly employed on the site albeit for a relatively short period.

National Planning Policy Statement 7 does make provision for the reuse or replacement of redundant agricultural buildings for business purposes that contribute to the economic well being of the rural economy.

On the other hand the provisions of Employment Policy 5 seek to direct new employment uses in rural areas to locations within or on the edge of existing settlement provided that the proposal is compatible with the scale and character of the settlement and is acceptable on environmental and traffic grounds. If a proposal does not meet these criteria then such development will not be permitted.

Regardless of the weight apportioned to each policy, the determination of this application turns on the environmental and traffic impacts.

Environmental Issues/Impact on the Countryside

These are the visual impact of the development, (including the increase in its eaves height), intrusion from noise (from lorries, plant and machinery) and lighting, and the impact of those on the countryside and the occupiers of nearby dwellings.

The applicants state that the proposal is for the conversion of the existing building with it being adapted to allow for egg packing. However, the resultant building would contain little, if any, evidence of the current building and would be subsumed within the new structure. To that extent the objectors and Parish Council are correct in stating that the altered/adapted building would appear as a new structure within the site.

The proposed building would have a higher eaves than the present buildings as specified in the supporting information. The siting and principle of this development are sought in this application (if approved then a detailed design would follow through the submission of a further application). The building's footprint would still be larger than the combined size of the existing buildings. An eaves height of 4 metres with a ridge height of 5.5 metres still has the potential to impact on the countryside but is clearly less than was the case with the last proposal.

The site would still be visible to passing traffic on the A50, the A516 and Willowpit Lane as evidence by photographs submitted by an objector. However these views, as is the case with the applicants photographs show the site from one or two vantage points that show the site in its worst/best position.

There are 3 dwellings (plus the agricultural workers dwelling on the application site) nearby but from this aspect the ridge height would not be so apparent compared to the previous proposal. Whilst none of the non-agricultural dwellings are particularly close to the site, the new building would be more apparent from those properties.

There would be lorries using the internal roads and the manoeuvring areas at the site. The manoeuvring of lorries and their reversing alarms would be a source of noise at the site. The applicants have proposed hours of operation and indicated the hours when lorries are likely to use the site. Objectors have noted that there is no provision for the lorries to park when the site is shut.

However, the times when that would occur would be limited, as the lorries would most likely arrive after the site has opened and leave before it closes. However there are no parking restrictions on the highway for the occasions when lorries may for whatever reason arrive outside those times but whether they do is not a matter for planning control. The hours of operation could be controlled by condition and to that extent could give comfort to the nearby residents who are concerned about 24-hour operation.

The Environmental Protection Manager has raised no objections but it would be necessary, if the application were permitted, to impose conditions that required the submission of details including noise suppression measures, for all external plant and machinery. Lighting would be another issue that could be controlled by condition should the application be permitted.

Clearly all these issues have the potential to cause intrusion into the countryside and thus impact on the local environment. The judgement is whether these impacts are likely to be sufficiently harmful to weigh against granting permission.

Highway/traffic Implications

Neither of the highway authorities has objected to the development. Residents concerns are that the narrower parts of Willowpit Lane would be used by HGV's. It is clear that HGV's would continue to service Woodcock Farm to the north on Willowpit Lane but the applicants did install passing places to cater for this type of traffic. The vast majority if not all of the HGV traffic for the egg packing station would approach the site via the A516 or the A50 from the egg production units in the rest of the country. The access from the A50 Interchange to the site entrance is constructed to a high standard and is clearly capable of accommodating the traffic that would be generated by the development. In the absence of objection from either highway authority, refusal on highway grounds would be difficult to justify.

Other Material Considerations

The proposed building would be some 120 metres from the boundary of the SSSI. It is not anticipated that the egg packing building would affect the SSSI. Objectors have raised concern about the current presence of vermin and rats following the development of the egg farm. Food sources for such pests are likely to be reduced from this location if the egg farm were removed.

Conclusions

The major consideration is whether the use needs to be located in the countryside. Clearly the proposal could be accommodated on an employment site such as Hilton Business Park as was the case when the last application was submitted. The applicants objections to this are set out in the 'applicants supporting information' above. However, the company is an established business in the countryside and its HQ has transferred to a converted farm building. The proposal therefore falls to be considered under the provisions of Employment Policy 1 that permits the expansion of firms as described above.

Given the scale of the proposed building, its visual impact on the countryside and the length of the hours of operation it is considered that the development would have

significant environmental and traffic impacts from movements within the site contrary to the provisions of the above policy and should be refused for the reason set out below. Albeit that the arguments about the overall height and visual impact of the building are more finely balanced in this case.

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

REFUSE permission for the following reasons:

1. The proposed development involves the erection of a substantial new building in the countryside albeit it is described as the conversion and adaptation of the existing buildings. In the countryside, Environment Policy 1 of the adopted South Derbyshire Local Plan has a basic requirement for development to be necessary in that location. Employment Policy 1 of the Local Plan makes provision for the expansion of employment sites in the countryside on or adjacent to their established sites provided that the proposal is not detrimental to the locality or residential amenity and does not cause environmental or traffic problems. The proposed development involves the replacement of two egg production buildings with a larger egg packing station. The new building is stated to be 4 metres high to the eaves and 5.5 metres to the ridge with an overall floor area of 2100sqm. The building is larger in floor area and higher, at its eaves than the existing buildings on the site. The visual impact of the building would be greater and the impact on the countryside more significant because of its proposed mass. It has not been demonstrated that the location of the egg packing building is necessary in the countryside nor is it considered to occupy an edge of village location. Given the above interpretation and consideration of the relevant planning policies it is considered that the development would be unacceptable in this countryside location.