

25/09/2001

Item A1**Reg. No.** 9 2001 0130 F**Applicant:**

Mr M Rossiter
125 Derby Road
Aston On Trent
Derby
DE722AE

Agent:

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

Proposal:

The use as an equestrian centre including the erection of stables and indoor arena and a timber building to provide a single dwelling unit at Land At The Rear Of Alderslade House 125 Derby Road Aston-on-Trent Derby

Ward: Aston**Valid Date:** 13/02/2001**Site Description**

The application site comprises farmland set behind a ribbon of residential development to the west of Derby Road. The land rises to the west and there is woodland to the north. There is a narrow access to the field adjacent to Alderslade House.

There is a new access, formed when the A50 project was undertaken, about 290 metres to the north of the existing entrance.

Description of Proposal

The application seeks consent to erect a building measuring some 90 m x 70 m, arranged around a courtyard. Within this envelope, the floor space would consist of an indoor arena, offices, feed store, box store, feed and tack supplies shop, offices, canteen, viewing gallery, 76 stables, outdoor arena and courtyard and a swimming pool.

The highest part of the building would be the indoor arena block (90 m x 30 m approx. in area), which would be approximately 8 metres high to the ridge. The remainder of the building would be approximately 5.3 metres high.

The building would be orientated such that the courtyard faces away from residential properties. The building would be approximately 120 metres way from the nearest residential property at Alderslade House and 130 metres from 135 Derby Road. The land between the building and the residential area would be used for grazing.

It is proposed to cut the building into the rising land to the west. The overburden would be used to form a landscaped embankment between the building and dwellings in Derby Road.

The northern access would be used by traffic associated with the use.

A free standing temporary dwelling unit is also proposed to serve the unit.

The following amendments have been received:

- a) A three-bedroom temporary timber dwelling is proposed, in hexagonal form, measuring about 16 m across the flats. This compares with a similar shaped structure measuring about 22 m across and containing 6 self-contained flats as originally submitted.
- b) Initially proposing a feed and tack supplies shop of some 300 sq. m the proposed retail floorspace is now reduced to 90 sq. m, with the remainder specifically identified for hay and feed and box storage.
- c) The canteen and internal viewing area is reduced from 130 sq. m to 85 sq. m.

Applicant's Supporting Information

- a) The proposal is a new generation of equestrian centre aimed at being the flagship for many more new centres throughout England, improving the sport in general and excellence alike.
- b) There are endorsements from the British Equestrian federation and the British Olympic Association. Contact has been made with Sport England, which is keen to catch up with the rest of the world in sport facilitation, improving sports for the good of the country.
- c) It is a struggle to create a thriving and self-sufficient industry in England and it is essential for every body to work together to help with this aim, not just for gold medals but for the health and well being of the country and generations to come.
- d) There is not massive opposition to the project. The applicant has received a massively positive reaction. It is believed that the village is 95% behind the project. It is understandable that people adjacent to the site object, who are possibly worried about the value and stature currently placed on their homes. However their homes won't be affected in the way that they think. With landscaping the houses would benefit from view and also from improving the village with a well appreciated facility that is in line with its rural quality.
- e) From a sample of 16 local homes a positive reaction was received from all but one and nine people wrote letters of support.
- f) There would be 107 riders in Aston/Weston.
- g) A comprehensive breakdown of activity is supplied. In essence there would be about 24 client cars per day weekdays and twice that amount at weekends.
- h) There is already livestock activity in the fields amounting to 50 head of cattle on occasions. This activity involves open feeding and the use of a tractor two or three times per day.
- i) The centre is unlikely to cause more of a disturbance to residents, especially when landscaped, because training and stabling would take place in the building.
- j) The proposed living accommodation is necessary to the operation of the enterprise. A letter from a specialist academic and a specialist vet are attached to support this contention.
- k) Competitions undertaken on the surrounding land would generate few spectators. It is expected that these events would be in house involving about 20 horses from the centre and an equivalent number of people.
- l) The odours from horses are minimal compared with cattle and poultry. At present there is a sizeable muckheap, possibly two or three times more potent than the applicant's proposed mist heap. It is about 120 metres from any dwelling and is not known to have caused a problem. The mist heap would be placed in a covered channel to minimise flies and odour (a normal method in Europe). Residences would be unaffected at this distance.
- m) It is likely that there would be a demand for the manure from the site.
- n) The potential for vermin would be controlled by the use of feral cats.

- o) There would be low level lighting only. The indoor facility would be used in hours of darkness.
- p) The amount of grazing land available is adequate for the needs of the animals. There may be scope to acquire more land in the future.
- q) The stables would be of adequate size and are designed to be flexible to deal with different sizes of animal.
- r) There would be no external tannoy system. The indoor arena may require such a facility for training.
- s) 50% -75% of business is expected from the immediate area, so disturbance from additional traffic in the area would be minimal.
- t) The design and landscaping, including major tree planting, would integrate the development with its surroundings.
- u) There would be significant rural employment.

The applicant has supplied letters from the British Equestrian Federation and The British Olympic Association, which offer the following comments:

- a) There is a substantial need to upgrade or establish improved facilities for equestrian sport throughout the country.
- b) There are well over 800,000 horses and ponies throughout the country and as the farming industry seeks to diversify it is anticipated that demand will increase.
- c) Any plans to create better conditions for sportsmen and sportswomen are to be applauded.

Nine letters of support from residents of Aston on Trent and Weston on Trent have also been supplied raising the following points:

- a) The development would create new interests and additional employment.
- b) It would introduce sporting and recreational facilities for all ages, in particular for the young people of the village.
- c) The centre would provide facilities that are needed by local people but are presently lacking.
- d) The economy of the village would be enhanced and other business would be attracted.
- e) The development would be of benefit to the environment and overall cultural aspects of the village.
- f) The village has suffered closure of shops factory and virtual closure of the hospital adding to its demise as a thriving community. The encouragement of new business into the area would to the long-term advantage of the community.
- g) The development would be at the edge of the village and thus would not cause disturbance or nuisance to local residents.
- h) There is good access.
- i) The area would receive publicity.
- j) The facility would enable the training of potential international riders.

An equine consultant, addressing issues of odour and noise and supplying a list of other establishments, has prepared an appraisal of the development. This has been commented on by the Environmental Manager Officer below.

Site History

Permission was granted for the erection of a free-range egg unit (measuring 40 m x 10 m) in 1991. In addition an agricultural worker's dwelling was permitted concurrently. Work

commenced so the permission is still extant. The agricultural building would be sited about 180 m from the nearest dwelling.

Responses to Consultations

The Parish Council strongly objects for the following reasons:

- a) The scope of the development is staggering. It may be suitable for a venue such as Newmarket, but certainly not for a village like Aston on Trent, where the infrastructure is totally inadequate.
- b) The proposal is environmentally unacceptable.
- c) An Environmental Statement should have been provided.
- d) The proposal does not address the criteria of the Local Plan.
- e) One of the access points is unsafe and the other is next to the new burial ground, which is completely inappropriate.
- f) There would be problems for emergency vehicles.
- g) There would be surface water drainage problems causing flood risk to dwellings and the school.
- h) The amount of noise pollution, traffic and visitors would have a devastating effect on the village.
- i) The site is extremely close to housing.
- j) The septic tank could cause problems.
- k) There could be waste disposal problems and manure on the roads.
- l) High power lighting would be intrusive to residents.
- m) Horses on the highways would cause safety problems.
- n) There is insufficient land for proper grazing.
- o) This is a major commercial undertaking and not farm diversification.
- p) A site visit is recommended although it is inconceivable that permission would be granted.

Save Aston Village environment objects in the following terms:

- a) The proposal does not meet the tests of the Local Plan.
- b) The site is outside the boundary of the village.
- c) There would be disturbance from noise, smell, traffic generation and light pollution.
- d) The applicant's traffic figures are questioned. Furthermore there could be parking on the highway.
- e) The access is adjacent to the new village cemetery site and there could be disturbance to graveside services and the peace of visitors.
- f) The buildings would be out of proportion and out of character with the area. Of particular concern is the proposed use of sheeted material for the roof instead of tiles.
- g) There would be light pollution.
- h) There would be noise and disturbance to nearby residents, particularly at weekends when the centre would be most used. No details of competitions are supplied and this aspect is of particular concern.
- i) Staff levels would generate significant traffic.
- j) An environmental appraisal should be undertaken to investigate the effects of soakaways, manure storage and disposal, the impact on wildlife and the effects of light and noise pollution.

The Environmental Health Manager, after raising initial objection on the grounds of potential noise, odour, visual and light intrusion has revised observations following receipt of the equine consultant's report:

- a) The list of sites supplied for comparison did not provide enough information to assist in final assessment. It would appear that the proposal is of such magnitude that there are few sites in the country on which a relevant comparison can be made and conclusion drawn.
- b) There is still concern relating to odour and general impact from the development on nearby properties. However from investigations undertaken there is insufficient evidence to back up the concerns, which are based purely on professional opinion.
- c) The applicant has employed an equine expert who states that in his opinion the development should not create any problems in relation to noise, odours and general impact. There is insufficient evidence to contradict the consultant's report.
- d) Whilst there is insufficient evidence to sustain the opinion that a development of this magnitude does have the potential for giving rise to complaints from its activities as indicated in previous comments.
- e) Should permission be granted schemes for the control of noise, odours and lighting should be submitted for approval.

The County Planning Authority comments/objects as follows:

- a) Whilst development involving horses is an appropriate use in the countryside the overall development included other uses such as a large shop and a canteen/coffee shop, which are inappropriate uses in the countryside and which exacerbate the overall scale. (Comment: The applicant has reduced the extent of these elements as described above.)
- b) If the development provided for the stabling, exercising and care of horses only, and subject to adequate landscaping and screening to minimise the visual impact of the development then no objection would be raised as the development would accord more closely with Structure Plan policy.
- c) There is no objection to temporary accommodation provided that the accommodation needs of staff could not be met from the local area, and subject to a time-limited permission.
- d) The local County Member, Councillor Harrison, is concerned about the number of riders likely to be using local roads in view of a limited bridle way network in the area. He also objects because the development would be an excessive intrusion into the countryside, contrary to Housing Policy 8 of the South Derbyshire Local Plan and General Development Strategy Policy 4 and Housing Policy 6 of the Structure Plan.
- e) There is concern about the access, which will be subject to separate comments from the Highway Authority.

The Highway Authority has no objection in principle.

The Environment Agency objected on the grounds that the application initially proposed the use of a septic tank. The application has been amended such that foul sewage would be disposed of to the public sewer.

Severn Trent Water Limited has no objection.

Responses to Publicity

18 letters have been received with the following objections:

- a) There is no need in the village for the proposal, nor is it in the interests of the village.
- b) Objection to this proposal is as strong as that expressed in respect of the previously withdrawn application.
- c) The proposal is not in accord with the development plan.
- d) The proposed access is not suitable for large vehicles.
- e) The existing access to the site adjacent to Alderslade Farm would more likely be used and this is unsafe.
- f) There would be health risks due to flies and vermin.
- g) There would be noise dust and smell disturbance.
- h) Noise would emanate from the animals, vehicles and possibly loudspeakers, amplified by the site being on the side of a hill.
- i) There would be pollution from site lighting at night.
- j) Drains and sewers would be overloaded from effluent discharge and there could be pollution.
- k) The change to the pattern of land drainage would be altered causing a flood risk to adjacent properties.
- l) The existing road network is already congested and the proposal would aggravate the situation.
- m) There could be an adverse effect on wildlife.
- n) There is inadequate information in respect of the external appearance of the building and boundary fencing.
- o) The number of vehicles estimated appears to be grossly underestimated.
- p) There is concern over the temporary living units and what would be proposed to replace them.
- q) The normal minimum land requirement for 76 stables would be 32.12 hectares. This does not allow for such things as event courses, shops and hydrotherapy pools. The application site of 8 hectares is thus totally inadequate for the development proposed.
- r) There would be inadequate facilities for parking, storage of fodder and bedding, manure storage/removal and poor access for service vehicles.
- s) The land area is too small for proper animal welfare and it would be necessary to import feed to the site.
- t) The business plan for the proposal indicates income levels that would necessitate far greater levels of traffic than stated in the application.
- u) The hours required to make the centre viable would need to be longer than as stated by the applicant. Most shows at indoor riding stables go on well beyond 10 p.m.
- v) There is no need for all staff to be present on site. One or two would be sufficient.
- w) Due to local competition it is unlikely that the development would ever attract sufficient numbers of customers. The business plan forecast is probably greater than the combined incomes of all the riding schools and livery yards within a five mile radius.
- x) The presence of horses on public highways would cause hazards. The bridleway network is inadequate.
- y) The proposal is not a farm diversification project.
- z) The buildings would not be sited in proximity to existing buildings as required by the local plan.
- aa) No provision is made for a firebreak or isolation area to prevent infection.
- bb) Manure left by horses in the village would be a nuisance to residents.
- cc) The potential of the site to attract visitors could lead to increased crime in the village.
- dd) Views from neighbouring dwellings would be adversely affected.
- ee) Levelling works to the site would change the landscape. The development would be harmful to the character of the area.
- ff) Local services would be overloaded.

- gg) There could be harm to wildlife in the adjacent woodland.
- hh) There would be loss of privacy to existing dwellings.
- ii) Property values would be reduced.
- jj) Riders due the lack of bridleways may use public footpaths.
- kk) An application for motorcross, using the proposed access, was refused in 1991 on highway safety grounds.
- ll) The proposal would erode the open space between the village and Derby, threatening the identity of Aston on Trent as a separate community.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 5 and Housing Policy 6.

Local Plan: Environment Policy 1, Recreation and Tourism Policy 9 and Housing Policy 8.

Planning Considerations

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

- The principle of development.
- The need for a dwelling.
- The impact on the character of the area.
- Residential amenity.
- Animal welfare.
- Traffic and highway safety.
- Land drainage and pollution.
- The existing permission for a chicken unit and dwelling.

Planning Assessment

Development plan policies do allow for the erection of commercial stables and the establishment of stables is generally appropriate to a rural area. The local plan seeks to constrain commercial stables to areas well related to existing settlements and sited in proximity to existing buildings. The justification of the policy states that to protect the amenities and undeveloped character of the open countryside, the most appropriate locations for such uses are the rural fringes of towns and villages.

PPG7 states that the government wishes to see a positive approach towards planning applications for horse-based development which respect the rural environment. The revised proposals reduce the amount of floorspace given over to the shop and canteen to a level reasonably commensurate with ancillary usage. In principle, therefore, the development is acceptable.

Whilst originally proposing multiple dwelling units, the presence of a single unit to provide 24 hour cover is considered to be reasonable having regard to the nature and scale of livestock to be kept at the site. The dwelling is not permanent and would not have an adverse impact on the area.

PPG7 seeks high standards of design, construction and maintenance of buildings and care of land to ensure that equestrian activities do not have an adverse effect on the countryside. The building would be situated behind existing housing development when viewed from Derby Road.

Earth mounding and landscaping would take place between the dwellings and the building. Therefore users of Derby Road would have only limited views of the complex. The residents of the houses facing the site would have clearer views of the site, albeit filtered by the proposed landscaping works.

The site is not generally visible from the north and east due to the topography of the land and the existence of woodland in the locality. From the west views are generally more distant and filtered by existing hedgerows. The use of lights in hours of darkness could draw attention to the site during these times, although conditional control would help to minimise this effect. Overall, having regard to the size of the development, it would be designed and located so as to create as little impact as practicable on the countryside. However it would be necessary to impose conditions relating to the position of chattels such as horse jumps and landscaping to ensure that the use does not create a detrimental effect on the landscape around the buildings.

The development, involving livestock, has the potential to be harmful to the living conditions of residents living close to the site. The Environmental Health Manager has investigated this matter at length. Despite the concerns raised there is no firm evidence that the development would cause disturbance to the locality. However conditional control as recommended by the Environmental Health Manager would be necessary if residents are to be adequately protected. The building would be too far away from dwellings to cause any demonstrable harm by way of loss of light or privacy.

PPG7 encourages local planning authorities to bear in mind recommended standards for the comfort and safety of horses as well as other material planning considerations. The applicant has demonstrated that he has taken specialist advice in this regard and there is no evidence that animals would suffer with the proposed management regime for the land and buildings.

The impact on the proposed cemetery is not anticipated to be great. The access track is separated from the cemetery site by a hedge. There will already be significant traffic noise from the adjacent A50 trunk road.

On the advice of the Highway Authority the proposal would not cause harm to the interests of highway safety.

Provided that the requirements of the Environment Agency are incorporated in the decision there would be no pollution of the water environment or other harmful drainage issues.

The existing permission for an agricultural building is still capable of full implementation. It would be necessary for the applicant and landowner to enter into a legal agreement to undertake not to carry out any further works in respect of planning permission 9/0690/0273/O and approval of reserved matters 9/0991/0541/D.

The development of an equestrian centre of this scale is unprecedented in South Derbyshire and there are no comparable facilities that can be assessed. Nevertheless the applicant has chosen a site and design approach that is encouraged by policy. It is incumbent on the Local Planning Authority to show the harm that would be caused to residents. On balance the proposal appears to meet the relevant criteria against which it should be judged.

Recommendation

Subject to the owner entering into an appropriate agreement under Section 106 of the Town and Country Planning Act to secure the cessation of works commenced under planning permission 9/0690/0273/O and approval of reserved matters 9/0991/0541/D **GRANT** permission subject to the following conditions:

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

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

2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos. 8046/P1 001, 002, 005 received 20 April 2001 and 8046/P1 003 received 12 September 2001.

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

3. Samples of all external materials for the new buildings shall be submitted for approval in writing by the Local Planning Authority before work commences.

Reason: To ensure the buildings are in keeping with their surroundings in the interest of the character and visual amenity of the area.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

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

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

6. Before any other operations are commenced the existing access to the site adjacent to Alderslade Farm shall be permanently stopped up in accordance with a scheme that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

7. Before development begins details of any pruning works to the hedges alongside the access track shall be submitted to and approved in writing by the Local Planning Authority. The works shall only be carried out in accordance with the approved scheme.

Reason: To ensure that the visual amenity and wildlife value of the hedges are retained.

8. The occupation of the mobile home shall be limited to the family and/or dependents of a person employed in the running of the equestrian centre hereby permitted.

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

9. With regard to the mobile home this permission shall be for a limited period only, expiring on 31 December 2003 on or before which date the structure shall be removed and the site reinstated to the satisfaction of the Local Planning Authority unless, prior to that date, an application has been made and permission has been granted for an extended period.

Reason: To enable the Local Planning Authority to assess whether there is a continuing need for the dwelling beyond that period.

10. Before development begins full details of a scheme for lighting of the premises during hours of darkness, including the duration of lighting, shall be submitted to and approved in writing by the Local Planning Authority. The site shall be lit only in accordance with the approved details.

Reason: To prevent light spillage and glare in the interests of residential amenity and to preserve the character of the countryside.

11. Notwithstanding the submitted plan, and before development begins, a drawing showing the provision of areas for the parking and manoeuvring of vehicles and including details of the surface materials shall be submitted to and approved in writing by the Local Planning Authority. The areas shall be provided in accordance with the approved details before the development is first brought into use.

Reason: To ensure adequate provision for vehicles and to minimise their visual impact.

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

Reason: In the interests of flood protection.

13. Prior to being discharged into any watercourse, surface water or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible to the area being drained.

Reason: To prevent pollution of the water environment.

14. Prior to the commencement of development a scheme for the control of noise emanating from the site shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented concurrent with the commencement of development and shall remain in place thereafter unless as may otherwise be approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of nearby residential property.

15. Prior to the commencement of development a scheme for the control of odours emanating from the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented concurrent with the commencement of development and shall remain in place thereafter unless as may otherwise be approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of nearby residential property.

16. The amount of retail foorspace shall not exceed 90 sq m and the area for the sale of food and drink shall not exceed 85 sq m as shown on the submitted amended plan.

Reason: To ensure that these elements of the proposal remain at a level ancillary to the principal use.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no gates, walls, fences or other means of enclosure shall be erected on the application site, except as authorised under the submitted application or by any other condition attached to this permission, without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

Reason: To ensure that any such structures are appropriate to the character and appearance of the building.

18. Details of any moveable structures to form jumps or obstacles shall be submitted to and approved in writing by the Local Planning Authority before they are placed on the land. The structures shall be removed from the approved positions and stored in a position that shall be previously approved in writing by the Local Planning Authority when they are not in use.

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

19. Except as may otherwise be approved in writing by the Local Planning Authority the area shown hatched on the attached plan 9/2001/0130/F shall be used for grazing only and in particular shall not be used for the tuition of riders or exercising of horses.

Reason: In the interests of the amenities of the occupiers of nearby residential property.

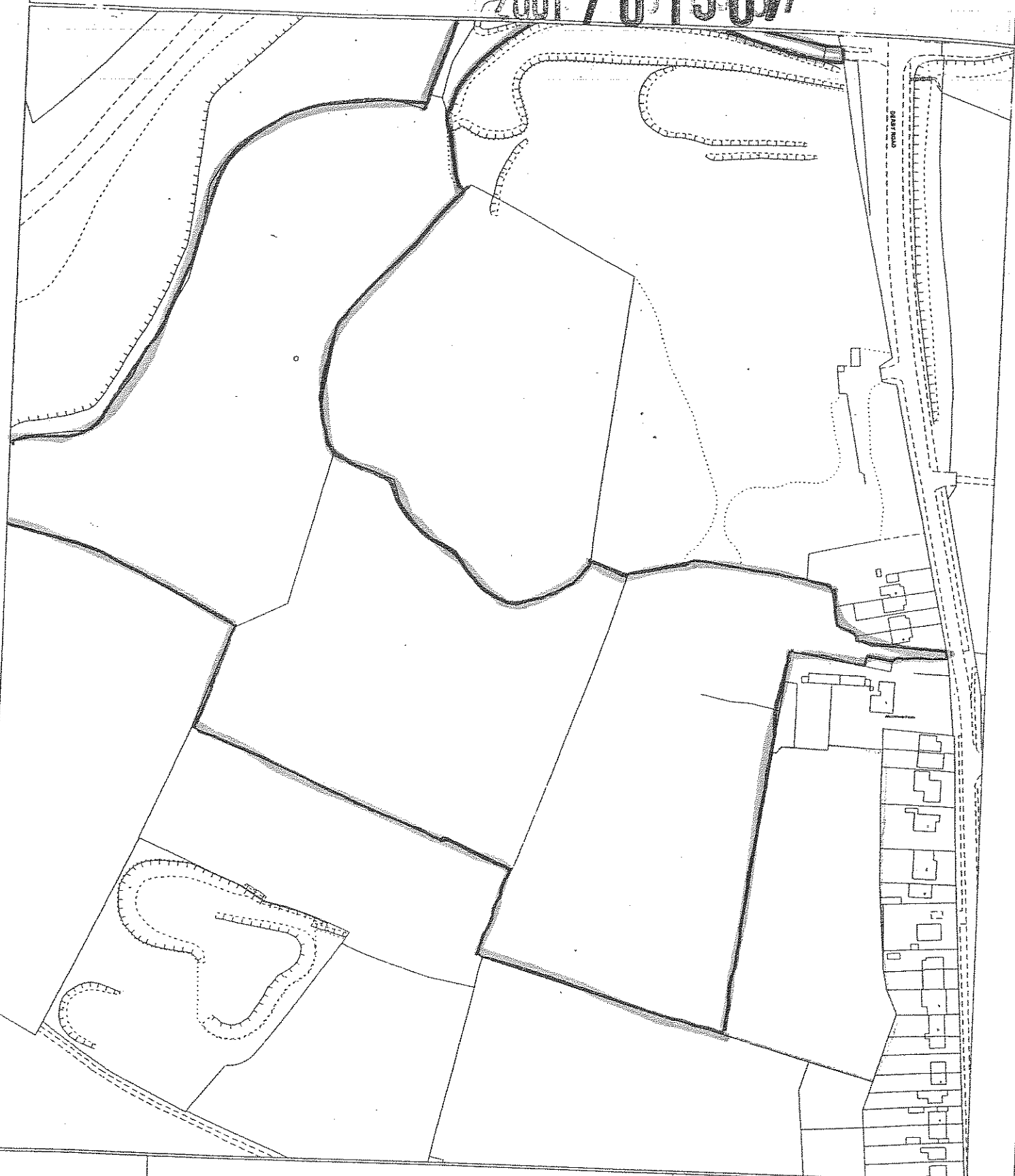
Informatives:

With regard to Condition 10 above the Council will seek to ensure that the lighting scheme complies with the Institute of Lighting Engineers Guidance Notes for the reduction of Light Pollution in Areas of Low District Brightness (E2)

To note the attached requirements of the Environment Agency.

Title : Land at Alderslade Farm Aston on Trent

2001 / 0130V



Reproduced from the 1996 Ordnance Survey mapping with the permission of the controller of Her Majesty's stationary office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Scale 1:2500 Date Plotted 14 8 2000

Plot centred at 441242 330235

User :



25/09/2001

Item A10**Reg. No.** 9 2001 0727 F**Applicant:**

Mr K Bosworth
24, Beech Avenue
Willington
Derby
DE656DB

Agent:

B A Williamson
Genista
Broomhills Lane
Repton
Derbyshire
DE65 6FS

Proposal: The erection of a detached house and garage at Land
adjoning 24 Beech Avenue Willington Derby

Ward: Willington

Valid Date: 26/07/2001

Site Description

The site forms the side garden of 24 Beech Avenue, Willington. The site is currently partially occupied by the garage to 24, otherwise the site has open frontages to the roads and a boundary wall that separates the garden to 24 from the open area adjacent to it.

There is a row of substantial evergreen trees along the above-mentioned garden wall that would be removed if permission were granted. There are areas of shrubs on the land to be developed. There are similar areas of open land around the houses on the Beech Avenue frontage.

The site is located within a primarily residential area.

Proposal

It is proposed to demolish the garage and boundary wall to form a plot to erect a three bedroom detached dwelling with a frontage to both St Michael's Close and Beech Avenue. The dwelling would be set back on both frontages. A new boundary fence would enclose the rear garden. No materials of construction have been specified in the application. The new dwelling would be accessed off St Michael's Close and the existing dwelling would continue to use its access of Beech Avenue.

Planning History

The estate developed in the 1960's, the applicant's house was extended in the 1980's. Permission for the erection of a 4-bedroom dwelling was refused permission in 1991.

Responses to Consultations

Willington Parish Council has objected on the following grounds: -

- a) The house would be sited on the visibility splay for the Beech Avenue/St Michael's Close junction
- b) The development is contrary to the open verge aspect which characterises the estate
- c) Another access close to the above junction would be a danger to other road users.

The County Highways Authority has no objection subject to conditions controlling parking provision, construction of the new access and maintenance of a visibility splay across the road frontages.

Severn Trent Water has no objection

Responses to Publicity

Three letters have been received objecting to the development on the following grounds: -

- a) The dwelling would be intrusive in the street scene of both Beech Avenue and St Michael's Close standing as it does well in front of the dwellings on the close.
- b) The visibility for driver emerging from St Michael's Close into Beech Avenue and visa versa would be affected. Even if the dwelling is set further back in the site to avoid this, the house would be even more intrusive in St Michael's Close. The presence of the dwelling would make it difficult for an existing resident to access their access. It could result in the occupier having to reverse out into St Michael's Close, It is essential that he has clear visibility so that he can see children playing.
- c) The creation of a new drive in such close proximity to the road junction is not acceptable. The proposed fence would obstruct visibility for drivers emerging from the site.
- d) Allowing this development would set a precedent for development on the other three corners
- e) The existing house does not have enough space to park its existing vehicles, If this is permitted there would be even less space available. Vehicles would then transfer onto the highway
- f) Adjoining dwellings would be overlooked and overshadowed leading to a loss of privacy.
- g) The proposed dwelling is out of character with the 1960's dwellings.

Structure/Local Plan Policies

The relevant policies are:

Planning Policy Guidance Note 3

Joint Structure Plan: General Development Strategy Policy 1, Housing Policy 5.

Local Plan: Housing Policy 5 (as amended by the recent decision of Development Services Committee).

Planning Considerations

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

- * Conformity with the Development Plan
- Affect on the scale and character of the locality
- Highway safety issues
- Conformity with space about dwelling standards
- Precedent

Planning Assessment

The site lies within a sustainable settlement where development is acceptable. The principle of the development is therefore in accordance with the Development Plan policies.

The proposed dwelling has been designed with the basic principles of South Derbyshire vernacular observed and, as such, it would be of a design that differs from many in the locality. However, the design is sympathetic to the village generally and it would not adversely affect the character of the area.

Whilst close to other dwellings, the new house would comply with the Council's Supplementary Planning Guidance. As such, it would not adversely impact upon the amenities of nearby residential occupiers.

The issue of highway safety is a matter that has been considered by the County Highways Authority. No objections have been raised subject to conditions ensuring that visibility splays at the junction between Beech Avenue and St Michael's Close is maintained. These can be obtained and sufficient parking achieved. Therefore, from a highway safety standpoint the application is acceptable.

The issue of precedent has been raised by the objectors. However, whilst there are other open areas within the estate it is unlikely all are capable of being developed in a similar way. Notwithstanding that, any application to develop any further areas would need to be considered on its merits.

Recommendation

GRANT permission subject to the following conditions:

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

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

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

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

3. Prior to any other works commencing, space shall be provided within the curtilage of No 24 Beech Avenue for the parking of two vehicles laid out and paved in a solid bound material (i.e. not loose chippings) and maintained thereafter free of any impediment to its designated use.

Reason: In the interests of highway safety.

4. Prior to occupation of the new dwelling, space shall be provided within the plot curtilage for the parking of two vehicles laid out in accordance with the application drawing, paved in a solid bound material (i.e. not loose chippings) and maintained thereafter free of any impediment to its designated use.

Reason: In the interests of highway safety.

5. The St Michael's Close frontage shall be maintained free of any obstruction exceeding 600m in height relative to road level for a distance of 3m back from the highway boundary.

Reason: In order to maximise visibility for drivers emerging from within the site onto the highway

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

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

7. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995, the dwelling hereby permitted shall not be enlarged or extended without the prior grant of planning permission on an application made to the Local Planning Authority in that regard.

Reason: To maintain control in the interest of the character and amenity of the area, having regard to the site area and effect upon neighbouring properties.

8. The windows in the west wall of the building shall be permanently glazed in obscure glass.

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

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

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

Informative:

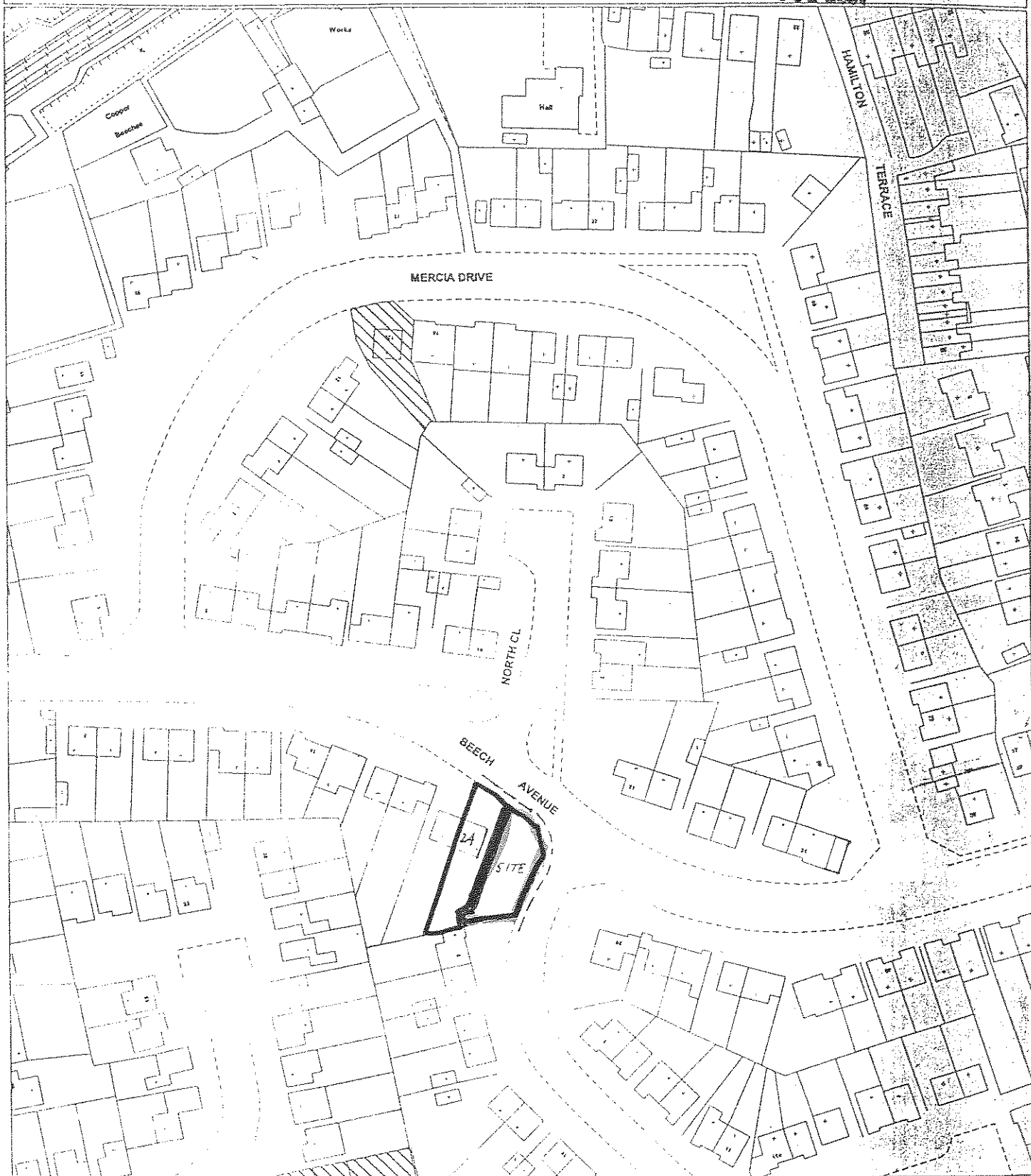
(i) To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 xt 7595) at least six weeks before the commencement date of the proposed works in order to arrange the necessary supervision of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

2001 / 0 7271

WILKINGTON

Title :

30 JUL 2001



Reproduced from the 1996 Ordnance Survey mapping with the permission of the controller of Her Majesty's stationary office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Scale 1:1250 Date Plotted 13 7 2000

Plot centred at 429568 328397

User :



