

10/02/2004

Item 1.2**Reg. No.** 9 2003 0999 U**Applicant:**

Mr M Wilmot
Slade House, Rose Lane
Ticknall
Derby
DE73 1JW

Agent:

E. Lee
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DE73 1EP

Proposal: The erection of a two bedroom dwelling, the erection of a garage and stables and the blocking of Rose Lane to Main Street and opening Rose Lane to Ingleby Lane Slade House Rose Lane Ticknall Derby

Ward: Hartshorne/Ticknall

Valid Date: 13/08/2003

Site Description

Slade Farm House, a grade II listed building, is at the end of Rose Lane and on its western side. The site for the proposed dwelling is occupied by a double garage of relatively recent construction which is some 6m from the west side of Slade Farm House and 11m north of the neighbouring dwelling which was converted from former farm buildings. The site is bounded on its east side by the playground to Dame Catherine School.

The house is set within a large garden, whose boundaries have recently been fenced following the grant of planning permission.

The property is within the Ticknall Conservation Area and the village development framework as defined in the Adopted and Emerging Local Plans.

Proposal

It is proposed to remove the existing double garage and construct a three bedroom, two storey dwelling. The dwelling would be some 5m from Slade House Farm and 15m from the neighbouring dwelling. It has been designed to take on the appearance of a traditional farm building converted to a dwelling. The front elevation visible from Rose Lane would be single storey in appearance constructed in brick and stone with a large central glazed opening. The building would be L shaped in plan with the front part 12.1m wide by 5.5m deep by 3.5m to the eaves and 7.4m to the ridge and the rear wing extending to 6.2m by 5m wide by 3.5m to the eaves and 7.1m to the ridge. The dwelling would benefit at its front from an existing drive and parking area off Rose Lane.

It is also proposed to erect a detached building in the garden some 24m to south west of the existing house to provide a double garage, a two stall stable and workshop/tack room. The building would be L shaped in plan. The garage and workshop/tack room element would be 10.3m long by 5.2m wide by 2.7m to the eaves and 5.5m to the ridge. The stable part would be 6m long by 4.7m wide by 2.1m to the eaves and 4.8m to the ridge. The external walls would be timber boarding and the roof would be of clay tiles. A hard surfaced drive would be formed to it from the west side of Rose Lane.

The Highway Authority has previously discouraged further residential development on Rose Lane because of the very sub-standard junction with Main Street. For this reason it is also proposed to reprioritise Rose Lane to ensure that vehicles to the new dwelling cannot use the Rose Lane/Main Street junction but are directed to the Rose Lane/Ingleby Lane junction. This will involve the roadblock in Rose Lane being moved from its present position to a position south of the access to the new dwelling. A new turning head would be formed on Rose Lane on the south side of the new roadblock.

Planning History

Planning permission for the garage, now proposed for removal, and the conversion to residential use of buildings on the south side of the site were granted in June 1988.

Responses to Consultations

The Highway Authority comments as follows:

The proposal is regarded as acceptable in principle from a highway aspect.

The proposed relocation of the point where Rose Lane is severed will result in additional traffic using the west-east section of the road linking to Ingleby Lane. Whilst this may conceivably generate objections from existing residents fronting onto that section of road there will be a consequential reduction in vehicle movements at the severely sub-standard junction of Rose Lane with the A514 principle road. On balance therefore it is considered that the development will not be prejudicial to highway safety interests and there is no basis to refuse planning permission for highway reasons.

Alterations to the closure of Rose Lane will need to be the subject of an Order under 1990 Town and County Planning Act, confirmed and implemented prior to any development being commenced. The Order will be made by the Government Office for the East Midlands and will itself be open to objections.

The Highway Authority adds further comment that it is conscious of concerns expressed by local residents regarding accessibility by emergency services and refuse vehicles following the proposed alterations to the highway. The validity of this view is regarded as questionable given that vehicle turning space will exist at the end of each section of Rose Lane, an improvement on present circumstances. However, the applicants may wish to consider whether there would be benefits in carrying out consultations with the relevant bodies at this stage.

The environmental health officer makes the following comments:

Contaminated land

Due to the previous use of the proposed land, it is possible that the soil may be contaminated. The Authority holds information that identifies the site as a potential Anthrax burial site. There are no official records to suggest the exact location of the burial site and therefore it is impossible to determine the extent of the risk. The situation has been discussed with DEFRA which has confirmed the risk to human health as extremely low due to the length of time the carcasses have been buried, however, it could not confirm that the land is not contaminated.

The Environmental Health Manager recommends that the applicant should carry out a thorough contaminated land investigation with a staged approach, and submit the associated report to the Authority.

Stables

When considering the siting of stables, one of the main concerns for this development is that of nuisance caused by odour. The factors which affect the risk of odour nuisance being caused include: the distance from neighbouring properties, the number of horses being kept, the prevailing wind direction in relation to neighbouring properties, the management system used and the type of feed used. Additionally there is a risk of smoke nuisance being caused if the manure from the stables is burned. He therefore recommends that a condition be attached to control such potential problems.

The Parish Council objects to the proposal as follows (original and amended proposal):

Proposed new dwelling

1. The new dwelling is too close to the existing building.
2. Slade Farm house is a listed building, in the conservation area and the closeness of the conversion will devalue it in future
3. There is a poor relationship between the new and listed building with contradictory designs
4. Overbearing view with respect to the windows on the existing barn conversions opposite in Rose Lane Mews
5. The red line detailing the house application does not cover the road blocking area therefore is not a legitimate application.

Proposed garage and stable

1. The drive and turning circle and possibly part of the building encroaches onto ENV8 land as detailed in the South Derbyshire Local Plan.
2. Positioning of the garage and stable is not in keeping with the appearance of Slade Farm house.
3. Why is there a requirement for stables, they have no horses and the land is not large enough to have two horses. There is not enough land for one horse.
4. What are the plans for any effluent created by two horses?
5. Access from Rose Lane is not acceptable for horseboxes.
6. There is no indication of the materials to be used to block off Rose Lane.
7. What plan is there for the brick outbuilding adjacent to the proposed garage and stables.

Blocking of Rose Lane to Main Street and opening Rose Lane to Ingleby Lane

1. The proposal to open Rose Lane to Ingleby Lane is not acceptable because it is narrower than the other half of Rose Lane.
2. There is a rose bed at the top of the lane, which is under licence to the Parish Council from Derbyshire County Council and has been for 12 years. The Parish Council maintains it, and it is a village amenity. The rose bed is not shown on the plans.
3. There will be major problems with emergency vehicles and bin collection vehicles because the angle will be too short for them to get into the schoolyard in an emergency.
4. There will be confusion for emergency vehicles
5. There is poor visibility from Rose lane onto Ingleby Lane and onto Main Street and Ingleby Lane.
6. There will be increased traffic caused by parents delivering children to school on a road, which is extremely narrow and always has a row of parked cars on it.
7. There will be more traffic, which will cause more disturbances to cottages facing the lane on the east whereas there are fewer dwellings and none facing the lane on the south part of Rose Lane.
8. It will almost certainly require the removal of the grass verge, and we are concerned about the stone wall behind the grass verge.
9. It will create difficulty for vehicles trying to exit from Slade Farm development on Rose Lane
10. There will be an increased risk of flooding into numbers 3 and 4 Slade Farm.
11. It has been brought to the attention of the Parish Council that deliveries of oil to St. George's church are brought in by tanker via the school's playground. Access is gained via Rose Lane from Main Street. Access will be very difficult if not impossible via Rose Lane from Ingleby Lane because the road is too narrow and the angle into the school ground too acute.

A further concern was submitted that because the gates between the property and the school yard remain open on the plan that the intention might be that the owner of the dwelling intends to use this access through the schoolyard into their property at some time in the future

Responses to Publicity

Forty letters of objection were submitted in response to the original submission and a further twenty four in response to the amended design. The proposed road re-prioritising remains unaltered and therefore all of the objections still stand. The objections are summarised as follows:

- a) The proposed dwelling will be overbearing and will have a direct impact on the neighbouring barn conversion.
- b) Ingleby Lane will become more congested and unsafe for children at Dame Catherine School.
- c) The proposal will create extra traffic including the extra hazard of horse boxes and horses riding up and down the Lane.
- d) Rose Lane is narrow and residents park cars outside their properties. This could introduce danger for school vehicles to pass stationary vehicles, particularly larger vehicles visiting the school.
- e) Many vehicles approach Main Street from Ingleby Lane at high speed introducing a further traffic hazard for vehicles emerging from Rose Lane.

- f) Rose Lane currently provides a direct route for emergency vehicles the revised route would be more difficult to gain access to the playground and school and could be hampered by parked cars, possibly putting a child's life at risk.
- g) Large vehicles would find it very difficult to turn directly into the school and would have to reverse manoeuvre on the playground causing further danger.
- h) The proposal would remove parents peace of mind about safety of their children.
- i) In the event of an emergency there would be inadequate access for emergency vehicles along the narrow lane and via the sharp right turn into the playground of Dame Catherine Harpur School.
- j) The school requires a wide access to allow for possible ambulance, fire engine, building maintenance vehicles etc and wide trailers used at its many fund raising events (necessary since the removal of Government funding in 1987).
- k) There would be risk from disturbing possible anthrax contaminated land.
- l) The conversion of the proposed stables to a dwelling could come at a future date.
- m) The flower garden near to pedestrian railings would be lost.
- n) Possible reuse of gates onto school playground.
- o) The dwelling would be too close to Slade House which is listed and a focal point of the village.
- p) The removal of any trees would detract from the character of the area.
- q) Timber stables would be out of context with the surrounding brick and tile buildings.
- r) Slade Farm courtyard is regularly flooded and changes to the road layout would lead to more water be siphoned that way.
- s) Slade Farm courtyard would subjected to greater levels of noise disturbance.
- t) Residents on the Ingleby Road stretch of Rose Lane would be subjected to traffic disturbance where they have enjoyed a quiet and virtually traffic-free road for many years.
- u) The proposal would harm the character of the conservation area by introducing new buildings and affecting mature trees.
- v) The garage and stable would be in an elevated position in an area identified as important open space in the Local Plan. An Inspector on a previous appeal for residential development identified the large garden area as an important open green space which, together with the trees and hedgerows that line it, contribute significantly to the character and appearance of the conservation area.
- w) The road layout should not be altered just to accommodate one planning application.
- x) Delivery of fuel by tanker to the church would be made difficult.
- y) Existing residents in the neighbouring barn conversion would be overlooked resulting in loss of privacy.
- z) Vehicular traffic leaving and entering the site of the garage would be completely unsighted to any vehicle or pedestrian leaving the Rose Lane Mews properties.
- aa) There would be a strong reason to widen the existing carriageway through the removal of the grass verge under the stone wall detrimental to the appearance of the area.
- bb) The amended design is worse than the original proposal and appears to be larger. The glass panelling on the front elevation is out of keeping with the design of the village.

Structure/Local Plan Policies

Joint Structure Plan: Housing Policy 5; Environment Policy 9, 10 and 16.

Adopted Local Plan: Housing Policy 5; Environment Policy 12 and 13; Environment Policy 9

Draft Local Plan: H1; ENV 19; ENV 8, 20 and 21

Planning Considerations

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

- Whether the development preserves or enhances the character or appearance of the Ticknall Conservation Area.
- Impact on the setting of the listed building.
- Loss of tree cover.
- Impact on highway safety and vehicle accessibility.
- Impact on the amenity of neighbouring residents.
- Potential ground contamination.
- Impact on the appearance of open land.

Planning Assessment

The proposed dwelling would be on previously developed land within the development framework of a serviced village and therefore would be acceptable in principle.

Impact on the conservation area and setting of the listed building.

Slade Farm is listed as an early 18th century farmhouse. Historically its farm buildings lay to the south and east. All of these are now converted to residential use and have separate curtilages. The more distant easternmost group were converted in 1978. The farm was first listed in January 1987 and the closest agricultural building, a stable block was converted in 1988. The original stable building was extended and two double garages provided as part of the conversion. The conversion was carried out under a less stringent policy regime than exists today and judged by present day design and conservation standards the quality of the conversion and the additional buildings leaves much to be desired. The present proposal involves the replacement of the double garage closest to the listed building and presents an opportunity to create an improvement in its setting and the appearance of the conservation area.

The existing building by virtue of its massing, materials and design especially in the context of the detailing of the adjacent conversion has a negative impact on the setting of the listed building and the character of the conservation area. The proposed dwelling, having a narrow span and simple shape, has a better massing and thus a better relationship with the listed farmhouse. A mixture of red brick and stone under a blue clay tile roof is proposed and conditions attached to the consent would ensure that the materials are carefully chosen. Though it is proposed that it should function as a dwelling the detailed design incorporates many features that are associated with agricultural buildings and this would help to assimilate the structure more harmoniously into the farm group setting. The resulting improvement would significantly enhance the character of this part of the conservation area.

The garage and stables building is proposed to the south west of the farmhouse off the alignment of the principle front. It has a massing typical of historic agricultural ancillary buildings and is 'tied' to the site by a boundary wall that links in with a tiny existing outbuilding. Its alignment, parallel and perpendicular to the farm house, reflects the geometric layout of the more distant historic farm buildings. The deeply overhanging blue clay tile roof would be the dominant characteristic, the walls are of timber boarding that would be finished in a recessive colour thus emphasising the ancillary and agricultural nature of the building. The proposal would not harm the setting of the listed building.

Loss of tree cover.

There are mature trees on the eastern boundary of the site that would be in close proximity to the proposed dwelling. These are a sweet chestnut, a multi-stemmed ash and two holly. The most important in terms of amenity is the sweet chestnut which would be unaffected by the development. The other trees could be retained if desired although their root systems are likely to be affected to accommodate the development. The benefits to be gained by replacing the existing garage with this more sympathetic building would outweigh the amenity value of the trees should they be removed and their loss would not be sufficient reason to refuse the application.

Impact on highway safety and vehicle accessibility.

The Highway Authority does not object to the proposal. Despite the concerns raised by local residents it observes that vehicle turning space will exist at the end of each section of Rose Lane, an improvement on present circumstances.

Alterations to the closure of Rose Lane will need to be the subject of an Order under 1990 Town and County Planning Act, confirmed and implemented prior to any development being commenced. The Order would be made by the Government Office for the East Midlands and would itself be open to objections.

Impact on the amenity of neighbouring residents.

1. Loss of privacy

The front elevation of the proposed dwelling would be 15m from the nearest dwelling known as 1 Rose Lane Mews, which has ground and first floor windows facing the proposal. The front elevation of the proposed dwelling would have a large central opening to the hall, 3.2m wide by 3.2m high, which would be obscure glazed with etched glass and subdivided equally by three oak mullions. A window each side of the glazed panel would serve the kitchen and study. These windows would consist of three vertical strips of glass, 1.3m high by 0.2m wide, set within stone mullions. To secure adequate privacy for occupiers it would be necessary for these windows to be obscure glazed. In addition, on the west elevation a small bedroom window at first floor and utility room window at ground floor would need to be obscure glazed to safeguard the privacy of occupiers of Slade Farm House.

Subject the above safeguards there would be no material loss of privacy for neighbouring residents.

2. Noise and disturbance from altered traffic movements.

The proposal would result in school traffic approaching the school along Rose Lane from Ingleby Lane rather than from Main Street. Whilst residents on Rose Lane may have become accustomed to the current highway arrangement, the proposed arrangement would not result in material loss of amenity over and above that to be expected from the normal use of the public highway. In addition, as identified by the Highway Authority, the provision of two turning heads on Rose Lane would be beneficial to improving the efficiency of the highway and school traffic would be directed to the safer junction with Ingleby Lane which would be in the public interest.

3. The stabling of horses on the land.

Planning permission would not be required to keep horses in the garden. The stables themselves are unlikely to result in a demonstrable loss of amenity and the advice of The Environmental Health Manager is likely to assist in this regard.

Potential ground contamination.

Whilst the risk of contamination from a former Anthrax burial site is considered to be very low, the imposition of the condition suggested by The Environmental Health Manager would allay concerns raised by local residents.

Impact on the appearance of open land.

The garage and stable building would occupy only a small fraction of the garden land which is identified in Policy ENV8 of the emerging Local Plan as contributing to the character and environmental quality of the area. The supporting text to this policy states that it is not the intention of the policy to prevent the owners of such properties carrying out development such as extensions or changes of use that would not undermine the overall undeveloped appearance of the area. The open character of the land within the village would not be diminished by this proposal.

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

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. This permission shall relate to the amended drawing, no(s) 1 and 2 received on 9th January 2004 and 12th December 2003 showing the proposed dwelling redesigned and resited, alterations to the public highway and the existing building and boundary linked to the proposed garage and stabling.
2. Reason: To preserve and enhance the character and appearance of the Ticknall Conservation Area and the setting of the grade II listed building and in the interests of highway safety.
3. The construction of the dwelling hereby approved shall not commence until the highway works have been completed in accordance with the approved plans and to the written satisfaction of the Local Planning Authority.
3. Reason: To ensure the highway works are completed in the interests of highway safety.
4. No development shall commence on site in connection with this approval until samples of materials for the external elevations of the buildings have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved samples.
4. Reason: To ensure the materials are appropriate for the Ticknall Conservation Area and the setting of the grade II listed building.

5. Large scale drawings to a minimum Scale of 1:10 of eaves, verges, 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 external joinery shall be constructed in accordance with the approved drawings.
5. Reason: The details submitted are inadequate to determine whether the appearance of the buildings would be acceptable for the Ticknall Conservation Area and the setting of the grade II listed building.
6. The precise type and size of the proposed rooflights shall be submitted to and approved in writing by the Local Planning Authority. The approved rooflights shall be fitted such that their outer faces are flush with the plane of the roof, unless otherwise agreed in writing with the Local Planning Authority.
6. Reason: In the interests of the appearance of the building, the character and appearance of the Ticknall Conservation Area and the setting of the grade II listed building.
7. Notwithstanding any details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.
7. Reason: In the interests of the appearance of the area.
8. External joinery including the boarding to the stable shall be painted timber to a colour and specification which shall have been previously agreed in writing by the Local Planning Authority. The approved paint shall be applied before the buildings are brought into use.
8. Reason: To preserve the character and appearance of the Ticknall Conservation Area and the setting of the grade II listed building.
9. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the building unless specifically agreed in writing by the Local Planning Authority. The type, number and position of heating and ventilation flues outlets shall be agreed in writing with the Local Planning Authority before development is commenced.
9. Reason: In the interests of preserving the character and appearance of the Ticknall Conservation Area and the setting of the grade II listed building.
10. Gutters shall be cast metal (with cast metal fall pipes) and shall be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.
10. Reason: To preserve the character and appearance of the Ticknall Conservation Area and the setting of the grade II listed building.
11. Pointing of the proposed building shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand). The finished joint shall be slightly recessed with a brushed finish in accordance with Derbyshire County Council's advisory leaflet "Repointing of Brick and Stonework".
12. Reason: To preserve the character and appearance of the Ticknall Conservation area and the setting of the grade II listed building.

12. A sample panel of pointing 1 metres square or such other area as may be agreed by the Local Planning Authority shall be prepared for inspection and approval in writing by the Local Planning Authority prior to the implementation of any other works of pointing. The pointing shall be carried out in accordance with the agreed sample panel.
12. Reason: To preserve the character and appearance of the Ticknall Conservation Area and the setting of the grade II listed building.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, no development within the curtilage of the proposed dwelling house under Schedule 2, Part 1, Class A, B, C, D, E, H and Part 2, Class A of that Order (except as authorised by this permission or required by any condition attached thereto), without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.
13. Reason: To enable the Local Planning Authority to retain control over any future changes to the dwelling and its curtilage in the interests of preservinf the character and appearance of the Ticknall Conservation Area and the setting of the grade II listed building.
14. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft 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.
14. Reason: To safeguard the amenity of the area.
15. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
15. Reason: In the interests of the appearance of the area.
16. No part of the development shall be carried out until precise details of paving patterns, specifications and samples of the materials to be used in the hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
16. Reason: To ensure the materials are appropriate to preserve the character and appearance of the Ticknall Conservation Area and the setting of the grade II listed building.
17. The windows on the south and west elevations shall be obscure glazed before the development is brought into use and remain as such in perpetuity. The entrance hall window shall be etched glass unless otherwise agreed in writing by the Local Planning Authority.
17. Reason: To safeguard the privacy of occupiers and the use of etched glass in the interests of the appearance of the building.
18. Development of the garage and stable building hereby approved shall not commence until a thorough contaminated land investigation with a staged approach has been carried out and the associated report submitted for approval by the Local Planning Authority.

The report shall include:

- . A desk top study with details of historical information.
- . Targeted on site sampling to identify any contamination.
- . If discovered, the locations of any contaminated zones within the site shall be identified.
- . A thorough explanation of the chosen remedial measures including depth, breadth of excavation and details of soil replacement.
- . Details of the measures to verify that the contaminant has been removed to an acceptable level.
- . Details of the long and short term risk to human health including the construction phase and post-development.
- . Details of the British Standards or other guidelines used in both the assessment and remediation measures proposed.

Any remediation measures shall be completed to the satisfaction of the Local Planning Authority before the development is commenced.

18. Reason: In the interests of safeguarding public health.
19. There shall be no burning of manure on site.
19. Reason: To safeguard the amenities of local residents.
20. 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).
20. Reason: To protect the amenities of adjoining properties and the locality generally.

Informatives:

The applicant is informed that the closure of Rose Lane will need to be the subject of an Order under the 1990 Town and Country planning Act, confirmed and implemented prior to any development being commenced. The Order will be made by the Government Office for the East Midlands and will itself be open to objections.

With respect to land contamination, further advice can be obtained from:

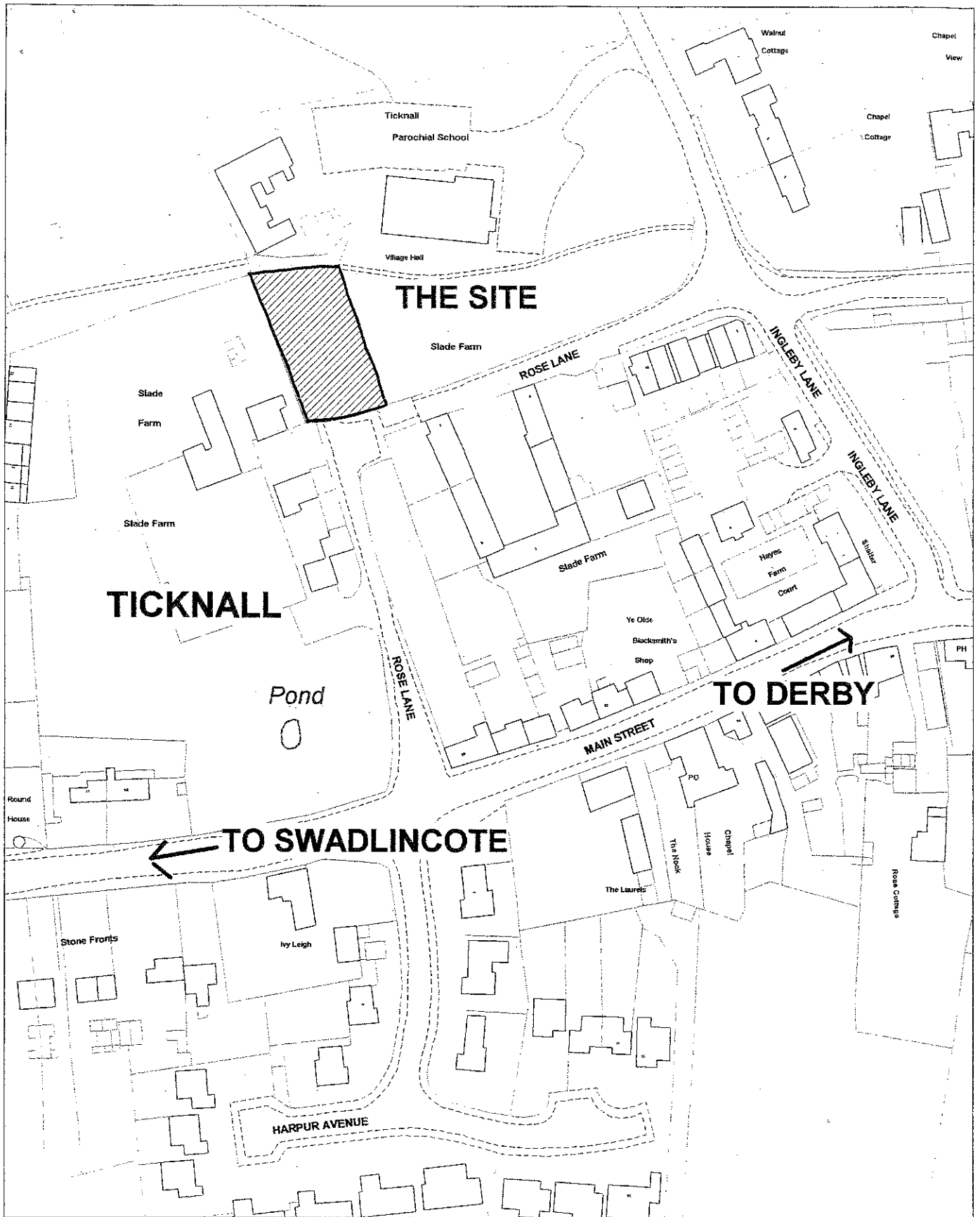
- Dr Manchee, Porton Down Centre for Applied Microbiology and Research 01980 613487
- CLR Guidance notes on Soil Guideline Values, DEFRA and EA
- Sampling Strategies for Contaminated Land, CLR4 1994, DoE.
- Investigation of Potentially Contaminated Land Sites - Code of Practice, BSI 10175 2001
- Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination, R & D Technical Report P5 - 066/TR 2001, Environment Agency
- Guidance for the Safe Development of Housing on Land Affected by Contamination, Environment Agency. ISBN 0113101775.

PLEASE NOTE: If bones are discovered during development, DEFRA shall be immediately informed by calling 01785 231900.

The applicant is advised to follow the above advice in the interests of neighbourliness:

In order to minimise the impact of this development on the surrounding area and to prevent nuisance being caused, the following measures are recommended:

- If the stable is within 50m of a residential property, then the manure heap should be positioned at the furthest point away from this property in such a position so as not to cause a problem from leachate running into a ditch or watercourse (I.e. not within 10m of a watercourse)
 - Regular inspections should be undertaken for the control of rodents, flies and other insects.
- Should evidence of any problem be found then steps should be taken to alleviate the problem.



South Derbyshire
District Council
Civic Offices
Civic Way
Swadlincote
DE11 6AU

9/2003/0999/U - ROSE LANE
TICKNALL

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South Derbyshire District Council

Date Plotted 19/2/2004

NORTH ↑

Plot centred at 428536 325343

Scale 1:1250

License No LA 079375

10/02/2004

Item 2.3

Reg. No. 9 2003 1435 F

Applicant:
Mr R Thompson
C/O Architectural Design Services

Agent:
Architectural Design Services
The Carthovel, Charnels Court
Upperfields Farm
Shepstone
Leicestershire
LE67 2SG

Proposal: **The re-construction of the former blacksmith's cottage at The Gables Ingleby Stanton-by-bridge Derby**

Ward: **Repton**

Valid Date: **25/11/2003**

The application is brought to the Committee on the instruction of Councillor Mrs Wheeler.

Site Description

The site is a field containing the remains of a building towards its northern boundary. The field slopes down from the highway.

Proposal

The application seeks to build a replica of the former blacksmith's cottage that once existed on the site. An old photograph has been submitted for information and the design of the new dwelling reflects the information in the photograph.

Site History

Four applications to develop the site with a single dwelling have been previously refused. The last was a proposed 'country house' (9/2002/1022/O).

Responses to Consultations

The Parish Meeting comments as follows:

- a) Five parishioners raised no objection. Some said the proposal would be in keeping with the hamlet and considerably better than the previous proposal for a country house.
- b) One resident said that the proposal may not accord with the structure plan and was not infilling. However so long as a precedent would not be set there was no objection.

The Highway Authority objects on the grounds that the development would lead to increased reliance on the private car. No highway safety issue is raised as such.

The Environment Agency requires a flood risk assessment as the site is in an area at risk of flooding from the River Trent.

Responses to Publicity

Two letters have been received commenting as follows:

- a) The design of the dwelling is sympathetic to its surroundings.
- b) There is concern that a precedent might be set for development contrary to the structure plan.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policies, 1,3 & 4 and Housing Policy 6.

Local Plan: Environment Policy 1 and Housing Policy 8.

Emerging Local Plan: Policies ENV3, 7 & 21 and H1

Planning Considerations

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

- The principle.
- Impact on the character and appearance of the countryside.
- Highway safety.
- Flooding.

Planning Assessment

The legal position in respect of the former building on the site is clear. Once the building was demolished or destroyed the right to use the land for residential purposes was extinguished. Therefore for the purposes of assessing the proposal against the development plan this is an unjustified proposal for residential development in the countryside, in an area identified by the emerging local plan as unsustainable in the terms of PPG3. Therefore the proposal is clearly contrary to the locational policies of the development plan.

Notwithstanding the reference to a building that once existed, the character of the site has been open for a considerable period of time and this is the established position. The proposed dwelling would thus be an unwarranted intrusion into the open landscape.

The proposal would not result in a dangerous access but the Highway Authority objects on the grounds of sustainability because the proposal would lead to increased reliance on the private car.

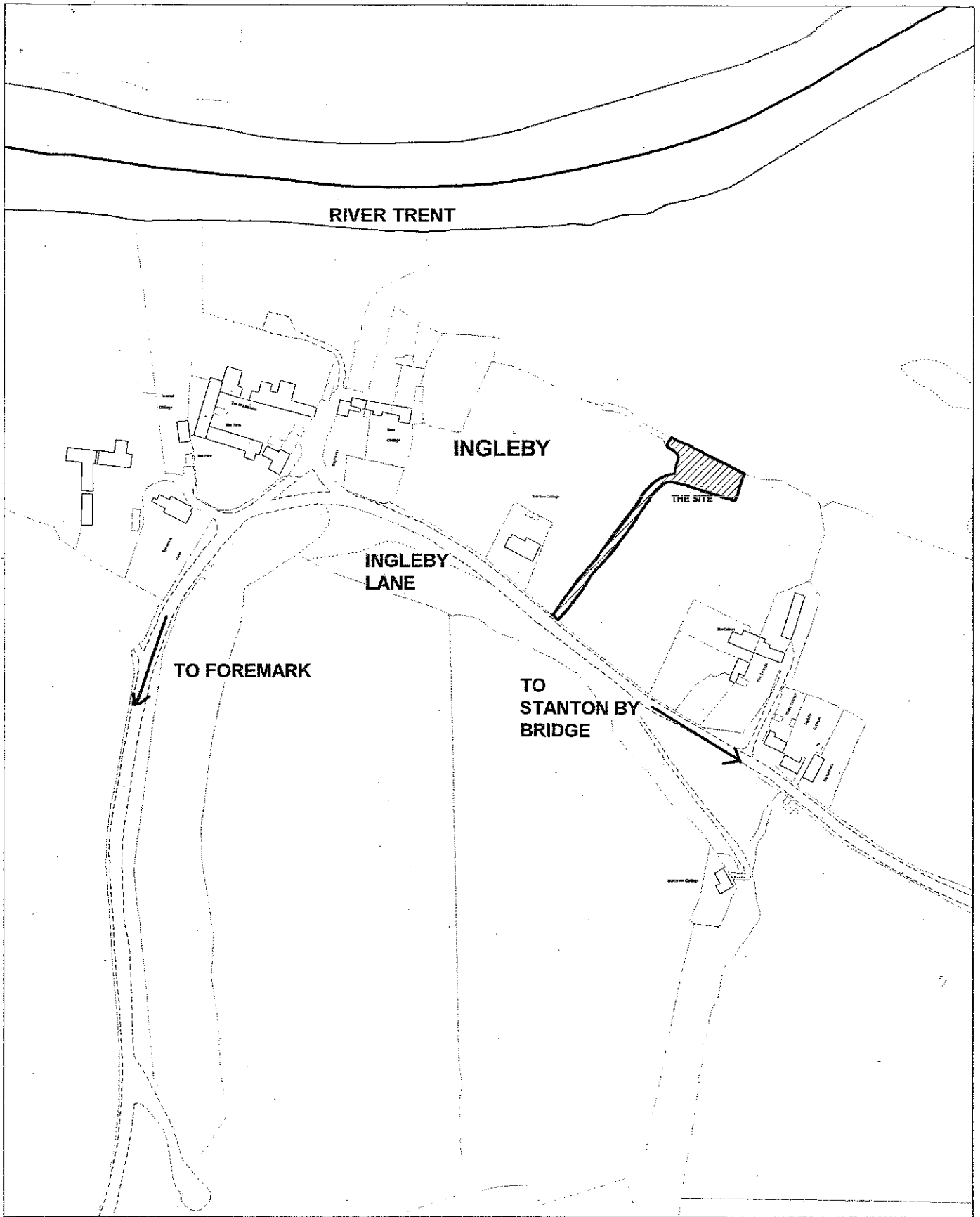
In view of the clear conflict with the development plan the applicant has not been asked to enter into the expense of a flood risk assessment although this issue would need to be taken into account should members be minded to grant permission.

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 proposal conflicts with the approved Derby and Derbyshire Joint Structure Plan General Development Strategy Policies 3 & 4 and Housing Policy 6, the adopted South Derbyshire Local Plan Environment Policy 1 and Housing Policy 8 and the emerging South Derbyshire Local Plan Policy ENV7 which seek to permit residential development outside settlements only if it is necessary to the operation of a rural based activity. The development would result in a harmful intrusion into the countryside to the detriment of the rural character of the area, which is unwarranted in the absence of such a need.
2. Ingleby is not identified as a sustainable location for further residential development as it does not provide sufficient facilities to enable residents to live within the village without being reliant on the private car to travel significant distances for goods and services, or to take up employment. The proposal would therefore lead to additional housing in an unsustainable location contrary to Policy H1 of the emerging South Derbyshire Local Plan and General Development Strategy Policy 1 of the approved Derby and Derbyshire Joint Structure Plan.
3. The indicative floodplain map as provided by the Environment Agency shows the site within an area at risk of flooding from the River Trent. In the absence of a flood risk assessment, the development runs contrary to the advice in PPG 25.



**South Derbyshire
 District Council
 Civic Offices
 Civic Way
 Swadlincote
 DE11 0AH**

**9/2003/1435/F THE GABLES
 INGLEBY LANE
 INGLEBY**

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 South Derbyshire District Council

Date Plotted 19/2/2004

Plot centred at 428536 325343

NORTH ↑

Scale 1:2500

License No LA 079375

10/02/2004

Item 1.8**Reg. No.** 9 2003 1510 F**Applicant:**

Peter Barton
 Windy Ridge
 Breach Lane
 Kings Newton
 Derby
 DE73 1DF

Agent:

Peter Barton
 Windy Ridge
 Breach Lane
 Kings Newton
 Derby
 DE73 1DF

Proposal: The erection of a new farm building and greenhouse together with relocation of mobile homes at Bridge Farm Barrow On Trent Derby

Ward: Aston

Valid Date: 18/12/2003

Site Description

The site is part of a former market garden/food packing enterprise, the northern part of which is now used for general storage, principally inside the former packing sheds. The applicant's ownership covers the southern half of the former Trent Valley Growers land and contains several growing tunnels, an office building, a small steel framed building and a greenhouse, along with office accommodation and an agricultural worker's dwelling. To the north of the site on the other half of the former TVG premises there is range of storage buildings (former packing sheds) and several caravans, occupied in the summer by farm workers. The site is on the corner of Swarkestone Road and Sinfin Lane, with frontages to both roads. The main access is from Sinfin Lane, but there is a farm access, used by tractors, onto Swarkestone Road.

Proposal

The proposal has three components, based on a new steel framed building measuring some 49 m x 20 m with a height of 8.5 m to the ridge. This would be erected close to the Sinfin Lane frontage on land currently occupied by an office building and a greenhouse. The greenhouse would be relocated to a position close to the boundary of the site with No 49 Swarkestone Road. As originally submitted the caravans would have been set out in a line close to the boundary hedge at the Swarkestone Road frontage, close to No 49. The applicant has amended this part of the proposal and the caravans would now be moved to one of the bases for growing tunnels, close to the new building, and a screen fence would be erected on three sides of the caravan site.

Applicant's Supporting Information

- a) At present two companies own the land at Bridge Farm. The applicant's company occupies land containing a packhouse/fridge, a portable office building, a greenhouse and polytunnels, used for plant raising. The floor area of the packhouse/fridge is about 420 sq m.
- b) The company started in 2000 with a production of about 50000 boxes of salads, vegetables and potatoes per year. This has increased to about 300000 boxes, which has stretched the facility beyond its capability in respect food standards etc.
- c) The applicant's business is concentrated totally on salad production for supermarket and the processing industry.
- d) It is proposed to move the packing area, cooling system and office into a purpose built unit, to meet 21st century standards. The area for the new building is already hard surfaced.
- e) The greenhouse on the site of the new building would be moved to the plant raising area in the SE corner of the farm.
- f) The mobile homes would be relocated from that part of Bridge Farm no longer under the applicant's control. These are used by seasonal workers from Eastern Europe, between April and November. In the summer these workers represent around 60% of the company's workforce, which is average for this kind of business in the UK. They are all university students who have been welcomed in the local community.
- g) A letter has been supplied from the owner of the adjacent land confirming that the mobile homes will be removed from their existing position and the planning consent therefore relinquished.

Site History

Various permissions were granted for greenhouses, polytunnels and packing buildings in the past. The main group of buildings is no longer in the applicant's control. Permission for the mobile homes was granted subject to a condition that they should be removed, when no longer needed to house seasonal workers on the holding (9/1296/0691/F).

Responses to Consultations

The Parish Council raises the following objections:

- a) The proposed building would be huge and have a significant detrimental effect on the village scene.
- b) Increased use of the access onto the old Swarkestone Road could be dangerous.
- c) HGV usage could increase and this will bring highway dangers and increased noise levels, especially from refrigeration units.
- d) There is concern over the use of the land to the north of the site.
- e) The shift is towards industrial usage; processing and packing rather than agricultural.
- f) The caravans are unsightly and would be very visible at the entrance to the village. There would also be noise problems to nearby residents and travellers could be encouraged to use the nearby lay-by. (Comment: This objection was received prior to the submission of the amended plan).
- g) The provision of services to the caravans is not made clear.

- h) More time should be given for villagers to comment as the application affects the whole village.

The Highway Authority, the Environment Agency and Environmental Health Manager have no objection in principle.

Responses to Publicity

Letters have been received from 6 local households, objecting as follows:

- a) The proposed farm building would be far too large for its setting to the detriment of the character of the village.
- b) Bridge Farm should not be split in two. The existing buildings on the northern half of the site should be utilised for the packing business.
- c) The building would be used predominantly for the packing of imported foods and is therefore industrial rather than agricultural in character, contrary to the development plan.
- d) The caravans would be visually intrusive.
- e) There is a local site at Hill Farm that could accommodate the caravans.
- f) There would be noise disturbance to local residents from the occupants of the caravans.
- g) There would be no community benefit in terms of local employment.
- h) The site has poor vehicular access. Existing problems to local residents caused by HGVs would become worse.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4.

Local Plan: Environment Policies 1 & 5.

Emerging Local Plan: Policies ENV3, 7 & 21.

Planning Considerations

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

- The principle.
- Visual impact.
- Residential amenity.
- Highway safety.

Planning Assessment

Fundamentally the new building would be an expansion of the existing business, based on agriculture. The applicant company is an agricultural enterprise in its own right and the packing facility would enable it to add value to the farm produce. The facility would also be capable of processing food imported from non-local sources, which is to be expected given the high investment required for a building of this kind. PPG7 acknowledges that, increasingly, diversification into non-agricultural activities is vital to the continuing viability of many farm businesses. The guidance states that farm-based fruit and vegetable packing operations, including those packing the produce of other farms, can help bring necessary economic

diversification and assist farmers in competing effectively at home and abroad. The Government attaches great importance to encouraging new sources of jobs and services in rural areas, and maintaining a strong agricultural and horticultural industry. Development that is necessary to sustain the economic activity should be properly integrated with protection of the rural environment. Clearly there is a qualitative factor in the relevant policies but the proposal is capable of being acceptable in principle.

As the mobile homes would continue to be occupied by seasonal workers employed at the site and in local fields, these are necessary to the business and this location. Therefore they are justified as a matter of principle.

Whilst the proposed new building would be a significant addition to the local landscape it would be within a group containing other similar looking buildings, various ancillary structures and polytunnels/greenhouse. Existing portable structures would be removed. In this landscape context the character of the area would not be adversely affected and the siting of a new building close to other buildings is encouraged by policy. The mobile homes would be relocated from the site to the north. The proposed amended siting is a more compact layout and would be well screened, such that the caravans would have a lesser impact on the landscape than at present. The nearby site at Hill Farm is a touring caravan site and is not suitable or authorised for the siting of mobile homes. The relocated greenhouse would be set at the edge of the complex of polytunnels and its impact would be limited.

The proposed operation is similar to the one carried on for many years at Bridge Farm in the buildings to the north of the application site (now used for general storage). The focus of activity is also in the same general area. The impact on neighbours is therefore not expected to be significantly different to that experienced in the past. The caravans would be far enough away from any residential property so as to cause no demonstrable harm.

Subject to appropriate conditions relating to parking and manoeuvring areas and to prevent HGV usage of the agricultural access the development would not be harmful to highway safety interests.

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

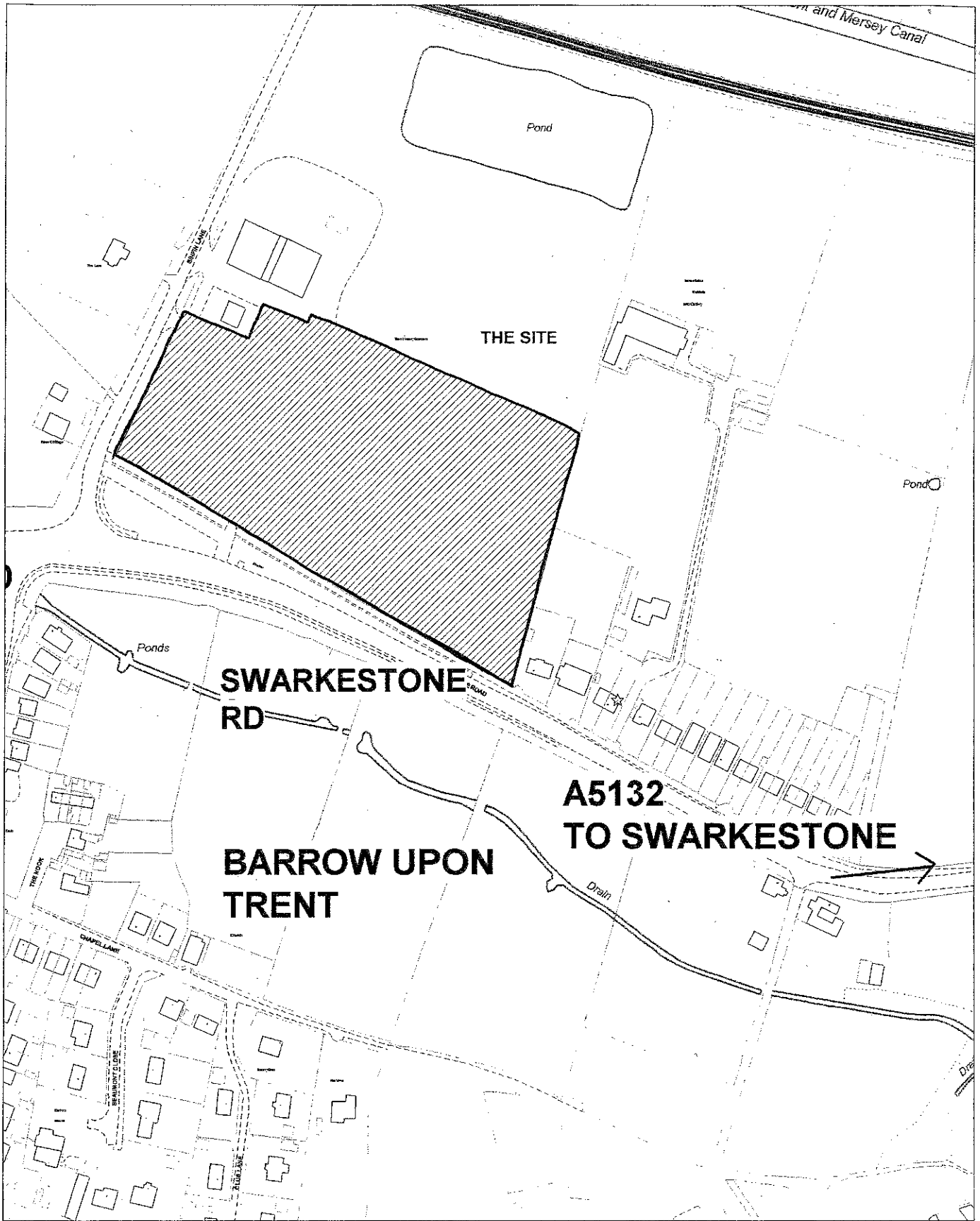
Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. 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 drawings received 14 January 2004, showing revised siting of the mobile home site.
2. Reason: For the avoidance of doubt, the original submission being considered unacceptable.

3. The mobile homes hereby permitted shall be occupied by seasonal agricultural workers employed by the applicant company to farm its land and/or work in the packing building, between April and November. No mobile home shall be occupied between December and March inclusive.
3. Reason: The Local Planning Authority is only prepared to grant permission on the basis of the specific agricultural needs set out in the application and your accompanying letter received 19 December 2003, and wishes to ensure satisfactory restoration of the site in the event of the mobile homes being no longer needed for that purpose.
4. Any or all of the mobile homes shall be removed from the land as soon as reasonably practicable after it or they are no longer required for the purposes stated in the application, and the land shall be restored to its existing level before the development toll place, all service pipes shall be removed and the site covered with topsoil.
4. Reason: The Local Planning Authority is only prepared to grant permission on the basis of the specific agricultural needs set out in the application and your accompanying letter received 19 December 2003, and wishes to ensure satisfactory restoration of the site in the event of the mobile homes being no longer needed for that purpose.
5. The fence bounding the site of the mobile homes shall be erected in accordance with details and specifications that shall have previously been submitted to and approved in writing by the Local Planning Authority before any of them are first occupied.
5. Reason: In the interests of the appearance of the area.
6. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.
6. Reason: To safeguard the appearance of the existing building and the locality generally.
7. The development shall not be brought into use until the access from Sinfin Lane has been widened and an area for the circulation and parking of vehicles has been provided, all in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.
7. Reason: In the interests of highway safety.
8. The development shall not be brought into use until measures for preventing the use of the access marked 'E' on the submitted plan have been implemented in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained thereafter.
8. Reason: In the interests of highway safety.
9. No mobile homes shall be brought onto the site until such time as the mobile homes on the site marked 'A' on the submitted plan have been removed from that site.
9. Reason: To ensure that the total number of mobile homes on and adjacent to the application site is commensurate with the labour requirements of the holding.

10. Any facilities for the storage of chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.
10. Reason: In the interests of pollution control.



South Derbyshire
District Council
Civic Offices
Civic Way
Swadlincote
DE11 3AA

9/2003/1510/F BRIDGE FARM BARROW UPON TRENT

Date Plotted 19/2/2004

NORTH ↑

Plot centred at 428536 325343

Scale 1:2500

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10/02/2004

Item 1.5**Reg. No.** 9 2003 1384 FH**Applicant:**

Mr Mrs C Brockington
15, Fishpond Lane
Egginton
Derby
DE656HJ

Agent:

John Reynolds & Associates
3 Meadway Close
Hednesford Cannock
Staffordshire
WS132PD

Proposal: The erection of a garden wall at 15 Fishpond Lane Egginton
Derby**Ward:** Etwall**Valid Date:** 13/11/2003**Site Description**

The site is the garden of a dwelling converted from an agricultural building, to the south side of Fishpond Lane, within the village of Egginton. The dwelling has its main aspect towards the east across the rear gardens of two further barn conversions which front the road. All three properties share an internal private access drive. There is a large detached house to the west and there is open land to the south.

Proposal

The proposal is a 4.8m length of brick wall approximately 2.45m high, with a brick-on-edge coping. The wall would contain, in accordance with an amended drawing, a close-boarded door with a brick arch above it. (The original application indicated a flat arch). The bricks are proposed to match an existing detached garage at the end of the garden. The wall would project out at right angles from the main aspect of the dwelling into its garden.

Planning History

Planning permission for conversion of the agricultural buildings was granted in 1978. The recently built detached double garage was built under the original permission, although slightly amended with the agreement of the Council.

Responses to Consultations

The Parish Council has objected to the height of the wall, the other boundaries in this area being 1.8m high, and considers this would be a considerable visual intrusion. It is keen to see reclaimed bricks used so that it matches the houses which it will abut, and not the detached garage, whose bricks do not match the houses. The gate should be in a material in keeping with the existing development.

The County Highways Authority has no objection.

Responses to Publicity

Two letters from neighbours have been received expressing concern that:

- 1) Nos. 9, 11 and 15 (originally Home Farm) and dating from the late 1700's, have a walled crew-yard setting, and were sympathetically converted, largely retaining the original brick and tile, supplemented by reclaimed material.
- 2) The rear of the properties has an "open" setting, containing a simple 1m paling fence and beech and evergreen hedges, in the ethos of the Councils "Historic South Derbyshire" booklet, which states that "intrusive suburban alterations to the setting such as fencing in crew yards and non traditional boundaries must be avoided".
- 3) The proposed wall will have a direct impact on the occupiers of the other two barn conversions, as it will be on a driveway shared by three households.
- 4) Contrary to the Council's Supplementary Planning Guidance, the proposed wall is inappropriate to the setting, being too tall and out of all proportion to the two existing 1.8m high screen walls to the rear of the properties.
- 5) The bricks proposed, which are stated to match the new garage (which is very out of character) will not harmonise with the brickwork of the dwelling or the other screen walls, and reclaimed bricks, not new ones, should be used, to match the dwelling.
- 6) The other screen walls are topped with slate under a row of header bricks, and matching treatment might be considered.
- 7) If the height of the wall is accepted, the door aperture should have a brick curved lintel instead of the straight lintel shown.
- 8) The three visitor parking spaces within the curtilage will be reduced to one, if the wall and proposed fence are built. This will be likely to lead to either blocking of the private access drive or increased roadside parking where Fishpond Lane is at its narrowest.

One neighbour has also objected to the erection of a proposed 2 metre high fence which is indicated on the drawings. This however is not part of the application, as it is permitted development.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 13

Emerging Local Plan: Policy ENV 21

Planning Considerations

The main issues are as follows:

- Residential amenity
- Impact on the general character of the area
- Highway safety and parking

Planning Assessment

The proposed height of the wall is to accommodate a pedestrian door with a traditional segmental arch above, and in conjunction with the proposed 2m high adjoining fence, to provide a garden area, in advance of the main aspect of the dwelling, and screened from the rear

elevations of the other two barn conversions. It would thus be a desirable amenity for the applicant, and it would also only be 0.45m above the "permitted development" height limit. The wall would be at least 13.6m away from the nearest objector's dwelling, and would not cause any loss of light to neighbouring dwellings.

The proposed wall would only be readily visible from the two other barn conversions, although passers-by on Fishpond Lane would be able to glimpse it through the arched vehicular access.

The three barn conversions are not Listed, or within a conservation area, although their original character has been sympathetically retained in their conversion. It is important therefore that the wall should reflect the materials and treatment of the existing development. Consequently, an amended drawing to show a curved brick arch above a close-boarded door, and a brick-on-edge coping, has been secured. These elements are matched by existing features in the property, even to the extent of an existing wall not having tiles under header bricks. The applicant proposes that the brickwork should match that of the detached garage at the far end of the garden, but although the garage bricks are a good match with those in the dwellings, it is considered that a condition of a permission should be that the brickwork should match that of the dwelling to which the wall is attached.

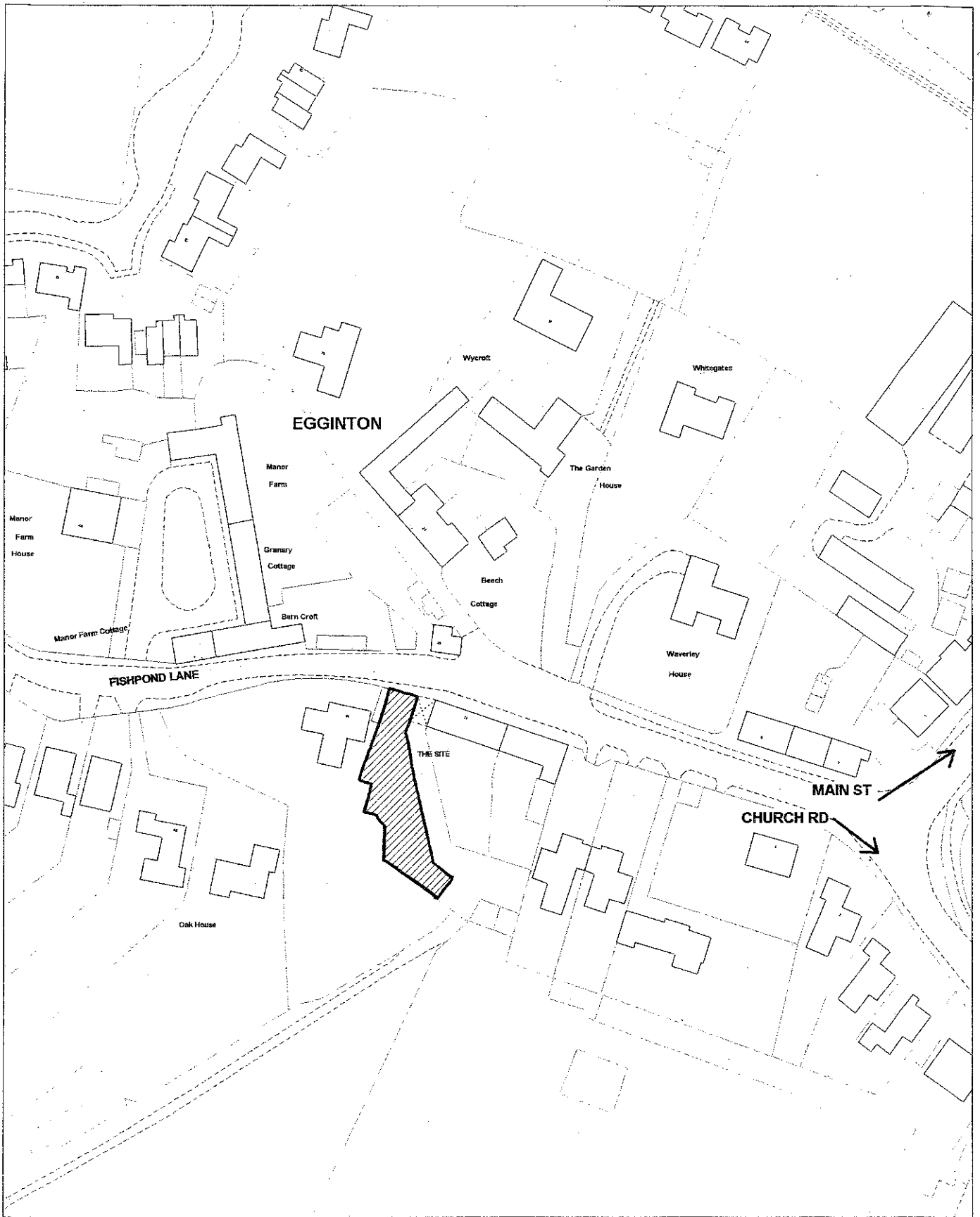
The original planning permission for the conversion did not require any parking space to be maintained. The Council's standards now state a maximum of 2 spaces to accommodate vehicles for a dwelling of this size. If the wall and fence are built, one parking space will remain alongside them, and the detached double garage can accommodate two more vehicles. Thus the Council's requirements would be exceeded. The County Highway Authority does not consider that there will be any significant impact on highway conditions.

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

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. All facing bricks used in the development to which this permission relates shall match those used in the existing dwelling in colour, coursing and texture unless otherwise agreed in writing by the Local Planning Authority.
2. Reason: To safeguard the appearance of the existing building and the locality generally.
3. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing revision A.
3. Reason: For the avoidance of doubt, the original submission being considered unacceptable.



**South Derbyshire
 District Council
 Civic Offices
 Civic Way
 Swadlincote
 DE11 0AA**

9/2003/1384/FH 15 FISHPOND LANE EGGINTON

Date Plotted 19/2/2004

NORTH ↑

Plot centred at 428536 325343

Scale 1:1250

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