

## DEVELOPMENT CONTROL COMMITTEE – 02 March 2004

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

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### REPORT OF THE PLANNING SERVICES MANAGER

#### 1. Planning Applications

#### 2. Appeals

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

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



02/03/2004

**Item** 1.1**Reg. No.** 9 2003 1180 D**Applicant:**

Butler Developments Ltd  
Comberford Hall  
Comberford  
Tamworth  
Staffordshire  
B79 9BA

**Agent:**

Architectural Design Consultancy  
19 Bird Street  
Lichfield  
Staffordshire  
WS13 6PW

**Proposal:** The erection of 24 two bedroom apartments and associated external works at Horse & Jockey Meadow Lane Newhall Swadlincote

**Ward:** Newhall

**Valid Date:** 30/09/2003

**Site Description**

This roughly rectangular 0.16ha vacant sloping site is on the east side of Meadow Lane at its junction with Robinson Road. It has a road frontage length of 48m along Meadow Lane and 15m along Robinson Road. The site was formerly occupied by a public house, which has since been demolished. Visible beyond its south east boundary at some 35m distance is St John's Church a grade II listed building. The site is separated from the rear of properties fronting High Street by a private right of way, which connects Robinson Road to Church Road. Two storey dwellings face the site from across Meadow Lane and Robinson Road.

**Proposal**

It is proposed to erect a three storey building providing 18 two bed and 6 one bed apartments. The longest elevation of the building (28m) would be set at the back edge of the pavement to Meadow Lane with a return elevation (23m long) facing Robinson Road. As the site is sloping the building would be in staggered block formation with an average height to eaves of about 8m. Traditional and contemporary detailing and materials are proposed to provide interest and visual richness to the external elevations. The ground floor elevations of the building would be of stone effect block work with brickwork for the two storeys above. The eaves detail would be a projecting stone effect cornice and there would be a decorative projecting brick band course running at mid height around the building. Full height square projecting window bays would break the elevations at regular intervals. The height of the building would be reduced along Meadow Lane to lessen the scale and massing along this elevation and to allow the third floor windows to break through the eaves line thus providing greater visual interest to this important elevation. There would be a mix of roof types including hipped and parapet gables to provide variety and to further break the apparent bulk of the building into smaller scale components.

The proposed 33 space parking area would be to the rear of the site and largely hidden from view by the building with access to it off Meadow Lane some 40m down from Robinson Road.

The Council's housing waiting list demonstrates a high demand for one and two bedroom apartments in the Newhall area. On this basis the applicant proposes to submit a unilateral undertaking made under Section 106 of the Town and Country Planning Act 1990 to the effect that no apartments shall be offered for sale or rent on the open housing market before the Council's Housing Manager has been given the right and adequate opportunity to first nominate and offer the apartments to individuals who are in need of housing accommodation on the Council's housing waiting list. The sale price shall be no less than the market value of the apartment being offered. The undertaking will give people on low incomes an opportunity to acquire accommodation subject to the availability of housing association subsidies.

### **Planning History**

Outline permission was granted for residential development on 27<sup>th</sup> June 2001 with all matters including siting, design, external appearance, means of access and landscaping reserved for subsequent approval.

### **Responses to Consultations**

This proposal was first submitted as a full planning application and advertised as such and several consultation replies were received in response to that. However, as the site already benefits from outline permission for residential development the applicant decided to convert the application type to reserved matters thus limiting matters for consideration to siting, design, external appearance, means of access and landscaping. Consequently, comments from consultees that go beyond these matters cannot be introduced as material planning considerations at this stage. These include financial contributions to schools and medical facilities, open space provision, remediation of any land contamination that may arise during construction or measures to protect future occupiers from noise from the adjacent work shop facilities.

The Highway Authority comments that there is a shortfall in parking spaces and the following points also need to be addressed:

- Visibility severely substandard for drivers emerging from parking spaces next to the entrance
- No separate pedestrian entrance to site from the highway
- As the access to the parking court is to remain private, it should be constructed with a splayed dropped crossing, not radii and footways.

The Police Liaison Officer makes the following comments:

#### *Lighting*

Good level of lighting will deter intruders and reduce the fear of crime. The main site access, car parking areas and any secluded areas on the site should have the appropriate level of lighting.

#### *Landscaping*

This should not impede natural surveillance and must not create potential hiding places for intruders especially adjacent to footpaths or close to buildings where it may obscure doors and

windows. However, the correct use of certain species of plants can help prevent graffiti and loitering and in addition to fencing may be used to define/reinforce boundaries. Defensive planting ie Berberis or similar may be used to achieve this purpose.

### *Car Parking*

In curtilage car parking arrangements are preferred but where communal car parking areas are necessary, they should be in small groups, close and adjacent to the owners which they serve and open to view of residents. Planting should be designed to avoid hiding places and the area should be well lit and have good natural surveillance.

### **Responses to Publicity**

Ten letters of objection have been received of which seven are reiterated objections following the publicising of amendments. The objections raised are summarised as follows:

- A three storey development would be out of character with the area.
- Sited on a hill the building due to its height would dominate surrounding properties.
- The height and closeness to neighbouring properties will cause a loss of privacy and overshadowing.
- The exit from the proposed car park would be dangerous and noise disturbance would increase dramatically.
- Meadow Lane is narrow and the additional access from it to the development will be dangerous for pedestrians and motorists. Parking is already a problem on Meadow Lane.
- The scale of the development would result in over development of the site.
- The development could restrict visibility when turning into Meadow lane from Robinson Road. The junction is barely adequate to allow cars to pass.
- Boundaries to the development should be made secure for crime prevention purposes.
- A less dense scheme would be preferable.
- The immediate area has been prone to vandalism and burglary and the closed in nature of the development could increase opportunities for anti-social behaviour.
- The area has deteriorated over the past few years and needs development that will go towards restoring the character of Meadow Lane and surrounding vicinity. The development would not have that effect.
- The development would hide views of the Parish Church which is an attractive building.
- The development should include the stone track running from Robinson Road to Church Road which should be brought up to a standard suitable for use by the community and also removing an eyesore.

A 16-signature petition has also been received objecting to the proposal but no reasons are given for the objection.

Ward Councillor Bambrick has written to object on the following grounds:

1. The three storey buildings are out of context with the other buildings in the area.
2. The buildings will have an overbearing effect on the other properties over the road to the apartments.
3. Loss of privacy because of the height of the buildings
4. We have a petition lodged at Derbyshire County Council regarding the footpath, which was used for many years through the grounds from Meadow Lane to Church Road.

Ward Councillor Richards has written saying that the site has caused a considerable amount of concern to the electorate of Newhall Ward and especially the elderly who once had access to a walkway that connected Meadow Lane to High Street (via Church Road). The route has been used for many years (about 40 years) and was once the site of the Newhall market.

### **Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: Housing Policy 3.

Local Plan: Housing Policy 4, Housing Policy 11.

Emerging Local Plan: Policy ENV 21.

### **Planning Considerations**

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

- Scale and character of the development.
- Loss of privacy.
- Parking requirement.
- High safety.
- Loss of an informal pedestrian through route.
- The setting of the listed church.

### **Planning Assessment**

The principle of residential development on the site has been established from the outline planning permission.

#### *Scale and character of the development*

This is a sloping site at the back of Newhall High Street surrounded on all sides by development of varying form and age. The context of the site is urban, of diverse form, with an underlying unity coming from the general use of red brick and dark roof coverings.

The site is a large one and therefore can accommodate some contrast with existing forms. The design of the proposed development is contemporary but it reflects locally distinctive features in the choice of materials, alignment and overall shape of the buildings. The three storey building block is aligned with Robinson Road and Meadow Lane creating street frontages with existing buildings opposite. The block is visually broken up by stepping the building line and varying heights. Splayed corners create visual interest and long eaves lines benefit from being broken by prominent tall bays of projecting windows.

The three storeys allow for a higher density than would otherwise be possible in line with central government policy. The building would be higher than adjoining houses to the south and west. To minimise this the scheme has been amended to utilise part of the roof space for top floor rooms.

The proposed materials are a flat profile dark grey roof covering and red brick with a contrasting buff material (which will give the appearance of stone) on the ground floor and for eaves and cills. The windows are to be powder-coated aluminium.

This contemporary approach will provide a lively contrast within the existing urban setting whilst at the same time the use of materials that match those locally will help the block blend harmoniously with the area. The bays of windows are a strong design feature and the choice of colour will have a significant impact on the appearance of the building.

The overall success of the development will be affected by the quality of the both detailing and materials. Approval of reserved matters should therefore be conditional on the approval of eaves, verges, horizontal band, colour of the windows, all materials and all boundary treatments.

#### *Loss of privacy*

There has been a general concern raised by residents relating to loss of privacy. The proposal is however in accordance with the Council's SPG for housing layouts. The SPG does allow a relaxation of distances between dwellings across a highway, in this case Meadow Lane and Robinson Road, to create a street frontage with buildings opposite. Despite conformity with the SPG, to appease residents concerns the applicant has either reoriented or deleted a total of six bedroom windows and six living room windows.

#### *Parking requirement*

Working to the old parking standard the Highway Authority requires a total of 45 off-street parking spaces. In accordance with central government policy, however, the emerging Local Plan sets maximum parking numbers and in this case one space is required per unit demanding a total of 24 spaces. The proposal is for 33 spaces which exceeds the maximum requirement. However, in view of the narrowness of Meadow Lane and the problems already encountered with street parking the extra spaces would be useful in absorbing fluctuations in parking demand for the benefit of the area.

#### *Highway safety*

Amended plans are anticipated to overcome the outstanding matters raised by the Highway Authority. Apart from these minor amendments the Highway Authority raises no objections to the proposal, and being the Council's expert on highway matters the development is acceptable from this point of view.

#### *Loss of informal pedestrian through route*

This is largely a private matter between local residents and the landowner. From a crime prevention point of view, however, its removal would be beneficial, as the loss of a potential escape route is likely to discourage would be criminals. In addition, whilst the loss of this through route may cause some inconvenience to local residents, the High Street and its facilities remain near at hand with adequate means of accessing it.

#### *The setting of the listed church*

The proposed building would be some 65m from the church building and is therefore far enough away not to detrimentally affect its setting. A view of the church from Robinson Road across the

site would be affected but this is not a publicly significant view and would only be totally safeguarded if the site remained undeveloped.

*In conclusion*

Whilst this development has generated objection from some residents, it does offer a valuable opportunity to provide further quality development to the centre of Newhall thus bringing investment confidence to the area for the benefit of the community and local environment. It also provides the opportunity for affordable accommodation to be provided in a highly sustainable location.

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. This permission shall relate to the amended drawings, nos 056/01 B, 056/02 A, 056/03 A, 056/05 B, 056/06 received on 12th DEcember 2004 showing in particular:
  - a. amended fenestration
  - b. amended parking layout
  - c. amended elevations and detailing.
1. Reason: To safeguard the amenities of the area and in the interests of highway safety.
2. No development shall commence on site in connection with this approval until samples of materials for the external elevations of the building have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.
2. Reason: The building will be prominent in the streetscene and the Local Planning Authority wishes to ensure that the materials match those traditionally used locally to help the development blend harmoniously with the area.
3. No development shall commence on site in connection with this approval until large scale drawings to a minimum Scale of 1:10 of the fenestration and external doors joinery, including horizontal and vertical sections, precise construction method of opening and cill and lintel details have been submitted to and approved in writing by the Local Planning Authority and the external details shall be constructed in accordance with the approved drawings.
3. Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.
4. No development shall commence on site in connection with this approval until large scale drawings to a minimum Scale of 1:10 of eaves (including rain water goods), verges and band courses, including horizontal and vertical sections have been submitted to and approved in writing by the Local Planning Authority and the external joinery shall be constructed in accordance with the approved drawings.
4. Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.



5. 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.
5. Reason: The boundary treatment is an important part of the development and the Local Planning Authority wishes to ensure the details are appropriate to safeguard the quality of the development and the appearance of the streetscene.
6. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the building unless specifically agreed in writing by the Local Planning Authority. The type, number and position of heating and ventilation flues outlets shall be agreed in writing with the Local Planning Authority before development is commenced.
6. Reason: In the interests of the appearance of the development and the character of the area.
7. A sample panel of pointed brickwork and pointed 'stonework' 1 metre 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 before the work is generally executed.
7. Reason: In the interests of the appearance of the development and the locality generally.
8. No part of the development shall be carried out until precise details including 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.
8. Reason: To ensure the materials are acceptable to safeguard the quality of the development and the appearance of the area.
9. Gutters and downpipes shall have a black finish. No fascia boards shall be used.
9. Reason: In the interests of the appearance of the building and the character of the area.

**Informatives:**

The applicant is advised that the following conditions from the outline permission, 9/2001/0360, are outstanding:

2 (landscaping), 5 (earthworks), 6 (landscaping implementation), 7 (disposal of foul and surface water), 8 (safeguarding public sewer), 9 (finished floor levels).

**Item** 1.2

**Reg. No.** 9 2003 1205 M

**Applicant:**  
Derwent Valley  
Meeting Room Trust, C/O Agent

**Agent:**  
Alf Plumb  
D P D S Consulting  
Gleneagles House  
Vernon Street  
Derby  
DE11UP

**Proposal:** **Outline application (all matters except siting and means of access to be reserved) for the erection of a meeting room at Fox Covert Farm Derby Road Aston-on-Trent Derby**

**Ward:** Aston

**Valid Date:** 02/10/2003

### **Site Description**

The site is part of a disused pig farm adjacent to the A50 and to the north of the village, consisting of a dwelling and substantial range of blockwork faced buildings. All the buildings are showing signs of advancing deterioration. Clear views of the site are available from Derby Road and the A50. A high standard access has been provided by the Highways Agency onto Derby Road, as part of the trunk road scheme. The site lies in the green belt.

### **Proposal**

The application proposes a single building, located on the site of the existing buildings, which would be demolished. It would be used for the purposes of religious worship. The illustrative drawing shows a single storey building measuring some 60 m x 30 m in plan. It would have a shallow pitched roof attaining a height of about 9 m to the ridge. There would be landscaped car parking areas (about 75 spaces) and a belt of trees next to the public footpath running along the southern boundary of the site. That part of Fox Covert Farm not used for the development would remain in agricultural use.

### **Applicant's Supporting Information**

A comprehensive statement has been supplied by the applicant's planning consultants. The conclusions are as follows:

- a) The applicants would use the building solely for religious services (Christian Brethren) and are prepared to accept a condition to this effect.
- b) The site would not prejudice any of the objectives of the green belt. It would be redevelopment of an existing developed site so there would be no urban sprawl. It would not lead to coalescence of settlements or encroach in to the countryside.

- c) Very special circumstances are needed to set aside green belt policy. The building would have a barn like appearance and would be redevelopment of a site in the spirit of PPG2. It would have no greater impact on openness or exceed the height of existing buildings and would not occupy a larger area of the site
- d) Contrary to the advice in PPG12 the adopted and emerging local plans fail to identify any new sites for places of worship in South Derbyshire.
- e) Because of the lack of allocated sites a location outside the urban area is necessary.
- f) The development complies with Policy ENV6 of the Emerging Local Plan because it meets the very special circumstances required.
- g) 90% of traffic would not travel through Aston on Trent.
- h) Derby Road is identified as a proposed strategic cycle route in the Cycling Strategy and 20 secure racks would be provided.
- i) A minimum 75 parking spaces are proposed to cater for normal attendance figures of about 250 brethren.
- j) The congregation would be contained within a wide catchment area. However the need to minimise car travel is recognised and the types of vehicles used are predominantly people carriers with high vehicle occupancies. Although the meeting room would not be used at full capacity on a weekly basis it is important that enough parking is provided on the occasions when it is needed.
- k) There is a bus route along Derby Road, providing an hourly service to Derby rail and bus stations. The site meets the criteria of PPG13 being readily accessible by modes of transport other than the car.
- l) The impact of traffic would be minimal and would occur outside peak times.
- m) The hall is designed for 750 people although capacity attendance is likely to occur on only 2 or 3 occasions per year.
- n) Design is simple and there is no point of visual focus such as a spire or cross. A barn style of building has been evolved, representing an agricultural vernacular. This simple design would be sympathetic to the rural setting.
- o) Various examples of similar buildings in green belt locations are supplied.
- p) Landscaping would include a planted bund around the car park using native trees. Further planting would also comprise native species.
- q) The applicant is willing to enter into a Section 106 Agreement to prevent use of the building by any other group or user.

### **Site History**

Permission was granted to use two of the existing buildings for industrial purposes in 1998 (9/1098/0575/U). Conversion of brick outbuildings to enlarge the dwelling and use of the outbuildings to a private office and stables was permitted in 1999 (9/1999/0774/F). Permission to erect a replacement dwelling, sited away from the A50 was granted in 2000 (9/1999/0800/O).

### **Responses to Consultations**

Aston on Trent Parish Council has no objection subject to the following recommendations being incorporated:

- a) There is concern over traffic, particularly as some of the services would be held in the morning. Directional signs and literature for members should guide traffic to approach from the A6. (Comment: Directional signs off the site will require separate consent).
- b) Parking spaces should be laid out in bays of 4/6 vehicles rather than one large space.
- c) Sympathetic and unobtrusive materials should be used.

d) The detail application should not be significantly different.

Weston on Trent Parish Council raises similar comments about signage and the detail application.

Shardlow Parish Council has no objection subject to a condition limiting use to the applicants only.

The Highway Authority, the Environment Agency and Severn Trent Water Limited have no objection in principle.

The County Archaeologist recommended pre-decision evaluation, having regard to the adjacent Iron Age settlement. This has been carried out and no significant finds have been encountered.

### **Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 7.  
Local Plan: Green Belt Policy 6 and Community Facilities Policy 1  
Emerging Local Plan: Policies ENV3, 6 & 21 and CF2

### **Planning Considerations**

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

- The principle.
- Impact on the openness of the green belt.
- Impact on the character and appearance of the countryside.
- Highway safety and traffic.
- Residential amenity.
- Pollution control.
- Archaeology.

### **Planning Assessment**

The development does not meet the definition in PGG2 of 'appropriate development' in the green belt. Therefore very special circumstances are necessary to justify development. As well as the matters raised in the consultant's report the following factors are relevant to this case:

- The existing site contains a number of buildings that have an undesirable impact on the openness of the green belt and the character of the area. There is little that the Council can do to bring about the removal of these buildings and green belt policy would encourage their retention for alternative uses.
- The proposed building would occupy less of the land than the current buildings and could therefore have less impact on the openness of the green belt.
- The proposal makes provision for woodland planting which could lead to a significant enhancement to the site.

- The proposed building is of a basic form and appearance not unlike modern farm buildings and therefore would be assimilated into the landscape readily.
- The low intensity of usage of the building further limits its impact on the green belt. The willingness of the applicant to accept a condition precluding the use of the building by other groups would maintain its low-key presence.
- None of the schemes already approved would have a lesser impact on the green belt

The impact on the openness of the green belt would be less due to the lesser site coverage and the replacement of several buildings by one.

The proposed agricultural design and landscaping would have a much more positive effect on the landscape than the existing complex.

There would be no detriment to highway safety. There is unlikely to be any noticeable disturbance on local roads. The wide catchment area for the use makes this location not significantly less suitable than an urban area with regard to traffic generation, particularly having regard to the nature and duration of services.

The site is well away from dwellings and no loss of amenity is likely.

Subject to conditions recommended by the Environment Agency the proposal would not pollute the water environment.

There are no archaeological interests that would preclude development. Recording of any finds could be achieved through an appropriate condition.

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

### **Recommendation**

That Members be minded to **GRANT** permission subject to the following conditions, and the matter be referred to the Government Office to enable the First Secretary of State to consider the green belt issues:

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- (b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.
1. Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.
2. Approval of the details of the design and external appearance of the building the landscaping and means of enclosure of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
3. Reason: In the interests of the appearance of the area.
4. The details required pursuant to condition 2 shall include areas for the parking, manoeuvring and loading of all vehicles likely to visit the site at any one time and those spaces shall be provided prior to the first use of the development and thereafter retained for that purpose.
4. Reason: In the interests of highway safety.
5. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor, designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
5. Reason: In the interests of pollution control.
6. No development shall take place until details of a scheme for the disposal of surface and foul water have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been approved before the development is first brought into use.
6. Reason: In the interests of flood protecting and pollution control.
7. The building hereby permitted shall only be used for public worship and religious instruction and for no other purpose including social or recreational uses or any other purposes within Class D1 of the Town and Country Planning (Use Classes) Order 1987 or any other Order revoking or re-enacting the above provisions.
7. Reason: To ensure that the development does not have an adverse impact on the green belt.
8. An archaeological watching brief shall be undertaken by an archaeological contractor approved by the Local Planning Authority in accordance with a written fieldwork specification that shall have previously been submitted to and approved in writing by the Local Planning Authority.
8. Reason: The site lies in an area where there is a known Iron Age settlement.

Informatives:

The application and conditions above are considered to be in accord with the following policies of the Development Plan:

Local Plan: Community Facilities Policy 1

Emerging Local Plan: Policies ENV3 & 21 and CF2

situation, as it is highly susceptible to shrinkage during the drying out process. Such shrinkage would cause the foundation to subside.

It is recommended that as a precautionary measure against further damage to the property and possible structural problems, all trees within a radius of their fully grown height be removed as soon as possible.

### **Responses to Consultations**

The Councils arboriculturist considers that removal is reasonable, as Leyland Cypress is a high water demanding species. 15 to 20 metres from the building is a more appropriate distance on heavy clay for this vigorous species. The land is very 'industrially disturbed' and there are many reasons other than these relatively small trees why cracking is occurring. He does not consider it wise, however, to ignore the request to take out four conifers only four metres from the building. He recommends that the trees are replaced by 3 tall evergreen shrubs, Cotoneaster Cornubia (3 litre pots) and 1 Picea Omorika (Serbian spruce) (10litre pot, 800mm tall). This evergreen planting will not be nearly so water demanding as Leylandii. In the future it may be better to replace all the Leylandii and use Serbian spruce as a replacement.

A letter of objection has been received signed by Ward Councillors S Taylor and G Isham, as follows:

Our principle reason for objection is to safeguard the amenity value of these trees, in their current established form they offer considerable benefit to the community.

Prior to the occupation of this former domestic property by Donald Ward Ltd, the surrounding trees contributed greatly to mitigating the adverse effects of the business undertaken at this location. Following the inclusion of this property into the business a significant number of trees were removed. This has had a quite detrimental effect on the amenity of the street scene, and local residents.

The few remaining trees retain some element of protection to the amenity of immediate community. They screen the site, and also give protection from the direct effects of noise. Their removal would change the profile of the streetscape. This is particularly apparent on the approach towards Woodville Tollgate.

Woodville Parish Council objects to the proposal stating that they are of value to the community as this is a very noisy site and the trees act as a sound barrier.

### **Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: Environment Policy 16.

Adopted Local Plan: Environment Policy 9.

Draft Local Plan: ENV3.

### **Planning Considerations**

The main issue central to the determination of this application is whether the damage to the building allegedly caused by the trees is sufficient justification to have them removed.

## Planning Assessment

The chartered engineers report concludes that in all likelihood it is the trees that are causing damage to the building and the Council's tree specialist agrees with this on the basis that the trees are high water demanding on shrinkable clay following a very dry summer. On this basis it would therefore be expedient to remove the trees. Refusal to fell could result in a claim for compensation against the Council for any further damage caused by the trees after the issuing of the refusal notice.

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

## Recommendation

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

1. The work hereby approved shall be carried out within two years of the date of this consent.
1. Reason: To enable the LPA to assess future proposals should this work not be implemented.
2. No works to any trees shall be carried out until the local planning authority has approved in writing full details (including location, species and size of planting) of every tree and shrub to be planted by way of replacement for those to be felled under the terms of this consent, including its proposed location, its species, its size at the date of planting, and the approximate date when it is to be planted
2. Reason: To ensure replacement planting is provided to safeguard the amenities of the area.
3. Trees and shrubs shall be planted in accordance with the details approved by the Council under Condition 2.
3. Reason: To safeguard the amenities of the area.
4. If within a period of two years from the completion of the planting any of the trees or shrubs planted in accordance with condition 3, or any tree or shrub planted as a replacement of any of those trees or shrubs, is cut down, felled, uprooted, removed or destroyed or dies or becomes on the opinion of the Local Planning Authority, seriously damaged or defective, a replacement shall be planted of the same specification and species as that lost.
  - (a) the local planning authority shall be notified as soon as reasonably possible,
  - (b) another tree or shrub of the same species shall be planted at the same location, at a time to be agreed in writing unless the local planning authority agrees in writing to dispense with or vary the requirement.
4. Reason: To provide for replacement planting if necessary in the interests of safeguarding the amenities of the area.



02/03/2004

**Item** 1.6**Reg. No.** 9 2004 0017 U**Applicant:**

Mr M Parker, A J Parker And Sons  
 Derby Hills Farm  
 Broadstone Lane  
 Ticknall  
 Derby

**Agent:**

Steedman Planning And Land  
 Tournament Way  
 Ashby De La Zouch  
 Leicestershire  
 LE65 2UU

**Proposal:** The siting of a mobile home for an agricultural worker at  
 Land To The South Of Sir Henrys Lane Melbourne Derby

**Ward:** Melbourne

**Valid Date:** 19/01/2004

**Site Description**

The site is a sloping field surrounded by trees on the east valley side to Staunton Harold Reservoir. It contains a large steel frame agricultural building.

**Proposal**

A mobile home is sought, this being linked to a proposed livestock building, subject to application 9/2004/0018/F. A comprehensive appraisal of the need for the mobile home is included with the application.

**Applicant's Supporting Information**

The agricultural justification submitted by the applicant concludes as follows:

- a) The family business is established and has traded profitably for many years. However the business needs to be flexible and to develop.
- b) The business has chosen to expand its livestock and farm diversification enterprises. Expansion of buildings cannot take place at the existing Derby Hills Farm complex, which is tenanted. So it is logical to undertake that expansion on owner occupied land at the application site.
- c) Associated with development of the business it is logical to establish Michael Parker (the son of Robert Parker) in his own business (for family partnership, taxation and managerial considerations).
- d) The viability of the holding is sufficient to support the existing labour force. Robert Parker and his wife, along with Michael Parker already occupy the only dwelling on the farm. In order to expand the livestock enterprise it is intended that Michael Parker should supervise the stock at the application site. It is important for the welfare of the livestock that there should be a dwelling at each location.

- e) Each part of the operation is viable, although in practice the two will run alongside each other as two generation farm centres.
- f) The proposed mobile home is in accord with PPG7 where a new site is necessary to prove the viability of the proposed enterprise and the intentions of the applicant before allowing a permanent dwelling.
- g) The proposed dwelling would not be visible from the road or other habitations due to surrounding woodland and follows the advice of PPG7 by locating close to existing buildings.
- h) The existing farm access would be used and there would be no material increase in traffic because the operation of the land would be more self-contained.
- i) There is a functional need and the business would be viable. The proposal is thus in accord with planning policy.
- j) The applicant would be willing to link the mobile home to the stocking of the livestock building.

### **Site History**

The existing farm building was permitted 2 years ago (9/2002/0095).

### **Responses to Consultations**

The Parish Council, Environmental Health Manager and the Highway Authority have no objection.

### **Structure/Local Plan Policies**

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4 and Housing Policy 6.

Local Plan: Environment Policy 1 and Housing Policy 12.

Emerging Local Plan: Policies ENV 3 & 7 and H1

### **Planning Considerations**

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

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

### **Planning Assessment**

The farm business consultant's report accompanying the application appears to justify the need for the mobile home based on the tests of functionality and viability set out in PPG7. This is a logical expansion of an established farm business. The proposal for the home to be temporary is also in accord with policy guidance. Therefore the proposal is acceptable in principle.

The mobile home would be located close to the existing and proposed farm buildings and would thus have minimal impact on the character of the countryside.