

REPORT OF THE HEAD OF PLANNING SERVICES

SECTION 1: Planning Applications

SECTION 2: Appeals

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

1. PLANNING APPLICATIONS

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

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

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

Item 1.1

Reg. No. 9/2006/1141/FH

Applicant:

Mr Mrs R Brown
Cedar House
41 Main Street
Newton Solney
Burton-on-Trent
Staffordshire
DE15 0SJ

Agent:

Abacos Design Co-Operative
138 Alexandra Road
Burton Upon Trent
Staffordshire
DE15 0JE

Proposal: The erection of a garage and outbuilding block at 41, Cedar House Main Street Newton Solney

Ward: Repton

Valid Date: 04/10/2006

Reason for committee determination

The proposal could be interpreted as being contrary to policy and the recommendation is to grant permission.

Site Description

Cedar House, a large detached house in extensive grounds, is a grade II listed building on the south side of Main Street opposite the junction of Church Lane. The house and its garden back on to open countryside.

Proposal

It is proposed to erect a garage block with workshop to the rear of the house and on the eastern side of the property curtilage. The building would be linear in form and would occupy a corner position where existing boundary walls meet. The building would be next to and with its back to the boundary walls and would be 22.6m long from east to west and 22m long from north to south. The maximum depth of the building would be 6m and would be 2.5m to the eaves and 4.7m to the ridge.

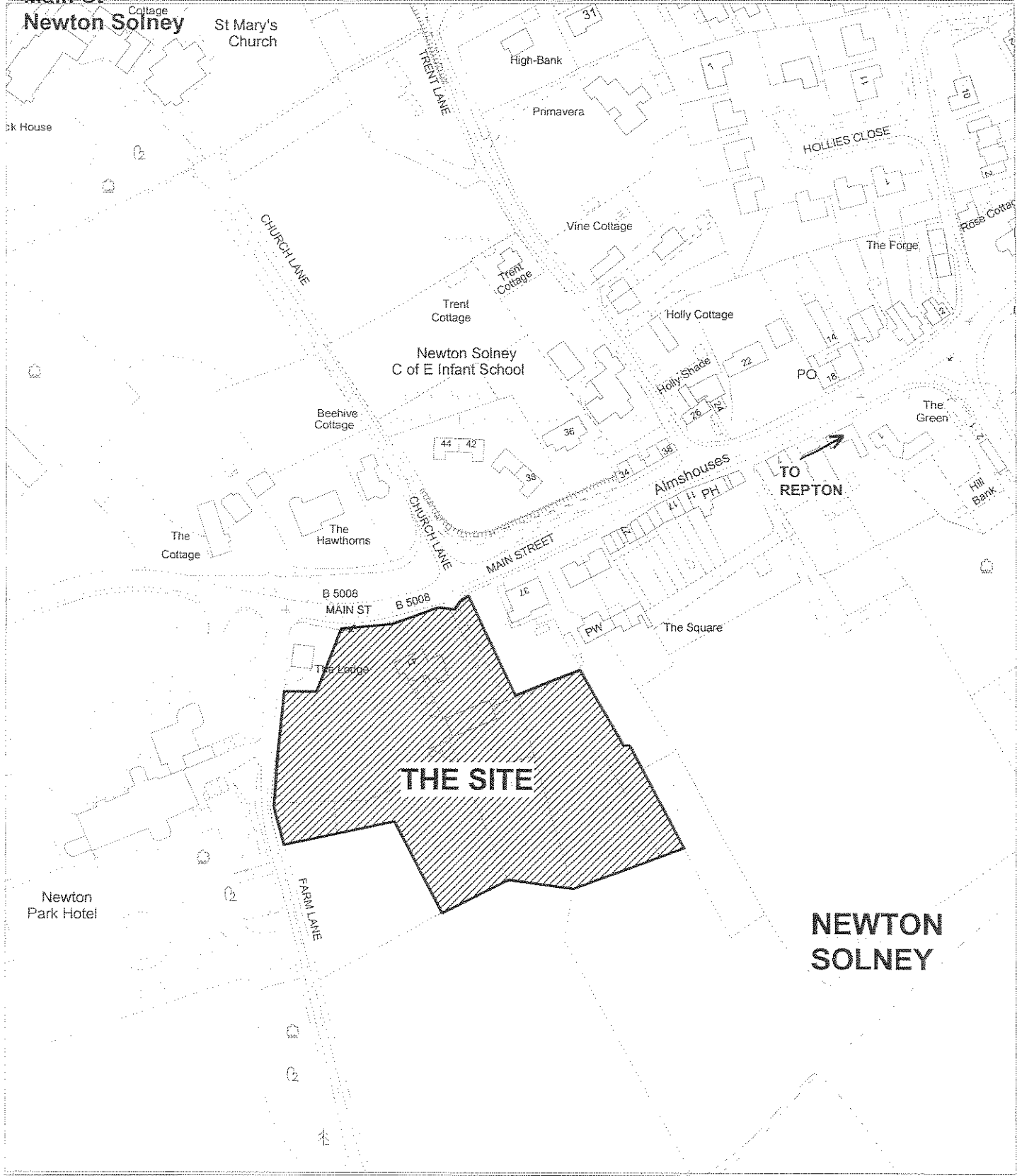
The walls of the building would be finished in cedar boarding and the roof cover with Staffordshire plain clay tiles.

The land slopes down from southeast to northwest, and the site has been levelled to provide a flat base. The forecourt area has been designed to provide sufficient space to accommodate an existing mature walnut tree.

9/2006/1141/FH 41 Cedar House

Main St

Newton Solney



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Scale 1:2000 Date Plotted 2/2/2007

Plot centred at 428048 325576



9/2006/1141/FH 41 Cedar House
Main St
Newton Solney

It is also proposed to construct a temporary stoned access to the site from The End off Bretby Lane to facilitate building operations. This does not form part of this proposal, however, because it benefits from being permitted development.

Applicants' supporting information

- The buildings are required to house the applicant's private collection of classic cars in safety and in good condition with some storage space over.
- The proposed site of the building was considered optimum in terms of keeping the outbuilding group as a whole as tight as possible to preserve the agricultural nature of the field to the south whilst not impinging on the setting of the listed building. The impact of the development from the south and west was further minimised by setting it against the existing boundary walls with a narrow walkway for maintenance purposes.
- Although a pitched roof and traditional roofing materials matching the existing outbuildings were considered appropriate, the roof has not been raised in any way to facilitate storage and full height access is possible only immediately below the ridge. This has facilitated minimum impact on adjacent properties as well as allowing the height of the building to remain below that of the existing outbuilding.
- It is proposed to level the area of the building, retaining the existing level to the south with a retaining wall. This is proposed for practical reasons, but also to minimise the height impact in adjacent properties and to allow the new building to sit down in the landscape when viewed from the public footpath to the south.
- The form of the building is low key and broadly agricultural. Timber cladding is evident on agricultural buildings close by.

Responses to Consultations

Newton Solney Parish Council objects to the proposal on the following grounds:

- The development is outside the village development boundary and there are no overriding exceptional circumstances to justify allowing the development
- A bungalow was recently refused outside the village development boundary and in the interests of consistency this should also be refused.
- The options showing the building within the village development boundary are preferred.
- The temporary access would emerge on a blind bend and therefore be detrimental to highway safety
- The building is excessive in size and if allowed conditions should be applied to prevent the conversion to residential.

The Council's Design and Conservation Officer has also examined the alternative sites and is of the opinion that the submitted site is acceptable having less impact on the conservation area and the listed building and that the rough-sawn boarded buildings would result in a more simple low-key appearance.

The Council's Arboriculturist has no objection to the amended scheme subject to the incorporation of tree protection measures.

Responses to Publicity

One objection has been received which is summarised as follows:

- The development would be outside the village development boundary
- Despite a reduction in height the proposal would still overshadow adjoining properties
- The site was previously occupied by a shed used as a shelter for horses
- The site does not form part of the garden to Cedar House but is a field adjacent to the garden used until recently as grazing for horses
- A workshop would generate noise in a rural setting
- The development would obscure the garden wall which would be detrimental to the Conservation Area
- Allowing the development would be inconsistent with a recent appeal decision to refuse a house outside the Village Confine on Church Lane.

Development Plan Policies

The relevant policies are:

RSS8: Policy 27

Joint Structure Plan: GDS Policy 2 and 3, Environment Policy 9 and 10

Local Plan: Environment Policy 1, 12 and 13

Planning Considerations

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

- Whether the development should be allowed outside the village development boundary
- The impact on the Conservation Area and the listed building.

Planning Assessment

The development site is just outside the Newton Solney Village Confine.

Environment Policy 1 of the Local Plan restricts development outside settlements to that which is essential to a rural based activity or unavoidable in the countryside and the character of the countryside, the landscape quality, wildlife and historic features are safeguarded and protected.

The development is not essential to a rural based activity but could be described as being unavoidable in the countryside. To accord with Environment Policy 13 regard should be given to preserving the setting of the listed building. Alternative sites were considered during the course of the planning application, which would be within the village confine, but were rejected on grounds that they would have had an undue impact on the setting of the listed building. Members may choose to conclude from this that there are no suitable sites for this development because: a. within the village confine it would detract from the setting of the listed building and, b. outside it, it would be inappropriate development in the countryside.

An alternative conclusion could be that having protected the setting of the listed building it would then be unreasonable to prevent a house of this size from enjoying its own garage facilities, and specifically in this case for the storage of a private classic car collection. On this basis, the development becomes unavoidable in the countryside and

the issue that remains is whether the siting and design of the development would be harmful to the character of the countryside and the Conservation Area.

Environment Policy 1 is designed to protect the undeveloped openness of the countryside from inappropriate development. The chosen site is tucked into a corner formed by the boundary walls to the gardens of neighbouring properties. The proposal would therefore be read in the context of existing built development and thereby would avoid obtrusive encroachment into the countryside. Further visual mitigation would arise from the development being single storey and it having cedar boarded walls and a clay tiled roof, more typically found in a rural location. As such, the development would have a neutral impact on the character and appearance of the Conservation Area.

The proposal is unlikely to cause an unacceptable loss of amenity to neighbouring properties caused either through overshadowing or noise.

In answer to local concern raised about inconsistent application of policy to development outside the village confines, the appeal in question was for a house and therefore different policies applied and the development was contrary to those policies with no overriding material considerations.

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

Recommendation

GRANT permission subject to the following conditions:

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. No development shall commence on site in connection with this approval until samples of materials for the external surfaces of the development (including the retaining walls and proposed finish to the cedar boarding) 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.

Reason: To safeguard the setting of the listed building and the character of the Newton Solney Conservation Area.

3. Gutters and downpipes shall have a black finish.

Reason: To safeguard the setting of the listed building and the character of the Newton Solney Conservation Area.

4. The proposed retaining walls to the turning area and steps shall have a traditional style of shaped clay or stone coping. No development shall commence on site in connection with this approval until a sample of the coping has been submitted to and approved in writing by the Local Planning Authority and the approved coping shall be installed before the development is first brought into use.

Reason: To safeguard the setting of the listed building and the character of the Newton Solney Conservation Area.

5. No development shall commence on site in connection with this approval 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 and the development shall not be brought into use until the approved hard landscaping works have been installed.

Reason: To ensure the materials are appropriate to safeguard the setting of the listed building and the character of the Newton Solney Conservation Area.

6. No development shall commence on site in connection with this approval until construction details of any retaining features or walls in the vicinity of the crown of the walnut tree have been submitted to and approved in writing by the Local Planning Authority and these features shall be constructed in accordance with the approved details.

Reason: To safeguard the root zone of the tree.

7. No development or other operations shall commence on site in connection with this approval until a scheme (herein after called the approved protection scheme) which provides for the retention and protection of the walnut tree, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme.

Reason: To ensure that the tree is protected in the interests of safeguarding the amenities of the area.

8. No operations shall commence on site in connection with the development hereby approved until the tree protection works required by the approved tree protection scheme are in place.

Reason: To ensure the tree is protected in the interests of safeguarding the amenities of the area.

9. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved tree protection scheme.

Reason: To ensure the tree is protected in the interests of safeguarding the amenities of the area.

10. Protective fencing shall be retained intact for the full duration of the development hereby approved, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To ensure the tree is protected in the interests of safeguarding the amenities of the area.

Item 1.2

Reg. No. 9/2006/1151/O

Applicant:

Blue Square Projects Ltd
111 Hagley Road
Edgbaston
Birmingham
B16 8LB

Agent:

Intergrated Designs (Midlands) Ltd
38 Old Walsall Road
Birmingham
B42 1NP

Proposal: Outline application (all matters reserved except for layout and access) for the demolition of existing dwelling and the erection of a block of eight flats on land at 34 Oversetts Road Newhall Swadlincote

Ward: Newhall

Valid Date: 02/11/2006

Reason for committee determination

Councillor Mrs Mead has requested that this application be determined by the Committee due to the access being dangerous, the development having an overbearing impact on the streetscene and that the density is too high for the space available.

Site Description

The site is currently occupied by a two storey detached house on the east side of Oversetts Road and on the north corner of the Parliament Street/ New Road cross roads junction. Five dwellings are currently being built across the road.

Proposal

It is proposed to demolish the existing house and erect a block of eight apartments on two floors. Layout and access are to be considered as part of this application and scale, appearance and landscaping reserved for subsequent approval.

The footprint of the proposed building would be 20.6m wide by 8m deep and set back some 3m from the carriageway edge. A parking area for eight cars would be provided at the rear of the building.

Applicant's Supporting Information

A design and access statement submitted with the application concludes that the site would improve prospects for first time buyers; eight apartments is below the density required by government guidelines; local services infrastructure would not be stretched

9/2006/1151/O Land to rear of 34 Oversetts Road

Newhall



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DISTRICT COUNCIL**
CIVIC OFFICES
CIVIC WAY
SWADLINCOTE DE11 0AH

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Date Plotted 2/2/2007
Scale 1:1750
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by the development; the parking provision would meet present needs; the scale and mass conform to the existing street scene; there will be disabled access and compliance for DA requirements on the whole of the ground floor.

Responses to Consultations

The Highway Authority accepts the provision of eight parking spaces and therefore raises no objections.

The Primary Care Trust requests a financial contribution of £444 per unit.

The Education Authority does not request a contribution.

Development Plan Policies

The relevant policies are:

RSS8: Policies 2, 3 and 4

Joint Structure Plan: Housing Policy 3, Environment Policy 17

Local Plan: Housing Policy 4, Recreation and Tourism Policy 4.

Planning Considerations

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

- The visual impact of the development on the streetscene
- Highway safety

Planning Assessment

The site is located within the main urban area and therefore its residential redevelopment is acceptable in principle.

The gable span of a building would generally determine its final scale and massing against neighbouring buildings and whether it would assimilate into the streetscene. The gable spans for buildings in the area range from between about 6.5m and 8m. The building proposed for demolition has a gable span of 8m. The span of the proposed building has been reduced from 10.3m to 8m. The proposed building is therefore unlikely to appear incongruous in the streetscene and subject to appropriate detailing and materials would be acceptable.

The County Highway Authority raises no objection to this proposal. It would therefore be difficult to substantiate an objection on highway safety grounds.

In addition to the medical contribution, there would also be a requirement for a contribution of £7760 for recreational facilities.

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

Subject to the receipt of a satisfactory Unilateral Undertaking or Agreement under Section 106 of the Town and Country Planning Act for the payment of contributions towards local medical and recreational facilities then, **GRANT permission** subject to the following conditions:

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

(b) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.

2. Approval of the details of the scale, appearance and the landscaping shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.

3. No development shall commence on site in connection with this approval until samples of materials for the external surfaces of the development 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.

Reason: To ensure the materials are appropriate to safeguard the appearance of the area.

4. Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. This shall include steel railings or wall on the front boundary. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

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

5. Further to condition 2 above, soft landscape details shall include planting plans; written specifications including cultivation and other operations associated with plant and grass establishment; schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate) and the implementation programme.

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

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged

or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

Informatives:

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

13/02/2007

Item **1.3**

Reg. No. **9/2006/1289/U**

Applicant:

John Bowler (Agriculture) Ltd
Etwall
Derby
DE65 6JG

Agent:

Ian Pick Associates Ltd
Unit 3
Brook Street
Driffield
East Yorkshire
YO25 6QP

Proposal: **The change of use of an agricultural building to form
office accommodation at Badger Farm Willow Pit Lane
Hilton Derby**

Ward: **Hilton**

Valid Date: **08/11/2006**

Reason for committee determination

This application has implications for the creation of an office in the countryside where there may be issues that the Committee should consider.

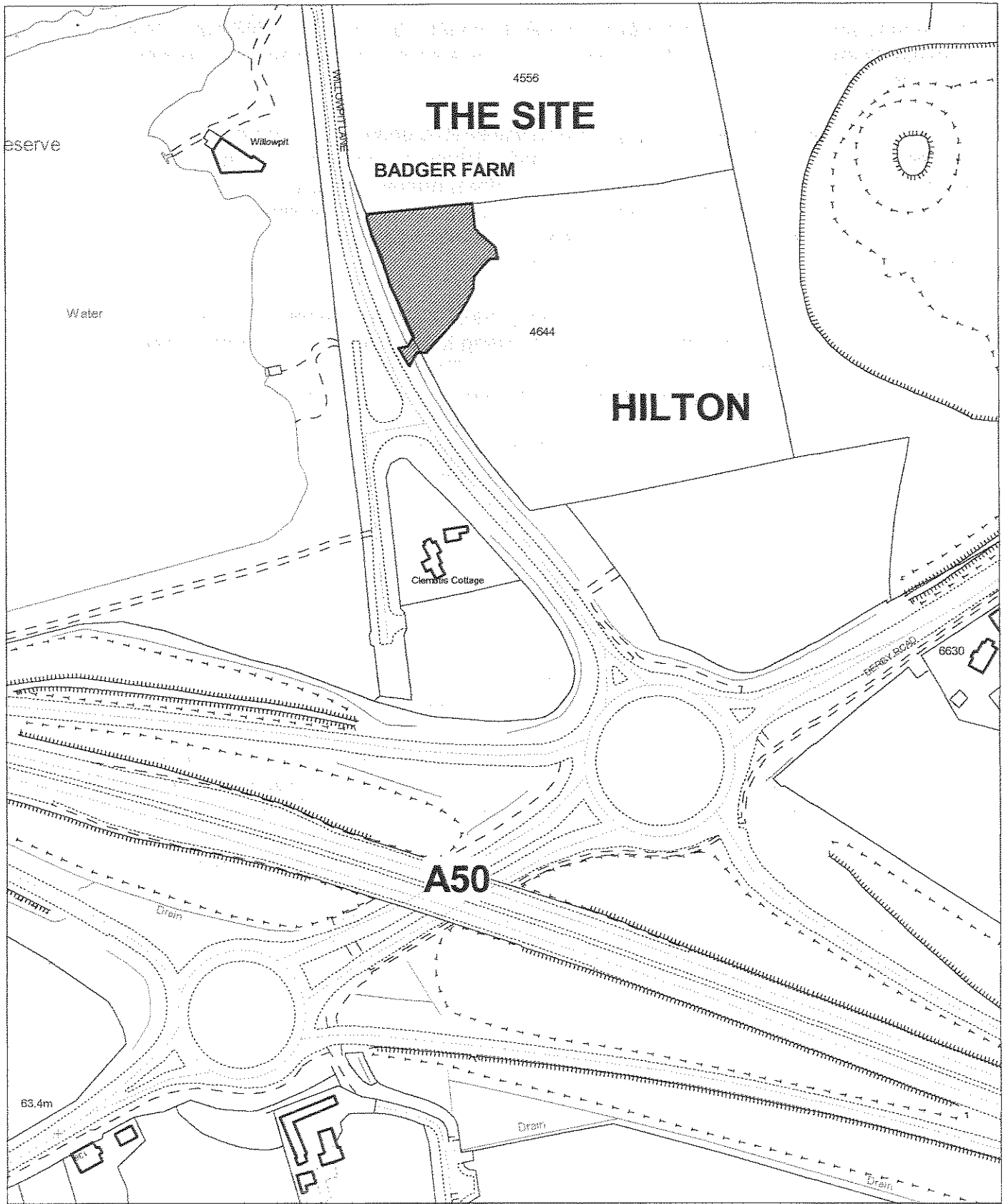
Site Description


The application site comprises the barn and land adjoining it that would be used for parking. This forms part of an egg farm known as Badger Farm set up 3 to 4 years ago. The remainder of the farm comprises a dwelling and two free-range chicken sheds. Access to the site is from Willowpit Lane and the site access is some 100 metres to the north of the A50 interchange at Hilton. There is a wide verge adjacent to the access that narrows as Willowpit Lane runs north. The site is separated from the road by a substantial hedge.

Proposal

The application seeks approval for change of use of an agricultural building to offices in order to relocate the operational base for John Bowler (Agriculture) Limited.

The business is currently based at Ivy Court, Etwall. Ivy Court, Etwall extends to 1200 square feet of Office space and the company employs 24 people who have a requirement for office accommodation. The office unit at Ivy Court is overcrowded and has a serious lack of car parking facilities. The Ivy Court car park has space for 6 cars. Currently 18 cars park on Willington Road on a daily basis, plus vehicles of visitors to the office, who are numerous in number.



 South Derbyshire District Council Civic Offices Civic Way Swadlincote DE11 0AH	9/2006/1289/U Badger Farm Willow Pit Hilton	Date Plotted 2/2/2007	NORTH ↑
	Crown Copyright. All rights reserved. South Derbyshire District Council OS Licence No. LA 100019461. 2006	Plot centred at 425434 331312	Scale 1:2500

A planning application was recently approved to change the use of 10 Willington Road to overspill office accommodation, however, this is a short-term measure and expires in December 2008.

The proposed development at Badger Farm will enable entire relocation of the business and adequate space to be provided for all staff, visitors and car parking. This will have positive benefits to the Willington Road, Etwall area, removing a large number of cars from being parked on the public highway. The proposal will also facilitate further expansion of the business and enable new jobs to be created. New employment is severely restricted at Ivy Court due to lack of space.

The building would be altered to provide rooflights and glazing panels in the sides of the building. A floor would be inserted into the building to provide additional office space. The proposal includes provision for cycle parking. The applicants have confirmed that the building is no longer required to operate the egg business on the site and that approval of the application should not lead to an application for the erection of another similar building. The hours of operation of the site are proposed as follows: 0730 – 1830 Monday to Friday and 0730 – 1300 on Saturdays.

Applicants' supporting information

The building would be converted as it is with no proposals to extend it. It is stated that from most aspects the appearance of the building would remain unchanged and the hedges that surround the site would substantially screen the parking areas. Additional tree and shrub planting would be planted if required by the Local Planning Authority. Other than the provision of the glazing to the existing openings and the provision of glazing to the west (roadside) elevation, the existing materials would be retained.

In support of the application an accessibility statement has been prepared. It notes that the application building lies close to a major bus route with a 20 minute service in either direction that provides a direct link between the site and the existing offices of the company. This means that the site is accessible by all modes of transport (including rail as the bus route links directly to the station at Hatton). There are marked cycle routes between the A50 junction and the offices in Etwall. The statement concludes that 605 of the current staff employed in Etwall would have a shorter journey to work and those faced with a longer journey would have a variety of alternative methods of accessing the site to the private motor car.

Planning History

Planning permission for the farm complex was granted in 2001; this included permission for a mobile home to supervise the operation. In 2004 permission was granted for the erection of a permanent dwelling in accordance with the advice in PPS 7 (formerly PPG 7) that allows for the erection of permanent dwellings provided that the new enterprise has established itself and shown a profit in the previous three years.

Responses to Consultations

Councillor Mr Littlejohn objects to the development.

Hilton Parish Council strongly objects to the application as it feels that it is the start of another development and Hilton is already bigger than it was supposed to be.

Responses to Publicity

One objection has been received on the following grounds: -

- a) The objector considers that a letter should have been sent direct to her address, as the house is closest to the development site.
- b) The development would be detrimental to the value, appearance and location of the objector's house.
- c) The offices would overlook the house, which would be detrimental.
- d) A similar application for offices, the proposal also included the provision of flats, has recently been refused from the same applicant on land at Derby Road Hilton.
- e) The objectors moved to get away from the hustle and bustle of city life and offices; the A50 has never been a problem as they can access all the services they need within 5 – 10 minutes by car.
- f) Residential development at the site would be preferable.

Development Plan Policies

The relevant policies are:

RSS8: Policies 1, 2, 6 & 24

Joint Structure Plan: GDSP 1 & 4, E5

Local Plan: EV1, E1

Planning Considerations

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

- The Development Plan and Government advice
- The sustainability of the development
- The impact on nearby dwellings.

Planning Assessment

The Development Plan makes provision for the reuse of redundant farm buildings for business purposes provided that the proposal is acceptable on environmental and traffic grounds. Whilst the Structure and Local Plan policies make reference to the buildings being of a form and character in keeping with their surroundings, more recent Government advice states that the adaptation of rural buildings can be acceptable as a means of promoting the rural economy.

In this particular case the proposal is to relocate the HQ of a local business to the barn that was permitted as part of the establishment of the egg production business on the land. Since permission was granted the operation of the egg business has changed and the building is now no longer required to operate the egg business at this site.

Government advice in PPS 7 and PPG 13 is that new development should take place in a sustainable location accessible by public transport. This is also reflected in General Development Strategy Policy 1 of the adopted Structure Plan. The applicants have addressed this issue and provided evidence of the accessibility of the site by a variety of modes of transport other than the private motorcar.

The applicant is correct that there is a regular bus service and cycle provision is available within acceptable distances from the proposed office base. Whilst it would be preferable for the applicant to identify suitable premises within a village or propose the development of purpose built premises on an allocated site such as Hilton Business Park, the national guidance and development plan documents do not explicitly indicate that availability of sites or premises within villages can be used as a reason for refusal of permission for farm diversification proposals. The site is within reasonable walking and cycling distance of both Etwall and Hilton and is very close to a regular bus service, albeit accessible only by walking along a short unlit stretch of country lane with no footway. Therefore having regard to the PPG13 reference to the need for a realistic approach to accessibility in rural locations, there is no reliable basis upon which refusal of the application could be justified.

There are no proposals to extend the building but alterations to its fabric are proposed in the form of full height windows and the insertion of roof lights. It will be necessary to carry out significant internal alterations to comply with building regulations.

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

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. No operations shall be carried out and no deliveries taken at or despatched from the site outside the following times nor at any time on Bank or Public Holidays: Monday to Friday 0730-1800 and Saturday 0830 - 1300 as set out in the application documents.
Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.
3. The car parking spaces/manoeuvring areas shown on the submitted plan IP-01 shall be hard surfaced with a solid bound material and marked out prior to the first use of the development and thereafter retained for that purpose free of obstruction.
Reason: In the interests of highway safety.

Informatives:

You are advised to contact the Council's Building Control Section or the a suitably qualified person to advise on the requirements to adapt the building for office use.

Item **1.4**

Reg. No. **9/2006/1292/O**

Applicant:

Findern Properties (Derby) Limited
Findern
Derby
DE65 6AG

Agent:

Paul Day
P D Architecture
120 Gedling Road
Arnold
Nottingham
NG5 6NW

Proposal: **Outline application (all matters except for siting and means of access to be reserved) for the residential development of Corner Farm Heath Lane Findern Derby**

Ward: **Willington/Findern**

Valid Date: **10/11/2006**

Reason for committee determination

Councillor Mrs Hood has requested that Committee determine the application as there are issues of wider public concern about the proposals.

Site Description

The site comprises the land adjoining the former farm at the junction of Longlands Lane and Heath Lane. There is an outbuilding fronting onto Longlands Lane; there are also two existing agricultural accesses onto the Lane which would be retained. The tree at the rear of the site is one of the few in the village not covered by a Tree Preservation Order.

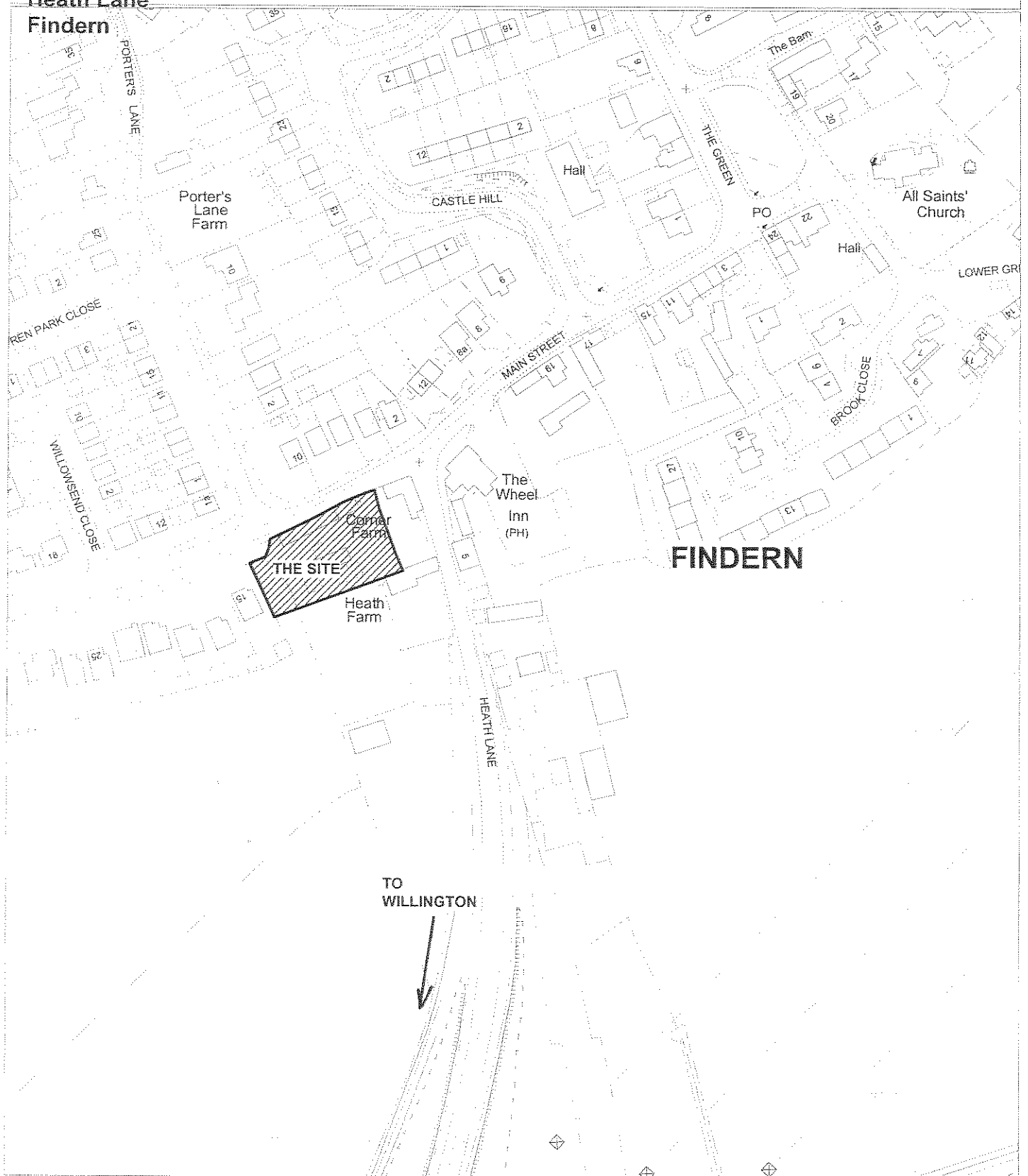
Proposal

The application is in outline but seeks approval for the siting and access at this stage. The application has been amended since submission to reduce the number of dwellings from 6 to 5 so that the housing is now proposed on the frontage to Longlands Lane only.

Applicants' supporting information

The applicant's state that the site lies within the village envelope, is redundant for agricultural use and if left in its current state would degenerate and detract from the character and appearance of the area. The development would accord with Government advice and if developed with 5 houses would accord with density requirements.

9/2006/1292/O Corner Farm
Heath Lane
Findern



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Scale 1:2000 Date Plotted 2/2/2007

Plot centred at 430739 330294

9/2006/1292/O Corner Farm
Heath Lane
Findern



The applicants have sought advice from the County Highway Authority and the Local Planning Authority before submitting the application. In amending the application the potential problems with overlooking of the adjacent house have been removed. The County Highway Authority requirements for the access to the dwellings have been met.

Planning History

There is no relevant planning history.

Responses to Consultations

Findern Parish Council has no specific objection to the development but has serious concerns about the 12 – 14 cars wanting access and parking close to the corner; the location plan is out of date in that the new bungalow at off Porters Lane is not shown; there are no plans to improve visibility at the junction opposite The Wheel Public House.

The County Highway Authority has indicated that the principle of the development is acceptable subject to amendments to the submitted drawings. The Authority has been reconsulted and its final comments will be reported at the meeting.

The Education Authority has indicated that in this case it does not require a contribution towards education costs.

The PCT had not replied at the time this report was prepared. Any response will be reported at the meeting.

Responses to Publicity

None

Development Plan Policies

The relevant policies are:

RSS8: Policies 2, 3, 4, 6,

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

Local Plan: Housing Policy 5.

Planning Considerations

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

- The Development Plan.
- Highway issues
- Section 106 Contributions

Planning Assessment

The site lies within the confine of Findern on the current adopted South Derbyshire Local Plan. Findern is deemed to be a village where all the necessary facilities exist to make it a sustainable location for housing development. As the site lies within the defined confines of the village, the site is an appropriate location for development in accord with the provisions of the Development Plan.

Confirmation that the detailed amendments are acceptable is awaited from the County Highway Authority. Further comments will be reported at the meeting.

As the development is for 5 dwellings it attracts a requirement for Section 106 contributions. The Education Authority has indicated that it does not wish to seek a contribution in this case; the Derbyshire PCT views are awaited but if a contribution were required it would normally be £444.00 per dwelling. Open space and recreation provision is currently required at a rate of £714 per person which would attract a contribution of £10,710 (approximately). This figure will only become confirmed once the details of the development are submitted.

The revised layout appears to better reflect the character and form of the street and is therefore acceptable. The appearance of the dwellings would be an issue for a subsequent reserved matters application.

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

Recommendation

Subject to the receipt of a signed unilateral undertaking, **GRANT permission** subject to the following conditions:

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
(b) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.
2. Approval of the details of the scale, appearance, means of enclosure and the landscaping of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.
3. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos. 06.073.01B and .02A received on 15 January 2007.
Reason: For the avoidance of doubt, the original submission being considered unacceptable.
4. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).
Reason: To protect the amenities of adjoining properties and the locality generally.

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

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

7. Gutters and downpipes shall have a black finish and be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

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

8. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate, in the case of dwellings of four or more bedrooms three cars, in any other case two cars within the curtilage of each dwelling, or in any alternative location acceptable to the Local Planning Authority or as may otherwise be agreed in writing by the Local Planning Authority in accordance with its published standards. Thereafter three parking spaces (in the case of dwellings with four or more bedrooms) or two parking spaces (in any other case), measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of each dwelling unless as may otherwise be approved in writing by the Local Planning Authority.

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

13/02/2007

Item 1.5

Reg. No. 9/2006/1368/U

Applicant:
Mr Mrs Robson
Stanton
Burton-on-trent
Staffordshire
DE15 9TW

Agent:
Herron Windows (UK) Ltd
Unit 1
Burton On Trent
Staffordshire
DE14 1DY

Proposal: The change of use of land to residential curtilage and the erection of a conservatory at 21 Park Road Stanton Burton-on-trent

Ward: Newhall

Valid Date: 29/11/2006

Reason for committee determination

The proposal could be interpreted as being contrary to policy and the recommendation is to grant permission.

Site Description

This detached roadside house is on the north side of Park Road, some 80m east of its junction with the A444. It is one of a group of loosely spaced dwellings on the north side of the road within the South Derbyshire Green Belt.

Proposal

It is proposed to retain as private garden to the rear of the property, a piece of recently enclosed land taken from the neighbouring field and which measures some 28m wide by 5.5m deep. It is also proposed to erect a single storey conservatory that would extend into the enclosed land, which would be 3.5m wide by 2.2m to the eaves and 3m to the ridge and would extend 4m from the rear of the house.

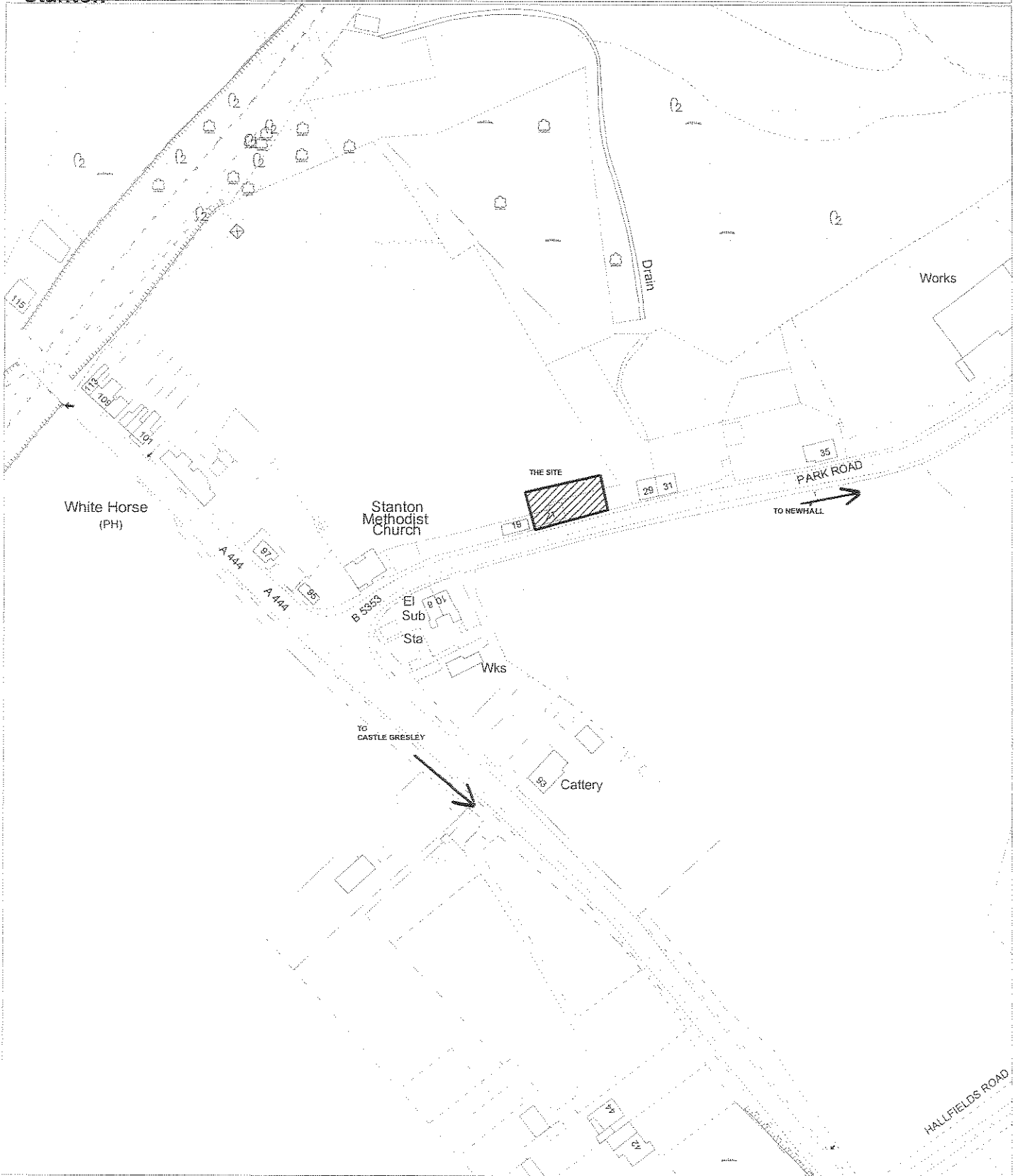
Development Plan Policies

The relevant policies are:

Joint Structure Plan: GDS Policy 7

Local Plan: Green Belt Policy 6 and Housing Policy 13.

9/2006/1368/F 21 Park Road
Stanton



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Scale 1:2000 Date Plotted 2/2/2007

Plot centred at 427096 319831



9/2006/1368/F 21 Park Road
Stanton

Planning Considerations

The main issue central to the determination of this application is the extension of garden into a field and erection of a conservatory extension within the Green Belt.

Planning Assessment

The dwelling without the garden extension would have had virtually no private garden space. The provision of a modest sized rear garden is therefore a reasonable aspiration and would be no worse than allowing a small house extension which is supported by policy. The proposal would maintain openness and would not conflict with the purposes of including land in the Green Belt. The conservatory is relatively small and, again, would not impinge upon Green Belt policy objectives, as it would not be easily seen from the road or any other public vantage point.

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

Recommendation

GRANT permission subject to the following conditions:

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

Informatives:

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

13/02/2007

Item 1.6

Reg. No. 9/2006/1425/MD

Applicant:

Rippon Homes Limited
Mansfield Woodhouse
Nottingham
NG19 9AG

Agent:

Rippon Homes Limited
Leeming Lane South
Mansfield Woodhouse
Nottingham
NG19 9AG

Proposal: Approval of reserved matters of applications 9/2005/0410/O and 9/2005/0411/O for the residential development of twenty houses and new access road at Grotto Farm Main Street Overseal Swadlincote

Ward: Seales

Valid Date: 19/12/2006

Reason for committee determination

This is a major application and there has been more than two letters of objection.

Site Description

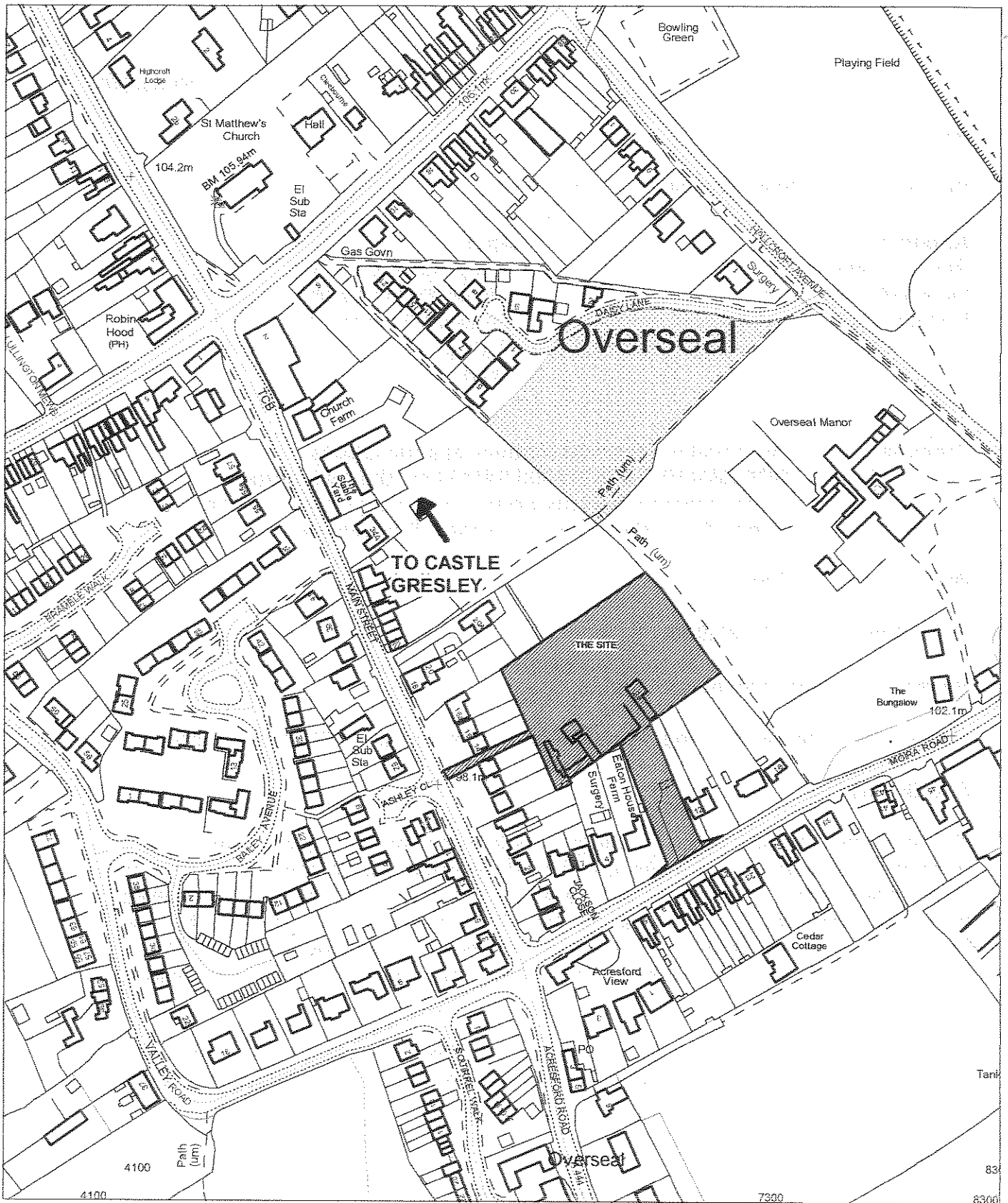
The application site lies within the village envelope in a locality characterised by residential development. The site itself comprises vacant land that was formerly used as a garden centre. Topographically the land falls to the south west and out buildings that were on the site have been demolished. There are trees and hedges to the site boundaries and at the Moira Road frontage the trees were assessed as part of the outline application. Those worthy of retention are the subject of a Tree Preservation Order.


Beyond the site boundaries there are dwellings on three sides of the application site and a public footpath runs contiguously with the north eastern boundary. The site adjoins open land to the north.

Proposal

This is a reserved matters application for the erection of twenty houses following the grant of outline permission early in 2006. The proposal includes the formation of a new access road between Eaton House and number 12 Moira Road to serve 19 of the dwellings and the existing driveway from Main Street would serve Plot 6.

There would be a mix of 3 and 4 bedroom houses comprising terraced, semi-detached and detached. Seven dwellings have rooms within the roof space and the remainder



		Date Plotted 2/2/2007	NORTH ↑
South Derbyshire District Council Civic Offices Civic Way Swadlincote DE11 0AH	9/2006/1425/MD Grotto Farm Main Street Overseal	Plot centred at 429606 315272	Scale 1:2500
	Crown Copyright. All rights reserved. South Derbyshire District Council OS Licence No. LA 100019461. 2006		

are conventional two storey dwellings. Alongside the north western boundary is an area to be set aside for woodland planting in accordance with the requirements of the Section 106 Agreement that forms part of the outline application.

A separate application has been submitted for two dwellings (Plots 1 and 2 on the layout) that are to be erected on land to the rear of Eaton House that was not part of the earlier outline permission.

Applicants' supporting information

The applicant has submitted a comprehensive design and access statement. It concludes that the site is within a sustainable location and at 32 dwellings to the hectare it is compliant with government guidance. The design of the housing responds to local materials, styles and patterns of development. The layout creates its own sense of place with a clear distinction between public and private space creating a safe and secure environment.

Planning History

Outline planning permission was granted early in 2006 (complete with S106 contributions) and a reserved matters application, submitted in April last year, was withdrawn because it would have been recommended for refusal as the layout and design paid little regard to the topography of the site nor vernacular styles for housing in South Derbyshire. Prior to that two applications for residential development were refused and dismissed on appeal in 2003 and there is some history of applications concerned with the former use as a garden centre.

Responses to Consultations

Overseal Parish Council supports the principle of residential development but is concerned that the access to Moira Road is narrow and heavily screened so that vehicles exiting from the site would have restricted visibility which is made worse by parked vehicles. The Parish Council also say there is concern that the existing access from Main Street is too narrow for two vehicles to pass and the volume of traffic on the A444 will make movements from and to it difficult.

Severn Trent Water and the Environmental Protection Manager are satisfied with the application subject to conditions. The County Highways Authority has sought amendments to ensure that the proposed details for the access are compliant with those agreed at outline stage. With these amendments the County Highways Authority is now satisfied with the scheme. The Police Liaison Officer has made no comment on this application but he was generally supportive of the previous scheme subject to the boundaries with open land being adequately secured.

Responses to Publicity

Five letters of representation have been received raising the following concerns:

- Highway safety:–
 - The access is close to the A444 a known accident black spot
 - The road is single file due to parked vehicles

- Lack of visibility a situation that is made worse by parked vehicles
- The position of the access creates a significant road and pedestrian safety hazard
- The access will result in the loss of some 33m of on street parking in a locality where there is already a shortfall of parking space
- Loss of privacy
- Over development
- Lack of services i.e. doctors and dentists
- Houses are not in keeping with the character of the area (i.e. terrace and three storey)
- Additional traffic will create additional noise and pollution
- Out of character with the National Forest
- Requests that conifers and walls on the site boundary are retained but in the alternative a wall should be erected.
- Questions whether there is sufficient infrastructure to cope with additional housing
- Assurances are sought that the works will not damage existing property

Development Plan Policies

The relevant policies are:

RSS8: P2 and P20

Joint Structure Plan: HP5 and TP4

Local Plan: HP5, EV9 and TP6

Planning Considerations

As already stated above outline planning permission was given in January 2006 and therefore the principle of development is established. The outline application included means of access and the issues remaining that are central to the determination of this application are the layout and design of the dwellings.

Planning Assessment

Following much negotiation the layout of this site has been significantly changed and the house types have been revised since the withdrawn application. In terms of layout the scheme now provides for a terrace of houses at the top of the cul de sac forming the focal point. The associated parking is within a parking court to the rear. This arrangement also has the effect of creating a greater distance of separation between the existing property to the rear and the new housing.

Proposed houses along the north eastern boundary are brought further into the site to facilitate landscaping sufficient to assimilate the development into the countryside beyond. Houses are also re-arranged so that the designs with a higher ridgeline are on the lower parts of the site and sections have been provided to demonstrate that the dwellings would have a satisfactory relationship with existing properties that adjoin the site.

In terms of house types, these are simpler in design and now show arched heads to door and window openings. They generally feature brick eaves and verge details in common with traditional construction method in the locality. A further condition is also

recommended to ensure the developer considers the security of each individual dwelling.

All minimum distances of separation between the new development and existing houses are exceeded and therefore the Council's space about dwellings guidance is met. The proposal is also compliant with national guidance in that it provides a mix of house types and would produce a scheme that equates to 32 dwellings to the hectare.

As to matters raised by neighbours that have not already been dealt with above, boundary treatment can be subject to a condition. The question of works that may affect adjoining property is a civil matter between the parties concerned.

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. Notwithstanding the originally submitted details, this approval shall relate to the amended drawing no. 157.76.02 B.

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

2. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the buildings have been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the submitted details, the materials to be agreed shall include the colour of the barge boards on the dormer windows.

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

3. Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

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

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

Reason: In the interests of the appearance of the area as the submitted information contains insufficient detail.

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

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, there shall be no openings to the side elevations of plots 6 and 22 other than as approved under this permission without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

Reason: In the interests of preserving the amenities of occupants of adjoining properties.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the dwellings hereby permitted on plots 16, 17, 20 and 21 shall not be enlarged or extended forward of the front wall of the house without the prior grant of planning permission on an application made to the Local Planning Authority in that regard.

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

8. The development hereby approved shall be completed in accordance with the finished floor levels shown on drawing numbers 157.76.02 B and 157.76.03 unless otherwise approved in writing by, the Local Planning Authority.

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

9. The first floor bathroom window in the north western elevation of plot 9 shall be permanently glazed in obscure glass.

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

10. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate two cars per dwelling or as may otherwise be agreed by the Local Planning Authority in accordance with its published standards. Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), two parking spaces, measuring a minimum of 2.4m x 4.8m, shall be retained for each dwelling for that purpose unless as may otherwise be approved in writing by the Local Planning Authority.

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

11. Prior to the first occupation of the development hereby permitted, measures to minimise the risk of crime to meet the specific security needs of the application site and the development shall be implemented in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.