

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

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. Large scale drawings to a minimum Scale of 1:10 of external joinery, including horizontal and vertical sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery shall be constructed in accordance with the approved drawings.
2. Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.
3. 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.
3. Reason: In the interests of the appearance of the area.
4. No work shall take place on the site until an adequate site investigation and assessment of contamination and the measures to be taken to avoid risk to people or the environment has been undertaken and submitted to the Local Planning Authority, and the development shall incorporate any measures shown in that assessment to be necessary for the removal or containment of any contaminated material when the site is developed.
4. Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.
5. If any unexpected, visibly contaminated, or odorous material is encountered during redevelopment (given any previous desk study, site investigation and/or remediation work) remediation proposals for the material shall be agreed with the Local Planning Authority.
5. Reason: To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.
6. No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
6. Reason: To prevent pollution of the water environment.
7. 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.

7. Reason: To ensure that adequate parking/garaging provision is available.
8. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.
8. Reason: To safeguard the appearance of the existing building and the locality generally.

Informatives:

In submitting the details required by Condition 6 above you are advised to follow the requirements of Circular 3/99 (Planning Requirements in respect of Non-Mains Sewerage incorporating Septic Tanks in New Development). In carrying out the assessment it is advised that the septic tank and soakaway system is designed to meet the requirements of BS 6297:1983, and:

- (a) there is no connection to any watercourse or land drainage system and no part of the soakaway system is situated within 10 metres of any ditch or watercourse; and,
- (b) porosity tests are carried out to the satisfaction of the Local Planning Authority to demonstrate that suitable subsoil and adequate land area is available for the soakaway (BS 6297:1983). Soakaways should not be used in contaminated ground as there is the potential to remobilise contaminants.

25/03/2003

Item 1.7**Reg. No.** 9 2003 0076 FH**Applicant:**

M Wilmott
 Slade House, Rose Lane
 Ticknall
 Derby
 DE731JW

Agent:

M Wilmott
 Slade House, Rose Lane
 Ticknall
 Derby
 DE731JW

Proposal: Retention of timber fence Slade House Rose Lane Ticknall
 Derby

Ward: Ticknall

Valid Date: 03/02/2003

Site Description

Slade House is a large detached grade II listed building set within a large garden which abuts a number of neighbouring properties including the grade II listed Almshouses on Church Lane. The property is within the Conservation Area.

Proposal

2m high close boarded fencing and post and rail fencing has been erected to define and secure the boundaries of the property. A primary reason for the fencing is that the applicant owns an Alsatian dog.

Responses to Consultations

The Parish Council objects very strongly to the fencing on the following grounds:

- Unacceptable loss of light and view from the Almshouses
- The plan is misleading
- The fence has been erected before the submission of a planning application reflecting a complete disregard for the residents in the Almshouses.

Responses to Publicity

Seven letters of objection have been received, five of which are from residents of Grange Close and Harper Avenue which are at a distance from the site, one is from the Ticknall Hospital Charity on behalf of the Almshouse residents and one is from a resident of an Almshouse. The objections are summarised as follows:

- The close-boarded fence borders the entire length of the Almshouses and stands only a short distance from their kitchen windows. The kitchen windows to the Almshouses are small and the fence has made matters worse.
- The fence is an eyesore in an area that was previously open, publicly visible green space
- Loss of views and light from kitchen windows of Almshouses.
- One lady with failing eyesight cannot carry out her usual daytime tasks in the resulting darkness. Other residents have expressed their concerns at having to put on their lights so as to be able to work in their kitchens during the daytime.
- The fence should be changed so that residents can be at ease with their surroundings.
- The fence detracts from the Conservation Area.
- An inspector at appeal described the site an important publicly visible open green space within the village which contributes significantly to the character and appearance of this part of the conservation area.

A neighbour also draws attention to the fact that the site is in an area of alleged anthrax burials and there is also some evidence of earlier gravestones.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Environment Policy 8; Environment Policy 12 and 13.

Planning Considerations

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

- The impact on the living conditions of neighbouring residents
- The impact on the setting of the listed buildings and the character and appearance of the Conservation Area.

Planning Assessment

With respect to the loss of light to the kitchens of the Almshouses, it is appropriate to use the 45° 'rule of thumb' associated with considering the proximity of trees and hedges to windows. The fence is 2m high and 2m from the kitchen windows and therefore the 45° angle applies. Therefore:

- The sun is 45° or more above the horizon from mid-April to mid-August, between approximately 11.00am and 3.00pm (British Summer Time)
- If the fence is no closer to a property than its height, the sun will be above the fence during those periods, and that property will receive reasonable levels of sunlight and daylight.

Refusal on grounds of loss of sunlight and daylight would not be justifiable in this instance.

There is no right to a view and the view enjoyed is across a private garden. The owner should not be denied the right to secure his boundary in a manner he considers appropriate.

The close-boarded fence is not sufficiently visible to have an unacceptable impact on the setting of listed buildings or the Conservation Area. In addition, the applicant has agreed to plant a

mixed species native hedge in front of the fence, which will soften any residual impact in the course of time.

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. Within the current or following planting season the approved hedge planting scheme, details of which were submitted with the planning application, shall be planted in the current or next planting season.
1. Reason: To soften the appearance of the fence in the landscape in the interests of safeguarding the appearance of the Ticknall Conservation Area.
2. Any plants which within a period of five years 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.
2. Reason: In the interests of the appearance of the area.
3. Notwithstanding the submitted details, this permission shall relate to the retention of the existing fence only on the line as shown on the attached plan.
3. Reason: Any further fencing on the line shown on the submitted plan would be detrimental to the character and appearance of the conservation area.

25/03/2003

Item 1.8**Reg. No.** 9 2003 0085 O

Applicant:
Mr M Nolan
3, Walnut Close
Burnaston
Derby
DE656PA

Agent:
Apollo Design
Unit 2 Booths Industrial Estate
Awworth Road
Ilkeston
Derbyshire
DE7 8HX

Proposal: **Outline application (all matters except means of access to be reserved) for the demolition of the existing house and the erection of a new house and garage at 3 Walnut Close Burnaston Derby**

Ward: Etwall

Valid Date: 27/01/2003

Site Description

The site comprises the extended rear garden of the dwelling. A public footpath runs through the garden and the intention is that this would remain in place. Access to the site would be from Walnut Close (as now). Fences and shrub planting enclose the site.

Proposal

The application is in outline with all matters reserved for subsequent approval except for the access to the site. If permission were granted then the existing dwelling would have to be demolished to gain access to the large garden at the rear.

Planning History

The dwellings were built in the 1980's. A previous occupier of the dwelling obtained permission to extend the garden retrospectively. In the early 1990's he also attempted to divert the public footpath around the garden but was unsuccessful. This is the first application on that property since that time

Responses to Consultations

Burnaston Parish Council has no objection to the proposal if it does not impinge too strongly on the skyline. The application would offer the opportunity to maintain the route of the footpath.

The County Highways Authority has no comment.

Responses to Publicity

Two letters have been received objecting to the development in the following terms:

- a) The buildings on Walnut Close were all built at the same time. There is a unity of materials of construction that should be retained if this development is permitted.
- b) The frontage should be maintained in its present form
- c) There should be adequate parking provided so that there is no on-street parking.
- d) Access to the site for construction purposes should ensure that there is no damage to kerbs and boundary walls.
- e) Site working times should be limited.
- f) The route of the footpath should be protected.
- g) Users of the footpath continue to use the alternative route constructed by the previous owner, even though the diversion application was refused.
- h) The applicant is doing this just for profit having bought the house at a reduced price. He knows the property market because he is a Civil Engineer
- i) There would be a loss of outlook from adjacent dwellings. A massive roof is all that would be seen and this would be detrimental to the amenity of the occupiers.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 5

Local Plan: Housing Policy 5

Emerging Local Plan: Policy H1

Supplementary Planning Guidance (SPG): Housing Layout and Design

Planning Considerations

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

- Conformity to the Development Plan
- The potential impact on neighbours.

Planning Assessment

The proposal is not strictly in accord with the emerging policy in the replacement Local Plan. Although the site is 'brown-field', it does not constitute the infilling of a gap in a built up frontage. However, this is a one for one replacement of an existing dwelling and it would be difficult to argue that there would be any material harm arising from the development in these terms.

The dwelling would be in the village confine. Whilst it may be larger than the existing dwelling, the impact on neighbouring dwellings would be assessed at the detailed application stage. The site is of sufficient size to accommodate a dwelling without conflicting with SPG.

Comments have been made about loss of outlook and impact on nearby dwellings. The application is submitted in outline and as such the scale and location of the dwelling within the plot is a matter that would be considered at a later stage.

Whilst not wholly in accord with the Housing Policy, the replacement dwelling would not cause material harm to the character of the area.

The Parish Council has raised concern about the development being on the skyline. This is the case with several dwellings in the settlement and is part of the character of the village. As the site occupies a ridge top location any development is bound to be on the skyline.

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. (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 siting, 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. 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.
3. Reason: To ensure that adequate parking/garaging provision is available.
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).
4. Reason: To protect the amenities of adjoining properties and the locality generally.

Informatives:

The grant of planning permission does not entitle developers to obstruct public rights of way affected by the proposal. The right of way should be kept open for public use.

25/03/2003

Item 1.9**Reg. No.** 9 2003 0093 FH**Applicant:**

Mr Mrs K Fearn
 29, Main Street
 Ticknall
 Derby
 DE73 1JF

Agent:

Anthony Short and Partners
 34 Church Street
 Ashbourne
 Derbyshire
 DE6 1AE

Proposal: Alterations and extensions to provide additional bedroom, bathroom, porch and a replacement garage at 29 Main Street Ticknall Derby

Ward: Ticknall

Valid Date: 28/01/2003

Site Description

This end of terrace cottage is on the eastern corner of the junction of Rose Lane and Main Street within the Ticknall Conservation Area.

Proposal

It is proposed to erect a two-storey rear extension, which would consist of a porch, kitchen and garage at ground floor and a bedroom and bathroom above the garage. The existing vehicular access off Rose Lane would be closed and a new access formed further up Rose Lane giving access to the new garage.

Planning History

Planning permission was refused in November last year to build a two storey rear extension on grounds that it would overbear and cause an unacceptable loss of daylight to the neighbouring occupier.

Responses to Consultations

The Parish Council objects on the following grounds:

- 1) Although they have persuaded the neighbours on light the scope is out of proportion to the existing dwelling.
- 2) 'Concrete' will extend well up Rose Lane.

- 3) They appear to be prepared to abandon the ground floor of the dwelling which they purchased.
- 4) It is far too big.
- 5) It is out of keeping with village architecture.

The Highway Authority has no objections subject to standard conditions relating to surfacing, sightlines and retention of parking and turning space.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy13.

Planning Considerations

The main issue central to the determination of this application is the impact on the character of the Conservation Area.

Planning Assessment

The proposal has been sensitively designed to respect the character of the Conservation Area and its scale would be appropriate to the existing house.

The proposal has overcome the reasons for refusal of the previous planning 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

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. No development shall commence on site in connection with this development until samples of all external materials 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 details.
2. Reason: To ensure the materials are appropriate to safeguard the character and appearance of the Ticknall Conservation area.
3. The new infill stone wall shall match the existing wall in every detail including height, materials, mortar mix, pointing and coping and shall be constructed in full before the development is brought into use.
3. Reason: To ensure the wall is completed to match the existing in the interests of safeguarding the character and appearance of the Ticknall Conservation Area.

4. Prior to occupation of the development windows shall be painted timber in a colour and to a specification which shall have previously been agreed in writing by the Local Planning Authority, and;
 - a. be set back from the face of the wall by a minimum of 20 mm,
 - b. have segmental brick arches (unless they are located directly underneath the eaves) and unless otherwise agreed by the Local Planning Authority,
 - c. be traditionally constructed so that opening casements are flush with the frame (modern EJMA detailing is not acceptable),
 - d. have any glazing bars with a maximum overall width of 18mm and a maximum outer nosing width of 5mm,
 - e. have a traditional brick/stone/tile cill. Integral timber cills are not acceptable, and
 - f. be single glazed unless otherwise agreed in writing with the Local Planning Authority.
4. Reason: In the interests of safeguarding the character and appearance of the Ticknall Conservation Area.
5. Prior to occupation of the development external doors shall be timber and painted in a colour and to a specification which shall have previously been agreed in writing by the Local Planning Authority and be set back from the face of the wall by a minimum of 50mm, and have segmental brick arches unless otherwise agreed by the Local Planning Authority.
5. Reason: In the interests of safeguarding the character and appearance of the Ticknall Conservation Area.
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: To safeguard the character and appearance of the Ticknall Conservation Area.
7. Gutters shall be cast metal (with cast metal fall pipes) and shall be fixed direct to the brickwork on metal brackets unless otherwise agreed in writing by the Local Planning Authority. No fascia boards shall be used.
7. Reason: To safeguard the character and appearance of the Ticknall Conservation Area.
8. Prior to being taken into use, the new access shall be paved in a solid bound material (i.e. not loose chippings) for at least 5m from the highway boundary, with measures to ensure that water does not flow from within the site onto the highway.
8. Reason: In the interests of highway safety.
9. The new access shall be provided with 2m x maximum achievable visibility sightlines with no obstruction forward of the sightlines exceeding 1m in height relative to road level unless otherwise agreed in writing by the Local Planning Authority.
9. Reason: In the interests of highway safety.
10. The parking and turning area shall be laid out in accordance with the application drawing and retained thereafter free of any impediment to its designated use.
10. Reason: In the interests of highway safety.

Informatives:

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

Item 1.10

Reg. No. 9 2003 0114 NM

Applicant:
02 (UK) Ltd
02 (UK) Ltd
C/O Agent

Agent:
Kiran Garcha
APT
Trent Lock
Lock Lane
Long Eaton
Nottinghamshire
NG102FF

Proposal: The erection of a 15 metre monopole in order to accommodate three sector antennas, two microwave dishes, an O2 equipment cabin and ancillary development on land at Severn Trent Compound Ashby Road Melbourne Derby

Ward: Melbourne

Valid Date: 03/02/2003

Site Description

The site is close to the entrance to the Severn Trent water treatment works. The nearest residential property (The Common Farm) is about 450 metres away.

Proposal

The application relates to development permitted under Part 24 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995 (GPDO), for a determination as to whether prior approval of the authority will be required as to the siting and appearance of the development.

The mast would be a monopole structure, measuring 15 metres to the top of the structure.

Applicant's Supporting Information

A comprehensive statement is provided, covering issues of need for the mast, consideration of alternatives, landscape considerations, land availability, mast sharing, planning policy and health and safety. With regard to the latter issue, a declaration of conformity with public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) is attached.

Responses to Consultations

The Parish Council objects strongly, on the grounds of visual intrusion and health and environmental hazard.

Melbourne Civic Society has no objection.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Community Facilities Policy 4.

Planning Considerations

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

- The principle of the proposal.
- Visual impact of the proposal, having regard to the operational requirements of the mast.

Planning Assessment

The principle of the mast is established through the provisions of the GPDO. Therefore the Local Planning Authority is not entitled to debate this issue.

The mast would inevitably be visible. The system it supports relies on masts at high points, to minimise proliferation. The site chosen contains many industrial buildings and in this context the visual impact of the mast would be acceptable.

As the proposal is permitted development the Local Planning Authority is only entitled to consider siting and appearance and not health risk. However the ICNIRP declaration supplied with applicant satisfies the guidance in PPG8, were this to be a material consideration.

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

RAISE no objection.

25/03/2003

Item 1.11**Reg. No.** 9 2003 0119 FH**Applicant:**

T Boyse
 Hollybush House, Church Lane
 Barrow-on-Trent
 Derby

Agent:

M J Harrison
 7 Hall Park
 Barrow On Trent
 Derby
 Derbyshire
 DE731HD

Proposal: The formation of an access and the erection of an extension at
 Hollybush House Church Lane Barrow-on-Trent Derby

Ward: Ticknall

Valid Date: 04/02/2003

Site Description

The property is a traditional cottage in the heart of the old part of the village, within the conservation area.

Proposal

The development would provide two-storey accommodation attached to a single storey outbuilding, currently used as a garage. The existing garage would be converted to living accommodation and the lower part of the extension would be a new garage. A small part to the rear of the extension would intersect a line drawn from the centre of the kitchen window to the neighbouring bungalow (No 4 Church Lane) at a distance of 8 metres minimum. A new access is proposed to serve the relocated garage.

Responses to Consultations

The Highway Authority has no objection in principle.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Environment Policy 9.

Local Plan: Housing Policy 13 and Environment Policy 12.

Planning Considerations

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

- The principle of development.
- Impact on the character and appearance of the conservation area.
- Residential amenity.

Planning Assessment

The site lies within the built-up framework of the village and the principle of extension is thus acceptable.

The extension respects the local traditional design and is in keeping with scale and character of the host building. Its impact on the conservation area would be neutral and thus its character would be preserved.

The development fails to meet the guidelines in respect of the 45° test as set out in the relevant Supplementary Planning Guidance. However the infringement is only marginal (failing the test by 1 metre) and the loss of only a small corner of the building would ensure full compliance. If this were to be pursued the simple and appropriate rectangular form of the building would be affected, giving a rather contrived appearance. Furthermore the extension would be set to the north of the affected neighbouring window and there would thus be minimal effect on sunlight. The neighbour has not raised any objection. On balance this marginal situation is therefore considered to be acceptable.

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

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. Notwithstanding the particulars of the application, revised details of the windows to the east and north elevations shall be submitted for approval in writing by the Local Planning Authority prior to commencement of building operations.
2. Reason: The submitted details are considered unsatisfactory.
3. Notwithstanding any details submitted, precise details of the type, size and position of the proposed rooflight shall be submitted to and approved in writing by the Local Planning Authority. The approved rooflight shall be fitted such that their outer faces are flush with the plane of the roof, unless otherwise agreed in writing with the Local Planning Authority.
3. Reason: In the interests of the appearance of the building and the character of the area.
4. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.
4. Reason: To safeguard the appearance of the existing building and the locality generally.

5. Large scale drawings to a minimum Scale of 1:10 of external joinery, including horizontal and vertical sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery shall be constructed in accordance with the approved drawings.
5. Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.
6. Large scale drawings to a minimum Scale of 1:10 of eaves and verges, external joinery, including horizontal and vertical sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The eaves and verges and external joinery shall be constructed in accordance with the approved drawings.
6. Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.
7. External joinery shall be in timber and painted to a colour and specification which shall have been previously agreed in writing by the Local Planning Authority.
7. Reason: In the interests of the appearance of the building(s) and the character of the area.
8. 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.
8. Reason: In the interests of the appearance of the building(s) and the character of the area.
9. Gutters shall be cast metal (with cast metal fall pipes) and shall be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.
9. Reason: In the interests of the appearance of the building(s), and the character of the area.
10. Pointing of the existing/ proposed building(s) shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand). The finished joint shall be slightly recessed with a brushed finish in accordance with Derbyshire County Council's advisory leaflet "Repointing of Brick and Stonework".
10. Reason: In the interests of the appearance of the building(s).
11. A sample panel of pointing 2 metres square or such other area as may be agreed by the Local Planning Authority shall be prepared for inspection and approval in writing by the Local Planning Authority prior to the implementation of any other works of pointing.
11. Reason: In the interests of the appearance of the building(s) and the locality generally.
12. Prior to the extension being taken into use, the new access shall be formed with Church Lane. The access shall be laid out in accordance with the application drawing and provided with 2m x maximum achievable visibility sightlines with no obstruction forward of the sightline exceeding 1m in height relative to road level.
12. Reason: In the interests of highway safety.
13. The new access shall be surfaced in a solid bound material (i.e. not loose chippings) for at least 5m into the site from the highway boundary.

13. Reason: In the interests of highway safety.
14. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate three cars within the curtilage of the dwelling. Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), three parking spaces, measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of the site.
14. Reason: To ensure that adequate parking/garaging provision is available.

25/03/2003

Item 1.12**Reg. No.** 9 2003 0136 O**Applicant:**

Roger Bullivant Limited
 Walton Road
 Drakelow
 Burton-on-Trent
 Staffordshire
 DE159UA

Agent:

John Duffield Estates Manager
 Roger Bullivant Limited
 Walton Road
 Drakelow
 Burton-on-Trent
 Staffordshire
 DE159UA

Proposal: The erection of temporary offices and storage shed on land at
 Roger Bullivant Ltd Walton Road Drakelow Burton-on-trent

Ward: Walton

Valid Date: 06/02/2003

Site Description

The site is part of an existing employment development located within the open countryside. The site is at the front of the existing developed area and a high conifer hedge marks the boundary to the side with the open countryside.

Proposal

The application is an outline submission, including details of siting and means of access, for the construction of offices and storage shed along with associated parking provision. The application is for the proposed buildings to be in place for a temporary period of five years.

Applicants' supporting information

The reason for the application is to allow an existing operation which occupies a number of diverse areas on the Drakelow site to rationalise its working and be brought together. However, the buildings that are to be used will be of a temporary, easily removed nature. The reason for this is twofold. Firstly it allows the company to remain able to exercise its full planning permission for a 3 storey office block in this area of the site in due course. Secondly, recent experience has shown that some operations can change rapidly and investment in permanent structures can be unhelpful in responding to change.

There is no anticipated increase in traffic movements as a result of this development, either outside or within the site. On the contrary, the internal site movements are expected to reduce due to the operation being brought together.

Planning History

9/2000/0354 - Change of use to circulation/ storage space including raising of land. Approved.

9/2000/0027 – Three storey office block. Approved.

Responses to Consultations

The County Highway Authority has no comment.

Responses to Publicity

No representations received.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Economy Policy 4.

Local Plan: Employment Policy 1 and Environment Policy 1.

Planning Considerations

The main issue central to the determination of this application is the impact of the proposed development on the character of the area.

Planning Assessment

The proposed development would be located close to the entrance of an existing business complex and within close proximity to other buildings on the site. There is an extant planning permission for a three storey office block on the current application site therefore the principle of built development on this site has been established. It is considered that the proposed temporary office block and storage shed are likely to be less intrusive than the three storey scheme previously approved although this would be fully assessed at the reserved matters stage. The proposal accords with the provisions of Employment Policy 1 of the Local Plan.

Recommendation

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 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(s) and 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 buildings hereby approved shall be removed within five years of the date of their substantial completion when the structures shall be removed from the site and the site reinstated to the satisfaction of the Local Planning Authority unless and application has first been made and permission has been granted for an extended period.
4. Reason: A temporary permission is considered appropriate in this case given the temporary nature of the buildings proposed.
5. 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).
5. Reason: To protect the amenities of adjoining properties and the locality generally.

Informatives:

To note and act upon as necessary the comments of the Coal Authority (see attached letter).

Item 2.1

Reg. No. 9 2002 1108 U

Applicant:

D Prince & Sons Ltd
Sapperton Manor
Church Broughton
Derbyshire
DE655AU

Agent:

Steedman Planning
Chestnut Farm
Ashby Road
Moir
Swadlincote
DE126DP

Proposal: The change of use from agricultural use to class B1 (light industrial) use at Sapperton Manor Church Broughton Derbyshire

Ward: North West

Valid Date: 18/10/2002

Site Description

The site comprises an open sided farm building to the east of a range of traditional farm buildings that are Grade II listed. The access to the site would be from a recently constructed access from the Ashbourne Road rather than the original farm access off Sapperton Lane. The site has no definite boundaries as proposed but there is another farm building attached to its northern flank of similar proportions.

Proposal

The proposal would involve the cladding of the building, and its change of use to B1 use. There would be no changes to the height of the building.

Applicants' supporting information

The proposed occupier is a firm currently occupying premises in Melbourne. There are two business partners and three other employees. The workforce would be increased by 5 if the move took place. Product would be assembled on the site and then transported in lots of 50 to Leicester. This light industrial use is labour intensive. The use offers employment opportunities for the local farm labour pool. It is entirely in line with the Governments policy for the re use of redundant farm buildings.

The farm enterprise has changed considerably since 2002. A herd of 450 dairy cattle has been sold and the 400 acres is now farmed on a stewardship basis. There has been a considerable reduction in the number of vehicles using the site. Employment has been reduced from 4 to 0.5. Overall, there has been a significant reduction in traffic movement to and from the site that would only be partially replaced the proposed use.

In addition to traffic movements, the movement of cattle has also ceased. These involved 4 movements of the milking herd each day and every day. There were also the movements of young stock during the drier months of the year to pasture.

Planning History

This is one of a number of modern farm buildings constructed in recent years to support a modern dairy enterprise. The farm is no longer used for dairy production and thus these buildings have become redundant. Permission was recently granted for the conversion of the adjacent listed buildings to business use.

Responses to Consultations

Church Broughton Parish Council has no objection.

The County Highways Authority objects on the basis that the roads to and from the site are unsuited to traffic associated with industrial use. The site is remote from other forms of transport. It has examined the traffic information submitted by the applicant and has confirmed that there is an objection to the proposal on sustainability grounds.

The Environmental Health Manager has no objection.

Responses to Publicity

None

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4, Economy Policy 5 and Environment Policy 10.

Local Plan: Environment Policy 1, 13; Employment Policy 4.

Emerging Local Plan: Policy ENV 7, 19 & 21, Policy EMP 2.

Planning Considerations

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

- The provisions of the development plan and in particular the impact of the development on the listed building and character and appearance of the area.
- The impact of the development on the highway network
- The sustainability issue.

Planning Assessment

The building the subject of this application is one of a large modern group on the site of no particular merit being constructed of concrete blockwork and Big 6 sheeting. It is open on the front and would require considerable alteration and adaptation to bring it into use as a workshop.

Current Local Plan policy states that the introduction of new employment uses into the countryside will be resisted. However, the reuse of redundant farm buildings would comply with current Government advice. This advice is aimed at helping to maintain farming businesses by diversification. Current Local Plan policy also requires that any building to be reused should be converted without significant alteration and extension. However, the buildings are not particularly prominent in the countryside when viewed from the wider area, as the landform and trees help to screen them from most public views. Thus it would be difficult to argue that there would be an additional impact on the character and appearance of the area.

The proximity of the extensive modern group to the listed buildings would mean that the detrimental impact of these structures on those buildings would be continued should the modern buildings be found alternatives uses. However, the more traditional brick and tile listed buildings on the site have the benefit of planning permission for their change of use to business use. The County Highway Authority also objected to that development at that time on the grounds that establishing business use in such a remote location was contrary to the best interests of sustainable development and that the approach roads were unsuited to the type of traffic that was likely to be attracted to the area. In that application the Local Planning Authority considered that the importance of providing the listed buildings with a viable after use, securing their future retention, outweighed the County Highway Authority's concerns.

In this case, there are two main factors that need primary consideration. Firstly, the retention of the building for employment purposes may be generally in accord with Government advice but the detrimental impact of the building on the setting of the listed buildings is also relevant. Secondly, other parts of the group of modern buildings on the site could also be adapted to business use which would result in the establishment of what would become a substantial industrial site in remote countryside.

It is not normal practice to cite precedent as a potential reason for refusal but in this instance there is a material concern that the modern buildings in the vicinity of the farm could all be converted more readily than the original listed buildings. The farm is no longer farmed in such an intensive manner as it was previously. In generating income this way the farm business would become subservient to the emerging business use.

In policy terms the proposed occupier of the site does not need to be located in the countryside. Indeed, by moving to Sapperton, it would be even further from its main distributor in Leicester. The need for a business to be located in the countryside remains a prerequisite for development being allowed in the countryside (see policies General Development Strategy Policy 1 & 4 in the Structure Plan and Environment Policy 1 in the Local Plan). Whilst the reuse of the traditional buildings were considered to be in accord with the aim of retaining the listed buildings, this proposal would be contrary to the policies set out above and contrary to the principles of sustainable development, an argument supported by the County Highway Authority.

There is a clear distinction to be drawn between allowing the conversion of buildings that have a historic or architectural interest and those, such as the application building, that are not suited to permanent retention. Thus the recommendation to accept the County Highway Authority objection is justified in this case.

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

Recommendation

REFUSE planning permission for the following reasons:

1. The building lies in the countryside in a location that is remote from the services that would normally serve such development and where there is no alternative to the motor vehicle to gain access to the site. General Development Strategy Policies 1& 4 of the adopted Derby and Derbyshire Joint Structure Plan have as a basic requirement that a proposal be necessary in a particular location. They also place a duty on the Local Planning Authority to ensure that development in the countryside is based on sustainable principles. The creation of a business use in such a location would be contrary to the principle of sustainable development.
2. Whilst the reuse of redundant farm buildings is encouraged in government advice, in particular in PPG 7, the policies of the adopted South Derbyshire Local Plan require at Employment Policy 4 that the building to be converted should be capable adaptation without significant alteration. The proposed use would require significant alteration to the building to form a workshop that meets the usual health and safety requirements. This is contrary to the provision of the policy.
3. The grant of permission for the conversion of this building would set a precedent for the conversion of other similar buildings within the holding with the potential for a significant amount of employment floorspace being created. This would have the potential to add significantly to the traffic generation in the area to the detriment of the character of the countryside, attracting additional people to the area where the alternative to the private motor car do not exist. This would be contrary to the stated government objective of reducing the need to travel as set out in PPG 13.
4. The development would result in additional traffic movements on roads that are unsuited to the traffic generated to the detriment of the best interests of other road users particularly pedestrians and horse riders.
5. The close proximity of the extensive modern group of buildings (of which the application site forms a part) is detrimental to the setting of the listed buildings which would be continued should the modern buildings be found alternatives uses and should a proliferation of industrial activity ensue. The proposal is therefore contrary to Environment Policy 10 of the Joint Structure Plan, Environment Policy 13 of the Local Plan, and Policy ENV 19 of the Deposit Draft Local Plan (January 2003).

APPEAL DISMISSED

Appeal by Mr & Mrs Plant

The erection of one new house, alterations and restoration of existing cottage, restoration of existing garden wall at Bower Lodge Well Lane Repton Derby (9/2001/1261)

The application was refused permission for the following reason(s):

1. *The application is considered to be unacceptable as it would result in the formation of a new residential unit outside the confines of a sustainable settlement in open countryside where new development is strictly controlled to that necessary to be located there. There is no justification for the erection of the dwelling and as such the application is contrary to General Development Strategy Policy (GDSP) 1, GDSP 3, GDSP 4, Housing Policy (HP) 5 and HP 6 of the Derby and Derbyshire Joint Structure Plan and Environment Policy 1 and Housing Policy 8 of the South Derbyshire Local Plan.*

The inspector considered the main issues to be:

- The effect the proposal would have upon the form and rural setting of Repton.
- Whether the proposal would preserve or enhance the character or appearance of the conservation area.

The inspector commented that development was at a low density in the vicinity of the appeal site and did not visually form part of the built up area, but rather it contributed to the open, rural setting of the village. Although the dwelling would be bounded on three sides by a high wall the inspector felt that the proposed dwelling would unacceptably consolidate the loose knit group of dwellings that contribute to the setting of the village. The development failed to comply with the relevant development plan policies.

For similar reasons the inspector felt that the proposal would begin to erode the character of the conservation area. The benefits offered by the applicant to restore the boundary wall and Bower Cottage were of insufficient weight to persuade the inspector to allow the appeal. The inspector commented that the design of the house would be appropriate to this location, but it would be on open land that contributed to the character of the area

The proposal was felt not to conflict with sustainable development objectives. There would be no undue loss of privacy to the occupiers of the dwelling opposite the site. A similar case was discounted because of the difficulties in making comparisons.

APPEAL DISMISSED

Appeal by Mr Haynes

The erection of a detached house and garage adjoining 7 Main Street Hilton Derby (9/2002/0357)

The application was refused permission for the following reason using delegated powers:

1. The access is unsuitable in terms of width and visibility for emerging drivers to cater for the traffic generated by an additional dwelling contrary to the best interests of highway safety.

An appeal was lodged using the written representations procedure. The County Highways Authority promoted the Council's case.

The Inspector concluded that the main issue was the suitability of the access to Main Street in terms of highway safety. Having undertaken several measurements at the site relating to the available visibility splays, he concluded that the access was severely substandard and that the appeal should be dismissed. This was notwithstanding the arguments put forward by the appellant's representatives as to the suitability of the access to serve the site. Other than this reason he would have found the application acceptable.