

SOUTH DERBYSHIRE DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE –04 March 2003

Planning Services Manager

I N D E X

PART 1 Planning Applications

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).

PLANNING SERVICES MANAGER

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

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

Item 1.1

Reg. No. 9 2002 0778 F

Applicant:
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Derby
DE656EZ

Agent:
Darryn Buttrill
Bi Design Architecture
First Floor Studio
79 High Street
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Derbyshire
DE656GF

Proposal: The erection of a stable block and the change of use of land to pony paddock at Land Adjoining Shakespear Cottage Main Street Repton Derby

Ward: Repton

Valid Date: 30/07/2002

Site Description

This partially wooded site is on the east side of Main Street opposite to five detached dwellings which are next to Bank House Farm. The site is bounded on its eastern side by Repton Brook and is outside the village framework and therefore in the countryside.

Proposal

It is proposed to erect a stable block which would be 15.87m long by 4.43m wide by 4m to the ridge and 2.4m to the eaves with the internal area divided to provide two stables, a tack store and a muck store. The external walls would be vertical stained softwood weather boarding and the roof would be black sheeting. The building would be sited some 18m back from the highway and 46m south of the boundary to the neighbouring dwelling, Shakespear Cottage.

The existing access in the north west corner of the site would be used and a gravel track formed to the proposed building.

The proposal is the outcome of protracted negotiations which has resulted in a building greatly reduced in size, sited away from the neighbouring dwelling and making use of the existing access.

Responses to Consultations

The Highway Authority requires that the access be of solid bound material for 5m from the highway and that the gates shall open into the site only.

The environmental health officer recommends that there should be no burning of waste on the site and informatives should be included to advise the applicant on how to alleviate any nuisance.

The Environment Agency has no objections subject to conditions and informatives relating to watercourse, flood plain and ground water protection.

Repton Parish Council response to first submission

- Vehicle store too large
- Outside village development boundary
- Infilling along the road would encourage further applications
- The size of the building is disproportionate to the size of the land and the number of animals it could maintain. If it is for keeping children's pony than a wholly timber structure would be adequate
- There is an outstanding issue relating to dumped soil dealt with by the County Council

Repton Village Society response to first submission

- Excessive size of building suggests that it would be used for more than family leisure activities
- Appropriate conditions should include
- No business or storage activities other than family stables
- Proper disposal of foul sewage
- Investigation of any flooding problems
- Any gates to be set back from the road
- Mature trees and hedges should be retained
- Problems of flies and smells

Repton Parish Council response to second submission – *building reduced in size*

- All previous comments reiterated

Repton Village Society response to second submission

- Most of issues addressed
- Gates need to be set back the length of a vehicle and a horse box
- Adequate drainage

Repton Parish Council response to third submission - *as above and building resited, new site access and change of use of land to pony paddock*

- Large gravelled area suggests uses other than stabling
- The roadside hedge should be retained as it provides an effective screen
- Land has never previously been used as a paddock
- There should be adequate drainage to protect the brook
- As described the whole building could be used as a vehicle store
- Impact on wildlife

Repton Village Society response to third submission

- Description should be clarified to remove provision of vehicle store
- There should be no business uses
- The gravelled area suggests uses other than stables
- There are no details of drainage
- Any development should respect the natural environment
- Gates should be set back the length of a vehicle and trailer
- The road side hedge should be retained

Repton Parish Council response to fourth submission – *as above and use of existing access*

- All previous point relevant
- A condition should be attached to restrict the use to only two horse boxes and two vehicles at any one time

Repton Village Society response to fourth submission

- All previous points are relevant

Responses to Publicity

Responses to first submission

Twelve letters of objection were received and are summarised as follows:

- The roadside hedge should not be removed
- There would be an unacceptable impact on wildlife
- The land is unsuitable for grazing being often water logged
- The size of the building is out of keeping with the size of the grazing area
- Could cause a pollution hazard to the brook
- No justification for vehicle store and first floor accommodation
- The site is likely to be used for storage of applicant's plant and materials
- The exit visibility is restricted by a wall fronting Shakespeare Cottage
- The building would be too close to residential properties causing a nuisance from smell, flies etc.
- Building would exacerbate flooding problems in the area
- Better use should be made of other redundant rural buildings
- Undeveloped roadside stretches approaching the village should be protected from development
- Trees and wildlife on the site should be protected
- Would cause dirt being carried onto the highway
- There is no history of a pony paddock on the site
- The proposal would add to traffic problems in the area
- It could contaminate the water course
- The site would be unsupervised and any disturbances would directly affect residents in close proximity to the site

Responses to the second submission – building reduced in size

Seven letters of objection were received reiterating the previous objections

Responses to third submission – as above and building re-sited, vehicle store description deleted, new site access and change of use of land to pony paddock

Ten letters of objection were received reiterating the previous objections. In addition:

- The new location would impact on a greater number of people
- An access closer to the farm would conflict with vehicles using the farm access
- It would involve the removal of a large section of roadside hedge

Responses to fourth submission – as above and use of existing access

Seven letters of objection received reiterating the previous objections. In addition, objection was raised to the use of permanent foundations, which would not allow the building to be easily removed when no longer needed.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Environment Policy 1: Development in the Countryside

Planning Considerations

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

- The impact of the development on the amenity of the area

Planning Assessment

The development is outside the Repton settlement boundary as defined in the Local Plan and therefore Environment Policy 1 applies.

A number of important amendments have been made to this proposal to minimise its impact on the amenity of the area. These include a significant reduction in the size of the building, resiting it further away from the closest property, deleting the word storage from the development description, a defined area of hard surfacing in front of the stables, use of the existing access which will limit the use of the site and retain the roadside hedge. Some trees on the site may have to be removed to facilitate the development but the site is against a wooded backdrop and therefore impact on visual amenity is unlikely to be materially affected. The building would also be set well within the site and with an appropriate colour scheme and further landscaping would integrate satisfactorily into the landscape.

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.

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

2. This permission shall relate to the amended drawings, no 338RB - 01C dated July 2002 received on 22 January 2003 showing the stable reduced in size and resited, the existing access to be used and a hard surface area and access track defined.

Reason: In the interests of safeguarding the amenities of the area.

3. The development shall not be brought into use until the access way has been surfaced with a solid bound material for a distance of 5m from the highway boundary.

Reason: In the interests of highway safety.

4. No development shall commence on site until samples of all external materials of the proposed building have been submitted to and approved in writing by the Local Planning Authority and the building shall be constructed in accordance with the agreed materials.

Reason: In the interests of safeguarding the amenities of the area.

5. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping.

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

6. Further to condition 5 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.

7. 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.

8. The hard surface area shall not extend beyond the hard surface area defined on the approved plan unless otherwise agreed in writing by the Local planning Authority.

Reason: To safeguard the amenity of the area.

9. Only clean surface water from roofs and paved areas shall be discharged direct to soakaway.

Reason: To protect groundwater quality in the area.

10. Prior to the commencement of development a scheme for the storage of manure shall be submitted to and approved by the local planning authority in writing. The scheme to be approved shall be completed to the satisfaction of the local planning authority prior to the development granted by this consent first being brought in to use.

Reason: To prevent pollution of the surface water system

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

Reason: To prevent pollution of the water environment.

Informatives:

The Highway Authority wishes to advise the applicant that benefits to highway safety may be achieved by maximising the available visibility at the access from a point 2m back from the carriageway edge

The Environment Agency has no objections to the principle of the proposed development (see attached comments) but advises that the applicant must be made aware that the lower part of the site lies within the floodplain of the Repton Brook. The Agency will object to any raising of land levels to ensure flood flows and floodplain storage are not jeopardised. Works within the floodplain that would not normally require planning permission, or are within 8.0 metres of the top of the banks of the Repton Brook, will require the prior formal consent of the Agency in compliance with the Agency's Land Drainage Byelaws, Land Drainage Act 1976. Such works will include tree planting, the erection of fencing, etc.

Applicants or developers should be aware of their responsibilities to ensure that the operations do not interfere with riparian owners' common law rights to receive water undiminished in quantity or quality. If any watercourses crossing the site are interrupted or diverted then, notwithstanding the need for any statutory consents or licences, it is the applicant's responsibility to take appropriate steps to protect the rights of the riparian owners, for which he has a liability.

The site is located on the Sherwood Sandstone, which is classed as a Major Aquifer under the Agency's Groundwater Protection Policy and there must be no contamination of the underlying groundwater resource as a result of the development. Appropriate pollution prevention measures will need be incorporated into the design. Groundwater is likely to be fairly shallow beneath the site and provides baseflow to the adjacent watercourse and spring.

The applicant should ensure that the land proposed for the soakaway has adequate permeability in accordance with BS 6297: 1983.

Not less than 14 days notice shall be given to the Environment Agency prior to any installation for the storage of agricultural fuel, or other relevant substance, first being brought in to use.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

04/03/2003

Item 1.2**Reg. No.** 9 2002 1237 F**Applicant:**

Mr B Singh
 194, Station Road
 Hatton
 Derby
 DE655EH

Agent:

B. Williamson
 Mr. B. A. Williamson
 Genista
 Broomhills Lane
 Repton
 Derbyshire
 DE656FS

Proposal: The erection of a single storey extension at the front of Singh Newsagents 194 Station Road Hatton Derby

Ward: Hatton

Valid Date: 21/11/2002

Site Description

The site comprises an area of tarmac immediately outside the shop premises on Station Road. The site also extends around the side of the property to what appears to have been the front door of another dwelling that is now incorporated into the shop.

Proposal

This is a single storey extension to the shop that would have a single entrance door and no windows but panels of recessed brick of a size similar to a shop window.

Planning History

The shop has had permission granted in the 1990's for storage building in the rear yard. The living accommodation above the shop has been extended in the past couple of years

Responses to Consultations

Hatton Parish Council make the following objections and comment: -

- a) The development would have a detrimental effect on the adjoining dwelling seriously affecting their light and amenity
- b) The remaining pavement would be very narrow especially as the owner has A boards and potatoes outside the shop, this would make it very difficult for pedestrians to pass the shop
- c) If the extension were permitted, then the kerb height should be raised to prevent vehicles parking in the pavement.

The County Highways Authority having requested details of the visibility sight lines available across the site frontage. Having seen the survey, the County Highways Authority is now satisfied that adequate splays can be provided. There is now no highway objection to the proposal subject to conditions.

The Environmental Health Manager has no objection.

Responses to Publicity

Two letters have been received objecting to the development for the following reasons: -

- a) Any spare land should be used for parking and not another extension. Parking takes place on Lime Grove, a private drive, blocking residents access to their dwellings and a wall has been knocked down three times
- b) There was an accident last year caused by a vehicle reversing out onto Station Road, with a person ending up under the vehicle.
- c). Advert boards frequently block the pavement and there is hardly any room for pedestrians let alone buggies. The problem is exacerbated on Saturdays and Wednesdays because of people wanting to buy lottery tickets
- d) If permitted the extension would take light from the neighbouring dwellings hallway and part of the living accommodation. The occupiers consider that they would feel like prisoners in their own home. They have accepted many extensions to the property but this is considered one too far.
- e) The appearance of the terrace would be completely altered to the detriment of the row as a whole.
- f) There would be a loss of privacy badly affecting quality of life.

Planning Considerations

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

- The impact of the proposal on the amenity of adjacent occupiers
- The impact on highway safety.
- The impact on the street scene.

Planning Assessment

The extension lies to the north of the adjacent dwelling. There is a front door and windowless corridor immediately adjacent to the site. Off that corridor is the front living room, lit by a bay window and to the rear a dining room lit by a window facing the rear. The bay window lies beyond the doorway and to the south of the proposed extension. There would be no loss of sunlight arising because of the siting of the extension to the north of the windows. There would be some loss of outlook from the window but as this is a single storey extension, the impact is not so significant that a refusal could be based on this reason.

The increase in floor area of the shop is not substantial and thus it would be difficult to substantiate a markedly worsened effect on car parking in the vicinity. Visibility is not impaired and in the absence of an objection from the Highway Authority it would be difficult to formulate a convincing case on highway safety grounds.

As the shop already projects forward of the rest of the terrace, the impact on the street scene of this modest and unobtrusive extension would be marginal.

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.

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

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

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

3. Prior to the first use of the development hereby permitted the land in advance of the sight lines that are shown on drawing No 6005/A shall be retained free of all obstructions to visibility in perpetuity.

Reason: In the interests of highway safety.

Informatives:

Please note that the requirements of condition 3 above would mean that if 'A' board advertisements were erected you would be in breach of the condition. Indeed such advertisements would be within highway limits and should not be erected at all in the interests of pedestrian safety.

Item 1.3

Reg. No. 9 2002 1294 F

Applicant:

Mr Mrs Allan & Kerry Janssens
38 Houeton Close
Shelton Lock
Derby
DE24 9QH

Agent:

Mr Mrs Allan & Kerry Janssens
38 Houeton Close
Shelton Lock
Derby
DE24 9QH

Proposal: The erection of animal shelter, one hay store and one tack room at Land At Miry Lane Church Broughton Derby

Ward: North West

Valid Date: 09/12/2002

Site Description

The site comprises a field surrounded on all sides by hedges. The access would be from Miry Lane, now a cul de sac following the construction of the A50. The A50 is elevated above the level of the adjacent fields and this site would be visible from that road.

Proposal

The application is for an animal shelter and storage. It would have a wooden construction and be located adjacent to Miry Lane from which access would be taken. This was originally submitted as an application for stables but it became apparent during consideration of the application that the primary use of the building would be to keep rare breeds of farm animals. No colour has been specified for the walls of the building but its roof would have a black finish. It is proposed to plant 12 broad-leaved trees in the vicinity of the building.

Responses to Consultations

Foston and Scropton Parish Council object to the development as drainage from the site may pollute nearby watercourses. Trees should not be planted in the vicinity of power lines. The land is wet and no buildings should be erected on it. The site would be an eyesore when viewed from the A50.

Church Broughton Parish Council object to the animal shelter on the grounds that it would be a visual intrusion from the A50, foul water would run off into a ditch and that there are concerns for the welfare of animals on the land.

The Environmental Health Manager has no objection.

The Environment Agency has no objection subject to the submission of details regarding the disposal of waste from the site.

The County Highways Authority has no objection subject to no commercial use of the buildings.

Responses to Publicity

One letter has been received objecting for the following reasons: -

- a) The building would spoil the rural scene if permitted
- b) These types of building spring up at an alarming rate and contribute nothing to the rural economy.
- c) The field floods in the winter months and is always swampy at the best of times.
- d) There is concern about effluent disposal.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4

Local Plan: Environment Policy 1

Planning Considerations

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

- The need for the building to be located in the countryside
- The impact on the rural character of the area.
- The mitigation measures proposed and other measures that may be needed.

Planning Assessment

The applicants keep rare breeds of farm animals. This is the land that they have purchased to keep them. To that extent, the building is necessary in the particular location. The building would be set against hedges, albeit not particularly dense, and trees are proposed in mitigation of the impact of the building on the area. The type of structure proposed could be prominent and a condition is recommended to require that it be coloured to help to minimise its impact, particularly from the A50. If the proposed venture is not successful, then a condition can be applied requiring the building to be removed in that eventuality.

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.

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

2. Within three months after animals are all no longer kept on the land and the building is no longer in use for agricultural purposes, the building shall be removed from the land and the land restored for agricultural pasture land in accordance with a scheme of restoration first agreed in writing with the Local Planning Authority

Reason: In the interests of maintaining the rural character of the area and preventing its dereliction.

3. Before it is first used, the building shall be painted a dark neutral colour the specification for which shall be agreed in writing with the Local Planning Authority before building works are commenced.

Reason: In order to minimise the visual impact of the development on the countryside.

4. Notwithstanding the submitted details, the location and type of trees to be planted shall be submitted to and approved in writing by the Local Planning Authority before the building works are commenced. The planting scheme shall then be implemented in accordance with the approved details in the first planting season following the completion of the building works.

Reason: In the interests of the visual amenity of the area.

5. The reasonable planning requirements of the Environment Agency.

Item 1.4

Reg. No. 9 2002 1357 F

Applicant:

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Agent:

Mr. D. Granger
David Granger Architectural Design
The Old Dairy
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Packington
Ashby De La Zouch Leics
LE651WN

Proposal: The erection of extensions and improvements at Scaddows Farmhouse Scaddows Lane Ticknall Derby

Ward: Ticknall

Valid Date: 30/12/2002

Site Description

This traditional brick and tile farmhouse is set back from the east side of Scaddows Lane to the rear of modern farm buildings in the open countryside.

Proposal

It proposed to erect a two storey side extension, 5.3m wide by 5.2m deep by 6.3m to eaves and 8.6m to the ridge, matching the height of the house, and it would be set back 0.3m from the front elevation of the house. It is also proposed to erect a single storey rear extension, which would link the main house to outbuildings, thus allowing the outbuildings to become part of the body of the house. A double garage with attached greenhouse is proposed next to and to the rear of the outbuildings.

Responses to Consultations

Ticknall Parish Council objects to the proposal on the following grounds:

- Does the original farmhouse still have an occupancy condition on it? If so do the applicants meet the test (are they farmers?)
- At present symmetrical 18th C farmhouse – extra wing will unbalance it
- New extension not set far enough back
- Development does not justify getting rid of ‘porta-cabin’
- Too big

The Development Control Archaeologist comments that the proposal does not appear to threaten the known archaeological interest.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Environment Policy 1: Development in the Countryside; Housing Policy 13: Residential extensions

Planning Considerations

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

- The impact the development would have on the character of the area

Planning Assessment

The proposal is in the countryside and therefore the countryside protection policy applies which requires that unavoidable development in the countryside should be designed to have as little impact as practicable on the character of the countryside.

The additional wing adding additional accommodation to the property has been designed to be in sympathy with the detailing and proportions of the house and therefore would be in keeping subject to appropriate materials.

There is no agricultural occupancy condition on this house.

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.

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

2. No development shall commence on site until samples of all external materials for 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 agreed details.

Reason: To ensure that the materials are appropriate for the locality.

3. This permission shall relate to the amended drawing, no 02/1606/05A received on 17 January 2003 showing brick eaves and verges.

Reason: To match the existing building in the interests of the appearance of the area.

4. 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, and the character of the area.

Item 1.5

Reg. No. 9 2003 0017 O

Applicant:

John Miller
49 Gresleywood Road
Church Gresley
Swadlincote
Derbyshire

Agent:

D. Rutter
Architectural/Graphic Services
36 Main Street
Linton
Swadlincote
Derbyshire
DE12 6PZ

Proposal: **Outline application (all matters except means of access to be reserved) for the erection of five bungalows on Land At The Rear Of 45 47 49 Gresley Wood Road Church Gresley Swadlincote**

Ward: **Gresley**

Valid Date: **08/01/2003**

Site Description

The site is made up of parts of the rear garden areas of Nos. 45, 47 and 49 Gresley Wood Road and is currently lawn area with a derelict swimming pool on part of the site. The site is enclosed by mature trees and hedges on the northern, eastern and western boundaries. The site slopes from south to north such that the existing dwellings on Gresley Wood Road are at a significantly higher level than the northern edge of the site. The site is surrounded on three sides by open space.

Proposal

The scheme is an outline application with all matters reserved except for means of access, which is being considered at this stage. Access to the site is proposed via a private drive to be located between Nos. 45 and 47 Gresley Wood Road. The application specifies that the development proposed is the erection of five detached bungalows.

Applicants' supporting information

It was only at the pre-planning application enquiry stage that the applicant and his neighbours became aware that 50% or more of their rear gardens had been included in the Draft Local Plan as 'Open Land' which proposed that the land be protected as such under the provisions of Environment Policy 8.

No specific reference was made to them regarding the proposed change in status of their rear garden area and as far as they are aware no Council Officers entered the site to allow them to make a fair and considered assessment as to the suitability or desirability of including their gardens in the Draft Local Plan.

On inspection, at the Planning Officers site visit, it was established that, because of the lie of the land and the height of the mature trees and boundary hedges, it was not possible to see to the adjacent public areas and that, conversely, it would not be possible to see into the site from those areas. This being the case, how can this site effectively contribute to the adjacent open land without the removal of the mature trees and hedges on the boundary?

This application proposes the following:-

1. The access drive and turning head would all be constructed to County Council requirement.
2. The development would be limited to 5 bungalows to keep ridge heights down to a minimum.
3. Facing materials and details would comply with those used traditionally in South Derbyshire.
4. Existing trees and hedges would be protected from canopy or root damage by siting buildings outside the drip line of trees and by adopting standard methods of protection during construction.
5. The existing hedge on the west boundary could be reinforced with hawthorn or native evergreens or both as deemed necessary.
6. Permitted development rights of new dwellings could be removed by condition.

With regard to item 6, it is worth noting that the whole of the garden area which the Draft Local Plan seeks to designate as 'Open Space' has the benefit of full Permitted Development Rights and as such, with a height limit of 4 metres, could be developed with appropriate buildings far in excess of this proposal and all outside the control of the District Council. The latter would probably never happen but, should members give this proposal their approval, they can ensure that it will never happen.

The area of the proposed site forms only part of 3 very large gardens and would leave the 3 existing bungalows with garden areas way in excess of current planning policy requirements. The use of the gardens for the siting of 5 dwellings would add to the Districts Housing Stock within the existing Urban Area without detrimental loss to public or private amenity.

Planning History

Approvals for extensions to existing dwellings and cover for swimming pool in the 1980's.

Responses to Consultations

The County Highway Authority has no objections subject to conditions.

Responses to Publicity

No letters received.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 3.

Local Plan: Housing Policy 4.

Draft Local Plan: Policy Env 8

Planning Considerations

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

- The fact that the site is identified as land that contributes towards character and environmental quality under Policy Env 8 of the Draft Local Plan.

Planning Assessment

The site is currently residential curtilage and is located within the Swadlincote Urban Area where new residential development is acceptable in principle in accordance with the provisions of Housing Policy 4 of the current Local Plan and Housing Policy 1 of the Draft Local Plan. Housing Policy 4 of the current Local Plan states that proposed schemes should not involve the development of open spaces, gaps and landscape features which make a valuable contribution to the character or the environmental quality of the area. The application site is specifically identified as such an open area under the provisions of Policy Env 8 of the Draft Local Plan.

Public open land is located to the north and west of the site, the land links Gresley Wood Road to Pennine Way and is used for informal recreation. An informal path runs through the open land adjacent to the northern end of the application site and development of the site would not result in the prevention of access through the open space.

The application site is completely separated and screened from the adjoining open land due to the hedges and trees on the boundaries. The application site is clearly garden land whereas the adjoining land is open scrubland and grass. Due to the visual separation of the site from the adjoining land it is not considered that the site contributes to the character and environmental quality of the area. The proposed bungalows would be screened from outside the site as a result of the change in levels across the site and the trees and hedges on the boundaries.

In view of the fact that the site is residential curtilage where new residential development is acceptable in principle and the fact that the site is visually separated and screened from the open land and does not contribute to the character of the area, it is considered that new residential development in this location would be acceptable.

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.

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(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.

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 be commenced until the accesses to the site and to adjacent dwellings 45 - 49 have been provided in accordance with submitted drawing number 1993.2 or such other alternative scheme as may be agreed.

Reason: In the interests of highway safety.

4. Notwithstanding the submitted details, prior to the commencement of building operations on adjoining areas, the area adjacent to the trees on the northern and western boundaries of the site shall be fenced with chestnut pale fencing to a minimum height of one metre staked at 3 metre centres. The fencing shall be retained in position until all building works on adjoining areas have been completed unless otherwise agreed in writing with the local planning authority.

Reason: To protect the trees from undue disturbance

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).

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).

Further to the above Informative, the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. This grant of planning permission does not give a warranty of ground support or stability, neither does it necessarily imply that the requirements of any other controlling authority would be satisfied.

All matters relating to layout within the site including vehicle garaging, parking and manoeuvring space are reserved for subsequent approval.

04/03/2003

Item 1.6**Reg. No.** 9 2003 0023 FH**Applicant:**

Mr Mrs R Holliday
 16, Catton Lane
 Rosliston
 Swadlincote
 Derbyshire
 DE128JP

Agent:

JDP Architects
 29 Burton Road
 Coton In The Elms
 Swadlincote
 Derbyshire
 DE128HJ

Proposal: The erection of an extension and double garage 16 Catton Lane Rosliston Swadlincote

Ward: Walton

Valid Date: 09/01/2003

Site Description

The dwelling fronts onto Catton Lane in Rosliston and is one of a development of detached houses approved in 1989. There is an open frontage between the houses and Catton Lane with parking and turning areas in front of the dwellings. No 18 Catton Lane adjacent to the site is set further back and fences mark the rear and side boundaries of the site.

Proposal

The application proposes the construction of a sun room at the rear of the dwelling and a detached double garage at the front of the dwelling. The proposed sun room would adjoin the boundary with No 18 Catton Lane and be constructed of brick tile, with a large glazed area. It would measure 6.5 by 3.5 metres and 3.5 metres to the ridge. The existing integral garage for the house would be converted into living accommodation with a bay on the front elevation and the proposed double garage would be located at an angle on the front garden area and constructed of bricks and tiles to match the existing dwelling.

Planning History

Planning permission was granted for the dwellings either side of Catton Lane in 1989.

Responses to Consultations

The Parish Council object to the garage at the front of the property on the grounds that it extends into the front garden thus reducing visibility. It is believed that the original planning consent prevented development beyond the building line. Also that the proposed development would be prejudicial to surrounding properties.

The County Highways Authority has no comments to make.

Responses to Publicity

Two letters of representation received from occupiers of neighbouring dwellings raising concerns over the impact of the proposed garage on highway safety on Catton Lane. The letters state that the lane is already narrow and hazardous due to the bend and speed of vehicles and that the siting of the proposed garage will reduce visibility. Concern is raised over the fact that the garage will not be in keeping with the country lane and will give the area an estate feel.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 13.

Supplementary Planning Guidance on Extensions.

Planning Considerations

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

- The impact of the proposal on highway safety, the amenity of occupiers of neighbouring and the streetscene.

Planning Assessment

The proposed sun room is single storey only and due to the relative alignment of the dwellings will not have an adverse impact on the occupiers of No 18 Catton Lane. The proposed garage is to be located to the front of the dwelling on an open garden area, the garage will not adversely affect the amenity of the occupiers of the adjoining dwellings and is considered acceptable in terms of design and appearance. The garage and extensions comply with the provisions of Housing Policy 13 of the Local Plan and the Supplementary Planning Guidance on Extensions.

The proposed garage will be set back at least 10m from the kerb and is not considered to adversely affect the streetscene. The original application for the dwellings required a highway visibility line to be maintained across the frontage. The proposed garage does not breach this line and County Highways have not objected to the scheme.

Recommendation

GRANT permission subject to the following conditions:

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

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

2. All external materials used in the development to which this permission relates shall match those used in the existing building in colour, coursing and texture unless otherwise agreed in writing by the Local Planning Authority.

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

Informatives:

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

04/03/2003

Item 1.7**Reg. No.** 9 2003 0025 FH**Applicant:**

Mr S Hedley
 Potlock Cottage, Boggy Lane
 Church Broughton
 Derby
 DE655AR

Agent:

Mr S Hedley
 Potlock Cottage, Boggy Lane
 Church Broughton
 Derby
 DE655AR

Proposal: The erection of a garage at Potlock Cottage Boggy Lane
 Church Broughton Derby

Ward: North West

Valid Date: 09/01/2003

Site Description

The site forms a part of the front garden to the property. There is a boundary hedge along the Boggy Lane frontage, which then extends along the north boundary of the site. There is a dwelling to the north of the proposed building, which has side windows looking towards the site.

Proposal

The garage would be located hard against the front boundary, it would take the form of a single storey, L-shaped building constructed in brick and plain blue tiles. It would contain a garage and potting shed.

Planning History

A previous application for extensions and a garage was permitted last year. That application also proposed a new access to Boggy Lane and the garage was set further back in the site.

Responses to Consultations

Church Broughton Parish Council objects to the proposal because the building would result in the loss of a hedge and it would be set in front of the building line. This latter point, it is argued would spoil the amenity of the occupiers of the adjacent dwelling. It is stated that the building would be better positioned further back into the site to preserve the hedge and be in line with the adjacent dwelling.

The County Highways Authority has no objection

Responses to Publicity

None

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 13

Revised Deposit Draft Local Plan: ENV 21(F)

Planning Considerations

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

- The impact of the proposal on the amenity of the occupiers of the adjacent dwelling
- The impact of the garage building on the street scene and character of the area.

Planning Assessment

The applicant has a right to erect a 2.0 metre high wall on the boundary with the adjacent dwelling. This would have much the same impact as the walls to the garage. As it is set forward, the impact of the garage on the windows in that elevation is reduced whereas setting it further back would mean that the gable element of the wall would be closer to the windows.

There are numerous examples in the village of buildings being constructed close to the back edge of the highway. The erection of the garage would be in keeping with this tradition and would be in keeping with the character of the village.

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.

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

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

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

04/03/2003

Item 1.8**Reg. No.** 9 2003 0052 FH

Applicant:
Mr R Owen
4 Stable Court
Melbourne
Derbyshire
DE73 1LP

Agent:
J. Mellor
John Mellor Design
10 Castle Court
Elvaston
Thulston
Derby
DE72 3GZ

Proposal: The erection of a two storey side extension and conservatory at the rear of 18 Woodlands Way Melbourne Derby

Ward: Melbourne

Valid Date: 20/01/2003

Site Description

The property is an end-terraced house on a modern estate, linked to the next block by an attached garage.

Proposal

The application seeks to extend to the side. The garage would be incorporated into the extended living accommodation. The proposal would enable the enlargement of the two bedrooms and a new bathroom at first floor level. On the ground floor the kitchen and living room would be extended. Two parking spaces would be retained to the front of the house. A conservatory is proposed to the rear.

Responses to Consultations

Melbourne Civic Society objects for the following reasons:

- a) There would be loss of parking space.
- b) The extension would lead to the street being turned into a terrace of garage-less houses.
- c) Small starter homes of this kind should not be extended in this excessive manner.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Housing Policy 13

Planning Considerations

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

- Impact on the general character of the area.
- Residential amenity.
- Parking.

Planning Assessment

Within this terrace of modern dwellings the extension would have minimal impact on the general character of the area. The proposal is not likely to lead to a street of houses without garages because the presence and use of garages for parking is inherently a matter of private choice. Some people will and others will not require a garage.

The proposal does not offend the relevant supplementary planning guidance on extensions and the amenities of neighbours would not be unreasonably affected.

The proposal retains two parking spaces, which is adequate for a two-bedroom dwelling.

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.

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

2. All external materials used in the development to which this permission relates shall match those used in the existing building in colour, coursing and texture unless otherwise agreed in writing by the Local Planning Authority.

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

3. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate two cars within the curtilage of the dwelling. 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 that purpose within the curtilage of the site.

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