

DEVELOPMENT CONTROL COMMITTEE – 11 May 2004

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

REPORT OF THE PLANNING SERVICES MANAGER

1. Planning Applications

2. Appeals

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

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

11/05/2004

Item 1.1
Reg. No. 9 2003 0133 F

Applicant:
Mr B Walker
The Cottage
1 Millfield
Shardlow
Derby

Agent:
Simon wrigley
20 Conway Street
Long Eaton
Nottingham
NH102AE

Proposal: The erection of a detached house at Land At The Corner Of Millfield And Wilne Lane Shardlow Derby

Ward: Aston

Valid Date: 06/02/2003

Site Description

The site is a piece of vacant land next to the canal bridge. An overhead gas main crosses the site. It has been cleared of vegetation although there are several trees and bushes at the boundaries of the site with Wilne Lane and the Trent and Mersey Canal. There are two houses on the opposite side of the canal with windows facing the canal and the adjacent towpath.

Proposal

The proposed house would be aligned alongside the boundary wall with Wilne Lane. The boundary trees would be removed although a Sycamore in the corner would be retained, with pile foundations employed to minimise damage to its root structure. The existing access onto Millfield would be widened by 1.4 metres.

Applicant's Supporting Information

Piled footings would cause no damage to the canal bank but engineer's specifications can be forwarded to British Waterways.

Site History

An application for some limited pruning of trees on the site was approved in 2002 (2002/0999/TC).

Responses to Consultations

The Parish Council objects for the following reasons:

- a) Poor visibility of access.

- b) Location of proposed dwelling near gas main.
- c) The size is too large for the lane.
- d) Dwelling is too near canal wall and boundary wall.

British Waterways objects on the basis that there could be damage to the canal bank.

The Highway Authority and the Environment Agency have no objection principle.

Responses to Publicity

A neighbour comments as follows:

- a) It is hoped that the parking of a commercial vehicle would not be allowed.
- b) The stepped roof may not fit in with simple buildings in the locality.
- c) The building line does not conform to the properties along the canal.
- d) The plan indicates trees and shrubs to be removed. This should be subject to a formal application.
- e) The project appears ambitious for the size of the plot.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policies 1 & 3, Housing Policy 5 and Environment Policy 9

Local Plan: Housing Policy 5 and Environment Policy 12.

Emerging Local Plan: Policies ENV21 and H1.

Planning Considerations

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

- The principle.
- Impact on the character and appearance of the conservation area.
- Residential amenity.
- Highway safety and parking.
- Trees.
- Impact on the canal.

Planning Assessment

The site lies within the boundary of a serviced village. On the balance of probability it is brownfield land in the terms of the definition in PPG3. Therefore the development is acceptable in principle.

The site is a prominent corner plot in the conservation area that makes little positive contribution to it in its current state. The proposed dwelling is of modest scale and would be well aligned with the grain of the settlement. Subject to detailed control over design and materials it would enhance the character and appearance of the conservation area.

Whilst the rear elevation faces two dwellings on the opposite side of the canal, these have windows that are canted to enjoy views along the canal in an easterly direction, although there are two smaller windows facing the site. Two secondary windows, one on each floor of the new dwelling, are proposed. They would face the opposing dwelling across the canal and its towpath. Supplementary planning guidance makes allowance for a relaxation in guideline distances across a public area. The impact on the amenities of the occupants of the dwellings opposite would thus be reasonable. With regard to other neighbouring dwellings the guidelines can be met.

The on site parking provision is in accord with the maximum standards set out in the Emerging Local Plan. On the advice of the Highway Authority there would be no demonstrable harm to highway safety interests.

Some trees alongside the roadside boundary and the canal bank would be lost as a consequence of the development. These only have amenity value in the site's existing undeveloped state and their retention would compromise visually appropriate siting of the dwelling. Measures have been included to protect the largest of the trees adjacent to the canal bridge. An informative would make it clear that any trees not directly affected by the building works would be subject to formal notification to fell.

The objection of British Waterways could be met by an appropriate informative to advise the applicant of his obligations in this regard.

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

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos. A-P.02 Rev 4, A-P.03 Rev 4, A-P.05 Rev 3 and A-P.06 Rev3.
2. Reason: For the avoidance of doubt, the original submission being considered unacceptable.
3. Large scale drawings to a minimum Scale of 1:10 of eaves and verges and and 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.
3. Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.

4. 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.
4. Reason: In the interests of the appearance of the area.
5. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the buildings, have been submitted to and approved in writing by the Local Planning Authority.
5. Reason: To safeguard the appearance of the existing building and the locality generally.
6. 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).
6. Reason: To protect the amenities of adjoining properties and the locality generally.
7. 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".
7. Reason: In the interests of the appearance of the building(s).
8. 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.
8. Reason: In the interests of the appearance of the building(s) and the locality generally.
9. 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.
9. Reason: In the interests of the appearance of the building(s) and the character of the area.
10. 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.
10. Reason: In the interests of the appearance of the building(s) and the character of the area.
11. 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.
11. Reason: In the interests of the appearance of the building(s), and the character of the area.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the dwelling hereby permitted shall not be altered, enlarged or extended, no satellite dishes shall be affixed to the dwelling and no buildings, gates, walls or other means of enclosure (except as authorised by this permission or required by any condition attached thereto) shall be erected on the application site (shown edged red on the submitted plan) without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.
12. Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the site area and effect upon neighbouring properties and/or the street scene.
13. The area shown hatched on the attached plan shall be cleared and thereafter retained free of any vegetation or other obstruction to visibility exceeding the height of the boundary wall.
13. Reason: In the interests of highway safety.
14. The access shall be widened in accordance with Drawing No A-P.05 Rev3 prior to the commencement of any other development and shall be retained as such thereafter.
14. Reason: In the interests of highway safety.
15. 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.
15. Reason: To ensure that adequate parking/garaging provision is available.
16. A specification for the piled foundation, including measures for protecting integrity of the Sycamore tree shall be submitted to and approved in writing by the Local Planning Authority before development begins and the foundations shall be constructed in accordance with approved specification.
16. Reason: To protect the amenity value of the tree.

Informatives:

To note the attached requirements of British Waterways.

This permission only entitles you to remove trees that are affected as a direct consequence of building operations. Any others will require prior notification of intent to fell trees in a conservation area.

11/05/2004

Item 1.2
Reg. No. 9 2003 0969 FI

Applicant:
 Burnaston Garage
 Burnaston Garage, Etwall Road
 Burnaston
 Derby
 DE3 5DN

Agent:
 Burnaston Garage
 Burnaston Garage, Etwall Road
 Burnaston
 Derby
 DE3 5DN

Proposal: The erection of workshop units at Burnaston Garage Grassy Lane Etwall Derby

Ward: Etwall

Valid Date: 01/09/2003

This application has been brought to Committee at the request of Councillor Lemmon.

Site Description

The site comprises a well-established petrol filling station with attached car sales area and workshops. The workshops are partly related to the garage use and partly operated by separate businesses. The application site lies within the garage and the immediate boundaries to the site are the walls of the existing buildings and the low boundary wall of the petrol filling station.

Proposal

The proposed extension would infill the gap between the existing workshop building and the new build workshop at the west side of the site. An area of parking for site is shown on the north boundary of the site. This is screened from the north by a hedge but there is no boundary to the road that is both the main access to the site and forms a public footpath.

The extension would be built in materials that match the existing modern buildings. The workshops would replace those in the original building and that would be converted to showroom use.

Planning History

The site has a varied planning history. The main elements relate to the redevelopment of the petrol filling station and the erection of the workshops. These were permitted in the early 1990's and have become well established. The early 1990's proposals included provision for a showroom at the rear of the existing workshops but that was not implemented at the time. Those additional elements could be implemented now.

Responses to Consultations

Burnaston Parish Council has no objection and sees the proposal as a valid extension of the business and would not be out of character with the area.

The County Highways Authority has asked that parking provision be identified. A plan has been submitted, the County Highways Authority argues that the area shown is already used for the parking of vehicles and so is not available to serve the use, [see planning assessment below].

Severn Trent Water has no objection

The Environmental Health Manager has no objections.

Responses to Publicity

One letter has been received objecting to the development on the grounds that there is no mains drainage, no fire hydrant, contamination of the ground and lack of adequate parking facilities.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Economy Policy 4

Local Plan: Employment Policy 1

Emerging Local Plan: Policies EMP 2, ENV 7,15 & 21

Planning Considerations

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

- The Development Plan
- The impact on the countryside
- Impact on neighbours
- Parking provision

Planning Assessment

The expansion of the site is acceptable under the above Development Plan policies if the proposal would not give rise to unacceptable environmental or traffic impacts and that the design of the building is in keeping with the area.

The design of the building and its location adjacent to the existing workshops would be in accord with the above policies. The impact on the countryside in comparison to the impact of the existing workshop buildings is not excessive.

There would be no undue impact on neighbours arising from the proposal. The nearest dwellings have been in the ownership of the applicant or his family and the buildings have no direct boundary with these dwellings.

The County Highways Authority is correct in stating that the area identified for parking in connection with the application is already used for parking provision. However, the existing permission is capable of implementation and the difference in floorspace between this proposal and the one previously permitted is negligible. Given that parking provision should now be based on maximum standards, it would be difficult to argue that the permission should be refused on that basis.

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

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. All 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.
2. Reason: To safeguard the appearance of the existing building and the locality generally.
3. Before development is commenced details of the means of conversion of the existing workshop building to a showroom, including precise details of materials of construction shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used to carry out the works of conversion.
3. Reason: In the interests of the appearance of the area.

11/05/2004

Item 1.3**Reg. No.** 9 2004 0087 F**Applicant:**

J A & C A Yates
 Wallfield House, Doles Lane
 Findern
 Derby
 DE656BA

Agent:

J A & C A Yates
 Wallfield House, Doles Lane
 Findern
 Derby
 DE656BA

Proposal: The erection of two dwellings in the Garden At Wallfield House 87 Doles Lane Findern Derby

Ward: Willington/Findern

Valid Date: 29/01/2004

Site Description

The site lies in the grounds of Wallfields House that currently operates as an elderly person's home. Houses enclose the site and there are hedges to all boundaries of varying heights.

Proposal

Access would be from Doles Lane and would be shared with the home. The proposed dwellings would be about 1.5 - 2.5 metres above the existing dwellings on Doles Lane and the site slopes down by about 1.2 metres from west to east. The dwellings would be single-storey with two bedrooms and a bathroom in the roofspace. House No 1 proposed bedroom windows in the gable ends of the dwelling. This has now been amended. House No 2 has rooflights in the rear roof slope. The main windows in the dwellings face inwards onto a proposed courtyard area that would be formed by the two new dwellings and Wallfields House.

The proposal has been amended since submission to take account of the concerns of some neighbours. This has meant that a window in the gable end has been moved onto a roof slope looking towards the rear of other dwellings. A further consultation exercise has been undertaken to give objectors time to comment on the proposals.

Planning History

There have been two previous applications for extensions to Wallfields House, the first was a two-storey extension and the second was for a single-story extension. Both permissions have expired. The use of Wallfields House as a nursing home was permitted in 1986.

Responses to Consultations

Councillor Ann Hood supports the objections of the neighbours and requests that the application is brought before the Committee, as does Councillor Ford in respect of the latter point.

Findern Parish Council supports the views of residents and has concerns about the access to the site.

The County Highways Authority has noted that it would be necessary to include land within the public highway to form a sight line for the development. This aspect could be reasonably covered by a condition as no private land is affected by the proposal.

Responses to Publicity

5 letters objecting to the development on the following grounds have been received: -

- a) The development would vandalise the setting of Wallfields House, which is one of the most beautiful buildings in Findern. The previous owner put in four houses but was prevented from doing more by the need to preserve the setting of this historic building. There would be a change to the character of the village arising from of the proposal
- b) The proposals cause a feeling of horror and apprehension at what might happen next.
- c) The hedges may screen the site now, but might be reduced in height to 2.0 metres under the provisions of the Anti Social Behaviour legislation currently being considered.
- d) Wallfields House occupies a prominent site in the village and this over-development would adversely affect the light and privacy of the adjacent houses. Even then bathroom windows can be opened and there would then be over-looking of the adjacent house and garden.
- e) One of the proposed houses would only be 13 metres from the adjacent dwelling the difference in levels would be significant in that the dwelling would be some 8.8 metres to its apex.
- f) The retaining wall between house 2 and the adjacent property is not well constructed and as such the developer would be required to ensure that there would be no impact on the adjacent dwellings and construct any retaining structures at his own expense.
- g) The access to the site is substandard and would be dangerous given the amount of traffic now trying to gain access to the A50 via Doles Lane.
- h) Three alternative suggestions are made, refuse permission for unit 2, move it at least 3 metres to the west or provide it with a hipped roof to reduce the mass of the building.
- i) There would be a loss of outlook from adjacent dwellings.
- j) Previously 2 storey extensions were found unacceptable, why is a dwelling now acceptable?
- k) A neighbour enjoys a covenant that would allow him to prevent any development that was to his detriment.
- l) The applicants seem to have changed their tune since they objected to other development in the vicinity of Wallfields House.

In response to the reconsultation exercise, two letters have been received. They reiterate previous objections and do nothing to change concerns about the impact of the development on adjacent dwellings. Indeed it is argued that the rear dormer makes matters worse for neighbours.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 5

Local Plan: Housing Policy 5

Emerging Local Plan: Policy H1 & ENV 21