

16/04/2002

Item 1.6**Reg. No.** 9 2002 0052**Applicant:**

Mr I Jones
 Etwall Garage
 Derby Road
 Etwall
 Derby

Agent:

Peter Diffey & Associates
 Cotesbach Villa
 54 Woods Lane
 Stapenhill
 Burton On Trent
 DE15 9DB

Proposal: The removal of condition 3 of planning permission 9/0796/0264/F to permit the unrestricted occupancy of the converted stable at Brookfields House Heage Lane Etwall Derby

Ward: Etwall

Valid Date: 18/01/2002

Site Description

The site is located within open countryside outside the confines of a sustainable settlement. It is accessed from the 516. The building, the subject of this application, is located currently within part of the curtilage of Brookfields House.

Proposal

The applicants seek consent to remove a condition that currently restricts the use of the building to one that is subordinate to the main dwelling unit. The consequence of the condition being removed would be that the unit could then be used as an independent dwelling house.

Applicants' supporting information

The applicant's agent states that the original conversion of the unit took place in 1996. The original reason for the conversion has now gone and the property is vacant and the applicant lives alone in the main house and the building cannot be converted back to being a stable.

The building has all the facilities needed to form a separate unit and the joint vehicular access could accommodate both units.

The applicant's agent then goes on to state that, in his view, the conversion of the building is in accord with planning policy.

Planning History

The building was originally erected as a stable block in 1981. In 1996 permission to convert it into a granny annexe was granted (9/796/264 refers)

Responses to Consultations

The Environmental Health Manager has no objection.

The Highway Authority has no objection.

Etwell Parish Council has no objection.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy 1; General Development Strategy Policy 4; Housing Policy 3 and 6.

Local Plan: Housing Policy 7 and 8

Planning Considerations

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

- Development plan policy
- Highway safety

Planning Assessment

The applicant seeks consent to enable a granny annexe, currently tied in terms of its permitted occupation to the main dwelling on the site, into a separate dwelling unit. The removal of a condition applied in 1996 to the original conversion is required for this to happen.

The policies of the development plan and that of the Council concerning sustainability seek to resist the formation of separate residential units in the countryside outside of the confines of sustainable settlements. Therefore, in principle the formation of a separate unit in this case would be contrary to policy.

However, the unit is detached and has the appearance and facilities that one associates with a separate unit. As such, its use as a self-contained unit unrestricted by condition would not visually harm the countryside. Therefore, there would be only marginal harm caused to the area in which the building is located.

In addition, there is a regular bus service along the main road that runs alongside the site.

Therefore, in this case, the issues are finely balanced. However, in view of the presence of the converted building and its close association to the existing dwelling unit, the removal of the condition is acceptable.

The current access would enable safe access and egress from the site.

Recommendation

GRANT permission subject to the following conditions:

1. 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, and no buildings 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.

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.

Informatives:

(i) You are advised to note that the curtilage of the building relates to the area edged red on the submitted plan.

16/04/2002

Item 1.7**Reg. No.** 9 2002 0063**Applicant:**

Denise Blyde
154 Main Street
Ticknall
Derby
DE731JZ

Agent:

Denise Blyde
154 Main Street
Ticknall
Derby
DE731JZ

Proposal: The erection of a lean to barn for hay storage and handling/shelter of grazing livestock on land forming part of O S Field Number 0033 Stanton Hill Ticknall Derby

Ward: Ticknall

Valid Date: 22/01/2002

Site Description

The site, the subject of this application is within open countryside, north of Ticknall village. The field in which the stable would be located is at the end of a 150m track which connects to the north side of Main Street some 40m south west of the junction with Melbourne Lane.

Apart from the woodland on the west of the site (Ticknall Quarries SSSI) the area is open other than for boundary hedges and individual mature trees.

Proposal

The applicant seeks consent to erect a 20m long by 7.2m wide by 4m high barn to be used for hay storage and handling/shelter of livestock. The building would be finished in corrugated steel sheeting and would be sited on the west side of the field boundary hedge some 50m north of the end of the access track.

Responses to Consultations

English Nature has no comments.

Derbyshire Wildlife Trust comments that the site is adjacent to Ticknall Quarries SSSI but the proposal would have no detrimental effect on the site.

Ticknall Parish Council has no objections.

The Environmental Health Officer has no comments.

The Highway Authority has no comments.

The Environment Agency requires details of surface water drainage and for the development to be a sufficient distance from watercourses. It also provides advice on the collection of contaminated run-off.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4: Development Away From Settlements; Environment Policy 1 – Landscape Character.

Local Plan: Environment Policy 1: Development in the Countryside

Planning Considerations

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

- The principle of the development
- The impact of the development on the openness of the countryside

Planning Assessment

The site is located within open countryside where new development is strictly controlled. However, the form of development proposed here is appropriate for a rural location and, therefore, it is acceptable in principle.

This is a low level building of typical construction for a building in the countryside. The woodland and boundary hedges would provide sufficient screening from public areas and this combined with an appropriate colour scheme would reduce any visual impact to an acceptable degree.

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 details of all external materials which are appropriate for the area have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the agreed materials.

Reason: To ensure that the materials are appropriate for this rural location.

3. No development approved by this permission shall be commenced until an acceptable scheme for the provision of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate Sustainable Drainage systems and shall not result in an increase in the rate of surface water discharge to the local drainage system. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: As recommended by the Environment Agency to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

4. There shall be no new buildings, structures (including gates, walls and fences) or raised ground levels within
- a) 8m of the top of any bank of watercourses, and/or
 - b) 4m of any side of an existing culverted watercourse,
- inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.

Reason: As recommended by the Environment Agency to maintain access to the watercourse for maintenance or improvements and provide for overland flood flows.

Informatives:

(i) The Environment Agency advises that if manure is to be stored on an impermeable surface a tank will need to be provided for the collection of contaminated run-off. Such a tank must comply with the standards laid down in the 'Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991.' The disposal of manure should be carried out in accordance with the MAFF 'Code of Good Agricultural Practice for the Protection of Water 1991'.

(ii) Attached is correspondence from the Derbyshire Wildlife Trust and details that it has requested be forwarded to the applicant.

16/04/2002

Item 1.8**Reg. No.** 9 2002 0099**Applicant:**

Mr J Brockley
Badgers Run
Ash Lane
Etwall
Derby
DE656HT

Agent:

John Church Planning And Development
Consultant
Victoria Buildings
117 High Street
Clay Cross Derbyshire
S459DZ

Proposal: The removal of condition 1 of planning permission 9/2000/0821/U to permit the continued use for off road purpose built vehicles of Land Forming Part Of O S Field 4470 Heage Lane Etwall Derby

Ward: Etwall

Valid Date: 29/01/2002

Site Description

The site is located in open countryside to the north west of the A516 road at its junction with Heage Lane. The access to the site is from Heage Lane itself via an agricultural access track. A car park occupies a location on the site closest to the access point.

The nearest building to the site is a newly constructed pub that occupies land across Heage Lane from the site access.

Hedges substantially surround the site. The site is at a lower level than the adjoining roads.

Proposal

The applicant seeks consent to renew a temporary permission granted on the site in January 2001 for the use of the land for off road vehicle usage.

Applicants' supporting information

The application is for an extension of the limited period, either by the grant of a permanent period of permission or, should the Council deem it appropriate, by an extension of the existing limited period. Although the use was implemented during 2001, the outbreak of foot and mouth disease in the nearby area has meant that the development has not become fully operational to the degree that a full season of use has been obtained. The working arrangements at the site will be unaltered.

Insofar as the applicant is aware, however, there have been no sustainable grounds for concern about the development in the area and Officers of the Council have been invited to visit the site

to experience its operation from time to time. That offer will still hold good in respect of future operations.

Further to the above submission the applicant points out that, although there was the outbreak of foot and mouth disease in the area early last year, for the remainder of the year he operated the site fully in accordance with the intentions contained in the application and subsequent planning permission. Since there appears to have been no cause for concern registered locally during that time, I hope that you will consider it appropriate, in view of that opportunity to assess the impact of the use on the locality, to now recommend a permanent grant of planning permission.

Planning History

The temporary permission referred to above (9/2000/0821 refers) expired just after this application was submitted. A copy of the previous report is attached for information.

Responses to Consultations

Etwall Parish Council considers that permission should be withdrawn for reasons given last year, plus the additional reasons that there is now a public house very near to the site patrons of which will suffer the noise from the off road vehicles. However, if permission is to be granted then it should only be given for one year.

The Highways Agency has no objection to the application.

The County Highways Authority has no objection subject to conditions.

TRANSCO has no objection provided that its requirements are passed on to the applicant.

The Environmental Health Manager states that noise and dust remain of concern but there have been no complaints in relation to its operation and there is no reason to oppose the granting of a permanent permission. Previous conditions should be attached to the permission if granted.

Responses to Publicity

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

- a) The track has only been used by off road vehicles on 4 or 5 afternoons since the date of permission until the present time. This is not sufficient time to form any opinion as to its impact on the locality. The track was not constructed for some months after the date of permission and then it was so muddy that it became impossible to use. The site is low-lying, next to the stream, and the adjacent field supports an established growth of reeds. The ground seems so soft that the track has to be re-shaped by the digger after a meeting. It does seem a poor choice of a site for off road vehicle activities.
- b) Since the date of permission a pub with a large car park (outline planning permission granted before the above planning application 9 2002 08221 U was made) has been built opposite the site in question. The access to it is immediately opposite the access to the site. The pub, which opened in October 2001, is now well established and busy. Heage Lane has always been used by large agricultural vehicles and trailers and is becoming increasingly busy with traffic from Mackworth cutting through to the A50.

- c) The site has spoilt that part of the area as it has looked like a derelict building site all winter with heaps of soil, a portalo, an abandoned car minus its tailgate, 2 portacabins and a digger.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 5, Leisure and Tourism Policies 1, 2 & 4

Local Plan: Environment Policy 1 and Recreation and Tourism Policy 1.

Planning Considerations

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

- The principle of the retention of the use on a permanent basis
- The impact of the development on the surrounding area in the light of the use over the past 12 months.

Planning Assessment

As previously stated the location, whilst located in the countryside, is one that has the support of national planning policy as set out in Planning Policy Guidance Note 17. It is well related to the road and is screened by hedges and is not close to dwellings. Therefore, in principle, consent for the use on the site is acceptable.

The site is well screened and the use is not visually obtrusive in the landscape. The storage building that is located on the site is, however, obtrusive and if permission is granted then this building should be painted in a dark neutral colour to ensure its impact is reduced.

The original permission was granted in order to allow a period for assessment of the use to be made in accord with usual practice. However, the foot and mouth crisis and the adverse weather conditions have meant that the opportunities to make that assessment have been limited.

Accordingly, a further temporary permission is necessary for meaningful assessment of the use. Whilst recommended for consent therefore a further temporary consent is appropriate to allow a further assessment to be made.

Recommendation

GRANT permission subject to the following conditions:

1. This permission shall be for a limited period only, expiring on 30 April 2003 on or before which date the use shall be discontinued and the site reinstated to the satisfaction of the Local Planning Authority unless, prior to that date, an application has been made and permission has been granted for an extended period.

Reason: In order that the Local Planning Authority can assess the impact of the use on the locality in the light of the difficult circumstances that have prevailed since the grant of the last temporary permission that have limited opportunities for a proper assessment in the past year.

2. The use hereby permitted shall not be open to customers outside the following times on Mondays to Fridays: 0900 hours to 2000 hours and on Saturday and Sunday: 0900 hours to 1700 hours.

Reason: To ensure that the use does not prejudice the enjoyment by nearby occupiers of their properties.

3. The vehicles used on the site shall be limited to those specified in the application documentation (Madtrax) with a maximum engine capacity of 400cc and 13 horsepower and to no other vehicle type.

Reason: For the avoidance of doubt and to prevent the use of the land by other, more powerful vehicles, without the prior written approval of the Local Planning Authority in response to an application made in that regard.

4. No more than 4 vehicles of the type specified in condition 3 above shall operate on the track at any one time.

Reason: In order to minimise the impact of the use on the locality.

5. No tannoy or loudspeaker equipment nor any floodlighting shall be installed on the site without the prior written approval of the Local Planning Authority in response to an application made in that regard.

Reason: In order to retain the Local Planning Authority's control over such use that may not otherwise require planning permission.

6. In times of dry weather, measures shall be taken to ensure that dust from the site does not extend beyond the site boundaries.

Reason: In order to ensure that there is dust is retained within the site.

7. The parking and manoeuvring area shown on the submitted drawing shall be retained on the site and available for its designated use whilst the use remains permitted on the site

Reason: In order to ensure that there is adequate space available within the site to park and manoeuvre vehicles clear of the highway.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking or re-enacting that Order, no tank for the storage of oils, fuels or chemicals shall be erected unless it is sited on an impervious base and surrounded by impervious bund walls. The bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage.

Reason: In the interests of pollution control.

9. The storage building on the site shall be painted in a colour to be agreed in writing with the Local Planning Authority within one month of the date of this permission. It shall then be retained as such thereafter.

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

Informatives:

(i) Further to condition 6 above, it may be necessary to water the circuit in order to suppress dust to comply with the condition.

(ii) You are advised to note the requirements of TRANSCO set out in the attached letter dated 12 February 2002.

16/04/2002

Item 1.9**Reg. No.** 9 2002 0136**Applicant:**

Mr & Mrs Corbin
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 Etwall
 Derbyshire
 DE656HY

Agent:

Hazel Rounding
 Shed KM Architects
 61A Bold Street
 Liverpool
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Proposal: The demolition of the dwelling, workshops and outbuildings and the erection of a new dwelling and associated landscaping at The Hollies Hilton Road Egginton Derby

Ward: Hilton

Valid Date: 08/02/2002

Site Description

The site is located on the Hilton Road north of Egginton village. It lies outside of any settlement confines and, as such, is located within open countryside.

It is part of the former grounds to Park Hill a Grade II Listed building. The land was separated off from the main listed building in the 1980's when a group of structures was demolished and replaced with the dwelling that now occupies the site. A further dwelling is located to the north of the site itself.

The land is divided from Park Hill by a post and rail fence that has had a considerable amount of new planting placed alongside it.

The access to the site would be from the Hilton Road. A post and rail fence and a metal post and metal rail fence that used to be the boundary of Park Hill enclose the rest of the frontage. The west boundary is another post and rail fence.

Proposal

The proposals are as described in the applicant's supporting statement set out below. In short it involves the erection of a single dwelling unit and the demolition of a number of buildings including an existing dwelling house. A new access is proposed along with significant landscaping on the site.

In addition, some elements of planning gain are offered by the applicants and, most notably, this includes the restoration of an existing glasshouse. This significant building was once a part of the Park Hill site and clearly played an important role in the life of the house. This is to be retained and refurbished as a part of the proposal.

Applicants' supporting information

Set out below is the applicant's original statement in support of the application. Since its submission, there have been further discussions concerning the application and amendments made to it including the design for the dwelling. There has been a further submission dealing with these alterations and this too is set out below.

Site - design statement:

- the proposed redevelopment of the existing 'Hollies' site is addressed by assessing the history and development of the former Park Hill estate.
- the 'Hollies' site previously formed part of the Dower House grounds and incorporated the glass house, ice house, orchard and laundry buildings to the rear of the now Grade II Listed Park Hill property.
- planning permission was granted in 1988 for the replacement of the laundry buildings with private dwellings and the estate was divided into two sites.
- the two sites have since developed independently - the original Park Hill building received planning/listed building consent for change of use in the 1990's from a residential use to office accommodation, with an extension and regeneration of the stable block adjacent to the 'Hollies' boundary.
- the 'Hollies' dwellings have been accompanied by a number of outbuildings, largely housing motor repair workshops, and the site has accommodated a variety of caravans/motor vehicles. The original glass house and ice house remain in a state of disrepair and the vacant landscape shows little regard for the original 'country house' site; only a few orchard trees survive between additional built structures/driveways.
- the proposals for the 'Hollies' aim to regenerate the Hollies site by the integration of a family dwelling and coherent landscape strategy. The intention is to simultaneously improve the setting of the Grade II listed Park Hill by respecting the history and pattern of development of the original house. This can be achieved by accepting that the estate has previously been established as two separate sites but by drawing inspiration from the original family country house philosophy/natural pattern of development and by creating a neighbouring 'country house of today' - distinct from Park Hill and not a mock extension of the present office building.
- an attitude of discerning conservation is adopted by respecting historic structures and achieving clarity between existing/new buildings. The proposals also aim to provide an improved relationship between the original house and preserved glass house structure.
- the proposals have taken into account the defining characteristics of the local history and materials and aim to regenerate a site which creates enormous benefits for the setting of the listed Park Hill property and, under Planning Policy Guideline (PPG) 7, paragraph 3.21, adds a dwelling type (appropriate to the life of a large family of this century) 'to the tradition of the Country House which has done so much to enhance the English countryside'.

Building - design statement:

- the proposed building is a 21st century country house for a local family (who have generated a successful business in the area), achieved by the development of a single dwelling and demolition of scattered poor quality outbuildings on the site
- the proposal creates an improved integration of the site with the building by the re-location of the dwelling and creation of different landscape areas
- the proposals define an improved relationship between the refurbished Park Hill glass house and both the new country house of today/former Grade II Listed Dower House
- the proposals acknowledge the permission for change of use of Park Hill into offices and redefine a setting for the residential 'Hollies' site, whilst also improving the setting of the Grade II Listed Park Hill property
- the country house of today re-addresses the spatial requirements of today's client and defines a structural strategy which allows large clear span spaces rather than traditional cellular rooms
- two structural 'walls' are created which house ancillary spaces and are situated to provide an indigenous road frontage to the dwelling - they are to be constructed from local sandstone, Peakmoor (Stanton Moor) or similar approved from a Derbyshire quarry
- two further structural walls bisect the dwelling to form residential wings, inspired by the former pattern of development of the neighbouring Park Hill property - materially these also address the adjacent Park Hill stable block with an application of white render
- resulting family spaces are created by the construction of roof slabs at varying heights these receive 'green' roof coverings such as sedum blankets and are envisaged as horizontal landscape planes lifted above the relatively flat site
- spaces are enclosed with floor to ceiling glazing (powder coated composite frame system) which allow the dwelling and landscape to merge
- private spaces to bedroom areas are enclosed with timber clad elevations (western red cedar), continuing the use of natural materials and the strategy for integration of dwelling and landscape
- the entrance area is defined by a raised ground slab hovering over the site and the apparent continuation of the water channel introduced into the landscape, which creates an awareness of the site's length from the main entrance hall
- constant references and extensions are made between built form and site with the location of pool, construction of terraces, continuation of walls/gabions and desire to plant against and over the building

'An isolated new house in the countryside may be justified if it is clearly of the highest quality, is truly outstanding in terms of its landscape design, and would significantly enhance its immediate and wider surroundings'

(Planning Policy Guideline (PPG) 7, paragraph 3.21)

'... each generation would have the opportunity to add to the tradition of the Country House which has done so much to enhance the English countryside'

(Planning Policy Guideline (PPG) 7, paragraph 3.21)

Landscape - design statement

The proposal builds on the existing assets of the site, bringing new value and life to a dilapidated and fractured landscape setting:

1. the layout is sympathetic to the original house's geometry: it mirrors the original property's bowling lawn and relationship to neighbouring fields
2. the existing orchard has been rejuvenated and re-enclosed
3. the context for the glass house has been re-instated
4. the historic ice house has been re-interpreted as a garden folly
5. the woodland tree edge groups have been supplemented, strengthening the landscape structure and increasing wildlife value
6. the positioning of the house enables the creation of a new balanced set of gardens that reinterpret the lost features of the old estate. In particular, it takes advantage of the views between breaks in the peripheral tree groups
7. devices used in 19th and 18th century country homes have been re-invented in order to make the historic reference: the lawn terrace enables views to be 'borrowed' from the countryside, water is used in the middle distance as a reference to the original (lost) pond, follies have been created, and the meadow placed on the site of the original horse paddock
8. the context is enhanced: the impact is reduced by use of screening, whilst important vistas are framed
9. materials are in keeping with the listed house and the image of a country house gravel drives, yew hedging, lawns, fruit trees, stone, trees and other shrubs to match those already on site.

Addendum Text. Housing Policy 8 Statement:

The proposal is unique to this particular site by attempting to develop an appropriate dwelling whilst simultaneously improving the setting of the adjacent Grade II Listed Park Hill property and glasshouse structure.

(i) the design addresses the form and bulk of the new dwelling by breaking down the volume into smaller parts and following the natural pattern of development of Park Hill. The creation of wings of accommodation enables the form to be read as a series of smaller volumes rather than a uniform mass. The introduction of flat roof construction is instrumental in reducing the impact of the new house, with 'green' roof coverings allowing roof slabs to be read as planted planes elevated out of the site. These, together with the extension of walls into the site, soften the boundary between landscape and built form.

(ii) the design of the house is in keeping with the natural pattern of development of Park Hill. The materials are to be of local/historical reference with the introduction of sandstone and brick cladding to solid elevations. Fully glazed elevations to the west facing elevations take advantage of views to the more private boundary.

(iii) the decision to re-locate the dwelling on the site is a reaction to the change of use of the original Park Hill property. The Grade II Listed country house was granted change of use to offices through planning consents in 1990/1997, following the extension/conversion of the 'Hollies' structures in 1988. The later change of use decisions have changed the overall site conditions and caused the close proximity of the dwelling and offices to be questioned and found to be inappropriate. The proposed new dwelling eliminates constraints of over-looking and improves the relationship of the existing glasshouse both with Park Hill and the new dwelling. The re-location allows improved solar orientation/privacy through its areas of glazed/solid elevation.

(iv) the single structure creates a coherent and integrated dwelling, replaces the existing pair of residential buildings (single residence) and re-addresses the continued development of associated out-buildings.

Changes to the proposed materials of construction

Since submission, the applicants have agreed to change the white walls to ones that would be constructed using brick panels affixed to concrete walls. Precise details would need to be submitted.

Planning History

Permission to convert the former laundry to a dwelling was approved in 1988 with a garage and games room approved in 1989. A proposal to link the two buildings to form a single dwelling was refused in 1991. Various workshop buildings have also been approved in the 1990's. In 1993 an application for a mobile home was refused but granted at appeal.

Responses to Consultations

Egginton Parish Council has no objection.

The County Highways Authority has no comments

The County Planning Authority views were not available at the time the report was prepared. It is understood that the application will be considered by the County Council on 12 April 2002. The comments of the County Council will be reported verbally at the Committee meeting.

The Commission for Architecture and the Built Environment (CABE) comments that the scheme has been discussed with the Chair of the Design Review Committee. The conclusion is that CABE feels able to support the design which has clearly been carefully planned and thought through along with its landscaping. CABE believes that the Architects have produced a striking yet restrained example of contemporary design.

Severn Trent Water has no objection

The Environment Agency has no objection subject to conditions. In addition comments have been received concerning the proposed pond.

Responses to Publicity

One letter has been received that comments that the design is not to the writers taste but that the proposal to demolish the existing dwelling and associated buildings is welcomed and there is no objection to the proposals. There is concern to ensure that the existing drains that cross the site are maintained.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policies 1 & 4; Housing Policy 6;

Environment Policy 10

Local Plan: Environment Policy 1 & 13, Housing Policy 8.

Planning Considerations

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

- The provisions of the Development Plan and national planning advice
- The benefits of planning gain in this case
- Design
- Highway Safety

Planning Assessment

The applicant seeks to gain consent for the erection of a new dwelling in the countryside. Generally such proposals are unacceptable as they are contrary to long established planning policy to restrict new development in the countryside.

However, the policy of the Council is to allow one for one replacements of dwelling houses within the countryside subject to a number of criteria. In this case the replacement proposed would not satisfy all four of the criteria as the proposed unit is larger than that it would replace and it would not be on the same footprint.

Notwithstanding this there are a number of factors that have to be balanced in this matter. These are set out below:

(i) In the originally submitted scheme, the applicants have sought to demonstrate that the proposed design would be a new country house in the English tradition albeit of an uncompromisingly modern design. There is no support for this view from CABI and this view is also that of officers. However, the design is appropriate for the site despite its modern perspective.

(ii) The site is located adjacent to a Grade II Listed Building and the impact of the development on that building is a major consideration in determining the application. In addition, the presence of the former greenhouse to Park Hill as an historic feature within the site should be noted. The existing dwelling and the more recently erected outbuildings do currently detract from the

character and setting of Park Hill. The buildings are in close proximity to the former Dower House and have an unsympathetic appearance. Environment Policy 13 in the Local Plan seeks to ensure that the setting of Listed Buildings is preserved when development is proposed on adjoining land. The new dwelling, and the demolition of the existing structures, would have a positive effect on the setting of the listed building.

(iii) CABE has described the proposed dwelling as 'carefully planned and thought through along with its landscaping. CABE believes that the architects have produced a striking yet restrained example of contemporary design.' Officers agree with that view and consider the following points of relevance when considering the application:

- a) The building has been designed to minimise its height with a basement, flat roofs and a 'green living roof material'.
- b) Strong structures running through the building from east west to north south reduce the apparent mass of the building. Behind these elements, the main living accommodation is located which ensure that from most viewpoints the scale of the dwelling is reduced.
- c) The proposed landscaping as amended would complement that on the adjacent Park Hill site and help to merge the building into its setting. The use of new railings on the roadside frontage would help to relate the site as a whole back into its original setting as part of the Park Hill estate.
- d) The opportunity to restore the setting of Park Hill is a major consideration and this together with the offer to restore the original green house in accordance with an approved schedule of works counts towards the possibility of a favourable recommendation.

The proposal would result in the formation of a new access and parking areas. However, the new access is acceptable in terms of highway safety.

Conclusion

The judgement here is whether the points set out above outweigh the locational criteria for housing in the countryside. There are clear benefits as outlined above to the granting for the approval of this proposal. The policy considerations are noted, however, the improvements to the setting of the listed house and the opportunity to restore the greenhouse are significant factors in favour of the proposal as is the quality of the design. Should consent be granted a condition is recommended that would tie the permission to the design as submitted.

A condition restricting permitted development rights for the extension of the dwelling and erection of garden buildings could also be imposed and a unilateral undertaking to restore the green house would ensure that the glass house is restored during the building operations for the house and completed prior to the occupation of the dwelling.

Therefore subject to the development being carried out in accordance with the amended plans, the completion of the unilateral undertaking and appropriate conditions the proposal is, on balance, acceptable

Recommendation

GRANT permission subject to the completion of a unilateral undertaking and 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. Notwithstanding the originally submitted details, this permission shall relate to the following drawing nos. PB1.a, PB2, PO21, PO22.a, PO23.a, PO31, PO32.a, PO12, PO13, PO11, PL1.A & PO41.a as originally submitted and as amended under cover of your letter dated 28 March 2002.

Reason: For the avoidance of doubt.

3. The permission hereby permitted shall be carried out in accordance with the following drawing numbers: PB1.a, PB2, PO21, PO22.a, PO23.a, PO31, PO32.a, PO12, PO13, PO11, PL1.A & PO41.a as originally submitted and as amended under cover of your letter dated 28 March 2002.

Reason: This permission is granted on the basis of the special circumstances put to the Local Planning Authority an itegral part of which is the specific design of the dwelling along with the improvement to the setting of the adjacent Grade II Listed Building and the restoration of the Park Hill Glasshouse. The Local Planning Authority seeks to ensure that the building that is erected on the site reflects these special circumstances by the imposition of this condition.

4. 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.

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.

5. Notwithstanding the submitted landscape master plan no development shall take place until there has been submitted to and approved by the Local Planning Authority full details of the landscaping of the site, which shall be based on the submitted landscape plan. The scheme shall also include provision for the adequate protection of existing trees during the construction of the new dwelling. Landscaping shall be undertaken in accordance with the approved details.

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

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building 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.

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

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

8. A sample of all the materials of construction shall be made available on site for approval by the Local Planning Authority and shall be approved in writing before work commences. The building shall then be erected in accordance with the approved samples.

Reason: To ensure the specific materials of construction are in keeping with its location adjacent to a Grade II Listed Building

9. 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.

Reason: In the interests of the appearance of the building and to ensure that such facilities are located in none prominent locations on the building.

10. Before the development is commenced detailed drawings to a minimum scale of 1:50 of the coping to the feature walls on the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The walls and coping shall then be completed in accord with the agreed details.

Reason: To ensure that the detail is appropriate to the setting of the adjacent Grade II Listed Building.

11. 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.

16/04/2002

Item 1.10**Reg. No.** 9 2002 0146**Applicant:**

Squirrel Developments Ltd
41 Whitmore Road
Trentham
Stoke On Trent

Agent:

Peter Diffey & Associates
Cotesbach Villa
54 Woods Lane
Stapenhill
Burton On Trent
DE15 9DB

Proposal: Outline application for the residential development at Yew Tree Farm Station Road Hatton Derby**Ward:** Hatton**Valid Date:** 11/02/2002

This application was initially brought to members for consideration at the meeting of the Development Control Committee on 26th March 2002. It was deferred at that time to enable a public meeting to take place.

The application is now referred back to the Committee for determination. The original report is set out below.

Site Description

The site is located within the built framework of Hatton as defined in the South Derbyshire Local Plan. It is 0.33 hectares in area and comprises the farmhouse, farm buildings (both modern and older), yard and garden of the farm that currently occupies it.

The site is bounded on two sides by fields and on the other two by houses. Immediately to the south of the existing access to the farm is a small parking area.

The house immediately adjoining the site on The Hays is also in the ownership of the applicants.

Proposal

The applicant seeks permission to redevelop the site for residential purposes. No details of the development have been submitted as the submission was made in outline with all matters reserved for subsequent approval. Although the application drawing does indicate a possible means of access to the site off The Hays, this does not form a part of the application. The sole purpose of the application is to establish whether the principle of residential development is acceptable on the site.

Applicants' supporting information

The application is designed to overcome the ground for refusal and follows discussions with the Head of Development Control and with the Council's Chief Executive Officer. The application was refused on the grounds of the development potentially causing additional flooding in the area. The Council has a scheme designed to alleviate the possibility of additional future flooding. The application is submitted on the basis that if permission is granted it will be subject to a Section 106 Agreement relating the development of the site to contribution towards the flood alleviation works on the adjacent water-course. It is proposed that £2000 a dwelling is contributed towards the costs of the works. Payment would be made at the commencement of construction works. A draft unilateral undertaking to this effect is submitted with the application. Further work is required to finalise the wording.

Planning History

The site had permission granted in 1989 for either the erection of three dwellings granted in outline or the conversion of outbuildings to three dwellings. Both schemes involved the retention of the farmhouse.

An application for outline planning permission was refused late last year against the recommendation of officers. An appeal has been lodged against that decision, a hearing into the appeal is to be held in early May. A copy of the Committee report is appended to this report. [Note: the report is not reproduced again. If further copies are required please contact the planning section]

Responses to Consultations

Hatton Parish Council is understood to have no objection.

The County Highways Authority recommends that the development be limited to no more than five dwellings served off a private drive unless otherwise agreed. The potential access would require the extension to the Hays is to be accommodated within the adoptable highway limits including the existing turning head in an altered form.

Details of the means of disposal of surface water from an adoptable highway would also need to be provided.

Severn Trent Water has no objection. In a separate letter regarding the appeal, the company has confirmed the following: -

Regarding the surface water discharge from the site, the application stated 'unknown' to the method of disposal from the proposed development. The site is however in very close proximity to a land drainage watercourse, and whilst there is a 600 mm. diameter public surface water outfall sewer close by, it is expected that surface water from the development will be discharged directly to the brook. The proposed development could be accommodated within the existing public surface water sewer, but a free outfall into the watercourse may be restricted in times of flood.

As the development would be expected to generate a foul flow of approx. 0.5 litres/sec., the additional foul water discharge would have a minimal impact on the existing foul combined sewage overflow at the Church Avenue pumping station.

Improvements to the public foul sewerage system have recently been completed to resolve foul sewage flooding problems in the locality. No further schemes are currently anticipated in this Asset Management Plan period, or in the foreseeable future.

The Environment Agency has no objection subject to a condition requiring the finished floor levels to be raised 600mm above the last known flood level. (November 2000). This is 54.13 AOD. Ground levels in the general area are about 53.9. Thus, the floor level of the houses would be about 700mm above existing ground levels. This would mean that in an event similar to last November the floors of the proposed dwellings would be clear of the water levels. The Agency acknowledges that some dwelling nearby were flooded in November 2000. This was associated with the overtopping of flood defences.

Responses to Publicity

Two letters had been received objecting to the development on the following grounds: -

- a) There should be no development until Severn Trent Water confirm that in the case of flooding, no sewage will be allowed to overflow onto roads, gardens and house interiors and flood water will not rise through storm drains. Development means more soil covered, more water down storm drains and thus more floods.
- b) The development should be limited to single storey dwellings so that there is no overlooking of existing houses.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 5

Local Plan: Housing Policy 5

Planning Considerations

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

- Conformity with the Development Plan
- The impact on the amenity of neighbouring properties
- The impact of the development on the foul water drainage system
- The highway implications

Planning Assessment

The site lies within the confines of Hatton as defined by the provisions of Housing Policy 5 of the Local Plan. Hatton is a sustainable settlement. Therefore, the principle of the development is in accord with the development plan and so acceptable.

Whilst no details of the development accompany the submission, the site is sufficiently large such that an acceptable residential layout could be accommodated within the site without

adversely impacting on the amenity of adjoining residents. This would be so even given the finished floor requirements of the Environment Agency.

The issue of water disposal has been raised in objections to the application. The specialist consultee on this matter, Severn Trent Water, has commented there is no objection to the

proposal as flows likely to be generated are unlikely to impose a significant additional load on the Church Avenue Pumping Station. The situation at this pumping station has been improved as stated by Severn Trent Water and it does not foresee a future problem following these works.

The Environment Agency has no objection subject to a condition that is recommended below. In these circumstances, it would be unreasonable to refuse permission based on general flooding of the site.

The developers have recognised that there is a problem with flooding in the village and have made a unilateral undertaking to provide funds that could be used to implement a scheme of works to improve the potential for future flooding. In order to facilitate the payment of the above funds, the applicants have submitted a Draft Section 106 Unilateral undertaking that would legally commit the developers of the site to making the payment within two weeks of commencement of the development. The Council is asked to undertake the works to alleviate the flooding problems within 5 years of the date of the commencement of the works. If no works or the works cost less than the funds provided, then the Council would undertake to return any monies or the balance of any monies that are not spent at the expiry that time. To request that the monies are spent in a specified period is not unreasonable and the 5 years suggested is acceptable from a planning point of view. Informal discussions with the Technical Services Manager indicate that works are capable of being undertaken within the stated period that would help to minimise the flood risk.

It may be that the final agreement could be signed by the applicant prior to the Committee date. In which case the decision notice could be attached to that document.

The County Highways Authority has no objection to the principle of development save for concerns about the ability to achieve adoptable access points to The Hays. Access is not a matter that is subject to this application albeit that a potential access is shown. As the applicant has not intended that access be determined at this time it is not intended that the additional details required by the County Highways Authority be requested now.

Recommendation

1) That subject to the undertaking under S106, relating to the provision of £2000 per dwelling towards the cost of flood alleviation works around the settlement of Hatton, then

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

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

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

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

5. Finished floor levels should be set at least at a level of 54.73m AOD, 600mm above the recorded flood level of 54.13m AOD.

Reason: To protect the development from flooding.

Informatives:

(i) You are advised to note the comments of the Environment Agency as set out in the attached letter with particular regard to condition 3 above.

(ii) The County Highway Authority is not satisfied that the illustrative access would be capable of adoption without further details being submitted. Additional land around the turning head adjacent to the site may be required above that shown on the submitted drawing.

16/04/2002

Item 1.11**Reg. No.** 9 2002 0241

Applicant:
 Mr Mrs Martin
 7, Tedworth Avenue
 Stenson Fields
 Derby
 DE243BS

Agent:
 Mr Mrs Martin
 7, Tedworth Avenue
 Stenson Fields
 Derby
 DE243BS

Proposal: The erection of an extension at 7 Tedworth Avenue Stenson Fields Derby

Ward: Ticknall

Valid Date: 01/03/2002

Site Description

The property, the subject of this application, is located within a residential area and surrounded by other residential properties. It is a semi-detached house with an existing single storey extension at the front.

The adjoining property at No 5 also has a single storey extension at the front, set back by about a metre relative to No 7.

Proposal

The proposal seeks to extend over the existing single storey projection to enlarge two bedrooms.

Responses to Consultations

The Parish Council objects because there would be loss of light to the neighbouring dwelling.

Responses to Publicity

The adjoining neighbour objects because there would be loss of light to a bedroom.

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:

- The principle of the development
- The impact on the general character of the area.
- Residential amenity.

Planning Assessment

The site is located within a residential area. Therefore, the principle of allowing the extension is acceptable.

The design of the extension would be in keeping with the general character of the area, which comprises house of many styles and relationships. In addition it would generally satisfy the Council's normal standards concerning space about and between dwellings.

However, the extension would have a limited impact on the adjoining property's bedroom window. However, such windows are given only limited protection by the Council's Supplementary Planning Guidance (SPG) and in this case the extension complies with that guidance. Therefore, there would be no material harm caused to the neighbour's amenity.

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.

