

07/05/2002

Item 2.1**Reg. No.** 9 2001 1250**Applicant:**

A J And Mrs J C T Kirkland
 Grangewood Farm, Grangewood
 Netherseal
 Swadlincote
 Derbyshire
 DE128BG

Agent:

C P Meynell, Fisher German
 2 Rutherford Court
 Staffordshire Technology Park
 Stafford
 ST180AR

Proposal: The erection of an indoor riding arena together with a menage, associated carparking and landscaping at Grangewood Farm Grangewood Netherseal Swadlincote

Ward: Netherseal

Valid Date: 24/12/2001

Site Description

The site lies in the open countryside adjacent to the applicants' farmstead. The site of the proposed building stands to the rear of existing agricultural buildings (mainly portal frame sheds).

Proposal

The submitted scheme shows a 1782 square metre indoor arena and a slightly larger outdoor manege directly adjoining. Vehicular access would be from the main road frontage with car park and landscaping adjacent to the facilities. An existing agricultural access would be used but widened with improved radii. Since the original submission, the applicants' agent has submitted further details regarding how the applicants' are proposing to use the site (set out in the next section). The application has been readvertised to draw attention to this additional information.

Applicants' supporting information

At the present time it is not the applicant's intention to floodlight the menage and car park, nor is it their intention to use an external public address system as horses and stewards will control riders.

"We have considered the position of Grangewood Fencing. Generally vehicles are loaded or unloaded within a compound to the northwest of the buildings they occupy and occasionally large vehicles are unloaded on the hardstanding between the public highway and the building. Where that occurs they will be behind the visibility line for the proposed access to the indoor riding arena. We have considered this matter and agreed with the operator of Grangewood Fencing to arrange for deliveries/collections to take place at times which will not conflict with a large event in the riding arena.

Surface Water Drainage

The proposals indicated on the plan (submitted) deal with the collection of clean roof and yard water by drainage into existing pipes. These are sealed pipes which will connect directly to gullies.

There will be no contaminated yards. In general, horses remain in the trailers and lorries until they are ready to be ridden when they will move to the menage area. Solid wastes are removed immediately from the menage area and will be transferred to existing manure heaps which are located away from field

A copy of the pollution prevention guidelines have been issued to the applicant and the site will be managed in accordance with those guidelines.

Events

It is not perceived that the facility will be used for competitions on every day of the year but the applicant must be given the flexibility of being able to host events, competitions, training and tuition as and when applications are made. Furthermore, the viability of the project would be put in doubt if there were restriction on the number of events or hours of usage which would cause interested parties to make their arrangements with other facilities in the Midlands.

With regard to the number of vehicles visiting the site, the number and timing of their arrival will depend upon the activity being held. Generally, when competitions are held entrants are given a time for their particular class or event and those are spread throughout the day. They will generally arrive in time for their event, partake and then leave. It is also quite common for several entrants and their horses to travel in one vehicle. Accordingly we do not foresee a backlog of traffic occurring. Events do attract a certain number of spectators but these are usually family members, helpers and others who travel in the same vehicles as the participants and therefore the level of additional movements is very small. The total number of traffic movements per hour would be far fewer than when the farm was in operation.

There are a range of events that may take place and these can be described as follows:-

- Dressage -this typically involves three or four classes of between 12 to 25 entries per class. An expected average would be 60 entries involving 35 horses as most horses compete in more than one class. The applicants own horses and others based locally would be entered in this type of competition. The remaining number possibly between 27 and 30 horses per event would arrive in multiples of 1, 2 or 3 per vehicle. This would involve approximately 14 vehicles of which on average, 40% would be trailers towed by four-wheel drive vehicles, 60% lorries of which the majority (90% plus) would be non HGV. The timing of the event would be generally between 9.00 am and 6.00 pm giving 4 vehicles movements per hour, spread throughout the day.
- Show Jumping -during the day 4 or 5 classes would be held with entries limited to 25 a class. Most participants compete in 3 classes. The event would involve approximately 40 horses, 10 from the locality and 30 brought into the area using 15-20 vehicles. The mix of vehicles would be similar to the above and the event would generally take place over the same time period, resulting in 5 vehicles movements per hour. Evening events, held on separate days, would have limited entries but similar movements would prevail over a period from 5.30 pm to say 9.30 pm.
- Demonstrations -it is proposed to hold 2 or 3 lecture demonstrations per year using up to 4 horses in 2 or 3 vehicles. Spectators, who usually travel in groups. A well attended event may attract up to 100 cars arriving between 7.00-7.30 pm and finishing at approximately 10.00 pm. Car park attendants would be utilised to manage the traffic flow.

- Teaching Clinics -it is proposed to hold one clinic or training day per month for different riding disciplines to train trainers and judges. Horses would be provided from the farm and the event may attract up to 12 cars throughout the day.
- Private Facilities -when there are no organised functions then the facilities will be used for private training, teaching clients and for hire to local riders.

Planning History

Permission for a stable and tackroom block was granted permission in 1983. A redundant agricultural shed on the road frontage adjacent to the proposed improved access was granted permission in 1998 for use as a storage and distribution business (use class B8) which is still in operation.

Responses to Consultations

The Parish Council makes the following comments:

- a. The stretch of highway passing the site carries a large amount of traffic and there have been numerous accidents and near misses adjacent to the proposed entrance. It is suggested that this was not the most suitable position for the entrance and a traffic survey should be carried out prior to determination.
- b. There would be large increases in traffic through local villages.
- c. Suitable restrictions should be made in regard to nuisance to neighbours from P.A. systems and flood lighting.
- d. From the applicants' forecasted figures, not enough parking space is proposed (i.e. 30 spaces are proposed and 50+ vehicles are expected on event days with no mention of HGVs. More space would need to be allocated to prevent parking on the road. Overflow parking should be provided and major vehicle movements should not be allowed after midnight to protect the amenities of neighbours.
- e. A covenant should be placed on the site to prevent it being used for general industry in the future.

The Environmental Health Manager states that due to the scale of the proposal, the potential frequency of events and their duration he has concerns that there is the potential for the development to create a nuisance to neighbouring properties due to increased traffic volume, on site noise and general activity. Accordingly, he recommends refusal. However, he suggests that should the proposal be amended to limit the number of events per year and hours of use he would reconsider his comments.

The County Highway Authority acknowledges receipt of additional information from the applicant's agent and has also commissioned and received the results of vehicle speed readings on the adjacent highway network. He considers that the potential increase in traffic flow arising from the proposals to be significant. Vehicle speed readings demonstrate 85%ile speeds of approximately 50 mph requiring visibility sightlines of 4.5 m x 160 m in each direction. It is considered that towards the east this sightline is not adequately provided and an increase in vehicle movements at the access, particularly involving slower-moving towing vehicles would be prejudiced to the best interests of highway safety. The Highway Authority therefore recommends that planning permission be refused on the basis that the development would generate a significant vehicular use of an access which is inadequate in terms of emerging driver visibility, to the detriment of highway safety on the classified road.

It is also concerned that that the proposal would appear to be contrary to the principles of sustainability since the site is inadequately served by modes of transport other than the private car. The relatively narrow and tortuous nature of the highway network in the vicinity of the site would be likely to discourage use by pedestrians and cyclists. The safety of those people who may choose to walk or cycle to the site would be more likely to be compromised by the introduction of the additional peak flows generated by the development proposals. In view of the foregoing the Highway Authority would support a further reason for refusal based on sustainability.

The Council's Land Drainage Officer states that he has no objection to the scheme. The Environment Agency has no objection subject to conditions regarding pollution and flood control.

The National Forest Company states that the siting of the development would be adjacent to a substantial area of new woodland planting (40 hectares), which the landowner has implemented to a high standard through the National Forest Tender Scheme. This scheme provides open public access including access for horse riders, in an area of the Forest where horse riding is popular.

Responses to Publicity

A total of 78 letters of support been received the vast majority of which are from outside the immediate area of the development and mostly from horse owners but also from the NFU, Country Land and Business Association and Countryside Alliance. They state the following:

- a. Giving horse riders a safe environment in which to ride is invaluable and with today's heavy traffic any alternative to riding on the public highways can only be for the best
- b. As more rural land in the area is being taken up with urban developments, there is becoming an increasing demand for facilities such as this. There is a lack of equine facilities in the area and as such this venue is vital to those riders who do not have transport to enable them to take their horses further afield. More competition venues are needed in the area the nearest is about 15 miles away
- c. The applicants are well known in local equestrian circles for their excellent facilities and their help and knowledge with horses.
- d. There would be an opportunity to attend lectures and demonstrations as part of the expansion of the applicants' existing business.
- e. It would have a positive impact on the local community (both social and economic).
- f. In light of recent crises affecting farming, this is a good sustainable scheme of diversification within the National Forest and is the type of scheme that DEFRA, PPG 7 the Rural White Paper and the England Rural Development Programme encourages. The development would be a source of local rural employment.
- g. The use would only generate a small increase in traffic and not be likely to take place at unsociable hours
- h. The area is not green belt and there would be no special reasons for refusing permission.

Fourteen letters of objection have been received outlining the following concerns:

- a. The proposal would be hazardous to walkers, riders and cyclists. The local highway network is inadequate to accommodate the number of horseboxes that could be using them. Traffic would also be travelling through villages to reach the site. It is not clear how a traffic management plan ensuring that certain routes taken by visitors can be enforced. A public footpath is also affected.

- b. The proposed access is an accident blackspot where traffic travels at excessive speed close to a t-junction. There have been numerous accidents along this stretch of road, two in recent weeks. The fencing company already located there have lorries unloading on the roadside and the entire forecourt can become overloaded and obscured with many vehicles making safe access to the livery impossible. The access should be relocated further along at the existing National Forest car park and traffic calming considered.
- c. The size and format of the proposal can only be described as a major commercial enterprise with overheads running into many thousands of pounds. Such capital expenditure can only be justified by ensuring intensive riding activities/events 9am to 9pm or later seven days a week. With this comes the traffic, noise nuisance, disturbance, pollution and visual impact all disruptive to the fragile countryside environment. With traffic moving for 3 days per week, 12 hours per day this could result in long periods where lorries are passing people's homes. The noise and light emissions from floodlighting would be a nuisance to local people. Most visitors to the site would not be local and therefore would not be affected by the environmental impacts. There should be a limit put on the days and hours that events could be held.
- d. A compromise could be to utilise an existing vacant building on the site with a small facility catering for local demand.
- e. The development represents a further and substantial incursion into agricultural land for a use which strictly is not agricultural. If permission is granted it should be on the basis of all current buildings on the site being demolished or the existing buildings being utilised.
- f. The proposed landscaping is not indigenous and would not provide all year round screening. For the building to have minimal impact it should be sited below ground level and be screened by a bund.
- g. Parking provision is inadequate given the applicants' own figures. Other such centres often attract 200+ vehicles.
- h. A visibility splay would result in the loss of hedgerow.
- i. An increase of discharge of surface water to the existing ditch which already floods would be unacceptable. Existing local sewers are also currently inadequate.
- j. External lighting would pollute the area.
- k. The experience of AB Produce demonstrates that once such permissions are granted they are unable to be regulated.
- l. There is no shortage of indoor arenas with many being within one hour of the site.

The ward member for the area, Councillor Shaw, states that he is concerned about the access to the Site. He is concerned that the number of vehicles arriving at the site could cause congestion backing onto the road which is on a dangerous bend/junction, and that the fencing contractor is located at the access and deliveries/collections of goods could exacerbate the potential risk to road users. As such he considers that the location of the access should be reconsidered.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Leisure and Tourism Policy 1.

Local Plan: Recreation and Tourism Policy 9 and Environment Policy 1.

Planning Considerations

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

- The impact of the proposal on the amenities of people living near or around the site
- The impact on highway safety

- The impact on the countryside

Planning Assessment

The development plan recognises that the keeping and riding of horses as a rural pursuit and appropriate to a rural area. However, the protection of the undeveloped character of the countryside, the need to protect amenities and the ability of the site to be served by a range of transport modes are all material considerations. The Local Plan particularly considers that the most appropriate location for such a use is the rural fringe of a town or village.

Clearly among the local population there is concern about the potential for large numbers of people and particularly vehicles that the development would attract, the vast majority of the letters of support having come from those who would wish to use the facility from further afield. This could have two specific impacts: detriment to the amenities of those who live near to the site and the detriment to highway safety conditions. With regard to general disturbance, judging by the figures submitted by the applicants' agents, the area would experience a significant change in activity that would impact upon nearby dwellings on a regular basis. The Environmental Health Manager's show that he anticipates that the level of this would be a problem. With regard to highway safety, the Parish Council shows particular concern for ensuing highway conditions but of greater concern is the comments expressed by the County Highway Authority.

With regard to impact on the countryside, the building would be located at the rear of existing buildings and therefore not appear overly intrusive in its location. In this regard the application is considered acceptable.

Although it could be argued that a permission which seeks to ensure that the number and frequency of events by condition may be negotiated, the applicants' agent has made it clear that whilst the facility will not be used for competitions on every day of the year, the applicant must be given the flexibility of being able to host events, competitions, training and tuition as and when applications are made. Furthermore, the viability of the project would be put in doubt if there were restriction on the number of events or hours of usage which would cause interested parties to make their arrangements with other facilities in the Midlands. As such no progress would appear possible in this regard and the details have been considered as submitted.

Recommendation

REFUSE permission for the following reasons:

1. Due to the scale of the proposal, the potential frequency of events and their duration, the development has the potential to create a nuisance to neighbouring properties due to increased traffic volume, on site noise and general activity contrary to Recreation and Tourism Policy 9 of the Local Plan which seeks to permit equestrian centres provided they do not cause disturbance to local amenity by virtue of noise, smell or traffic generation.
2. The development is proposed in a location not easily accessed by forms of transport other than the private motor vehicle. The relatively narrow and tortuous nature of the highway network in the vicinity of the site would be likely to discourage use by pedestrians and cyclists. The safety of those people who may choose to walk or cycle to the site would be more likely to be compromised by the introduction of the additional peak flows generated by the development proposals. As such the location is unsustainable and is contrary to the provisions of Leisure and Policy 1 of the Joint Structure Plan and Recreation and Tourism policy 9 of the Local Plan.

3. The development would generate a significant vehicular use of an access which is inadequate in terms of emerging driver visibility, to the detriment of highway safety on the classified road.

07/05/2002

Item 2.2**Reg. No.** 9 2002 0033**Applicant:**

C Staley
69 Woodville Road
Overseal
Swadlincote
Derbys
DE136LU

Agent:

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

Proposal: The erection of a detached house on land to the east of 23
Main Street Linton Swadlincote

Ward: Linton

Valid Date: 14/01/2002

Site Description

The site lies fairly central in the village and according to the applicant's agent was partly in use as domestic garden, part holding pen for pigs prior to slaughter, and part parking space for two vans for the nearby butchers shop. The site is now vacant and in relatively poor condition. There is an existing vehicular access to the land.

Proposal

The proposed dwelling is a detached three-bedroom house with attached garage, rear garden and a turning area at the front. The existing access would be retained to serve the dwelling.

Applicants' supporting information

In a letter responding to comments from the County Highway Authority, the agent states that the use of the site has not been abandoned and could resume at any time. He states that the proposed change of use of this part brownfield site, the lowering of walls within the visibility sight lines and the provision of turning facilities on the site, would only serve to improve the situation with respect to vehicles emerging from the site.

Planning History

None

Responses to Consultations

The Parish Council has not commented. The County Highway Authority, having taken speed readings at the site to determine the required visibility at the access, have determined that the standard of visibility is not achievable and therefore recommend refusal on grounds of highway safety. Severn Trent water have no objection.

Responses to Publicity

None

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 5.

Local Plan: Housing Policy 5 and 11.

Supplementary Planning Guidance (SPG): Housing Layout and Design.

Planning Considerations

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

- The principle of proposal vis a vis the development plan
- The impact on the amenities of neighbours
- The impact on highway safety

Planning Assessment

The development plan seeks to ensure that residential development in villages are restricted to the built confines as set out in the proposals map and that any such development be in keeping with the scale and character of the area. More recently, the Council's interim statement on residential development since the publishing of PPG 3 identifies Linton as a 'sustainable' village.

Assessed on its merits, the agent's drawings demonstrate that despite the difficult levels on the site and the fact that the site is elevated above the nearest dwelling to the west, the house has been designed to avoid any undue overbearing to comply with the SPG.

However, with regard to highway safety, given the views of the County Highway Authority, the application is considered unacceptable.

Recommendation

REFUSE permission for the following reason:

1. Approval of the proposal would result in vehicles emerging onto the classified highway at a location where visibility is substandard contrary to the best interests of highway safety.

Item 2.3

Reg. No. 9 2002 0133

Applicant:
Derby Grammar School
Rykneld Hall
Rykneld Road
Littleover
Derby
DE23 7BH

Agent:
Paul Rothera
Rothera Goodwin
42 St. Marys Gate
Derby
DE1 3JZ

Proposal: **The use as school playing fields of approximately 9.3 hectares of Land Adjoining Staker Lane Mickleover Derby**

Ward: **Etwall**

Valid Date: 13/02/2002

Site Description

The site lies to the west of Staker Lane. It surrounds the dwelling and barn Conversions at Staker Fields Farm. The site is bounded on all sides by hedges. There are hedges within the site with some tree species in them.

Proposal

The indicative layout shows the potential position of various sports facilities. However, these are not the subject of this application. The only matter for consideration is the principle of a sports facility on this land.

Applicants' supporting information

The site shown on the submitted drawing would be the subject of a separate application. They are shown as an indication only of what may occur if permission is granted.

Some form of temporary storage for nets, corner flags and other incidental items will be required. The school intends to have a simple temporary timber shed for purpose. We do not have detailed drawings but suggest that the dimensions would be in the order of 3m x 4m x 2.5m high. The external timber would be a dark stain finish.

Access

The site has good visibility for vehicles accessing and leaving the site.

Sports Events

Derby Grammar school sports and games periods are held each day from Monday to Friday during school term time. However, during the Lent term, hockey is played at a different site and therefore the fields at Staker Lane would not be used.

The junior school games times are between 10.45am and 12.00pm on Monday and Fridays only. Senior school games are held each day between 2.00pm and 4.00pm.

Pupils and staff would meet at the Grammar School site in Derby and from there would be brought to the field in the school minibuses

Immediately after the end of Sports, pupils will be accounted for and taken back to school in the minibuses. Refreshments will be served at the school site and parents will be able to collect their children from the school.

There will be no separate arrangements for parents to collect pupils from the Staker Lane site, thereby removing the problem of traffic congestion on these days.

Weekend Events

On most weekends during term time, there is Saturday sports fixtures. These fixtures are held between the hours of 9.00am and 11.30am.

Parents will be expected to drop their children off at the Staker Lane site and to collect them from the Sports field at the end of the match. Many parents like to stay and watch the matches and therefore designated areas for parking will be set aside for these cars. We would expect in the region of 20 vehicles to be parked at the site on a typical Saturday.

In response to the query raised by South Derbyshire District Council, we confirm that it is the intention of Derby Grammar School to use the new playing fields for the sole use the school and its associated sports activities, which will include visiting teams from other schools.

Further to this, we confirm that it is not the applicants intention to rent out or, generally, to permit other people to have use of the facilities.

Responses to Consultations

Burnaston Parish Council objects to the development in the strongest possible terms for the following reasons: -

- a) The site is considerably overlooked by some of the new residents on the Pastures site.
- b) It is thought that, bearing in mind who the present majority landowner is, and the amount of land the school intends to purchase together with providing a clear link with the Pastures site through the 'blue land' that this proposal forms part of a wider picture and consent would result in further applications for development of some kind in the vicinity.
- c) Notwithstanding the development of Mickleover Country Park, which was on a 'brown field' site as opposed to this 'green field' site, it is considered that any development, even of this nature, in this area is premature and serves to leapfrog existing developable land on the city boundary. It has been suggested that a number of developers have already bought options or are in the process of acquiring options on a substantial amount of land in this area and so development will be inevitable in the future. The Council is concerned that it is the right type at the right time and is in accordance with the new local plan.
- c) The proposal will generate a great deal of traffic movements on an already dangerous road with numerous sharp bends, narrow carriageway, without pavement or wide verges for

- d) pedestrians and of course, being an essentially rural lane, is unlit at night. We have been informed that the lane is overused as a cut through to and from the A38 and that the weight limits are not observed. Further safety measures should be considered before development takes place
- e) Although the proposal is for playing fields, it comes with a substantial car and coach park, tennis courts, cricket pavilion and changing rooms. This would impact quite strongly upon the present rural aspect and would result in a loss of amenity. There is also the added prospect of possible flood lighting, which would add to light pollution and be an irritation to local residents and others when viewed from Mickleover Country Park and parts of Burnaston.
- f) Some residents have raised the issue of losing amenity value of their property through general noise generated in play and by traffic movements during the day, evenings and especially at the weekends.

The County Highways Authority has initially expressed concern about the use of the local highway network to gain access to the site and requested additional information, now provided, about who or what organisations would use the site in addition to the school. This information is currently being assessed and any further comments will be reported at the meeting

The Environment Agency has no objection subject to conditions in particular that the local sewer system is adequate to cope with the potential flows from the site.

Sport England has commented that it supports the school in its aspirations to provide permanent accommodation but there are reservations about this site and its location in relation to the school site in Derby. It is likely that pupils would have to get to the site by bus or private motor car rather than being able to make their own way there. Whilst it is noted that the fields would not be available for wider public use as envisaged in the First Deposit Draft of the replacement Local Plan, this is not in itself a material consideration. It is hoped that wider use would be a long term objective.

Responses to Publicity

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

- a) There is an impression this is 'green belt land', the development would mean the destruction of mature hedgerows and abundant wildlife.
- b) The buildings and size of development is not in keeping with the surrounding area nor is it in keeping with the size of the school that it is servicing. This suggests that the school will be using the development as a business to raise capital by the external letting of the facilities, which are likely to be during evenings and weekends. A nearby kennels and cattery is restricted to opening hours of 0900 - 1700 each day because of noise levels, will the school have the same restrictions?
- c) A large 55 car park and bus turning circle is hardly in keeping with the character of any existing building and this will be within 50 metres of a house.
- d) The site is too remote from the school site.
- e) Residents are likely to suffer loss of privacy because of this development especially during evenings and weekends
- f) There will be an increase in noise and disturbance from both extra traffic and other activities. The nearby business has to be unobtrusive and as quiet as possible and this will be difficult

- g) with people shouting during sports events. This will undoubtedly make the dogs in the nearby kennels bark
- h) Staker Lane is at present used as a 'rat run' by traffic and on numerous occasions accidents have occurred on the 90degree bend owing to the speed of the traffic. To gain access to this new development traffic would have to turn right across this 90 degree bend Staker Lane is in a poor state of repair owing to the heavy traffic currently using it daily (even though there is a restricted 7.5 access only). There are no footpaths or lighting and it floods regularly. Pedestrians have been hit by passing traffic and the police have advised that no one should walk down the lane because it is too dangerous. There is no speed limit or traffic calming measures currently in operation.
- i) There are no public facilities.
- j) There was a statement in the proposal to the effect that no one would be employed at the development. It would be reasonable however, to assume that ground staff would be employed throughout the year.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 1 & 4

Local Plan: Environment Policy 1; Community Facilities Policy 1

Planning Considerations

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

- The provisions of the Development Plan
- The impact of the proposals on the character and appearance of the countryside
- The access to the site.
- The impact of the proposal on residential amenity

Planning Assessment

The development plan policy has as its primary requirement that a development is necessary in the countryside and if so that it is so designed and located so that its impact on the countryside is minimised. In addition the Local Plan has a requirement the proposal does not cause disturbance by virtue of traffic or noise and that there is adequate pedestrian and vehicular access to the site.

In view of the virtual absence of suitable land within the urban area, there is clearly a need for a facility such as this to be located in the countryside. The question here is whether or not this is an appropriate location for a school playing field that is intended to serve a school that is some 1.5km from the site entrance.

The route to the site involves a number of difficult manoeuvres particularly for a bus along a narrow lane that has an accident record. There is no street lighting or footpaths and there is little prospect of such facilities being provided.

The school has an existing temporary site at Bakeacre Lane near Findern that is better related to the school site. It should be noted that the site near Bakeacre Lane is on a temporary planning permission that expired at the end of February this year and is also on a short-term lease from a development company. The building company has suggested that the Bakeacre Lane site should

be one of the sites allocated for development in the review of the Local Plan. This suggestion is currently under consideration as a part of the review.

On the basis of the above, the proposed site is not in compliance with the Development Plan. Material considerations that may dictate a decision not in accord with the plan, relating to the relative merits of other, possibly more suitable, sites, including that granted temporary permission, have not been put forward. .

There could be an effect on the amenity of the adjoining residents from the balls and noise from the use of the fields but it is acknowledged that this would be intermittent and not occur at times when the residents would normally expect to enjoy peace and quiet.

The overall conclusion is that the use requires a location in the countryside but that the proposed site is not acceptable for the reason as set out below.

Recommendation

REFUSE planning permission for the following reasons:

1. Community Facilities Policy 1 of the adopted South Derbyshire Local Plan requires that where such development is proposed it should not cause disturbance to local amenity by reason of noise or traffic generation; adequate provision should be made for pedestrian and vehicular access, parking, servicing, screening and landscaping and that the scale and design be in keeping with their surroundings. The proposed use as a playing fields has the potential to cause disturbance by virtue of the noise generated, to the amenities of local residents in the adjacent dwellings contrary to the provisions of the above policy.
2. Access to the site is via Staker Lane which is a highway that has poor alignment and is without footways and street lighting. The road has had a traffic accident record in the past five years that suggests that there are potential dangers to users of the highway. Accordingly the use of the site involving the attraction of additional traffic to the road would be contrary to the best interests of highway safety. Additionally there is concern that there is potential for distraction to drivers arising from balls being kicked from the pitch onto the highway that may also be detrimental to highway safety.

07/05/2002

Item 2.4

Reg. No. 9 2002 0191

Applicant:

Henry Boot Homes Ltd
4 St Andrews House
Vernon Gate
Derby
DE11UJ

Agent:

Henry Boot Homes Ltd
4 St Andrews House
Vernon Gate
Derby
DE11UJ

Proposal: **The erection of 10 dwellings Phase 7 Of Henry Boot Development Off Sorrel Drive Woodville Swadlincote**

Ward: **Woodville**

Valid Date: 20/02/2002

Site Description

This rectangular shaped site, 112m long by 26 metres deep, is at the end of and on the north western side of Sorrel Drive and is wholly occupied by an embankment being part of a former railway line. The applicant has land proposed for residential development up to the embankment. Beyond the embankment is open countryside. The site and the land on the remaining course of the railway to Burton Road has recently been made the subject of a woodland tree preservation order.

Proposal

It is proposed to build 4, four bedroom and 6, three bedroom two storey dwellings on the site involving the removal of the embankment.

Applicants' supporting information

The applicant's agent has expressed his dissatisfaction with the imposition of the tree preservation order contrary to the tenor of previous negotiations. He also refers to the impossibility of pursuing the construction of the proposed cycleway due to the steep gradient at the end of the embankment. He is prepared to negotiate an alternative scheme as part of this proposal and would contribute a reasonable proportional sum to the continuation of the cycle route beyond the site.

Planning History

The site does not benefit from any previous planning permission. A planning application to develop the site and the adjoining land to the south west for housing was withdrawn in June last year after the applicant was informed that development of the embankment would not be in accordance with Local Plan policy.

Outline planning permission to develop the adjoining land to the south west was granted in October 1989 with access to be from Hartshorne Road. This was not implemented. However, a planning application is currently, under consideration to develop the adjoining land for 20 dwellings with access off Sorrel Drive.

Outline planning permission to develop the former railway land fronting onto Hartshorne Road was granted in March 1990 and renewed a number of times, the last being in September last year, which amended a permission granted in December 2000.

Responses to Consultations

Derbyshire Wildlife Trust objects to the proposal on the following grounds:

- “The former railway forms an important wildlife corridor between Swadlincote and Woodville. The original interest of the site was open grassland species providing habitat for invertebrates. The majority of the former railway has now scrubbed up forming woodland and scrub providing an ideal habitat for bird use as shelter and food sources. The site is on our list of Candidate Wildlife Sites awaiting appraisal under our revised wildlife Sites Criteria.”
- “The woodland is an important feature in an otherwise urban or open landscape.”
- “The site is on an area of woodland that has had a Woodland (W1) Tree Preservation Order Placed on it.”
- “The site is not allocated for housing in the Local Plan.”
- “Given the small scale nature of this proposal it is unlikely that our concerns can be addressed through mitigation as the entire proposal site lies on the area of the former railway line.”

The Council’s tree and landscape specialist makes the following comments:

- There are many mature oak trees on the site. These will be trees from the date of the railway closure and will be around 40 to 50 years old. The trees have amenity value and are of importance for wildlife.
- The proposed housing would be well seen from many areas such as Hartshorne Road local housing and the local footpath network
- The disused railway earth bank is around 5m tall and provides an excellent buffer between new housing and surrounding countryside.
- A large part of the existing railway bank has already been stripped of its trees and wildflowers. This demonstrates the importance of retaining the rest of the railway line, which does not have planning permission for new houses. The stripped railway bank is an eyesore and the wildlife and landscape screening value is now lost.
- The bank is strongly vegetated with oak and hawthorn trees and is immediately adjacent to the site. There are many species of birds that use railway banks, which are on the edge of open countryside. Many birds are disappearing from farmland and a site such as this should be retained for the benefit of wildlife.

Woodville Parish Council objects to the proposal as it says it contravenes Environment Policy 8 of the draft local plan and removes an opportunity of a continuous desired cycle route.

Severn Trent Water Ltd has no objections.

The Coal Authority comments that the site is in an area where coal is believed to exist at or close to the surface that may have been worked at some time in the past and that within or within 20m of the site there are 2 mine entries.

Structure/Local Plan Policies

The relevant policies are:

Regional Planning Guidance for the East Midlands: Policy 29: Protecting and Enhancing Natural and Cultural Assets.

Joint Structure Plan: General Development Strategy Policy 1: Sustainable Development; General Development Strategy Policy 2: Scale and Nature of Development; General Development Strategy Policy 3: Location and Density of Development; Housing Policy 3: Housing Development Within Urban Areas; Housing Policy 4: Housing Development Well Related to Urban Areas; Environment Policy 16: Trees and Woodlands.

Local Plan: Housing Policy 4: Housing Development Swadlincote; Environment Policy 9: Protection of Trees and Woodlands.

Also of relevance is the South Derbyshire District Council 2001 Cycling Strategy.

Planning Considerations

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

- The visual intrusion of the development into open countryside;
- The loss of the embankment and tree cover which contributes to the amenity of the area.

Planning Assessment

Housing Policy 4 of the Local Plan seeks to permit development within or on the fringes of the built-up area, provided that it is substantially surrounded by development and, amongst other things, it does not result in a prominent intrusion into the rural landscape outside of the built up area and it does 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 site is outside the Swadlincote Development Boundary and would not be substantially surrounded by development, at most about 50%, and it would be a prominent intrusion into the countryside, which would be visible from the local road and footpath network. In addition the site forms part of evolving woodland whose visual amenity is enhanced by being elevated on the embankment.

Environment Policy 9 seeks to resist development, which would lead to the loss of areas of woodland or specimen trees of value to their landscape setting. The site and the remaining former railway land to Burton Road has been made the subject of a tree preservation order for the following reason:

“This area of linear woodland consisting of a mix of native species including oak, birch, ash, sycamore, field maple, willow, hawthorn and elderberry forms a wooded border on the north east edge of Woodville and provides a clear physical boundary between the town and the countryside. It is clearly visible from the public footpath network and can be seen from Woodville Road and Burton Road. It also follows the course of an informal pedestrian route, which is identified in the Council’s Cycling Strategy. The woodland provides a backdrop to The Granville School and partially screens and softens the built-up area when viewed from the open countryside. It also provides cover and a food source for wildlife.”

“A further section of the woodland from Hartshorne Road to Sorrel Drive, which does not form part of this Order, has been committed for residential development from a longstanding planning permission. The south-eastern section of the woodland, which is included in this Order, is also likely to be threatened by development. In view of the amenity value of the woodland, South Derbyshire District Council considers it expedient that this Order be made.”

The former railway has become an informal pedestrian route from Woodville Road to Burton Road and is identified as a proposed cycle route in the Council’s cycling strategy. To facilitate permitted development a section of the embankment at the end of Sorrel Drive has been removed resulting in a very steep gradient at the south eastern end of the embankment making it unusable for pedestrians and cyclists. An alternative route is currently being negotiated with the applicant to run parallel to the rear of the embankment to link back on to the route at the Granville school boundary and its provision is likely to be a condition of planning permission on the neighbouring site.

Development of the site would result in the loss of the site’s high amenity value, therefore planning permission should be refused.

Recommendation

REFUSE permission for the following reason:

1. The development would result in the loss of a section of embankment and woodland whose amenity value it is in the public interest to protect, both as a highly visible wooded border on the north east edge of Woodville, as a clear physical buffer between built development and the countryside and as an important wildlife corridor. The development would result in a prominent intrusion into the rural landscape and would involve the loss of this important landscape feature which makes a valuable contribution to the environmental quality of the area contrary to:

Regional Planning Guidance for the East Midlands: Policy 29: Protecting and Enhancing Natural and Cultural Assets.

Joint Structure Plan: General Development Strategy Policy 1: Sustainable Development; General Development Strategy Policy 2: Scale and Nature of Development; General Development Strategy Policy 3: Location and Density of Development; Housing Policy 3: Housing Development Within Urban Areas; Housing Policy 4: Housing Development Well Related to Urban Areas; Environment Policy 16: Trees and Woodlands.

Local Plan: Housing Policy 4: Housing Development Swadlincote; Environment Policy 8: Open Spaces in Villages and Settlements; Environment Policy 9: Protection of Trees and Woodlands.

07/05/2002

Item 2.5

Reg. No. 9 2002 0292

Applicant:

Mr D Castledine
Field House, Coton Park
Linton
Swadlincote
Derbyshire

Agent:

Mr D Castledine
Field House, Coton Park
Linton
Swadlincote
Derbyshire
DE12 6RF

Proposal: **Outline Application (all matters to be reserved) for the erection of five houses on land adjoining Field House Coton Park Linton Swadlincote**

Ward: **Linton**

Valid Date: **26/03/2002**

Site Description

The site is vacant land adjoining the northern boundary of the settlement but outside the settlement confines as set out in the Local Plan.

Applicants' supporting information

None.

Planning History

The applicant's current dwelling on the adjoining land to the south was granted outline permission against officer recommendation in 1991.

Responses to Consultations

The County Highway Authority has no objection. The comments of the Director of Environmental Services at Derbyshire County Council are awaited. The Parish Council has not commented.

Responses to Publicity

None received.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 3 and Housing Policy 5.

Local Plan: Housing Policies 5, 6 and 8

Planning Policy Guidance Note 3.

Planning Considerations

The main issue central to the determination of this application is compliance with the development plan and national policy.

Planning Assessment

The development plan clearly shows the site outside of any settlement. As such it is a principle of the plan to protect the countryside from unwarranted intrusion. No case has been made that would enable this case to be considered an exception to those policies. In addition, more recently the Council has adopted an interim policy since the publishing of PPG 3 seeking to refuse permission for the residential development of land in unsustainable locations. Coton Park is not a settlement that is considered to be in a sustainable location. For these reasons the application is considered unacceptable.

Recommendation

REFUSE permission for the following reason:

1. In view of the location outside the built confines of the settlement, the proposal is in conflict with the approved Joint Structure Plan General Development Strategy Policy 3 and Housing Policy 5 and Housing Policy 5 of the Local Plan which seek to resist development in such locations. The development would result in a prominent intrusion into the countryside outside the confines of the settlement, not shown to be essential in the countryside, to the detriment of the rural character and appearance of the area.
2. The site is located in an area deemed to be unsustainable by the Council and therefore contrary to the advice set out in Planning Policy Guidance Note 3.

06/02/2001

Item **A8****Reg. No.** **9 2000 1028 F****Applicant:**

Colin Carruthers
72 Leicester Road
Measham
Swadlincote
Derbyshire
DE127JG

Agent:

Colin Carruthers
72 Leicester Road
Measham
Swadlincote
Derbyshire
DE127JG

Proposal: **The formation of fishing lakes and associated facilities on
Land Forming Part Of O S Field Number 4400 Ashby Road
Melbourne Derby**

Ward: **Melbourne**

Valid Date: **06/11/2000**

Site Description

The site is a triangular field, below road level, with woodland on two sides. It is in the National Forest.

Proposal

Two lakes are proposed, along with landscaping. Proposed clubhouse and toilet buildings have been withdrawn from the application.

Applicants' supporting information

- a) The applicant has spent 10 years trying to obtain land to fulfil a dream to create his own fishery.
- b) Angling is the biggest participation sport in the country.
- c) Commercial fisheries are the future of angling.
- d) The proposal would create a wildlife haven as well as a fishery.
- e) Angling would be promoted and coaching and tuition would be provided for all ages and abilities.
- f) Suitable facilities would be provided for disabled people and school children, by way of advice, tackle hire and tuition.
- g) The objectives would be met by working in partnership with government-funded bodies and sponsorship from tackle companies and local businesses.

Responses to Consultations

The Parish Council objects strongly on the following grounds:

- a) The toilets and clubhouse are over development and unacceptable.
- b) The formation of a pond on the top of a hill is out of keeping with the area.
- c) The proposal would be urbanisation of the countryside and creeping development.

The local elected member Councillor Harrison is concerned on a number of issues:

- a) The impact on the countryside in a particularly unspoilt area.
- b) Highway safety, with access and egress onto a notoriously fast stretch of road.
- c) The possible adverse affect on Staunton Harold Reservoir and the sustainability of the location, which cannot easily be accessed by foot or public transport.

Melbourne Civic Society objects for the following reasons:

- a) The site is in a very prominent position and forms part of a well-wooded approach to Melbourne, in a spectacularly beautiful part of the district. Nothing should be approved which detracts from the quality of this landscape.
- b) A commercial fishing lake, with associated parking, clubhouse and toilets, unless entirely hidden from view, would inevitably detract from the appearance of the site and be open to the strongest objection on amenity grounds.
- c) The access on a fast stretch of road would be dangerous and any road "improvements" to accommodate traffic would also be open to the strongest possible objection.

North West Leicestershire District Council objects as follows:

- a) The proposal would introduce new development and levels of activity that would be detrimental to the character and appearance of the site.
- b) The proposal would result in traffic turning onto and off an unrestricted section of classified road, which would not be in the interests of highway safety.

Staunton Harold Parish Meeting objects for the following reasons:

- a) The development would spoil this particularly attractive area of countryside.
- b) Access is extremely hazardous on a very fast section of road.
- c) There is scepticism that five jobs would be created.
- d) Excavated soil could leave bunds that would be totally out of character and keeping with the area.

The Highway Authority has no objection subject to the provision of adequate turning radii at the access.

English Nature and Derbyshire Wildlife Trust and the Environment Agency have no objection subject to the following recommendations:

- a) There should be a filter system for water outflow.
- b) Trees should be native species and of local provenance stock.
- c) Pond plants should be native species.
- d) The areas to be re-seeded should be wet meadow grassland.

- e) There should be a 5-metre buffer zone between the ponds and the woodland.
- f) Stocking should be with native fish unless a licence is granted from MAFF.
- g) A survey of protected species should be undertaken prior to the commencement of development.
- h) The control of fish eating birds e.g. heron and cormorant, should be prevented.

The Environmental Health Officer and Severn Trent Water Ltd have no objection.

Responses to Publicity

Two letters have been received objecting/commenting as follows:

- a) This is a very fast stretch of road with traffic speeds in excess of 70 mph. A traffic assessment by the County Council is needed. The adjacent landowner has an access near to the proposed new access and tries to avoid using it following an accident.
- b) The land drains into the Staunton Harold Reservoir and toilets and artificial water holding in the lakes could adversely affect the water supply to the reservoir.
- c) The proposed building and parking areas are urban intrusions, which are alien to the rural character of the area. The field is the meeting point of the Melbourne and Staunton Harold estates and has been managed in the traditional manner for the last 500 years. This makes the locality one of the most unspoilt in the area and is why the land at Staunton is designated as "specially attractive countryside" by North West Leicestershire District Council.
- d) The site is ill served by public transport and would therefore rely totally on cars to deliver the customers. This is contrary to PPG13 and makes this site an inappropriate location. PPG13 states that this sort of facility is better located on the edge of a village or town so that it can be more easily accessed by foot or by public transport.
- e) The building should be set away from the road.
- f) The site should be well screened with trees.

Structure/Local Plan Policies

The relevant policies are:

Derby and Derbyshire Joint Structure Plan: General Development Strategy Policy 5 and Leisure and Tourism Policies 1 & 2.

South Derbyshire Local Plan: Environment Policies 1 & 10 and Recreation and Tourism Policy 1.

Planning Considerations

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

- The principle of development.
- Visual impact.
- Pollution and drainage.
- Wildlife interests.
- Highway safety.

Planning Assessment

Fishing has traditionally taken place in both urban areas and the open countryside, where natural stocks have previously been relied upon. It is clear that fishing can take place in the countryside and as a passive outdoor leisure use it can be argued to be necessary to a location in the countryside. Whilst having regard to the need to reduce reliance on the private car, the location of leisure facilities in the National Forest is encouraged by the Joint Structure Plan and the Local Plan. Whilst not immediately accessible by public transport it could be argued that the site would reduce the need to travel further afield to find a comparable facility. On balance the development appears to be acceptable in the countryside, in area where outdoor leisure is encouraged.

The visual impact of the development would emerge from the engineering works required to form the lakes, parking facilities and the post-development landscaping proposals. Presently the surface of the site is clearly visible from the adjacent highway along its frontage, not least because the boundary hedge has been kept low. Without landscaping the lakes and the associated parking area and vehicles would have a potentially adverse impact on the landscape. However the applicant proposes a 10 metre wide belt of tree planting parallel to the highway, with additional planting between the lakes. In time this level of planting would produce a substantial screen, such that there would be little visible manifestation of the use carried on within the site. The provision of radii to the access would have a greater impact than a typical farm access but not to the degree that there would be demonstrable harm to the character and appearance of the area.

Having regard to the comments of Severn Trent Water Ltd and the Environment Agency there is no evidence that the development would cause drainage and pollution problems, subject to the recommended controls.

On the advice of English Nature and Derbyshire Wildlife Trust the development is capable of being undertaken without damage to nature conservation interests.

Whilst this is a fast stretch of road the advice of the Highway Authority does not indicate that the access to the site would result in unacceptable risk of accident.

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 not relate to the erection of any buildings on the site, as confirmed in the applicant's letter dated 18 January 2001, or any septic tank.

Reason: For the avoidance of doubt and in the interests of preserving the character of this part of the countryside.

3. Notwithstanding the submitted drawing, precise details of the works to form the access, including specifications of retaining works and the culvert to the ditch, and incorporating 12 metre turning radii, shall be submitted to and approved in writing by the Local Planning Authority before development begins. The access shall be constructed in accordance with approved details prior to the commencement of any other works, unless as may otherwise be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the appearance of the area.

4. Details of any gates walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to their erection.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended, no gates, walls, fences or other means of enclosure shall be erected on the application site, except as authorised under condition 4 attached to this permission, without the prior written approval of the Local Planning Authority.

Reason: To ensure that any such structures are appropriate to the character and appearance of the building.

6. Before development begins contour maps showing existing and proposed ground levels, and including the depth and precise extent of the lakes shall be submitted to and approved in writing by the Local Planning Authority. The maps shall be of sufficient detail as to show any bunds and cuttings. The development shall be undertaken only in accord with the approved details.

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

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

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

8. 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.

9. Before development begins a survey shall be undertaken to determine the presence of any protected species at the site. Details of the results of the survey, along with any necessary mitigatory measures shall be submitted to and approved in writing before development begins. The mitigatory measures shall be implemented in accordance with a timescale that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of nature conservation.

10. Before the lakes are brought into use a system to filter the high nutrient content and any high sediment content of the water shall be installed in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The filtration system shall thereafter be retained in working order.

Reason: In the interests of nature conservation.

11. No development shall take place until full details, including surface materials, of an area for the parking and turning of vehicles within the site have been submitted to and approved in writing by the Local Planning Authority. The turning area shall be provided as approved prior to the first use of the development and shall thereafter be retained for that purpose.

Reason: In the interests of highway safety.

12. During the period of construction 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 interconnecting tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have 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:

To note the requirements of the Environment Agency forwarded to you under separate cover, dated 13 December 2000.

09/05/2000

Item A15**Reg. No.** 9 2000 0266 F**Applicant:**

Mr W H Atkin
 Fir Tree Farm Twyford Road
 Barrow-on-Trent
 Derby
 DE731HA

Agent:

Talbot Associates
 Liberty Farm
 Findern Lane
 Burnaston
 Derbyshire DE656LJ

Proposal: The erection of four detached dwellings at Fir Tree Farm Twyford Road
 Barrow-on-Trent Derby

Ward: Ticknall

Valid Date: 24/03/2000

Site Description

The site comprises part of the farmyard at Fir Tree Farm and a small paddock adjacent to Twyford Road. There are some Pines to the frontage of the site.

Proposal

The application seeks to provide four detached houses of typical South Derbyshire design. The dwelling closest to the road would encroach in to an area previously required, by condition, to be kept free of built development following the grant of outline planning permission. The affected area would contain a single storey element visually linked to the adjacent property at 19 Twyford Road by a screen wall. There would still be an area amounting to some 380 sq. m. that would not contain buildings

Planning History

Outline permission was granted in November 1999 (9/1999/0505/O). Condition no. 3 required the area at the front of the site (amounting to about 625 sq. m.) to be kept free of development to protect this open gap in the conservation area.

Responses to Consultations

The Highway Authority has no objection in principle.

Responses to Publicity

None to date. Two adjoining neighbours have been re-consulted and the period for response will expire on 12 May.

Structure/Local Plan Policies

The relevant policies are:

Derbyshire Structure Plan: Housing Policy 6 and Environmental Policy 7.

Derby and Derbyshire Joint Structure Plan (Deposit): General Development Strategy Policy 6 and Environment Policy 8.

South Derbyshire Local Plan: Housing Policy 5 & 11 (and associated supplementary planning guidance) and Environment Policy 12.

Planning Considerations

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

- a) The impact of the development on the character and appearance of the conservation area.
- b) The effect on the living conditions of the occupiers of adjacent dwellings.
- c) Highway safety and parking.
- d) Trees.

Planning Assessment

The original grant of outline permission acknowledged the importance of the open space at the front of the site and the condition that precludes development in this area was felt to be necessary in the absence of full details at that stage. The current proposal follows negotiation with the applicant. The concept of closing the development with a screen wall and a gable would provide a benefit to the appearance of the area that would outweigh the desirability of maintaining a larger open space at the front of a more conventional development. In the submitted form the development would enhance the character and appearance of this part of the conservation area by introducing development of local distinctiveness in lieu of the modern farm building currently visible towards the rear of the site.

The proposal meets the normal standards for space about dwellings as set out the supplementary planning guidance. As such the living conditions of neighbours would not be adversely affected.

The proposal satisfies the normal requirements for access and parking. Therefore there would be no adverse impact on highway safety matters.

The provision of the access would result in the loss of one of the pine trees at the site frontage. However the retained tress would continue to provide significant amenity value to this part of the village. The provision of a safe access outweighs the loss of the tree in this instance.

Recommendation

GRANT subject to any representation from the adjoining neighbour being considered under the normal delegation agreement, and 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.
Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos. 611/2B, 3B, 5B received 19 April 2000 and 611/1D received 2 May 2000.
Reason
For the avoidance of doubt, the original submission being considered unacceptable.
3.
Large scale drawings to a minimum scale of 1:20 of external joinery, including sections, precise construction, method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery shall be constructed in accordance with the approved drawings.
Reason
The details submitted are inadequate to determine whether the appearance of the building would be acceptable.
4.
Notwithstanding the submitted application large scale drawings to a minimum scale of 1:20 of eaves and verges, chimneys and the capping to the boundary wall, including sections, shall be submitted to and approved in writing by the Local Planning Authority before building work starts. These shall be constructed in accordance with the approved drawings.
Reason
The details submitted are inadequate to determine whether the appearance of the building would be acceptable.

5.

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

Reason

To ensure the development is in keeping with its surroundings in the interest of the character and visual amenity of the area.

6.

Notwithstanding any details submitted, precise details of the type, size and position of the proposed rooflights shall be submitted to and approved in writing by the Local Planning Authority. The approved rooflights shall be fitted such that their outer faces are flush with the plane of the roof, unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

7.

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.

Reason

In the interests of the appearance of the area.

8.

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".

Reason

In the interests of the appearance of the building(s).

9.

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.

Reason

In the interests of the appearance of the building(s) and the locality generally.

10.

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.

Reason

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

11.

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(s) and the character of the area.

12.

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

Reason

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

13.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the dwelling annotated Type A on the submitted application, 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 area shown hatched on the attached 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.

14.

Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate three cars within the curtilage of each dwelling. Thereafter three parking spaces 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.

15.

The junction, access road and service vehicle turning head shall be laid out and hard surfaced in accordance with the submitted amended drawing no. 611/1D prior to the first occupation of the development.

Reason

In the interests of highway safety.

16.

The first 5 metres of the access, measured from the highway boundary, shall be surfaced with a solid bound material.

Reason

To avoid the deposition of material on the highway in the interest of highway safety.

17.

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

Reason

In the interests of the appearance of the area.

18.

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.

19.

There shall be no discharge of surface water to the public foul sewer.

Reason

To avoid unnecessary take up of capacity in the public sewerage system.

Informative(s)

You are advised:

1.

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Highways Department, Flaxholme, Derby Road, Duffield, Derbyshire (Tel. Derby 842244) at least six weeks before the commencement date of the proposed works in order to arrange the necessary supervision of works on the highway crossing.

2.

To note the attached comments of Severn Trent Water Limited.

APPEAL DISMISSED

Appeal by Mr C Padmore

The retention of a fence at the front of 1 Long Row Shardlow Derby (9/2001/0129)

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

1. *The proposed fence is considered to be unacceptable as it would be detrimental, by reason of its design and materials, to the character and appearance of the designated Shardlow Conservation Area which is characterised in this area by predominantly low enclosures that are typical to Long Row. The proposal is, therefore, contrary, to the following development plan policies:*

Derby and Derbyshire Joint Structure Plan Environment Policy 9; and South Derbyshire Local Plan Environment Policy 12.

An enforcement notice was issued on 15 October 2001. The appeal was made against the notice. The requirements of the notice are:

1. to reduce the height of the fence on the Long Row frontage to a height not exceeding 1 metre above ground level;
2. to reduce the height of the fence on the garden boundaries of the property to a height not exceeding 2 metres above ground level.

The inspector considered the main issues to be:

1. whether the fence preserves or enhances the character or appearance of the Shardlow Conservation Area; and
2. if not, whether there are any other specific factors which, in this case, are sufficient to outweigh any harm caused to the character or appearance of the conservation area.

The inspector accepted that the fence is tidy, well constructed and solid in appearance. However he considered the height of the fence and the materials used to be not characteristic of this part of Shardlow or sympathetic to the terrace or the original remaining boundaries, which contribute strongly to the character of the area and still indicate clearly its historic origin.

Noting comparisons made by the appellant the inspector concluded that these did not make the fence acceptable. Instead it underlined the need to preserve wherever possible what remains of the historic pattern if the objectives of conservation area designation are to be achieved in the long term.

The inspector took account of the appellant's wish for privacy and other factors but felt that these were insufficient to overcome objection to its retention. The long-term objective of preserving and enhancing the character and appearance of the conservation area, which is the statutory basis for development control within it, should prevail.

He dismissed the appeal and upheld the notice. The notice allows 28 days from 14 March for compliance with its requirements.

APPEAL DISMISSED

Appeal by Boddice

The erection of a detached dwelling on Land Off Cheviot Close Swadlincote (9/2001/0919)

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

1. *The application is considered to be unacceptable as it would result in the loss of a landscaped buffer, agreed by condition on planning application granted for the nearby shops. This gap currently makes an important contribution to the amenity of the area and its loss would, therefore, be contrary to Housing Policy 4 and Environment Policy 9 of the South Derbyshire Local Plan.*

The main issue in this case was considered to be the effect of the proposal on the character and appearance of the surrounding area.

The inspector noted the difference in character between the industrial and residential sides of Hearthcote Road. He made reference to the value to the setting of buildings in the road of gardens and landscaped areas and noted that the appeal site was designed to be a landscaped buffer associated with the recent development of shops permitted in 1996.

Whilst acknowledging the policy objectives of securing the most efficient use of land, the inspector had regard to the need expressed in PPG3 to consider design and layout in the wider context.

The inspector recognised that the appeal scheme proposed planting but agreed with the Council that such planting within a domestic curtilage could have a very different impact from the landscape buffer associated with the development of the shops and car parking area. Furthermore the future occupants of the dwelling would likely wish to ensure that the trees did not become over dominant in the garden, even if they were protected by condition and requests for their thinning or removal would be difficult to resist. The comprehensive and complementary nature of the landscaping as proposed in 1996 would thus be impossible to achieve.

Comment: The use of qualitative policies to substantiate the refusal of permission enabled the Council to make a reasoned subjective case at the hearing. The inspector's comments about the future impact of residential land use on trees is of particular interest and suggests that there would be support for efforts by the Council to achieve reasonable separation between dwellings and important trees.