

Recommendation

GRANT approval of details subject to the following conditions:

1. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.

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

2. 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.

3. 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.

4. Notwithstanding the submitted details, all windows on all the house types shall be constructed with a segmental arch in matching facing brick and cills shall be either matching projecting brick or reconstituted stone or as otherwise agreed in writing with the Local Planning Authority prior to the commencement of the dwelling to which those details relate.

Reason: In the interests of promoting local distinctiveness in the development.

5. Notwithstanding the submitted details, details of all eaves and verges on all house types shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of the dwelling to which they relate. In general, fascia and barge boards shall be avoided.

Reason: In the interests of promoting local distinctiveness in the development.

Informative:

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

(ii) The grant of planning permission does not entitle developers to obstruct public rights of way affected by the proposal. Development, in so far as it affects the right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of the Town and Country Planning Act 1990 for the diversion or extinguishment of the right of way has been made and confirmed. Nor should it be assumed that

because planning permission has been granted an order will invariably be made or confirmed.

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

(iv) To note and act upon as necessary the comments of the Environment Agency (see attached letter) particularly when drawing up details of drainage of the site in accordance with conditions 3, 4, 26 and 27 of the outline permission 9/0890/0515.

05/03/2002

Item **A8****Reg. No.** **9 2001 1254****Applicant:**

Mr & Mrs M Roe
The Bungalow
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Agent:

W E Hudson
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Proposal: **The erection of a detached 3 car garage at The Elms Trent Lane Kings Newton Derby**

Ward: **Melbourne**

Valid Date: **02/01/2002**

Site Description

The site comprises a paddock to the rear for the Elms Farm complex which comprises the original farmhouse and a range of outbuildings, converted to residential units. The site is about 1 metre higher than the ground level of the adjacent converted barn known as Meadow Barn. The site lies just outside the confines of Kings Newton as defined in the South Derbyshire Local Plan.

The farmhouse has parking spaces but no garage.

The existing farm access to the site runs alongside the boundary to Meadow Barn and the adjoining unit known as The Old Barn.

The Elms is a listed building in the conservation area.

Proposal

A triple garage in brick and tile is proposed. It would be sited about 1 metre away from the boundary wall with Meadow Barn and some 10 metres from the living room window to that property. The existing farm access which would serve the garage would be hard surfaced with crushed stone.

Following discussion with the applicant the roof pitch of the building has been raised from 35° to 40°. This would effectively make the building some 0.5 metre higher. This increase has been compensated for by a proposal to cut into the existing sloping ground. The overall height relative to Meadow Barn would thus be similar to that initially proposed although the eaves would be lower.

Responses to Consultations

The Parish Council and Melbourne Civic Society have no objection.

Kings Newton Residents Association objects as follows:

- a) The development could be better sited in relation to the property that it would serve.
- b) The site lies outside the village confine and a precedent for further development could be set.
- c) By stating the current use of the land to be a dwelling the application is incorrect.
- d) Vehicle and pedestrian activity would have an adverse impact on the privacy of adjacent residential property.
- e) The proposal would be especially intrusive on the adjacent dwelling and the objections of the occupier are supported.

The Highway Authority has no comments.

Responses to Publicity

Three neighbours object in the following terms:

- a) The building would block out all daylight to the lounge through the French doors at Meadow Barn, because of the height of the building and the lower ground level to the neighbouring property.
- b) There would be loss of light and privacy to Elms Farm Cottage.
- c) The access runs alongside the gardens to Meadow Barn and The Old Barn. These have low boundary walls only and there would thus be no privacy to the dwellings.
- d) There would be noise and disturbance from vehicles and pedestrian movements to and from the garage.
- e) The farm access is rarely used. The garage would generate much more intense usage thereof.
- f) The application form is incorrect because it refers to the use of the land as a dwelling, whereas it is grazing land.
- g) There are no parking spaces at the site at present.
- h) There would be an adverse impact on the character and appearance of the area.
- i) The garage would be about 135 yards from Elms Farmhouse whilst there is land available already, with an existing access, only a few yards across the road.
- j) When plans were passed for the conversions adequate parking provision was made in the courtyard. Problems have only occurred following a proposal to form a flat in part of the farmhouse and the sale of the Gate House.
- k) A precedent would be set for residential development.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4 and Environment Policies 9 & 10.

Local Plan: Environment Policies 1, 12 & 13.

Planning Considerations

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

- The principle of development.

- The impact on the conservation area and the setting of the listed building.
- Residential amenity.

Planning Assessment

The site lies outside the village confines as defined in the Local Plan in an area where new development is strictly controlled. Therefore, the provision of a new garage would be contrary to planning policy.

However, the garage would be closely related to the existing group of buildings and is clearly associated with the existing dwelling at The Elms. It would not be visually intrusive and would not set a precedent for future development. Therefore, on balance it is acceptable.

The garage would be in keeping with the character and form of the existing group of buildings and would be visually related to them. There would thus be a neutral impact on the character and appearance of the conservation area and the setting of the listed building.

There would be no demonstrable loss of light or privacy to Elms Farm Cottage. The building would be some 10 metres from the French doors to Meadow Barn. The Council's supplementary planning guidance would seek a distance of 12 metres between the two buildings in the case of a two-storey building. Whilst there is a difference in ground level relative to Meadow Barn the building would be single storey only, with the roof slopping away from that property. As such the distance of 10 metres would be sufficient to avoid demonstrable harm to residential amenity. Late afternoon/evening sunlight would be affected, as the building would be to the west of Meadow Barn, but for much of the day there would be little impact on direct sunlight reaching the property.

The access to the garage would pass adjacent to the northern boundaries to the gardens of Meadow Barn and The Old Barn. Due to the low boundary walls occupants of those dwellings would be aware of vehicles and pedestrians using the access. However it is already used as a farm access and whilst it is little used at present that situation cannot be guaranteed into the future, irrespective of the outcome of this application. Furthermore the access track would be generally set some 13 metres from the dwellings and at this distance reasonable privacy would be maintained. The Elms has an existing parking area and the garage block is likely to be used less intensely than if it were sited immediately adjacent to the host dwelling.

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. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing received 21 February 2002 showing increased roof pitch and lowered floor level.

Reason: For the avoidance of doubt, the original submission being considered unacceptable.

3. Notwithstanding the submitted drawing 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. A sample of the roof tile the brick and the paver for the edge of the drive shall be submitted for approval in writing by the Local Planning Authority before work commences.

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

5. Notwithstanding the submitted drawing large scale drawings, to a scale of not less than 1:20 of the eaves and verges shall be submitted to and approved in writing by the Local Planning Authority. The eaves and verges shall then be constructed in accordance with approved details.

Reason: To ensure that these details are in keeping with the character and appearance of the conservation area.

6. 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).

7. 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.

8. Gutters shall be cast metal (with cast metal fall pipes) and shall be fixed direct to the brickwork on metal brackets. No fascia boards shall be used.

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

9. 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.

05/03/2002

Item **A9****Reg. No.** **9 2002 0001****Applicant:**

Tony McComish
 84 Rosliston Road South
 Drakelow
 Swadlincote, Derbyshire
 DE15 9UD

Agent:

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

Proposal: **Use of part of existing agricultural building as a store for one touring caravan at Land Forming Part Of O S Field Number 1200 Rosliston Road South Drakelow Burton-on-trent**

Ward: **Walton**

Valid Date: **02/01/2002**

Site Description

The site comprises a single agricultural building located in a field off Rosliston Road South at Drakelow. The caravan would be located within the building.

The site is located within open countryside.

Proposal

The applicants seek consent in retrospect to continue to use the building for the storage of a single caravan.

Responses to Consultations

The highway authority (HA) considers that the access serving the site is severely sub standard in terms of visibility for emerging drivers. The HA note that the number of vehicle movements would be limited but state that any additional movements would be likely to be prejudicial to highway safety. To avoid this the HA consider the provision of a new access should be required with the existing facility being closed up.

Structure/Local Plan Policies

There are no policies relevant to this application.

Planning Considerations

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

- The impact of the proposal on the character and appearance of the area.
- Highway safety

Planning Assessment

The use proposed would involve the storage of a single caravan unit within an existing building. Whilst this is not a use that would normally be associated with a countryside location the storage of a single unit in a building would not cause demonstrable visual harm to the area and it would not prohibit the use of the agricultural building for its intended purpose. Therefore, in this case, the use of the building for the use proposed would, on balance, be acceptable.

The comments of the highway authority are noted. However, the provision of an additional access would involve the removal of a section of hedgerow that adds to the character of this location particularly in view of its urban fringe location. This is not acceptable, therefore.

Whilst the movement of a caravan into and out of the site entrance would be difficult it would be no more onerous than the movement into and out of the site of agricultural vehicles that can lawfully use the access point. In addition the number of movements is unlikely to be significant. Therefore, subject to a condition restricting the storage within the unit to only one touring caravan unit and that the permission is personal to the applicant this is, on balance, acceptable.

Recommendation

GRANT permission subject to the following conditions:

1. This permission shall be for the storage of one touring caravan unit only.

Reason: In the interests of the visual character of the area and as the application specifically seeks consent solely for one unit.

2. This permission shall enure for the sole benefit of Tony McCormish and for no other person.

Reason: Due to the specific characteristics of the site and to ensure that the use of the agricultural building is not compromised by use by two different parties.

3. The touring caravan shall be stored within the building only and it shall not be stored externally at any time.

Reason: For the avoidance of doubt, as the application specifically seeks consent for the storage of the caravan within the building and in the interests of the amenity of the area.

05/03/2002

Item **A10**

Reg. No. **9 2002 0027**

Applicant:
 Safeparm Laboratories
 Manor Farm London Road
 Shardlow
 Derby
 DE722GR

Agent:
 Janet V Hodson
 Houndhill Courtyard
 Houndhill, Marchington
 Nr Uttoxeter
 Staffordshire
 ST148LN

Proposal: **The erection of two single storey buildings and the formation of a car park at Safeparm Laboratories Ltd Manor Farm London Road Shardlow Derby**

Ward: **Aston**

Valid Date: **11/01/2002**

Site Description

The site comprises a laboratory complex at the edge of the village of Shardlow made up of a number of laboratory and other buildings and an associated car parking area. It currently employs some 390 people. The majority of the buildings are single storey flat roofed pre-fabricated structures. The buildings and the car park are set back from the road behind a maturing landscaping belt along the A6 frontage.

The southern boundary of the site is co-terminus with the recently constructed A50 Shardlow Services. Open countryside, in the form of the green belt is to the west of the site

Proposal

The applicant seeks consent to erect two more laboratory buildings similar to the existing ones and they would be located on part of the existing car park area. The entire car park would be relocated to the west of its current position. The remainder of the existing car park is annotated on the plan as an area for future buildings.

An area between the relocated car park and the boundary with the trunk road service area is also annotated for future buildings.

The application states that current employment levels would increase by a further 50 workers.

The remainder of the applicant's controlled land to the west, the boundary of which defines the green belt, would be extensively landscaped and additional landscaping is proposed along the site frontage also.

Applicant's Supporting Information

- a) The application is necessitated by the expansion of the business, which will require additional buildings on the site.
- b) Economy Policy 4 of the newly adopted Derbyshire Structure Plan provides for the expansion of existing business sites.

Site History

The site has been subject to numerous applications over the last decade, resulting in incremental expansion of the firm. In recent years significant landscaping has been undertaken pursuant to conditions. Whilst this has benefited the landscape by helping to screen the site, views from the A6 are still available.

Responses to Consultations

The Parish Council objects for the following reasons:

- a) Topsoil has already been removed from the site, apparently in preparation for the development.
- b) The site regularly floods. There could be increased flooding on the A6.
- c) The development would have an adverse visual impact, being sited at the entrance to the village.
- d) There would be possible over-intensification of use of the site.
- e) There would be potential for further expansion. [The future expansion of the site is not for consideration here]
- f) An urgent site visit is requested.

The Highway Authority, Severn Trent Water Limited and the Environmental Health Manager have no objection in principle.

The Environment Agency has no objection subject to conditions, one of which relates to the provision of an adequate Sustainable Drainage system for surface water.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Economy Policy 4.

Local Plan: Employment Policy 1 & 5

Planning Considerations

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

- The principle of development.
- Impact on the countryside.
- Highway safety.
- Residential amenity.
- Drainage.

Planning Assessment

The relevant employment and economy policies contained in the development plan generally favour the expansion of existing businesses, subjects to environmental safeguards. Therefore the proposal is acceptable in principle.

The proposal would mean an expansion of the firm into the open field at the edge of the village, although the most open part of the site would only be used for car parking areas. Notwithstanding this, the development would have an impact on the countryside. However the landscape is flat in this area and from the A6 the backcloth to the site is the recently constructed service area and lighting associated with the A50 trunk road. The site is less prominent when viewed from the A50. The buildings on the site, existing and proposed are low rise and the application proposes a substantial belt of landscaping that would have the effect of screening not only the proposed development but also the existing complex. On balance, therefore, there would not be a demonstrably harmful impact on the character of the countryside.

On the advice of the Highway Authority the development would not give rise to adverse highway conditions.

The development would not give rise to any increased disturbance to local residents. The immediately adjacent property, Manor Farm is now in business use itself.

Subject to the requirements of the Environment Agency being incorporated in the decision the proposal would not demonstrably worsen the exiting surface water drainage situation.

The movement of topsoil from the site is not a consideration to be taken into account in the determination of the application and the Environment Agency have raised no objection to the application on the grounds of flooding.

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. The new replacement parking area and parking for Blocks 14 and 15 shall be provided in accordance with submitted drawing 1619/41 Rev A prior to commencement of any works of construction associated with those blocks.

Reason: To ensure adequate parking provision in the interests of highway safety.

3. If any unexpected, visibly contaminated, or odorous material is encountered during redevelopment (given any previous desk study, site investigation and/or remediation work) remediation proposals for the material shall be agreed with the Local Planning Authority.

Reason: To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard.

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

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

5. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

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

Reason: To prevent pollution of the water environment.

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. 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.

Informative:

(i) To note that the areas allocated on the approved plan for future building are not included in this application and do not therefore benefit from any planning consent. Should additional building be proposed that should be the subject of a further application submitted to this Council.

Item **A11**

Reg. No. **9 2002 0073**

Applicant:
Church Commissioner's
For England C/O Smiths Gore

Agent:
S. Spencer
Smiths Gore
Brooke House
24 Dam Street
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Staffs
WS13 6AB

Proposal: **The demolition of steel framed farm buildings on Land At
The Rear Of Hollies Farmhouse Ingleby Road Stanton-by-
bridge Derby**

Ward: **Ticknall**

Valid Date: **24/01/2002**

Site Description

The site is a former working farmyard located within the village of Stanton-by-Bridge. The building the subject of this application is a steel framed and clad utilitarian modern farm building.

The building is located within the conservation area.

Proposal

The application is for demolition only although it is indicated that the proposal is a precursor to an application for residential development.

Site History

An application to erect 3 dwellings on the land was refused in 1987 (9/687/172) on the grounds of visual impact and highway safety. The subsequent appeal was dismissed.

Responses to Publicity

Six letters have been received objecting because the application is a precursor to a proposal for residential development. Permission for residential development was previously refused. (Comment: A number of specific objections to housing development are made, but the application does not relate to such a proposal).

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Environment Policy 9.

Local Plan: Environment Policy 12.

Planning Considerations

The main issue central to the determination of this application is:

- The effect on the character and appearance of the conservation area.

Planning Assessment

The Council has a duty to ensure that development within conservation areas does not have a detrimental impact upon them. In this case, the building has no historic character or traditional architecture and does not make a positive contribution to the area. Its loss would, therefore, enhance the character and appearance of the conservation area.

Any proposal for other buildings on the site (residential or otherwise) would be for consideration under separate application and are not a consideration here.

Recommendation

GRANT conservation area consent subject to the following conditions:

1. The works to which this consent relates shall be begun before the expiration of five years from the date of this consent.

Reason: To conform with Section 18(1) of the Planning and Listed Buildings and Conservation Area Act 1990.

