

DEVELOPMENT CONTROL COMMITTEE – 25 March 2003

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

REPORT OF THE PLANNING SERVICES MANAGER

1. Planning Applications

2. Appeal Reports

INDEX TO PLANNING APPLICATIONS

Application Reference	Item No.	Place	Ward	Page No.
9/2002/0840	1.1	Swadlincote	Swadlincote	1
9/2001/0597	1.2	Repton	Repton	8
9/2002/1256	1.3	Radbourne	North West	15
9/2003/0132	1.4	Radbourne	North West	19
9/2003/0051	1.5	Aston-on-Trent	Aston	22
9/2003/0065	1.6	Scropton	North West	26
9/2003/0076	1.7	Ticknall	Ticknall	31
9/2003/0085	1.8	Burnaston	Etwall	34
9/2003/0093	1.9	Ticknall	Ticknall	37
9/2003/0114	1.10	Melbourne	Melbourne	41
9/2003/0119	1.11	Barrow-on-Trent	Ticknall	43
9/2003/0136	1.12	Drakelow	Walton	47
9/2002/1108	2.1	Church Broughton	North West	50

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

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

25/03/2003

Item 1.1**Reg. No.** 9 2002 0840 O

Applicant:
 Firstpost Homes Ltd
 4 Rugeley Road
 Burntwood
 Staffordshire
 WS79BA

Agent:
 C T Planning
 19 Bird Street
 Lichfield
 Staffordshire
 WS136PW

Proposal: Outline application (all matters except means of access to be reserved) for the erection of five dwellings (main house excluded from application site) at Eureka Lodge Newhall Road Swadlincote

Ward: Swadlincote

Valid Date: 14/08/2002

Site Description

The site is the formal garden area to Eureka Lodge and wraps around the Lodge building to the north, east and south but the Lodge itself is excluded from the application site. The site is enclosed by mature trees and hedges on all sides and a brick wall marks the eastern boundary of the site beyond a wide bank of mature trees. Many of the trees within the site are included in a County Council Tree Preservation Order dating back to 1969. Part of the site immediately in front of the lodge is a quadrangle of driveway with planting in the centre; the southern and eastern sides of the site are a mix of lawn and trees/shrubs.

Proposal

The scheme is in outline, including the details of access and siting, for the construction of five detached dwellings and one detached garage. One of the plots, Plot 5, is located to the north of the Lodge building and would result in the removal of a wing from the Lodge which is not an original part of the building. Plots 1, 2 and 3 are located to the south of the Lodge building on the existing lawn and formal garden areas. Plot 4 is located to the east of the Lodge building.

Access to the site would be via two private drives, one existing private drive from Newhall Road serving three of the dwellings and a proposed private drive from Shelley Road serving two of the dwellings.

Applicants' supporting information

At the reserved matters stage it will be feasible to secure a design for the proposed development that respects the scale, character, design and materials of construction of the surrounding pattern of development.

The application site lies wholly within an existing residential area. The site comprises previously developed land as defined in Annex C of PPG3. The proposed residential development of the application site will secure the full and beneficial use of previously developed land. It will not result in the loss of significant amenity space.

Due to the hierarchy of the highway network in the vicinity of the site it is anticipated that the site will be served wholly by private drives. Two dwellings are to be served off a new private drive from Shelley Road and three dwellings are to be served from the existing private drive to the south west of the site.

The application site has good access to public transport. There are extensive shops and services available within easy walking distance of the application site. Similarly there are existing primary and secondary schools that are within easy walking distance of the site. Consequently the residential development of this site is consistent with National Planning Policies concerned with securing the development of previously developed land and encouraging more intensive development of land within urban areas.

The application site is located wholly within the Settlement Confine defined for Swadlincote in the South Derbyshire Local Plan. It is submitted that residential development on this site is entirely consistent with Housing Policy 4 of the Local Plan on the basis that:-

1. The site is substantially surrounded by development.
2. It will not result in a prominent intrusion into the rural landscape.
3. It does not involve the loss of agricultural land.
4. It would not constitute ribbon development.
5. It would not place excessive demands on services.
6. It would not result in the loss of open spaces.
7. It is of a suitable scale and character relative to the surrounding pattern of residential development.
8. It would not prejudice the continued viability of adjacent premises.

A copy of a tree survey has been submitted with the application and the layout plan has been amended to take account of the retention of Eureka Lodge and the need to safeguard the existing trees. The application is therefore for the construction of five dwellings. It should be noted that at the end of the tree report it states that:- 'There are many good quality trees on this site which might have been compromised by housing development. Careful consideration has been necessary to arrive at a design solution which respects trees within the body of the site as well as those on the boundaries. ...the positioning and orientation of the houses shown on the submitted plan is a solution which allows development to take place in harmony with existing vegetation.'

Planning History

9/382/197 – Use of annex for play group. Approved.
 9/891/461 – Use as a residential home for students. Approved.
 9/1999/195 – Use as an elderly persons home. Approved.

Responses to Consultations

Severn Trent Water has no objections.

The County Highway Authority has no objections subject to conditions.

English Nature recommend a Bat Survey is carried out if work is carried out on the Lodge building.

The County Council has been consulted with respect to the impact on the trees included within the Tree Preservation Order and the layout has been amended twice to take account of their comments. The trees on the site are considered to be an important feature of the locality with considerable amenity value to the surrounding area, particularly in this area of Swadlincote, which has become increasingly developed for housing. The trees in the grounds of Eureka Lodge also have historical significance as they are connected to Eureka Park on the opposite side of Newhall Road.

With regard to the third revision of the plans the County Council has no objections to the proposed new layout. The relocation of the garages on plots 4 and 5 will not have such an impact on perimeter trees. It would be preferable if the ash adjacent to 32 Shelley Road could be retained if possible, if not a replacement tree would be required. Plots 1 and 2 are also more acceptable than previous proposals, the reduced footprint of plot 1 that integrates the garage into the footprint and the reshaping of the drive to take it away from the root zone of the pine trees is acceptable. The location and orientation of plot 1 is as far away as possible from the trees and should leave an adequate stand off area for the trees to survive. Further development on this plot should be restricted as extensions to the proposed footprint may lead to damage within the critical root zone of the trees.

If planning permission were approved for this development, the County Council would wish to see certain conditions attached that would safeguard retained trees from damage during development. The minimum stand-off area for each tree and the erection of protective fencing should be in accordance with BS5837 'Trees in Relation to Construction' 1991. Any pruning work required during development must be applied for under TPO procedures and approved by the County Council before any building work starts. The County Council wishes to see replacement planting for each tree removed during development as part of an approved landscaping scheme.

Responses to Publicity

The application has been advertised twice and in relation to the original scheme 62 letters of objection and a petition with 1091 signatures were received raising the following issues:-

- Concern over the demolition of the lodge building
- Concerns over means of access and highway safety, both during and following construction
- Concerns over loss of wildlife, particularly impact on bats
- Concerns over loss of privacy for occupiers of neighbouring dwellings
- Concerns over impact on the protected trees

Following the amendment of the scheme to allow for the retention of the lodge and the construction of five rather than seven dwellings it was re-advertised and two letters of representation were received raising concerns over access and highway safety both during and following construction and impact on the trees.

Structure/Local Plan Policies

The relevant policies are:

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

Local Plan: Housing Policy 4.

Revised Deposit Draft Local Plan: Housing Policy 1.

Planning Considerations

The main issues central to the determination of this application are the suitability of the site for residential development and impact of the proposed layout on the protected trees.

Planning Assessment

The site is located within the Swadlincote urban area and is a brownfield site which is surrounded by existing residential development. Residential development in this location is therefore acceptable under the provisions of Housing Policy 4 of the Local Plan and Housing Policy 1 of the Draft Local Plan. The proposed scheme is for the construction of five detached dwellings within the grounds of the existing Lodge building, the Lodge building has been excluded from the site and the plans indicate that this could be converted to residential use in the future.

The area of the entire site, including the lodge, is 0.76 hectares and therefore the proposed development of five dwellings is below the density requirements of PPG3. However the mature trees surrounding the site form a significant constraint to development of the majority of the site and an area around the Lodge has been excluded from the site, further reducing the developable area. The site is surrounded by detached dwellings in large plots and therefore the proposed scheme fits in with the scale of surrounding development. In view of the above points and the constraints to development of the site, it is considered that the density of development proposed is acceptable.

The trees on the site are included in a County Council Tree Preservation Order and are an important amenity feature in the area. The layout has been amended twice to take account of the impact of the scheme on the mature trees which surround the site and the proposed scheme is now considered acceptable. The proposed layout will result in the loss of a few trees to the eastern side of the site but the majority of the trees can be safeguarded, in particular those to the south of the site which form a significant amenity feature. A landscaping scheme can include the planting of replacement trees for those that are to be removed and stringent conditions can ensure that the trees left on site are safeguarded during the development.

Because the site is very enclosed and there is a difference in levels between the site and dwellings on Shelley Road, the proposed layout would not have a material impact on the amenity of occupiers of any neighbouring dwellings. County Highways have not objected to the proposed access arrangements for the site.

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

Recommendation

GRANT permission subject to the following conditions:

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
 (b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.
1. Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.
2. Approval of the details of the design and external appearance of the building(s) and the landscaping and means of enclosure of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.
3. 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.
3. Reason: In the interests of the appearance of the area.
4. 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.
4. Reason: In the interests of the appearance of the area.
5. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).
5. Reason: To protect the amenities of adjoining properties and the locality generally.
6. The accesses into the site shall have a minimum width of 5m.
6. Reason: In the interests of highway safety.
7. The gradient of the access off Shelley Road shall not exceed 1 in 15.
7. Reason: In the interests of highway safety.
8. Prior to the occupation of the first dwelling on the site, space shall be provided within each part of the site for the turning of service vehicles.
8. Reason: In the interests of highway safety.

9. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate, in the case of dwellings of four or more bedrooms three cars, in any other case two cars within the curtilage of each dwelling, or in any alternative location acceptable to the Local Planning Authority or as may otherwise be agreed in writing by the Local Planning Authority in accordance with its published standards. Thereafter three parking spaces (in the case of dwellings with four or more bedrooms) or two parking spaces (in any other case), measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of each dwelling unless as may otherwise be approved in writing by the Local Planning Authority.
9. Reason: To ensure that adequate parking/garaging provision is available.
10. No development or other operations shall commence on site until a scheme (herein after called the approved scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme.
10. Reason: To protect the trees/landscape areas from undue disturbance
11. No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved scheme are in place.
11. Reason: To protect the trees/landscape areas from undue disturbance
12. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
12. Reason: To protect the trees/landscape areas from undue disturbance
13. Protective fencing shall be retained intact for the full duration of the development hereby approved, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
13. Reason: To protect the trees/landscape areas from undue disturbance.

Informatives:

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

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

To note that services and driveways should be carefully planned and installed in line with BS 5837:1991.

To note that the minimum stand-off distance and erection of protective fencing around the trees should be in accordance with the requirements of BS 5837:1991.

To note that because the trees on site are covered by the County Council's Tree Preservation Order, the landscaping scheme should include replacement planting for each tree removed during development. The species, size and location of the replacement trees should be chosen in consultation with the County Council.

Item 1.2

Reg. No. 9 2002 1137 F

Applicant:
Faycross Ltd
Winterley Lodge
Dovecliff Road
Stretton
Burton On Trent
DE13 ODJ

Agent:
Building Design Group
6 Albert Road
Tamworth
Staffs
B797JN0

Proposal: Demolish garage to provide six apartments and 6 houses at
Hilton Motors Ltd 65 High Street Repton Derby

Ward: Repton

Valid Date: 31/10/2002

Site Description

This former car show room is on the north east side of High Street on the opposite side of the road to the Bull's Head PH (which is some 30m to the south) and within the Repton Conservation Area.

The site is some 18.5m wide by 71m long extending from High Street to Repton Brook. The front of the site is occupied by a two storey, early twentieth century classical style façade building, which is symmetrical about a central entrance archway. Attached to the rear of this building is an industrial style workshop building, which occupies the full width and extends to almost the length of the site.

Proposal

It is proposed to retain the existing facade building fronting High Street and extend it to the rear with a two-storey rear extension to provide six apartments. The building would extend 14.2m along the southeastern boundary and would be 6.2m high to its flat roof. It would extend 9m along the north western boundary and again be 6.2m to its flat roof. Access to the site would be through the existing archway through the centre of the frontage building.

The workshop to the rear of the façade building would be demolished and a three storey terrace of six dwellings constructed, the third storey accommodation being within the roof space. There would be five, two bedroom and one, three bedroom dwellings. The building would be 32m long by 10m deep by 6m to the eaves and 10m to the ridge. The main elevations would face across the neighbours' long rear gardens.

18 off-street parking spaces would be provided, 11 of which would be in the form of a communal car park at the rear of the site next to Repton Brook.

The design of the buildings have been amended during the course of the planning application to better respect the character and appearance of the Conservation Area.

Responses to Consultations

Repton Parish Council objects and comments on the following grounds:

- The restoration of the flood plain would benefit properties upstream of the development by lowering the flood level
- The reduction of the height of the ground by the suggested 1m would result in the loss of trees in the conservation area which should be replaced by new trees
- Demand for parking will differ from the present commercial use which was during set hours between 8am and 6pm freeing spaces for local people returning from work. The new residents parking on the street will take away from residents on High Street who rely on these spaces
- The amended increase in parking spaces has resulted in a loss of amenity land and a reduction in parking space size and access area.
- The narrowness of the access could result in residents parking on High Street
- 17 dwellings immediately adjacent to the site are without off-street parking
- Narrowness of the footpath together with parked vehicles compounds the limited visibility from the site access
- The site should be first cleared of all contamination including petrol holding tanks, toxic waste and asbestos fibre.
- Loss of privacy to adjoining neighbours
- The height and materials of boundary treatment needs to be agreed
- 3 storey development is out of keeping with the cottages
- Gated accesses are inappropriate in a village setting
- Gates will make the entry difficult
- Development should be restricted to five units off a single track drive
- Density is too high
- The entrance would be too low for emergency vehicles

Repton Village Society objects on the following grounds:

- Additional parking spaces has resulted in the loss of area for garden
- Insufficient parking in an already congested area
- There is little amenity area for children to play
- The proposal is over-development of the site which would be detrimental to the neighbourhood
- 3 storey houses would result in loss of privacy for adjacent properties
- The gated access could be a hazard to road users

Responses to Publicity

Eleven letters of objection and an eight-signature petition of objection from local residents were received which are summarised as follows:

- Loss of privacy due to windows overlooking neighbouring dwellings and gardens
- Excessive density would create an unacceptable level of traffic

- Current commercial use means street parking is available in the evening for residents which could be jeopardised if new residents do not use on-site parking
- The proposal could result in an increase of on-street parking to the detriment of road side shop businesses
- Concerns over noise, dust and disturbance during construction phase
- Three storey development is out of keeping with properties on High Street
- The narrow gated access could be a hazard to highway users
- A minimum of two parking spaces per unit should be provided as households are likely to be commuters with two cars
- High boundary walls should be retained
- The second storey apartment on the south eastern boundary would be overbearing and would extend beyond the rear building line of the neighbouring property.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 3, Housing Policy 5 and Environment Policy 9.

Local Plan: Housing Policy 5; Environment Policy 12

Planning Considerations

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

- Loss of privacy and overbearance to neighbouring residents
- Adequate off-street parking
- Impact on the Conservation Area
- Adequate private amenity space

Planning Assessment

This is a previously developed site within the village confines of a serviced village and therefore residential development is acceptable in principle.

The scheme has been amended to reduce to a minimum the number of windows overlooking neighbouring gardens on the north west elevation. The applicant has agreed to obscure glaze the first floor bedroom window to unit 7 as this does not appear to comply with the privacy distances set out in the SPG. In addition, he has agreed to obscure glaze a landing window, which overlooks the neighbour's bedroom. The neighbour has objected to the degree of overbearance caused by the two-storey element on the southeastern boundary. The neighbour's living room windows are on the side elevation of the house looking towards the existing two-storey building and therefore there would be no material change in the degree of overbearance to this elevation. The proposed two-storey element would extend beyond the rear elevation of the neighbour's house but the Council's guidelines set out in the SPG would not be breached.

1.5 parking spaces are proposed for each unit which accords with PPG3 guidance and the Revised Deposit Draft of the Local Plan and the Highway Authority raises no objections to the proposal.

The proposal has been amended to ensure that it will enhance the character of the Conservation Area. The design is now satisfactory subject to detailing which will be the subject of suitable planning conditions.

The number of parking spaces has been increased at the cost of losing some amenity space. The private garden areas are well below that suggested in the SPG. A flexible approach however is appropriate in this case to allow a mix of apartments and small dwellings to be achieved on this previously developed site. The applicant has indicated that the development is intended to target a particular market that has shown not to demand larger private garden areas.

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

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. This permission shall relate to the amended drawings, nos. 1988-06 Revision E, 1988-07 Revision C, 1988-08 Revision E, 1988-09 Revision C received on 10 January 2003 and 27 February 2003 showing in particular:
 - a. Increased number of parking spaces
 - b. Amended elevations
 - c. Amended boundary treatment
 - d. Provision of private amenity space
2. Reason: In the interests of highway safety, for the benefit of future occupiers and to safeguard the character and appearance of the Repton Conservation Area.
3. No development shall commence on site in connection with this approval until samples of all external materials, including blue brick paviors and copings for the boundary walls have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.
3. Reason: To ensure all materials are appropriate to safeguard the character and appearance of the Repton Conservation Area.
4. No development shall commence on site in connection with this development until large scale drawings including sections of external joinery, gates and rails to front of the development have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
4. Reason: To ensure the details are appropriate in the interests of safeguarding the character and appearance of the Repton Conservation Area.
5. No development shall commence on site in connection with this approval until large scale drawings of eaves and verge sections have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

5. Reason: To ensure the details are appropriate in the interests of safeguarding the character and appearance of the Repton Conservation Area.
6. 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.
6. Reason: In the interests of safeguarding the character and appearance of the Repton Conservation Area.
7. 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.
7. Reason: In the interests of safeguarding the character and appearance of the Repton Conservation Area.
8. No development shall commence on site in connection with this approval until details of the type of conservation style rooflights have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the agreed details.
8. Reason: To ensure the details are appropriate in the interests of safeguarding the character of the Repton Conservation Area.
9. 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.
9. Reason: In the interests of safeguarding the character and appearance of the Repton Conservation Area.
10. No development shall take place in connection with this approval until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation that has been submitted to and approved in writing by the Local Planning Authority and the approved programme of archaeological work has been completed to the satisfaction of the Local Planning Authority.
10. Reason: The potential for archaeological remains to be preserved under the foundations is judged to be 'high' and the Local Planning Authority seeks to ensure that the area is properly assessed and any finds properly recorded.
11. The dwellings shall be constructed with a finished ground floor level not lower than 46.5m AOD.
11. Reason: In order to safeguard against risk of flooding.
12. No development shall commence in connection with this approval until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with details that have been submitted to and agreed in writing by the Local Planning Authority.
12. Reason: To ensure satisfactory disposal of foul and surface water.

13. No development shall commence until the existing access at the southern end of the site has been permanently closed to vehicular traffic unless otherwise agreed in writing by the Local Planning Authority.
13. Reason: In the interests of highway safety.
14. Prior to the first occupation of any dwelling on the site, the access shall be provided as indicated on the approved plan, and surfaced with a solid bound material for a minimum distance of 5m from the highway boundary.
14. Reason: In the interests of highway safety.
15. The proposed gates shall open into the site only.
15. Reason: In the interests of highway safety.
16. No dwelling shall be occupied until the associated garaging, parking and manoeuvring space has been provided as indicated on the approved plan. Thereafter the facilities shall be maintained free of any impediment to their designated use.
16. Reason: In the interests 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.
17. Reason: In the interests of the appearance of the area.
18. Further to condition 17 above, soft landscape details shall include planting plans; written specifications including cultivation and other operations associated with plant and grass establishment; schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate) and the implementation programme.
18. Reason: In the interests of the appearance of the area.
19. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
19. Reason: In the interests of the appearance of the area.
20. 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.
20. Reason: In the interests of the appearance of the area.
21. 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).

21. Reason: To protect the amenities of adjoining properties and the locality generally.
22. No development shall commence on site in connection with this proposal until a contaminated land investigation report has been carried out to determine if there is any contamination on the site. The findings of this report shall be submitted to the Local Planning Authority and remedial measures, if required, shall be agreed and carried out prior to the commencement of the development on the site.
22. Reason: In the interests of public health and safety.

Informatives:

The report required by condition 22 shall include the following:

A thorough soil sampling investigation should be undertaken to determine whether the land is contaminated. The investigation shall include the identification of contaminants e.g. organic or inorganic compounds.

If the land is found to be contaminated, works must be carried out in accordance with Part IIA of the Environmental Protection Act 1990 to ensure that the land is made suitable for use. The Council would expect to see a full report of the remediation programme to be followed. The report shall include:

- i. The locations of contaminated zones within the site (if any)
- ii. A thorough explanation of the chosen remedial measures including depth, breadth of excavation and details of soil remediation.
- iii. Contingency plan if further contamination is identified during remediation
- iv. Details of the measures to verify that the contaminant has been removed to an acceptable level
- v. The identification as to whether a long-term monitoring and maintenance programme is required, if so, details of the plans.
- vi. Details of the long and short term risk to human health including the construction phase and post development
- vii. Details of the British Standards or other guidelines used in both the assessment and remediation measures proposed.

Further guidance can be obtained from:

Investigation of Potentially Contaminated Sites - Code of Practice, BS 10175:2001;

Sampling Strategies for Contaminated Land, CLR4 1994, DoE.

Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination, R and D Technical Report P5 - 066/TR 2001, Environment Agency

Guidance for the Safe Development of Housing on Land Affected by Contamination, Environment Agency. ISBN 0113101775.

Item 1.3

Reg. No. 9 2002 1256 F

Applicant:

Mr M A Chichester
C/O Bidwells
1 Cheyne Walk
Northampton
NN1 5PT

Agent:

Anthony Short and Partners
34 Church Street
Ashbourne
DE6 1AE

Proposal: The conversion of redundant farm buildings into offices at Silverhills Farm Radbourne

Ward: North West

Valid Date: 27/11/2002

Site Description

The site comprises outbuildings to the Grade II listed Silverhills Farm. Access to the site would be off the existing farm access and a newly constructed track. There are no distinctive boundaries to the site. The site occupies a ridge top location that makes it visible from surrounding roads.

Proposal

The proposal is to convert the buildings to B1 business use including offices. The means of conversion is sympathetic to the buildings and the amount of alteration proposed is minimal. Existing openings would be used with a minimum number of rooflights. Where these are to be used, they would represent a replacement of existing lights. Parking is proposed in the courtyard with ancillary parking to the rear of the buildings. Landscaping is also proposed on the outer boundaries of the site. Existing modern barn structures would be removed

Applicants' supporting information

The applicants have submitted a structural report that indicates that the buildings are capable of conversion without the need for extensive rebuilding. The report is available on the file. Any rebuilding that is necessary would be limited to the replacement of the roof and minor rebuilding of the upper walls.

The applicants state that the proposal would reuse existing farm buildings that would otherwise go to waste. The office development would contribute to the rural economy and increase the level of economic activity when farming is generally in decline. People who would otherwise commute to Derby from the locality would be able to work close to home. Main car parking space is limited to 20 to encourage car sharing. Silver Hill Farm is close to Derby and its market and this should help to ensure the long-term viability of the project.

Planning History

Other buildings in the complex have been converted to workshop use in the recent past.

Responses to Consultations

The County Highways Authority objects to the use on the basis that there are no alternatives to the private motor car and as such the development is not considered sustainable.

Severn Trent Water has no objection

The Environment Agency has no objection subject to conditions regarding the disposal of foul effluent to the on-site treatment plant.

The Environmental Health Manager has no objection.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4, Economy Policy 5.

Local Plan: Environment Policy 1, Employment Policy 5

Emerging Local Plan: Policies ENV 19, 21, EMP 2.

Planning Considerations

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

- The provisions of the Development Plan
- The means of conversion
- Highway considerations

Planning Assessment

The provisions of the development allow for the conversion of buildings to employment uses if the buildings have a form bulk and character that is worthy of preservation. The buildings are of such a character and form part of the curtilage of the farmhouse that is a Grade II listed building. The emerging plan sets a 1000 square metre limit on floor area of such uses and this proposal falls within that guideline.

The policy also states that such development should not give rise to traffic or environmental problems. Whilst the County Highways Authority has objected, it is not on the basis of highway safety. The sustainability issue is a material consideration but in this instance, the retention of the buildings outweighs the harm to other matters of sustainable development. The setting of the Listed Building is a paramount consideration.

Subject to the recommended conditions, the proposals would accord with the provisions of the Development Plan in that the means of conversion is sympathetic to the character of the area.

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

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.
1. Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.
2. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to and approved by the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed.
2. To prevent pollution of the water environment
3. Large scale drawings to a minimum Scale of 1:10 of external joinery, including horizontal and vertical sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery shall be constructed in accordance with the approved drawings.
3. Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.
4. Notwithstanding the submitted plans large scale drawings to a minimum Scale of 1:10 of the main entrance door and adjoining screen on the south west elevation and the main entrance door on the south east elevation external including horizontal and vertical sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The doors and screen shall be constructed in accordance with the approved drawings.
4. Reason: In the interests of the character and appearance of the Listed Building
5. 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 rooflight(s) 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.
5. Reason: In the interests of the appearance of the buildings and the character of the area.
6. 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.
6. Reason: In the interests of the appearance of the buildings and the character of the area.
7. 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.
7. Reason: In the interests of the appearance of the buildings and the character of the area.

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.
8. Reason: In the interests of the appearance of the buildings, and the character of the area.
9. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the buildings have been submitted to and approved in writing by the Local Planning Authority.
9. Reason: To safeguard the appearance of the buildings and the locality generally.
10. Pointing of the existing/ proposed buildings 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".
10. Reason: In the interests of the appearance of the buildings
11. 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.
11. Reason: In the interests of the appearance of the buildings and the locality generally.
12. No part of the development shall be carried out until precise details including paving patterns, specifications and samples of the materials to be used in the hard landscaping works have been submitted to and approved in writing by the Local Planning Authority.
12. Reason: In the interests of the appearance of the buildings.
13. Before development is commenced, details of the finished surface and method of construction of the new access drive shall be submitted to and approved in writing by the Local Planning Authority. The drive shall then be constructed in accordance with the approved details.
13. Reason: In the interests of the appearance of the buildings.
14. 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.
14. Reason: In the interests of the appearance of the area.

Item 1.4

Reg. No. 9 2003 0132 L

Applicant:

Mrs M A Chichester
C/O Bidwells
1 Cheyne Walk
Northampton
NN1 5PT

Agent:

Anthony Short and Partners
34 Church Street
Ashbourne
DE6 1AE

Proposal: **The conversion of redundant farm buildings into offices at Silverhills Farm Radbourne**

Ward: North West

Valid Date: 06/02/2003

For report see 9/2002/1256 above.

Recommendation

GRANT listed building 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.
1. Reason: To conform with Section 18(1) of the Planning and Listed Buildings and Conservation Area Act 1990.
2. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to and approved by the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed.
2. Reason: To prevent pollution of the water environment.
3. Large scale drawings to a minimum Scale of 1:10 of external joinery, including horizontal and vertical sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building work starts. The external joinery shall be constructed in accordance with the approved drawings.
3. Reason: The details submitted are inadequate to determine whether the appearance of the building would be acceptable.
4. Notwithstanding the submitted plans large scale drawings to a minimum Scale of 1:10 of the main entrance door and adjoining screen on the south west elevation and the main entrance door on the south east elevation external including horizontal and vertical sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before building

work starts. The doors and screen shall be constructed in accordance with the approved drawings.

4. Reason: In the interests of the character and appearance of the Listed Building
5. 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 rooflight(s) 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.
5. Reason: In the interests of the appearance of the buildings and the character of the area.
6. 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.
6. Reason: In the interests of the appearance of the buildings and the character of the area.
7. 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.
7. Reason: In the interests of the appearance of the buildings and the character of the area.
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.
8. Reason: In the interests of the appearance of the buildings, and the character of the area.
9. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the buildings have been submitted to and approved in writing by the Local Planning Authority.
9. Reason: To safeguard the appearance of the buildings and the locality generally.
10. Pointing of the existing/ proposed buildings 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".
10. Reason: In the interests of the appearance of the buildings.
11. 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.
11. Reason: In the interests of the appearance of the buildings and the locality generally.
12. No part of the development shall be carried out until precise details including paving patterns, specifications and samples of the materials to be used in the hard landscaping works have been submitted to and approved in writing by the Local Planning Authority.
12. Reason: In the interests of the appearance of the buildings.

13. Before development is commenced, details of the finished surface and method of construction of the new access drive shall be submitted to and approved in writing by the Local Planning Authority. The drive shall then be constructed in accordance with the approved details.
13. Reason: In the interests of the appearance of the buildings.
14. 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.
14. Reason: In the interests of the appearance of the area.

25/03/2003

Item 1.5**Reg. No.** 9 2003 0051 O**Applicant:**

Mr B Moore
 Home Cottage
 25 Weston Road
 Aston On Trent
 Derbyshire
 DE72 2AS

Agent:

Mr B Moore
 Home Cottage
 25 Weston Road
 Aston On Trent
 Derbyshire
 DE72 2AS

Proposal: **Outline application (all matters except means of access to be reserved) for the erection of one dormer bungalow and garage on Land Forming Part Of The Garden Of The Rectory Rectory Gardens Aston-on-trent Derby**

Ward: **Aston**

Valid Date: **20/01/2003**

Site Description

The site is part of the garden to All Saints Rectory, situated within a small development of modern bungalows. The stone wall to the churchyard forms the eastern boundary of the site. All Saints Church is a Grade I listed building.

Proposal

The application is in outline with all matters except means of access reserved. Initially proposing a dormer bungalow the applicant has amended the description to one dwelling and garage.

Responses to Consultations

The Parish Council objects for the following reasons:

- a) Surface from the road drains to a pond owned by one of the residents, who has to regularly clear blockages and feels unable to continue to do so.
- b) The whole drainage system needs replacing, particularly as some residents experience sewage problems.
- c) Parking problems would be exacerbated.
- d) A dormer bungalow would be much more visible than the surrounding properties, in close proximity to the conservation area.

The Highway Authority has no objection in principle.

The Environment Agency points out that foul drainage should be to a public sewer, unless it can be satisfactorily demonstrated that this cannot be achieved. A condition requiring a scheme for foul drainage is recommended. Whilst there is a former landfill site within 150 metres of the application site (Old Playing Field) there is only a remote possibility, in the opinion of the Agency, of the development being affected by landfill gas.

Responses to Publicity

Two letters have been received from local residents, objecting as follows:

- a) The church has no parking provision. When there are functions people park in Rectory Gardens, causing congestion. An additional drive would exacerbate the problem.
- b) All surface water from Rectory Gardens passes into a neighbour's pond. The system repeatedly blocks and floods the neighbour's land. The pipe that drains into the pond needs continual rodding to keep it clear, causing an unacceptable burden on the owner of the land.
- c) A dormer bungalow would be out of keeping with the area and lead to applications to increase the height of other bungalows in the cul-de-sac.
- d) The dwelling would cause overshadowing and loss of privacy.
- e) The sewerage system is inadequate.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 5 and Environment Policy 10.

Local Plan: Housing Policy 5 and Environment Policy 13.

Deposit Local Plan: Housing Policy 1.

Planning Considerations

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

- The principle of development.
- Impact on the general character of the area and the setting of All Saints Church.
- Residential amenity.
- Drainage.
- Highway safety.

Planning Assessment

The site lies within the confines of a serviced settlement. Therefore the principle of residential development in this locality is acceptable.

Given the nature of the existing dwellings in Rectory Gardens, comprising several modern bungalows and the two-storey rectory, a new dwelling could be accommodated without demonstrable harm to the general character of the area or the setting of the listed church. The precise form of the dwelling would be a matter for detailed consideration at reserved matters stage.

Subject to appropriate mass and position of habitable room windows a dwelling could be accommodated without causing demonstrable harm to the amenities of neighbours, in accordance with supplementary planning guidance.

Subject to conditions the development would have neutral impact on drainage. It is not appropriate to try to resolve existing private drainage issues through consideration of this application.

On the advice of the Highway Authority there would be no demonstrable harm to interests of highway safety.

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

Recommendation

GRANT permission subject to the following conditions:

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- (b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.
1. Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.
2. Approval of the details of the siting, design and external appearance of the building and the landscaping and means of enclosure of the site shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.
3. No development shall take place until details of a scheme for the disposal of surface and foul water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.
3. Reason: In the interests of flood protecting and pollution control.
4. The access shall have a minimum width of 3.2m and be provided with 2m x 2m x 45° pedestrian intervisibility splays with no obstruction forward of the splay lines exceeding 600mm in height relative to road level.
4. Reason: In the interests of highway safety.
5. The access shall be paved in a solid bound material (i.e. not loose chippings) for at least 5m into the site from the highway boundary.
5. Reason: In the interests of highway safety.
6. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate, in the case of a dwelling of four or more bedrooms three cars, in any other case two cars within the curtilage of the dwelling, or in any alternative location acceptable to the Local Planning Authority or as may otherwise be agreed in

writing by the Local Planning Authority in accordance with its published standards. Thereafter three parking spaces (in the case of a dwelling with four or more bedrooms) or two parking spaces (in any other case), measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of the dwelling unless as may otherwise be approved in writing by the Local Planning Authority.

6. Reason: To ensure that adequate parking/garaging provision is available.
7. 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).
7. Reason: To protect the amenities of adjoining properties and the locality generally.

25/03/2003

Item 1.6**Reg. No.** 9 2003 0065 U**Applicant:**

Mr N Thorpe
38 Holme Close
Hatton
Derby

Agent:

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

Proposal: The conversion into a dwelling together with the provision of associated garden area and vehicular access of Old Pumphouse Mill Lane Scropton Derby

Ward: North West

Valid Date: 21/01/2003

Site Description

The site lies in the area of the former sidings that formed the link between the main railway line and the Fauld ammunition store. Remnants of the former use are apparent on the site. The building was a blast proof structure that is clearly of a substantial construction. It occupies an isolated location adjacent to the River Dove. Access to the site would be via a newly laid track from the west.

Proposal

The proposals involve the conversion of the building to a three-bedroom dwelling with a limited curtilage adjacent to the river. Access would be taken from the above-mentioned track that would be extended to the application site where a turning head would be formed. The conversion would be wholly contained within the existing structure. The existing roof would be removed and a new roof formed to allow for a two-storey element. In a large gap in the blast wall a glazed structure would be inserted to form the main living room.

Applicant's Supporting Information

The applicant draws attention to the result of an appeal into a previous application. Whilst the appeal was dismissed, the Inspector made it clear that the retention of the building would be generally in accord with government advice. It has a utilitarian appearance and the building occupies a brown-field site. He felt that the alternative options to residential use had not been fully explored and there was strong criticism of the proposed method of conversion.

The applicant has submitted an assessment of the possible alternative uses for the building in particular the holiday use, based mainly on use by fishermen accessing the river. It is asserted that the costs of conversion are such that the repayment of the loan and management costs would not produce a viable return. The applicant states that the assessment has been made in the best light with occupancy in the higher reaches of the range given by the English Tourist Board. However, the relatively close proximity of the railway line and the turkey factory may put people off using the site.

The fishing option has a potential for generating income if the owner granted fishing rights. It is a course river with perch, dace and other species present. There is a limited season for such fishing and the rest of the time the applicant would be limited to conventional holiday lets. Even with the fishing income, there is no scope for a return on what would be a substantial investment with significant ongoing costs.

On the basis of the above it is the applicant's contention that the only option is for the building to be converted to full residential use.

In order to meet the Inspector's concerns the design has been amended to provide a 'lighter' means of enclosure for the open part of the structure.

Site History

The application to convert the building to residential use was refused previously under delegated powers. The subsequent appeal was dismissed but the Inspector commented in some detail about the means of conversion, the amount of curtilage and the lack of a proper assessment of the alternative uses for the building. He did however, dismiss the option to use the site as a workshop because of its remote location. The applicants in their submission above refer to further details of the decision.

Responses to Consultations

Foston and Scropton Parish Council has no objection and see the proposal as a means of maintaining the land in a tidy condition.

The County Highways Authority object to the use on the basis that the development is not in a sustainable location.

The Environment Agency notes that the Inspector at the appeal dismissed its objection to the potential loss of the opportunity to restore floodplain on the Dove. There are no objections to this application subject to conditions covering the assessment of the potential of contaminated land, measures to mitigate the contamination if it is found and appropriate assessment of the ability for the septic tank to serve the development.

Responses to Publicity

None.

Structure/Local Plan Policies

The relevant policies are:

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

Local Plan: Environment Policy 1 and Housing Policy 7.

Emerging Local Plan: Policy ENV 7 & 21(F) and Housing Policy 1

Planning Considerations

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

- The principle of the conversion of the building to residential use.
- The proposed design of the conversion.
- The sustainability issue raised by the County Highway Authority.
- The applicant's submissions.

Planning Assessment

The issue of the principle of the development is given by the Planning Inspector, he felt that the building was of some historic interest and provided that the design of the conversion was amended and the curtilage reduced. The method of conversion and the curtilage have both been amended as part of this application.

The new roofs and enclosure of the 'open' part of the building would now be much less prominent than was the case with the previous application.

In the light of the above the applicant appears to have met the requirements set out by the previous inspector.

The other factor that the Inspector identified was the need for a full assessment of the potential alternative uses for the building. This would normally mean potential business use and holiday lets. The business use is pretty much dismissed by the Inspector. The applicants have gone into some length by contacting the English Tourist Board, the Valuation Office and the service providers to get an idea of running costs and of a holiday let use based partly on the fishing option and as a holiday cottage. The information provided suggests that the development costs combined with the running costs mean that a return on the investment would not be forthcoming.

Policy H1 in the emerging plan and Housing Policy 7 of the current plan require that the alternative uses be considered before the use of the building for residential use is contemplated. It is contended that the applicant has met this criterion. Beyond that, the policies require that the development be assessed in the light of the impact of the use and its curtilage on the countryside. There are no public footpaths in the vicinity of the site or any public highways. The site is set in a slight hollow and there may be views of it from the railway line. But these would be fleeting glances and would not justify refusing permission on policy grounds.

The County Highways Authority's concern about the remoteness of the site from the highway and lack of alternatives to the private motor car was also addressed by the Inspector. This was not an issue that he felt able to support.