

25/03/2003

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.



South Derbyshire District Council Civic Offices Civic Way Swadlincote DE11 0AH		Date Plotted 10 4 2003	NORTH ↑
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25/03/2003

Item 2.1**Reg. No.** 9 2002 1108 U**Applicant:**

D Prince & Sons Ltd
 Sapperton Manor
 Church Broughton
 Derbyshire
 DE655AU

Agent:

Steedman Planning
 Chestnut Farm
 Ashby Road
 Moira
 Swadlincote
 DE126DP

Proposal: The change of use from agricultural use to class B1 (light industrial) use at Sapperton Manor Church Broughton Derbyshire

Ward: North West

Valid Date: 18/10/2002

Site Description

The site comprises an open sided farm building to the east of a range of traditional farm buildings that are Grade II listed. The access to the site would be from a recently constructed access from the Ashbourne Road rather than the original farm access off Sapperton Lane. The site has no definite boundaries as proposed but there is another farm building attached to its northern flank of similar proportions.

Proposal

The proposal would involve the cladding of the building, and its change of use to B1 use. There would be no changes to the height of the building.

Applicants' supporting information

The proposed occupier is a firm currently occupying premises in Melbourne. There are two business partners and three other employees. The workforce would be increased by 5 if the move took place. Product would be assembled on the site and then transported in lots of 50 to Leicester. This light industrial use is labour intensive. The use offers employment opportunities for the local farm labour pool. It is entirely in line with the Governments policy for the re use of redundant farm buildings.

The farm enterprise has changed considerably since 2002. A herd of 450 dairy cattle has been sold and the 400 acres is now farmed on a stewardship basis. There has been a considerable reduction in the number of vehicles using the site. Employment has been reduced from 4 to 0.5. Overall, there has been a significant reduction in traffic movement to and from the site that would only be partially replaced the proposed use.

In addition to traffic movements, the movement of cattle has also ceased. These involved 4 movements of the milking herd each day and every day. There were also the movements of young stock during the drier months of the year to pasture.

Planning History

This is one of a number of modern farm buildings constructed in recent years to support a modern dairy enterprise. The farm is no longer used for dairy production and thus these buildings have become redundant. Permission was recently granted for the conversion of the adjacent listed buildings to business use.

Responses to Consultations

Church Broughton Parish Council has no objection.

The County Highways Authority objects on the basis that the roads to and from the site are unsuited to traffic associated with industrial use. The site is remote from other forms of transport. It has examined the traffic information submitted by the applicant and has confirmed that there is an objection to the proposal on sustainability grounds.

The Environmental Health Manager has no objection.

Responses to Publicity

None

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4, Economy Policy 5 and Environment Policy 10.

Local Plan: Environment Policy 1, 13; Employment Policy 4.

Emerging Local Plan: Policy ENV 7, 19 & 21, Policy EMP 2.

Planning Considerations

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

- The provisions of the development plan and in particular the impact of the development on the listed building and character and appearance of the area.
- The impact of the development on the highway network
- The sustainability issue.

Planning Assessment

The building the subject of this application is one of a large modern group on the site of no particular merit being constructed of concrete blockwork and Big 6 sheeting. It is open on the front and would require considerable alteration and adaptation to bring it into use as a workshop.

Current Local Plan policy states that the introduction of new employment uses into the countryside will be resisted. However, the reuse of redundant farm buildings would comply with current Government advice. This advice is aimed at helping to maintain farming businesses by diversification. Current Local Plan policy also requires that any building to be reused should be converted without significant alteration and extension. However, the buildings are not particularly prominent in the countryside when viewed from the wider area, as the landform and trees help to screen them from most public views. Thus it would be difficult to argue that there would be an additional impact on the character and appearance of the area.

The proximity of the extensive modern group to the listed buildings would mean that the detrimental impact of these structures on those buildings would be continued should the modern buildings be found alternatives uses. However, the more traditional brick and tile listed buildings on the site have the benefit of planning permission for their change of use to business use. The County Highway Authority also objected to that development at that time on the grounds that establishing business use in such a remote location was contrary to the best interests of sustainable development and that the approach roads were unsuited to the type of traffic that was likely to be attracted to the area. In that application the Local Planning Authority considered that the importance of providing the listed buildings with a viable after use, securing their future retention, outweighed the County Highway Authority's concerns.

In this case, there are two main factors that need primary consideration. Firstly, the retention of the building for employment purposes may be generally in accord with Government advice but the detrimental impact of the building on the setting of the listed buildings is also relevant. Secondly, other parts of the group of modern buildings on the site could also be adapted to business use which would result in the establishment of what would become a substantial industrial site in remote countryside.

It is not normal practice to cite precedent as a potential reason for refusal but in this instance there is a material concern that the modern buildings in the vicinity of the farm could all be converted more readily than the original listed buildings. The farm is no longer farmed in such an intensive manner as it was previously. In generating income this way the farm business would become subservient to the emerging business use.

In policy terms the proposed occupier of the site does not need to be located in the countryside. Indeed, by moving to Sapperton, it would be even further from its main distributor in Leicester. The need for a business to be located in the countryside remains a prerequisite for development being allowed in the countryside (see policies General Development Strategy Policy 1 & 4 in the Structure Plan and Environment Policy 1 in the Local Plan). Whilst the reuse of the traditional buildings were considered to be in accord with the aim of retaining the listed buildings, this proposal would be contrary to the policies set out above and contrary to the principles of sustainable development, an argument supported by the County Highway Authority.

There is a clear distinction to be drawn between allowing the conversion of buildings that have a historic or architectural interest and those, such as the application building, that are not suited to permanent retention. Thus the recommendation to accept the County Highway Authority objection is justified in this case.

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

REFUSE planning permission for the following reasons:

1. The building lies in the countryside in a location that is remote from the services that would normally serve such development and where there is no alternative to the motor vehicle to gain access to the site. General Development Strategy Policies 1& 4 of the adopted Derby and Derbyshire Joint Structure Plan have as a basic requirement that a proposal be necessary in a particular location. They also place a duty on the Local Planning Authority to ensure that development in the countryside is based on sustainable principles. The creation of a business use in such a location would be contrary to the principle of sustainable development.
2. Whilst the reuse of redundant farm buildings is encouraged in government advice, in particular in PPG 7, the policies of the adopted South Derbyshire Local Plan require at Employment Policy 4 that the building to be converted should be capable adaptation without significant alteration. The proposed use would require significant alteration to the building to form a workshop that meets the usual health and safety requirements. This is contrary to the provision of the policy.
3. The grant of permission for the conversion of this building would set a precedent for the conversion of other similar buildings within the holding with the potential for a significant amount of employment floorspace being created. This would have the potential to add significantly to the traffic generation in the area to the detriment of the character of the countryside, attracting additional people to the area where the alternative to the private motor car do not exist. This would be contrary to the stated government objective of reducing the need to travel as set out in PPG 13.
4. The development would result in additional traffic movements on roads that are unsuited to the traffic generated to the detriment of the best interests of other road users particularly pedestrians and horse riders.
5. The close proximity of the extensive modern group of buildings (of which the application site forms a part) is detrimental to the setting of the listed buildings which would be continued should the modern buildings be found alternatives uses and should a proliferation of industrial activity ensue. The proposal is therefore contrary to Environment Policy 10 of the Joint Structure Plan, Environment Policy 13 of the Local Plan, and Policy ENV 19 of the Deposit Draft Local Plan (January 2003).



South Derbyshire District Council Civic Offices Civic Way Swadlincote DE11 0AH		Date Plotted 10 4 2003	NORTH ↑
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