

DEVELOPMENT CONTROL COMMITTEE – 1 March 2005

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

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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 similar cases.

01/03/2005

Item 1.1
Reg. No. 9/2004/1453/F

Applicant:
 Victory Homes Ltd
 Quarterbridge Horses Lane
 Measham
 Swadlincote
 Derbyshire
 DE127LL

Agent:
 D C L architecture Limited
 27 Trinity Close
 Ashby De La Zouch
 Leicestershire
 DE127JJ

Proposal: **The erection of five dwellings on plots 37-41 phase 4 of the development at Land Between 145 And 153 Oversetts Road Newhall Swadlincote**

Ward: **Newhall**

Valid Date: **04/11/2004**

The application is brought to the Committee on the instruction of Councillor Bambrick.

Site Description

This backland gently sloping site consists of parts of the rear gardens to 159 to 171 Oversetts Road. The site backs onto the rear boundaries of properties on The Gables which are set at a lower level.

Proposal

This is a further phase of development to the south side of recently completed residential development off the west side of Oversetts Road. It is proposed to erect five two storey dwellings two of which would be semi-detached and the remainder detached with access formed between 155 and 159 Oversetts Road.

Responses to Consultations

The Highway Authority raises no objections to the revised layout, which overcomes its previous concerns with regards to highway safety subject to securing adequate visibility splays onto Oversetts Road.

The Primary Care Trust and Education Authority have confirmed that they do not require financial contributions to local medical and school facilities.

Responses to Publicity

Two letters of objection have been received which are summarised as follows:

- The site is higher than properties on The Gables allowing easy views into these properties leading to loss of privacy.
- Sunlight would be blocked to back gardens especially in winter.
- Any new tree planting would block out sunlight.
- Large amount of development in a small space.
- Parking of one space per house would lead to congestion on the public highway
- The presence of a building site will make existing houses harder to sell.

Structure/Local Plan Policies

Joint Structure Plan: Housing Policy 3.

Adopted Local Plan: Housing Policy 4 and 11

Revised Deposit Draft Local Plan (2003): H1 and ENV21

Planning Considerations

- Loss of amenity for existing residents.
- Adequate off-street parking.

Planning Assessment

The building falls within the definition of previously development land as defined in PPG3 and is within the Swadlincote Development Boundary. It therefore complies with Policy H1 of the emerging Local Plan and is acceptable in principle.

With regards to safeguarding neighbours' amenity, the layout has been amended to ensure compliance with the Councils housing layout and design guidelines. An increased separation distance between existing and proposed dwellings has been achieved in excess of the normal standard to take account of the change in levels, which will relieve occupiers of any undue loss of privacy or overbearance. The proposal is now acceptable in this regard.

The proposed off-street parking provision for each unit is 2 spaces which is acceptable.

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.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990.

2. This permission shall relate to the amended drawings 414-VH.04A and 414-VH.05A received on 1st December 2004 and 414-VH.03C received on 10 February 2005 showing increased separation distances between existing and proposed dwellings, brick eaves detail and highway amendments.

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

3. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).

Reason: To protect the amenities of adjoining properties and the locality generally.

4. Notwithstanding any details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

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

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

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

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

7. Notwithstanding condition 4 above, the development shall not be brought into use until the front boundary walls to 153, 155 and 159 have been lowered to 1m in height above adjacent carriageway level and retained as such in perpetuity.

Reason: In the interests of highway safety.

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

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

Informatives:

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

01/03/2005

Item 1.2**Reg. No.** 9/2004/1595/F**Applicant:**

Barhale Construction Plc
 Barhale House
 Bescot Crescent
 Walsall
 West Midlands
 WS1 4NN

Agent:

Barhale Construction Plc
 Barhale House
 Bescot Crescent
 Walsall
 West Midlands
 WS1 4NN

Proposal: The construction of temporary site offices and welfare units (for construction of new sewers in the area) with associated car parking on existing hardstand at Land To The West Of Stenson Road Stenson Derby

Ward: Stenson

Valid Date: 18/01/2005

Site Description

The site is part of the yard to a former farmstead at the edge of the urban area, separated from it by Stenson Road.

Proposal

The development seeks to retain site offices and their associated parking area for a temporary period. These would be ancillary to a nearby infrastructure project (sewers).

Responses to Consultations

Stenson Fields Parish Council asks that the contractors should ensure roads are regularly cleaned of mud.

The Highway Authority and Environmental Health Officer have no objection in principle.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policies 3 & 4.
 Local Plan: Environment Policy 1.

Planning Considerations

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

- The principle.
- Residential amenity.
- Highway safety.

Planning Assessment

The site lies outside the boundary of the built up area. However it is well related to that area and could be construed as in accord with Structure Plan General Development Strategy Policy 3. However for the purpose of the adopted local plan the site is outside the settlement and development needs to be necessary to such a location. For practical reasons the contractor has chosen the site as base for the sewer project. It is understood that the reason for this is the lack of available land on the line of the sewer itself. In these circumstances and having regard to the temporary nature of the use the principle is acceptable.

On the advice of the Highway Authority there would be no demonstrable harm to safety interests. The site is used for offices, staff facilities and parking. It is not a main compound for heavy plant. As such a condition requiring wheel-washing facilities would be unduly onerous.

Subject to a condition controlling noise from generators there would be no harm to residential amenity.

Recommendation

GRANT permission subject to the following conditions:

1. This permission shall be for a limited period only, expiring on 31 March 2006 or before which date the structure(s) shall be removed and the site reinstated to the satisfaction of the Local Planning Authority unless, prior to that date, an application has been made and permission has been granted for an extended period.

Reason: The site is within open countryside where the Development Plan provides that development shall be confined within the limits of an existing town or village, except where the needs of agriculture or other overriding reasons justify a departure from that policy.

2. The noise from any generators shall be attenuated so as not to be audible at the nearest residential property.

Reason: In the interests of the aural amenities of the occupiers of nearby residential property.

3. The parking and manoeuvring areas shown on the submitted plan shall be retained available for that purpose for the duration of the use hereby permitted.

Reason: In the interests of highway safety.

01/03/2005

Item 1.3**Reg. No.** 9/2005/0040/FH**Applicant:**

Mr A Dawson
 The Hill Lodge, Deep Dale Lane
 Barrow-on-trent
 Derby
 DE731NH

Agent:

Tim Foster
 2 Broomfield Cottages
 Morley
 Ilkeston
 Derbyshire
 DE7 6DN

Proposal: The retention of windows in the garage approved under 9/2003/0480/FH at The Hill Lodge Deep Dale Lane Barrow-on-trent Derby

Ward: Aston

Valid Date: 11/01/2005

The application is brought to Committee on the instruction of Councillor Atkin

Site Description

The site is the former lodge to The Hill and is served by a private drive in conjunction with that property. A stable block has recently been erected in the adjacent paddock along with a brick shed. The subject building is almost built.

Proposal

The new garage would be sited in the paddock adjacent to the garden area. It would measure 8m x 7m in plan and would be 5.5 m in height.

Site History

9/0390/1320/F - Stable block. Work commenced within five years of the grant of permission and the current owner is completing the development.

9/2002/1020/F - Conservatory. This has not been built the current proposal would be an alternative scheme.

9/2002/1038/F - Two storage sheds (one in the garden and one in the paddock).

9/2002/1211/F - Hardstanding and access. This work has been substantially completed.

9/2003/0380/FH – Conservatory and garage.

9/2003/0480/F - Feed store and tack room attached to stable block. Permission refused on the grounds of visual impact and conflict with policy in the emerging local plan.

9/2004/0534/FH - The installation of a balcony, and alterations to previously approved shed

Responses to Consultations

The Parish Council has commented that this could be a prelude to a residence.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4.

Local Plan: Environment Policy 1.

Emerging Local Plan Policy ENV21

Planning Considerations

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

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

Planning Assessment

As the development relates to works closely related to an existing residential property and detail alterations to a scheme with planning permission the development is capable of being acceptable in principle.

There would be more openings than there were in the previous permitted garage. However whilst the garage would be sited outside the curtilage of the dwelling it would be closely related to it. There is mature existing screen vegetation. Therefore the overall impact of the development on the character of the countryside, as seen from public vantage points, would not be unreasonable.

The property is well way from its nearest neighbours and there would be no demonstrable impact on their living conditions.

There would be no material impact in highway safety as a direct result of this proposal

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 sample of the roof tile shall be submitted for approval in writing by the Local Planning Authority before the roof is covered.

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

01/03/2005

Item 2.1**Reg. No.** 9/2004/1579/F**Applicant:**

Mr C Casey
 616 Burton Road
 Midway
 Swadlincote
 Derbyshire
 DE11 0DP

Agent:

Mr C Casey
 616 Burton Road
 Midway
 Swadlincote
 Derbyshire
 DE11 0DP

Proposal: The erection of an extension at 616 Burton Road Midway
 Swadlincote

Ward: Midway

Valid Date: 13/12/2004

This application is brought before the Committee as the resident of the application site is an employee of the Council.

Site Description

The application site is an annex bungalow within the garden of the applicant's property.

Proposal

The proposal is to add second storey to part of the annex bungalow to form a third bedroom and en-suite.

Applicants' supporting information

None.

Planning History

Planning permission was granted for the use of the applicant's property in 1991 as an operating base for two lorries and storage of roofing materials (9/0391/1108/U). A subsequent permission to convert and extend a double garage into what is now the existing annex was granted in October 1992 subject to a condition restricting occupancy to the household or domestic staff of No 616 Burton Road (9/0892/0449/F). An application to remove the occupancy condition was refused in May 2001 for reasons of detriment to the amenity and privacy of the occupier of No 616 Burton Road (9/2001/0255/R).

An application for a new dwelling on an adjoining site was dismissed at appeal in 1999.

Responses to Consultations

None.

Responses to Publicity

None.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan:

Local Plan: Housing Policy 4

Emerging Local Plan: Policy H1

Planning Considerations

The main issues central to the determination of this application are whether the annex could still be considered as ancillary to the main dwelling with the addition of a third bedroom in a location where policy would not normally allow a new dwelling.

Planning Assessment

The application site lies outside the main built up area of Swadlincote on the boundary of the Breiby Park Estate. There is an adjacent property to the south east.

The annex to 616 Burton Road was originally approved due to the personal circumstances of the applicant and was subject to a condition restricting occupancy to members of the household of 616 Burton Road or domestic staff and not for use as a separate and unconnected dwelling by reason that the Council would not normally be inclined to allow the formation of a separate residential unit in this locality.

An application for the erection of a dwelling on the adjacent site at The Spinney, 600 Burton Road was dismissed at appeal in January 1999 on the basis that the proposal was not substantially surrounded by development and was not integrated with the existing development pattern as required by Housing Policy 4 of the adopted Local Plan.

The current proposal would increase the annex from a two to a three-bedroom property whereby the use of the annex property could no longer be considered as incidental to the main dwelling house and would be tantamount to a separate dwelling.

Policy H1 of the Replacement South Derbyshire Local Plan indicates that new development within the Swadlincote sub area should be directed towards brownfield sites within the Swadlincote urban area. The proposal site lies outside of the urban area where residential development is resisted. Although the proposal does not represent a prominent intrusion into the countryside, allowing the potential development of a further dwelling would consolidate an isolated group of houses detracting from the rural 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

REFUSE permission for the following reason:

1. The proposed extension would result in the annex being tantamount to a dwelling in a location where residential development is resisted and is contrary to Housing Policy 4 of the South Derbyshire Local Plan and Policy H1 of the Replacement South Derbyshire Local Plan.

