

DEVELOPMENT CONTROL COMMITTEE – 22 April 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

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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

22/04/2003

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

Members will recall deferring this application concerned that the amended scheme may still leave the Lodge vulnerable to demolition (previous report attached at annex A). Therefore it was requested that the developer be contacted with a view to secure a means by which the long-term security of the lodge is safeguarded.

In response the applicant company's agent has stated the following:

1. It was originally proposed by Firstpost Homes that Eureka Lodge be demolished.
2. The applicant has listened to the concerns of officers and local residents and has deleted Eureka Lodge from the application site. It is indicated on the application plan that it is to be retained as apartments (comments on this proposal would be welcomed).
3. The proposal to demolish Eureka Lodge was thus removed from the application.
4. It was open to the applicant to apply for a prior notification to demolish the building. That he has not, is a clear indication of his intention that it be retained and converted to apartments, subject to obtaining the necessary planning permission.

It is considered that there is no legitimate mechanism that could be pursued further in order to secure the long term future of the Lodge given that it is not of listable quality (as stated by English Heritage). As such there are no known funds available to assist in its retention or conversion. However, it appears that the developer is willing to retain the building and encouragement is being given by officers for its conversion into apartments (subject to a separate planning permission). Members also requested an additional condition be attached removing permitted development rights from the new dwellings. This can be attached to the notice.

Recommendation

GRANT permission as set out in the previous report subject to the inclusion of the additional condition.

22/04/2003

Item 1.2**Reg. No.** 9 2002 1024 F**Applicant:**

Mr K S Kang
 Tulip House, Derby Road
 Aston-on-Trent
 Derby

Agent:

Ian Woore/Haydn Watkins
 Peter Woore Watkins Partnership
 61 Friar Gate
 Derby
 DE1 1DJ

Proposal: The erection of a conservatory and garage at Tulip House
 Derby Road Aston-on-Trent Derby

Ward: Aston

Valid Date: 01/10/2002

Site Description

The site is an agricultural holding and the dwelling is a detached house in a corner of the land. The house was permitted in 1996 and is subject to an agricultural occupancy condition.

Proposal

The proposed garage would be an extension to the existing attached garage. The conservatory would be at the rear of the dwelling.

Applicant's Supporting Information

- a) It is appreciated that PPG7 indicates that the size of a dwelling should be commensurate with the size of the enterprise.
- b) When the dwelling was proposed there was a flourishing intensive horticultural enterprise. However the market has deteriorated considerably and it is no longer economic for such production to take place. In the meantime the applicant's health has deteriorated and he is unable to work as effectively as he did.
- c) Much of the land is down to Spring Barley. Some of the work is done by the applicant and his family and some by contract.
- d) The house is occupied by the applicant and his wife together with one son and his wife. There are four cars on the premises with only one garage.
- e) The application proposes only minor additions. The garage would enable a car to be kept out of sight and the conservatory would be largely out of view.
- f) The proposals are not unreasonable for a property of this size and would enable better enjoyment by the occupiers.

Responses to Consultations

The Parish Council objects to the garage for the following reasons:

- a) Permission was granted for the dwelling on an agricultural basis but this is no longer the case as it has ceased to be used as an agricultural holding.
- b) The site is in the green belt and it is undesirable for more development to take place.
- c) The conditions attached to the original permission should be checked and a condition applied to stop the garage from being converted to residential use at a later date.

The Highway Authority has no comment.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 7.

Local Plan: Green Belt Policy 3.

Planning Considerations

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

- The principle.
- Impact on the openness of the green belt.

Planning Assessment

The extensions would not result in a disproportionate increase in the size of the original house. On the basis of the applicant's statement the owner is in compliance with the agricultural occupancy condition, even though the nature of the enterprise has changed in recent years. Therefore the principle of development is acceptable. The objective of ensuring that the dwelling is commensurate with size of the holding could be safeguarded by condition preventing the future conversion of the garage.

Because of the small scale of the extensions the openness of the green belt would not be harmed.

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. All external materials used in the development to which this permission relates shall match those used in the existing building in colour, coursing and texture unless otherwise agreed in writing by the Local Planning Authority.

2. Reason: To safeguard the appearance of the existing building and the locality generally.
3. The garage shall not be used as habitable accommodation.
3. Reason: To maintain the character of the dwelling having regard to its location in the green belt and to ensure that the accommodation is commensurate with the agricultural business associated with the dwelling.

22/04/2003

Item 1.3**Reg. No.** 9 2002 1347 F**Applicant:**

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

Agent:

C P Meynell, Fisher German
 2 Rutherford Court
 Staffordshire Technology Park
 Stafford
 ST18 0AR

Proposal: The erection of an indoor riding arena, access and landscaping at Grangewood Farm Grangewood Netherseal Swadlincote

Ward: Netherseal

Valid Date: 23/12/2002

Site Description

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

Proposal

The submitted scheme shows a 1782 square metre indoor arena and the creation of a new vehicular access to be located to the west of the existing buildings and access. The scheme has been amended such that an outdoor manege and parking area have been withdrawn from the application and the application is for private use in connection with the associated livery and as a riding school.

Applicants' supporting information

The building size is as applied for in the original application and the scheme omits the car park to the left of the building and manege to the right of the building. The total internal space of the building would be used for the riding surface. With regards to the road access this has been moved as proposed following discussions with the County Council.

As the larger outdoor school is not to be constructed it is important that there is a larger indoor school as the large area is required for jumping and dressage. My daughter and myself both compete at dressage and jumping at regional and national levels. We need to practice on an arena size of 60 by 20 metres for the dressage. This size arena is also a minimum requirement to be able to practice jumping, over a course, in a safe environment.

The application has been amended to be for private use. The facilities will be used for

teaching clients, schooling and training horses and for use by our existing livery clients to exercise their horses.

We are presently submitting a bid to the National Forest for another tree plantation which will adjoin with our existing scheme. This will include a dedicated footpath to link up to existing rights of way and will also increase our off-road riding facility. If this is successful this money will help to fund the proposed development.

My daughter, husband and myself believe very strongly that this facility would only be an asset to the local horse riding community. It is in our business plan to become an approved livery yard with the British Horse Society. My daughter has spent the last five years training and has passed her BHS exams stages 1, 2 and 3 and her Prelim Teacher Training Certificate. It is our intention to keep Grangewood Farm a special location with facilities for safe riding and a high standard of welfare for our and other's horses.

Planning History

In 2001 a planning application for the erection of an indoor riding arena together with a Manege, associated car parking and landscaping was submitted and subsequently withdrawn by the Applicant after a recommendation for refusal was made to Committee. The proposed reasons for refusal were associated with traffic volume, noise and activity associated with events, the unsuitability of the highway network in the vicinity of the site and unsustainable location of the site and the significant use of an access with poor visibility which would result in a detrimental impact on highway safety.

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

Responses to Consultations

The Environment Agency has no objections to the proposal subject to conditions.

The County Highway Authority states that the current submission includes a revised access arrangement, which meets acceptable standards in terms of geometry and visibility sightline provision and recommend conditions.

The Parish Council support the application.

Responses to Publicity

The letters of representation detailed below were received in response to the application as it was first submitted with proposals for events to be held and for the construction of an outdoor arena. No letters have been received in relation to the revised proposals although the consultation period has not expired at the time of writing.

Ninety three letters of support have been received, the vast majority of which are from outside the immediate area of the development and mostly from horse owners. They raise the following issues:-

- The proposal will provide a good example of farm diversification, which is in line with Government policy on enhancing the rural economy.

- The development will provide facilities for off road riding, which will help keep danger off the roads and improve highway safety in the area.
- The development would provide an important and much needed local riding facility.
- The current scheme incorporates a safer access to the site.
- The development will enhance the National Forest.

Sixteen letters of objection have been received outlining the following concerns:-

- The proposed development would result in a traffic increase in the area both in terms of the volume and size of vehicles. This will have an adverse impact on highway safety in a location where accidents have already happened.
- The proposed access is in close proximity to existing access points serving the fencing business and National Forest, moving the access only a few metres from the existing is not considered to overcome the safety issues.
- The proposed development would result in noise and light pollution in the area if tannoys and floodlights were to be used. Concerns over hours of operation, numbers of events and level of car parking provision.
- The proposed building would be prominent due to its size and height and would have an adverse impact on the landscape. Concerns over possible future uses of the building.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Leisure and Tourism Policy 1.

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

Draft Local Plan: Policy LRT 5 Stables and Equestrian Facilities.

Planning Considerations

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

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

Planning Assessment

The development plan recognises that the keeping and riding of horses is a rural pursuit and is appropriate to a rural area. The relevant policy outlines a presumption in favour of equestrian development providing the development is well related to existing settlement patterns and existing buildings, does not cause disturbance to local amenity and as long as provision can be made for the safe movement of horses and riders.

The proposed building would be located at the rear of existing buildings and therefore not appear overly intrusive in its location and is considered acceptable with regard to its impact on the countryside. The building is of an appropriate design and materials for its countryside location.

The site is located within the open countryside rather than on the fringe of a settlement however the site already houses a livery business and the development would be well related to the

existing business. The application has been amended such that the indoor arena would only be used for private schooling and teaching purposes and in association with the attached livery business. In view of this it is considered that the proposed development would not cause disturbance by virtue of noise, smell or traffic generation and would not result in an adverse impact on the occupiers of neighbouring dwellings. The building will provide an opportunity for the exercising of horses kept at the site in a safe and dry environment.

The application proposes the construction of a new access which meets acceptable highways standards and the County Council do not object to the scheme.

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. Notwithstanding the originally submitted details, the indoor arena shall be used for private use only, for the teaching of clients, schooling and training of horses and for use by the owners of horses in livery at the site to exercise their horses.
2. Reason: To protect the amenities of adjoining properties and the locality generally.
3. 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 in writing by the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed.
3. Reason: To prevent pollution of the water environment.
4. Any tanks for the storage of oils, fuels or chemicals, hereby approved, shall be sited on impervious bases and surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks plus 10%. All filling points, vents or gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and be protected from accidental damage. All filling points and tank overflow pipe outlets shall be designed to discharge downwards into the bund.
4. Reason: In the interests of pollution control.
5. Prior to the commencement of development a scheme for the storage of manure shall be submitted to and approved by the local planning authority in writing. The scheme to be approved shall be completed to the satisfaction of the local planning authority prior to the development granted by this consent first being brought into use.
5. Reason: To prevent pollution of the surface water system.
6. Prior to the commencement of development details of the colours of the external finishes to be used on the building shall be submitted to and approved in writing by the Local Planning Authority.
6. Reason: In the interests of the appearance of the area.

7. 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.
7. Reason: In the interests of the appearance of the area.
8. 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.
8. Reason: In the interests of the appearance of the area.
9. Notwithstanding the originally submitted details, this permission shall relate to the amended drawings no.7309/103A, 7309/100/A, 7309/102/A, 7309/101/A.
9. Reason: For the avoidance of doubt, the original submission being considered unacceptable.
10. Any other reasonable conditions recommended by the County Highways Authority.
10. Reason: In the interests of highway safety.

Informatives:

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

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

22/04/2003

Item 1.4**Reg. No.** 9 2003 0158 O**Applicant:**

The Executors Of E H E Holliday
 C/ O P Holliday
 133 Main Street
 Branston
 Burton On Trent
 DE143EY

Agent:

B. Williamson
 Mr. B. A. Williamson
 Genista
 Broomhills Lane
 Repton
 Derbyshire
 DE656FS

Proposal: Outline application (all matters except siting to be reserved)
 for the erection of a detached dwelling on Land Forming Part
 Of The Side Garden Of 37 Mill Lane Hilton Derby

Ward: Hilton

Valid Date: 12/02/2003

Site Description

The site comprises the side garden of the dwelling. Access would be via Mill Lane off Back Lane. There are new dwellings to the east of the site of a new access on Mill Lane and newer houses to the north. Immediately south of the plot is a Severn Trent Water Foul Water Pumping Station and beyond that is a further new dwelling. To the west is the converted mill building now in residential use. The garden land is set about 0.5 metres higher than the cottages.

Proposal

The application is in outline with all matters other than siting reserved for subsequent approval. Two parking spaces would be provided for the existing cottage. An area of the curtilage would be retained as garden for the cottage.

Responses to Consultations

Hilton Parish Council objects to the development because there would be extra vehicle movements on Mill Lane and the County Highways Authority has stated that there would be no further development on Mill Lane (9/1999/0122 refers).

The County Highways Authority has no objection subject to conditions relating to the provision of parking space for the existing cottage, the scale of the access to the new dwelling and the provision of parking space for the new dwelling.

Severn Trent Water has no objection

Responses to Publicity

9 letters from 8 households have been received objecting to the development for the following reasons:

- a) When the application for Farm Close was permitted, the County Highways Authority stated that there should be no more dwellings served off Mill Lane. The proposal would increase the amount of traffic on Mill Lane. The lane is also narrow and in a poor state of repair and has no proper turning space. There has been a radical increase in the amount of traffic using Mill Lane that only used to serve 7 dwellings.
- b) Builders' lorries have, in the past caused damage to the cottages, they would also be a hazard for mothers and young children that use the lane to get to the play area. There would also be a loss of parking provision.
- c) The proposed development would be out of scale with the remaining dwellings and damage the character of the area.
- d) There would be increased use of the foul and surface water system that already cause problems. There is an easement for the sewer that would be breached if the dwelling were constructed.
- e) There would be an increase in overlooking of adjacent dwellings.
- f) There would be increased pressure on the water table and the land drainage situation.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 2, Housing Policy 5

Adopted Local Plan: Housing Policy 5

Emerging Local Plan: Policy H1, ENV 21

Planning Considerations

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

- The development plan
- The access to the site
- The scale of the development.

Planning Assessment

The above mentioned Development Plan policies make provision for brownfield land in Hilton to be developed subject to normal space about dwelling standards, access, the contribution of the site to the character of the settlement and the impact on the character of the area. The proposal falls within the village confine.

The objectors refer to the inadequacy of the access road and the comments of the County Highways Authority reported in 1999, in respect of an application further up Mill Lane. That report referred to the land between the then application site and the boundary of Hilton Depot. In response to the current application, the County Highways Authority has no objection to this development

The site is capable of accommodating the required parking space, as is the cottage. The additional traffic generated by the development would not in itself be a sustainable reason for refusal. It is doubtful whether there is room to accommodate any further development off this cul de sac after the current proposal.

The submitted drawings show a potential dwelling on the site. This would be much larger than the cottages that immediately abut the site. In addition, it may have a floor level higher than those dwellings. Whilst the site is capable of accommodating a dwelling, as shown it might not be satisfactory in terms of its potential scale. Therefore siting and the floor level should be reserved for subsequent approval.

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. Notwithstanding the submitted details, approval of the details of the siting, design and external appearance of the building the means of access thereto 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 including the siting of the development that was not reserved for approval in the application.
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).
3. Reason: To protect the amenities of adjoining properties and the locality generally.
4. Prior to any other works commencing, two replacement car parking spaces shall be provided within the curtilage of the existing dwelling, each space shall measure at least 2.5 m x 5 m, be paved in a solid bound material (ie not loose chippings) and maintained thereafter free of any impediment to its designated use.
4. Reason: In the interests of highway safety.
5. The access to the new dwelling shall have a minimum width of 3.2 m and be paved in a solid bound material (ie not loose chippings) for at least 5 m into the site from the highway boundary.
5. Reason: In the interests of highway safety.

6. Prior to the occupation of the new dwelling, space shall be provided within the plot curtilage for the parking of vehicles in accordance with current standards (ie 2 spaces per 2/3 bedroom dwelling, 3 spaces per 4 plus bedroom dwelling) and maintained thereafter free of any impediment to its designated use.
6. Reason: To ensure that adequate parking/garaging provision is available.

22/04/2003

Item 1.5**Reg. No.** 9 2003 0198 A

Applicant:
 Co-Operative Society Limited
 5 Coleshill
 Tamworth
 Staffordshire
 B79 7HJ

Agent:
 Wildan Sign Services Limited
 Unit 5Plot 7F Claymore
 Tame Valley Industrial Estate
 Tanworth
 Staffordshire
 B77 5DQ

Proposal: The erection of an illuminated sign at Greenfield Store Service Station Main Street Rosliston Swadlincote

Ward: Walton

Valid Date: 20/02/2003

Site Description

The site is an open area of grass and planting to the front of the Co-op shop, which is a single storey brick building.

Proposal

The application is for the erection of a post shop sign measuring 93cm by 75cm and located on a pole measuring 2m in height. The sign would be statically internally illuminated and constructed of aluminium, perspex and vinyl with a steel post. The proposed sign has a white background with blue and green lettering advertising the Co-op late shop.

The proposed sign would be sited in front of the Co-op building set back approximately 2 metres from the edge of the pavement.

Planning History

A planning application for a larger scale, higher sign of the same design to be located on the edge of the pavement was refused at the end of January.

Responses to Consultations

County Highways have no objections to the proposed sign.

Responses to Publicity

Four letters of representation have been received raising the following issues:-

- The sign is not in keeping with the area in terms of height and materials.
- The sign is obtrusive and due to its height will dominate the surrounding area.
- The light of the sign will have an adverse impact on the occupiers of the adjoining dwelling.
- The shop is a small village store which local people are already aware of and village environments should not be subjected to the same advertising as large town centre stores.
- An illuminated sign would be out of keeping with the character of the village and detract from the environment. The need for illumination is questioned, as the store is only open during daylight hours for the majority of the year.
- Only a minor change has been made since the previous application.
- Concern over devaluation of neighbouring houses.

Structure/Local Plan Policies

The relevant advice is:

Supplementary Planning Guidance – Display of Advertisements

Planning Considerations

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

- Impact of the sign on the visual amenity of the village location.

Planning Assessment

The sign has been reduced in size since the previous submission and has been re-sited so that it is not so prominent in the street scene. The proposed sign has been sited so that it relates well to the shop premises, as it is to be located on the grass area to the front of the shop, and will be viewed against the backdrop of a conifer tree and the side elevation of the adjoining dwelling. The siting of the sign ensures that it is not unduly prominent and does not contribute to visual clutter in the street scene.

The sign has been altered in size and shape from the previous submission, the scale has been reduced in terms of the height of the sign and the width so that the shape is of a more traditional pillar sign appearance. The colour, design and materials proposed for the sign are considered acceptable. The sign is not considered to detract from the amenity of its surroundings or be detrimental to public safety.

Recommendation

GRANT permission subject to the following conditions:

1. The advertisement shall be removed and the site restored, to the satisfaction of the Local Planning Authority, no later than five years from the date of this consent, subject to the right to apply for a further period.
1. To accord with The Town and Country Planning (Advertisement) Regulations 1992.
2. The intensity of illumination shall not exceed 700 candelas/sq.m.
2. Reason: To preserve amenity and prevent danger to road users.

3. The illumination of the sign is to be by fixed and constant lights and not by lights which are, or appear to be, intermittent, moving, flashing or vibrating lights.
3. Reason: To preserve amenity and prevent danger to road users.

22/04/2003

Item 1.6**Reg. No.** 9 2003 0277 O**Applicant:**
Mr C Pegg
C/O Agent**Agent:**
Roy Williams
Roy Williams & Company
The Old Manor House
6 Main Street Hartshorne
Swadlincote
Derbyshire
DE11 7ES**Proposal:** **Outline application (all matters except siting and means of access to be reserved) for the residential development of Land Adjacent To Ivy Cottage Common Piece Lane Findern Derby****Ward:** Etwall**Valid Date:** 06/03/2003**Site Description**

The site comprises a narrow strip of land adjacent to the highway. There are hedges on all the boundaries that are overgrown and straggly. Beyond the site boundary is a cemetery and a little further to the south is an area of allotments. Access would be from Common Piece Lane

Proposal

The application is in outline with all matters except siting and access reserved for subsequent approval.

Planning History

Outline permission for the erection of a dwelling on this land was first granted in October 1999. That permission has now expired.

Responses to Consultations

Findern Parish Council supports the objections raised by the local residents.

The County Highways Authority has stated that the site is very tight in terms of manoeuvring space and that a plan should be submitted to demonstrate that appropriate parking and manoeuvring space could be provided.

Responses to Publicity

Five letters have been received objecting to the application for the following reasons:

- a) The plans do not show how narrow the road really is. The road is used by commercial traffic, including large farm vehicles, on their way to maintain power lines and the water treatment works. During construction, delivery lorries would cause a severe obstruction on the lane. This would also obstruct people wanting to get to the cemetery. Another issue is that when weddings and funerals are held, cars can be parked down a substantial length of Common Piece Lane again causing occasional obstructions on the Lane.
- b) The use of the lane would also be disrupted by the work to provide services to the plot.
- c) This is an open area and a pleasant part of the village, the proposed dwelling would interrupt this open aspect
- d) The proposed house would be too tall in relation to the surroundings and the hedges would have to be removed as well. This helps to reduce noise from traffic on the A50.
- e) Parking and manoeuvring space would also be limited and all the proposals would not fit into the space available. There would be difficulty in getting access to the site if cars are parked on the lane. Cars would then be parked on the road, this is already a problem with allotment holders and visitors to the cemetery causing obstructions on the road. The parking area is immediately adjacent to a neighbouring living room window.
- f) Pedestrians, especially children, would be at risk when emerging from the site because of the lack of a pavement.
- g) The proposed dwelling would overlook adjacent properties and result in a loss of privacy. People in the cemetery would also lose a degree of privacy.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 5

Adopted Local Plan: Housing Policy 5

Emerging Local Plan: Policy H1, ENV 21

Planning Considerations

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

- The Development Plan
- Access issues
- The impact on the character of the area.

Planning Assessment

The site lies within the settlement limits of Findern that is a serviced village under the terms of the emerging Local Plan. The development of the site therefore accords with the generality of the policies in the Development Plan. In terms of policies that protect important open gaps within settlements, there are no grounds for protecting this site. The open countryside lies just beyond the boundary and the loss of this site would not materially affect this situation.

The County Highways Authority has raised concern about the ability of the site to allow for the manoeuvring of vehicle and for the provision of parking within the site. A plan has been requested from the applicant to augment that already submitted. The outcome of any results of reconsultation will be reported at the meeting. The County Highways Authority has no concerns about traffic generation from the site.

The site is long and narrow and this narrowness is emphasised by the hedges that border the site. This is similar to the situation that exists with the dwelling immediately to the north of the site. It would be possible to site a dwelling on the land of a scale that would be in keeping with the street scene. This would have to be the subject of a separate application for the approval of reserved matters. It would be at this time that the impact of any proposal could be assessed in relation to neighbouring dwellings. However, the distances between dwellings required by the Council's Supplementary Planning Guidance could be complied with.

The principle of a dwelling on the site is acceptable under the terms of the above-mentioned policies.

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(s), 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. 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).
3. Reason: To protect the amenities of adjoining properties and the locality generally.
4. Reasonable requirements of CHA in response to reconsultation
5. 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.
5. Reason: To ensure that adequate parking/garaging provision is available.

22/04/2003

Item 2.1**Reg. No.** 9 2003 0387 F**Applicant:**

Edward Gildea
 43, Penn Lane
 Melbourne
 Derby
 DE73 1EQ

Agent:

Edward Gildea
 43, Penn Lane
 Melbourne
 Derby
 DE73 1EQ

Proposal: The conversion of a store/garage outbuilding to form two cottages for rent(amended scheme) at Penn Lane Melbourne Derby

Ward: Melbourne

Valid Date: 26/03/2003

Site Description

The property is a converted traditional outbuilding, which is now substantially complete. The works include two rooflights on the east-facing roof slope. These are of modern utilitarian design. The site lies in the conservation area and close to several listed buildings.

Proposal

The proposal is a revision to an existing permitted scheme and effectively seeks to retain the two rooflights as installed.

Applicant's Supporting Information

- a) A 'Conservation Rooflight' would not be large enough to provide ventilation for Building Regulations purposes.
- b) The applicant has been happy to co-operate with officers following the first site visit after commencement of development. Officer comments have been incorporated into the scheme, including the installation of a conservation rooflight at the rear of the property, where it cannot be seen. The applicant would have happily used conservation rooflights in the east roof had he been aware of this requirement.
- c) If different sized rooflights are used this will produce an unacceptable appearance.
- d) The problems therefore stem not from unwillingness to co-operate but a lack of communication on the part of officers between September 2001 and April 2002. In discussions about amendments no reference was made to rooflights and care was taken to undertake no work that officers had identified as contentious. The builder was commissioned on the basis of the discussions. The applicant was not made aware of the list of conditions to be attached to the permission until May 2002.

- e) The total cost to the applicant of replacing the rooflights would be £4036. Given the circumstances of the delays between the submission of the application and the grant of permission this is not reasonable.
- f) There are many examples of comparable buildings in Melbourne Ticknall and Stanton by Bridge, with similar rooflights.
- g) The historical case for using conservation rooflights is debatable. In its advisory booklet on Roofs, The Georgian Group states that dormers are 'always preferable to rooflights'. They make no distinction between conservation and non-conservation types. Dormers would not be appropriate here, but the enforcement of the policy in these circumstances is not reasonable when the architectural merit is in dispute.
- h) The rooflights are not intrusive and cannot be seen directly from the approaches up and down Penn Lane. They are only visible from a position level with building along its side. No adverse comments have been received from neighbours or passers by, although many have complimented the applicant on the improvements to the streetscape.
- i) The principle aim of the applicant has been to make a positive contribution to the heritage of the village and the conversions constitute a vast improvement in this regard.

Site History

Permission to convert the buildings was granted in August 2002 (9/2001/0925/F). The application had been submitted in September 2001. In the interim negotiations on matters of design ensued and amended plans were submitted for consideration, the last of which was received on 25 March 2002. A letter from the applicant's agent was received concurrent with the amended drawings stating that work had commenced. A site visit was made on 11 April 2002 and it was noted that the subject rooflights had been installed. A letter was sent to the applicant on 23 April 2002 pointing out that the grant of permission would include a condition controlling the types of rooflights that would be acceptable. It was pointed out that the rooflights installed were not acceptable and a request was made for their removal.

The delay between receipt of the amended plans and the grant of permission was largely due to the fact that the working file was in use in the interim to monitor the works being undertaken on site. The installation of the rooflights took place very close to the time of receipt of the amended plans, at which time work had already commenced. Therefore the subsequent delay in providing the applicant with the decision notice had very little bearing on the sequence of events after submission of the amended plan. There was regular communication following the first officer visit after commencement of development, after which work progressed in accordance with the Council's objectives for development in the conservation area and with the acknowledged full co-operation of the applicant.

An appeal against the imposition of the condition requiring precise details of the size, type and position of the rooflights has been lodged and statements have been submitted to the Planning Inspectorate.

Responses to Consultations

Any comments received prior to the meeting will be reported verbally.

Responses to Publicity

Any comments received prior to the meeting will be reported verbally.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 5 and Environment Policy 9

Local Plan: Housing Policy 5 & 7 and Environment Policy 12.

Draft Local Plan: Housing Policy 1.

Planning Considerations

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

- The principle.
- Impact on the character and appearance of the conservation area.
- Residential amenity
- Highway safety.

Planning Assessment

The site lies in the defined confines of Melbourne and the principle of development in this location is acceptable.

With the exception of the two rooflights in the east roof of the building the development would enhance the character and appearance of the conservation area. However detail design is important. Where control has been available it has been the consistent practice of the Local Planning Authority to seek to ensure that, where rooflights are to be installed in buildings in a conservation area, they are of appropriate design. Standard modern rooflights are rarely appropriate in such a location. In this case the rooflights are clearly visible, albeit at close quarters, and they have a harmful effect on the character and appearance of the conservation area at a location where there are several listed buildings. Contrary to the applicant's contention, conservation rooflights are available in a wide range of sizes. The use of different sized rooflights would not be harmful if their design were to be appropriate. It is more important to minimise the overall extent of openings in the roof. The site lies within an area subject to a Direction under Article 4 of the Town and Country Planning (General Permitted Development Order) 1995. This Order was made in 1991, concurrent with a grant scheme that resulted in a considerable public investment in the fabric of the conservation area. The Article 4 Direction seeks to ensure that changes that could affect the character of individual buildings are brought under control, to ensure that alterations to private property complement the works funded by the grant scheme. This control affects rooflights where they would materially affect the appearance of a building. It is likely that the other examples cited by the applicant either predate the Article 4 Direction or are in areas that are not affected by such a Direction and are therefore permitted development. This does not diminish the importance of detail design to this part of Melbourne.

The supplementary planning guidance in Historic South Derbyshire refers to the need to minimise alterations the existing fabric when converting a building. With regard to rooflights the guidance seeks to make them unobtrusive.

There would be no adverse impact on neighbours or highway safety.

Whilst the sequence of events leading to the installation of the rooflights is regrettable it is nevertheless incumbent on the applicant to ensure that the legal basis to proceed with development is in place.

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

Subject to consideration of any further responses within the publicity period (25 April 2003)
REFUSE permission for the following reason:

1. The rooflights, being of modern design, are not in keeping with this historic converted former agricultural building to the detriment of the character and appearance of the designated Melbourne Conservation Area, contrary to the following development plan policies: Derbyshire Structure Plan Environment Policy 9; and South Derbyshire Local Plan Environment Policy 12.

22/04/2003

Item 2.2**Reg. No.** 9 2003 0128 F**Applicant:**

Trustees Of The Lullington Trust C/O
 FPD Savills
 Wytham Court
 11 West Way
 Oxford
 OX2 0QL

Agent:

M C Tuely
 FPD Savills
 Wytham Court
 11 West Way
 Oxford
 OX2 0QL

Proposal: The erection of a new farm building at Limes Farm
 Lullington Swadlincote

Ward: Netherseal

Valid Date: 12/02/2003

Site Description

The site is set forward of the existing farm buildings, a conifer hedge marks the front boundary of the site with the road. The site is currently occupied by a traditional agricultural building and an area of open grass to the front of the building. The building is in a poor state of repair and Conservation Area Consent has been granted for its demolition.

Proposal

The application is for the construction of an agricultural building measuring 24m by 20m and 9m in height to the ridge. The proposed building would be constructed of facing bricks on the lower sections of the visible walls and concrete block on the south elevation wall with green coloured fibre cement cladding above and slate blue coloured fibre cement cladding on the roof.

Applicants' supporting information

A Health and Safety Report has been submitted with the application for Conservation Area Consent for the demolition of the existing agricultural building, however no supporting statement has been submitted with this proposal.

Planning History

An application for the construction of an agricultural building in a similar location was refused in 1998 and dismissed at appeal.

Responses to Consultations

None.

Responses to Publicity

None.

Structure/Local Plan Policies

The relevant policies are:

Local Plan: Environment Policy 12.

Draft Local Plan: Policies ENV 7 and ENV 20.

Planning Considerations

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

- The impact of the proposed building on the character and appearance of the Conservation Area.

Planning Assessment

The proposed location of the building is a prominent position within the conservation area in front of a group of traditional farm buildings. This siting would impede views from the village of the historic farm group and visually disconnect the group to a degree from its village setting. This siting would therefore be detrimental to the character and appearance of the conservation area and contrary to the provisions of Environment Policy 12 of the Local Plan.

The proposed building is of a large scale and would be constructed of brick, block and cladding. The development would result in the loss of a traditional brick building which forms part of the grouping of buildings and is in a poor state of repair. Because of its scale, design and materials, the proposed replacement would not respect the architecture of the adjoining traditional buildings and would have an adverse impact on the character and appearance of the conservation area.

Recommendation

REFUSE permission for the following reasons:

1. The proposed building by reason of its design, scale, siting and materials would be detrimental to the character and appearance of the conservation area contrary to Environment Policy 12 of the South Derbyshire Local Plan and Environment Policy 9 of the Joint Structure Plan.

ANNEX A - COPY OF PREVIOUS REPORT

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.

