

PLANNING\_ – All matters have been referred to the Planning Committee and their comments appear in italics below, the Committee meet fortnightly 5pm, in the Douglas Room, Barton Village Hall. Please contact the clerk for dates should you wish to attend any Planning Meetings

1. 22/00659 - Palmer Close Garage Site : Demolition of existing garage block and erection of one detached dwelling. Revised application – *no objections*
2. 01107 - The Cherries, 170 Main Street : Erection of a single storey side and rear extension, external alterations to include render to the front  
*SP24 requires development to contribute positively to the area in which it is proposed. This includes respecting the historical environment and using heritage assets to their best advantage.*  
*The site adjoins to the conservation area and the adjacent building within the area is Knoll Lodge, a typical 19th century construction with a prominent pitched roof.*  
*The applicant's heritage statement mentions significant attention given to the design and visual appearance of the proposal but gives no explanation of why this design was chosen rather than a pitched roof, similar to the existing bungalow, with rooflights, was not considered. We consider a pitched roof more in keeping with the area and with no explanation as to why it was not chosen, we object to this application in its current form.*  
*We also note that the application form states that there will be no disturbance to any hedges. As the east wall of the proposed extension appears to be on the property boundary, which is marked with a substantial hedge, we doubt there can be no impact on this hedge and feel this should be addressed in the application.*  
*We are aware that in times of heavy rainfall the rear garden of this property is affected by surface water run-off from the higher ground to the north and this may need to be considered by the developer.*
3. 00918 - Barns at Forest Thorn Farm, Scotch Hills Lane : Erection of a detached double garage to serve Plot 3  
*We have struggled to see the reason for this application as the drawings and site plan are those submitted with the original application in August. We would appreciate some clarity on the reason for this application.*  
*Close examination of the drawings however does raise a question over the orientation of the garage. The plan does not make clear in which direction does the front face. It could potentially be facing hedging or the site boundary. From the side elevations it is clear that the ridge line of the roof is not central though on the site plan it is shown as central. This should be clarified.*  
*The original covering letter refers to the proposed construction just as, "garage.". The new covering letter offers more information on the proposed use of the construction:*  
*"The garage is to be used for purposes incidental to the enjoyment of the dwelling to be provided on Plot 3 only, which can be controlled by an appropriately worded condition."*  
*This now appears to indicate a use not solely confined to the housing of two motor vehicles. We would like to see an "appropriately worded condition" making it clear that the construction may not be used for any purpose other than garaging vehicles without further planning approval*  
*ESBC Planning Response - I would confirm that the application has been amended from a S73 application (amendments to P/2020/00451) to a full application of its own.*  
*The garage block approved under P/2020/00451 was removed from the scheme therefore to now replace it with a different garage in a revised location requires full planning consent rather than an amendment to the original approval.*
4. 01189 - Flat 1, Barton Lodge : Reduce northern lateral spread off neighbours' garden 1.5-2m back to border, reduce southeastern lateral spread 1-1.5m back from building, crown raise low hanging secondary laterals to 3m from ground level, remove deadwood 3m diameter and greater of 1 Ash tree (T12) and re-pollard at 3m of 1 Pear tree (T13) – *no objections*
5. 01191 - 29 Efflinch Lane : Re-pollard back to original pollard points of one Lime tree (TPO58)  
*This tree is a prominent position and provides a valuable addition to the amenity area in Efflinch Lane and the adjacent Fishpond open space. Whilst we have no objection in principle to necessary work to this tree, we note the lack of any reason for what is proposed. The application form indicates the tree is not diseased or dangerous and not damaging property.*  
*As the tree is subject to a TPO we would expect a report from an arborist to accompany the application to justify the proposed work. Tonks Brothers Tree Services are acting as agents in the application and could no doubt readily supply such a document.*  
*This could then be assessed by the council tree officer.*  
*We therefore object to the application in its current form.*
6. 01234 - Midlands Co-operative Society, Crowberry Lane : Laterally reduce by 2m and crown raise to give 6 meters clearance over access, 2m clearance from top of archway of a group of Sycamore trees (G1)  
*The proposal is to laterally reduce the crown by 2m so as to provide a 6m clearance for archway access from Main Street to the rear service yard (NB. the trees are located in the grounds of the adjacent property and hence not owned by the applicant).*

*From the information and the photographs provided, as this is a grouping of trees, it is not clear which specific trees will be subject to the proposed lateral reduction. For the avoidance of doubt, some clarity on this issue would be helpful. Again, from looking at the photographs we feel that the reduction of 2m leading to a 6m clearance may be disproportionate to the nature of the problem which the Co-op wants to tackle. Looking on site from the Village Hall car park into the service yard it appears that only one branch might be affected. We would, therefore, suggest that any permitted work should only relate to the offending overhanging branches onto the archway or the access and no others. We are fearful that any work other than this would have a detrimental effect on the trees and consequently an impact on the street scene.*

*We recently enquired about the scoring process for assessing the value of a tree in a conservation area and the criteria involved for the making of a TPO. We were kindly provided with a copy of the TEMPO Tree Evaluation Method for Tree Preservation Orders. Reading through this document, four main areas of concern are identified, (a) condition (b) retention span (c) relative public visibility and (d) other factors. From our assessment, and without access to any expert evidence, we feel that the condition of the tree(s) is good, and they appear to be in good health. Certainly, there is no indication, from the information provided, that the tree(s) have any defects or are dead, dying or dangerous. These are sycamore trees and according to the TEMPO guidance can have a life span of between 200 to 300 years, so we assume that they will have a long life. (We were recently made aware, through the national press, of the contribution that a sycamore tree can make to the character of an area by the felling of such a tree at Hadrian's Wall).*

*It is the Parish Council's view that these trees make a considerable contribution to the street scene in this part of the conservation area. The visibility value is admirably demonstrated when you look at Street View on Google Earth, showing them in full leaf. We believe the character of the conservation area and the street scene would be much poorer and bereft without them. We are not aware of any immediate threat to the trees other than the present planning application. And in this regard, we have suggested above that any work should be minimal and restricted solely to addressing the overhanging concerns which may be impeding access to the rear yard. The cohesion of these individual sycamore trees is greater than the sum of its parts, particularly as the trees also contribute to the setting of the adjoining listed building at 78 Main Street. We would also suggest that the location of the trees help to integrate a more modern building such as the Co-op into the street scene and as such they enhance the conservation area.*

*We understand that in assessing work to trees in conservation areas the LPA has limited powers, which are restricted to objecting to the work by making a TPO or allowing the work to take place. We would like to recommend that a TPO be made in this case in order to maintain the tree(s)' visual amenity to the benefit of the conservation area and the setting of 78 Main Street. Indeed, the contribution that these trees make to the setting of the listed building may be justification in and of itself for the making of a TPO. Should ESBC decide not to make a TPO then we would request that an explanation as to the reason why, in accordance with the TEMPO criteria, be given in the case officer's report instead of the rather empty justification provided in previous reports that 'a tree didn't score highly enough'.*

7. 01204 - 82 Wales Lane : Demolition of existing side/rear lean-to extension and retention of single storey side/rear extension, first floor rear juliette balcony and erection of front porch – *no objections*
8. 01158 - Silverhill Court, Barton Gate : Conversion and extensions to existing outbuilding to form an annexe including demolition of existing buildings – *Objection:*

*This proposal is for the change of use and conversion and extension to existing outbuildings within what is described as a walled garden area to form an annex to the existing property at Silver Hill Court. The location lies close to Barton Gate and consequently outside the settlement boundary of the village. The proposal also includes demolition of an existing greenhouse which backs onto the north-western side of the garden wall to be replaced by a low-profile L-shaped structure which will provide living and dining space. The proposal also involves the partial demolition of the garden wall so as to provide access to an adjoining single storey structure, for bedroom space, so that the entire proposal forms three sides of a courtyard. The construction of this part of the proposal is effectively built on the other side of the wall, currently used as another outbuilding.*

*The Planning Statement says that the annexe is required to permit the applicant's family to provide care for their elderly relatives. The existing Silver Hill Court house appears – from the 1884 OS extract - to have been built in the grounds and to the north-east part of the Silver Hill Hall Estate. The buildings, subject of this application, are separated from and located to the north-west of this property.*

*We had always considered that the term "annexe" related to a building that adjoined an existing building. In this case, however, the location of the outbuildings lie within the grounds of the property albeit some distance removed and certainly not adjacent. This problem of interpretation leads to some confusion with regard to the application of appropriate planning*

*policies. We think that the main issues relate to Policies SP 24 High Quality Design, SP 8 Development outside settlement boundaries and Policy DP 3 regarding the design of new development.*

*We feel that the low-profile design generally reflects the character of the outbuildings of the walled garden area and provides a coherent courtyard solution. In particular, we applaud the sensitive retention of the garden wall which has been integrated into the design. So, all in all, we feel that the proposal meets the requirement of Policy SP 24 to make a positive contribution to the area.*

*Policy DP 3 sets out guidelines for extensions to existing properties which fall outside settlement boundaries. These may be permitted if they are modest in relation to the size of the original dwelling or where it is necessary to improve a substandard dwelling. There is no information about the standard of the existing dwelling, so we assume that this criterion does not apply. The proposal may be modest in relation to the existing property, but the existing Silver Hill Court does look pretty large in the first place, so this begs the question as to what size might be regarded as modest in order to meet the terms of the policy. And because the proposal is located at some distance removed from the main property, we have difficulty in identifying this proposal as an extension.*

*Policy DP 3 also allows for the construction of buildings within the curtilage for uses that are ancillary to the dwelling. Well, this proposal is certainly within the curtilage as defined by the red lined boundary on the location plan, but because it is for another residential use then this would not normally be described as ancillary.*

*So, although, Policy DP 3 may appear at first sight to be the most relevant we have to conclude that it does not seem to apply in this case. By process of elimination, we are left to conclude that this proposal needs to be seen as a new residential use outside the settlement boundary of the village, and effectively in the open countryside, albeit within the grounds of existing buildings. The fact that this is a conversion of existing outbuildings does not come into play as no evidence has been provided that these building could not continue to be used for good purpose. We understand that the Re-use of Rural Buildings SPD requires applicants to investigate whether uses other than residential have been investigated. There appears to be no evidence that this has been undertaken. Policy DP 14 seems to relate to the re-use of rural buildings for farm diversification purposes, so this does also not apply in this case. The criteria for development within Policy SP 8 are intentionally restrictive and with good reason if the objectives of the development strategy are to be achieved. We cannot see that a case has been made for any overriding need for this proposal. In addition, a residential use can surely not be justified it in terms of being otherwise appropriate in the countryside.*

*Whilst we have some sympathy with what the applicants are trying to achieve and we have no real concerns with the design, we just cannot see how it can be meet the requirements of Policy SP 8 for development outside settlement boundaries and we must, therefore, object accordingly. If, however, ESBC is mindful to approve the proposal, in view of the compassionate case made by the applicants, we feel that it would be appropriate to recommend that a condition be applied that the resulting residential use should not be sold off separately from the main house.*

9. 01277 - Pear Tree Cottage, 2 Main Street : Felling and stump grind to 1 x Rowan Tree

*The tree is situated in the rear garden of Pear Tree Cottage on the boundary with what appears to be 6 Main Street.*

*We agree with the applicants that the bifurcation of the trunk close to ground level means that the tree is unhealthy and could potentially cause the trunk to split apart. We would, therefore, support the proposal for its removal. However, we are concerned that in view of recent approvals for work for either the removal or other work to trees in this neighbourhood, then we feel that the integrity of the conservation area is being gradually eroded and diminished. Whilst we realise that the LPA has no powers of compulsion, we feel it would be appropriate if a suggestion was made to the applicants that a replacement tree was provided, as it would be nice to see property owners replace trees and so maintain the character of the conservation area.*

*We would suggest that a replacement tree might include a John Downie crab apple tree or indeed, rather appropriately, an ornamental pear tree Pyrus Chanticleer.*

10. 01094 - 11 Westmead Road : Installation of two roof dormers to the front – *no objections*

9. 01184 - 3 The Green : Erection of a part first floor part two storey side extension and a single storey rear extension including render of all elevations – *no objections*

01302 - 20 Station Road : Felling of one Yew tree (T1)

*The applicant states the tree is within a conservation area and is subject to a TPO. The application form states the tree is in*

*good health, not in any danger and not causing damage to any structure. The evidence required for an application for work to a TPO tree is not provided.*

*The tree is clearly visible from Station Road and is of a size to make a valuable contribution to the visual amenity of the area. In good health it is capable of living and contributing this value for many years to come. If it is not currently subject to a TPO then, looking at the TEMPO information, with which you kindly supplied us, it is a prime candidate for preservation. In view of the immediate danger of felling made clear by this application an urgent TPO seems to be clearly indicated in this case. We therefore ask for this tree to be protected by a TPO.*

10. 01270 - 22 Meadow Rise : Erection of a two storey front, side and rear extension and single storey rear extension, new pitched roof to front of property and driveway amendments – *no objections*
11. 01340 - River Trent and Walton on Trent Bypass - Scoping Opinion

#### ESBC Decisions – Permissions Granted

12. 22/00659 - Palmer Close Garage Site : Demolition of existing garage block and erection of one detached dwelling. Revised application
13. 00793 - Unit 1 3, Bell Lane : Conversion and alterations to existing workshops to form 2 no residential dwellings including rooflights to Dwelling A and single storey rear extension to the adjacent dwelling, Croft Side and external staircase to garage to Dwelling B
14. 01189 - Flat 1, Barton Lodge : Reduce northern lateral spread off neighbours' garden 1.5-2m back to border, reduce southeastern lateral spread 1-1.5m back from building, crown raise low hanging secondary laterals to 3m from ground level, remove deadwood 3m diameter and greater of 1 Ash tree (T12) and re-pollard at 3m of 1 Pear tree (T13)
15. 01234 - Midlands Co-operative Society, Crowberry Lane : Laterally reduce by 2m and crown raise to give 6 meters clearance over access, 2m clearance from top of archway of a group of Sycamore trees (G1)

#### Correspondence

16. Response from Naomi Perry, Planning Manager to BPC various letters - attached.