

29/10/2002

Item 1.6**Reg. No.** 9 2002 0622 F**Applicant:**

Henry Boot Homes Limited
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Vernon Gate
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Derbyshire
DE1 1UJ

Agent:

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Proposal: The erection of 65 dwellings at Land At Coronation Street
Swadlincote

Ward: Swadlincote

Valid Date: 17/06/2002

Site Description

The site is currently a playing field, bounded to the south and east by existing residential development. The site is elevated relative to recently built housing at Middle Close and Little Close to the south and to the classrooms at Pingle School. The site is slightly lower than properties in Darklands Road and significantly lower than new residential development under construction in Coronation Street. There is a significant amount of tree and hedge planting to the east and south boundaries. A steel palisade security fence presently encloses the site.

Proposal

65 dwellings are proposed comprising 13 two bedroom, 9 three bedroom and 43 four bedroom units on a site area of 2.2 hectares. An area of public open space (2030 sq. m) and existing tree planting that would be within the gardens of the new dwellings combine to form a total planted area of 3310 sq. m (15 %).

Applicant's Supporting Information

A letter from the Headteacher at The Pingle School is attached confirming that the construction phase of new playing fields is underway. The new playing fields cover a larger area and are of superior quality to those previously used by the school (i.e. the application site). The new playing field will be ready from Spring 2003. In the interim the school is using alternative facilities.

Site History

Outline permission was previously granted for development of land to the south-west of the school. This permission was not implemented and is now the subject to development of the new playing fields to which the Headteacher has referred above.

Responses to Consultations

Sport England raises no objection on the basis that the replacement playing field would be equivalent or better.

Severn Trent Water Limited has no objection in principle.

The National Forest Company recommends 15% tree coverage for the site in accordance with its policy and suggests garden tree planting to give a wooded feel to the development.

The Highway Authority has detail comments in respect of the layout but raises no objection in principle.

The Environmental Health Manager recommends the carrying out of contaminated land site investigation because of the presence of former mine workings in the area. Any remedial measures should be undertaken before the commencement of development.

The Environment Agency seeks a sustainable surface water drainage scheme, retaining all surface water on site to prevent flooding.

Responses to Publicity

A petition of 53 signatories has been received from residents of Middle Close Little Close and Yard Close raising the following objections:

- a) The residents of Middle Close would be overlooked and overshadowed by the development because the application site is significantly higher, causing loss of light and privacy.
- b) The removal of the boundary hedgerow would result in detriment to wildlife and loss of privacy. The Council has already cut down a hedgerow in Middle Close resulting in loss of privacy trespass damage and loss of wildlife.
- c) There would be increased noise and pollution.
- d) Local services (schools medical and dental) cannot support additional housing.
- e) The loss of the playing field would deprive future generations of the facility.

6 individual letters have been received objecting as follows:

- a) There would be additional noise congestion and danger from additional traffic and more disturbance from the speed humps in Darklands Road.
- b) Local services (medical and schools) cannot cope with more development.
- c) Existing trees hedges and the perimeter security fence should be retained.
- d) There would be loss of views and reduced property value.
- e) There should be more space between the development and existing houses.
- f) Street lighting would harm the amenities of existing residents.
- g) There would be increased disturbance.
- h) Compensation should be paid.
- i) There would be overlooking and loss of privacy.
- j) There would be loss of a playing field.
- k) There could be damage to neighbouring properties as a result of development in an area of former mining.
- l) Bungalows would be better.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 1 & 3, Housing Policy 3 and Environment Policy 16.

Local Plan: Housing Policy 4, Environment Policy 10 and Recreation and Tourism Policy 4.

Planning Considerations

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

- The principle of development.
- Residential amenity.
- Highway safety.
- Playing fields.
- Local services.
- Drainage
- Contaminated land
- Landscaping and amenity open space.

Planning Assessment

The site is a brownfield site in the heart of the urban area. As such residential development in this location accords with the general development and housing policies of the development plan and government advice in PPG3, which encourages the best use of previously developed land. The development proposes a mix of small and larger houses. This meets the needs of the locality where there is no pressing lack of affordable housing. Housing density would be 30 dwellings per hectare in accord with PPG3.

The development complies with the supplementary planning guidance on space about dwellings. The dwellings most sensitive to impact on this regard are in Middle Close and Little Close, because existing levels of the application site are considerable higher than the neighbouring dwellings. The applicant had addressed this problem by lowering the levels of the application site so that overlooking between existing and proposed ground floor windows would be screened by 2.1 metre high fencing. Views of the existing properties would be available from first floor windows but this situation is acceptable in terms of the supplementary planning guidance.

There is no evidence that the development would have a material impact on highway conditions relating to the existing road network. The development generally conforms to Roads in Housing. However the smaller house types are provided with 1.5 car parking spaces per dwelling in communal areas. The normally sought provision for this authority is 2 spaces per dwelling but the applicant's proposals accord with government advice in PPG3 and are thus acceptable.

The site is an alternative site to one that has previously been subject to the grant of planning permission. The existing playing field would be replaced on that land by an enhanced facility. As such the loss of the existing playing field is compensated for and PPG17 advises that this is acceptable.

Other authorities have a statutory responsibility to provide public services, such as health and education. In certain strategic situations it is appropriate to plan new facilities to meet an

incoming population but in this case, with a development of such modest scale, it is not appropriate to attempt to address existing shortfalls.

It appears unlikely that the development will meet the Environment Agency's objectives for sustainable drainage. However this is one of a number of material considerations and the desirability of providing housing on a brownfield site outweighs the desirability of a self contained surface water drainage scheme in this instance. Engineering means can be used to control runoff from the site and the use of an appropriate condition would enable the impact of drainage to be minimised.

A report on contamination has been produced by the applicant, which shows that the land is not contaminated and no remedial measures are thus proposed.

The amount of proposed open space is in accord with normal standards of 0.8 hectare per 1000 population. In accord with the policy of the National Forest it is proposed to plant this with trees. Existing trees around the perimeter of the site complete the objective of securing 15% tree cover for the site. There is no need to provide additional playing fields in this locality, particularly having regard to The Pingle School's proposals as detailed above. The applicant is prepared at this stage to agree the commuted sum for future maintenance of the public open space under Section 106 of the Town and Country Planning Act 1990.

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 the applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to pay a commuted sum in respect of the maintenance, for a period of ten years, of the public open space **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, this permission shall relate to the amended drawing nos. BH12234/25 Rev C received 26 September 2002; BH 12234/01 Rev A, BH12234 04, 256BdB/01 Rev E, 245LaB/01 Rev G, 232LeB/01 Rev B, 228HmB/01 Rev J, 216WiB/01 Rev F received 9 October 2002.
2. Reason: For the avoidance of doubt, the original submission being considered unacceptable.
3. 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 the case of dwellings of three bedrooms 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 the case of dwellings with three bedrooms), 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.

3. Reason: To ensure that adequate parking/garaging provision is available.
4. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.
4. Reason: To safeguard the appearance of the existing building and the locality generally.
5. 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.
5. Reason: In the interests of the appearance of the area.
6. 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.
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 work shall take place on the site until details of a scheme for the disposal of surface water have been submitted to and agreed in writing by the Local Planning Authority. None of the dwellings shall be occupied until the drainage scheme has been implemented in accordance with approved details.
8. Reason: In the interests of flood protection.
9. No work shall take place on the site until details of a scheme for the disposal of foul water have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.
9. Reason: In the interests of pollution control.
10. 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).
10. Reason: To protect the amenities of adjoining properties and the locality generally.


11. No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the existing and proposed levels and contours to be formed, showing the relationship of the proposed mounding to existing vegetation and surrounding landform.
11. Reason: In the interests of the appearance of the area.
12. Any other reasonable conditions recommended by the County Highways Authority.
12. Reason: In the interests of highway safety.

Informatives:

To note and act upon as necessary the comments of the Coal Authority (see attached letter).
 Responsibility/Liability for Safe Development (DISCLAIMER)

The landscaping and boundary treatment required pursuant to Conditions 5&6 shall incorporate measures to screen the development from the adjacent classroom block at The Pingle School.



 <p>South Derbyshire District Council Civic Offices Civic Way Swadlincote DE11 0AH</p>		Date Plotted 8/11/2002	NORTH ↑
	Pingle School	Plot centred at 429556 320127	Scale 1:1250
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