

23/03/2004

Item 1.1

Reg. No. 9 2003 1460 F

Applicant:

Stubbrook Developments
C/O Ellastone Old House
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Ashbourne
Derbyshire
DE62GZ

Agent:

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Proposal: The erection of fifteen dwellings Yew Tree Farm The Hays
Hatton Derby

Ward: Hatton

Valid Date: 05/12/2003

Site Description

The site comprises the former farmyard to Yew Tree Farm. To the north is a major drainage channel and to the west is a drainage ditch demarcated by a hedge. There are dwellings to the south and east. The site and its surroundings are at or about the same level as each other.

Proposal

The application has been amended since submission. It is now proposed that the site accommodates 16 dwellings and access would be from an adopted road off the turning head to The Hays. The development would be a mix of terraced and semi-detached three bedroom dwellings.

Applicants' supporting information

The applicant has requested that as a replacement bridge is now no longer proposed and this represents a significant saving to this Authority in terms of the flood relief works to be undertaken, then the obligation to provide £2000 per dwelling towards those works be discharged.

Planning History

The site has outline planning permission for residential development that is tied to a planning agreement to provide £2000 per dwelling towards flood alleviation works in the vicinity of the site. This followed a refusal of planning permission in 2001 where the Committee sought to restrict the possibility of future flooding of the village.

The site previously operated as a working farm and there were permissions in the 1980's for residential development and for the conversion of outbuildings. None of those permissions have been implemented.

Responses to Consultations

The following responses relate to the second amendment made by the applicants. Responses to the last amendment will be reported to the meeting if available.

Hatton Parish Council has objected to the original proposals as the development boundary extended beyond the watercourse and that may encourage further development outside the village boundary. The density of the housing also is a cause for concern because of the potential for increased flooding. The Parish Council would need to be satisfied that the development would not exacerbate the current flooding/sewerage problems in the area.

The County Highways Authority had concerns about the initial layout, the applicant's had a subsequent meeting with the County Council and the new plan now meets the County Highways Authority concerns subject to some relatively minor technical amendments.

The Environment Agency had concerns about the proximity of the dwellings on Plots 1 and 2 to the watercourse. The latest amendments should meet those concerns but comments will be reported if available and there are no objections to the proposals subject to the conditions below.

The foul and surface water disposal details have been submitted and the final comments of Severn Trent Water are awaited.

The Council's land drainage officer has noted that the larger of the two bridges has been omitted from the scheme. Whilst there was a prospect of this bridge having to be replaced, its removal would not provide sufficient justification for the waiving of the financial contribution set out in the outline planning permission. Flow rates to the brook from the site have been agreed with the developer.

Responses to Publicity

One letter was received in response to the original submission that objected because there may be a precedent set if access is allowed over the bridge; the proposed access could be hazardous off The Hays and there is concern about the surface and foul water drainage in the village. Any further comments received during the requisite period will be reported to committee.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Housing Policy 5

Local Plan: Housing Policy 5

Emerging Local Plan: Policy H1 and ENV 21.

Planning Considerations

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

- The development plan

- The design and layout of the site and buildings
- The highway issues
- The Section 106 contribution

Planning Assessment

The site lies within the built confines of a serviced village, the site has had a mixed use in the past and qualifies as brownfield for the purposes of Policy H1 of the emerging Local Plan (and therefore Planning Policy Guidance Note 3).

The site is being used to optimise the space available. 15 dwellings on 0.33 hectares represent a density of 45 dwellings to the hectare. This does have some consequences in that there are 2 dwellings that have a garden depth of only 3 metres. However, these gardens back on to the fields to the north and it is unlikely that this land would be developed.

There is a row of dwellings proposed adjacent to a bungalow on The Hays. This has a substantial row of leylandii trees along its boundary and the main habitable rooms look away from those dwellings. Thus, the occupiers should not suffer loss of privacy or substantial light. The dwellings to the south and south-west are either sufficiently far away from the flank of the proposed dwellings or they do not overlook the houses.

The houses would each have parking areas allocated to them to meet the Council's standards. In the main, the allocated parking spaces would occupy the frontage of each dwelling.

The design of the dwellings is generally acceptable, but there is an element of exposed wood in the gables. This would be incongruous in terms of the local vernacular. The applicants are also proposing materials that would match the existing buildings around the site. This would not be appropriate, as this site should stand in its own right as a modern development with its own character. A condition declining the materials is recommended.

The current Section 106 Agreement (as agreed under the existing outline permission) requires a contribution of £2000 per dwelling towards the flood alleviation scheme. The applicants originally proposed that they demolish and reconstruct a bridge from the site into the fields on the north of the site. This would have reduced the amount of money spent by the Council meaning that more could have been spent on the rest of the scheme. However, the bridge no longer forms a part of the proposals and the applicants would therefore be only faced with the cost of removing the existing bridge. There would still be a saving to the Authority in carrying out the drainage scheme, as the structure would not be rebuilt and these monies can be reallocated to other infrastructure costs associated with the scheme.

In the light of this, the developer's request for a release from the 106 Agreement can be accepted and the Committee is recommended to resolve to this effect. In view of this, there is no need to require a fresh Agreement under the auspices of this application if Members choose to grant planning permission.

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. Notwithstanding the submitted details, the gable ends of the dwellings shall be constructed solely in brick and there shall be no exposed timber. For the avoidance of doubt, the verges and eaves shall be constructed in brick, upper floor windows shall be located under the eaves and window and doors on the ground floor shall be provided with arched heads rather than the soldier course indicated on the submitted drawings.
2. Reason: In the interests of the appearance of the area and to reflect the vernacular of the locality generally.
3. Notwithstanding the submitted details, 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.
3. Reason: To safeguard the appearance of the existing building and the locality generally.
4. Notwithstanding the originally submitted details, this permission shall relate to the following drawing nos. SBD/1C; /4A/1 & 2; /5A; /6; /7; /8 and /9.
4. Reason: For the avoidance of doubt, the original submission being considered unacceptable.
5. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
5. Reason: In the interests of the appearance of the area.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
6. Reason: In the interests of the appearance of the area.
7. 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.
7. Reason: To ensure that adequate parking/garaging provision is available.

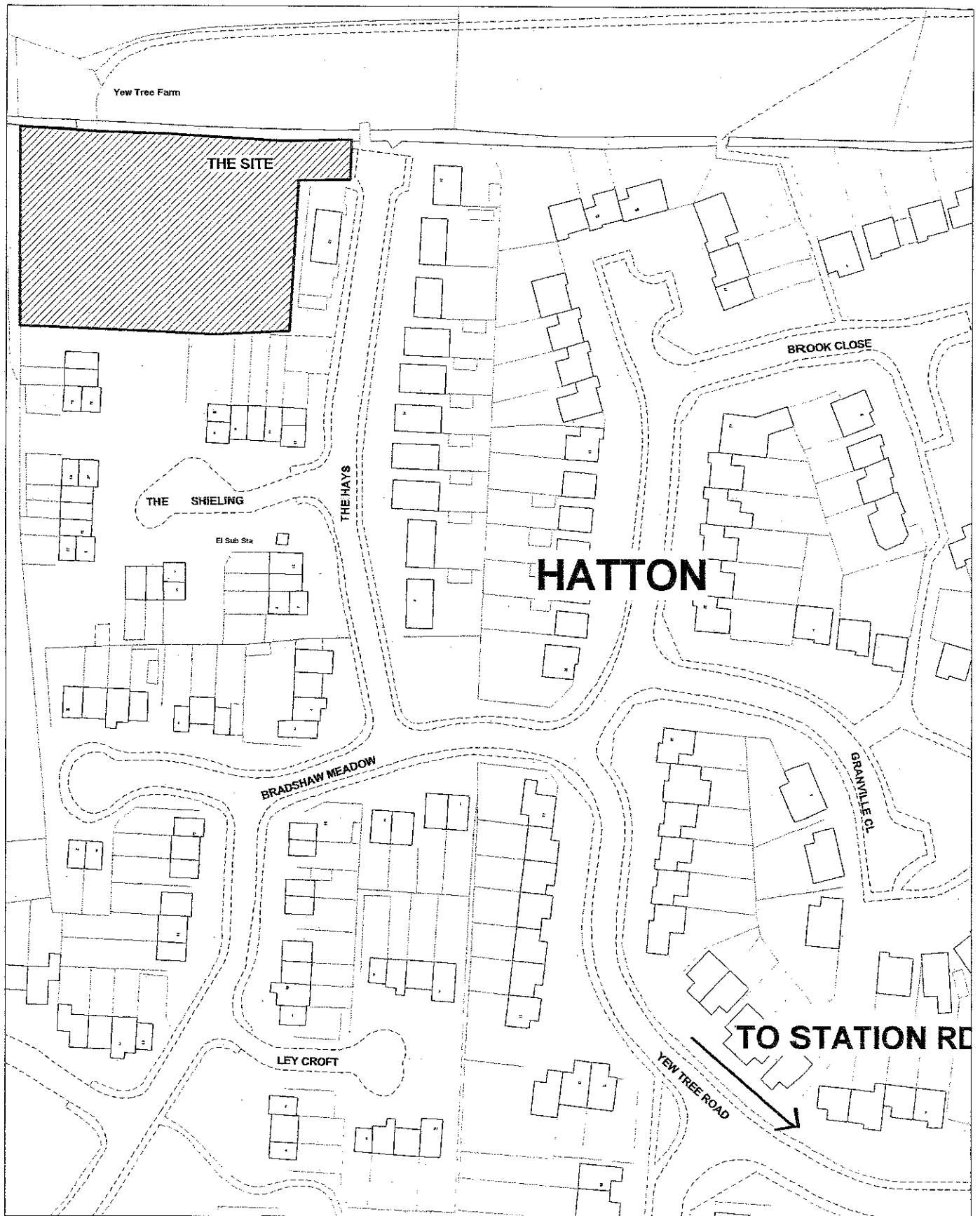
8. Before any other operations are commenced, a temporary access shall be formed into the site for construction purposes, and space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring for site operatives and visitor's vehicles, loading and unloading of goods vehicles, all in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.
8. Reason: In the interests of highway safety.
9. No work shall take place on the site until an adequate site investigation and assessment of contamination and the measures to be taken to avoid risk to people or the environment has been undertaken and submitted to the Local Planning Authority, and the development shall incorporate any measures shown in that assessment to be necessary for the removal or containment of any contaminated material when the site is developed.
9. Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.
10. No dwellings shall be occupied until the proposed estate street has been laid out in accordance with the application drawings (as amended), to conform with the County Council's Roads in Housing design guide, and constructed to at least base course level, drained and lit in accordance with the County Council's Specification for Housing Development Roads.
10. Reason: In the interests of highway safety.
11. Notwithstanding the details on Drawing SBD1/C the bend at the turning head of The Hays shall be provided with a 10 metre centreline radius.
11. Reason: In the interests of highway safety.
12. The intermediate radius from the cul de sac at Plot 9 shall be provided with a similar radius as required at Condition 11 above and the parking spaces to plot 2B shall be provided with a splayed entry.
12. Reason: In the interests of highway safety.
13. Before occupation of the first dwelling, a scheme for disposal of highway surface water shall be carried out in accordance with a scheme first submitted to and approved by the Local Planning Authority in writing.
13. Reason: In the interests of highway safety.
14. Before any operations commence involving the movement of materials in bulk to or from the site, facilities must be provided and used to prevent the deposition of mud or extraneous material on the public highway.
14. Reason: In the interests of highway safety.

Informatives:

Pursuant to Section 184 of the Highways Act, at least six weeks prior notice shall be given to the County Council's Area Manager South East before commencement of works within highway limits for the construction of the access into the site.

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The structural design of any retaining walls or supporting structures adjacent and supporting the highway must be submitted to and approved by the Highway Authority. Such structures will become part of the maintainable highway and are subject to a commuted sum to cover the cost of future maintenance.



**South Derbyshire
 District Council**
 Civic Offices
 Civic Way
 Swadlincote
 DE11 0AH

**YEW TREE FARM
 THE HAYS
 HATTON 9/2003/1460**

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 South Derbyshire District Council

Date Plotted 2/4/2004

NORTH ↑

Plot centred at 428536 325343

Scale 1:1250

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