

Item **1.4**

Reg. No. **9/2006/1210/MD**

Applicant:

Living By D'zign
Pride Park
Derby
DE1 8AJ

Agent:

Architects LE1
38 Nelson Street
Leicester
LE1 7BA

Proposal: **Approval of reserved matters of application
9/2005/0510/M for the erection of 21 houses on Land To
The South Of Old Station Close Etwall**

Ward: **Etwall**

Valid Date: **16/10/2006**

Reason for committee determination

Councillor Lemmon has requested that the application be brought to Committee as the application raises issues of local concern in respect of the appearance of the proposed development.

Site Description

The site lies at the southern end of Old Station Close; it is roughly square and is bounded to the north and east by existing housing. The Sustrans cycle route lies adjacent to the west boundary. Land to the south of the application site lies within the area of the outline planning permission.

Proposal

The development is for the erection of 21 dwellings comprising a mix of detached and semi-detached dwellings. The land to the South of the proposed development would be used as public open space. Access would be from Old Station Close and a path way is proposed from the housing area to the open space at the south of the site.

Materials of construction are Buff Brick, Render, dark metal roofs and patinated copper to the canopies and projecting roofs.

Applicants' supporting information

A Planning and Access Statement that sets out the design objectives for the development accompanies the application. The applicants have assessed the

development in the village and drawn the conclusion that there are no overriding design influences that suggest that the development should take a particular form. It

is acknowledged that the houses to the north of the site are recent but their design is to be found on many estates throughout the country and have little relevance to the local character of a South Derbyshire Village.

The Statement looks at other recent developments in the village, most notably at John Port School. It acknowledges that the design of those buildings is different and notes that the materials of construction of those buildings uses buff brick and dark metal roofs.

It is argued that the buildings would be set within a well-screened site that provides a screen to the development from the surrounding area. The development would incorporate highly insulated dwellings with solar roof heating; rainwater would be stored in underground tanks to provide a grey water source for the dwellings. There would be mechanical extracts fitted with a heat reclamation device to recycle energy used in the building.

The applicants have also amended two of the house types to increase the amount of glazing on the inward facing elevations.

In response to concerns about the potential overlooking of the rear of existing houses on Old Station Close, the applicants have sought to demonstrate that providing a 2.9 metre high panel and trellis fence between the properties would effectively obscure views from the upper floor bedrooms of the proposed houses to the conservatories of the adjacent dwellings. A section through the site has been submitted to demonstrate that also contains the detail of the addition to the fence. The applicants argue that this would comply with the requirements of adopted SPG in relation to the separation of dwellings.

Planning History

The original planning permission for the development of this site was granted at appeal in the mid 1990's. Subsequent reserved matters applications have been approved resulting in the adjacent development.

Responses to Consultations

Etwall Parish Council states that a considerable number of residents attended the parish council meeting and that there was uniform hostility to the style of the proposals. The Parish Council shares these concerns for the following reasons:

- a) The development should be completed in a coherent style with brick finishes and a reasonable measure of design homogeneity.

- b) The height of the development is three storeys, the Parish Council believes only two storeys were permitted and the height of the development is of concern to residents.
- c) The word 'issues' appears on the plans and it is not clear what this means.

The County Highway Authority has some concerns about the lack of turning provision for some of the dwellings and requests that the turning area be extended to take account of this, otherwise there is no objection subject to conditions.

Severn Trent Water draws attention to the presence of sewers in one corner of the site and states that no development should be permitted within 2.5 metres of the centre of the sewer, or the sewer could be diverted. Details of the foul and surface water disposal should be submitted under condition.

The Environment Agency was consulted at the outline application stage and commented that the flood compensation areas identified in that application should be completed before development on this site is commenced. That condition remains in force and in pursuit of that the detail of the flood compensation area has since been agreed. However, the proposed development could not proceed until the flood compensation works have been completed and signed off by the Environment Agency.

The Environmental Protection Manager has raised some concerns over the contents of the contamination report that accompanied the application. These concerns have been passed to the applicants for comment and any responses received will be reported at the meeting. There is also concern that piling activities may cause noise disturbance and an agreed method of construction should be agreed prior to development commencing.

Responses to Publicity

3 letters of support have been received commenting as follows:

- a) A previous objector to the development acknowledges that the previous flooding problems at the bottom of his garden have lessened since the development took place.
- b) There is no doubt that the schools can cope as extra revenue would be forthcoming.
- c) It is unlikely that the development would add significantly to traffic in the locality.
- d) The development would be a great addition to the area where otherwise the land would be developed with run-of-the-mill housing – it is good to see contemporary design. It would add to the mix of houses in the village.

- e) The energy efficiency of the proposed dwellings should not be ignored.
- f) It is hoped that the Council will be forward thinking and approve these plans.

10 letters have been received objecting to the plans for the following reasons:

- a) The arrangements of the dwellings is cramped and at one point the gardens of the dwellings would be 'tapered to a point where the garden would be non-existent. These are no more than modernised prefabs that are totally out of keeping with the locality. The development does not follow on from the existing form of development on the adjacent site. Three storeys development is not appropriate and could lead to overlooking of adjacent dwellings. Balconies would overlook adjacent houses. The density of the development is too great. The design would be more at home in Spain or Cyprus not Etwall.'
- b) There is a mass of hardstanding on the fronts of each of the houses; this does not reflect the form and character of the existing development where there are a high proportion of attractive, decorative front gardens. Far from the existing housing being uninspired, those developers have kept the street scene of Old Station Close.
- c) The development would add a potential 42 dwellings to the traffic on the roads, increasing the possibility of increased noise and disturbance and be detrimental to safety.
- d) The materials of construction are not coherent to the surrounding area; the fact that the school has a metal roof is of no relevance to this development. A metal roof could cause noise when it rains. The school is separate from the village whereas the houses would be very much in the village.
- e) Much of the terminology in the application documents is so subjective as to be meaningless.
- f) The whole of the land floods, the water will have nowhere to go when it rains. Thousands of tons of materials would be imported to raise ground levels and the future residents should be made aware of the hazards of buying a house in such a soggy area.
- g) The schools in the village do not have the capacity to take extra children.
- h) Existing boundaries should be maintained where they do not affect the development site.
- i) Etwall is a conservation area and should be protected.
- j) Pile driving could cause damage to existing gardens and compensation should be paid in the event of such damage. Any pile driving should be limited to 4 hours a day – the 9 hours a day previously experienced when the adjacent site was developed was unbearable. Construction hours should be limited, vehicles have blocked roads and plant has been delivered at 0530.
- k) Traffic calming should be introduced along Old Station Close

Development Plan Policies

The relevant policies are:

RSS8: Policies 2 & 3

Joint Structure Plan: Housing Policy 5

Local Plan: Housing Policy 5

Planning Considerations

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

- The scale, design and appearance of the proposed development.
- The landscaping of the site.
- The access to the site.
- Matters raised by the objectors.

Planning Assessment

The application is for the final phase of development on the land hereabouts. The site has outline planning permission thus the principle of housing development is established on the land and the determination of this proposal rests on the acceptability of the scale, design and appearance of the development and the related matters referred to above.

The rest of the dwellings on this site have been constructed in a traditional manner in brick and tile, as are the older dwellings on The Bancroft. The Government in the various PPG/PPS's continually states that "Good design is indivisible from good

planning" (Para 33 - PPS 1); Good design should contribute positively to making better places for people." (PPS 1 – Para 34); Local Authorities are encouraged to "Take a positive approach to innovative and high quality designs that are sensitive to their immediate settings and help to make country towns and villages better places for people to live and work." (PPS & Para 12)

These national principles apply equally to town and country and should be expressed in planning policy documents produced by Local Authorities. Whilst development needs to conform to the principles of local distinctiveness (which in South Derbyshire has traditionally been achieved through the use of local appropriate materials and design) the increasing need for energy efficiency and conservation will provide challenges for the future that will manifest itself via the imaginative use of new materials and designs.

The adopted Supplementary Planning Guidance – Housing Layout and Design accepts the above Government advice and directs development that reflects the local distinctiveness of the development in South Derbyshire.

Clearly a different approach has been adopted in this application. The design of the dwellings is different and is intended to take advantage of thermal warming from glazing on the south elevation, where appropriate. The materials of construction have been selected on the basis of more recent development in the village, notably at the John Port School. The walls are a mix of brick and white render; the roofs would be a grey metal finish.

The walls are a mix of buff brick and white render and this is materially different from the surroundings. The site would be visible on the approaches to the village from Egginton and Hilton. However, the impact of the white render and buff bricks would be mitigated in two ways. Firstly most of the house types have been amended to include additional glazing panels in their main elevation and secondly the roofs of the dwellings would be finished in a grey metal sheet that would blend with the remaining houses on the site.

The question then is whether the impact of the narrow pallet of materials proposed and the modern design of the dwelling would be such that refusal of planning permission would be justified on these grounds.

The applicants in their supporting planning statement certainly draw attention to the presence of render in the historic core of the village and other modern materials and design have been used in the recently constructed buildings on the John Port site. The design of the houses is, it is stated, a reaction to the lack of coherence in the immediate surroundings of the site by adopting a contemporary theme and building form.

The Authority is open to modern design as has been demonstrated in the recent decisions at John Port School and the modern dwelling next to Park Hill at Egginton. The Committee recently approved the use of Debut homes in Hilton that have a different appearance and use of materials. The design of these dwellings is modern and the layout will give a feeling of place and a cohesive living environment.

There is objection from the local community to the development; however, there is also a limited degree of support for the use of modern design and materials.

Distances between proposed 1st floor rooms and terraces and windows in existing properties meet or exceed by some distance the minimum separation requirements of

adopted SPG. Specifically any overlooking of conservatories from bedroom windows from Plots 14 – 21 would be mitigated by the addition of an extra 0.9 m high trellis to the existing fence in accordance with adopted SPG.

Residents of the affected dwellings have been reconsulted and any further objections received will be reported at the meeting if available. The consultation period for the comments expires on the date of the committee.

In the light of the above, the use of the modern design and different materials is not considered materially harmful to the character and setting of the village to a point where refusal on these grounds could be justified.

The applicants have drawn attention to the sustainable elements of the proposals – reuse of roof water, potential solar panels and other measures and the mechanical recovery of waste heat to improve energy efficiency of the dwellings. Extensive areas of glazing are also proposed to increase solar gain. All these elements comply with government objectives to improve energy efficiency and reduce waste as set out in PPS 1, (including the recently published draft supplement on Planning and Climate Change). PPS 3 and PPS 25. The Government has also published proposed changes to the Building Regulations to build towards a greener future.

The site is also well related to the bus route that passes through the village. There is also indirect access to the Sustrans Cycle route that adjoins the west boundary of the Old Station Close site. These elements help to mitigate the impact of the development on the environment. The proposed use of building materials would also help to achieve this objective.

The proposed landscaping would complement the layout and help to blend the development into its surroundings and provide a useful area of recreational space at the south end of the development. A condition requiring the implementation of the submitted scheme is recommended.

The County Highway Authority considers access via Old Station Close acceptable and there are conditions recommended for the provision of a site compound during the construction phase of the development that should alleviate some of the concerns of the objectors.

The flooding issues are resolved as part of the outline planning permission for this site.

There is concern about the hours of operation of the site during the construction phase. It is not the normal practice of this Authority to impose an hour's limit on the construction of development. The sole access to this site is via Old Station Close and Officers are aware that the previous developers did have operations taking place sometimes at unreasonable hours. If members are minded to grant permission a condition limiting hours to 0730 – 1900 Monday to Friday and 0730 – 1400 on Saturdays with no working on Sundays or bank or public holidays may be appropriate in the interests of the amenity of the residents. Of particular concern was noise from piling operations during

the foundation formation; to this end a further condition restricting this type of operation to between 0900 and 1700 on Monday to Friday has been agreed with the applicants.

Ground levels would be raised during the construction phase of the development but the hours of operation condition would help to ensure that the impact of this is minimised.

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. No part of the development shall be carried out until precise details, specifications and samples of the facing materials to be used in the construction of the external walls and roof of the buildings have been submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard the appearance of the existing building and the locality generally.
2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing nos S42(PL)04A, S42(PL)07A received on 22 November 2006; S42(LP)06 - Site Plan and S42(PL)11 - Site Sections received under cover of your letter dated 18 December 2006.
Reason: For the avoidance of doubt, the original submission being considered unacceptable.
3. The site shall not operate outside the following hours 0730 - 1900 Monday to Friday and 0730 - 1400 on Saturdays with no working on Sundays or bank or public holidays.
Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.
4. No development shall take place until details of a scheme for the disposal of surface and foul water have been submitted to and agreed in writing by the Local Planning Authority. The submitted scheme shall include a scheme for the disposal of highway surface water via a positive gravity fed system discharging to an outfall to a public sewer, highway drain or watercourse. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.
Reason: In the interests of flood protecting and pollution control.
5. There are public sewers that cross the site and no building shall be erected nor trees planted within 2.5 metres of the 150mm public sewer.
Reason: To maintain essential access to the sewer for maintenance of the public foul sewers.
6. Notwithstanding the submitted plan S42(LP)03 Rev C the turning head in front of the dwellings on Plots 10, 18 & 19 shall be extended to the edge of the plots.

Reason: In order to ensure that these plots are served by an adoptable highway.

- 7 Before any operations commence involving the movement of materials in bulk to or from the site, facilities shall be provided that have previously been approved in writing by the Local Planning Authority, to prevent the deposition of mud or extraneous material on the access roads to the site.

Reason: In the interests of highway safety.

8. Before the occupation of the dwelling to which it relates, private driveways serving dwellings must be laid out and constructed, drained and surfaced with a solid bound material.

Reason: In the interests of highway safety.

9. Before any other operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring for site operatives and visitors vehicles, loading and unloading of goods vehicles, all in accordance with a scheme first submitted to and approved by the Local Planning Authority. The facilities must be maintained available throughout the course of the construction works.

Reason: In the interests of highway safety.

10. Dwellings shall not be occupied until the proposed estate streets have been laid out in accordance with the application drawings to conform with the County Council's 'Roads in Housing' design guide, and constructed at least to base course level including footways, drained and lit in accordance with the County Council's 'Specification for Housing Development Roads'.

Reason: In the interests of highway safety.

11. Further to Condition 3 above piling operations shall only be carried out only between 9am and 5pm Monday to Friday with no such operations on Saturdays, Sundays, Bank or Public Holidays.

Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.

12. Prior to the occupation of any of Plots 14 - 21 the fence on Drawing S429LP)11 shall be erected. The fence once installed shall be maintained in position in perpetuity unless the Local Planning Authority has granted written consent to any variation in response to an application made in that regard.

Reason: In order to comply with the requirements of adopted Supplementary Planning Guidance - Housing Design and Layout.

13. All planting, seeding or turfing comprised in the approved details of landscaping indicated on drawing KLC/0543 and set out in the specification document that accompanied the application shall be

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

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

Informatives:

In submitting details of condition 2, the sewer plan shall show how the dwelling on Plot 4 will meet the requirements of Condition 3 above.