

Item **1.7**

Reg. No. **9/2007/0508/MD**

Applicant:

Redrow Homes (Midlands) Ltd
Kinsall Green
Wilnecote
Tamworth
B77 5PX

Agent:

The Urban Design Centre
Redrow House
The Lakes
Northampton
NN4 7XD

Proposal: **Approval of reserved matters of application
9/0890/0515/O for the erection of houses, roads,
sewers, garages & ancillary works at Land To The
South East Of Swadlincote Lane Church Gresley
Swadlincote**

Ward: **Gresley**

Valid Date: **01/05/2007**

Reason for committee determination

This is a major application that is recommended for permission and there have been more than two objections to the proposal.

Site Description

The site has boundaries with existing houses on the Wyedale estate, Swadlincote Lane and new houses yet to be approved/constructed on other phases of the development.

Topographically the site slopes down from the south east boundary in a north westerly direction towards Swadlincote Lane.

Proposal

This is a reserved matters application pursuant to 9/0890/0151/O. It is proposed to construct 148 dwellings and associated infrastructure including an area of open space on some 4.59 hectares of land. The mix of house types ranges from one bedroom apartments to five bedroom detached properties. As originally submitted the scheme includes two apartment blocks. The detail for the development of this small sector of the site has now been omitted for consideration in a further application to be submitted at a later stage.

The proposed layout incorporates current design principles of houses tight up to the backs of footways and some 'home zones' where pedestrians and vehicles share the same space. The area of open space would form a focal point roughly in the centre of the development and a ten metre planting strip is shown beyond 10m rear gardens between the new houses and existing homes on the Wyedale estate.

The majority of properties would be 2 and 2.5 storeys high. The exceptions are a pair of three storey dwellings and the two apartment blocks although none of these would be located

close to any existing housing. There are a variety of ridge heights in the types of dwellings proposed across the site ranging between 7.5m and 8.7m for the two storey dwellings, 9.7m to 10m for the 2.5 storey houses and 10.6m for the pair of three storey dwellings. The apartment blocks are also intended to be 10.6m to ridge. The houses proposed closest to the Wyedale estate are all two or two-and-a-half-storeys and none have any other than roof lights to serve the second floors on the facing elevations.

Applicants' supporting information

The applicants have submitted a design and access statement. Amongst other things it states that the location of the development benefits from good access to existing public transport together with cycle and pedestrian links to Swadlincote and Castle Gresley respectively. As to the design of the estate they state that the scheme utilises a perimeter block design to emphasise building form and to create strong and street scenes. Parking is located, as far as possible, to the rear of dwellings to improve street scenes and to reduce the amount of drive accesses whilst at the same time ensuring that the parking courts have adequate surveillance.

Planning History

This application site forms part of a larger area of land allocated under Housing Policy 2 for residential development in the adopted Local Plan. The site was given outline permission in March 2000 and other parts of the site are in various stages of development.

Earlier this year an application for this part of the estate was submitted. However it was unacceptable for a number of reasons and would have been recommended for refusal. This application replaces the earlier submission and addresses the concerns that were raised about design and highway safety concerning the houses but as mentioned above the design of the apartment blocks currently remains unresolved.

Responses to Consultations

The County Highways Authority has been involved with extensive re-engineering of the roads and access to the parking courts in order that they meet the County's standards. The revised plans incorporate the County's requirements and conditions are awaited.

The Police Liaison Officer was generally satisfied with the layout as previously submitted and commented it would meet the standards of the Government approved 'Secure by Design' scheme. One further issue arose from this revised application which has now been addressed.

Severn Trent Water is also satisfied subject to conditions.

Responses to Publicity

Neighbours to this scheme have been notified of both this and the earlier application. In order to ensure that all representations are considered, letters received in respect of both schemes are reported below.

There have been 10 representations.

This site has long been allocated for housing and many of the letters acknowledge that there is no objection to housing as a matter of principle. The objections all raise one main concern. The 20m buffer zone shown on the plan approved with the outline application should remain outside of the curtilage of any of the proposed dwellings and should be planted to form a permanent screen between the new houses and existing properties on the Wyedale Estate.

Other matters raised are as follows:

- Loss of privacy
- Loss of view
- Loss of agricultural land
- Loss of wildlife habitat
- Overshadowing
- The high density of the development, the heights of the buildings and lack of open space is out of character with housing in a rural area
- Tree planting could cause structural problems
- Nuisance from noise and disturbance, dust, vibration and water pollution
- 4/5 bedroom dwellings does not address the market shortage of smaller homes
- Gresley has few three storey buildings. The three storey dwellings on the highest part of the site would have the most impact on the skyline and be contrary to assurances that the development would not 'break the skyline'
- The road layout and speed limits would be highly dangerous
- There are existing drainage problems
- The woodland must be protected
- Public footpaths are impassable
- Requests involvement in selecting materials
- The provision of the buffer zone would ease some of the above mentioned issues.

Development Plan Policies

The relevant policies are:

RSS8: P2

Joint Structure Plan/Local Plan:

H11(LP)

H2(LP)

H4(SP)

T4(SP)

T6(LP)

Planning Considerations

Given the existence of the outline approval, the main issues central to the determination of this application are layout and design.

Planning Assessment

The development would provide a variety of house types and sizes at a density of some 38.8 dwellings to the hectare in line with current National guidance on the edge of the existing urban area.

The layout has been amended and house types altered in order that the quality of the development be upgraded. It is considered that the layout is acceptable in overall terms with houses for the most part having tight frontage positions and parking in rear courtyards.

With regard to concerns raised by neighbours, the main issue has been the provision of a buffer. Condition 20 of the outline approval stated:

'No part of any dwelling or free standing garage shall be constructed closer than 20m to the north-eastern boundary of Area A shown on plan EM 3092/1/B.'

The submitted layout satisfies this condition and in addition the applicants have indicated that 10m of the 20m area would be planted. A scheme of planting has also been drawn up to ensure that planting is appropriate for the location and with the substitution of one species and amendments to another, the Council's arboriculturalist has commented that it is acceptable. Whilst there are some existing houses with relatively short gardens fronting Wyedale, the Council's guideline of a minimum 21m back to back is met.

As to other issues raised, some are matters dealt with by other legislation such as the obstruction of public footpaths and some are issues that are not subject to conditions subject to the choice of facing materials.

With regard to landscaping, it is appropriate to apply the Council's usual condition in respect of landscaping to ensure that, in addition to planting within the development, hedgerow planting is provided to the boundary of the site with Swadlincote Lane in line with other approvals that have been granted to other parts of this housing site in order to reflect the character of the Lane.

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 and conditions required by the County Highways Authority:

1. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. SK_CG_290107 revD.
Reason: For the avoidance of doubt, the original submission being considered unacceptable.
2. No development shall take place until a site investigation to determine whether the land is contaminated and any associated remedial works have been carried out to the satisfaction of the Local Planning Authority. This will include:
 - A. A desktop study of the area of the proposed development.
 - B. An intrusive site investigation, its scope to be confirmed with the Local Planning Authority, prior to its commencement. The report should contain recommendations for any remedial or further works at the site.
 - C. A remediation method statement, to be agreed with the Local Planning Authority, prior to its commencement at site.

- D. A remediation validation report along with a signed copy of the attached certificate. This should be supplied prior to the occupation of any buildings at site.

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.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) boundary treatment as shown on the submitted plans 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.

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

4. 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.

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

5. 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.

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

6. 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.

Reason: To safeguard the appearance of the existing building and the locality generally.

7. 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 levels.

Reason: To protect the amenities of adjoining properties and the locality generally.

8. Prior to the first occupation of the development hereby permitted, measures to minimise the risk of crime to meet the specific security needs of the application site and the development shall be implemented in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

Reason: In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well-being of the area pursuant to the Council's powers under Section 2 of the Local Government Act 2000 and to reflect government guidance set out in PPS1.

9. Any reasonable conditions recommended by the County Highway Authority.

Reason: In the interests of highway safety.

10. Notwithstanding the submitted details, the open space shown on the site shall be made available for public use within a timescale that has been submitted and agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate play space is available in accord with reasonable standards.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, none of the dwellings hereby permitted on plots 43 - 49 (inclusive), plots 69 - 75 (inclusive) and plots 100 - 105 (inclusive), shall be enlarged or extended and no buildings shall be erected within the gardens without the prior grant of planning permission on an application made in that regard to the Local Planning Authority.

Reason: To protect the amenity of occupants of existing dwellings.

12. Notwithstanding the submitted plans a 2m strip shall be provided along the boundary of the application site with Swadlincote Lane. The 2m strip shall be planted with hedgerow plants in accordance with a scheme (including a timetable for such) to be submitted to and approved in writing by the Local Planning Authority.

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

13. Unless otherwise agreed in writing by the Local Planning Authority, the planting belt adjacent to the north eastern boundary shall be planted within the 2007/2008 planting season in accordance with the approved scheme.

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

Informatives:

Any security measures implemented in compliance with the approved scheme should seek to achieve the 'Secured By Design' accreditation awarded by Derbyshire Constabulary. Written confirmation of those measures should then be provided to the Local Planning Authority.

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

That the hedgerows on the application site may contain nesting birds. It is an offence under the Wildlife and Countryside Act 1981 to intentionally kill, injure or take any wild British breeding bird or its eggs or damage its nest whilst in use or being built. The nesting season normally encompasses the months March to July inclusive. If you are in doubt as to requirements of the law in this regard you should contact English Nature, Peak District and Derbyshire Team, Manor Barn, Over Haddon, Bakewell, Derbyshire, DE4 1JE.

