

PARISHGlapwell

APPLICATION Residential development (3 detached houses) including details of access
LOCATION 91 The Hill Glapwell Chesterfield S44 5LU
APPLICANT Mrs Mowczan 91 The Hill Glapwell ChesterfieldS44 5LU
APPLICATION NO. 14/00361/OUT **FILE NO.**
CASE OFFICER Mrs Karen Wake (Mon, Tues, Wed)
DATE RECEIVED 1st August 2014

Delegated application referred to Committee by Cllr Syrett
Reason: the level of public concern about highway safety

SITE

Single storey detached dwelling set on a large L-shaped plot. The site has two existing accesses onto The Hill, one at either side of the site frontage with two driveways, each with two parking spaces. To the east of the dwelling is a flat roof double garage. To the rear of the dwelling is a large L-shaped garden which slopes down slightly towards the south (rear) with a hedge approx 1m high with a field beyond. On the east side boundary there is a fence approx 1.8m high along part of the boundary and a hedge which is over 2m in height along the remainder of the boundary. Along the west side boundary adjacent to 89 The Hill is a mature hedge which is 2-3m in height and along the west side boundary adjacent to the garden of 87 The Hill is a hedge approx 1m in height. The site itself contains a number of mature trees, mainly fruit varieties.

PROPOSAL

The application is in outline for the erection of three dwellings. Access is to be considered as part of the application but all other matters are reserved. The proposed access is adjacent to the east side boundary and replaces one of the accesses to the existing bungalow. The access is 5m wide and includes a shared turning area within the site. There is a communal bin store proposed at the entrance to the site. Indicative drawings have been submitted with the application which indicates three, two storey dwellings with integral garages but these are only indicative and do not form part of the current application. The appearance, scale, layout and landscaping are reserved matters and would therefore require a subsequent planning application.

AMENDMENTS

None

HISTORY (if relevant)

BOL482/142: Alterations to form utility room: Approved 11/5/1982

BOL478/211: Alterations to Bungalow: Approved 20/6/1978

BOL478/194: Erection of a garage: Approved 25/7/1978

CONSULTATIONS

DCC Highways: No objections subject to conditions requiring the reserved matters application

to include turning provision and parking on site for the existing dwelling, access to serve the development to be modified in accordance with the submitted plans and provided with 2.4m x 47m visibility splays and parking and turning to be provided on site in accordance with the submitted plans before the dwellings are first occupied: 9/10/2014

DCC Flood Risk Management Team: No specific comments on this proposal. Give non-specific general advice in relation to surface water disposal systems and groundwater conditions

Parish Council: Express concerns about the proposal on the following grounds:

1. In accordance with PPS3 the land cannot be considered to be previously developed land and the LPA are expected to have regard to the policy in circumstances such as this where the existing development is fundamentally of a ribbon type
2. Paragraph 41 of PPS 3 States there will be no presumption that previously developed land is necessarily suitable for housing or that all of the curtilage should be developed
3. The proposal will set a precedent for other developments up and down The Hill which will mean a major departure for the established ribbon development of the locality
4. This is potential over-development of the site
5. The street scene would be altered by the development because the properties immediately adjacent to the site are bungalows and the proposal is for two storey houses
6. There is already a significant traffic problem on The Hill. There are other housing developments in the area that will contribute to increasing these problems for existing residents and this proposal will add further to this
7. Concern is expressed about the access to the site

PUBLICITY

Site notice and 5 neighbours notified. Four letters of objection received, one of which has been signed by 20 local residents. The objections raised are as follows:

1. Garden land is not defined as brownfield land in PPS 3 and the application must be regarded as Greenfield development and considered accordingly
2. The Hill is ribbon development and the proposal is a fundamental departure from this
3. The proposal will set a dangerous precedent for similar development on The Hill and would change the nature of the locality beyond recognition.
4. The application states there is adequate visibility from the access to the site. The problem is the forward visibility for vehicles entering the site when travelling from the M1 which will create a problem as visibility will be restricted and access will be hazardous as a result of the volume of traffic using this road and the proximity of a large number of other driveways onto the highway
5. Access will be particularly difficult for delivery vehicles and plant during construction due to their slow speeds, size and lack of manoeuvrability.
6. The design and access statement states that the dwellings have been designed to be in keeping with adjacent properties. This is not the case as adjacent properties are single storey
7. Two of the proposed dwellings are sited close to the site boundaries which will over power adjacent single storey properties and result in a loss of privacy and amenity for the residents of adjacent dwellings.
8. The proposal will result in the loss of a number of mature trees and associated natural habitat. Foxes, badgers and woodpeckers are frequent visitors in the area and the proposal will destroy the foraging grounds of these protected species. No surveys or

ecological reports have been carried out to assess the impact of the proposal on these protected species or other wildlife.

9. The ground works will have an adverse impact on the natural drainage of the area potentially causing significant flooding of adjacent gardens during construction and for many years after.
10. The proposal will ruin the view from adjacent dwellings.

POLICY

Bolsover District Local Plan (BDLP)

Policies GEN 1 (Minimum Requirements for Development)

GEN 2 (Impact of Development on the Environment) &

HOU 2 (Location of Housing Sites)

National Planning Policy Framework

Paragraph 49 of the NPPF states that “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

A core principle of the NPPF is to secure sustainable development of high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Other (specify)

Successful Places: A Guide to Sustainable Housing Layout & Design

ASSESSMENT

The site is within the settlement framework in a predominantly residential area. The community facilities in Glapwell are limited but the site is within walking distance of these facilities. The site is also positioned on a bus route giving access to Mansfield and Chesterfield. The site is therefore considered to be a reasonably sustainable location which would meet the requirements of Policy HOU 2 of the Bolsover District Local Plan and the NPPF. The Council does not currently have a five year supply of housing. The proposal is only quite small and would only deliver three homes but in the absence of a five year supply the NPPF requires housing applications to be considered in the context of the presumption in favour of sustainable development.

The area is characterised by generally linear development. However some backland development and small private drives have been developed further along The Hill to the east of the site. The properties immediately adjacent to the site are single storey but the wider street scene comprises a mix of single storey and two storey dwellings. The application is in outline with scale, layout and appearance being reserved matters. Given the mix of house types in the area and the fact that the land level falls away slightly from The Hill, the site is considered to be capable of accommodating three dwellings of a suitable scale/design to preserve the character and appearance of the area. It is however, considered necessary that any reserved matters application would need to be accompanied by a plan indicating existing and proposed levels on the site to ensure that this is the case. Subject to such a condition the proposal is not considered to appear unduly prominent or harmful to the character of the street scene.

The indicative layout submitted with the application shows one dwelling immediately adjacent to the boundary with a private garden with first floor windows overlooking the adjacent garden. The Successful Places: A Guide to Sustainable Housing Layout and Design published by the Council requires 10.5m from first floor windows to private gardens and in the respect of one of the plots the proposal would not meet these guidelines. However, the indicative proposal meets the other requirements set out in these guidelines in terms of private open space distances between habitable room windows, impacts on daylight etc. The plans submitted are only indicative.

The indicative plans generally demonstrate that the site is capable of accommodating three suitably designed dwellings, which subject to suitable design, boundary treatments etc, would be capable of meeting the requirements of these guidelines. A note can be added to any planning permission to advise the applicant that the current indicative layout/designs are not acceptable in all respects.

On this basis, the proposal is not considered to have a significant, harmful impact on the outlook from the adjacent dwellings and is not considered to have a significant impact on the privacy or amenity of residents of adjacent dwellings. As such the proposal is considered to meet the requirements of Policy GEN 2 of the Bolsover District Local Plan and the NPPF.

The proposal leaves the access to the west of the site frontage available for the existing dwelling on site and this access provides 2-3 parking spaces for the existing dwelling. There is no on-site turning proposed for the existing dwelling but the dwelling does not currently have on-site turning anyway. It is therefore considered unreasonable to require on-site turning for the existing dwelling. The proposal replaces one of the accesses for the existing dwelling with an access to serve the three proposed dwellings. Subject to conditions about the provision of the access before development starts there are no objections from the Highway Authority in highway safety terms.

The Hill is a busy road and is a main route to the M1. The addition of three dwellings accessing this route is not considered to have a significant impact on the volume of traffic using this highway, even during the construction period. The access has good visibility from within the site and there are no objections from the Highway Authority in terms of visibility from the access or the forward visibility available to allow safe use of the access. The proposal is therefore not considered to be detrimental to highway safety and is considered to meet the requirements of Policy GEN 1 of the Bolsover District Local Plan.

The site currently contains a number of trees. These trees are not protected and as they are in the rear garden of the property their amenity value is considered to be limited. The trees are not considered worthy of a tree preservation order and as such can be removed at any time.

The application is not accompanied by an ecological report. Development on a domestic garden would not normally require such a report unless there is clear evidence of the presence of protected species using the garden or buildings as a main habitat. A domestic garden could be fenced to prevent access to foxes, badgers etc and the garden could be hard surfaced and outbuildings constructed without the need for any planning permission. The

evidence submitted in the representations suggests that the site might be used in the same manner as neighbouring gardens as a general foraging area. It is therefore considered unreasonable to insist on an ecology report in this instance. There is no evidence of European Protected Species living on the site, and the wildlife referred to is merely using the site, together with adjacent sites for foraging. Once constructed the gardens of the proposed dwellings would potentially still offer the same foraging opportunities and the proposal does not prevent adjacent fields and gardens being used by wildlife. On this basis the proposal is considered not to be detrimental to the natural habitats of the area and is considered to meet the requirements of the NPPF in this respect.

Most of the issues raised by local residents and the Parish Council are covered in the above assessment. The issue of loss of views is not a material planning issue which can be taken into account. The requirements of PPS3 have not been considered as this PPS has been superseded by the NPPF, the requirements of which have been taken into account. The issue of precedent is not a material issue since each application is considered on its individual merits. The issue of drainage, both foul and surface water would be considered at reserved matters stage. The site is greenfield but the NPPF does not prevent development on such land; allowing development within settlement frameworks reduces the demand on sites outside within the designated countryside.

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No issues relating to this proposal.

Equalities: N/A

Access for Disabled: N/A

Trees (Preservation and Planting): Covered in the above assessment

SSSI Impacts: N/A

Biodiversity: Covered in the above assessment

Human Rights: No issues relating to this proposal

RECOMMENDATION: Approve subject to the following conditions which are given in précis form to be formulated in full by the Assistant Director of Planning:

1. Submission of reserved matters application
2. Time period for submission and start
3. Submission of existing and proposed levels with reserved matters application.
4. Access to be provided in accordance with submitted plans before development starts on site
5. Parking and turning area to be provided in accordance with approved plans before dwellings first occupied
6. Detailed scheme for foul and surface water drainage to be submitted and approved

Notes to applicant

1. The applicant is advised that the indicative site layout submitted with the application would not meet the requirements of the Successful Places, A Guide to Sustainable Housing

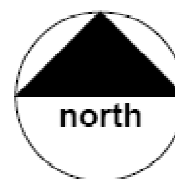
Layout and Design published by the Council in terms of the distance between proposed first floor windows and adjacent private gardens and this will need to be addressed prior to the submission of a reserved matters application.

2. The applicant is advised that the approval of this outline application does not automatically mean that two storey dwellings will be acceptable. It will necessary to submit existing and proposed levels with the reserved matters application to allow the full assessment of the impact of the proposed dwellings on the character of the street scene and the amenity of residents of adjacent dwellings.



Proposed Development to the Rear of
91, The Hill, Glapwell.

Location Plan - scale 1:1250



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