

PARISH

Blackwell

APPLICATION

Erection of 40 dwellings including associated infrastructure and garaging accessed from Thurgaton Way and including a new pedestrian access link between 53 and 55 Alfreton Road (including details of appearance, landscaping, layout and scale)

LOCATION

Land to the Rear of 27 To 53 Alfreton Road Newton

APPLICANT

Wheeldon Brothers Ltd Wheeldon House Prime Parkway DerbyDe1 3QB

APPLICATION NO.

14/00474/REM

FILE NO.

CASE OFFICER

Mr Steve Phillipson

DATE RECEIVED

26th September 2014

Delegated Application referred to Committee by CLLR MUNKS – Reason: level of public concern over amenity impacts.

SITE

The site comprises a field adjacent to the southern extent of the settlement of Newton. It is generally level at the west side but ground levels fall slightly to the south east where the site adjoins open countryside and a small watercourse. The application site is the area outlined on the left hand side of the page below:



The north east boundary runs along the route of a former railway line, now in-filled, and adjacent to the rear of 2 storey dwellings of Thurgaton Way and new 2 storey dwellings on phase one of the new Wheeldon development. The existing dwellings on Alfreton Road (Nos. 37-53) back onto the site along its north-west boundary. These are mainly single storey or dormer bungalows but with some 2 storey dwellings. These dwellings have mixed fencing types/rear boundaries common with the application site.

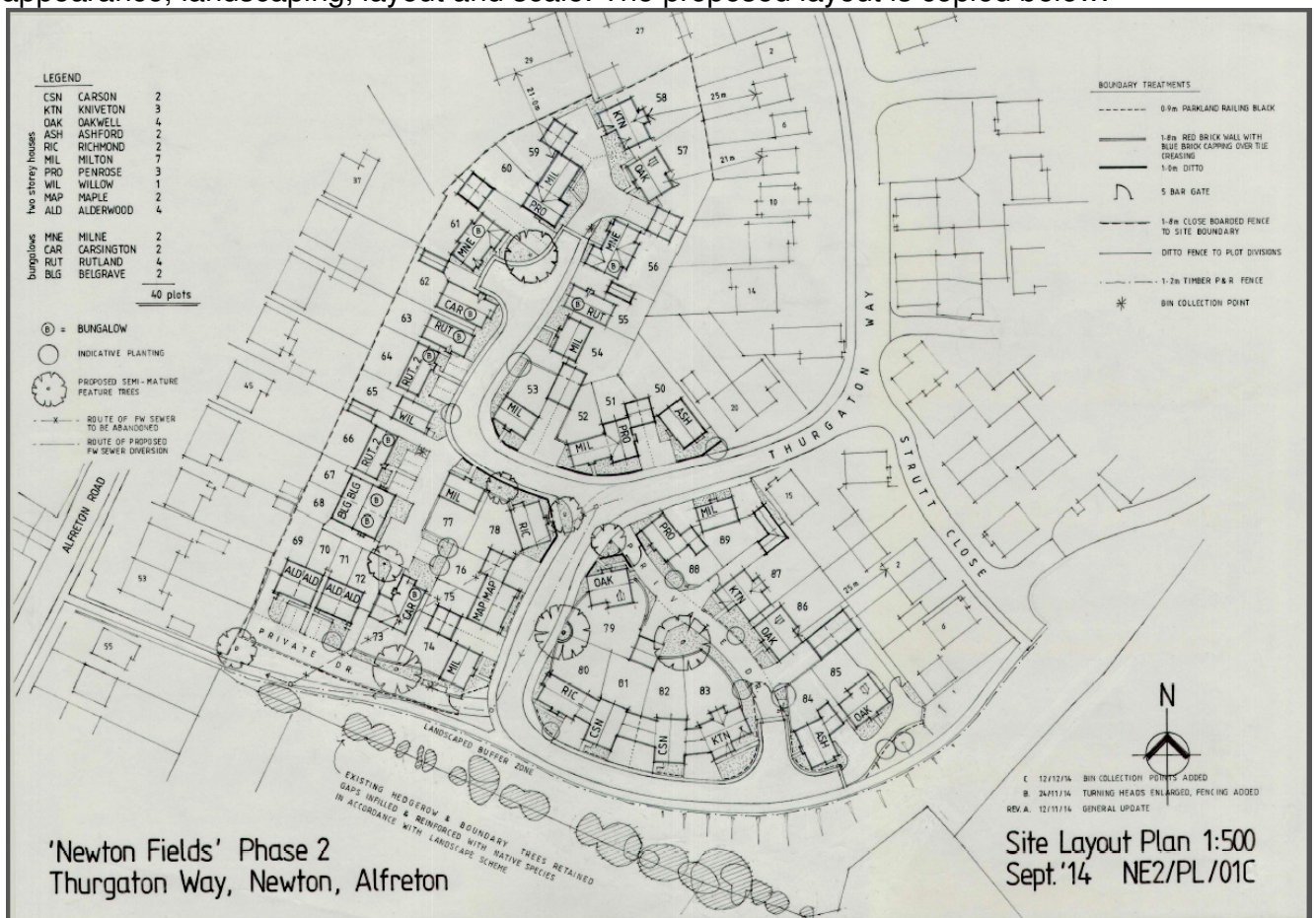
The southern boundary is largely defined by a mature hedgerow (lacking maintenance over recent years), beyond which are horse paddocks and open countryside.

Pedestrian access to the site is approved along the existing single vehicle width track which runs between 53 and 55 Alfreton Road accessing the western corner of the site. There are bus stops on both sides of Alfreton Road at the point where this track emerges onto it. The dwelling to the northern side of this track has only 1m high fencing along its side boundary.

Vehicular access is approved from Thurgaton Way which joins on to Alfreton Road.

PROPOSAL

Outline planning permission (14/00065/OUTMAJ) for this site was granted earlier this year. That permission included detail of the access points with all other matters reserved. The current application seeks approval for the outstanding reserved matters relating to details of appearance, landscaping, layout and scale. The proposed layout is copied below:



The proposal is to erect 40 dwellings being a mix of detached and semi-detached dwellings, 10 single storey and 30 two storey. The single storey units are to be sited on the west side of the site mainly along part of the Alfreton Road Boundary; although it should be noted that there are two storey dwellings also to the rear of some of the properties on Alfreton Road. Details of relative ground levels have been provided.

As per the outline permission the main access is via a continuation of Thurgaton Way into the site. Pedestrian access is also proposed via a new path from Alfreton Road between 53 and 55 Alfreton Road. The proposed path then runs parallel with the southern boundary of the site adjacent to a landscaped buffer zone (including retention and reinforcement of the existing hedgerow) which will serve as a settlement edge treatment.

Proposed external building materials are similar to those used on phase 1.

AMENDMENTS

Most recent being

17.12.14 – Revised landscaping drawings C-1231-01 and 02 Revision A.

15.12.14 - Revised layout plan NE2/PL/01C. Bin collection points marked and revised Milton house type.

24.11.14 - Revised site layout plan NE2/PL/01B. Includes various layout amendments and includes new 1.8m fencing to west and north boundary and details of existing and proposed levels and sections NE2/PL/10A.

13.11.14 – Some revised house types (plots 52-54,59 and 77; 57,88; 79,86; 51,60; 88; 78; 80; 74&89) incorporating additional side windows for surveillance/crime reduction. Also revised materials schedule.

HISTORY (if relevant)

14/00065/OUTMAJ Residential development of up to 45 dwellings including associated infrastructure and garaging accessed from Thurgaton Way and including a new pedestrian access link between 53 and 55 Alfreton Road (Outline application with details of access only submitted for approval). Approved - including associated S106 agreement with the following obligations:-

- Education: £2,672 per dwelling towards the provision of secondary school places at Tibshelf Community School.
- Play equipment: A commuted sum of £747 per dwelling to upgrade children's play in Newton.
- A sum of £711.00 per dwelling for capacity enhancement of the Staffa Tibshelf Doctors Surgery.
- Affordable Housing: In line with the Council's interim policy there is no requirement provided that the housing is delivered within an agreed timescale (10% within 3 years and 50% within 5 years of the date of outline planning permission. Otherwise the requirement is for 10% affordable provision on site-the mix to reflect the Housing Strategy Officers requirements).

Also the following history which mainly relates to the **adjacent site** not the current application

site:-

BLA1266/10 Layout of Roads and Sewers was partially implemented but is considered to be incapable of further implementation.

BLA170/2 Full permission for 16 dwellings approved 1975 has been partially implemented.

00/00393/FUL Erection of 58 two storey dwellings refused 2002.

00/00349/OUT Residential development; withdrawn 2002 in order to allow the submission of a further application reduced in area.

03/00483/OUTMAJ – Outline permission for residential development approved 2008. Limited by condition to not more than 50 houses served off Thurgaton Way.

11/00506/VARMAJ Extension of time for start of previously approved scheme

(03/00483/OUTMAJ) – Outline Residential development approved 27.03.12.

12/00477/FULMAJ - Residential development of 49 dwellings including associated garages and infrastructure 18/03/13. Now under construction.

CONSULTATIONS

DCC Highways 3.12.14:

Confirm that the majority of the issues raised by them have been addressed as part of the revised estate street layout. Notes that a typical refuse vehicle can manoeuvre around the turning heads but in the event that parking were to take place within the turning areas, it is unlikely that the refuse vehicle would be able to carry out the manoeuvre.

If permission is granted several notes and the following conditions are requested:

- Details of site compound
- Provision of wheel wash facilities
- Provision of new estate streets between each respective plot and the existing public highway
- Pedestrian visibility splays to private drives
- Provision of parking space
- Maintenance of garage space for car parking
- Any gates shall open inwards only
- Drive gradient not more than 1 in 14
- Surface water drainage detail to be agreed

Parish Council 5.11.14:

Supports residents concerns relating to the indicative drawings submitted with the outline application showing low level housing facing inwards for new dwellings backing onto the existing bungalows on Alfreton Road and into the northern corner of Phase 2.

The site layout plan now submitted for approval shows six two storey houses within the area previously indicated as a low level housing area. Unacceptable adverse impact on those existing dwellings.

Urban Design Officer 10.11.14.

Comments on initial submission advised that the overall design and layout of the proposals is broadly acceptable. Notes that:-

As far as possible, the site is well connected to the adjacent areas and can be integrated as part of the village.

Bungalows have been positioned along much of the western boundary to assist in reducing the impacts of the new development on neighbouring properties. Where houses are

proposed, back gardens are generally slightly longer in order to achieve a greater separation distance to reduce potential overlooking and maintain amenity.

Minimum separation distances are achieved or in some cases exceeded.

Acceptable relationship with the adjacent countryside.

Appropriate mix of building scales.

Acceptable appearance with the majority of housing styles reflecting those used on Phase I.

Conditions are sought re: porch bay window and lean-to roofs to be constructed from painted timber underneath a roof covering of small format tiles (not GRP); where meter boxes are shown located on front elevations these should be repositioned to less prominent side elevations and coloured in a finish that tonally matches the background material.

Amendments were sought regarding:-

The area in front of Plot 78 which should be revised to strengthen the role of this location within the scheme as an important focal point.

Additional detailing in order to strengthen key building role.

Changes to the siting of specific plots to enhance the street scene.

Provision of additional side windows to various plots to further animate these elevations and for overlooking towards their parking areas and the adjacent streets and footpaths.

Additional frontage boundary walls and railings to specified plots.

Following the receipt of amended plans to address the above points the Urban Design Officer has verbally confirmed that the proposal is now acceptable in terms of urban design.

Crime prevention Design Advisor 18.11.14

No further comments to make in relation to the layout and levels of surveillance.

No response

Derbyshire Wildlife Trust

Severn Trent Water

PUBLICITY

Advertised in the press and site notice posted, 33 properties consulted. 9 objections (excluding duplicate response) received on the following grounds:-

- Several residents refer to the indicative plan submitted with the outline application which indicated low level housing at the northern end of the site and request that the proposal be revised to include more bungalows in this area on the grounds of loss of privacy and overshadowing and loss of amenity. Also concerns about other changes from the indicative layout.
- Resident is disabled and spends a lot of time in the conservatory and will be affected by overlooking and overshadowing.
- Layout and Density
- It would helpful to have some information on the design of the footpath link, if any higher fencing or trees are going to be put in place to create a barrier between members of the public and our property.
- Concerns over loss of privacy from the footpath.
- Fears over children's safety
- Concerned about ground levels and floor heights and boundary stability

- Nuisance from new street lamps at night
- Impact on school capacity
- Impact on “our right to quiet enjoyment”
- Loss of property value
- Loss of view of the countryside
- Impacts on off-site highway safety
- Speed of traffic on Thurgaton Way, suggests traffic calming is required

POLICY

Bolsover District Local Plan (BDLP)

As the Bolsover Local Plan was prepared and adopted prior to 2004, ‘due weight’ rather than ‘full weight’ should be attached to its policies dependent upon the degree of consistency with the NPPF.

GEN1 (Minimum Requirements for Development)
 GEN2 (Impact of Development on the Environment)
 GEN5 (Land Drainage)
 GEN6 Sewerage and Sewage Disposal
 GEN11 (Development Adjoining the Settlement Framework)
 TRA15 (Design of Roads and Paths to Serve New Development)
 ENV5 (Nature Conservation Interests Throughout the District)
 ENV8 (Development Affecting Trees and Hedgerows)

National Planning Policy Framework

Core principles para17 - Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Reflected in the advice of the NPP Guidance – Design (ID:26).

Authorities should seek to have a minimum 5 year supply of deliverable sustainable housing and housing policies which prevent this will be considered out of date.

Other (specify)

Interim SPD - Successful Places: A Guide to Sustainable Housing Layout and Design (2013)
 Building for Life 12: The sign of a good place to live (2012)

ASSESSMENT

This application is for approval of reserved matters. The principle of residential development has already been established by the recent outline planning permission. Issues such as off-site traffic and highway safety impacts, school capacity, provision for leisure, affordable housing and the capacity of the doctors practice have all been dealt with in the outline permission (See ‘History’ Section above and for summary of the agreed S106 contributions).

The issues to be determined with this reserved matters application are whether the proposed details of the layout and landscaping of the site, together with the scale and appearance of the dwellings are acceptable.

It is noted from some of the public representations received and from the Parish Council response that there is a view that the Applicant should adhere to the indicative site plan which accompanied the outline application. This was a loose concept plan which showed, amongst other things, dwellings in the northern corner of the site labelled as “low level housing facing inward”. However that outline plan was clearly labelled “indicative” and the formal details of layout and scale were not determined or fixed with the outline planning permission. Neither is there a condition on the outline planning permission restricting certain areas of the site to single storey development (such a condition would not have met the tests for conditions and could not have been applied). The issue of specific impacts is to be resolved with this application.

The details now submitted for approval show 10 out of the 40 dwellings proposed being single storey bungalows. These are mainly sited along the western boundary of the site where the existing adjacent dwellings on Alfreton Road are also mainly single storey. The single storey dwellings as proposed actually extend further south along the western boundary of the site than was shown indicatively at outline stage, although conversely the proposal does include 4 two storey houses at the northern tip of site which had been indicatively shown as an area of low level housing at outline stage. Effectively the applicant has elected to include a proportion of single storey dwellings as per the outline submission although the precise location of them has shifted southwards a little. (The material consideration is whether the impacts of the scheme as proposed are acceptable within normal planning considerations and not what an indicative plan showed).

Following the receipt of representations requesting additional bungalows be provided in the northern corner (and at plot 69 in the southern corner), the applicant was requested to review the layout to reflect the concerns raised. However the Applicant has not felt able to accommodate the views expressed. The Applicant says that the percentage of single storey development is already generously weighted at 25% of the mix, which responds to customer feedback and market research, and that the proposal also meets the Council’s standards. The Applicant has also demonstrated that ground levels proposed for the new dwellings will not aggravate amenity impacts and, at the northern end of the site, are lower than for existing dwellings.

The majority of existing dwellings adjacent to the northern end of the site are 2 storeys but there are some single storey ones as well. Where new 2 storey dwellings are proposed next to existing single storey dwellings (adjacent to plots 58 and 65) the separation distances proposed mean that impacts on privacy, daylight and amenity comply with the tolerances set out in the Council’s Design Guidance. This is also the case where new dwellings are proposed next to existing 2 storey housing and between dwellings within the proposed development. Therefore, as with most developments, whilst there would be some amenity impacts on neighbouring properties it is considered that these impacts would not be so harmful as to conflict with the Council’s guidance or policies (GEN 2) and so would not justify the refusal of planning permission.

As amended the Urban Design Officer is satisfied with the submitted layout details and the designs of the dwellings proposed. He is also satisfied that there is an appropriate mix of building scales. The density proposed is approximately 26 dwellings per ha which is relatively low for modern developments.

The County Highway Authority is also happy with the internal road layout subject to conditions, as summarised above in 'Consultations'. However it should be noted that many of the conditions requested have already been dealt with by the conditions of the outline permission. The conditions requested about gates opening inwards and drive gradient are not considered to be necessary on this site (fail to meet tests for conditions and are not required).

At the time this report was drafted the landscaping detail submitted was not especially detailed and so a further condition will be necessary to require a finer level of detail unless a more detailed scheme has been submitted prior to committee. Committee Members will be updated on this matter on the supplementary update report. So far as it goes the landscaping detail submitted to date is considered to be acceptable. The southern fringe of the site will retain and reinforce the existing hedgerow within a green corridor, also to be seeded with a grass and wild flower mix. This corridor will provide a soft edge to the site against the countryside which will moderate its visual impact in compliance in compliance with policy GEN11. Street trees and frontage boundary walls and railings are proposed in some key and focal locations within the site to enhance the character of the development.

Other Matters

Listed Building: N/A

Conservation Area: No significant effect

Crime and Disorder: Amended plans have dealt with the issues raised

Equalities: No significant issues

Access for Disabled: No significant issues

Trees (Preservation and Planting): See above

SSSI Impacts: No significant issues

Biodiversity: Considered at outline stage and condition to mitigate applied.

Human Rights: It has generally been established in case law that that a normal planning balancing exercise would be enough to satisfy Convention requirements on human rights.

There are no unusual impacts anticipated from this development that would indicate that the normal balance of planning issues is not applicable.

Devaluation of property: Not a material planning consideration.

Representations requesting further details of the footpath link to Alfreton Road are noted. However this detail is required by a specific condition of the outline permission and so can be provided later in accordance with that condition – see below.

It should be noted that conditions applied to the outline consent dealt with the following issues and so do not need to be repeated at this reserved matters stage:-

- Hedgerow fenced-off prior to commencement and retained and enhancement forming part of a wider landscape buffer and its future maintenance.
- An Ecological Design Strategy addressing mitigation, compensation and enhancement and future maintenance submitted and approved prior to commencement.
- A pre-commencement survey for the presence of any new badger setts on the site together with measures put in place to ensure that badgers are not trapped or harmed by earth moving activities or pipe laying etc.

- An investigation into coal mining risks and implementation of any remedial works prior to commencement.
- Remediation of ground contamination.
- Approval of surface water and foul drainage details to include consideration of SuDS and maintenance details.
- Construction Management Plan (dealing noise generating working hours, dust, mud etc).
- Prior to occupation, each dwelling to be linked to the new estate road, surfaced to base course level and lit.
- Provision and maintenance of 2 parking spaces per dwelling, where any of this space is provided within garages they shall be at least 3m wide x 6m long.
- The footpath to Alfreton Road to be provided prior to occupation of 5th dwelling in accordance with a scheme to include surfacing to adoptable standard; lighting and lighting design; provision of 1.8m boundary detail either side of the footpath; landscaping; and barrier detail at Alfreton Road.
- A scheme to be approved for public art works on site.

Conclusion

The submitted details of appearance, landscaping, layout and scale comply with the Council's design guidance and policies and there are no impacts arising that would be so harmful as to justify refusal of the application.

RECOMMENDATION Approve (subject to the following conditions to be formulated in full by the Assistant Director of Planning)

Conditions

1. The development shall be undertaken in accordance with the submitted schedule of finished floor levels (Rev. A – 26.11.14).
2. The development shall be undertaken in accordance with the submitted external materials schedule dated 12.11.14.
3. All porch and bay window and lean-to roofs shall be constructed from timber with a painted finish underneath a roof covering of small format tiles.
4. Notwithstanding the meter box detail shown on the submitted house type drawings, where reasonably practicable, meter boxes shall not be positioned on the front elevation and shall be positioned on a less prominent side elevation and coloured in a finish that tonally matches the background material.
5. With the exception of the Landscaped Buffer Zone on the southern boundary of the site (which is dealt with by condition 4 of the outline planning permission), the approved landscaping drawings (C-1231-01 and 02 Revision A submitted on 17/12/14- but see possible amendments on update report) shall have been implemented before any of the respective dwellings have been occupied. In addition a scheme for the maintenance of the street trees shall have been submitted to the Local Planning

Authority for consideration and approval prior to the occupation of any of the dwellings and the approved maintenance scheme shall thereafter be implemented.

6. The approved boundary details (fencing, walling and railings etc) shown on layout plan NE2/PL/01C shall be implemented before any of the respective dwellings have been occupied, except as may be revised following agreement in writing with the Local Planning Authority in relation to the boundary fronting the landscaped buffer zone adjacent to the southern boundary as may be necessary to accommodate public art works required under condition 16 of the outline planning permission.

Advisory Notes to Applicant

1. The developer is reminded of the need to comply with all of the conditions of the outline planning permission (14/00065/OUTMAJ) in addition to the conditions of this approval of reserved matters.
 2. The Developer is reminded of the need to comply with the obligations of the Section 106 Agreement (legal agreement) completed in association with the outline planning permission.
 3. Amended drawings as relevant (list).
 4. For the avoidance of doubt the landscaping detail submitted with this reserved matters permission does not fully discharge all of the requirements of condition 4 of the outline planning permission. This matter is being dealt with under a separate application for discharge of conditions (14/00494/DISCON).
 5. You are advised that the Council will not provide refuse, recycling and composting bins for the development hereby approved; either the developer or the purchaser of the property will have to purchase the bins from the Council. You are advised to provide guidance to purchasers about the bin scheme to ensure that their waste will be collected after occupation. If further advice on this issue is needed you should contact the Council's Waste Collection Service on 01246 242424.
 6. Certain plant and animal species, including all wild birds, are protected under the Wildlife and Countryside Act 1981. It is an offence to ill-treat any animal; to kill, injure, sell or take protected species (with certain exceptions); or intentionally to damage, destroy or obstruct their places of shelter. It is thus an offence to take, damage or destroy a wild birds nest whilst in use or being built. Hedgerows or trees containing nests should therefore not be removed, lopped or topped during the nesting season. Bats enjoy additional protection. It is an offence to kill, injure or disturb bats found in the non-living areas of a dwelling house (that is, in the loft) or in any other place without first notifying English Nature. Some other animals are protected under their own legislation (e.g. the Protection of Badgers Act 1992).
 7. Plus Highway Notes.
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SITE SECTIONS-

WHEELDON BROTHERS LTD.

