

PARISH South Normanton

APPLICATION Residential development comprising 31 two-bedroom bungalows, and associated access, car parking, ground level changes and landscaping (revisions to previous approval of planning permission 16/00510/FUL).

LOCATION Jacques Brickyard Water Lane South Normanton Alfreton

APPLICANT Mr David Cross Jacques Brickyard, Water Lane South Normanton Alfreton

APPLICATION NO. 18/00413/FUL **FILE NO.** PP-07163369

CASE OFFICER Mr Steve Phillipson

DATE RECEIVED 27th July 2018

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Planning Manager
 REASON: Previous permission on site was a Committee Decision. The recommendation to approve that application was finely balanced. The current application seeks amendments to the approved scheme.

SITE

Approximately 0.83 ha brownfield site formerly known as Jacques Brickyard. It is within the settlement framework to the rear and north side of dwellings on Water Lane, South Normanton. The site has recently been cleared to implement planning permission for residential development.

There are some significant level changes on site and in relation to the adjacent land but generally levels fall from north west down to south east.

The main access into the site would be taken from Water Lane where there is a notable gap in the terraced dwellings. There are bus stops in both directions close by on Water Lane.

There is residential development adjacent to all sides of the site although to the east side there is an intervening water course. The older 2 storey dwellings on Water Lane are mostly finished in render or red brick but there are several gaps in the street scene due to demolition with stretches of undeveloped land fronting the street. The overall impression of this part of Water Lane is that it is run down and in need of further investment and redevelopment. However, there are areas of well designed new development close by, such as off Knitters Road, which have successfully begun to lift the character of the area.

A Parish recreation ground is located about 150m walk to the south west across Water Lane off South Street and Lansbury Drive which has children’s and youth/adult facilities. Brigg Infants School is also close by some 200m from the site.

PROPOSAL

Application for full planning permission for residential development comprising 31 two-

bedroom bungalows, and associated access, car parking, ground level changes and landscaping.



The proposal is very similar to the scheme which has recently been granted planning permission 16/00510/FUL. That permission was for the erection of 32 two-bedroom dwellings comprising 23 single storey bungalows and 9 two storey houses. Notably the previous scheme included five 2 storey houses on the frontage to Water Lane (2 pairs of semi's and one detached), whereas the current proposal is for 3 terraced bungalows on the frontage.

Further back into the site the changes sought are less noticeable but it does include amendments to the ground levels previously approved. At the north east corner of the site adjacent to 61 Sough Road plots 22 – 25 are now proposed at a higher ground level than previously approved by about 1.5m – 2m.

A viability report has been provided by the Applicant which concludes that the development in the previously approved scheme did not generate a sufficient profit (6%) and was considered not commercially viable for the developer. A value engineering exercise was carried out which established that the proposed 31 unit scheme was more profitable

despite fewer units.

Amending the design from 23 bungalows and 9 townhouses to 31 bungalows resulted in a larger reduction in the build costs when compared to the reduction in revenue and so the potential revenue of the scheme was increased. However despite the increased profitability on the 31 unit scheme (8%), the profit margin is still far below the level that most developers would consider viable.

With regard to the site frontage the Applicant states that the 5 houses previously approved would generate £49,332 profit whereas the three bungalows now proposed would generate £77,129 profit i.e.£27,797 more (*about 1% more profit*).

AMENDMENTS

30/08/18 Geo Environmental Report parts 1 and 2.

23/01/19 Revisions include new privacy screen fence location to plots 23-25, french drain to northern boundary and use of TensarTech Natural Green Earth Retaining System for steep slopes.

23/01/19 Proposed Site Sections 2505-015 Rev K

23/01/19 Proposed Site Sections 2505-037 Rev A

23/01/19 Sections Key Plan 2505-001 Rev AL

23/01/19 Viability Statement

12/02/19 Visuals of site frontage provided.

26/02/19 Viability Appraisal

HISTORY (if relevant)

05/00631/FULMAJ	WDN	Residential development for 34 dwellings
06/00201/OUTMAJ	WDN	Residential development with access from Water Lane
07/00753/OUTMAJ	GC	Residential development for up to 39 houses with access off Water Lane
08/00184/OUTMAJ	GC	Erection of 39 residential houses and associated estate road off Water Lane
11/00335/VARMAJ	GC	Extension of time for start of previously approved scheme 07/00753/OUTMAJ - Residential development for up to 39 houses
15/00541/OUT	REF	Residential development for up to 39 dwellings
16/00510/FUL	GC	Erection of residential development comprising 32 two-bedroom dwellings (a mix of single storey and two storey) and associated access, car parking and landscaping.

18/00262/DISCON	PTDIS	Discharge of Conditions 4 (Hedge retention), 5 (biodiversity mitigation), 6 (Ground Remediation Scheme), 7 (Risks from Past Coal Mining), 8A (Foul Drainage Plans), 8B (Surface Water Management and Maintenance Plan), 20 (Japanese Knotweed Management Plan) of Planning Permission 16/00510/FUL
18/00412/DISCON	NOTDIS	Discharge of Condition 3 (Scheme to secure the relocation of the bus stop on the site frontage) of Planning Permission 16/00510/FUL
18/00413/FUL	PCO	Residential development comprising 31 two-bedroom bungalows, and associated access, car parking, ground level changes and landscaping (revisions to previous approval of planning permission 16/00510/FUL).
19/00024/DISCON	DISCH	Discharge of Condition 10 (Materials Plan and Schedule) of Planning Permission 16/00510/FUL

CONSULTATIONS

Urban Design Officer

Recommends revisions.

The previously proposed two-storey houses were intended to replicate the scale and enclosure of the existing streetscene in order to reinstate the continuity of the built frontage, which has been undermined by the presence of large gaps between groups of houses and the generally unmanaged appearance of these spaces.

The character and appearance of this part of Water Lane is clearly defined by two-storey terraced houses close to the street. Although a large proportion of bungalows were previously accepted within the scheme, adjacent to Water Lane, the two-storey houses were intended to replicate the scale and appearance of the existing townscape. This represented an appropriate design response that would help assimilate the approved scheme into the existing streetscene.

Bungalows on the site frontage in lieu of two-storey houses are considered likely to appear at odds with the appearance of this part of Water Lane. Although the bungalows would be positioned close the edge footway and follow the building line, their low height and scale would represent an incongruous addition to the streetscene, weakening the previously approved relationship between the site and the street and appearing at odds with the character and appearance of the area.

It is recommended that this aspect of the current application is revisited and the scheme amended to better reflect the scale and character of the adjacent streetscene.

DCC Highways

No objections subject to previous highway comments and conditions for application 16/00510/FUL

BDC Drainage Engineers

SuDS management details needed if relevant.

Temporary Drainage arrangements during construction should be in place.

Severn Trent Water

Details of foul and surface water drainage disposal should be approved prior to commencement.

Environmental Health Officer

Recommends a contaminated land condition.

Economic Development Officer

Requests a condition to secure local opportunities for skills, training and employment within the District.

Senior Valuer

Consulted on viability information only recently received. Response awaited.

PUBLICITY

Advertised in the press and on site. 24 Properties consulted.

One objection received regarding the increase in levels at the north east corner of the site and the effect on overlooking. Concern as to proposed boundary treatment.

POLICY

Bolsover District Local Plan 2000 (BDLP)

The site is not specifically allocated but the plan shows the site to be within the settlement framework where residential development is acceptable in principle. Due weight should be attached to the saved policies depending on the degree of consistency with the NPPF.

Relevant policies:-

GEN 1 – Minimum requirements for development

GEN 2 – Impact of development on the environment

GEN 4 – Development on Contaminated Land

GEN 5 – Land Drainage

GEN 6 – Sewerage

GEN 8 – Settlement Frameworks

GEN 17 - Public Art

HOU2 – Location of Housing Sites

HOU5 – Outdoor Recreation and Play Space Provision for New Housing Development

HOU6 – Affordable Housing

TRA1 – Location of new development

TRA15 – Design of roads and paths
ENV 5 – Nature Conservation Interests
ENV8 – Development affecting trees and hedges

Local Plan for Bolsover District – Publication Version May 2018

The plan has progressed through examination and so its policies should be given weight depending on the level of objection to specific policies. In general the weight to be given to these policies is now increased.

The site is not allocated in the Publication Version Local Plan, although it is within the development envelope where residential development is acceptable in principle.

SC1 Development within the Development Envelope

Normally permitted if the development is appropriate in scale, design and location to the character and function of the area...and environmental impacts would not be unacceptable.

SS1 Sustainable Development...

- b) Promote the efficient use of land and the reuse of previously developed land in sustainable locations...
- c) Locate development in close proximity to trip generators to reduce the need to travel by non-sustainable modes of transport.
- k) Support the provision of essential public services and infrastructure.

SS2 Scale of development

SS3 Spatial Strategy and Distribution of Development

Directs development towards the towns and larger settlements.

SC2 Sustainable Design and Construction.

Will permit development where it....

- i) Protects the distinctiveness, character, townscape and setting of settlements.
- k) Supports the provision of essential public services and infrastructure.
- n) Ensures contamination is remedied.

SC3 High Quality Development

Will permit development provided they:-

- a) Create good quality places that will integrate into its setting
- b) Respond positively to context and contribute to local identity in terms of height, scale, massing, density, layout and materials
- e) Provide a positive sense of place through well designed streets appropriate to their context.
- f) Ensure a good standard of amenity in terms of privacy, light avoiding overbearing etc.

ITCR5 Green Space and Play Provision
Applies to developments over 25 dwellings.

ITCR11 Parking Provision

II1 Developer Contributions

LC2 Affordable Housing through Market Housing
10% on site affordable required for developments of 25 or more dwellings

National Planning Policy Framework

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration with a presumption in favour of sustainable development, decisions should secure development which will improve the economic, social and environmental conditions of the area. As the Bolsover District Local Plan was adopted prior to 2004 due weight should be given to its policies according to their degree of consistency with the Framework.

Development should make effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions. Good design is a key aspect of sustainable development. Development should add to the overall quality of the area; be visually attractive; sympathetic to local character and history; establish or maintain a strong sense of place; optimise the potential of the site; and, create places that are safe, inclusive, and accessible, with a high standard of amenity for existing and future users.

Para's 127 and 130 on Design

130. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

Other (specify)

Successful Places: A Guide to Sustainable Housing Layout and Design (2013)
A Building for Life 12 (BfL12) - The sign of a good place to live
National Planning Practice Guidance (NPPG) – Design (ID: 26)

ASSESSMENT

Planning permission has recently been granted for a similar development proposal on this site (16/00510/FUL granted 20/12/2017) hence there is an extant planning permission and the principle of residential development has already been established.

However, due to marginal economic viability, in resolving to grant planning permission for

16/00510/FUL the Council had to make compromises in order to facilitate the delivery of a scheme which would help regenerate and improve the character of the area.

Firstly the density and layout of the approved scheme has compromised a number of normally applied urban design principles, in order to facilitate a viable development. This includes quite a car dominated street scene, quite small gardens and so the layout feels tight as a result. In addition the scheme could not stand financial contributions or S106 obligations normally sought for infrastructure such as 10% affordable housing and a contribution to increase junior school capacity and so the sustainability of the proposal was also compromised.

The recommendation to approve was therefore very finely balanced but ultimately the opportunity to regenerate this long term vacant and problem site and improve the character of the area was considered to outweigh the shortcomings of the scheme.

The main issues to consider for the current application relate to the revisions to the approved scheme which are now being sought. These include the omission of two storey houses from the scheme in favour of bungalows and the increase in ground levels at the north east corner of the site.

The Omission of 2 storey Houses to the frontage

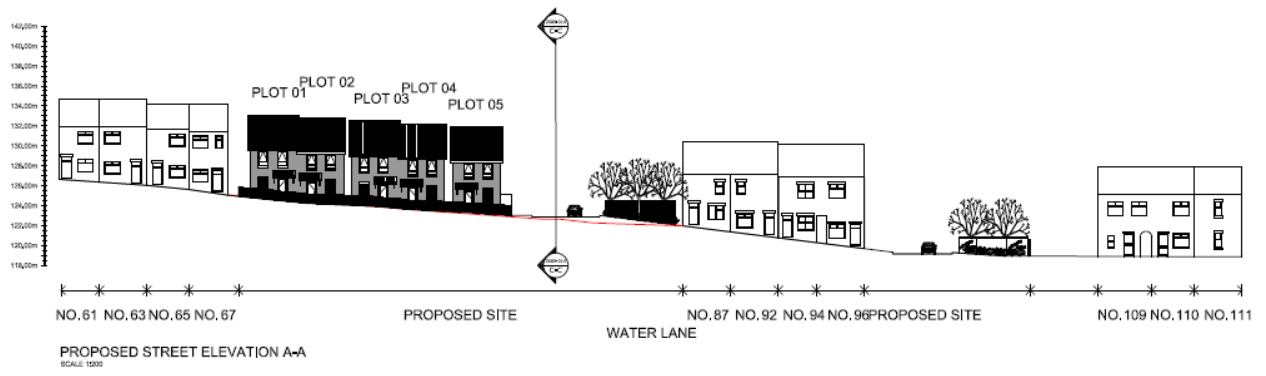
The omission of four 2 storey houses and replacement with bungalows within the heart of the site is not a concern. The majority of dwellings previously approved were bungalows.

The omission of the five 2 storey houses to Water Lane frontage is however considered to be a negative step with regard to urban design and how the site integrates with the existing form of development.

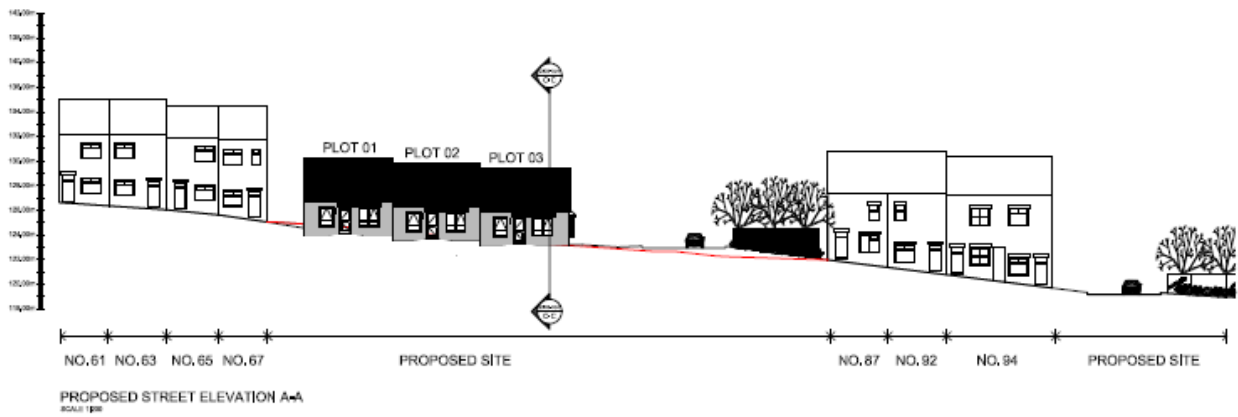
The character and appearance of this part of Water Lane is clearly defined by two-storey terraced houses close to the street. The previously approved two-storey houses adjacent to Water Lane were intended to replicate this including the scale and enclosure of the existing streetscene in order to reinstate the continuity of the built frontage, which has been undermined by the presence of large gaps between groups of houses.

The current proposal includes the replacement of the five 2 storey frontage houses in favour of 3 bungalows. Bungalows on the site frontage are considered likely to appear at odds with the appearance of this part of Water Lane. Although the bungalows would be positioned close the edge footway and follow the building line, their low height and scale would represent an incongruous addition to the streetscene, weakening the previously approved relationship between the site and the street. This aspect of the proposal does not accord with saved policy GEN2 (1) of the Adopted Local Plan or to Publication Version Local Plan Policies SC1(a), SC2(i), and SC3(a, b and e). Furthermore the NPPF supports good design and advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Street scenes of the previously approved scheme (top image) and what is now proposed (below) are copied below:-



16/00510/FUL



18/00413/FUL

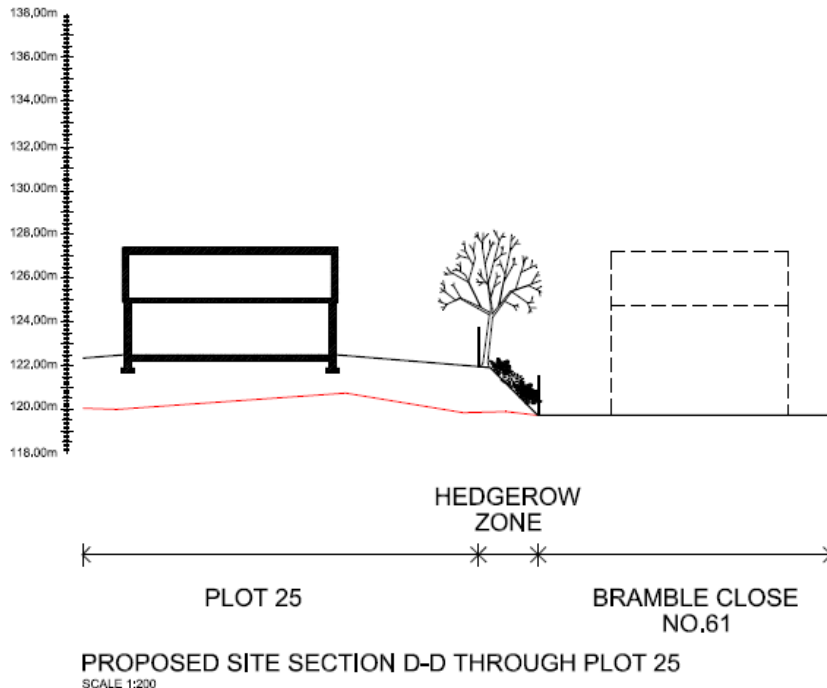
The Applicant has also supplied a visualisation of the proposed bungalows to support the application. This is shown below.



The Applicant has also supplied a viability appraisal to evidence the reason why the scheme cannot afford to include a small quantity of 2 storey housing on the Water Lane frontage. This had only just been received at the time this report was written and so a consultation response on it from the Council's Senior Valuer was awaited. Committee Members will be updated on this matter before the meeting.

Increase in Ground Levels at the North East Corner of the Site.

The new application also shows a difference in ground levels to that previously approved. This can be summarised in that the scheme now shows a bit more cut and fill across the site moving the earth to the east. The red line shows existing ground level.



The most significant change is at the north east boundary where levels are now shown up to 2m higher than original ground level. This would affect amenity at 61 Sough Road because the garden to proposed plot 25 will be elevated by 2m above the garden to that property raising concerns about loss of privacy. The steep slope will also need to be adequately constructed to protect against land slip and surface water runoff.

The scheme has been amended to address Planning Officer concerns to include 1.8m fencing at the top of the garden plateaux, Tensar Tech earth retaining system, and a french drain to the base of slope. The additional fencing will have some negative effect on daylight and sunlight received at No 61 being to the south side of that property but this is not at a level that would fail the Council's design guidelines and this impact is considered to be a preferable solution to being significantly overlooked from the higher garden area.

It is considered that these mitigation measures will adequately address the difference in levels proposed without an unacceptable level of impact on amenity.

Other Matters

There are no other significant material changes in circumstances from the previous grant of planning permission. However, if Committee Members are minded to grant planning permission then planning conditions will be needed to deal with other technical issues as was applied to the previous planning permission 16/00510/FUL. Where conditions have already been discharged for that permission or partially discharged, then the requirements of any new conditions will need to account for this.

Conclusions

Planning permission has previously been granted for a very similar scheme which

comprised mostly of bungalows but with 2 storey housing required on the Water Lane frontage as an appropriate design response to the character of the area and the existing urban form.

However, due to marginal economic viability, in resolving to grant planning permission for the previous scheme the Council had to make compromises on design and S106 infrastructure obligations normally required in order to facilitate the delivery of a scheme which would help regenerate and improve the character of the area.

The current proposal seeks to amend the scheme to substitute the 2 storey housing on Water Lane frontage with more bungalows. It is considered that this would result in a dilution of the approved design that would lesson effectiveness of the interface between the proposed development and the existing streetscene, appearing at odds with the character and appearance of the area.

The previous recommendation for approval was finely balanced with compromises being made in favour of improving the character of the area. If the scheme is changed as is now proposed, such that it would not secure an adequate degree of improvement to the character of the area then it is considered that the planning balance tips the other way towards refusal. However this remains a finely balanced recommendation.

RECOMMENDATION

Refuse

Bungalows on the site frontage to Water Lane in lieu of two-storey houses as previously approved (planning permission 16/00510/FUL) will appear at odds with the appearance of this part of Water Lane. Their low height and scale would represent an incongruous addition to the streetscene, weakening the previously approved relationship between the site and the street and appearing at odds with the character and appearance of the area.

The proposed development would no longer result in sufficient improvement to the character of the area as to justify the approval of a development which is not able to address policy requirements for social infra-structure including the provision of affordable housing and to expand the local junior school.

Under these circumstances approval of the proposal would be contrary to Adopted Bolsover District Local Plan saved policies GEN2 (1), and HOU6; and to Publication Version Local Plan Policies SC1(a), SC2(i), and SC3(a, b and e), and II1 and LC2.

Site Location Plan

