

COMMITTEE UPDATE SHEET

SUPPLEMENTARY REPORT OF THE PLANNING MANAGER

This sheet is to be read in conjunction with the main report.

Agenda Item No: 6 Planning Applications to be determined

Planning Site Visits held on 8 March 2019 commencing at 10:00hours.

PRESENT:-

Members: Councillors PM Bowmer, J Clifton, Pat Cooper, Paul Cooper, T Munro (Chair), B Murray-Carr, P Smith, D Watson and J Wilson.

Officer: Chris Fridlington

APOLOGIES

Apologies were received from Councillors T Alexander, D McGregor, K Reid, S Peake and R Turner (Vice Chair),

SITES VISITED

1) Greenacres, Scarcliffe (18/00411/OUT)

2) Jacques Brickyard, South Normanton (18/00413/FUL)

The meeting concluded at 11:30 hours

Updates:

Agenda Item 6.1: Greenacres, Scarcliffe (18/00411/OUT)

Following the publication of the officer report, the applicant has made further representations based on information presented in the officer report, which are attached as Appendix A.

Officer Report

The applicant comments on various aspects of the officer report and refers back to an appeal decision relating to Glapwell Nurseries.

The relevance of the Glapwell Nurseries appeal decision is set out in some detail in the officer report and it is considered that the facts are different in each case. Therefore, the current application will need to be dealt with on its individual planning merits. Similarly, other cases referred to by the applicant will have been dealt with on their individual planning merits.

However, the applicant has, perhaps inadvertently, misrepresented what was said by the Inspector in respects of classification of brownfield land at Glapwell Nurseries; the application site is not previously developed land in this case. Similarly, whether or not Scarcliffe is a 'sustainable' or 'accessible' location (as per the appeal decision on Glapwell Nurseries) is discussed in the report but 'car dependency' is not suggested as a reason for refusal of this application in the officer report.

In addition, we would not normally request financial contributions from proposals for 12 dwellings because they fall below the policy threshold for planning obligations, which is a point the applicant has now accepted. However, the current condition of the buildings and the desirability of tidying up this land by granting permission for this application can be taken into account in the determination of the application.

In the officer report, it was considered that the benefits of removing buildings would not offset or outweigh the visual impact of the new housing or amount to the special circumstances necessary to justify new market housing outside of the settlement framework.

Conservation Area

The officer report sets out how and why the Heritage Conservation Manager considers the current proposals would result in less than substantial harm to the setting of the Conservation Area. If members agree there would be less than substantial harm then in accordance with national policies; the public benefits of the proposal should be weighed by the Planning Committee against this harm in the determination of this application.

Design Matters

The housing proposals would be unneighbourly even if the adjacent properties were provided with the additional land and this point is reflected in both the officer report and suggested reasons for refusal of this application. Officers consider the only way to deal with this particular objection would be to limit the height of the new housing to single storey because of the restrained nature of the application site.

However, the application seeks detailed approval of external appearance but the submitted plans are not to a recognised scale so it is not possible to approve these plans in any event.

Public Objections

The applicant comments on various third party representations but the matters raised in representations on this application have already been dealt with in the officer report and it is not considered necessary to comment further on these points.

Conclusions

It is therefore concluded that the applicant's representations do not raise any points that alter the original officer recommendation of refusal. Officers have also sought to work positively and proactively with the applicant despite clearly stating concerns about the principle and potential impact of the development from the outset. It is these concerns that now form the

principal reasons for refusal of this application as set out in the original officer report and immediately below:

RECOMMENDATION

The application be REFUSED for the following reasons:

1. The site lies outside the settlement framework as defined in the saved policies of the Bolsover District Local Plan (2000). Policies ENV3 and HOU9 apply which do not normally allow residential development except in special circumstances such as where dwellings are required for agricultural workers or where it results in a significant improvement to the rural environment. The proposal does not meet these criteria and the application is contrary to policies ENV3 and HOU9. The proposal is also contrary to the publication Local Plan which aims to foster sustainable development and it does not support the allocation of this site for residential development as part of the planned delivery of the plan's housing target for the period up to 2033. As a result, it is considered that the proposal would be contrary to the Framework also given its emphasis on a plan-led system. Insufficient other material considerations exist to offset this conflict and approval would therefore be an unjustified departure from the development plan.
2. The proposed development would not form a logical extension to the settlement of Scarcliffe and would be poorly related to the existing pattern of development resulting in an encroachment into the countryside which would have a detrimental urbanising effect on the appearance and character of the landscape contrary to saved policies ENV 3 and GEN 2 of the Bolsover District Local Plan and also guidance contained within the Framework which advises that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
3. The proposed development would result in a permanent urbanising alien form of development which would be visually prominent and would alter the current plan form of the village. It would introduce urbanising development in views to and from the conservation area and would have a less than substantial harm on heritage assets with no significant public benefit. Development would be contrary to saved policy CON4 of the Bolsover District Local Plan and paragraph 196 of the Framework.
4. In reserving layout for future consideration it cannot be adequately demonstrated that the proposed development can achieve general compliance with the Council's Supplementary Planning Document Successful Places A Guide to Sustainable Housing Layout and Design. The proposed development as shown on drawing number 1707-AA111 REV A would not achieve general compliance with the guidance contained within the Council's design document in respect of space around buildings which would result in overlooking between 1,2 and 3 and 7-15 Main Street. As submitted the proposal would not meet the requirements of policy GEN 2 of the Bolsover District Local Plan.

Agenda Item 6.2: Jacques Brickyard, South Normanton (18/00413/FUL)

Since the publication of the officer report, we now have a consultation response from the Council's Senior Valuer received 06/03/19 regarding the viability of the scheme.

He advises that the development costs and land value stated appear to be reasonable. The predicted sales returns stated for bungalows and houses also appear reasonable.

However he notes that properties are already being marketed on Rightmove for more than the asking prices set out in the submitted viability appraisal and, in his view, for new build property there is not usually much room for negotiation and the asking price is normally the selling price. Hence he advises that profitability is likely to increase to in excess of 10% for the bungalow only scheme.

In response the Applicant says that they have put the prices higher on Rightmove to ensure that there is negotiation room and that all buyers attempt to bid on price or want extras such as carpets, landscaping, fittings, appliances etc.

Planning Officer Comment:

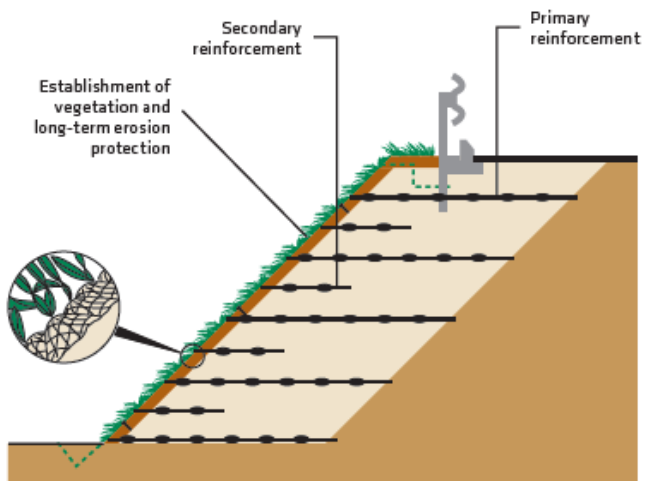
The viability of the development is low whatever scheme is implemented. Planning Practice Guidance accepts that for schemes to be worthwhile a minimum profit of 15-20% is reasonable.

The viability appraisal does not show categorically that the scheme cannot stand to provide housing as oppose to bungalows to Water Lane frontage because no threshold level for the scheme to proceed has been set. Rather it shows that the scheme will be a bit more profitable if frontage bungalows are allowed (by about 1 or 2%).

The Embankment

Clarification has been sought on the means of retaining the steep embankment to step down ground levels at the north east corner of the site.

The developer proposes the use of a Tensartech Narturalgreen earth retaining system for slopes. The system is used for building soil structures with a slope face up to 45°. The system consists of Tensar geogrids, which reinforce the soil mass providing long-term structural stability. The stability of the structure is provided by the horizontal layers of geogrid within the reinforced soil mass. There is no rigid or formal face on the structure up to the recommended maximum angle. An illustrative diagram of this system is shown overleaf.



A composite erosion control mat at the surface helps establish and maintain a vegetative cover.

The Flying Buttresses

A further issue arising was around whether the buttresses to 109 Water Lane could be removed to help improve the appearance of the area. These are partly remaining walls of 107 Water Lane. A property which was once attached to No 109 but has been substantially demolished save for the 3 brick buttresses retained.

However, what remains of No 107 is outside the application site and presumably outside the ownership and control of the Applicant. The buttresses appear to have been retained for structural support since the owners of No 109 will have a "Right to Support". Hence it does not appear to be possible to resolve this issue through the current application.

Recommendation and Reasons for Approval

In light of the above information, officers consider that the original reasons to refuse this application have still not been addressed. However, given the finely balanced nature of the recommendation, if Committee Members are of the view that the development as now proposed would still deliver benefits and adequate improvements to the character of the area, sufficient to continue to outweigh the failure to provide 3 affordable houses and to account for a proportionate increase in junior school capacity then planning permission could be granted for the current application.

If members were minded to approve the application, officers would suggest the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:-
 - 23/01/19 Proposed Site Sections 2505-015 Rev K

- 23/01/19 Proposed Site Sections 2505-037 Rev A
- 23/01/19 Site Layout Plan 2505-001 Rev AL
- Location Plan 2505-016
- House Types:- type 04 2505-005 B, type 07 2505-013 B, type 08 2505-017 A, type 15 Elevations 2505-032, 15 GF plan 2505-031, 2505-002 C.

3. Prior to the occupation of any of the dwellings hereby approved, the existing bus stop and shelter on the Water Lane site frontage shall have been relocated in accordance with the detail approved for planning permission 16/00510/FUL and Discharge of Condition Application 18/00412/DISCON.

4. (a). Implementation of Approved Remediation Scheme:

The ground remediation scheme approved to discharge condition 6A of planning permission 16/00510/FUL and Discharge of condition application 18/00262/DISCON **shall be carried out** in accordance with its terms prior to the commencement of development (other than works required to carry out remediation), unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4 (b). Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

4 (c). Importation of soil:

In the event that it is proposed to import soil onto site in connection with the development, the proposed soil shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme for all parameters requested (where this is available), the results of which shall be submitted to the LPA for consideration. Only the soil approved in writing by the LPA shall be used on site.

5. Notwithstanding the surface water drainage information submitted to discharge condition 8 of planning permission 16/00510/FUL (with application for Discharge of Condition 18/00262/DISCON), development on site must not continue until a

detailed model of surface water drainage has been submitted to, and approved in writing by, the Local Planning Authority, to show that the proposed system will not surcharge during the 1 in 1 year event, flood in the 1 in 30 year event or flood buildings or leave the site in the 100 year + climate change event. The approved scheme shall be implemented.

6. Ground level changes shall be implemented in accordance with the approved plans and sections: Proposed Site Sections 2505-015 Rev K; Proposed Site Sections 2505-037 Rev A and Sections Key Plan 2505-001 Rev AL.
7. The external building materials to be used in the development shall be as approved for 19/00024/DISCON (Ibstock Balmoral red brick and Marley Eternit Edgemere smooth grey tile) unless an alternative has first been approved in writing by the Local Planning Authority.
8. Prior to the first occupation of any new dwelling hereby permitted, the new access road junction shall be provided to Water Lane, laid out in accordance with application drawing 2505-001 rev L, drained and lit and constructed to an adoptable standard, having a 4.8m wide carriageway, 2 x 2m footways, 6m radii and visibility sightlines of 2.4m x 47m in each direction, the area forward of which shall be level, constructed as footway and not form any plot or other sub-division of the site.
9. Unless otherwise approved in writing by the local planning authority, the gradient of the access shall not exceed 1:30 for the first 10m into the site from the existing highway boundary and no more than 1:20 thereafter.
10. The new dwellings shall not be occupied until the proposed new estate streets, between each respective plot and the existing public highway, have been laid out in accordance with the approved application drawings and constructed to base course level and drained.
11. Prior to the occupation of any of the dwellings its associated external off-street parking spaces, access drives and turning areas shall have been provided in accordance with the revised layout drawing **Site Layout Plan 2505-001 Rev AL** (or any subsequently approved variation to it) and thereafter maintained for their intended use.
12. Visitor parking as shown on the approved layout drawing **2505-001 Rev AL** shall be provided before the 25th dwelling on site has been occupied, surfaced in a solid bound material and drained and lit and shall thereafter be maintained for its intended use in accordance with a scheme which beforehand has been submitted to and approved in writing by the local planning authority.
13. Prior to the first occupation of Plot 30, the new access to it from Water Lane shall be constructed and the driveway and parking laid out in accordance with the application drawing **2505-001 Rev AL**, surfaced in a solid bound material and maintained throughout the lifetime of the development free of any impediment to its designated use.

14. Prior to first occupation of any dwelling, the fronting footway on Water Lane shall be reinstated as footway with full face kerbs to adoptable standard.
15. Prior to occupation of any of the dwellings a detailed scheme of boundary treatments shall have been submitted to and approved in writing by the local planning authority. The scheme shall include the provision of metal railings to the front of plots 1 - 3 and to the side of plot 3, and shall include the provision of 1.8m close boarded fencing to the rear of plots 15-19 and 22-25 in the location shown on the revised site layout plan 2505-001 AL and at the level shown on drawings 2505-015 Rev K and 2505-037 A. The approved scheme shall be implemented before any related dwelling is occupied and thereafter the boundary treatments shall be retained as approved.
16. No building shall be occupied until a scheme of both hard and soft landscape works including a programme for implementation have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out as approved.
17. If within a period of five years from the date of the planting of any tree or shrub in accordance with the landscaping scheme, that tree or shrub may die, be removed, uprooted or become seriously damaged it shall be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.
18. Unless an alternative system has been approved in writing by the local planning authority, where proposed embankment gradients on site exceed 25% they shall be reinforced using the proposed Tensartech Narturalgreen earth retaining system for slopes. In addition a french drain shall be provided along the northern boundary of the site in accordance with the approved site layout plan *2505-001 AL which shall be designed to discharge to an appropriate outfall for surface water.*