

Plots 5-9 Manor Croft, Mansfield Road, Skegby



COMMITTEE DATE 18/10/2018 **WARD** Skegby

APP REF V/2018/0092

APPLICANT L Bradley

PROPOSALS Variation of Condition 2 of Planning Permission V/2015/0533 -
Substitute House Type to Plots 5

LOCATION Land between Pleasley Road & North of Mansfield Road
Skegby

WEB LINK <https://www.google.co.uk/maps/search/pleasley+road/@53.1430769,-1.2557729,18z>

BACKGROUND PAPERS A B C D E

App Registered 07/02/2018 Expiry Date 09/05/2018

Consideration has been given to the Equalities Act 2010 in processing this application.

The Application

This application is seeking to vary the approved plans (condition 2) of Reserved Matters planning approval V/2015/0533. The application was previously reported to Planning Committee, and it was resolved to grant conditional approval, subject to the completion of a Section 106 Agreement. The previous Committee Report has been attached to this addendum report as Appendix A.

The original reserved matters application (V/2015/0533) was submitted with a plan, which contained a list of floor levels; however, no such plan was submitted to support this application. In the interests of transparency, it was decided to return the application to Committee in order to request an additional plan is included within the list of conditions to approve the finished floor levels.

Planning Policy

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are set out within the previous report. However, since the application was presented to Planning Committee, a revised National Planning

Policy Framework (2018) has been brought into effect. These are the policies considered relevant:

The National Planning Policy Framework (NPPF) 2018

Part 4 – Decision-making

Part 5 – Delivering a sufficient supply of homes

Part 8 – Promoting healthy and safe communities

Part 9 – Promoting sustainable transport

Comment

Residential Amenity

The main issue to be considered in terms of floor levels is the impact upon neighbouring residents. The plan approved as part of the reserved matters application stated that plots 5 and 6 would set at 149.40m Datum. The finished floor levels of plots 5 and 6 will remain at the same height (149.40m Datum).

It is however noted that the dwelling at plot 6 has been moved closer to the shared boundary to the east (approx. 3.5m), and this would be at a higher level than the previously approved dwelling at plot 7 (approx. 0.45m). However, as part of this application the dwelling at plot 7 was removed from the layout - in order to reduce the impact of the proposal on neighbouring residents.

The separation distance of plot 6 to the neighbouring properties to the east is a minimum of approx. 14m to the rear 4 Eyres close and approx. 17m to the rear of 2 Eyres Close. This overall separation distance is greater than the previously approved scheme and the distance complies with the Councils Residential Design Guide SPD (2014) - minimum distance of 12m between side and rear elevations. The roof at plot 7 is also hipped to help minimize any overbearing impacts. There is a marginal variance in floor levels from the approved development, as described above; however, the separation distance - in connection with the design - is considered sufficient to ensure there would be no overbearing or overshadowing from the proposed dwellings. As agreed previously, a 2.4m high boundary fence is to be erected along the boundary plots 5 and 6 shared with those on Eyres Close. This will provide the adjacent residents with adequate levels of privacy and is shown on the latest site plan.

The levels of plots 7 – 9 are set at 149.20m (Datum), this is lower than the approved floor levels of plots 8 -9 (149.40m datum), which previously occupied a similar position within the site. Consequently, the finished floor levels are considered acceptable.

Other Issues

Drainage and Maintenance

Concerns have been raised surrounding drainage at the site due to the difference in levels. An overall drainage strategy for the site has been approved as part of condition discharge application reference V/2017/013; this included proposed levels for the access road, which are in accordance with those shown on the latest submitted drainage plan. The proposed drainage strategy for this application includes a large create soak-away on the access road and a drain channel at the end to catch any additional surface water runoff.

Further concerns have also been raised regarding maintenance of the adjacent access road and drain channel; this is to remain the same as the previous approval. In addition, the adoption of the highway is not a matter for the District Council.

Proposal being built in accordance with the plans

Concerns have also been raised regarding the finished floor levels potentially not being constructed in accordance with the approved plan. Plots 5 - 9 have been constructed to finished floor level. A check has been undertaken by the Council, where it found these to be accurate.

Conclusion

In conclusion, the proposal would not result in a detrimental impact upon the living conditions of neighbouring residents and in light of the above, the application is recommended for approval, subject to the satisfactory completion of a legal agreement.

Recommendation: - Approve, subject to satisfactory completion of a S106 agreement.

The conditions shall remain the same as per the original report; however, condition 9 is to be amended to read as follows:

9. External Works & Private Drainage Layout Plots 1-7 & 23-26 Rev L, Site Layout inc FFL Rev G, Drawing 181.06.102 Rev 0. House types: 3D6, 3D7, 3S6 Semi, 3S6 - 3S27, 3S22 - Semi, 3S24 - 3S25 Terrace Rev B, 3S27 Detached, 4Bl Spec, 4D29, 4D32, 4D36 Standard, 4D36 - Special, 4D44X, L2 - Semi Rev F; Garages: GS5F, GD7F AND GD8H.

COMMITTEE 17/05/2018 **WARD** Skegby

DATE APP REF V/2018/0092

APPLICANT Rippon Homes Ltd

PROPOSAL Variation of Condition 2 of Planning Permission V/2015/0533 -
Substitute House Type to Plots 5-9

LOCATION Land between Pleasley Road & North of Mansfield Road
Skegby

WEB LINK <https://www.google.co.uk/maps/search/pleasley+road/@53.1430769,-1.2557729,18z>

BACKGROUND PAPERS A B C D E

App Registered 07/02/2018

Expiry Date 03/04/2018

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee by Councillor Helen-Ann Smith to discuss highways issues and intensification. It has also been referred by Councillor Paul Roberts.

The Application

This application is seeking to vary the approved plans (condition 2) of Reserved Matters planning approval - V/2015/0533. This application was approved, on appeal, following an outline permission up to 37 dwellings at this site.

The proposal has arisen following negotiations between developers and residents and seeks to alter the house types to plots 5 – 9.

Consultations

Site Notices have been posted together with individual notification of surrounding residents.

1 x Letter of support has been received from a local resident stating that negotiation has taken place to formulate a design, which is more sympathetic to their property.

1 X Letter of objection has also been received from a local resident raising concerns over the access, highways safety and parking to the development as a whole.

Policy

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

The National Planning Policy Framework (NPPF)

Paragraphs 7-9 – Achieving sustainable development
Paragraphs 11-17 – The presumption in favour of sustainable development
Part 4 – Promoting sustainable transport
Part 6 – Delivering a wide choice of high quality homes
Part 7 – Requiring good design
Part 8 – Promoting healthy communities
Paragraphs 186-206 – Decision-taking

The Ashfield Local Plan Review 2002 (ALPR)

ST1 – Development
ST4 – The remainder of the District
EV2 – The countryside
HG3 – Housing density
HG5 – New residential development
HG6 – Public Open Space in new residential developments

Ashfield Publication Local Plan (2016)

S1 – Sustainable Development Principles
S2 – Overall Strategy for Growth
SKA3 – Sutton & Kirkby Housing Allocations
HG4 – Housing Mix
HG5 – Housing Density

Teversal, Stanton Hill and Skegby Neighbourhood Plan 2016 – 2031

NP1 - Sustainable Development
NP2 - Design Principles for Residential Development
NP3 - Housing Type

Supplementary Planning Document – Residential Design Guide (2014)

Relevant Planning History

V/2012/0556 - Outline Application for residential development for a maximum of 37 dwellings – Approved on Appeal

V/2015/0533 - Application for the approval of reserved matters (following the grant of outline approval - V/2012/0556) for 36 dwellings with associated access, appearance, landscaping, layout and scale. Approved on Appeal.

V/2016/0462 - Application For Approval of Reserved Matters
Application V/2012/0556 For Residential Development. Approved.

V/2017/0134 - Application for Approval of Details Reserved by Conditions 3, 4, 5, 6, 7, 8, 9 10 and 11 of Planning Permission V/2015/0533

V/2017/0645 – Variation of condition 2 of planning application V/2015/0533 – Substitute house type to plots 14 – 15. Refused.

V/2017/0646 – Erection of dwelling. Ongoing (Awaiting completion of legal agreement).

Comment:

The table below provides an overview of the intended changes to plots 5 – 9.

Plot Number	Approved House Type	Substitute House Type
5	3S24 – 3 Bedroom Terrace	L2 – 2 Bedroom Semi
6	3S25 – 3 Bedroom Terrace	L2 – 2 Bedroom Semi
7	3S24 – 3 Bedroom Terrace	3S24 – 3 Bedroom Terrace
8	L2 – 2 Bedroom Semi	3S25 – 3 Bedroom Terrace
9	L2 – 2 Bedroom Semi	3S24 – 3 Bedroom Terrace

House type L2 is an affordable unit; however, as identified above, the amount of affordable units will remain the same.

The main considerations in the determination of this application are the impact upon the character and appearance of the area, residential amenity and highway safety. These are discussed in turn below.

Residential Amenity

Existing Residents

The developer (Rippon Homes) has been in negotiations with the neighbouring residents on Eyres Close to assist in the formulation of a scheme, which is more sympathetic to their properties.

The change in house type involves swapping a row of three terraced properties with two semi-detached dwellings. As a result plot 6 would be located at a greater distance from numbers 2 and 4 Eyres Close. There is now a separation distance of approximately 14m between the side elevation of the dwelling at plot 6 and the rear of No.4. As with the previously approve scheme, this distance complies with the Councils Residential Design Guide SPD (2014) minimum separation distance of 12m between side and rear elevations.

The dwellings at plot 6 and 7 have also been amended to include a hipped roof which reduces their massing; the applicant is also to provide a 2.4m boundary fence to adjacent properties on Eyres Close – to improve privacy.

Consequently, due to the separation distance, design and boundary treatments it is considered there would be no adverse impacts to No. 2 and 4 Eyres Close by way of the development being overbearing, overshadowing or through loss of privacy.

Following concerns raised by the case officer, the terraced row at plots 7- 9 has been reconfigured to provide a minimum separation distance of approx. 19.4m from plot No. 7 and approx. 19.6 from plot No. 8 - to the rear of 6 Eyres close. The dwellings have also been angled to help reduce any overlooking impacts and the roof of plot No.7 has been hipped. Although the separation distance would fall marginally below the Councils minimum required standard, it is similar to that already approved and it is considered that the distance would be sufficient to ensure there would be no significant loss of light, overbearing impacts or loss of privacy - which would significantly worsen the living conditions of the occupants at 6 Eyres Close.

Future Residents

In terms of living conditions of future occupants, these would be consistent with the other housing across the site, which were approved by the Planning Inspectorate. As such these are considered to provide a good standard of living for any future occupants.

Character and Appearance

The newly proposed terraced row features a design containing a mixture of a gable end and hipped roof, with an extended gable section to the front. The semi-detached properties have also been altered to have a hipped roof. Overall the modern design of the proposals are considered acceptable and would be in keeping with others at the site.

The alterations to the parking arrangements and layout to accommodate the changes would result in no harm to the character and appearance of the area and proposal is therefore considered to accord with NPPF Part 7, which places an emphasis on achieving an attractive design.

Highways

The proposal would not increase the number of bedrooms within the dwellings and as such there would be no intensification in the use of the sites access. The creation of the new site access off Mansfield Road is a major concern to local residents, however this has been thoroughly assessed by the Planning Inspectorate in two appeal decisions and found to be acceptable. Consequently, this is not a factor that could amount to a reason for a refusal of planning permission.

The new layout would provide sufficient off street parking to accord with the Councils Residential Car Parking Standards (2014) and it is considered this current application would result in no material harm to highways safety at this location.

Foot Path

There is a footpath which crosses the site, connecting Back Lane and Mansfield Road. The proposed change in house type means that the built form of the properties no longer intersects the footpath, rather it would now run adjacent to the side of plot 5. The footpath is to be subject to a diversion order and an appropriate condition has been applied.

Section 106 undertaking

The applicant has agreed to enter into a legal undertaking, which is to be made under section 106 of the 1990 Act. This is required to ensure the application would tie into the original Unilateral Undertaking, which addressed the issue of affordable housing and secured contributions towards open space, education and transport improvements.

Conclusion

In conclusion, the proposed substitution of house types is considered to be acceptable. The proposal would not result in a significant detrimental impact upon the living conditions of neighbouring residents, highways safety or the character and appearance of the area. In light of the above the application is recommended for approval, subject to a satisfactory completion of a legal agreement

Recommendation: - *Approve subject to the satisfactory completion of a S106 legal agreement.*

CONDITIONS

- 1. No development shall take place until samples of the materials and finishes to be used for the external elevations and roofs of the development have been agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out with those materials, unless the Local Planning Authority gives written approval to any variation*
- 2. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the first occupation of the development 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.

3. *No development shall take place until the following matters have been submitted to and agreed in writing by the Local Planning Authority:
 - A. *Full details of the proposed treatment of the site's boundaries.*
 - B. *A phasing scheme for the implementation of the agreed boundary treatment.*The boundary treatment shall be undertaken in accordance with the agreed details.*
4. *No part of the development hereby permitted shall be brought into use until details of the new internal roads and associated infrastructure have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross section gradients, parking provision, turning facilities, access widths, visibility splays (including pedestrian, junction and forward visibilities), street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services and any proposed structural works. All details submitted to the Local Planning Authority shall comply with the County Council's current Highway Design & Parking Guides and shall be implemented as approved. Any visibility splays shall be kept clear of any obstruction to visibility over 0.6m high for the life of the development.*
5. *Before the development is brought into use the off-site traffic management works comprising a Traffic Regulation Order to provide enforceable double yellow lines on the junction of the site access with Mansfield Road will be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.*
6. *The development will require the diversion of a public right of way and no part of the development hereby permitted or any temporary works or structures shall obstruct the right of way until approval has been secured and the diversion has been constructed in accordance with a detailed design and specification first submitted to and approved by the Local Planning Authority.*
7. *No part of the development shall be occupied until all noise mitigation measures shown to be necessary with the Noise Impact Assessment by Kirby Charles Associates Ltd Reference KCA261112/2400 have been installed and a validation report submitted to and approved in writing by the local planning authority.*
8. *No development shall take place until there has been submitted to and approved by the Local Planning Authority a landscaping scheme which should include details of all trees and hedgerows on the site to be retained together with measures for their protection during the course of the development.*
9. *Drawing 181.06.110 Rev F. House types: 3D6, 3D7, 3S6 Semi, 3S6 - 3S27, 3S22 - Semi, 3S24 - 3S25 Terrace Alt Format, 3S27 Detached, 4BI Spec, 4D29, 4D32, 4D36 Standard, 4D36 - Special, 4D44X, L2 - Semi Rev F; Garages: GS5F, GD7F AND GD8H.*

REASONS

1. *In the interests of visual amenity.*
2. *In the interests of visual amenity.*
3. *In the interests of visual amenity.*
4. *In the interests of highways safety.*
5. *In the interests of highways safety.*
6. *To protect the integrity of the public footpath.*
7. *In the interests of residential amenity.*
8. *In the interests of visual amenity.*
9. *To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.*

INFORMATIVE

1. *The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).*