



V/2018/0385 - 4 Dwellings
Land Adjacent 179 Mansfield Road Skegby
Skegby
Ashfield District Council
Urban Road
Kirkby in Ashfield
Nottingham NG17 8DA

Map sheet: SK4960NE

16th Aug 2018



Scale: 1 to 1250

COMMITTEE DATE 16/08/2018 **WARD** Skegby

APP REF V/2018/0385

APPLICANT Rippon Homes Ltd

PROPOSAL 4 Dwellings

LOCATION Land Adjacent 179 Mansfield Road Skegby Sutton in Ashfield Nottingham

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 18/06/2018

Expiry Date 12/08/2018

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 policy implications and concerns over loss of open space and by Councillor Cheryl Butler due to concerns over loss of open space.

The Application

This is a full planning application for the erection of four residential properties on land previously approved to be open space within the layout for 36 dwellings approved under Reserved Matters Application V/2015/0533.

Consultations

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

6 Residents have made comments which are summarised below:

- Loss of green space, which was the Planning Inspectors reasoning for allowing garden sizes failing to meet the Councils minimum required standards.
- The open space would be a shared space for the community and would help protect air quality and wildlife.
- Policy HG3 would allow a developer to contribute to other public open space, however this would assume the garden standards are met.

- The application site is located on the urban fringe and open space would reflect this.
- Rising obesity levels means the space should be provided for young children.
- The loss of open space would be contrary to the NPPF (2012) part 74
- The properties are already being made available for sale.
- Local primary schools are oversubscribed.
- The developer is showing a disregard for residents and guidelines.
- The proposal does not provide a good housing mix contrary to the NPPF and Neighborhood Plan.
- Some of the properties/room sizes of the proposed dwellings fall below the national space standards and the Councils SPD.
- Floor level details have not been supplied.
- No details submitted in respect of boundary treatments.
- The house types on the plan/document do not match.
- The garage sizes are substandard, and there is a lack of occupier and visitor parking provision.
- There is already a high demand for parking in the vicinity and this would exacerbate the issue.
- The additional dwellings represent an overdevelopment of the site.

NCC Rights of Way – No objections, however Sutton in Ashfield Parish Public Footpath No.5 should remain open at all times, unless subject to appropriate diversion/closure orders.

NCC Highways – have stated their Standing Advice is considered to be appropriate in respect of this proposal.

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) 2

Part 4 – Decision-making

Part 5 – Delivering a sufficient supply of homes

Part 8 – Promoting healthy and safe communities

Part 9 – Promoting sustainable transport

Part 12 – Achieving well-designed places

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

SD1 – Good design considerations for development

SD2 – Amenity

Teversal, Stanton Hill and Skeby Neighbourhood Plan 2016 – 2031

NP1 - Sustainable Development

NP2 - Design Principles for Residential Development

NP3 - Housing Type

Supplementary Planning Document – Residential Design Guide (2014)

Supplementary Planning Document – Residential Car Parking Standards (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, however this is not being implemented

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 – 19. Refused. 17/04/2018.

V/2017/0646 – Erection of Dwelling. Recommended for approval at Planning Committee, awaiting S106 agreement before issuing decision.

V/2018/0092 – Variation of condition 2 of planning permission V/2015/0533 substitute house type to plots 5 – 9. Recommended for approval at Planning Committee, awaiting S106 agreement before issuing decision.

Comment:

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

Background to the Site

An outline consent was granted on appeal in December 2013 for a residential development of up to 37 dwellings at this site. A subsequent Reserved Matters application was then approved, also on appeal, for a layout which contained 36 dwellings.

A second Reserved Matters application, which proposed an alternative layout was approved by Planning Committee in December 2016. The applicant has however decided to implement the first Reserved Matters approval.

A further application seeking to vary plots 14 -19 was refused on the basis of an adverse impact upon a neighbouring property; separate applications to vary plots 5 – 9 and add an additional (37th) dwelling were, however, resolved to be approved by Planning Committee.

Loss of Proposed Open Space

The application proposes the erection of four residential properties and two detached garages on the area approved as public open space within the original layout.

In allowing the layout at reserved matters stage (Ref V/2015/0533); the Planning Inspector noted that 'whilst some of the proposed plots would not meet the exact local standards for external amenity space ... there would be a centrally located area of public open space within the development that would provide an additional area for children to run around and play on'. The shortfall in garden sizes was therefore tempered by the provision of the public open space and formed an integral basis for allowing the appeal. This public open space, in particular, is well suited by younger people because it provides an area which is easily observed and has a high degree of natural surveillance. The failure to provide this area of public open space would reduce the amenity provision and therefore harm the living conditions of future occupiers. The proposal would therefore conflict with Policy HG5 of the Ashfield Local Plan Review (2002), Policy SD2 of the Ashfield Local Plan Publication (2016) and paragraph 127 of the NPPF (2018).

The public open space will also play an important role within the community, offering opportunities for people to socialise and meet. In this regard, paragraph 92 of the NPPF (2018) highlights that planning policies and decisions should plan positively for the provision and use of shared spaces, to enhance the sustainability of communities and residential environments. In a similar vein, the Emerging Local Plan paragraph

11.31 also highlights that open green space plays a vital role in helping creating sustainable communities. Accessible green spaces are highly valued assets and its removal would undermine support for a strong vibrant and healthy community. As well as the provision of open space, the applicant also proposes the planting of trees along the perimeter as part of the landscape strategy. The provision of tree planting would provide Ecological benefits and this was recommended in the Ecology report which accompanied the outline approval.

The original outline planning application, was supported by an illustrative layout plan, which proposed an area of open space and by a unilateral undertaking under Section 106 of the Town and Country Planning Act (1990), which included a contribution for open space improvement (£2,500 per dwelling). The provision of the open space however formed a vital part of the scheme, which the Inspector commented on in the decision at outline stage and was further proposed at Reserved Matters stage.

Character and Appearance

Whilst the design of the proposed properties appears in keeping with those across the development, the loss of open space would significantly undermine the character and appearance of the development site. The public open space acts as a focal point for the development, due to its central location and appears akin to a village green. Its loss and replacement with housing would harm a core design concept and results in a poor balance between green space and built form. Bearing in mind the previous usage of the site (agricultural) and its location close to open countryside to the north, the public open space helps to marry the modern housing layout into the character of the area. The public open space makes a strong positive contribution to the future street scene and its removal would result in significant harm to the character and appearance of the area and as such the application would be in conflict with policies contained within the Emerging and Adopted Local Plan(s) and the NPPF (2018).

Residential Amenity

As outlined above, the proposal would harm the living conditions of future residents through the failure to provide the public open space. Although concerns have been raised regarding some of the rooms sizes in the proposed properties falling below national and local space standards – these are similar to those approved across the development site.

The garden sizes would, in this case, meet the minimum required standard and overall these dwellings would provide adequate living conditions for future residents. The separation distance and angle of the proposed dwellings to the approved properties at the rear would also ensure there would be no overlooking, overshadowing or overbearing impacts. The plots boundary treatments and floor levels could be controlled through an appropriately worded condition.

Highways Safety

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. The proposal would intensify the use of the access, to provide an additional four properties, taking the total number to 41, however it is considered that it would not be to a degree that would harm highways safety.

Where the new estate road meets Mansfield Road, the main road is relatively straight with good sightlines and the visibility splays approved are in excess of the 6 C Design Guide. The Planning Inspectors, at two appeals, were satisfied that local traffic conditions would mean a safe and suitable access from Mansfield Road could be provided. There is no evidence to suggest that the access would have insufficient capacity to cope with the additional traffic generated by four properties. As such, the additional traffic would not amount to a severe impact that would warrant a refusal of planning permission on highways safety grounds. The Nottinghamshire County Council Highways Authority have been consulted and referred to standing advice. Accordingly; the proposal is considered not to adversely affect highways safety.

The application proposes three, three bed roomed and one, four bed roomed dwelling. The three bed properties would each be served by a minimum of two car parking spaces and as such would meet the required standard set out in the Councils Residential Car Parking SPD (2014). The four-bedroom property would feature two spaces on the drive, and a detached garage, which is the same specification as the garages granted on appeal for the site.

Other Issues

A resident has raised concerns that the proposal would fail to provide an adequate housing mix contrary to the requirements of the Neighbourhood Plan. Policy NP3 of the Neighbourhood Plan identifies that proposals for housing schemes are required to deliver a housing mix that reflects local identified need. The identified local need is contained in the Emerging Local Plan Policy HG4, which is subject to main modification and therefore can be afforded little weight. Although it is considered that the scheme proposed as a whole does not meet its required housing mix, because of the limited weight that can be afforded to this policy - it is considered that this would not amount to a reason to refuse planning permission.

A local resident has raised concerns surrounding local primary schools being oversubscribed. Should this application be ultimately found acceptable, it is envisaged that a further undertaking, made under Section 106 of the 1990 Act, will be required securing further contributions towards education and open space. The development would already meet the requirements for the provision of affordable housing.

A number of concerns have also been raised regarding the properties already being offered for sale by the developer. This has not prejudiced the planning process and the offering of these would be at their own risk.

Conclusion:

The development would result in a failure to provide an area of public open space within the development site. The provision of this open space formed an integral aspect of allowing a scheme with gardens falling below the required standard. Its loss would result in harm to the amenity standards of future occupiers, undermine support for a strong vibrant and healthy community and harm the character and appearance of the area. The development would therefore fail to comply with the relevant policies set out within the Emerging and Adopted Local Plan(s) as well as advice contained within the NPPF (2018).

Recommendation: - Refuse

1. The development would result in the loss of a proposed area of public open space, where its provision formed an integral part of allowing a scheme with gardens falling below the required local standard. Its loss would result in harm to the living standards of future occupiers and undermine support for a strong vibrant and healthy community. The proposal would therefore conflict with Policy HG5 of the Ashfield Local Plan Review (2002), Policy SD2 of the Ashfield Local Plan Publication (2016) and paragraphs 125 and 127 of the NPPF (2018).
2. The site occupies a prominent position within the centre of the development site, and is considered to make a strong positive contribution to the future appearance of the street scene as public open space. The loss of public open space and replacement with housing would result in significant harm to the character and appearance of the area be in conflict with Policies ST1 and HG5 of the LP (2002), Policy SD1 of the Emerging Plan (2016) and Paragraph 127 of the NPPF (2018).