

**12. FULL (MAJOR) APPLICATION – RESIDENTIAL DEVELOPMENT – ERECTION OF 11 DWELLINGS AT BARTON HILL, BIRCHOVER (NP/DDD/0617/0648, P5696, 424137/362325, 07/07/2017/ALN)**

**APPLICANT: MR J WILSON**

**Site and Surroundings**

The application site lies on the eastern edge of Birchover village, within the former Barton Hill quarry site on the northern side of Main Street.

The area edged red includes the new estate road access from Main Street (approved under application ref NP/DDD/1110/1131) and the remaining quarry floor to the north of it. It covers an area of approximately 0.68 hectares. The site is enclosed by the re-graded western slope and the stabilised eastern side walls of the former quarry.

The site lies outside of the Birchover Conservation Area.

**Proposal**

Planning permission is sought for the erection of 11 open market dwellings.

The proposals are essentially a variation of the scheme granted under planning approval ref NP/DDD/1110/1131. That approval allowed for 19 dwellings to be constructed in total – 2 on the south side of Main Street and 17 on the north side. The 2 dwellings on the south side of Main Street and the 6 local needs affordable units on the north side (on the road frontage) have been constructed and most are now occupied. These completed properties are not included within the current application site. In addition one open market dwelling to the rear of the affordable units (plot 15) has been subject to a separate section 73 approval to vary its design from a four bed to a five bed detached dwelling and this plot is also excluded from the current proposals. The 2010 approval allowed for a further 10 open market dwellings to be constructed within the current application site. These revised proposals seek consent for 11 dwellings, instead of 10 and for alterations to the layout, housing mix and design. The proposals would have the following characteristics:

- 3 x 5 bed detached, 4 x 4 bed detached and 4 x 4 bed semi-detached properties.
- All houses to be 2 storey.
- Centrally located vehicular access with shared driveway serving 4 northmost plots.
- Walls to be constructed in 150mm coursed random length gritstone in a mixture of tumbled, split faced and pitched faced stone.
- Roadside boundaries and boundaries in gardens facing the highway to be natural gritstone drystone walls
- Footpath link from the top of the access road cul de sac to the north western corner of the site to give access to the car park and public rights of way to the north of the site.
- All dwellings to be provided with single or double garages.
- Landscape 'buffer' to base of eastern stabilised slope.

**RECOMMENDATION:**

**That the application be APPROVED subject to the following conditions:**

- 1. Commencement within 3 years.**
- 2. Adopt amended plans.**

3. **Highways requirements**
4. **Hard and soft landscaping scheme to be implemented.**
5. **SuDS Scheme submitted with application ref NP/DDD/1110/1131 to be completed before dwellings first occupied.**
6. **No work on site to take place on Sundays or Bank Holidays or before 8am nor after 6pm on weekdays and before 9am nor after 1pm on Saturdays unless otherwise agreed in writing.**
6. **Remove Permitted Development Rights for alterations, extensions and outbuildings.**
7. **Design Details.**

### **Key Issues**

1. Whether the addition of 1 extra open market dwelling is acceptable.
2. Layout, design and landscaping.
3. Access, parking and public transport.
4. Environmental management.
5. Impact on privacy and amenity of neighbours.
6. Impact upon protected species.

### **History**

1884-98 quarrying commenced at the site

1952 – ministerial consent for quarrying at Barton Hill

1955 – a number of spoil heaps recorded on the 1955 map and quarrying is understood to have probably ceased around this time.

1995 – stone cutting operations cease at the works

2002 – mineral rights at Dungeon Quarry relinquished in exchange for an extension to New Pilhough Quarry.

July 2004 – outline consent granted for 18 dwellings, including 4 local needs dwellings on south side of road.

November 2006 – reserved matters consent granted for plots one to seven on the north site and four local needs units on south site.

September 2007 – reserved matters application for remaining seven plots on northern site withdrawn.

October 2013 – consent granted for erection of 19 dwellings (including 6 local needs affordable dwelling) – NP/DDD/1110/1131.

June 2014 - Section 73 application approved to amend condition 2 from application NP/DDD/1110/1131. Relates to plots 1, 16, 17 and 18.

July 2015 – Section 73 application approved for variation of condition 2 to replace original plans with new plans (NP/DDD/0515/0434).

September 2016 – Section 73 application approved for variation of Condition 1 from planning consent NP/DDD/0515/0434 to amend design of plot 15 with addition of single garage to the side of the house.

### **Consultations**

Highway Authority – no detailed comments received to date

DDDC (Planning) – no response

Parish Council - Whilst seeing no valid reasons to refuse the application, express concern at yet more delays in carrying out this development.

Severn Trent Water – no response

DDDC Environmental Health – no response

Natural England – no objections

Authority's Ecologist – no response

Authority's Landscape Architect - no objection to the change in layout. Although planting is acceptable they may like to consider alternative species in some cases to add colour and scent to the planting.

### **Representations**

No representations have been received.

### **Main Policies**

Relevant Core Strategy policies: : GSP1, GSP2, GSP3, DS1, CC1, CC5, L1, L2, L3, HC1, T1, T3.

Relevant Local Plan policies: LC2, LC3, LC4, LC5, LC17, LC18, LC20, LC22, LC25, LU1, LT11, LT13, LT18, LT22

These policies are consistent with national planning policies in the Framework (the National Planning Policy Framework) because core planning principles in the Framework require local planning authorities to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

### **Assessment**

In this case the principle of open market housing on the application site has been accepted in the original approval for housing on the site in 2004 and again in 2013 (NP/DDD/1110/1131). The latest permission has been implemented by the construction of 8 dwellings (including the 6 affordable units) and the creation of the access bellmouth and a short stretch of the new estate road. The approved stabilisation and regrading works to the western and eastern quarry slopes has also been completed. The main issues for consideration with the current application are whether an additional open market dwelling is acceptable and whether the revised layout and design would conserve and enhance the character of the area.

### **Whether the addition of one extra open market dwelling is acceptable.**

A viability report has been submitted with the application. This explains that the revised scheme aims to vary the house types proposed in order to appeal to a wider range of prospective purchasers. This is based on sales advice given to the developers from their marketing agents. The revised proposals incorporate twice the number of semi-detached houses as previously approved (4 instead of 2) at the expense of one of the approved 4 bed detached units, but in doing so adds one further open market property to the total number proposed (from 10 to 11).

The report states that the revised scheme provides a more even split of numbers across the different house types.

Whilst the rationale for the proposed changes is understood, Core Strategy policy HC1 C states that any scheme proposed as an enhancement scheme in settlements must also identify eligible local need and be affordable in perpetuity unless it is not financially viable or it would provide more affordable homes than are needed in the parish and adjacent parishes now and in the near future. Therefore an assessment of the impact on viability of the extra dwelling is a material consideration.

The viability report concludes that the revised scheme would produce a net increase in development profit of approximately £45,000. However it contends that at the outset of the scheme, an additional local needs dwelling was offered up (increasing the number from 5 to 6) which meant that the developer has already forgone potential profit on that property of £50,000 and hence the revisions sought under the current application merely seek to redress the balance and put the scheme back on the original acceptable financial footing envisaged at the outset.

The viability report is sufficiently detailed and officers have no reason to doubt its findings. It is also correct that when the 2013 scheme (NP/DDD/1110/1131) was first submitted only 5 affordable local needs dwellings were proposed. The developer increased this to 6 after it was identified that one of the 5 proposed houses was above the maximum floorspace guideline for an affordable local needs dwelling and the subdivision of that plot into 2 smaller dwellings was seen as the simplest way of addressing the issue.

Officers are not wholly convinced by the argument that this alteration to the affordable housing provision 4 years ago provides sufficient justification to offset any requirement for the extra dwelling now proposed to be restricted to affordable local needs, especially given that the affordable units are now completed. However, officers do give weight to the fact that there have been some issues with finding eligible occupiers for the 6 existing affordable properties.

The affordable dwellings are not managed by a Registered Social Landlord in this case and have been offered for sale by the developer subject to the standard local occupancy restriction within the section 106 agreement. The last property has just been sold (September) despite the properties being on the market since May 2016 and then only after the later stages of the cascade procedure had been applied. It is therefore considered that an additional affordable home is likely to result in more affordable houses than are needed now and in the near future and that therefore it is acceptable for the additional dwelling to be unrestricted. It is also considered that the proposal would be beneficial in terms of increasing the mix of house types within the overall development.

### **Layout, Design and Landscaping**

The revised layout is similar to the previously approved scheme in that the dwellings are loosely arranged along either side of a central access road. With the previously approved scheme the access road (cul-de-sac) was to be fully adopted, however the submitted scheme shows the road terminating approximately half way into the site with a turning head. The northernmost four properties are then served by a private driveway. The position of the dwellings has been modified

to accommodate the extra dwelling and the change in house types. The layout would still present a varied and interesting streetscene in that some dwellings would face the access road and some would have their gables facing the road in a traditional manner. The omission of the previously approved three storey dwellings is welcomed as it is considered that the two storey dwellings as now proposed would be more in keeping with existing properties in the locality.

Generally across the revised scheme there has been an increase in the number and size of window/door openings. However during negotiations officers have aimed to restrict the larger openings to elevations that face towards the steep quarry sides where they will not be visible from public vantage points. Further improvements to the detailed design have been made during the course of the application and as amended officers are satisfied that the proposed scheme would represent a modest improvement over the previously approved development. There is some uncertainty about the proposed roof materials but this can be reserved by means of a condition.

As with the previous scheme, domestic curtilages are defined on the roadside facing areas by natural gritstone drystone walls. In rear gardens, which butt up against the quarry sides and are therefore less prominent from public vantage points, close boarded fences would be used. The hard surfacing has been rationalised so that there is smaller range of materials than previously approved, which would give a more satisfactory appearance.

In conclusion, as amended the proposed scheme would present a sympathetic development with a varied scale and style of buildings that would complement adjacent properties in the village, in accordance with policies GSP3 and LC4 and the Authority's Adopted Design Guide.

### **Access and Parking and Public Transport**

Core Strategy Policy T3 states that transport infrastructure will be carefully designed to take full account of the character of the National Park. Policy T7 requires that residential parking and operational parking for service and delivery vehicles be kept to the minimum required for operational purposes. Local Plan policy LT18 requires the highest standard of design and materials for transport infrastructure and states that the provision of safe access arrangement will be pre-requisite of any development. LT13 states that traffic management measures will be sought to achieve a general reduction in speeds on roads in the National Park.

As part of a section 278 agreement between the applicant and the Highway Authority for works within the highway, a speed suppression feature has been constructed just to the north east of the new estate road junction and officers confirm that this has been constructed in accordance with the agreed details.

The proposal would result in one additional dwelling so it is acknowledged that there could be an increase in traffic movements to and from the site when compared to the previously approved scheme. However, it is considered that this intensification would be minor and would not exceed the capacity of the highway infrastructure either inside of the development site or on the local road network. It is considered that the potential increase in traffic movements would not be significantly harmful to highway safety or efficiency.

There would be adequate off street parking space provided to meet the needs of the development.

Bus services are available to Matlock and Bakewell from the Main Street, operating approximately every 30 minutes.

A footpath link has been created running from the north west corner of the application site to the car park and public footpaths around Stanton Moor to the north.

Overall, it is considered that the proposal accords with policies T3, T7, LT18 and LT13.

### **Environmental Management**

Core Strategy policy CC1 aims to build up resilience to and mitigate the causes of climate change by requiring that all development must fulfil a number of criteria. In addition all new housing must achieve a minimum sustainability standard equivalent to that required by the government of affordable housing.

A climate change statement has been submitted during the course of the application. This explains that the proposed new dwellings would be designed with a fabric first approach to reducing carbon emissions. Micro-generation installations at this site would be difficult to assimilate and the proposals therefore concentrate on energy conservation rather than generation. The fabric elements of the dwellings are to exceed the requirements set out in the Building Regulations. The document states that since the previous scheme was approved for the site in 2010, the requirements of Part L of the Building Regulations have become more rigorous so the proposed scheme would exceed the performance of the previously approved scheme.

Each house will be provided with a water butt supplied from roof drainage.

It is considered that the proposals comply with the requirements of policy CC1 in respect of environmental management.

### **Impact on Amenity and Privacy of Neighbours**

Local Plan policy LC4 requires that the amenity, privacy and security of the development and of nearby properties be given due consideration.

The only existing dwellings within the vicinity of the site that could be affected in terms of impact on privacy and amenity are the 6 affordable units that have been constructed at the site frontage and the approved dwelling yet to be constructed on plot 15.

The southernmost plot proposed in the current application is plot 5 and the dwelling would be approximately 12m away from the rear elevations of the nearest affordable unit. The two properties would be separated by an intervening garden and parking area and a single garage attached to the south facing gable end of the dwelling on plot 5. There would one small bedroom window to the roofspace on the south facing gable of plot 5 but because of its size and height it is not considered that this window would cause unacceptable levels of overlooking. In relation to plot 15, the dwellings on proposed plots 5 and 6 would be some 14m away with habitable rooms windows facing each other across the new estate road. However the dwellings are offset from each other slightly and positioned at an angle and this, together with the intervening road means that amenity levels would be within acceptable standards.

The new dwellings within the site have been designed to avoid significant overlooking between each other. The intervening distances between the proposed dwellings and all other existing dwellings in the locality would prevent any harm to amenity of existing and future residents.

### **Impact upon Protected Species**

To satisfy the requirements of policies L2 and LC17, an ecological appraisal has been submitted to update the previous extended Phase 1 habitat survey, given that the site has now been cleared and the ground is largely bare with some ephemeral grassland. It concludes that the site suboptimal for nesting birds and no signs of badger or reptile activity was recorded. No mitigation measures are considered to be necessary and the proposals conform with the requirement of L2 and LC17.

## **Conclusion**

In conclusion this amended scheme represents an acceptable alternative to that which was previously approved in terms of its layout, design and landscaping and would provide a more appropriate mix of house types. Due to the fact that some of the existing affordable houses adjacent to the application site have taken a considerable time to sell and to purchasers within the later stages of the occupancy cascade, it is considered that it is acceptable for the additional dwelling now proposed to be an unrestricted open market dwelling. All other issues have been resolved satisfactorily or can be resolved by the use of conditions.

## **Human Rights**

Any human rights issues have been considered and addressed in the preparation of this report.

## **List of Background Papers (not previously published)**

Nil