

**PARISH** Clowne

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**APPLICATION** Erection of dwelling, as amended by revised plans received 26<sup>th</sup> August in relation to revised position of dwelling, provision of visibility splays and provision of obscure glazed window to first floor east elevation.  
**LOCATION** Land Adjacent the Rear of Field View House Mansfield Road Clowne  
**APPLICANT** Woodall Homes Ltd 2 Midland Court Midland Way Barlborough  
**APPLICATION NO.** 14/00334/FUL  
**CASE OFFICER** Mrs Karen Wake  
**DATE RECEIVED** 14th July 2014

Delegated application referred by Assistant Director of Planning  
Reason: Departure from Development Plan

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### **SITE**

Part of an overgrown, level field with existing access onto Mansfield Road. There is no boundary treatment on the northern or western site boundaries as the site is part of a larger field. On the southern site and access boundary is a fence approx 1.8m in height. Along the east side boundary of the site is a hedge approx 2m in height and along the two boundaries to the access is a fence approx 1.8m in height.

### **PROPOSAL**

The application is for the erection of a two storey, four bedroom detached dwelling with access onto Mansfield Road. The proposal includes a 3.2m wide driveway on the existing field access and provides a parking/turning area adjacent to the proposed dwelling.

### **AMENDMENTS**

The application has been amended to change the dwelling from a three bedroom dwelling to a four bedroom dwelling and move the position of the dwelling further away from the east side boundary. The amended plans also indicate the first floor dressing room window in the east elevation being obscure glazed and the access is shown with 2m x 47m visibility splays.

### **HISTORY (if relevant)**

None Relevant

### **CONSULTATIONS**

DCC Highways: No objection subject to condition requiring 2.4m x 47m visibility splays in both directions, parking and turning provided in accordance with the approved plans prior to occupation, no gates within 5m of the highway and access to be no steeper than 1 in 14 over its entire length: 11/8/2014

Parish Council: Members expressed concern regarding access proposed at this point on a busy highway: 8/9/2014

Environmental Health Officer (contamination): Requires conditions in relation to submission of site investigation and mediation scheme in relation to potential contamination on the site: 8/9/2014

Environmental Health Officer (noise): Recommends notes are added to advise the applicant

in relation to hours of operation, delivery times, dust creation and mud deposition on the highway to try to minimise complaints about noise and dust from neighbouring residents:  
7/8/2014

## **PUBLICITY**

Site Notice, press notice and 6 neighbours notified. 4 letters received (two each from two addresses), which raise the following concerns and comments:

1. The hedge which runs along the proposed access has been maintained by the adjacent resident for 30 years and this hedge should be retained and not removed as part of the development;
2. The access is adjacent to existing properties and the bend in Mansfield Road which is already dangerous and an additional access will make this worse and could be dangerous in bad weather;
3. No objections to the revised plans which move the dwelling further away from the eastern site boundary and which obscure glaze the first floor window in the east elevation (addressing concerns about overlooking, loss of sunlight and unsightly view).

## **POLICY**

### National Planning Policy Framework

As the Bolsover Local Plan was prepared and adopted prior to 2004, paragraphs 214 and 215 of the NPPF mean that 'due weight' rather than 'full weight' should be attached to its policies.

Paragraph 49 of the NPPF states that "*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*"

A core principle of the NPPF is to secure sustainable development of high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

### Bolsover District Local Plan (BDLP)

GEN1 (Minimum Requirements for Development);

GEN2 (Impact of Development on the Environment);

GEN4 (Development on Contaminated Land);

GEN8 (Settlement Frameworks);

GEN11 (Development Adjoining the Settlement Framework Boundary);

HOU9 (Essential New Dwellings In The Countryside);

ENV3 (Development in the Countryside) ENV5 (Nature Conservation Interests throughout the District); and

### Other (specify)

Adopted Housing Layout and Design Guidance 'Successful Places'

## **ASSESSMENT**

The main issues associated with this proposal are the principle of the development of this site

for residential purposes, the effects of the development on the character and appearance of the area, impacts on the amenities of neighbouring residents, and impact on highway safety.

#### PRINCIPLE:

The site lies outside of the settlement framework boundary. Policy ENV3 states that outside settlement frameworks planning permission will only be granted for development which:

- 1) is necessary in such a location; or
- 2) is required for the exploitation of sources of renewable energy; or
- 3) would result in a significant improvement to the rural environment; or
- 4) would benefit the local community through the reclamation or re-use of land.

As the proposal does not satisfy any of the criteria within that policy, the proposal is outside of the settlement framework it is contrary to that policy.

Policy HOU9 also relates to new houses in the countryside; and only supports new housing if it is required to meet a proven agricultural or forestry need. The proposed dwelling just not have any such justification and as such is also contrary this policy.

However, whilst the policies for the protection of the countryside must be given due weight, regard needs to be had to the policies and guidance of the NPPF. The NPPF specifies that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Council currently does not have a 5 year supply of housing. This means that the policies of the Local Plan have to be weighed up with those in the NPPF; which states that housing applications should be considered in the context of the presumption in favour of sustainable development and ensuring the provision of a five year supply of deliverable housing sites.

The proposal is for one dwelling which will obviously not make much of a contribution to the 5 year supply of housing. However it is this lack of a 5 year supply, together with the sustainability of this location which meant that the Ben Bailey development for 149 houses which is adjacent to this site was approved, despite the site being outside the settlement framework and which is now under construction. Outline planning permission for residential development has also been granted for a large site at High Ash Farm which is also outside the settlement framework and adjacent to this application site. Technically therefore whilst designated as countryside in the Local Plan decisions since that was adopted have significantly altered the context of the site such that it should be regarded as being within the settlement and no longer within an area of open countryside.

It would therefore be unreasonable to refuse this proposal on the grounds that it is outside the settlement framework and within the open countryside. The proposal is considered to meet the policies of the NPPF.

#### DESIGN

In terms of the design of the proposal, the dwelling is quite large with no special character. It will not be very prominent from the main road being behind existing properties. The area is also characterised by a variety of styles. The proposal is considered to be similar in terms of scale, character and design to the existing fairly new dwellings to the east of the site. Overall it is considered that the design is acceptable in this location.

### RESIDENTIAL AMENITY

The scheme meets the requirements of the Council's interim Design Guide 'Successful Places' in terms of its relationship to existing dwellings adjacent to the site. The proposal is therefore not considered to have a significant impact on the privacy or amenity of residents of adjacent dwellings and is considered to be acceptable in terms of its design and as such, is considered to accord with the requirements of Policies GEN2 in this respect.

The creation of a driveway to serve a single dwelling alongside an existing dwelling is a fairly typical arrangement. Whilst the existing neighbouring dwellings have benefited from a low level of use of the existing access the increased use likely to arise from its use to serve a dwelling is not so great as to justify refusal on this ground. There is no control over the frequency that the access could be used without this development

### HIGHWAY SAFETY

The site is accessed by an existing grassed field access. The proposal includes surfacing this access and providing 2m x 47m visibility splays as well as on-site parking and turning. Subject to conditions requiring provision and retention of the above details there are no objections to the proposal from the Highway Authority.

It is not reasonable to require gates to be set back as requested by Highways. The erection of gates up to 1m high would normally be permitted development and no justification for the removal of such rights has been submitted. As far as we are aware no such restriction applies to most of the properties along Mansfield Road.

The proposal is not considered to be detrimental to highway safety and is considered to meet the requirements of Policy GEN 1 of the Bolsover District Local Plan.

### OTHER

In respect of contamination (Policy GEN4 [Development on Contaminated Land]) the Environmental Health Officer has advised that investigation works are necessary to assess potential contamination of the site and that any remediation measures found necessary are to be carried out prior to the construction of the dwelling. This can be required by condition and subject to such conditions the proposal is considered to accord with the requirements of GEN 4 of the Bolsover District Local Plan.

In terms of noise generation during building works, the Environmental Health Officer has suggested notes be added to any planning permission in relation to noise and dust control. Noise is normally controlled through environmental health legislation and it is only if there is an abnormal or unusual noise issue likely to arise that a condition should be imposed in this respect. Such abnormal or unusual issues are not considered to apply to this case.

Most of the issues raised by local residents are covered in the above assessment. The issue of the retention of the boundary hedge has not been covered as this is a civil matter between the parties concerned. Suitable boundary treatment can be controlled by condition but this cannot insist on the retention of the hedge if it is not within the applicants control.

### **Other Matters**

Listed Building: N/A

Conservation Area: No issues relating to this proposal

Crime and Disorder: N/A

Equalities: No issues have been raised.

Access for Disabled: N/A

Trees (Preservation and Planting): No issues relating to this proposal

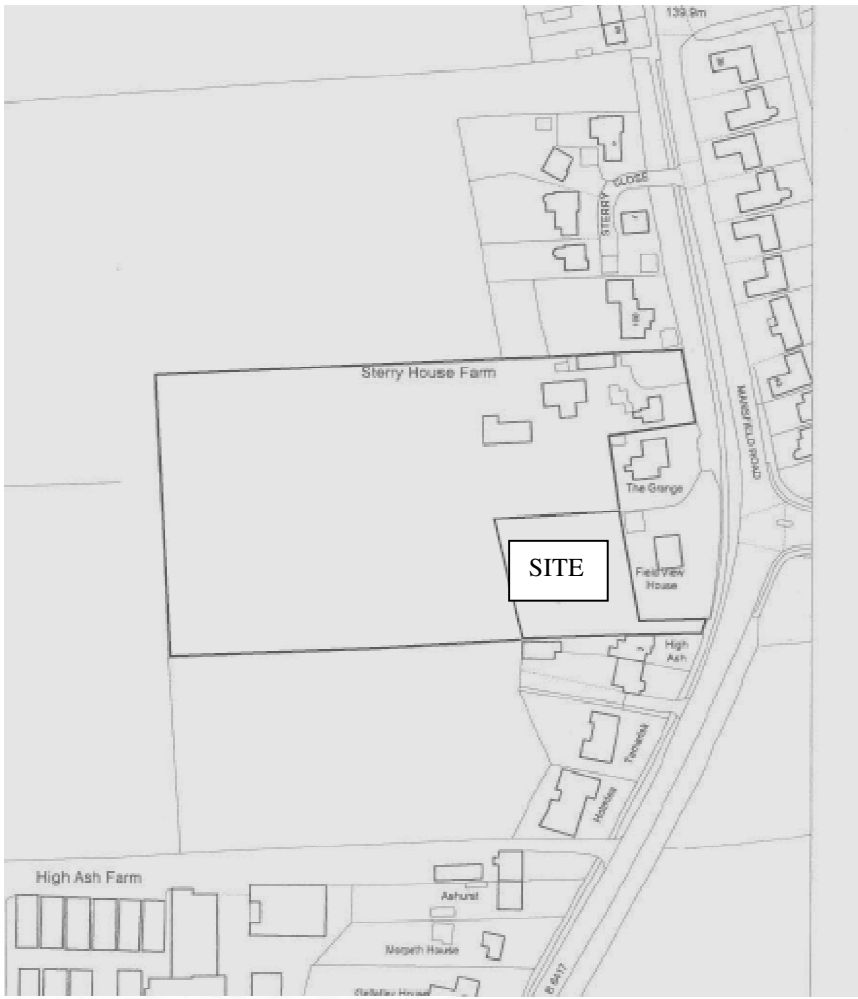
SSSI Impacts: N/A

Biodiversity: N/A

Human Rights: No issues relating to this proposal have been raised.

**RECOMMENDATION: Approve subject to the following conditions which are given in précis form to be formulated in full by the A.D. Planning:**

1. Start within 3 years
  2. Provision of access, parking and turning in accordance with approved plans prior to occupation
  3. Submission of scheme for and provision of boundary treatments prior to occupation
  4. Submission of site investigation and remediation measures in relation to potential contamination
  5. Submission of sample materials
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