

PLANNING COMMITTEE

AGENDA

Wednesday 22nd July 2015 at 1000 hours in
the Chamber Suites, The Arc, Clowne

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	<u>Apologies for Absence</u>	
2.	<u>Urgent Items of Business</u>	
	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972	
3.	<u>Declarations of Interest</u>	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda	
	b) any urgent additional items to be considered	
	c) any matters arising out of those items	
	and if appropriate, withdraw from the meeting at the relevant time.	
4.	To approve the minutes of a meeting held on 24th June 2015.	3 to 5
5.	Applications to be determined under the Town & Country Planning Acts.	
	(i) 14/00518/OUT- Residential development of up to 180 dwellings and community building up to 500sq. m. (Use Class D1 and/or D2) including details of access. Land to the North West of Broad Lane, Hodthorpe.	6 to 31
	(ii) 14/00512/FUL - Change of use to Showman's Winter Quarters for 14 plots; construction of access road and plot divisions including front boundary walls; installation of services; diversion of public footpath 27 along proposed road. Land to The South Of FW Masons And Sons Ltd Station Road Pinxton.	32 to 45

- (iii) 15/00220/FUL - Demolition of public house and erection of five bungalows. Former Greyhound Inn, Town Street, Pinxton. 46 to 55
- (iv) 15/00154/FUL - Rear two storey extension to provide 6 lane 25 x 13m swimming pool, 12 x 5m baby pool, feature water flume, children's play area, wet village change and toilets for male and female, disabled change facilities, cafeteria and viewing area and plant room at ground floor level. Extension to existing fitness suite, 2 No. dance studios, spinning studio and office accommodation at first floor level. Extension to car park. The Arc, High Street, Clowne. 56 to 65

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Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Chamber Suites, The Arc, Clowne on Wednesday 24th June 2015 at 1000 hours.

PRESENT:-

Members:-

Councillor D. McGregor in the Chair

Councillors T. Alexander, P.M. Bowmer, J.A. Clifton, C.P. Cooper, M.G. Crane, S.W. Fritchley, H. Gilmour, D. McGregor, T. Munro, B. Watson, D. Watson and J. Wilson

Officers:-

J. Arnold (Executive Director – Planning and Environmental Health), C. Doy (Development Control Manager), T. Ball (Principal Planner – Development Control), J. Fieldsend (Senior Principal Solicitor), S. Chambers (Communications Manager) and A. Brownsword (Governance Officer).

0138. APOLOGIES

Apologies for absence were received from Councillors M. Dooley, B.R. Murray-Carr, P. Smith and S. Statter.

0139. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

0140. DECLARATIONS OF INTEREST

There were no declarations of interest.

0141. MINUTES – 27TH MAY 2015

Moved by Councillor T. Munro and seconded by Councillor B. Watson

RESOLVED that the minutes of a meeting of the Planning Committee held on 27th May 2015 be approved as a true and correct record.

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0142. PLANNING SITE VISIT NOTES – 22ND MAY 2015

Moved by Councillor D. McGregor and seconded by Councillor T. Munro

RESOLVED that the notes of a Planning Site Visit held on 22nd May 2015 be approved as a true and correct record.

0143. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACT

- 1) 14/00490/FUL - Erection of 7 dwellings with access off Court View at Former Clowne Tennis Club, Rood Lane, Clowne

This application had been deferred from the meeting of the Planning Committee held on 27th May 2015.

The Development Control Manager presented the report which gave details of the application, site history and consultations carried out. The report also included the Developers responses to the concerns raised at the previous meeting.

Further information from the Local Highway Authority and additional objections were included within the Supplementary Report. It was noted that the application had not been amended from that submitted to the previous Planning Committee.

Mr. J. Davies and Mr. M. Kehoe attended the meeting and spoke against the application.

Mr. P. Knights attended the meeting and spoke in support of the application.

The Committee considered the application having regard to the Bolsover District Local Plan, the National Planning Policy Framework and the Interim Supplementary Planning Document: 'Successful Places, a Guide to Sustainable Housing Layout and Design'

Moved by Councillor M.G. Crane and seconded by Councillor B. Watson

RESOLVED that Application No. 14/00490/FUL be REFUSED on Highway Safety Grounds, with greater weight being given to the issues raised by the public, for the following reason:

The proposed development will have an adverse impact on highway safety which would be contrary to criteria 2 and 3 of policy GEN1 (Minimum Requirements for Development) of the adopted Bolsover District Local Plan. It is considered that this outweighs the benefits of the scheme and the other policies of the adopted Local Plan

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and the National Planning Policy Framework including the need for a 5 year supply of deliverable housing.

The meeting concluded at 1044 hours.

PARISH Hodthorpe and Belph

APPLICATION Residential development of up to 101 dwellings and community building up to 350 sq. m. (Use Class D1 and/or D2) including details of access
LOCATION Land to The North West of Broad Lane Hodthorpe
APPLICANT Partner Investments Limited
APPLICATION NO. 14/00518/OUT **FILE NO.** PP-03767560
CASE OFFICER Mr Steve Phillipson
DATE RECEIVED 31st October 2014

SITE

Approximately 7.8ha greenfield site (as originally proposed) 5.4ha as now amended, adjacent to the north side of Hodthorpe which is a small settlement currently covering about 11.5ha in area comprising approximately 292 dwellings.

The site is currently in use as pasture mainly for sheep and partly for horses at the eastern end. There is open countryside beyond the north, west, east and south-east boundaries. The site is relatively flat (falling gently from west down to east) and is bordered by hedgerows except for the eastern boundary which abuts the access track to Birks Farm. There is only one tree of note centrally located within the site.

Public Footpath 27 from Whitwell runs along the northern boundary of the site and footpath 29 crosses through the site from Broad Lane running northwards and into the countryside beyond.

The Robin Hood Railway Line passes within about 25m of the north-western corner of the site.

Birks Farm lies close to the north-east corner of the site. It is an 18th century farmhouse and is a Grade 2 Listed building. Historically the site formed part of a larger agricultural holding that was split into smaller lots, such that some buildings generally to the south and south west of the dwelling were maintained with the main dwelling, whilst a second dwelling and further outbuildings to the east are in separate ownership. Historic former barns/stables to the south of the main dwelling have been converted to residential use. There is a more modern building to the west of the farmhouse used for a combination of agricultural activity and stabling.

PROPOSAL

As amended this is an outline application for residential development for up to 101 dwellings with all matters reserved except for point of access detail.

As amended access is proposed by via a new spur taken from the Birks Close/Broad Lane junction.

The proposal includes a community building of up to 350sqm (Use class D1 'non-residential

institutions' e.g. public hall, nursery, health services and /or D2 'assembly and leisure e.g. dance hall, gym etc).



The Agent states that there will be pedestrian connections at St Martin's Walk and Greenfield Avenue (likely to require agreement with the Council as adjacent landowner) and highlights the existing footpaths through the site. Although no vehicular access is proposed into the existing residential estate the Agent argues that such connections would be detrimental to the existing residential area and that the village is small enough for all areas of the village to be within walking distance of each other and there should be no need to rely on the car for trips within the village.

The Agent draws attention to the evidence the Council used to prepare the draft policies for the Local Plan and the Settlement Hierarchy Study April 2011 (now withdrawn) which identified Hodthorpe as an area which could receive major growth in proportion to the size of settlement (defined as at least 25% of 292 dwellings = 73 dwellings).

The Agent argues that the Council does not have a 5 year supply of housing and draws attention to the presumption in favour of sustainable development in the NPPF and that this is a sustainable location for development. Also that the proposal will deliver a series of economic, social and environmental benefits (new community hall, delivery of new homes,

investment and job creation, would increase chance of the local shop reopening (closed 2009), increased patronage of the local school (reported to be low and has previously had the threat of closure).

The Agent argues that the Council should allow a significant level of growth to occur within the village to reverse the trend of declining sustainability of local services such as the school, shop and bus service.

The following reports have been submitted in support of the application:-

Planning Statement

Design and Access Statement

Statement of Community Involvement

Phase 1 Habitat Survey

Flood Risk Assessment and SW Drainage Strategy

Transport Assessment

Travel Plan

Site Investigation Report.

The Applicant is offering the following elements of planning gain to be secured through a Section 106 obligation:

- Children's play at £75,447
- Adult recreation at £89,688 (subject to consideration of on-site semi-natural green space)
- Public art at 1% = (potentially £99,417)
- Community Building 350sqm area, provided by the developer to value not exceeding build cost £1,222/sqm (max value £427,700)
- 10% affordable housing on site

AMENDMENTS

26.06.15 Revised indicative layout plan provided (revision F) showing amendments requested by the Planning Officer: the built area reduced and pulled away from the northern and eastern boundaries to reduce the setting impact on the Listed Birks Farm. 101 dwellings indicated. Community building also reduced in floor space as a result from 500sqm to 350sqm (due to the reduction in dwellings the site can accommodate).

Also revised location plan 02 B showing the eastern end fields removed from the application site.

09.06.15 Archaeological Trenching Report submitted.

26.5.15 Noise report submitted as requested to address train noise. It concludes that sound mitigation measures are necessary (enhanced glazing and ventilation and for construction of any rooms-in-roof) for dwellings on the side of the site closest to the railway (noise levels of 80 dB LAeq for train passes). Subject to this the report concludes that noise does not represent a constraint to development.

22.05.15 Revised site location plan 002A. Shows the revised access position moved from the Birks Farm access position on Broad Lane to the position of the existing Birks Close/Broad Lane junction.

14.05.15 Revised Indicative site layout plan 001 E. Shows the revised access position as above and omits development from the eastern quarter of the site to the east side of footpath 29 to reduce the setting impacts on the Listed Farmhouse (Birks Farm); this area is now shown as open space.

14.05.15 Heritage Statement submitted as requested to consider the setting impacts on Birks Farm (G2 listed farmhouse). The Consultant concludes:-

- Given the impact of later farm developments between the site and the designated heritage asset, the immediate setting has been substantially altered already. In regards to the relative significance of the principal west elevation, the setting will be unaffected.
- In considering the open agricultural land and setting surrounding the Birks Farm complex the scheme been amended to ensure that the farm grouping can still be read as one in the open countryside, and any change to setting in that context is marginal.
- Consequently this proposal complies with the requirements of the *Planning (Listed Buildings and Conservation Areas) Act* and the policy objectives of the NPPF.

09.03.15 Reduction in number of dwellings proposed from up to 180 to up to 160 dwellings.

13.02.15 Additional info on the chances of newts being present on or near the site.

HISTORY (if relevant)

05/00612/DETAG – In relation to the modern agricultural/stables building to the north east of the site a Prior notification consent for an extension for agricultural use was issued in September 2005. However it later transpired that the building had never been used solely for agricultural activities in accordance with the agricultural determination and so was unauthorised. However by then the building containing the stables has been built in excess of 4 years and a certificate of lawful development 12/00243/LAWEX was applied for and issued for the mixed use stables/agricultural building along with the use of the planning unit for a mixed use of agriculture and livery of horses (horse activity limited to the large stable/storage building and fields 6583, 6070 and 8272).

CONSULTATIONS

Conservation Officer (Objection now withdrawn)

20.02.15 Originally objected re impact on setting of the Listed Building.

The proposal would affect the setting of a listed building. Birks Farm is a grade II listed 18th century farmhouse that is located approx. 200m to the north of Broad Lane at Hodthorpe. Long range views of Birks Farm are possible when travelling both east and west along Broad Lane. The land surrounding the farm is relatively flat and open. So any development on the proposed site would be highly visible.

At present the agricultural fields that surround the farm buildings create a 'buffer zone' between the farm and the edge of Hodthorpe settlement. It is therefore easy to read Birks

Farm as an historic farm group. However the proposed development would merge the existing Hodthorpe settlement with the farm group because the proposal would run to the edge of the farm boundary. This would have an adverse impact upon the character of the listed building and its setting.

The applicant has not referred to the heritage assets affected by this proposal in their application. NPPF para 128. states that an applicant should... "describe the significance of any heritage assets affected, including any contribution made by their setting."

The most important consideration appears to be the impact on the setting of the listed building and the fact that the development would alter the landscape character around the farm and therefore affect the agricultural character of the listed buildings.

29.03.15 Following receipt of a revised indicative layout omitting a small area from development on the corner closest to Birks Farm the Conservation Officer confirmed that she still considered the proposal would harm the character and setting of the listed building.

29.05.15 A Heritage Statement was then submitted on behalf of the Applicant by a specialist planning and heritage consultants. Having reviewed the submitted Heritage Statement the Conservation Officer still has objections. These are copied below:

"The amended plan shows that field three has had the proposed housing removed but it is described as 'open space' which presumably means publically accessible and potentially to be used for sport and recreation purposes and not an agricultural field which will alter the character of this land and 'suburbanise' it which will also have an adverse effect upon the setting of Birks Farm by altering its agricultural character.

The proposed housing in fields one and two will have an adverse impact upon the setting of Birks Farm, particularly when viewed from the historic footpath which runs west to east from Whitwell (Mill Lane) to Birks Farm. The main western elevation of Birks Farm is clearly visible when approached along this footpath and as recognised in the recently submitted heritage statement the "principle western frontage was purposely designed to take advantage of the views across open countryside.. (para 6.7)". This very attractive rural view of the western frontage of Birks Farm would be adversely effected by the loss of agricultural fields which would be replaced by intense housing development.

The heritage statement has ignored the important views from this historic footpath and concentrated on views from the south to north footpath. It states that "only the setting of the west facing frontage has remained free of intervention and this aspect would not be changed by this proposed development" (para. 7.3). As i have explained above I do not consider this to be an accurate assessment.

The heritage statement also states that the modern agricultural sheds diminish the quality of the listed building. When viewing the main western elevation of the farm from the historic footpath (west to east) the agricultural sheds sit to the east of the farm house and do not dominate as they have been painted green and in terms of scale they are subservient to the farm house. These modern sheds are a common site on many historic farmsteads and do not in my opinion diminish the quality of the farm house.

In summary I feel that the proposed development will still have an adverse impact upon the

setting of Birks Farm by eroding its rural and agricultural character.”

19.06.15 In response to an officer suggested reduction in the extent of development proposed which has then informed the latest revised layout plan (indicative dated 26.6.15) the Conservation Officer has advised that: she no longer has objections to this amended indicative layout option, subject to the inclusion of a new hedgerow to the boundary which is important to reinforce a rural edge to the new development. She considers that the proposals will have ‘less than substantial harm’ to the heritage assets.

DCC Archaeology

24.11.14 Original Holding objection on grounds on non-compliance with NPPF para 128.

There are numerous entries on the Derbyshire Historic Environment Record for finds of prehistoric flintwork in the fields north and north-east of Hodthorpe. It seems therefore that there is a focus of prehistoric activity in the area, which may extend to the current proposal site.

Birks Farm, just to the north of the proposal boundary, has a record of a medieval ‘double pile’ house, demolished in the 1980s. Although this building was outside the proposal boundary it suggests that there may have been a focus of medieval occupation at Birks which may extend into the proposed development area.

The site therefore has archaeological potential and is therefore subject to the policies at NPPF chapter 12. In particular, NPPF para 128 requires applicants to establish the significance of heritage assets within the site. In this case it will be necessary for the applicants to submit the results of archaeological field evaluation, which should comprise geophysical survey and trial trenching/fieldwalking. Once this information has submitted I should be re-consulted on the application.

15.06.15 The DC Archaeologist has been reconsulted on the Archaeological Trenching Report now received. He advises that advise that the applicant has met the requirements for establishing archaeological significance in line with NPPF para 128. The archaeological evaluation has established that there are few archaeological features on the site, and that these are undated and low in significance. He recommends that there is no need to place an archaeological condition requirement upon the applicant.

Environment Agency

27.11.14 At this stage, infiltration testing has not yet been undertaken.

If the results of the infiltration testing confirm that infiltration is not a viable means of disposing surface water from the site then based on the information provided, it is unclear how the proposed development will incorporate SuDS and therefore we object to the grant of planning permission and recommend refusal on this basis.

Overcoming our objection:

To overcome our objection, we will require assurance that either an infiltration type drainage strategy will be used to manage the surface water from the site, alternatively, the proposed site layout shall be suitably revised to provide space for above ground SuDS.

19.12.14 An additional condition has been requested: No development shall commence until

detailed plans of the permitted development have been submitted to and agreed in writing by the Local Planning Authority and the Environment Agency, which incorporate the enhancement measures listed in the Ecological Appraisal report dated May 2014.

Note: The development discharges into the Millwood Brook that is currently designated as Bad under the Water Framework Directive Cycle 1. This waterbody will need improving to Good status by 2027. It is currently failing to meet its targets for invertebrates and phosphate.

Sewage effluent discharges to the local sewage treatment works in the village. This works is currently compliant with its permit. Given the proposed increase in load to this sewage works and the designation of the receiving waterbody, I would like to see evidence from Severn Trent Water that the proposals will not lead to deterioration in the receiving waterbody.

If it is decided to divert the flows to the neighbouring Whitwell Sewage Treatment Works, Severn Trent Water will still need to demonstrate that the additional flow would not cause deterioration in the Whitwell Brook as this works also discharges within the same waterbody as Hodthorpe Sewage Treatment Works. The Whitwell Brook is currently failing for phosphates and invertebrates.

12.02.15 Further response clarifying the EA position re disposal of surface water should be via SUDs rather than to watercourse.

Severn Trent Water

02.01.15. No objections subject a condition requiring submission and approval and implementation of details of surface water and foul sewage disposal.

Note a public sewer is located within the site – contact STW to seek advice.

12.02.15 STW confirmed that the capacity at the sewage works at Hodthorpe and Whitwell is sufficient to deal with the additional load and that STW will meet their obligations on water quality at the receiving watercourse. STW will bear the cost of works to increase capacity if it becomes necessary.

DCC Flood Risk

8.12.14 The proposed site is unlikely to be subject to surface water flooding during the critical storm duration in the 1 in 100 year return period event. DCC have received no reported historical incidences of flooding within the proposed site boundary.

DCC strongly promote Sustainable Drainage Systems (SuDS) to be incorporated within the design of a drainage strategy for any proposed development. On the western half of the proposed site the subsurface is potentially suitable for infiltration SuDS. On the eastern half of the proposed site, the subsurface is probably suitable for infiltration SuDS.

Should a SuDS solution be proposed for this development, it should be confirmed prior to commencement of works who will be the responsible organisation for SuDS maintenance once the development is complete.

Environmental Health (Noise)

16.01.15. The process of construction of both the development and infrastructure will inevitably give rise to increased noise levels. Consequently, should a full application be made, to give some protection to the amenity of the nearby residents, it may be appropriate to agree

a scheme as part of a site management plan, limiting deliveries and the use of mechanical equipment to the daylight hours of 08.00 to 19.00 and at no time on Sundays or Bank Holidays. There should also be some mitigation measures in place to minimise dust emissions during the construction phase.

06.02.15 Noted that the western end of the site can be affected by noise from the railway line that runs close by. A condition should be attached to any approval to require a noise assessment to be made focussing on the effect of the railway line and any mitigation that may be required should the development proceed.

Following discussions with the EHO re potential train noise an assessment of this was deemed necessary and the EHO has been reconsulted on the noise report submitted.

06.07.15 Concludes that the applicant will need to more clearly identify the properties affected by rail noise and specify which facades need the acoustic glazing and ventilation – they are at an angle to the rail line so may need more than one facade protecting. Also the properties affected by road traffic noise (above the internal noise criteria with windows open) and specify which facades need the acoustic consideration and what this should be.

Environmental Health (Contamination)

14.01.15. Has reviewed the application documents and is in agreement with the recommendations of the Geo-Environmental Desk Study and Coal Mining risk assessment that further intrusive works are required to identify whether there has been any localized contamination. A condition is recommended to require a contaminated land survey and mitigation if necessary.

Natural England

20.11.14 No objections - Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. Standing Advice should be applied.

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

Derbyshire Wildlife Trust

20.01.15. Initial concerns that insufficient information had been provided in respect of bats and great crested newt which need to be addressed prior to the determination of the application in order for the local planning authority to discharge its duties with regard to the requirements of the Habitats Regulations in reaching a planning decision.

We fully support the recommendation provided in the report for the retention and enhancement of the boundary hedgerows and advise that the hedgerows should be retained within development-free landscape buffers and should not be used to form the garden boundaries of the new dwellings. This should be detailed as part of an Ecological Mitigation and Enhancement Scheme to be submitted to and approved in writing by the local planning authority prior to the commencement of development as a condition of any permission.

27.01.15. In response to further information advises that this confirms that the mature Ash tree present on the site will not be removed under the outline proposal. Provided that the retention of the tree and its incorporation within a suitable landscape buffer as part of the detailed reserved matters layout can be secured by a condition attached to any outline consent, no further assessment of the tree for its suitability to support roosting bats is required. However DWT maintains the advice provided in their earlier response that insufficient information has been submitted in respect of great crested newt which needs to be addressed prior to the determination of the application. Again confirmed 10.02.15.

20.04.15 In response an e-mail dated 17/04/2015 from Peter Brooks detailing the results of a survey of a pond located adjacent to the north-east corner of the proposed development site DWT are satisfied that no further survey work in respect of great crested newt is required. We advise that the initial Ecological Appraisal dated May 2014 submitted in support of the application now needs to be revised to form an Ecological Impact Assessment (EclA), produced in line with *CIEEM's Guidelines for Ecological Report Writing, February 2015*, to include the results of the pond survey which has identified the pond as a breeding pond for common toad, a Species of Principal Importance. Given the close proximity of the pond to the proposed development site we would expect the EclA to include appropriate mitigation measures for common toad during and post-construction together with measures to enhance and promote the recovery of this priority species.

DCC Highways

11.12.14. In response to the initial access position: In view of the remoteness of the location from shopping, employment, schools and leisure facilities, DCC question the sustainability of the location and the need to rely on the private car.

Seeks additional information:-

- Speed readings on Broad Lane are required in order to establish whether adequate visibility could be achieved.
- Queries whether proposed footpath connections can be achieved having regard to land ownership.
- Questions the robustness of the trip rates in the TA.
- Concerns over the impact of increased traffic on the railway bridge.
- Concerns over the junctions of Green Lane with Queens Road and Station Road, both of which are substandard.
- Lack of accident data, omitted from the Transport Assessment.

07.7.15 Following the receipt of additional information and the revised plans further advice received. Provided that the District Council is satisfied that a condition can be imposed requiring at least one pedestrian link to St Martin's Walk and Greenfield Avenue prior to commencement then the Highway Authority has no objections subject to conditions re:-

- Provision of a pedestrian link to St Martin's Walk and Greenfield Avenue
- Provision of temporary access
- Construction management plan
- Provision of access junction 2.4m x 33m visibility in both directions and 2m footways.
- Access gradient
- Accordance with 6C's design guide and MfS

- Surface water disposal detail
- Provision of new estate street
- 2 off street parking spaces per dwelling
- Bin stores to shared drives
- Gates set back 5m
- Reserved matters to be accompanied by swept path detail for large vehicles
- The approved Travel Plan to be implemented.
- Note - re rights of way on site

Head of Housing (consulted on potential footpath connections to Council Land to the South of the site)

The pedestrian access to the new development would be disruptive to the existing tenants and he would not support increasing access. In particular the layout plan includes an area of public open space / community use adjacent to an existing green off St Martin's Walk. Access may attract more people onto the area which is currently quiet.

Notts County Highway Authority

The site is located just inside the District of Bolsover. However, it is predicted that around 70% of development traffic will arrive and depart via the A60 Mansfield Road that is located a few hundred metres to the East of the site within the Nottinghamshire District of Bassetlaw. Nottinghamshire County Council as the local highway authority is content that this development will not have a material impact on the operation of the A60 junction even when considered together with that of the proposed residential development to the West of Halls Leys Farm on the opposite side of Broad Lane.

Crime Prevention Design Advisor

02.12.14. There is no mention of what crime measures would be implemented into this design. Recommend that the applicant submits an amended D and A to cover this element.

Urban Design Officer (comments in relation to the original indicative layout plan)

09.03.15 Recommends that further information is required at this stage to establish an appropriate developable area having regard to key constraints e.g. setting of listed building, proximity to railway line, countryside edge treatment and landscape impact. In the absence of the necessary supporting information to address these issues, it is not possible to conclude that a satisfactory design and layout can be achieved, based upon the number of dwellings proposed.

The design of the layout as currently shown is unacceptable. Although layout is not a formal consideration for this application, a number of issues have been identified that would need to be addressed at the reserved stages in the event that outline planning permission is granted. Most design related matters are reserved for subsequent consideration. However, the submitted Proposed Design and Layout is unacceptable in terms of urban design. In the event that outline planning permission is granted, it is recommended that any permission should include an advisory note drawing the applicants attention to the need for future detailed design work to be prepared in accordance with the Successful Places Interim SPD (Sustainable Housing Layout and Design) and regard to these comments.

Tools such as Building for Life 12 could be used to assist in refining the detailed design proposals, ideally with the Local Planning Authority in conjunction with the applicants design team.

27.03.15 Comments following re-siting of the community building on the indicative plan. The Urban Design officer advises that the community centre is now in a more marginal position and is hidden within the site. Although the reasons for locating this facility more closely to the existing village are understood, its removal from a prominent position at the entrance to the village, reduces the legibility and role this building would have had under the previous layout.

02.07.15 Comments on latest revised indicative plan (26.06.15). Overall, the amended layout suggests a much more appropriate response to the site, its relationship with Birks Farm and the interface between the development the adjacent landscape. The provision of connecting footpath links to join with the established RoW network is also positive.

The Urban Design Officer makes some further recommendations to improve the indicative layout (including relocation of the community building to the site entrance) and advises that the Design and Access Statement be revised. He also recommends that the outline scheme establishes the following key principles:

- The outside third of the side of the site should comprise a transitional green edge.
- Development located against open space should be outward facing.
- Provision of a gateway to form a positive entrance into the development.
- Connected drives and streets.
- Provision of pedestrian links from St Martins Walk and Greenfield Avenue to the south.
- Frontage parking minimised and parking located discretely.

Parish Council (Hodthorpe and Belph)

04.12.14. Object to the application on grounds of size, infrastructure and highways.

Network Rail

25.03.15. Holding objection. Network Rail has no objection in principle to the development, however, in terms of protection of the railway infrastructure, there is insufficient information provided for us to be able to assess the impact of the development upon the adjacent railway level crossing. We would therefore seek a holding objection to this development pending the provision of a revised transport assessment including consideration of the impact of increased pedestrian traffic upon the level crossing.

The crossing is situated adjacent to the north west corner of the proposed development and provides access over the railway for the footpath that runs along the northern boundary of the site. This footpath would provide a further link from the development site to amenities in Whitwell village.

DCC (Infrastructure)

09.12.14. (comments relate to the original scheme from 180 dwellings) Seeks S106 contributions for: £91,192.08 towards 8 primary school places (classroom project A at Hodthorpe Primary School); and access to high speed broadband services for future residents; and new homes designed to Lifetime Homes standards.

Current numbers on roll and projections indicate that Hodthorpe Primary School would have capacity to accommodate 28 of the additional 36 pupils arising from the proposed development. Therefore the County Council requests a financial contribution of £91,192 towards the provision of 8 residual primary school places via the adaptation of a classroom.

Current numbers on roll and projections indicate that Heritage High School would have sufficient capacity to accommodate the additional secondary pupils arising from the proposed development. Therefore the County Council is not requesting a financial contribution towards secondary education provision.

Arts Officer

17.11.14. The Council has a percent for art policy which seeks 1% of the total costs to Public Art.

NHS

26.11.14 The NHS original requested a S106 contribution saying that the proposal would trigger the need to provide health related section 106 funding of £551 per dwelling and that a development of this nature would result in increased service demand which would not be easily accommodated within existing primary care resources. The health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices.

The NHS has been asked for evidence of a capacity shortage and of the need for S106 contributions to expand. On 22.06.15 they confirmed that the only practice this would affect is Craggs Surgery at Whitwell, the practice has physical capacity at this site to take on additional patients and isn't concerned about this particular proposal. Hence the CCG have advised that a contribution will not be required.

Leisure Services Officer

08.12.14. For a development of this size (approx 180 dwellings) we would normally expect to see on-site provision of informal open space, including play facilities, with a total area of 3,600m² (0.36ha) (based on 20m² / property).

This development will potentially generate £134,460 in commuted sum payments for informal recreational provision (180 dwellings x £747) based on 2014 prices

A LEAP standard play area (as defined by NPFA) within the development

Due to the proximity of the development to existing play areas at King Street and Queens Road Recreation Ground, we would like to see a commuted sum invested in enhancing and upgrading these sites to provide play facilities for younger children (up to the age of 8 years) (King Street) and older children (aged 8+) and teenagers (Queen Street). The level of this commuted sum would need to be negotiated and will depend upon the cost of providing an on-site play area.

A suitable commuted sum be negotiated in lieu of any formal on site requirement. Using the current policy formula I have calculated that the commuted sum should be £159,840 (180 dwellings x £888 per dwelling, based on 2014 prices).

This commuted sum be invested in enhancing and improving outdoor sports facilities at Welbeck Street Recreation in Whitwell, as this serves both Whitwell and Hodthorpe, with the remainder invested in enhancing and improving built and outdoor sport facilities within Hodthorpe and Whitwell.

It would be appropriate to create shared foot and cycle access paths into the development

and I would recommend that this is incorporated into any future design.

Planning Policy Team

08.05.15. (comments relate to the application when 160 dwellings were proposed although the Policy Team have confirmed that the reduction to 101 dwellings does not deal with their concerns).

Summary - Given the out-of-date nature of the adopted Bolsover District Local Plan and the absence of any new emerging policy, it is considered that the policy case is heavily governed by the NPPF and its presumption in favour of sustainable development and in particular given the published lack of a five-year supply. However, from an assessment of this proposal, it is considered that the proposal is yet to demonstrate that it would represent sustainable development. Unsustainable development is contrary to the principles and policies of the NPPF and should not be supported unless other material considerations indicate otherwise. It is also considered that there are doubts as to whether the proposal could be delivered in light of the Hodthorpe wwtw situation.

Based on the latest assessment of our 5 year supply of deliverable housing sites, the Council only has a supply of approximately 2.5 years. The Planning Committee at its meeting on the 11th February 2015 set out its guidelines that will be used in the assessment of new applications for residential development in situations when we do not have a five year supply of housing. These guidelines are a relevant material consideration to this proposal and are used below to assess:

- i) Whether the development is achievable and will actually contribute to the five year supply; and
- ii) Whether the site is suitable and will actually deliver sustainable development.

1. Is it achievable (summary of key issues):

There is no development partner at this stage;

The application is not accompanied by a viability appraisal to prove that development on the site is viable, although as a greenfield site with no obvious abnormal costs it is expected that this site should be able to financially contribute to the necessary improvements to infrastructure in the village;

The site is adjacent to the north-eastern edge of Hodthorpe and would represent a substantial extension of the village in this direction. It is noted that Queens Road, effectively the 'main road' of the village and location of Hodthorpe Primary School, the only town / local centre facility and location of the principal recreation ground are on the southern edge of the village. As such, growth of the village in the north-eastern direction would relate less well to the existing village structure than in other directions;

The submitted information does not indicate that any outstanding issues exist (However, previous plan making work identified that capacity was limited at Hodthorpe waste water treatment works (wwtw) and that major investment works to improve the wwtw would be critical to enable growth to be accommodated in the village. Furthermore, this situation is complicated by the water quality requirements associated with discharging into water courses that feed into SSSIs downstream around Welbeck Abbey in Bassetlaw District);

There are no obvious physical /environmental / marketability constraints;

There is support from the landowner;

Access for footpath connections on the southern boundary would be required but the necessary land is in the ownership of the Council and so ought to be achievable.

Based on this initial assessment it is considered that the proposal cannot yet demonstrate that it is achievable.

2. Is the site suitable and will it actually deliver sustainable development (summary of key issues):

The site is adjacent to the existing settlement framework;
Whilst the applicant makes reference to the proposed policy of major growth in Hodthorpe set out in the now withdrawn Local Plan Strategy, this positive policy steer towards growth in Hodthorpe is not material and may not represent the direction the Council's pursues within the Local Plan for Bolsover District;
At this stage in the plan making process, the Council has no emerging spatial strategy or policy documents to point to or give weight to in the decision taking. The first available emerging document will be the Council's Preferred Options and Reasonable Alternatives for the Local Plan for Bolsover District, expected October 2015;
The 77 bus service to Worksop and to Chesterfield stops along Queens Road approximately 100 metres and 200 metres respectively from the site entrance. Provided that pedestrian linkages can be established along St Martin's Walk and Greenfield Avenue the site will have reasonable access to reasonably frequent public transport services;
Hodthorpe Primary School is within recommended walking distance provided that pedestrian links can be established as above;
The Secondary School at Clowne being 5,600m away is much more distant than the recommended 2000m in the guidelines;
The guidelines seek a town or local centre within 800m walking distance. The nearest local centre is in Whitwell, approximately 1,500 metres walking distance of the site. The nearest town centres are in Worksop and Clowne, which are approximately 5,500 metres away.
In terms of proximity to key employment sites or local jobs the guidelines seek a distance within 2,000 metres walking distance of a major employment site or area of employment i.e. over 100 jobs. Worksop and Clowne town centres are approximately 5,500 metres distance of the site. Barlborough Links is approximately 6,500 metres away.

Based on this assessment the Planning Policy Team conclude that the site is not in a generally sustainable location given its distance from most of the social infrastructure needed such as the high school, shops and centres of employment. Furthermore, they advise that the situation regarding the capacity of the Hodthorpe Water Works could provide a significant barrier to the delivery of the site.

PUBLICITY

Advertised in the press, 3 x site notices posted. 72 properties consulted.

Objections

32 objections received on the following grounds:-

Existing traffic problems in Hodthorpe especially Queens Road/King Street with parked cars. Will increase traffic and harm safety and residential amenity.

The road to the A60 is narrow and winding with no pavements or lights.
Increased use of humped back narrow railway bridge.
Access close to a bad bend.
Impact of the original access point on residents drive.
The single access point will create a bottleneck.
Restricted access visibility.
Determination of this application now will have a prejudicial impact on the other two development sites proposed in Hodthorpe.

The application does not meet the Council's guidelines on the determination of housing sites outside the settlement framework in the absence of a five year supply re:
the large number of houses proposed;
will prejudice the development of more urban areas;
is not sustainable;
not within 2000m of a secondary school;
not within 800m walking distance of a town or local centre;
not close to a key employment site;
no evidence to show the site will contribute to carbon reduction;
the development will trigger the need for a new water treatment works and as the water discharges to a SSSI (Welbeck and Clumber Lake) it should mitigate the environmental harm caused.

Too many houses proposed for the existing infrastructure.
Will not be compatible with the landscape character and settlement pattern.
Insufficient evidence to show that the development is deliverable or realistic
Not supported by the local community.
Increased pressure on the local health centre, difficult to get an appointment.
Lack of public transport.
Loss of agricultural land.
Should build on brownfield land in Whitwell first.
Will increase the size of the village by a third making for a much larger and divided community.
Change the character of this small rural village.
The village lacks amenities for its current residents – lack of a reliable shop
Additional housing growth should be supported but only those commensurate with the size of the village.
Sites of a much smaller scale would still be able to support local services.
There are numerous constraints on this site.
An illogical addition to the village.
Cumulative harm on the village with other current development proposals.
Devaluation of existing house prices.
The school will need to be extended.
Can the sewers cope?
Impact on wildlife.
Increased crime.
Queries the significance of a ground gas escape in a nearby field, NCB payout to properties on King Street and Queens Rd for mining subsidence in the 80's. Fears that the development may trigger more subsidence.

Damage to residents amenities.

Impact on residents business. Noise affecting the animals.

No need for the development with many properties unoccupied.

Risk of flooding.

Building more expensive houses could create a socio-economic divide.

The centre of Hodthorpe would be further way from Belph splitting the Parish.

Lack of connectivity with the existing development.

If there is a licensed community centre within the development this could have a major effect on the current community building causing the loss of jobs and facility. What will happen to the Hodthorpe Club?

Overlooking

Loss of view

Disturbance during construction.

There are other more appropriate sites.

The railway crossing is not suitable or safe for the extra pedestrians.

The bus runs once every half hour and it takes one and a half hours to get to Chesterfield.

In heavy snow there was no bus service for a week.

Light pollution.

There is a concentration of elderly and disabled people living in the Birks Close area.

The site is inappropriate due to limited access to the main road.

In Support

23 similar copy letters in support of the application received (5 from people living in Hodthorpe the rest from further afield) Letters indicate interest in purchasing/renting a property on site and some give the opinion that this is the best site for residential development in the village. However consent has not been given to the Council for the details of the supporters to be made public and so their views cannot be given weight in the decision.

Also a letter of support has been received from one of the landowners of the application site. The points made in support have already been covered by the Agent/Applicant in the proposals section.

One letter of support received from a local resident on the grounds that more residents are needed to prevent the further decline of local facilities and services. Suggests that the existing Hodthorpe Club be purchased, upgraded/refurbished instead of providing a new community building as is proposed and that this might better influence the way new and old residents integrate.

POLICY

Bolsover District Local Plan (BDLP)

GEN 1 – Minimum Requirements for Development

GEN 2 – Impact of Development on the Environment

GEN 5 – Land Drainage

GEN 6 – Sewerage and Sewage Disposal

GEN 8 – Settlement Frameworks

GEN 17 – Public Art

HOU 5 – Outdoor Recreation and Play Space Provision for New Housing Development

HOU 6 – Affordable Housing

HOU 16 – Mobility Housing
TRA 1 – Location of New Development
TRA 7 – Design for Accessibility by Bus
TRA 10 – Traffic Management
TRA 13 – Provision for Cyclists
ENV 2 – Protection of the best and most versatile agricultural land
ENV 3 – Development in the Countryside
ENV 8 – Development Affecting Trees and Hedgerows

National Planning Policy Framework

Paragraph 14 – advises that permission should be granted for sustainable development. Where the development plan policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework.

Paragraph 49 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.”*

Paragraph 34 states that:- *“Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.”*

Paragraph 112 should take account of economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is found to be necessary, should seek to use lower grade areas in preference.

Paragraph 128 requires applicants to establish the significance of heritage assets within the site.

Paragraph 134 *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*

Other (specify)

Guidelines to be used for assessment of applications for residential development when the Council does not have a five year supply of deliverable sites (approved in February 2015)

The adopted Green Space Strategy states that each settlement should have 2.4 ha of Formal Green Space and 1.2 hectares of Semi Natural space per 1000 population.

Hodthorpe is under provided in terms of formal green space with 1.7 ha per 1,000 population and no provision at all of semi-natural green space.

ASSESSMENT

The Principle of Development

Whilst the applicant makes reference to the former proposed policy of major growth in

Hodthorpe, this was contained within the now withdrawn Local Plan Strategy. This former positive policy steer towards growth in Hodthorpe is not a material planning consideration and it may not represent the direction the Council chooses to pursue within the Local Plan for Bolsover District. Therefore, at this stage in the plan making process, the Council has no emerging spatial strategy or emerging policy documents to point to or give weight to in the decision taking. The first available emerging document will be the Council's Preferred Options and Reasonable Alternatives for the Local Plan for Bolsover District in October 2015.

With regard to relevant policy which must be taken into account, the site lies outside the settlement framework as defined in the now aging Bolsover District Local Plan (2000). Therefore saved countryside protection policies ENV3 and HOU9 apply which do not normally allow residential development except in special circumstances. HOU9 can permit dwellings for agricultural workers but this is not relevant here. To accord with policy ENV3 development outside the settlement framework must be necessary (for example to house an agricultural worker), or it must result in a significant improvement to the rural environment, or it must benefit the local community through the reclamation or reuse of land. Notwithstanding the proposed community building (the merits of which are considered later in this report), it is considered that the proposal does not meet these criteria and the proposal is contrary to these policies and approval would be a departure to the development plan.

Despite the policy conflict, Bolsover District Council is currently experiencing a shortfall in its 5 year supply of housing. Government guidance in the National Planning Policy Framework (NPPF) advises that in such circumstances, where the development plan is absent, silent or relevant policies are out of date (as is the case for the Bolsover District Local Plan), planning permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF (Para.14).

Therefore significant weight in favour of sustainable housing development arises from the NPPF policy. However the main issue to consider in this case is whether or not the proposal would result in sustainable development. Unsustainable development is contrary to the principles and policies of the NPPF and should not be supported unless other material considerations indicate otherwise.

The Council's Planning Policy Team's assessment of sustainability is set out above (in Consultations). The Policy Team concludes that site is not in a generally sustainable location given its distance from most of the social infrastructure needed such as the high school, shops and centres of employment. This conclusion can be applied to all large scale development proposals for residential in Hodthorpe.

The County Highway Authority has also questioned the sustainability of the location, noting that few facilities exist and that residents of the proposed dwellings would be reliant on the private car for employment, shopping, recreation and education.

The County Planning Authority has not given policy advice on this application although they have on the other two applications in Hodthorpe currently before the Council. It is reasonable to assume that the general comments they make relating to Hodthorpe as a location can also be applied to this site. County Planning refer to the other two sites as being reasonably

sustainable and it is presumed that they would have a similar view regarding this site. However they would not support approval of both of the other schemes combined which they consider would result in the disproportionately large expansion in comparison with the scale, role and function of the settlement of Hodthorpe.

Weighing in favour in the sustainability balance for this site is the proximity to the primary school (which has capacity and would benefit from the additional patronage), the existing working men's club, a small parish recreation ground, a reasonable bus service, reasonably close proximity to a train station and reasonable access to the strategic road network (A60 and A619) as well as the sites edge of settlement location (in preference to an isolated site).

Weighing against in terms of sustainability is the relatively isolated location of this greenfield site in a small settlement with few facilities and further than guideline recommended distance to the secondary school at Clowne, from shops, services and employment sites. Also the site is on the north side of the village which is further from the main road through Hodthorpe (Queens Road) than would be preferred. So growth of the village to the north would relate less well to the existing village structure than a site fronting Queens Road.

In addition the favourable proximities to the village facilities listed above are largely reliant on the provision of at least one of the pedestrian footpath links shown on the indicative plan to St Martin's Walk and Greenfield Avenue. If the footpath links cannot be provided, this would substantially reduce the connectivity of the site and the ability to integrate the development with the existing settlement. Without these links the proposal would effectively create a large cul-de-sac that would be disconnected from Hodthorpe. This would substantially increase the walking distances to facilities within the village, thereby reducing the inclination to walk or cycle and adversely impacting upon the sustainability credentials of the development. The Applicant has contacted the District Council as adjacent landowner with a view to agreeing these links; however the Head of Housing has said that the proposed pedestrian access to the new development would be disruptive to the existing tenants and he would not support increased access.

If the Planning Committee is minded to grant planning permission it is considered to be essential, on sustainability grounds, that a condition is applied to the permission requiring at least one of these pedestrian links to be available before any other development commences. This is likely to rely on the Council's agreement. As a result if Members of the Planning Committee are minded to approve this application subject to this condition requiring the footpath link then the decision should be deferred until the Executive/Council Committee has decided whether or not the Council would agree to a pedestrian link being provided.

A further concern is the scale of the development proposed in comparison with the scale of Hodthorpe. Even as amended from 180 dwellings down to 101 dwellings the proposal would result in a 35% increase in the number of dwellings in the village which is a high proportion to assimilate socially, especially given the limited range of existing services and facilities.

In conclusion the site is not without some merit in terms of sustainability provided that the necessary footpath connection(s) can be delivered but it falls short against a number of guideline indicators bringing the overall sustainability of the proposal into question. The sustainability of the site is therefore considered to be marginal at best. Also the scale of

development proposed in relation to Hodthorpe, although reduced, may be difficult to assimilate.

The Council's Planning Policy Team are not convinced that it has been demonstrated that the site is deliverable however they do advise that "as a greenfield site with no obvious abnormal costs it is expected that this site should be able to financially contribute to the necessary improvements to infrastructure in the village" and that there are no obvious physical, environmental or marketability constraints. The Applicant has indeed agreed to all elements of planning gain sought (which would need securing by S106 agreement) and they believe that the site is viable and deliverable. Whilst the Council have not been provided with robust evidence to support the case that the site is deliverable there is a realistic prospect that it will be. (The Applicant has provided a confidential letter on the subject of viability which aims to demonstrate that the site is economically viable and deliverable. However it is not sufficiently detailed and cannot be properly interrogated by the Council).

A further issue of principle is that this site, indeed all land around Hodthorpe is on higher grade agricultural land (grade 2). Policy ENV 2 of the local plan will not allow development which involves the loss of grades 1, 2 and 3 agricultural land unless there is a strong need to develop the particular site which overrides the national need to protect such land. The NPPF presumption in favour of sustainable housing applications where the Council does not have a five year supply of deliverable housing is capable of being a material consideration which overrides this policy. This requires a balanced judgement, which will be influenced by whether the site is considered to be sustainable development.

The NPPF advises at para' 112 that "Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."

It is considered that development on this site could only be deemed to be necessary (as required in the NPPF) provided that: the development is deemed to be sustainable, deliverable, it would contribute to the 5 year supply and provided that the Council is satisfied that a proportion of the housing land it needs to obtain a 5 year supply must be developed on grade 2 land owing to a lack of available brownfield and other lower grade agricultural land. Whilst the local plan preferred options and sites allocations are yet to be established, it is likely that some of the allocations (e.g. the strategic Bolsover North site) will be on grade 2 land given the extensive areas that achieve this grade on the Farmlands Plateau land. The Council currently does not have a five year supply of deliverable housing and so considerable weight must be given to granting consent on a site if it is considered to be sustainable.

In summary on the issue of acceptability in principle; the site is outside the settlement framework and contrary to countryside and agricultural land protection policies of the local plan. Approval would be a departure to the plan. However the Council does not have a 5 year supply of housing and the NPPF places considerable weight to allow sustainable development in the absence of a 5 year supply. The sustainability of this site is very marginal and would be clearly unsustainable without a footpath connection e.g. to St Martin's Walk. The scale of the development, even as amended, is large in relation to Hodthorpe especially given the marginal sustainability of the site.

Access and Highway Safety

Access point detail is submitted for approval with this outline application. The vehicular access point has been amended as requested to reduce the impacts of the proposal on the setting of the Listed Birks Farm and also so that the proposal is better related to the village and the extent of the existing development. The access would now be via Birks Close. Pedestrian access is shown indicatively to St Martin's Walk and Greenfield Avenue.

The County Highway Authority has raised concerns that no formal confirmation has been received to demonstrate that control has been gained over the intervening land to provide the pedestrian/cycle links shown onto St Martin's Walk and Greenfield Avenue. The Highway Authority do not object provided that the District Council is satisfied that a condition can be imposed requiring at least one pedestrian link to be secured prior to the commencement of any works (This issue has already been considered above in this report).

With regard to highway safety issues generally including at the main vehicular access point County Highways do not object subject to conditions as set out above (in Consultations). Accordingly it is considered that there are no highway safety reasons to refuse planning permission.

Comments in representations are noted. Many of these relate to fears of additional traffic on King Street where on street parking problems are common. However, the vehicular access point proposed is unlikely to have any material effect on King Street.

The Indicative Layout and Visual Impact

Layout is a reserved matter. The layout shown is indicative only. That said it has been revised significantly and the developable area reduced as recommend by officers to reduce the potential impacts of the development and to increase its acceptability. As revised the urban extension proposed relates better to the village and would be largely hidden behind the extent of the existing village except when viewed from the public footpaths to the north and east. A significant area of open space around the north and east sides of the site could act and be used as a transitional area adjacent to the countryside to soften its impact such that the landscape and visual impacts of the proposal would not be materially harmful.

A condition to tie the general form and extent of the development to the indicative layout to secure this extent of open space (amongst other things to protect the setting of the listed building) together with key principles as set out in the Urban Design Officers comments can be applied to any permission in the event of approval.

The application includes reference to a community building. There is no identified need for such a building, nor any statement from a community group indicating that it is needed or interested in assuming control of such a facility. Such a facility could make the scheme more sustainable but in the absence of any evidence that it can be delivered and will be viable little weight should be given to the inclusion of such a facility in the application.

It is noted that the Urban Design Officer has recommended that the proposed community building be relocated to the site entrance. However it is considered that it would be appropriate to consult the potential user(s) of this building (e.g. the Parish Council) on this issue before a decision is made. Given that the layout is indicative, further consideration can

be given to the most appropriate location for this building at reserved matters stage and preferably beforehand as part of pre-application advice on the reserved matters submission. An advisory note to applicant could encourage this.

Heritage Issues

Below ground archaeology has been properly investigated and the DC Archaeologist no longer has any objections to the proposal.

The Conservation Officer objected to the application initially due to the extent of harm to the significance of the rural setting of Birks Farm. Essentially the listed farmhouse would have been viewed in a more urban rather than rural setting. This was primarily views of the farm from the west and south when using the public footpaths. However the Applicant has significantly amended the extent and amount of development proposed as recommended by Officers to reduce the setting impact. Whilst there would still be some setting impact, the Conservation Officer no longer objects and it is considered that the extent of harm to the heritage asset is now low enough to be potentially outweighed by the benefits of sustainable development increasing the 5 year supply of housing (in the event that the proposal is deemed to result in sustainable development). This open break should be secured by condition as a matter of principle at this stage.

Drainage

Whilst there were concerns originally from the Environment Agency about the limited capacity of the waste water treatment works and implications for water quality downstream at receiving SSSI's, Severn Trent Water has now confirmed that the capacity at the sewage works at Hodthorpe and Whitwell is sufficient to deal with the additional load and that STW will meet their obligations on water quality at the receiving watercourse and will bear the cost of works to increase capacity if it becomes necessary.

The Environment Agencies concerns about lack of a SuDS based surface water disposal scheme or land to accommodate one is dealt with by the revised indicative plan. As amended the built area is reduced and there is plenty of land remaining within the application site which could be used to accommodate above ground SuDS. The detail of its location and design can be left to be approved at reserved matters stage.

Flooding is unlikely to be a constraint to development.

Noise

Train noise is a constraint to development. A noise assessment has been undertaken as requested and whilst the EHO has identified some issues which require further clarification it would appear that train noise is not at a level which would preclude development and can be mitigated by appropriate building specification. External noise levels are predicted to meet criteria. Accordingly the matter can be dealt with by planning condition.

Ecology

The site is largely open grassland with only boundary hedges and a central tree which should be retained and reinforced. Appropriate surveys have been undertaken for protected species including additional surveys of a nearby pond for Great Crested Newts. No specific ecological constraints have been found in terms of protected species or sensitive habitat. Common toad

is breeding in the pond (not a protected species) and mitigation measures for common toad during and post-construction can be dealt with as part of a condition to control habitat management.

Amenity Impacts and issues raised

Residents have raised concerns about loss of privacy. However this is an issue which can only be considered at reserved matters stage.

Loss of view is not a material planning consideration.

Devaluation of property is not a material planning consideration.

Some noise and disturbance during construction is inevitable for any development and is covered by environmental health legislation. If necessary a construction management plan condition can be imposed where exceptional impacts are anticipated. There are no exceptional site characteristics that would justify additional controls in this case.

Additional light pollution is not considered to justify refusal.

The concentration of elderly and disabled people living in the Birks Close area is not considered to be material to this decision. Personal circumstances are rarely a material planning consideration.

Infrastructure Issues and S106 matters

The Applicant has agreed to all policy requirements and social infrastructure requirements sought by consultees. This is set out above in the Proposals section of the report. Therefore the proposal should deal with the additional capacity load that it will create on local services and should also help bring the local primary school back into efficient use by taking up most of the spare capacity.

In addition, despite the interim policy on affordable housing waiving the requirement for it subject to meeting build delivery targets, the Applicant has opted to provide 10% affordable housing on site.

The Applicant is also offering to build a new community building of 350 sqm in area. Whilst on the face of it this may seem to be a benefit in favour of the proposal. The Council does not have a policy to require this, neither has it been established that there is a need for such a building nor is it necessary to make the application acceptable in planning terms and there is no indication that it would be a viable facility for the short to medium term. As such it fails the tests for planning obligations and no weight can be given to this element of an agreement.

Furthermore, whilst the Applicant may have every intention of delivering this building at this moment in time, in the event that a future developer were to seek to remove this obligation from a S106 undertaking the Council would have to agree to it. As such we cannot be certain whether this facility would ever be provided..

Other Sites

Although alternative sites exist the Council must determine this application on its merits and it should not refuse permission solely on the basis that potentially more acceptable sites exist.

Local Members will be aware that there are two other outline planning applications currently on hand for residential development (with secondary uses, one includes a community building the other employment use and additional school expansion land) within Hodthorpe. One of these is for 160 dwellings the other for 95. This application was the first of the three to be

submitted in November 2104 and the Applicant is not prepared to wait any longer for a determination. The other two applications are not yet ready to report.

Other Matters

Listed Building: See above

Conservation Area: N/A

Crime and Disorder: No specific issues. Can be considered at reserved matters stage.

Equalities: No specific issues

Access for Disabled: No specific issues

Trees (Preservation and Planting): See above

SSSI Impacts: See above

Biodiversity: See above

Human Rights: No specific issues.

Rail Crossing: The increased use of it from the occupants of the site has safety implications. As requested by network Rail it would be appropriate to require by pre-condition an assessment of the adequacy of the crossing and implementation of a scheme to enhance it if found necessary.

Risk from former Coal Mining: This site is not listed as a high risk area as such it is for the developer to make appropriate ground investigations and consultations with the Coal Authority to ensure that any potential risks are mitigated. This is covered by a standard note.

Conclusions

Through negotiation during the course of this application the Applicant has agreed to amendments which have significantly improved its acceptability resulting in a proposal which is a more logical settlement extension which relates better to the village and causes significantly less harm to the setting of the nearby listed building. Other impacts have also been addressed.

However the sustainability of the site is very marginal. The strong support that the NPPF gives to sustainable development in the absence of a five year supply is a material factor. If the proposal is considered to represent sustainable development permission could be granted as this consideration would outweigh other non-compliances with policy discussed above. If however the development is considered to NOT be sustainable then the countryside and agricultural land protection policies of the local plan should prevail. This is a balanced decision and Members may take a different view.

If Members are minded to approve then it is recommended that a condition is essential to secure a footpath link as shown on the indicative plan to St Martin's Walk and/or Greenfield Avenue because the sustainability of the site and the connectivity with Hodthorpe would be clearly unacceptable without it. However it would not be appropriate to impose this condition without deferring the application until the Executive Committee or Council has decided whether or not the Council would agree to a pedestrian link being provided (unless it transpires sufficient highway land is available to provide a link and that the District Council's permission as landowner is not necessary) . Deferral would also be required pending completion of a S106 obligation to secure the elements of planning gain set out in the proposals section to ensure that the additional pressures on social infrastructure are dealt with.

RECOMMENDATION

1. DEFER for the following reasons:-

A. until the Executive/Council has decided whether or not the Council would agree to a pedestrian link being provided to St Martin's Walk and/or Greenfield Avenue (unless it transpires that sufficient highway land is available to provide a footpath link such that the District Council's permission as landowner is not necessary) and;

B. until a satisfactory Section 106 Planning Obligation has been completed to secure obligations:-

Children's play at £75,447

Adult recreation at £89,688 (subject to consideration of on-site semi-natural green space

Public art at 1% = (potentially £99,417)

Community Building 350sqm area, provided by the developer to value not exceeding build cost £1,222/sqm (max value £427,700)

10% affordable housing on site.

2. Provided that A and B above are satisfied, Delegate the decision to the Assistant Director of Planning in consultation with Chair and Vice Chair of Planning, and subject to the inclusion of the following conditions set out below in précis/draft form to be formulated in full by the Assistant Director of Planning:-

Approval of reserved matters

Application for approval of reserved matters made within 3 years, development to commence within 3 years or 2 years of approval of reserved matters

No commencement until provision secured for a pedestrian/cycle link(s) to St Martin's Walk and/or Greenfield Avenue

Reserved matters to accord with the general extent of development as shown of the indicative plan to preserve the rural setting of the listed building and countryside edge

Revised design and access statement with application for reserved matters approval to take account of Urban Design and Crime Prevention Officer advice

No development prior to submission and approval (in consultation with Network Rail) of an assessment of the adequacy of the railway pedestrian crossing to deal with the additional pedestrians resulting from the development. Any enhancement measures to be implemented prior to the occupation of any dwellings

Submission and approval and implementation of details of surface water and foul sewage disposal. Surface water treatment to include SuDS and details of maintenance of them

Contaminated land survey and mitigation if necessary

Ecological Mitigation and Enhancement Scheme including retention and enhancement of the boundary hedgerows and retention of the Ash tree

Landscape Management Plan

Provision of play area on site

Reserved matters to be accompanied by a noise report identifying properties affected by noise (including rail noise) and the facades of properties which need acoustic glazing and ventilation

Site and Floor level detail

Highway conditions:-

Provision of temporary access

Provision of access junction 2.4m x 33m visibility in both directions and 2m footways.

Access gradient

Surface water disposal detail

The approved Travel Plan to be implemented.

Notes to Applicant:

Urban Design Officer Advice.

Note a public sewer is located within the site – contact STW to seek advice.

To discuss the location of the community building prior to submission of reserved matters.

2 off street parking spaces per dwelling.

Bin stores to shared drives.

Reserved matters to be accompanied by swept path detail for large vehicles.

Rights of way on site to be protected.

PARISH Pinxton

APPLICATION Change of use to Showman's Winter Quarters for 14 plots; construction of access road and plot divisions including front boundary walls; installation of services; diversion of public footpath 27 along proposed road.

LOCATION Land to The South Of FW Masons And Sons Ltd Station Road Pinxton

APPLICANT Fair Park Estate 13 Rockwell Ave Westbury-on-Trym Bristol BS11 0UF

APPLICATION NO. 14/00512/FUL

CASE OFFICER Mrs Kay Crago

DATE RECEIVED 29th October 2014

Delegated Application referred to Committee by Assistant Director of Planning
Reason: Balance of issues.

SITE

The site is currently unused but was previously used for storage in association with industrial premises. It is hard surfaced and fenced. A broadly level site. The River Erewash runs immediately adjacent the southern boundary and the Maghole Brook and an unnamed watercourse lie within the application site to the east. An area immediately adjacent the River Erewash is separately fenced off and this area is characterised by relatively dense scrub understorey and trees. There are also areas of standing water. Public Footpath number 27 crosses the site linking the Erewash Trail with countryside to the east. To the south of the river Erewash is a well established Showman's quarters (approximately 19 plots). The site lies immediately adjacent the M1 motorway.

PROPOSAL

Change of use to showman's winter quarters. The site is shown to be divided into 14 plots, with a new vehicular access off Station Road/Beaufit Lane. Each plot has a vehicular access onto the central access road. The front boundaries of the plots are shown to be 2m high brick faced walls with metal gates. The side boundaries to the plots will comprise 2.4m high chain link security fencing. Public footpath 27 is shown to be re-routed to the south of the site adjacent to the River Erewash within a 10m wide buffer zone.

Engineering operations will be required to six of the plots (Plots 8-13) to locally raise the ground level and retain with gabions.

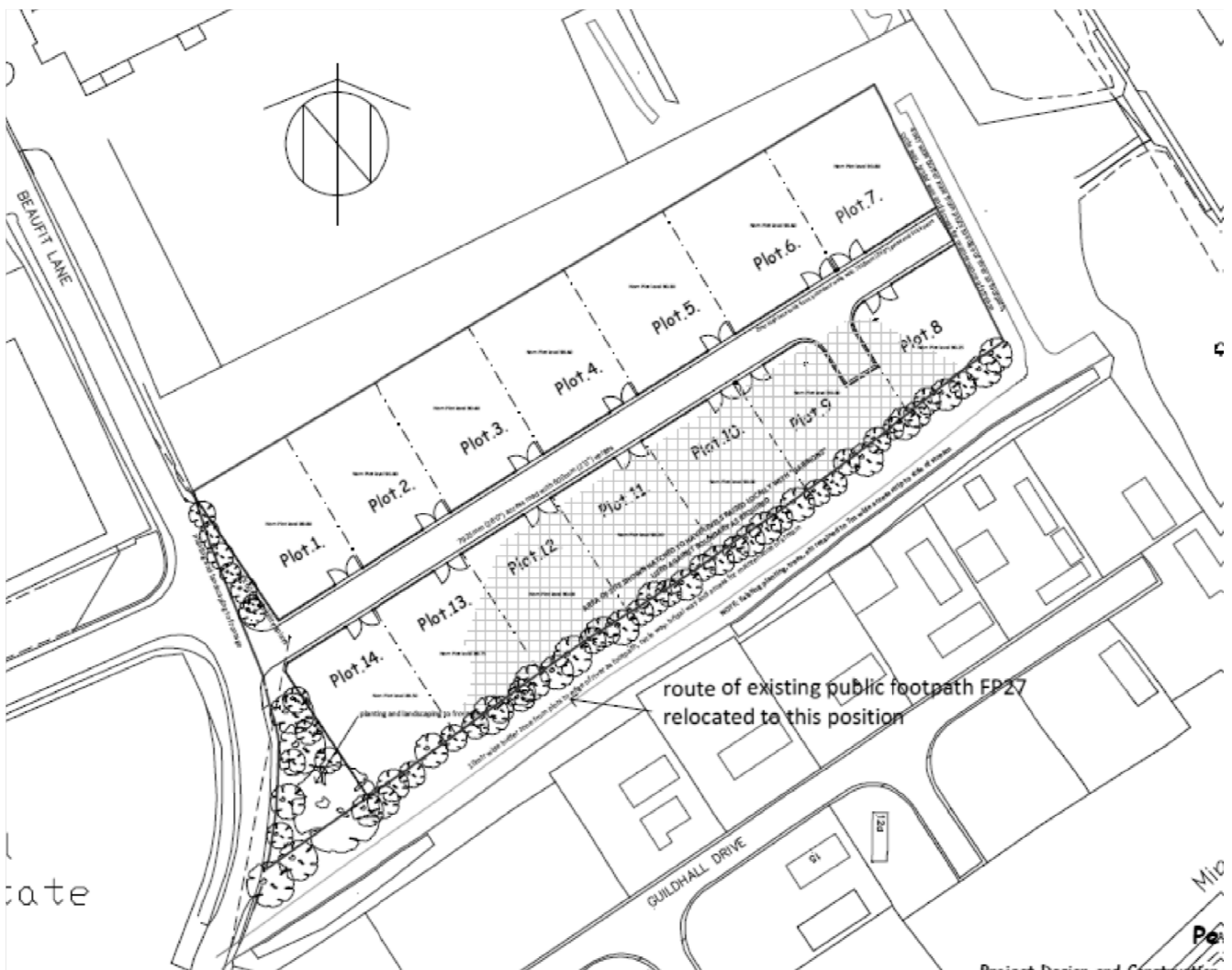
Planting is shown to the site frontage.

The application is supported by the following documents:

1. Phase 1 Environmental Survey
2. Flood Risk Assessment
3. Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement
4. Phase 1 Habitat Survey

AMENDMENTS

Various amendments have been received in response to consultation comments which have been included in the proposal description above.



HISTORY (if relevant)

CONSULTATIONS

DCC Greenways Officer. There is a proposed greenway which coincides with Public Footpath 27. This development provides an opportunity to secure higher rights through the site for horse riders and cyclists. Concerned that the access to the properties becomes a private road with public rights on foot only. It will prove very difficult to secure rights for cyclists and horse riders in future which would jeopardise this proposed long distance Greenway which links Pinxton, Alfreton, Ripley and on to Nottinghamshire. It is crucial that rights for cyclists and horse riders are secured as part of the planning process. 26/02/2015

Comments on revised layout: There is merit in diverting the proposed Greenway to the southern boundary of the site, provided that there is sufficient width to accommodate a multi user trail (minimum width of 5m to accommodate a 3 metre path and a 1 metre verge either side). The exit of the Greenway onto Beaufit Lane will require assessment to ascertain whether the required visibility splays are available for a multi user trail. 15/05/15

Ramblers: request information about the potential for the site to be patrolled by dogs which would cause discomfort for users of the footpath 15/1/15

Peak and Northern Footpaths Society. Prefer some form of segregation of footpath users from vehicular traffic to avoid exposure to vehicle movements. If not feasible some form of signage is needed to warn path users and site users of the likelihood of vehicles and walkers encountering each other. Any footpath furniture requires should be of British Standard and comply with the requirements of disability legislation. 16/01/2015

Coal Authority. Originally objected to the proposed development as insufficient information had been submitted which addressed the issues arising from the presence of two mine shafts within the application site. Additional information was submitted (Coal Mining Risk Assessment dated 29/01/2015) and the Coal Authority was re-consulted. Revised Coal Authority comments indicate no objection subject to the inclusion of conditions relating to the undertaking of intrusive site investigations. 16/02/2015

Derbyshire County Council Flood The proposed site is likely to be subject to surface water flooding during critical storm duration in the 1 in 100 year return period event in its current land use. 40 percent of the proposed development site may be subject to surface water flooding although some may be fluvial flooding associated with the River Erewash. In a 1 in 1000 critical storm 90 percent of the site may be affected. The applicant intends to incorporate SUDS within the development. DCC requires additional information on the drainage strategy prior to any development taking place. Regardless of the sites status as greenfield or brownfield, water discharge should be as close to the greenfield runoff rate as is reasonably practicable. Historical incidents of flooding have been recorded 86m south of the proposed development site on Beaufit Road and 120m upstream. On site drainage should be attenuated or restricted to the current rate to avoid increasing the flooding potential downstream. The Maghole Brook, an unnamed watercourse and the River Erewash affect the site.

The River Erewash, as assessed under the Water Framework Directive 2000, has a poor ecological status. No activities or works should deteriorate the status of these watercourses as the main objective of the WFD is to prevent deterioration in status. There have been reported sightings of water vole 800m downstream of the proposed site. In respect to groundwater data the groundwater may be vulnerable to contamination, is likely to be less than 3m below ground level, there is a significant potential for one or more geo-hazards associated with infiltration and ground instability problems are probably present. It is recommended that a site specific ground investigation is undertaken for the site based on the review of the British Geological Survey data.

Any works in or nearby to an ordinary watercourse require consent from Derbyshire County Council as Lead Local Flood Authority.
27/01/2015

Parish Council Comments: None. 26/01/2015

Amber Valley Borough Council No Comment. 20/01/2015

Ashfield District Council Proposed planting needs to be labelled with accompanying Horticultural Society Trades Association and National Plant Specification/ British Standards

Information. The Right of Way could be realigned. The visual appearance could be improved by increasing the width of the verges either side of the access road to create planted margin forming a continuation of the planting at the entrance into the site. The details of the type and finish proposed for walls and gates should be incorporated onto the plan. Chain link fencing does not have the same expected product life compared to other potential fencing options and doesn't provide a great deal of privacy or long term security. 18/02/2015

Derbyshire Wildlife Trust: Comments on original layout.

The site is divided into two areas and a fence line demarcates the two areas. The area to the north has been cleared of vegetation and the ecological impact of losing this area is low. The area to the south is identified in the submitted ecological survey as being of moderate ecological value. The proposed development would result in the loss of almost the entire habitat to the south. Whilst hawthorn scrub occurs across a large part of this area, the eastern end and the woodland stands closer to the river include willows and alder and are arguably wet woodland, a UK BAP priority habitat type. These areas are seasonally wet and in wetter years retain and store water sometimes in the summer months.

The application site is within the potential Local Wildlife Site B0904 Station Road Scrub noted for its habitat mosaic. The site was formerly a wildlife site when it was within Nottinghamshire. There is sufficient evidence to strongly indicate that the woodland habitat present within the site would meet Derbyshire Local Wildlife Site selection guidelines as wet woodland and the habitat should therefore be treated as of substantive value. Water voles and reptiles could be present on the site.

The proposed development would result in the loss of semi natural scrub and wet woodland habitat within a wildlife corridor/ecological network along the river Erewash. The value of the site has not been fully assessed. The proposal does not accord with the NPPF as it would result in a net loss in biodiversity. No adequate measures are proposed to mitigate or compensate for the loss of the habitat. The development could have an adverse impact on grass snake and water vole. Surveys for these species have not been undertaken. Several hundred trees have been recently planted. This planting has potentially enhanced the site by diversifying the range of species present and creating some structural diversity. The planting of these trees may be mitigation for ecological impacts resulting from earlier applications on nearby land.

The southern half of the site is providing a functional role in respect of flood storage and water regulation and that this has not been investigated or considered in relation to adverse hydrological or hydro ecological impacts. 02/03/2015

Comments on revised layout: No significant measures to avoid, minimise, mitigate or compensate for the ecological impacts and issues associated with the site have been proposed. The retention of a 4m path along the river does little to address the loss of the wet woodland and associated habitat. Our earlier comments therefore are still applicable. 18/6/15

Environment Agency (EA)

Objects to the application for various reasons:

1) The development falls within Flood Zone 3b functional floodplain. This is defined as where the probability of flooding to this site would be greater than 1 in 20 in any given year. The development type in the proposed application is classified as more vulnerable and the Technical Guide to the NPPF makes clear that this type of development is not compatible with this flood zone and should therefore not be permitted. Part of the site where the caravans are to be situated is located within the 1:5 year outline from the River Erewash according to

Environment Agency mapping and modelling data. We have serious concerns about the location of the development due to the danger to both life and property.

2) Impact on biodiversity. Inadequate buffer zone to the water course. Planning permission should be refused on this basis. Development could lead to the erosion of the banks of the river Erewash and would be contrary to the Water Framework Directives. We would advise that a 10m wide buffer strip adjacent the river Erewash and associated tributaries is provided free from any built development including formal landscaping and domestic gardens. Loss of habitat. Significant concern over the loss of habitat, with no proposed compensation. This site has the potential to offer good riparian habitat which will contribute to achieving WFD targets and any development here will be removing current and potential habitat creation opportunities. Contradicts the Government's commitment to halt the overall decline in Biodiversity. Paragraph 118 of the NPPF states that if significant harm resulting from a development cannot be avoided, through locating elsewhere, adequately mitigated or as a last resort compensated for then planning permission should be refused. Loss of trees proposed which has not been compensated for.

In the event that planning permission is granted conditions should be included for a water vole survey and the submission of a method statement/construction environmental management plan. Include informative note on treatment and control of non-native invasive plant species.
13/03/2015

Environmental Health Officers (Environmental Protection Officer): Recommends the inclusion of a condition requiring a full phased contaminated land investigation which addresses the sensitive end use. The submitted report has identified several potential sources of contamination and has recommended that further intrusive investigations be undertaken. I am in agreement with these recommendations but cannot agree with the initial risk assessment that has been undertaken as it has been carried out for an industrial end use. This will be used as a residential Showman's site which is significantly different from an industrial end use and will have a different critical receptor to that used within the report.
24/04/15

Environmental Health Officer There could be both noise and air quality issues, may be beneficial to request a noise impact assessment and an air quality impact assessment. Do not anticipate that this will prevent the development from going ahead, but should assess any mitigation that may be required. 02/03/15

Derbyshire County Council Highways No objections to the proposal subject to the inclusion of conditions relating to the provision of area for site compound, creation of new vehicular and pedestrian access to Beaufit Lane with 2.4m x 47m visibility splays in both directions, permanent closure of any redundant vehicular accesses, inclusion of pedestrian inter-visibility splays, proposed street to be to binder course level prior to occupation and gradient to be no steeper than 1:30 for first 10m and 1:12 thereafter. A number of highway informative notes suggested also. 13/03/2015

PUBLICITY

Site notice posted and 17 neighbouring properties notified. Two letters of support received, one letter of support submitted by the Showman's Guild of Great Britain and a letter from Pinxton Carpets and Beds. The representation on behalf of other showmen in Pinxton outlines the need for additional sites and the success of the existing site off Guildhall Drive

and off Plymouth Avenue. The application site is seen as a logical extension to these existing facilities.

POLICY

Bolsover District Local Plan (BDLP) adopted saved policies:

GEN 1 Minimum Requirements for Development

GEN2 Impact of Development on the Environment

GEN4 Development on Contaminated Land

GEN5 Land Drainage

GEN6 Sewerage and Sewage Disposal

GEN7 Land Stability

EMP5 Protection of Sites and Buildings for Employment Uses

CLT10 Countryside Recreation facilities

ENV5 Nature Conservation interests throughout the District

HOU14 Residential Caravans and Mobile Homes

HOU15 Sites for Gypsies and Travellers.

National Planning Policy Framework (March 2012)

Paragraph 214 states that: "For 12 months from the day of publication, decision takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework."

Paragraph 215 states that "In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given."

These two paragraphs mean that, since the Bolsover Local Plan was prepared and adopted prior to 2004, that 'due weight' rather than 'full weight' should be attached to its policies. Greater weight should be given to the policies of the NPPF where the plan is out of date or silent on any issue.

Paragraph 100 (part): Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Paragraph 103: When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

Paragraph 117 states (in part)

To minimise impacts on biodiversity and geodiversity, planning policies should:

- promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan;

Paragraph 118 states (in part)

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- opportunities to incorporate biodiversity in and around developments should be encouraged;

Paragraph 120: To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 121: Planning policies and decisions should also ensure that:

the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;

- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- adequate site investigation information, prepared by a competent person, is presented.

ASSESSMENT

Amenity, Employment Issues and need for additional sites.

It is characteristic of showman sites for the residential use to be located alongside the repair, storage of fairground equipment etc (commercial/industrial uses). The application would create showman's quarters which would have both residential and storage/maintenance

elements. The mixed industrial and residential nature of such sites can mean that location within a wholly residential area is not always acceptable.

The site is adjacent to a well established showman's site and the design and layout of the proposed scheme broadly reflects that of the existing Guildhall Drive development. This site has operated at this edge of the employment area of Pinxton without any interference in the effectiveness of other commercial operations. Other smaller showmen's sites lie nearby off Plymouth Avenue. The use does include some employment activity and so is not contrary to the aims of EMP5 Protection of Sites and Buildings for Employment Uses.

It also appears that the current showman's site has been acceptable to the occupiers for residential use as there is no record of complaints about the impact from other commercial operators. In principle therefore the application site seems to be an acceptable location subject to being able to comply with other requirements and having no unacceptable impacts on other material factors.

Policies HOU14 and HOU15 relate to residential caravan sites and sites for gypsies and travellers respectively. Neither policy is directly applicable to showman use, but both provide some criteria which are a useful guide to ensure a satisfactory level of residential amenity is achieved. The site is located within walking distance of local shops and services and public bus routes. Adequate private amenity space is potentially available within each plot (this would be dependent on how individuals used the plots). It is intended that full services will be available to residents in respect of water, electricity and sewage disposal etc. The site lies adjacent the Erewash Trail and countryside to the east and there is the opportunity for informal recreation. In broad terms the location is sustainable.

A new Gypsy and Traveller Accommodation Assessment 2015 (GTAA) is being undertaken for the whole of Derbyshire. Once published it will identify the objectively assessed need for Showman's plots that will need to be met in the (new) Bolsover Local Plan.

The previous GTAA (2008) is out-of-date, therefore when developing the Local Plan Strategy Proposed Submission 2013 (now withdrawn) the Council used the evidence for the need for Showman's Plots contained within the East midlands Regional Spatial Strategy (RSS) (now revoked). By applying the RSS's assumed growth rate for Showman's Plots of 1.5%, it gave a requirement of 11 plots for the district to provide by 2031. By October 2012, three new plots had been granted planning permission. Whilst these can be given little weight overall they help create a context for a need for additional plots, which is generally accepted by officers.

The existing sites within Pinxton have successfully historically met the requirements of this particular community. There is a strong likelihood of a need for additional showmen's quarters in the Pinxton area and this development seeks to provide facilities for 14 families. Recent case law would suggest that the Council also needs to give weight to maintaining a five year supply of deliverable sites for showmen; the lack of a five year supply is a strong favourable material consideration in the balance of determining this application in compliance with the NPPF.

Highway considerations including footpaths

A relocated vehicular access off Station Road will be created to serve the site. The road into the site would be in the form of a cul de sac with a turning head provided towards the far end

of the road. Individual accesses to the 14 plots would be created. Visibility splays are shown to both sides of the vehicular access. Planting is shown within the splays which is likely to interfere with visibility, but this could be controlled by condition.

There are no objections to the proposed access arrangements subject to conditions as set out above. Those directly relating to details of the access arrangements are acceptable; the compound is permitted development and it has not been shown why such a condition is necessary.

The site is crossed by Footpath 27 on the Definitive map. Originally this path was shown on a revised route along a footway to the proposed access road. Concern was expressed that there may be conflict between vehicular movements and pedestrians along the access. Additionally concern was raised by the DCC Greenways Officer that the opportunity to consider other types of user wasn't being considered and that this was an opportunity for horse riders and cyclists in connection with the proposed long distance Greenway which links Pinxton, Alfreton, Ripley and on to Nottinghamshire. The revised scheme now shows the footpath to be re-routed within a 10m buffer zone adjacent to the River Erewash. The route is described as being 3m in width for use by cyclists, horse riders and pedestrians. The Greenways Officer sees merit in diverting the proposed Greenway to the southern boundary of the site provided that there is sufficient width to accommodate a multi user trail (minimum width of 5m to accommodate a 3 metre path) and subject to there being the required visibility splays onto Beaufit Lane for a multi user trail.

Policy CLT 10 seeks to protect existing countryside recreational facilities; Planning permission will not be granted for development which would have a materially harmful impact on the character, or prejudice the use for countryside recreation. The revised scheme offers a potential opportunity to improve the current access arrangements which would comply with this policy. (See, however, the ecology considerations). It should be noted however that the only element that is needed to address the impacts of the development is a reasonable provision for the public footpath.

In relation to highway matters, subject to conditions relating to specific details, it is likely that the development could meet the requirements of policy GEN1 (1), (2) and (3) of the Bolsover District Local Plan. The revised footpath route minimises the risk of crime- GEN1 (5). In respect of GEN1 (6) Health and Safety see section on flood risk. In relation to GEN1 (4) (landscape matters) it could comply subject to a detailed scheme.

Coal Mining and ground stability considerations.

The site is within a former coal mining area and at least two mine shafts are sited within the application site. The application was accompanied by a Phase 1 Environmental Survey Report. The Coal Authority initially objected but were re-consulted on an updated risk assessment and the objection was withdrawn, subject to the inclusion of conditions. Conditions are to cover site investigation works to be undertaken prior to commencement of development and if remedial works are identified that the works are undertaken prior to other development commencing.

This addresses GEN1 (6) in part- and GEN7 Land Stability.

Flooding and surface water/drainage issues.

Policy GEN 5 considers the interaction of development with the natural watercourse and land drainage system; planning permission will not be granted for development which would result in a reduction in the capacity of the natural floodplain, detrimental changes in the characteristics of surface water run-off, new uses at risk in areas liable to flooding or loss of access to watercourses for future maintenance and improvement works.

Paragraphs 100 and 103 and the related Technical Guidance of the NPPF also apply. It is considered that the local plan policy is generally in compliance with the NPPF and should be accorded due weight.

The site is adjacent to the River Erewash, and the Maghole Brook and another watercourse are within the site. The site falls within Flood Zone 3b functional floodplain as identified by the Environment Agency. This is the highest flood zone risk. This zone is identified as functional flood plain where the probability of flooding to this site would be greater than 1 in 20 in any given year. It comprises land where water has to flow or be stored in times of flood.

The use as a showman's quarters introduces a vulnerable use on to a site where the current use is water compatible. Whilst traditionally occupation has been limited to winter months, that is not always the case. For example a number of residents on the nearby site are permanent, including some retired showmen.

The flood risk assessment submitted with the planning application identifies the flood zone to be 3a, a lower risk category than zone 3b and discusses the potential for flooding and proposed mitigation measures. The report appears to be relying on residents not being permanently resident at the site and having moveable non permanent structures and has defined the development type as being more vulnerable. However it is entirely feasible that families with school age children and retired people are likely to live permanently at the site. Under planning powers it would not be possible to effectively try to restrict occupation to a limited period each year.

Within the design and access statement a description is given "Each plot will have facilities to locate a mobile home which could be used all year around" Indeed on the adjacent site there are some permanent brick built chalet style homes indicating that a more permanent occupancy for some residents is likely. It is also likely that more residents will be living on the site during times when flooding is more likely, i.e. the winter months. Given the likelihood that some people will live on site all year round the application has been assessed as "highly vulnerable". The storage and repair element would be classed as less vulnerable.

Technical Guidance to the NPPF states that where the development contains different elements of vulnerability the highest category should be used.

Even if the caravans were lived in on a non permanent basis and the development could be defined as more vulnerable and not highly vulnerable, Table 3 of the Technical Guidance to the NPPF Flood risk vulnerability and flood zone compatibility considers highly vulnerable and more vulnerable uses NOT to be compatible with flood zone 3b and therefore should not be permitted. The EA objects to the proposed development within the functional floodplain due to the non compatibility of the proposed uses.

The EA also states that part of the site where the caravans are to be situated is located within the 1:5 year outline from the River Erewash according to their mapping and modelling data and they have serious concerns about the location of the development due to the danger to both life and property.

Whilst the revisions have sought to place caravans on the higher ground this has not overcome this fundamental objection.

It is acknowledged that immediately adjacent the River Erewash to the south there is the existing showman's site which also lies within the flood plain. This is a long standing situation that was granted permission many years ago. Current guidance would not support development of this kind within functional flood plains.

The proposed development does not meet the requirements of policy GEN5 (parts 1 and 3) of the Bolsover District Local Plan nor the NPPF (paras 100 and 103). In view of the dangers identified it is also considered to be contrary to GEN1(6).

The proposed site is likely to be subject to surface water flooding during critical storm duration in the 1 in 100 year return period event. 40 percent of the proposed development site may be subject to surface water flooding although some may be fluvial flooding associated with the River Erewash.

The applicant intends to incorporate SUDS within the development. Details have not been provided. The submitted flood risk assessment states that there will be minimal increase in impermeable areas and the siting of proposed cabins and vehicles and mobile units that can be moved from the site and large extent of River Erewash flood plain indicates there would be no tangible flood storage reduction. In respect to groundwater data the groundwater may be vulnerable to contamination, is likely to be less than 3m below ground level, there is a significant potential for one or more geo-hazards associated with infiltration and ground instability problems are probably present. It is recommended that a site specific ground investigation is undertaken for the site based on the review of the British Geological Survey data.

DCC requires additional information on the drainage strategy to achieve a discharge rate as close to the greenfield runoff rate as is reasonably practicable to avoid increasing the flooding potential downstream. This could be required by condition.

In the light of site specific surface water issues, sensitivity of the River Erewash to contamination and possible issues relating to water infiltration and ground stability a condition or conditions would need to be included on any permission requiring the submission of a detailed scheme relating to the management of surface water, foul drainage and water infiltration/ instability.

Ecological Issues

The flood authority states that the River Erewash as assessed under the Water Framework Directive 2000 has a poor ecological status and that no activities or works should deteriorate the status of these watercourses as the main objective of the WFD is to prevent deterioration in status. There have been reported sightings of water vole 800m downstream of the proposed site.

The northern part of the site is of low ecological value; the southern half which is adjacent to the River Erewash is characterised by scrub, self set trees and recently planted trees and wetland species and is of ecological value; particularly as such sites are relatively rare in this area. As amended the proposed development leaves a 10 metre wide buffer zone adjacent to the River Erewash. Whilst this buffer zone will also contain a 3metre wide multi user trail it will leave more of the habitat in place than previously proposed but the ecological value is likely to be reduced by the introduction of trail users and by the overall reduction in habitat.

Policy ENV5 of the adopted Bolsover District Local Plan requires development to retain wherever possible habitats locally important for diversity, make provision wherever possible for habitat replacement, incorporate creative conservation measures which promote biodiversity targets, incorporate native species in any landscaping or planting scheme, incorporate the maximum possible area of permeable ground surface and to take steps to regulate surface water flows to protect and enhance nature conservation, seek the incorporation of habitats attractive to wildlife in the design of built structures. NPPF paragraph 118 also applies. It is considered that policy ENV5 is generally compliant with the NPPF.

Derbyshire Wildlife Trust has been consulted on the application and objects to the proposed development as it would result in the loss of semi natural scrub and wet woodland habitat within a wildlife corridor/ecological network along the river Erewash. The Trust considers that there is sufficient evidence to strongly indicate that the woodland habitat present within the site would meet Derbyshire Local Wildlife Site selection guidelines as wet woodland and the habitat should therefore be treated as of substantive value.

The development could have an adverse impact on grass snake and water vole.

The Environment Agency also considers that there is no mitigation or compensation provided for the loss of riparian habitat or consideration given to the planting of replacement trees.

There are limited opportunities for compensatory habitat creation or mitigation measures to be implemented within the site. Some planting is shown to the site frontage but this may impact upon visibility. There is also limited opportunity for some planting of native species to the boundaries of the proposed plots which would be of some ecological value over time. The proposed development would result in the loss of semi natural scrub and wet woodland habitat within a wildlife corridor/ ecological network along the River Erewash. This would result in a net loss in biodiversity contrary to policy ENV5 (parts 1,2 and 3) of the Bolsover District Local Plan and the National Planning Policy Framework

Contamination

Policy GEN4 states that planning permission will only be granted for development on land which is being or has been put to a contaminative use where the developer can demonstrate that measures to be undertaken following a comprehensive site investigation are sufficient for its intended use and remedy or prevent any potentially materially harmful effect on health, safety, or the environment. The submitted phase 1 environmental survey report has identified several potential sources of contamination and has recommended that further intrusive investigations be undertaken. The conclusions suggest that the end use will be industrial and that any risk to human health is likely to be during the redevelopment works. However a mixed use of the site including residential use is proposed and therefore the site has to be suitable for a sensitive end use. The Environmental Health Officer recommends a condition

requiring a full phased contaminated land investigation including where necessary remediation measures which address the sensitive end use.

It has also been suggested that a noise and air quality assessment be undertaken to identify any mitigation measures which could be required given the proximity to the A38 and industrial users. These can be required by condition

It is considered that the proposed development could meet the requirements of policy GEN4 of the Bolsover District Local Plan and achieve general compliance with paragraph 120 of the NPPF.

Other Matters

Listed Building: n/a

Conservation Area: n/a

Crime and Disorder: No issues raised.

Equalities: "Showman" is a recognised group that have distinctive requirements for accommodation given the lifestyle associated with them, including residential occupation (often seasonal related to fairs and shows) and repairs of rides and equipment.

Access for Disabled: None raised.

Trees (Preservation and Planting): n/a

SSSI Impacts: n/a

Biodiversity: Included in report above

Human Rights: None raised.

Conclusion:

Whilst significant weight should be given to ensuring an adequate supply of accommodation for showmen and this site is well related to an existing facility there are specific problems associated with the site in terms of flooding impacts and ecological impacts that are sufficient to justify refusal in this case.

Whilst there is some compliance with development plan policies as discussed in the report, there are also non-compliances. It is considered that on balance the proposal does not comply with the policies of the development plan and the policies of the NPPF. These policies should be given due weight as they reflect similar policies in the NPPF. Whilst having due regard to the accommodation needs of the showmen within the district, development of this site would not result in a sustainable form of development. It is considered that national and local planning policies should prevail and there are no material circumstances that would override them..

RECOMMENDATION: REFUSE for the following reasons:

1. The site lies within the historic flood plain of the River Erewash and within Flood Zone 3b as defined by the Environment Agency. The inclusion of a residential use introduces a highly vulnerable use within functional flood plain which is inappropriate. In addition, the raising of land levels within the site would reduce the storage capacity of the site in the event of a flood increasing the risk of flooding elsewhere. As such development of the site would be contrary to policy GEN5_Land Drainage of the Bolsover District Local Plan and paragraphs 100 and 103 of the NPPF.

2. The proposed development would result in the loss or degradation of semi natural scrub and wet woodland habitat and with no significant measures to avoid, minimise or compensate for the ecological impacts the development will result in a net loss in biodiversity. As such the proposal is contrary to the requirements of policy ENV5 Nature Conservation Interests throughout the District and paragraph 117, 118 of the NPPF.

PARISH Pinxton

APPLICATION Demolition of public house and erection of 5No. single storey dwellings with garages and private access road
LOCATION Site Of The Greyhound Inn Town Street Pinxton
APPLICANT Mr James Chapman
APPLICATION NO. 15/00220/FUL **FILE NO.** PP-04177798
CASE OFFICER Mr Steve Kimberley
DATE RECEIVED 7th May 2015

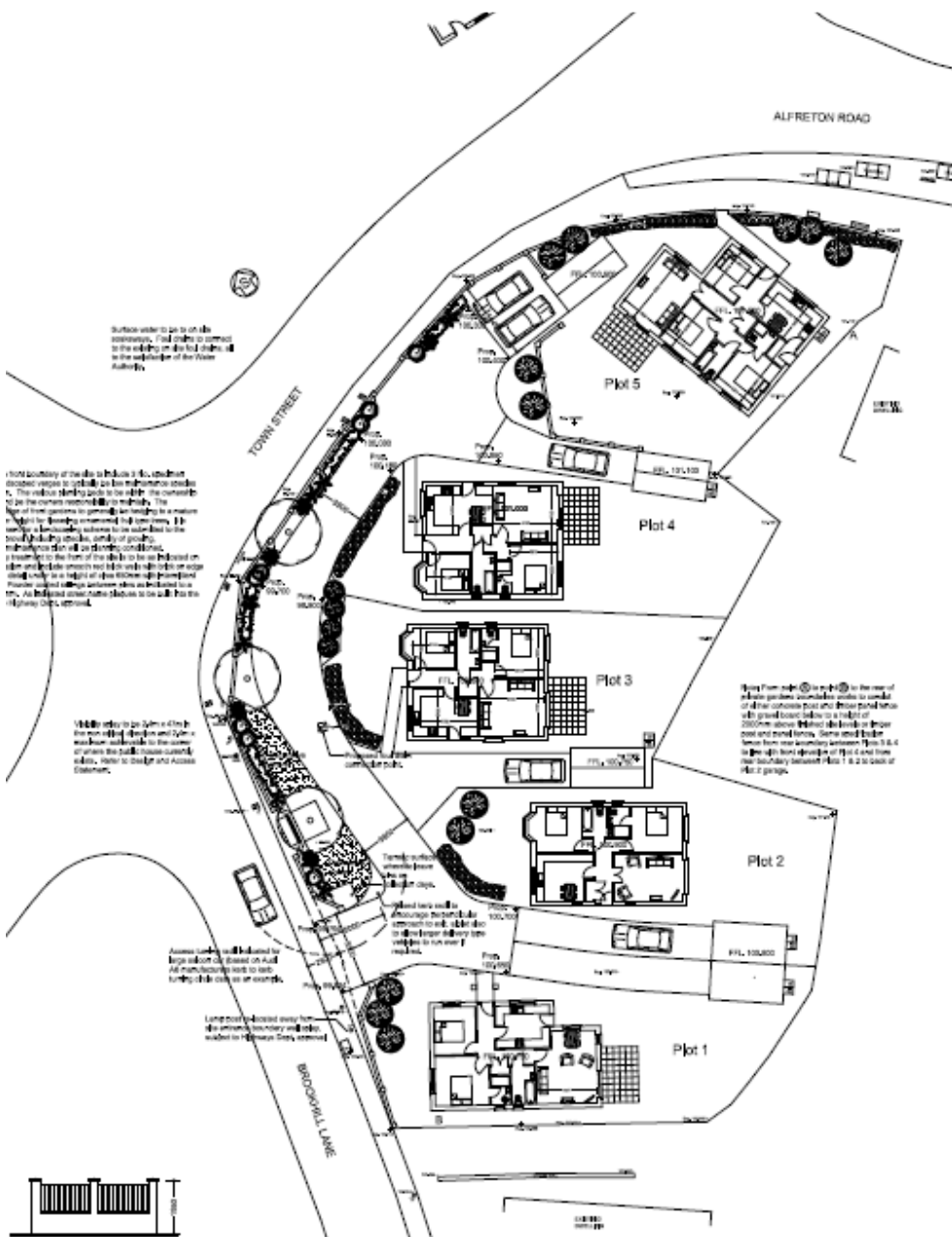
Delegated application referred to Committee by: Assistant Director of Planning
 REASON: Balanced decision on design matters

SITE

The site is a currently vacant public house which has a car park to the east and a grassed area formerly used as beer garden to the west. At the rear there is an area of overgrown vegetation which has previously been granted planning permission for two dwellings. The public house sits on the site frontage adjacent to a traffic junction. It is a two storey double fronted property with a further extension to the west and others to the rear. The site is generally level though with a slight rise to the west of the public house and to the rear. The car park is composed of tarmac with an existing access off Brookhill Lane. A steel container currently sits on this car park area. Boundary treatments at the front are either a low wall to the car park or a post and rail fence to the beer garden. At the rear the boundaries are generally composed of close boarded fencing between 1.6 and 1.8m in height. The area is characterised by two storey development, though across the road there are two areas of informal open space, one comprising of tarmac and another a small grassed area. Since the time of the last application the site has become more derelict and is now bounded by herras fencing.

PROPOSAL

The proposal is for the demolition of the public house and the erection of five single storey dwellings on the site accessed by a road running along the frontage. The development utilises the existing access into the public house car park from Brookhill Lane.. Plots 1 to 4 are all two bedroom single storey dwellings though designs vary slightly. Plot 5 is a larger three bedroom single storey dwelling with a garage and parking area close to the frontage of the site. Maximum height of any of the dwellings is 5.8m. Each dwelling has at least two parking spaces allocated. Boundary treatments are generally formed by a brick wall with railings above to the the front and 2m high timber fencing to the rear of the site.



AMENDMENTS

None

HISTORY (if relevant)

06/00671/OUT – Erection of 2 dwellings and amended car park access. Approved 20/12/2006
 This site was part of the site for the existing proposal and whilst outline it suggested two storey designs
 14/00563/FUL - Demolition of vacant public house and construction of 5 single storey dwellings with garages and private access road from Brookhill Lane. Application withdrawn following discussions with planning officer and the representation made by Urban Design Officer.

CONSULTATIONS

Pinxton Parish Council – agreed to support the application in principle. 20/05/2015

Environmental Health Pollution Control Officer – Previous comments on the same site. Due to the presence of likely made ground recommend a planning condition for any approval which would require a phased contaminated land study. Comments received on the 6th July 2015

Derbyshire County Council highway Authority – Comment that changes to the scheme do not change the stance on the proposal and previous comments still stand. The boundary treatment should not interfere with visibility and note that the layout is not of an adoptable standard. Subject to conditions including visibility splays, site compound, parking in accordance with plans, maintenance of garage spaces and no gates, no objections.
17/06/2015

Urban Design Officer - Comments that in their opinion the application should be withdrawn or refused. The site is strategically positioned in a way that provides an important termination viewpoint from multiple directions. The design response should recognise this and provide a strong and positive building in this location. The scheme is very similar to the previously withdrawn proposal (ref. 14/00563/FUL).

The main amendments include:

1. Bungalow types used on Plots 2 and 4 swapped.
2. Plot 2 roof pitch increased to 40 degrees and height changed from 4.8m to 5.8m (approx).
3. The alignment of the ridgeline for Plots 3 and 4 has been amended to run side to side (previously this was from front to back).
4. Modest front gables introduced on Plots 3 and 4.
5. Details of the boundary treatment along the site frontage are now described, although not shown. This is described as a red brick wall with tile creasing and brick coping laid on edge (650mm), with a powder coated railing above between brick piers (total height 1350mm).
6. The omission of parking spaces close to the proposed site entrance.

These amendments have been undertaken in response to the concerns in respect of the previous submission regarding the design of the development and how it relates to its townscape context. The revisions represent minor adjustments to the proposal. Unfortunately, these do not fundamentally address the issues raised under the last application.

The relationship of the site to the busy road is the main design driver of the proposed layout, and justified on the basis of achieving an acceptable level of amenity for future occupants in terms of noise, vibration, fumes, safety etc. These concerns are recognised and understood. Nevertheless, the resulting proposal, even in its modified form, is considered to result in a harmful impact on the townscape of Pinxton, on what is a prominent location within the settlement. In the current form the development is not considered to satisfy the expected standard of design and does not meet the requirements of design as laid out in the National Planning Policy Framework. 03/07/2015

PUBLICITY

Site notice posted and nine neighbouring properties notified.

One representation received from a neighbour who was consulted by letter and seventeen representations received from others.

All representations were generally in support of the proposal citing the following reasons:

- a) There is a need for bungalows
- b) An eyesore would be removed
- c) Will do away with a blind corner
- d) Prefer bungalows
- e) Bungalows will be in keeping with the area
- f) Will bring an improvement in highway safety

It is noted that five of the representations were forwarded to the council by one of the other supporters.

POLICY

Bolsover District Local Plan (BDLP)

GEN1 (Minimum requirements for Development)

GEN2 (Impact of Development on the Environment)

HOU2 (Location of housing sites)

CLT1 (Protection of existing buildings which serve the community)

National Planning Policy Framework

Chapter 7 Paragraphs 56, 58, 60, 61 and 64.

56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

58 Planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

60. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

61. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Other (specify)

National Planning Practice Guidance - Design (ID26)

Interim Supplementary Planning Document: Successful Places A Guide to Sustainable Housing Layout and Design

ASSESSMENT

The main issues for consideration are the principle of development on the site, the impacts on the amenity of neighbours, the impact on the character and appearance of the area and the impact on highway safety.

Principle of development on the site.

It is considered that policies HOU2 (Location of housing sites) and CLT1 (Protection of Existing Buildings which serve the Community) apply to this application. Also the presumption in the NPPF in favour of sustainable housing development where there is not a five year supply of housing applies. The Council does not have a five year supply at present and therefore should seek to grant permission unless material considerations indicate otherwise. This must be given significant weight in the decision on the application.

CLT1 (Protection of Existing Buildings which serve the Community) applies to changes of use or redevelopment of buildings which have functions which serve the community including public houses. The public house ceased trading in 2014 after an earlier period of being vacant. Whilst little demonstrable evidence has been provided to show that the public house in the right hands is no longer a viable business, it is acknowledged that there is alternative public house provision in the settlement of Pinxton (though another public house, The Sun Inn, has also closed). In this case it is felt that the proposal does meet the policy CLT1 (Protection of Existing Buildings which serve the Community) as there is alternative provision in the community.

The proposal is on a small site within the settlement framework. The site is located within an existing residential area in Pinxton with housing on all sides and a bus route nearby. The proposal is considered to represent sustainable development which meets the requirements of the National Planning Policy Framework and Policy HOU2 (Location of Housing Sites) of the Bolsover District Local Plan.

Impact on the amenity of neighbouring properties.

The proposal shows five dwellings set well back from the highway frontage. The dwellings are all single storey and are not considered to impact on the privacy of neighbours. Plots 1 and 5 are the two plots closest to neighbouring properties. Plot 5 is less than 1m from the side

curtilage of 2 Alfreton Road. However this property has no windows on the facing elevation and a 1.7m high close-boarded fence between the two properties. Moreover Plot 5 only has one doorway on this elevation and no windows. Consequently the proposal is not considered to impact on loss of daylight or overlooking in relation to 2 Alfreton Road. Plot 1 of the proposal is closest to the opposite side and 1 Brookhill Lane, separated by access land from plot 1 but does have a side facing principal window. However the facing elevation of plot 1 has a restricted outlook, is only single storey and is over 3.5m from the affected window with an intervening access road. The impact is within guidelines.

For the reasons above the proposal as designed is not considered to have such an impact on the amenity of neighbours as to warrant a refusal and is generally in compliance with policy GEN2 (Impact of Development on the Environment) in this respect.

Impact on the character and appearance of the area.

The application is a resubmission following the withdrawal of an earlier application. That application was withdrawn following advice from the case officer and the Urban Design Officer over concern about the lack of detail of the front boundary treatment and the impact of the proposal on the character and appearance of the area. The previous comments of the Urban Design Officer noted the prominence of the site on key views in the area and noted that the majority of buildings in the area are of a two storey design. The Urban Design Officer felt that the principle of development on site is acceptable the design should retain the existing public house converting it to residential accommodation and locate buildings towards the site frontage and position the access road to the rear.

Following the withdrawal discussions were held with the applicant and agent to find a way forward. The applicant and agent made it clear that they did not consider it economic to retain and refurbish the public house building and that only a front access drive with the properties set back towards the rear would provide an acceptable standard of amenity for future occupiers (moving them away from the traffic and noise associated with the classified highway to the front and the crossroads). The applicant has also made it clear that they would only wish to develop the site with five bungalows as it is this housing type which there is a local demand for. Through the discussions and within the constraints of the applicants requirements changes have been made in order to try to address some of the concerns.

In particular the prominence in the street scene has been increased by means of realignment of pitches, increased height of plot 2 and the introduction of small front gables on plots 3 and 4. The front boundary treatment has also been indicated with a brick wall and railing front boundary and planting behind including the use of specimen trees in order to provide a visual reference within the street scene.

Notwithstanding these amendments they do not go far enough to allay the concerns of the Urban Design Officer. In particular the design of the properties is a relatively standard design and notwithstanding the increase in roof pitch of some properties are generally low pitched modern designs of a type which could be found on any suburban estate. Whilst the materials can be conditioned the application form states clearly that they would be bricks and interlocking roof tiles with ivory UPvc windows, again reflecting standard designs. Moreover the plots are located in a staggered uncoordinated approach which has resulted in a scheme without a cohesive streetscene presence. For example Plot 5 is at a different angle

to the remainder of the plots and the adjacent house and the street and has a detached garage to the front which will be more prominent when viewed from the junction. Whilst it is understood that the staggered nature of the back boundary and the corner position has led to this result it is still felt that the scheme does not make the most of the potential opportunities to improve the streetscene in this key location. In this respect the buildings are considered to relate poorly to one another and to the street, and would have a weak relationship to the streetscene resulting in a scheme that is considered to fail to meet the design policies of the National Planning Policy Framework.

Though the Urban Design Officer has clearly stated that two storey would fit better within the streetscene it is accepted that the constraints would mean that such a scheme would be difficult to achieve. Notwithstanding this it is felt that a stronger single storey design could be achieved within the constraints of the site; perhaps with a form of almshouse style development. Such a scheme could be developed to provide a more cohesive stronger presence in the streetscene providing a strong focal point to this position in the village.

However it is acknowledged that the design impacts need to be weighed with other factors. It is also noted that the public house has not been maintained whilst empty and has already deteriorated to the extent that a number of residents now call it an eyesore and would like it removed. It is also noted that whilst the dominant form of building in this location is two storey dwellings a number of representations have expressed support for single storey development in this area. It is also accepted that a design with housing close to the frontage would have to deal with the issues of traffic noise and pollution increasing costs and possibly adversely affecting the marketability of the properties. The applicant has indicated that they would not proceed with any development on the site frontage.

Overall it is felt that this issue is balanced but whilst the improvements are noted it felt that the matters noted do not outweigh the impacts on the streetscene and that the scheme does not meet the requirements of the National Planning Policy Framework and in particular Para 58 bullet points 2, 4 and 6

It is acknowledged that if the site is not developed at this time there is little doubt that, at least in the short term, the site would deteriorate further. Whilst there are powers to address this they only deal with the cosmetic appearance and the long term solution is to find a productive use for the site.

Impact on highway safety.

The proposal provides for an access road utilising the existing access into the public house car park which then turns and runs parallel to the main road. The Highway Authority has no objections subject to conditions. Notwithstanding this response there are concerns over the highway impacts of the proposal. Whilst it is accepted that the existing access served a public house and that consequently traffic levels may be no greater than that which already existed the access is close to the junction and movements from the dwellings are more likely to be at peak times unlike the public house use.

The layout of the access drive is not ideal and will result in headlights from cars using this drive potentially conflicting with headlights of cars going south along Alfretton Road. Following the withdrawal and subsequent discussions with the applicant details of the boundary treatments have been submitted with this application. This results in a boundary treatment

which is 1.35m in height. This height is higher than the 1m allowed under permitted development rights, and higher than that requested by the Highway authority. However it is felt to be an acceptable compromise between the requirement to shield oncoming headlights and the need to maximise visibility.

If the decision was to approve conditions should be imposed on the materials bricks and style of railings to be used to ensure that the boundary treatment is appropriate in this sensitive location.

Other Matters

The pollution control officer has noted the likelihood of made ground on the site and consequently has asked for a phased contaminated study of the site to be required by condition and before any development other than demolition of the existing buildings takes place. It is noted that the site to the north, known as Holmes Yard, has been subject to a contaminated land study, which showed that that site land required remediation. It is accepted that if the application is to be approved a condition should be imposed requiring such a condition.

Listed Building:	not applicable
Conservation Area:	not applicable
Crime and Disorder:	Development of the site would remove the potential for anti social behaviour on a currently vacant building.
Equalities:	no known issues
Access for Disabled:	no known issues
Trees (Preservation and Planting):	no significant trees on the site.
SSSI Impacts:	not applicable
Biodiversity:	no known issues
Human Rights:	no known issues

Conclusion

The decision is a balanced one. It is accepted that the design fails to deliver a key building on an important site within the landscape of Pinxton. Whilst the design does allow for beneficial development of a site which is deteriorating in visual amenity terms it does not have a strong presence in the streetscene in this key location. Whilst the design details have been amended in this submission to improve the on-street presence of the proposal to try to mitigate the impacts they do not address the concerns expressed by the Urban Design Officer. Weight has to be given to the need to achieve a five year supply of housing, but the numbers involved are relatively small and are not considered to outweigh the concerns.

On balance it is considered that the officer recommendation is to refuse as the design fails to address adequately, even in its modified form, the design concerns and is considered to result in an inappropriate design response in this prominent location on the townscape of Pinxton. In the current form the development is not considered to satisfy the expected standard of design and does not meet the requirements of design as laid out in the National Planning Policy Framework.

RECOMMENDATION: Refuse for the following reason given in précis form to be formulated in full by the Joint Assistant Director of Planning

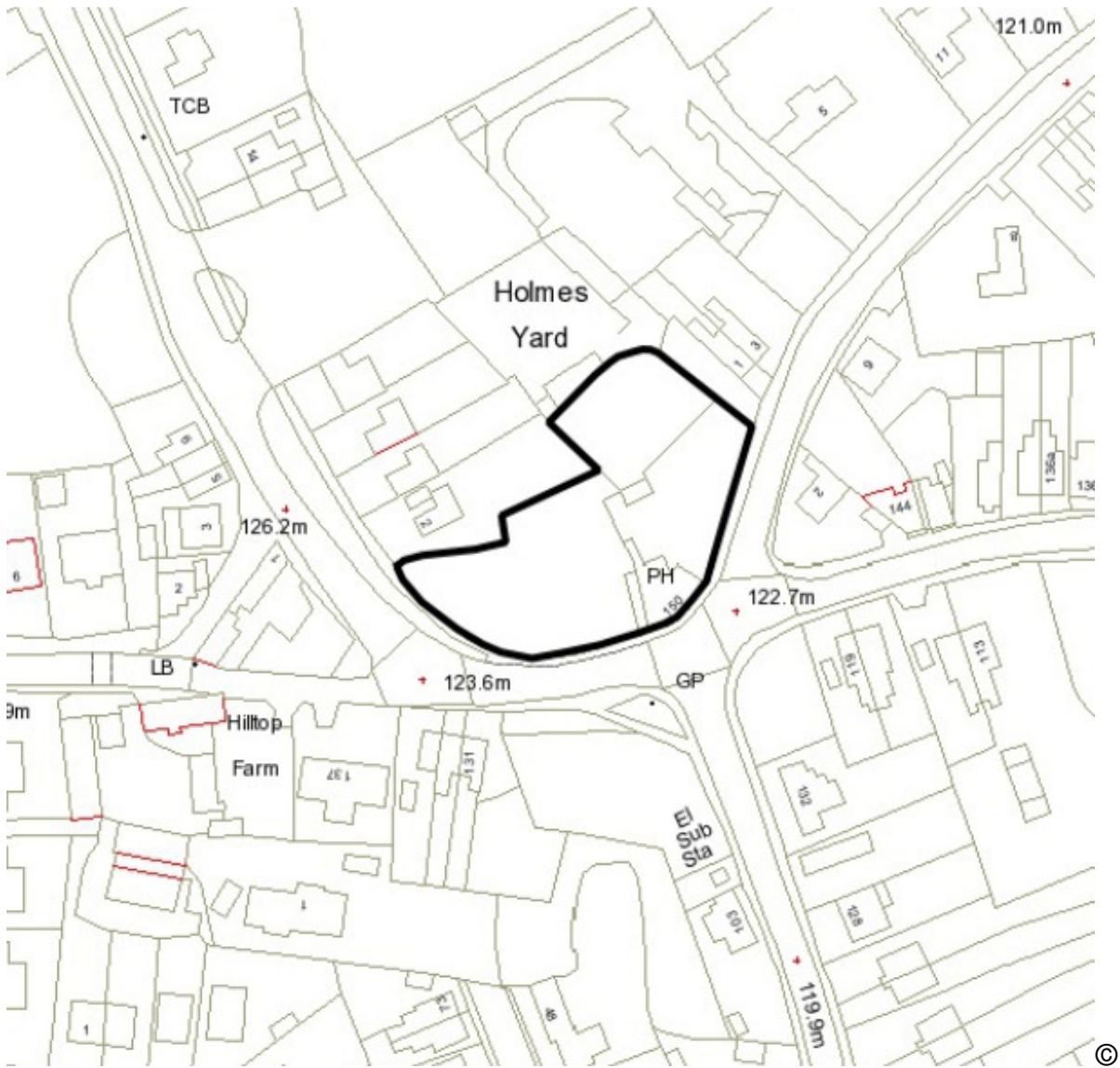
- 1) The design fails to address adequately, even in its modified form, the design concerns and is considered to result in a harmful impact on the townscape of Pinxton, on what is a prominent location within the settlement. In the current form the development is not considered to satisfy the expected standard of design and does not meet the requirements of design as laid out in the National Planning Policy Framework.**



Proposed Street Elevation - Scale 1:200



Application No.: 15/00220/FUL



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Date Produced: 9th July 2015

PARISH Clowne

APPLICATION Rear two storey extension to provide 6 lane 25 x 13m swimming pool, 12 x 5m baby pool, feature water flume, children's play area, wet village change and toilets for male and female, disabled change facilities, cafeteria and viewing area and plant room at ground floor level. Extension to existing fitness suite, 2 No. dance studios, spinning studio and office accommodation at first floor level. Extension to car park.

LOCATION The Arc High Street Clowne Chesterfield

APPLICANT Pulse Design & Build Ltd

APPLICATION NO. 15/00154/FUL **FILE NO.** PP-04096093

CASE OFFICER Mr Peter Sawdon

DATE RECEIVED 2nd April 2015

SITE

Part of the former college “campus” site with a range of buildings ranging from single storey children’s nursery to a three storey building now incorporating the District Council’s main office base and a leisure centre. There is also a separate workshop building which is two storeys. The site also contains playing pitches to the south of the buildings and a children’s play area to the front of the site. Playing fields and an all weather pitch are located to the rear of the buildings.

Access is from High Street at the crossroads with Boughton Lane. There is a large car park to the front of the building. Site boundaries comprise 2/2.4m high paladin fencing to the public boundaries with hedges and post and rail fences to playing fields.

To the north and east the site is bounded by residential properties. There is a rear service road off the access drive to houses fronting High Street, which was created as part of the college development to reduce the incidence of on-street parking close to the entrance. To the south of the site is a new housing development which is in the process of being built and to the west of the site the land is predominantly fields.

PROPOSAL This full planning application is for internal alterations and a rear extension to 'The Arc'. The proposal would create an extension that will provide a 6 lane 25m x 13m swimming pool, a 12m x 5m baby pool, all with feature flume plus associated male and female wet change and toilet facilities. The extension will also provide a new reception area, cafeteria and viewing areas plus a children's play area, all at ground level. At first floor level the existing health and fitness facility will be extended, plus 2 No. multi- functional dance studios will be created along with a spinning studio. The remaining building areas will remain as Bolsover District Council offices.

The site of the extension to the rear of 'The Arc', built alongside the four court sports hall which would form one wall of the proposal. It would face towards the grass football pitches and an area of landscaping, beyond which are the rear elevations of residential properties of

Mansfield Road. The extension extends to a maximum of the end of the existing sports hall and a maximum of just over 44m from the external wall; with a maximum height of 8.4m for the main element (the offices are about 13m high; the existing sports hall about 17m)

The extension would be two storeys with a ground floor area of 1458m² and a first floor usable area of 602m². The layout of the extension to the rear of the building has been designed to be accessed from the existing buildings main entrance. The new reception area will be visible on entry from the main entrance at the front of 'The Arc'. The floor areas will reflect existing floor levels and will tie into the main building.

There are no specific landscape proposals. The current development area is a sloped grass area with an area of semi mature trees and bushes adjacent which is to be retained. The existing site boundary of green mesh fencing and hawthorn hedge will remain. All areas will be made good where disrupted or damaged.

The extension will incorporate the same materials as the existing. External walls will be a mixture of brickwork and render, to match. Glazing will be "full height" to provide natural lighting into the pool and children's play area; coloured glazed panels will provide privacy and some control against possible solar gain and glare.

The roof will be a single ply membrane laid to falls as required.

Vehicular access will be as existing, with designated areas for coach / taxi drop off and pedestrian routes.

AMENDMENTS Revised drawings 1521-08 Rev B Ground Floor Plan, 1521-10 Rev C Elevations and 1521-12 Roof Plan submitted on 2nd June 2015 to show a lowered pool height and resultant reduction in the height of the building.

HISTORY (if relevant)

03/00635/FULMAJ New college, sports facilities (sports hall & pitches), nursery, children's play area and car parking and landscaping including floodlighting. Granted permission February 2004

04/00601/FUL Children's Day Nursery granted November 2004

05/00212/VAR Variation of condition 3 of planning permission 04/00601/FUL to allow for nursery access to day nursery without installing traffic light scheme granted June 2005

05/00215/VARMAJ Variation of condition 3 of planning permission 03/00635/FULMAJ to allow access without installing traffic light scheme granted June 2005

06/00032/FULMAJ Erection of workshop and additional car parking spaces including new 42 space car park to east side of access and creation of additional outdoor area for nursery use granted February 2006

07/00312/FUL – Erection of polytunnel, greenhouse and shed approved on 20.08.2007

11/00483/FUL – planning permission was granted on 02/02/2012 for the change of use of the former college campus to a mixed use as Council Offices, General Offices (Class B1a) and Leisure Centre and use of Workshop building for light industrial (Class B1 b and c), training and storage (Class B8) use.

CONSULTATIONS

Clowne Parish Council - Welcomes this development. Some concern re: access to the site 16/4

Archaeologist - The site is well outside the medieval core of settlement at Clowne, which lies c250m to the north-east. I therefore recommend that the proposals are very unlikely to have an archaeological impact. 27/04

Yorkshire Water - If you do not receive a reply within 21 days of receipt [of consultation] then please assume that Yorkshire Water has no comments to make on the planning consultation. 21/4

Environment Agency – No objections subject to inclusion of a condition relating to an agreed method to deal with any unidentified contamination that may be revealed during development 21/4

Crime Prevention Design Advisor – No comments 1/5

Derbyshire County Council (Flood Risk Management) – Standing advice provided 6/5

Severn Trent Water – No objections subject to condition to control drainage details 13/5

Environmental Health Officer – No objections subject to condition relating to control over the swimming pool plant equipment and any air conditioning units in the interests of ensuring no noise disturbance to nearby dwellings 18/5.

DCC (Highways) – Need for a travel plan and potentially off site works if travel plan doesn't succeed at minimising trips to and from the site. Suggested conditions and advisory notes. 22/5. Suggested further condition to improve signing for footpath links to the site 25/6

PUBLICITY

By press advert, site notice and 65 neighbour letters. No letters of representation have been received.

POLICY

Bolsover District Local Plan (BDLP) GEN1 (Minimum Requirements for Development); GEN2 (Impact of Development on the Environment); GEN5 (Land Drainage); GEN6 (Sewerage and Sewage Disposal); GEN8 (Settlement Frameworks); GEN11 (Development Adjoining the Settlement Framework Boundary); GEN17 (Public Art); CLT2 (New Community Facilities); CLT5 (Large Scale Indoor Sport and Recreation Facilities); CLT6 (Existing Outdoor Playing Space and Amenity Open Space); CLT13 (Location Of Major New Leisure and Entertainment Developments); TRA1 (Location of New Development); TRA10 (Traffic Management); TRA13 (Provision For Cyclists); and ENV3 (Development in the Countryside)

National Planning Policy Framework

The NPPF is generally supportive of sustainable economic development.

Section 8 of the NPPF deals specifically with promoting healthy communities.

Paragraph 70 – “To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should... plan positively for the provision and use of ... sports venues ... to enhance the sustainability of communities and residential environments”;

Paragraph 73 – “Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities”.

ASSESSMENT

In terms of the adopted Local Plan, this site is shown to be in the countryside and outside of the settlement framework. That allocation was however made prior to the erection of the former Chesterfield College complex (now The Arc), such that the nature of the site was fundamentally altered as a result of the originally approved development on this site and is in effect, now an existing brownfield site on the edge of the existing settlement.

Notwithstanding this, there are also other permissive policies relating to the provision of new community facilities (CLT2) and major leisure developments (CLT5 and CLT13), effectively using a sequential approach of preferring settlement framework locations, then edge of centre locations and only then open countryside locations.

Whilst technically in the countryside based on its Local Plan Allocation, the provision of a new major leisure facility in a location of the edge of one of the district's main settlements, alongside an existing major public facility (the district Council offices and existing leisure centre facility) reasonably close to the town centre (@400m from the main entrance door at The Arc to the edge of the town centre) and with good public transport links, is considered to be an appropriate location that is sufficiently in accordance with the objectives of adopted planning policy in respect of new major leisure facilities. In principle the proposal is not therefore, considered to conflict with the objectives of the Local Plan in this respect, subject to appropriate details.

Views of the proposal are limited due to the proposed extension being located on the rear of the main building on site. Some aspects of the new extension will be visible, particularly from the south, but given the lower height of the building relative to the existing building and the sensitive design that respects the existing facility on site, the proposal will not form an intrusive or harmful feature in the landscape or general area. Indeed, the proposal will add interest to the rear of the building that is relatively plain on its rear elevation.

Existing maturing boundary landscaping exists on site and will not be affected by the development and additional landscaping is not considered to be necessary.

The proposed extension is located around 30m from the nearest boundary with residential properties to the east. Those dwellings also have deep rear gardens (@25m) such that the distance between the extension and existing dwellings is sufficient to ensure that no adverse impacts will result on the amenities of residents of those dwellings. The Environmental Health Officer has advised that there are no objections in principle to the proposal. However, there are no details submitted with respect to the type of noise levels anticipated to be emitted from the swimming pool plant equipment and any additional air conditioning units that may be associated with the extensions and has recommended the inclusion of a condition to control those details.

The area that the proposed extension would be sited is currently mown grass and as such will be of minimal biodiversity value. The hedgerows and trees to the boundaries of the site are not affected and are proposed to be retained. As such there would be no harm to biodiversity interests as a result of the development.

The Environment Agency has recommended a condition to deal with the mitigation of any

unexpected contamination if it is found on site during construction, which is considered to be reasonable.

Severn Trent Water is seeking the inclusion of a condition relating to the approval of foul and surface water drainage that is appropriate for this development.

Highway Issues.

The applicants have submitted a Transport Statement (TS) which considers the implications of the proposed development on traffic and transport and the Highway Authority has provided advice in this respect.

Despite there being a theoretical capacity within the junction for additional traffic, this does not address limited emerging visibility from the site access onto High Street, where drivers are obliged to take a line of sight across the partially obstructed frontages of multiple residential premises on either side of the access that could become further obstructed over time.

There will be a noticeable increase in traffic generation to and from the site access. Whilst personal injury accident data for a 5 year period has been considered, the site has not been in active use for all of this time and only in recent times has realised its current traffic generation potential which limits the weight given to this accident information currently. Given the limitations of the access and the fact that data may not yet reveal the true nature of the use of the access, the Highway Authority is concerned that there may be a tangible risk to the safety of highway users if the maximum vehicular trip generation of the development is fully realised.

Given the above concerns, the Highway Authority has advised that a travel plan could be utilised to encourage non-car access and car sharing to The Arc as a whole that has the potential to curb traffic increases to an acceptable level. However, if vehicle trips cannot be restrained it would be necessary to carry out works on High Street to either help reduce vehicle approach speeds, such that the available visibility becomes more appropriate, or introduce some other form of traffic control to regulate turning movements.

Whilst this is considered to be acceptable in principle, the Highway Authority has requested that a scheme be designed for off-site highway improvement prior to the extension being brought into use. However, given that the need for this work will only be triggered if trips exceed a stated amount, then such design work may be abortive, such that this approach is considered to be unreasonable and would not meet planning tests. It is considered that the design works should only be required if the threshold were to be exceeded following monitoring of vehicular activity.

The Highway Authority has noted the agents comment regarding footpath links to the site, and has suggested that a condition be imposed to improve surfacing and signage. Given that all pedestrian routes into the site are fully hard surfaced it is not considered that any improvements are required to surfacing. Improved signage, however, would assist in the aim of encouraging pedestrian trips and can be provided as part of a package of measures that would be considered under the Travel Plan and a condition is recommended for inclusion.

In respect of on-site parking, the application submission suggests that the proposed additional

24 space car park should be sufficient (in conjunction with the existing car parking provision) to absorb the extra parking demand generated by the proposed development. The Highway Authority has indicated that the Travel Plan could include monitoring and targets to track the demand for on-site parking and the adequacy of the parking areas, but goes on to state that in the event that overspill parking was to occur, it is unlikely that harm would be caused to the surrounding highway network as a result of displaced parking.

Subject to conditions relating to the provision of a travel plan, potential off site highway improvements and the additional car parking, it is considered that no objections arise on highway safety grounds.

Conclusions

The proposal is considered to be an appropriately and sustainably located site for expanded leisure facilities. Subject to controls to deal with the issues raised above, the proposal is considered to comply with the adopted Bolsover District Local Plan and is in line with the objectives of the NPPF.

Other Matters

Listed Building: N/A

Conservation Area: High Street forms part of the designated Clowne Conservation Area, but the proposal will not be visible from it and as such will not impact upon it.

Crime and Disorder: No known issues

Equalities: No known issues

Access for Disabled: It is stated that the proposal will comply with part M of the Building Regulations that deals with mobility access.

Trees (Preservation and Planting): N/A

SSSI Impacts: N/A

Biodiversity: No significant issues arise

Human Rights: No known issues

RECOMMENDATION: Approve subject to the following conditions:

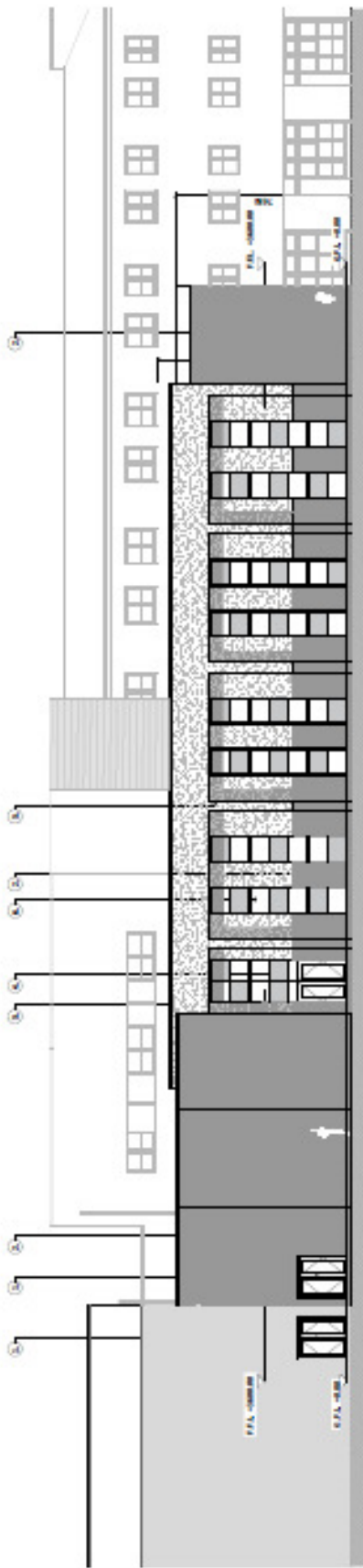
- 1 The development shall be begun before the expiration of three years from the date of this permission.
- 2 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- 3 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought in to use.

- 4 The extension to the leisure facilities hereby approved shall not be brought into use unless and until:
 - a) An assessment of sound has been undertaken and a scheme specifying the provisions to be made for the control of sound emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The assessment shall identify and quantify all sound sources from the development and shall assess the significance of the sound impact, taking into account the uncertainty of the assessment at the centre point of any garden attached to neighbouring dwellings in accordance with the methodology described in the British Standard BS4142:2014 Methods for rating and assessing industrial and commercial sound.
 - b) Upon completion of all works within the approved scheme a validation report shall be completed by a competent person and shall be submitted to and approved in writing by the Local Planning Authority.
 - c) The approved scheme has been implemented in full and shall be retained in place at all times following its implementation.
- 5 Prior to the extension to the leisure facilities being brought into use, a Travel Plan shall be created for the whole of The Arc including the workshop building, submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including modal shift targets, a timetable and management responsibilities) to promote travel by sustainable modes such that additional vehicle movements at the site access to High Street are limited to a maximum level set out in the Plan. Reports demonstrating progress in promoting sustainable travel together with monitoring of traffic flows at the access shall be submitted annually to the Local Planning Authority for written approval on the anniversary of the date of the first bringing the additional leisure facilities into use for a period of 5 years.
- 6 In the event that vehicle trips at the site access exceed the maximum levels as defined in the approved Travel Plan (the subject of condition 5 above), a highway improvement scheme shall be submitted for approval to the Local Planning Authority within 60 days of the trigger being exceeded and shall be implemented as approved within 6 months of the approval of the scheme by the Local Planning Authority, or within such other timescale as may otherwise be approved in writing by the Local Planning Authority.
- 7 The extension to the leisure facilities hereby approved shall not be brought into public use until the proposed car park extension has been laid out in accordance with the submitted application drawings, constructed, drained and lit in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.
8. The extension to the leisure facilities hereby approved shall not be brought into public use until improved pedestrian directional signage has been provided in accordance with a scheme that shall previously have been submitted to and approved in writing by the Local Planning Authority, which shall be maintained as approved at all times thereafter.

Notes

1. The Crime Prevention Design Advisor has advised that if the applicant requires security advice he can be contacted by telephone on 01629 536062, 07841 948569 or by e-mail at robert.drury.246@derbyshire.pnn.police.uk
2. Pursuant to Section 278 of the Highways Act 1980, no improvement works shall be carried out within the limits of the public highway without the formal Agreement of the County Council as Highway Authority. Advice regarding the technical, financial, legal and administrative processes associated with Section 278 agreements may be obtained from the Strategic Director of Economy, Transport and Environment at County Hall, Matlock (ask for the Highways Development Control team). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain approval for Section 278 works.
3. Advice regarding the preparation and content of Travel Plans may be obtained from the Strategic Director of Economy, Transport and Environment at County Hall, Matlock (ask for the Sustainable Travel team). Where the applicant or Local Planning Authority requires supplementary assessment of monitoring reports, modal shift targets and other Travel Plan interventions, this service is available from the Council's Sustainable Travel service but may be subject to additional charges.
4. In respect of condition 5 , in terms of the trigger point for introducing further off-site highway improvements, additional trips should be limited to 5% of existing baseline, at or below which, the need for further engineering intervention at the access could be avoided. Based upon the applicant's data this would equate to 210 gross 2-way trips in the AM peak (8.00-9.00) or 222 gross 2-way trips in the PM peak (17.00-18.00). To allow for some fluctuations in flows this can be amalgamated into a single target of 440 2-way trips for the AM and PM peak hours combined. This should be included in the Travel Plan targets.





Proposed South Elevation - 1:100

