

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.
