

**PARISH**

Hodthorpe and Belph

**APPLICATION**

Residential Development (Maximum 160 Dwellings) and Community Building (including details of access)

**LOCATION**

Land Approximately 300M To The West Of Hall Leys Farm Broad Lane Hodthorpe

**APPLICANT**

Mr Richard Oddie c/o Agent United Kingdom

**APPLICATION NO.**

15/00006/OUT

**FILE NO.** PP-03899720

**CASE OFFICER**

Mr Steve Phillipson

**DATE RECEIVED**

9th January 2015

**SITE**

Approximately 6ha of arable farmland situated adjacent to the south east side of Hodthorpe, which is a small settlement covering about 11.5ha in area comprising approximately 292 dwellings. The site is relatively flat and is bounded to the north by the hedgerow lined Broad Lane and to the west by Green Lane. The site is part of a large open field with no boundaries or delineation to the east or south with sweeping views across the surrounding landscape beyond. Hall Leys Farm is situated on land beyond the east of the site and comprises an isolated complex of farm buildings and is partially screened by mature trees. There is an existing access to this farm from Green Lane which passes through the application site. Birks Farm lies approximately 250m to the north-east of the site. It is an 18<sup>th</sup> century farmhouse and is a Grade 2 Listed building.



ILLUSTRATIVE MASTERPLAN

## **PROPOSAL**

Outline application for residential development with point of access detail submitted for approval. All other matters including layout and appearance etc are reserved.

An indicative layout plan has been provided showing up to 160 dwellings, a community building (max floor space 500sqm) with car park, and village green with play space.

In support of the application the Applicant states that:-

- The Council do not have a 5 year supply of housing so in accordance with the NPPF there is a presumption in favour of sustainable development.
- The development of this site can provide a considered a logical rounding off of the village.
- The application constitutes sustainable development, when assessed against the requirements of the NPPF and will provide a range of social, economic and environmental benefits.
- The application also proposes further benefits comprising of a village green, car park and community facility.
- The site is achievable, deliverable and available as required by the NPPF.
- A suite of technical reports have been undertaken which demonstrate that there are no technical issues which would prevent the development of this site for housing.

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

Planning Statement

Design and Access Statement

Statement of Community Involvement

Flood Risk Assessment

Transport Assessment

Travel Plan

Site Investigation Report and Coal Risk Assessment

Noise Assessment

Archaeology Geophysical Survey

Ecology

Heritage Assessment

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

- Affordable Housing: Waived in accordance with interim policy or 10% affordable housing on site if deliver targets are not met.
- On-site Recreation Open Space: On site Children's play area equipped at £755 per dwelling.
- Adult Recreation: Commuted Sum Payment in Lieu of on-site at £898 per dwelling.
- Education Contribution: £79,793 towards 7 primary school places at Hodthorpe Primary School.
- Public Art: at 1% development costs.
- Community Building: maximum of 500 sqm area (£1100 sqm build cost)

## **AMENDMENTS**

Additional information provided on access detail and highway issues, archaeology, ecology, heritage impacts, a revised indicative masterplan. 16.06.15.

## **HISTORY (if relevant)**

None on the current application site.

14/00518/OUT Outline application for 101 dwellings to the north side of Hodthorpe was considered by Planning Committee on 22.7.15. The application was deferred pending consideration by the Executive Committee of whether access can be provided over BDC land for a pedestrian link and for completion of S106 agreement.

Two other applications for residential development currently on hand.

## **CONSULTATIONS**

### BDC Planning Policy

Concludes that given the out-of-date nature of the adopted Bolsover District Local Plan and the absence of any new emerging policy 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. A decision to approve the application would not be supported from a policy perspective at this stage.

The Council only has a supply of approximately 2.5 years. The Planning Committee at its meeting on the 11<sup>th</sup> 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 eastern edge of Hodthorpe and would represent a substantial extension of the village in this direction. Considers that growth of the village in the eastern

direction would relate better to the existing village structure than to the north but less well than to the south.

Based on the submitted information, whilst the potential rounding off nature of the proposed site is noted, it is not yet demonstrated that the development would form a well connected extension to the settlement framework.

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;

The 77 bus service to Worksop and to Chesterfield stops along Queens Road approximately 100 metres from the Broad Lane site entrance so is within the recommended walking distance.

Hodthorpe Primary School is within recommended walking distance approximately 200 metres away from the site entrances and approximately 300 metres from the mid-point of the site.

The Heritage School (Secondary) is not within the recommended 2000 metres walking distance. It is approximately 5,600 metres away.

The guidelines seek a town or local centre within 800m walking distance.

Beyond the primary school, Hodthorpe has very few facilities, the only town / local centre facility is the Hodthorpe Club (A4 use).

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.

20.05.15. A policy response from the County Council has been received. It is a combined response to two planning applications (due to the close proximity of the application sites and their similar scale and nature). This application 15/00006/OUT and the application on land to the west side of Green Lane 15/00137/OUT.

DCC Planning Policy concludes that the NPPF makes it clear that at its heart there should be a presumption in favour of sustainable development. They consider that the planning applications would provide for a range of beneficial social, economic and environmental sustainability impacts including:-

- The provision of two reasonably sustainable urban housing extensions to the existing built up area of Hodthorpe, and the provision of up to 255 houses, which could help meet some of the five year housing land supply needs of the District, for which there is currently a significant shortfall;
- The provision of a two large-scale housing developments in reasonably accessible locations to a variety of modes of transport, the local and strategic road network, and to a range of services and facilities and employment opportunities in the Sub-Regional Centres of Chesterfield and Worksop and other smaller settlement in the wider area;
- The creation of significant numbers of jobs in the construction phases of the developments and subsequent direct and indirect multiplier beneficial impacts for the local economy. The proposed development west of Green Lane would have particular benefits in providing new employment units on the site and creating up to 58 new jobs; and
- Although both application sites are greenfield sites, they do not have any important environmental designations or constraints that would otherwise preclude their development.

However, it is of significant concern that the totality of the proposed housing developments, to provide for up to 255 new dwellings, would be disproportionately large in comparison with the scale, role and function of the settlement of Hodthorpe. The settlement is limited in scale and extent with a relatively small population and has very few existing services and facilities, which would be available to serve the sizeable number of new residents who would occupy the residential units on the sites. This would be unlikely to provide for a sustainable pattern of development.

In this context, the planning application for 95 dwellings to the west side of Green Lane would be more in keeping with the existing scale, role and function of Hodthorpe. The application would also have the sustainability benefits of providing for new employment units and creating up to 58 new jobs, new amenity space for Hodthorpe Primary School and a new area of public open space, which would provide a key focal point for the settlement.

If either or both of the housing schemes are approved, the District Council is requested to consider seeking amendments to the schemes to secure the inclusion of small-scale shop and / or service facilities within them, which would help improve both the sustainability merits of the schemes and provide much needed new facilities to serve the wider settlement.

#### Archaeologist

05.02.15 Advised that it will be necessary for the applicants to undertake and submit the results of archaeological field evaluation, which should comprise geophysical survey and trial trenching/fieldwalking.

22.06.15. Following submission of the additional work requested the Archaeologist advises that there is no clear indicator of archaeological activity. The fieldwalking produced a light

scatter of material. This is unremarkable and does not suggest the presence of an archaeological site. He recommends that the application meets the information requirements of NPPF para' 128 and that there is no need to place a further archaeological requirement upon the applicant.

#### DCC Highways

27.02.15. Concerns regarding sustainability and states that it is considered inevitable that future residents of the development would be heavily dependent on the private car to travel to wider destinations for shopping, employment and secondary schools.

Seeks more information on accident data.

The junction of Green Lane with Queens Road is substandard in terms of visibility towards the west and DCC seeks an assessment in respect of the additional vehicle movements at this junction and the feasibility of any mitigation.

Notes that there is a significant level difference between the site and the Broad Lane highway and seeks further design details of the access thereto.

Similarly additional detail is required in respect of the proposed footway along the frontage where there may also be implications for retention of the roadside hedge.

DCC were reconsulted on additional highways information submitted on 17.6.15. Response awaited.

#### Environment Agency

05.02.15. No objections subject to condition requiring approval of drainage details based on sustainable drainage principles.

#### DCC Flood Risk Team

11.02.15. Surface water modelling suggests the site is unlikely to be subject to surface water flooding during a 1 in 100 year return period.

DCC encourages that site surface water drainage is designed in line with the current draft National SuDS Standards, including restricting developed discharge of surface water to greenfield runoff rates making suitable allowances for climate change and urban creep, managing surface water as close to the surface as possible and prioritising infiltration as a means of surface water disposal where possible. Prior to designing the site surface water drainage, a full ground investigation should be implemented to fully explore the option of ground infiltration to manage the surface water. There have been no incidences of historical flooding and within a close proximity to the proposed site. Should a SuDS solution be proposed for this development, it should be confirmed prior to commencement of works who the responsible organisation for SuDS maintenance will be once the development is complete.

#### Severn Trent Water

1.4.15. No objections subject to a condition requiring approval of surface and foul drainage details.

#### EHO (Contamination)

02.03.15. Requests a contaminated land survey by condition.

#### Bassetlaw DC

20.02.15. Recommends that Nott's County Highways be consulted.

Draws attention to heritage assets within Bassetlaw that could be affected by the proposal, notably Welbeck Park which is a Grade II Registered Park and Garden and Worksop Manor Park, an unregistered park and garden; both of these assets lie within 1.5km of the proposal. The submitted scheme does not, include a Heritage Impact Assessment as required in the NPPF. Given the scale of the development and its location, the scheme is capable of affecting the countryside setting of Welbeck Park, a Registered Park and Garden. Nevertheless, it is acknowledged that the separation distance and intervening woodland blocks provide a significant visual buffer between the development proposal and Welbeck Park. Assuming that development might be restricted to 2 storey buildings, it is probable that the scheme would have a limited impact on the setting of Welbeck Park and other relevant heritage assets within Bassetlaw.

#### Natural England

12.02.15. Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. NE standing advice should be applied.

#### Derbyshire Wildlife Trust

04.08.15. We concur with the conclusion reached in the report by Peak Ecology that the site is considered unlikely to support any protected species that would require any further survey work and, as such, we would advise that sufficient ecological information has been submitted to enable the local planning authority to make an informed planning decision on ecological grounds. Overall, we advise that provided the boundary hedgerows are retained, as far as practicable, with any loss adequately compensated by new planting, there are unlikely to be any ecological impacts associated with the proposal.

We fully support the mitigation/avoidance measures detailed in section 5.2 of the report which should be implemented in full as a condition of any consent.

We would also advise that a scheme of ecological enhancement in line with the measures provided in section 5.3 of the report should be submitted for approval as a condition of any consent either as part of a subsequent reserved matters application or prior to the commencement of any work on the site.

#### Parish Council

06.02.15. No objections.

#### Crime Prevention Design Advisor

No comments

#### Urban Design Officer

Comments are made in response to the indicative layout. He recognises some commendable design aspects but ultimately advises that the proposals would be unacceptable in terms of a number of urban design considerations (as set out in his response). Any future reserved matters applications would need to address the issues identified to accord with the NPPF, NPPG and Successful Places Interim SPD (2013).

Of particular note:-

- The extent of the development beyond the existing built edge of the village is arbitrary.
- A more considered approach to the density and settlement edge treatment is required.

- The relationship with the adjoining landscape is inappropriate and should be reviewed in terms of layout, orientation and density.
- The standardised highway layout and limited evidence of place hierarchy within the scheme.
- Urbanising impact of the proposals on the character of Broad Lane and Green Lane.
- The potential to create a more permeable layout internally.
- The amount of development would need to be reduced to address the above concerns.
- Failure to identify and understand nearby heritage assets and how this might influence the extent of the development and layout of the scheme. A heritage impact assessment would be required to inform the design response.

### DCC Education

9.02.15. Seeks the following:

Access to high speed broadband services for future residents;

£79,793.07 towards 7 primary school places (classroom project A at Hodthorpe Primary School); and

New homes designed to Lifetime Homes standards.

### NHS

28.01.15. The proposal would trigger the need to provide health related section 106 funding of £551 per dwelling based on 2.3 person occupancy. 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 local practices are in the process of assessing the options available to them due to the significant amount of houses being proposed in the area. As the GP practices are independent contractors we must work to support them to identify a solution that does not destabilise the local health economy. Until all the options have been explored we are unable to give a definitive answer where the contribution will be spent however we will ensure that the solution provides the best value for money for all parties.

22.06.15. The NHS advised they were not concerned about capacity issues in relation to a nearby planning application in Hodthorpe for a similar number of dwellings.

### Awaited

Leisure Services Officer

Arts Officer

Housing Strategy

### **PUBLICITY**

Advertised in the press, site notice posted, 13 properties consulted, 3 objections received all from other land owners in Hodthorpe on the following grounds:-

Unsustainable development.

One of three large sites outside the settlement framework identified in the SHLAA.

Determination now will have a prejudicial impact on the future development of another site HODT-001 already identified as deliverable in the SHLAA. The alternative is more sustainable.

The proposal does not meet all of the sustainability criteria identified in the Council's



Guidelines in terms of: proximity to public transport; secondary school; town or local centre; key employment sites. May not contribute positively to carbon reduction. The development will necessitate the development of a new water treatment works but does not include such works and so it does not mitigate the environmental harm to downstream SSSI from reduced water quality.

Policies do not envisage such a large number of new houses in a rural settlement as this will prejudice the implementation of other policies designed to regenerate more urban areas. Not compatible with landscape character and settlement pattern and will create an abrupt settlement edge.

Insufficient evidence to show that this scale of development in Hodthorpe is deliverable and realistic.

Not supported by the local community.

Increased traffic detrimental to highway safety and residential amenity.

Capacity of local highway infrastructure.

The application should be considered along with the other proposals.

Green Lane is single lane and would require widening.

No footpaths from the site entrance to the village (along Green Lane)

Danger to pedestrians from coaches.

Not adjacent to the village and would be a separate development, would not integrate with the village.

Area affected by mining subsidence, high levels of methane and radon gas.

Area prone to flooding.

A level of development disproportionate to the size of settlement

Prejudicial to the plan making process

Scale would be unsustainable in this location, since the service provision within the village is limited.

An incongruous extension to the village within a landscape that is already flat and open, while the site would be extremely visible upon approach to the village.

Not a large enough settlement to accommodate one or more greenfield sites of this particular scale, while the District Council must be in a position to provide a suitable range of deliverable sites over the course of the plan period.

A substantial and illogical addition to the village.

Together with the other major residential developments that have been put forward in the village, these create a cumulative harm upon the village, the local landscape and the countryside and go far beyond the untested levels of growth previously considered (in the now withdrawn Local Plan) in Hodthorpe.

#### Applicant's publicity undertaken

Statement of Community Involvement submitted. Notification sent to all residents in Hodthorpe and the immediate surroundings. This was approximately 370 mailings.

Approximately 40 people attended. Comments reported by the Applicant:-

“Seems more appropriate than current alternative (180 dwellings) site.

Traffic problems may not be as bad as alternative site, i.e. bridge at top end of Hodthorpe cannot be widened for increased volume of traffic but access on Broad Lane means 50/50 chance of taking Station Road rather than Queens Road.

Schools needs more pupils, which development will provide, but GP surgery needed to cater for increased population.

Increased bus service (rush hour currently takes almost two hours to get to Chesterfield.)  
“No objections whatsoever. It’s time we had more houses in the right place. Keeping plugging for it.”

“A car park at the top of Green Lane for Hodthorpe Club and the new Community Centre to use would be a big advantage. The volume of traffic going through Hodthorpe will be a problem. The school will need more classrooms to accommodate the children. A doctor’s surgery would also be an advantage.”

“Preferred the plan. Main worry is traffic.”

“This development would be better than the one proposed at the North of Broad Lane. It fits in a lot better although there may be concerns regarding the traffic which will be further away from the children’s play area which is better.”

Suggestions were made for locating the proposed community facilities and car park nearer to Broad Lane so that it related better to the existing Working Men’s Club and the village. Concerns were raised about the potential individual drive accesses onto Broad Lane. This has been removed from the indicative scheme, which now proposes that all dwellings which front Broad Lane are served from directly within the site by private drive.

## **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. Also interim policy on Affordable.

HOU9 - Essential New Dwellings in the Countryside

TRA 1 – Location of New Development

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

ENV5 - Nature Conservation Interests

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**

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 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 provided that proposals are deliverable and will contribute to the 5 year supply. 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. Hence there is no reason at this stage to conclude that the site will not be deliverable.

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.

#### Sustainability

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.

However the County Planning Authority takes a different view. They refer to the proposal as being reasonably sustainable in itself. However they would not support approval of both of the large development proposals they refer to in their response - combined 255 dwellings including 95 dwellings proposed west of Green Lane 15/00137/OUT and this site. Also Committee Members should note that DCC's response did not take account of the 101 dwellings proposed north of Hodthorpe 14/00518/OUT or the 36 dwellings proposed in the recent application 15/00354/OUT on the allotment site adjacent to the west of this site. County Planning consider 255 dwellings would be a disproportionately large expansion in comparison with the scale, role and function of the settlement of Hodthorpe.

A further material consideration is the Planning Committee's recent decision on application 14/00518/OUT for 101 dwellings proposed North of Hodthorpe. Since that application was not refused, Planning Committee has taken the view that a large urban extension elsewhere in Hodthorpe can be "sustainable development". It follows that the Council does not consider Hodthorpe, as a settlement, to be unsustainable as such. However as was reported for that

application that the sustainability of Hodthorpe as a location for major expansion is marginal and this is reflected in the various consultee responses (above) where different conclusions have been reached on the sustainability of the site.

One of the arguments in favour of approving some residential development in Hodthorpe is to help support the remaining local facilities. In particular the primary school which has suffered from low patronage over recent years. It has capacity to deal with approximately 140 new dwellings in total and the more efficient use of that school is a material consideration in favour in the balance of sustainability issues.

However the current proposal is for 160 dwellings. Capacity at the primary school would therefore be exceeded and the justification for this scale of development is weaker than for a scheme which does not exceed capacity.

Now that an initial decision has been made on 14/00518/OUT - land north of Hodthorpe, Members will also need to have regard to the cumulative effects of approving more than one proposal. If the 101 dwelling scheme (14/00518/OUT) is approved following its deferral and this 160 dwelling scheme is also approved a total of 261 dwellings could be provided. This is 121 more than the primary school has capacity for. There are 2 issues to note here. Firstly that the school efficiency argument in favour does not exist for approving both of these large schemes; and secondly if the Committee is minded to approve both applications a S106 obligation to increase school capacity would be required (this would require the deferral of both applications to negotiate a school contribution from each site).

Given the marginal acceptability of Hodthorpe as a settlement in terms of sustainability and the removal of the school efficiency argument in favour, it is considered that it would not be appropriate to approve both of these applications.

#### Whether a Logical Settlement Extension

The site area would represent a major expansion to the physical size of the village and would change the nature of the settlement considerably. It is questionable whether a development of this scale, is appropriate or proportionate relative to the size of the Hodthorpe and its sustainability.

In addition the current agricultural use and appearance of the site clearly reads visually as part of the open countryside landscape beyond the established village boundary formed by Green Lane and Broad Lane and it is considered that development here to the east side of Hodthorpe would not be a logical settlement extension.

The site currently comprises a very large open field. The field contains no natural internal boundaries or features on the ground to define the extent of the application site and there are sweeping views across the landscape into the distance. As such, the extent and edges of the development, as drawn, are arbitrary and follow no logical reasoning. The development extends well beyond the existing easternmost part of the village at Birks Close and it does not reasonably relate to Hodthorpe along its eastern side.

Whilst it would not be possible to overcome the issue of extending beyond the existing clear and logical settlement edge formed by Green Lane and Broad Lane, the Applicant has been

asked to consider revisions reducing the size and shape of the application site to try to better address some of these concerns. In response a minor revision has been made to the illustrative masterplan in the very north east corner of the site to create an entrance feature (small pond in the corner with outward facing development beyond). However it is considered that this change does not address the fundamental concerns raised above and that the proposal would not be a logical settlement extension.

#### Development on Agricultural Land

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. The sustainability of this site is considered to be poor.

#### Summary of Issues of Principle

The site is outside the settlement framework and contrary to countryside protection policies of the local plan. Approval would be a departure to the plan. Sustainable development is permitted by the NPPF outside the settlement framework in the absence of a 5 year supply of housing. However the sustainability of this site is considered to be marginal and reduced to poor because the site is not considered to be a logical extension to the settlement framework and in this case the amount of development which is proposed exceeds what might be justified by taking up the spare capacity at the local primary school. In addition the proposal involves the loss of high grade agricultural land.

### **The Potential Impacts:**

#### Visual and Landscape Impacts

See “Whether a Logical Settlement Extension” above.

#### Access and Highway Safety

The Highway Authority’s advice is set out above. They raised concerns including substandard visibility towards the west at the junction of Green Lane with Queens Road. Additional information was also sought. Additional information has now been provided and the Highway Authority reconsulted. A response from them was awaited at the time of writing this report and the Committee will be updated if a response is received before Committee. If the Highway Authority are not satisfied that it has been demonstrated that the highway safety impacts will be acceptable it is possible that it may constitute a reason to refuse permission.

#### Heritage Issues

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

The main issue for above ground heritage impact is harm to the significance of the rural setting of Birks Farm (grade 2 listed building). There would be some setting impact, bringing urban development closer to the access to Birks farm so affecting its rural setting. However Birks Farm is set back from the north side of Broad Lane across the highway and it would be very difficult for an observer on public land to view both the development and the listed building at the same time. So whilst there would be some setting impact, it is not considered to be significant or material in this case. The Conservation officer has not objected.

#### Drainage

No significant constraints or issues have been raised by consultees in terms of disposal of surface or foul water. Flooding is unlikely to be a constraint to development. 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.

#### Ecology

There is little ecological interest on this site. There is a Hawthorn hedge along the north and west highway boundaries. These are likely to be adversely affected by new accesses punching through in four places and potentially also through the removal of a large section of it to open out the “village green” shown on the proposed masterplan. However additional countryside edge planting shown would appear to compensate for this loss. As a result it is considered that there are no ecology issues such as to preclude development.

#### Amenity Impacts and issues raised

Concern about traffic impacts raised. However the level of additional traffic generated would not justify refusal on amenity grounds alone. Significant impacts on residential amenity are considered unlikely with a notably low level of public objections to the proposal.

#### 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.

The Applicant is also offering to build a new community building of 500 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

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. However the Council should have regard to the cumulative impacts of approving more than one proposal as set out above in the section of this report on "Sustainability". If this application and 14/00518 are both approved the cumulative total would be 261 dwellings.

Of particular note if members are minded to approve both applications it would be necessary to further defer application 14/00518/OUT (Planning Committee's recent decision on application 14/00518/OUT for 101 dwellings proposed North of Hodthorpe to defer to investigate footpath connection options and S106) and this application to negotiate further contributions for expanding the primary school. Also the NHS should be reconsulted to see if the local Doctors Practice has capacity to deal with both applications. If not a S106 contribution for expansion of capacity should also be sought.

However it is considered that this level of expansion of Hodthorpe (i.e. both applications) ought not to be permitted since it would result in a disproportionately large expansion in comparison with the scale, role and function of the settlement of Hodthorpe, which is not justified on sustainability grounds going way beyond the capacity currently available at the primary school.

Applications 15/00137/OUT and 15/00354/OUT 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: Should not be adversely affected.

Biodiversity: See above

Human Rights: No specific issues.

**RECOMMENDATION**

**REFUSE**



**1. The site lies outside the settlement framework as defined in the Bolsover District Local Plan (2000). Therefore saved countryside protection policies ENV3 and HOU9 apply which do not normally allow residential development in the countryside except in special circumstances which do not apply in this case. Approval would be a departure to the plan. Whilst the National Planning Policy Framework (NPPF) does allow sustainable development in the absence of a 5 year supply of housing and the Council does not have a five year supply, the proposal would not result in sustainable development and it would not be a logical extension to the settlement framework. The site is also on grade 2 agricultural land further reducing the sustainability of the site and it has not been demonstrated that there is a need to develop this particular site which overrides the national need to protect such land. Approval would therefore be contrary to saved policy ENV 2 of the Bolsover District Local Plan and to paragraph 112 of the NPPF.**

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