

The Arc
High Street
Clowne
Derbyshire
S43 4JY

Date: 5th January 2016

Dear Sir or Madam

You are hereby summoned to attend a meeting of the Planning Committee of Bolsover District Council to be held in the Chamber Suites, The Arc, Clowne, on Wednesday 13th January 2016 at 1000 hours.

Register of Members' Interest - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on page 2.


Yours faithfully



Assistant Director of Governance and Monitoring Officer
To: Chairman and Members of the Planning Committee

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PLANNING COMMITTEE

AGENDA

Wednesday 13th January 2016 at 1000 hours in
the Chamber Suites, The Arc, Clowne

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	<u>Apologies for Absence</u>	
2.	<u>Urgent Items of Business</u>	
	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972	
3.	<u>Declarations of Interest</u>	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda	
	b) any urgent additional items to be considered	
	c) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time.	
4.	To approve the minutes of a meeting held on 9 th December 2015	3 to 17
5.	Notes of a Site Visit held on 4 th December 2015	18
6.	Applications to be determined under the Town & Country Planning Acts.	
	(i) 15/00216/OUT - Hotel extension (including details of access); and erection of 52 residential properties (including details of all reserved matters other than Appearance) on land north of Worksop Road with new access roundabout junction to serve both developments at Hotel Van Dyk and Land South Of Plantation on North Side of Worksop Road, Clowne	19 to 42
	(ii) 15/00455/FUL - Residential development comprising the demolition of existing buildings at Sterry House Farm, the erection of 32 dwellings (houses and bungalows), creation of new access road off Mansfield Road and internal road layout and landscaping at Sterry House Farm, Mansfield Road, Clowne, Chesterfield	43 to 57

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of Bolsover District Council held in the Chamber Suites, The Arc, Clowne on Wednesday 9th December 2015 at 1000 hours.

PRESENT:-

Members:-

Councillor D. McGregor in the Chair

Councillors T. Alexander, P. Bowmer, J.A. Clifton, T. Connerton, C.P. Cooper, M.G. Crane, S.W. Fritchley, H.J. Gilmour, T. Munro, B.R. Murray-Carr, S. Statter, B. Watson, D. Watson and J. Wilson

Officers:-

J. Arnold (Assistant Director – Planning and Environmental Health), C. Doy (Development Control Manager), H. Fairfax (Planning Policy Manager) (from Minute No. 0606(iv)), J. Fieldsend (Senior Principal Solicitor) (until Minute No. 0606(iv)), T. Ball (Principal Planner) (until Minute No. 0606(ii)), P. Sawdon (Principal Planner) (Minute No. 0606(ii) to 0606(iv)), A. Rhodes (Principal Planner) (from Minute No. 0606(iv)), R. Scott (Planning Enforcement Officer) (until Minute No. 0606(iv)) and A. Brownsword (Governance Officer)

0600. APOLOGIES

Apologies for absence were received from Councillors M. Dooley, J. Ritchie and P. Smith

0601. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

0602. DECLARATIONS OF INTEREST

There were no declarations of interest.

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0603. MINUTES – 11TH NOVEMBER 2015

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

RESOLVED that the minutes of a Planning Committee of Bolsover District Council held on 11th November 2015 be approved as a true and correct record.

0604. MINUTES – 27TH NOVEMBER 2015

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

RESOLVED that the minutes of a Special Planning Committee of Bolsover District Council held on 27th November 2015 be approved as a true and correct record.

0605. SITE VISIT - 6TH NOVEMBER 2015

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

RESOLVED that the notes of a Planning Site Visit held on 6th November 2015 be approved as a true and correct record.

0606. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS.

- (i) 15/00076/OUT - Outline planning permission (all matters reserved for future approval other than access) for erection of up to 149 dwellings, public open space and the creation of 2 new vehicular access points onto Oxcroft Lane at Land to North Of Meridian Close, Oxcroft Lane, Bolsover

Further details and an amended condition were included within the Supplementary Report.

The Development Control Manager presented the report which gave details of the application, site history and consultations carried out.

Mr. A. Cooper and Mr. D. Dakin attended the meeting and spoke against the application. Mr. M. Edgar attended the meeting and spoke in support of the application.

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The Committee considered the application in planning terms having regard to the Bolsover District Local Plan, the National Planning Policy Framework, Guidelines to be used for assessment of applications for residential development when the Council does not have a five year supply of deliverable sites, the Supplementary Planning Document – Successful Places: A Guide to Sustainable Housing Layout and Design and A Building for Life.

Discussions took place regarding highways issues.

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

RESOLVED that application No. 15/00076/OUT be DEFERRED to enable an independent assessment by a Highway Consultant of the traffic impacts and the application to be reported back to Committee for consideration when the assessment is complete.

(Development Control Manager)

- (ii) 15/00361/FUL - Construction of a temporary Solar Farm, to include the installation of Solar Panels with transformers, a District Network Operator (DNO) substation, security fence and gate (incorporating infra-red beam system) and other associated infrastructure at Oxcroft Stocking Ground Land At Corner Of Woodthorpe Road And Mill Lane, Stanfree

Further details were included within the Supplementary Report.

The Development Control Manager presented the report which gave details of the application, site history and consultations carried out. It was noted that part of the application site was within the Chesterfield Borough Council boundary and approval had already been granted.

Ms. C. Kent and Mr. L. Adams attended the meeting and spoke in support of the application.

The Committee considered the application in planning terms having regard to the Bolsover District Local Plan, the National Planning Policy Framework and the National Planning Practice Guidance.

Moved by Councillor D. McGregor and seconded by Councillor B.R. Murray-Carr

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RESOLVED that Application No. 15/00361/FUL be APPROVED Subject to the following conditions given in précis form to be formulated in full by the Assistant Director - Planning and Environmental Health

1. The development shall be begun before the expiration of three years from the date of this permission. (*To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004*).
2. Within one year of the cessation of the generation of electricity, or one year prior to the decommissioning of the solar farm, whichever is the sooner a Decommissioning and Site Restoration Scheme shall be submitted to and approved in writing by the local planning authority. The Scheme shall include the methods, measures and timetable to secure the removal of all elements of the solar arrays, related equipment and plant and related restoration site measures. The scheme of site restoration shall be based upon an ecological assessment of the site at that time so that features of interest are retained and enhanced. The Scheme shall be implemented as approved. (*In order to ensure that the site is restored to an acceptable standard in the context of landscape and biodiversity issues, and in compliance with policies GEN1, GEN2, ENV3 and ENV5 of the Bolsover District Local Plan and the principles and policies of the National Planning Policy Framework in the context of sustainable development*).
3. The development shall take place in accordance with the proposals and recommendations of the Biodiversity Management Plan prepared by SLR Ref 424.05075.00008 July 2015, including the aftercare and maintenance operations, all generally in accordance with the timetable contained within chapter 5 of the Biodiversity Management Plan. (*To protect and enhance the biodiversity interest of the site in compliance with policy ENV5 of the Bolsover District Local Plan and the principles and policies of the National Planning Policy Framework in the context of sustainable development*).
4. The development shall take place in accordance with the Reasonable Avoidance Measures specified in chapter 5 of the Extended Phase 1 Habitat Survey and Phase 2 Protected Species Survey Report by SLR reference 424.05075.00008 July 2015. (*To protect, and minimise any harmful effects upon protected species and other wildlife from the development in compliance with policy ENV5 of the Bolsover District Local Plan and the principles and policies of the National Planning Policy Framework in the context of sustainable development*).
5. The development shall take place in accordance with the proposals and recommendations of the Landscape and Visual Impact Assessment and the Landscape Strategy Plan by Barton Willmore reference 24920-L9 Revision D (received 24.11.15) prepared as Figure 6 of the Landscape and Visual Impact Assessment which shall be implemented generally in accordance with the timetable contained within chapter 5 of the Biodiversity Management Plan referred to in condition 3 above. (*To minimise any visual impacts of the development through the retention of existing vegetation and provision of additional planting including its maintenance in the interests of the landscape*

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setting and visual appearance of the site in compliance with policies GEN1, GEN2, and ENV3 of the Bolsover District Local Plan and the principles and policies of the National Planning Policy Framework in the context of sustainable development).

6. The development shall take place in accordance with revised layout as shown on Anesco drawing 001427_200 Rev I (received 24.11.15). *(For the avoidance of doubt to ensure a satisfactory development which minimises any impacts and in compliance with policies GEN1 and GEN2 of the Bolsover District Local Plan and the principles and policies of the National Planning Policy Framework in the context of sustainable development).*
7. The development shall take place in accordance with the revised Traffic Management Plan dated 24.11.15 by Anesco (received 24.11.15) *(For the avoidance of doubt to ensure a satisfactory development which minimises any impacts and in compliance with policies GEN1 and GEN2 of the Bolsover District Local Plan and the principles and policies of the National Planning Policy Framework in the context of sustainable development).*
8. Prior to the erection or installation of any enclosed buildings/structures, a gas risk assessment must be carried out for such buildings/structures. This should be carried out in line with current guidance. The assessment shall include:
 - a. A survey of the extent, scale and nature of the current gas regime of the site;
 - b. An assessment of the potential risks to human health, property (existing or proposed), adjoining land and its receptors,
 - c. An appraisal of remedial options as appropriate and a proposal for the preferred remedial option

Any gas protection measures must be carried out by a suitably qualified person and an independent verification report must be approved in writing by the Local Planning Authority. *(The site has the potential to be contaminated because of past uses on or near the site to ensure there is no risk to human health, property and wildlife in compliance with policies GEN1 and GEN2 of the Bolsover District Local Plan and the principles and policies of the National Planning Policy Framework in the context of sustainable development).*

9. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current guidance and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority.
Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. *(The site has the potential to be contaminated because of past uses on or near the site to ensure there is no risk to human health, property and wildlife in compliance with policies GEN1 and GEN2 of the*

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Bolsover District Local Plan and the principles and policies of the National Planning Policy Framework in the context of sustainable development).

(Development Control Manager)

The Principal Planner left the meeting.

The Principal Planner entered the meeting.

- (iii) 15/00368/FUL - Full application for the development of 82 dwellings and new access from Skinner Street, including link to Creswell Infants School (Revised Application) [As amended/supplemented by: Geophysical Survey Report submitted on 10/8/15; viability assessment submitted under cover of a letter from Peacock and Smith dated 28/08/15 (ref. 3375\04(28Aug2015)Sawdon.doc); Revised house type drawings for plots 4 - 13 inclusive, 16 - 25 inclusive, 27 - 28 inclusive, 41, 42, 45, 46, 49, 55, 56, 58, 60, 61, 64 - 67 inclusive, 69 and 70 submitted 7th September 2015; revised Design and Access Statement, Street Scene Drawings and revised house type drawings for plots 1-3 inclusive, 14, 15, 26, 30 - 34, 36 - 40 inclusive, 43, 44, 47, 48, 50 - 54 inclusive, 57, 62, 63, 68 and 71 - 82, as submitted under cover of two e-mails submitted on 20th October 2015; revised planning layout drawing ref. No. 1517.02 rev E and revised house type drawings for plots 29, 35 and 59 submitted under cover of e-mail dated 18th November 2015; and tracked vehicle drawing Rev. D submitted on 20/11/15] at Land To The Rear Of No's 34 To 54 Skinner Street, Creswell

The Development Control Manager presented the report which gave details of the application, site history and consultations carried out.

Mr. S. Fletcher and Ms. D. Hurst attended the meeting and spoke against the application. Mr C Dwan attended the meeting and spoke in support of the application.

The Committee considered the application in planning terms having regard to the Bolsover District Local Plan, the National Planning Policy Framework and the Adopted Successful Places: Sustainable Housing Layout and Design Guidance.

PLANNING COMMITTEE

Moved by Councillor T. Munro and seconded by Councillor M.G. Crane

RESOLVED that Application No. 15/00368/FUL be DEFERRED to the Assistant Director - Planning and Environmental Health in consultation with the Chair and Vice Chair of Planning Committee subject to the completion of a S106 Agreement covering the heads of terms set out below and subject to consideration of the conditions given in draft form and to be formulated in full by the Assistant Director of Planning and Environmental Health:

S106 Heads of Terms:

Provision of vehicular access to the school; and provision of footpath across Derbyshire County Council land to the town centre including security fencing to the school (terms as agreed in the previous S106 for the extant planning permission for this site).

Conditions:

- 1 The development shall be begun before the expiration of three years from the date of this permission.

- 2 Before construction commences on the erection of any building or wall a schedule of wall and roof materials shall first have been submitted to and approved in writing by the Local Planning Authority.

- 3 Where shown, utility meter housings shall be provided in accordance with the submitted application drawings and where not shown, these should be sited to avoid locations alongside public highways where practicable. All meter housings should be coloured to match the walling materials within which they are set as closely as practicable.

- 4 Notwithstanding the submitted landscape and boundary treatment plans, prior to the commencement of the building of any dwelling, revised details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out as approved. The revised details shall include:
 - Design of the green space and pond, including biodiversity enhancements in accordance with the submitted ecological assessment recommendations;
 - Details of play equipment;
 - Details of all means of enclosure;
 - All hard surfacing including highway surfaces;

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- Details of all lighting (except any on or in any individual dwelling curtilage), that should take into account the recommendations of the submitted ecological assessment recommendations;

- Existing landscaping that is to be retained, including measures for the protection of that existing landscaping during the course of the development;

- Details of tree pit design and root protection measures for trees to be located within 3m of the highway; and

- A programme for implementation of the hard and soft landscaping.

5 If within a period of five years from the date of the planting of any tree or shrub that tree or shrub may die, be removed, uprooted or become seriously damaged it shall be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.

6 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

7 No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions and:

- a. The programme and methodology of site investigation and recording;

- b. The programme for post investigation assessment;

- c. Provision to be made for analysis of the site investigation and recording;

- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation;

- e. Provision to be made for archive deposition of the analysis and records of the site investigation; and

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f. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

- 8 No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition 7.
- 9 No dwelling shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition 7 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 10 No development shall take place until such time as a surface water drainage scheme that incorporates an appropriate number of surface water treatment stages to protect the receiving waterbody from adverse impacts from the development has been submitted to, and approved in writing by, the Local Planning Authority.
- 11 No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with Defra non-statutory technical standards for sustainable drainage systems (March 2015), has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of any respective dwelling commencing and shall be maintained in accordance with the maintenance and management plan at all times thereafter.
- 12 The development hereby permitted shall not commence until drainage plans for the disposal of foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. The scheme shall include details of how the proposed scheme would operate in relation to the adjacent active railway line and shall subsequently be implemented in accordance with the approved details before the development is completed.
- 13 A scheme for sound insulation of the dwellings inside or partly within NEC B (ref: Spectrum letter dated 21 July 2015 to Ben Bailey Homes 2008, Attachment 2 Page 1), which shall include provision for mechanical ventilation shall be submitted to the Planning Authority for approval. Noise levels shall attain 30dB in bedrooms as described in BS 8233:2014. The scheme approved by the Planning Authority shall be fully implemented in accordance with the approved details before the related dwelling is first occupied.. The works and scheme shall thereafter be maintained in accordance with the approved details. No alterations to the agreed structure, roof, doors, windows

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or external facades shall be undertaken without prior written approval of the Local Planning Authority.

- 14 Before the development hereby approved is occupied, the sound insulation scheme submitted as part of the application and referred to in Condition 13 shall be validated by a competent person and the validation report submitted to and approved in writing by the local planning authority.
- 15 All garden boundaries contained within NEC 'B' bordering the operational railway line shall have an acoustic fence erected to protect amenity of future residents from airborne rail noise. Details of size, length and construction of the fences to be used shall be provided to and approved by the Local Planning Authority. The level of attenuation of rail noise provided by the fence for garden areas shall be stated. No dwelling within that NEC 'B' area shall be occupied prior to the erection of the acoustic fence and that fence shall be maintained as approved at all times following its erection.
- 16 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to C of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part D has been complied with in relation to that contamination.

A. Site Characterisation - An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwater and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;

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(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

B. Submission of Remediation Scheme - A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme - The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part C.

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E. Importation of soil - In the event that it is proposed to import soil onto site in connection with the development, the proposed soil shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme for all parameters requested (where this is available), the results of which shall be submitted to the LPA for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.

- 17 Before any other operations are commenced, a new estate street junction shall be formed to Skinner Street in accordance with the application drawings, laid out, constructed to base level and provided with 2.4m by 43m visibility splays in each direction, the area in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other sub-division of the site.
- 18 No dwelling shall be occupied until space has been provided in accordance with the application drawings for the parking and manoeuvring of residents and visitors vehicles for that dwelling, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
- 19 The proposed access driveways to the internal estate streets shall be no steeper than 1 in 15 for the first 5m from the nearside highway boundary.
- 20 The premises, the subject of the application, shall not be occupied until the proposed new estate streets within the application site have been designed and laid out in accordance with the submitted planning application drawings and constructed to base level to adoptable standards
- 21 Prior to its installation, full details of the proposed sub-station, including any external means of enclosure for it where proposed, shall have been submitted to and approved in writing by the Local Planning Authority and shall only be implemented as approved under this condition.

(Development Control Manager)

The Planning Policy Manager and the Principal Planner entered the meeting.

- (iv) 15/00399/FUL - Change of use from agricultural to use for keeping and riding of horses, erection of stables and manege and part for domestic garden use at 17 Chesterfield Road, Tibshelf, Alfreton, DE55 5NJ

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Further details were included within the Supplementary Report.

The Development Control Manager presented the report which gave details of the application, site history and consultations carried out.

Ms. K. Salt and Ms. V. Brown attended the meeting and spoke against the application. Mr. C. Pearson and Mr. B. Marriott attended the meeting and spoke in support of the application.

The Committee considered the application in planning terms having regard to the Bolsover District Local Plan and the National Planning Policy Framework.

Moved by Councillor T. Munro and seconded by Councillor J.A. Clifton

RESOLVED that Application No. 15/00399/FUL be APPROVED subject to the following conditions which are given in précis form to be formulated in full by the Assistant Director - Planning and Environmental Health.

1. Start within 3 years
2. Notwithstanding submitted details, details of boundary treatments within the site and around the edge of the site to be submitted for approval
3. Use to be private and ancillary to 17 Chesterfield Road and no commercial use
4. Remove permitted development rights from garden
5. Materials of stable construction as set out in application form.

(Development Control Manager)

The Senior Principal Solicitor, Principal Planner and Planning Enforcement Officer left the meeting.

0607. FIVE YEAR HOUSING SUPPLY

The Principal Planner presented the report which set out the background to the assessment of the Council's five year supply of deliverable housing and sought approval for the annual assessment and publication of the five year supply of deliverable sites for housing as required by paragraph 47 of the National Planning Policy Framework (NPPF) 2012.

It was noted that including a 20% buffer the five year requirement was 1760, the available supply was 1150 (3.3 years) which left a shortfall of 610 homes. The current lack of a five year supply means that planning applications for housing will continue to need to be considered on the basis of advice in the National Planning Policy Framework, and Planning Policy Guidance, together with other material considerations

Questions were asked regarding whether there was anything that could be done to

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encourage developers who owned land with planning permission to build and it was noted that there was little that could be done.

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

RESOLVED that (1) the detailed issues set out in the report be noted,

(2) the assessment of the Council's current five year supply of deliverable housing sites, as set out in Appendix Two of the report, be approved,

(3) the continued use of the current guidelines set out in Appendix B in the assessment of planning applications for residential development in situations when the Council does not have a five year supply of housing be approved,

(4) the publication of the Five Year Supply Assessment (Appendix A); the Guidelines (Appendix B) and the Schedule of Deliverable Sites in the Five Year Supply (Appendix C) on the Council's website, be authorised,

(5) Delegated authority be given to the Assistant Director – Planning and Environmental Health in consultation with the Chairman and Vice Chairman of the Planning Committee to make any minor changes to the text or information referred to in recommendation four, prior to publication.

(Planning Policy Manager)

0608. ELEVENTH ANNUAL MONITORING REPORT

The Principal Planner presented the report which provided a review of policies in the saved Bolsover District Local Plan against set indicators and targets. The monitoring process allowed an assessment to be made of how well policies were performing.

It was a statutory requirement under Part 8 and Section 34 of The Town and Country Planning (Local Planning) (England) Regulations 2012 to prepare an Annual Planning Monitoring Report. The report highlighted the work being done in the preparation of planning documents and also monitored the performance of the current Bolsover District Local Plan.

Members thanked Officers for putting together a comprehensive report.

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

RESOLVED that (1) the content of the report be noted and the publication of the Eleventh Annual Planning Monitoring Report on the Council's website, be authorised,

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(2) authority be delegated to the Assistant Director – Planning and Environmental Health, in consultation with the Chairman and Vice Chairman of the Planning Committee, to make any minor textural changes prior to publication.

(Planning Policy Manager)

The meeting concluded at 1230 hours.

PLANNING SITE VISIT

Notes of a Planning Site Visit held on 4th December 2015 commencing at 1000 hours.

PRESENT:-

Members:-

Councillor D. McGregor in the Chair

Councillors T. Alexander, .PM. Bowmer, J.A. Clifton, C.P. Cooper, H. Gilmour, T. Munro, B. Watson, D.S. Watson.

Officers:-

C Doy (Development Control Manager)

1. APOLOGIES

Apologies for absence were received from Councillors T. Connerton, M. Dooley, B.R. Murray-Carr, J. Ritchie, P. Smith, S. Statter, J. Wilson.

2. SITES VISITED

Applications:

15/00399/FUL Change of use from agriculture to keeping and riding of horses, erection of stables and manege and part for domestic garden use, 17 Chesterfield Road Tibshelf.

15/000076/OUT Erection of up to 149 houses etc with access from Oxcroft Lane, Land north of Meridian Lane, Oxcroft Lane, Bolsover

15/00361/FUL Construction of a Solar Farm land at Oxcroft Stocking Ground, Corner of Woodthorpe Road and Mill Lane, Stanfree.

The meeting concluded at 1152 hours.

PARISH Clowne

APPLICATION Hotel extension (including details of access); and erection of 52 residential properties (including details of all reserved matters other than Appearance) on land north of Worksop Road with new access roundabout junction to serve both developments.

LOCATION Hotel Van Dyk and Land South Of Plantation on North Side of Worksop Road Clowne

APPLICANT HVD Developments Ltd

APPLICATION NO. 15/00216/OUT **FILE NO.**

CASE OFFICER Mr T Ball

DATE RECEIVED 27th April 2015

SITE

To the south side of Worksop Road is the Van Dyk Hotel with related car park and gardens, also the cleared site of the former Van Dyk Garden Centre and Nursery (approx. 2ha). The hotel comprises Southgate House and its Chapel with more modern extensions offering 15 bedrooms with restaurant and function room facilities to accommodate up to 200 delegates. Southgate House is listed Grade II. There are 3 access points onto Worksop Road. Adjoining on the south side are 4 dwellings with agricultural land beyond. To the east is agricultural land part of which is the subject of a separate planning application as an extension to the hotel grounds as a garden area. This land was formerly landscaped parkland associated with the listed Grade II Southgate House (now the main hotel building). To the west and south-west is woodland.

Across Worksop Road to the north the application site continues on unused land previously part of the Van Dyk nurseries upon which there used to be a square of glasshouse. There are two access points at the western end which form a loop on the site of a former petrol station. There is currently a small group of portable buildings on site being used as offices (subject of a separate planning application). To the western, northern and eastern sides established woodland adjoins the site, with agricultural land beyond. Along Worksop Road to the east is Southgate Stables, a listed grade II dwelling with recent extension to the rear. All the application site is within Southgate Conservation Area.

PROPOSAL

This is an outline planning application to extend the hotel and for residential development to enable the hotel development with various matters reserved for future approval. More specifically:

The proposals for the hotel build upon the extant permission (for a 75 bedroom hotel) by providing 101 bedrooms over three separate phases of development. The initial phase includes development of the site frontage to Worksop Road with 50 bedrooms, conference and wedding venues, dining rooms, kitchens reception areas together with access roads, car parking and site landscaping (Phase 1a). Following phases include a leisure spa and additional bedrooms to make a total of 101 including those within the current hotel when reformed.

The hotel proposal is based on the same footprint as previously approved but instead of creating a basement for the conference and leisure facilities places these at ground floor and

adds an additional level of bedrooms in the roof space. The southern eastern facing block is to be extended beyond that previously approved onto the site of the bungalow (known as Southgate House) to the southern side of the existing hotel complex. Access from a new roundabout on Worksop Road, service road and car parking (some of which is within a restored walled garden area) are as previously approved. However, this application is in outline and reserves appearance, landscaping and layout for subsequent approval, access and scale are to be considered as part of this application.

To illustrate the proposal and to show its scale, concept plans and elevations are provided. Discussions have taken place to revise the original concept design and a contemporary approach to the elevations is now submitted for consideration.

The residential element of the application is for 52 houses on the north side of Worksop Road opposite the existing hotel and development site on a site which has planning permission for a 7700 sq m garden centre and 241 space car park. Funds from the residential development are to be used to help fund the hotel development.

The housing land is on land which the applicant (the owner of the hotel) has an option to purchase for the purpose of providing enabling funding through housing development for the hotel development. In order to tie the development to each other to confirm the enabling nature of the development, the applicant has submitted:

- this combined planning application so that there is the potential to link the two elements of the development by condition;
- a draft S106 drawn up by the applicant which commits the hotel owner to complete the phase 1a building shell (including the roundabout and access) before any development of the residential land takes place (with signatories to include the hotel owner, the current owner of the residential site, the contractual residential owner, the residential developer and mortgagees);
- a confidential Financial Appraisal (which can be made available for members of the Planning Committee) which includes a development profile, funding profiles, cost estimates, offer and agreement letters and anticipated cash flow forecasts.

The residential development which is submitted in outline but with all matters submitted for approval other than appearance (which has been withdrawn from consideration following discussions with the applicant) comprises a mix of house types arranged around a pond and green area being based on a village/hamlet concept. Houses are mainly detached 4 or 5 bedroom with some smaller 3 bedroom semi-detached and terraced houses. Access is from the new roundabout on Worksop Road which also serves the hotel development.

The application is accompanied by various supporting documents and reports:

Design & Access Statements;

Confidential development appraisal for the residential development;

Transport Assessments;

Travel Plans;

Phase 1 and phase 2 geo-technical and geo-environmental site investigations;

Tree Survey (housing site);

Ecology Survey (housing site);

Flood Risk Assessment & Drainage Strategy (housing site);

Heritage Statement (housing site)

The Design & Access Statement for the hotel development includes an archaeological assessment, heritage assessment, bat and owl survey, arboricultural survey, drainage and flood risk assessment, noise impact assessment, all generally by way of a summary and reference to the previous submitted reports for the approved hotel development with acknowledgment that elements will need updating with the submission of Reserved Matters.

AMENDMENTS

- 15.12.15 Revised concept illustrative plans for the hotel extension.
- 10.12.15 Confirmation that appearance can be withdrawn from the application in relation to the Residential development and can be reserved for future approval.
- 03.12.15 Revised housing site layout (PL02 Rev J), vehicle tracking plan (PL16), revised house type elevation designs.
- 30.11.15 Confidential Financial Appraisal including a Development Profile, Offer and Agreement letters, Quantity Surveyors Cost Plan Estimate, funding profiles, anticipated cost flow forecasts and statement by the Hotel Accountants.
- 27.11.15 Revised Draft S106 - No residential development until phase 1a hotel building shell complete with roundabout access roads and frontage parking.
- 24.11.15 Initial revisions to concept illustrative plans for the hotel extension.
- 03.09.15 Initial draft S106 (No occupation of residential until hotel development commenced).

HISTORY

South side of Worksop Road:

- 15/00431/FUL Change of use of agricultural land to gardens including restoration of original ha-ha and landscaping and new agricultural field access. Application under consideration, relates to land to eastern side of existing hotel.
- 11/00258/VAR Extension of time period for start of previously approved scheme - 07/00714/LBC Demolition of extensions, restoration and alterations of Listed Building. Approved 21.09.11
- 11/00257/VAR Extension of time period for start of previously approved scheme - 07/00713/CON Demolition of garden centre buildings Approved 21.09.11
- 11/00256/VARMAJ Extension of time period for start of previously approved scheme - 07/00736/FULMAJ - Extensions to create 75 bed hotel, associated car parking and alterations to access. Approved 21.09.11
- 07/00713/CON Demolition of the garden centre buildings. Approved 19.06.08
- 07/00736/FULMAJ Restoration and alteration of the listed building with new build extensions to create 75 bed hotel, associated car parking, service road and yard, alterations to the access including a roundabout junction on Worksop Road and demolition of existing buildings. Approved 07.11.08
- 07/00714/LBC Demolition of existing extensions, restoration and alteration of the listed building and construction of new buildings (extensions) to create 75 bed hotel with associated car parking and access routes. Approved 07.11.08
- 04/00729/FULMAJ Redevelopment of nursery to create garden centre. Redevelopment of garden centre to create 5 dwellings and change of use of tearoom to business use (Class B1). Alterations to road to create right turn harbourage. Withdrawn.
- 04/00730/CON Demolition of garden centre complex and nursery (retaining tearoom

building). Withdrawn.

Also various applications for alterations to the existing hotel.

North side of Worksop Road:

15/00232/FUL Retention of temporary offices access driveway and parking area. Application under consideration.

09/00630/DISCON Discharge of condition 4: site access; and condition 5: vehicular access to bin store (of planning permission 06/00674/FULMAJ). Approved 13.01.10

06/00674/FULMAJ Development of new (relocated) garden centre and associated/ancillary activities, car park, new highway access and right turn harbourage and demolition/removal of existing garden centre and tea room building. Approved 17.01.07

CONSULTATIONS

Street Scene & Waste Services Manager (BDC): Off the main carriageway are several loops and culs-de-sac, if not to be adopted expect refuse bins to be presented kerbside on the adopted highway (assumed to be the main loop road) consideration therefore needs to be given as to where properties present their bins for collection. 21.05.15

Environment Agency: Comments relate solely to 'controlled waters'. Site is underlain with principal aquifer; no significant contamination detected during site investigation, however evidence of underground fuel tanks on both sites. Further work necessary to ensure that these do not pose a risk to controlled waters. Recommends contaminated land condition, otherwise the development poses an unacceptable risk to the environment, and condition requiring oil and petrol separators. 02.06.15

Clowne Parish Council: Members expressed concerns that further "infill" developments could be claimed in the future. BDC need to apply restrictions on the planning application. Further concerns raised: Density of traffic increased; Increased volume and movement of traffic on a busy highway; Implement speed restrictions. 02.06.15

Crime Prevention Design Advisor: Only matter at this early stage: would like to see rear parking courts re-designed – residents vehicles on these courts will not be visible to their owners. Each plot will need point of entry from their rear garden which increases their vulnerability. Also courtyards need to be lit and should be overlooked to maximise natural surveillance. Surrounding area has suffered from such offences in the past, as this development is in a remote location every effort should be made to minimise the risk of crime. No comments in relation to the hotel extension. 02.06.15

Flood Risk Management Team (DCC): The supplied Flood Risk Assessment (FRA) proposes all surface water will drain to private or adoptable soakaways. However FRA does not include modelling or calculations to show the proposed drainage strategy has the capacity to manage rainfall up to and including the 1 in 100 year rainfall event. Recommend condition no development until this has been demonstrated. Also responsibility for SuDS maintenance should be confirmed prior to commencement of works. 08.06.15

North Midlands Primary Care Team (NHS): A development of this kind would result in

increased service demand which could not easily be accommodated within existing primary care resources. A health contribution of £551 per dwelling would ideally be invested in enhancing capacity within local practices. Local practices in the process assessing the options available to them due to the significant amount of housing being proposed in the area. Until the options have been explored unable to give a definitive answer to where a contribution would be spent. 19.05.15

Severn Trent Water: No objection subject to condition requiring approval of drainage plans before development commences. Also note that there is a public sewer within the site. 02.06.15

Historic England: Application should be determined in accordance with national and local policy guidance on the basis of your specialist conservation advice. 19.05.15

Local Highway Authority (DCC): Swept paths should be provided to demonstrate that the layout will accommodate the necessary turning movements. Further detail design comments. 01.06.15 Specific comments on the submitted Travel Plan: Scale of development is below that expected for Travel Plans. Notwithstanding this the proposal is inherently unsustainable in travel terms; no Travel Plan is going to alter this. Infrastructure, services and/or links to the site are either completely absent, fragmented or so distant from the site to make them unrealistic for everyday use. Shops and services at Clowne 2km distant, no direct bus service or continuous pedestrian walkway. A619 has no bus service. No direct bus service cycle route or walkway to Whitwell. Right of Way (Clowne Footpath 4) on a north south route into Clowne nearby, but viable for leisure use only as it is an unsurfaced rural route. 29.05.15

Development Control Archaeologist (DCC): Application may impact upon a number of designated and undesignated heritage assets. A heritage statement has been submitted in relation to the northern part of the site; this provides a reasonable assessment of archaeological potential on this part of the site. There does not appear to be similar treatment for the southern part of the site. Also of concern is the lack of treatment of the potential impacts to the Southgate House Conservation Area or of setting impacts to the Listed Buildings. Holding objection: It is not therefore possible on the current evidence to understand the levels of impact proposed to the Conservation Area, the setting of the Listed Buildings, or on potential archaeological remains south of Worksop Road, and the application does not therefore meet the heritage information requirement of NPPF para 128. 01.06.15 Further comments following consideration of additional information (report provided for the 2007 application for the hotel). Prehistoric/Romano-British field system evidence both north and south of the road suggest potential for this type of archaeology; recommend condition requiring post-consent scheme of archaeological investigation and recording including a phase of trial trenching evaluation. With respect to impacts on the settings of heritage assets questions whether the assessment given in the Design & Access statement is adequate to allow the significance of the conservation area to be established and impacts understood. 09.12.15

Housing Strategy (BDC): There is evidence to support development of high quality, larger family accommodation in this location. The district is known to have a shortage of 'executive' or 'aspirational' accommodation. The council tax banding profile of the district clearly demonstrates this, with 62.6% of our properties being in council tax Band A, compared to

24.8% in England. However, only 10.48% of our housing stock is Band D or above, compared to 21.9% in the East Midlands, and 33.8% in England. Diversifying the district's housing market offer is therefore an ongoing consideration for strategic housing, ensuring that this is in the right place to support economic development and attract higher income earners. The location of this development, whilst outside of settlement boundaries, is considered to be an attractive location for 'executive' type accommodation, which is of excellent quality and design. However, all sites of 25 houses or more are required to provide a proportion of the homes as affordable. Requirement is therefore 10% on site unless there is an undertaking to complete 10% of the dwellings within 3 years and 50% within 5 years of the grant of planning permission. The location of this site raises concerns around the suitability of this site for affordable housing, which should be in a location which is easily accessible and close to shops, services and local amenities. As such, should the interim affordable housing policy not be considered an appropriate option due to the timescales, in this instance a commuted sum should be provided commensurate to the cost of providing 10% on site affordable housing provision. 08.06.15

Strategic Infrastructure (DCC): Requests education contribution of £113,990 towards the provision of 10 primary school places at Whitwell and Barlborough Primary schools. The development would generate demand for 10 primary, 8 secondary and 3 post-16 places. Whitwell Primary School capacity 204, 216 on roll, projection that will rise to 254 in five years. Barlborough Primary School capacity 210, 238 on roll; projection that will drop to 209 in five years. Heritage High School has adequate capacity. 09.06.15

Minerals Planning Authority (DCC): Site lies within the Magnesian Limestone resource, a strategic mineral of local and national importance which should be safeguarded. Given the proximity of the residential site to the existing hotel it would neither be practical nor reasonable to ask the applicant to consider extracting the relatively small amount of mineral below the site. The proposed development would not adversely impact the minerals safeguarding interest. 28.05.15

Urban Design: Revisions Required. Detailed aspects of the proposals are not currently acceptable. Given the nature of the proposal in a location where new development would normally be unacceptable, the justification for the development must be exceptional. The quality of the development, in terms of its design must achieve a very high standard. Amendments should therefore be provided to demonstrate this standard can be achieved. The layout and overall approach to the character of the scheme has been the subject of considerable pre-application discussion leading to a design which should be in the form of a new village settlement with its own character, structure and identity. Additional details need to be addressed to develop this concept. Discussions are ongoing to refine these details and elevational character. 03.09.15

Conservation Officer: Comments in relation to the housing development: Southgate House has been recognised as an important historic house with an associated landscape as identified in the Council's Historic Environment Supplementary Planning Document (historic estates and their landscapes are recognised with the designation of Conservation Area for Southgate House). The character of the area is essentially open countryside with scattered isolated estate buildings with pockets of dense woodland. The landscape setting contributes to the character and appearance of the area and the setting of the listed buildings. The

introduction of the new dwellings will transform the area into a small hamlet. The prominence of the main house and the outbuildings will be overshadowed by the development. I am of the opinion that the level of harm is 'less than substantial'. Whilst I can appreciate the wider regeneration benefits of the enhanced hotel facilities it would be very difficult to argue that these benefits outweigh the level of harm caused to the heritage assets. Do not consider that the proposed mitigation through strategic planting will be sufficient to alleviate the harm caused to the conservation area and the setting of the listed buildings. Do not believe a convincing justification for development over harm has been provided by the applicant. Hotel extension: Concerns about the scale of the extensions, three storeys next to the main house will be too dominant, too many architectural elements in the submitted drawings, should be simplified so that the main house remains the dominant element and most important building on the site. (Has subsequently been involved in discussions with the applicant resulting in revised illustrative sketches). 11.09.15. Further comments following receipt of revised concept sketches for the hotel extension: On the whole addresses concerns; design simplified and the variety of architectural features and styles has been removed. The modern design is welcomed and means the new and old can be read separately. Only concern is the single storey entrance building which connects Southgate House to the main hotel extensions, would have preferred a flat roof (possible green) rather than the pitched roof making the transition from old to new cleaner and crisper (*Note: this element of the proposal is unchanged from the extant planning permission*). 18.12.15

Derbyshire Wildlife Trust: From a site visit identified that the land north of the A619 does not represent any notable habitat type of particular nature significance. Advise that provided a suitable stand-off distance between the development and the existing surrounding woodland can be established and that the adjacent woodland is protected during site preparation and construction, that no impacts upon any habitats of substantive nature conservation value is anticipated. A number of trees and structures are to be removed as part of the hotel re-development; previous bat survey is out of date; some of the buildings and trees have the potential to support roosting bats; therefore advise that all trees and structures proposed for removal should be subject to an updated assessment to determine their suitability for roosting bats. Support recommendations in the submitted ecological survey report that a detailed reptile survey is required and that an updated badger assessment should be carried out. Information provided with the application is considered to be a Preliminary Ecological Assessment; with the need for additional work (bats, badgers and reptiles) expect an Ecological Impact Assessment to allow an informed planning decision. Recommend conditions if minded to approve the application: protection of woodland environment on the boundaries during site preparation and construction by protective fencing; trees and vegetation removal outside the bird breeding season. 09.09.15

Regeneration (BDC): Strongly supports the combined proposal as achieving the following economic development priorities by delivering for the District:

- Increased overnight stays;
- Increased quality rating;
- Increased bedspaces;
- Supplying quality conference and hotel facilities to meet demand.

The hotel offers a valuable heritage asset set in open countryside and is a key accommodation and leisure attraction for visitors to the area. The proposal will significantly

increase the number of visitors and their expenditure within the area and will improve competitiveness, through the establishment of a large four star hotel with quality restaurant facilities and venue for conferences, weddings and similar gatherings. On this basis the enabling development, through assisting with viability, will reinvigorate the tourism and visitor offer on this site to the benefit of the economy and in particular the tourist sector.

The delivery of executive housing designed to a high quality is identified in the BDC Growth Strategy and the EDHS (Economic Development and Housing Strategy) as contributing to economic growth and increased local spend thereby acting as a catalyst for high street investment.

The proposal directly supports the local D2N2 Strategic Economic Plan priorities. The plan identifies the visitor economy as a key sector to help grow the economy, drawing on the area's natural and heritage assets, and the need to raise productivity generally within the economy. The D2N2 Colliers Report (2014) highlights that the Derbyshire and Nottinghamshire Visitor Economy has significant potential for growth. The Van Dyk Hotel proposal offers an ideal location for increased staying visitors to connect the range of attractions in the area.

The proposal supports a range of local plans and strategies:

- Derbyshire Economic Strategy Statement (2014) – which recognises the economic potential of the area's high quality landscapes, market towns and strong historical, cultural and leisure offer. The proposal supports the strategy's objectives to maximise the potential of the visitor economy.
- Peak District and Derbyshire Growth Strategy for the Visitor Economy (2014) – through encouraging local SME investment within key destinations and hubs to improve the visitor experience.
- Nottinghamshire Destination Management Plan (2014) – through developing Market towns and Destination Hubs, and raising the profile of the Dukeries.

The Visitor Economy however remains at an early stage of its development. Destination attractions report that they are individually unable to bring about the step change in raising awareness of the wider tourism offer in the area. Many remain as 'half-day' attractions, with little realisation of follow-on visits. Tourism potential, and specifically increasing the number of overnight stays, is further constrained by a limited range of high quality accommodation to make the most of the current assets. 18.12.15

Environmental Health (contamination and noise): I have reviewed the information submitted as part of the application and have some concerns regarding the site investigation reports that have been submitted as part of this application. The Phase 1 and 2 reports for the area to the South were submitted for a previous planning application in 2007. We have previously commented on these reports in 2007 and advised the applicant that further work and justification needed to be carried out as we did not agree that the reports were suitably comprehensive. However, due to the passage of time, these reports would need to be updated now to be in line with current best practice. In addition, the reports that have been submitted in support of the residential application also need further clarification and neither report has suitably assessed the former underground fuel tanks or the previous use as a petrol filling station. Therefore, due to the proposed sensitive end use, we would recommend the usual contaminated land condition.

I also have concerns regarding the potential impact of the noise from the road for the residential and to a lesser extent the extension of the hotel as it is a reasonably busy road. Therefore in the interests of preserving the amenity of the area, we would recommend a

condition for the housing element of the proposal which achieves the following noise limits:

- Bedrooms 35 dB LA_{eq} (15 Minutes) (2300 hrs – 0700 hrs)
- All Habitable Rooms 40 dB LA_{eq} (15 Minutes) (0700 hrs – 2300 hrs)
- All Habitable Rooms 45 dB LA_{max} to occur no more than 6 times per hour
- Any outdoor amenity areas 55 dB LA_{eq} (1 hour) (0700 hrs – 2300 hrs) 22.12.15

No responses from: Leisure Services, Whitwell Parish Council and Barlborough Parish Council.

PUBLICITY

Advertised in press. Site notice posted. 7 neighbours notified.

Three responses received:

Extensions to hotel should be in keeping with the Listed Building.

Object to residential development being greenfield land outside any settlement. Will make a huge impact on the conservation area and the setting of this listed building.

Will spoil a lovely area and lead to infilling between Southgate and Clowne. Enjoy walk from Harlethorpe Dam to the hotel and across to Wall Lane. Will be to the detriment of this part of Derbyshire.

Unsustainable as assessed against the National Planning Policy Framework;

Does not contribute sufficiently to the local community and economy to justify its approval and may impact negatively;

Does not contribute to the need for affordable homes sufficiently to justify approval;

Likely to impact significantly and negatively on the natural environment;

Would cause substantial harm to existing heritage assets;

Would substantially and irreversibly change the character of a Conservation Area;

The proposed development is inappropriate in the context of the local area.

The author of this representation provides a detailed justification for the above summary statements. As the details of the hotel extension are to be reserved the comments relate to the residential aspect of the application. The author addresses the following topics: Policies to be applied when considering the application (agrees with those in the submitted Planning Statement); Background to the site and surrounds (conservation area in rural and substantively open setting); the sustainability of the development (applicant fails to establish that the development is sustainable by reference to the National Planning Policy Framework and discusses economic impacts generally, impacts to the rural economy, transport sustainability and access to the site – need to ensure that it is of such a scale and appearance as to be consistent with the character of the area); promoting a wide choice of affordable homes (development does not provide affordable homes nor tailors the nature of the homes to the needs of the area given the nature of local employment); promotion of healthy communities (no attempts to integrate the settlement into the wider community); impact of the development on the natural environment (impacts on woodland which is within authors control, submitted report is not sufficiently detailed, woodland surrounding the site forms an important part of a significant habitat for a variety of species, development will have negative impacts through lighting, fencing, traffic across a greater area, noise); impact of development on the historic environment (development is entirely inappropriate and will significantly detract from the historic assets within the conservation area). The site has never

been one where intensive residential development has existed and has always been an 'open' site, even when the low-rise glass houses were in situ. A closed and intensive residential development of the type proposed will not only change the 'open' nature of the site but also the historic use and 'developed' appearance of the site. Given that the site forms a significant proportion of the Conservation Area, the proposed development would change the Conservation Area completely. Whilst the built heritage assets of Southgate House and Cottages would be retained their setting would be completely changed. Even if the proposed extension to the Hotel Van Dyk is considered relevant, there is no question that the Hotel Van Dyk is in good, current and viable use – this is not a case of retaining or restoring a heritage asset from the perspective of Southgate House; overall nature of the development (Although purported attempts have been made to give the proposed development an organic feeling, that of one which has grown up over time, we respectfully suggest that the proposals fall well short of this objective and that the overall appearance would be one of a formal, new-build housing estate entirely out of character within its setting); and personal views as residents and neighbours to the site (We do, however, believe passionately in the preservation of our local environment, social, built and natural not only from a personal perspective in respect of our own standard of living, but also in the wider context as something to be preserved, enhanced and developed appropriately for generations to come. We recognise that development is a necessary function of this and is a tool to be used to achieve this aim. However, this must be to the benefit of the local area and residents, current and future, not at their cost and not at the sacrifice of the very qualities which make the area a desirable place to live and work).

The respondent makes the following conclusion:

“We consider that the proposed development is entirely inappropriate for the site on the bases set out above, individually and cumulatively. Namely, that it is an unsustainable development when assessed against the NPPF and Local Plan which would be entirely out of keeping with the character of the local area, would be incompatible with the local natural environment and would cause significant change and substantial harm to existing Heritage Assets located within a Conservation Area without delivering sufficient benefit to the local community, economy and environment to justify its approval. “

“We respectfully submit that, were this application to be approved, it would be at odds with both the Council's stated objectives in the Local Plan such as currently exists and at odds with the principles and policies set out in the NPPF.”

POLICY

National Planning Policy Framework (NPPF):

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration with a presumption in favour of sustainable development. As the Bolsover District Local Plan was adopted prior to 2004 due weight should be given to its policies according to their degree of consistency with the NPPF.

Sustainable development has three dimensions:

“An economic role – contributing to building a strong, responsive and competitive economy...to support growth and innovation; and by identifying and coordinating development requirements , including the provision of infrastructure;

A social role – supporting strong, vibrant and healthy communities, by providing the supply of

housing required to meet the needs of present and future generation; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
An environmental role – contributing to protecting and enhancing our natural, built and historic environment...”

Core principles include to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs; securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings, the conservation of heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations.

NPPF Paragraph 132:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Bolsover District Local Plan

Shows as within a Conservation Area and beyond any settlement framework being within the countryside where general open countryside policies apply, of particular relevance will be policies ENV3 (Development in the Countryside), CON1 (Development in Conservation Areas), CON7 (Extension and Alteration of Listed Buildings), CON10 (Development Affecting the Setting of Listed Buildings), TRA1 (Location of New Development), CLT14 (Hotel Development), GEN1 (Minimum Requirements for Development) and GEN2 (Impact of Development on the Environment).

Other

Interim Supplementary Planning Document: Successful Places, a Guide to Sustainable Housing Layout and Design (2013) which provides guidance to help provide places that enhance the quality of life.

Supplementary Planning Document: The Historic Environment.

Conservation Duties:

Planning applications affecting conservation areas and listed buildings:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990: In considering planning applications “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.”

Section 66 has a duty with respect to planning applications affecting a Listed Building or its setting in that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. .

ASSESSMENT

The application has two elements:

An outline planning application for the extension of the existing Van Dyk Hotel. This is along similar lines to the existing planning permission for the extension of the hotel upon which it is accepted that a material commencement has been made (particularly with the demolition and clearance of the former Van Dyk Garden Centre/Nursery). Application No 07/00736/FULMAJ was for extensions to create a 75 bedroom hotel with conference and leisure facilities. The current application follows a similar footprint but allows for a phased development and provides for a phased development enabling a larger 101 bedroom hotel.

The main changes to the previous approval is the removal of the basement conference facilities in the main block facing Worksop Road, these being placed at ground level with an increase in the height of the roof to accommodate a third floor of bedrooms.

A further change is the addition of additional bedrooms onto the eastern facing wing (which is to contain the leisure facilities) by extending the block onto the site of the dwelling at the rear of the premises (and in the same ownership).

The application includes means of access and the scale of development; all other matters are reserved for future approval, although illustrative drawings are provided to show the scale of development and the principles of the treatment of the northern (facing Worksop Road) and western elevations.

The extensions are to be phased with phase 1a comprising the western block facing Worksop Road with conference/wedding/restaurant/kitchen/reception and 60 bedrooms, which when completed allows the demolition of the flat roofed extensions to the original hotel and the refurbishment of the listed building and former chapel (fewer larger bedrooms with wedding/conference facilities to the ground floor). Phase 1b is the construction of the southern block with the leisure facilities but leaving the bedrooms at first floor to be fitted out as part of phase 2 which extends the wing onto the site of a bungalow known as 'Southgate House'.

The phasing allows the current hotel to remain in operation (and therefore able to honour bookings for weddings made some years in advance).

The Travel Plan submitted with the previous hotel planning application has been submitted with this application which seeks to overcome some of the sustainable location issues by suggesting provision of a mini bus service for staff and customers which would also be able to cover Whitwell station. The Travel Plan needs updating and a stronger emphasis given to the provision of a transport service.

It is unlikely that there will be any overlooking of the remaining private dwellings to the southern side of the hotel site (although this can be controlled at the Reserved Matters stage). 1.8m close boarded fencing and a heavily landscaped border are to be provided along the hotel boundary with the dwellings. Impacts of the phase 2 block upon the dwelling to its west will require fuller assessment with the Reserved Matters, the block does not project further west than the existing dwelling on the site although it is set further back into the garden and is likely to be of two storey construction. Screen fencing and the proposed heavy landscaping belt will help reduce visual impacts. Overall impacts are unlikely to be materially detrimental to justify refusal.

The proposal will have economic benefits for the District in line with the Council's regeneration objectives and the development of tourism. The project will also bring increased prestige to the District and, particularly in the northern area, the provision of high quality hotel accommodation and conference facilities. Higher quality accommodation will lead to increased overnight stays and an increase in spending from overnight visitors in line with the Council's priorities for tourism development. The proposal itself will increase employment opportunities (80 new jobs). This is considered to be a material consideration to be balanced against the historic/conservation concerns and policy concerns with respect to location. Such benefits would however also be in general accordance with the general thrust of regeneration and tourism themes of the Bolsover District Local Plan

The principal of the hotel extension has been established with the previous permission. The proposed changes (which are in outline at this stage but with illustrative concept sketches) are not materially different to alter the conclusion at that time:

"In considering the Planning Application the statutory duties with respect to development which affects a listed building or its setting, and which affects the character or appearance of a Conservation area have been taken into account. The proposal has been considered against the policies of the development plan and other material considerations. There is some concern over the overall mass of the extensions but there is no significant increase in floorspace compared with the existing buildings and garden centre complex. The Listed Building is renovated and restored with unsympathetic extensions removed. The proposed extension is designed to retain the prominence of the Listed Building. The Listed Building is preserved; the setting of the Listed Building is generally preserved and is considered to be enhanced, as is the character and setting of the Conservation Area. There are improvements to the setting and character of the Listed Building and Conservation Area as a result of the proposed restoration of landscaped grounds, particularly to the eastern side, and improvements to the street scene and character. The proposal is based upon an existing business in the countryside which is not prominent in the landscape. There will be economic and tourism benefits to the District. Accordingly the proposal is considered to be in general accordance with the policies of the development plan. The economic benefits are a material consideration which outweighs any remaining concerns about the impact of the development upon the setting of the Listed Building and the location of hotel development"

There have been changes to the policy background since that time with the replacement at the 'strategic' level of all policy documents with the National Planning Policy Framework whilst the policies of the Bolsover District Local Plan although 'out of date' in accordance with the National Planning Policy Framework are still relevant according to their degree of consistency with the NPPF. The National Planning Policy Framework supports economic growth in rural areas in order to create jobs and prosperity encouraging policies which support the sustainable growth of and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings, and which support sustainable rural tourism and leisure developments that benefit business in rural areas, communities and visitors and which respect the character of the countryside.

The National Planning Policy Framework also, along with the statutory duty, seeks to

conserve heritage assets in a manner appropriate to their significance with detailed policies when considering the impact of development on such assets. While the design of the hotel extension has changed from that previously approved it is of the same footprint and still retains a roof level lower than the listed building. The revised contemporary design helps distinguish the old building from the new. It therefore remains the case that the Listed Building is to be renovated and restored with unsympathetic extensions removed. The proposed extension is designed to retain the prominence of the Listed Building. The Listed Building is preserved; the setting of the Listed Building is generally preserved and is considered to be enhanced, as is the character and setting of this part of the Conservation Area. There are improvements to the setting and character of the Listed Building and Conservation Area as a result of the proposed restoration of landscaped grounds, particularly to the eastern side, and improvements to the street scene and character which will also benefit the setting of Southgate Stables, the other listed building within this Conservation Area, set to the north-east of the hotel.

It remains the case that the hotel development remains generally in line with policy with the economic benefits being a material consideration which outweigh any remaining concerns about the impact of the development upon the setting of the Listed Building, the conservation area and the location of hotel development.

The second element of the proposal is the residential development on the northern side of Worksop Road. Whilst technically an outline planning application all matters had been submitted for approval. However in view of the continuing discussions relating to the appearance of the dwellings this element has now been withdrawn and will be submitted as a Reserved Matter if permission is granted. It should be noted that the housing element of the proposal, taking into account local and national planning policy and its impact on the setting of heritage assets, needs wholly exceptional reasons for it to take place. As part of this, all elements of the development must be of an exemplary design and standard.

The housing development is of a low density being designed to take account of its rural location as a small village or hamlet, including a 'village pond and green'. The layout has an element of informality, although detailed controlling conditions will be needed to ensure this character is developed and retained (e.g. through the type of kerbing and surface finishes). Similarly with other landscaping including gateway features, the roundabout on the A619 and planting, conditions will be required to ensure such features are provided of an appropriate design and character for the development and retained as such.

Clearly this development of housing is contrary to the policies of the Bolsover District Local Plan being in the countryside and some distance from other settlements. With the lack of public transport and other facilities (other than those provided by the hotel), including the absence of footways along routes to such facilities however distant, the development is not in a sustainable location, although well placed to access the north of the District on a major classified route.

The housing land is on land which the applicant (the owner of the hotel) has an option to purchase for the purpose of providing enabling funding through housing development for the hotel development. In order to tie the development to each other to confirm the enabling nature of the development, the applicant has submitted:

- this combined planning application so that there is the potential to link the two elements of the development by condition;
- a draft S106 drawn up by the applicant which commits the hotel owner to complete the phase 1a building shell(including the roundabout and access) before any development of the residential land takes place (with signatories to include the hotel owner, the current owner of the residential site, the contractual residential owner, the residential developer, mortgagees and the Council);
- a confidential Financial Appraisal (which can be made available for members of the Planning Committee) which includes a development profile, funding profiles, cost estimates, offer and agreement letters and anticipated cash flow forecasts.

The hotel owner has for the last 4 years tried to attract an interested party in the garden centre development of the currently proposed residential site, but as a result of the close proximity of Dobbies at Barlborough no garden centre operator has been prepared to proceed.

The funding from the residential site would become available at the fitting out of the phase 1a building shell.

Future phases of the hotel development would take place as the expanded hotel business develops on a sustainable basis, with a view to a future international brand franchise operation.

In respect of other contributions arising from residential development (affordable housing, education and health as requested in consultation responses), to maximise the enabling funding for the hotel development no allowance has been made for such aspects in the submitted HCA development appraisal. In addition:

- The local education authority indicates that the primary school catchment overlaps between Whitwell and Barlborough. Whitwell is projected to be over capacity in five years, Barlborough currently is overcapacity but expected to be 1 place below capacity within 5 years, if this level of pupils is being accommodated at the present time it seems reasonable to expect a lesser over capacity can be accommodated without the need for a capital contribution from this development.
- the NHS Primary Care team have no specific identified project requiring funding to cope with increased demand and there is no specific planning policy requiring such contributions.
- this is not a sustainable location for affordable housing where proximity to shops, services, local amenities and public transport are desirable; provision of a financial contribution would reduce the amount available for the hotel development with its economic benefits to the locality.

National Planning Policy Framework states that where there is no five year supply of deliverable housing that the relevant policies should not be considered up-to-date. Housing applications should be considered in the context of the presumption in favour of sustainable development. The Council does not currently have a five year supply of deliverable housing, this site could contribute to that supply.

It is acknowledged that the site provides only limited opportunity for access by all forms of

sustainable travel and as such residents and visitors to the development will be more reliant on the private car. In order that the two developments continue to be mutually beneficial the Transport Assessment proposes that the Hotel will maintain a stock of basic daily supplies that housing residents may find useful. These items will include daily newspapers, bread, milk and other small “everyday essential” items. The availability of such items at the Hotel will minimise the need for some shorter car journeys by residents and would improve the overall sustainability of the development. The Travel Plan suggests the provision of equipment to encourage safe walking and cycling, and the provision of appropriate equipment to enable electric car charging points to be installed.

As this site is well screened by the established woodland to its northern, eastern and western sides impact on the countryside is limited. In addition the site has an extant permission for a large modern garden centre with car park, the proposed development according to figures provided by the applicant will have less floor area than that approved, although this is spread around the site rather than in one building but remaining within the woodland screened area.

Heritage impacts

The Councils Historic Environment Supplementary Planning Document in describing local distinctiveness mentions historic estates and parkland landscape quality being recognised with designation as conservation areas at Hardwick Hall, Carnfield Hall, Southgate House and Barlborough Hall. The SPD notes that the long retention of these parks in single ownership has led to the survival of many archaeological and designed features.

This is not strictly the case for Southgate House where ownership of the house (hotel) has been separate from the garden centre and separate from the adjoining former parkland (in agricultural use). The applicant is gradually extending his ownership to cover more of the former estate. The application does not affect the tree cover of the area, the woodland being retained and the former parkland to the east (with its various trees) not being affected, these being identified in the Derbyshire Landscape Character Assessment as part of the character of the area. In addition the application proposes the restoration of other landscape features such as the walled garden, ha-ha and avenue of trees along the A619.

The Conservation Officer objects to the housing element of the development with concerns about the hotel element. The officer considers that the introduction of 52 residential units in this setting will significantly alter the character and appearance of the conservation area and the setting of the listed buildings. The prominence of the house and the outbuildings will be overshadowed by the development causing less than substantial harm. The proposal will change the character and appearance of the conservation area and setting for the listed buildings. However the design and layout has been carefully planned to minimise/mitigate such impacts; the prominence of the house is retained by the removal of modern inappropriate extensions and setting back the hotel blocks and keeping roof heights lower than the main house. The two listed buildings primary countryside aspect or context is from the east as they are screened from the west by the woodland, this context is unaffected by the proposal, indeed there are improvements to the immediate hotel foreground with the replacement of parking and the access on this side by formal gardens.

It has to be accepted that there is harm to the setting of the listed buildings and character of the conservation area from the development, in particular from the housing development.

The level of harm is considered to be less than substantial mainly as a result of the loss of openness associated with the setting of the listed buildings and conservation area. However there used to be on the site a large greenhouse which, while this could be considered to be rural in character, still represents a substantial structure upon the site. Subsequently planning permission has been given for a larger structure with substantial car park on the site (replacement garden centre). The level of harm is therefore considered to be reduced given this background. This harm has also to be judged in the context of the improvement arising from the removal of the unsympathetic extensions, which the residential element facilitates.

In the decision significant weight must be given to maintaining the setting of the listed buildings, and any harm should not be accepted unless it is considered the benefits are sufficient to outweigh the detriment. The concept of the layout and design for both elements is to ensure that the Listed Buildings retain their prominence and respect their wider setting. Taking into account the wider economic benefits from the development it is considered that the impacts on the character and appearance of the conservation area and the setting of the listed buildings are acceptable subject to appropriate conditions to control these impacts as appropriate for the respective elements of the application.

Conclusion/Summary:

The application together with the application of planning policy at local and national scale is contradictory when applied to this proposal. The main planning issue against the development is the unsustainable location; the Travel Plans try, but do not eradicate, some of these issues. It would be appropriate to require an updating of these plans to include a specific commitment to a mini bus service (which could be made available to the residents of the housing area as well as hotel staff and guests) to improve the sustainability credentials. However on balance the site is not sustainable for residential development.

The National Planning Policy Framework encourages sustainable housing development where there is no five year supply, it also encourages growth and economic development including the provision of infrastructure. The hotel development provides employment (80 new jobs; securing the 70 existing jobs) while developing the service infrastructure for local business and the tourism industry.

Taking into account the economic benefits of the hotel development both to support and grow local business (including the hotel business itself), and to develop the tourism potential of the area (through providing a high quality overnight destination), the clear linkages and restrictions between the hotel development and the 'enabling' residential development and the nature of the housing development (which is to provide higher Council Tax band properties), it is considered that these benefits outweigh the issues related to the unsustainable location for the housing development. Also to be considered as part of the decision weighting is that the housing site has an extant planning permission for a 75,000 sq ft garden centre and large car park, and the previous greenhouse structure on the site.

A critical negative aspect of the development is the impact on heritage assets and their settings. The Listed Buildings are Grade II. It is accepted that the hotel development will restore the prominence of the Listed Building with the removal of modern unsuitable flat roofed extensions and the careful design and siting of the proposed hotel extensions along the lines of the revised illustrative proposal submitted with the application (which are also

generally in line with the previous approval). Conditions can require the Reserved Matters for Appearance to be based on the concept drawings. The listed buildings are not in a setting currently which emphasises the importance of the parkland quality or formal gardens expected of Country Houses; the land to the west now comprising the cleared garden centre and the land to the north being the site of nursery glasshouses and with permission for a new large modern garden centre and car park. The proposal will result in the restoration of the walled garden area to the west of the site (albeit for car parking rather than as a kitchen garden) and the avenue of trees along the main road.

It is accepted that housing is not the best development to protect the countryside open setting appropriate for these listed buildings (and a reason for the conservation area designation) and it is accepted that in this respect there is harm to the setting from the residential proposal. Whilst significant weight is given to the harm that this will cause this has to be balanced with the other considerations given above (economic/tourism benefits) and resulting improvement to the existing listed building and its more immediate setting on the southern side of Workstop Road, which add weight to the balance in favour of the proposal. Impacts on Southgate Stables are not as significant given the tree belt separating the buildings from the residential site and former garden centre area. Both the listed buildings retain their primary context, which is when viewed from the east, of open countryside/parkland character settings from this direction.

The protection of the setting of the listed buildings has to be given considerable weight in the balance of the decision. It is considered that on balance the benefits as set out above are sufficient to outweigh the less than substantial harmful impacts on the heritage assets as set out in the report.

The detrimental heritage impacts and the un-sustainable location for the residential development are clearly contrary to the development plan policies and the policies of the NPPF. There is, however, compliance with other policies which seek to support and improve the rural economy and the elements of improvement to the setting of the listed are in line with policies of the development plan and the NPPF. Details of the development will, subject to conditions, comply with related elements of development plan policy. Some weight is also given to the planning history of the sites. Overall the balance of judgement is that there is overall compliance with the policies of the development plan and the NPPF.

Other Matters

Listed Building:	Addressed in the report above
Conservation Area:	Addressed in the report above
Crime and Disorder:	See the Crime Prevention Design Advisors response summarised above; comments relate to detail aspects of the layout.
Equalities:	No issues identified
Access for Disabled:	No issues identified
Trees (Preservation and Planting):	Conditions to protect the trees to be retained including the woodland edges are required. Details of proposed planting will also be required.
SSSI Impacts:	n/a
Biodiversity:	There is a need for appropriate conditions to required updated surveys for protected species.
Human Rights:	No issues identified.

RECOMMENDATION: Defer decision and delegate to Assistant Director Planning in consultation with Chairman and Vice-Chairman of Planning Committee subject to

A. Completion of S106 Planning Obligation which commits the hotel owner to complete the phase 1a hotel building shell (including the roundabout and access) before any development of the residential land takes place;

B. Conditions to cover the issues given below given in précis form to be formulated in full by the Assistant Director of Planning:

Conditions:

Both elements:

Submission of reserved matters for housing (appearance) for hotel layout (landscaping and appearance).

Start hotel development within 3 years.

Phasing: No site works or commencement of residential development until building shell of phase 1a of the hotel development extension, including walls, doors, windows and roof complete and new roundabout complete to at least base course

Approval of drainage plans before development commences. (STW) to include modelling or calculations to show the proposed drainage strategy has the capacity to manage rainfall up to and including the 1 in 100 year rainfall event. Also responsibility for SuDS maintenance to be confirmed prior to commencement of works. (DCC Flood Risk Team)

Design of roundabout (i.e. appearance).

Update Travel plans to include clearer proposal for mini-bus collection etc of staff and customers from/to the local area rail/coach stations and availability for residential area residents.

Wildlife/protected species updated surveys together with any necessary mitigation measures prior to commencement of any site works/construction.

Protection of trees and hedgerows.

Residential

Appearance reserved

Detailed landscaping condition for housing (to take on board urban design comments) incl. gateways on A619 and into the development; Suds; boundary treatments; surfaces including carriageways, footways and kerbing; planting; bridge

Protective fencing to woodland (DWT) before any site works until complete.

Contaminated land condition, and Oil and petrol separators. (EA)

Hotel

Design, layout, landscaping and appearance to be in accordance with the revised concept proposals submitted 15th December 2015 as part of the application (specify drawing nos.)

Updated contaminated land investigation and Oil and petrol interceptors

No occupation/bringing into use until internal roads, car parking and service areas surfaced to at least binder course, lit and drained.

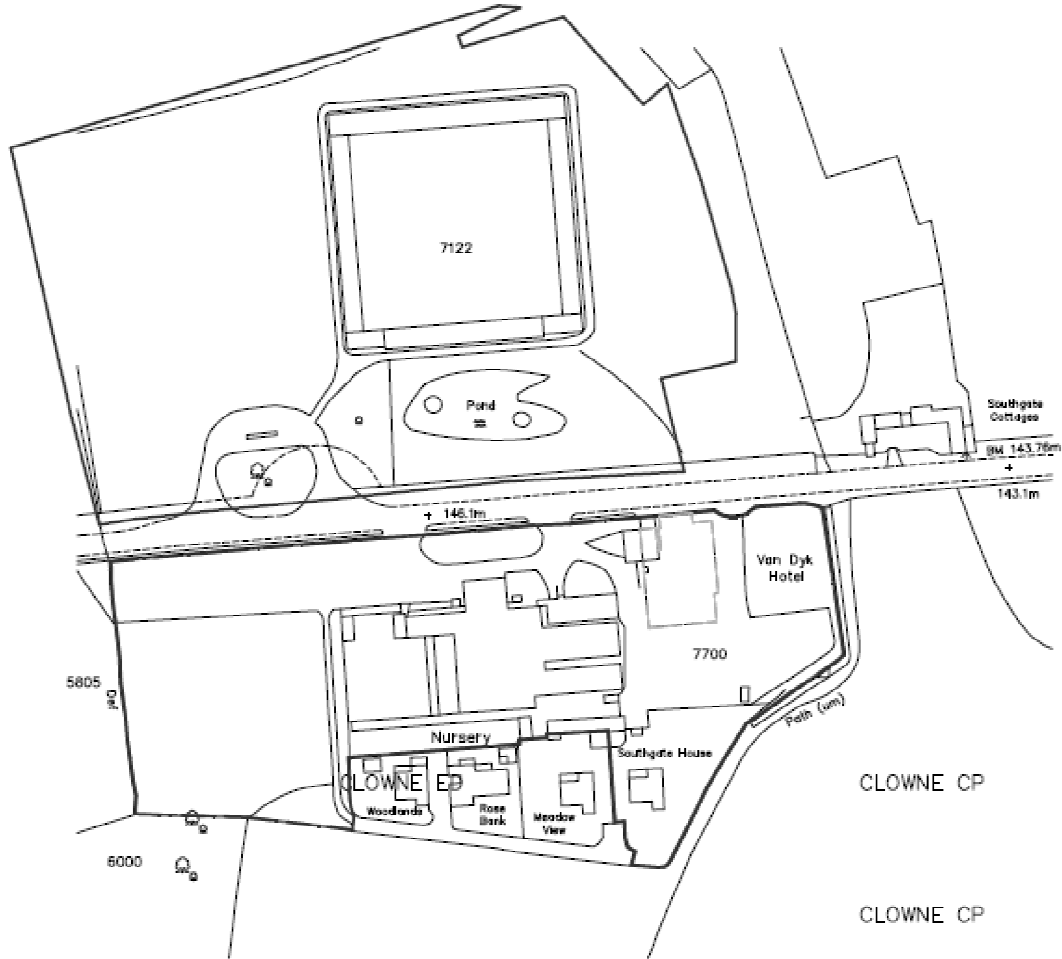
Notes:

The housing element of the proposal, taking into account local and national planning policy and its impact on the setting of heritage assets, needs wholly exceptional reasons for it to take place. As part of this, all elements of the development must be of an exemplary design and standard.

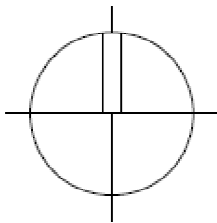
Public sewer within the site. (STW)

15/00216/OUT - Site Location

DO NOT SCALE
 All dimensions in Millimetres
 unless specified otherwise and
 subject to verification on site



North

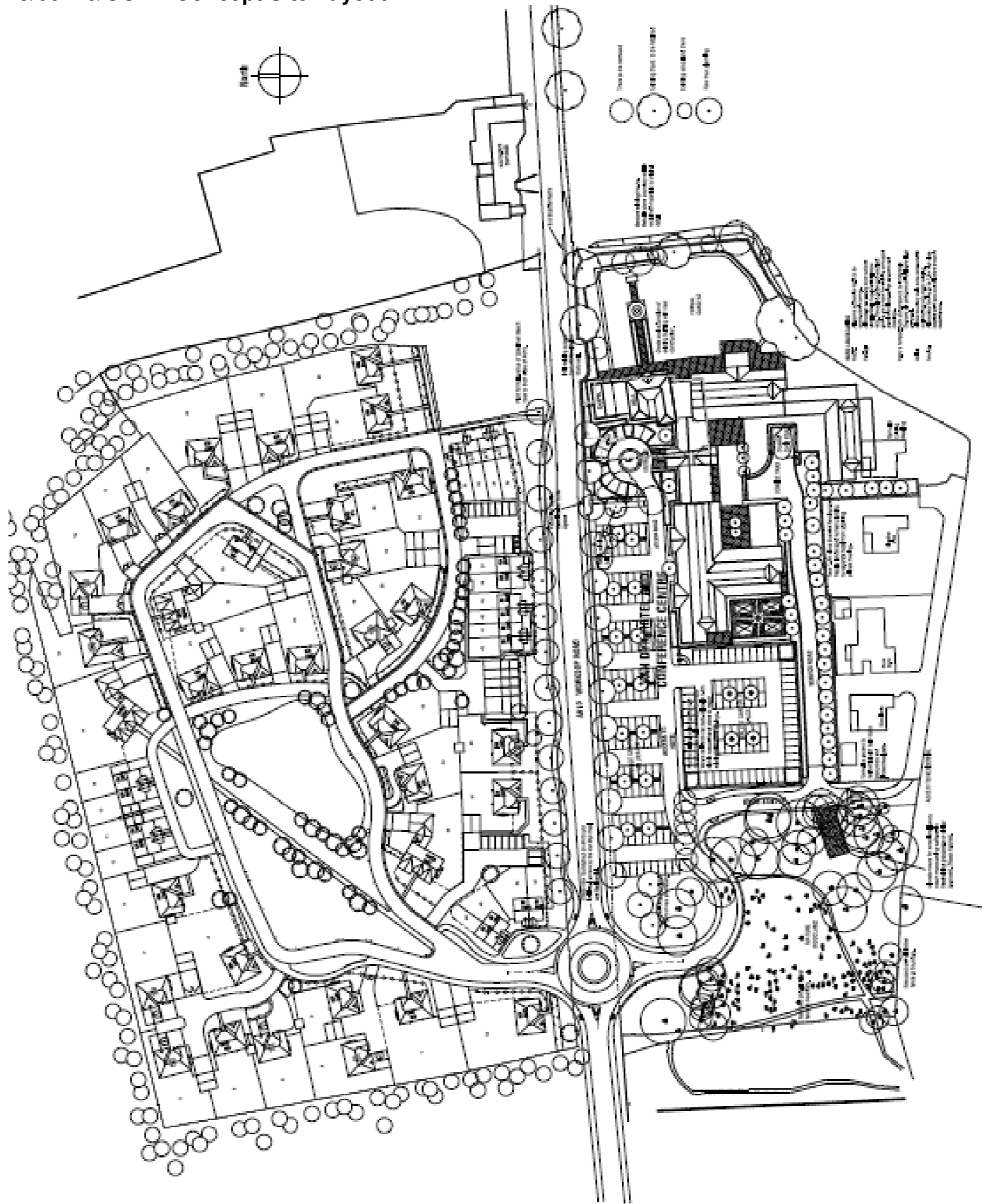


HOTEL & PROPOSED RESIDENTIAL DEVELOPMENT
 THE VAN DYK HOTEL
 CLOWNE
 DERBYSHIRE

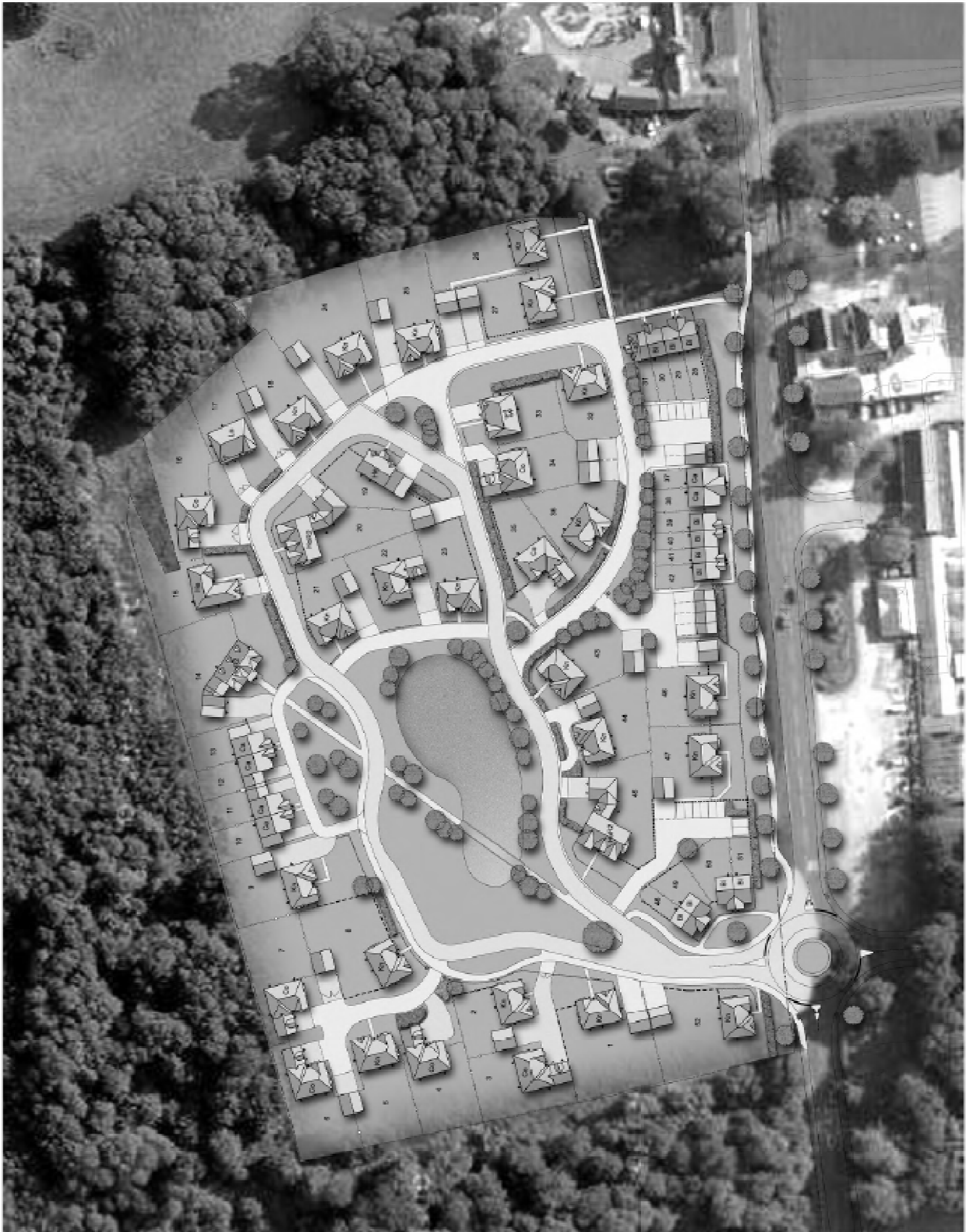


Scale.	1:2500	Drawn.	
DWG. No.	15/00216/OUT	Ref. No.	14/098
	SK6	Rev.	

15/00216/OUT – Concept Site Layout



15/00216/OUT – Housing Layout



PARISH **Clowne**

APPLICATION Residential development comprising the demolition of existing buildings at Sterry House Farm, the erection of 32 dwellings (houses and bungalows), creation of new access road off Mansfield Road and internal road layout and landscaping.
LOCATION Sterry House Farm Mansfield Road Clowne Chesterfield
APPLICANT Woodhall Homes 2 Midland Court Midland Way Barlborough Chesterfield
APPLICATION NO. 15/00455/FUL
CASE OFFICER Mr Steve Phillipson
DATE RECEIVED 8th September 2015

SITE

The site is located to the south side of Clowne and to the west side of Mansfield Road. There is existing residential development to the east and new dwellings are under construction to the north and west sides and to the southeast. The field adjacent to the south is the subject of a current application for residential development and there is further consented land beyond that to the south at High Ash Farm.

Sterry House Farm is a red brick and slate 2 storey detached farm house fronting Mansfield Road. There are a few small former agricultural buildings to the rear and disused agricultural land (grade 2) which has been left unmanaged for a few years and scattered self set trees and scrub are becoming established. The application site is approximately 1.4ha in area. The north, west and two thirds of the southern boundary are lined with native hedgerow with occasional hedgerow trees.

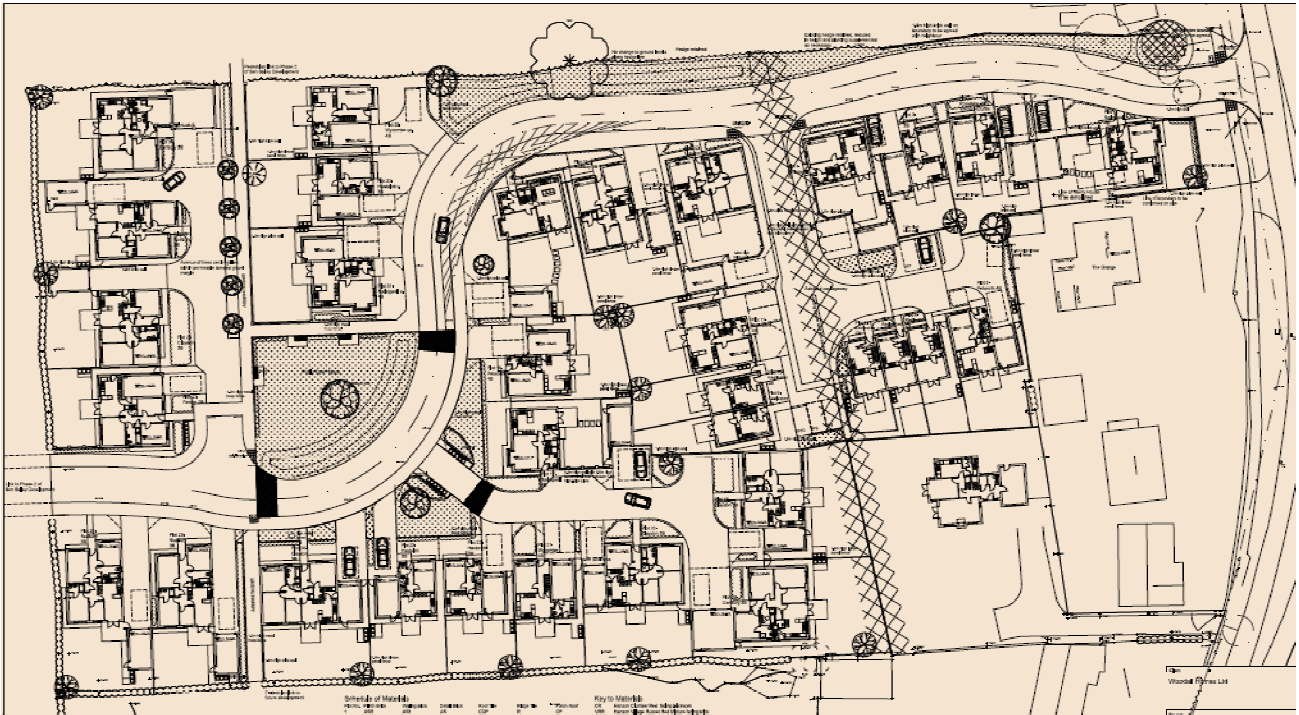
A significant area of the site has recently been soil stripped and some tree removal has already taken place.

PROPOSAL

Residential development comprising the demolition of existing buildings at Sterry House Farm, the erection of 32 dwellings (20 two storey houses and 12 single storey bungalows), creation of new access road off Mansfield Road (to the north side of the frontage) and internal road layout linking to the development site to the west. A small central public open space is proposed with seating. Drainage surface water swales are proposed within the open space and the verge at the north side of the road.

The application is accompanied by the following reports:-

- Planning Statement
- Design and Access Statement
- Transport Statement
- Ecological Assessment
- Protected Species Survey
- Geo-technical
- Eastwoods
- Flood Risk and Drainage Strategy



The following developer contributions have been agreed:-

Affordable Housing –Waived provided delivery targets met for market housing.

Education - £68,394.06 for primary education as requested by Derbyshire County Council.

Leisure – Public Open Space on site plus

 Informal/children’s play @ £755 per dwelling x 20=£15,100

 Formal/adult recreation @ £898 per dwelling x 20 = £17,960

Art - A contribution of £16,000 towards performing arts in Clowne.

AMENDMENTS

17/12/15 Revised Layout 14-533-CO2 Rev Q; Street elevations; house types: Longshaw, Pentworth, Rosedene, Wycombe, Springwell.

15/12/15 Additional info on ground contamination provided.

14/12/15 Revised Layout C02 P and plots 5, 9 and 10

1/12/15 Revised house types

27/11/15 Plot 15 changed to Longshaw house type

26/11/15 Revised Layout Plan 14-533-C02 Rev N

23/11/15 Revised Layout Plan 14-533-C02 Rev K (superseded)

03/11/15 Revised Layout Plan 14-533-C02 Rev J (superseded)

03/11/15 C17B Street elevations (superseded)

03/11/15 Longshaw house type

21/10/15 Revised Layout Plan 14-533-C02 Rev H (superseded) and highway comments.

30/09/15 Revised Layout Plan 14-533-C02 Rev G (superseded), highway comments and house types.

HISTORY (if relevant)

None relevant

CONSULTATIONS

Parish Council

14.10.15. Members expressed their concerns and objections to this development due to the increased density of housing in the south of the village. Any additional access to this proposed development would increase traffic and vehicular movement. Members also agreed that Section 106 monies should be off-set to improve facilities for the Parish.

Environmental Health Officer

3.12.15. As the information submitted to date with the application in relation to potential land contamination issues is not considered sufficiently comprehensive I would advise that a condition is needed requiring further investigation and remediation prior to commencement.

Derbyshire Wildlife Trust

2.12.15. The Trust is not aware of any nature conservation interest on or adjacent to the site. Brown hare have been recorded 160m west of the site boundary. Skylark and grey partridge have been recorded adjacent to the site. There is likely to be some displacement and loss of habitat for these species. Three of the four hedgerows on site are identified as a UK Biodiversity Action Plan priority habitat. One of the hedgerows (H3) was identified as 'important' under the Regs assessment. the layout should include the retention and enhancement of all hedgerows, with any hedgerows incorporated within suitable buffers as part of the green infrastructure network running throughout the site.

The development will have an adverse impact on brown hare and birds as well as result in the loss of an area of semi-natural habitat. Mitigation for these impacts is currently poor. Overall, we consider that there is a net loss of biodiversity at the site. We would therefore advise that the applicant needs to provide additional mitigation and/or compensation, ideally to benefit brown hare as well as the farmland priority species that may currently be using the site. Alternatively the applicant should make a financial contribution commensurate with the nature of the impacts. This contribution would be used for the enhancement or creation of habitats of biodiversity value elsewhere within the locality.

We welcome the production of a Habitat Management Plan for the scheme but advise that the contents should be revised once the issues raised with regard to hedgerow loss, ground nesting birds and brown hare have been fully considered and addressed. It is also essential that the Plan provides details of how the favourable management of the habitats present on the site will be implemented and funded.

DCC Highways

18.9.15. Forward visibility of 20m looks unrealistically short. Verges should be 1m wide for services. Tactile crossing points should be provided. Would prefer a footway on the north side of the road. A temporary turning area will be needed at the western end of the development if the permanent link into the Ben Bailey development cannot be constructed. Swept path detail

is needed. 2m x2m pedestrian splays are needed to all driveways.

16.12.15. In response to the amended plan DCC's only remaining concerns relate to a note on the plan referring to an adopted path (*a note to applicant can advise that that this should amended to 'footpath built to adoptable standard'*) and that tactile pavers should be 4 wide not 3 (*a note to applicant can deal with this*). Otherwise no objections subject to conditions:-

Provision of the new estate junction 4.5m (*query 2.5m*) x 47m splays

Provision of the estate street

Provision of parking and turning space

Site compound details be agreed

Construction method statement

Provision of wheel cleaning facilities for construction traffic

Pedestrian splays to private accesses

Approval of surface water drainage details

Plus advisory notes.

DCC Flood Risk Management

9.9.15. The FRA and subsequently supplied drainage plans indicate three swales within the development that will accept surface water from the highway however; there are no calculations to demonstrate that the swales have been sized correctly to accept surface water flows for rainfall events over and above the 1 in 30 year rainfall event plus an allowance for climate change.

Storm water exceedance routes for household and highway surface water should also be provided to demonstrate that in the event of soakaway inundation there will be no increased flood risk to the proposed development. Conditions are recommended requiring details to demonstrate that the drainage scheme is designed to manage surface water flood risk in accordance with S7, S8 and S9 of the Defra non-statutory technical standards for sustainable drainage systems (March 2015); and details of the maintenance and management of the sustainable drainage scheme.

Environment Agency

9.9.15. No objections.

DC Archaeologist

18.5.15. The current site has low to minimal archaeological potential. I therefore recommend that there is no need to place an archaeological requirement on the applicant.

Urban Design Officer:

05.11.15. The proposal has been assessed in accordance with Building for Life 12 (3rd Edition, Nov 2014) to determine whether the design meets the design policy requirements of the NPPF and guidance contained within Supplementary Planning Document Successful Places: A guide to sustainable housing layout and design (2013).

The proposed development is not considered to represent good design and does not respond positively to guidance contained with Successful Places (2013) which is reflected within the issues identified through the Urban Design Officers assessment - the final performance rating of 3 out of 12 Greens awarded.

Main concerns raised:-

A footpath link is indicated to connect to the land to the south, although a vehicular connection would be preferred.

Sterry House is proposed to be demolished and replaced although the existing building makes a positive contribution to the existing streetscene in terms of its age and character. The replacement locates the rear garden on the primary frontage, creating both a poor relationship with Mansfield Road and a weak gateway into the development.

Plot 5 is situated close to the boundary with garden of the neighbouring bungalow (within 1.2m), the proximity of which could be perceived as overbearing.

The proposals do not demonstrate how it has been designed to have locally distinctive identity.

An absence of boundary treatments results in a suburban open plan design that reinforces the standard character of the scheme and weakly defined streetscape.

Units at key corner locations address the corners weakly, with minor secondary windows and plain elevations proposed.

Plots occupying key townscape positions or terminating views have an unremarkable appearance.

Relationship to proposed footpath.

The highway stub into the drive serving Plots 17-22 should be simplified.

Frontage parking is prevalent in the streetscene in a number of locations.

15.12.15. Further revisions recommended.

18.12.15. Urban Design response following reconsultation on amended proposals (dated 17.12.15). Concludes that the applicant has generally responded positively to the recommended revisions. With the exception of specific points where the proposals would benefit from further adjustment although the application is now considered to have reached a point of general acceptability in design terms. Specific points where further improvement could be made include:

No agreement to the use of magnesian limestone on key plots to strengthen local distinctiveness in accordance with the NPPF and Local Design Guide (although conditional requirement is not recommended).

Further amendment to key plot 33 to include a stronger gable; a condition is suggested to resolve.

The proposed use of use of GRP porches should be replaced by more traditional solutions especially on the most prominent plots 2-4 and 17; a condition is suggested to resolve.

In the event that planning permission is recommended for approval additional conditions are recommended in relation to:

- external materials
- hard and soft landscaping
- boundary treatments
- the re-instatement of the vehicle cross over (serving plots 27 30) upon achieving a vehicle connection to the to the west (detail showing this would need to be a submitted and agreed)
- making up the road and footpaths to the edges of the site to an adoptable standard

County Council (Strategic Infrastructure and Services):

13.10.15. Both primary level schools have recently received additional classroom

accommodation, with their capacities increasing to 270 and 360 for the Infant and Junior Schools respectively. The current numbers on rolls at 8 Oct 2015 are 264 at the Infant School (including a full allocation of 90 in Reception) and 362 at the Junior School.

With numbers projected to continue to increase, alongside a number of approved residential developments within the Primary Phase normal area, Derbyshire County Council is currently working on a primary places strategy for Clowne. This aims to identify a preferred option for increasing provision in the town from the recently established 3 forms of entry per year up to 4 as demand continues to increase up to this level. The additional form/s of entry would be provided via the construction of a new Primary School for Clowne.

We request a contribution from the developer of £68,394.06 for primary phase education provision. This funding would be used towards implementing the Clowne 4FE strategy outlined above.

Advice to be provided via notes attached to planning permission (if granted) on:

Access to high speed broadband services for future residents (in conjunction with service providers); and

Designing new homes to Lifetime Homes standards.

NHS

17.09.15. Do not seek a S106 contribution for this development.

Arts Officer

25.05.15. Seeks a contribution towards public art at a level of 1% of development cost in accordance with policy GEN17 of the local plan. She would like to tie this contribution to public space on the adjacent development site.

Housing Strategy Officer

30.09.15. The applicant refers to a moratorium being in place in respect of affordable housing, and therefore none is proposed as part of the scheme. I understand that this refers to the interim policy whereby the Council will waive the requirement for affordable housing where an applicant enters into a planning obligation which provides an undertaking to commence development and complete at least 10% of dwellings permitted within 3 years from the grant of planning permission, and at least 50 % within 5 years from grant of planning permission. Failure to comply with this requirement would result in a development having to provide 10% of total permitted dwellings on the site as affordable housing of a type which has been approved by the Council as meeting the identified need, or an equivalent financial contribution for use in affordable housing provision off site.

In terms of establishing the level of on-site affordable housing or financial contribution required should the terms of the s.106 not be met, there is an overall need for 533 affordable homes to be provided each year in the district according to the Strategic Housing Market Assessment 2013. The house types required in Clowne would be for 2 bedroom (4 person) houses, with a lesser number of 3 bedroom houses for Social or Affordable Rent.

The affordable housing units should be purchased and managed by a Registered Provider who already has stock in the district, or has a management base within an hour's drive of the site. If a Registered Provider is not involved, then details of how the stock will be owned and managed to meet the NPPF definition of affordable housing will be required. 100% nominations should be made available to the council.

Leisure Services Officer

8.12.15 Notes that the development includes an area of public open space in the centre of the development. The location of the proposed public open space is acceptable and will benefit from informal surveillance from neighbouring properties. In this particular case it is recommended that a suitable commuted sum for off-site provision is negotiated in addition to the proposed on site provision. I also note that the proposed mix of dwellings within the development includes bungalows (12 no.) As such, it is suggested that a commuted sum for off-site open space provision is based on the remaining 20 houses rather than the total number of dwellings. Using the current policy formula the open space commuted sum should be £15,100.

A commuted sum for formal adult leisure provision is also requested of £28,416 (32 dwellings x £888 per dwelling).

A maintenance sum will need to be negotiated in the event that the POS is to be adopted.

PUBLICITY

Advertised in the press, site notice posted. 12 properties consulted. 3 objections received on grounds:-

The proposed access is on a blind bend with limited visibility hence it will be dangerous. Existing traffic speeds.

Noise and vibration from traffic.

Increased difficulty exiting drive.

There is no pedestrian crossing on Mansfield Road for the school trip.

Bus services are limited.

No need to create a new access onto Mansfield Road – should share other access points.

Resident who lives adjacent to the proposed access point requests that a wall be built along the side of his property for security, privacy, noise and vibration reasons. He notes that this was done on the adjacent Ben Bailey site and that this site will connect to the adjacent site and will become a second access for it. Also states that there is virtually no hedge remaining down this side of the property.

Noise during construction, deliveries should be controlled to reasonable times.

Regarding the bat survey, the resident notes that this was done without gaining access to the property so there was no inspection of the roof space. In the past the previous owner said she had bats as well as showing the internal evidence. The resident has seen bats flying around the eaves of Sterry House when viewing from his land and thinks that they have not stopped using the house. He feels that the existence of bats in the house needs further investigation.

No need for more housing in Clowne.

Will saturate the market in Clowne depressing house prices for existing residents.

The application would attract a very low score on the Sustainability Appraisal matrix in terms of generating economic development and employment opportunities.

Increase traffic and travel in areas that already have significant issues with traffic.

Most journeys will be through Clowne to the M1. That would exacerbate the problems already experienced with traffic passing through the village.

Too many developments are to the south side of Clowne.

The future of Clowne should be properly planned rather than serving short term profits of land

owners and developers.
Loss of property value.

POLICY

Bolsover District Local Plan (BDLP)

GEN 1 - Requirements for development

GEN 2 - Impact of development on the environment

GEN 4 - Development on Contaminated Land

GEN 5 - Land Drainage

GEN 8 - Settlement Frameworks

GEN 17 - Public Art

HOU 5 - Outdoor Recreation and Play Space Provision for new housing developments

HOU 6 - Affordable Housing

HOU 9 - Essential New Dwellings in the Countryside

TRA 1 - Location of new development

TRA 15 - Design of Roads and Paths to serve new Development

ENV 2 - Protection of the best and most versatile agricultural land

ENV 3 - Development in the Countryside.

ENV 5 – 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 47 footnote states that “To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.”

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

Para’ 117 “To minimise impacts on biodiversity and geodiversity, planning policies Should.....promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan”

Para’ 118 “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles.....

If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

Opportunities to incorporate biodiversity in and around developments should be encouraged.”

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). Supplementary Planning Document Successful Places: A Guide to Sustainable Housing Layout and Design (2013).

A Building for Life 12 (BfL12) - The sign of a good place to live.

ASSESSMENT

Technically the site lies outside, but adjacent to, the settlement framework as defined in the now aging Bolsover District Local Plan (2000). However the settlement framework boundary as drawn is effectively superseded by recent planning permissions for residential development surrounding this site. Therefore it is considered that it would be illogical to rigidly apply countryside protection policies under these circumstances and that this site ought to be treated as if it is within the settlement framework where residential development is acceptable in principle (GEN8).

Even if the saved countryside protection policies ENV3 and HOU9 are applied (which do not normally allow residential development except in special circumstances), 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 any other impacts/harms would not demonstrably outweigh the benefits.

With regard to sustainability the site is close to proposed public open space and play facilities on the adjacent development site, and it is within 815m of leisure facilities and potential employment opportunities at the Arc, a children’s nursery (880m), a public house is (690m), Primary School (805m), local facilities in the town centre (920m) and a supermarket (1020m). These facilities are likely to provide sufficient draw to encourage some access on foot and fall within an acceptable catchment for facilities of this type.

However the nearest bus stops are in excess of the 400m guideline for convenient walking distance with mixed service provision, which is unlikely to materially reduce reliance on car use. The nearest bus stop is adjacent to the Angel Inn which is a distance of 690m, following actual walking distances as from the approximate centre of the site. The site is related to the following local services from:

Service 53/53A – Mansfield to Sheffield (infrequent service).

Service 77 – Worksop to Chesterfield (regular service).

Service 476 – Netherthorpe School (school service only).
Service T3 – Worksop Tesco to Barlborough (very infrequent)
Services 73/74 - Mosborough to Clowne (are available from the Mill Green Way (Tesco Stop, Clowne), although this bus stop is approximately 1020m from the approximate centre of the site.

On the whole however it is considered that the application site is reasonably sustainable. It also appears to be available and deliverable.

In summary, despite the technical conflict with the out of date policies of the local plan it is considered that the proposed development would result in sustainable development due to its generally good proximity to town centre services and jobs and so significant weight in favour arises from the NPPF policy.

Policy ENV2 of the Bolsover District Local Plan aims to protect the best grades of agricultural land. The site is classed as grade 2 agricultural land in the agricultural land classification survey (2010) and as such planning permission might not be appropriate unless there is a strong need that overrides national need to protect this land. This policy is compatible with the NPPF which states that local authorities should direct development towards the poorest grade of agricultural land. However with the exception of land to the west of the escarpment (which is unlikely to be appropriate to develop for visual and sustainability reasons) all of the land surrounding Clowne is grade 2 agricultural land. Hence for large development proposals, there is little option but to develop on grade 2 agricultural land. In addition this site is now surrounded by development or consented development and there is little prospect that an isolated field would ever be used as productive farmland in the future. Given the shortfall in housing supply in the district it is considered that the weight which can be given to the agricultural land protection policies is limited and that this should not be an overriding concern.

Urban Design

It is considered that the initial layout and designs proposed would not have resulted in a good standard of design. However amendments have been sought to improve the proposals and the Urban Design Officer is now satisfied that the application is now considered to have reached a point of general acceptability in design terms.

He does raise specific points where further improvement could be made and suggests conditions to deal with some of these:-

A condition seeking further improvements to the design of plots 33 is suggested. This is a plot at the termination of the view along the easterly access road into the site and so is a key plot where design is expected to be enhanced. The applicant has revised the design of this plot once and has also replied to the Council's request for further improvement. However they are not willing to amend further. They say that handing this plot will not work because parking access to the garage becomes awkward at best and they are not willing to accept a condition requiring further improvement. It is considered that further improvement of this plot is possible, however the design now proposed is not so poor as would justify refusal of the proposal as a whole. Therefore the suggested condition is not recommended.

The Urban Designer seeks a condition requiring the prevention of use of GRP porch canopies on at least 4 of the more prominent plots and use of a more traditional tiled porch as an alternative as is already proposed for some of the other plots on this site (whilst allowing the use of GRP on many of the less visible plots away from the main access road). The Applicant has not responded on this point but it is considered that the use of use of GRP porches should be replaced by more traditional solutions on the most prominent plots 2-4 and 17 and that a condition to require this would be reasonable (GEN 2).

A condition is recommended by the Urban Designer requiring the re-instatement of the simple vehicle cross over (serving plots 27-30) upon achieving a vehicle connection to the new estate to the west. The Highway Authority has also indicated that the formal turning stub now proposed would not be necessary in the event that the road connection is made through to the new estate to the west. The Applicant says that:

“the road must be adoptable and the junction of the access to Plots 27-30 is required to achieve this- we are not certain there is any guarantee that the Ben Bailey road will link through, so would be unwilling to omit the junction, or to have the additional cost of returning to site (when there is no timescale) to alter the arrangement should Ben Bailey extend their roadway- this does not seem a reasonable request.”

Given the circumstances it is considered that a condition would be reasonable but it would need to allow the implementation of the proposed turning head in the event that a road link through to the land to the west has not been secured by the time the development is nearing completion. Neither would it be reasonable to require the removal and replacement of the turning head in the event that the adjacent road link to the west is delivered after the turning head has been provided. If this happened it would simply leave this area of road somewhat over engineered but not detrimental to highway safety.

Highway Safety

Although the proposed access junction position is on a gentle bend in Mansfield Road the verge area here is deep and the visibility splay required to meet standards can be achieved. The highway authority has no objections on highway safety grounds subject to conditions and notes. Appropriate conditions have been listed below (Recommendation Section of report).

A road link through to the consented development site to the west is proposed and should be capable of adoption (subject to Highway Authority adoption of the link through on both sides of the boundary). The link is desirable in terms of good planning and well connected settlements but is not however essential in terms of highway safety. It is considered that a planning condition requiring the road link to be provided up to the boundary together with levels details etc to demonstrate the link can be achieved would be reasonable (GEN 1, GEN 2 and TRA 15).

Landscape and Visual

Wider landscape impacts from the proposal will be minimal because the site is relatively flat and is surrounded by development or consented development. Accords with policy GEN2 Impact of Development on the Environment.

Heritage and Archaeology

No listed buildings or conservation areas will be affected. The site has low to minimal archaeological potential. Therefore no adverse impacts on heritage interests are expected.

Residential Amenity

Impacts on residential amenity at existing dwellings will mainly be limited to potential noise, disturbance and privacy issues at the adjacent dwelling to the north side of the proposed access into the site from Mansfield Road. However these impacts can be mitigated to an acceptable degree through the provision of a 1.8m high brick wall along the boundary with that dwelling (a small section adjacent to Mansfield Road will need to be a fence rather than a wall to protect the existing large tree roots from damage). This can be required by condition (GEN 2).

There will also be some loss of sunlight to the garden of the existing bungalow to the east side of the site. The application has been amended to reduce this impact and the initial overbearing effect and, as amended, the level of impact on amenity is not so large as to warrant refusal. The amended proposal complies with the Council's guidelines and policy GEN 2.

Drainage

Subject to conditions for approval of details no significant issues identified.

Potential Ground Contamination

The Applicant has recently provided further information on potential ground contamination. The EHO has been reconsulted on it and a response is awaited. However unless the EHO changes her advice in response to the additional information then a condition is deemed necessary to require further investigation into the potential risks and possible mitigation necessary (GEN4 Development on Contaminated Land refers).

Ecology

The Wildlife Trust has advised that "the development will have an adverse impact on brown hare and birds as well as result in the loss of an area of semi-natural habitat. Mitigation for these impacts is currently poor. Overall, we consider that there is a net loss of biodiversity at the site."

In response to this the Applicants consultant has said that whilst Brown Hare could use the site the majority of habitat is sub-optimal, Brown Hare have not been recorded on the application area by Ecus Ltd during multiple survey visits to the site across 2014 and 2015 and no evidence of lays was noted. Whilst it is evident that brown hare are present in the wider area, they have never (to our knowledge) been recorded on the application site and the adjacent development now isolates the site from other suitable habitat in the west, further reducing the likelihood that this species would utilise site habitats. As such, developing the site would not require displacement of hares to adjacent land. They conclude that there is no justification for specific brown hare mitigation, given that land take is unlikely to impact upon this species. They say that numerous ecological benefits are included within the scheme, including incorporation of bat and bird boxes, hedgerow planting and improvement, and the removal of Schedule 9 invasive species. As such, the scheme will represent a net improvement in habitat for other important species.

Given that the site is now surrounded by residential development or consented development it does seem highly unlikely that the site would still be used by Brown Hare and on balance it is

considered that a condition requiring a habitat management plan with retention of hedgerows and hedgerow planting and other mitigation measures is considered to be a reasonable way forward in this case to reduce the level of impact to an acceptable degree.

Social Infrastructure and S106

The applicant has agreed to meet the request of the Education Authority and therefore the issue of school places has been addressed.

There has been no request from the CCG or NHS for a health contribution. In any event the Council has no policy to require such contributions.

The provision agreed for leisure and open space on the site and the off-site contributions as well as public art are as requested (HOU 5).

Other Matters

Human Rights: No significant issues

Listed Building: No significant issues

Conservation Area: No significant issues

Crime and Disorder: No significant issues

Equalities: No significant issues

Access for Disabled: No significant issues

Trees (Preservation and Planting): See above

SSSI Impacts: No significant issues

Biodiversity: See above

Loss of property values: not a material planning consideration in this case.

Conclusion

Whilst the site is designated as countryside in the Local Plan, that designation is out of date given the reality of the planning permissions for residential development on the land to the west and south. The NPPF gives significant weight to approving sustainable residential development unless the impacts of the proposal outweigh the benefits of providing housing. Overall the scheme is considered to represent sustainable development with acceptable impacts and an acceptable level of design. Overall the scheme is considered to comply with the policies of the NPPF and the relevant policies of the Local Plan and the scheme can be supported subject to the completion of the S106 Agreement.

RECOMMENDATION : Defer pending completion of a S106 obligation as set out above (in “Proposal” section) and delegate the decision to the Assistant Director of Planning in consultation with the Chair and Vice Chair.

If minded to approve it will be subject to conditions covering the following matters (in précis form to be formulated in full by the Assistant Director of Planning) unless relevant issues are resolved prior to issuing the decision:-

Start within 3 years.

Contaminated land investigation and remedial action prior to commencement.

Hedgerow and tree retention and protection during construction.

Prior to the building of any dwelling above foundation level submission of a habitat management plan for approval to include incorporation of bat and bird boxes, hedgerow planting and improvement, and the removal of Schedule 9 invasive species.

Provision of a 1.8m high brick wall along part of the boundary (with the adjacent dwelling to the north) not later than the first occupation of any dwelling on the site.

Approval of drainage details:

No development other than demolition of the existing dwelling and site preparation shall commence until information has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the drainage scheme is designed to manage surface water flood risk in accordance with S7, S8 and S9 of the Defra non-statutory technical standards for sustainable drainage systems (March 2015).

(Reason: To ensure that the surface water is managed appropriately to avoid flooding on site for events up to and including the 1 in 30 year rainfall event and that flooding is managed safely on site within the development during events up to, including and in excess of the 1 in 100 year rainfall event).

No dwelling shall be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

(Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the operation and maintenance of sustainable drainage systems is provided to the LPA in advance of full planning consent being granted).

Highway Conditions:-

Provision of the new estate junction in accordance with the approved plan

Provision of the estate street

Provision of parking spaces

Provision of wheel cleaning facilities for construction traffic

Pedestrian splay to private accesses

The north/south footpath to the west side of plots 24-33 to be provided and surfaced to adoptable standard up to the boundaries of the site.

The road link to the land to the west shown on the approved plan to be constructed (in accordance with a timetable to be agreed) and provided to adoptable standard up to the western boundary in accordance with levels details and spec etc to be approved to demonstrate the link can be achieved with the adjacent land.

Turning head adjacent to plot 27 only to be provided in accordance with an agreed time table and spec unless an alternative simple crossing to serve the private drive has been approved.

Schedule of materials to be approved to include GRP porches replaced by more traditional tiled solution on plots 2-4 and 17.

Hard and soft landscaping

Maintenance of landscaping for 5 yrs

Boundary treatments.

Advisory note

The Highway Authority have advised that the note on the layout plan referring to an adopted footpath should be amended to 'footpath built to adoptable standard' and that tactile pavers should be 4 wide not 3.