

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.

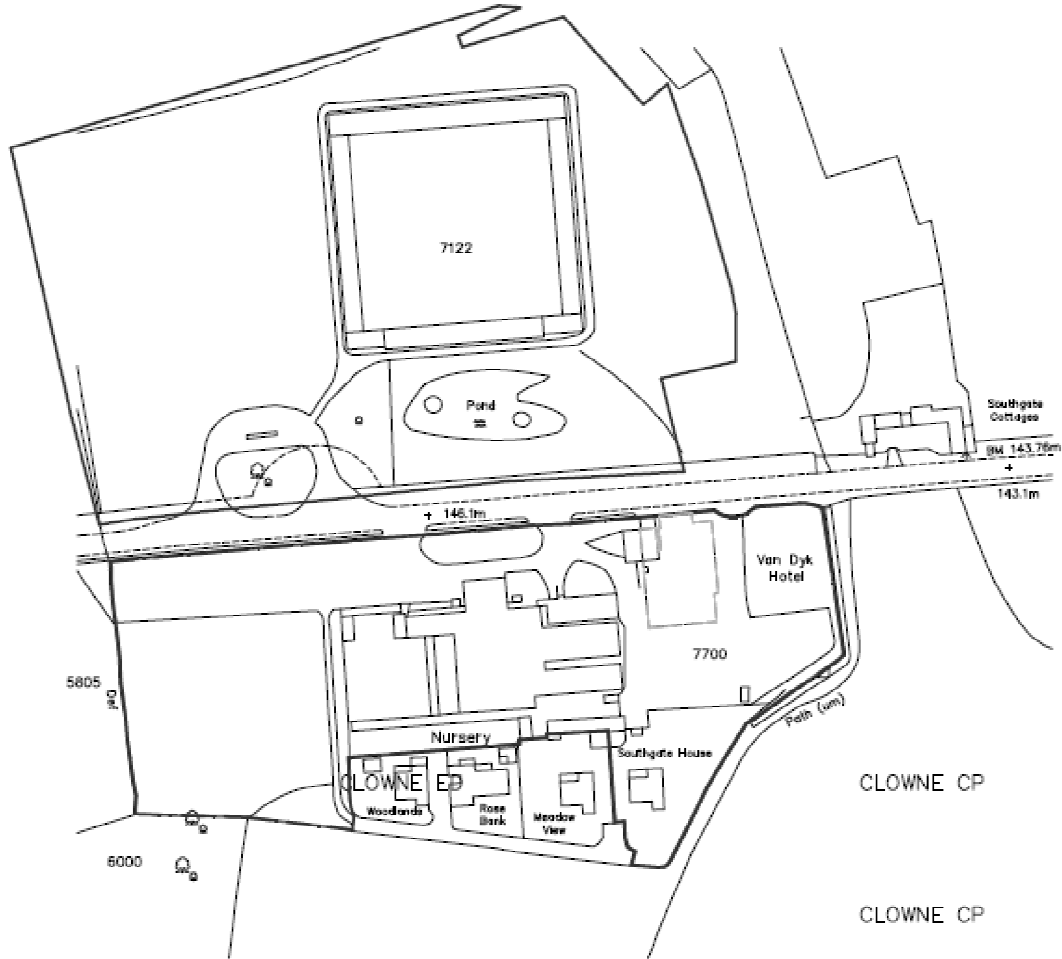
Notes:

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.

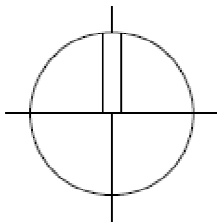
Public sewer within the site. (STW)

15/00216/OUT - Site Location

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



North

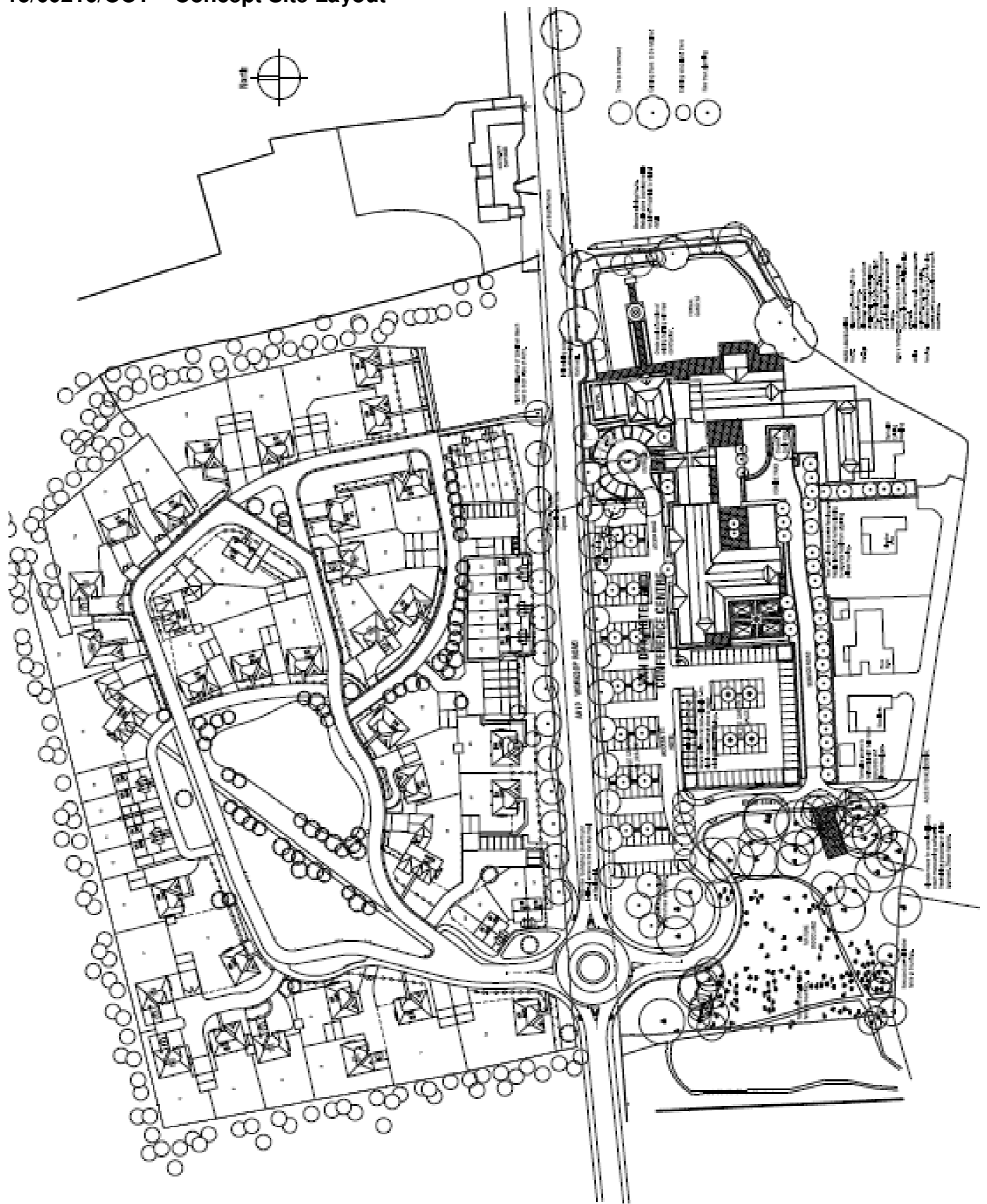


HOTEL & PROPOSED RESIDENTIAL DEVELOPMENT
 THE VAN DYK HOTEL
 CLOWNE
 DERBYSHIRE



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

15/00216/OUT – Concept Site Layout



15/00216/OUT – Housing Layout

