

**PARISH**      **Clowne**

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**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

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**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.

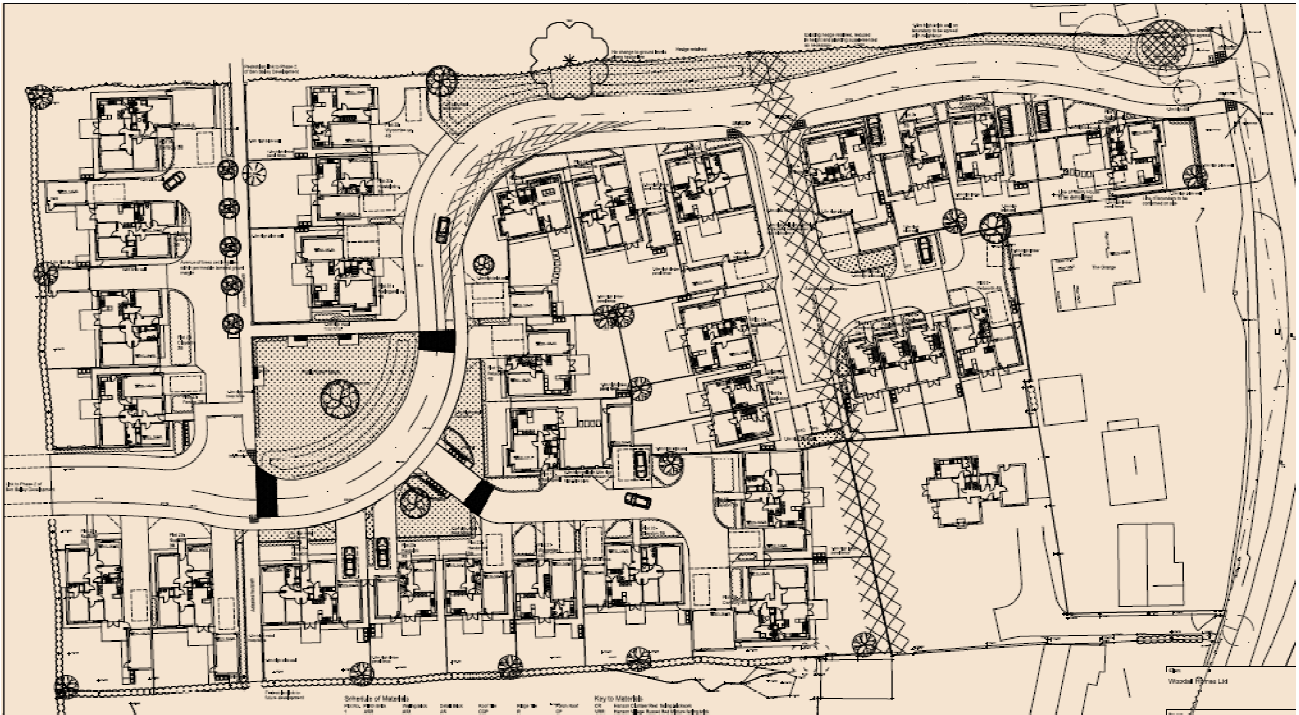
A significant area of the site has recently been soil stripped and some tree removal has already taken place.

**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.