

PARISH Clowne

APPLICATION Proposed residential development
LOCATION Land West Of Homelea and Tamarisk Mansfield Road Clowne
APPLICANT Abbeywood Homes Ltd
APPLICATION NO. 15/00604/OUT **FILE NO.** PP-04619409
CASE OFFICER Mr Peter Sawdon
DATE RECEIVED 16th November 2015

SITE The application site is located on the western side of Mansfield Road at Clowne. It is a level site located at the rear of 2 houses and 2 bungalows which are on the road frontage. It is currently a field surrounded by hedges. Three separate planning permissions have been granted for residential developments on land to the north south and west. The development to the west is under construction and some preparatory works for the land to the north also appear to have started. Development is yet to commence on land to the south. The majority of those adjoining development sites, as with the majority of this application site, are outside of the Settlement Framework for Clowne. The existing housing fronting Mansfield Road is within the defined settlement framework.

PROPOSAL This is an outline planning permission with all matters reserved for later consideration, with the exception of the proposed access, the detail of which will need to be determined as part of this submission. The indicative layout plan shows that 15 houses are proposed and it is indicated that it is intended that the properties would be disposed of as self-build plots. Indicative layout plans have been provided.

The indicative layout plan shows the removal of 15 trees to accommodate the dwellings shown, including an area of mature apple trees and an Ash and Willow Tree in the southern hedgerow. Mature hedgerows bound the site to the north west and southern boundaries. It is stated that these would be retained for the most part, with selective removal to facilitate footpath links onto the adjoining housing sites and removal of a section due to the proximity to one of the proposed dwellings shown on the plan.

The application is accompanied by reports listed in the amendments section of the report immediately below.

AMENDMENTS

- Ecological Appraisal by ECUS, submitted on 26th January 2016;
- Geotechnical and Geo-Environmental Report by Eastwood & Partners submitted on 8th February 2016; and
- Flood Risk Assessment by Eastwood & Partners submitted on 18th February 2016
- Removal of dwelling numbers from description 21st April 2016.

HISTORY (if relevant)

08/00077/OUTMAJ – This land formed part of a larger planning application site including land to the south, that was refused planning permission on 9th May 2008 (the land to the south was subsequently granted planning permission on 17th July 2009 [ref. 09/00217/OUTMAJ] and

that planning permission was renewed on 16th May 2012 and 27th February 2015 [refs. 12/00112/VARMAJ and 14/00057/OUTMAJ]).
CLO/864/6 – planning permission for residential development on this site was refused on 29th January 1969.

CONSULTATIONS

Archaeologist – No need to place an archaeological requirement on the applicant 7/12/15

Clowne Parish Council - Members expressed their concerns regarding the proposed access to the site. The additional volume and density of traffic and the increased traffic movement would be dangerous onto a very busy highway. It would be an additional entrance close to other development access. 9/12/15

Crime Prevention Design Advisor – no comments and would wish to comment further at reserved matters stage 10/12/15

Derbyshire County Council Flood Risk Management Team - Object in the absence of any information to demonstrate that sustainable drainage systems have been considered 15/12/15. Consider revisions are acceptable subject to condition and advisory note 20/4/16.

NHS England – No S106 contributions required 21/12/15

DCC (Highways) – No objections subject to condition and advisory note 5/1/16.

Derbyshire Wildlife Trust - further information will be needed to demonstrate the current level of biodiversity on the site, the potential impacts of the development on biodiversity and, where necessary, mitigation for such impacts where they are identified. 7/1/16. 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. Additional mitigation or a contribution to be used for the enhancement or creation of habitats of biodiversity value elsewhere within the locality is required. 4/3/16.

Generally repeat advice summarised above 18/4/16

Derbyshire County Council (Developer Contributions) – Seeking a financial contribution of £34,197.03 towards a primary phase education for Clowne, along with recommended advisory notes 15/2/16

Environmental Health Officer – No objections subject to condition regarding identification and where necessary mitigation of any contamination 7/3/16

PUBLICITY By press advert, site notice and 7 neighbour letters. No representations have been received.

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 915m of leisure facilities and potential employment opportunities at the Arc, a children's nursery (960m), a public house is (775m), Primary School (929m), local facilities in the town centre (1000m) and a supermarket (1050m). 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 800m, 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 1050m 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 Issues:

Layout is a reserved matter although a detailed layout plan has been provided showing how access can be achieved and a potential arrangement of 15 dwellings and garaging. The submitted layout is only indicative at this stage. The Council's Urban Design Officer has noted some concerns in respect of the submitted detail in respect of the relationship of dwellings to the proposed street, parking dominated streetscenes, boundary treatments, absence of SuDS drainage (that could impact on the deliverable number of dwellings) and connectivity to adjacent sites (proposed footpath links do not meet approved alignments on adjacent sites).

As this is an outline application these are issues that can be considered in more detail at reserved matters stage. In this respect the agent has agreed to the removal of a specified number of houses from the application description to enable the final number of dwellings to be determined at reserved matters stage, based on layout, design and biodiversity considerations (see later discussion on biodiversity). However, as the development is proposed to be a serviced self-build scheme, the Urban Design Officer has recommended that a condition be included in any consent to require a detailed design code. This would be required to ensure that the development achieves a co-ordinated and coherent approach to its character and appearance.

Given that this scheme is intended as a self-build development, it is important that key infrastructure for essential utilities (drainage, water, power etc) are delivered so that each plot is provided with its necessary core infrastructure at an appropriate time. It is considered that a condition relating to the timing of such provision ahead would be reasonable in this respect.

Subject to a conditions regarding the design code and infrastructure delivery, along with an advisory note to accompany this in term of its content, it is considered that there is the potential for a suitably designed scheme to be delivered on this site.

Residential Amenity

As advised above, as this is an outline planning application design and layout is a reserved matter. On this basis it would need to be demonstrated that any scheme would satisfy the Council's normal requirements in terms of delivering suitable levels of privacy and amenity for neighbouring residents and an advice note drawing attention to the Council's Adopted Design Guide 'Successful Places' is proposed. On this basis it is considered that a scheme can be designed at Reserved matters stage that would satisfy the requirements of policy GEN2 (Impact of Development on the Environment) in this regard.

Highway Safety

In terms of highway safety, the proposed access position is not a reserved matter and as such, this detail needs to be considered for formal determination despite the outline status of the planning application. In this respect, the Highway Authority has advised that the access is acceptable provided that a condition is appended to any consent given relating to the provision of the access design with appropriate visibility splays; that Authority has also recommended an advisory note regarding driveway surfacing. The recommended condition is considered reasonable in the interests of highway safety, such that the proposal is considered to satisfy highway safety objectives in Local Plan policies.

Landscape and Visual Impacts

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.

In terms of archaeology, the archaeologist has advised that investigations were undertaken in connection with the extensive housing site to the west and south. This process of evaluation concluded that there were no significant archaeological remains in the area running north of Congreave House and west of Sterry House Farm. Although the current proposal site was not part of this exercise, he recommends that its conclusions are still pertinent - suggesting strongly that the current site has low to minimal archaeological potential and recommends that there is no need to place an archaeological requirement on the applicant.

In view of the above, there are no adverse impacts on heritage interests expected.

Drainage

Further information has been submitted to address initial concerns of Derbyshire County Council's Flood Risk Management Team that is now satisfied that, subject to conditions for approval of a final drainage scheme, the proposal is considered to be acceptable in this respect.

Potential Ground Contamination

The Applicant has provided a site investigation report. The Environmental Health Officer has referred to activities on the adjacent High Ash Farm site, in particular a fire on that site, which gives potential for contamination migration from that to the planning application site. The submitted study recommends further investigations that the Environmental Health Officer agrees with and recommends the inclusion of a suitable condition to require this as well as suitable mitigation, should it prove necessary. The inclusion of such a condition is considered to be necessary to ensure that the proposal accords with the requirements of GEN4 (Development on Contaminated Land) refers.

Ecology -

The Derbyshire Wildlife Trust has advised that in its opinion the development will result in an overall net loss of biodiversity, but this is disputed by the applicant's ecology consultant. The Derbyshire Wildlife Trust bases its position on the loss of 15 trees, loss of sections of hedgerow, entire loss of grassland, with no areas of open space or buffers to existing features

proposed, but note that native planting, bat and bird boxes are proposed; it also raises concern about impact on Brown Hare that has been historically noted in the wider area.

In response to the issue of Brown Hare, the applicant's consultant has acknowledged the present of Brown Hare in the locality, albeit not on this site. In addition, the site is now largely isolated from other habitats suitable for Brown Hare due to adjoining developments. The disturbance resulting from these ongoing development works immediately adjacent to the site boundaries is considered to further reduce the suitability of the site for use by Brown Hare and their presence on site is considered highly unlikely. 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 such that the consultants view on this is accepted.

In terms of other potential impacts, the submitted layout plan is only indicative, but does not appear to respond positively to the retention of features of biodiversity interest, with the proposed loss of 15 trees and parts of hedgerows, in part due to the close proximity of dwellings, along with the retained hedgerows being located within private garden areas, where pressure to remove the hedgerows from future residents may be evident. Whilst it is noted that the apple trees on site are over mature with a limited life expectancy (albeit it is stated that some could be retained within gardens), the sole justification for the loss of three mature hedgerow trees, along with the removal of some sections of hedgerow, is due to the proximity of proposed dwellings on the indicative layout plan. Given this is an outline planning application and the plan is indicative, it is not considered that this represents a robust justification for the loss of those trees that add to the overall biodiversity interest of the site.

As an indicative layout there will be scope to adjust the layout to maximise retention of additional areas and better relate proposed dwellings to those that are retained. Biodiversity enhancements can be secured by conditions and advisory notes can be included to inform any submissions under such conditions. In this respect, the agent has agreed to remove a specified number of dwellings from the application description to provide greater flexibility at reserved matters stage when this issue will have to be considered in more detail. It is considered that the loss of the trees and hedgerow (except to provide access connections) should not be permitted as part of any permission that may be issued, and conditions requiring a habitat management plan with additional details regarding hedgerows and tree retention and 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 in principle. That Authority has recommended a contribution of £34,197.03 based on 15 dwellings, but as the final number of dwellings is now a reserved matter, this will need to be expressed as a contribution of £2279.80 per dwelling.

The NHS has confirmed that there is no request for a health contribution.

The scale of the development is below that where leisure and open space requirements would be sought under policies HOU5 (Outdoor Recreation and Play Space Provision For New Housing Developments) and HOU6 (Affordable Housing).

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: It will be necessary to ensure that any reserved matters applications make appropriate provision for designing out crime.

Equalities: No known issues

Access for Disabled: No known issues

Trees (Preservation and Planting): See assessment

SSSI Impacts: N/A

Biodiversity: See assessment

Human Rights: No known issues

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 to cover education contributions;

B. Conditions deemed necessary including those set out below in précis form to be formulated in full by the Assistant Director of Planning.

Conditions

Standard outline conditions

Submission and approval of a design code prior to the submission of any reserved matters.

Means of delivering core infrastructure to ensure that an adoptable access road is achieved along with essential utilities (drainage, water, power etc) so that each plot is provided with its necessary core infrastructure at the appropriate time.

Notwithstanding submitted details, a revised habitat management plan with further consideration regarding the retention of hedgerows and hedgerow trees.

Approval of a SuDS surface water drainage scheme.

Contamination (identification and mitigation).

Vehicular access requirements.

Requirement for provision of pedestrian connections to adjoining sites.

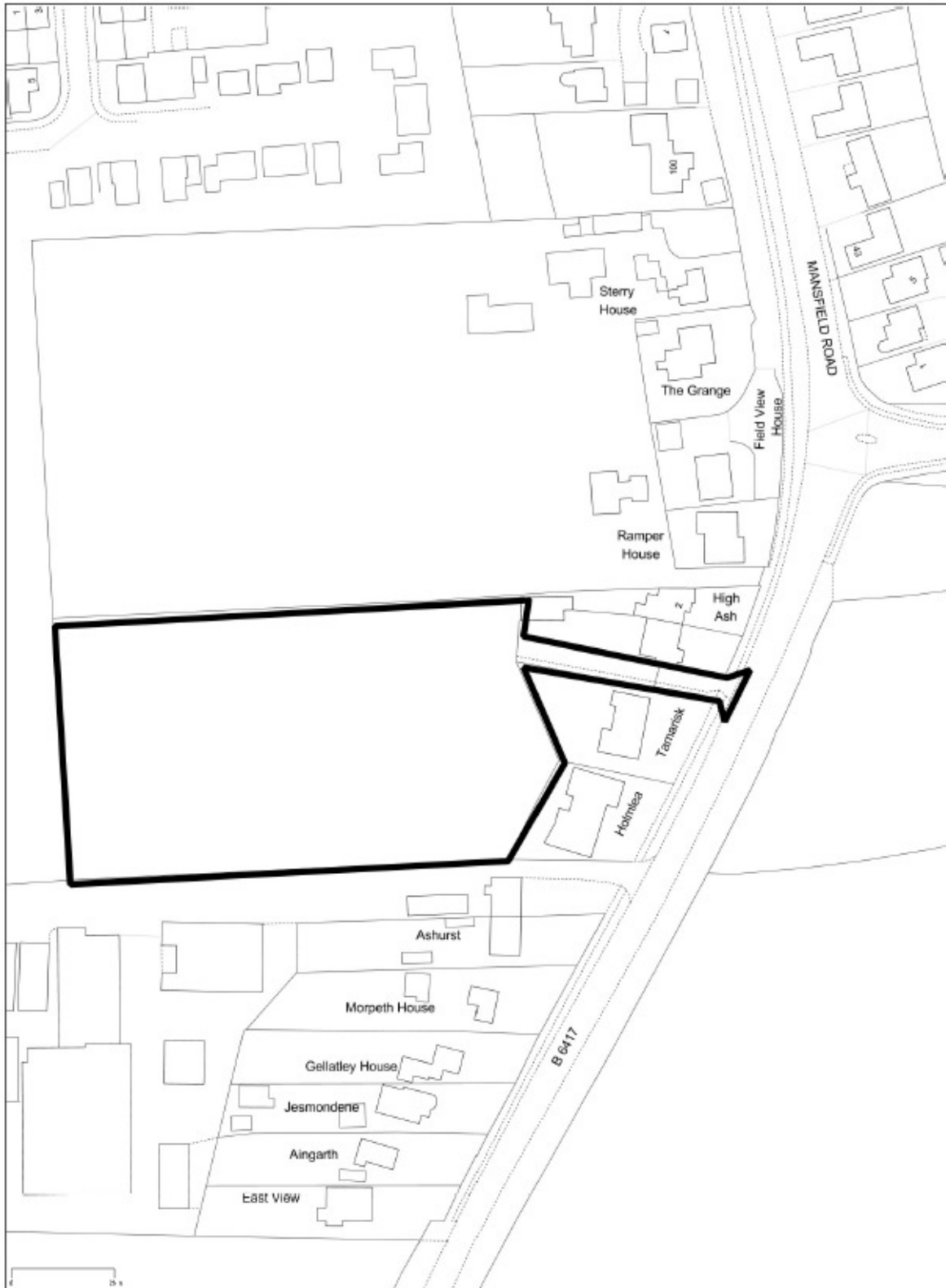
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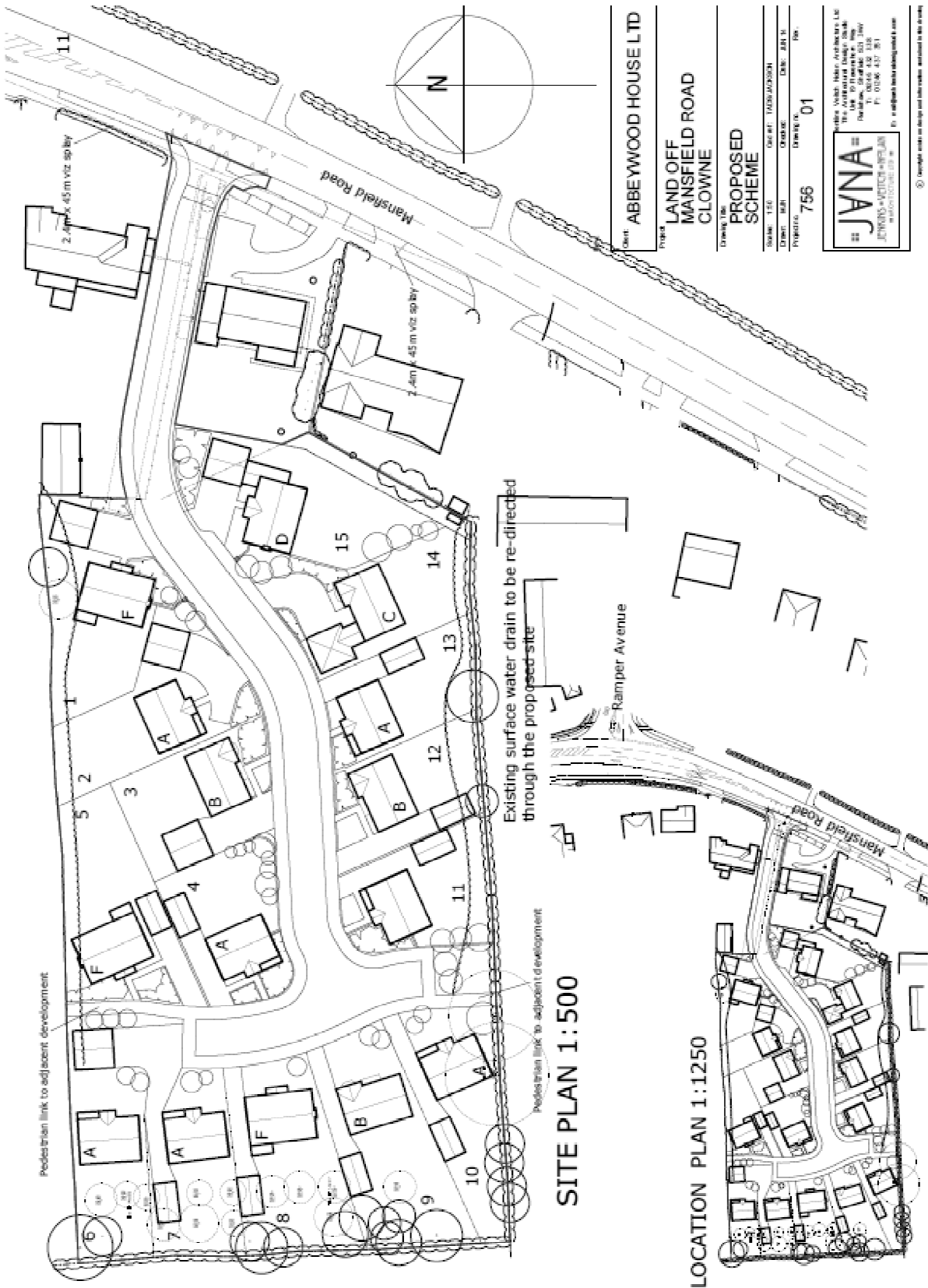
Design code content.

Habitat management and landscaping content.

Highways advisory notes.

Derbyshire County Council (Flood Risk Management) advisory notes.





SITE PLAN 1:500

LOCATION PLAN 1:1250

Client: **ABBEEWOOD HOUSE LTD**
 Project: **LAND OFF MANSFIELD ROAD CLOWINE**
 Drawing Title: **PROPOSED SCHEME**
 Scale: 1:500
 Date: 28/11/20
 Project No: 756
 Drawing No: 01

Drawn by: TADJACKSON
 Checked by: JRM
 Date: 28/11/20

JVANA
 JENNINGS + VOITCH + PEARSON
 ARCHITECTS LTD
 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100