

**PARISH** Hodthorpe and Belph

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**APPLICATION** Outline application (with all matters reserved) for new residential development (up to 95 dwellings) and B1 Business use units up to 1858sqm and including additional amenity space for Primary School and public open space.

**LOCATION** Land to the South of Allotment Gardens And West of Green Lane  
Hodthorpe

**APPLICANT** Mr Lee Johnson

**APPLICATION NO.** 15/00137/OUT

**CASE OFFICER** Mr Steve Phillipson

**DATE RECEIVED** 20th March 2015

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### **SITE**

Hodthorpe is a small settlement covering about 11.5ha in area comprising approximately 292 dwellings located to the east of Whitwell and southwest of Worksop.

The site is approximately 5ha of open agricultural land located adjacent to the south side of Hodthorpe. It is bounded between the hedgerow of Green Lane to the east and an access track to the west with an open boundary. There is agricultural land to both sides. The northern boundary is defined by the rear hedgerow boundaries of single storey dwellings on Queens Close, the grounds of the Primary School and a large area of allotment gardens. To the south lies Johnsons Coach yard and associated buildings and further agricultural land. The area is relatively flat with only a gentle slope down to the east. There are some distant open views to the south and east. There are power lines running along the northern and eastern boundaries.

### **PROPOSAL**

Outline application (with all matters reserved) for new residential development (up to 95 dwellings) and B1 Business use units up to 1858sqm and including additional amenity space for Primary School and public open space. Indicative layout is shown below.

The application is accompanied by the following reports:

Design and Access Statement  
Preliminary Ecological Appraisal  
Drainage Strategy  
Flood Risk Assessment  
Phase 1 ground investigation  
Utilities Report  
Transport Statement  
Travel Plan

The Applicant argues that: the Council does not have a 5 year housing supply and that the NPPF is the overriding material consideration with the presumption in favour of sustainable development; the now withdrawn Local Plan Strategy identified Hodthorpe as a location which could receive major growth demonstrating the sites suitability for residential development and sustainability credentials; the proposals are in compliance with the Council's guidelines to

assess the sustainability of sites; the site is deliverable and achievable, viable and available now with no known abnormal costs; the proposal will deliver new employment floorspace and will deliver between 38-58 new jobs; and there would be about 136 jobs during the construction period.

The Applicant says that the proposal seeks to create a new heart for the village, centred around the school with new amenity space providing a green lung and a focal point in tandem with viable employment uses to create economic activity.

They say that: the level of housing proposed is modest and is proportional with the social infrastructure; this proposal will make a significant and direct investment to Hodthorpe; this form of development optimises the sustainability of the village in terms of support for the local school and support for the new village shop, which is understood to be opening in the coming months.

With regards to developer contributions (S106 matters) the Applicant says that:-  
The proposals exceed the leisure requirements of policy HOU5 through the provision of amenity land for the school and new parkland and;  
They agree to enter a S106 obligation re the interim affordable housing policy regarding meeting the delivery targets for market housing and;  
The delivery of the proposed employment space can be secured through S106 obligation.



## **AMENDMENTS**

Addition information received regarding:

Transport Statement

Potential footpath connection options

Micro Drainage

Sustainability Statement:

The Applicant's sustainability statement submitted concludes that:-

The site performs well against the criteria set out in local plan policy TRA1 by providing a mixture of land uses and being close to bus stops on Queens Road.

The site performs well against the criteria set out in the Council's Guidelines to be used for assessment of applications for residential development when the Council does not have a five year supply of deliverable sites.

The site accords with the NPPF guidance on sustainable locations for new housing.

Consideration has been given to the provision of a pedestrian access to the north west of the site however it would be unviable to purchase the rights over the privately owned track.

Weight should be given to the benefits of the proposal including:

- Helping to improve the District's supply of deliverable housing sites and bring the figure closer to the required 5-year supply;
- Allocating a large part of the site as school amenity space to extend current facilities;
- Providing an additional pedestrian access point into the school from the proposed development via the new school amenity space, thereby reducing the number of cars parked on Queens Road at school dropping off and picking up times;
- Providing a substantial amount of public open space in the form of park land;
- Developing business start up units on site, thereby creating economic growth in a relatively rural part of the District and generating jobs for local people.

## **HISTORY (if relevant)**

No relevant history on the application site. However Committee Members will be aware that there are other residential development proposals permitted for Hodthorpe. These include outline planning permission for up to 101 dwellings at Birks Farm north of Hodthorpe 14/00518/OUT; and outline permission for 38 dwellings on the allotment site between Queens Road and the current application site 15/00354/OUT.

Planning permission for 100 dwellings (reduced from 160) to the east side of Green Lane 15/00006/OUT has recently been refused as it was not deemed to be a sustainable site nor a logical settlement extension and resulted in a loss of agricultural land. A revised proposal for 70 dwellings 15/00562/OUT on a reduced area of that site has also been refused.

## **CONSULTATIONS**

### DCC Planning Policy

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

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

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

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

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

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

#### BDC Planning Policy

05.08.15 Concludes that given the out-of-date nature of the adopted Bolsover District Local Plan and the absence of any new emerging policy the policy case is heavily governed by the NPPF and its presumption in favour of sustainable development and in particular given the published lack of a five-year supply.

However, from an assessment of this proposal, it is considered that the proposal is yet to demonstrate that it would represent sustainable development. Unsustainable development is contrary to the principles and policies of the NPPF and should not be supported unless other material considerations indicate otherwise. A decision to approve the application would not be supported from a policy perspective at this stage.

The Council only has a supply of approximately 3.3 years (as at 31.3.15). The Planning Committee at its meeting on the 11<sup>th</sup> February 2015 set out its guidelines that will be used in the assessment of new applications for residential development in situations when we do not have a five year supply of housing. These guidelines are a relevant material consideration to this proposal and are used below to assess:

- i) Whether the development is achievable and will actually contribute to the five year supply; and
- ii) Whether the site is suitable and will actually deliver sustainable development.

**1. Is it achievable (summary of key issues):**

There is no development partner at this stage;

The application is not accompanied by a viability appraisal to prove that development on the site is viable, although as a greenfield site with no obvious abnormal costs it is expected that this site should be able to financially contribute to the necessary improvements to infrastructure in the village;

The site is adjacent to the southern edge of Hodthorpe and would represent a substantial extension of the village in this direction. Considers that growth of the village in the southern direction would relate better to the existing village structure than to the north or east.

Based on the submitted information, it is not yet demonstrated that the development would form a well connected extension to the settlement framework.

No timetable for the development is provided.

As the application is being made on behalf of the landowner, rather than a developer, it is clear that there is support from the landowner. No known disputes over access rights.

There are no obvious physical / environmental / marketability constraints.

Based on this initial assessment it is considered that the proposal cannot yet demonstrate that it is achievable.

**2. Is the site suitable and will it actually deliver sustainable development (summary of key issues):**

The site is adjacent to the existing settlement framework;

The 77 bus service to Worksop and to Chesterfield stops along Queens Road approximately 200 metres from the Green Lane site entrance so the site is within the recommended walking distance (however the western half of the site is more than 400m walk).

Hodthorpe Primary School is within recommended walking distance approximately 400 metres away from the site entrances and approximately 150 metres from the mid-point of the site (in the event that access to the School could be provided from the site).

The Heritage School (Secondary) is not within the recommended 2000 metres walking distance. It is approximately 5,300 metres away.

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

The nearest local centre is in Whitwell, approximately 1,500 metres walking distance of the site which is further than the recommended 800m. The nearest town centres are in Worksop and Clowne, which are approximately 5,000 metres away.

In terms of proximity to key employment sites or local jobs the guidelines seek a distance within 2,000 metres walking distance of a major employment site or area of employment i.e. over 100 jobs. Worksop and Clowne town centres are approximately 5,500 metres distance of the site. Barlborough Links is approximately 6,500 metres away.

Based on this assessment the Planning Policy Team conclude that the site is not in a generally sustainable location given its distance from most of the social infrastructure needed such as the high school, shops and centres of employment.

#### Parish Council

14.05.15. No objections

#### DCC Highways

18.5.15 Whilst access is a reserved matter, it will be necessary to establish, at this stage, that a satisfactory means of access into the site can be achieved.

A Transport Statement has been submitted in support of the application. DCC seek clarification on a number of issues. They also advise that the Transport Statement discusses the site in the context of existing conditions from which it is noted that there is no street lighting or footways on Green Lane which is currently subject only to the national 60 mph speed limit. Whilst the Transport Statement includes pictures of the junctions of Green Lane with Queens Road and Station Road, it fails to acknowledge the substandard nature of both junctions in terms of emerging visibility or to offer any measures to overcome this. The proposals do include the construction of a 2.0 metre wide footway on Green Lane.

The accident records provided do not suggest a significant road safety problem in the area. However, the source or area of their consideration has not been provided.

The Transport Statement or Transportation Assessment should set out how the site relates to existing and future local emerging plan policies, provide a clear rationale for trip distribution, future year assessment, expand the site spatial relationship i.e. set out how this site would be in a location which is within sufficient range of local facilities and is linked to sufficient infrastructure to allow short trips to be made by walk and cycle modes and public transport services and complementary land uses (local facilities). The Transportation Assessment will also need to take account of committed development and include appropriate appendixes showing layouts capacity assessments diagrammatic derivation of traffic flows and traffic assignments, distribution etc.

24.11.15 Further comments following reconsultation on the revised Transport Statement submitted. The Highway Authority advises that there is no doubt that a suitable junction can be formed to the public highway, the concerns relate to the impact on the existing highway. In my letter I stated that there was no information about trip distribution – the TA refers to a 50/50 split but with no justification for this assertion and, again, claims that any “.....increase in traffic would be “neither material nor significant and would not be discernible from any daily fluctuation in flows.....” without existing traffic data to justify this conclusion.

As previously stated, the Highway Authority’s main concern relates to an increase in the number of vehicle movements at the substandard junctions at each end of Green Lane. No reference is made to measures to mitigate the impact of the additional traffic.

18.04.16 I refer to the additional comments submitted which indicates the anticipated peak time traffic flows generated by the proposed development, although it is unclear whether the proposed employment use was included. However, bearing in mind the existing light traffic flows on Green Lane, it is considered that the proposed development would result in a significant increase in the traffic using the route, a route which has junctions at both ends – with Station Road and with Queens Road//Broad Lane, which are substandard in terms of

visibility. The applicant does not control land nor is land available within existing highway limits to overcome this.

The Highway Authority, therefore, **recommends refusal** of the proposal on the grounds that approval would result in the introduction of a significant number of additional vehicular movements at the junctions of Green Lane and Station Road and Green Lane and Queens Road/Broad Lane where, in both cases, visibility is significantly below current standards to the detriment to highway safety.

10.11.15 Comments in response to a suggested option of a public footpath route between the application site and Queens Road running through the school grounds:

DCC has concerns. It would introduce a potential for conflict with vehicles accessing the site and pedestrians using the footpath and secondly, a number of car parking spaces within the site would be lost. Whilst there may be additional spaces provided on the adjacent allotment development, this applicant cannot rely on that and, to access the proposed additional spaces, drivers would have to cross the footpath.

29.05.15 Further comments from DCC Highways relating to the submitted Travel Plan.

The Travel Plan in its current form lacks:

A site audit. This should detail the existing sustainable travel provision in the vicinity of the site, including public transport services and facilities, walking and cycling infrastructure, greenways and other networks, links from the development, and any other pertinent local information.

An action plan. A SMART outline of actions and initiatives pertinent to the residential and employment elements of the site.

Whilst acknowledging the interim nature of the document, these are essential elements which should be incorporated into any plan.

Also various recommendations are made on specific elements to consider. These include:

- A pedestrian / cycle link directly northward from the development into Hodthorpe village.
- A pedestrian link directly from the residential development to Hodthorpe Primary School, pending consultation with the school.
- A pedestrian walkway from the development northwards along the western side of Green Lane to link into existing provision at the Queens Road / Broad Place junction.

#### DC Archaeologist

27.04.15. There are numerous entries on the Derbyshire Historic Environment Record for finds of prehistoric flintwork in the fields north and north-east of Hodthorpe (HER 15126, 15141-15145 and 15149). These records refer to significant quantities of material – not just the odd stray find – including artefacts of probable Neolithic-Bronze Age date. It seems therefore that there is a focus of prehistoric activity in the area, which may extend to the current proposal site. In addition, there are two recorded finds of Roman coins from the field immediately to the south-east of the proposal site, and three finds of Roman broaches further again to the east (Portable Antiquities Scheme records), which may suggest a Roman settlement site in the area.

The site therefore has archaeological potential and is therefore subject to the policies at NPPF chapter 12. In particular, NPPF para 128 requires applicants to establish the

significance of heritage assets within the site. In this case it will be necessary for the applicants to submit the results of archaeological field evaluation, which should comprise geophysical survey in the first instance, with trial trenching if indicated by the geophysics results.

Once this information has submitted I should be re-consulted on the application. In the meantime I maintain a holding objection on grounds on non-compliance with NPPF para 128.

Environmental Health Officer

5.6.15. I have reviewed the consultation documents and would agree with the conclusions of the Phase 1 report that a further intrusive investigation is required due to the existing agricultural use and the adjacent coach depot. We would therefore recommend that a condition be applied requiring an investigation for potential ground contamination.

Noise: Although the application is adjacent to a coach depot and some light industrial units are proposed, no information regarding noise has been provided with the application to demonstrate that the proposed residents will not be affected by the commercial activities. We would therefore recommend that the following condition:

No occupation until an assessment of sound has been undertaken and a scheme specifying the provisions to be made for the control of sound emanating from the commercial development and the adjacent coach business has been submitted to and approved by the LPA, implementation and validation.

Urban Design Officer

25.6.15 At this stage the application is entirely in outline with all matters reserved. As such there is no objection to the proposal on design grounds. However based upon the indicative Site Layout drawing, the applicant should be advised that the proposals would not be acceptable in terms of a number of urban design considerations. Any future reserved matters application would need to address the issues identified in his response in accordance with the NPPF, NPPG and guidance contained within the Successful Places Interim SPD (2013).

Noting that Green Lane would need to be widened if planning permission is granted and a 2m wide footway provided; the Urban Design Officer has also expressed concern about the impact on the rural character of the Lane and the potential loss of hedgerow.

Crime Prevention Design Advisor

5.5.15. No comments.

Natural England

12.05.15 No comments.

Derbyshire Wildlife Trust

19.5.15 The proposed enhancement measures are welcomed.

The report states that the eastern and northern hedgerows are strong linear features and are likely to be used by foraging bats. If these can be retained then no further bat activity surveys will be required. However the indicative site layout plan shows that the central section of the northern hedgerow will be removed to create access to the new proposed school amenity space. Access between the school and the amenity space should be reduced substantially to



a maximum of 3m for pedestrian access and for access with a machine for grass cutting. If this can be agreed and new hedgerow planting can be undertaken around the proposed school amenity space, then it is considered that further bat surveys will not be required.

No specific surveys to determine the species of birds that are using the site for breeding have been undertaken. The site may provide suitable habitat for ground nesting species such as skylark and the proposed development would result in a loss of breeding habitat for this species. It is considered that the application as submitted is not accompanied by sufficient information in order to demonstrate the presence or otherwise of protected species (breeding birds) and the extent that they may be affected by the proposed development. This should be provided prior to determination to establish the value of the site and to enable appropriate mitigation and compensation and enhancement measures to be put forward. Should the Council be minded to grant permission for this development conditions are recommended: No works shall take place until an ecological enhancement and management plan and a lighting strategy have been submitted and approved in writing by the LPA.

#### DCC Flood Risk Management

Recommends conditions in the event that permission is granted:

A detailed design and associated management and maintenance plan of surface water drainage for the site be approved.

Submission of a detailed assessment to demonstrate that the proposed destination for surface water accords with the hierarchy in Approved Document Part H of the Building Regulations 2000.

#### Environment Agency

23.04.15 No objections.

Note that "Given the lack of dilution in the waterbody for treated sewage effluent discharges, we would prefer surface water to be discharged into the nearby water course, the Walling Brook. This would need to follow the necessary attenuation and permissions from Severn Trent Water Ltd for the discharge to the local surface water sewer."

#### Severn Trent Water

13.5.15. No objections subject to the approval of surface and foul water drainage details.

#### Head Teacher (Primary School)

9.11.15 Comments are a response to a suggested option of a public footpath route between the application site and Queens Road running through the school grounds. The Head Teacher has serious concerns about the pathway, as follows:-

The proposed path would take land from the Early Years playground (field).

The proposed path would take land from our car park, which is already too small.

If the assumption is that staff would use the proposed amenity space instead, there would be a long detour to access it.

The path's exit onto Queens Drive would narrow the car park exit, which is already a hazard due to the concealed nature caused by the stone wall.

We would object strongly to the path being used as a "cut through" by the public, which could be a safeguarding issue – there is no indication of fencing.

The pathway from the Queens Road end would not be a suitable approach for parents and children due to the need to walk alongside the car park.

26.11.15 Reports that the Governors noted the proposed footpath through the school grounds to Queens Road, Governors expressed their concerns for the security and safeguarding of the children and agreed this would not be an acceptable situation. Approval of DCC as landowner would be necessary.

#### Chair of Governors

27.11.15 Object to any requirement for a path through the school grounds for security reasons. There are better alternative routes.

#### DCC Infrastructure

14.05.15 Both normal area schools would have sufficient capacity to accommodate the anticipated additional pupils arising from the proposed development. Therefore the County Council is not requesting a financial contribution towards school places from this proposal. However, the County Council can advise Bolsover District Council that should both this application and application 15/00006/OUT be granted planning permission, the normal area primary school would not have sufficient capacity to accommodate all of the pupils arising from both developments. Therefore Bolsover District Council may wish to consider the potential cumulative impact of the total level of growth currently being proposed in this area on primary places.

*(A more up to date response from DCC (education) was received for application 15/00562/OUT at Hall Leys Farm dated 27.11.15 when DCC estimated a surplus of 42 school places. This equates to enough primary school capacity for an additional 210 dwellings in total for Hodthorpe. So far 139 have been approved. If this proposal were to be approved the total number of dwellings approved would be 234).*

The County Council requests that an advisory note be attached to any planning permission that suggests that the developer makes separate enquiries with broadband providers and ensures that future occupants have access to sustainable communications infrastructure. New residential development should incorporate a 32mm mains water riser which will enable the installation of domestic sprinkler systems, and ideally should incorporate the sprinkler systems themselves.

#### Arts Officer

Seeks 1% cost developer contribution for public art.

#### NHS PCT

20.04.15 The proposal would trigger the need to provide health related section 106 funding of £551 per dwelling based on 2.3 person occupancy. A development of this nature would result in increased service demand which would not be easily accommodated within existing primary care resources. The health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices.

The local practices are in the process of assessing the options available to them due to the significant amount of houses being proposed in the area. As the GP practices are independent contractors we must work to support them to identify a solution that does not destabilise the local health economy. Until all the options have been explored we are unable to give a definitive answer where the contribution will be spent however we will ensure that

the solution provides the best value for money for all parties.

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

## **PUBLICITY**

Advertised in the press and on site. 59 properties consulted. Two letters of objection received on grounds re:-

The Transport Statement doesn't take into account the additional traffic from other development proposals in Hodthorpe so the traffic will be substantially more.

Parked cars on Queens Road.

Impact of additional traffic on the bridge.

Green Lane is single width with no footpaths, dangerous for pedestrians.

Large No of bus movements on Green lane.

The site is not adjacent to the village and would be a separate development.

It does not integrate with the village and encourage community cohesion.

Would not be socially sustainable.

The area is subject to mining subsidence.

High levels of methane and radon gas would be a health risk.

The area is prone to severe flooding due to the water table.

## **POLICY**

### Bolsover District Local Plan (BDLP)

GEN 1 – Minimum Requirements for Development

GEN 2 – Impact of Development on the Environment

GEN 3 – Development Affected by Adverse Environmental Impacts from Existing or permitted Uses.

GEN4 – Development on Contaminated Land

GEN 5 – Land Drainage

GEN 6 – Sewerage and Sewage Disposal

GEN 8 – Settlement Frameworks

GEN 11 – Development Adjoining the Settlement Framework

GEN 17 – Public Art

HOU 5 – Outdoor Recreation and Play Space Provision for New Housing Development

HOU 6 – Affordable Housing. Also interim policy on Affordable.

HOU9 - Essential New Dwellings in the Countryside

CLT9 – Protection of Existing Allotments

TRA 1 – Location of New Development

CON13 – Archaeological Sites

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

ENV 3 – Development in the Countryside

ENV5 - Nature Conservation Interests

ENV8 – Development Affecting Trees and Hedgerows

### National Planning Policy Framework

Paragraph 14 – *advises that permission should be granted for sustainable development.*

*Where the development plan policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework.*

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

Paragraph 17 states that planning should: *“actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable...;”*

Paragraph 34 states that:- *“Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.”*

Paragraph 112 should take account of economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is found to be necessary, should seek to use lower grade areas in preference.

Paragraph 7 *“There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:*

- *an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time 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 generations; 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; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”*

#### Other

Guidelines to be used for assessment of applications for residential development when the Council does not have a five year supply of deliverable sites (approved in February 2015)

The adopted Green Space Strategy states that each settlement should have 2.4 ha of Formal Green Space and 1.2 hectares of Semi Natural space per 1000 population.

Hodthorpe is under provided in terms of formal green space with 1.7 ha per 1,000 population and no provision at all of semi-natural green space.

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

## **ASSESSMENT**

### **The Principle of Development**

The applicant makes reference to the former proposed policy of major growth in Hodthorpe. This was contained within the now withdrawn Local Plan Strategy. This former policy steer towards growth in Hodthorpe is no longer a material planning consideration and it may not represent the direction the Council chooses to pursue within the Local Plan for Bolsover District. Therefore, at this stage in the plan making process, the Council has no emerging spatial strategy or emerging policy documents to point to or give weight to in decision taking.

With regard to relevant policy which must be taken into account, the site lies outside the settlement framework as defined in the now aging Bolsover District Local Plan (2000). Therefore saved countryside protection policies ENV3 and HOU9 apply which do not normally allow residential development except in special circumstances. HOU9 can permit dwellings for agricultural workers but this is not relevant here. To accord with policy ENV3 development outside the settlement framework must be necessary (for example to house an agricultural worker), or it must result in a significant improvement to the rural environment, or it must benefit the local community through the reclamation or reuse of land. Notwithstanding the proposed provision of school amenity space (the merits of which are considered later in this report), it is considered that the proposal does not meet these criteria and the proposal is contrary to these countryside protection policies and approval would be a departure to the development plan.

Despite the policy conflict, Bolsover District Council is currently experiencing a shortfall in its 5 year supply of housing (3.3 years when last calculated 31.3.15). 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. The application is not accompanied by a viability appraisal to prove that development on the site is viable, although as a greenfield site with no obvious abnormal costs it is expected that this site should be able to financially contribute to the necessary developer contributions to address additional demands on social infrastructure. Hence there is no reason at this stage to conclude that, at least the residential element of the proposal will not be deliverable (but see later regarding the proposed business units).

However the main issue to consider in this case is whether or not the proposal would result in sustainable development. Unsustainable development is contrary to the principles and policies of the NPPF and should not be supported unless other material considerations indicate otherwise.

There are concerns that Hodthorpe Village is not the most sustainable location given its small size and relatively remote location and the distance from most of the social infrastructure needed such as the high school, shops and major centres of employment and that development would result in increased reliance on the private car (See conclusions of the BDC Planning Policy Team above in “Consultations”).

However, the Planning Committee’s recent decisions on applications 14/00518/OUT for 101 dwellings proposed North of Hodthorpe and application 15/00354/OUT for 38 dwellings on the allotment site are material considerations in terms of consistent decision making. Since those applications were not refused, Planning Committee has taken the view that a large urban extension elsewhere in Hodthorpe is capable of being “sustainable development”. It follows that the Council does not consider Hodthorpe, as a settlement, to be unsustainable as such. However as was recognised for those applications that the sustainability of Hodthorpe as a location for major expansion is marginal. With regard to the cumulative total of proposed dwellings in Hodthorpe; so far outline planning permission has been granted for 139 dwellings. The Primary School has capacity to deal with this quantity of dwellings. However with the addition of a further 95 dwellings from the current application, the school capacity would be exceeded slightly and so the efficiency justification and sustainability benefits of taking up the spare school capacity does not apply to the same degree as it did for the first two proposals to be considered.

Furthermore County Planning Policy advice is that that the totality of the proposed housing developments, to provide for up to 255 new dwellings (*as was then being considered, the current total is 234 including this site which equates to an 80% expansion in the number of dwellings in Hodthorpe*), would be disproportionately large in comparison with the scale, role and function of the settlement of Hodthorpe. It may result in social integration difficulties for a small settlement to absorb such a large expansion of residents. The settlement is limited in scale and extent with a relatively small population and has very few existing services and facilities, which would be available to serve the sizeable number of new residents. This would be unlikely to provide for a sustainable pattern of development.

A Planning Inspectors conclusions in a recent appeal decision in Huntley Gloucestershire (APP/P1615/w/15/3136129 ) supports the view that it would not be sustainable development to add significantly to a village with few services and facilities. In that case the similarly sized village in fact had more facilities than Hodthorpe and the number of dwellings proposed was fewer but it was deemed not to be a sustainable development(although it is noted that there was a better position on the 5 year supply issue- closer to achieving 5 year supply- as part of the balance of issues).

With regard to this site in particular, it is considered that in principle the general spatial location of this proposed settlement extension to the south side of Hodthorpe appears to be reasonable. It would balance up the amount of development either side of the main road (Queens Road). However there is no reasonable prospect of any direct pedestrian link from the site northwards to Queens Road other than via the main vehicular access indicated to Green Lane at the east side of the site and the village. Whilst a new footpath could be required by condition along Green Lane to the east side there are no other options available to better integrate the site with Hodthorpe. Options have been explored including a route

linking to the track on the western boundary and through the allotment site (discounted by the Applicant for cost/viability reasons) and also through the Primary School grounds which is not considered suitable for a number of reasons including child safeguarding issues (see Consultations above).

Good pedestrian access from all parts of the application site to Hodthorpe and then Whitwell are reliant on the provision of a direct pedestrian footpath link to Queens Road. The available options for a link have been considered but none have proved feasible. This substantially reduces the connectivity of the site and the ability to integrate the development with the existing settlement. Without a link, preferably from the western side of the site, the proposal would effectively create a large cul-de-sac that would be adjacent to but disconnected from Hodthorpe. This would substantially increase the walking distances to facilities within the village, thereby reducing the inclination to walk or cycle and adversely impacting upon the sustainability credentials of the development as a whole. For example the Queens Road Recreation ground is directly adjacent to the west end of the site but without a direct pedestrian link it would be a 1000m walk from the western end of the site. Walking distance to shops at Whitwell or the train station would be similarly increased. As a result it is considered that the proposal would not accord with aspects of paragraph 17 of the NPPF (see policy above) or policy TRA1 of the Local Plan especially point 3.

Committee members will recall that a similar issue applies to the Birks Farm site to the north side of Hodthorpe. The committee report for that site stated that:

*“If the Panning Committee is minded to grant planning permission it is considered to be essential, on sustainability grounds, that a condition is applied to the permission requiring at least one of these pedestrian links to be available before any other development commences.”*

On that proposal the relevant landowner (The Council) has agreed to negotiate with the Applicant to provide a pedestrian link and so there is a reasonable prospect that a planning condition requiring a footpath link can be complied with. However the Applicant for the current proposal has already explored the options and has not been able to identify a footpath link which has a realistic prospect of being delivered. Hence it would not be appropriate to apply a planning condition which could never be complied with and the sustainability of the development remains compromised.

A further issue of principle is that this site, indeed all land around Hodthorpe is on higher grade agricultural land (grade 2). Policy ENV 2 of the local plan will not allow development which involves the loss of grades 1, 2 and 3 agricultural land unless there is a strong need to develop the particular site which overrides the national need to protect such land. The NPPF presumption in favour of sustainable housing applications where the Council does not have a five year supply of deliverable housing is capable of being a material consideration which overrides this policy. This requires a balanced judgement, which will be influenced by whether the site is considered to be sustainable development.

The NPPF advises at para' 112 that “Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”

It is considered that development on this site could only be deemed to be necessary (as required in the NPPF) provided that: the development is deemed to be sustainable, deliverable, it would contribute to the 5 year supply and provided that the Council is satisfied that a proportion of the housing land it needs to obtain a 5 year supply must be developed on grade 2 land owing to a lack of available brownfield and other lower grade agricultural land. Whilst the local plan preferred options and sites allocations are yet to be established, it is likely that some of the allocations (e.g. the strategic Bolsover North site) will be on grade 2 land given the extensive areas that achieve this grade on the Farmlands Plateau land. The Council currently does not have a five year supply of deliverable housing and so considerable weight must be given to granting consent on a site if it is considered to be sustainable. The sustainability of this site is considered to be poor.

Given that the sustainability of Hodthorpe as a location for major expansion is marginal, and that this proposal cannot deliver the links necessary to properly integrate the development with the village and its facilities, that significant residential expansion proposals have already been permitted in Hodthorpe and that it would result in a further loss of high grade agricultural land, it is considered that the proposal would not result in a sustainable form of development and that it does not accord with NPPF policy and so should be refused.

The proposed benefits of the scheme are noted. These are listed above in the proposal/amendments sections and can potentially add to the sustainability of the proposal. In addition to the supply of additional housing they include, amongst other things, the gifting of an area of land to the School as additional amenity space (see indicative layout plan above) and 1858sqm of B1 business employment floor space with associated social and economic benefits.

The gifting of land to the School could reasonably be required by S106 obligation on the basis that the proposal would result in a capacity shortage of school places and the land offered could be seen as the Applicants' contribution towards that expansion. Hence the obligation is likely to meet the tests in the CIL regulations.

Whilst the proposed business units would be a benefit if they can be delivered, it is considered that the weight which can be given to them in the balance of issues is limited. This is because the Council does not have a policy to require their provision and neither would these obligations pass the tests in the CIL regulations because they are not strictly *necessary to make the development acceptable in planning terms*. Hence in the event that the applicant/developer decided in the future not to honour this undertaking for viability reasons, the Council would not be able to enforce their provision. It should also be noted that no supporting evidence of demand for employment units at in this location or on market viability has been provided. Under these circumstances there can be no certainty that the business units would ever be built and therefore little weight can be given to this element of the proposal.

The Applicant also lists as a benefit *"Providing an additional pedestrian access point into the school from the proposed development via the new school amenity space, thereby reducing the number of cars parked on Queens Road at school dropping off and picking up times."* It is considered that a direct pedestrian route to the school from the development (not a through route) would be beneficial in terms of a direct footpath link to the school and so would



add to the sustainability of the proposal if this access can be agreed with the School and the Education Authority. However it is probable that such an access would primarily serve the residents of the application site rather than relieving existing parking pressures on Queens Road at drop off/pick up times given the extra distance involved. Hence the proposal is unlikely to result in a reduction in parking on Queens Road although it might stop it getting any worse as result of this proposal.

Having regard to these benefits however it is considered that on balance the benefits do not overcome the policy conflict outlined above and that the proposal would not result in sustainable development.

## **Other Matters**

### Archaeology

The DC Archaeologist advises that there has been significant archaeological finds in the area in the past and that the site therefore has archaeological potential and is subject to the policies at NPPF chapter 12. In particular, NPPF para 128 requires applicants to establish the significance of heritage assets within the site. He advises in this case that it will be necessary for the applicants to submit the results of archaeological field evaluation, which should comprise geophysical survey in the first instance, with trial trenching if indicated by the geophysics results. The DC Archaeologist maintains a holding objection in the mean time.

The Applicant has been asked to provide a geophysical survey but at the time (01.07.15) said that they did not think it is possible to do the geophysical survey with the field under the current crop. The Applicant suggest that a condition be applied requiring the work to be done at reserved matters stage.

Given the significant archaeological potential in this case (see Consultations above) it is considered that further archaeological investigation is required in this instance before a final decision to approve could be made. Without appropriate archaeological appraisal, approval would be contrary to policy CON13 of the local plan and the NPPF.

However, given the uncertainty over the sustainability and acceptability of this proposal as a matter of principle and to avoid the potentially abortive cost to the Applicant of undertaking an archaeological investigation only to find that permission is refused for other reasons, it is considered that if the Committee is minded to support the application it should be deferred until an archaeological field evaluation has been completed and until the DC Archaeologist has been reconsulted on its findings (a deferral pending completion of a S106 obligation would be required in any event so both matters could be dealt with at the same time).

If permission is refused then the absence of an archaeological field evaluation would be a reason for refusal.

### Highways

Following the submission of further transport information the County Highway Authority advise that permission should be refused because approval of the application would result in the introduction of a significant number of additional vehicular movements at the junctions of Green Lane and Station Road and Green Lane and Queens Road/Broad Lane where, in both

cases, visibility is significantly below current standards to the detriment to highway safety. The applicant does not control land necessary nor is land available within existing highway limits to overcome this. Approval would therefore be contrary to policies GEN (3) and GEN2 (4) of the Bolsover District Local Plan.

#### Ecology

See above. No significant impacts anticipated subject to appropriate conditions and mitigation works.

#### Drainage

No significant impacts anticipated subject to appropriate conditions.

#### Noise

It is noted from the indicative layout plan that the B1 use (office/light industry etc) buildings proposed are likely to be used in part to form an intervening use separating the proposed residential dwellings and the existing coach depot which might generate noise. However this might not, by itself, be sufficient to deal with potential noise nuisance.

To safeguard against potential noise complaints from new residents about the adjacent coach depot business a condition would need to be attached to any permission which is granted requiring an assessment of sound to be undertaken and a scheme specifying the provisions to be made for the control of sound prior to submission of reserved matters. (To accord with policy GEN3 of the local plan).

By definition the B1 building use proposed on site should not cause any undue noise or nuisance at adjacent dwellings.

#### Urban Design

Appearance, layout, scale and landscaping are reserved matters and will need to be considered when application for approval of those matters is sought at a later stage. The Urban Design Officer has identified a number of issues with the indicative layout plan which will need to be addressed during the design of the reserved matters proposals. An advisory note to applicant can draw attention to this.

If planning permission is granted it is accepted that there will be an impact on the rural character of Green Lane as a result of highway widening and footpath provision. It is possible that there may also be a requirement to remove/replant a section of existing hedgerow on the west side of Green Lane. It is considered that these impacts are not so harmful as to justify the refusal of planning permission.

#### Social Infrastructure and S106

Approval of this proposal added to the other recently approved sites in Hodthorpe is predicted to result in the capacity of the primary school being exceeded by 5 places. This is a relatively modest exceedance and it is considered that the additional land being offered for school use would compensate for this and also provide the potential to expand the school further in the future.

Provision is offered for, leisure and affordable housing at a reasonable level which can be

secured by S106. A condition could require a scheme of art work to be agreed and provided. The contribution sought by the NHS has not been agreed however the CCG/NHS has recently confirmed that the local GP practice has capacity to deal with this quantity of new dwellings within Hodthorpe.

The proposed B1 business use starter units to be secured through a S106 agreement have been dealt with above. An obligation covering this aspect is unlikely to be CIL compliant enforceable.

#### Other Matters

Conservation Area: N/A

Crime and Disorder: No significant issues

Equalities: No significant issues.

Access for Disabled: No significant issues.

Trees (Preservation and Planting): No significant issues

SSSI Impacts: See drainage consultations.

Human Rights: No significant issues.

#### **Conclusion**

Given that the sustainability of Hodthorpe as a location for major expansion is marginal, and that this proposal cannot deliver the links necessary to properly integrate the development with the village and its facilities, that significant residential expansion proposals have already been permitted in Hodthorpe and that it would result in a further loss of high grade agricultural land, it is considered that the proposal would not result in a sustainable form of development and that it does not accord with NPPF policy and so should be refused. Increased use of substandard highway junctions further reduces the acceptability of the proposal and permission should not be granted unless an adequate archaeological field evaluation has first been undertaken.

#### **RECOMMENDATION**

#### **Refuse**

1. The site lies outside the settlement framework as defined in the Bolsover District Local Plan (2000). Therefore saved countryside protection policies ENV3 and HOU9 apply which do not normally allow residential development in the countryside except in special circumstances which do not apply in this case. Approval would be a departure to the plan. Whilst the National Planning Policy Framework (NPPF) does allow sustainable development in the absence of a 5 year supply of housing and the Council does not have a district wide five year supply, this proposal would not result in a sustainable form of development. The development would lack the appropriate direct footpath and cycle links to facilitate adequate integration with the existing settlement and access to services and transport links. Approval would therefore be contrary to policy TRA1(3). Sufficient land has already been released to meet Hodthorpe's local housing supply needs and adding a further significant extension to the village would not result in a sustainable form of development given the limited services and facilities available in Hodthorpe. The site is also on high grade 2 agricultural land and it has not been demonstrated that there is a need to develop this particular site which overrides the national need to protect such land. Approval would therefore be contrary to saved policy ENV 2 of the Bolsover District Local Plan and to paragraph 112 of the NPPF.

2. Approval of the application would result in the introduction of a significant number of additional vehicular movements at the junctions of Green Lane and Station Road and Green Lane and Queens Road/Broad Lane where, in both cases, visibility is significantly below current standards to the detriment to highway safety. The applicant does not control land necessary nor is land available within existing highway limits to overcome this. Approval would therefore be contrary to policies GEN (3) and GEN2 (4) of the Bolsover District Local Plan.

3. There has been significant archaeological finds in the area in the past and the application site therefore has archaeological potential. NPPF paragraph 128 requires applicants to establish the significance of heritage assets within the site. This has not yet been undertaken. In this case it will be necessary to submit the results of archaeological field evaluation, which should comprise geophysical survey in the first instance, with trial trenching if indicated by the geophysics results. Approval of the proposal without appropriate archaeological investigation would be contrary to Policy CON13 of the Bolsover District Local Plan.

#### Notes

1. Reason 3 for refusal above could be addressed by undertaking an archaeological field evaluation, which should comprise geophysical survey in the first instance, with trial trenching if indicated by the geophysics results.

2. Based upon the indicative Site Layout Drawing, the Applicant is advised that the layout proposals would not be acceptable in terms of a number of urban design considerations. Any future detailed application would need to address the issues identified in the Urban Design Officers' response of 25.06.15 in accordance with the NPPF, NPPG and guidance contained within the Successful Places Interim SPD (2013).

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