

PARISH Clowne

APPLICATION Redevelopment of former car park and erection of nine dwelling houses with associated driveway and parking areas (as amended by revised plans received 13th April 2016)
LOCATION Car Park To The Rear Of The Church Hall Rectory Road Clowne
APPLICANT Mr Dan Stack 74 Friar Gate Derby Derbyshire DE1 1FN United Kingdom

APPLICATION NO. 16/00049/FUL **FILE NO.** PP-04807772
CASE OFFICER Mrs Karen Wake (Mon, Tues, Wed)
DATE RECEIVED 3rd February 2016

Delegated Application referred to Committee by: Development Control Manager
Reason: Departure from Local Plan

SITE

Former car park to the former college site which is currently closed off and overgrown. The site slopes down to towards the east with mature trees and hedges around the site boundaries. The site is accessed off Rectory Road by a driveway which also serves the mobility shop to the south of the site access. A public footpath runs adjacent to the northern site boundary with a large two storey dwelling in a large garden beyond. To the south of the site are two storey dwellings set higher than the site. To the east of the site, beyond the boundary trees is an area of grassland with a stream beyond. Beyond the stream the land slopes up steeply away from the site with a number of trees and the linear park beyond.

PROPOSAL

The application is a full application for the erection of nine dwellings accessed off a private drive. The dwellings are in the form of three pairs of three bedroom semi-detached dwellings and a block of three, two bedroom terraced properties. The proposal includes a private drive with access off it to the mobility shop car park and a turning head for service vehicles. Each of the three bed semi-detached properties has two spaces in line on a driveway to the side of the dwelling. The terraced properties have a parking/turning area to the front of the properties with two spaces for each dwelling.

AMENDMENTS

The parking area for the terraced properties was originally to the rear but has been moved to the front at the request of the urban design officer and the garden sizes for the properties increased where possible. The access road has also been widened and amended at the request of the Highway Authority and further ecological information submitted

HISTORY (if relevant)

None Relevant

CONSULTATIONS

DCC Archaeologist: The archaeological impacts of the proposal are minimal. There is no requirement for archaeological work under Policies in the NPPF: 22/2/2016

Environment Agency: No detailed comments to make: 16/2/2016

DCC Flood risk Management: No comments to make. Standing advice applies: 2/3/2016

DWT: No objections subject to conditions requiring no removal of vegetation which may be used by breeding birds between 1st March and 31st August unless a detailed ecological check for active birds' nests has first been carried out and details of this check submitted to the LPA for approval, prior to development an external lighting strategy has been submitted and approved and implemented on site and submission of a biodiversity enhancement scheme including bat and bird roosting and nesting opportunities and the approved scheme implemented on site: 3/3/2016

Parish Council: Expressed concern about impact of increased vehicular movement, increased on-street parking, recommend traffic impact survey, increased traffic flow at the access, recommend double yellow lines on Rectory Road, recommend adequate off-street parking provision, recommend consultation re: development on flood plain: 7/3/2016

DCC Highways: No objections subject to conditions relating to space provided on site for storage of materials, plant and construction machinery, provision of wheel washing facilities, access to be provided in accordance with amended plan and visibility splays from a point 2.4m back from the carriageway edge at the centre of the access to the extremities of the site frontage, parking and manoeuvring provided in accordance with the approved plan; access to Rectory Road be no steeper than 1 in 20 for the first 5m from the highway boundary and then 1 in 12 after that. Individual driveways shall not exceed a maximum longitudinal gradient of 1 in 14. Confirmed insufficient width available for an adoptable road and new guidance accepts 9 dwellings off a private drive: 17/3/2016

Urban Design Officer: The site is constrained by a number of issues which impact on the design of the proposal. Recommends relocating the parking area for the terraced properties to the front rather than the rear where it would be potentially vulnerable and this would allow the garden areas for these dwellings to be increased. Recommends increased garden sizes for plots 1-6 as well. Recommends an adoptable section of road and turning head is incorporated into the design to avoid an overly long private drive. Scale and design is in keeping with the character of the area, recommends conditions to ensure suitable materials and condition scheme of hard and soft landscaping: 8/4/2016

Environmental Health Contamination: Requires condition to request site investigation works along with mitigation where this is shown to be needed to address any contamination that may be identified: 25/4/2016

PUBLICITY

Site notice, press notice and 20 neighbours notified. No objections received

POLICY

Bolsover District Local Plan (BDLP) Policies

GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment), GEN4 (Development on Contaminated Land), GEN5 (Land Drainage),

GEN6 (Sewerage and Sewage Disposal), GEN8 (Settlement Frameworks), GEN11 (Development Adjoining the Settlement Framework Boundary), CON 4 (Development adjoining Conservation Areas) HOU9 (Essential New Dwellings In The Countryside), TRA1 (Location of New Development), ENV3 (Development in the Countryside)

National Planning Policy Framework The publication of the National Planning Policy Framework represents a significant change in the policy context.

Paragraph 214 states that: *“For 12 months from the day of publication, decision takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.”*

Paragraph 215 states that *“In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.”*

These two paragraphs mean that as the Bolsover Local Plan was prepared and adopted prior to 2004, that ‘due weight’ rather than ‘full weight’ should be attached to its policies.

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.”*

A core principle of the NPPF is to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Sustainable development is a balance of economic, social and environmental issues.

Other

Successful Places: A Guide to Sustainable Housing Layout and Design

ASSESSMENT

The main issues associated with this proposal are the principle of the redevelopment of this site for residential purposes, particularly considering its location outside of the settlement framework, the effects of the development on the character and appearance of the area, impacts on the amenities of neighbouring residents, impact on biodiversity interests and impact on highway safety.

The site lies outside of the settlement framework boundary. Policy GEN8 of the Bolsover District Local Plan states that outside settlement frameworks general open countryside policies apply.

Policy ENV3 (Development in the Countryside) states that outside settlement frameworks planning permission will only be granted for development which:

- 1) is necessary in such a location; or
- 2) is required for the exploitation of sources of renewable energy; or
- 3) would result in a significant improvement to the rural environment; or
- 4) would benefit the local community through the reclamation or re-use of land.

The proposal does not satisfy any of the criteria within that policy, although the site is currently hard surfaced and overgrown such that it could be argued that the proposal would improve the immediate environment (although this environment isn't considered rural but that environment would be improved just by tidying the site of overgrown vegetation). This is not considered to be sufficient justification to meet the criteria of Policy ENV 3 and the proposal is therefore considered to be contrary to that policy.

Policy HOU9 also relates to new houses in the countryside; and only supports new housing if it is required to meet a proven agricultural or forestry need. The policy is primarily aimed at proposals for individual dwellings, rather than estate developments; clearly a development of this scale could not all be for agriculture or forestry. It is considered that this policy is not applicable to this application and should not be given weight in the decision.

Whilst the policies for the protection of the countryside must be given due weight, regard needs to be had to the policies and guidance of the NPPF. The NPPF specifies that 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. The Council currently does not have a 5 year supply of housing. This means that the policies of the Local Plan have to be weighed up with those in the NPPF document that states that housing applications should be considered in the context of the presumption in favour of sustainable development and ensuring the provision of a five year supply of deliverable housing sites.

Whilst the site itself is bounded by development to three sides, its development would clearly extend into land to which the countryside policies apply. Whilst it contains no remarkable features and is hard surfaced, the site does contribute to the generally open character of this part of the settlement. However it has had an urban use (which could continue without permission) and shares boundaries with other gardens such that it would not be a prominent "tongue" of development.

The Planning Committee at its meeting on the 4th December 2013 set out 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. Therefore, these guidelines are a relevant material consideration to this proposal and the following is an assessment against those guidelines: -

Achievable	
<p>1) Does the application provide?</p> <p>a) an assessment which demonstrates that the site is available now, offers a suitable location for development now, and is achievable with a realistic prospect that housing will be delivered within five years.</p>	<p>The site is available now, as it has been purchased on the open market by Chevin Homes Ltd who are an established local house builder. The site is currently vacant, is in a suitable location for new housing</p>

<p>b) an assessment of how the proposals perform against relevant policies in the development plan.</p> <p>c) evidence that the proposed development would form a well connected extension to the settlement framework, would be compatible with the landscape character and settlement pattern of the area, would safeguard and enhance locally important features such as wildlife habitats, views, hedgerows, tree belts, etc. and would not create an abrupt or inappropriate new settlement edge that would detract from the visual appearance or character of the settlement or surrounding landscape.</p>	<p>development with compatible neighbouring land uses. The Council consider Clowne to be a sustainable location for growth in the existing and emerging Local Plan. This is demonstrated in the New Local Plan Identified Strategic Options Settlement Hierarchy (April 2015) that identifies Clowne as one of the most sustainable locations (paragraph 1.16) in the District.</p> <p>Once planning permission has been granted the applicant is committed to starting the development within the 3 year time period of the planning permission</p> <p>The Planning Statement advises that the proposal does not comply with all of the Council's adopted planning policy, although it notes that a large part of this is out-of-date and the council does not have a 5 yr supply</p> <p>The supporting information submitted with the application sets out that Clowne is an established town and a sustainable location for growth. Rectory Road is on the periphery of the town centre in an established residential area. Clowne Linear Park acts a Significant green infrastructure asset that is located to the north and east of the site and connects Clowne to its rural areas. Ecological constraints and opportunities assessment, flood risk assessment and tree surveys were submitted in support of the application and demonstrate that no adverse impact would significantly outweigh the benefits of the proposal.</p>
--	--

<p>3) Are there any physical / environmental / marketability constraints?</p>	<p>previously used for the more intensive use of a car park will be utilised to access the proposed dwellings. There are no access constraints to the site.</p> <p>The applicant served notice on the existing landowner as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015.</p> <p>There are no obvious physical / environmental / marketability constraints.</p>
---	---

Based on this assessment it is considered that the proposal is achievable.

Suitable	
<p>1) Will the site?</p> <p>a) be preferably within the settlement framework or adjoining settlement frameworks where such proposals are clearly aligned with spatial strategy and policies in emerging development plan documents published with the approval of the District Council.</p> <p>b) be sustainable in respect of most if not all of the following factors:</p> <ul style="list-style-type: none"> i) access to public transport (within 400 metres walking distance of access to public transport services e.g. bus stop or railway station) ii) proximity to schools (within 800 metres walking distance of a primary school, and 2,000 metres walking distance of a secondary school) iii) proximity to town / local centres (within 800 metres walking distance of a town centre or local centre) 	<p>The site is situated adjacent to the northern edge of Clowne town and would provide a rounding off of the town's form in this area.</p> <p>At this stage, the Council has no emerging plan policies to point to or give weight to in the decision taking.</p> <p>The site is close to bus stops in the town centre which provide reasonable access to frequent public transport services.</p> <p>The site is close to the secondary school, nursery and Infant School and Junior School in Clowne.</p> <p>Clowne Town Centre is within easy walking distance of the site.</p>

<p>iv) proximity to key employment sites or local jobs (within 2,000 metres walking distance of a major employment site or area of employment i.e. over 100 jobs)</p>	<p>The site is adjacent to Clowne Town Centre which is within walking distance of the site and the Barlborough Links employment area is easily accessible</p>
<p>c) contribute positively to reduce carbon emissions through its design and / or enable more sustainable lifestyles.</p>	<p>The application site and proposals represent a sustainable development with good public transport, local services and facilities readily available.</p>
<p>d) have or create any significant problems of contamination, flood risk, stability, water supply, harm to biodiversity or other significant physical or environmental issue.</p>	<p>The submitted Flood Risk Assessment concludes that the surface run-off rates will improve as large parts of the existing hard surface will be replaced by permeable surface treatments. The report goes on to say that the layout has been influenced by the watercourse to the east with dwellings located on higher ground allowing a greater natural drainage buffer to the brook.</p>

Clearly this is an extension of development into the countryside. There are obvious physical features adjacent to the site, in particular the built development to three of its sides, but also the embankment, mature trees, brook and Linear Park to the northeast, such that the significance of its intrusion into the countryside is limited as a result. The site is on the edge of one of the districts main towns where new housing has generally been earmarked as part of that Plan and is sustainably located in terms of the proximity and links to that settlement and the amenities and facilities it offers, including good quality public transport links.

Based on this assessment it is clear that the site is in a generally sustainable location due to its good proximity to Clowne Town Centre and employment opportunities, despite not quite meeting distance guidelines for primary phase schools or bus services. It would appear that the low risk of flooding identified can be guarded against through careful drainage design.

From an assessment of this proposal, given the out-of-date nature of the adopted Bolsover District Local Plan and the absence of any new emerging policy, it is considered that 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.

As a developer led application with no apparent encumbrances to delivering the development of this site, including no obvious physical, environmental or marketability constraints, this proposal is considered to be an achievable and deliverable development. Subject to no significant conflict with other policies (see later assessment), in principle it is considered to be an appropriate site to form a logical extension to the settlement of Clowne.

In terms of the design of the proposed dwellings are considered to have an attractive cottage style appearance and following some initial concerns about the layout and design of the

proposal, the developers have responded to some of the suggestions made by the Urban Designer to bring the proposals more in line with the Council's interim Design Guide 'Successful Places' and have provided explanation as to why some of the requests cannot be met. In the amended proposal the overall character and appearance of the final development is considered to be in keeping with the character of the area, protect the views into and out from the adjacent conservation area and a satisfactory level of privacy and amenity is provided for occupants of the proposed houses, as well as existing neighbouring residents. There is a change in levels across the site; with dwelling levels generally following those of existing site levels but a condition is considered necessary to ensure these levels are acceptable in the finished build. Subject to such a condition and conditions to control detailed elements of the development, including landscaping and materials the scheme is considered to be acceptable in respect of its design and as such, is considered to accord with the requirements of Policies GEN2 and CON 4 of the Bolsover District Local Plan.

In respect of contamination (Policy GEN4 [Development on Contaminated Land]) the Environmental Health Officer has advised that additional investigation works are necessary to and recommends the inclusion of conditions to require this, along with mitigation where this is shown to be needed to address any contamination that may be identified. Subject to the imposition of such a condition the proposal is considered to accord with the requirements of GEN4.

Subject to the inclusion of conditions to deal with surface and foul drainage as discussed above, the proposal is considered to accord with the requirements of policies GEN5 and GEN6

The proposal includes a private drive with turning head to serve the 9 dwellings. The Urban Design Officer suggested part of this be adopted (to give access to service vehicles within recommended carrying distances) but the Highway Authority have confirmed it is not possible to achieve this and are happy with 9 dwellings served off a private drive, subject to conditions about the provision of the access, parking etc. Given the above comments of the Highway Authority, it is considered that the highway safety impacts of the proposal have been adequately addressed, subject to conditions and advisory notes to cover the issues raised by the Highway Authority, the proposal is not considered to be detrimental to highway safety and is considered to meet the requirements of Policies GEN 1 and GEN 2 of the Bolsover district Local Plan.

In respect of biodiversity issues, the Derbyshire Wildlife Trust was consulted in respect of the submitted Ecology Surveys. The Trust advised that the ecological survey work has been undertaken to a satisfactory standard and has provided an accurate assessment of the nature conservation interest associated with the site. They suggest conditions relating to lighting schemes and biodiversity enhancement opportunities and a note about construction avoiding bird nesting season. Subject to such conditions there are unlikely to be any protected species issues arising with this application and no adverse impacts upon any habitats of substantive nature conservation interest are anticipated.

There are a number of trees around the site but the site is not subject to a tree preservation order. An arboricultural report has submitted with the application which described the condition of the trees as fair and considered the most significant trees surveyed are being

retained in the proposal and recommends protective measures for the trees during construction. Subject to such a condition the proposal is considered to protect the trees where possible which is considered to enhance the appearance of the development and soften its appearance from outside the site and the proposal is considered to not materially harm wildlife and biodiversity interests and as such complies with the requirements of policies ENV5 and ENV8 in this respect.

The Archaeology Advisor has stated that there is no strong evidence for archaeological activity in the vicinity and does not lie within the historic core of Clowne. On this basis he does not consider it necessary to condition archaeological works. It is considered that the proposal complies with the requirements of policy CON13 (Archaeological Sites and Ancient Monuments).

In respect of comments contained in representations by the Parish Council most of the issues raised are discussed in the above assessment. The site is an existing car park and the level of vehicular movements to and from the site as a result of the proposed development is not considered to be greater than when it was used as a car park. It would therefore be unreasonable to condition double yellow lines or a traffic impact assessment or to refuse on this ground.

In summary, whilst this proposal does not comply with requirements of the Bolsover District Local Plan in respect of developing outside of the settlement framework, there is strong Government guidance in respect of the significant weight that needs to be given to delivering new houses. Only where the impacts are wholly unacceptable in planning terms is the Council likely to be supported at appeal. None of the impacts identified are at such a level. The site is considered to relate well to the existing settlement and is considered to form an achievable, suitable, sustainable and deliverable development scheme, such that the impacts in this case are sufficiently limited to justify consent for this development proposal.

Other Matters

Listed Building: N/A

Conservation Area: Covered in the above assessment

Crime and Disorder: The only issue was the rear parking for the terraced properties which was potentially vulnerable. This parking was moved to the front of these properties where it had surveillance from the proposed dwellings to minimise the opportunity for crime

Equalities: N/A

Access for Disabled: No significant issues

Trees (Preservation and Planting): Covered in the above assessment

SSSI Impacts: N/A

Biodiversity: Covered in the above assessment

Human Rights: No significant issues

RECOMMENDATION

Approve subject to the following conditions which are given in précis form and to be formulated in full by the Assistant Director of Planning:

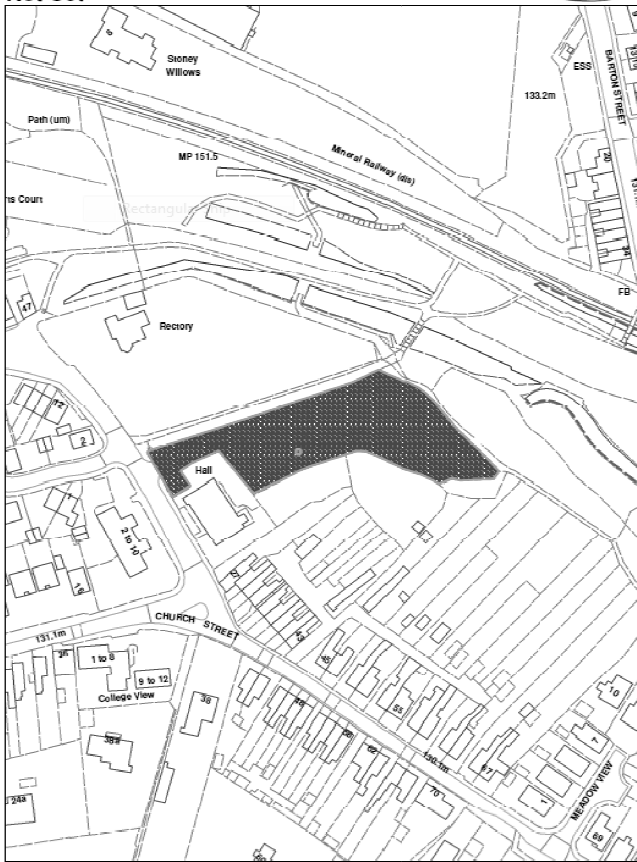
- 1 The development shall be begun before the expiration of three years from the date of this permission.

- 2 Amended plans
- 3 Schedule of wall and roof materials
- 4 Hard and soft landscape details including private drive surface details, with a programme for implementation
- 5 Management scheme for the highway and landscaped areas not falling within any domestic curtilage and maintenance of all landscaping for 5 years.
- 6 Retention and protection for retained hedgerow and retained trees.
- 7 External lighting strategy
- 8 Biodiversity enhancement scheme
- 9 Details and implementation of means of enclosure
- 10 Identification and treatment where necessary of contamination.
- 11 Ground levels
- 12 Construction of proposed access in accordance with approved plan with visibility splays 2.4m x edge of site frontage
- 13 Provision of a construction compound
- 14 Access gradient not to exceed 1:20 for the first 5m into the site and 1:12 thereafter.
- 15 Provision of parking spaces.
- 16 Provision of bin stores shall within private land at the entrance to shared private accesses.
- 17 Conditions relating to provision of appropriate foul and surface water drainage systems.

Notes to cover the following issues

1. Avoid bird nesting season
2. Environmental Health Officer recommended note regarding contamination
3. The Highway Authority notes.

Not Set



© Crown copyright and database rights 2016. Ordnance Survey 100018000.
All other data included is from any copyright. No warranty is made.
No copy, all rights reserved or any part of the data or their publication in any form.

Date: 25/04/2016
Scale: 1:1,250

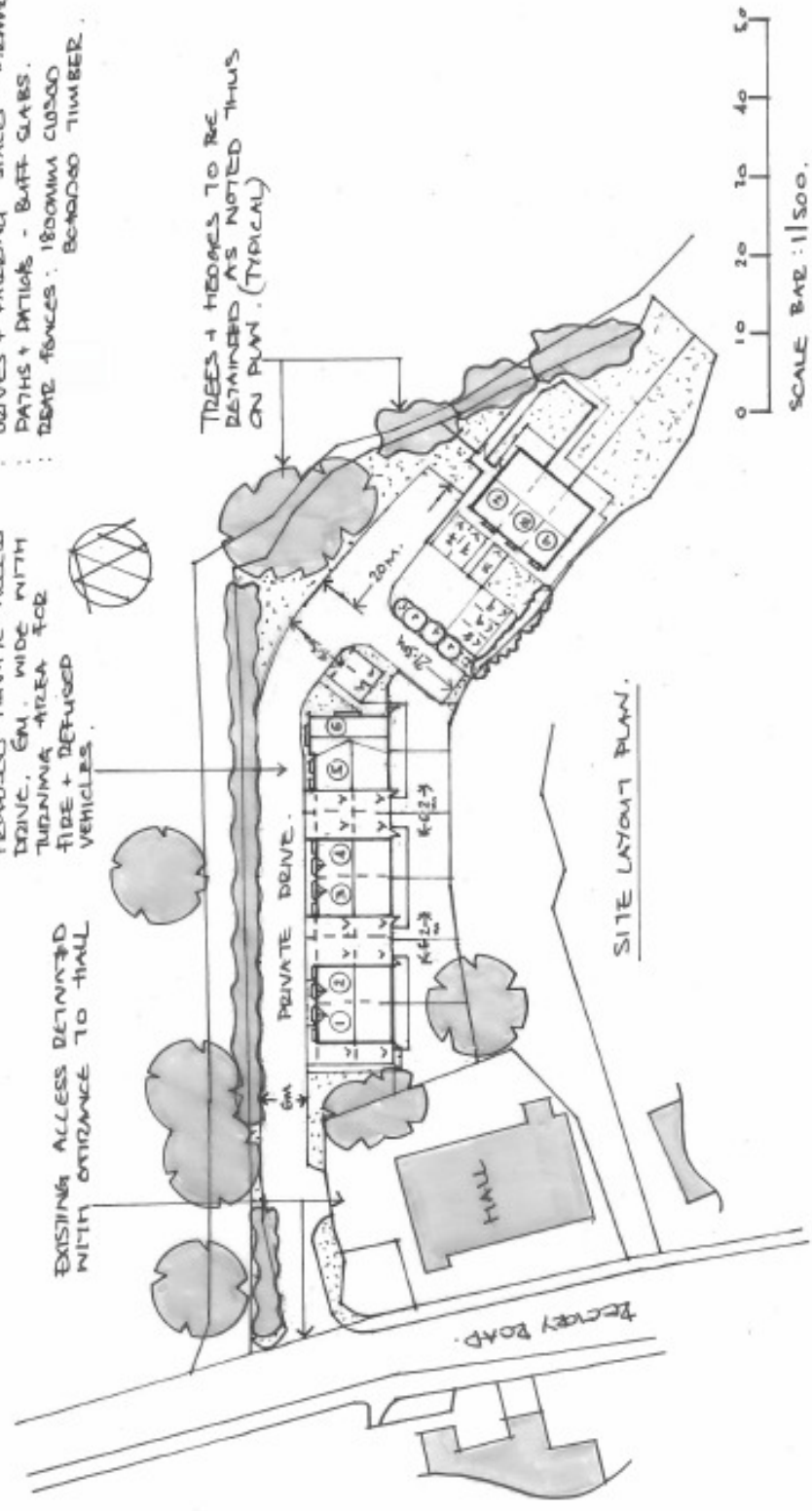
MATERIALS:

- BRICKS - HUNSON VILLAGE SURVIVOR
- ROOF - ANGLEPLY ASHWOODS GRAY
- WINDOWS + DEAR DOORS : WHITE
- FRONT DOOR - BLACK COMPOSITE
- RAINYWATER - BLACK UPVC
- DRIVES + PARKING SPACES - TARMAC
- PATHS + PATIOS - BUFF SLABS.
- DEAR FENCES : 1800MM CLOSURE
- BEHINDOOR TIMBER.

PROPOSED PRIVATE ACCESS DRIVE, 6M WIDE WITH TURNING AREA FOR TRUCKS + DEFUSED VEHICLES.

EXISTING ACCESS DETAINED WITH ENTRANCE TO HALL

TREES + HEDGES TO BE RETAINED AS NOTED THIS ON PLAN. (TYPICAL)



PROPOSED DEVELOPMENT AT FORMER CAR PARK AT:

RECTORY ROAD, CLANFEE.

CHESIN HOMES LTD.

D. STACE - FEB 2016
 S: 1/500 © AS
 PG 1 of 10. REV A - 4/3/2016.
 REV B - 11/3/2016.
 REV C - 13/4/2016.