

The Arc
High Street
Clowne
Derbyshire
S43 4JY

Date: 20th June 2016

Dear Sir or Madam

You are hereby summoned to attend a meeting of the Planning Committee of Bolsover District Council to be held in the Council Chamber, The Arc, Clowne, on Wednesday 29th June 2016 at **1100** hours.

Register of Members' Interest - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on pages 2 and 3.


Yours faithfully



Assistant Director of Governance and Monitoring Officer
To: Chairman and Members of the Planning Committee

ACCESS FOR ALL

If you need help understanding this document or require a larger print on translation, please contact us on the following telephone number:-

 **01246 242529**
Minicom: 01246 242450

Democratic Services
Fax: 01246 242423

PLANNING COMMITTEE

AGENDA

**Wednesday 29th June 2016 at 1100 hours in
the Council Chamber, The Arc, Clowne**

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	<u>Apologies for Absence</u>	
2.	<u>Urgent Items of Business</u>	
	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972	
3.	<u>Declarations of Interest</u>	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda	
	b) any urgent additional items to be considered	
	c) any matters arising out of those items	
	and if appropriate, withdraw from the meeting at the relevant time.	
4.	To approve the minutes of a meeting held on 4 th May 2016	4 to 15
5.	Notes of a Site Visit held on 29 th April 2016	16
6.	Applications to be determined under the Town & Country Planning Acts.	
	(i) 15/00599/FUL - Extension at ground floor and change of use from an existing Public House at ground floor level and Hotel at first and second floor levels to 1x 3 bedroom flat, 2x 2 bedroom flats and 2 studio apartments at ground floor level and a 21 bedroom House of Multiple Occupancy at first and second floor levels.(Part retrospective application) at Station Hotel, Station Road, Shirebrook, Mansfield	17 to 27
	(ii) 15/00493/FUL - Up to 8.3 MW solar photovoltaic park with accompanying access track, transformers, inverters, kiosks, substation, security fencing and CCTV cameras at Land North Of Westfield Farm, Beighton Fields, Barlborough	28 to 46

- | | | |
|-------|--|----------|
| (iii) | 15/00649/OUT - Residential redevelopment including means of access at The Nursery, East Street, Scarcliffe | 47 to 59 |
| (iv) | 16/00030/OUT - Demolition of existing bungalow and outbuildings and erection of two storey dwellings with associated access drive at 287 Shuttlewood Road, Bolsover, Chesterfield, S44 6PB | 60 to 70 |
| (v) | 16/00089/FUL - Erection of a single storey stables/tack room building with doors and windows to the front and small windows to the rear (retrospective application) at The Laurels, Ruthyn Avenue, Barlborough, Chesterfield | 71 to 76 |
| (vi) | 16/00231/OTHER - Variation of S106 at Land to The Rear Of 1 To 35 Red Lane, South Normanton | 77 to 79 |

PLANNING COMMITTEE

Minutes of a Planning Committee of the Bolsover District Council held in The Council Chamber, The Arc, Clowne on Wednesday 4th May 2016 at 1000 hours.

PRESENT:-

Members:-

Councillor D. McGregor in the Chair

Councillors T. Alexander, P.M. Bowmer, J.A. Clifton, T. Connerton, C.P. Cooper, M.G. Crane, M. Dooley, S.W. Fritchley, H.J. Gilmour, B.R. Murray-Carr, M.J. Ritchie, P. Smith, D.S. Watson and J. Wilson.

Officers:-

C. Doy (Development Control Manager), T. Ball (Principal Planning Officer), P. Sawdon (Principal Planning Officer), J. Fieldsend (Senior Principal Solicitor), H. Barnett (Communications Officer) and A. Brownsword (Governance Officer)

0990. APOLOGIES

Apologies for absence were received from Councillors T. Munro, S. Statter and B. Watson

0991. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

0992. DECLARATIONS OF INTEREST

The following declarations were made:

Minute No.	Member	Level of Interest
0995(4)	M. Dooley	Non Significant Non Statutory
0995(4)	T. Alexander	Non Significant Non Statutory

PLANNING COMMITTEE

0993. MINUTES – 30TH MARCH 2016

Moved by Councillor D. McGregor and seconded by Councillor M.J. Ritchie

RESOLVED that the minutes of a meeting of the Planning Committee of the Bolsover District Council held on 30th March 2016 be approved as a true and correct record

0994. SITE VISIT NOTES – 24TH MARCH 2016

Moved by Councillor D. McGregor and seconded by Councillor J.A. Clifton

RESOLVED that the notes of a site visit held on 24th March 2016 be approved as a true and correct record

0995. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

1. 15/00599/FUL - Extension at ground floor and change of use from an existing Public House at ground floor level and Hotel at first and second floor levels to 1x 3 bedroom flat, 2x 2 bedroom flats and 2 studio apartments at ground floor level and a 21 bedroom House of Multiple Occupancy at first and second floor levels (Part retrospective application) at Station Hotel, Station Road, Shirebrook, Mansfield

The Development Control Manager presented the report which gave details of the application, site history and consultations carried out. The report also contained additional information from the agent in response to the Planning Committee's previous resolution.

Shirebrook Town Councillor M. Yates attended the meeting and spoke against the application. Mr. W. Brown attended the meeting and spoke in support of the application.

The Committee considered the application having regard to the Bolsover District Local Plan and the National Planning Policy Framework

Moved by Councillor B.R. Murray-Carr and seconded by Councillor S.W. Fritchley

RESOLVED that Application No. 15/00599/FUL be DEFERRED for further consideration of the state of the building and its surrounding areas, pending a response from the owner on the issues raised and a referral

PLANNING COMMITTEE

to Environmental Health to draw officer's attention to the concerns raised.

(Development Control Manager/Governance Officer)

2. 15/00438/FUL - Erection of 57 dwellings with associated garages, road and accesses (Appearance, Layout, Landscaping, Scale) [As revised by house types 3S7 Detached, 3S7 Semi-Detached, 3S6 Semi-Detached and 3S7/3S6 Terrace, along with vehicle tracking and speed bend drawings and Street Scenes Rev. A submitted on 24th November 2015; by site plan 180.05.01 Rev. F and drainage philosophy submitted on 7th April 2016] at Field West Of Spa Croft, Doe Hill Lane, Tibshelf

Further details were included within the Supplementary Report.

The Principal Planning Officer presented the report which gave details of the application, site history and consultations carried out. It was noted that outline planning permission had already been granted for the site.

Tibshelf Parish Councillor K. Salt, Mrs. Y. West, Mr. A. West, Ms. M. Prowse and Mr. J. Boler attended the meeting and spoke against the application.

The Committee considered the application having regard to the Bolsover District Local Plan Policies, National Planning Policy Framework and the Adopted Housing Layout and Design Guidance.

Moved by Councillor D. McGregor and seconded by Councillor J.A. Clifton

RESOLVED that Application No. 15/00438/FUL be DEFERRED and delegated 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, affordable housing, public art and off-site recreation provision (as per the report);
- B. Conditions deemed necessary including those set out below in précis form 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. Before construction commences on the erection of any building or wall a schedule of wall and roof materials shall first have been submitted to and approved in writing by the Local Planning Authority.

PLANNING COMMITTEE

3. Prior to the commencement of development, details of further investigations in respect of coal mining issues, as outlined within sections 3 & 4 and drawing no. 12070048-07 of the Joynes Pike & Associates report, along with suggestions for mitigating treatment works including timescales for their implementation, where identified as necessary from those investigations, shall have been submitted to and approved in writing by the Local Planning Authority. Any coal mining mitigation works approved under this condition shall be implemented in accordance with the approved timescales within the approved report.
4. This development shall not be commenced until a scheme to identify and control any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA) and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing:

A. Desk based study/Phase 1: A desk-top study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/quantitative risk assessment (or state if none required). Three full copies of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.

B. Intrusive site investigation/phase 2: If identified as being required following the completion of the desk-top study, an intrusive site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the site's existing status and proposed new use. Where samples are taken, they shall be analysed in a laboratory that is accredited under MCERTS Chemical Testing of Soil Scheme for all parameters requested (where available). Three full copies of the report shall be forwarded to the LPA.

C. Remediation method statement/phase 3: A written method statement detailing the remediation requirements for the site shall be submitted and approved by the LPA and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme without written approval from the LPA.

If during development, any contamination is identified that has not been considered in the Remediation Method Statement, then

PLANNING COMMITTEE

additional remediation proposals for this material shall be submitted to the LPA for written approval. Any approved proposals shall thereafter form part of the Remediation Method statement.

D. Validation report: Prior to occupation of the development (or parts thereof) an independent validation report must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved. The report shall be produced by a suitably qualified independent body (independent of the developer). The report shall provide verification that the remediation works have been carried out in accordance with the approved Method Statements. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met.

5. The surface water drainage scheme shall implemented in accordance with the latest revised details submitted with the planning application.
6. The development hereby permitted shall not commence until drainage plans for the disposal of foul sewage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
7. No operations shall be commenced until a temporary access for construction purposes has been constructed to Doe Hill Lane, laid out in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall have a minimum width of 5.5m and be provided with visibility sightlines of 2.4m x 47m in each direction. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use
8. No development shall take place until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for: storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of vehicle of site operatives and visitors, routes for construction traffic, hours of operation, method of prevention of debris being carried onto highway, pedestrian and cyclist protection, proposed temporary traffic restrictions and arrangements for turning vehicles.
9. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before

PLANNING COMMITTEE

leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

10. Prior to the first occupation of any dwelling, the new estate street junction shall be formed to Doe Hill Lane, located in accordance with the revised application drawing (180.05.01 Rev. F). The access shall have a minimum width of 5.5m, 2 x 2m footways, 6m radii and visibility sightlines of 2.4m x 47m in each direction. The area forward of the sightlines shall be level, form part of the new street, constructed as footway, and not part of any plot or other sub-division of the site.
11. Prior to the first occupation of any dwelling, the footway fronting the entire site shall be increased in width to 2.0m. The footway shall be laid out, constructed, drained and lit to a standard capable of adoption by the highway authority.
12. The gradient of any of the accesses shall not exceed 1:30 for the first 10m into the site from the existing highway boundary and 1:20 thereafter.
13. The new dwellings shall not be occupied until the proposed new estate street, between each respective plot and the existing public highway, has been laid out in accordance with the approved application drawings to a standard capable of adoption by the Highway Authority, constructed to base level, drained and lit in accordance with the County Council's specification for new housing development roads.
14. Space shall be provided within the site for the parking of vehicles, laid out in accordance with the approved drawings and maintained thereafter free of any impediment to its designated use.
15. Bin stores shall be provided within private land at the entrance to shared private accesses, in accordance with the details shown on drawing 180.05.01 Revision F. The facilities shall be provided prior to the first occupation of the dwellings to which they relate and shall be retained thereafter free from any impediment to their designated use.
16. Prior to any works commencing, an ecological mitigation and management plan, including timescales for implementation, shall have been submitted to and approved in writing by the Local Planning Authority and the content of that plan shall be implemented as approved. The plan shall make provide details for the proposed re-planted hedgerows and temporary protection to a suitable standard for retained trees and hedgerows during construction.
17. Prior to the commencement of development including site clearance and/or enabling works, either a reptile survey should be undertaken and the results submitted in writing to the Local

PLANNING COMMITTEE

Planning Authority, or confirmation by a suitably qualified person that the habitat is unsuitable for reptiles, shall have been submitted to and approved in writing by the Local Planning Authority. If reptiles are found to be present a suitable mitigation package shall be submitted to the Local Planning Authority for written approval, including details of timescales for implementation, which shall be implemented in full accordance with the approved details.

18. Submission and approval of hard and soft landscaping details.
19. Submission and approval of details of the proposed pumping station.

0996. ORDER OF BUSINESS

Due to members of the public being present, the Chairman consented to the Order of business being change

0995 Cont). APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

3. 15/00137/OUT - 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 at Land to the South of Allotment Gardens And West of Green Lane, Hodthorpe

The Development Control Manager presented the report which contained details of the application, site history and consultations carried out.

Ms. L. Fearn attended the meeting and spoke in support of the meeting.

The Committee considered the application having regard to the Bolsover District Local Plan Policies, National Planning Policy Framework, the adopted Green Space Strategy and the Guidelines to be used for assessment of applications for residential development when the Council does not have a five year supply of deliverable sites.

Moved by Councillor S.W. Fritchley and seconded by Councillor D. McGregor
RESOLVED that Application No. 15/00137/OUT be REFUSED on the following grounds:

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

PLANNING COMMITTEE

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.

(Development Control Manager)

Having reaffirmed their declarations of Interest in the following item of business, Councillors T. Alexander and M. Dooley left the meeting.

PLANNING COMMITTEE

4. 16/00037/FUL - Residential Traveller site for 1 mobile home and 2 touring caravans at Land Between 3 And 5 Brookhill Lane, Pinxton

The Development Control Manager presented the report which contained details of the application, site history and consultations carried out.

Mr. Yarwood attended the meeting and spoke in support of the application.

The Committee considered the application having regard to the Bolsover District Local Plan Policies and the National Planning Policy Framework.

Moved by Councillor D. McGregor and seconded by Councillor B.R. Murray-Carr

RESOLVED that Application No. 16/00037/FUL be APPROVED subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission. (*To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004*)
2. There shall be no more than one mobile home and 2 touring caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, on the site at any time. (*To protect the residential amenity of adjoining residents and in the interests of the character and appearance of the area and in compliance with polices GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment), and HOU15 (Sites for Gypsies and Travellers) of the Bolsover District Local Plan*).
3. The mobile home and the touring caravans shall be sited in accordance with the submitted block plan and nowhere else within the site. (*To protect the residential amenity of adjoining residents and in the interests of the character and appearance of the area and in compliance with polices GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment), and HOU15 (Sites for Gypsies and Travellers) of the Bolsover District Local Plan*).
4. Other than the keeping and trading of horses no commercial use or business activities shall take place on the land as edged in red and in blue on the application location plan, including the erection of any buildings or structures, and the storage of materials. (*To protect the residential amenity of adjoining residents and in the interests of the character and appearance of the area and in compliance with polices GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment), and HOU15 (Sites for Gypsies and Travellers) of the Bolsover District Local Plan*).
5. No more than one commercial vehicle shall be kept on the land for use by the occupiers of the site hereby permitted, and it shall not exceed 3.5 tonnes in weight. (*To protect the residential amenity of adjoining residents and in the interests of the character and appearance of the area and in compliance with polices GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment), and HOU15 (Sites for Gypsies and Travellers) of the Bolsover District Local Plan*).
6. No later than the first planting season following occupation of the site a

PLANNING COMMITTEE

detailed planting scheme of native species hedgerow and trees to the site boundaries as shown on the submitted block plan to have been previously approved in writing by the Local Planning Authority shall be planted as so approved. If within 5 years from the date of planting of any tree or hedgerow shrub that tree or shrub may die, be removed, uprooted or become seriously damaged it shall be replaced by another of the same species during the first available planting season unless otherwise approved in writing by the Local Planning Authority. *(To protect the residential amenity of adjoining residents and in the interests of the character and appearance of the area and in compliance with policies GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment), and HOU15 (Sites for Gypsies and Travellers) of the Bolsover District Local Plan).*

7. A suitable sealed hard surface shall be provided across the site where that part of the site is to be used for domestic purposes, in accordance with details to be approved in writing by the Local Planning Authority, prior to the occupation of the site, unless a comprehensive phased contaminated land investigation has been carried out and agreed in writing by the local planning authority including any necessary remediation works. The investigation must include a conceptual model and risk assessment and follow current industry guidelines laid out in CLR 11 – Model Procedures for the Management of Land Contamination (EA 2004). *(To ensure that there is no risk to human health from the use of the site for domestic purposes in compliance with policies GEN1 (Minimum Requirements for Development) and HOU15 (Sites for Gypsies and Travellers) of the Bolsover District Local Plan.)*
8. The existing mobile home, related temporary buildings and structures providing ancillary facilities to that existing mobile home, including storage, and all touring caravans shall be removed from the adjoining land (as edged blue on the application location plan) and the land restored to an agricultural use within 1 month of the occupation of the mobile home on the application site and the adjoining land shall cease to be used by caravans. *(To protect the residential amenity of adjoining residents and in the interests of the character and appearance of the area and in compliance with policies GEN1 (Minimum Requirements for Development), and GEN2 (Impact of Development on the Environment), of the Bolsover District Local Plan.)*
9. Turning facilities shall be maintained on the site at all times to allow vehicles using the site to leave and exit the site in forward gear. *(In the interests of highway safety and in compliance with policy GEN1 (Minimum Requirements for Development) of the Bolsover District Local Plan.)*

(Development Control Manager)

Councillors T. Alexander and M. Dooley returned to the meeting.

PLANNING COMMITTEE

5. 16/00049/FUL - 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) at Car Park To The Rear Of The Church Hall, Rectory Road, Clowne

The Development Control Manager presented the report which contained details of the application, site history and consultations carried out.

The Committee considered the application having regard to the Bolsover District Local Plan Policies and the National Planning Policy Framework.

Moved by Councillor B.R. Murray-Carr and seconded by Councillor M.J. Ritchie

RESOLVED that Application No. 16/00049/FUL be APPROVED 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 be within private land at the entrance to shared private accesses.
- 17 Conditions relating to provision of appropriate foul and surface water drainage systems.

(Development Control Manager)

6. 15/00604/OUT - Proposed residential development at Land West Of Homelea and Tamarisk, Mansfield Road, Clowne

The Principal Planning Officer presented the report which contained details of the application, site history and consultations carried out.

PLANNING COMMITTEE

The Committee considered the application having regard to the Bolsover District Local Plan Policies and the National Planning Policy Framework.

Moved by Councillor D. McGregor and seconded by Councillor B.R. Murray-Carr
RESOLVED that application No. 15/00604/OUT be DEFERRED and delegated 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.

(Development Control Manager)

The meeting concluded at 1225 hours.

PLANNING SITE VISIT

Notes of a Planning Site Visit held on Friday 29th April 2016 commencing at 1000 hours.

PRESENT:-

Members:-

Councillor D. McGregor in the Chair

Councillors T. Alexander, P.M. Bowmer, J.A. Clifton, C.P. Cooper, M. Dooley, H. Gilmour, T. Munro, B.R. Murray-Carr, M.J. Ritchie, B. Watson, D. Watson and J. Wilson.

Officers:-

C. Doy (Development Control Manager)

1. APOLOGIES

Apologies for absence were received from Councillor T. Connerton.

2. SITES VISITED

Application No's.:

16/00037/FUL Residential traveller site and 2 touring vans, Between 3 and 5 Brookhill Lane, Pinxton.

15/00137/OUT Residential and B1 Business etc development Land South of the Allotments, Green Lane, Hodthorpe.

16/00049/FUL Redevelopment for 9 dwellings off a private drive Rear of Church Hall, Rectory Road, Clowne.

15/00604/OUT Residential development, West of Homelea and Tamarisk, Mansfield Road, Clowne.

The meeting concluded at 1207 hours.

PARISH Shirebrook

APPLICATION Extension at ground floor and change of use from an existing Public House at ground floor level and Hotel at first and second floor levels to 1x 3 bedroom flat, 2x 2 bedroom flats and 2 studio apartments at ground floor level and a 21 bedroom House of Multiple Occupancy at first and second floor levels.(Part retrospective application)

LOCATION Station Hotel Station Road Shirebrook Mansfield

APPLICANT Mr Taj Ubhi Archer House 14-22 Castle Gate Nottingham Nottinghamshire NG1 7AW

APPLICATION NO. 15/00599/FUL **FILE NO.** PP-04626146

CASE OFFICER Mr Jim Wilmot

DATE RECEIVED 12th November 2015

Delegated Application referred to Committee by: Cllr B Murray-Carr:
Reason: Impact on the locality

This item was deferred for a second time at the last Planning Committee meeting for additional information in relation to how the poor state of repair of the building and the untidy condition of the site can be addressed and managed in the future.

A site meeting was held with the applicant to discuss concerns raised about the condition of the building and yard area and some management practices.

SITE

Three storey detached former hotel and pub occupying a prominent corner plot. The property is constructed in red brick with a tiled roof and a mixture of timber and upvc windows. Rear elevation is finished in render. Car parking area to the rear and side with access from Station Road. Front boundary to car park consists of concrete bollards and a short section of wall. Retaining brick wall of approximately 1.3metres in height when measured within the site. Residential properties to rear at a lower ground level. Brick wall to side and rear boundaries. The site slopes down to the south. Blank first floor elevation of 96 Portland Road faces site; the ground floor faces the brick retaining/boundary wall to the application site, which is about a full storey in height.

PROPOSAL

The application is for the retention of the change of use of the first and second floors of the property to a house in multiple occupation for 21 residents and a conversion and extension of the property to provide 1x 3 bedroom flat, 2x 2 bedroom flats and 2 studio apartments at ground floor level to the rear. The extension measures 7.05m x 4.3m added to the end of an existing storeroom which together will form the 2 studio apartments.

AMENDMENTS

Revised access plans submitted following questions from DCC Highways 11/01/2016
Revised design and access statement 17/02/2016
Revised drawings showing new ground floor layout and proposed fire escape shroud.
29/2/2016

Revised site layout and elevations and ground floor plans showing new parking layout fencing gates and outdoor amenity area. 14/3/2016
Confirmation that the fire escape door will be linked to an alarm system to deter casual use of the facility 15/3/16

HISTORY (if relevant)

14/00266/FUL Change of use of part of car park to hand car wash and office and store room and new bin store refused 19th December 2014.

CONSULTATIONS

Parish Council: Object to the proposal (*no reasons specified*). 23/12/2015

DCC Highways: No objection subject to conditions requiring implementation of proposed parking layout and no gates or barriers at the access. 28/01/2016

EHO Housing: No objection, request note re other regulations. 03/02/2016

Regeneration: no reply received

PUBLICITY

2 site notices and 42 neighbours notified.

10 responses received setting out the following issues:

Car park is untidy and waste is poorly managed with bins overflowing including food waste, sanitary waste with risk to children and attracts vermin.

Parking spaces proposed are tight and may cause injury.

Access to the site is opposite a bus stop and may therefore be impeded by buses and pedestrians.

Development will increase traffic near a busy junction

Loss of historic use of building as a public house and a historic asset.

Loss to the community of another public house.

The development is not supported by the community.

The fire escape is used as a balcony allowing views in to neighbouring properties

The HMO use creates noise late at night.

Late night drinking by residents causing disturbance.

Development will devalue other property.

There is existing anti social behaviour in the area

Loss of social venues in the area.

Too many HMOs in Shirebrook

Building is not maintained and this will exacerbate the problem.

1 petition received with 218 signatures stating:

"To save our local pub in Shirebrook the Station Hotel being turned in to multiple dwellings please sign to support our cause for concern thank you".

POLICY

Bolsover District Local Plan (BDLP)

GEN 1 (Minimum Requirements for Development)

GEN 2 (Impact of Development on the Environment) &

HOU 11 (Houses in Multiple Occupation and Hostels)

HOU 12 (Conversion of Buildings to Flats)

CLT1 (Protection of Existing Buildings which Serve the Community)

SAC 7 (Local Centres and Shopping Frontages)

National Planning Policy Framework

Paragraph 13: The National Planning Policy Framework constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.

Paragraph 14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For **decision-taking** this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

Paragraph 17: sets out 12 principles to be applied to planning including: high standard of design and amenity for existing and future occupants; take account of the different roles and character of areas; take account of and support local strategies to improve health, social and cultural wellbeing for all.

In addition the NPPF requires Councils to have a five year supply of deliverable housing; if it does not less weight can be given to the policies of the Development Plan which restrict housing supply and the policy of the NPPF to achieve such a supply must be given significant weight.

ASSESSMENT

The site is within the settlement framework in a predominantly residential area close to Shirebrook town centre and bus stops giving access to larger towns. The location of the property is therefore considered to be a sustainable location suitable for the proposed use.

The property was formerly a hotel and pub and there is some history of residential accommodation on the upper floors. The 1st and 2nd floors have been in use as house in multiple occupation (HMO) for some time without planning permission. The application seeks to regularise this use as well as secure permission for the change of use and extension of the ground floor to flats and apartments.

In respect of Policy CLT1 (Protection of Existing Buildings Which Serve The Community) the applicant submits that that the public house is currently vacant and has been for some months now as it became economically unviable. This is due to the national economic downturn and indeed this is a trend in the immediate area. Whilst no additional information, such as financial accounts, have been submitted to support the viability statement, it is clear in this area generally that many public houses are indeed closing due to downturn in trade. Also of note is the proximity of this site to other public houses and other community facilities

such as the leisure centre across the wider Shirebrook area, such that the loss of this particular public house is not considered to be harmful to the wider objective of maintaining buildings which serve the community. It should be noted that the policy does not protect the public house use itself (which is a commercial operation) but the potential such facilities offer as a community meeting place. In this case other meeting places exist in Shirebrook. On this basis, it is considered that on the balance of probabilities, this public house is no longer viable, which satisfies the requirements of this policy. Left undeveloped, it is also considered that the site has the potential to deteriorate and adversely impact on the character and appearance of the area.

No objections have been received from Environmental Health Housing and it is understood that the property is large enough to accommodate the proposed number of residents and sufficient space exists for the proposed residents with large enough bedrooms, sufficient communal space, garden etc to meet the requirements of Environmental Health living standards. In any event other legislation exists to ensure that the accommodation is of suitable size etc and Environmental Health Housing have asked that notes be attached to any permission to bring the developers attention to the need to comply with Decent and Safe Homes standards and fire safety regulations in this regard. The amended scheme now makes provision for an outdoor amenity area which along with measures such as the alarm link should deter use of the fire escape as an amenity space.

The property is at higher level than neighbouring properties to the rear. These neighbouring properties are sideways on to the site and there will be no window to window sightlines from either the existing or the proposed single storey extension. The single storey extension along the boundary of Portland Road is an addition to two existing single storey extensions currently in use as a garage. The proposed extension is approximately 7 metres long and in the context of the wider development is small in both scale and impact. The extension meets the guidelines in terms of impacts on neighbours. The proposal is therefore not considered to be harmful to the character of the area and is not considered to result in a loss of privacy to surrounding properties.

The property is a detached building with its own grounds to provide parking and bin store, but as is common for town centre residential uses there is limited amenity space on site. This is acceptable having regard to the proximity of public recreation grounds. There is potential for noise to occur from the use but that has to be considered in the context of the noise potential from the lawful use of the site and in that regard it would be difficult to demonstrate any significant additional impact. Any noise at an unacceptable level should be covered by Environmental Health legislation. The proposal is therefore not considered to result in significant loss of amenity to residents of the adjacent dwelling and other dwellings are set well away from the site. The separation distance between the building and other dwellings exceeds the 21m guideline of the Successful Places SPD. Therefore whilst there may be the perception that there is overlooking the separation distances are adequate to protect amenity in relation to planning guidelines. The proposal is therefore considered to meet the requirements of Policies GEN 2 and HOU 11 of the Bolsover District Local Plan.

The property has sufficient off street parking and DCC Highways has not raised any objection to the revised plans showing a proposed access and parking arrangements subject to conditions requiring the implementation of the proposed parking arrangements. The location

of the property, close to the town centre and bus stops means that residents of the property need not be reliant on the car as a means of transport. On this basis the proposal is considered to meet the requirements of Policy GEN 1 of the Bolsover District Local Plan.

The amended plans show a fenced and gated amenity area to the rear of the site and the provision of bin storage within the site. It is proposed to condition the provision of the amenity space, landscaping and the provision of acceptable boundary treatments to provide some outdoor space for occupiers whilst seeking to mitigate any resulting noise. The provision of amenity space is intended to provide an alternative to using the fire escape for outside space. The developer has confirmed that the fire escape will be linked to the main fire alarm system and will sound when the door is used which should prevent its use as a secondary entrance or exit to the building.

The issues raised by the consultation responses are covered in the above assessment. A number of representations raise issues about who may occupy the premises. Planning regulations do not control who occupies a property. The consideration is whether the residential use of the type proposed is acceptable. In this case it is considered that the use meets the requirements of the policies of the development plan and adds to the supply of housing and the mix of house types in compliance with the NPPF.

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No evidence supplied of any issues relating to this proposal.

Equalities: N/A

Access for Disabled: N/A

Trees (Preservation and Planting):N/A

SSSI Impacts: N/A

Biodiversity: N/A

Human Rights: No issues have been raised relating to this proposal

ADDITIONAL INFORMATION FROM AGENT IN RESPONSE TO THE PLANNING COMMITTEE RESOLUTION:

1. Policy CLT1:

There are a number of existing facilities in Shirebrook which serve the community:

Table 1: List of community facilities in Shirebrook

Name	Type of Facility	Address
Shirebrook Ex-Servicemen's Club	Public House (A4)	Carter Lane
Carter Lane Community Education Centre	Community Use – Education (D1)	Carter Lane
Shirebrook Working Man's Club	Public House (A4)	Carter Lane
The Gate Inn	Public House (A4)	King Edward Street
Indigo Indian Restaurant	Café/Restaurant (A3)	Main Street
Shire's Health Centre	Health/Medical Care (D1)	Main Street
Fitness Heaven	Fitness Centre (D2)	King Edward Street
Tastebuds Café	Café/restaurant (A3)	Market Street
Surestart Centre	Community Use – Education (D1)	Park Road
Shirebrook Library & Information Centre	Library (D1)	Patchwork Row
Salvation Army	Assembly Hall (D1)	Patchwork Row
Shirebrook Miners Welfare	Public House (A4)	Central Drive
Victoria Inn	Public House (A4)	Central Drive
Shirebrook Methodist Church	Church (D1)	Church Drive
Holy Trinity Parish Church	Church (D1)	Church Drive
Holy Trinity Parish Church Hall	Place of Assembly (D1)	Church Drive
Shirebrook Dental Care	Dentist (D1)	Langwith Road
Langwith Junction Social Club	Social Club	Langwith Road
Shirebrook Leisure Centre	Leisure Centre (D2)	Park Road
Shirebrook Village Hall	Community Centre (D2)	Park Road
Community Education Centre	Community Use – Education (D1)	Langwith Road
Shirebrook Staff Social Club	Social Club	Langwith Road

The loss of the Station Hotel public house is therefore not deemed to be significantly detrimental to the community.

The public house was purchased by the Applicant approximately a year ago up to which point it had been tenanted. Although the Applicant does not have access to the previous accounts of the public house, it is understood that the existing tenant left the public house with an accumulated debt of over £13,000.00. Since the time of purchase, the public house and café have been advertised both locally and on Rightmove for a period of approximately six months (as detailed in the letter from Trent Living Ltd). The Applicant has received no enquiries or interest in the public house. The public house was in a state of disrepair when the Applicant purchased the property and it has been subject to a number break-ins and damage. The public house has remained vacant for over a year.

Having regard to the 'Campaign for Real Ale' (CAMRA) Viability Test, there are a number of reasons why the trade potential of the Station Hotel public house renders the business unviable, including:

- . The public house is not known to act as a focus for community activities e.g. sports teams, social groups, community meetings etc.*
- . The public house is not located in a recognised tourist destination which is a well visited/popular location.*
- . The public house is not on a canal/riverside, on a long distance footpath or cycle route where passing trade would be likely.*
- . It is unlikely that the public house appeals to those who regularly drive out to pubs.*

. As detailed above, there are a number of similar pubs/clubs for residents/visitors within walking distance of the public house.

. Likewise, there is a wide variety of community facilities in the local area.

It is noteworthy that a number of public houses in Shirebrook have already closed due to a downturn in trade. Furthermore this is reflective of the pub trade across the country.

Overall, it is therefore considered that the proposed development accords with the requirements of Policy CL T1. Not only has the public house been shown to be unviable as a business but in addition there is an extensive range of alternative and directly comparable existing facilities in Shirebrook. As such, the public house is not essentially required to meet the wider objective of maintaining buildings which serve the locality.

There are a number of additional benefits and material planning considerations:

- the site is within the settlement framework in a predominantly residential area. The site is close Shirebrook town centre and bus stops which will give occupiers access to larger towns through sustainable travel options. The site is therefore considered to be in a sustainable location and suitable for the proposed residential use.
- The development will secure a viable future use for the Station Hotel that will ensure the upkeep of the building which sits in a prominent position within the street scene. In this regard, the Station Hotel building sits at the junction of Station Road and Portland Road and is a 'landmark' building on the approach to Shirebrook from the east. As noted in the Case Officer's report, if the site were to be left undeveloped it has the potential to deteriorate and adversely impact on the character and appearance of the wider area.

In addition the development will contribute to the Council's housing land supply; where it doesn't have a 5 year supply to meet NPPF requirements. The NPPF requires Local Planning Authorities to plan for a mix of housing to meet the needs of different groups within the community. In this regard, the development will provide diversity and additional choice in the housing market whilst helping achieve a sustainable, inclusive local community with a mix of household types.

2. Visual appearance of the site and building

The email from the Environmental Health Officer at North East Derbyshire and Bolsover District Councils clearly demonstrates the willingness of the current owner to engage with the local authority to improve the cleanliness of the site and building through a long term programme of investment. The EHO accepts that fly tipping has occurred creating some of the amenity issues; CCTV monitoring will be introduced to control this and the recycling bank removed; bins to be in a locked bin store; tenants given instruction on correct disposal regime; weekly cleaning internally and externally; company rep to visit weekly.

During the internal refurbishment works a series of repairs and improvements are proposed to the existing building and surrounding site to include the following:

- Cleaning down of existing brickwork and re-pointing as necessary.
- Full replacement of existing windows with new double glazed, UPVC units.
- Replacement of existing wall mounted lighting to main elevation.
- New building mounted car park flood lighting.
- Redecoration of existing rainwater/ soil pipes.
- Repair and redecoration of existing external metal staircases.
- Repair of damaged render to rear of property.
- Removal of unsightly public house branding signage.
- Provision of new CCTV cameras to cover the car park and amenity space areas.

We would also confirm that the property will be actively managed by a company representative who will visit and report on a weekly basis. The property will also be cleaned internally and externally each week.

3. Alleged anti-social behaviour

Whilst it is accepted that a planning application should be considered on the proposed class use and not its end users, the comments raised at committee have been considered for incorporation by the current property owner. The height of the existing boundary wall will be increased to enclose the site and a dedicated secure bin storage area and cigarette receptacles are to be located within the enclosed amenity area to control the spread of litter (drawing A-013 attached). It should also be noted that previous cases of anti-social behaviour such as fighting and the playing of loud music at weekends can be associated with the previous Public House and recent break-ins and vandalism linked to the ground floor being unoccupied. Should planning approval be granted for the current residential proposal along with improved on-site management, it is believed that the previous examples of poor behaviour will be eliminated.

Assessment: the information is supportive of the original recommendation. It is suggested that condition 2 be amended to reflect the proposal to raise the boundary wall to further protect amenity, as set out below.

ADDITIONAL INFORMATION FROM AGENT IN RESPONSE TO THE SECOND DEFERRAL AT PLANNING COMMITTEE:

No.	Items raised following committee meeting (04.05.16)	Completion or target date '()'	Comments
1	Checks on the security and fixings of the glass, surround and frames of all windows and pay particular attention to those on the South side of the main building above the pavement on Portland Road at all three floor levels. This to include the bay type three pane windows base support set up.	12.05.16	Immediate attention has been given to the worst affected windows
2	Cellar top access lid replacement to incorporate a secure and safe fixture.	12.05.16	Cellar top replaced with new wooden cladding panel
3	Install suitable bins and possibly wall containers for smoking related litter at strategic points around car park, entrances to Station Hotel and in proposed unit in yard. Regular cleaning schedule needed plus bin emptying.	12.05.16	Temporary bin storage area constructed and to be extended during main construction period. 4No. wall mounted cigarette receptacles have been installed within the proposed amenity area. The Property will also be cleaned internally and externally each

			week.
4	Display BDC type signage near bin area in car park warning against Fly Tipping.	12.05.16	2No. signs installed adjacent car park and bin storage area.
5	Consider design of amenity area to minimise noise affecting residential properties late evenings.	30.04.16	The height of the existing boundary wall has been increased to enclose the site. Incorporated within current planning drawings.
6	Ensure all residents are aware of danger of placing items on window ledges and brickwork particularly upper floors.	12.05.16	The letting agents have written to all tenants, regarding this issue. New tenants will also be instructed of the potential dangers. The property is being actively managed by a company representative who visits and report on a weekly basis.
7	Ensure fire escape steps are an area which must not be used other than as an escape access. (Link chain and sign across or hinged bar.)	(24.06.16)	Fire escape door to be linked to fire alarm to prevent unauthorised use. Barrier solution to be reviewed with building control without impeding escape route. Additional signage to be installed at base of stairs.
8	Install raised wall section to rear of car Park.	(24.06.16)	Existing wall height increased as planning drawing (A-013).
9	Cleaning down of existing brickwork and re-pointing as necessary.	(28.08.16)	To be carried out within two months of receiving planning approval and during the main construction period as scaffolding is required.
10	Full replacement of existing windows with new double glazed, UPVC units.	(28.08.16)	To be carried out within two months of receiving planning approval and during the main construction period as scaffolding is required.
11	New building mounted car park flood lighting.	12.05.16	PIR controlled lighting installed to car park.
12	Redecoration of existing rainwater/ soil pipes.	(01.06.16)	Works ongoing
13	Repair and redecoration of existing external metal staircases.	12.05.16	Works completed
14	Repair of damaged render to rear of property.	(28.08.16)	To be carried out within two months of receiving planning approval and during the main construction period as scaffolding

			is required.
15	Removal of unsightly public house branding signage.	(28.08.16)	Sign age partially removed. Remaining sign age to be removed within two months of receiving planning approval and during the main construction period as scaffolding is required.
16	Provision of new CCTV cameras to cover the car park and amenity space areas.	Ongoing (25.05.16)	1No. camera installed adjacent bin storage area. 1No. camera to be installed adjacent car park.
17	Property Management commenced	Ongoing 04.05.16	The property is being actively managed by a company representative who visits and report on a weekly basis. A full-time caretaker with reside at the property following receipt of planning approval.
18	3 No. concrete bollards to be replaced. Localised repairs to car parking tarmac surface.	(28.08.16)	Immediate trip hazards to be prioritised. Remaining works to be carried out within two months of receiving planning approval and during the main construction period.

Assessment: Notwithstanding that the matters raised by the Committee were not related to planning matters, the applicant has undertaken various actions as set out above and programmed others within a reasonable period, after any approval of the current application. The applicant's actions are welcomed.

As the matters raised were not planning issues the recommendation does not change.

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

1. Within 3 months of the date of this planning permission the fire escape at first floor level on the western elevation shall be linked to the main fire alarm system so that the main evacuation alarm sounds when the fire exit is opened and shall be retained linked to that system whilst ever the premises are in use in multiple occupation.
2. Within 6 months of the date of this planning permission the existing boundary wall shall be raised to 1.8m high using bricks to match the existing wall and with the existing coping re-used as shown on plan reference 14-06 A-013 Rev F and details of the fencing proposed shall have been approved in writing by the Local Planning Authority and erected on the site unless an alternative timetable has been agreed in writing with the Local Planning Authority. The approved scheme shall be maintained in place whilst the premises are in use as a HMO.

3. The off-street parking as indicated on drawing number A-013 Rev E shall be provided within 3 months of planning permission being granted, laid out, surfaced, marked out in a permanent manner and maintained for parking use whilst the premises are in use as a HMO.
4. There shall be no gates or other barriers on the highway access.
5. The extensions and alterations to the building shall be carried out in materials to match the existing building.

Note

1. The applicant should be aware that Footpath 46 on the Definitive Map for the area abuts the northern boundary of the site. The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer
2. The development should be designed, constructed and maintained so as to be free of Category 1/2 hazards as detailed in The Housing Health and Safety Rating System as per The Housing Act 2004. The applicant should also ensure that the development complies with the Decent and Safe Homes (DASH), Housing Act 2004 Guidance: Amenities and Space in HMO's. Additionally the applicant should ensure compliance with the LAcors Housing – Fire Safety Guidance re Fire Safety provisions (Housing Act 2004 and The Regulatory Reform (Fire Safety) Order 2005: Chartered Institute of Environmental Health and The Chief Fire Officers Association.

Amended layout with larger amenity space and raised boundary wall:



PARISH Barlborough

APPLICATION Up to 8.3 MW solar photovoltaic park with accompanying access track, transformers, inverters, kiosks, substation, security fencing and CCTV cameras.

LOCATION Land North Of Westfield Farm Beighton Fields Barlborough

APPLICANT Mr M W C/o Agent

APPLICATION NO. 15/00493/FUL

CASE OFFICER Mr Steve Phillipson

DATE RECEIVED 25th September 2015

SITE

Three agricultural fields currently growing oilseed rape with a total area of approximately 12 ha to the west side of and accessed from Sheffield Road, Barlborough. The site is also west of the M1, about 400m west of Barlborough and is approximately 1km east of Renishaw. It is grade 3b agricultural land and is within the green belt.



The site is on high ground relative to the land to the west of it and is undulating but with a general slope from east down to west. The fields are largely bordered by established hedgerows and some trees apart from the northern side of the western field which has an open boundary to footpath 11 adjacent (Essentially footpath 11 cuts through the middle of the existing western field but the Applicant has chosen not to include the northern side of the existing field within the application site). To the west side the site is adjacent to a local nature conservation site (Local Wildlife Site BO 066) along the line of a former railway which appears to have become a linear woodland habitat which provides some screening of the site from closer view of the site from the south and west. There is a public footpath (11) which runs adjacent to the north side of the site which meets other public footpaths including 9, 12 and 13 to the west south and north sides of the site.

There are a number of heritage assets in the vicinity. The closest of these are the group of assets at Beighton Fields Priory GII* listed and Priory Farm Barns GII. Barlborough Hall G1 lies approximately 1.5km to the northeast, Park Hall GII* 1.3Km to the north and Renishaw Hall G1 3km to the northwest. The Church of Immaculate Conception GII 2km to northwest at Spinkhill. Also Barlborough conservation area containing several listed buildings is 800m to the west.

PROPOSAL

Up to 8.3 MW solar photovoltaic park with accompanying access track, transformers, inverters, kiosks, substation, security fencing and CCTV cameras. Permission is sought for a period of 25 years plus 6 months each for construction and decommissioning.

This installed capacity will equate to approximately 6.5 million kWh/p.a. (sufficient to supply the annual electrical consumption of 1,797 households).

The panels are to be laid out in angled arrays running east west in rows about 5 – 6m apart. Each array will be mounted on a metal framework typically 3m above ground level installed at approximately 20-25 degrees from horizontal. The lower edge of the array will be approx' 0.8m above the ground. The framework is to be driven into the soil without concrete foundations.

Six inverter/transformer units are to be sited in a line along the northern boundary. Each would be 13m long x 3.5m wide x 3.5m high (similar in appearance to a portacabin).

Two substations are also proposed at the eastern end of the northern boundary each 8m x 5.7m wide x 5.6m high to gable of pitched roof. Two storage containers for parts are also proposed.

2m high galvanized net security fencing is proposed to surround the site with a series of CCTV cameras (13 shown) mounted on 3.5m posts.

The existing public footpath along part of the northern boundary will be upgraded with crushed aggregate to maintain its current condition throughout and post construction. Also two sections of new access track (approximately 70 and 65m each) will lead from the existing public footpath to the electrical infrastructure buildings.

During the construction phase of the project it is anticipated there will be approximately 420 HGVs (equals to 840 vehicle movements) to the site. It is anticipated that the construction phase could take around 10-12 weeks.

A dedicated ecological area is proposed on the eastern boundary of the site providing a seed rich habitat said to be in line with RSPB guidance. This is to be supplemented by the planting of a new 190m section of native hedgerow along the southern boundary replacing the existing low quality boundary. The applicant states that it will be possible for sheep to graze between and beneath the solar panels, retaining agricultural use of the site.

The Applicant states that: no significant impacts on the environment have been identified, that there are significant benefits including generation of renewable energy and ecological enhancements and that the consideration of these factors, together with the limited harm to the purposes of the Green Belt demonstrates there are very special circumstances which means that granting planning permission for a solar photovoltaic farm is justified.

The application is supported by the following reports:-

Planning Statement

Design and Access Statement

Ecology

Landscape and Visual Impact Assessment

Heritage Assessment

Flood Risk assessment

Mining Risk Assessment

The submitted Design and Access Statement refers to the intention to allocate 3.4MW of the 8.3MW scheme for the benefit of the community. The Applicant says that it is intended that it to be held in a 'community organisation' as defined by recent legislation in the latest Feed in Tariff order (Article 11 (6) – FIT Order). Regardless of the availability of the additional community support mentioned above, the project commits to make a minimum community payment of £2,000 per MW installed. This would equate to £17,000 in total. Through consultation of relevant parties a committee will be established to allow the funds to be allocated annually, and a legal obligation between the applicant and committee will be drawn up and signed on approval of the Planning Application.

AMENDMENTS

4.11.15 Coal Mining Risk Assessment submitted.

12.11.15 Visuals confirming view from the Milner Plantation of the Renishaw Hall estate are not possible

15.12.15 Sequential test provided to identify the most appropriate site. A sequential preference should be given to previously developed land (brownfield) and/or commercial roof-space. When it is determined that the use of agricultural land is necessary, a sequential preference should be given to avoid the loss of Best and Most Versatile land (Grades 1, 2 and 3a).

(However the submitted test only considers the merits of other nearby sites within the same

ownership as the current Applicant. All alternatives considered are within the greenbelt. Sites outside the greenbelt have not been considered).

The Applicant states that in order to identify the most appropriate location for arraying solar development a range of factors have been considered including:

- practical constraints on the implementation of solar photovoltaic technology including topography, vegetation cover, site accessibility, ability to connect to National Grid;
- environmental constraints including statutory and non-statutory designations;
- residential amenity; and
- other material planning considerations.

The sequential test submitted concludes that:-

1. The proposed use of any agricultural land has been shown to be necessary because there is no brownfield land or commercial roof space within the area of search;
2. Poorer quality agricultural land has been used in preference to higher quality land; and
3. That the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

15.12.15 Revised Site layout and Planting Proposals.

21.1.16 Additional info on skylark mitigation.

17.02.16 Additional info and revised drawings submitted:

Fig 2.3 Inverter Station elevations.

Fig 5.3 Site Layout and Planting proposals accounting for the former mine shaft.

Rev A Site layout accounting for the former mine shaft.

The inverter units and substations are to be coloured green.

Connection to the grid will be by underground power lines.

CCTV flood lights are to be infra red (not visible light).

05.04.16 Addendum to Landscape Appraisal – Cumulative Effects

Considers cumulative visual impacts with three existing solar farms: at Oxcroft, at Breck Farm (NED 3.4km to the west), and at Arkwright. Concludes that the addition of the proposed development would result in negligible cumulative effects upon landscape character and that minor visual effects would be experienced at five identified cumulative viewpoints.

HISTORY (if relevant)

13/00544/SCREEN request for a screening opinion as to whether an Environmental Impact Assessment will be required for the proposed development. This was for a solar photo-voltaic farm on a site extending to some 13.5 ha on land at Low Common Farm Beighton Fields Barlborough. Included the current application site but was a slightly larger. Decision: Not EIA development.

13/00156/SCREEN request for a screening opinion for a single 79m high wind turbine: Withdrawn.

CONSULTATIONS

Environment Agency

No comments

DCC Flood Risk Team

No objections subject to the recommendations of the FRA being followed.

Environmental Health Officer

Concerns regarding the potential accumulation of ground gases in the proposed buildings at the site. Hence recommends a condition requiring a gas risk assessment for the buildings proposed. Also a condition to deal with any unexpected contamination if found during the development.

Derbyshire Wildlife Trust

10.12.15 From our records we are aware that the site is located adjacent to the Local Wildlife site BO066 Westfield Railway noted for unimproved calcareous grassland. It is noted that the survey undertaken as part of this application identified the area of the LWS accessed to have now succeeded to dense woodland.

It is understood that no tree removal will be required by the scheme and that only a low amount of bat activity was recorded from the site. We therefore do not anticipate any impacts on roosting bats as a result of the proposal. In addition, we acknowledge that the scheme has been designed to provide suitably sizeable off-sets from the panels to the woodland edges and hedgerows which will therefore remain unaffected by the proposal. We would therefore advise that if the Council is minded to grant consent the development should be carried out in strict accordance with Figure 3. Site Layout and Planting Proposals Plan.

No impacts on badger are anticipated.

One of the main ecological impacts associated with solar farm developments is the loss of nesting opportunities for ground nesting bird species following the installation of arrays. We do not consider the details provided in the accompanying report to constitute a detailed breeding bird survey. We would expect that opportunities should be provided as part of the scheme to maintain suitable nesting habitat for skylark.

We note that the proposed mitigation measures for birds are based upon the outdated RSPB's 2013 guidance. Such measures to provide infield nesting habitat for skylark are unlikely to be successful. While such measures may be beneficial in providing additional feeding sources we do not consider that they will maintain nesting habitat for ground nesting species.

Further consideration should be given to the provision of suitable nesting habitat for skylark as part of this development as we are of the view that the application as currently submitted will have a detrimental impact on nesting opportunities for a Species of Principal Importance. Although it is noted that an area of 1.05ha of arable land to the immediate east to the proposed security fence will be subject to biodiversity enhancements we are not confident that this area will be suitable to provide nesting habitat for skylark due to noise and disturbance from the adjacent busy road.

Also requests conditions preventing installation during bird nesting season (1st March to 31st August) unless ecologist confirms none present; and a condition requiring a habitat management and monitoring plan to be submitted and approved.

We welcome the proposed planting of 190m of new native hedgerow along the southern boundary of the site and advise that the species composition listed on the Site Layout and Planting Proposal Plan dated 21/09/15 is considered appropriate for the corresponding

landscape character type.

However, we consider the following details to be missing in relation to the landscaping associated with the proposal and need to be provided (could be a conditional requirement):

- Specifications of the grassland seed mixes
- Details of the long-term management of the grassland areas
- Details of the long-term management and monitoring of all created and retained habitats

17.12.15 following reconsultation on additional information provided.

The information does not address the issues raised in our consultation response dated 10th December 2015 in respect of provision of skylark nesting opportunities, specification of grassland seed mix and details of long-term management of grassland. As stated in our earlier response the Wildlife Enhancement Package for Solar Farms on former arable land produced by the RSPB is no longer endorsed by the organisation and has since been revised.

29.02.16. We have now considered additional submitted information including a letter from Kevin Shepherd dated 21 January 2016 and a revised Site Layout and Planting Proposals Plan T.0276_09-C dated 10/02/2016. While the overall wildlife enhancement package is welcomed, including the use of wildflower-rich and wild bird seed mixtures together with the enhancement of existing and the planting of new hedgerows, the potential to displace nesting skylark remains.

Although the wildlife enhancement measures might improve foraging opportunities and increase the abundance of insects which are important for chick rearing, such measures are somewhat irrelevant if the habitat is no longer suitable for the species to nest.

Having considered the revised Layout Plan we would advise that the area of former mining activity which is shown to be left free from panel installation along with the proposed wildflower grassland on the eastern boundary could form the mitigation/compensation as suitable skylark nesting habitat.

The specification for the wildflower meadow grass is still lacking and needs to be provided. Such information along with full details of the grassland management should be included within an Ecological Management and Monitoring Plan to be submitted to and approved in writing by the local planning authority as a condition of any consent.

Conservation Officer

The applicant has submitted a heritage statement addressing the potential impacts upon various heritage assets surrounding the proposal site. There was some doubt over the potential visibility towards Renishaw Hall/Park but the applicant has since confirmed that there will be no inter visibility by the submission of more photographs taken from Renishaw estate. I therefore have no objections to the proposal as it has been demonstrated through the submitted heritage statement (and later clarification) that there will be no harm to surrounding heritage assets.

25.05.16. It has been brought to my attention that the solar park would be visible in views towards Spinkhill Church (grade II listed) from motorway bridge and near footpath 12 (near Grange Farm, Barlborough). This view at present is an uninterrupted rural view of agricultural land, with the church spire in the distance. This impact would be considered as less than substantial harm to the listed building and should form part of the overall consideration.

DC Archaeologist

22.10.15 Significant archaeological impacts from the proposed solar farm are unlikely. There is no need for further archaeological work.

Regarding setting impacts above ground: The applicant has assessed visual impacts in relation to a number of designated heritage assets, including Renishaw Hall (Grade I Listed) and Park (Grade II* Registered) and Barlborough Hall (Grade I Listed) and Park (Grade II Registered). I am satisfied from the information supplied (heritage assessment and ZTV with DSM) that there will be no impacts to Barlborough Hall/Park. There seems however to be some confusion in the application with regard to Renishaw Park, where the heritage assessment states that there will be no visibility, but the ZTV with DSM study shows visibility of the development from parts of the Park, some of them close to the Hall.

I recommend that the applicant should provide further clarity with regard to Renishaw Hall/Park, including a more detailed assessment of views across the Park and a worst case illustration of views of the proposed development from Renishaw Park.

12.11.15 following additional info confirms that we can be reasonably confident that there will be no adverse impacts on Renishaw Hall and grounds.

Coal Authority

Following initial objections regarding a mine shaft on site the application has been amended to exclude the arrays from within 20m of the mine shaft. CA response 23.11.15 confirms that the objection is now withdrawn.

DCC Highways

No objections subject to conditions:-

1. Construction Traffic Management Plan (CTMP) be submitted and approved to include details of the access and improvements/ widening to accommodate two-way vehicle movement in the vicinity of the public highway, passing places, measures to protect pedestrians on the public footpath, type, frequency of HGV deliveries and other vehicles generated by the works, routing of HGVs and signage and temporary traffic management on Sheffield Road.
2. Site compound detail be approved.
3. Provision of wheel cleaning facilities
4. Decommissioning CTMP be submitted and approved.

Plus advisory notes recommended.

Highways Agency (consulted on the application for a screening opinion)

15.01.14. Construction traffic will have minimal impact on M1 J30. The development is unlikely to generate significant amounts of traffic once operational.

Chesterfield BC

No comments. However BDC to note that since the preparation of the Cumulative ZTV accompanying the application submission (dated 08/07/2015) there have been two further solar farms approved within Chesterfield Borough boundary. The first at The Breck, Breck Lane, nr Barrow Hill (our ref. CHE/15/00460/FUL) and the second at the former Oxcroft

Stocking Ground, between Woodthorpe and Shuttlewood (our ref. CHE/15/00477/FUL). Both of these installations lie between the 2km and 5km search areas shown on the cumulative ZTV on figure 5.6.

PUBLICITY

Site notice, press notice, 5 neighbours consulted. No objections received.

POLICY

Bolsover District Local Plan (BDLP):

GEN1 (Minimum Requirements for Development);

GEN2 (Impact of Development on the Environment);

GEN4 (Development on Contaminated Land)

GEN5 (Land Drainage);

GEN8 (Settlement Frameworks);

GEN9 (Development in the Green Belt)

TRA12 (Protection of Existing Footpaths and Bridleways);

CON 1 (Development in Conservation Areas)

CON10 (Development Affecting the Setting of Listed Buildings);

ENV2 (Protection of the Best and Most Versatile Agricultural Land and the Viability of Farm Holdings);

ENV3 (Development in the Countryside); and

ENV5 (Nature Conservation Interests throughout the District);

ENV6 (Designation and Registered Nature Conservation Sites);

ENV8 (Development Affecting Trees and Hedgerows).

National Planning Policy Framework (NPPF)

Paragraph 14 comments on the importance of:

“approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits”.

Paragraph 17 lays down twelve core planning principles that must be taken into account when plan-making and decision-taking. This paragraph states that planning must:

“support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)”.

Renewable energy generation is discussed at length in Part 10 and paragraph 97 comments that we need to “recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources”. It also states that Local Planning Authorities should have: “a positive strategy to promote energy from renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily”.

Paragraph 98 states that Local Planning Authorities should “not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy.

Paragraph 28 comments that local plans should “promote the development and diversification of agricultural businesses”, thereby supporting rural communities.

Paragraph 91 states: “When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”

Paragraph 87 states: “As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

In considering the existence of ‘Very Special Circumstances’ (VSC), paragraph 88 of the NPPF indicates that: “local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

It is therefore clear that the balancing of harm against the existence of VSC, requires an assessment of any harm caused to both conventional planning matters (such as highways, heritage, amenity) referred to in paragraph 88 as ‘any other harm’ and then to the Green Belt itself and the purposes behind its formal designation.

The purposes of Green Belt designation are stated in paragraphs 79 to 80 of the NPPF to be:

Paragraph 79 “The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

Paragraph 80 ‘Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.’

Paragraph 81 “... local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.”

Paragraph 112 “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.”

Paragraph 132 “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.....”

Paragraph 134 “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”

Other (specify)

National Planning Practice Guidance (NPPG) indicates that:

“Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.”

The NPPG goes on to state that “The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively”, indicating that particular factors a Local Planning Authority will need to consider including: -

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal’s visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;

- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

Written Ministerial Statement – Solar energy: protecting the local and global environment – made on 25 March 2015. Indicates that a sequential preference should be given to previously developed land (brownfield) and/or commercial roof-space. When it is determined that the use of agricultural land is necessary, a sequential preference should be given to avoid the loss of Best and Most Versatile land (Grades 1, 2 and 3a).

Conservation Duties:

Planning applications affecting conservation areas and listed buildings:

Section 66 has a duty with respect to planning applications affecting a Listed Building or its setting in that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990: In considering planning applications “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.”

ASSESSMENT

The Principle of Development

The proposed solar farm would constitute “inappropriate development” in the Green Belt as defined in the NPPF. Paragraphs 87 and 88 of the NPPF explain that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The main issues in this case are therefore:

- a) The harm that the proposal would cause to the Green Belt;
- b) Any other harm that the proposal would cause;
- c) Considerations that weigh in favour of the proposal;
- d) Whether those other considerations in favour would clearly outweigh the harm to the Green Belt and any other harm, such that the very special circumstances necessary to justify the proposal would be demonstrated.

a) Harm to the Green Belt

Paragraph 79 of the NPPF identifies “openness” as one of the essential characteristics of the Green Belt. The relatively low-level nature of this type of development, and the fact that it would follow the existing contours of the land, may make it less visually intrusive than taller structures such as (for example) wind turbines. Nevertheless, previously open and undeveloped fields would be covered with black glass panels set on metal supports, together with a series of cabins housing electrical equipment, and would be enclosed by a security fence. It is clear that the proposed solar farm would reduce, rather than preserve, the openness of this part of the Green Belt.

One of the purposes of the greenbelt defined in the NPPF is “to assist in safeguarding the countryside from encroachment”, and since the proposal would involve developing some 12 ha of the countryside that is currently undeveloped, it would be at odds with this aim. Planning permission for the proposed development is sought for a temporary period of 25 years, and its removal at the end of that period could be secured by condition, but for the duration of its existence it would constitute the encroachment of development into the countryside. The proposed inappropriate development would, then, materially reduce the openness of this part of the Green Belt, and would conflict with one of the purposes for its designation. Taking this into account, the NPPF indicates that: “local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

It should also be noted that the majority of Bolsover District is not within the greenbelt and so there will be many other sites which could be explored as potential alternatives to accommodate similar development which would not result in harm to the greenbelt. The Applicant has not considered such alternatives in this instance.

b) Whether any other harm would be caused

i) Landscape and Visual Impacts:

The Application Site does not form part of any statutory or non-statutory landscape designations. In terms of Landscape character, at a county level, the Application Site is located within the Wooded Farmlands landscape character type in the Derbyshire Landscape Character Assessment published in 2003. This landscape type is described as: “A small scale undulating landscape rising to the magnesian limestone plateau. Characteristically well wooded, sparsely settled and dominated by mixed farming.”

Landform and existing tree and hedgerow belts generally limit the visibility of this site from longer views from the east and partially from the north and in the case of the western field only, from the west and south as well. There are more open views of the higher level eastern and middle field mainly to the south and west.

Additional hedgerow and tree planting proposed to the northwest boundary to footpath 11 and restoration planting to the southern boundary will provide some additional screening although will not be able to eliminate views entirely.

The main impacts identified in the submitted appraisal of landscape and visual effects are views from public footpath 11 which runs adjacent to the northern boundary of the site and then from footpaths 12 and 9 approximate 450m-550m to the south west. The proposal will

also be visible from sections of Worksop Road A619 to the south and southwest towards Mastin Moor. It is considered that the relevant main viewpoints have been correctly identified.

Users of public rights of way are recognised as being sensitive receptors to development and despite the relative proximity of the M1 to the east and Sheffield Road to the North east the character of the countryside as experienced from footpaths 9, 11 and 12 is that of a surprisingly tranquil, secluded undulating agricultural landscape. The proposed development would significantly affect the experience of walking these footpaths to the north and southwest of the site.

The installation of large black glass panels and their associated infrastructure would clearly alter the nature of the site, introducing precision-engineered structures at odds with its existing rural character and appearance. The sub-station, transformers and security fences would add visual clutter and exacerbate the incongruity of the development.

Footpath 11 runs immediately adjacent to the whole northern boundary of the site for approximately 550m. When walking down this path, instead of occasional long distance sweeping views to the west which can be had over or between the gaps in the hedge (see below), the existing hedgerow will need to be maintained at a higher level to screen the development from the path increasing the enclosure and altering its character. At openings and gaps in the hedge the development would be obvious and its presence would be exacerbated as a result of the hum of the transformers all lined up at the other side of the hedge.



There is currently no boundary at all between footpath 11 and the western field and whilst a

new hedgerow is proposed it will take at least 5 years to start to screen the development successfully. The current limited view to the south will also be prevented. The proposal would therefore harmfully affect the open character of this stretch of footpath and would detract significantly from its visual amenity.

At footpaths 9 and 12 some 450m – 550m to the southwest of the site there is approximately a 600m continuous length of path where uninterrupted views of the eastern and middle field can be had (viewing in the area around Woodhouse Lane Farm and Grange Farm). The footpaths are at a lower level than the proposed solar farm and looking up from the path the solar farm will appear to be on top of a hill lining the horizon for approximately 40 degrees of the available field of view. This would be a major and sustained visual impact on the landscape from a sensitive receptor view point. The additional hedge and tree planting proposed could only mitigate this harm to a modest degree and not eliminate it. It should be noted that the NPPG advises that *“The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes.”* This site is within an undulating landscape.

On the stretch of footpath 12 between Woodhouse Lane Farm and Chesterfield Road views of the site are only intermittent between hedgerow gaps and are also less extensive.

Overall it is considered that the presence of the proposed solar farm would fundamentally alter the rural character of this landscape, and would appear as a major, and incongruous, new element within the countryside and this would be significantly harmful to the visual amenity of the area. As a result the proposal would be contrary to local plan policies: GEN2 (1), GEN9 and ENV3 (C).

ii) Heritage Impacts

The closest heritage assets which might be affected by the proposal are set out above (at the end of the “Site” description section). Having regard to consultation advice from the Conservation Officer and the DC Archaeologist it is considered that the majority of heritage assets nearby would not be affected because there would not be any intervisibility between the site and the assets. The only exception to this is The Church of Immaculate Conception GII listed 2km to northwest at Spinkhill. When the application site is viewed from the path adjacent to A619 to the west side of the motorway bridge, the Church spire can be seen in the distance directly above the fields of the application site. Hence with the development in place the Church Spire will appear in the distance above a wide expanse of solar panels and there will be some harm to the setting of the Church as a result.



In other views from public footpath 12 the Church is seen to the left side of the site and so will be seen in the same field of view but not in such juxtaposition. However given the distance involved and the limited views of the Church with the application site it is considered that the harm to the significance of the setting of The Church of Immaculate Conception is less than substantial. The harm should be weighed against the public benefits of the proposal in the balance (para 134 of the NPPF). In doing so special regard must be had to the desirability of preserving the building or its setting (S66 test). This means that even though the harm may be at the lower end of the possible range of impacts it must nevertheless be given substantial weight in the balance of consideration. The church spire is the main urban element in the predominantly rural view and therefore the introduction of a competing urban form reduces the significance of the church in this view. Any harm should require clear and convincing justification. In view of the lack of confidence in the assessment of sequentially preferable sites it is considered that there is no clear and convincing justification for the heritage impact and therefore this must weigh against the proposal.

iii) Use of Agricultural Land

The application site is agricultural land currently producing an oil seed rape crop. Government guidance in the NPPG and within the written ministerial statement of March 2015 (both material considerations) indicates that for solar farms a sequential preference should be given to previously developed land (brownfield) and/or commercial roof-space and only when it is determined that the use of agricultural land is necessary, then a sequential preference should be given to avoid the loss of the Best and Most Versatile land (Grades 1, 2 and 3a).

In this case the Applicant has submitted a sequential test at the request of the Planning Officer. However the area of search chosen by the Applicant for alternative sites has been restricted solely to land within the Applicant's ownership; all of which is agricultural land within the greenbelt. No brownfield land or commercial roof space has been considered (nor any land outside the greenbelt although this is a separate matter). As such it is considered that the sequential test submitted is fundamentally flawed since it has not demonstrated that the use of agricultural land is necessary to accommodate the development.

However the site is grade 3b agricultural land and so the proposal does not involve the loss of the Best and Most Versatile land (Grades 1, 2 and 3a). As such the proposal is not contrary to policy ENV2 of the local plan. The proposal would also allow for the continued agricultural use of the site in line with the NPPG albeit restricted to potential grazing rather than crop production. Hence its versatility would be reduced.

The reduction in the versatility of 12 ha of agricultural land without proper justification is a material consideration. However the weight which can be given to this harm is limited because the proposal is not contrary to policy ENV2 and does not involve the loss of the best and most versatile agricultural land.

iv) Other

The solar farm would be visible from a few dwellings on the north side of Worksop Road but at that distance visual amenity at private dwellings is unlikely to be affected to a material degree. The risk of glare from reflecting the sun is very low because the site is to the north side of dwellings within the zone of theoretical visibility.

Ecology impacts should be minimal with some minor concern remaining about impacts on skylark and with additional hedgerow planting, tree planting and wildflower areas the overall effect should be positive subject to appropriate habitat management conditions.

No significant harms regarding drainage, flooding or hydrology are expected.

The area at risk from former mining activity has been excluded from the proposals.

There is a short section of the M1, perhaps 50m – 100m just to the south of junction 30 where there is direct intervisibility with the central field of the proposed solar farm. Hence there is a risk of glare/glint in the evening in sunny conditions for traffic northbound in the vicinity of the slip road to J30. This issue had not been dealt with in the application but further information was awaited on the level of risk at the time this report was written. Committee Members will be updated prior to the meeting.

No other harms have been identified which cannot be overcome by appropriate planning conditions.

c) Considerations that weigh in favour of the proposal (The benefits)

The proposed solar farm would achieve an output of 8.3MW each year and that this equates to producing electricity sufficient to power about 1800 average homes in Bolsover District. This would make a meaningful contribution to the attainment of national renewable energy policy objectives and targets; it would help to improve the security of the energy supply through diversifying the range of resources, would have direct and indirect economic benefits, and would reduce carbon dioxide and greenhouse gas emissions, thereby helping to mitigate climate change. These are benefits which carry a great deal of weight in favour of the proposed development. Paragraph 91 of the NPPF states that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

With the ecological mitigation and enhancement measures proposed, including the sowing of nectar flowers, fine grasses and wild bird seed mixture and planting 190m of hedgerow, there is the potential for a net ecological gain of habitat, enhancing the biodiversity of the site. The Wildlife Trust still has some concerns over the possible loss of suitable nesting ground for Skylark but overall it is considered that the proposal would be likely to have a positive effect. This should be given some limited weight in the balance.

In terms of community benefits the Applicant says that they might, depending on Government policy and the availability of a supporting mechanism, allocate 3.4MW of the 8.3MW scheme for the benefit of the community. The Applicant says that it is intended that it to be held in a 'community organisation' as defined by recent legislation in the latest Feed in Tariff order. But regardless of the availability of the additional community support mentioned above, the applicant says that they commit to make a minimum community payment of £2,000 per MW installed. This would equate to £17,000 in total. Through consultation of relevant parties a committee would then be established to allow the funds to be allocated annually, and a legal obligation between the applicant and committee will be drawn up and signed on approval of the Planning Application.

It should be noted that the above offer is made entirely on trust and is not secured by means of a S106 obligation or undertaking neither would such an undertaking pass the tests in the CIL regulations:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Neither could the offer be secured by planning condition since it would not pass the tests for conditions. Essentially the offer of community benefits is not material to the determination of this application and should be given no weight in the planning balance.

The Applicant also states that whilst it is difficult to quantify local job creation, they would look to incorporate as many local contractors and service providers into their plans as possible. However it is considered that job creation during the construction phase is transient and long term operational job creation would not be significant. Little weight is given to this benefit as a result.

d) The Balance: Whether the considerations in favour would clearly outweigh the harm to the Green Belt and any other harm, such that the very special circumstances necessary to justify the proposal would be demonstrated.

The proposed solar farm would constitute "inappropriate development" in the Green Belt which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The harm that the proposed development would cause to the Green Belt carries substantial weight against a grant of planning permission. To this must be added the harm that the proposal would cause to the character and appearance of the area, including its adverse impact on the visual amenity of the footpaths which pass adjacent to and near to the site: these are factors of considerable weight. The less than substantial harm that the proposed development would cause to the setting and significance of The Church of Immaculate Conception, a Grade II listed building, is also a consideration which must be given considerable weight in the overall planning balance (as required under the Act and para 134 of the NPPF). There is harm to that setting must be given special consideration and that must be weighed against the benefits, particularly as the harm could potentially be avoided by providing the facility on another site.

Furthermore there is no compelling evidence to justify the siting of the solar panels on agricultural land reducing its versatility and this is a further consideration which adds only limited weight against the proposed development.

Weighing in favour in the balance the proposed solar farm would make a significant contribution toward meeting national targets concerning the derivation of energy from renewable sources, reducing carbon emissions and mitigating climate change. It would have economic benefits, and would also help to increase the security and diversity of the electricity supply. These are benefits which carry a great deal of weight in favour of the proposed development. Some limited weight applies to the benefits of the ecological improvements to the site that the proposed development would secure. Some limited weight is given to job creation.

Weighing all of these considerations together, it is considered that the adverse impacts of the proposed development would outweigh the benefits. Since the totality of the harm caused would not be “clearly outweighed by other considerations”, as required by paragraph 88 of the NPPF, the “very special circumstances” necessary to justify development in the Green Belt do not exist in this case. The proposal would also conflict with policies GEN 2(1), GEN 9, and ENV 3(C) of the local plan to an unacceptable degree.

Other Matters

Listed Building: See report above

Conservation Area: See report above

Crime and Disorder: CCTV and security fencing are proposed.

Equalities: No significant issues

Access for Disabled: No significant issues

Trees (Preservation and Planting): see above

SSSI Impacts: No significant issues

Biodiversity: See above

Human Rights: No significant issues

RECOMMENDATION

Refuse for the following reason:

The proposed solar farm would constitute “inappropriate development” in the Green Belt which is, by definition, harmful to the Green Belt. The solar farm would materially reduce the

openness of this part of the Green Belt, and would conflict with one of the purposes for its designation in that, for the duration of its existence, it would constitute the encroachment of development into the countryside.

In accordance with the National Planning Policy Framework (NPPF) inappropriate development should not be approved except in very special circumstances. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In addition to the harm to the greenbelt the proposal would significantly harm the character and appearance of the area, including adverse impacts on the visual amenity of the footpaths which pass adjacent to and near to the site (footpath 11, 9 and 12 Barlborough Parish).

The less than substantial harm that the proposed development would cause to the setting and significance of The Church of Immaculate Conception, a Grade II listed building, and the lack of compelling evidence to justify the siting of the solar panels on this site is given due weight. Also the development on agricultural land reducing its versatility is given limited weight against the proposal in the overall planning balance.

Weighing in favour the proposed solar farm would make a significant contribution toward meeting national targets concerning the derivation of energy from renewable sources, reducing carbon emissions and mitigating climate change. It would have economic benefits, and would also help to increase the security and diversity of the electricity supply. Some limited benefits would result from the ecological improvements to the site that the proposed development would secure and from job creation.

Weighing all of these considerations together the adverse impacts of the proposed development would outweigh the benefits. Since the totality of the harm caused would not be "clearly outweighed by other considerations", as required by paragraph 88 of the NPPF and the special consideration of the harm required under paragraph 132 of the NPPF and S66 of the Listed Building Act, the "very special circumstances" necessary to justify development in the Green Belt do not exist in this case. The proposal would also conflict with saved policies GEN 2(1), GEN 9, CON 10 and ENV 3(C) of the Bolsover District Local Plan to an unacceptable degree.

PARISH Scarcliffe

APPLICATION Residential redevelopment including means of access
LOCATION The Nursery East Street Scarcliffe
APPLICANT Mrs Dorothy Hardwick The Bungalow East Street Scarcliffe S44 6SY

APPLICATION NO. 15/00649/OUT **FILE NO.** PP-04707078
CASE OFFICER Mrs Kay Crago (Thurs,Fri)
DATE RECEIVED 18th December 2015

Delegated Application Referred to Committee by Cllr Crane
Reason: Concerns about highway safety

SITE

The site lies to the east of East Street and to the south of Main Street. It is a former garden nursery site. On the site there is a single storey dwelling and buildings associated with the dormant nursery use. There are partial hedgerows to parts of the boundaries to the site. Open countryside to the south and east. Gently sloping site. Residential development lies to the north and west of the application site.

PROPOSAL

Outline application for residential development with all matters apart from means of access reserved.

A schematic layout shows the provision of 16 houses, 4 two bed houses, 10 three bed houses and 2 four bedroom houses (but see amendments below).

Vehicular access is from East Street.

AMENDMENTS

Email received from the agent 11/05/2016 providing revised heritage assessment, additional details on disposal of surface water, confirmation that adequate landscaping can be provided within the red edge of the application site.

Further email agreeing to limit the development to not more than 10 dwellings.

HISTORY (if relevant)

BOL590/244 Erection of bungalow (in addition to the existing bungalow)

BOL291/72 Erection of bungalow. Planning permission granted subject to conditions 9/05/91

BOL9411/0430 Replacement Glasshouse. Planning permission granted January 1995

99/00335 Erection of storage shed. Planning permission granted 16/06/99

CONSULTATIONS

Derbyshire County Council Highways: Comments on amended scheme in précis form. The Highway Authority has previously recommended that the number of proposed dwellings be restricted such that vehicular movements would equate to those taking place for the site operating as a nursery. Based on fact that site could operate as a nursery with perhaps some ancillary sales it would seem there is the potential for fairly significant vehicular movements. A recommendation of refusal would not therefore be considered sustainable. Reluctantly the

Highway Authority accepts the reduced number of dwellings and the conditions and notes in this Authority's letter dated 21st January 2016 should be included in any consent with Condition 2 being altered to refer to a maximum of 10 units at the site. 13/05/2016

Derbyshire County Council Highways Comments on original scheme suggests conditions re full details of the proposed highway and its tie in with the existing highway, restricted number of dwellings, no dwelling to be occupied until the proposed new estate street within the application site has been designed and laid out in accordance with the 6C's design guide, no occupation prior to space being provided within the curtilage for the parking of vehicles. Number of highway footnotes suggested. 21/01/2016

Derbyshire County Council Archaeologist : The site lies outside the Scarcliffe Conservation Area and is around 70m from the boundary of the Area of Archaeological Interest adopted as part of the Conservation Area Appraisal and Management Plan (2011) and representing the likely medieval core of the village. Indeed, medieval settlement to the south of Main Street is not thought to have extended within 250m of the application boundary. The site is therefore comfortably outside the area of the medieval village.

There is little other information on the Derbyshire HER that would suggest archaeological potential within the site. Artefacts scatters (mostly prehistoric flint work) are noted in fields c250m south of the application boundary (HER 12321, 12378, 12385), with a reasonable density (c20-30 pieces per field) suggesting that there is a prehistoric occupation in the vicinity. However, given the distance from the proposal site, the small size of the site, and the existing disturbance from the farm buildings on site, I feel that the evidence does not support an archaeological requirement being placed on the applicant under the policies at NPPF chapter 12. 5/01/16

Scarcliffe Parish Council: Object strongly to this development on the grounds of lack of adequate parking and servicing, design and appearance, layout and density , a lot more dense than surrounding, access and highways, East Street too narrow and not designed for this volume of traffic, Traffic generation, dangers to pedestrians on quiet street location, noise pollution created, noise and disturbance, unreasonable in rural setting.

Derbyshire Wildlife Trust: The Trust can advise that adequate ecological survey work has been undertaken in support of this planning application for the Council to determine it. Recommends conditions relating to the submission of a scheme for outdoor lighting; vegetation and building clearance works to be undertaken outside of the breeding bird season; and protection of retained habitats during the site preparation and construction phase. 21/01/2016

Severn Trent Water Ltd: Awaited

Regeneration: Awaited

Refuse-Streetscene and Waste Services: Awaited

Urban Design: No objection in principle to residential development but advises the inclusion of an advisory note. The design note should explain that additional work will be required in relation to the reserved matters proposals and the preparation of a detailed scheme. This should be in accordance with the Council's residential design guidance, Successful Places

(2013). The developer is encouraged to engage in pre-application discussions with the local planning authority at an early stage in advance of progressing any reserved matters. Whilst layout is a reserved matter a sketch layout has been provided showing how access can be achieved and a potential arrangement of 16 dwellings, with parking and garaging. This sketch shows a level of development that is considered to be excessive given the edge of settlement position of the site, resulting in development which backs onto the countryside. This is considered to result in an abrupt interface with the countryside; indicates a reliance on a landscape buffer that falls outside the red line of the application site. These aspects of the scheme would not comply with the Council's residential design guidance.

Garden sizes would need to achieve a minimum of 50sqm for a 2 bedroom dwelling, 70sqm for a three bedroom dwelling and 90 sqm for a 4 bedroom property. To achieve an acceptable layout in design terms the amount of development would likely need to be substantially less than that shown on the submitted sketch plan.

The NPPF requires proposals to seek to provide surface water drainage via SUDS in the first instance. This may have implications in terms of land take and the number of dwellings that can be accommodated.

Derbyshire County Council Planning: Recommends S 106 agreement to gain financial contribution towards Scarcliffe Primary School and The Bolsover School and advice notes to be provided in connection with access to high speed broadband and designing new homes to Lifetime Homes Standards. 19/02/16

Conservation Officer Comments on amended application

The potential impact of any development upon the Old Vicarage remains my concern. If minded to grant outline planning permission I would have the following recommendations. A detailed landscape scheme should form part of any full planning application, The views from the Old Vicarage should be a consideration when designing any new housing, The scale and massing should relate to vernacular as well as materials, this may only be relevant to buildings on the edge of the site and therefore closer to the Old Vicarage. 27/ 05/2016.

Conservation Officer Original Comments: The main issues for consideration:-

- i) the impact of the proposal on the setting of the conservation area including views to and from the conservation area
- ii) the impact of the development on heritage assets

Paragraphs 128 and 129 of the NPPF require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. This assessment will be taken into consideration when determining the application. Any future application must be accompanied by a Heritage impact statement which explores the historic significance of the site and surroundings. In addition the design and access statement must:- identify site context, important views to and from the site, topography, pattern of existing development, scale and detailing of neighbouring development, palette of materials. Proposals for new development must demonstrate how it addresses these issues and how the design and layout relates to the existing scale and style of building in the conservation area.

Although the existing site has extant buildings these are a single storey dwelling and several green houses, also single storey. Therefore the existing impact upon heritage assets is

minimal. The proposal increases density on the site which is a concern. Therefore the applicant will need to clearly demonstrate that infill development on this plot will preserve the setting of the heritage assets. 11/02/2016

Reconsulted on the reduction of the scheme to a maximum of 10 dwellings: no contributions will be required as the Minister has stated that small schemes (under 11 dwellings) should not be required to make such contributions. 13/6/16

PUBLICITY

Site notice posted and 17 neighbouring properties notified, 11 letters of objection received.

Grounds of objection:

Impact on provision of on street parking for existing residents

Increased traffic movements into the site including HGV's, contractor's vehicles

Loss of light from new houses

Impact upon privacy

Increased noise during construction etc

Primary school already at capacity

Would cause difficulties for the refuse lorry

Drainage/sewer issues due to depth of sewers and capacity

Development is too large and unnecessary

Development will ruin and remove views from our properties.

Impact on safety of users of the footpath leading from Main Street to the children's play area.

Development could be scaled down to 4 or 5 dwellings.

Children will not be able to play safely.

Development will adversely affect physical health due to dust and debris

Cars will be covered in dust.

Residents need to be compensated if the development takes place

Excessive number of houses

Problems for refuse lorry

HGV's will try to access the site with materials etc

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

HOU 9 - Essential New Dwellings in the Countryside

CON 4- Development adjoining Conservation Areas.

TRA 1 - Location of new development

TRA 15 - Design of Roads and Paths to serve new Development

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.”

Para 132 “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

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.

Conservation Duties

Local Plan Policy CON4 – Development adjoining Conservation Areas

Planning (Listed Buildings and Conservation Areas) Act 1990 –

Section 66 requires that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”

And Section 72: requires that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.”

NPPF Paragraph 131

In determining planning applications, local planning authorities should take account of:-

- The desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness

Paragraph 134

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 137

Local Planning Authorities should look for opportunities for new development within conservation areas and world heritage sites and within the setting of heritage assets to enhance or better reveal their significance.

Heritage asset

NPPF - “A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).”

Significance

NPPF - “The value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage assets physical presence, but also from its setting.”

ASSESSMENT

Principle of development:

The site lies outside, but adjacent to, the settlement framework as defined in the now aging Bolsover District Local Plan (2000). It is a brownfield site with a previous use as a nursery for plants, vegetables and soft fruits.

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 or harms would not demonstrably outweigh the benefits.

With regard to sustainability the site is close to public open space and play facilities within walking distance to the south. There is a primary school within the village and also a pub. Other facilities are limited

The nearest bus stop is within 400m of the application site on Main Street providing public transport links to settlements offering a wider range of goods and services.

On the whole whilst services within the village of Scarcliffe are limited it is considered that the application site is reasonably sustainable and is no less sustainable than other residential development in Scarcliffe. The agent has indicated that there is every possibility that the housing would be delivered well within five years and that there is developer interest.

In summary, despite the technical conflict with the out of date policies of the local plan it is considered that residential development would result in sustainable development and so significant weight in favour arises from the NPPF policy.

The Original Proposal:

The application is in outline only with the matters of appearance, landscaping, layout and scale being reserved. Access is to be considered as part of this application. A sketch layout was submitted which showed 16 detached houses. The number of proposed houses is also referred to in the application form. (The indicative layout shows a landscape buffer but this appears to fall outside the red edge of the application site and may not be deliverable). However it should be noted that no weight should be given to the illustrative layout in this decision.

The site is very rural in character with dwellings on East Street forming a well defined boundary between the built up area and countryside. The land slopes gently to the eastern boundary where there are open views down to the vicarage below the field. The church tower (listed Grade II*) can be seen through the trees beyond. Open fields are situated to the east and south with no formal boundaries to define these edges resulting in an open aspect.

Concerns have been raised by the Urban Design Officer that the sketch layout does not relate well to the locality resulting in a development which backs on to the countryside and the amount of development is excessive for the edge of settlement location. This would need to be addressed in any detailed submission. Concerns are also raised in relation to conservation impacts. It is not considered that the schematic layout as shown would be acceptable in terms of highway safety, heritage and urban design considerations. An amendment was sought to the application to reduce the application from 16 dwellings.

Specific issues in relation to a residential development are set out below.

Heritage Issues

The proposed site is located relatively close to the boundary of Scarcliffe conservation area. There are several unlisted buildings of merit (identified in the conservation area appraisal and management plan CAAMP) located around the boundary of the small field. Bathurst Cottage

and adjacent cottages 40-50 Main Street have rear gardens which bound the edge of the field and the Old Rectory on Gang Lane sits back from Main Street sitting in line to the proposal plot beyond the small field. As a result these buildings are considered to meet the definition of a heritage asset as defined in the NPPF.

The conservation area retains a strong rural character and the relationship between the built environment and the wider landscape is integral to the character of Scarcliffe. The CAAMP recognises that there has been a significant amount of infill, of varying quality, within and adjacent to the conservation area (para 5.27) and as a result identifies a potential threat as, “further intensification of built development within the conservation area would generally be considered to detract from the character and appearance of the conservation area. Any proposed new development should be designed to relate to the existing scale and style of building in the conservation areas.” It also refers to development immediately outside the conservation area potentially having a detrimental impact on the character and appearance of the conservation area.”

It is considered that the impact of the proposed development upon the heritage assets has not been adequately addressed. There is a paragraph in the submitted planning statement referring to Scarcliffe Conservation Area and the impact of the development upon the conservation area is considered to be neutral. However the proposed development has the potential to adversely impact upon views from and to the unlisted buildings of merit which are relatively close to the site. The introduction of 16 dwellings in this prominent location may not preserve or enhance the setting and character of the conservation area. A less dense development sensitively designed would potentially have a lesser impact more in keeping with the character of the locality and views from the listed church.

Highway safety

Vehicular access is proposed off East Street. East Street is relatively narrow without footways. It is not laid out to current guidelines. Many existing properties have off street car parking facilities; others do not and therefore on street parking is quite common.

The application site is already accessed via East Street and there would have been vehicle movements associated with the historic use of the nursery. There is also an existing bungalow on the site, currently occupied by the applicant. No nursery activities currently take place at the site although this situation could change if the business were to be restarted. Some information has been provided by the agent of the former vehicular activity to and from the site. Highway safety issues have been raised by neighbouring residents and the local member. Local residents (responding to the application as originally illustrated) are concerned that the access is too narrow for vehicles to come and go to the application site, development would affect the availability of on street parking, construction traffic would struggle to access the site and approval would result in increased highway danger for residents, playing children and pedestrians. The proposed access would cross over a foot path which leads from Main Street to the playing field to the south. Concern has been expressed by residents that this would be hazardous to users of the footpath.

The Local Highway Authority originally requested that the number of residential units should be limited to that which gives comparable vehicular movements with the nursery. There is some difficulty in ascertaining the previous level of vehicular activity and there are conflicting

views as to how much vehicular traffic was associated with the nursery, with local residents stating that movements to and from the nursery were limited. On balance it is considered that it is unlikely that daily vehicle movements to and from the nursery would be similar to the vehicular movements associated with 16 dwellings.

Reducing the number of units at the proposed site would reduce the impacts upon neighbouring residents and the local infrastructure and the Highway Authority accepts an upper limit of 10 dwellings.

Concerns about construction traffic are not usually given significant weight as they are relatively short lived and can be managed.

Ecology:

A protected species report was submitted as part of the application. The site was surveyed for the presence of bats and birds. Derbyshire Wildlife Trust is satisfied that the assessment meets guidance and, as such, sufficient information regarding these protected species (bats) has been supplied. No evidence of protected species was identified to utilise the site (excluding potential nesting birds) and low local value habitat was present. DWT consider that there are no ecological constraints with the proposed development. The Trust recommends conditions in relation to external lighting, time period for vegetation and building clearance and protection of retained habitats during the site preparation and construction phase. In the event of outline planning permission being granted these conditions would not be necessary but a condition requiring the submission of an updated ecological survey at reserved matters stage should be imposed. It is considered that the proposed development would meet the requirements of policy ENV5 of the Bolsover District Local Plan.

Contaminated land:

In view of the sensitive end use, previous use of the site and potential for made ground the Environmental Health Officer recommends a condition requiring a full phased contaminated land survey. A condition can be included in the event of planning permission being granted. It is considered that the development can meet the requirements of policy GEN4 of the Bolsover District Local Plan.

Drainage:

Towards the north eastern extreme of the site there is a slightly lower area which the agent has advised is capable of accommodating and holding surface water as part of a sustainable drainage scheme. Foul sewage is proposed to be discharged to the main sewer. No response has been received from Severn Trent Water to indicate whether capacity is an issue in this area. A condition can be attached to any permission requiring the submission of a detailed scheme for the disposal of both foul and surface water drainage. Additionally any development would need to meet the requirements of the Building Regulations. It is considered that the proposed development is capable of meeting the requirements of policies GEN 5 and GEN6 of the Bolsover District Local Plan.

Amended Scheme:

It was considered that the initial illustrative proposed scheme (of up to 16 dwellings) raised significant concern with the potential impact on highway safety and residential amenity and

impact upon heritage assets and would be unlikely to achieve compliance with the Council's Supplementary Planning Document Successful Places. A lower number of units, however, would offer the opportunity to address the concerns and potentially reduce adverse impacts to an acceptable level.

The agent was asked to consider significantly reducing the number of dwellings proposed at the site and a response states that the applicant is willing to accept a condition limiting the number of units to 10.

Whilst no schematic layout has been submitted demonstrating how the concerns raised can be fully addressed, this is an outline application and will require the submission of reserved matters; at which stage a full assessment of the impacts of the development would be undertaken. Limiting the number of units to a maximum of 10 would reduce the number of vehicular movements to and from the site and gives greater opportunity for a scheme to be designed which should be capable of addressing the heritage and urban design concerns.

Means of access is a matter for consideration at this stage.

The Local Highway Authority had previously recommended that the number of proposed dwellings be restricted such that vehicular movements would equate to those taking place for the site operating as a nursery. Precise historic data is not available. Additionally the use as a nursery could recommence and could result in fairly significant vehicular movements and could include retail sales from the site, without the need for any permission from the Council. The Local Highway Authority is willing to accept the reduced number of dwellings on the basis that a refusal would not be sustainable. In its original response they recommended a number of conditions (see above) to generally achieve a vehicular access which complied with the 6C's design guidance and that the extension to East Street would be constructed to an adoptable standard. In this rural edge location, and taking account of the form of the existing streets, it would not be desirable for the highway to dominate the scheme. A condition could be attached to any planning permission which required the submission of a scheme showing a highway design which met the requirements of the local highway authority but reflected this rural location and the need to give priority to the footpath route across the line of the road. It may be feasible for the development to be served off a private drive, although consideration will have to be given to bin carry distances if the highway is not to be adoptable. Any scheme would have to clearly show the tie in between the existing highway and the proposed access and how the footpath linking Main Street with the playground to the south would be accommodated. The reduction to a maximum of 10 dwellings would reduce the potential number of vehicle movements along East Street and would have a lesser impact upon existing residents. The inclusion of a turning head within the scheme would enable easier access for existing and future highway users (but only if the new highway is adopted or made available for public use).

Whilst there is significant opposition to the scheme from local residents it is considered that a satisfactory means of vehicular access to the site could be achieved and that the development meets the requirements of policy GEN1 of the Bolsover District Local Plan.

Developer Contributions:

It is not considered that for a development of this size it would be appropriate to seek

contributions as the additional demand on services is not considered to be significant and this is in line with Ministerial statements.

On balance a scheme limited to a maximum of 10 dwellings and subject to detailed design matters to address highway, heritage and edge of settlement treatment as well as the usual amenity issues the development is in line with the requirements of the NPPF and the policies of the Bolsover District local Plan. No impact is so material as to outweigh the benefits and the scheme should be approved.

Other Matters

Listed Building: None within the application site. Part of the site is visible from the churchyard and the impact of the development on this setting needs to be considered. In view of the distance and intervening development this is capable of being addressed in detail at the reserved matters stage, with the reduced scale of development envisaged.

Conservation Area: Close to the boundary of the conservation area but not within.

Crime and Disorder: No specific crime and disorder issues identified.

Equalities: No specific equalities issues identified.

Access for Disabled: New houses would need to meet relevant part of the Building Regulations.

Trees (Preservation and Planting): None of note affected

SSSI Impacts: N/A

Biodiversity: No significant impact. Mitigation can be provided within landscaping proposals.

Human Rights: N/A

As the application represents a departure from the adopted Bolsover District Local Plan additional publicity is required to be undertaken. If Members are minded to approve the application the decision will need to be deferred until this has taken place.

RECOMMENDATION: Defer decision and delegate to Assistant Director Planning in consultation with Chairman and Vice-Chairman of Planning Committee subject to:

A. Undertaking additional publicity of the proposal as a departure of the adopted Bolsover District Local Plan: and

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

1.Submission of reserved matters

2.Approval of reserved matters

3.Notwithstanding the indicative layout that has been submitted with this application, the number of residential units to be accommodated on the site shall be limited to a maximum of 10.

4Contaminated land condition.

5Existing and proposed finished floor levels to be submitted with reserved matters

6 Notwithstanding the detail on the submitted illustrative layout, prior to work on site

commencing, full details of the new access including details of the tie-in to the existing highway and footpath route to the west of the application site along with full construction details shall be submitted to and approved in writing by the Local Planning Authority.

7 Construction Management Plan

8 Full details of foul and surface water drainage.

9 Maintenance of landscaping and replanting

10. Updated ecology report before any development starts on the site

Notes to applicant

1 The reserved matters should be accompanied by a heritage assessment and a design statement to show how the scheme has addressed heritage and visual amenity issues and achieve a safe and visually attractive access.

2. The reserved matters shall include full details of landscaping proposals and shall clearly demonstrate how the edge of settlement boundary will be treated.

3. Highway notes



Reproduced from the Ordnance Survey Database: reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey. Crown Copyright 2016.

PARISH Old Bolsover

APPLICATION Demolition of existing bungalow and outbuildings and erection of two storey dwellings with associated access drive.

LOCATION 287 Shuttlewood Road Bolsover Chesterfield S44 6PB

APPLICANT Mr A Roberts 287 Shuttlewood Road Bolsover Chesterfield S44 6PB

APPLICATION NO. 16/00030/OUT **FILE NO.**

CASE OFFICER Mrs Karen Wake (Mon, Tues, Wed)

DATE RECEIVED 22nd January 2016

Delegated application referred to committee by: Development Control Manager

Reason: Policy Considerations

SITE

Detached, single storey dwelling set on a large, fairly level site. To the rear of the dwelling is a large detached outbuilding which runs adjacent to the northern site boundary. The northern site boundary has a 1.8m high fence and a 2m high chain link fence with single storey dwelling and garden and stables beyond. There is a 2m high hedge along the rear boundary with field beyond and a 1.8m high fence along the southern side boundary with garden beyond. Along the western boundary is a 1.8m high wall and the flat roof building belonging to the adjacent dwelling with two storey dwellings beyond.

PROPOSAL

The application is in outline with all matters reserved for the demolition of the existing bungalow and outbuildings on the site and erection of two storey dwellings with associated access drive.

AMENDMENTS

The application was originally submitted for the erection of 7 dwellings. The number of dwellings has been removed from the proposal such that the application is in outline with all matters reserved for residential development. Additional information has been submitted in relation to the sustainability and deliverability of the site.

HISTORY (if relevant)

97/00231/FUL: Erection of building for storage and distribution of agricultural and associated products: Approved: 14/10/97

00/00326/RETRO: Alteration and extension to existing outbuilding: 9/10/2000.

CONSULTATIONS

Environmental Health Officer: Recommends condition regarding contaminated land study and any necessary remediation measures: 1/2/2016

DCC Highways: Development is acceptable in principle although the drawings as submitted are not acceptable. However the application is all matters reserved so the following conditions are required on any planning permission: New vehicular access be a minimum 5m wide with

visibility splays 2.4m x 55m in critical direction and 2.4m x 65m in the non-critical direction, space to be provided within the site for parking and manoeuvring vehicles, 2m x 2m x 45° pedestrian inter-visibility splays to be provided to the access, access to be no steeper than 1 in 30 for the first 10m and 1 in 12 thereafter: 8/2/2016

PUBLICITY

Site notice and 10 neighbours notified. 5 Letters of objection received from 5 local residents which raise the following issues:

1. The demolition of the existing dwelling may damage the adjacent property during demolition or after demolition due to movement or slippage as the bungalow is close to the adjacent property and approx 5ft lower and may damage the foundations of the adjacent dwelling.
2. The retaining wall on the site boundary was designed for the private use of one dwelling not to withstand heavy frequent use by domestic traffic, construction, service and delivery vehicles to serve multiple dwellings as the access road shown on the plans runs parallel to the retaining wall and the wall is already showing signs of movement. The proposed road would need to be set further away from this retaining wall and that is not possible within this site.
3. The demolition may cause injury to residents of adjacent dwellings or their visitors.
4. The proposal will devalue adjacent property.
5. The proposal will result in a loss of view from adjacent dwellings.
6. The proposal will cause inconvenience to residents of adjacent dwellings during construction.
7. The additional traffic to the site will result in noise and disturbance for residents of adjacent dwellings.
8. The farm adjacent to the site has large farm vehicles entering/leaving the site and the proposal will restrict the ability to use this access in a safe manner.
9. There is a bus stop opposite the site and the proposal will cause congestion for the bus service and people and members of the public trying to access the bus stop or the bus stop would need to be re-sited.
10. Gardens of adjacent properties are not currently overlooked and are completely private and the proposal will result in a loss of privacy and cause overlooking of adjacent dwellings and gardens
11. The drawing shows a drive 4.8m wide but the highway design guide states it should be 5m and the turning area shown on the plans is not large enough for a refuse vehicle so would have to reverse into or out of the site which would be detrimental to highway safety.
12. What provisions are being made for the drains for the development? The land falls away from Shuttlewood Road and the distance involved would make it impossible to connect to standard drains without a pump station but there is no provision for this within the application.
13. Is the land within the Green Belt?
14. There is inadequate parking provision shown on the plan.
15. The plans submitted are inaccurate as the outbuildings on the site are bigger than indicated and are on the boundary, forming a secure boundary between 287 and 289 Shuttlewood Road. No provision has been made for the demolition of these buildings which would compromise the boundary which needs to be secure at all times for the animals kept at the adjacent property.

16. When the existing outbuildings were constructed, the soil which was dug out was spread across the site raising the land levels by approx 3ft which causes flooding of the garden of 289 Shuttlewood Road. These land levels need to be addressed before planning is considered.
17. Part of the site is in the Greenbelt and planning permission has never been granted to change the use of the land from agricultural land.
18. The position of house no 7 on the plan is very close to the boundary with an equestrian yard on the other side of the boundary which is in use from very early in the morning and may cause noise and disturbance for future residents of this dwelling.
19. Roadside parking as a result of the proposal would cause serious visibility problems for people trying to access adjacent properties.

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),
 GEN11 (Development Adjoining the Settlement Framework Boundary),
 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 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 17 Core Planning Principles of plan making and decision taking including:

- (i) always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- (ii) take account of the different roles and character of different areas, promoting

- the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- (iii) encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;

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.”

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.

Other

Successful Places: A Guide to sustainable Housing Layout and Design

ASSESSMENT

The main issues associated with this proposal are the principle of the development of this site for residential purposes, particularly considering its location partly 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 and the impact on highway safety.

The rear half of the site lies outside of the settlement framework boundary where the open countryside policies apply.

Whilst the policies for the protection of the countryside must be given due weight, regard must 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 paragraph 14 of the NPPF prevails as the prime policy with its presumption that planning permission should be granted unless other material considerations significantly and demonstrably outweigh the benefits.

Whilst the site itself is bounded by development to two sides, its development would clearly extend into land to which the countryside policies apply. However, the site contains no remarkable features, is currently a domestic garden and shares boundaries with other gardens. Also to the north of the site, new residential development extends out in line with the rear boundary of this site such that the proposal would not be a prominent intrusion of development into the open countryside.

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 and the proposal is therefore considered to be contrary to policy ENV 3 of the Bolsover District Local Plan.

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.

As these policies are deemed to be limiting the supply of housing they are not compliant with the NPPF and therefore only very limited weight can be given to them.

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>b) an assessment of how the proposals perform against relevant policies in the development plan.</p>	<p>The site is available now, as it is in the single ownership of the applicant. And there are no known disputes over access rights. The site is currently garden and is in a suitable location for new housing development with compatible neighbouring land uses and close to the schools and services available in Shuttlewood and Bolsover</p> <p>Once outline planning permission has been granted the applicant intends to apply for reserved matter with a view to starting the development next year.</p> <p>The Planning Statement advises that the proposal does not comply</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>d) a timetable for the development of the site.</p> <p>2) Is there confirmed support from land owners for the proposal and that the site is not subject to any dispute over land ownership or access rights?</p>	<p>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 the site has clearly defined boundaries, marked out on the eastern edge (which is adjacent to open grassland) by an established fence and to the west and north by residential development and to the south by further gardens such that the site has a naturally enclosed feel and does not protrude into the countryside. The scale, design and orientation of the individual house types and associated landscaping will further soften the development edge and reduce the existing visual harshness, helping integrate the scheme with the existing environment and provide for enhanced wildlife habitat.</p> <p>There are no known ecological constraints or flood risk issues and there are no mature trees worthy of retention currently on the site.</p> <p>Should planning permission be obtained, there would be an application for approval of reserved matters submitted and once this is secured the intention would be to start early next year.</p> <p>The applicant is the owner of the site and has confirmed that when planning permission is granted there are no land ownership constraints to stop the early delivery of housing onsite. There are no access constraints</p>
--	---

3) Are there any physical / environmental / marketability constraints?	to the site. There are no obvious physical / environmental / marketability constraints.
--	--

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) 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>The site is part within/part outside the settlement framework but the proposal clearly adjoins the settlement framework boundary and due to the position of adjacent dwellings and gardens, does not form a significant protrusion into open countryside.</p> <p>Bus stops are located close to the site. There is a regular hourly bus service at peak times Monday to Saturday linking the settlement to Bolsover, Staveley and to the major employment location of Markham Vale, along with a 2 hourly daily bus service that also links the settlement with Sheffield and Mansfield.</p> <p>The site is within walking distance of a primary school, and within approx 3.5km of a secondary school in Bolsover.</p> <p>The site is approx 2.5 km from Bolsover Town Centre.</p> <p>The site is approx 3.5km from the local employment site off Station Road, Bolsover, or about 2.5 km from jobs within Bolsover town centre.</p> <p>The site is approx 3.5 km from the major employment site at Markham Vale.</p>

<p>c) contribute positively to reduce carbon emissions through its design and / or enable more sustainable lifestyles.</p>	<p>The detail of these measures would be considered in a reserved matters application..</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>None identified.</p>

Clearly this is an extension of development into an area that the countryside policies apply, even though the land forms part of a defined garden. There are obvious physical features adjacent to the site, in particular the built development to two of its sides, garden land to one side and a fence line and access track to the east of the site, such that the significance of its intrusion into the countryside is limited as a result. The site is on the edge of the settlement framework where new housing has previously been considered as reasonably sustainable, such as the in the nearby Pattison street application, in terms of the proximity and links to that settlement and the amenities and facilities it offers, including good quality public transport links.

This is a relatively small development and based on this assessment the site is in reasonably sustainable location.

From an assessment of this proposal, it is considered that none of the sustainability impacts significantly and demonstrably outweigh the benefits of new housing development, even though the amount of housing is relatively small and in principle it is considered to be an appropriate site to form a logical extension to the settlement Shuttlewood.

In terms of the design, landscaping and boundary treatment details, these will be considered at reserved matters stage. The site is considered capable of accommodating a number of dwellings which could meet with the Council's interim Design Guide 'Successful Places' and which would be in keeping with the character of the area and provide a satisfactory level of privacy and amenity for occupants of the proposed houses, as well as existing neighbouring residents. There is a change in levels across the site but a condition requiring submission of levels details with the reserved matters application could ensure these levels are acceptable in the finished build. Subject to such a condition the scheme is considered to be acceptable in respect of its impact on residential amenity and as such, is considered to accord with the requirements of Policies GEN2 of the Bolsover District Local Plan.

In respect of contamination (Policy GEN4 [Development on Contaminated Land]) the Environmental Health Officer has advised that investigation works are necessary 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.

All matters are reserved but the plans submitted indicate a private drive to serve the proposed dwellings. The application originally stated 7 dwellings but a specific number has been removed from the application. A road to adoptable standards cannot be provided to the site but the Highway Authority have confirmed that guidance allows 6 dwellings served off a private drive, subject to the provision of a suitable access, parking etc, which would be considered in a reserved matters application. There is sufficient width on site to provide a driveway and if needed a footway and turning head to accommodate anticipated traffic. 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 submission of suitable details in a reserved matters application. On this basis 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 site is a mowed grassed garden where there are unlikely to be any protected species issues; but with the prospect of demolition of buildings taking place a precautionary ecology survey condition should be attached (as there may be a delay between the granting of permission and development starting and buildings may have been left vacant in the interim). There are no trees on the site which are worthy of protection. Landscaping is a reserved matter but it will need to take into account the settlement edge treatment (a note flagging up this issue is required). The proposal is considered to reflect the character and appearance of area and 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.

Some of the issues raised by local residents are covered in the above assessment. The issues of damage to adjacent property and suitability of existing retaining walls and future boundary treatments to retain dogs have not been considered as these are private matters between the parties concerned.

The issues of loss of view and devaluing adjacent properties have not been considered as they are not material planning issues which can be taken into account. The issue of noise, disturbance, safety etc during demolition and construction are not material planning issues and any issues would be temporary whilst works are carried out. If problems did arise they would be covered by environmental health legislation if causing a nuisance and by Health and Safety legislation.

The issue of Green Belt cannot be considered as the site is not within the Green Belt. The issues of suitable boundaries, position of dwellings to protect privacy of existing residents, suitable access and parking provision and drainage are all issues to be considered in any reserved matters application and cannot be considered in detail in this outline application.

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, the presumption in the NPPF under paragraph 14 prevails in securing a 5 year supply of deliverable housing. It is considered that the impacts of the development do not significantly and demonstrably outweigh the benefits. The site is considered to relate reasonably 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

Crime and Disorder: No issues relating to this proposal

Equalities: N/A

Access for Disabled: N/A

Trees (Preservation and Planting): N/A

SSSI Impacts: N/A

Biodiversity: No known issues

Human Rights: No known 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. Start within 3 years or within 2 years of approval of reserved matters
2. Submit reserved matters within 3 years
3. Levels details to be submitted and agreed.
4. Landscape maintenance plan.
5. Replacement planting for a period of at least 5 years.
6. Identification and treatment where necessary of contamination.
7. Ecology survey for presence of bats before any demolition of buildings starts

Note re Settlement edge treatment to eastern boundary; highway matters; refuse bin collection point.

Not Set



© Crown copyright and database right 2014 Ordnance Survey. 100045244
Use of this data is subject to its terms and conditions. You are not permitted

Date: 14/05/2016

PARISH Barlborough

APPLICATION Erection of a single storey stables/tack room building with doors and windows to the front and small windows to the rear (retrospective application).
LOCATION The Laurels Ruthyn Avenue Barlborough Chesterfield
APPLICANT Miss M Manfredi The Laurels Ruthyn Avenue Barlborough Chesterfield Derby
APPLICATION NO. 16/00089/FUL **FILE NO.** PP-04846083
CASE OFFICER Mrs Karen Wake (Mon, Tues, Wed)
DATE RECEIVED 29th February 2016

Delegated application referred to committee by: Development Control Manager
Reason: Policy Considerations

SITE

Two storey detached dwelling set within an area of open countryside in the Green Belt with a series of outbuildings and the building, the subject of this application.

PROPOSAL

The application is for the retention of a single storey building which is 5.57m wide, 21m long and has a pitched roof which is 2.8m high to the eaves and 5.2m high to the ridge. The building is constructed in block work cavity walls and a stone and render external finish and a pitched roof finished with slate. The building has Upvc windows to the front and rear. The plans submitted with the application show the building is proposed to be used for stables, hay store, tack room and kitchen although during a site visit the applicant stated that the building was to be used as 2 stables and 2 rooms in connection with keeping/breeding dogs and a bathroom and kitchen area in connection with keeping dogs.

AMENDMENTS

None

HISTORY (if relevant)

CLO/473/5: Erection of single storey dwelling: Refused 25/7/1073. Dismissed on appeal.

CONSULTATIONS

DCC Highways: No objections subject to stables being ancillary to the existing use of the site and for the personal use of the occupants of the dwelling with no commercial use: 14/4/2016

Highways England: No objections: 27/4/2016

Parish Council: No comments received

PUBLICITY

Site notice and 6 neighbours notified. No comments received.

POLICY

Bolsover District Local Plan (BDLP)

GEN 1 (Minimum Requirements for Development)

GEN 2 (Impact of the Development on the Environment),

GEN 9 (Development in the Green Belt)

GEN 11 (Development Adjoining the Settlement Framework)

ENV 3 (Development in the Countryside)

HOU 9 (Essential new dwellings in the countryside)

National Planning Policy Framework

Paragraph 14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For **decision-taking** this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

Paragraph 17: sets out 12 principles to be applied to planning including taking account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it and contributing to conserving and enhancing the natural environment and reducing pollution

Paragraph 79: The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 87: States inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 88: Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 89: Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Paragraph 109: The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils and recognising the wider benefits of ecosystem services, minimising impacts on biodiversity

ASSESSMENT

The site is outside the settlement framework in an area of open countryside within the Green Belt. There had previously been a stable block on the site but this has been removed and the building which is the subject of the application constructed in the same place. Within the Green Belt policies GEN 9 and ENV 3 of the Bolsover District Local Plan will apply. Policy GEN 9 states that planning permission will not be granted in Green Belts except in a small number of limited circumstances and Policy ENV 3 states that planning permission will only be granted for development which is necessary in such a location and if it can be demonstrated that the proposed development would not materially harm the rural landscape and avoid unnecessary urbanisation and sprawl. It is considered that this is also reflected in Para 17 bullet point five of the National Planning Policy Framework which states that as part of the core planning principles planning should “take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it” and paragraph 89 which states planning permission will only be granted in Green Belts in limited circumstances.

The current proposal is for the retention of the existing building for keeping horses (according to the application details) for private use. It is accepted that the keeping of horses requires a rural location and the property has fields which would support the keeping of horses. The keeping of dogs for domestic purposes would however normally take place within the home, or within a small kennel (and there are already kennel buildings on the site which are deemed adequate to support an ancillary use).

The erection of a modest, suitably designed stable block to replace the original one may therefore be acceptable in principle.

However, the building which has been erected is constructed in blockwork with cavity wall construction, finished externally in stone and render. The pitched roof is slate with the underside of the overhang finished in Upvc with led lights along its length. The building also has Upvc windows in the front and rear elevations. Internally the building has plaster-boarded ceilings and has timber studwork in place to create 4 rooms and an internal corridor. One of

these rooms has pipework to provide a bathroom/washroom and the other has plumbing and electrics for kitchen appliances and a boiler and contains an electrical consumer unit. The stables have several internal plug sockets and the doors are accessed via a step up, with airbricks set below the door level such that the ground cannot be raised up to door level. The building in terms of its scale, design, materials of construction and domestic character is more in line with a dwelling construction (with the services in place for a kitchen, bathroom, living space and at least one bedroom) rather than a stable block. Any isolated new dwelling in the countryside which was not essential to the need of agriculture or forestry would be contrary to Policy HOU 9 of the Bolsover District Local Plan and the guidance given in the NPPF and Green Belt policy.

Whilst the application and plans state that the building is for stables the design and form of the building as built is not reasonably designed for that purpose. It is more akin to a dwelling and it is considered more appropriate to assess the proposal on the policies that apply to that type of development and not what has been stated in the application. (The applicant was advised by the Enforcement Officer to stop building works whilst the planning position was sorted out, but works for its completion have continued).

The site was originally a small holding and the building is considered to be outside any domestic curtilage as it replaced a stable block, and the area of hard surfacing to the rear of the building extends further away from the dwelling on site. The development therefore extends into the open countryside within the Green Belt. The building is not the scale or design of a typical rural building which would normally be considered acceptable in the countryside or Green Belt and is not considered to be necessary in such a location.

The building, by virtue of its size, design and appearance represents an urbanising feature in the countryside which is considered to materially harm the rural landscape and the openness of the Green Belt. In view of the opinion that the building is designed as a dwelling and not a stable or similar agricultural/rural building it is considered that it does not comply with the policies on acceptable development in the Green Belt and the countryside more generally. Consequently the proposal is considered to be contrary to policies GEN 9, ENV3 & GEN 2 of the Bolsover District Local Plan and is also contrary to the provisions of the National Planning Policy Framework.

The building is set well from any nearby dwellings such that it is not considered to be detrimental to the amenity of residents of adjacent dwellings. The building is ostensibly for private use and if that was the case and the building was deemed acceptable itself a condition could require that it be used for private/personal use not a business use. Subject to such a condition the proposal would not be considered to be detrimental to highway safety. On this basis the proposal would not be considered to be contrary to Policy GEN 1 of the Bolsover District Local Plan. However this is not considered sufficient to overcome the impact of the proposal on the openness of the Green Belt set out above and .

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No issues relating to this proposal

Equalities: N/A

Access for Disabled: N/A

Trees (Preservation and Planting): No issues relating to this proposal

SSSI Impacts: N/A

Biodiversity: N/A

Human Rights: The judgement of planning merits is deemed to be sufficient to achieve the balance between human rights; there are no excessive impacts that would indicate that the normal balance is not sufficient in this case.

RECOMMENDATION:

- 1. Refuse the application as set out below;**
- 2. Issue an Enforcement Notice in the terms generally set out below (to be formulated in full by the Assistant Director of Planning).**

1. **Refuse** for the following reason:

1. The building is not of a scale or design of a typical rural building for the keeping of horses which would normally be considered acceptable in the countryside or Green Belt but is designed and built in a manner more fitting for domestic occupation and is unlikely to be used for the purposes specified in the application. No need for a new dwelling has been established in this Green Belt location and in view of the design being inappropriate for the specified use it is not considered to be necessary in such a location. The building, by virtue of its size, design and domestic character represents an urbanising feature in the countryside and the Green Belt which is considered to materially harm the rural landscape and the openness of the Green Belt. Consequently the proposal is considered to be contrary to policies GEN9, ENV3 & GEN2 and HOU9 of the Bolsover District Local Plan and is also contrary to the provisions of the National Planning Policy Framework.

2. **Enforce:** An Enforcement Notice be issued

Reason for issuing notice: as set out in the recommendation above;

Requirement: demolish the building and remove all associated material from the site and restore the site to a grassed area level with surrounding land

Period for compliance: 3months for the demolition works and a further 3 months to level and grass seed the site of the building.

Not Set



© Crown copyright and database rights 2016. Ordnance Survey 100049234
Use of this data is subject to terms and conditions. You are not permitted

Date: 14/05/2016

PARISH South Normanton

APPLICATION Variation of S106
LOCATION Land to The Rear Of 1 To 35 Red Lane South Normanton
APPLICANT Michael Merriman -
APPLICATION NO. 16/00231/OTHER
CASE OFFICER Mr Chris Doy
DATE RECEIVED 25th May 2016

SITE

Approximately 1.59ha Greenfield site within the settlement framework which is to the south of Red Lane, west of Birchwood lane and to the north of the A38 slip road. Fields/paddock to the west. There is a mix of property types adjacent to the site although predominantly single storey dwellings on Red Lane and 2 storey dwellings on Birchwood Lane. The site has recently been used as horse paddock (no horses at time of site visit) and is crossed north-south by public footpath No 7 which has been unofficially blocked off for about 10 years at both ends of the site. The line of the path is marked by a hedgerow to one side and is a single width farm track with a farm gate to Red Lane and to the paddock. Existing trees and vegetation along the southern boundary to the A38 slip road which provides a visual screen. Ground levels drop to the south west of the site and whilst there is a significant embankment to the A38 road noise is still quite noticeable from this direction beyond the site.

Access to the site is proposed from where 35 Red Lane once stood (now demolished).

PROPOSAL

Outline planning permission and reserved matters consent have been issued for the site for 50 dwellings. There have been a number of extensions of time. The development is also subject to a S106 Agreement which incorporates the affordable housing waiver policy. The last version required the first 10% (5 houses) to be built by 10th July 2016. Reserved matters consent was only granted on 29th April 2016. There are a number of conditions to discharge and before a start can reasonably be made on the houses site preparation including road and drainage elements need to be built.

The applicant is therefore seeking an extension of time for the first 10% of houses to be delivered by 1 year. (They do not seek any extension of the 5 year 50% target period).

HISTORY (if relevant)

02/00639/OUT Outline application for residential development on land to the rear of 15-35 Red lane refused 20.3.03 being premature to the review of the local plan. Appeal dismissed 27.5.04

06/00789/OUTMAJ Residential development (including demolition of no. 35 Red Lane for access road) approved 13.06.07 subject to a S106 obligation re:-

- Informal Leisure £570 per dwelling (on or off site)

- Maintenance sum if public open space on site is to be transferred to the Council
- Formal Leisure £678 per dwelling (off site within the parish)
- Public art £692 per dwelling
- Education ref Glebe Junior £923 per dwelling requested
- 10% on site affordable housing or 5 units whichever is greater

10/00169/VARMAJ Residential development (extension of time period for start of previously approved scheme 06/00789/OUTMAJ) approved 14.07.10 with a unilateral undertaking under S106 of the Act. This confirmed that if the land is developed pursuant to the Second Permission (10/00169/VARMAJ) it shall be subject to the same planning obligations as if it had been developed pursuant to the First Permission (06/00789/OUTMAJ).

Outline planning permission granted 10th July 2013 (13/00162/VARMAJ) subject to conditions and revised S106 Unilateral Agreement on same terms as previously agreed.

14/00397/OTHER: application for Deed of Variation of S106 Agreement to take revise affordable housing provision to take advantage of Council's "delivery" policy. The Deed removes the obligation to provide 10% affordable housing and this requirement is replaced with an obligation to complete 10% of the market houses within 3 years of the date of the planning permission i.e. by 10th July 2016 and 50% to be completed by 10th July 2018. In the event of a failure to deliver the agreement would revert to the need to provide affordable housing in accordance with policy i.e. 10% of the un-built units on site. Approved

CONSULTATIONS

None

PUBLICITY

None

POLICY

Bolsover District Local Plan: Policy HOU6 (Affordable Housing)

Interim policy on Affordable Housing: The Council's interim policy on affordable housing allows the normal requirement for 10% provision on site to be set aside in return for meeting delivery targets for the approved market housing of 10% within 3 years and 50% within 5 years. This policy is due for review this year but is still in force at the moment.

National Planning Policy Framework

Approve development that complies with policy. Aim to have a 5 year supply of affordable housing. Viability can be a material consideration in terms of negotiations on S106 contributions to assist on delivery.

Para' 205. Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

ASSESSMENT

The modification to the Section 106 obligation is sought by agreement with the Council and is in line with the Council's interim policy on affordable housing designed to encourage the delivery of housing at a time when market conditions are still challenging.

This site has benefited from permission for a number of years (not implemented) but it has now progressed to approval of reserved matters, so delivery of development is now feasible. It is regrettable that the earlier agreement to these revised terms was insufficient to secure delivery of the site, and it could be argued that the incentive has not worked so why continue with it. If the applicant were to apply for a new planning permission on the site the interim policy would need to be considered and applied for consistency. The applicant has stated that the site is only just viable with that option in place, so reverting back to the 10% requirement would stall delivery and they have a development partner who is willing to move onto the site now that reserved matters are approved. Since the modification is in line with policy it is considered to be acceptable even without a viability case being made.

It is felt a one year extension is appropriate.

This should encourage delivery of the scheme, but if it does not, the position in respect of affordable housing and delivery on the site more generally can be reviewed toward the end of the extended period. At that point it is expected that this interim policy will have been reviewed and/or the replacement Local Plan has been published or progressed to a stage where more up to date policies will apply.

If the proposal increases the likelihood of further housing delivery this will contribute to the Council's 5 year deliverable supply in line with the NPPF.

Other Matters

Equalities: No impact

Access for Disabled: No impact

Human Rights: no impact

RECOMMENDATION: Agree to an extension of the time period for the delivery of 10% of the houses by 1 year (10th July 2017) all other terms of the S106 Agreement to remain the same.