

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



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