

**PARISH** Old Bolsover

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**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

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### **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 4<sup>th</sup> 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>
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3) Are there any physical / environmental / marketability constraints?	to the site.  There are no obvious physical / environmental / marketability constraints.
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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"> <li>i) access to public transport (within 400 metres walking distance of access to public transport services e.g. bus stop or railway station)</li> <li>ii) proximity to schools (within 800 metres walking distance of a primary school, and 2,000 metres walking distance of a secondary school)</li> <li>iii) proximity to town / local centres (within 800 metres walking distance of a town centre or local centre)</li> <li>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)</li> </ul>	<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



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