

PARISH Ault Hucknall

APPLICATION Erection of two dwellings
LOCATION Crich View Farm Tibshelf Road Stainsby Common Chesterfield
APPLICANT Mrs M Webster Crich View Farm, Tibshelf Road STAINSBY COMMON S42 5SY
APPLICATION NO. 16/00423/OUT **FILE NO.** PP-05446753
CASE OFFICER Mrs Karen Wake (Mon, Tues, Wed)
DATE RECEIVED 31st August 2016

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

SITE

The site is the garden to the single storey dwelling to the northwest of the site. There are mature trees on the rear boundary with agricultural buildings to the rear of the site. Single storey detached dwelling to the southeast of the site which does not have side windows facing the site and has garages adjacent to the site boundary. There is a 1.8m high fence and conifers approx 5m in height along the southeast side boundary. There is a fence approx 1.5m high and mature hedge approx 2m high along the site frontage.

PROPOSAL

The application is in outline with all matters reserved for the erection of two dwellings.

AMENDMENTS

None

HISTORY (if relevant)

15/00565/FUL: Outline application with all matters reserved for the erection of two dwellings: Refused 29/1/2016. Decision appealed. Appeal dismissed

CONSULTATIONS

Parish Council: No comments received

DCC Archaeologist: Proposals have no archaeological impact: 26/9/2016

NEDDC: No comments to make: 29/9/2016

Coal Authority: No objections subject to condition requiring submission of scheme of intrusive site investigations be submitted for approval, the site investigations carried out as approved, a report of the findings be submitted together with a scheme for any remedial works required and the remedial works carried out as approved: 6/10/2016

DCC Highways: No objections subject to conditions requiring submission of a detailed

scheme showing the access to Tibshelf Road including 2.4m x 112m visibility splays and access dimensions be submitted for approval and dwellings shall not be occupied until space has been provided for parking and manoeuvring of residents and service vehicles in accordance with a scheme which has been agreed with the LPA and shall be maintained as such thereafter: 18/10/2016

Environmental Health: Recommends condition regarding contaminated land study and any necessary remediation measures. Require evidence that a connection to the public sewer is not feasible before non-mains drainage would be considered as Non-mains drainage systems are not considered environmentally acceptable in publicly sewered areas. Where connection to the public sewer is feasible, agreements may need to be obtained either from owners of land over which the drainage will run or the owners of the private drain. Government guidance contained within the Planning Practice Guidance – Water Supply, Wastewater and Water Quality in respect of the use of non-mains sewerage incorporating septic tanks in new development' gives a hierarchy of drainage options that must be considered and discounted in the following order: 1 Connection to the public sewer, 2 Package sewage treatment plant (which can be offered to the Sewerage Undertaker for adoption,) 3 Septic Tank, 4 If none of the above are feasible a cesspool: 17/10/2016

PUBLICITY

Site notice, press notice and 1 neighbour notified. One letter of objection received which raises the following issues:

1. The site has no access to mains drainage, the land is clay and site too small for septic tanks so cess pools would be the only option and these are illegal in Scotland and are a last resort or a temporary solution in England. They are costly, high maintenance and require a large amount of space. It would be contradictory to the NPPF's guidance for sustainable development to allow two dwellings to be built using the least sustainable option for drainage.
2. The requirement for regular tankers to clear the cesspools would be a hazard for users of the five pits trail as where the trail crosses Tibshelf Road is only 50m from the site.
3. There is an existing problem of contaminated water entering the five pits trail adjacent to Holmewood woodlands. The source of contamination is yet unknown and should more properties be built then the contaminated water would increase and could be detrimental to the native flora and fauna of this wildlife haven and contrary to the guidance given in section 11 of the NPPF "Conserving and enhancing the natural environment" and policies ENV 3 and ENV 4 of the Local Plan.
4. The site is too far from schools and shops to walk and is likely to result in such trips being undertaken by car as the site is outside of the village and carbon emissions will therefore increase and there will be no positive impact on local amenities.
5. The road has a 50mph speed limit and there have been numerous accidents close to the site. The planning statement says vehicle speeds approaching the bend are highly likely to be significantly reduced from the national speed limit as a consequence of the

bend. This is not the case and many vehicles travel significantly faster than 50mph posing a much higher risk for turning traffic at the proposed site. The additional traffic turning into the site as a result of two new dwellings would be detrimental to highway safety and lead to additional accidents.

6. The site contains a large electricity pole on the east side of the site which would pose a problem and a risk to any developer and which supports the electricity cable to the adjacent property. The adjacent residents would not want the pole removed and replaced with an underground connection but the pole would be hazardous to new dwellings in its current position.
7. The proposal would result in a loss of privacy for adjacent residents and would be harmful to their rural lifestyle
8. The planning statement states a close boarded fence and existing planting on the boundaries will protect the privacy of adjacent property but there is only planting on part of the boundary and this is likely to be removed to increase the amount of useable development land and this will significantly reduce the level of privacy.
9. If the dwellings are two storey, depending on their position, any first floor windows will significantly reduce existing levels of privacy.
10. Two additional properties on a small plot of land in a rural area with very few properties will detract from the visual appearance and character of the settlement and surrounding landscape, especially if they are two storey set between a single storey dwelling and a dwelling which used to be two storeys and still has bungalow features.
11. The proposal does not meet any of the criteria set out in Policy ENV 3 of the Bolsover District Local plan.
12. Increased vehicle movements using the existing access cause increased safety risk.
13. The visibility shown on the applicant's drawing makes no mention that the visibility splay would be obstructed by a hedgerow positioned along the nearside of the B6039 to the south of the proposed access and the southerly direction line shown on the drawing running from the proposed access to the nearside carriageway passes behind the existing fence
14. The 112m visibility splay figured is questioned. This figure has been derived from the DCC speed survey measured northbound 85%ile wet weather vehicle speed of 44.28mph. Using the TD 41/95 Design Manual for roads and bridges criteria that is calculated as 120m.

POLICY

Bolsover District Local Plan (BDLP)

Policies GEN 1 (Minimum requirements for development)

GEN 2 (Impact of Development on the environment)

GEN 4 (Development on Contaminated Land)
GEN 6 (Sewerage and sewage Disposal)
HOU 2 (Location of Housing Sites)
HOU 9 (Essential New Dwellings in the Countryside)
ENV 3 (Development in the Countryside)

National Planning Policy Framework

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration with a presumption in favour of sustainable development. As the Bolsover District Local Plan was adopted prior to 2004 due weight should be given to its policies according to their degree of consistency with the NPPF. LPA should be able to demonstrate a 5 year supply of deliverable housing otherwise should look to approve sustainable housing development.

Core principles include securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings, taking account of the different roles and character of different areas recognising the intrinsic character and beauty of the countryside within a presumption in favour of sustainable development, and managing patterns of growth to make the fullest possible use of public transport, walking and cycling and focusing significant development in locations which are or can be made sustainable, all within a presumption in favour of sustainable development with its three dimensions: economic, social and environmental.

Paragraph 14 – advises that permission should be granted for sustainable development. Where the development plan policies are out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework.

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

Paragraph 55 states: To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or

- the exceptional quality or innovative nature of the design of the dwelling.
Such a design should:
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - reflect the highest standards in architecture;
 - significantly enhance its immediate setting; and
 - be sensitive to the defining characteristics of the local area.

Other (specify)

Successful Places: Sustainable Housing Layout and Design (Interim Guidance)
Layout and Design

ASSESSMENT

This application is a re-submission of an application which was previously refused primarily because the site is outside the settlement framework boundary in an area of open countryside. The subsequent appeal was dismissed but only on the grounds that the proposal would cause significant harm to highway safety. The application is in outline with all matters reserved but a plan has been submitted with the application showing the proposed access to the site in an amended position utilising an existing access to the south of the site seeking to overcome the reasons for refusal of the recent appeal. In the first instance, the recent appeal decision is significant because the two new dwellings proposed in this application are not considered to be a necessary form of development within the open countryside, and as such would be contrary to Policies ENV 3 & HOU 9 of the Bolsover District Local Plan, unless they were essential for the operation of agriculture or forestry. This is not the case with this proposal. The proposal is considered to be contrary to these policies.

In the appeal decision on the previous application, the Planning Inspector agreed that the proposal was contrary to these policies but concluded that the proposal would constitute a sustainable location for development in respect of access to services and whilst the proposal would be contrary to Policies ENV3 and HOU9 of the Bolsover District Local Plan this was outweighed by the proposal's compliance with the more recent provisions of paragraph 55 of the NPPF and that furthermore, the criteria of the Local Plan policies are of a type that the NPPF only seeks to apply when new homes are isolated. The Inspector found that in this case the proposed homes were not isolated with regard to the strict provisions on residential development in national planning policies as set out in Paragraph 55 of the Framework.

The planning policy situation has changed since the previous planning application and appeal decision in that the council now has a five year supply of housing and as such the saved planning policies within the Local Plan relating to the supply of housing can be given more weight and are no longer considered to be undermined by the 5 year housing supply. However, even with a five year supply of housing, the site is located between two dwellings on the road frontage and there are agricultural buildings to the rear of the site. On this basis the proposal is not considered to have a significant urbanising impact of the open countryside and significant weight has to be afforded to the previous appeal decision which concluded that the proposal is in a sustainable location and is in compliance with paragraph 55 of the NPPF. In this instance it is therefore considered that even though the council now has a five year supply of housing the proposal is not considered to cause significant harm to the rural

landscape and it is considered unreasonable to challenge the Inspector's assessment that the site is sustainable and meets the requirements of Paragraph 55 of the NPPF.

In summary, the site is of a size that is capable of accommodating two new suitably sited and designed dwellings which meet the requirements of the housing layout and design guidance and is capable of accommodating parking and turning for both existing and proposed dwellings. The proposal is therefore not considered to result in a significant loss of privacy or amenity for residents of adjacent dwellings and again is capable of complying with Policy GEN 2 of the Bolsover District Local Plan in this respect.

There are now no objections to the revised access on highway safety grounds subject to conditions requiring submission of a detailed scheme showing the proposed access including 2.4m x 112m visibility splays and access dimensions being submitted for approval and the dwellings not being occupied until space has been provided in the site curtilage for parking and manoeuvring of residents, service and delivery vehicles in accordance with a scheme previously approved by the Local Planning Authority and then maintained as such thereafter.

A local neighbour has queried the visibility sightlines required and the fact that the visibility splays will be obstructed in part by a hedgerow and fence. The Highway Authority have confirmed that the visibility splays they have requested are appropriate and accepts that the visibility splay crosses the neighbouring boundary fence for a very short distance but states that this does not significantly reduce the overall distance which a driver exiting the access will be able to see. The Highway Authority have also stated that in the opposite direction the hedge may slightly obscure visibility where the hedge has grown across the highway verge but that powers under the Highways Act allow Highway Authorities to control overgrown vegetation across the public highway.

On this basis the access visibility is considered suitable to accommodate the likely increase in vehicle movements to and from the site generated by the proposed development. The site is considered capable of accommodating two dwellings with suitable parking and turning facilities and the details of this would be considered in the submission of a reserved matters application. Subject to a condition requiring the detailed scheme for the access and visibility splays the proposal is not considered to be detrimental to highway safety and is considered to meet the requirements of Policy GEN 1 of the Bolsover District Local Plan.

The issues of potential contamination, site stability in relation to coal workings are considered capable of being addressed via conditions and subject to such conditions the proposal is considered to meet the requirements of policies GEN 4 and GEN 7 of the Bolsover District Local Plan.

The issue of drainage can be addressed via a note to the applicant advising of the need to address the foul and surface water drainage of the development in the reserved matters application and subject to such a note the proposal is considered to meet the requirements of policy GEN 7 of the Bolsover District Local Plan.

Most of the issues raised by the local resident are covered in the above assessment. The issue of impact on the five pits trail has not been considered as the site is considered to be far enough from the trail not to have significant impact on its users.

The issue of contamination of the five pits trail has not been considered as this is an existing problem which is not considered to be a material planning issue relative to this proposal.

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No issues raised

Equalities: No issues raised

Access for Disabled: No issues raised

Trees (Preservation and Planting): Impacts on nearby trees not assessed at this stage.

SSSI Impacts: N/A

Biodiversity: No material impacts anticipated.

Human Rights: N/A No issues raised

RECOMMENDATION

APPROVE subject to the following conditions which are given in précis form to be formulated in full by the Assistant Director:

1. Start within 3 years or within 2 years of approval of reserved matters
2. Submission of reserved matters
3. Identification and treatment where necessary of contamination.
4. Intrusive site investigation works to be undertaken prior to development and any necessary remedial works identified be carried out before development starts

Note regarding submission evidence the proposal cannot access mains drainage systems and submission of a drainage scheme with the reserved matters application.

Statement of Decision Process

The proposal is contrary to policies of the development plan adopted by the Council but is in line with the guidance given in the National Planning Policy Framework. The decision has been taken in accordance with the guidelines of the National Planning Policy Framework



Crich View Farm
 Tibshelf Road
 Holmewood
 S42 55Y

OS MasterMap 1250(2500/10000 scale)
 21 July 2015, ID: JEW-00448610
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