

PARISH Clowne

APPLICATION The demolition of existing buildings and the erection of a 10no. 1 bedroomed Complex Care & Autism Unit (Class C2) and the erection of a supported living block comprising 16no. 1 bedroomed apartments (Class C3) with associated access, car parking and landscaping.

LOCATION 16 High Street, Clowne

APPLICANT Mr Dan Buchan (Lifeways Community Care Ltd)

APPLICATION NO. 16/00473/FUL

CASE OFFICERS Steve Phillipson/Chris Fridlington

DATE RECEIVED

Committee Decision: The officer recommendation of approval is contrary to policy CLT6 of the Bolsover District Local Plan.

SITE

The former Miners Welfare occupies a prominent position and is a well known local landmark that fronts on to High Street on the approach to Clowne town centre. The application site includes the former Miners Welfare building, which is currently vacant, a second building that is currently boarded up, the parking area to the front of the building and the bowling greens and pavilion to the rear (north) of the building, which are also currently not in use. Notably, there is a significant change in level (about 4m) between the lower front part of the site adjacent to High Street and the higher ground to the rear, which is occupied by the two bowling greens. A number of houses and bungalows on Romeley Crescent (Nos. 13- 33) also back onto the site along its western boundary, together with Nos. 20-22 High Street. The majority of these dwellings have short rear gardens against the side boundary and sit slightly elevated above the site.

The service road for the neighbouring Tesco supermarket runs along the northeast boundary of the site beyond a densely vegetated embankment. The pub garden to The Anchor public house, together with an area of open ground which separates the pub garden from the supermarket service yard lies to the south east of the site and a public footpath passes through this space. This part of the site abuts the Clowne Conservation Area where The Anchor public house and its beer garden back onto the site boundary. Beyond the northern boundary of the site, is an area of semi-vegetated undeveloped ground, which is currently enclosed with fencing but does not appear to be in any active use.

PROPOSAL

The current application proposes the demolition of the former Miners Welfare building and the erection of two residential buildings comprising a 10 bed complex care and autism unit and a 16 bed supported living block. The smaller building would be sited towards the rear (northern) boundary of the site and the larger building within the centre of the site (see plan on following page). Vehicle access from High Street is proposed at the south-westerly corner of the site and the access drive would run parallel to the western boundary of the site and parallel to the rear of the properties along Romeley Crescent that back on to the site. There would be a

turning area between the two residential blocks, 22 off-road parking spaces sited along the western boundary of the site and a further eight spaces are shown at the front of the site between High Street and the new buildings, as shown on the site layout plan, below.



Alongside the plans showing the proposed layout of the site, and the external appearance of the proposed buildings, the submitted application included the following supporting documents:

- Extended Phase 1 Habitat Survey;
- Nocturnal Bat Survey;
- Design and Access Statement;
- Heritage Statement;
- Planning Statement;
- Demolition and Asbestos Survey Reports;
- Topographical Surveys;
- Landscaping Schedule and Specifications;
- Noise Assessment and Revised Acoustic Report;
- Phase 1 and Phase 2 Ground Investigation Reports; and
- Arboriculture Report

AMENDMENTS

Following consultation on the original application, the following amended plans were submitted:

- Boundaries Treatment Plan;
- Sketch Plan (showing location of buildings with alternative access provision);
- Site Layout Plan (showing amended parking bays); and
- Visibility Splays and Vehicle Tracking Plans.

Following consultation on the original application, the following additional information and supplementary documents were also submitted:

- Drainage Strategy;
- Written Scheme of Investigation;
- Construction Phase Method Statement; and
- Development Costs Appraisal.

All consultees were re-consulted on the amended plans and additional information listed above, and neighbours previously notified of the application were re-notified and further comments were invited on the revised application.

HISTORY

Records held by the Council indicate the Miners Welfare closed in 2010. There is no other planning history held on file for the site that is relevant to this application other than the current proposals were subject to detailed pre-application discussions.

CONSULTATIONS

Derby and Derbyshire Development Control Archaeologist – No objections subject to conditions.

Derbyshire Wildlife Trust – No objections subject to conditions

Economic Development (Bolsover District Council) - The planning application offers the opportunity to grow the local business base and create employment opportunities and as such is supported by Economic Development.

Environmental Health (Bolsover District Council) – No objections subject to conditions.

Flood Risk Management (Derbyshire County Council) - Recommended a holding objection when commenting on the original application but have not provided any further informed comment since being re-consulted on the further information submitted by the applicant on the drainage strategy for the proposed development.

Highway Authority (Derbyshire County Council) – No objections subject to conditions

Leisure Services (Bolsover District Council) - Where a development costs or is likely to cost £1million or more which this one will, including infrastructure then the Council has a percent for art policy which states that the Developer should contribute 1% of the total costs to Public Art.

Severn Trent Water - No objections to the proposals subject to conditions.

Sports England - Based on the information provided with the original application, Sport England raised a non-statutory objection as it considers that the application conflicts with its planning objectives and Paragraph 74 of the National Planning Policy Framework. To date, Sport England have not commented further or reviewed this position since being re-consulted on the amended information provided by the applicant seeking to address their concerns.

Urban Designer (Bolsover District Council) – No overriding objections to the proposals but recommends that the proposals are amended to improve the detailed design of the proposed building.

PUBLICITY

The application was advertised in press, a site notice was posted, 23 neighbours were notified about the original application and re-notified following the submission of amended plans and additional information.

Three letters from local residents were received in response to consultation on the original application. One letter is from a resident who lives adjacent to the bowling greens, and whilst this resident has no objection to the removal of the bowling pavilion, an appropriate boundary treatment is requested to prevent strangers entering the rear garden and to help keep the garden tidy. The two other letters set out objections to the proposals primarily with regard to the potential for increased noise and disturbance from the proposed development with some reference to pre-existing problems arising from the nearby care home that is already in operation.

These two letters also raise concerns about additional demand for parking, loss of privacy, potential impacts of lighting schemes, asbestos removal, and the potential impacts of the proposals on wildlife. In addition, it is mentioned in one of these letters that the proposals are not for the NHS raising the question of what would happen to the building if the current applicants were not able to maintain the site.

Following re-consultation, a further letter was received stating that the occupants of a neighbouring property remained concerned about the proposals for the reasons set out above and therefore continue to object to the proposals. This letter also suggests that many of the occupants of the nearest neighbouring properties are 'OAP's and therefore do not have access to the internet and will not know what is going on.

Finally, a fifth letter was received from a local resident following re-notification of this application supporting the proposals because the building is a 'hideous eyesore' and in this resident's view; a range of anti-social behaviours take place on the site, which would be likely

to continue whilst it remains in its current state.

POLICY POSITION

Policy CLT 1 of the Bolsover District Plan says that planning permission will only be granted for the change of use or redevelopment of buildings, which have functions serving the community, if either 1) appropriate alternative provision is made; or 2) it can be demonstrated that the facility is no longer required or no longer economically viable. In this case, the former Miners Welfare would have been regarded as a 'community facility' in policy terms but it is now demonstrably no longer economically viable. Therefore, redevelopment of the site would not conflict with policy CLT1 and the provision of specialist accommodation such as the sheltered accommodation and care facility proposed in this application is supported in local and national policies.

The National Planning Policy Framework ('the Framework') says that the social dimension of sustainable development includes supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

The Bolsover District Local Plan says that within settlement frameworks, planning permission will be granted for the specialist type of residential accommodation proposed in this application provided that the development would result in an acceptable living environment for residents and will not detract from the character of the surrounding locality, amongst other things.

The emerging Local Plan says the Council will support the provision of housing for older people and specialist housing provision across all tenures, including level access flats, houses, bungalows, and sheltered housing or extra care schemes, in appropriate locations, close to services and facilities. The Council will also support the provision of specialist housing, including nursing homes and residential facilities, in appropriate locations and where there is an identified need and where proposals accord with other Policies of the Plan.

FIRST PRINCIPLES

In this case, the scheme proposed on the site of the former Miners Welfare scheme will offer two forms of accommodation, 16 purpose-built individual apartments developed to meet the individual needs of the tenant, and a 10 bed residential home to offer care to people in need of daily support. The services will collectively provide a 24 hour community based setting for vulnerable adults with learning disabilities and autism to live safely at the heart of the local community.

The design and specification of the scheme has been driven by local needs to ensure current gaps in affordable provision can be met. The scheme will be offered to residents local to Clowne and the surrounding areas of Derbyshire to meet the needs identified by the County Council and other relevant local authorities. Meetings between the applicant and commissioners have identified a shortage of such community based services in Derbyshire, and have supported the need for the Clowne scheme.

Therefore, there is a clearly established need for the development proposals and the site lies within the settlement framework for Clowne. The site is located close to the town centre and is within easy walking distance of local shops and amenities. As such, the site is considered to be a sustainable location that would be suited to residential development. Consequently, there are no overriding objections to the principle of the proposed development, which is clearly supported in local and national planning policies.

However, any approval of the current application would rest on a fuller assessment of the issues raised in representations with regard to the potential impact of the scheme on the residential amenities of the nearest neighbouring houses and with regard to Sports England's objections to the loss of the bowling greens and associated facilities to the rear of the site.

ASSESSMENT

The application is a detailed proposal for residential development of land incorporating the former Miners Welfare building, two bowling greens and ancillary facilities. Although it is noted by Sport England that the bowling greens have not been in use for several years, it remains Sport England's view that they still constitute existing sports facilities and land in the context of Sport England's planning objectives, and Paragraph 74 of the Framework, which says existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

The Planning Statement submitted in support of the application does not directly respond to the above national policy, but it does make reference to Policy CLT 6 of the Bolsover District Local Plan, along with discussions held with the Council about the need or otherwise for the existing facilities and potential options for alternative/replacement provision in the area. Sport England object to the proposals in the absence of an 'up to date' assessment of need and in the absence of any financial contribution towards an alternative provision of recreation facilities. Whilst the Council's own Leisure Services have not made any formal comment on this aspect of this application, prior to the formal submission of this application, Leisure Services advised that the bowling greens are no longer required but indicated they would wish to see a financial contribution towards alternative provision.

In summary, it is considered that there is adequate provision of bowling greens within the District and some concerns that re-opening the bowling greens in Clowne would undermine the vitality and viability of other bowling greens in the District. Although this does not amount to a full assessment of the needs of the District, the evidence provided by Leisure Services, to date, is that the existing bowling greens and associated facilities are surplus to requirements and their loss would not conflict with Paragraph 74 of the Framework or Sport England's

statutory objectives. In these respects, it should also be kept in mind that Sport England raises a non-statutory objection to the proposals. Nonetheless, there would still be some degree of conflict with Policy CLT6 of the Local Plan, which indicates the bowling greens should be retained as open space for recreation, or the developer should make a contribution towards an alternative sports facility in the locality if the recreation facility were to be built on. In this case, the developer is unable to make a financial contribution to alternative provision taking into account the viability of the scheme. Equally, a contribution cannot be made to public art for the same reasons.

In the first instance, it should be noted that policy CLT6 of the Local Plan is not consistent with Paragraph 74 of the Framework because national policy does not require a financial contribution to be made for alternative provision where recreational facilities are found to be surplus to requirements. Policy CLT6 does however make some provision for other uses of the site where recreation facilities are no longer required. Policy ITCR6: Protection of Green Space and Sports and Recreation Buildings in the emerging Local Plan adds further detail to appropriate alternative uses of these types of redundant recreational spaces saying: proposals resulting in a loss will need to provide a satisfactory replacement facility, unless the proposal was of greater overall benefit to the local community than existing or realistic potential uses of the greenspace.

The emerging policy ITCR6 therefore indicates that it is appropriate to consider whether the current proposals offer particular benefits to the community that offset the loss of the bowling greens before requiring a financial contribution towards alternative provision. In this respect, although the emerging policy would not normally carry significant weight until the new Local Plan is adopted, the approach in ITCR6 is more responsive to local circumstances and is closer to the approach taken in national policy than the saved policy CLT6, which means that CLT6 is effectively 'out of date' and therefore should carry less weight.

In this case, it is clear that there is no realistic prospect of the bowling greens being taken back into use and, as noted above, retaining the bowling greens would not provide any form of community benefit. The current status of the bowling greens also seems to be inextricably linked to the closure of the Miners Welfare and there is no realistic prospect of this building being brought back into use as a community facility. The building has been vacant for some time and the current condition of the vacant building means that it does detract from the character of the local area. The modern additions to the building have also spoilt its original character. Therefore, it is appropriate to consider the benefits of redevelopment the site, as a whole, for a different type of community facility taking into account this could achieve some enhancement to the overall environmental quality of the local area through the appropriate re-development of the site. There is also a clearly identified need for the type of residential development proposed on the site.

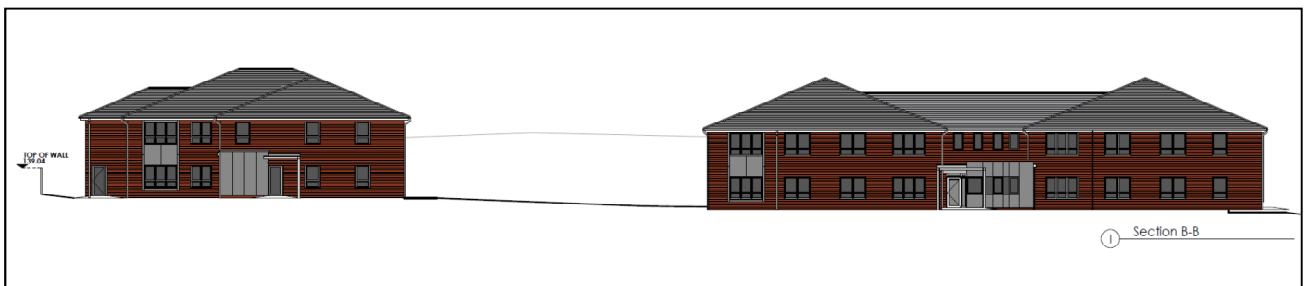
Currently, there is a shortage of community based services in Derbyshire, for the type of assisted living in the two blocks proposed in this application and, on balance, the provision of 10 bed complex care and autism unit and a 16 bed supported living block on the site would provide greater overall benefit to the local community than retention of the bowling greens. With regard to paragraph 74 in the Framework and with due regard to ITCR6 policy in the emerging Local Plan, this would mean that contributions for alternative recreation provision should not be required to offset the loss of the bowling greens because the loss of the bowling

greens would be deemed to be acceptable in planning terms in any event because of the enhanced community benefits arising from the provision of sheltered accommodation and specialised housing.

Visual Amenity

Notwithstanding the conclusion that the loss of the bowling greens would be offset by the provision of an alternative facility that would be of greater benefit to the local community, it is also important to note that a contribution towards alternative recreation provision cannot be made without compromising the viability of the scheme. In this respect, and in the absence of any alternative scheme to re-develop the site, the wider benefits of the proposals in terms of enabling an enhancement to the visual amenities of the local area should also be afforded weight when considering the loss of the bowling greens and associated facilities.

In its current condition, there is no doubt that the former Miners Welfare detracts from the character of the local area. The building is in a poor state of repair and further modern additions to the building detract from original character of this building. Therefore, replacing this building with a more appropriate development would significantly improve the character and appearance of the local area especially when taking into account the existing building occupies such a prominent position at the entrance to Clowne's town centre. In these terms, it is important that any replacement building is of high quality of design to ensure re-development of the site results in a meaningful and long term enhancement to the character and appearance of the local area.

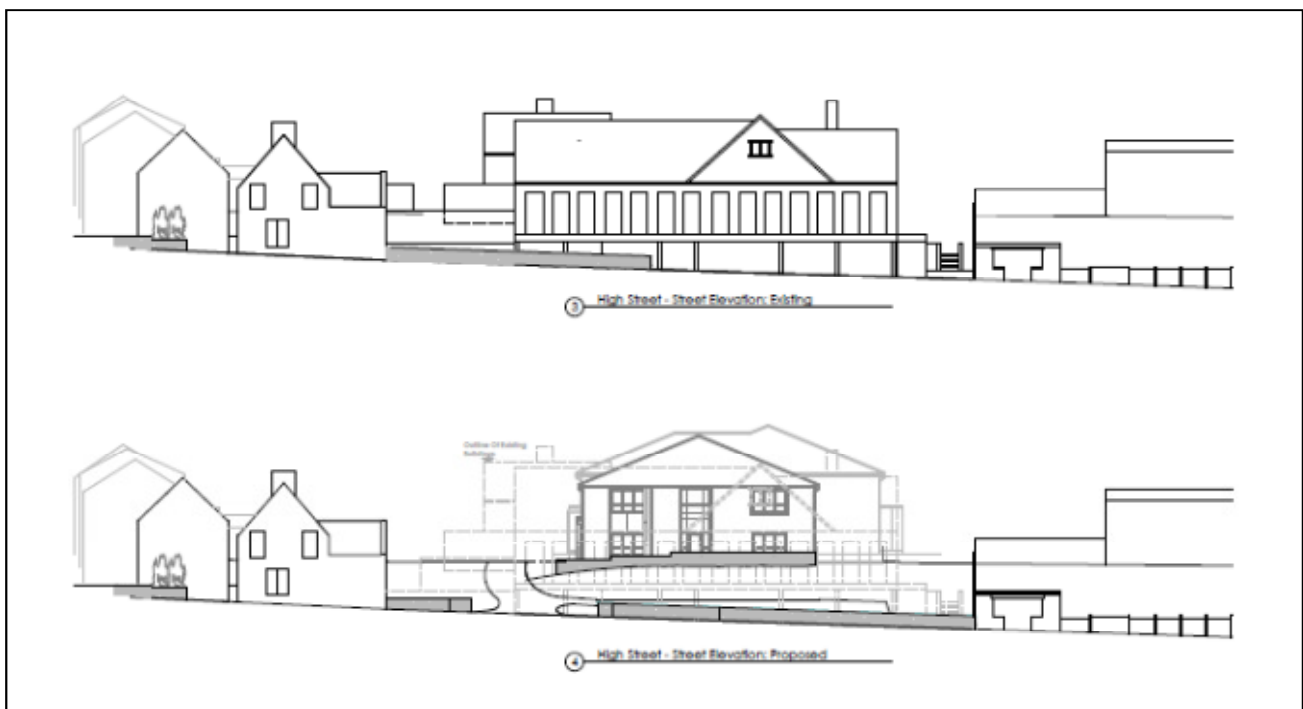


Overall, the Council's Urban Designer is reasonably satisfied that the buildings proposed in this application, as shown on the above plans, would achieve this type of enhancement of the site. The Council's Urban Designer comments that the proposed buildings would have a relatively bulky form and mass compared to the grain of the adjacent residential properties but they would provide something of a transition between these houses and the nearby Tesco supermarket. The Council's Urban Designer goes on to say that although their relatively large scale is exaggerated by the virtue of their elevated location, to a degree this is offset by the hipped nature of the roofs. Red brick is proposed for the external walls with some cladding to accentuate design features such as the main entrances to the buildings and window openings and tiles would be used for the roof of the building, all of which would be acceptable in principle, and would generally allow the new buildings to harmonise with their surroundings. In conclusion, the Council's Urban Designer has suggested some amendments to the scheme seeking to improve the external appearance of the building particularly where the building faces on to High Street but there are no substantial objections to the design of the new building.

It is therefore considered that the proposed buildings would offer an appropriate replacement for the former Miners Welfare building that would improve the streetscene and generally enhance the character of the local area in compliance with policies GEN1 and GEN2 in the Bolsover District Local Plan and national planning policies in the Framework. The development proposals would also offer some enhancement to the character and appearance of the setting of the adjacent Conservation Area not least by improving the approach into the town centre. Consequently, a significant enhancement to the character and appearance of the local area could be achieved by granting permission for the proposed development that would significantly improve the visual amenities of the local area compared to the existing situation, subject to planning conditions securing design details and the use of appropriate materials for external finishes. However, these benefits would have to be balanced against the potential for the buildings and associated uses to be unneighbourly.

Neighbourliness

The residential properties that would be most directly affected by the proposed development include no.s 13- 33 Romeley Crescent, which back onto the site along its western boundary, together with no.s 19 and 20-22 High Street. Two letters of objection were received following consultation on the original application from occupants of the neighbouring properties; a third letter of objection was received following re-consultation on the amended plans and additional information submitted by the application, which made it clear that the revisions had not addressed the previous concerns of the authors of this letter. The authors of this letter also suggest that despite being notified of the application by letter, many of the residents along Romeley Crescent might not fully understand the nature of the potential impact of the development on their properties and may not have objected to the proposals because of this.



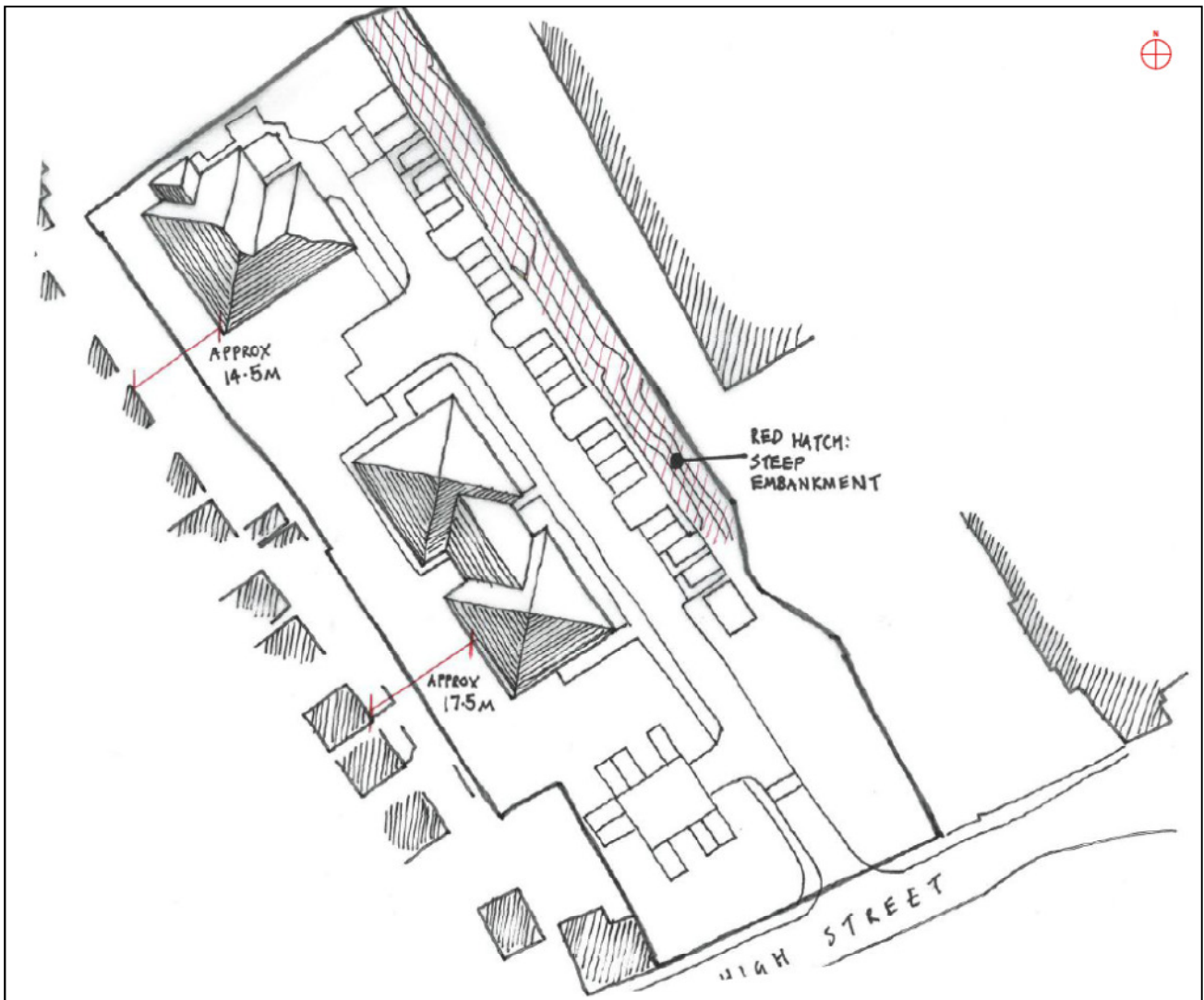
In terms of the potential impact of the two residential buildings proposed in this application, site layout plans and sectional drawings (see extract above) have been submitted, which demonstrate that there is adequate separation distance between the proposed buildings and the nearest neighbouring residential properties and show that the height of building would be a similar height to the former Miners Welfare building and not 'tower over' the nearest houses and bungalows any more than the existing building. There would be at least 21 metres between the buildings and taken together with the difference in levels between the site and Romeley Crescent, the proposed development would not be unduly overbearing. With reference to the Supplementary Planning Document - *Successful Places: A Guide to Sustainable Housing Layout and Design*, the proposed separation distance means that facing windows in the proposed buildings and the existing houses would be far enough apart to avoid any unacceptable loss of light and/or loss of privacy (in planning terms) and would be far enough apart to prevent an unacceptable degree of intervisibility and/or overlooking. In these respects, the proposed buildings would not be unneighbourly.

It is acknowledged that increased noise and disturbance is also a concern raised in representations made by local residents but, in principle, the proposed uses of the site for a 'care home' and supported living accommodation should not give rise to any greater levels of noise and disturbance compared to what might be experienced if the building and the bowling greens were to be brought back into use. There is also some degree of betterment to be achieved if planning permission were granted for the current application taking into account the site in its current condition appears to be attracting some degree of anti-social behaviour. Furthermore, the Council's own policies state that the type of residential development proposed in this application would normally be acceptable within a settlement close to other forms of housing. Therefore, the more general impacts of the proposed use of the site are unlikely to be so substantial that the proposed development and the existing houses would not be able to co-exist and it is not considered that the proposed use of the site would be unneighbourly in its own right.

Notably, the proposals would bring parked cars closer to the properties along Romeley Crescent that back onto the site and this has been a particular area of concern for the occupants of some of the nearest neighbouring properties. This concern is not so much about looking out over a car park because the parking spaces would be screened by a 1.8m high fence and the parking would be at a slightly lower level compared to the houses on Romeley Crescent. The concerns raised by local residents appear to be more about the potential for noise and disturbance, and disturbance from headlights shining into their properties. However, the Council's Environmental Health Protection Officers do not consider the proposed development would be unneighbourly because of this and have not raised any concerns that the proposed use of the site would result in any nuisance from noise and disturbance arising from activities taking place on site subject to conditions relating to restrictions on external lighting. The proposed fencing supplemented with parking should adequately deal with glare from headlights when vehicles are parking and a restriction on delivery hours would prevent larger vehicles disturbing residents later in the evening or early in the morning.

The applicant has also been asked to re-consider the site layout and to assess whether it is practicable to site the parking and access on the opposite side of the new buildings from the existing properties along Romeley Crescent. This approach might have helped to alleviate the

concerns raised in representations but the levels on the site are such that to relocate the access away from the neighbouring residential properties would mean the new buildings would be closer to them. In particular, the steep banking on the Tesco side of the site would 'push' the proposed development back towards the properties backing onto the western edge of the site and minimum separation distances between the proposed buildings and the existing houses would not be achieved. The sketch plan, on the following page, helps to illustrate how the buildings would become unneighbourly if the site layout was 'handed' to locate the parking spaces further away from the nearest neighbouring residential property.



Therefore, a fundamental re-design of the entire scheme would be required to balance the need for two buildings of the size and scale proposed, to avoid those buildings being unneighbourly in their own right, and to meet any requirement to relocate the access and parking away from existing residential properties. However, for the reasons set out above, the parking and access arrangements 'as proposed' cannot be considered to be so unneighbourly that this type of re-design can be reasonably required or that a refusal of planning permission could be justified on amenity grounds despite the concerns raised by local residents that live adjacent to the development proposals.

Preliminary Conclusions

It is therefore considered that a recommendation of approval of this application would not be an unacceptable departure from the Local Plan also taking into account the key issues raised in representations in respects of these proposals can be addressed.

In policy terms, the proposed development is acceptable in principle because of the nature of the accommodation that would be provided and the location of the site close to other services within the settlement framework with a range of nearby facilities. The main objections to the proposals raised in representations relate to the loss of the bowling greens to the rear of the former Miners Welfare and associated facilities and the potential for the proposed development to detract from the residential amenities of neighbouring properties.

The conclusion reached in the above sections of the report is that the bowling greens are surplus to requirements and therefore, their loss would not conflict with national planning policies. The absence of a contribution towards alternative provision would conflict with current Local Plan policy but this policy is not 'up to date' because it is inconsistent with national planning policies and so would carry limited weight in any event. Nonetheless, the overall benefits of redevelopment of the site to meet an identified need for the accommodation proposed in this application and the subsequent enhancement to the character and appearance of the local area that would result from granting planning permission for this application, when taken together, are considered to outweigh this conflict with the Local Plan and offset Sport England's objections to the proposals.

The above sections of this report also set out why it is not considered that the proposed building would be unneighbourly in planning terms, and this conclusion is mostly based on the separation distances between the proposed buildings and the existing houses. In planning terms, there would be no reason to otherwise consider that the residential accommodation cannot co-exist with the nearby houses or that the activities associated with the proposed use of the site would give rise to unacceptable levels of noise and disturbance subject to the imposition of planning conditions to secure boundary treatments and control external lighting.

Clearly, it would be desirable to move the parking and access away from the existing houses backing on to the site but this cannot be achieved without fundamentally changing the development proposals. However, it is not considered that the parking and access arrangements would detract from the living conditions of the nearest neighbouring properties to justify refusing planning permission for the proposals also taking into account the Council's Environmental Health Officers have not raised any objections to the proposals on this basis.

It is therefore considered that a recommendation of approval for this application would be appropriate providing that the proposed development would be acceptable, or could be made acceptable in all other respects. The following sections of this report will provide a further assessment of the relevant planning considerations.

Archaeology

Further to the County Archaeologist's objections to the original application, the applicant has now submitted the results of archaeological desk-based assessment, and also a proposed

Written Scheme of Investigation for post-consent works to investigate and record archaeological remains on the site.

The desk-based assessment establishes that the site has potential for below-ground archaeology of medieval and early post-medieval date, based upon the medieval remains on the nearby Tesco site, the site's location within the later medieval core of Clowne, and the presence on historic maps of possible early buildings. This archaeological potential is somewhat mediated by the likely disturbance arising from 20th century use of the site, particularly within the footprint of existing buildings but also to a lesser extent within the area of the bowling greens. The proposed Written Scheme of Investigation (WSI) makes provision for trial trench evaluation of the site to assess archaeological significance, and if justified by the evaluation results, a further scheme of mitigation excavation to record any significant archaeological remains in line with paragraph 141 of the Framework.

Having assessed the WSI, the County Archaeologist is able to advise that the scope of works is suitable and no longer objects to the proposals subject to planning conditions securing a post-consent scheme of archaeological recording as proposed in the submitted WSI.

Contamination

The current application is supported by two reports relating to remediation of potential contamination on site. However, these reports indicate that further gas monitoring is ongoing and further intrusive work will be required following demolition of the building. Therefore, the Council's Environmental Protection Officer is recommending a pre-commencement condition to deal with the outstanding issues. It is considered this type of condition and its timing would be fundamental to the acceptability of the proposed development taking into account national policy in paragraphs 120 and 121 of the Framework and relevant policies in the Local Plan including policies GEN4 and GEN7, which define how the Council should address land stability and contaminated land issues to allow development to go ahead.

Drainage

Severn Trent Water do not have any objections to the current application provided that drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Council prior to the commencement of the proposed development. The County Council Flood Risk Management Team 'recommended' a holding objection until the applicant had submitted further information on drainage of surface water. The details required by both consultees have now been submitted by the applicant but no further comment has been received by either consultee despite being re-consulted.

From an officer perspective, the drainage strategy proposed by the applicant appears to be appropriate because it is intended to make use of the existing connections to the mains sewer and surface water drains. In these respects, the proposals would comply with policies GEN5 and GEN6 in the Local Plan provided the development is carried out in accordance with the submitted drainage strategy.

Ecology

Some concerns have been raised in representations about the potential impacts of the proposed development on wildlife but the Derbyshire Wildlife Trust have assessed the information submitted by the applicant, including bat surveys and a phase one habitat survey and have no objections to the proposals subject to a number of suggested conditions. However, the conditions suggested by the Trust are not entirely appropriate. For example, the Trust require the submission of a landscape and environmental management plan, which appears to be unnecessary given the limited size of the site and the very limited nature conservation value of the proposed landscaping. In this case, the landscaping needs to be appropriate to the local area but is required for amenity value rather than to achieve habitat creation or any other wider nature conservation objective.

Similarly, it is not appropriate to bar any development taking place until a qualified ecologist has checked the site for the presence of nesting birds. Wildlife legislation adequately safeguards nesting birds because under this legislation disturbing nesting birds is a criminal offence subject to prosecution. Therefore, it is unnecessary to duplicate the provisions of legislation by imposing this type of planning condition suggested by the Trust. Equally, bats would be adequately protected by the same legislation provided the development is carried out in accordance with the recommendations made in the submitted bat survey report.

However, it would be appropriate to secure details of external lighting to avoid any adverse impact on bat populations within the local area and controls on external lighting are required more generally in the interests of protecting the amenities of the local area. In addition, it would be reasonable to consider amending the species mix, as suggested by the Trust, to replace the box hedge with species of more interest and ecological value.

It is also considered that the submission of details on how Japanese knotweed on site will be dealt with would be reasonable and necessary. This is because spoil and waste containing Japanese knotweed is considered to have the potential to cause ecological harm and nuisance to other landowners if is not disposed of correctly. The treatment of Japanese knotweed is not otherwise particularly well covered by existing legislation. Therefore, it is considered that there are no overriding objections to the proposals on ecological grounds subject to prior approval of any external lighting, minor amendments to the proposed planting scheme, and prior approval of the proposed treatment of Japanese knotweed on site.

Employment Opportunities

The applicant has submitted a detailed summary of the potential employment opportunities that would follow from the proposed development. The Council's officers in Economic Development say this planning application offers the opportunity to grow the local business base and create employment opportunities and as such support the application. However, further details of local employment opportunities and training has been requested by Economic Development prior to the commencement of the proposed development.

From a planning perspective, given the detail already provided by the applicant, this suggested condition is not considered to be reasonable or necessary even though it may help to achieve the Council's wider objectives for the District. In this respect, it is considered that it would be better to encourage pro-active and positive engagement between the Council's officers and the applicant/developer to promote the Council's skills and employment agenda

rather than impose a planning condition requiring submission of details on any permission for the current application.

Highway Safety

The County Council do not have any overriding objections to the proposals on highway safety grounds but would prefer to see the access to the site in a more central position and still have concerns about the adequacy of on-site parking provision. The potential for the proposed development to create additional pressure for on-street parking has also been raised in representations. However, the conditions suggested by the County Council, in their capacity as the local highway authority, are difficult to consider 'lawful' (in planning terms) because they have the potential to require substantial alterations to the proposed layout of the site.

From an officer perspective, the relocation of the access requested by the County Council is not strictly necessary to ensure the proposed development would be provided with a safe and suitable access. The County Council's own parking standards otherwise suggest that 2 parking spaces plus 1 space per 3 residential units would be required for residents, visitors and staff in respect of sheltered accommodation. This indicates that eleven off-road parking spaces would 'normally' be required to provide adequate parking provision for the proposed development but 30 are proposed in the current application. The County Council do not provide any additional justification for requiring additional spaces. Therefore, officers remain unconvinced these suggested conditions are reasonable and necessary and would not recommend that they are imposed on any permission for the current application. Nonetheless, further information has been requested from the applicant to address these particular concerns.

Additional conditions suggested by the County Council include a request for details of a construction compound to be submitted but these details have already been provided and there is a condition requiring a maximum gradient for the access from the highway but, as noted in this report, there is level access onto the site from the highway. Therefore, neither of these suggested conditions would be considered reasonable or necessary but the provision of the construction compound proposed by the applicant should be secured by a condition in the interests of amenity and highway safety.

The County Council also require the parking provision to be provided prior to the proposed building being taken into use and the access from the frontage of the site to be restricted to the proposed access, which are both reasonable requirements. Therefore, subject to these particular conditions and the provision of a construction compound, it is considered there are no overriding objections to the current proposals on highway safety grounds. In these respects, it is considered the proposed development would be provided with a safe and suitable access and would not have a severe impact on the local road network as required by policies GEN1 and GEN2 of the adopted Local Plan and national planning policies set out in paragraph 32 of the Framework.

Landscaping

The proposals are supported by a detailed plan showing a planting scheme that includes the provision of hedgerows and shrubbery along the rear boundaries of the adjacent properties.

Notably, this planting will help to soften the impact of the development proposals but it is the provision of the 1.8m high close boarded fence proposed on this plan that will screen the parking spaces from the residential properties and prevent disturbance from car headlights, for example, in the immediate short term whilst the planting becomes established. The fence is also required to mitigate noise impacts from the service road and delivery yard serving the nearby Tesco supermarket. Therefore, a planning condition should be used to ensure that this fence is installed prior to the proposed units being taken into use if permission were to be granted for the current application.

Noise

Aside from the impact of potential noise on the amenities of neighbouring properties, it is also important to consider whether the proposed residential development would be adversely affected by noise and disturbance taking into the location of the site adjacent to a busy road and close to the town centre. The Council's Environmental Protection Officers have reviewed the Hepworth Acoustics report submitted to assess noise impacts, and make the following comments:

The report identifies a number of potential noise sources in the vicinity of the proposed development site including the adjacent Tesco superstore, a nearby public house and road traffic. The planning permissions for the Tesco store contain a number of sound related conditions including a limit on the number of deliveries allowed during night time hours, compliance with a night-time deliveries noise management plan and an overall rating level for the site. The report concludes sound mitigation measures are required for one of the proposed buildings i.e. the supported living block which has been identified as the building most exposed to road traffic and delivery noise. There are no objections the proposals for the sound insulation scheme comprising higher specification glazing and mechanical ventilation for the parts of this building highlighted in Figure 2 of the Hepworth report.

Although there are no private gardens proposed for the development there are communal areas laid to turf and the report recommends the installation of a timber noise barrier along the northern site boundary in order to reduce noise from deliveries to the Tesco store. Although the report does not specify a barrier height, Drawing No. 16-025-116 shows a 1.8m high fence, which would be appropriate.

The report concludes no sound mitigation measures are required for the other proposed building i.e. the Complex Care and Autism Unit. This building would be less exposed to delivery noise but it is questioned whether the noise assessment takes adequate account of the potential for sound impacts due to vehicles using the access road to the service yard. The noise survey results for the night time would indicate that no deliveries were made during the survey period. The planning permission for the superstore allows 4 deliveries during the night time period (06/00526/VARMAJ) hence there could be up to 8 lorry movements along the access road. If this was the case there may be a need for acoustic glazing and ventilation but this has not been proposed. Pending the submission of further information from the applicant, it is considered this matter could be dealt with by a planning condition. In all other respects, it is not considered that the proposed development would be adversely affected by noise subject to the provision of the mitigation measures proposed in the acoustic report and the provision of a 1.8m high fence along the boundary of the site.

Conclusions

With regard to the above analysis, it is concluded that there are no constraints on the site that would prevent the development going ahead and the proposed development can be made acceptable in planning terms subject to appropriate planning conditions. Consequently, it is considered that the proposed development meets the requirements of the relevant policies in Bolsover District Local Plan and the relevant national planning policies in the Framework other than in respects of the identified conflict with Local Plan policy CLT6.

In this case, accepting the loss of the bowling greens and associated buildings in the absence of a financial contribution for alternative provision would be a potential departure from CLT6 albeit this policy can be considered to be 'out of date'. However, it is considered that the enhanced community benefits arising from the provision of sheltered accommodation and specialised housing offset the loss of the bowling greens and the potential enhancement to the visual amenities of the local area through the redevelopment also weigh heavily in favour of granting planning permission for the current application.

It is therefore concluded it would be appropriate to make an exception to the policy requirement for a financial contribution for alternative provision of recreational facilities also taking into account the marginal viability of the development proposals. In this respect, the identified need for the facilities proposed in this application is considered to be the determining factor, and therefore, it would be appropriate to restrict the future uses of the buildings by planning condition to sheltered living accommodation and Complex Care and Autism Unit as specified in the submitted application. It is considered that this approach would be reasonable and necessary to ensure that the proposed development would meet the identified need for the buildings that justifies making an exception to the Local Plan.

Finally, it would be in the interests of the proper planning of the local area to stipulate that the development commences within three years of the date of any permission granted for this application and to specify compliance with the approved plans to ensure a high quality development is achieved.

Other Matters

Listed Buildings:	n/a
Crime and Disorder:	The proposed development would lead to re-development of a site that has the potential to attract anti-social behaviour.
Equalities:	The proposed development would address an identified shortfall within the District for residential accommodation for vulnerable adults
Access for Disabled:	The proposed development includes design features to promote accessibility for people with disabilities.
SSSI Impacts:	n/a
Human Rights:	The human rights of individuals affected by the development proposals are taken into account in the above report through assessment of the potential impacts of the proposed development on the quiet enjoyment of private property.

RECOMMENDATION

The current application be **APPROVED** subject to the following conditions:

Statutory Time Limit

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

Approved Plans

2. Subject to the following conditions, the development shall be carried out in complete accordance with the recommendations set out in Section 5.2 of the submitted Bat Roost Potential and Nocturnal Bat Survey and the following approved plans and specifications:
 - Site Set-up Plan and Construction Method Statement
 - Drawing No. 16-025-110 Revision H: Site Plan
 - Drawing No. 16-025-160 Revision B: Site Sections & Street Elevations
 - Drawing No. 16-025-123 Revision A: GF & FF Plans (Supported Living Apartments)
 - Drawing No. 16-025-155 Revision B: Elevations (Supported Living Apartments)
 - Drawing No. 16-025-120 Revision F: GF & FF Plans (CC & A Unit)
 - Drawing No. 16-145-151 Revision B: Elevations (CC & A Unit)
 - Drawing No. 16-025-116 Revision C: Boundary Treatments Plan
 - Drawing No. L8555/02: Soft Landscaping Proposals
 - Drawing No. 16151/005 Revision P3: Drainage Strategy

Archaeology

3. No development shall take place until the archaeological fieldwork as set out in the submitted Written Scheme of Investigation (*ECUS Ltd Dec 2016: Former Clowne Miners Welfare Club, High Street Clowne, Derbyshire - Written Scheme of Investigation for Archaeological Excavation Planning Ref: 16/00473/FUL*) has been completed to the written satisfaction of the Local Planning Authority.
4. No development shall take place other than in accordance with the submitted archaeological Written Scheme of Investigation.
5. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the submitted archaeological Written Scheme of Investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Japanese Knotweed

6. No development shall take place, until an invasive non-native species protocol has been submitted to and approved in writing by the Local Planning Authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

Remediation

7. Unless otherwise agreed by the Local Planning Authority, other than the demolition of the existing buildings, the completion of any works required under Conditions 3, 4, 5 and 6 (above) and/or that required to be carried out as part of an approved scheme of remediation, the development hereby permitted shall not commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

Notwithstanding the assessment provided with the planning application an investigation and risk assessment shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

E. Importation of soil

In the event that it is proposed to import soil onto site in connection with the development, the proposed soil shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme for all parameters requested (where this is available), the results of which shall be submitted to the LPA for consideration. Only the soil approved in writing by the LPA shall be used on site.

Additional Noise Attenuation

8. Unless otherwise agreed in writing by the Local Planning Authority, the Complex Care

and Autism Unit shall be provided with a sound insulation scheme comprising higher specification glazing and mechanical ventilation for the parts of this building as highlighted in Figure 2 of the submitted Hepworth Acoustic Report.

Prior Approval of Facing Materials

9. Before construction commences on the erection of any building or wall, samples of external materials, including facing materials for walls and roofs, cladding, window and door frames, and rain water goods, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved specifications.

External Lighting

10. Prior to the development hereby permitted being brought in to use, and prior to the installation of any external lighting within the red-edged application site, precise details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall have regard to the "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" produced by the Institution of Lighting Professionals. The approved lighting scheme shall be implemented in full before the lighting is first used, and shall be retained thereafter. Changes to any element of the lighting scheme shall be submitted to and approved in writing prior to any changes taking place.

Planting

11. Prior to the development hereby permitted being brought in to use, details of the size, species and positions of a hedgerow and/or hedges along the boundary of the site and to replace the box hedges shown on the approved landscaping plans and an accompanying schedule and/or programme for the proposed planting shown on the approved landscaping plans, subject to this revision, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the planting shall be carried out in accordance with the revised plans, schedule and/or programme approved by the Local Planning Authority.

Boundary Fence

12. Prior to the development hereby permitted being brought in to use, the 1.8 close-boarded fencing shall be fully installed on site as specified on the approved Boundary Treatments Plan, Drawing no.16-025-116 revision C.

Parking and Access

13. Prior to the development hereby permitted being brought in to use, the whole of the vehicle parking and manoeuvring area and all service areas shown on the approved plans shall be formed, laid out, constructed and surfaced in accordance with specifications to be submitted to and approved in writing by the Local Planning Authority. Thereafter, all parking spaces shall be clearly and permanently delineated and shall be maintained free of any obstruction from their intended use at all times throughout the lifetime of the development hereby permitted.
14. Prior to the development hereby permitted being brought in to use, the proposed access shall be completed and the existing vehicular access across the remainder of the frontage of the site along High Street shall be permanently closed in accordance with the details and specifications shown on the approved plans.

Deliveries

15. No deliveries shall be taken at or despatched from the site nor shall there be any loading or unloading outside the hours of 9am until 5pm; nor at any time on Sundays, Bank and Public Holidays.

Restriction on Use

16. The supported living block hereby permitted shall be used for sheltered accommodation as specified in the submitted application and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
17. The Complex Care and Autism Unit hereby permitted shall be used for residential accommodation as specified in the submitted application and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Notes to Applicant:

1. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
2. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to

maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

3. There is a Public Right of Way (Footpath 24 on the Definitive Map for the area). 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 533262.
 - Please note that the granting of planning permission is not consent to divert or obstruct a public right of way.
 - If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 08456 058 058 for further information and an application form.
4. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.
 - Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr K Barton in Development Control at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
5. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management, 01629 538686. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp

Statement of Decision Process

The revised proposals are considered to comply with the policies and guidelines adopted by the Council other than in respects of policy CLT6 in the Bolsover District Local Plan and the above recommendation has been taken in accord with the guidelines of the National Planning Policy Framework with regard to all relevant planning considerations.

Site Location Plan

