

PARISH Old Bolsover

APPLICATION Residential development for 5 houses (all matters reserved)
LOCATION Land To The Rear Of 74 Welbeck Road Bolsover
APPLICANT Mr & Mrs K Walker Hodsock Croft Hodsock Lane S81 9AF
APPLICATION NO. 17/00286/OUT **FILE NO.** PP-06145177
CASE OFFICER Mrs Karen Wake (Mon, Tues, Wed)
DATE RECEIVED 13th June 2017

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

SITE

Fairly level overgrown area of grassland which extends from the rear of two storey dwellings, fronts Welbeck Road, and extends to Steel Lane to the northwest of the site. There is a hedge approx 4m in height along this northwest boundary with Steel Lane and open land beyond. There is a 2m high hedge along part of the southern boundary with a dormer bungalow beyond which has a garage and outbuilding adjacent to the site boundary. The remainder of this southern boundary is a post and rail fence with a single storey dwelling beyond. On the northern boundary is a hedge and trees to approx 4m in height with a dwelling and garden beyond. Access to the site is via an unmade track drive in the southeast corner of the site.

PROPOSAL

The application is for residential development on the site and has been made in outline with all matters reserved except access. The proposed access is from Welbeck Road between 74 Welbeck Road and 5 The Villas. The indicative plan submitted with the application shows 5 detached dwellings but this plan is only indicative as layout and scale are reserved matters.

AMENDMENTS

Site location plan amended to include the visibility splays from the access within the red line application site.

HISTORY (if relevant)

The site forms the corner of the Bolsover North site, Planning Application no 14/00080/OUTEA: Outline planning application (with all matters except access reserved for later consideration) for residential development in the region of 950 dwellings, provision of an extra care facility (approx 70 units) and an Infant School together with vehicular access points from Marlpit Lane, Oxcroft Lane and Longlands (with associated demolition of dwellings on Longlands and Welbeck Road), cycle and pedestrian access, associated car parking spaces and open space provision which has been reported to Planning Committee and is has been resolved to approve the application subject to the signing of a S106 Agreement. The Section 106 Agreement has not yet been signed so the application has not yet been determined.

CONSULTATIONS

DCC Highways: No objections provided the visibility splays can be provided and maintained and subject to conditions requiring access to be provided in accordance with the submitted

plans and provided and maintained with 2.4m x 36m in the critical direction and 2.4m x 35m in the non-critical direction, parking and manoeuvring to be provided on site before occupation of the dwellings in accordance with a plan which the LPA will have first agreed, before construction starts on site and area for the storage of plant and materials and parking of site operatives and visitors parking to be provided on site, no gates within 5m of the highway boundary and access/driveway to be no steeper than 1 in 14 over its entire length: 12/9/2017

DCC Archaeologist: Requires conditions to submit a written scheme of investigation for archaeological work has been submitted to and approved by the Local Planning Authority, no development to take place other than in accordance with the approved archaeological scheme and development not to be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved archaeological written scheme of investigation and provision made for the analysis, publication and dissemination of results of archive deposition has been secured: 10/7/2017

Senior Engineer: The sewer records do not show a public combined sewer within the curtilage of the site however the applicant should be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in 2011. If any part of the proposed works involves connection to/diversion of/building over/building near to any public sewer the applicant should be advised to contact Yorkshire Water in order to determine their responsibilities under the relevant legislation. The applicant should be advised that all proposals regarding drainage will need to comply with Part H of the Building Regulations: 25/7/2017

Parish Council: No comments received

PUBLICITY

Site notice and 16 neighbours notified. Two letters of objection received which raise the following issues:

1. Concern is expressed that building contractors will use the shared access between 76 and 78 Welbeck Road. This is not a public right of way and is not suitable to provide access to these houses. When trees were recently cleared from the site a tractor and trailer did exactly that. The area between the building plot and the shared area behind 78-84 Welbeck Road but there is a fence between the site and the bungalow to the rear of 74 Welbeck Road so contractors may take the easy route into the site.
2. The children who play in the shared space to the rear of 78-84 Welbeck Road would be at risk from site traffic during construction and is a safeguarding concern which will need to be addressed.
3. The proposal will result in disruption and interference for the neighbouring community.
4. There is a mature hedge and trees on the boundary between the site and the garden to the north of the site which provides privacy to the dwelling to the north and encourages and supports wildlife. Construction work on the adjacent site could have a detrimental impact on the wildlife and could also compromise or damage the boundary hedge and trees, damaging wildlife habitat.
5. The trees on the northern boundary of the site demarcate the boundary of the dwelling to the north and is an ancient boundary going back centuries and should not be disturbed, damaged or compromised by the building of the proposed houses.

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), GEN11 (Development Adjoining the Settlement Framework Boundary), HOU9 (Essential New Dwellings In The Countryside), TRA1 (Location of New Development), ENV3 (Development in the Countryside)

Emerging Local Plan for Bolsover District (October 2014 onwards)

The Council has commenced work to replace the adopted Bolsover District Local Plan (2000) following adoption of its Local Development Scheme on the 15th October 2014.

Following public consultation on the Identified Strategic Options for the new Local Plan during October-December 2015, on the 10th February 2016 the Council selected its Preferred Strategic Options for the Local Plan for Bolsover District. These are:

- Housing Target – 3,600 dwellings over the plan period (240 dwellings per annum);
- Employment Target – a range between approximately 80 and approximately 100 hectares over the plan period;
- Strategic Sites – support for Bolsover North, former Coalite site, Clowne North and former Whitwell Colliery site;
- Spatial Strategy – Option A with elements of Options C and B for the Spatial Strategy Option, meaning:

This Preferred Spatial Strategy Option will direct additional growth to the District's more sustainable settlements in order to take advantage of their greater employment opportunities, better transport links and services and facilities, but ensuring that a larger share goes to settlements such as Clowne where viability is better and to Whitwell and Bolsover where key brownfield sites exist. This option will seek to take advantage of the preferred suggested strategic sites as the principal locations of growth in Bolsover, Clowne and Whitwell, with smaller sites being sought to deliver growth in the other more sustainable settlements of South Normanton and Pinxton and focussing on achieving the committed growth in the District's other settlements. Where no committed growth currently exists, major development would be resisted in order to support the Council's Preferred Spatial Strategy Option but minor infill development would be accepted.

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.

Paragraph 141

Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.³⁰ However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Other (specify)

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 (with the exception of the access) is 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.

In this case, most of the site lies outside of the settlement framework boundary where the open countryside policies apply. Policies for the protection of the countryside must be given due weight but regard must be had to the policies and guidance of the NPPF. 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. However, the site forms the southern tip of the larger residential site (planning application 14/00080/OUTEA) known as the Bolsover North site. This site has been reported to Planning Committee where it was resolved to approve the application subject to the completion of a S106 agreement. This agreement has not yet been signed but expected to be signed soon. The principle of the development of this site for residential purposes as part of the larger site is therefore considered to be established.

The site is at the southern end of the larger Bolsover North site and the proposed access is outside the Bolsover North site. The site is capable of accommodating residential development without harming or impacting the future residential development of the larger site and as such the proposal is not considered to prejudice the larger development.

If for any reason the Bolsover North scheme is not developed, the site which is the subject of the application is itself already bounded by development to two sides, and whilst the development would clearly extend into land to which the countryside policies apply, the site contains no remarkable features, is currently overgrown and unused and shares boundaries with other gardens. Also to the northeast of the site, residential development extends out in linear form past the northern boundary of this site such that the proposal would not be a prominent intrusion of development into the open countryside.

The site is within walking distance of the shops and community facilities in Bolsover and bus stops giving access to larger towns and cities and as such, whilst it is outside the settlement framework it is immediately adjacent to the settlement in a sustainable location. The proposed development is therefore considered to be in line with the Policies of the emerging Local Plan and the guidance set out in the NPPF.

The application is in outline with all matters reserved apart from access such that the indicative plan submitted with the application does not form part of this consideration. It does however indicate that five dwellings can be provided on the site which provide adequate private open space and parking areas and which meet the council's housing layout and design guidance in terms of distances between windows of proposed and existing dwellings, distances between windows and adjacent private gardens etc. The site is therefore considered capable of accommodating residential development without resulting in a

significant loss of privacy or amenity for residents of adjacent dwellings and on this basis the proposal is considered to meet the requirements of Policy GEN 2 of the Bolsover District Local Plan.

The proposed access is of a suitable width and turning can be provided within the application site to allow vehicles to enter and leave the site in a forward gear. The proposed access can achieve adequate visibility splays in each direction but these visibility splays extend over land which is outside the applicant's control. The owner of the adjacent land has confirmed agreement to the visibility splays extending over his land and therefore subject to a condition requiring provision of the access prior to commencement of the development, it is considered that a safe access can be provided to the site and the applicant has confirmed agreement to a pre-commencement condition. Subject to such a condition 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 Highway Authority has asked for conditions relating to provision of parking and turning and storage of materials on site but these are issues to be considered in any reserved matters application. They have also asked for no gates within 5m of the highway and the access to be no steeper than 1 in 12. Such conditions are considered to be unnecessary as the access to the site is fairly level and if gates did not require planning permission it would be unreasonable to remove permitted development rights and if they were of a height that did require planning permission that would be the subject of a separate application or the reserved matters application.

A Geophysical survey at first stage of archaeological evaluation was carried out on the land to the north of the site as part of application no 14/00080/OUT. The survey identified the remains of a field system of probable later prehistoric date and the probable sites of lime kilns likely to be post-medieval in date. The extensive field system to the north of the site is likely to extend into the current site and it is therefore considered necessary to use planning conditions to secure archaeological investigation and recording before the site is developed. Subject to such conditions the proposal is considered to meet the requirements of Paragraph 141 of the NPPF

There appears to be an area of hardstanding on the site and it is therefore possible that there may be made ground present. The Environmental Health officer has asked for a condition requiring removal of made ground or a contamination report be carried out and if unexpected contamination is found it is reported and any soil imported to the site has been tested. Such conditions are considered sufficient to ensure the safety of the site in accordance with Policy GEN 4 of the Bolsover District Local Plan.

The issue of use of private access and associated disturbance and safety issues raised by local resident has not been considered as this is a private matter between the parties concerned and it is not indicated on the plans that this access forms any part of the proposal. Concern has been raised about the loss of trees, loss of the hedge/ damage to hedge and wildlife within this hedge has not been considered as the proposal indicates the retention of the hedge and trees and this will be covered at the reserved matters stage of the proposal.

Other Matters

Listed Building: N/A
Conservation Area: N/A
Crime and Disorder: No known issues
Equalities: N/A
Access for Disabled: N/A
Trees (Preservation and Planting): No known issues
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 to be formulated in full by the Planning Manager (Development Control) in liaison with the chair and vice chair of the Planning Committee:

1. Submission of reserved matter within 3 years
2. Submission of reserved matters for appearance, landscaping, layout and scale
3. Provision of access prior to commencement of development and maintenance of such thereafter
4. Archaeology written scheme of investigation
5. Development to take place in accordance with archaeology written scheme of investigation
6. Development not to be occupied until site investigation and post investigation has been completed in accordance with archaeology written scheme of investigation and results made available and archive deposition of results secured.
7. Prior to the commencement of construction of the dwelling hereby approved, the made ground on the site of the existing dwelling shall have been removed or a contamination investigation and risk assessment of that part of the site shall have been carried out by an appropriately qualified person in accordance with current guidance and in accordance with a scheme which has been approved by the Local Planning Authority to demonstrate that the site is suitable for the proposed development. If that investigation and risk assessment shows that contamination remediation is required, a remediation scheme shall be prepared and submitted to the Local Planning Authority for written approval; the approved remediation scheme shall be implemented as so approved and a full verification report shall have been submitted to demonstrate that remediation has been carried out successfully prior to the occupation of any of the dwellings hereby approved.
8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and an investigation with risk assessment must be undertaken in accordance with current guidance and approved in writing by the Local Planning Authority and where remediation is necessary a remediation scheme must be prepared in accordance with current guidance which is subject to the approval in writing of the Local Planning Authority. Any approved remediation shall be implemented as approved and a full verification report shall have been submitted to demonstrate that remediation has been carried out successfully prior to the occupation of any dwelling.
9. 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 previously agreed in writing with the Local Planning Authority, the results of which shall be submitted to the Local Planning Authority for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.

Statement of Decision Process

The proposal complies with the policies and guidelines adopted by the Council and the decision has been taken in accord with the guidelines of the National Planning Policy Framework.

