

The Arc
High Street
Clowne
Derbyshire
S43 4JY

Date: 14th November 2017

Dear Sir or Madam

You are hereby summoned to attend a meeting of the Planning Committee of Bolsover District Council to be held in the Council Chamber, The Arc, Clowne, on Wednesday 22nd November 2017 at 1000 hours.

Register of Members' Interest - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on page 2.

Yours faithfully



Assistant Director of Governance and Monitoring Officer
To: Chairman and Members of the Planning Committee

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**PLANNING COMMITTEE
AGENDA**

**Wednesday 22nd November 2017 at 1000 hours
in the Council Chamber, The Arc, Clowne**

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	<u>Apologies for Absence</u>	
2.	<u>Urgent Items of Business</u>	
	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972	
3.	<u>Declarations of Interest</u>	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda	
	b) any urgent additional items to be considered	
	c) any matters arising out of those items	
	and if appropriate, withdraw from the meeting at the relevant time.	
4.	To approve the minutes of a meeting held on 25 th October 2017	4 to 30
5.	Notes of a Site Visit held on 20 th October 2017	31
6.	Five Year Housing Supply – updated	32 to 45
7.	Applications to be determined under the Town & Country Planning Acts.	
	(i) 17/00417/OUT - Residential development of up to 400 dwellings with the safeguarding of land for a primary school/nursery, a community hub to include a local shop, a large swathe of formal parkland, other public open space areas, associated landscaping, pedestrian/cycle links and vehicular access from Low Road and Cliff Hill at Land North South And East Of Stanfree Farm, Low Road, Clowne	46 to 91

- (ii) 17/00409/OUT - Erection of up to 100 dwellings, public open space, landscaping and sustainable drainage system (SuDS) with vehicle access from Mansfield road. (All matters reserved except for means of access) at Land To The South Of Ramper Avenue And Between Mansfield Road And Ringer Lane Clowne 92 to 128

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber, Sherwood Lodge, The Arc, Clowne on Wednesday 25th October 2017 at 1000 hours.

PRESENT:-

Members:-

Councillor D. McGregor in the Chair

Councillors T. Alexander, P.M. Bowmer, T. Connerton, C.P. Cooper, M.G. Crane, M. Dixey, S.W. Fritchley, H.J. Gilmour, T. Munro, B.R. Murray-Carr, P. Smith, R. Turner, D.S. Watson and J. Wilson.

Officers:-

C. Fridlington (Planning Manager (Development Control)), H. Fairfax (Planning Policy Manager), A. Rhodes (Principal Planner), J. Owen (Legal Executive) and A. Brownsword (Senior Governance Officer)

0331. APOLOGIES

Apologies for absence were received from Councillors J.A. Clifton and M.J. Ritchie.

0332. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

0333. DECLARATIONS OF INTEREST

There were no declarations of interest.

0334. MINUTES – 27TH SEPTEMBER 2017

Moved by Councillor D. McGregor and seconded by Councillor T. Munro

RESOLVED that subject to the amendment of Councillor Bowmer's name, the minutes of a meeting of the Planning Committee held on 27th September 2017 be approved as a true and correct record.

PLANNING COMMITTEE

0335. SITE VISIT NOTES – 22ND SEPTEMBER 2017

Moved by Councillor D. McGregor and seconded by Councillor R. Turner

RESOLVED that the notes of a meeting of a site visit held on 22nd September 2017 be approved as a true and correct record.

0336. ORDER OF BUSINESS

Due to Members of the public being present, the Chair consented to the order of business being changed.

0337. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

1. 17/00314/FUL - Residential development of thirty-five dwellings (A revised scheme of part implemented permission 03/00730/FULMAJ for forty-three dwellings) at Residential Development at Former Courtaulds Site, Meridian Close (Off Oxcroft Lane), Bolsover

Further details were included within the Supplementary Report.

The Planning Manager (Development Control) presented the report which gave details of the application and highlighted the key issues set out in the officer reports.

Ms. C. Stainton (Agent) attended the meeting and spoke in support of the application.

The Committee considered the application having regard to the Bolsover District Local Plan, the emerging Local Plan for Bolsover District and the National Planning Policy Framework.

Moved by Councillor S.W. Fritchley and seconded by Councillor B.R. Murray-Carr

RESOLVED that Application No. 17/00314/FUL be APPROVED subject to the following conditions given in précis form (to be formulated in full by the Assistant Director of Planning/Planning Manager in consultation with the Chair and Vice Chair of Planning) and upon completion of a S106 obligation requiring:-

- Three 2 bed affordable houses
- £32,690 Youth and adult recreation facilities
- £27,475 Children's play facilities

PLANNING COMMITTEE

Conditions

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

R. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where specifically stated otherwise in the conditions below, the development hereby permitted shall be carried out in accordance with the following approved drawings:-

Location Plan – JHY/OLB/PH1/LP/01

Site Layout – JHY/OLB/PH1/SL04F

Single garage – SDL-2016-092

Double garage – SDL-2016-094

Twin garage – SDL-2016-095

Standard boundary treatments – JHY/SDL49D

Boundary details – SF13Bols

Stone wall entrance – OX-DSE-35

Field gate – J7/02179

Plot specific house types

1. OX-HN-1A
2. OX-B-22326
3. OX-D-3
4. OX-B-433A
5. OX-B-517
6. OX-B-6
7. OX-BW-7
8. OX-HN-8
9. OX-B-9
10. OX-B-101230
11. OX-BW-11A
12. OX-B-101230
13. OX-D-13
14. OX-HN-14
15. OX-BW-15B
16. OX-B-16
17. OX-B-517
18. OX-HN-18
19. OX-MT-192021A

PLANNING COMMITTEE

20. OX-MT-192021A
21. OX-MT-192021A
22. OX-BW-22
23. OX-B-22326
24. OX-D-24
25. OX-B-25B
26. OX-B-22326
27. OX-BW-27
28. OX-STY-28A
29. OX-BW-29
30. OX-B-101230
31. OX-D-31
32. OX-B-32
33. OX-B-433A
34. OX-HN-34A
35. OX-B-35A

R. For the avoidance of doubt having regard to the amended and additional drawings submitted during the application in order to define the planning permission.

3. The hedgerow along the western boundary of the site shall be retained and reinforced as may be necessary and thereafter maintained.

Before the development is commenced and before any equipment, machinery or materials are brought on to the site to implement this planning permission, temporary fencing must be erected to protect the existing hedgerow along the western boundary of the site located at least 2m from the bole of the hedge-line. The fencing shall be retained and maintained until all equipment, machinery and surplus materials have been removed from the site. The fencing shall be at least 1.2m high, strong enough to resist impacts and shall include intermittent signage along its length warning site operatives that the 'Hedge to be retained and protected by condition of planning permission' and also advising that nothing can be stored or placed within the fenced area and the ground levels within the fenced area must not be altered nor any excavation take place, without the written consent of the Local Planning Authority.

In the event that the hedgerow is removed which should have been retained in accordance with this condition, it shall be replaced within the next available planting season by Hawthorne whips planted at 25cm centres in a double staggered row which shall thereafter be retained and maintained.

R. To ensure that satisfactory landscaping is retained in the interests of visual amenity and biodiversity and in compliance with policies GEN 1, GEN 2, GEN11 and ENV5 and ENV8 of the Bolsover District Local Plan.

PLANNING COMMITTEE

4. Potential Ground Contamination

Other than works to continue the construction of the highway access and estate road, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 'A' to 'D' have been complied with. If unexpected contamination is found after development has begun, development must 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

An investigation and risk assessment, in addition to any assessment provided with the planning application, must 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 must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must 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,
- ground waters and surface waters,
- ecological systems,
- archaeological sites;

(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 must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the

PLANNING COMMITTEE

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 must 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 must 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 (or validation report) that demonstrates the effectiveness of the remediation carried out must 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 must 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 'A', and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 'B', 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 must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 'C'.

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.

R. To reduce any risks associated with potential ground contamination or ground gas and to accord with policy GEN4 of the Bolsover District Local Plan.

5. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than to the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority. The details shall include

PLANNING COMMITTEE

a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with:

a. The principles and details contained within the 'Flood and Drainage Assessment for a proposed residential development site adjacent to Oxcroft Lane, Bolsover, Dated: 21st May 2017 Project No: 7688'

b. DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015).

R. To ensure that the site is properly drained, adopts sustainable drainage principles and in order to prevent overloading by surface water which must not be discharged to the foul sewer network and to accord with policies GEN5 and GEN6 of the Bolsover District Local Plan.

6. Plots 11, 12, 13, 15 and 16 shall be fitted with high performance acoustic glazing and mechanical ventilation of a type specified by an appropriately qualified person to mitigate potential noise impacts from existing commercial development to the south side of the site.

R. To ensure a an acceptable standard of amenity for the occupants of the proposed dwellings having regard to the existing commercial development to the south side of the site and to accord with policy GEN3 of the Bolsover District Local Plan.

7. Before construction progresses above foundation level on any building or wall, a materials plan and schedule and representative samples of the materials to be used in all external wall and roof areas shall first have been submitted to and approved in writing by the Local Planning Authority.

R. To ensure a satisfactory standard of external appearance in accordance with policy GEN2 of the Bolsover District Local Plan.

8. Before any of the dwellings have been occupied, the feature dry stone walls at the entrance to the site shall have been provided in accordance with the approved layout plan JHY/OLB/PH1/SL04F (or any subsequently approved variation to it) and generally in accordance with drawing OX-DSE-35; subject the dry stone wall being constructed from natural magnesian limestone, laid in courses and with a mortar specification all in accordance with details and a sample panel constructed on site which have all been approved in writing by the Local Planning Authority.

R. To ensure a satisfactory standard of external appearance in accordance with policy GEN2 of the Bolsover District Local Plan.

9. Prior to the occupation of any of the dwellings 2.4 x 47m visibility splays at the site access junction shall be provided and thereafter maintained free from obstruction for the life of the development.

PLANNING COMMITTEE

R. In the interests of highway safety and to accord with policies GEN1 and GEN2 and TRA15 of the Bolsover District Local Plan.

10. The new dwellings shall not be occupied until the proposed new estate street, between each respective plot and the existing public highway, has been laid out in accordance with the approved application drawings, constructed to base level and drained and lit.

R. In the interests of highway safety and to accord with policies GEN1 and GEN2 and TRA15 of the Bolsover District Local Plan.

11. Prior to the occupation of any of the dwellings its external off-street parking, access drives and turning areas shall have been provided in accordance with the revised layout drawing JHY/OLB/PH1/SL04F (or any subsequently approved variation to it) and thereafter maintained for their intended use.

R. To ensure that adequate off-street parking is provided and retained for use to reduce the incidence of on-street parking and its attendant dangers and in compliance with policy GEN1 and GEN2 of the Bolsover District Local Plan.

12. Notwithstanding the boundary detail shown on the submitted layout plan no dwelling shall be occupied until further details of the boundary treatments for the site have been submitted to and approved in writing by the Local Planning Authority. The approved detail shall be implemented before the respective dwellings are occupied.

R. The front boundary treatments proposed on the layout plan are not approved and must be replaced with a more appropriate alternative to accord with policy GEN2 of the Bolsover District Local Plan.

13. Notwithstanding the landscaping detail submitted during the course of the planning application, no building shall be occupied until a scheme of both hard and soft landscape works including a programme for implementation have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out as approved.

R. To ensure that satisfactory landscaping is retained and provided in the interests of visual amenity and biodiversity and in compliance with policies GEN 1, GEN 2, GEN11 and ENV5 and of the Bolsover District Local Plan.

14. If within a period of five years from the date of the planting of any tree or shrub that tree or shrub may die, be removed, uprooted or become seriously damaged it shall be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.

PLANNING COMMITTEE

R. To provide a reasonable period for the replacement of trees and shrubs in the interests of the visual amenity of the area and in compliance with GEN 1, GEN 2, GEN11 and ENV5 of the Bolsover District Local Plan.

Notes

The presence of a chicken rearing farm close to this site should be noted. The amenity of the occupants of the proposed dwellings will be affected from time to time, though the frequency is likely to be restricted to a few days per year and so this issue has not precluded planning permission being granted for residential development on this site.

With regard to the future discharge of the surface water drainage condition set out above, the Applicants attention is brought to the additional advice set out in the DCC's Flood Risk Management Teams Recommendations dated 12/10/2017 available to view on the Council's website.

Avoid bird nesting season for site clearance unless surveyed by an ecologist.

Compliance with ecology report's recommendations.

Highway Authority Notes.

(Planning Manager (Development Control))

2. 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 appropriate vehicular, cycle and pedestrian access, associated car parking spaces and open space provision at Land Between Welbeck Road And Oxcroft Lane, Bolsover

Further details were included within the Supplementary Report.

The Planning Manager (Development Control) presented the report which gave details of the application and highlighted the issues set out in the officer reports.

The Committee considered the application having regard to the key issues including:

1. Whether the changed position in respect of a five year supply of housing would affect the 2016 resolution to approve this application;

PLANNING COMMITTEE

2. Whether the suggested planning conditions and obligations would be sufficient to make the proposed development acceptable in planning terms and meet the relevant legal and policy tests; and
3. Whether a proposed amendment to the original resolution to approve this application would be acceptable.

Moved by Councillor D. McGregor and seconded by Councillor T. Munro

RESOLVED that Application No. 14/00080/OUTEA be APPROVED subject to the following conditions:

1. Approval of the details of the layout, scale, appearance, landscaping and those remaining access details beyond the three key entry points at Marlpit Lane, Longlands and Oxcroft Lane approved by this permission (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development, or phase of development, is commenced on site or on that phase of development.

[Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.]

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission and the first such application, relating to one of the phases, shall be made within 3 years of the date of this permission.

[Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.]

3. The development hereby approved shall be begun either before the expiration of three years from the date of this permission or before the expiry of two years from the date of approval of the last of the reserved matters whichever is the later.

[Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.]

4. The submission of the reserved matters applications shall be broadly in accordance with the details shown in the revised Design and Access Statement dated February 2016 and the revised Illustrative Masterplan HG0750/MP-01 Rev. F dated 21/01/2016.

[Reason: In order to ensure that the development is constructed to an appropriate design quality in accordance with the requirements of policies GEN1 and GEN2 of the adopted Bolsover District Local Plan and the NPPF.]

PLANNING COMMITTEE

5. Not later than concurrently with the submission of the first reserved matters within any phase, a supplementary Design and Access Statement for that phase shall be submitted to the local authority for approval in writing. The supplementary Design and Access Statement shall seek to establish the design approach to inform any reserved matters proposals for that phase and should be compatible with the Design and Access Statement dated 14th February 2014, as supplemented and amended by the Design and Access Statement Addendum dated February 2016. Any subsequent reserved matters applications within that phase shall comply with the approved supplementary Design and Access Statement for that phase.

[Reason: So that any reserved matters proposals are informed and shaped by the agreed design code in order to ensure that the development is constructed to an appropriate design quality in accordance with the requirements of policies GEN1 and GEN2 of the adopted Bolsover District Local Plan and the NPPF.]

6. A Site Wide Phasing Programme (generally in accordance with the submitted outline application) shall be submitted to the Local Planning Authority for approval in writing prior to or no later than concurrent with the first Reserved Matters application submitted for the site subject of this permission. The Phasing Programme shall include details of the proposed sequence of development across the entire site, strategic drainage and SuDs infrastructure, the extent and location of individual development phases and the associated access arrangements (including creation, diversion and improvement of pedestrian/ cycle routes and Public Rights of Way) and timescales for implementation of the off-site highway improvements (including inter-alia the junction arrangements shown on drawings numbered: 10020/GA/06/D and 10020/GA/04/H).

[Reason: In order to ensure that the development is delivered in an appropriately phased manner, including the appropriate timing for the provision of appropriate infrastructure.]

7. No development shall commence until the Phasing Programme required under condition 6 has been approved in writing by the Local Planning authority and thereafter each reserved matters planning application for any phase or part of a phase shall be accompanied by an updated site wide phasing programme for the approval of the Local Planning Authority. The development shall then be carried out in accordance with the Phasing Programme as approved and updated.

[Reason: In order to ensure that the development is delivered in an appropriately phased manner, including the appropriate timing for the provision of the necessary highways, drainage and open space and ecology infrastructure and in compliance with policies GEN1, GEN2, GEN5, GEN6, HOU5, TRA7, TRA10, TRA12, TRA13, TRA15, ENV5 and ENV8 of the Bolsover District Local Plan.]

PLANNING COMMITTEE

8. No later than concurrent with the submission of the first Reserved Matters planning application a Framework Travel Plan, including proposed Travel Plan targets, shall be submitted to and approved by the Local Planning Authority. Subsequently with each Reserved Matters application a Travel Plan including targets, relating to each phase (or sub-phase as may be agreed in writing with the Local Planning Authority) comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plans shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan targets.

[Reason: In the interests of encouraging sustainable transportation in association with the approved development and in accordance with the requirements of Policy GEN1 in respect of impacts on the highway network.]

9. No dwelling or other premises shall be occupied within any phase (or sub-phase as may be approved in writing by the Local Planning Authority) until the estate street serving that dwelling or premise has been constructed to base level, drained and lit and the garaging, parking, setting down or collection of passengers, servicing and manoeuvring space has been provided in accordance with any approved details and retained free from any impediment to its designated use accordingly thereafter.

[Reason: In the interests of highway safety and in compliance with policies GEN1 and GEN2, of the Bolsover District Local Plan.]

10. The details to be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters for any phase (or sub-phase as may be agreed in writing with the Local Planning Authority) shall include detailed design for the provision of refuse bin stores within private land in close proximity to the street to avoid prolonged obstruction of the streets by refuse vehicles. Facilities shall be provided in accordance with the approved details prior to first occupation of the dwellings to which they relate and retained free from any impediment to their designated use thereafter.

[Reason: In the interests of highway safety and in compliance with policies GEN1 and GEN2, of the Bolsover District Local Plan.]

11. The details to be submitted and approved in writing by the Local Planning Authority as part of the Reserved Matters application for any phase shall include a scheme (including a programme for implementation) for the disposal of highway surface water. The scheme shall be implemented in accordance with the approved details prior to the streets being taken into public use.

[Reason: In the interests of highway safety and in compliance with policies GEN1 and GEN2, of the Bolsover District Local Plan.]

12. No development shall be commenced within any phase (or sub-phase as may be agreed in writing with the Local Planning Authority) until details of the proposed arrangements for the future management and maintenance of the

PLANNING COMMITTEE

proposed streets within that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance scheme until such time as a an Agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

[Reason: In order to ensure that satisfactory arrangements for the long term management and maintenance of highway areas are provided the interests of highway safety and in compliance with policies GEN1 and GEN2, of the Bolsover District Local Plan.]

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, with the exception of the primary access points to Marlpit Lane, Longlands and Oxcroft Lane (with no through route from Oxcroft Lane to the larger part of the remainder of the site) as shown on the submitted application drawings there shall be no other new means of access either vehicular or pedestrian to the existing highway network unless details are first submitted to and approved in writing by the Local Planning Authority in conjunction with the discharge of phasing conditions above.

[Reason: In the interests of highway safety and in compliance with policies GEN1 and GEN2, of the Bolsover District Local Plan.]

14. Archaeology

a) Not later than concurrently with the submission of the first reserved matters application within any phase a programme of archaeological field evaluation and subsequent reporting shall be submitted to the Local Planning Authority for approval in writing.

b) No development shall take place within any phase (or sub-phase as may be agreed in writing with the Local Planning Authority) until a Written Scheme of Investigation for archaeological work within that phase has been submitted to and approved by the local planning authority in writing for that phase or sub-phase, and until any pre-start element of the approved scheme within that phase has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

PLANNING COMMITTEE

c) No development within a relevant phase shall take place other than in accordance with the Programme and Written Scheme(s) of Investigation approved under sections a) and b) of this condition.

d) No development within a relevant phase shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Schemes of Investigation for that phase approved under part b) of this condition.

[Reason: In order to facilitate the protection or recording of the archaeological interest of the development area and in compliance with policies GEN2 and CON13 of the Bolsover District Local Plan.]

15. The Landscaping details submitted to accompany any reserved matters application for any phase or sub-phase of the development shall be accompanied by details for the proposed means of permanent management and maintenance for all public areas (anything not proposed to be contained within the curtilage of an individual property, i.e. the grounds of any dwelling; education establishment; or extra care facility) at all times following completion of that phase or sub-phase of the development, including timescales for implementation. The agreed details shall be implemented in accordance with those details and maintained in the manner approved at all times thereafter.

[Reason: In order to ensure that appropriate means for the long term management and maintenance of all public areas is provided in the interests of the establishment of such areas and the character and appearance of the development and its wider setting and in compliance with the requirements of policies GEN1 and GEN2 of the Bolsover District Local Plan]

16. Any reserved matters application for layout and landscaping shall provide for the retention and creation of hedgerows generally as identified on Hedgerow Plan HP-01 Revision A. Unless approval to vary the detail is approved as part of any reserved matters submission(s), the hedgerows to be retained on site (as defined on Drg No HG0750/HP-01 Rev. A) shall not be removed and shall be protected from damage during site preparation works and construction works by the erection of protective fencing set back at least 2m from the centerline of the hedge. There shall be no ground disturbance or storage of materials within the protected areas unless an exception is approved in writing by the Local Planning Authority.

[Reason: In order to mitigate the biodiversity impacts of the development and in accordance with Policies GEN2(11) and ENV5 of the Bolsover District Local Plan.]

PLANNING COMMITTEE

17. In accordance with the recommendations in Section 12.2.9 of the submitted Geo-environmental Appraisal Report (October 2013), remedial works to deal with any fissures including: excavation of the treated ground to expose the fissures; grouting and consolidation of any open fissures; suitable reinforcement of the footings; capping of the fissures at rockhead; and a no build stand-off area from any fissure encountered, shall take place prior to development within the affected part(s) of any phase or sub-phase of the development.

[Reason: The Geo-environmental Appraisal Report (October 2013) advises that coal mining legacy potentially poses a risk to the proposed development and that remedial works are required to treat the fissures to ensure the safety and stability of the proposed development and in accordance with policy GEN7 of the adopted Bolsover District Local Plan.]

18. Prior to the commencement of development within each phase or sub-phase, a construction management and mitigation plan for that phase or sub-phase shall have been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall cover:

- Construction traffic routing plan;
- Proposed temporary means of construction access;
- Site accommodation;
- Storage of plant and materials, including how any potentially polluting materials will be stored to minimise the risk of pollution;
- Parking and manoeuvring of site operatives and visitors vehicles;
- Loading, unloading and manoeuvring of goods vehicles;
- Hours of operation;
- Method of prevention of mud and debris being carried onto the highway;
- Dust management provision;
- Measures to ensure that any noise associated with the development does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity;
- An assessment of the risks posed to groundwater during the construction phase of the development;
- The implementation of mitigation measures designed to protect groundwater;
- Details of a protocol to deal with any pollution that may occur during the course of construction.

The Construction Management and Mitigation Plan shall be implemented as approved and not altered without the prior written approval of the Local Planning Authority.

PLANNING COMMITTEE

[To ensure protection of the Principal Aquifer, public health, highway safety and ecology and in compliance with Policies GEN1, GEN2, GEN4, ENV5 and ENV6 of the Bolsover District Local Plan.]

19. Any application for approval of reserved matters for the areas shown as Phases 1A and 5 in the originally submitted Design and Access Statement by Spawforths dated 14th February 2014 (in the vicinity of Farnsworth Farm to the east) shall include an assessment of an existing noise profile between the development site and neighbouring properties, for both airborne and impact sound. A report detailing this, and any recommended upgrading of the noise insulation for any new dwellings so as to prevent loss of amenity to the proposed residents from activities currently taking place in surrounding areas, shall be submitted to and approved by the Local Planning Authority. All such recommendations in the approved report shall be undertaken prior to first use of the affected dwellings identified in this submission.

[Reason: Farnsworth Farm to the east is an established noise generating activity and appropriate mitigation measures need to be designed into dwellings that would be affected by such activity to ensure that the impact is reduced to an acceptable level, to ensure the continued operation of the adjoining business and in accordance with policy GEN3 of the adopted Bolsover District Local Plan.]

20. Unless otherwise approved in writing by the Local Planning Authority, development within any phase or sub-phase, other than that required to be carried out as part of an approved scheme of remediation, must not commence until A to C below have been complied with. If unexpected contamination is found after development has begun, development must 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 section D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site for each of the different zones, 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 assessments must be undertaken by competent persons and written reports of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,

PLANNING COMMITTEE

- 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 must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must 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 must 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 must 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 (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority; this should include details identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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 must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of A above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of B above, which is subject to the approval in writing of the Local Planning Authority. Following completion

PLANNING COMMITTEE

of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with C above.

E. Importation of soils

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.

[To ensure protection of the Principal Aquifer and in order to protect public health and ecology and in compliance with Policies GEN1, GEN2, GEN4, ENV5 and ENV6 of the Bolsover District Local Plan.]

21. No development shall take place within any phase (or sub-phase as may be agreed in writing with the Local Planning Authority) until drainage plans for the disposal of foul sewage has been submitted to and approved in writing by the Local Planning Authority for that phase (or sub-phase). The scheme shall be implemented in accordance with the approved details before any development within any phase (or sub-phase) is first brought into use.

[REASON: To ensure that the development is provided with a satisfactory means of foul drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and in compliance with Policies GEN2 (9) and GEN6 of the adopted Bolsover District Local Plan]

22. No development shall take place within any phase (or sub-phase as may be agreed in writing with the Local Planning Authority) until a scheme for the improvement or extension of the existing sewerage system has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved. No occupation of dwellings within any phase (or sub-phase) until the scheme for improvement or extension of the existing sewage system for that phase (or sub-phase) has been completed in accordance with any approved details.

[Reason The existing sewerage and sewage treatment for Bolsover is known to be virtually at capacity. Therefore in order for this development to commence it is essential that enough sewerage and sewage treatment capacity is provided to cater for the extra flow and in accordance with the requirements of policies GEN2 (9), and GEN6 of the Bolsover District Local Plan.]

23. Each phase of the development shall not be commenced until such time as a scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, to dispose of surface water has been submitted to and approved in writing by the local

PLANNING COMMITTEE

planning authority in respect of that phase. The scheme shall include:

- The utilisation of holding sustainable drainage ;
- The limitation of surface water run-off to the equivalent Greenfield runoff rate;
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus a 30% allowance for climate change, based upon the submission of detailed drainage calculations;
- A management and maintenance plan for the drainage system in accordance with DEFRA non-statutory technical standards for sustainable drainage (March 2015);
- Measures to mitigate risks to groundwater from surface water drainage; and
- A timetable for the provision of the drainage proposals insofar as they relate to that phase.

The approved scheme for each phase shall be implemented as approved in accordance with the agreed timetable for its delivery.

[Reason: To ensure that the development is provided with a satisfactory means of surface water drainage to: ensure that the principles of sustainable drainage are incorporated into this proposal; to protect groundwater; reduce the risk of creating or exacerbating a flooding problem; ensure that surface water discharged from the site is managed appropriately to reduce the impacts of sediment, silt and pollutants derived from the site on the receiving waterbody; to improve and protect water quality; to improve habitat and amenity; to minimise the risk of pollution; to ensure the future maintenance of the sustainable drainage structures; and in compliance with Policies GEN2 (9) and GEN5 of the adopted Bolsover District Local Plan.]

24. No development shall be commenced unless and until a S106 Planning Obligation has been completed (signed by all parties) to address the details included as Appendix A to this planning permission.

[Reason: In order to ensure adequate infrastructure provision is made to mitigate the impacts of the development in respect of leisure and amenity spaces, highway safety and transportation and affordable housing and in order to comply with policies GEN1, GEN2, GEN11, HOU5, HOU6, TRA10, TRA13, TRA15, ENV5 and ENV8 of the adopted Bolsover District Local Plan and in line with the requirements of the National Planning Policy Framework.

(Planning Manager (Development Control))

PLANNING COMMITTEE

3. 17/00314/FUL - Residential development of thirty-five dwellings (A revised scheme of part implemented permission 03/00730/FULMAJ for forty-three dwellings) at Residential Development at Former Courtaulds Site, Meridian Close (Off Oxcroft Lane), Bolsover

Further details were included within the Supplementary Report.

The Planning Manager (Development Control) presented the report which gave details of the application and highlighted the key issues set out in the officer reports.

The Committee considered the application having regard to the Bolsover District Local Plan Policies, emerging Replacement Local Plan and the National Planning Policy Framework.

Moved by Councillor D. McGregor and seconded by Councillor T. Munro

RESOLVED that Application No. 17/00314/FUL be DEFERRED and delegated to Planning Manager in consultation with Chairman and Vice-Chairman of Planning Committee subject to:

- A. Completion of S106 Planning Obligation to cover the heads of terms listed below;
- B. Conditions deemed necessary including those set out below in draft form to be formulated in full by the Planning Manager

S106 Heads of Terms:

10% affordable housing; contribution to South Street Recreation Ground (in lieu of on-site provision); contribution to off-site built & outdoor sports facilities; health care contribution; and Public Art contribution.

Recommended Conditions

- C 1 Approval of the details of the layout, scale, appearance, access and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- C 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- C 3 Reserved Matters details must include a detailed design and associated management and maintenance plan for surface water drainage for the site, in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015). The plan shall include details of a Surface Water Drainage

PLANNING COMMITTEE

Strategy with details of any temporary surface water drainage proposals for construction period and an implementation programme. The approved drainage system must be implemented in accordance with the approved detailed design and implementation programme.

C 4 No building will progress beyond foundation level unless and until a scheme of sound insulation has been submitted to and approved in writing by the local planning authority. The scheme must be designed following the completion of a sound survey undertaken by a competent person. The scheme must take account of the need to provide adequate ventilation, which will be by mechanical means where an open window scenario is not sufficient and must be designed to achieve the following criteria with the ventilation operating:

Bedrooms 30 dB LAeq (15 Minutes) (2300 hrs - 0700 hrs)

Living/Bedrooms 35 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)

All Other Habitable Rooms 40 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)

All Habitable Rooms 45 dB LAmax to occur no more than 6 times per hour

Any outdoor amenity areas 55 dB LAeq (1 hour) (0700 hrs - 2300 hrs)

For the avoidance of doubt testing to demonstrate compliance with this condition must be performed over a representative time period for a minimum of 15 Minutes for bedrooms and habitable rooms. For outdoor amenity areas testing to demonstrate compliance with this condition must be performed over a representative time period for a minimum of 1 hour.

Before any dwelling is first occupied the scheme as it relates to that dwelling must be validated by a competent person and a validation report must have been submitted to and approved in writing by the local planning authority.

C 5 Reserved Matters details must include a Dust Management Plan for the construction phase of the project. The construction phase of the development must only be carried out in accordance with the Dust Management Plan approved under this condition.

C 6 Development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to C of this condition have been complied with. If unexpected contamination is found after development has begun, development must 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 Part D of this condition has been complied with in relation to that contamination.

PLANNING COMMITTEE

A) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must 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 must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o 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 must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must 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.

PLANNING COMMITTEE

C) Implementation of Approved Remediation Scheme

The approved remediation scheme must 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 must 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 must 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 must 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 Part B of this condition, 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 must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C of this condition.

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.

C 7 Reserved matters details for this proposal must include a proposed scheme for boundary treatment at the boundary of the site with the M1 including details of an implementation scheme for such works. The development shall be implemented in accordance with any approved reserved matters and thereafter be maintained and managed in accordance with the approved scheme at all times.

C 8 Any reserved matters application for the layout of the site must be accompanied by the geotechnical details associated with this development, which must also include a programme for implementation. The development must be carried out in accordance with the approved details and in accordance with the agreed programme of implementation.

PLANNING COMMITTEE

C 9 Prior to the submission of any reserved matters planning application, a scheme of intrusive site investigations for the shallow coal workings must have been submitted to and approved in writing by the Local Planning Authority.

C 10 Any reserved matters application for the layout of the site must include the submission of a report of findings arising from the intrusive site investigations into shallow coal workings (condition 8) and, where shown to be necessary through that report, a scheme of remedial works for the shallow coal workings that must include an implementation programme. Any remedial works required under this planning permission must be implemented in full in accordance with the agreed implementation programme.

C 11 Any reserved matters for the appearance and landscaping of the site must include details of ecological enhancement measures that shall include details of measures for roosting bats and nesting birds and native planting within the landscaping scheme and must include details of an implementation programme. Any such details approved as a reserved matter shall be implemented in full as approved and maintained as approved thereafter.

C 12 Reserved matters details for this proposal must include an external lighting strategy, to include any street lighting, that must seek to limit the impact of light pollution from artificial light on nature conservation and must include a programme of implementation. Any such details approved as a reserved matter must be implemented in full and maintained as approved thereafter.

C 13 The reserved matters for the site must make provision for the retention of the hedgerow on the site's northern boundary and must demonstrate that the proposed development will not harm the hedgerow nor any trees within it.

C 14 In this condition "retained tree" or "retained hedgerow" means an existing tree or hedge which is to be retained to comply with the approved plans and particulars; and paragraphs (a) and (b) below will apply for five years after the occupation of the last dwelling on the development.

(a) No retained tree or hedgerow will be cut down, uprooted or destroyed, or topped or lopped, other than in accordance with the approved plans and particulars.

(b) If any retained tree or hedgerow is removed, uprooted or destroyed or dies, another tree or hedgerow must be planted at the same place and that tree or hedgerow plants must be of such size and species, and must be planted at such time, as approved in writing by the Local Planning Authority.

(c) Before any equipment, machinery or materials are brought on to the site to implement this planning permission, temporary fencing must be erected to protect the existing retained hedgerows and trees. The fencing must be retained and maintained until all equipment, machinery and surplus materials have been removed

PLANNING COMMITTEE

from the site. The fencing must be at least 1.2m high, strong enough to resist impacts and must include intermittent signage along its length warning site operatives that the 'Hedge and/or trees is/are to be retained and is/are protected by condition of planning permission' and also advising that nothing shall be stored or placed within the fenced area and the ground levels within the fenced area shall not be altered, and no any excavation shall take place, without the written consent of the Local Planning Authority

Reason(s)

R 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

R 2 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

R 3 To ensure that sufficient detail of the construction, operation and maintenance of any drainage systems is provided and incorporate the principles of sustainable drainage as far as is practicable, to maintain the integrity of the M1 and to ensure that the M1 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act. and in compliance with the requirements of policies GEN1(6), GEN2 (1, 9 and 13) and GEN5 of the adopted Bolsover District Local Plan.

R 4 To protect the amenity of the occupants of the proposed dwellings, to maintain the integrity of the M1 and to ensure that the M1 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act and in compliance with Policies GEN1(6) and GEN3 of the adopted Bolsover District Local Plan.

R 5 To protect the amenity of the occupants of nearby dwellings and in compliance with Policies GEN1(6) and GEN2(2) of the Bolsover District Local Plan.

R 6 To ensure the site is suitable for its intended use, to protect the amenity of residents and the quality of the water environment and in compliance with Policies GEN1(6), GEN2(8) and GEN4 of the Bolsover District Local Plan.

R 7 To maintain the integrity of the M1 and to ensure that the M1 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act and in compliance with policy GEN1(6) of the adopted Bolsover District Local Plan.

R 8 To maintain the integrity of the M1 and to ensure that the M1 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act and in compliance with policies GEN1(6) and GEN7 of the adopted Bolsover District Local Plan.

PLANNING COMMITTEE

R 9 In order to ensure that the extent of shallow coal workings and their potential to influence the design and layout of the scheme is fully understood at an appropriate time, to ensure that the site is suitable for its intended use, to protect the safety of residents and in compliance with Policies GEN1(6) and GEN7 of the Bolsover District Local Plan.

R 10 In order to ensure that any shallow coal workings are suitably identified and means for their suitable remediation put in place to ensure that the site is suitable for its intended use to protect the safety of residents and in compliance with Policies GEN1(6) and GEN7 of the Bolsover District Local Plan.

R 11 In order to mitigate the impacts of the development on ecology/biodiversity interests of the site and enhance those interests in compliance with policies GEN2(11, 12 and 21) and ENV5 of the Bolsover District Local Plan.

R 12 In order to mitigate the impacts of the development on ecology/biodiversity interests of the site and enhance those interests in compliance with policies GEN2(11, 12 and 21) and ENV5 of the Bolsover District Local Plan.

R 13 In order to mitigate the impacts of the development on ecology/biodiversity interests of the site and enhance those interests, to ensure that adequate protection is given to the retained hedgerow and trees in the interests of the visual amenity of the area and in compliance with policies GEN1(4), GEN2(1, 11, 12 and 21) and ENV5 of the Bolsover District Local Plan.

R 14 To ensure that adequate protection is given to the trees and hedgerows to be retained on the site in the interests of the visual amenity of the area, in the interests of ecology and biodiversity and in compliance with Policies GEN1 (4), GEN2 (1, 11, 12 and 21), ENV5 and ENV8 of the Bolsover District Local Plan.

(Planning Manager (Development Control))

0338. PROPOSED UPDATE OF THE STATEMENT OF COMMUNITY INVOLVEMENT

The Principal Planner presented the report which updated Members on legislative changes and set out the impact of the changes on the Council's Statement of Community Involvement and the need to update it. A draft updated version had been circulated for Members information.

It was also noted that the Council's own Consultation Policy was not in line with the proscribed planning consultation set out in primary legislation and regulations. Public consultation on planning documents, must follow proscribed consultation.

PLANNING COMMITTEE

It was also noted that the updated approach to the Neighbourhood Planning Protocol was to be discussed at the Executive to be held on 6th November 2017.

Moved by Councillor D. McGregor and seconded by Councillor T. Munro

RESOLVED that (1) the detailed issues in the report be noted,

(2) the updated Statement of Community Involvement be adopted,

(3) the relevant Officer be requested to amend the Council's Consultation Policy as a matter of urgency as follows:

'Consultation on all planning matters, including planning policies, planning proposals and planning applications shall be undertaken in accordance with the guidelines set out in the adopted Statement of Community Involvement'

Planning Policy Manager/Senior Governance Officer)

0339. REPORT ON LOCAL PLAN TIMETABLE

The Planning Policy Manager presented the report which considered the need to amend the current timetable for the preparation of the Local Plan and sought to agree the publication of a live on-line update until the final dates for the new Local Development Scheme could be agreed.

It was noted that due to uncertainties surrounding the Housing White Paper, the Strategic Housing Market Area Assessment, Whole Plan Viability Study, Green Belt and Emerging Issues, the current timetable could not be adhered to and a revised timetable was outlined in the report.

Moved by Councillor D. McGregor and seconded by Councillor T. Munro

RESOLVED that the website be updated with the new Local Development Scheme, as amended by the dates outlined in the report.

(Planning Policy Manager)

The meeting concluded at 1102 hours.

PLANNING SITE VISIT

Notes of a Planning Site Visit held on 20th October 2017 commencing at 1000 hours.

PRESENT:-

Councillors:-

Councillor D. McGregor in the Chair

T. Alexander, C.P. Cooper, J.A. Clifton, M. Dixey, M.J. Ritchie, P. Smith, R. Turner, D.S. Watson and J. Wilson.

Officers:-

Chris Fridlington (Planning Manager(Development Control))

1. APOLOGIES

Apologies for absence were received from Councillors P.M. Bowmer, H.J. Gilmour, T. Munro, and B.R. Murray-Carr;

2. SITE VISITED

Applications for determination by Committee:

6.2 Residential development of up to 29 dwellings on land to the East of Thornhill Drive and to the Rear 17 Ball Hill, South Normanton (17/00148/OUT)

The meeting concluded at 11:30am.

Bolsover District Council

Planning Committee

Date of meeting 22nd November 2017

Five Year Housing Supply – updated

Report of the Joint Assistant Director of Planning and Environmental Health

Purpose of the Report

- To set out the background to the assessment of the Council's five year supply of deliverable housing.
- To approve an amendment to the annual assessment and publication of the five year supply of deliverable sites following the release of the North Derbyshire and Bassetlaw SHMA – OAN Update. The annual assessment is required by paragraph 47 of the National Planning Policy Framework (NPPF) 2012.

1 Report Details

Introduction

- 1.1 Members will be aware that where a Council cannot demonstrate a five year supply of deliverable housing sites, housing applications fall to be considered in the context of the presumption in favour of sustainable development, rather than against the relevant policies for the supply of housing, which may not be considered up to date. Therefore whether or not an authority has a five year supply has a direct impact on the Council's ability to influence the location of new housing. The adoption of a new Local Plan and achievement of a five year supply will give members greater control over the location of new housing development in the district.
- 1.2 Whilst the absence of a five year supply is not conclusive in favour of the grant of planning permission, the Secretary of State and their inspectors usually place great weight on the need to demonstrate a five year supply in line with paragraph 47 of the NPPF which emphasises the need 'to boost significantly the supply of housing'.
- 1.3 In October of last year and in August this year we were able to report that due to the positive and proactive approach the Council had taken to housing sites, we could demonstrate a 5 year supply and therefore planning policies relevant to the supply of housing would no longer be considered as out of date.
- 1.4 Since that report, two important events have occurred that require further consideration to enable a clear position statement from the Council to be made in respect of this issue.

- 1.5 First, in September the Government provided the Consultation document on a new way of working out an authorities housing requirement and at that time set out what those requirements will be. The Government intend, following the consultation to bring in a new approach which will clearly set out what our requirement will be in future years.
- 1.6 Secondly, in October the Council and its partners in the North Derbyshire and Bassetlaw Housing Market Area received the final version of the North Derbyshire and Bassetlaw SHMA – OAN Update', for Bolsover District and the wider housing market area taking into account the 2014 Sub National Population projections (SNPP), which were published in May 2016 & the Sub National House Hold Projections (SNHP) which were published in July 2016.

Objectively Assessed Need and Housing Targets

- 1.7 The National Planning Policy Framework (2012) introduced the phrase 'objectively assessed needs' for housing. It is important to note that objectively assessed need is not the same as housing provision or a housing target.
- 1.8 At present, the methodology for calculating Housing Objectively Assessed Need (OAN) is set out in the National Planning Practice Guidance (PPG). It is based on modelling work using demographic factors such as births, deaths, number of households; migration patterns; and, employment to predict the number of houses likely to be needed in an area. This basic data is refined by considering other factors, such as whether household formation has been suppressed by affordability or past under-provision, or whether the figures will support forecast employment growth to arrive at an objectively assessed need.
- 1.9 The objectively assessed need for housing in Bolsover District was calculated by independent consultants as part of the Strategic Housing Market Assessment (November 2013), which was updated following sensitivity testing in April 2014. This identified the OAN as between 235 – 240 homes a year with the upper figure of 240 being used to calculate the requirement for housing in the district from that point on.
- 1.10 Following consideration of the options for a housing target, in February 2016 the Council selected a preferred housing target for the emerging Local Plan for Bolsover District of 240 dwellings per year based on meeting the OAN. This preferred housing target was reconsidered and subsequently incorporated into the Consultation Draft Local Plan for Bolsover District when this was published for public consultation in October 2016.
- 1.11 The North Derbyshire and Bassetlaw Objectively Assessed Need Update report (October 2017) identifies that the most appropriate figure for Bolsover District's OAN, based on the current methodology and the latest SNPP, as suggested in government guidance, should be 272 dwellings per year.
- 1.12 In reaching this figure, the report looks at several scenarios in relation to a potential housing requirement. It considers Demographic Need, with different scenarios for migration. It looks at a Baseline Economic scenario and a Growth Economic scenario. It also considers the potential housing need based on market signals as

well as affordable housing need. Table 1 below looks at the conclusions for the various approaches in the district and across the HMA as a whole.

Table 1

	Starting Point 2014 based Projections	Conclusion on Demographic Need	Adjusted to Boost Affordable Housing Delivery	Adjusted for Baseline Economic Growth	Adjusted for a Economic growth Scenario.	Objectively Assessed Need (OAN)
Bolsover	229	247	272	249	386	272
HMA	983	1,101	1,211	1,124	1,465	1,211

- 1.13 Whilst the Economic Growth scenario is the highest, this is the same for all of the authorities and lifts the requirement by 33% above the demographic need, compared to 2.2% for the economic baseline scenario. The study recognises that this highlights the sensitivity of estimates of the scale of housing need to economic performance, and the degree to which economic growth could drive in-migration.
- 1.14 Within Bolsover, we have evidence that high levels of employment growth through new employment land delivery have not driven housing growth in any clear, identifiable or linked manner. This is probably due in part to the impact of new employment on activity rates, but also due to the nature of the District with the M1 running north-south through it and good links to nearby sub-regional centres elsewhere in Derbyshire and neighbouring Nottinghamshire and relatively low house prices associated with the District's post-industrial heritage and market perception.
- 1.15 Interestingly, the Local Plan Expert Group report, and the recent consultation on housing numbers have both separated out housing requirements from economic growth, apart from the link given by the affordability ratio, which would rise where scarcity of supply for incoming workers would drive up housing prices and require a higher build rate.
- 1.16 The North Derbyshire and Bassetlaw SHMA - OAN Update calculates the OAN for the District as 272 dwellings per annum. As stated in its conclusion, "the OAN is calculated taking into account the adjustments made in drawing conclusions on the demographic need for homes; upward adjustments where appropriate to support baseline economic growth; and a 10% upward adjustment applied to the demographic need to support enhanced affordable housing delivery".
- 1.17 In September the Government Consultation on '**Planning for the right homes in the right places**' came out. Whilst it is currently only a consultation document, it sets out a clear and simple new methodology to defining the housing requirement (OAN), based mainly on the demographic needs of an area but lifted where average house prices are more than 4 times the average income. The figure given for Bolsover within this Government consultation is 244 dwellings per annum. Whilst once again the Council could decide to allocate more should we wish, that is a decision for the Local Plan process and does not impact at this time on the OAN.
- 1.18 However, it is an important consideration as it not only indicates a direction of travel in terms of the Government's approach, but also identified a consistency with the existing figure and the demographic need and highlights the uplift in the OAN for the

affordable housing need, as well as how unconnected the Economic Growth figure is from all other scenarios for Bolsover District in particular..

- 1.19 Going forward, the Council will need to review its preferred housing target of 240 dwellings per year for the emerging Local Plan for Bolsover District in light of the findings of the Objectively Assessed Need Update report, the Government’s proposed new methodology for calculating the OAN for the District and any changes to national planning policy that may be forthcoming in the revised NPPF, which is expected to be published for consultation early in 2018.

The Housing Requirement

- 1.20 For the last four years, the housing requirement has been based on the objectively assessed need identified in the 2013 Strategic Housing Market Assessment (SHMA) (as updated) of 240 dwellings a year. As set out above, this figure is no longer the most appropriate figure to use at this time and we need to consider both the OAN within the Objectively Assessed Need Update report (272) and, with an eye to the future, the Government’s consulted upon new methodology (giving rise to a figure of 244) that could become the new approach to setting the OAN for the District.

- 1.21 Whilst the 2013 SHMA has a base date of 2011, the Objectively Assessed Need Update report, updates the base date to 1st April 2014. The Government Consultation on ‘**Planning for the right homes in the right places**’ proposes to also update the base date to 1st April 2014.

- 1.22 As can be seen from Tables 2 and 3, below, based on the new 2014 base date, in only 1 year has the Council failed to see housing delivery in excess of either OAN requirement, and that was only by 19 dwellings. Over the last 3 years, the number of completions has exceeded the OAN Update requirement by 56 and the Government’s proposed new methodology figure by 140.

Table 2: Housing provision against the OAN Update figure of 272			
Year	Annual Requirement	Completions (Net)	Variation
2014/15	272	253	-19
2015/16	272	326	+54
2016/17	272	293	+21
Total	816	872	+56

Table 3: Housing provision against the Government Proposed figure of 244			
Year	Annual Requirement	Completions (Net)	Variation
2014/15	244	253	+9
2015/16	244	326	+82
2016/17	244	293	+49
Total	732	872	+140

- 1.23 On this basis it is no longer considered that the previous poor delivery of housing, due in large degree to wider economic factors at that time, can be seen as a record of ‘persistent under delivery’, as since the base date of these requirements the need

has been exceeded. Therefore, there is no longer a Government requirement to ensure the Council has a 20% buffer of deliverable land, within the 5 year period, to increase the land supply and to ensure choice and competition in the market. Guidance now requires only a 5 % buffer.

The Housing Supply

1.24 This mid period review is due to the changes affecting the requirement alone, due to the new SHMA report and the potential impact of the Government’s consultation. As a result, the assessment is still based on the housing supply position at the end of March 2017 and the reasoning set out in the August report and contained in Table 4 below still stands.

1.25 A new full review will take place in April / May 2018, by which time the Government should have decided how the requirement should be calculated in future years.

1.26 Table 4 below, summarises the housing supply position as outlined in the August 2017 report.

Table 4: Components of the five year deliverable supply			
Year	Supply - Sites with planning permission* at 31st March 2017 considered to be deliverable	Additional deliverable supply from Local Plan allocations	Total
2017/18	303	0	303
2018/19	477	0	477
2019/20	486	30	516
2020/21	386	90	476
2021/22	247	90	337
2022/23	199	110	309
Total	2,098	320	2,418

*including sites with committee resolutions to approve subject to completion of S106 agreements

1.27 A full list of the deliverable sites included in the five year supply is set out at Appendix B.

Assessment of the five year supply

1.28 The Council has consistently followed the Sedgefield method when assessing its five year supply and so has always planned to meet any shortfall within 5 years rather than across the whole of the Plan period (the Liverpool method). On the same basis we have spread the excess to date across the next 5 years, to reflect how many houses would need to be built for the Council to stay on track.

1.29 As outlined above, now that the Council can evidence that within the current housing period we have exceeded our requirement, there is no longer a requirement to have a buffer of 20% because of a record of persistent under delivery. Rather, there is an excess to spread out over the next 5 years and a need to only provide for a 5% buffer in accordance with the NPPF.

- 1.30 Table 5 below reflects the situation in regard to the SHMA OAN Update figure of 272. Our NPPF requirement of deliverable land would be 1,360 dwellings, minus the excess already provided of 56 (Table 2). This leaves a requirement over the next 5 years of 1,304 dwellings.
- 1.31 If we then add the NPPF buffer of 5% (65 dwellings), provided we can show a supply in excess of 1,370 units over a 5 year period we comply with the NPPF requirements and our planning policies in relation to housing supply are not considered to be out of date.
- 1.32 With a potential delivery 2,109 units within the relevant time period, we clearly exceed the requirement by 739 units.

Table 5: Deliverable supply set against the SHMA Updated OAN (272) requirement and 5% buffer					
Year	OAN pa. +/- Variation (11) spread over 5 years	Potential Delivery pa.	Cumulative requirement	Cumulative Potential delivery	NPPF requirement (+5%)
2017/18	261	303	261	303	1370
2018/19	261	477	522	780	
2019/20	261	516	783	1296	
2020/21	261	476	1044	1772	
2021/22	261	337	1305	2109	
2022/23	272	309	1577	2418	

- 1.33 Table 6 below reflects the situation in regard to the Government's proposed new OAN methodology requirement of 244. Our NPPF requirement of deliverable land would be 1,220 dwellings, minus the excess already provided of 140 (Table 3). This leaves a requirement over the next 5 years of 1,080 dwellings.
- 1.34 If we then add the NPPF 5% buffer (54 dwellings), we have an overall requirement of 1,134 dwellings. Provided we can show a supply in excess of this over a 5 year period, we again comply with the NPPF requirements and our planning policies in relation to housing supply would not be considered to be out of date.
- 1.35 With a potential delivery 2,109 units within the relevant time period, we clearly exceed the requirement by 975 units

Table 6: Deliverable supply set against the Government's OAN (244) requirement and 5% buffer					
Year	OAN pa. +/- Variation (28) spread over 5 years	Potential Delivery pa.	Cumulative requirement	Cumulative Potential delivery	NPPF requirement (+5%)
2017/18	216	303	216	303	1134
2018/19	216	477	432	780	
2019/20	216	516	648	1296	
2020/21	216	476	864	1772	

2021/22	216	337	1080	2109	
2022/23	244	309	1628	2418	1390

1.36 Both Tables (5 & 6) clearly show that regardless of whether we look to 2022 or 2023, the potential delivery exceeds the requirement throughout.

1.37 To calculate the extent of the Council's deliverable supply, one needs to add the excess to date, to the deliverable supply and divide the remainder by the annual requirement. This means for the next 5 years to 2021/22:

- SHMA Updated OAN figure of 272 gives - 2,109 + 56 = 2,165 ÷ 272 = 7.96 years
- Government OAN figure of 244 gives – 2,109 + 140 = 2,249 ÷ 244 = 9.22 years.

1.38 Therefore, against either requirement the Council can show a strong supply of housing sites that could within the next 5 years provide for around 8 to 9 years of housing.

1.39 Appendix A sets out the Council's definitive account of its five year supply. Appendix B sets out the sites in the five year supply of deliverable housing sites.

2 Conclusions and Reasons for Recommendations

2.1 The five year housing supply is a consideration of the amount of housing that is deliverable on housing sites within the District within a 5 year period from the 31st March 2017.

2.2 The assessment of the five year housing supply is a technical exercise. Based on the above assessment the Council can demonstrate that it has a five year housing supply as required by the NPPF, whether we look at the SHMA Updated OAN approach or the Government's consultation approach.

2.3 However, for clarity it should be agreed at this time that the Council accepts the 2017 SHMA Updated OAN report findings. As they are based on the current national methodology, the Council will now utilise the updated OAN figure of 272 units per annum in order to calculate the 5 year housing requirement until a final version of the Government's new approach is confirmed. Based on the latest information from the Government, this is expected to be in spring of 2018.

2.4 Therefore, against this requirement and as shown above, the Council can demonstrate a supply in excess of 5 years and do not have to accept that policies related to the supply of housing within the Adopted Local Plan are out of date.

3 Consultation and Equality Impact

3.1 Other Officers involved in the preparation of this report were: Interim Planning Policy Manager; Principal Planning Officers; and Senior Planning Information Officer.

3.2 The report went to the Local Plan Steering Group on 10th November 2017.

4 Alternative Options and Reasons for Rejection

- 4.1 As explained at paragraphs 1.1 & 1.2 above there is a requirement the NPPF to carry out the assessment of the five year supply of deliverable housing sites. This means that there is no alternative course of action.

5 Implications

Finance and Risk Implications

- 5.1 The assessment of the five year supply of deliverable housing sites is part of the annual monitoring work. As such it can be funded from existing budgets. However, it is important that this budget is maintained in future years.

Legal Implications including Data Protection

- 5.2 The Council has a statutory duty to keep under review the matters which may be expected to affect the development of their area. The development of land for housing is a key issue that affects the growth of the district.

Human Resources Implications

- 5.3 The assessment can be met within existing staffing resources.

6 Recommendations

- 6.1 That the Planning Committee:

- i. Notes the detailed issues set out in the report;
- ii. Agrees to adopt the findings of the North Derbyshire and Bassetlaw SHMA – OAN Update' (October 2017) and utilise them in the calculation of the 5 year supply
- iii. Approves the assessment of the Council's current five-year supply of deliverable housing sites as set out at Appendix A;
- iv. Authorises the publication of the five Year Supply Assessment (Appendix A), the Schedule of Deliverable Sites in the five year supply (Appendix B), and the final version of the North Derbyshire and Bassetlaw SHMA – OAN Update' on the Council's website; and
- v. Gives delegated authority to the Joint Assistant Director of Planning and Environmental Health in consultation with the Chair, and Vice Chair of Planning Committee to make any minor changes to the text or information referred to in recommendation 6.1 iv prior to publication.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on	No
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two or more District wards)	
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	The maintenance of a five year supply of deliverable housing has an impact on the way decisions on planning applications for residential development are determined. As such it has potential impacts on the following corporate aims: COMMUNITY SAFETY – Ensuring that communities are safe and secure ENVIRONMENT – Promoting and enhancing a clear and sustainable environment REGENERATION – Developing healthy, prosperous and sustainable communities

8 **Document Information**

Appendix No	Title
Appendix A	Assessment of Five Year Supply
Appendix B	Details of sites in the current five year supply
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Assessment of deliverability of major sites Calculation of lapse rate of minor sites	
Report Author	Contact Number
Rob Routledge	Ext 2299

Appendix A

Bolsover District Council

Annual Assessment of Five Year Supply of Deliverable sites for Housing, as required by paragraph 47 of the National Planning Policy Framework 2012

A. The Assessment

1. The Council has a five year supply of deliverable sites for housing.
2. Assessments have been made since 1st April 2007.
3. The assessment was reviewed and updated in 2017, based on data available for the year ended 31st March 2017.
4. This is a second 2017 assessment based on the original Housing supply data, but set against the SHMA updated OAN figure of 272 and a new base date of 2014.
5. Summary of five year supply of deliverable sites:

Deliverable supply set against the SHMA Updated OAN (272) requirement and 5% buffer					
Year	OAN pa. +/- Variation (11) spread over 5 years	Potential Delivery pa.	Cumulative requirement	Cumulative Potential delivery	NPPF requirement (+5%)
2017/18	261	303	261	303	
2018/19	261	477	522	780	
2019/20	261	516	783	1296	
2020/21	261	476	1044	1772	
2021/22	261	337	1305	2109	1370
2022/23	272	309	1577	2418	1656

6. Based on this assessment, the Council currently has in excess of the NPPF required 5 year housing supply (plus 5%). In 2021/22 we will exceed the requirement by 739 units, and we are projected to exceed the requirement in 2022/23 by 762 units.
7. To calculate the extent of the Council's deliverable supply, if one were to add the over-provision to date (56 dwellings) to the deliverable supply (2,109 dwellings) and divide that by our annual requirement (272 dwellings pa.) the Council can show just under an 8 year supply for the period 2017/18 to 2021/22.

SHMAA figure of 272 gives - $2,109 + 56 = 2,165 \div 272 = 7.96$ years

B. Assumptions made in preparing the Assessment

8. The Housing Requirement Figure is based on the latest assessment of Objectively Assessed Need set out in the 2017 Strategic Housing Market Area Assessment of

the an OAN of 272 dwellings a year for the period 2011 – 2031, plus incorporating the oversupply from previous years of 56 during the five year period (the Sedgefield method).

9. The assessment of deliverable supply is based on:
 - a. A physical survey of housing completions and demolitions carried out as soon as possible after 31 March each year;
 - b. An assessment of 'deliverable' sites to determine those sites with a realistic prospect of delivery within five years. This assessment has been informed by a survey of the views of promoters of all major sites in the housing supply, on build out rates and any lead-in times, for their sites.
10. The new base date means that there is no history of undersupply and therefore the NPPF requirement to include a 20% buffer has dropped to the standard 5% buffer during the five year period.
11. The assessment of the five-year supply will be available on the Council's website alongside the schedule of specific deliverable sites.
12. The assessment, assumptions and process may be revised as necessary to take account of new government guidance, case law, best practice and valid stakeholder comments, by the Joint Assistant Director of Planning and Environmental Health in consultation with the Chair and Vice Chair of the Planning Committee.

Appendix B

List of major sites in the five year supply of deliverable sites

Site	Permission Reference	Address	Status	Commitment at 1st April 2017	5 year assessment period						Not deliverable within 5 years
					2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	
Bolsover											
B1880	BOL/1103/730	Former Courtaulds Plc, Oxcroft Lane, Bolsover	Extant	43	0	30	13	0	0	0	0
B2005	BOL/1210/552	99 to 101 Moor Lane, Bolsover, Chesterfield	Extant	9	0	0	0	0	0	0	9
B2192	BOL/1110/568	Land off Blind Lane, Bolsover	N/S	250	0	0	0	0	0	0	250
B2276	BOL/513/209	Land off Langwith Road and, Mooracre Lane, Bolsover	N/S	360	0	30	40	40	45	40	165
B2387	BOL/215/76	Land between Shuttlewood Road and Oxcroft Lane, Bolsover	Extant	149	0	0	0	0	0	0	149
B2400	BOL/214/80	Land between Welbeck Road and Oxcroft Lane, Bolsover	N/S	950	0	30	60	120	90	90	560
Totals				1761	0	90	113	160	135	130	1133
Shirebrook											
B0906	BOL/1190/0583	Former Shirebrook Station, Station Road, Shirebrook	Extant	68	10	20	20	18	0	0	0
B2444	BOL/1016/533	Land to the north of 76 Main Street, Shirebrook	N/S	37	25	12	0	0	0	0	0
B2226	BOL/1112/515	Model Infants School, Central Drive, Shirebrook	U/C	20	0	0	20	0	0	0	0
B2322	BOL/615/316	Land at Brookvale, Shirebrook	U/C	611	45	45	24	45	45	45	362
Totals				736	80	77	64	63	45	45	362
Clowne											
B2112	BOL/214/57	High Ash Farm, Mansfield Road, Clowne	N/S	48	0	21	21	0	0	0	0
B2260	BOL/1112/529	Land to west of Mansfield Road, Clowne	U/C	11	11	0	0	0	0	0	0
B2296	BOL/514/226	Woodside Stables Riding School, Barlborough Road, Clowne	U/C	5	5	0	0	0	0	0	0
B2386	BOL/1214/603	Land to rear of 169-207 Creswell Road, Clowne	U/C	27	27	0	0	0	0	0	0
B2454	BOL/1115/604	Land west of Tamarisk, Mansfield Road, Clowne	N/S	15	0	15	0	0	0	0	0
LPfBD	Allocation	Clowne Garden Village	Alloc	1500	0	0	0	60	60	80	1300
Totals				1606	43	36	21	60	60	80	1300
South Normanton											
B2014	BOL/0413/162	Land To The Rear of, 1 to 35, Red Lane, South Normanton	N/S	50	0	20	30	0	0	0	0
LPfBD	Allocation	Land at Rosewood Lodge Fm, Alfreton Road	Alloc	145	0	0	30	30	30	30	25
Totals				195	0	20	60	30	30	30	25

Site	Permission Reference	Address	Status	Commitment at 1st April 2017	5 year assessment period						Not deliverable within 5 years
					2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	
Barlborough											
B2155	BOL/113/2	Land north of Chesterfield Road, Barlborough	N/S	157	7	40	40	40	30	0	0
Totals				157	7	40	40	40	30	0	0
Creswell											
B1577	Allocation	Land South of Model Village, Creswell	Extant	197	10	20	20	20	20	16	91
B2291	BOL/715/368	Land To The Rear Of Nos 34 To 54, Skinner Street, Creswell	N/S	82	0	20	36	26	0	0	0
B2413	BOL/616/294	Former Miners Welfare Institute, Model Village, Creswell	N/S	11	0	11	0	0	0	0	0
Totals				290	10	51	56	46	20	16	91
Pinxton											
B0907	BOL/613/236	Land to the rear of The Rectory, Town Street, Pinxton	N/S	11	0	0	0	0	0	0	11
Totals				11	0	0	0	0	0	0	11
Tibshelf											
B2275	BOL/413/170	Field West Of Spa, Doe Hill Lane, Tibshelf	N/S	57	32	25	0	0	0	0	0
B2295	BOL/513/182	Land South of Overmoor View, Tibshelf	U/C	138	35	42	44	17	0	0	0
B2412	BOL/616/288	Garage Block at Derwent Drive, Tibshelf	N/S	12	12	0	0	0	0	0	0
Totals				207	79	67	44	17	0	0	0
Whitwell											
B2292	BOL/614/286	5 Hangar Hill, Whitwell	N/S	11	0	0	0	0	0	0	11
LPfBD	Allocation	Former Whitwell Colliery site	Alloc	200	0	0	0	0	0	0	200
Totals				211	0	0	0	0	0	0	211
Glapwell											
B1947	BOL/1111/599	Glapwell Nurseries, Glapwell Lane, Glapwell	U/C	16	0	0	0	16	0	0	0
Totals				16	0	0	0	16	0	0	0
Hodthorpe											
B2390	BOL/715/354	Land at Queens Road Allotments, Hodthorpe	N/S	38	0	10	10	10	8	0	0
B2385	BOL/1014/518	Land north-west of Broad Lane, Hodthorpe	N/S	101	0	0	0	0	0	0	101
Totals				139	0	0	10	10	10	8	101
Newton											
B2293	BOL/914/474	Land to the rear of 27 to 53, Alfreton Road, Newton	U/C	5	5	0	0	0	0	0	0
Totals				5	5	0	0	0	0	0	0
Paltrton											
B2433	BOL/816/410	Land between 11 and 19 Back Lane, Paltrton	N/S	11	0	0	0	5	6	0	0
Totals				11	0	0	0	5	6	0	0
Pleasley											
B2262	BOL/716/348	East of Pleasley Pit, Pit Lane, Pleasley	N/S	23	0	0	11	12	0	0	0
Totals				23	0	0	11	12	0	0	0

Site	Permission Reference	Address	Status	Commitment at 1st April 2017	5 year assessment period						Not deliverable within 5 years
					2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	
Scarcliffe											
B2430	BOL/1215/649	The Nursery, East Street, Scarcliffe	N/S	16	0	0	0	0	0	0	16
Totals				16	0	0	0	0	0	0	16
Shuttlewood											
B2243	BOL/612/269	Field Adjacent to Pattison Street, off Bolsover Road, Shuttlewood	N/S	80	0	0	0	0	0	0	80
Totals				80	0	0	0	0	0	0	80
Countryside											
B2389	BOL/415/216	Land South of Plantation on North side of Worksop Road, Hotel Van Dyk	N/S	52	0	17	17	17	1	0	0
Totals				52	0	17	17	17	1	0	0
Sub totals – Majors				5,510	224	398	436	476	337	309	3,330
All Settlements – Minors											
	Total in supply	333	(assumed 15% of minor sites will lapse)	280	79	79	80	0	0	0	42
Totals				280	79	79	80	0	0	0	42
Sub totals – Minors				280	79	79	80	0	0	0	42
Final totals				5,790	303	477	516	476	337	309	3,372

Deliverable total for current year (17/18) = 303 (estimated)

Deliverable total for the following 5 years = 2,115 (estimated)

 Not considered deliverable within 5 years

PARISH Clowne

APPLICATION Residential development of up to 400 dwellings with the safeguarding of land for a primary school/nursery, a community hub to include a local shop, a large swathe of formal parkland, other public open space areas, associated landscaping, pedestrian/cycle links and vehicular access from Low Road and Cliff Hill

LOCATION Land North South And East Of Stanfree Farm Low Road Clowne

APPLICANT Avant Homes c/o Agent

APPLICATION NO. 17/00417/OUT **FILE NO.** PP-05963397

CASE OFFICER Mr David O'Connor

DATE RECEIVED 10th August 2017

EXECUTIVE SUMMARY

In summary, the current application seeks outline planning permission for residential development of up to 400 dwellings on c.25 hectares surrounding Stanfree Farm off Low Road on the south western approach to Clowne.

In principle, the proposed development is unacceptable because the site lies in countryside outside of the settlement framework and would materially harm the rural landscape and result in unnecessary urbanisation and sprawl. Therefore, the proposals are contrary to saved policies in the Bolsover District Local Plan. The proposals are also contrary to policies in the emerging Local Plan that seek to focus further growth in Clowne to more sustainable locations to the north of the settlement.

It is also considered the Council can demonstrate it has a five year supply of deliverable housing but the applicant has not demonstrated that the housing proposed in the current application is deliverable within the next five years in any event. Therefore, it is considered that the identified conflict with the Bolsover District Local Plan carries significant weight in the determination of the current application.

In this case, there is also insufficient information to demonstrate that the proposed development could deliver local infrastructure to mitigate the impact of the new housing on the local area and remain viable whilst the wider public benefits of granting planning permission for the current application appear to be limited to the generic benefits that might be associated with any form of residential development within the District.

However, the significant adverse visual impact of the proposals on the locally distinctive character and appearance of the local area and the significant adverse impact of the scheme on local education provision would be demonstrable adverse impacts of granting planning permission for the scheme.

Furthermore, it is considered that the applicant cannot demonstrate that the proposals would not result in substantial harm to heritage assets and would not result in a significant adverse affect on wildlife or that the proposals would not result in a net loss of biodiversity. The

applicant also cannot demonstrate the proposals would not result in an adverse impact on the local road network or even that the proposed development would be provided with a safe and suitable access. Moreover, it has not yet been demonstrated how drainage will be dealt with and land stability issues have not been properly addressed.

It is therefore considered that the adverse impacts of granting planning permission would significantly and demonstrably offset and outweigh the benefits of doing so and the proposed development cannot be considered to be a sustainable form of development when considered against national planning policies in the Framework as a whole.

Consequently, there is no presumption in favour of granting planning permission for the current application that is otherwise contrary to policies in the Development Plan because of the location of the application site in the countryside outside of the settlement framework. Therefore, even if the tilted balance in paragraph 14 of the Framework were to be engaged in this case, it would not lead to an approval of the current application.

Notably, the applicant has requested an extension of time and asked that this application be deferred but officers were unable to agree to these requests primarily because of the significant public interest in this application and in light of the following issues:

- the significant amount of information that would be required to address the deficiencies in the submitted application;
- the amount of time that would be required to collate the information taking into account survey work needed for bats and birds will need to be carried out between March and August 2018;
- there is no commitment from the applicant to carry out all the necessary work to address concerns raised in consultation responses and representations on this application; and critically
- the additional information the applicant could provide would not address the fundamental objections to the current application arising from conflict with the Local Plan and the location of the development in countryside outside of the settlement framework to the south of Clowne.

Accordingly, officers recommend that planning permission is refused for the current application for the following reasons:

1. The proposed residential development would be located outside the settlement framework and it cannot be demonstrated that a housing scheme of up to 400 houses is necessary in the proposed location in the countryside. Therefore, the current application is contrary to saved Local Plan policies GEN8 and ENV3 and granting planning permission for the current application would not only constitute an unwarranted departure from the Development Plan, it would also conflict with the planned sustainable growth of the District as set out in the emerging Local Plan.
2. The site is beyond the existing built edge of Clowne and would represent a further extension and encroachment of Clowne southwards into the surrounding countryside, which at this point begins to drop away opening up views of wider Magnesian Limestone landscape. The development proposals would have an adverse urbanising

effect that would be harmful to the landscape setting of the settlement and would detract from the rural character and appearance of the surrounding landscape. Furthermore, the site is poorly related to the main built up area of Clowne and to the nearby village of Stanfree. Consequently, the proposed development would not appear to be a logical extension of either urban area and would detract from the distinctive character of both settlements. The submitted plans also fail to demonstrate an appropriate landscape boundary could be achieved or that the scheme would otherwise improve the environmental quality of the local area. Therefore, the proposals are contrary to the specific requirements of saved Local Plan policies GEN2 and GEN11 and contrary to core planning principles in the National Planning Policy Framework.

3. In the absence of adequate survey work, it cannot be demonstrated that the derogation tests in the Habitat Regulations can be met in respect of European Protected Species, it is not possible for this Council to approve this application and demonstrate that due regard has been paid to the purpose of conserving biodiversity in accordance with s.40 of the Natural Environment and Rural Communities Act 2006, and it is not possible to determine that there would be no net loss of biodiversity in accordance with national planning policies if permission were to be granted for the current application.
4. In the absence of adequate information on archaeology, it cannot be demonstrated that the proposals would not result in substantial harm to heritage assets contrary to the provisions of paragraphs 128, 135 and 139 of the Framework and contrary to core principles in the Framework that require local planning authorities to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
5. In the absence of adequate information on land stability, it cannot be demonstrated that the site is stable or can be made so and also that the proposals would not be likely to initiate landsliding on, or contribute to the instability of, the adjoining land. Consequently, it cannot be determined that the site is suitable for its new use taking account of ground conditions and land instability, and any approval for the current application would conflict with national planning policies set out at paragraphs 121 and 122 of the Framework.
6. The proposed development would have a significant adverse impact on local education provision contrary to national planning policies that attach great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. In the absence of appropriate mitigation for the impact of the development on local schools, granting permission for the current application would not reflect the local community's needs or support its social well-being and would result in a consequential negative impact on the viability and vitality of the local area contrary to saved Local Plan policy ENV3.
7. In the absence of a robust transport assessment, it cannot be demonstrated that the development would not have a severe adverse impact on the local road network contrary to paragraph 32 of the Framework because of the overall scale of development, the proposed location of the development and in the absence of

appropriate mitigation. If planning permission were to be granted in these circumstances, the resulting traffic congestion would have subsequent negative impact on the environmental quality and the vitality and viability of the local area contrary to saved Local Plan policies GEN1 and ENV3. The submitted application also fails to demonstrate the proposed development can be provided with a safe and suitable access, which is also contrary to national planning policies set out in paragraph 32 of the Framework.

8. The public sewer is at capacity and drainage issues remain unresolved. There is a potential odour nuisance issue for future occupants of the proposed housing because of a combined sewer overflow on the site that also remains unresolved. Until these issues are addressed, it cannot be demonstrated that the proposed development would accord with core planning principles in the Framework that require a good standard of amenity for all existing and future occupants of land and buildings.
 9. In the absence of any viability appraisal or evidence on delivery, there is no certainty that any benefits of granting planning could be achieved in a reasonable time frame or that the proposed development could make appropriate contributions towards local infrastructure. However, the proposed development would demonstrably harm the environmental quality of the local area and significantly detract from the social and economic well-being of the local community. Consequently, the current proposals constitute an unsustainable form of development and any benefits of granting planning permission for the current application would be demonstrably and significantly outweighed by the adverse impacts of doing so when taking into account policies in the Development Plan and the National Planning Framework as a whole.
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OFFICER REPORT: 17/00417/OUT

SITE

The site is approximately 25 hectares in size, is bounded by Low Road on its western boundary and is irregular in shape. It is situated close but not adjacent to the settlement framework at the south-western approach to Clowne and includes land below and on the Magnesian Limestone escarpment slope. The existing use of the land is agricultural land associated with Stanfree Farm, with a number of hedgerows running through the site and a small wooded area on its western edge. Due to the irregular shape of the site, the proposal excludes land associated with 21 John Street but this is identified as future development land in the indicative Development Framework drawing. Within this future development land, a second and larger wooded area is adjacent to the application site's northern boundary.

PROPOSAL

This outline proposal is for residential development with all matters reserved with the exception of access, which would be taken from Low Road and Cliff Hill. The submitted supporting documentation and the indicative Development Framework Plan indicate the following elements to the proposals:

- the provision of up to 400 dwellings in a mix of sizes and styles including 10% affordable housing;
- the safeguarding of 1.15 hectares of land within the central part of the site which could be utilised for a school or children's nursery;
- the provision of a community hub to include a local shop;
- 57% of the site (14.61 hectares) assigned to open space comprising a formal parkland linking to existing provision, informal open spaces, children's play area, allotments, retained natural corridors, hedgerows and planted areas;
- vehicular access from Cliff Hill and Low Road with the rerouting of Cliff Hill through the site and the downgrading of the existing road to provide a direct link into Clowne;
- the retention and enhancement of existing public footpath links throughout the site, new pedestrian links provided to the adjacent Avant Homes development and The Arc and other improvements comprising a crossing point on the High Street, localised widening of the footpath on the northern side of the High Street and diversion of existing bus services from Cliff Hill and Low Road through the site via the proposed access road.

AMENDMENTS

Amended plans were submitted to address issues relating to the accuracy of the red-edging defining the application site, the specifications for the proposed spine road through the site and the two points of access. The following revisions to the original submission were made and have been subject to public re-consultation:

1. An amended red edged site location plan ref. SB/001, which extends the red line to include the road junction alterations to the existing highway at Cliff Hill and Low Road.

2. An amended proposed road layout drawing ref. 16/158/TR/005A has been submitted which corrects an error in the previous drawing provided by the applicant.
3. An amended application form has been provided which serves legal notice on Derbyshire County Council.

Following the receipt of consultation responses, the applicant has made the following offers that match the request contributions towards local infrastructure:

1. 10% affordable housing
2. £1,030,570 Secondary education contribution
3. £373,600 commuted sum towards built and outdoor sports facilities
4. 10 year maintenance sum for open space to be adopted by the Council
5. 1% of development value towards public art
6. Health Contribution of £152,160

With regard to primary level education, the applicant has stated that they would like to provide a developer contribution to a project, outlined by the County Council which aims to identify a preferred option for increasing provision in the town from the recently established 3 forms of entry per year up to 4 as demand continues to increase, in conjunction with proposing a strategic option to help address the education system within Clowne.

The strategic plan for creating additional provision in Clowne, by way of a new primary school could see an amalgamation of contributions from existing and proposed planning applications. A total of around 1,000 dwellings across future developments could sustain a 1 form of entry primary school (210 pupils), with developments totalling 500 dwellings being needed to support a primary school of half a form of entry (105 pupils)- with the additional form/s of entry being provided via the construction of a new Primary School for Clowne. A development parcel is proposed as part of the proposed application to help facilitate a new Primary/Junior school for the area.

The value of the contribution offered by the applicant towards a new school, as calculated following the County Council's response would be £364,468.30 which be equivalent to a sum required to mitigate for the pupil intake generated by the proposed development over and above the limits of the current education facilities within Clowne.

PLANNING HISTORY

The only relevant planning history held on file for the application site relates to the Council's positive screening opinion issued on receipt of the current application. The applicant did not accept the Council's opinion that the development proposed in the current application was EIA development and subsequently requested a screening directive from the Secretary of

State. The screening directive sets out the Secretary of State's view that the proposed development is not 'EIA development' within the meaning of the 2017 Regulations.

However, the screening direction make it clear that the Secretary of State's opinion on the likelihood of the development having significant environmental effects is reached only for the purposes of this direction and does not indicate that the Secretary of State has made any judgment on the planning merits of the proposed development or whether the impacts of the development would be 'significant' as it is used in the National Planning Policy Framework in the ordinary sense of the word.

CONSULTATIONS

Bolsover District Council (Engineer): No objections subject to conditions

Comment: Subject to acceptance of the SuDS design by the County Council's Flood Team, the developer must submit an Operation and Maintenance Plan (in accordance with section 32 of the SuDS Manual) which provides details of the arrangements for the lifetime management and maintenance of the SuDS features together with contact details.

The developer must also ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.

Bolsover District Council (Environmental Health): No objections subject to conditions to secure ground investigation report and noise survey information:

Comment: In relation to contaminated land, a Phase 1 desk based study has been included within the application documents. This has identified that there has been a number of former land uses within the site under consideration and several different potential sources of contamination. The report has recommended that a further intrusive investigation including a ground gas investigation be carried out but has no provided any detailed recommendations as to what this would involve. The Council's Environmental Protection Officer would agree with the recommendation to carry out further investigations and would therefore recommend standard contamination conditions be attached to any planning permission granted.

In relation to noise, there are a number of noise sources that may affect residents of this proposed development including a nursery, farms, a kennel/dog breeding establishment and the existing roads. The Council's Environmental Protection Officer would therefore recommend the submission of a sound insulation scheme informed by noise survey at the site.

Bolsover District Council (Leisure Services): Amendments required along with public open space, commuted sum for sports, maintenance sum and public art contributions

Open Space: Recommend that the provision of play facilities within the development is

reconsidered in terms of both size and location.

Built and Outdoor Sports Facilities: As the proposed development is not of sufficient scale to require any dedicated on site built / outdoor sports facilities it is recommended that a suitable commuted sum is negotiated in lieu of any formal on site requirement. Using the current policy formula, Leisure Services have calculated that the commuted sum should be £373,600 (400 dwellings x £934 per dwelling). This commuted sum is to be invested in upgrading built and outdoor sport and recreation facilities within the parish.

Maintenance Sum: Leisure Services would expect to receive a commuted maintenance sum for a period of 10 years following completion of a development for any land adopted by the district council. The exact level of commuted sum will need to be negotiated once the nature and size of the facility has been agreed and approved.

Public Art: Leisure Services request the "Per Cent for Art" under the Council's policy, which seeks a contribution of 1% of the total development costs on developments of over £1million towards public art.

Bolsover District Council (Policy Team): Object

Comment: From an assessment of this proposal, it is considered by the Council's Principal Policy Planner that the proposal:

- is contrary to policies of GEN 8 – Settlement Frameworks and HOU 2 – Location of Housing Sites of the adopted Bolsover District Local Plan as the development of the site for housing is unacceptable within the countryside and does not represent a small or redevelopment site within the settlement framework for Clowne;
- is contrary to policy ENV 3 – Development in the Countryside of the adopted Bolsover District Local Plan as the proposal is none of the types of very small scale residential development permitted by the policy;
- has not yet proven that it would comply with policy HOU 6 – Affordable Housing or the supporting Affordable Housing SPG (February 2002);
- has not yet proven or made clear that it would contribute appropriately to meeting its local infrastructure requirements and it would appear it seeks to significantly under-contribute to increasing primary phase education capacity.

On this basis, given that the Council has a 5 year supply of deliverable sites for housing the above policies are considered to be up to date and can be given full weight in the determination of planning applications. Therefore, the proposal is contrary to the development plan and should only be approved if material considerations indicate otherwise.

In relation to the emerging new Local Plan, it is considered that the proposal is also contrary to the vision, policies and allocations of the Consultation Draft Local Plan which:

- aims to foster sustainable development and regenerate the District's remaining large former industrial brownfield sites;
- plans for a co-ordinated, comprehensive approach to development in Clowne at the Clowne Garden Village strategic site to deliver sustainability benefits, particularly in terms of the provision of jobs and the necessary services and infrastructure to support growth;
- does not allocate the Stanfree Farm site for residential development to meet the planned quantum of growth in the emerging town of Clowne due to a fundamental concern over its suitability on landscape grounds due to its unacceptable impact on the Magnesian Limestone escarpment slope.

On this basis, it is considered that the emerging new Local Plan does not therefore provide a material consideration to justify a departure from the adopted Bolsover District Local Plan (February 2000). Indeed, the emerging Local Plan would support a decision to refuse the proposal.

It should be noted that the emerging Local Plan is designed to be fully compliant with the NPPF. As such, it is also considered that the proposal would be contrary to the National Planning Policy Framework which seeks Local Plans to define a sustainable approach to development. As this site was not considered to be a sustainable option in regard to development at Clowne, and as it is also contrary to the National Planning Policy Framework's emphasis on a plan-led system, the application should be refused as it is contrary to the National Planning Policy Framework also.

To conclude, given that the proposal is contrary to both adopted and emerging Local Plan policy and the National Planning Policy Framework, and that the site represents an unsustainable and unsuitable location for development, it is concluded that the application should be refused for the reasons given above

Coal Authority: No objections subject to conditions

Comment: The Coal Authority concurs with the recommendations of the Phase 1 Geotechnical and Geo-environmental Site Investigation; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the Council impose a planning condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

Clinical Commissioning Group (North Derbyshire): No objections subject to contributions to support development of primary care services in the area amounting to £152,160.

County Archaeologist: Holding objection in absence of archaeological field evaluation

Comment: The applicants have commissioned an archaeology and heritage assessment which comprises a desk-based assessment and site visit. The assessment concludes that there is low potential for the occurrence of as yet to be discovered archaeological assets. We disagree with the consultant's advice that the site is of low potential and that any further archaeological investigation should be done under a condition of planning permission. Taking very recent discoveries in close proximity to the current, very extensive, application area into account we would recommend that the applicants be requested to undertake field evaluation of the proposed development in advance of a planning decision being made. In the meantime, the County Archaeologist maintains a holding objection on grounds of non-compliance with the information requirements set out in national planning policy at Paragraph 128 of the National Planning Policy Framework.

Derbyshire Constabulary: No objections

Comment: There are no objections to any of the indicative detail outlined in principle. In respect of future detail the applicants should take reference from the content of the adopted Successful Places document, in outlook mirroring the strong edge of the adjacent Avant Homes development. In respect of connectivity, particularly pedestrian routes towards the centre of Clowne, care should be taken to ensure that outlook is open to view, direct and well lit.

Derbyshire County Council (Education): Objection and advise insufficient capacity to accommodate the 34 infant pupils, 46 junior pupils and 60 secondary pupils arising from the proposed development.

Primary Level:

It is clear from the school place analysis that the County Council will not be able to provide local school places for all the infant or junior aged pupils generated from this development (17/00417/OUT) at the existing schools within Clowne. The existing schools, within whose normal area the development lies, are projected to stay substantially full. The site and buildings at both the infant and junior school do not allow for further expansion and this would not be desirable given the already large size of the schools. Therefore from an education perspective the County Council is not able to accommodate the pupils arising from the proposed development in the existing primary level infrastructure and as such would only request contributions where additional school place provision could be made. As there is insufficient primary level capacity to accommodate the increase in pupils forecast to be generated by this proposed development and the development itself cannot enable the necessary provision, the County Council wishes to highlight that the proposed development is not a sustainable form of development.

It is noted from the Planning Statement supporting the application proposes the 'safeguarding of 1.15ha of land within the central part of the site which could be utilised as a school or children's nursery'. This recognises the educational impact of the development, but as there

are no S106 heads of terms submitted, the application does not address the build cost to deliver a school which is around £3.5 million for a 1 form entry school. As noted above the Government provides funding to address natural demographic growth, but does not provide monies to accommodate additional pupils generated as a result of new housing development.

Additionally concern is also expressed regarding the viability of the site given the information submitted with the planning application showing potential instability of the scarp slope, possible subsidence, numerous adits and mine shafts across the site, voids, shallow groundwater and spring lines. No viability assessment has been submitted and as such there is no assurance for the County Council that a school could be delivered to support the development of this site.

Secondary Level:

The County Council's analysis of secondary education provision indicates that there would be a need to mitigate the impact of the proposed development on secondary school places in order to make the development acceptable in planning terms. The County Council therefore requests financial contributions as follows:

- £ 1,030,570.20 towards the provision of 60 secondary places at Heritage High School - A Mathematics & Computing Specialist College via Project B - additional teaching accommodation.

Derbyshire County Council (Flood Team): No objections subject to conditions

Comment: The site is not indicated to be at significant risk from flooding although the watercourses within the site, have not been modelled to ensure that they do not present a flood risk to the development. Based on the current layout the site proposes a significant stand off from the watercourses as such development is unlikely to be effected by flood risk from this source. Proposed discharge rates have been calculated based on developable area and in accordance with current technical guidance and include an allowance for 10% urban creep.

Development proposals detail the use of sub catchments within the development to manage surface water through the use of swales and attenuation systems, this principle should be built on during the detailed design stage. The FRA notes that there are springs present on site and that further investigation should be carried out to ensure that they do not result in flooding post development, testing should also look into the possibility of infiltration drainage techniques' being applied to the development. This is also advised within the geotechnical assessment. Conditions are recommended to secure further consideration of the above prior to commencement of any development.

Derbyshire County Council (Highways): Holding objection in the absence of a robust Transport Assessment.

Comment: With regard to the Transport Assessments provided on 3 different sites in the

Clowne area, it is noted the trip generations per number of properties differ significantly between the different sites e.g:

- Mansfield Road, east side – 100 dwellings/90-100 movements at weekday peak hours
- Mansfield Road, west side – 107 dwellings/60 movements at weekday peak hours
- Cliff Hill – 400 dwellings/190-205 movements at weekday peak hours

The figures for Mansfield Road and Cliff Hill are not considered to be robust. None of the TAs indicate that the High Street/Boughton Lane junction will be over capacity and consider High Street/Mansfield Road to be approaching capacity. Capacity issues at the Oxcroft Way/A619/A616 roundabout are highlighted. Moreover the committed developments taken into account appear to differ in each TA. For the Cliff Hill development, the now committed Coalite development should be taken into account.

It is also noted that footpath links are proposed outside controlled land, any improvements/alterations to Cliff Hill/High Street will need to be demonstrated on a topographical survey, extension of limited waiting would not necessarily be supported or successful, Eastern link onto Low Road would need to be designed to the existing 60mph speed limit, no guarantee of succeeding in changing speed limit and gradients of the proposed road will be needed.

Derbyshire Wildlife Trust: Holding objection in the absence of detailed site survey information

Although there may be some biodiversity benefits associated with the proposals, the impacts of proposals are not fully known due to a lack of detailed survey information. Paragraph 99 of Circular 06/2005 states “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances”.

Particularly for a development of this size, detailed protected species surveys are expected. It is not sufficient to extrapolate from national surveys and other local work. Whilst these can be used to support detailed survey information, they are not considered an alternative. Detailed survey information specific to the site is required to inform appropriate mitigation. Additional surveys should be undertaken as follows:

- HSI assessment of Ponds 2 and 3, which are not separated from site habitats by barriers to dispersal.
- Badger survey during winter of previously inaccessible areas.
- Bat activity surveys (May - August) (ensuring hedgerows, the pond and woodland edges are incorporated in transects).
- Bat roost assessment of trees (focused on those likely to be impacted by proposals).
- Breeding bird surveys (April – June).
- Hedgerow assessment against the wildlife and landscape criteria of the Hedgerow Regulations 1997.

- Results of building inspections should be provided.
- A description of on-site watercourses and an evaluation of their suitability for water vole should be provided.

Once sufficient information has been provided as part of the planning application, the Trust would be able to reconsider the application from a biodiversity perspective.

Eastwood Consulting Engineers: Holding objection in absence of land stability report

Comment: Most of the eastern half of the site lies in zone 4 as defined within the Landslide Hazard Survey Report but there is also a significant area in zone 3, primarily because of the escarpment which is located roughly on the eastern edge of the site. The risk of landslide within zone 3 is classified as intermediate, and proposals for development of land in zones 3 and 4 are required to be accompanied by a stability report assessing the risk of instability on the site and on adjoining land. A slope stability report has not yet been provided. We would therefore recommend that you withhold planning consent until the developer has demonstrated that the site is stable or can be made so and also that the proposals would not be likely to initiate landsliding on, or contribute to the instability of, the adjoining land.

Natural England: No objections

Ramblers Association: No objections

Comment: The planned development site is crossed by a number of public footpaths, Clowne FP19,20,21, and 32 and that they will be retained with a minor diversion of FP21 indicated. The Ramblers Association welcome proposals which enhance sustainable transport such as walking, and the health benefits that brings. The Ramblers Association also welcome improved connections to existing rights of way and await further details when a full application is submitted before commenting further.

Yorkshire Water: No objections subject to conditions

Comment: Although Yorkshire Water have no overriding objections to the proposals, they have also raised concerns about drainage capacity in the area and the presence of an onsite combined sewer overflow which could affect the developable area of the site.

The full text of the above consultation responses can be found on the web page for the application via the planning application search function on the Council's website. All of the relevant planning considerations raised in these consultee responses are addressed in the following sections of this report.

PUBLICITY

Site notices were erected around the site, neighbour notification letters have been sent out and the application has been advertised within the local newspaper. In response a total of 244

letters of objection have been received.

Principle of development

- The development is outside of the defined settlement framework associated with the local plan. The Emerging Local Plan under preparation does not consider the site as a preferred development option. Development outside settlement frameworks must clearly align with the spatial strategy and evidence base documents published. The application does not align with these.
- The development results in an entirely separate 'satellite' community, integrates poorly with the main village and imposes its urban influence on the village of Stanfree.
- Development on Greenfield land is not acceptable and will set a continual precedent. Brownfield sites should be developed before this site
- The Council has adopted Clowne North as a strategic site. This site is more suited to accommodate the levels of industrial, commercial and residential growth the Council wish to achieve. A single strategic site of this nature will allow for the developer to deliver the infrastructure improvements required and has better connectivity to the M1 and A roads in the area.
- There has been considerable development in Clowne already. The current development would only provide short term, piecemeal benefits that do not provide for the long term interests of the town.

Character and Heritage

- The development will have an adverse landscape impact, will have an urbanising effect on the on the landscape and will adversely affect the valued character of the landscape when viewed from footpaths within the site.
- The development will result in the loss of green open space.
- The development will lead to light pollution well beyond the confines of the existing village

Amenity

- Adverse amenity impacts through noise, light pollution, air pollution, dust, vibration and traffic will result from the proposed development.
- The amenity of the prospective residents would be affected by the existing kennels near to the site. This will lead to the closure of the kennels facility that provides a valuable and charitable function.

Transport Matters

- Pedestrian linkages to the site are particularly narrow and hazardous with insufficient width to expand
- The current road infrastructure within the area is already overcapacity and will be exacerbated by the proposals.
- The estate is poorly integrated with existing services and would result in arduous uphill walks that would be impossible for those in a wheel chair or with pushchairs.

- The speed of traffic along this road is excessive. Coupled with the current use of the roads, heavy vehicles will cause safety concerns and significant disruption.

Infrastructure

- The current level of education provision in Clowne is already at full capacity and the development will make this situation worse. There is no guarantee the school mentioned will come forward.
- The medical facilities such as dentists, GP's, A & E and maternity services are already overcapacity. The development will exacerbate this further still
- Drainage capacity, utilities, gas, water, phone lines, water quality will all be adversely impacted by the increased burden resulting from the proposals.

Ecological Implications

- The proposals will result in loss of habitat and impacts upon protected species such as Great Crested Newts, Hare, Sky Larks, Cuckoos, bats, owls, Yellowhammer, buzzards, kestrels, kingfisher, woodpecker, siskin, newts, deer, wildcats, fox and owls.
- The proposals will damage drainage, hedges and trees and result in loss of habitats.
- Veteran trees will be affected by the development.

Flooding and Drainage

- There are numerous springs on the site that will be affected by the development. The development will cause increased flooding risks and land stability concerns.

Other Matters

- Article 1 and Article 8 Human Rights of the occupants of neighbouring properties will be impacted by the proposed development.
- Loss of farmland would have adverse impacts upon food production and is a concern given the uncertainty surrounding Brexit.

The full text of the above third party representations can be found on the web page for the application via the planning application search function on the Council's website. All of the relevant planning considerations raised in these representations are addressed in the following sections of this report.

POLICY

Bolsover District Local Plan (February 2000)

Relevant saved policies in the Bolsover District Local Plan include:

GEN 1 – Minimum Requirements for Development
GEN 2 – Impact of Development on the Environment
GEN 5 – Land Drainage
GEN 6 – Sewerage and Sewage Disposal
GEN 8 – Settlement Frameworks
GEN 17 – Public Art
HOU 5 – Outdoor Recreation and Play Space Provision for New Housing Development
HOU 6 – Affordable Housing
TRA 1 – Location of New Development
TRA 13 – Provision for Cyclists
ENV 3 – Development in the Countryside
ENV 5 – Nature Conservation Interests Throughout the District
ENV 8 – Development affecting Trees and Hedgerows

National Planning Policy Framework (March 2012)

Relevant paragraphs in the National Planning Policy Framework ('the Framework') include:

Paragraph 2: Status of Development Plan and National Planning Policy Framework
Paragraphs 6-10: Achieving sustainable development
Paragraphs 11-16: Presumption in favour of sustainable development
Paragraph 17: Core planning principles
Paragraph 32: Transport network
Paragraph 47, 49 and 50: Housing
Paragraphs 56- 66: Design
Paragraphs 70, 72, 73 and 75: Promoting healthy communities
Paragraphs 109 and 118: Conserving and enhancing the natural environment
Paragraphs 120 and 121: Contamination and land stability
Paragraphs 128 – 134: Conserving and enhancing the historic environment
Paragraph 159: Relevance of SHMA
Paragraphs 173: Ensuring viability and deliverability
Paragraph 196: Primacy of Development Plan
Paragraphs 203-206: Planning conditions and obligations
Paragraphs 215-216: Weight to be given to relevant policies in existing plans and relevant policies in emerging plans.

ASSESSMENT

Conflict with Development Plan

Paragraph 196 of the Framework says that the planning system is plan-led and planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Bolsover District comprises the Bolsover District Local Plan (adopted February 2000) and saved Local Plan policies form the starting point for a decision on this application.

In the first instance, Saved Local Plan policy GEN8 is particularly important to the application of policies in the Bolsover District Local Plan because it says that 'general urban area control policies' apply within a defined settlement framework and the area outside the settlement framework is considered to be countryside and is covered by the 'general open countryside control policies'. Saved Local Plan policy ENV3 is the general open countryside control policy that is most relevant to this application.

Saved Local Plan policy ENV3 places restraints on most forms of development, including housing, in the countryside not least because a rural setting is important to the identity of many settlements including Clowne. The undeveloped gaps between settlements or groups of buildings are also important to the locally distinctive character of the District. The supporting text to this policy says that in seeking to conserve the landscape, character and ecology of the countryside, the local planning authority will generally oppose aspects of new developments which have an urbanising or suburbanising influence or which lead to urban sprawl.

In this case, the proposals for housing are located outside of Clowne's settlement framework and do not comply with any of the housing policies that relate to residential development in the countryside (including HOU7 and HOU9). The proposals also fail to meet any of the criteria set out in ENV3 for development that might be acceptable in the countryside on an exceptional basis. Therefore, the proposals do not comply with GEN8 and ENV3 because the proposals are located in open countryside, outside of the settlement framework defined by policy GEN8 and where ENV3 sets out a firm presumption against granting permission for residential development.

When taken together, GEN8 and ENV3 seek to direct growth to sustainable locations that have adequate infrastructure and are close to existing services whilst protecting the locally distinctive character of settlements within the District and the intrinsic quality of their rural settings.

In these respects, the proposed development would encroach into the open countryside beyond the existing limits of the main built-up area of Clowne. By virtue of the size and scale of the proposals; the proposed development would have a harmful urbanising effect on the rural setting of the settlement. The topography of the local area and the degree of separation between Clowne's existing settlement limits and the application site also means that the proposed development would not read as a logical urban extension. In addition, the proposed development would infill a substantial part of the gap between Stanfree and Clowne, which would undermine the existing and distinct boundaries of both settlements.

It is therefore considered that the proposals do not accord with the strategic objectives of policies GEN8 and ENV3 and are therefore contrary to the development plan. Consequently, the identified conflict with policies GEN8 and ENV3 forms a substantive objection to the current proposals that carries substantial weight in the determination of this application. Accordingly, officers consider the current application should be refused planning permission unless other material considerations indicate otherwise.

Housing Supply

As the current application proposes residential development, the provisions of Paragraph 49 of the Framework are relevant because this paragraph says: *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.*

As reported elsewhere on this agenda, the Council's Annual Assessment of Five Year Supply of Deliverable Sites for Housing has been updated in light of the Council and its partners in the North Derbyshire and Bassetlaw Housing Market Area receiving the final version of the North Derbyshire and Bassetlaw SHMA – OAN Update. This update provides the following assessment of housing supply in the District:

- a basic requirement of 1,360 dwellings (5 x 272);
- a surplus since 2014 of 56 dwellings;
- utilising the Sedgefield approach, a NPPF requirement of 1,370 dwellings (when applying a 5% buffer across the 5-year period);
- a total supply of land that could deliver 5,790 dwellings;
- a deliverable supply of land that could deliver 2,109 dwellings during the 5-year period of 2017/18 to 2021/22 (739 dwellings more than the basic requirement);
- a deliverable supply of land that could deliver a further 309 dwellings during year 2022/23;
- a further supply of land that could deliver an additional 3,372 houses but which was assessed as being undeliverable within the 5-year supply period.

Based on this assessment, officers consider that the Council can demonstrate it has a robust supply of deliverable housing land that is equivalent to just under an 8 year supply. Therefore, the proposed housing is not needed to make up a shortfall in terms of meeting objectively assessed housing need in the District and on this basis: any argument that the Council cannot demonstrate a five-year supply of deliverable housing sites should be afforded no weight in the determination of this application.

Equally, insofar as Policies GEN8 and ENV3 could be considered to be policies for housing supply, the Council's current position on housing supply, as set out above, means that they should not be considered to be out of date solely with reference to Paragraph 49 of the Framework.

Furthermore, there is insufficient information in the application to demonstrate that the proposed housing would come forward within five years of granting any permission for this application. Therefore, it has yet to be evidenced that the proposals would address any shortfall in the Council's five year supply and in the absence of this information: only very limited weight could be attached to the benefits of granting planning permission for the current application *even if it could be demonstrated* the District does not have a five year supply of deliverable housing.

National Planning Policy Framework ('the Framework')

Aside from consideration of housing supply, the wider range of policies in the National Planning Policy Framework also need to be taken into account in the determination of this application. Paragraph 215 of the Framework says the weight to attach to saved Local Plan including policies GEN8 and ENV3 should reflect their degree of consistency with national planning policies (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

In the first instance, it is considered the spatial objectives of Policies GEN8 and ENV8 in terms of directing most development to existing settlements and safeguarding the open countryside are consistent with the golden thread of sustainable development that runs through national planning policies. In particular, policies GEN8 and ENV3 reflect the emphasis within the Framework that is placed on promoting and encouraging development in sustainable locations with good accessibility, a range of services and infrastructure capable of accommodating growth.

Furthermore, the provisions of GEN8 and ENV3 are consistent with core planning principles set out in paragraph 17 of the Framework not least with regard to the fifth bullet of Paragraph 17, which says local planning authorities should: *take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.*

Moreover, Paragraph 58 of the Framework also talks about the 'quality of development' and how planning policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Amongst other things, Paragraph 58 goes on to say planning policies and decisions should aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials.

In addition, Paragraphs 126 and 131 of the Framework say local planning authorities and decisions on planning application should take into account the desirability of new development making a positive contribution to local character and distinctiveness in the context of conserving and enhancing the historic environment.

It is considered policies GEN8 and ENV3 are consistent with these national policies because they recognise that a rural setting is important to the identity of many settlements and the undeveloped gaps between settlements or groups of buildings are also important to the character of distinct places. Furthermore, the supporting text to policy ENV3 says that in seeking to conserve the landscape, character and ecology of the countryside, the local planning authority will generally oppose aspects of new developments which have an urbanising or suburbanising influence or which lead to urban sprawl.

It is therefore considered that the strategic objectives of policies GEN8 and ENV3 are consistent with national planning policies in the Framework, taken as a whole, because they work against the approval of unsustainable forms of development and promote high quality development that would conserve and enhance the locally distinctive character of the District.

Therefore, it is appropriate that significant weight should be given to the identified conflict with GEN8 and ENV3 in the determination of the current application.

In addition, because the proposed development would extend Clowne beyond its existing settlement limits and have a significant urbanising effect on its predominantly rural setting, the current application also fails to accord with national planning policies in the Framework that seek to safeguard the locally distinctive character of the District.

Emerging Local Plan

Section 216 of the Framework says from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In October 2016, the Council published the Consultation Draft Local Plan and this emerging plan is relevant to the current application primarily because it takes forward the provisions of GEN8 and ENV3.

As noted above, the purpose of saved Local Plan policy GEN8 is to define the line within and outside which the adopted Local Plan's General Urban Area Control policies and General Open Countryside Control policies will apply. Appendix 10 of the adopted Local Plan sets out the policies which generally apply in these two parts of the District. Based on the definition provided by policy GEN8, the adopted Local Plan then directs development to sustainable and suitable locations through its site allocation policies and its criteria based policies. As above, the strategic purpose of this policy in defining urban and countryside land is considered to have a high degree of consistency with the Framework and its core planning principles.

This important policy tool has been continued into the Consultation Draft Local Plan in policies SC1: Development within the Settlement Framework and SS8: Development in the Countryside. Together, these policies fulfil a strategic purpose within the emerging Local Plan in defining urban and countryside land and in setting out how proposals in each type of land will be considered by the Council.

Notably, the current application site remains outside the settlement framework in the current version of the emerging Local Plan and the site has been assessed for its suitability for housing. The site was not selected as a preferred residential allocation as there were concerns on landscape grounds and in relation to the suitability over the ability to achieve satisfactory highway access, the impact on wider highway network capacity, landscape impacts, drainage infrastructure provision and the absence of viability information. Therefore, the emerging Local Plan offers no support for the current application.

In relation to policy ENV3, its purpose is to set out the criteria that will be used to determine whether a proposed form of development is acceptable in the countryside. As the policy's preceding explanatory text advises, the adopted Local Plan is based on a strategy where "new development in the countryside will generally be limited to those activities which are essential to the operation of an established rural business or which can be carried out

satisfactorily in the countryside.” Accompanying this, in relation to residential development the preceding explanatory text specifically states that “Housing development in the countryside will be strictly controlled.” Again, as above, this purpose is considered to have a high degree of consistency with the Framework and its core planning principles.

This important policy statement and criteria based policy to clarify the Council’s approach to what forms of development will be acceptable in the countryside has been continued into the Consultation Draft Local Plan in policy SS8: Development in the Countryside. This policy forms part of the strategic set of policies that guide development in accordance with the emerging Local Plan for Bolsover District’s Preferred Spatial Strategy which guides new development to the District’s most sustainable settlements.

To emphasise this point, the policy’s preceding explanatory text advises: *“As a predominately rural area, Bolsover District has large swathes of countryside where urban forms of development would not be appropriate or sustainable and not in accordance with the Preferred Spatial Strategy. This restraint on the amount of land removed from the countryside for development also contributes to the delivery of the Local Plan Vision and Objectives regarding conserving and enhancing the quality and character of the countryside, its landscapes and villages.”*

Therefore, the current proposals conflict with the spatial objectives of policies in the emerging Local Plan and by carrying forward the provisions of GEN8 and ENV3, the emerging Local Plan confirms that these policies continue to serve a proper planning purpose and are consistent with national planning policies. Consequently, whilst only very limited weight can be afforded to policies in the emerging Local Plan because it has yet to go to examination in public, these policies are relevant and support a conclusion that the identified conflict with GEN8 and ENV3 weighs heavily against granting planning permission for the current application.

Clowne Garden Village

Clowne Garden Village (also referred to as ‘Clowne North’) is a strategic site in the emerging Local Plan. Clowne Garden Village is relevant to the current application insofar as this allocation moves the focus of recent rapid residential growth that has happened to the south of Clowne, northwards. Amongst other things, this is intended to limit the traffic congestion problems within the village that have grown through traffic from the south having to travel through the village to access the main highways network to the north. In addition, Clowne Garden Village is planned to be of a scale which would enable provision of a new school on the northern site whilst still ensuring the development as a whole remains viable and provides for the wider infrastructure required.

From the sustainability assessment that underpins these conclusions, it is clear that an approach that relies on meeting housing needs through piecemeal development of smaller sites to the south of Clowne, may not realise the same opportunities in terms of infrastructure and services provision. For an example, the scheme proposed in this application does not include any transport infrastructure improvements but the housing proposed would inevitably put more pressure on the local road network. Similarly, the proposed development will put more pressure on local schools and it is not clear this impact can be mitigated.

Therefore, 'speculative' proposals such as the current application for an ad-hoc development to the south of Clowne are not consistent with the planned for sustainable growth of the settlement. Therefore, it is likely that there would be limited public benefits resulting from granting planning permission for the development proposed in the current application, if any, and a high probability of finding that the development would have an adverse impact on the town. If this were found to be the case, any approval for the current application would be contrary to core planning principles in the Framework that require Local Planning Authorities to focus significant development in locations which are or can be made sustainable.

Benefits of Residential Development

In summary, the proposals for residential development in open countryside outside of the settlement framework conflict with saved Local Plan policies and emerging policies in the Consultation Draft Local Plan and these policies are consistent with national planning policies in the Framework. Therefore, there is a strong presumption against granting planning permission for the current application because the proposals cannot be deemed to be acceptable in principle. The proposed development would also be located in a less sustainable location where growth would be less easily accommodated compared to other edge of settlement sites to the north of Clowne.

However, Paragraph 49 (as noted above) and Paragraphs 47 and 50 of the Framework set out the Government's intentions for the planning system to significantly boost the supply of housing and to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities within the context of a presumption in favour of sustainable development. The applicant argues that the proposed housing development would meet these objectives and would benefit Clowne contrary to the views expressed by officers. It is also noted that objectively assessed need relates to the minimum number of houses needed in the District. Therefore, it is still appropriate to take into account the benefits of granting planning permission for additional housing in the District despite conflict with the current Local Plan and the emerging Local Plan, despite the identified conflict with national planning policies and even though the Council can demonstrate it has a five year supply of deliverable housing.

It is acknowledged an approval of the current application could provide economic benefits in the short term through local employment opportunities during the construction phase of the proposed development. The newly-built housing would also help sustain and enhance existing services within Clowne. However, these benefits are not locationally dependent on housing development on the application site and could be achieved by other planned for housing developments within the local area. Therefore, limited weight can be attached to these benefits associated 'generically' with residential development and these generic benefits would not offset or outweigh the identified conflict with GEN8 and ENV8 and the Development Plan.

It is also acknowledged the applicant is promoting the benefits of a potential site for schooling provision, a potential local shop, improved highways arrangements and increased open space and public footpaths provision within the development proposals. However, the application

site is considered to be poorly integrated with the existing built form of Clowne and there is poor connectivity between the application site and the town. The information submitted by the applicant on proposed highways improvements and increased open space and public footpaths provision fails to address these issues.

There is also no detail in the submitted application to enable thorough consideration of the schooling provision opportunity and in particular, there is no explanation of how the proposed school would be delivered. Therefore, only very limited weight can be attached to the proposals to safeguard land for a new school but by virtue of the site's connectivity to the rest of Clowne and prevailing ground conditions, the application site would not be a desirable location for a new school in any event. Consequently, the applicant cannot demonstrate that granting planning permission for the proposed housing development would result in any unique benefits to the local area.

Presumption in favour of Sustainable Development

Although the more generalised benefits associated with new housing do not warrant an approval of this application in their own right and the Council's position in respect a five year supply of housing means that there is not a compelling argument to accept the proposed housing to meet an identified need for more housing in the District: it is also appropriate to consider the development in the context of the 'tilted balance' in paragraph 14 of the Framework that sets out a presumption in favour of sustainable development. This means assessing whether the benefits of granting planning permission for the current application would be significantly and demonstrably offset or outweighed by the adverse impacts of doing so even though officers do not consider the 'tilted balance' is not engaged in this case.

The key issues to be considered in this assessment include the environmental impact of the proposed development, which is closely related to the landscape and visual impact of the proposed development in this case. The following sections of this report also consider the issues of land stability and the potential impacts of the proposals on biodiversity and the historic environment.

The socio-economic impacts of the proposed development are also important considerations. Therefore, the following sections of this report also consider the extent to which the proposed development would have a positive or negative impact on local infrastructure including provision of affordable housing, health and education provision and the capacity of the local road network to accommodate additional vehicular movements generated by the proposals.

Finally, it is also important to consider the contribution the proposed development would make to place making in terms of the provision of open space, recreational facilities and public art.

Environmental Dimension of Sustainable Development

The National Planning Policy Framework says that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles including an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as

part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy. It is considered that granting planning permission for the current application would conflict with the environmental dimension of sustainability for the following reasons:

ENV3 also provides criteria to assess whether development needed in the countryside would be sustainable. In this respect, ENV3 says if development is found to be necessary in the countryside; permission will only be granted in such cases provided it is demonstrated that:

- a) the location of the development outside the settlement framework is environmentally sustainable; and
- b) the proposed development either individually, or cumulatively with recently completed developments would not seriously undermine the vitality of existing town or local centres; and
- c) the proposed development would not materially harm the rural landscape and avoid unnecessary urbanisation and sprawl; and
- d) the proposed development would avoid the coalescence of distinct settlements.

Landscape and Visual Impact

The applicants have provided a Landscape Impact study which assesses the effects of the proposed development. The submissions suggest the site is within the Southern Magnesian Limestone Landscape Character Area and is in a landscape unit known as 'Limestone Farmlands.' The submissions state the area has a Landscape Quality of 'Good' with a clear pattern of characteristic elements with only minor incongruous elements. The site is stated as to have 'medium' sensitivity to development. The submitted Landscape and Visual Impact Assessment states that the proposals without mitigation would have an 'Adverse Moderate' direct landscape impact – i.e. a moderate alteration to key landscape features as a consequence of the loss of agricultural land, the new built form and the proposed road. The submissions suggest this impact can be reduced by the retention and enhancement of field boundaries, hedgerows, trees and additional landscaping that takes account of site topography.

The submissions go on to suggest that the impact to the surrounding area is less adverse than to the site area itself. Increased traffic during the construction phase of the development is cited as also having an adverse moderate effect. Specifically the report suggests that the most affected views would be those from the public right of way within the site and those views from the western edge viewpoints close to the site, particularly to the north and east. In relation to these views the report acknowledges an adverse visual impact is likely owing to the rising landform resulting in skylining of development and that viewpoints will be affected that presently do not have views of significant development. Nevertheless the report provided suggests that the rolling nature of the land reduces wider effects with trees and hedgerows providing screening.

From an officer perspective, it is considered the landscape impacts will be between adverse

moderate and adverse severe from the viewpoints identified. Although this effect is said to be capable of being mitigated to an acceptable level in the submissions, the magnitude of the impact caused by the location of the development relative to the main settlement is considerable and any landscape mitigation would take a significant amount of time to have any meaningful effect. Officers are particularly concerned with the extent of the landscape urbanisation and cite the public rights of way crossing the site, those to the north of the site and the proposed cycle network and route along Slayley Lane to the northwest - as key vantage points where the extent of the urban influence proposed is most prominent.

Taking the above factors into account officers consider the proposals would have an adverse visual impact on the character of the countryside. When seen from key public vantage points, the proposed development would adversely affect the intrinsic quality of the countryside surrounding Clowne by virtue of the urbanising effect of residential development on the rural setting of the town, the lack of any proper physical or visual connection to the existing edge of the town, and by virtue of the size and scale of the development. The submitted plans also fail to demonstrate an appropriate landscape boundary could be achieved or that the proposed landscaping scheme would otherwise improve the environmental quality of the local area.

Consequently, the proposals do not comply with the specific requirements of saved policy GEN2 which seeks to minimise the environmental impacts of proposed development in the District and would not create an improved settlement boundary contrary to the intent of saved Local Plan policy GEN11. This conclusion exacerbates the identified conflict with GEN8 and ENV3, which strictly control development in country outside settlement frameworks, and the visual impact of the development on the character and appearance is an adverse impact associated with the proposed development that weighs heavily against granting planning permission for the current application.

Biodiversity

The application is accompanied by a Preliminary Ecological Appraisal. This states the site is predominantly low grade agricultural land, with limited value for wildlife, with no statutory nature conservation designations. Of the habitat present, Hedgerow and Cereal Fields habitats exist and these are identified as Derbyshire BAP priority habitats. Also Cliffe Hill Local Wildlife Site (LWS) is located on the northern boundary, which is designated for its grassland interest. The ecological report advises this LWS has the potential to be impacted by the primary access roads which form part of the development.

Bird Species

The report goes on to confirm that it is reasonably likely Skylark, Lapwing and Grey Partridge (Ground Nesting Birds) along with Yellowhammer and Linnet (Granivorous Species) are present within the site but that their exact population assemblages are unknown.

The report assesses loss of the site in isolation is unlikely to have a significant effect on bird species but would contribute cumulatively to a decline of ground nesting and granivorous birds within the county. Off site mitigation is cited as a potential means of effective offsetting alongside maintenance and provision of new hedgerows within the scheme design.

In addition, the masterplan for the site suggests the development proposals will affect an area of woodland which runs behind a pond and could provide habitat for bats. The report suggests that a Potential Roost Feature Survey should be undertaken of the affected trees.

Evaluation

Derbyshire Wildlife Trust in their response to the submissions point out much of the work advocated in the Preliminary Ecological Assessment has not been provided. The Trust specifically quote Paragraph 99 of Circular 06/2005 which in short states that, in order for Local Planning Authorities to be able to take account of all material considerations as part of an application (even outline applications), they should be provided with sufficient survey information to assess the likely effects of development upon protected species.

The Trust in this case do not consider the information provided by the applicant (to date) goes sufficiently far enough to enable them nor the Council to understand the full implications of the development upon protected species. The information provided relies on wider national or county level survey information about protected species and is not informed by site specific survey work. In the absence of the required bat and breeding bird surveys the Trust confirm they wish to object to the current development proposals. Officers see no reason to disagree with the views expressed by Derbyshire Wildlife Trust and concur with their view that for a site of this scale, development proposals should be accompanied by detailed site specific survey work.

To date, the applicant has not confirmed that they have commissioned the additional survey work and it should be noted that the surveys required to assess impacts on bats and birds will need to be undertaken between March and August 2018.

In the absence of adequate survey work, it is not possible to determine whether the derogation tests in the Habitat Regulations can be met in respect of European Protected Species, it is not possible to approve this application and demonstrate that due regard has been paid to the purpose of conserving biodiversity in accordance with s.40 of the Natural Environment and Rural Communities Act 2006, and it is not possible to determine that there would be no net loss of biodiversity in accordance with national planning policies. Therefore, adopting the 'precautionary principle' set out in Circular 06/2005, it is not possible to use planning conditions to secure adequate survey work and it can only be considered that the proposed development would have an adverse impact on biodiversity until adequate survey work has been completed. These conclusions weigh heavily against any approval of the submitted application and as submitted, it is considered the proposed development would have a significant adverse impact on biodiversity.

Historic Environment

The applicants have commissioned an Archaeology and Heritage assessment which comprises a desk-based assessment and site visit. The assessment concludes that there is low potential for the occurrence of as yet to be discovered archaeological assets.

The County Archaeologist disagrees with the consultant's advice that the site is of low potential and does not consider that it is appropriate to use a planning condition to secure further archaeological investigation. The County Archaeologist considers the impacts on archaeology need to be known prior to any approval to be able to properly understand the significance of any remains and how any impacts on those remains could be mitigated. To evidence this point, the County Archaeologist refers to a recent development control generated archaeological project only 120m to the south-east of the application site. This found interest features that are not on the same alignment as the post-medieval field boundaries and are likely to be of prehistoric or Romano-British date; and were archaeological rather than geological in character.

Taking in to account these very recent discoveries in close proximity to the application site and the extent of the site itself: the County Archaeologist considers the applicant should undertake field evaluation of the proposed development in advance of a planning decision being made on the current application. In the absence of such information, the County Archaeologist considers maintaining a holding objection on grounds of non-compliance with the information requirements at paragraph 128 of the Framework is the only way forward.

Officers have requested further information but the applicant has said that they would be unwilling to commit to carrying out the work requested by the County Archaeologist. On this basis, it will not be possible to determine that the development proposals would not have an adverse impact on archaeological and it will not be possible to determine whether the proposals would result in substantial harm to heritage assets contrary to the provisions of paragraphs 128, 135 and 139 of the Framework. The proposals are also contrary to core principles in the Framework that require local planning authorities to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Land Stability

Paragraph 120 of the Framework says that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

In this case, it is reasonably certain there are no particular issues relating to land contamination that cannot be addressed by an appropriate planning condition. Similarly, the Coal Authority recommends that the Council impose a planning condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development

However, most of the eastern half of the site lies in zone 4 as defined within the Landslide Hazard Survey Report for the District but there is also a significant area in zone 3, primarily because of the escarpment which is located roughly on the eastern edge of the site. The risk of landslide within zone 3 is classified as intermediate, and proposals for development of land

in zones 3 and 4 are required to be accompanied by a stability report assessing the risk of instability on the site and on adjoining land. A slope stability report has been requested but has not yet been provided.

In the absence of a slope stability report, it is not possible to determine whether the site is stable or can be made so and also that the proposals would not be likely to initiate landsliding on, or contribute to the instability of, the adjoining land. Consequently, it cannot be determined that the site is suitable for its new use taking account of ground conditions and land instability, and any approval for the current application would not only conflict with national planning policies set out at paragraphs 121 and 122 of the Framework, there is also a potential risk that the proposed development would give rise to risk of landslides, which would clearly be an unacceptable adverse impact of granting planning permission for the application as submitted.

Environmental Impacts

In conclusion, it is considered that granting planning permission for the current application would conflict with the environmental dimension of sustainability not only because of its location in open countryside, as set out above, but also by virtue of its adverse visual impact on the countryside, unresolved land stability issues, the potential adverse impact of the scheme on nature conservation interests and the potential for substantial harm to heritage assets. Consequently, the proposed development cannot be considered to be a sustainable form of development even if the tilted balance were to be engaged in this case. It is therefore, concluded that these adverse impacts of granting planning permission for the current application, would in their own right, significantly and demonstrably offset and outweigh the benefits of doing so and the application should be refused planning permission. However, there are also substantial concerns about the potential adverse impacts the proposed development would have on local infrastructure.

Socio-economic Dimensions of Sustainable Development

As noted above, there are three dimensions to sustainable development: economic, social and environmental. The following sections of this report now focus on the socio-economic dimensions of sustainable development and the need for the planning system to perform:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure; and
- **a social role** – 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.

As noted above, ENV3 also provides criteria to assess whether development needed in the countryside would be sustainable. In this respect, ENV3 says if development is found to be

necessary in the countryside; permission will only be granted in such cases provided it is demonstrated that, amongst other things:

- a) the location of the development outside the settlement framework is environmentally sustainable; and
- b) the proposed development either individually, or cumulatively with recently completed developments would not seriously undermine the vitality of existing town or local centres.

Therefore, the following sections assess the sustainability credentials of the proposed development in these terms with reference to the extent to which the proposed development would have a positive or negative impact on local infrastructure and with particular regard to the provision of affordable housing, health and education provision, and the capacity of the local road network to accommodate additional vehicular movements generated by the proposals.

Affordable Housing

Saved Local Plan policy HOU6 seeks to ensure that larger housing developments (of 25 or more houses) provide an element of affordable housing that would be made available to people who cannot afford to rent or buy houses generally available on the open market. The Bolsover District Council Supplementary Planning Guidance: Affordable Housing (SPG) contains a presumption that 10% of the site capacity of larger housing developments shall be provided as affordable housing.

These policies are consistent with national planning policies set out in paragraph 50 of the Framework, which says local planning authorities should to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Paragraph 50 goes on to say where local planning authorities have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities.

At present, there is a need for affordable housing in the district, as demonstrated by the SHMA 2013 which estimated that 533 units of affordable housing would be required each year 2013-18 to fully meet housing need. In the Clowne sub market area alone the estimated figure is 149 units each year. Therefore, the applicant's offer to make 10% of the total number of houses on site affordable housing is therefore highly relevant.

However, whilst there would be clear social benefits resulting from granting planning permission for a scheme that would help to meet the proven need for more affordable housing in the local area, the proposed affordable housing meets a policy requirement rather than forming a unique benefit that would result from granting permission for the current application. In other words, this offer enables the current application to meet the requirements of HOU6 rather than offer wider public benefits that would weigh heavily in favour of approving the

current application.

Moreover, a viability appraisal would be required to demonstrate the provision of 10% affordable housing could be achieved without prejudicing delivery and the offer of affordable housing would need to be secured by a planning obligation before the applicant's offer of affordable housing could be afforded any significant weight in the determination of the current application.

Health

A core planning principle set out at Paragraph 17 of the Framework is that Local Planning Authorities should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. Paragraph 69 of the Framework says: *The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see.*

Paragraph 70 of the Framework goes on to say planning decisions should:

- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

In terms of health provision, this should mean ensuring local health centres have sufficient capacity to serve the existing needs of the local community and the future needs of occupants of proposed housing schemes.

In this case, the Clinical Commissioning Group considers that a commuted sum of £152,160 is required to mitigate the impact of the proposed development on Springs Health Centre in Clowne. The requested contribution would be used to extend the existing practice to meet the additional demand for services. The applicant has agreed to make this contribution but a viability appraisal would be required to demonstrate this could be achieved. The offer of a contribution towards health would also need to be secured by a planning obligation before the applicant's offer could be given any significant weight in the determination of the current application.

Education

As above, Paragraph 17 of the Framework requires Local Planning Authorities to take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. Paragraph 72 of the Framework says the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new

communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Officers consider any approval for the current application would conflict with these objectives for the following reasons:

Firstly, the County Council in their capacity as the Local Education Authority have provided an analysis of the current and future projected number of pupils on roll, together with the impact of the approved planning applications in the catchment. This analysis shows that the secondary school in Clowne would not have sufficient capacity to accommodate the 60 secondary pupils arising from the proposed development. This can however be addressed via monetary contribution (£1,030,570) towards further teaching accommodation. The applicant has offered to make this contribution but there is no viability appraisal that demonstrates that this contribution can be made without affecting the deliverability of the scheme. Furthermore, this offer would need to be secured by a legal agreement before it could weigh heavily in the determination of this application. However, an even bigger problem relates to education provision at primary level.

At primary level, the County Council advise that existing committed developments in Clowne are calculated to generate 16 infant pupils. The development proposed would generate an additional 34 infant pupils which confirms 10 of which could potentially be accommodated by Clowne Infant and Nursery School without further expansion alongside the existing committed pupil numbers. A deficit of 24 pupils therefore remains. The same analysis carried out by the County Council indicates committed developments generate 22 junior pupils. Together with the 46 junior pupils arising from the proposed development, current and projected pupils on the roll would exceed available capacity. Although monetary contributions to aid expansion would typically be utilised to build further capacity, owing to the large size of the school at present and constrained site size, this is not an option that would provide suitable mitigation in this case. On this point, the County Council advise:

'It is clear from the school place analysis that the County Council will not be able to provide local school places for all the infant or junior aged pupils generated from this development (17/00417/OUT) at the existing schools within Clowne. The existing schools, within whose normal area the development lies, are projected to stay substantially full. The site and buildings at both the infant and junior school do not allow for further expansion and this would not be desirable given the already large size of the schools. Therefore from an education perspective the County Council is not able to accommodate the pupils arising from the proposed development in the existing primary level infrastructure ... As there is insufficient primary level capacity to accommodate the increase in pupils forecast to be generated by this proposed development and the development itself cannot enable the necessary provision, the County Council wishes to highlight that the proposed development is not a sustainable form of development.'

It is noted from the Planning Statement supporting the application proposes the 'safeguarding of 1.15ha of land within the central part of the site which could be utilised as a school or children's nursery'. The County Council acknowledge this offer was made in recognition of the impact of the development on education provision within the local area but cautions that because there are no S106 heads of terms submitted, the application does not address the build cost to deliver a school which is around £3.5 million for a 1 form entry school. The County Council go on to say:

'As noted above the Government provides funding to address natural demographic growth, but does not provide monies to accommodate additional pupils generated as a result of new housing development. Additionally concern is also expressed regarding the viability of the site given the information submitted with the planning application showing potential instability of the scarp slope, possible subsidence, numerous adits and mine shafts across the site, voids, shallow groundwater and spring lines. No viability assessment has been submitted and as such there is no assurance for the County Council that a school could be delivered to support the development of this site.'

This is a significant constraint that means the development cannot mitigate for its impact on local infrastructure and any approval for the current application would result in a significant and demonstrable adverse impact on local education provision. This issue is a known infrastructure constraint to the future expansion of the community within Clowne and is considered in detail in the emerging Local Plan. The Council's proposed solution is to allocate Clowne Garden Village, which would have a sufficient quantum of development to be able to provide a new school on the site and meet the housing needs of the town. In contrast, the applicant has offered a contribution of £364,468.30 towards a new school on the safeguarded part of the application site, which the County Council has already determined to be unsuitable for this use.

Furthermore, the applicant's proposals suggest an additional 500-1000 new houses would be needed in Clowne beyond existing committed developments and those planned for in the emerging Local Plan to pay for the new school on the application site. This would mean that even if it were possible to grant planning permission for the houses previously proposed at Ringer Villa and those currently proposed off Ramper Avenue and Phase 2 of the Edge in Clowne, additional houses would still be needed to pay for the new school. As there is no certainty this could be achieved then it is extremely difficult to afford any weight to the applicant's proposed way forward notwithstanding there is not even a suitable site that has been identified for a new school and there is no viability appraisal that the site would remain deliverable if the developer were to make the contribution offered towards primary level education.

It is therefore concluded that the proposed development would have a significant adverse impact on local education provision contrary to national planning policies that attach great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. In the absence of appropriate mitigation for the impact of the development on local schools, granting permission for the current application would not reflect the local community's needs or support its social well-being and would result in a consequential negative impact on the viability and vitality of the local area contrary to saved Local Plan policy ENV3.

Highways

Access to the proposed development site will be provided via a new primary route through the site, linking between Cliff Hill at the northern site boundary and Low Road at the western site boundary. The preliminary road layout is shown on the submitted plans. At the northern and

southern ends of the proposed access road, Cliff Hill and Low Road will be realigned to form priority “T” junctions with the proposed road so that the route through the site becomes the main road, with the existing road to the northern and western site boundaries being downgraded to a local access only. The proposed route through the site will be subject to a 30mph speed limit. At the junctions between the main route and the realigned Cliff Hill and Low Road visibility splays of 2.4m x 43m will be provided in accordance with Manual for Streets.

The application is accompanied by a Transport Assessment which assesses accident records in the vicinity of the site, summarises traffic survey data collected on 30 June 2017 and considers these details alongside committed developments to establish a ‘with development’ transport scenario in order to assess the impact of the development upon junction capacities. The results of the ‘with development’ morning and evening peak hour analysis show that all the junctions, except the Barlborough Road/Boughton Lane junction and the Oxcroft Way/A619 Chesterfield Road/A616 roundabout junction will continue to operate within capacity during both peak morning and evening periods. The survey reports:

‘It is apparent that the cumulative impact of the developments which are already committed in Clowne will worsen traffic conditions at the Oxcroft Way/A619 Chesterfield Road/A616 roundabout and the Barlborough Road/Boughton Lane junction. The Clowne Transport Study (2016) also demonstrated that the Garden Village strategic site would trigger the need for mitigation measures on this route between Clowne and Junction 30 of the M1. The proposed development has a lesser impact than either the committed developments or the Garden Village site. The impact of the proposed development is not severe and there are therefore no transport reasons why the proposals should not be granted planning permission, subject to a commensurate contribution to appropriate mitigation measures being agreed.’

However, the County Council in their capacity as the Local Highway Authority have considered the detailed methodology provided within the Transport Assessment and raise concerns about the assumptions underpinning the submitted Transport Assessment when contrasted against the assumptions within other Transport Assessments in the vicinity of the site. In particular, the trip generation figures differing significantly between the different sites currently pending consideration:

1. Mansfield Road, east side (Land adjacent to Ramper Avenue) – 100 dwellings, 90-100 movements at weekday peak hours
2. Mansfield Road, west side (The Edge Phase 2) – 107 dwellings, 60 movements at weekday peak hours
3. Cliff Hill (Stanfree Farm site) – 400 dwellings/190-205 movements at weekday peak hours

The County Council therefore do not consider the figures in the Transport Assessment submitted to support the current application to be sufficiently robust to demonstrate that the proposed development would not have a severe adverse impact on the local road network. It is also unclear whether this analysis also takes into account the traffic impacts of a new school and community on the site, as proposed in the submitted application. Furthermore, the submitted transport does not take into account all relevant committed developments including

the housing approved at the former Coalite site on the edge of Bolsover.

Therefore, whilst it is acknowledged the County Council have stopped short of objecting to the proposals on highways grounds, there is insufficient information to determine the current application complies with national planning policies in terms of its potential impacts on the local road network. In this respect, paragraph 32 of the Framework says development may be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Saved Local Plan policy GEN1 also says the minimum requirement for all development is that the local highway network must be able to accommodate the vehicular, cycle and pedestrian traffic from the development site without causing material harm to highway safety or unacceptable congestion

In addition to these issues, the County Council are not satisfied that the improvements/alterations to Cliff Hill/High Street are feasible and note that the eastern link onto Low Road would need to be designed to the existing 60mph speed limit because there is no guarantee of succeeding in changing speed limit. The gradients of the proposed road through the site are also needed to be able to properly understand if this road would be safe and suitable to be taken into use as a public highway and it is also noted that footpath links are proposed outside controlled land. Therefore, it cannot be demonstrated that the proposed development would be provided with a safe and suitable access as required by paragraph 32 of the Framework and there is no evidence that the proposed development would give rise to betterment by improving connectivity across the footpath network or through facilitating the safer and more efficient movement of traffic along Cliff Hill and High Street.

Consequently, officers consider that it would be appropriate to recommend refusal of the submitted application on highways grounds in the absence of sufficient information to demonstrate the proposals would not have a severe adverse impact on the local road network or be provided with a safe and suitable access. It is considered this conclusion is reasonable *also taking into account* there is insufficient information to demonstrate that the proposed development would provide any substantial improvements to highway infrastructure in the local area.

Drainage and Flood Risk

In addition to the above issues, it is noted that Yorkshire Water raise significant issues that are relevant to the determination of the application at outline stage. Although the Council's Engineer, the County Council's Flood Team and Yorkshire Water have all suggested conditions could potentially address drainage issues, Yorkshire Water have also made the following comments on the current application:

- The Outline Flood Risk Assessment accompanying the application states that foul water will drain to a public sewer. The public sewer network does not have adequate capacity to accommodate the anticipated foul water discharge from the dwellings proposed. In order to investigate foul water disposal from the site, a feasibility study carried out under Section 98 of the Water Industry Act 1991 at the developers expense will be required. This will need to determine a suitable connection point, assess available capacity in the sewer network and assess likely costs and timescales for the upgrading work.

- The Outline Flood Risk Assessment requires clarification in terms of surface water drainage. Although subsoil conditions could be tested later with regard to infiltration, an unnamed watercourse to the south west of the site appears to be an appropriate means of discharge. Failing this surface water will have to discharge to a combined sewer. However the sewer network has no available capacity to accept surface water discharge.
- There is a combined sewer overflow on the site that is under the control of Yorkshire Water. Vehicular Access including with large tankers, could be required at any time and the site layout must allow for this. Its proximity to the site may mean a loss of amenity for future residents. In order to minimise the risk of odour, noise and nuisance, Industry Standards recommend habitable buildings should not be situated within 15m of the combined sewer overflow or its outfall.

At present officers, consider the application does not adequately address the above points. Firstly, officers consider these issues would have a considerable impact on the developable area of the site and thus the number of dwellings in principle at the outline stage. This has related impacts upon the viability of the development, its ability to respond to abnormal site costs such as slope stability, education contribution requirements and other planning obligation requirements. Taking into account the absence of viability information and the absence of assessment of the effects that a 15m standoff distance could have on developable area, it is considered these issues need to be dealt with prior to any positive determination of the current application because the condition suggested by Yorkshire Water could effectively prevent the development going ahead. Therefore, such a condition could not be 'lawfully' imposed on any permission.

However, on the basis that the public sewer is at capacity and drainage issues remains unresolved and on the basis there is a potential odour nuisance issue for future occupants of the proposed housing that also remains unresolved, the submitted application does not accord with core planning principles in the Framework that require a good standard of amenity for all existing and future occupants of land and buildings.

Socio-Economic Impacts

In conclusion, it is considered that granting planning permission for the current application would conflict with the socio-economic dimensions of sustainability because of its potential adverse impacts on education provision and the local road network. It is also unclear that the site can be provided with adequate drainage or whether the development proposals could meet policy requirements for on-site affordable housing and contributions to health and education that would help but not fully mitigate the impacts of the proposed development. Consequently, the impacts of the proposed development on local infrastructure taken together with the adverse impacts of the proposed development on the environmental quality of the local area conclusively demonstrate the adverse impacts of granting planning permission for the current application, would significantly and demonstrably offset and outweigh the benefits of doing so. In these respects, the proposals are also contrary to the sustainability criteria set out in ENV3(a) and ENV3(b). Therefore, the proposed development is not a sustainable form

of development and should be refused planning permission even if the tilted balance were to be engaged in this case.

Place Making

Finally, despite the concerns raised about the proposed development in the earlier sections of this report, it is still important to assess the contribution the proposed development would make to place making in terms of the provision of open space, recreational facilities and public art when considering whether the proposed development would be acceptable in principle and when assessing any benefits that might result from an approval of the current application.

Paragraph 73 of the Framework says access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Paragraph 75 on the Framework goes on to say planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

Saved Local Plan policy HOU5 reflects this guidance by saying that the provision of adequate public open space is an essential requisite of an acceptable urban environment, and that every new dwelling increases the demand for local public open space from children and adults for play, sports and general recreation and leisure use. With regard to HOU5, 14.39ha of public open space is proposed within the development, which equates to over 55% of the total site area of 25.77ha, although some of this is land that is currently (and would remain) undeveloped.

Whilst this is excess of the minimum expected provision of 20m² per dwelling, the proposed provision of a local equipped area for play (LEAP) and a local area for play (LAP) to meet local authority policy (Design and Access Statement p.40) is below that which would be expected for a development of this size. The Council's actual policy would normally expect the equivalent of one LEAP standard play area per 80 dwellings.

The suggested location of the proposed LEAP standard play area is also unsatisfactory as it located away from residential properties in an area that would not benefit from natural surveillance. The proposed location of the LAP would be a more suitable location. However, a more central location for a larger play area would be a much better option, with the play area being of a size (at least NEAP standard with provision for ball play / wheeled sports) that would meet the needs of a development of this size, with a potential population of almost 1,000 people.

Consequently, it would be recommended that the provision of play facilities within the development is reconsidered in terms of both size and location. However, as submitted, the current application does not fully meet the requirements of HOU5 in this respect.

As the proposed development is not of sufficient scale to require any dedicated on site built / outdoor sports facilities it is recommended by Leisure Services that a suitable commuted sum is negotiated in lieu of any formal on site requirement. Using the current policy formula, the commuted sum should be £373,600 (400 dwellings x £934 per dwelling). This amount is based on 2017 prices and should be index linked to the RPI in terms of timing of payment. This commuted sum is to be invested in upgrading built and outdoor sport and recreation

facilities within the parish. Normally, the formal sports contribution would fund the development, enhancement or improvement of pitches (bowls, cricket, football, etc.) and pavilions. However other recreation provision, such as multi-use games areas, skate parks, BMX tracks and mountain bike trails could be developed as could greenways / multi-user trails as part of a network of such routes.

The applicant has offered to make the requested contribution and to make a payment towards maintenance of open space, if it is adopted by the Council, so these aspects of the proposals could comply with HOU5 but a viability appraisal would be needed to demonstrate that the development could not only meet these costs but also remain deliverable.

In terms of connectivity, reference is made to pedestrian/cycle links within the description of the current application but there is no reference to, or indication of any cycle links within the accompanying documents and plans. Therefore, whilst there is some potential for the development proposals to create better links between the application site and the town centre, it remains a negative aspect of the scheme that it is physically separated from the main built-up area of Clowne and there are no adequate cycle links or pedestrian routes that would improve the connectivity between the town centre and the application site. Therefore, there is a high risk that future occupants of the development would be dependent on their cars for even relatively short journeys.

It is considered the lack of connectivity between the town centre and the application site diminishes the 'place making' credentials of the proposed development and very limited weight can be attached to the potential benefits of the proposed pedestrian/cycle links that have not been properly explained in the submitted application.

It is also notable that the proposed development is not especially well related to Stanfree either and the proposed development does not appear to offer any particular benefits to this local community. It is acknowledged the applicant is promoting the benefits of a potential site for schooling provision, a potential local shop, improved highways arrangements and increased open space and public footpaths provision within the development proposals but, as noted above, these aspects of the proposals have not been properly detailed and there is not enough evidence to demonstrate these potential benefits associated with the proposals are even deliverable.

However, by the size and scale of the development and its proximity to the village, the new housing would erode the distinct character of Stanfree and the local community's sense of identity and the development will diminish the amenities of Stanfree's rural setting. At the very least, the proposals would harm the enjoyment of the surrounding countryside and detract from the amenities of the local footpath network. Taken together, these aspects of the proposed development will have an adverse impact on the general quality of life of residents most affected by the development.

However, it is unlikely that the proposed development would give rise to any further issues relating to the residential amenities of individual dwellings. Although, the precise relationships between existing and proposed houses would need to be examined more closely at reserved matters stage if permission were to be granted for the current application.

However, the nature of the proposals does not give rise to any overriding concerns that the proposed development would be unneighbourly as a matter of principle with regard to issues such as loss of privacy, loss of light, and noise and disturbance. The issues around the construction phase could otherwise be dealt with by planning conditions. Therefore, specific neighbourliness issues do not weigh heavily for or against an approval of the current application but it is clear that the proposals would not give rise to any particular 'place making' benefits for the people living closest to the development or nearby in the village of Stanfree.

In terms of public art, saved Local Plan policy GEN17 seeks a contribution towards public art of 1% of the total development costs on developments of over £1million. The applicant has stated they are willing to make a contribution to meet the specific requirements of this policy albeit there are no public art proposals included in the submitted application. However, as above, a viability appraisal would be needed to demonstrate that the development could not only meet the costs of this contribution but also remain deliverable.

It is therefore concluded that it has not yet been demonstrated that the proposed development would fully meet expectations in respects of place making as set out in HOU5 and GEN17, and in national planning policies, and this weighs against an approval of the current application. However, it is of more concern that the submitted details do not demonstrate that the development would be of such a high quality that it would contribute positively to a sense of place. Equally, the development would be poorly related to both Clowne and Stanfree and diminish the distinctive rural setting of both settlements. This concern is exacerbated by the lack of connectivity between the application site and Clowne's town centre and the absence of any evidence that the proposed development would benefit residents of either Clowne or Stanfree.

Therefore, the current proposals do not take account of the different roles and character of different areas, do not promote the vitality of the main urban areas closest to the application site, fails to recognise the intrinsic character and beauty of the countryside surrounding both Clowne and Stanfree and fail to support the rural communities affected by this development. Consequently, the proposed development fails to accord with core planning principles in the Framework from a place making perspective as well as being contrary to the sustainability criteria in ENV3, which seeks to prevent development that would materially harm the rural landscape and avoid unnecessary urbanisation and sprawl. It is therefore considered the adverse impacts of granting planning permission for the current application significantly and demonstrably outweigh the benefits of doing so.

The Planning Balance

In conclusion, granting planning permission for the current application would give rise to some socio-economic benefits through the provision of new housing. Subject to prior entry into a s.106 legal agreement, the current application could meet policy requirements in respects of provision of on-site affordable housing. Subject to a viability appraisal that demonstrates the proposed housing could meet these costs and subject to prior entry into a s.106 legal agreement, the current application could meet policy requirements in respects of provision of off-site sports facilities and public art and make requested contributions towards health and secondary education.

However, the absence of a viability assessment and agreed heads of terms for a legal agreement limits the weight that can be attached to the offer of contributions towards local infrastructure. Furthermore, the 'benefits' resulting from granting permission for the current application are mostly only sufficient to meet policy requirements rather than provide any wider public benefits. Finally, in the absence of a viability appraisal and any evidence that demonstrates the scheme is deliverable within the next five years: limited weight can be attached to the limited benefits of granting planning permission for the current application in terms of boosting housing supply within the District.

In contrast, the visual impact of the proposed housing on the rural setting of both Clowne and Stanfree would have a significant and demonstrable adverse affect on the character of the local area that would not be mitigated for by an appropriate landscape buffer. Furthermore, if the proposed development was granted planning permission, there would not be sufficient capacity at primary school level to accommodate pupils from the new development and this would have a significant and demonstrable adverse impact on the town as a whole. In this respect, any approval for the current application in these circumstances would fail to meet the Government's objectives of ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. In addition, the submitted plans and supporting information do not demonstrate that the proposed development would contribute positively to creating a sense of place or give rise to any significant benefits to the local community in terms of improving the environmental quality of the local area.

At this stage, it is also considered that the applicant cannot demonstrate that the proposals would not result in substantial harm to heritage assets and would not result in a significant adverse affect on wildlife or that the proposals would not result in a net loss of biodiversity. The applicant also cannot demonstrate the proposals would not result in an adverse impact on the local road network or even that the proposed development would be provided with a safe and suitable access. Moreover, it has not yet been demonstrated how drainage will be dealt with and land stability issues have not been properly addressed.

It is therefore considered that the adverse impacts of granting planning permission would significantly and demonstrably offset and outweigh the benefits of doing so and the proposed development cannot be considered to be a sustainable form of development when considered against national planning policies in the Framework as a whole. Consequently, there is no presumption in favour of granting planning permission for the current application that is otherwise contrary to policies in the Development Plan because of the location of the application site in the countryside outside of the settlement framework. Therefore, even if the tilted balance were to be engaged in this case, it would not lead to an approval of the current application. Accordingly, officers recommend that planning permission is refused for the current application.

RECOMMENDATION

The current application be REFUSED for the following reasons:

1. The proposed residential development would be located outside the settlement

framework and it cannot be demonstrated that a housing scheme of up to 400 houses is necessary in the proposed location in the countryside. Therefore, the current application is contrary to saved Local Plan policies GEN8 and ENV3 and granting planning permission for the current application would not only constitute an unwarranted departure from the Development Plan, it would also conflict with the planned sustainable growth of the District as set out in the emerging Local Plan.

2. The site is beyond the existing built edge of Clowne and would represent a further extension and encroachment of Clowne southwards into the surrounding countryside, which at this point begins to drop away opening up views of wider Magnesian Limestone landscape. The development proposals would have an adverse urbanising effect that would be harmful to the landscape setting of the settlement and would detract from the rural character and appearance of the surrounding landscape. Furthermore, the site is poorly related to the main built up area of Clowne and to the nearby village of Stanfree. Consequently, the proposed development would not appear to be a logical extension of either urban area and would detract from the distinctive character of both settlements. The submitted plans also fail to demonstrate an appropriate landscape boundary could be achieved or that the scheme would otherwise improve the environmental quality of the local area. Therefore, the proposals are contrary to the specific requirements of saved Local Plan policies GEN2 and GEN11 and contrary to core planning principles in the National Planning Policy Framework.
3. In the absence of adequate survey work, it cannot be demonstrated that the derogation tests in the Habitat Regulations can be met in respect of European Protected Species, it is not possible for this Council to approve this application and demonstrate that due regard has been paid to the purpose of conserving biodiversity in accordance with s.40 of the Natural Environment and Rural Communities Act 2006, and it is not possible to determine that there would be no net loss of biodiversity in accordance with national planning policies if permission were to be granted for the current application.
4. In the absence of adequate information on archaeology, it cannot be demonstrated that the proposals would not result in substantial harm to heritage assets contrary to the provisions of paragraphs 128, 135 and 139 of the Framework and contrary to core principles in the Framework that require local planning authorities to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
5. In the absence of adequate information on land stability, it cannot be demonstrated that the site is stable or can be made so and also that the proposals would not be likely to initiate landsliding on, or contribute to the instability of, the adjoining land. Consequently, it cannot be determined that the site is suitable for its new use taking account of ground conditions and land instability, and any approval for the current application would conflict with national planning policies set out at paragraphs 121 and 122 of the Framework.

6. The proposed development would have a significant adverse impact on local education provision contrary to national planning policies that attach great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. In the absence of appropriate mitigation for the impact of the development on local schools, granting permission for the current application would not reflect the local community's needs or support its social well-being and would result in a consequential negative impact on the viability and vitality of the local area contrary to saved Local Plan policy ENV3.
7. In the absence of a robust transport assessment, it cannot be demonstrated that the development would not have a severe adverse impact on the local road network contrary to paragraph 32 of the Framework because of the overall scale of development, the proposed location of the development and in the absence of appropriate mitigation. If planning permission were to be granted in these circumstances, the resulting traffic congestion would have subsequent negative impact on the environmental quality and the vitality and viability of the local area contrary to saved Local Plan policies GEN1 and ENV3. The submitted application also fails to demonstrate the proposed development can be provided with a safe and suitable access, which is also contrary to national planning policies set out in paragraph 32 of the Framework.
8. The public sewer is at capacity and drainage issues remain unresolved. There is a potential odour nuisance issue for future occupants of the proposed housing because of a combined sewer overflow on the site that also remains unresolved. Until these issues are addressed, it cannot be demonstrated that the proposed development would accord with core planning principles in the Framework that require a good standard of amenity for all existing and future occupants of land and buildings.
9. In the absence of any viability appraisal or evidence on delivery, there is no certainty that any benefits of granting planning could be achieved in a reasonable time frame or that the proposed development could make appropriate contributions towards local infrastructure. However, the proposed development would demonstrably harm the environmental quality of the local area and significantly detract from the social and economic well-being of the local community. Consequently, the current proposals constitute an unsustainable form of development and any benefits of granting planning permission for the current application would be demonstrably and significantly outweighed by the adverse impacts of doing so when taking into account policies in the Development Plan and the National Planning Framework as a whole.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

Statement of Decision Process

By virtue of the nature of the proposals and their location, it is not possible to address the fundamental objections to these proposals through revisions to the scheme. It is also not possible to mitigate for the adverse impact of the proposed development on education capacity in the local area within the terms of the current application. Nonetheless, the Council have sought to work positively and pro-actively with the applicant by advising the applicant of other planning issues that might be addressed through submission of additional information prior to the determination of the current application.

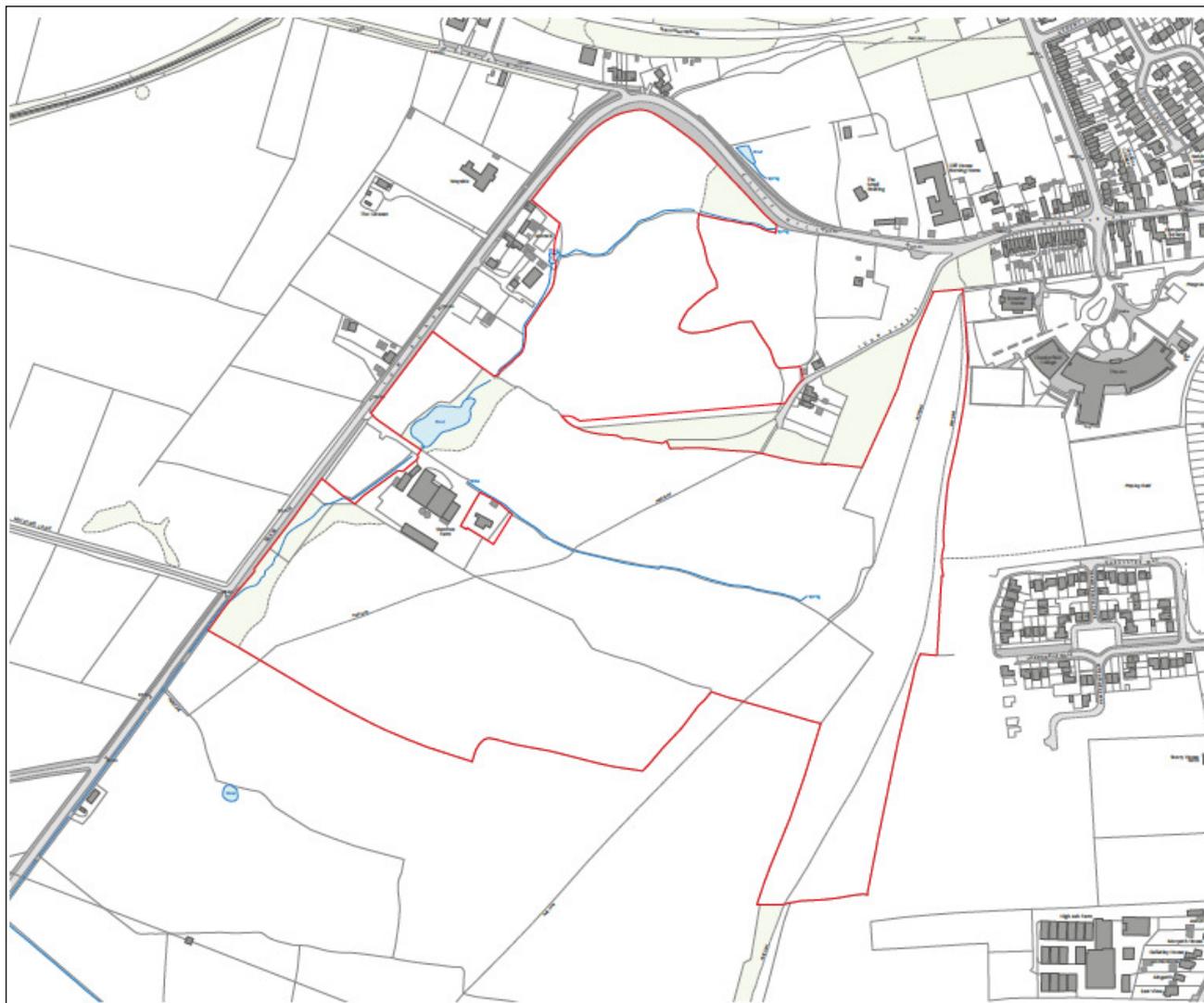
However, it was considered by officers that it was not appropriate to grant an extension of time to allow the applicant to seek to deal with these issues in the face of significant public interest in the proposals taking into account the wide range of additional information required and the time it would take to collate all the additional information required. For example, the appropriate time to carry out additional survey work for bats and birds would fall between March and August 2018.

The applicant has also failed to demonstrate a commitment to carrying out all necessary work including the archaeological survey work recommended by the County Archaeologist and has not taken the opportunity to withdraw this application despite officer advice that this would offer a better way forward than seeking to pursue the current application, which was not invited by the Council and could have been better considered prior to a formal submission.

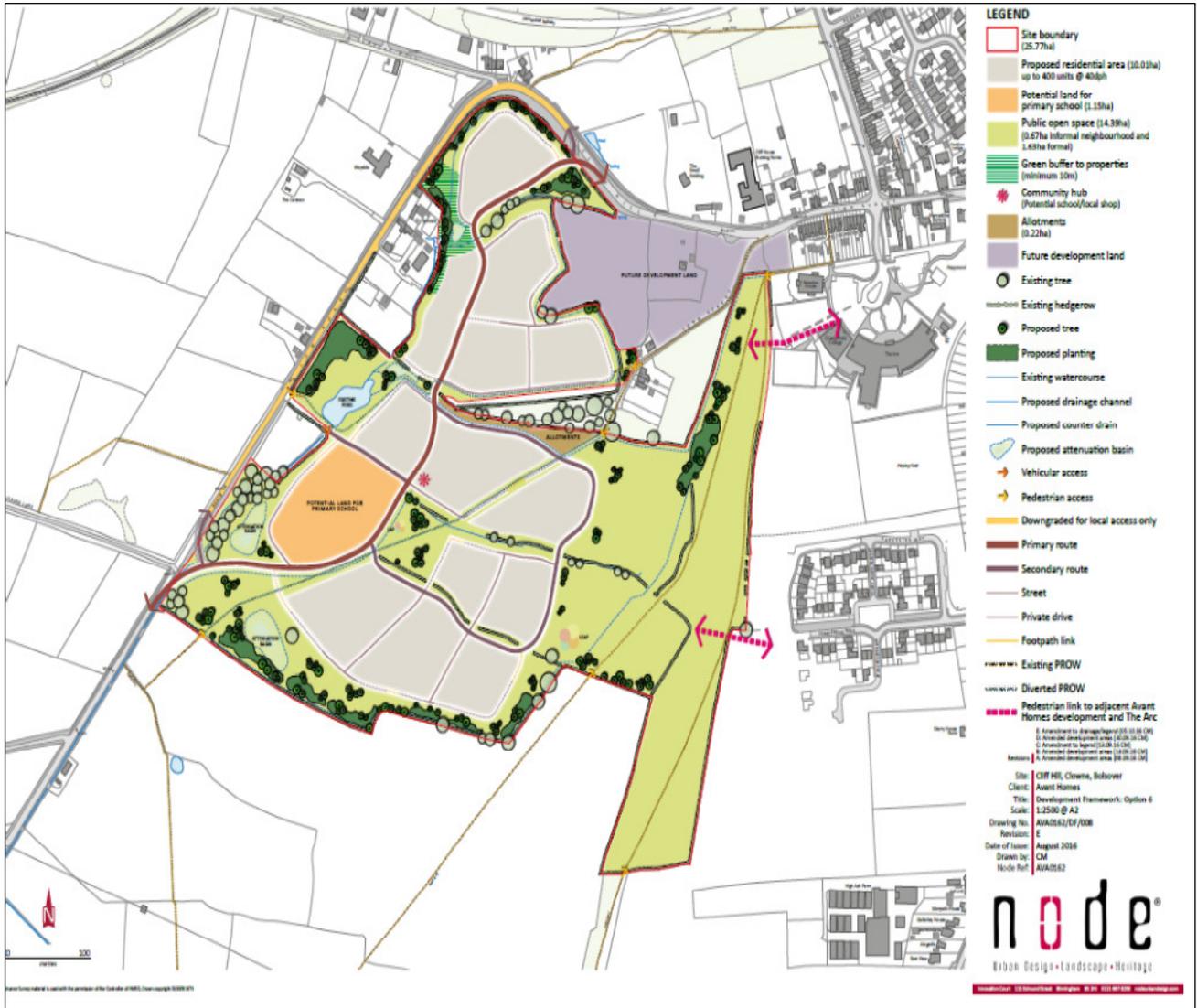
In conclusion, it is considered by officers that it would undermine public confidence in the planning system to allow an application to remain 'live' that is otherwise contrary to the Development Plan when taking into account there is no reasonable prospect that agreeing an extension would enable the applicant to address the fundamental objections to this application.

Consequently, officers consider that it is not in the public interest to agree an extension of time for this application. It is also not considered to be in the best interests of accountability and transparency to agree an extension of time at officer level given the substantial amount of public interest in this application. Consequently, officers have acted positively by taking this application to the first available meeting of the Planning Committee for further consideration.

Site Location Plan



Indicative Layout



PARISH: Clowne

APPLICATION Erection of up to 100 dwellings, public open space, landscaping and sustainable drainage system (SuDS) with vehicle access from Mansfield road. (All matters reserved except for means of access)

LOCATION Land To The South Of Ramper Avenue And Between Mansfield Road And Ringer Lane Clowne

APPLICANT Gladman Developments Ltd, Gladman House, Alexandria Way, Congleton CW12 1LB

APPLICATION NO. 17/00409/OUT

CASE OFFICER Mr David O'Connor

DATE RECEIVED 2nd August 2017

EXECUTIVE SUMMARY

In summary, the current application seeks outline planning permission for residential development of up to 100 dwellings on c. 4.25 hectares of land between Mansfield Road and Ringer Lane to the south of Clowne.

In principle, the proposed development is unacceptable because the site lies in countryside outside of the settlement framework and would materially harm the rural landscape and result in unnecessary urbanisation and sprawl. Therefore, the proposals are contrary to saved policies in the Bolsover District Local Plan. The proposals are also contrary to policies in the emerging Local Plan that seek to focus further growth in Clowne to more sustainable locations to the north of the settlement.

It is also considered the Council can demonstrate it has a five year supply of deliverable housing but the applicant has not demonstrated that the housing proposed in the current application is deliverable within the next five years in any event. Therefore, it is considered that the identified conflict with the Bolsover District Local Plan carries significant weight in the determination of the current application.

In this case, there is also insufficient information to demonstrate that the proposed development could deliver local infrastructure to mitigate the impact of the new housing on the local area and remain viable whilst the wider public benefits of granting planning permission for the current application appear to be limited to the generic benefits that might be associated with any form of residential development within the District. However, the significant adverse visual impact of the proposals on the locally distinctive character and appearance of the local area and the significant adverse impact of the scheme on local education provision would be demonstrable adverse impacts of granting planning permission for the scheme.

It is therefore considered that the adverse impacts of granting planning permission would significantly and demonstrably offset and outweigh the benefits of doing so and the proposed development cannot be considered to be a sustainable form of development when considered against national planning policies in the Framework as a whole. Consequently, there is no

presumption in favour of granting planning permission for the current application that is otherwise contrary to policies in the Development Plan because of the location of the application site in the countryside outside of the settlement framework. Therefore, even if the tilted balance in paragraph 14 of the Framework were to be engaged in this case, it would not lead to an approval of the current application.

Accordingly, officers recommend that planning permission is refused for the current application for the following reasons:

1. The proposed residential development would be located outside the settlement framework and it cannot be demonstrated that a housing scheme of up to 100 houses is necessary in the proposed location in the countryside. Therefore, the current application is contrary to saved Local Plan policies GEN8 and ENV3 and granting planning permission for the current application would constitute an unwarranted departure from the Development Plan and would conflict with the planned sustainable growth of the District as set out in the emerging Local Plan.
2. The proposed development would have a significant adverse impact on local education provision contrary to national planning policies that attach great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. In the absence of appropriate mitigation for the impact of the development on local schools, granting permission for the current application would not reflect the local community's needs or support its social well-being and would result in a consequential negative impact on the viability and vitality of the local area contrary to saved Local Plan policy ENV3.
3. The site is beyond the existing built edge of Clowne and would represent a further extension and encroachment of Clowne southwards into the surrounding countryside, which at this point begins to drop away opening up views of wider Magnesian Limestone landscape. The development proposals would have an adverse urbanising effect that would be harmful to the landscape setting of the settlement and would detract from the rural character and appearance of the surrounding landscape. The submitted plans also fail to demonstrate an appropriate landscape boundary could be achieved or that the scheme would otherwise improve the environmental quality of the local area also taking into account the proposals would result in the loss of Grade 2 agricultural land. Therefore, the proposals are contrary to the specific requirements of saved Local Plan policies ENV2, GEN2 and GEN11 and contrary to core planning principles in the National Planning policy Framework.
4. In the absence of any viability appraisal or evidence on delivery, there is no certainty that any benefits of granting planning could be achieved in a reasonable time frame or that the proposed development could make appropriate contributions towards local infrastructure. However, the proposed development would demonstrably harm the environmental quality of the local area and significantly detract from the social and economic well-being of the local community. Consequently, the current proposals constitute an unsustainable form of development and any benefits of granting planning permission for the current application would be demonstrably and significantly

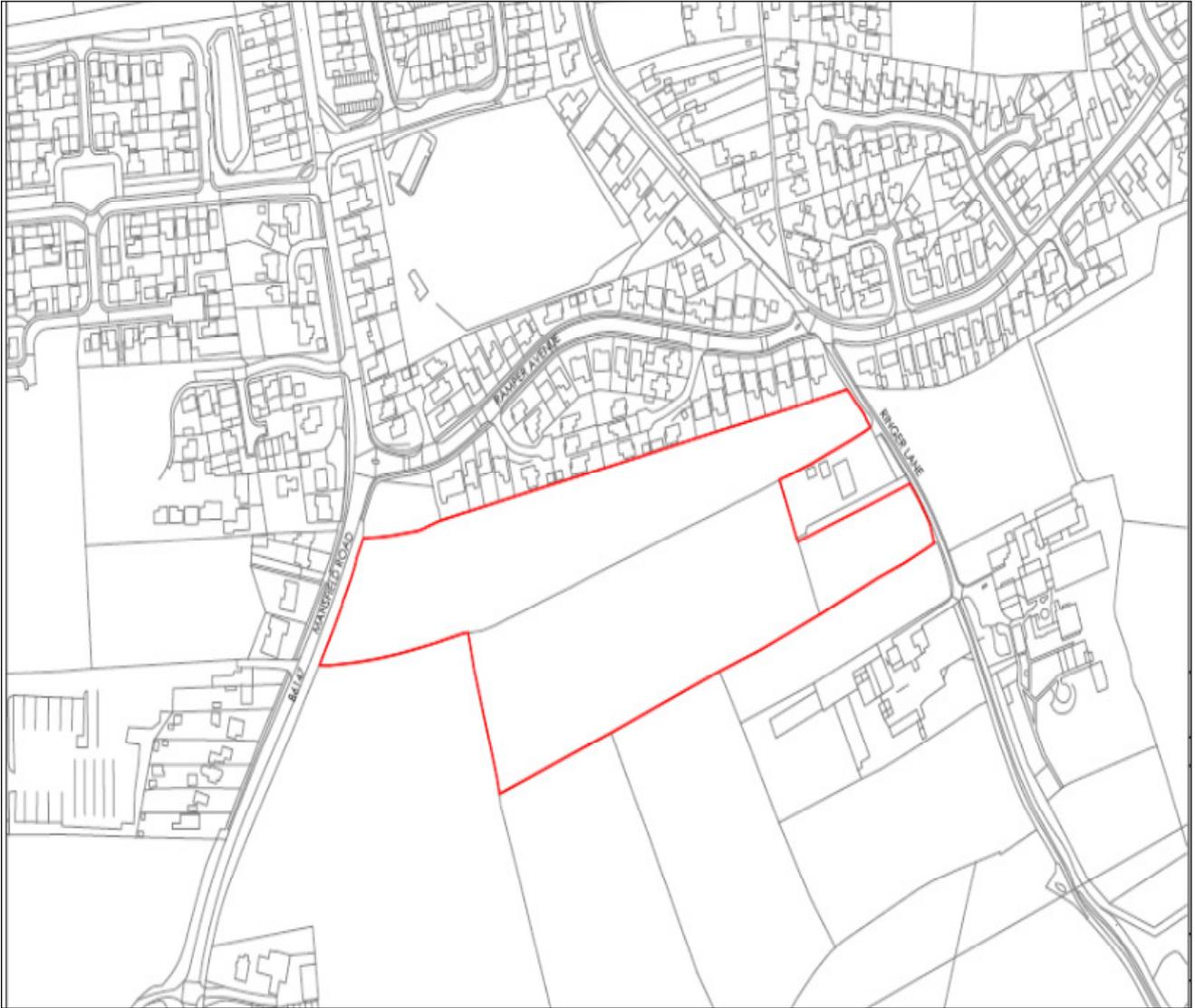
outweighed by the adverse impacts of doing so when taking into account policies in the Development Plan and the National Planning Framework as a whole.

OFFICER REPORT: 17/00409/OUT

SITE

The site is approximately 4.25 hectares in size, is irregular in shape and is situated adjacent to the settlement framework on the southern edge of Clowne. The existing use of the land is two agricultural fields, with hedgerows between them and on its northern, southern and western boundaries, with a more open western edge on to Ringer Lane. Mixed residential properties exist to the north of the development site fronting onto Ramper Avenue, Pitch Close and Pavilion Close. To the west of the site is Mansfield Road which has dwellings facing the site in the form of ribbon development opposite which gives way to open countryside further south. There is a field access to the site from Mansfield Road which breaks through the existing thorn hedge on the west boundary. The site is gently undulating but overall slopes from west to east. The site is Grade 2 agricultural land.

Site Location Plan



PROPOSAL

The application is submitted in outline with all matters reserved except the means of access. The site area of the proposed development is 4.24ha and the proposed development will comprise up to 100 residential dwellings, with vehicular access off Mansfield Road, public open space, new landscaping, drainage and associated infrastructure. The applicant proposes to provide an associated play space and SUDS system to the eastern edge of the site adjacent to Ringer Lane.

Indicative Layout



AMENDMENTS

Further information in the form of an updated indicative layout plan (shown on previous page) has been provided in response to the Urban Designer comments on the development. Further archaeological information in the form of a Geo-physical survey has been provided in response to the County Archaeologist's comments on the application. The applicant has also demonstrated that an appropriate drainage scheme will be provided for the proposed development.

Following the receipt of consultation responses, the applicant has now confirmed the following offers in respect of contributions to local infrastructure:

1. 10% on-site affordable housing
2. Education (secondary) - formula based offer to accommodate number of pupils proportionate to house numbers coming forward at reserved matters stage.
3. Education (primary) – no offer.
4. Sport facilities – formula based offer to meet sum requested by Leisure Services proportionate to house numbers coming forward at reserved matters stage
5. Appropriate maintenance sum payable if open space to be adopted by council.
6. Public Art – happy to accept a condition requiring some form of public art strategy.
7. Health – no offer.

PLANNING HISTORY

07/00772/OUTMAJ - Outline application for residential development with all matters reserved. An indicative layout and supporting information were provided showing a total of 59 dwellings on the 1.92Ha site. The application was refused by the Council for the following reasons:

- Development would be outside the defined settlement boundary
- The development would be an ad-hoc urban expansion in an unsatisfactory linear form that does not relate well to existing development
- The development is not of sufficient size to accommodate a children's play space of any meaningful size or play value despite the recognised shortage of play space in this part of Clowne
- The development will not result in the provision of an appropriate settlement edge treatment
- The development results in the loss of grade 2 agricultural land without sufficient justification

This application was the subject of a planning appeal in 2008. Much of the discussion within the Inspector's decision on the appeal related to 5 year housing supply at the time. However of relevance to the current application the following extracts are considered noteworthy:

'The site is outside the defined Settlement Framework for Clowne as established in the LP, albeit adjacent. It is green-field and part of the open countryside about it. Here, reflecting Policy HOU 9, the dwellings proposed are not essential for the operation of agriculture and/or forestry. Further, the development relates to Grade 2 agricultural land where ENV 2 seeks to prevent development, and consistent with the general thrust of national planning guidance in Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7).'

'The development proposed is for a substantial number of properties. The site is linear and of limited depth. When assessed against the intent of Policy GEN 11, I am not persuaded that it would be able to result in an acceptable long-term boundary to the urban edge, notwithstanding the potential for a landscaping condition on any permission at the site boundary. While, the land is adjacent to the existing urban edge and with a limited projection south into the countryside - this does not represent a convincing justification for the development when assessed against the LP.'

CONSULTATIONS

Bolsover District Council (Engineer): No objections subject to conditions

Comments: The developer should submit a maintenance and management plan for any proposed SUDS.

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

Comments: The submitted Phase 1 report has been reviewed and the Council's Environmental Protection Officer is in agreement with the recommendations in this report to carry out a Phase 2 investigation to verify that the site is not significantly affected by land contamination including ground gases. The Council's Environmental Protection Officer recommends planning conditions are used to secure the Phase 2 investigation and any necessary remediation.

Bolsover District Council (Housing Strategy): No objections subject to securing the applicant's offer of 10% affordable housing provision on site.

Comments: The Council's Planning Policy provides for a 10% affordable housing requirement on sites over 25 units or 1 hectare where there is a proven need. The applicants have stated that they will provide 10% affordable units on the site. The preferred type and tenure would be 2 bed (4 person) houses and a lesser number of 3 bedroom houses for social or affordable rent, to be owned and managed by a Registered Provider.

Bolsover District Council (Leisure Services): No objections subject to contributions to maintenance of open space, off-site recreation facilities and public art.

Comments: The proposal includes 1.37ha of green infrastructure, which significantly exceeds the policy requirement for open space in HOU5, and therefore this aspect of the development is broadly supported. However, Leisure Services raise concerns over the indicative position of the proposed playground primarily because of the minimal natural surveillance provided by existing and proposed dwellings. Leisure Services also advise the proposed footpath in the north eastern corner of the site, which links the development to Ringer Lane, should be created as a shared pedestrian / cycle path with a width of at least 3m. In addition, using the current policy formula, Leisure Services have calculated that £93,400 (100 dwellings x £934 per dwelling) is required to contribute towards recreational facilities that cannot be provided on site. A maintenance sum is also required along with 1% of the development costs for art to allow the proposed development to meet all the relevant policy tests. Nonetheless, Leisure Services remain concerned about the connectivity of the site and the extent to which the open space and playground would be used by the local community.

Bolsover District Council (Planning Policy Team): Object

Comments: In light of the Council being able to demonstrate a 5 year supply of deliverable housing sites, policies ENV3, GEN8, HOU7, HOU8 and HOU9 should be considered up-to-date. The site in question is not allocated for housing within the adopted Local Plan and is situated in the countryside. This proposal is none of the very small scale residential development types mentioned in HOU7, HOU8 and HOU9 and is thus contrary to the adopted Local Plan.

In relation to the emerging new Local Plan, it is considered that the proposal is also contrary to the vision, policies and allocations of the Consultation Draft Local Plan which aims to foster sustainable development and regenerate the District's remaining large former industrial brownfield sites; plans for a co-ordinated, comprehensive approach to development in Clowne at the Clowne Garden Village strategic site to deliver sustainability benefits, particularly in terms of the provision of jobs and the necessary services and infrastructure to support growth; does not allocate the allocation site for residential development to meet the planned quantum of growth in the emerging town of Clowne. The emerging Local Plan would support a decision to refuse the proposal.

Bolsover District Council (Regeneration): No objections

Comments: The Council's Economic Development Officer considers that the proposed development will lead to the creation of local employment opportunities, skills and training and the new houses will also help support the vitality and viability of local town centres. A condition to secure scheme for local employment is recommended.

Bolsover District Council (Senior Urban Designer): Recommends revisions to the submitted scheme

Comments: The Council's Senior Urban Designer advises that the number of dwellings sought gives rise to relatively high density housing for its context given the edge of settlement location for the site. If the site were to be developed to the maximum amount proposed, this is likely to result in an unsatisfactory relationship with the settlement edge. However, a lesser amount of development would enable a more appropriate relationship to be achieved. As such, a reduction in the amount of development proposed is recommended.

The Council's Senior Urban Designer also advises that the submissions should be updated to fully acknowledge the site would form a new gateway to Clowne. Increased pedestrian accessibility is required and it is recognised that some of the pedestrian routes cited are not ideal and may discourage a proportion of walking trips. The cul-de-sac layout proposed is discouraged in favour of fuller circulation, a lower density and looser pattern of development should be encouraged.

Coal Authority: No objections

Clinical Commissioning Group: No objections subject to contribution of £38,040 towards extending The Springs Health Centre to accommodate an additional 250 patients generated by the proposed development.

County Archaeologist: No objections subject to conditions:

Comments: The applicant has submitted the results of a geophysical survey of the site, which shows some elements of probable and possible archaeology that will need to be investigated and recorded in line with the guidance in Paragraph 141 of the National Planning Policy Framework. The County Archaeologist therefore advises that further archaeological work should be secured by a planning condition. This work would be carried out after any approval for the current application and prior to the submission of a reserved matters application and would comprise trial trenching in the first instance, followed by further excavation to fully record any areas of identified and significant archaeological remains.

Derbyshire Constabulary: No objections

Derbyshire County Council (Education): Advise insufficient capacity to accommodate the 9 infant pupils, 11 junior pupils and 15 secondary pupils arising from the proposed development.

Primary Level:

It is clear from the school place analysis that the County Council will not be able to provide local school places for the junior aged pupils generated from this development (17/00405/FUL) at the existing school within Clowne. The existing school, within whose normal area the development lies, is projected to stay substantially full. The site and buildings at both the infant and junior school do not allow for further expansion and this would not be desirable given the already large size of the schools. Therefore from an education perspective the County Council is not able to accommodate the pupils arising from the proposed development in the existing primary level infrastructure and as such would only request contributions where additional school place provision could be made. As there is insufficient primary level capacity to accommodate the increase in pupils forecast to be generated by this proposed development and the development itself cannot enable the necessary provision, the County Council wishes to highlight that the proposed development is not a sustainable form of development.

Secondary Level:

An evaluation of recently approved residential developments of 11 or above units or over 1,000 square metres of floor space within the normal area of Heritage High School - A Mathematics & Computing Specialist College shows new development totalling 658 dwellings, which would result in demand for an additional 99 secondary pupils. Analysis of the current and future projected number of pupils on roll, together with impact of the approved planning applications shows that the normal area secondary school would not have sufficient capacity to accommodate 15 secondary pupils arising from the proposed development. However, the County Council advise the impacts of the proposed development can be mitigated by a requested contribution of £ 257,642.55 towards additional teaching accommodation.

Derbyshire County Council (Flood Team): No objections subject to conditions

Derbyshire County Council (Highways): No objections

Comments: The County Council in their capacity as the local highways authority has commented that they consider that a suitable access onto Mansfield Road can be achieved. The County Council has also advised that the submitted Transport Assessment indicates that various junctions in the vicinity of the development would continue to operate with reserve capacity and that no significant accident occurrence rates were apparent. Therefore, it is not suggested by the County Council that the proposed development would result in a severe adverse impact on the local road network.

Derbyshire Wildlife Trust: No objections subject to conditions

Natural England: No objections

Comments: Based on the submitted plans, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objections to the current application.

Severn Trent Water: No objections

Comments: For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991.

The full text of the above consultation responses can be found on the web page for the application via the planning application search function on the Council's website. All of the relevant planning considerations raised in these consultee responses are addressed in the following sections of this report.

PUBLICITY

153 neighbour notification letters were sent out and the application has been advertised within the local newspaper and via site notice. In response a total of 279 letters of objection have been received raising the following issues.

Principle of development

- The development is outside of the defined settlement framework associated with the local plan. The Emerging Local Plan under preparation does not consider the site as a preferred development option. Development outside settlement frameworks must align with the spatial strategy and evidence base documents published. The application does not align with these and would act in conflict with the approach proposed.
- Similar applications have consistently been refused, even on appeal. To allow an application now would set a precedent.
- The Council has adopted Clowne North as a strategic site. This site is more suited to accommodate the levels of industrial, commercial and residential growth appropriate to the town. A single strategic site of this nature will allow for the developer to deliver the infrastructure improvements required and has better connectivity to the M1 and A roads in the area.
- The sustainability evidence underpinning the Local Plan encourages the need to reduce the need to travel. This proposal is in conflict with this.
- The development will lead to a requirement for increased land fill waste capacity.
- There has been considerable development in Clowne already. Piecemeal development of this nature will prevent/impact planned development in the wider area such as the essential combined residential and employment site at Clowne North. These proposals would also saturate supply, depress house prices and extend selling times for existing residents.

Character and Landscape

- Development on Greenfield land is not acceptable and will lead to loss of valued countryside. Brownfield sites should be developed before this site.
- The proposals will form an abrupt and inappropriate settlement edge

Amenity

- Adverse amenity impacts through loss of privacy, noise, overlooking, overshadowing, smell, light pollution, air pollution, loss of daylight, dust, vibration and disturbance during the construction phase will result from the proposed development.
- Disturbance from the proposed play area and public footpaths will result for existing residents and will lead to increased crime and ASB

Highway Matters

- The current road infrastructure within the area is already overcapacity. The access proposed is unsafe. The junction proposed will lead to major traffic hazards and increased congestion travelling north.
- Speeding motorists are already an issue and make it hazardous for pedestrians to cross.
- Increased air pollution and noise will result from the development.
- Public transport within Clowne has been reduced failing to provide sustainable transport
- Road and motorway connections to the north of Clowne are far superior and should be utilised to their fullest potential as proposed in the Emerging Local Plan.
- There is no public footpath on this side of the road.

Infrastructure

- The current level of infant, junior and high school education provision in Clowne is already at full capacity. The development will make this situation worse
- The medical facilities such as dentists and GP's are already overcapacity. The development will exacerbate this further.
- Local shopping facilities and their associated parking will be significantly over capacity if the development is approved.
- Drainage capacity, utilities, gas, water, phone lines and water quality will all be adversely impacted by the increased burden resulting from the proposals.
- The development does not provide for adequate play space provision

Ecological Implications

- The proposals will result in loss of habitat and impacts upon protected species such as Great Crested Newts, Black Pheasant, Hare, Sky Larks, Cuckoos, bats, owls, Yellowhammer,
- The proposals will damage drainage, hedges and trees.
- Local watercourses within the site feed into Markland Grips SSSI. Surface water run off from the site and construction process will cause a high risk of pollution to the SSSI and RIGS site.

Flooding and Drainage

- The development will cause increased flooding risks.

- The SUDS ponds proposed will pose a health and safety risk to children. Algal blooms will pose a similar risk to health and safety.

Other Matters

- Article 1 and Article 8 Human Rights of the occupants of neighbouring properties will be impacted by the proposed development.

The full text of the above third party representations can be found on the web page for the application via the planning application search function on the Council's website. All of the relevant planning considerations raised in these representations are addressed in the following sections of this report.

POLICY

Bolsover District Local Plan (February 2000)

Relevant saved policies in the Bolsover District Local Plan include:

- GEN 1 – Minimum Requirements for Development
- GEN 2 – Impact of Development on the Environment
- GEN 5 – Land Drainage
- GEN 6 – Sewerage and Sewage Disposal
- GEN 8 – Settlement Frameworks
- GEN 17 – Public Art
- HOU 5 – Outdoor Recreation and Play Space Provision for New Housing Development
- HOU 6 – Affordable Housing
- TRA 1 – Location of New Development
- TRA 13 – Provision for Cyclists
- ENV 3 – Development in the Countryside
- ENV 5 – Nature Conservation Interests Throughout the District
- ENV 8 – Development affecting Trees and Hedgerows

National Planning Policy Framework (March 2012)

Relevant paragraphs in the National Planning Policy Framework ('the Framework') include:

- Paragraph 2: Status of Development Plan and National Planning Policy Framework
- Paragraphs 6-10: Achieving sustainable development
- Paragraphs 11-16: Presumption in favour of sustainable development
- Paragraph 17: Core planning principles
- Paragraph 32: Transport network
- Paragraph 47, 49 and 50: Housing
- Paragraphs 56- 66: Design
- Paragraphs 70, 72, 73 and 75: Promoting healthy communities
- Paragraphs 109 and 118: Conserving and enhancing the natural environment
- Paragraphs 120 and 121: Contamination and land stability

Paragraphs 128 – 134: Conserving and enhancing the historic environment
Paragraph 159: Relevance of SHMA
Paragraphs 173: Ensuring viability and deliverability
Paragraph 196: Primacy of Development Plan
Paragraphs 203-206: Planning conditions and obligations
Paragraphs 215-216: Weight to be given to relevant policies in existing plans and relevant policies in emerging plans.

ASSESSMENT

Conflict with Development Plan

Paragraph 196 of the Framework says that the planning system is plan-led and planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Bolsover District comprises the Bolsover District Local Plan (adopted February 2000) and saved Local Plan policies form the starting point for a decision on this application.

In the first instance, Saved Local Plan policy GEN8 is particularly important to the application of policies in the Bolsover District Local Plan because it says that 'general urban area control policies' apply within a defined settlement framework and the area outside the settlement framework is considered to be countryside and is covered by the 'general open countryside control policies'. Saved Local Plan policy ENV3 is the general open countryside control policy that is most relevant to this application.

Saved Local Plan policy ENV3 places restraints on most forms of development, including housing, in the countryside not least because a rural setting is important to the identity of many settlements in the District, including Clowne. The undeveloped gaps between settlements or groups of buildings are also important to the distinctive rural character of the District and the locally distinctive character of settlements within the District. The supporting text to this policy says that in seeking to conserve the landscape, character and ecology of the countryside, the local planning authority will generally oppose aspects of new developments which have an urbanising or suburbanising influence or which lead to urban sprawl.

In this case, the proposals for housing are located outside of Clowne's settlement framework and do not comply with any of the housing policies that relate to residential development that might be permitted on an exceptional basis in the countryside (including HOU7 and HOU9). The proposals also fail to meet any of the criteria set out in ENV3 for development that might otherwise be acceptable in the countryside on an exceptional basis. Therefore, the proposals do not comply with GEN8 and ENV3 because the proposals are located in open countryside, outside of the settlement framework defined by policy GEN8, and located where ENV3 sets out a firm presumption against granting permission for open market housing of the scale proposed in this application.

When taken together, GEN8 and ENV3 seek to direct growth to sustainable locations that have adequate infrastructure and are close to existing services whilst protecting the locally distinctive character of settlements within the District and the intrinsic quality of their rural settings. In these respects, the proposed development would encroach into the open countryside beyond the existing limits of the main built-up area of Clowne. By virtue of the size and scale of the proposals; the proposed development would have a harmful urbanising effect on the rural setting of the settlement.

It is therefore considered that the proposals do not accord with the strategic objectives of policies GEN8 and ENV3 and are therefore contrary to the development plan. Consequently, the identified conflict with policies GEN8 and ENV3 forms a substantive objection to the current proposals that carries substantial weight in the determination of this application. Accordingly, officers consider the current application should be refused planning permission unless other material considerations indicate otherwise.

Housing Supply

As the current application proposes residential development, the provisions of Paragraph 49 of the Framework are relevant because this paragraph says: *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.*

As reported elsewhere on this agenda, the Council's Annual Assessment of Five Year Supply of Deliverable Sites for Housing has been updated in light of the Council and its partners in the North Derbyshire and Bassetlaw Housing Market Area receiving the final version of the North Derbyshire and Bassetlaw SHMA – OAN Update. This update provides the following assessment of housing supply in the District:

- a basic requirement of 1,360 dwellings (5 x 272);
- a surplus since 2014 of 56 dwellings;
- utilising the Sedgfield approach, a NPPF requirement of 1,370 dwellings (when applying a 5% buffer across the 5-year period);
- a total supply of land that could deliver 5,790 dwellings;
- a deliverable supply of land that could deliver 2,109 dwellings during the 5-year period of 2017/18 to 2021/22 (739 dwellings more than the basic requirement);
- a deliverable supply of land that could deliver a further 309 dwellings during year 2022/23;
- a further supply of land that could deliver an additional 3,372 houses but which was assessed as being undeliverable within the 5-year supply period.

Based on this assessment, officers consider that the Council can demonstrate it has a robust supply of deliverable housing land that is equivalent to just under an 8 year supply. Therefore, the proposed housing is not needed to make up a shortfall in terms of meeting objectively

assessed housing need in the District and on this basis: any argument that the Council cannot demonstrate a five-year supply of deliverable housing sites should be afforded no weight in the determination of this application.

Equally, insofar as Policies GEN8 and ENV3 could be considered to be policies for housing supply, the Council's current position on housing supply, as set out above, means that they should not be considered to be out of date solely with reference to Paragraph 49 of the Framework. Furthermore, there is insufficient information in the application to demonstrate that the proposed housing would come forward within five years of granting any permission for this application.

Therefore, it has yet to be evidenced that the current proposals would address any shortfall in the Council's five year supply and in the absence of this information: only very limited weight could be attached to the benefits of granting planning permission for the current application *even if it could be demonstrated* the District does not have a five year supply of deliverable housing.

National Planning Policy Framework ('the Framework')

Aside from consideration of housing supply, the wider range of policies in the National Planning Policy Framework also need to be taken into account in the determination of this application. Paragraph 215 of the Framework also says the weight to attach to saved Local Plan including policies GEN8 and ENV3 should reflect their degree of consistency with national planning policies (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

In the first instance, the objectives of Policies GEN8 and ENV8 to direct most development to existing settlements and safeguard the open countryside are consistent with the golden thread of sustainable development that runs through national planning policies. In particular, policies GEN8 and ENV3 reflect the emphasis within the Framework that is placed on promoting and encouraging development in sustainable locations with good accessibility, a range of services and infrastructure capable of accommodating growth.

The provisions of GEN8 and ENV3 are therefore also consistent with core planning principles set out in paragraph 17 of the Framework not least with regard to the fifth bullet of Paragraph 17, which says local planning authorities should: *take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.*

Moreover, Paragraph 58 of the Framework talks about the 'quality of development' and how planning policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Amongst other things, Paragraph 58 goes on to say planning policies and decisions should aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials.

In addition, Paragraphs 126 and 131 of the Framework say local planning authorities and decisions on planning application should take into account the desirability of new development making a positive contribution to local character and distinctiveness in the context of conserving and enhancing the historic environment.

It is considered policies GEN8 and ENV3 are consistent with these national policies because they recognise that a rural setting is important to the identity of many settlements and the undeveloped gaps between settlements or groups of buildings are also important to the character of distinct places. Furthermore, the supporting text to policy ENV3 says that in seeking to conserve the landscape, character and ecology of the countryside, the local planning authority will generally oppose aspects of new developments which have an urbanising or suburbanising influence or which lead to urban sprawl.

It is therefore considered that the strategic objectives of policies GEN8 and ENV3 are consistent with national planning policies in the Framework, taken as a whole, because they work against the approval of unsustainable forms of development and promote high quality development that would conserve and enhance the locally distinctive character of the District. Therefore, it is appropriate that weight should be given to the identified conflict with GEN8 and ENV3 in the determination of the current application.

In any event, because the proposed development would extend Clowne beyond its existing settlement limits and have a significant urbanising effect on its predominantly rural setting, the current application also fails to accord with national planning policies in the Framework that seek to safeguard the locally distinctive character of the District. Therefore, it can be considered that the current application conflicts with core planning principles underpinning saved Local Plan policies in the Development Plan and core planning principles underpinning national planning policies in the Framework.

Emerging Local Plan

Section 216 of the Framework says from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In October 2016, the Council published the Consultation Draft Local Plan and this emerging plan is relevant to the current application primarily because it takes forward the provisions of GEN8 and ENV3.

As noted above, the purpose of saved Local Plan policy GEN8 is to define the line within and outside which the adopted Local Plan's General Urban Area Control policies and General Open Countryside Control policies will apply. Appendix 10 of the adopted Local Plan sets out the policies which generally apply in these two parts of the District. Based on the definition provided by policy GEN8, the adopted Local Plan then directs development to sustainable and suitable locations through its site allocation policies and its criteria based policies. As above, the strategic purpose of this policy in defining urban and countryside land is considered to have a high degree of consistency with the Framework and its core planning principles.

This important policy tool has been continued into the Consultation Draft Local Plan in policies SC1: Development within the Settlement Framework and SS8: Development in the Countryside. Together, these policies fulfil a strategic purpose within the emerging Local Plan in defining urban and countryside land and in setting out how proposals in each type of land will be considered by the Council.

Notably, the current application site remains outside the settlement framework in the current version of the emerging Local Plan and the site has been assessed for its suitability for housing. The site was not selected as a preferred residential allocation as there were concerns on landscape grounds and in relation to the suitability over the ability to achieve satisfactory highway access, the impact on wider highway network capacity, landscape impacts, drainage infrastructure provision and the absence of viability information. Therefore, the emerging Local Plan offers no support for the current application.

In relation to policy ENV3, its purpose is to set out the criteria that will be used to determine whether a proposed form of development is acceptable in the countryside. As the policy's preceding explanatory text advises, the adopted Local Plan is based on a strategy where "new development in the countryside will generally be limited to those activities which are essential to the operation of an established rural business or which can be carried out satisfactorily in the countryside." Accompanying this, in relation to residential development the preceding explanatory text specifically states that "Housing development in the countryside will be strictly controlled." Again, as above, this purpose is considered to have a high degree of consistency with the Framework and its core planning principles.

This important policy statement and criteria based policy to clarify the Council's approach to what forms of development will be acceptable in the countryside has been continued into the Consultation Draft Local Plan in policy SS8: Development in the Countryside. This policy forms part of the strategic set of policies that guide development in accordance with the emerging Local Plan for Bolsover District's Preferred Spatial Strategy which guides new development to the District's most sustainable settlements.

To emphasise this point, the policy's preceding explanatory text advises: *"As a predominately rural area, Bolsover District has large swathes of countryside where urban forms of development would not be appropriate or sustainable and not in accordance with the Preferred Spatial Strategy. This restraint on the amount of land removed from the countryside for development also contributes to the delivery of the Local Plan Vision and Objectives regarding conserving and enhancing the quality and character of the countryside, its landscapes and villages."*

Therefore, the current proposals conflict with the spatial objectives of policies in the emerging Local Plan and by carrying forward the provisions of GEN8 and ENV3, the emerging Local Plan confirms that these policies continue to serve a proper planning purpose and are consistent with national planning policies. Consequently, whilst only very limited weight can be afforded to policies in the emerging Local Plan because it has yet to go to examination in public, these policies are relevant and support a conclusion that the identified conflict with GEN8 and ENV3 weighs heavily against granting planning permission for the current application.

Clowne Garden Village

Clowne Garden Village (also referred to as 'Clowne North') is a strategic site in the emerging Local Plan. Clowne Garden Village is relevant to the current application insofar as this allocation moves the focus of recent rapid residential growth that has happened to the south of Clowne, northwards. Amongst other things, this is intended to limit the traffic congestion problems within the village that have grown through traffic from the south having to travel through the village to access the main highways network to the north. In addition, Clowne Garden Village is planned to be of a scale which would enable provision of a new school on the northern site whilst still ensuring the development as a whole remains viable and provides for the wider infrastructure required.

From the sustainability assessment that underpins these conclusions, it is clear that an approach that relies on meeting housing needs through piecemeal development of smaller sites to the south of Clowne, may not realise the same opportunities in terms of infrastructure and services provision. For an example, the scheme proposed in this application does not include any transport infrastructure improvements but the housing proposed would inevitably put more pressure on the local road network. Similarly, the proposed development will put more pressure on local schools and it is not clear this impact can be mitigated.

Therefore, 'speculative' proposals such as the current application for an ad-hoc development to the south of Clowne are not consistent with the planned for sustainable growth of the settlement. Therefore, the public benefits of granting planning permission for the development proposed in the current application are likely to be very limited. In this respect, any approval for the current application would be contrary to core planning principles in the Framework that require Local Planning Authorities to focus significant development in locations which are or can be made sustainable.

Benefits of Residential Development

In summary, the proposals for residential development in open countryside outside of the settlement framework conflict with saved Local Plan policies and emerging policies in the Consultation Draft Local Plan and these policies are consistent with national planning policies in the Framework. Therefore, there is a strong presumption against granting planning permission for the current application because the proposals cannot be deemed to be acceptable in principle. The proposed development would also be located in a less

sustainable location where growth would be less easily accommodated compared to other edge of settlement sites to the north of Clowne.

However, Paragraph 49 (as noted above) and Paragraphs 47 and 50 of the Framework set out the Government's intentions for the planning system to significantly boost the supply of housing and to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities within the context of a presumption in favour of sustainable development. The applicant argues that the proposed housing development would meet these objectives and would benefit Clowne contrary to the views expressed by officers in this report. It is also noted that objectively assessed need relates to the minimum number of houses needed in the District. Therefore, it is still appropriate to take into account the benefits of granting planning permission for additional housing in the District despite conflict with the current Local Plan and the emerging Local Plan, despite the identified conflict with national planning policies and even though the Council can demonstrate it has a five year supply of deliverable housing.

Firstly, it is acknowledged an approval of the current application could provide economic benefits in the short term through local employment opportunities during the construction phase of the proposed development. The newly-built housing would also help sustain and enhance existing services within Clowne and provide increased open space and public footpaths provision. However, these benefits are not locationally dependent on housing development on the application site and could be achieved by other planned for housing developments within the local area. Therefore, in their own right, the more generic benefits that might be associated with the proposed residential development would not offset or outweigh the identified conflict with GEN8 and ENV8 and the Development Plan and would not offset concerns about further housing development to the south of Clowne.

Presumption in favour of Sustainable Development

Although the more generalised benefits associated with new housing do not warrant an approval of this application in their own right and the Council's position in respect a five year supply of housing means that there is not a compelling argument to accept the proposed housing to meet an identified need for more housing in the District: it is also appropriate to consider the development in the context of the 'tilted balance' in paragraph 14 of the Framework that sets out a presumption in favour of sustainable development. This means assessing whether the benefits of granting planning permission for the current application would be significantly and demonstrably offset or outweighed by the adverse impacts of doing so even though officers do not consider the 'tilted balance' is engaged in this case.

In this context, alongside the issues discussed in earlier sections of this report: the key issues that need to be considered in an assessment of the overall sustainability of the current proposals include the environmental impact of the proposed development, which is closely related to the landscape and visual impact of the proposed development in this case. The proposals would also result in the loss of Grade 2 agricultural land.

The socio-economic impacts of the proposed development are also important considerations and in particular, the extent to which the proposed development would have a positive or

negative impact on local infrastructure including provision of affordable housing, health and education provision and the capacity of the local road network to accommodate additional vehicular movements generated by the proposals, as noted above. Finally, it is important to consider the contribution the proposed development would make to place making in terms of the provision of open space, recreational facilities and public art when assessing the planning merits of the current application.

Landscape and Visual Impact

It is clear that the proposals would inevitably change the character of the site from arable fields to a housing development, and therefore affect the character and appearance of the rural edge of Clowne. As noted in earlier sections of this report, the proposed development would encroach into the open countryside beyond the existing limits of the main built-up area of Clowne and by virtue of the size and scale of the proposals; the proposed development would have a harmful urbanising effect on the rural setting of the settlement. In many respects, a fuller assessment of the visual impacts of the proposed scheme on the wider landscape is not easy at this stage because the current application is for outline planning permission. In this case, the appearance of the proposed housing, landscaping, layout and scale are all reserved matters and therefore it is difficult to say more than housing on the application site would or would not be acceptable as a matter of principle.

However, the submitted Landscape and Visual Impact Assessment examines the wider landscape impacts associated with the proposals. The assessment suggests the most important landscape features on the application site are largely confined to the site boundaries in the form of the existing native and coniferous hedgerows. Tree cover on the site is restricted to the small group of deciduous trees to the northwestern site boundary (of around 4m in height) and two lines of coniferous trees of around 10m in height along the eastern boundary continuing into the Site. Overall the landscape character of the application site is said to reflect that of the wider Limestone Farmlands through its arable use, gentle topography, regular field pattern and hedgerow enclosure. There is no public access to the site, the housing located to the north and west exerts an urbanising influence upon the landscape character of the immediate area and act as a means of containment to the north and east. The applicant's landscape and visual impact assessment therefore suggests the landscape quality of the site is *medium* and the landscape sensitivity and value is *medium/low*.

The applicant's landscape and visual impact assessment also says the level of vegetation cover and built form surrounding the site provides a reasonable level of screening from much of its surroundings. The submissions point out that the new dwellings proposed would not extend any further south than the existing housing along Mansfield Road. It is recognised that development at the site will extend further south than the existing housing off Ridgeway West. The indicative plans illustrate how new areas of open space will occupy the eastern most parts of the site. The submissions suggest this ensures the development respects the existing rural character of the lane and overall would provide a proposal which is reflective of the existing settlement pattern, forming a logical, small scale extension. The applicant also notes that the site is not covered by any statutory or non-statutory designations for landscape character or quality.

In general terms, officers are in agreement that the site is relatively enclosed meaning that the visual impact of the proposed development would be mainly restricted to the near distance and the surrounding dwellings. In landscape terms, the visual impacts of the development are therefore considered to be likely to be relatively minor in terms of the wider area. Subject to compliance with the broad layout shown within the submitted plans, the site could be developed to provide an extension to the existing settlement which could be related to the existing pattern of development and would not have a significant impact on the wider landscape. The proposals would also provide new public open space in the east and south of the site providing a landscaped edge to the settlement seeking to minimise the impacts of the development on the wider countryside. These factors differ from the previous application that determined at appeal partially on the same site. In particular, the applicants confirm play space is to be accommodated; the site is larger and offers more flexibility in layout terms to provide a more appropriate settlement edge.

Therefore, the current proposals would be likely to have a limited visual impact on the character of the wider landscape but the submitted landscape and visual impact assessment does not demonstrate that the proposals would significantly improve the environmental quality of the local area. In particular, granting permission for the current application would not give rise to any significant environmental enhancements or socio-economic benefits in accordance with the intent of saved Local Plan policy GEN2 or create an improved settlement boundary in accordance with the intent of saved Local Plan policy GEN11.

In these respects, the landscape and visual impact assessment and the applicant's plans do not demonstrate that an approval of the current application would result in an acceptable long-term boundary to the urban edge because it cannot be demonstrated that a substantial landscape area can be provided to minimise the visual impact of the development on the countryside. Therefore, notwithstanding the potential for a landscaping condition on any permission at the site boundary, the proposals are unable to fully meet the requirements of saved Local Plan policy GEN11

Furthermore, while, the land is adjacent to the existing urban edge and with a limited projection south into the countryside - this does not represent a convincing justification for the development when it is considered that the proposals would have an adverse visual impact on the intrinsic quality of the countryside surrounding Clowne by virtue of the suburbanising effect of residential development on the rural setting of the town contrary to the provisions of saved Local Plan policy GEN2.

Consequently, the proposals do not comply with the requirements of saved policies GEN2 and GEN11 which seek to minimise the environmental impacts of proposed development in the District. Policies GEN2 and GEN11 are consistent with core planning principles in the Framework that seek to safeguard the intrinsic quality of the countryside and the locally distinctive character of the District. Therefore, the visual impact of the development on the character and appearance of the local area is an adverse impact that weighs heavily against granting planning permission for the current application. This conclusion also confirms that the 'in principle objection' to the proposed housing outside of the settlement framework contrary to GEN8 and ENV3, as set out in earlier sections of this report, relates to a significant and demonstrable adverse impact on the environmental quality of the local area.

Agricultural Land

The development would be built out on Grade 2 agricultural land where saved Local Plan policy ENV 2 seeks to prevent development. Paragraph 112 of the Framework sets out more recent national policy and says that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. This paragraph goes on to say where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

In this case, it is considered the size and scale of the development does amount to significant development of agricultural land and therefore, the loss of agricultural land contrary to ENV3 would form a reason for refusal of the current application that is consistent with national planning policies. The loss of Grade 2 agricultural land is therefore a further adverse impact of the proposed development that diminishes the benefits of granting planning permission for the scheme and substantiates the conclusion that the proposed development would diminish the environmental quality of the local area.

Affordable Housing

Saved Local Plan policy HOU6 seeks to ensure that larger housing developments (of 25 or more houses) provide an element of affordable housing that would be made available to people who cannot afford to rent or buy houses generally available on the open market. The Bolsover District Council Supplementary Planning Guidance: Affordable Housing (SPG) contains a presumption that 10% of the site capacity of larger housing developments shall be provided as affordable housing.

These policies are consistent with national planning policies set out in paragraph 50 of the Framework, which says local planning authorities should to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Paragraph 50 goes on to say where local planning authorities have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities.

At present, there is a need for affordable housing in the district, as demonstrated by the SHMA 2013 which estimated that 533 units of affordable housing would be required each year 2013-18 to fully meet housing need. In the Clowne sub market area alone the estimated figure is 149 units each year. Therefore, the applicant's offer to make 10% of the total number of houses on site affordable housing is therefore highly relevant.

However, whilst there would be clear social benefits resulting from granting planning permission for a scheme that would help to meet the proven need for more affordable housing

in the local area, the proposed affordable housing meets a policy requirement rather than forming a unique benefit that would result from granting permission for the current application. In other words, this offer enables the current application to meet the requirements of HOU6 rather than offer wider public benefits that would weigh heavily in favour of approving the current application.

Moreover, the offer of affordable housing would need to be secured by a planning obligation to be afforded any weight in the determination of the current application and a viability appraisal would be required to demonstrate that the scheme would still be deliverable with 10% on-site affordable housing.

Health

A core planning principle set out at Paragraph 17 of the Framework is that Local Planning Authorities should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. Paragraph 69 of the Framework says: *The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see.*

Paragraph 70 of the Framework goes on to say planning decisions should:

- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

In terms of health provision, this should mean ensuring local health centres have sufficient capacity to serve the existing needs of the local community and the future needs of occupants of proposed housing schemes.

In this case, the Clinical Commissioning Group considers that a commuted sum of £38,040 is required to mitigate the impact of the proposed development on Springs Health Centre in Clowne. The requested contribution would be used to extend the existing practice to meet the additional demand for services. At present, the applicant has not agreed to make this contribution.

Therefore, in the absence of appropriate mitigation for the impact of the proposed development, granting permission for the current application would have an adverse impact on the local community by putting additional pressure on the local GP surgery that has not got sufficient capacity to meet the increased demand that would be placed on it by the proposed development. However, this issue could be resolved if the applicant were to demonstrate the requested contribution could be made by way of a viability appraisal and the contribution was secured by a legal agreement.

Education

As above, Paragraph 17 of the Framework requires Local Planning Authorities to take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. Paragraph 72 of the Framework says the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

However, an approval for the current application would conflict with these Government's objectives for education because the County Council advise that neither the nursery and infant school nor the junior school nor the secondary school in Clowne would have sufficient capacity to accommodate the additional pupils that would require school places if the proposed housing development was to go ahead for the following reasons:

Primary Level Need: An evaluation of recently approved residential developments of 11 or above units or over 1,000 square metres of floor space within the normal area of Clowne Infant and Nursery School shows new development totalling 188 dwellings, which would generate an additional 16 infant pupils. The analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would have sufficient capacity to accommodate the 9 infant pupils arising from the proposed development.

Clowne Junior School has capacity for 360 pupils, with 365 pupils currently on roll. The number of pupils on roll is projected to decrease during the next five years to 348. An evaluation of recently approved residential developments of 11 or above units or over 1,000 square metres of floor space within the normal area of Clowne Infant and Nursery School Primary School shows new development totalling 188 dwellings, which would generate an additional 22 junior pupils. The analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would not have sufficient capacity to accommodate the 11 junior pupils arising from the proposed development.

It is therefore clear from this school place analysis that the County Council will not be able to provide local school places for the junior aged pupils generated from this development (17/00405/FUL) at the existing school within Clowne. The existing school, within whose normal area the development lies, is projected to stay substantially full. The site and buildings at both the infant and junior school do not allow for further expansion and this would not be desirable given the already large size of the schools. Therefore from an education perspective the County Council is not able to accommodate the pupils arising from the proposed development in the existing primary level infrastructure and as such would only request contributions where additional school place provision could be made. The applicant has not otherwise suggested a contribution that might be pooled to make a larger developer contribution towards a new school.

Secondary Level Need: An evaluation of recently approved residential developments of 11 or above units or over 1,000 square metres of floor space within the normal area of Heritage High School - A Mathematics & Computing Specialist College shows new development totalling 658 dwellings, which would result in demand for an additional 99 secondary pupils. Analysis of the current and future projected number of pupils on roll, together with impact of the approved planning applications shows that the normal area secondary school would not have sufficient capacity to accommodate 15 secondary pupils arising from the proposed development.

Nonetheless, the County Council consider the impact of the development on secondary level education can be mitigated for by a commuted sum of £ 257,642.55 towards the provision of additional teaching accommodation. However, whilst the applicant has made an offer to pay the requested contribution with regard to the final numbers of dwellings that would be built out, there is no viability appraisal to demonstrate the proposed development would be sufficiently viable to meet this cost and no legal agreement has been drafted that would secure a proportionate contribution towards this cost. Therefore, in the absence of appropriate mitigation, the proposed development would have an adverse impact on secondary education in the local area.

Consequently, the proposed development would have a significant adverse impact on local education provision contrary to national planning policies that attach great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. In the absence of appropriate mitigation for the impact of the proposed development on local schools, granting permission for the current application would not reflect the local community's needs or support its social well-being and would result in a consequential negative impact on the viability and vitality of the local area contrary to saved Local Plan policy ENV3.

Furthermore, as there is insufficient primary level capacity to accommodate the increase in pupils forecast to be generated by this proposed development and the development itself cannot enable the necessary provision, it is considered that the proposed development cannot be considered to be a sustainable form of development.

Local Road Network

Paragraph 32 of the Framework says development may be prevented or refused on transport grounds where the residual cumulative impacts of development are severe and all development that would generate large amounts of traffic should be provided with a safe and suitable access. Saved Local Plan policy GEN1 says the minimum requirement for all development is that the local highway network must be able to accommodate the vehicular, cycle and pedestrian traffic from the development site without causing material harm to highway safety or unacceptable congestion.

In this case, the Local Highway Authority agrees with the findings of the submitted Transport Statement and find that the proposed development would not have a severe impact on the local road network or cause material harm to highway safety. In reaching these conclusions, the Local Highway Authority has assessed the proposed access on to Mansfield Road and

have raised no objections on highway safety grounds. The Local Highway Authority also assessed the Transport Assessment which details the methodology used to predict the demand associated with the development and provides an assessment of the potential impact of the development on the highway network including existing committed developments.

The data analysis within the Transport Assessment calculates the differences between the committed traffic usage upto 2021 and contrasts this against the 'with development scenario'. The submitted report suggests the greatest increase in estimated flows associated with the development is at the B6418/B6417 junction, which is estimated to increase by 83 trips during the AM peak hour and 73 trips in the PM peak hour, equivalent to an increase of 6.0% and 4.3% respectively and less than two new trips every three minutes. The change in flows at the B6418/Boughton Lane/The Arc Access Road junction is expected to be lower, with the increase in traffic forecast to be 54 two-way trips in the AM peak hour and 47 trips in the PM peak hour, equivalent to only 4.5% and 3.2% respectively. When the capacity of these junctions is analysed in line with a robust form of data analysis (known as FLAT analysis), the modelling results indicate that both the B6418/B6417 and B6418/Boughton Lane/The Arc junctions would continue to operate within theoretical capacity.

The Local Highway Authority have considered the detailed methodology provided within the Transport Assessment and raise no concerns regarding the robustness of the modelling information or the conclusions within the submissions relating to trip generation or junction capacity assessment. The Highway Authority also confirms the proposed access arrangements shown within the submitted plans achieve suitable visibility for the speed of the road at that point along Mansfield Road. It is therefore concluded that the proposed development would not have a significant adverse effect on main junctions in the vicinity of the site or the wider road network and that the site can be provided with a safe and suitable access.

Consequently, the proposals are considered to meet the requirements of saved policy GEN1 and relevant national planning policy in these respects. However, the proposed development does not include any proposals that would provide any additional transport infrastructure. Therefore, there are no objections to the proposals on highways grounds but granting planning permission for the current application would not have any beneficial impact on the local road network through the provision of additional transport infrastructure, for example.

Place Making

As the current application is for outline permission and all matters are reserved other than access, it is not appropriate to make a detailed assessment of the design and layout of the proposed housing development at this stage. However, it is important to assess the contribution the proposed development would make to place making in terms of the provision of open space, recreational facilities and public art when considering whether the proposed development would be acceptable in principle and when assessing the benefits of any approval for the current application.

Paragraph 73 of the Framework says access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of

communities. Paragraph 75 on the Framework goes on to say planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

Saved Local Plan policy HOU5 reflects this guidance by saying that the provision of adequate public open space is an essential requisite of an acceptable urban environment, and that every new dwelling increases the demand for local public open space from children and adults for play, sports and general recreation and leisure use. With regard to HOU5, the minimum area of open space for this particular development would be 2,000m² (0.2ha) whereas the proposal includes 1.37ha of green infrastructure, which significantly exceeds this requirement.

Similarly, the proposals include a LEAP standard play area, which would be expected for a development of this size, but a more central / visible location would be preferable. As proposed, the play area appears to have been hidden in a corner of the site where there is limited natural surveillance from neighbouring properties and it appears to be surrounded (at least on one side) by vegetation.

As the proposed development isn't of sufficient scale to require any dedicated on site built and outdoor sports facilities it is recommended that a suitable commuted sum is negotiated in lieu of any formal on site requirement to achieve compliance with policy HOU5. Using the current policy formula, the commuted sum should be £93,400 (100 dwellings x £934 per dwelling). This commuted sum would be invested in upgrading built and outdoor sport facilities within the parish but to date, the applicant has offered to make a proportionate contribution towards off-site facilities and has offered a sum for maintenance for the open space and play area if it were anticipated the Council would adopt these aspects of the proposed development in the future. However, a legal agreement has not been provided that would secure these offers.

The creation of new footpaths is welcomed as these will provide improved access for residents of this development and those off Mansfield Road into the wider countryside. However, the proposed footpath in the north eastern corner of the site, which links the development to Ringer Lane, should be created as a shared pedestrian / cycle path with a width of at least 3m. As shown in the masterplan, there is currently only one access into the development off Mansfield Road and the development does not appear to have any relation / connection to the existing residential areas in the southern part of Clowne. A shared use pedestrian / cycle path would at least create a connection that would allow / encourage non-car access to Clowne town centre via the network of quiet residential roads between Ramper Avenue and the town centre.

Saved Local Plan policy GEN17 seeks a contribution towards public art of 1% of the total development costs on developments of over £1million. The applicant has stated they are not willing to make any offer to meet the specific requirements of this policy and there are no public art proposals included in the submitted application. However, the applicant has said they would be willing to accept a condition on any approval requiring provision of on-site public art.

Therefore, the proposals could provide some benefits to the local area through a revised scheme for the footpath links, relocation of the proposed play area and through the provision of open space that exceeds policy requirements. In contrast, the absence of a legal agreement securing a proportionate contribution towards upgrading built and outdoor sport facilities within the parish and the absence of a firm offer towards public art diminishes the wider public benefits of granting planning permission for the current application. Furthermore, a viability appraisal would be needed to demonstrate that the development could not only meet the costs of the proposed contributions but also remain deliverable.

Consequently, the current application does not fully meet expectations in respects of place making as set out in national planning policies and in HOU5 and GEN17 and it has not yet been demonstrated that these expectations could be met. This conclusion weighs against the proposed development in the planning balance.

The Planning Balance

In summary, granting planning permission for the current application would give rise to some socio-economic benefits through the provision of new housing. Subject to prior entry into a s.106 legal agreement, the current application could meet policy requirements in respects of provision of on-site affordable housing. Subject to a viability appraisal that demonstrates the proposed housing could meet these costs and subject to prior entry into a s.106 legal agreement, the current application could meet policy requirements in respects of provision of off-site sports facilities and requested contributions towards health and secondary education. A planning condition could be used to secure provision of on-site public art and at this stage; there are no overriding objections to the proposals on highway safety grounds.

However, the absence of a viability assessment and agreed heads of terms for a legal agreement limits the weight that can be attached to the offer of contributions towards local infrastructure. Furthermore, the 'benefits' resulting from granting permission for the current application are mostly only sufficient to meet policy requirements or go little further than minimising the adverse impacts of the development. Finally, in the absence of a viability appraisal and any evidence that demonstrates the scheme is deliverable within the next five years: limited weight can be attached to the limited benefits of granting planning permission for the current application.

In contrast, the visual impact of the proposed housing on the rural setting of Clowne would have a significant and demonstrable adverse affect on the character of the local area that would not be mitigated for by an appropriate landscape buffer. There would be loss of Grade 2 agricultural land that would exacerbate further losses throughout the District where housing developments have been granted planning permission outside of settlement framework in exceptional circumstances that do not exist in this case.

Furthermore, if the proposed development was granted planning permission, there would not be sufficient capacity at primary school level to accommodate pupils from the new development and this would have a significant and demonstrable adverse impact on the town as a whole. In this respect, any approval for the current application in these circumstances would fail to meet the Government's objectives of ensuring that a sufficient choice of school

places is available to meet the needs of existing and new communities. In addition, the submitted plans and supporting information do not demonstrate that the proposed development would contribute positively to creating a sense of place or give rise to any significant benefits to the local community in terms of improving the environmental quality of the local area.

It is therefore considered that the adverse impacts of granting planning permission would significantly and demonstrably offset and outweigh the benefits of doing so and the proposed development cannot be considered to be a sustainable form of development when considered against national planning policies in the Framework as a whole. Consequently, there is no presumption in favour of granting planning permission for the current application that is otherwise contrary to policies in the Development Plan because of the location of the application site in the countryside outside of the settlement framework. Therefore, even if the tilted balance were to be engaged in this case, it would not lead to an approval of the current application. Accordingly, officers are recommending the current application should be refused planning permission for the following reasons:

1. The proposed residential development would be located outside the settlement framework and it cannot be demonstrated that a housing scheme of up to 100 houses is necessary in the proposed location in the countryside. Therefore, the current application is contrary to saved Local Plan policies GEN8 and ENV3 and granting planning permission for the current application would constitute an unwarranted departure from the Development Plan and would conflict with the planned sustainable growth of the District as set out in the emerging Local Plan.
2. The proposed development would have a significant adverse impact on local education provision contrary to national planning policies that attach great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. In the absence of appropriate mitigation for the impact of the development on local schools, granting permission for the current application would not reflect the local community's needs or support its social well-being and would result in a consequential negative impact on the viability and vitality of the local area contrary to saved Local Plan policy ENV3.
3. The site is beyond the existing built edge of Clowne and would represent a further extension and encroachment of Clowne southwards into the surrounding countryside, which at this point begins to drop away opening up views of wider Magnesian Limestone landscape. The development proposals would have an adverse urbanising effect that would be harmful to the landscape setting of the settlement and would detract from the rural character and appearance of the surrounding landscape. The submitted plans also fail to demonstrate an appropriate landscape boundary could be achieved or that the scheme would otherwise improve the environmental quality of the local area also taking into account the proposals would result in the loss of Grade 2 agricultural land. Therefore, the proposals are contrary to the specific requirements of saved Local Plan policies ENV2, GEN2 and GEN11 and contrary to core planning principles in the National Planning policy Framework.

4. In the absence of any viability appraisal or evidence on delivery, there is no certainty that any benefits of granting planning could be achieved in a reasonable time frame or that the proposed development could make appropriate contributions towards local infrastructure. However, the proposed development would demonstrably harm the environmental quality of the local area and detract from the social and economic well-being of the local community. Consequently, the current proposals constitute an unsustainable form of development and any benefits of granting planning permission for the current application would be demonstrably and significantly outweighed by the adverse impacts of doing so when taking into account policies in the Development Plan and the National Planning Framework as a whole.

In this case, there are no other material considerations that would weigh heavily in the determination of the current application for the following reasons:

Biodiversity

The application includes an Ecological Report prepared by a Chartered Ecologist and included specific species surveys relating to habitat suitability, bats and reptiles. The submissions set out how the site is dominated by arable and improved grassland fields of limited ecological importance. Hedgerows which bound the site are of greater ecological interest. The majority of these hedgerows are intended to be retained as part of the development proposed. Low numbers of common bat species have been identified utilising the Site. Measures to minimise adverse effects on bats have been set out within the submitted report along with precautionary measures in respect to nesting birds during construction. No reptile population has been found at the site.

Hollinhill and Markland Grips SSSI is an area of unimproved grassland and woodland, located c. 1km east of the Site. To mitigate for the predicted on-going effects of increased recreational pressure from the development upon the SSSI, an area of public open space (POS) is proposed to be provided on-site. These measures are suggested to avoid potential adverse effects on the SSSI. Furthermore, a number of opportunities for ecological enhancement are also included within the report and seek to create habitats of importance within public open space, structural landscaping and drainage features. These include the creation of woodland/hedgerow edge, grassland, scrub and wetland habitats.

The Ecological submissions state that following the successful implementation of the mitigation measures set out, and subject to findings of ongoing surveys, no significant adverse ecological effects are predicted as a result of the proposed development. Subject to the delivery of proposed landscaping and ecological enhancement measures, it is anticipated that net gains for biodiversity are achievable and that such enhancement can be secured via appropriately worded planning conditions and control of detailed designs for the Site.

Natural England have been consulted owing to the presence of the SSSI in the vicinity of the site. No objections were raised in their formal response. In addition Derbyshire Wildlife Trust have considered the submitted details, survey work and mitigation proposed. No objections are raised to the methodology, conclusions or extent of mitigation proposed within the reports provided. Within their comments, the Wildlife Trusts response conditions relating specifically

to bat, bird and other species are recommended. Subject to these conditions, Officers would be satisfied there are no objections to the proposals on the basis of their ecological impacts.

However, the ecological enhancements that could be achieved are not sufficient to offset or outweigh the adverse impacts of the visual impact of the development or the lack of capacity in local schools and do not justify development in the countryside outside of the settlement framework.

Drainage and Flood Risk

Originally concerns were raised by Derbyshire County Council Lead Local Flood Authority. The applicant sought to provide further information in the form of a flood risk assessment to address the concerns and formal comments from the Flood Authority consultee have since been provided. Although some words of caution still exist within the response, the response confirms the current plans for the use of Sustainable Drainage Systems to dispose of surface water from the proposed development are above ground and would be considered acceptable by the LLFA and appropriate conditions are recommended. Subject to such conditions Officers are satisfied that flood risk and surface water drainage for the site can be appropriately managed.

The Council has also consulted with Severn Trent Water to assess if there are any significant drainage infrastructure concerns. Severn Trent have confirmed that no significant foul or surface water drainage capacity concerns exist beyond those usually relevant to housing proposals i.e. ensuring surface water is controlled at source via a SUDS system. However, these conclusions relate solely to an aspect of the development that accords with policy rather than a benefit or benefits of the scheme that could form a reason for approval of the current application.

Ground Conditions

Paragraph 120 of the Framework says that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

In this case, there are no land stability issues or coal mining legacy issues and no requirement for any significant remediation in respects of pollution. In this case, an appropriate condition would deal with the relatively limited potential for contaminated land within the application site. It is therefore considered that dealing with the prevailing on-site ground conditions does not constitute a key issue in the determination of the current application.

Historic Environment

There are considered to be limited wider effects from the development in terms of historic character. The site borders a modern residential estate and does not exist in such close proximity to designated heritage assets as to have effects upon heritage significance.

The Archaeological Impacts associated with the development were the subject of discussion during the course of the application and further evidence in relation to the historic significance of the site has been submitted during the course of the application. In terms of buried remains, no significant recorded remains exist within the site area or its wider proximity. The map regression analysis carried out shows the site has remained largely undeveloped and geo-physical survey was carried out. The geophysical survey did not confirm any anomalies that might relate to early field enclosures or other significant interest.

Initially objections were received from the County Archaeologist that insufficient information had been received and that further archaeological work should be carried out prior to determination of this application. Following the provision of the above detail, the County Archaeologist remarks that the survey work provided does show some elements of probable and possible archaeology that will need to be investigated and recorded in line with Paragraph 141 of the Framework.

The survey results suggest a probable field system with other small areas of possible activity, as well as some 'ring' cropmarks not showing within in the geophysics which may be of natural origin but should be tested. The County Archaeologists therefore consider the most appropriate response would be for further archaeological work to take place post-consent, secured by a planning condition. This work would comprise trial trenching in the first instance, followed by further excavation to fully record any areas of significant archaeological remains thus identified. Subject to conditions to address these matters, Officers assess the effects of proposed development upon archaeological remains can be understood and can be protected or recorded proportionate to their significance in line with Paragraph 141 of the Framework.

Again, these conclusions relate solely to an aspect of the development that accords with policy rather than a benefit or benefits of the scheme that could form a reason for approval of the current application.

Neighbourliness

The application is submitted in outline with only access details having been formally provided. An indicative site plan is provided showing a potential road and footpath arrangement. Concerns are raised that footpaths in the manner shown and play areas in the locations shown would result in loss of privacy and other amenity impacts to existing residents. As the application is outline only, the detailed layout of the site is not part of the application discussions at this time, and although some critique of the layout is made by the Council's Urban Designer, such matters would need to be considered further when the scale, layout and appearance of the proposed site is considered at the Reserved Matters stage when more precise detail would be provided.

Equally, the precise relationships between existing and proposed houses would need to be examined more closely at reserved matters stage if permission were to be granted for the current application. However, the nature of the proposals does not give rise to any overriding concerns that the proposed development would be unneighbourly as a matter of principle. The issues around the construction phase could otherwise be dealt with by planning conditions. Therefore, neighbourliness issues do not weigh heavily for or against an approval of the current application.

Conclusions:

It is therefore concluded that when all relevant considerations are taken into account, there are no exceptional circumstances in this case that would warrant granting permission for the current application or that any benefits of granting planning permission for the current application would outweigh the adverse impacts of doing so. Therefore, as set out in the previous sections of this report, it is considered the current application proposes an unsustainable form of development that would not only be a departure from the Development Plan and conflict with the emerging Local Plan but the proposed development would also conflict with national planning policies in the Framework when taken as a whole. Accordingly, the current application is recommended for refusal.

RECOMMENDATION

The current application be REFUSED for the following reasons:

5. The proposed residential development would be located outside the settlement framework and it cannot be demonstrated that a housing scheme of up to 100 houses is necessary in the proposed location in the countryside. Therefore, the current application is contrary to saved Local Plan policies GEN8 and ENV3 and granting planning permission for the current application would constitute an unwarranted departure from the Development Plan and would conflict with the planned sustainable growth of the District as set out in the emerging Local Plan.
6. The proposed development would have a significant adverse impact on local education provision contrary to national planning policies that attach great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. In the absence of appropriate mitigation for the impact of the development on local schools, granting permission for the current application would not reflect the local community's needs or support its social well-being and would result in a consequential negative impact on the viability and vitality of the local area contrary to saved Local Plan policy ENV3.
7. The site is beyond the existing built edge of Clowne and would represent a further extension and encroachment of Clowne southwards into the surrounding countryside, which at this point begins to drop away opening up views of wider Magnesian

Limestone landscape. The development proposals would have an adverse urbanising effect that would be harmful to the landscape setting of the settlement and would detract from the rural character and appearance of the surrounding landscape. The submitted plans also fail to demonstrate an appropriate landscape boundary could be achieved or that the scheme would otherwise improve the environmental quality of the local area also taking into account the proposals would result in the loss of Grade 2 agricultural land. Therefore, the proposals are contrary to the specific requirements of saved Local Plan policies ENV2, GEN2 and GEN11 and contrary to core planning principles in the National Planning policy Framework.

8. In the absence of any viability appraisal or evidence on delivery, there is no certainty that any benefits of granting planning could be achieved in a reasonable time frame or that the proposed development could make appropriate contributions towards local infrastructure. However, the proposed development would demonstrably harm the environmental quality of the local area and significantly detract from the social and economic well-being of the local community. Consequently, the current proposals constitute an unsustainable form of development and any benefits of granting planning permission for the current application would be demonstrably and significantly outweighed by the adverse impacts of doing so when taking into account policies in the Development Plan and the National Planning Framework as a whole.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

EIA Screening Opinion

The development is not Schedule I development but does comprise urban development as described in column one of Schedule II of the EIA Regulations 2017. The application site is not located in a sensitive location for the purpose of these regulations and the development does not exceed the thresholds set out in column 2 of Schedule II. Therefore, the proposed development is not EIA development.

Statement of Decision Process

By virtue of the nature of the proposals and their location, it is not possible to address the fundamental objections to these proposals through revisions to the scheme. It is also not possible to mitigate for the adverse impact of the proposed development on education capacity in the local area. Nonetheless, the Council have worked positively and pro-actively with the applicant to seek to address all other planning issues prior to the determination of the current application.