

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 in to 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 nursesey'. 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 cause 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.

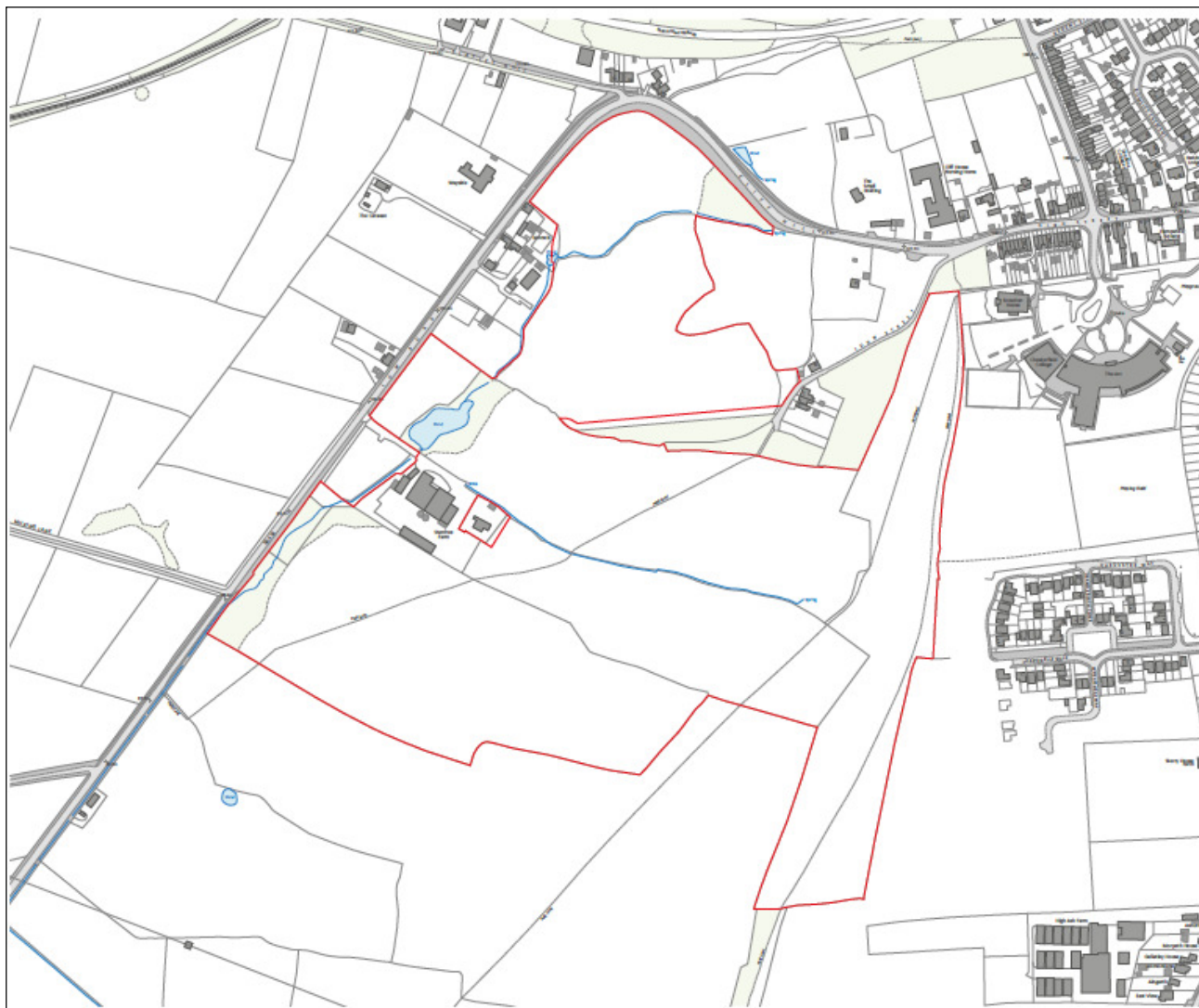
However, it was considered by officers that it was not appropriate to grant an extension of time to allow the applicant to seek to deal with these issues in the face of significant public interest in the proposals taking into account the wide range of additional information required and the time it would 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

