

The Arc
High Street
Clowne
Derbyshire
S43 4JY

Date: 30th January 2018

Dear Sir or Madam

You are hereby summoned to attend a meeting of the Planning Committee of Bolsover District Council to be held in the Council Chamber, The Arc, Clowne, on Wednesday 7th February 2018 at 1000 hours.

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

You will find the contents of the agenda itemised on pages 2 and 3.

Yours faithfully



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

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**PLANNING COMMITTEE
AGENDA**

**Wednesday 7th February 2018 at 1000 hours
in the Council Chamber, The Arc, Clowne**

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	<u>Apologies for Absence</u>	
2.	<u>Urgent Items of Business</u>	
	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972	
3.	<u>Declarations of Interest</u>	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda	
	b) any urgent additional items to be considered	
	c) any matters arising out of those items	
	and if appropriate, withdraw from the meeting at the relevant time.	
4.	To approve the minutes of a meeting held on 20 th December 2017	4 to 8
5.	Notes of a Site Visit held on 15 th December 2017	9
6.	Applications to be determined under the Town & Country Planning Acts.	
	(i) 17/00587/FUL - Development of a new single storey medical centre (D1) and associated car parking and landscaping at Proposed Medical Centre, Main Street, Whaley Thorns	10 to 19
	(ii) 17/00405/FUL - Application for the erection of 96 dwellings, with associated car parking, infrastructure, surface water attenuation basin and open space at Land to the North of Congreave House and to the South of High Ash Farm, Mansfield Road, Clowne	20 to 46

- (iii) 17/00598/OUT - Glapwell Nurseries, Glapwell Lane, Glapwell, Chesterfield 47 to 68
- (iv) 17/00571/FUL - Proposed residential development of 6 no. two-storey dwellings at Land To The South 16 And 18 Ash Close, Pinxton 69 to 89

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Wednesday 20th December 2017 at 1000 hours.

PRESENT:-

Members:-

Councillor D. McGregor in the Chair

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

Officers:-

C, Fridlington (Planning Manager (Development Control)), J. Fieldsend (Team Leader (Non Contentious) Solicitor), L. Robinson (Finance Assistant) (Observing) and A. Brownsword (Senior Governance Officer)

0488. APOLOGIES

Apologies for absence were received from Councillors T. Connerton, R. Turner and B. Watson

0489. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

0490. DECLARATIONS OF INTEREST

There were no declarations of interest.

0491. MINUTES – 22ND NOVEMBER 2017

Moved by Councillor T. Munro and seconded by Councillor B.R. Murray-Carr
RESOLVED that subject to Councillor Dixey's apologies being added under Minute No. 0423 – Apologies, the minutes of a meeting of the Planning Committee held on 22nd November 2017 be approved as a true and correct record.

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0492. SITE VISIT NOTES – 17TH NOVEMBER 2017

Moved by Councillor D. McGregor and seconded by Councillor P. Smith

RESOLVED that the notes of a Planning Site Visit held on 17th November 2017 be approved as a true and correct record.

0493. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

1. 17/00566/VAR - Removal of condition 3 of application 15/00216/OUT (There shall be no commencement of development on the housing element of the proposals including site works until the building shell of phase 1a of the hotel development as shown on the concept plans) at Hotel Van Dyk and Land South Of Plantation on North Side of Worksop Road, Clowne

Further details and an amended recommendation were included within the Supplementary Report.

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

Mr. C. Carr and Mr. P. Eyre attended the meeting and spoke in support of the application.

The Committee considered the application having regard to the previous permission granted, Section 73(2) of the Town and Country Planning Act and the need to encourage inward investment into the District.

Moved by Councillor D. McGregor and seconded by Councillor S.W. Fritchley

RESOLVED that Application No. 17/00566/VAR be APPROVED subject to prior entry into a s.106 legal agreement containing the following obligations:

1. No Commencement of Development of the Residential Property shall take place until:
 - i. the Section 278 Agreement has been completed;
 - ii. a contract to carry out the Highway Works has been signed and dated;
 - iii. a contract to carry out the Hotel Extension Works has been signed and dated;
 - iv. the Owner has given at least 10 days written notice to the Council of the intended Commencement Date.
2. The hotel owner will use their best endeavours to enforce the building contract in relation to the hotel extension to ensure the hotel extension works are completed;

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AND

subject to the schedule of conditions attached as Appendix A, which includes the subsisting conditions attached to the original outline planning permission (as recommended by Planning Practice Guidance), and the following variation of Condition 3 attached to 15/00216/OUT:

- Prior to the hotel extension being taken into use and/or prior to the first occupation of any of the houses hereby permitted, the roundabout subject of Condition 4 (below) shall be completed and fully available for its intended use to provide access to both the housing site and the hotel.

(Planning Manager (Development Control))

2. 16/00510/FUL - Erection of residential development comprising 32 two-bedroom dwellings (a mix of single storey and two storey) and associated access, car parking and landscaping at Jacques Brickyard, Water Lane, South Normanton, Alfreton

Further details and an amended recommendation were included within the Supplementary Report.

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

The Committee considered the application having the regard to the Bolsover District Local Plan, the Emerging Local Plan for Bolsover District, the National Planning Policy Framework and the Green Space Strategy. Concerns were expressed regarding the treatment of Japanese Knotweed on site and whether the appropriate bodies had been notified

Moved by Councillor J.A. Clifton and seconded by T. Munro

RESOLVED that Application No. 16/00510/FUL be APPROVED subject to the following conditions given in précis form (to be formulated in full by the Planning Manager in consultation with the Chair and Vice Chair of Planning).

Conditions

1. Start within 3 years.
2. Development to take place in accordance with the list of approved plans xxx.
3. No development to commence until an agreed scheme to secure the relocation of the bus stop is in place.
4. No development to commence until fencing off and protection of areas of retained trees and hedgerow.
5. The development shall be undertaken in accordance with the submitted biodiversity mitigation/compensation/enhancement plan dated 24 March 2017 and accounting for the recommendations within the consultation response from Derbyshire Wildlife Trust dated 03/05/2017.

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6. No development to commence until further investigation into potential ground contamination and implementation of approved remediation scheme.
7. No development to commence until site investigation works into past mining activity has been undertaken and any remediation necessary to make the site safe has been implemented.
8. The development hereby permitted shall not commence until detail drainage plans for the disposal of surface water and foul sewage and the maintenance of the system have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
9. Ground level changes to be implemented in accordance with the approved plans.
10. Prior to construction above foundation level the external building materials be approved.
11. Prior to occupation the new access road junction shall be provided to Water Lane with a 4.8m wide carriageway, 2 x 2m footways, 6m radii and visibility sightlines of 2.4m x 47m in each direction.
12. The gradient of the access shall not exceed 1:30 for the first 10m into the site from the existing highway boundary and no more than 1:20 thereafter.
13. Prior to occupation provision of the proposed new estate street, between each respective plot and the existing public highway.
14. Provision of car parking spaces prior to occupation.
15. Prior to occupation the fronting footway on Water Lane shall be reinstated as footway with full face kerbs.
16. Prior to occupation of Plot 31, the new access to Water Lane shall be constructed and the driveway and parking laid out.
17. Prior to occupation detailed drawings of boundary treatments and implementation (to include railings to front of plots 1 – 5 and side of plot 5).
18. Prior to occupation submission of a landscaping scheme for approval.
19. Maintenance of the landscaping scheme for a period of 5 years.
20. Prior to site preparation works to implement this permission and prior to the commencement of development, a scheme and timetable for implementation for the eradication of Japanese Knotweed from the site and its safe disposal, shall have been submitted to the local planning authority for consideration and approval. The approved scheme shall be implemented in accordance with the approved timetable.

(Planning Manager (Development Control))

3. 17/00357/FUL - Change of use of ground floor storage space to self contained flat at 156 Station Road, Shirebrook, Mansfield NG20 8UG

Further details and an amended recommendation were included within the Supplementary Report.

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

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The Committee considered the application having the regard to the Bolsover District Local Plan, the National Planning Policy Framework and Successful Places: Sustainable Housing Layout and Design (Supplementary Planning Document).

Moved by Councillor B.R. Murray-Carr and seconded by Councillor S.W. Fritchley **RESOLVED** that Application No. 17/00357/FUL be REFUSED contrary to Officer recommendations for the following reason:

The Beehive is a distinctive building that is an unlisted building of merit within the streetscene and the loss of space within the retail unit could adversely affect future use of the building.

(Planning Manager (Development Control))

The meeting concluded at 1046 hours.

PLANNING SITE VISIT

Notes of a Planning Site Visit held on 15th December 2017 commencing at 1000 hours.

PRESENT:-

Councillors:-

T. Alexander, P.M. Bowmer, J.A. Clifton, C.P. Cooper, H.J. Gilmour, B.R. Murray-Carr and D.S. Watson.

Officers:-

C. Fridlington (Planning Manager (Development Control))

1. APOLOGIES

Apologies for absence were received from Councillors D. McGregor, T. Munro, M.J. Ritchie, P. Smith, R. Turner and J. Wilson.

2. SITES VISITED

Applications for determination by Committee:

Item 6(ii): 16/00510/FUL: Erection of residential development comprising 32 two-bedroom dwellings (a mix of single storey and two storey) and associated access, car parking and landscaping at Jacques Brickyard, Water Lane, South Normanton.

Item 6(iii) 17/00357/FUL: 17/00409/OUT Erection of up to 100 dwellings, public open space, landscaping and sustainable drainage system (SuDS) with vehicle access from Mansfield road. (All matters reserved except for means of access) at Land To The South Of Ramper Avenue And Between Mansfield Road And Ringer Lane Clowne

The meeting concluded at 1140 Hours.

PARISH Langwith

APPLICATION Development of a new single storey medical centre (D1) and associated car parking and landscaping
LOCATION Proposed Medical Centre Main Street Whaley Thorns
APPLICANT Derbyshire Community Health Service Newholme Hospital Baslow Road Bakewell DE45 1AD
APPLICATION NO. 17/00587/FUL **FILE NO.** PP-06514592
CASE OFFICER Mrs Karen Wake (Mon, Tues, Wed)
DATE RECEIVED 10th November 2017

SITE

This application concerns development affecting the existing recreation ground and skate park within Whaley Thorns village. The application site is within the centre of the village where there is a mix of uses. Immediately to the east of the site is a basket ball pitch and the existing medical centre and car park. To the north of the site is the remainder of the recreation ground including the cricket pitch and pavilion. To the south of the site is the welfare institute sports/social club and bowling green. Along the south and west boundaries of the site is a 1.2m high bow top fence and some hedgerow and a row of mature trees.

PROPOSAL

The application is for the construction of a new medical centre. The proposed building is single storey and is constructed in brick with a tiled roof. The proposal is sited partly on the existing recreation ground and partly on the existing skate park. The proposal includes a new vehicular access a 26 space car park with 4 cycle bays to the front of the proposed building. The proposal also includes a 2.4m high V guard security wire mesh fence around the site.

AMENDMENTS

None

HISTORY (if relevant)

05/00389/FUL: Recreational space and surgery safety scheme including fencing, gates, barriers and planting: Approved 10/8/2005

CONSULTATIONS

Parish Council: No comments received

DCC Highways: No objections subject to conditions requiring that before works commence, a new vehicular access and pedestrian access in accordance with the approved plans and provided with 2.4m x 43m visibility splays, before the use starts on site, the car park be provided and laid out in accordance with approved plans and be maintained as such thereafter and bin store be provided and retained in accordance with the approved plans:

5/01/2018.

NHS Foundation Trust: Supports the proposal. A new medical centre is much needed as there is currently inadequate provision. The site, layout and design is acceptable as it delivers:

- A state of the art medical centre building, compliant to NHS England standards.
- A larger Building that will enable the delivery of a wider range of services to patients
- Specialist accommodation for the use of health visitors, district nurses, community nurses midwives and therapists.
- A new medical centre at an accessible location within Langwith and Whaley Thorns.

Funding allocation is in place to enable speedy delivery of this community facility

Sport England: Statutory objection

PUBLICITY

Site Notice and 28 neighbours notified. No comments received

POLICY

Bolsover District Local Plan (BDLP)

Policies GEN 1 (Minimum Requirements for Development) GEN 2 (Impact of the Development on the Environment) GEN 8 (Settlement Frameworks) CLT 2 (New Community Facilities) and CLT 6 (Existing Outdoor Playing Space and Amenity Open Space) TRA1 (Location of New Development) TRA 13 (Provision for Cyclists) TRA 15 (Design of Roads and Paths to Serve New Development) and ENV 8 (Development affecting Trees and Hedgerows)

National Planning Policy Framework

Paragraph 14

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking”.

Paragraph 17

A set of core planning principles should underpin both plan-making and decision-taking, including being genuinely plan-led..., always seek to secure high quality design..., contribute to conserving and enhancing the natural environment..., actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.”

Paragraph 74

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by

- equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”

Paragraphs 196 & 197

The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This framework is a material consideration in planning decisions” and “In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Emerging Local Plan for Bolsover District (October 2014 onwards)

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

The Consultation Draft Local Plan recognises that sport and recreation play an important role in the community, promoting health and wellbeing, social inclusion and community participation. Based on the evidence provided by the Green Space Strategy and its supporting Green Space Quality and Accessibility Report, a hierarchy of green spaces with standards of quantity and quality provision have been established. The plan embeds these within its strategy and policy ITCR5: Green Space and Play Provision. The emerging Local Plan then through policy ITCR6: Protection of Green Space and Sports and Recreation Buildings protects existing green spaces as identified on the policies map, with the Main Street Cricket Ground being one such protected green space.

The Consultation Draft Local Plan represents a significant step towards the emergence of a new Local Plan and sets out the Council’s preferred Vision, spatial strategy, supported allocations and policy framework. However, at this stage the document should be given some weight in its decision taking on planning applications due to its pre-Regulation 19 (Publication) stage. Based on the timetable for the preparation of the Local Plan agreed by Planning Committee at its meeting on the 25th October 2017, at the time of writing the Council is proposing to commence consultation on its Regulation 19 (Publication) in February 2018.

Other

Green Space Strategy (approved in April 2012)

The Green Space Strategy is a material consideration in the determination of applications for planning permission, particularly where green space or sports pitch provision forms part of the decision-taking considerations.

In relation to Whaley Thorns, the Green Space Strategy and its supporting factual information contained in Green Space Audit: Quantity and Accessibility report identify the village as having 8.81 ha of formal green space per 1,000 people, which is the highest provision of formal green space per 1,000 people in the District.

ASSESSMENT

The site is within the settlement framework on a site allocated for open space and recreation.

The main issues for consideration are the sustainability of the location of the new community facility, the loss of recreational facility, the impact on the character and appearance of the building, the impact on residential amenity and the impact on highway safety. Sport England's statutory objection to the proposals is also an important consideration in the determination of the current application.

Sustainability of Location

The site is within the settlement framework in a mixed use area within Whaley Thorns. The site is centrally placed within the village, within walking distance of Whaley Thorns residents and Langwith. The site is also immediately adjacent to a bus stop giving access to residents unable to walk to the site. On this basis the proposal is considered to be in a sustainable location to serve the local community and is considered to meet the requirements of Policy CLT 2 of the Bolsover District Local Plan and the guidance set out in paragraph 14 of the NPPF.

Loss of Existing Recreation Space/Facilities

Policy CLT 6 of the Bolsover District Local Plan states that planning permission will not be granted for other forms of development not directly related to the recreation use of the land on playing fields, recreation grounds, parks and informal open spaces unless it:

- 1) makes provision for replacement open space (whilst retaining the existing facilities until this replacement is available for use); or
- 2) provides a facility of an equivalent community benefit; or
- 3) results in an overall improvement or enhancement of the existing facility for the benefit of the local community.

The emphasis of policy CLT 6 is the protection of green open spaces and the Council has previously resisted proposals for other forms of development on playing fields, recreation grounds, parks and informal open spaces due to this emphasis on protection.

In a small number of cases, the Council has permitted other forms of development where the proposal has met one of the three listed exceptions. Within these, 'facility of an equivalent community benefit' has been judged to mean community facilities such as school buildings or extensions, libraries and further education buildings. Beside these, there have been a handful of cases where the proposal has made provision for replacement open space and this has satisfied the Council that it protects in quantity and / or quality the recreational value of the site.

In relation to the first exception, although the proposal does include the relocation of the skateboard park to another recreation ground (the new site is adjoining the settlement boundary and just outside of Bolsover District), there will still be some loss of protected green space as the relocation alters the facilities on an existing recreation ground rather than creating new green space. The planning statement suggests that it is intended to build the replacement facility first and therefore retains the existing facility for use until the new one is available. On this basis, the proposal is considered to comply with the first exception of policy CLT 6.

It would normally require a condition or legal agreement to secure the retention of the new skate park before any new development starts. However, the policy requires the provision of replacement open space or provides a facility of an equivalent community benefit. Therefore, it is considered appropriate to establish whether the proposal complies with the second exception of policy CLT6 in order to establish whether or not such a condition or agreement is necessary.

The new medical centre proposed is considered to be of significant community benefit. The provision of new medical facilities is a priority to the local community as the existing building is considered inadequate and has little scope for extension or improvement. The proposal will provide a building that is fit for purpose and complies with current NHS standards. The building is over 4 times larger than the existing building and will enable the delivery of a wider range of services to patients as well as providing specialist accommodation for the use of health visitors, district nurses, community nurses midwives and therapists.

The new medical centre is considered to provide an important community benefit that is being supported both in principle and financially by Derbyshire Community Health Services NHS Foundation Trust and NHS Hardwick Clinical Commissioning Group. In light of this support from local health bodies, together with local community support, it is considered that the new medical centre represents a facility of an equivalent or greater community benefit and therefore satisfies the second exception to policy CLT 6.

On this basis it is not considered necessary to require the provision of the replacement skate park before the removal of the existing. Whilst the NPPF takes a slightly stricter line on loss of existing green spaces, it is noted that Sport England has not objected to the proposal on these grounds and therefore the assessment above against policy CLT 6 of the Bolsover District Local Plan is considered to be sound.

Ball Strike Assessment

However, Sport England have made a statutory objection to the proposals because the proposed medical centre would be positioned in close proximity to the cricket pitch and in view of this there is still a concern, shared by both Sport England and the England and Wales Cricket Board (ECB), that there would be potential risk of ball strike which could prejudice the use of the cricket ground unless assessed and satisfactorily mitigated as may be required.

Sport England has consulted again with the ECB in advance of raising their objections and the ECB has commented that there would be some risk potential associated with ball strike, although the building would be located outside the minimum boundary at approximately 47-52 metres away from the wickets (ECB minimum adult boundary is 45.72 metres). The ECB has highlighted that most of the building would be within 80 metres of the wickets which is where the ECB considers risk to persons and property associated with ball strike.

It therefore requests that a ball strike risk assessment is completed to establish any potential mitigation solutions associated with the development. Following liaison with the cricket club, the ECB has further advised that the agent has confirmed such an assessment will be undertaken by Labosport and subject to this being completed and any recommended ball strike mitigation being implemented in the planning proposal, that the ECB would have no

further objection to the scheme.

However, as it currently stands, because the medical centre building would be positioned well within the zone of potential ball strike risk and the extent of this risk and associated mitigation options have not been established, and indeed, no mitigation measures have so far been proposed, then it is not judged that compliance with the above policy requirements has been demonstrated at this time. In the light of this, Sport England wishes to raise a statutory objection to this application, pending the submission of additional information / amended proposals that satisfactorily address the aforementioned points.

In these respects, it is notable that other residential properties and a residential care home are already sited as close or closer to the wickets than the medical centre and this situation has not resulted in complaints are prevented the cricket ground from being used. Furthermore, the distance between the wickets and the proposed building is some 70 metres (at their closest points) so if a player could hit a ball above this distance it would be on the lower part of its downward trajectory. In addition, the rear of the new building faces the wickets so public access to the medical centre and car parking would be protected from ball strikes by the bulk of the proposed building. Realistically, it would therefore only be the rear elevation of the building and the roof slope facing the wickets that could be said to be at any risk of being hit by a cricket ball.

Consequently, officers are satisfied that it is reasonable to consider this issue can be resolved and that the pending submission of a ball strike assessment should be able to address Sports England's concerns by proposing appropriate mitigation measures. However, this is the only remaining concern about these proposals taking into account the sustainability of the proposed location and the justification for the loss of open space, as noted above, and taking into account the following considerations:

Impact on the Character and Appearance of the Street Scene

The site occupies a prominent corner position and provides an opportunity for achieving a new building of high quality design which would enhance the character and appearance of the existing street scene.



However, the proposed building is a single storey brick and tile building which is not necessarily an example of aspirational design that would produce a landmark feature at the gateway to the settlement. Nonetheless, the council had pre-application discussions with the applicant and the original design of the building has been somewhat improved from the original proposal. The result is that the proposed building may not necessarily improve the appearance of the local area but neither is the building considered harmful to the character and appearance of the street scene.

In addition, there are a number of trees around the site boundary but, with the exception of one tree adjacent to the site access, these are proposed to be retained. The materials of construction can be controlled by condition to ensure they are in keeping with the character and appearance of the street scene and subject to such a condition the significant community benefit of the proposal is considered sufficient to offset the more functional qualities of the design of the proposed building.

Impact on Residential Amenity

The site is set away from adjacent dwellings, with the closest dwelling being some 55m away. There is a nursing home to the southwest of the site but this is some 35m away from the edge of the site boundary. The proposal is therefore not considered to result in a loss of daylight, outlook or privacy from adjacent dwellings. The street scene is a mixed use one and the proposal is not considered to result in any significant noise or disturbance for residents of adjacent dwellings over and above the existing situation. The proposal is therefore not considered harmful to the privacy or amenity of residents of adjacent dwellings and is considered to meet the requirements of Policy GEN 2 of the Bolsover District Local Plan.

Impact on Highway Safety

The proposal is located to be accessible to many local residents without the need to travel by car. The proposal also includes the provision of a new access, car park and cycle bays. The access can be provided with adequate visibility splays and sufficient parking and manoeuvring space to adequately serve the proposed development. Subject to conditions requiring provision and retention of the access and parking, the proposal is not considered to be detrimental to highway safety and is considered to meet the requirements of Policies GEN1 and GEN2 of the Bolsover District Local Plan.

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No known issues

Equalities: No known issues

Access for Disabled: Covered under Building Regulations

Trees (Preservation and Planting):

SSSI Impacts: N/A

Biodiversity: No known issues

Human Rights: No known issues

Conclusions

In conclusion, it is considered that the current proposals are compatible with Development Plan and fact that the new medical centre will be a much welcomed facility that will enhance service provision within the local area weighs heavily in favour of approval of this application. Therefore, pending the submission of the ball strike appraisal that should result in Sports England being able to withdraw their statutory objection, the current application is recommended for conditional approval.

RECOMMENDATION

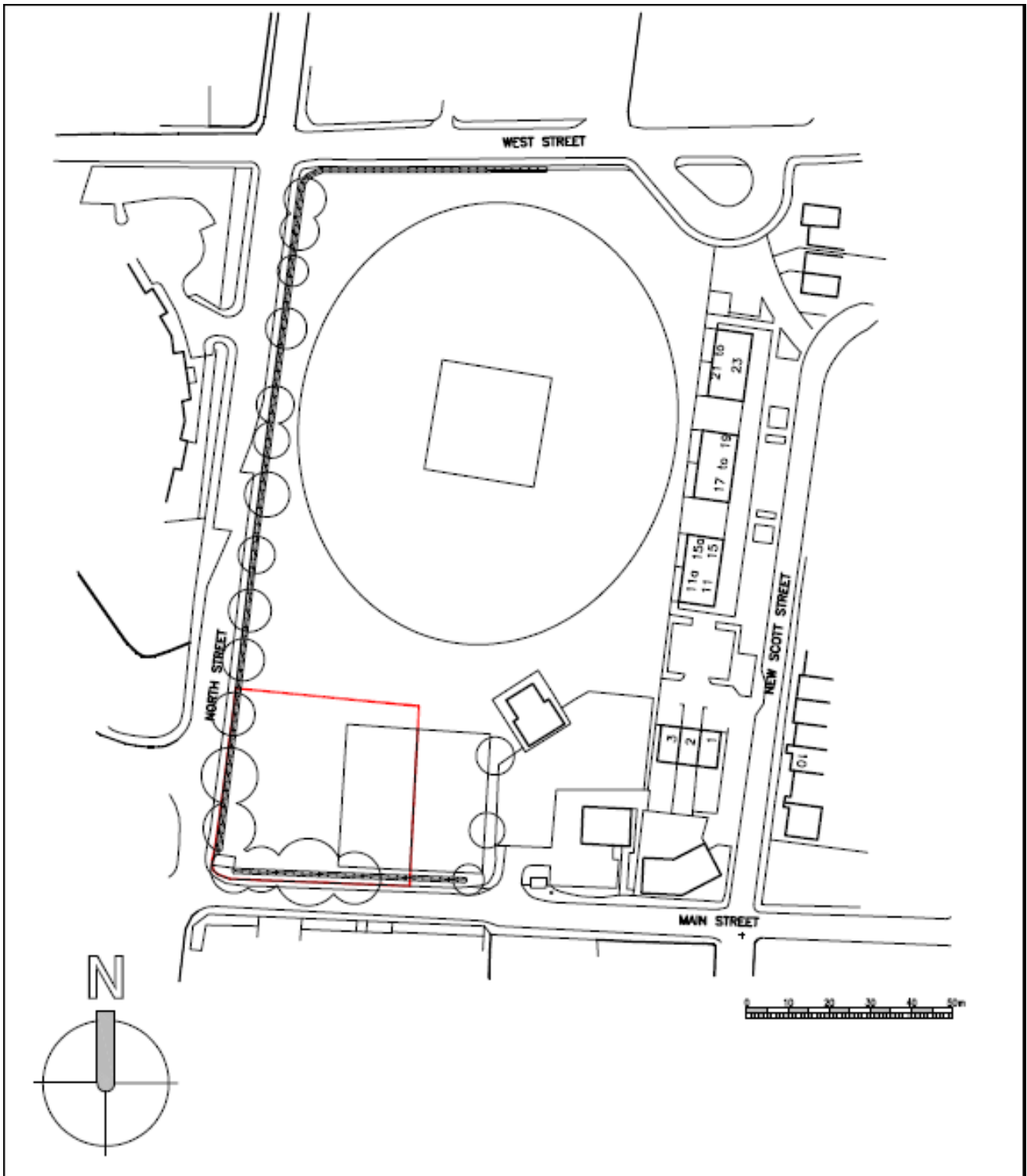
Subject to Sport England confirming withdrawal of their statutory objection, the current application is recommended for approval subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. Before construction commences on the erection of any building or wall a schedule of wall and roof materials shall first have been submitted to and approved in writing by the Local Planning Authority.
3. The proposed alterations to the access shall be carried out in accordance with the submitted plans and the new access shall be provided with 2.4m x 43m visibility splays prior to the building hereby permitted being taken into use. Thereafter, the visibility splays shall be maintained free of obstruction to visibility exceeding 1m in height between the existing carriageway edge and the sightlines.
4. On site car parking and cycle racks shall be provided in accordance with the submitted plans prior to the building hereby permitted being taken into use. Thereafter, the parking spaces, cycle racks and associated off-street manoeuvring areas shall be maintained free of obstruction from their designated use.
5. Notwithstanding the details shown on the submitted plans, details of the design and colour of the proposed fence shall be submitted for approval and implemented prior to the building hereby permitted being taken into use.
6. Prior to the building hereby permitted being taken into use, mitigation measures to address identified risks of ball strike (to buildings or the general public) shall be carried out in complete accordance with a scheme first agreed with the Local Planning Authority. Thereafter, the mitigation measures shall be maintained as approved throughout the lifetime of the development hereby permitted.

Statement of Decision Process

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

Site Location Plan



PARISH Clowne

APPLICATION Application for the erection of 96 dwellings, with associated car parking, infrastructure, surface water attenuation basin and open space.
LOCATION Land to the North of Congreave House and to the South of High Ash Farm Mansfield Road Clowne
APPLICANT Mrs Amy Gilliver 1 Phoenix Place Phoenix Centre Nottingham NG8 6BA
APPLICATION NO. 17/00405/FUL
CASE OFFICER Mr Steve Phillipson
DATE RECEIVED 7th August 2017

SITE

The site is located on the west side of Mansfield Road (B6417) which is the main approach into Clowne from the south. It is open countryside but is adjacent to the southerly extent of existing residential development.

The land comprises a single large field with an irregular form and is currently in arable use. The northern, eastern and southern boundaries are defined by existing hedges with occasional mature hedgerow trees. The western edge is marked by a sharp break of slope on the escarpment edge and comprises a mainly wooded slope.

The land to the south is mainly in agricultural use with a single detached bungalow (Congreave House) and a narrow single track lane (Damsbrook Lane) abutting the southeast field boundary. Land to the west is open countryside at a lower and so long distance views can be had especially to the northwest. To the northeast is a ribbon of development which marks the start of the existing settlement, behind which, and beyond the northern boundary of this site, is an area of vacant previously used land known as High Ash Farm. This site has planning permission for residential development.

To the east of the site across Mansfield Road is countryside comprised of arable land and grazing and there is one isolated dwelling. The settlement does not commence on the east side of Mansfield Road for a further 200m or so to the north of the current application site.

The ground levels on site rise gradually from Mansfield Road at the east of the site up towards the western end of the site where the limestone ridge forms a high point running north-south across the site before levels fall again towards the scarp at the western boundary of the site.

Public footpath No 20 runs across the western edge of the site as do wooden pole mounted power lines. These power lines also cross over part of the northern boundary where dwellings are proposed. There are also some larger high voltage pylon mounted power lines crossing over the very south west corner of the site. However these power lines do not pass close to proposed dwellings.

PROPOSAL

Application for full planning permission, initially for 107 dwellings but amended during the course of the application down to 96 two storey 2, 3 and 4 bed dwellings; ten of which would be affordable dwellings.

Amended Site Layout



The application includes provision of approximately 3 ha of public open space at the western side of the site as an expansion to the “town park” theme established by the phase 1 Avant development. Hence the proposed dwellings would be set back from the western edge of the site and would not be so prominently sited on the escarpment ridge.

A SuDS drainage basin is proposed at the eastern end of the site to the south of the site entrance and together with some additional open space to the north of the access provides for a green tree lined entrance into the proposed estate.

Proposed dwellings are orientated to be outward facing over the countryside and also to allow for the retention of boundary hedges and trees. Retained hedge, swales and some additional planting are intended to help soften the proposed new settlement/countryside edge treatment as is sought by local plan policy GEN11 where such treatment is need if a boundary is intended to form a long term settlement edge and transition with the countryside.

The layout proposed would be accessed from a new junction with Mansfield Road. There are no other road connections proposed to existing or consented development. The proposed estate road would be a looped form around the site. Although the estate road would be built to adoptable standard, unusually for a development of this size, the Applicant intends that the

roads will remain in private ownership and be privately maintained by a management company that each dwelling owner would contribute to. This would be governed by a S106 obligation.

The application is accompanied by the following supporting reports:-

Archaeology including field investigation
Design and Access Statement
Ecological Appraisal
Flood Risk Assessment
Landscape and Visual Impact Assessment
Planning Statement
Transport Assessment
Framework Travel Plan
Tree Survey
Slope Stability Report

The Applicant has also submitted a **Draft S106 Agreement** proposing the following obligations:-

- Affordable Housing – 6 two bed plus 4 three bed dwellings on site;
- Art – to accord with a scheme to be agreed but not less than £10,000;
- Estate Road works and maintenance;
- Health Care contribution - £40,779;
- Informal Children’s Play - £81,640 (within the parish);
- Public Open Space; Approximately 3 ha of landscaped POS including SuDS features;
- POS maintenance sum (to be agreed if publically adopted);
- Primary Education Contribution - £1,315 per dwelling to DCC (12 junior places at Clowne School);
- Secondary Education Contribution - £2,642 to DCC (16 secondary places at Heritage High School for project B additional teaching spaces.

AMENDMENTS

08/12/2017

Revised Layout MAN-SL-01 Rev G

Revised House Type Pack December 17 V3

28/11/2017 Archaeology Report

25/10/2017

Revised Landscape and Visual Impact Appraisal Rev C

Site Sections

23/10/2017 Transport Assessment Addendum

13/10/2017 Slope Stability Report

HISTORY (if relevant)

12/00529/OUTMAJ - Residential development for 149 dwellings and associated estate roads with access between 5 Sterry Close and 88 Mansfield Road and creation of a parkland and ancillary hard and soft landscaping works. Approved. 20/12/13. That application was amended **omitting the current application site from that proposal**

N/B The above application originally sought permission for 295 dwellings and included the land to the south of High Ash farm which is currently the subject of this application. However, this area was subsequently omitted at the request of the Council and the number of dwellings proposed was reduced to 149 units.

Nearby to this site, and also to the south side of Clowne, planning permission has recently been refused for application 17/00417/OUT for up to 400 dwellings east of Stanfree Farm. Application 17/00409/OUT for erection of up to 100 dwellings off Ringer Lane/Mansfield Road was withdrawn following a recommendation to refuse permission.

CONSULTATIONS

BDC Planning Policy Team – Object

06/09/17 In light of the Council being able to demonstrate a 5 year supply of deliverable housing sites, policies ENV3, GEN8, and HOU9 should be considered up-to-date. The site in question is not allocated for housing within the adopted Local Plan and is situated in the countryside. This proposal is none of the very small scale residential development types mentioned in HOU7, HOU8 and HOU9 and is thus contrary to the adopted Local Plan.

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

County Highway Authority – No objections subject to conditions

20/09/17 Initial comments on the Transport Assessment. Additional information requested.

08/11/17 Minor amendments to the layout requested.

28/11/17 The Highway Authority has considered the Transport Assessment (TA) submitted with the application, the addendum to it, and also has had regard to the previous TA submitted for application 12/00529/OUT which tested the impacts of 350 dwellings including this application site and the highway improvements that resulted from the permission for 149

dwellings on phase 1. They advise that it could not be demonstrated that the impact of traffic from the proposed development would compromise highway safety to such an extent that an objection could be sustained.

With regards to the development itself, the Highway Authority considers that a suitable access from Mansfield Road can be provided and that an adoptable layout within the site can be achieved.

Notes that the draft Section 106 Agreement refers to "Estate Roads", Estate Road Specification" and "Estate Road Works" stating that these roads will remain private and the responsibility of a management company. The Highway Authority has no problem with this in principle subject to an Exemption under the Advanced Payments Code

03/01/18 Comments on layout Rev G:

"The Highway Authority considers that the proposed layout and construction of the new roads can be achieved to adoption standard and would generally expect to adopt the roads. The applicant states that the roads will be technically approved by the Highway Authority and should be aware that a fee would be payable for any such service, inspected by an independent surveyor and passed to the Management Company which will be funded by the occupants. No reasoning for this course of action has been forthcoming and it is considered likely to deter future purchasers, particularly with the likelihood of additional development taking place in the Clowne area in the future. However, this is not a reason for refusal of the proposal."

There are a number of outstanding concerns relating to the proposed road layout but these can be addressed by means of conditions regarding:-

Construction management; temporary access details; provision of the new junction; provision of frontage footway; access gradient; provision of the new estate street; 2.4m x 33m visibility for shared drive to plots 83-86; provision and maintenance of off-street parking space (if garage spaces then to be 3m x 6m); gates set back 5m; bin stores to shared drives; details of the proposed arrangements for future management and maintenance of the proposed streets.

Urban Design Officer

27/10/17 The revised proposals raise a number of concerns in respect of urban design considerations. As such, it is recommended that the design and layout requires further amendment before it can be considered acceptable. Concerns raised relate to:-

Weak entrance design; single vehicular access point from Mansfield Road; lack of links to High Ash Farm site; internal permeability and access routes; seeks a looser knit lower density interface with the adjacent countryside; weak layout lacking focal points/squares etc; some areas of frontage car parking dominating street scenes; lack of street hierarchy; straight sections of road unlikely to achieve appropriate vehicle speed (20mph); lack of boundaries; crime and design; revisions sought to house type/materials.

06/12/17 Comments on later revised layout - Requests additional railing to POS areas and revision to lintel detailing.

Crime Prevention Officer

20/10/17 No objections

DC Archaeologist - No objections subject to condition.

29/11/17 Trial trenching of the archaeological features which were indicated by the geophysical survey confirmed that the well preserved, and extensive, subsurface remains of a Roman enclosure survives in the western sector of the site. The geophysical anomalies proved to reflect a series of gullies and substantial ditches from which a significant amount of Roman pottery was recovered during the evaluation. The date of the pottery suggests an occupation date of 1st – 3rd centuries AD. The concentration and types of Roman pottery represented suggests nearby occupation, and would be consistent activity in the area of a possible Roman Road (purported to run close to the site) and the possible site of a fort to the north of Damsbrook Farm.

In addition to these remains an undated burial was encountered in the centre of the field. The location of the burial within trench 20 would suggest that it had been deliberately placed on the outer boundaries of the enclosure and that it too was of probable Roman origin.

On the basis of the results of the archaeological field evaluation of this site we would confirm that applicant has fulfilled the requirements of NPPF para 128 with regard to pre-application information and that further excavation and recording of the archaeological remains on the site may be secured through a planning condition in line with NPPF para 141. The remains are of some significance as little is known about the distribution and nature of Romano-British settlement in this part of Derbyshire. We would recommend that the proposed development area be thoroughly investigated by means of open area excavation of the significant areas of the site in advance of any development of the land.

Consulting Engineers – No objections subject to conditions.

16/10/17 The new houses are located within relatively flat ground at least 60m from the escarpment. This is sufficiently far away that the risk of landslide affecting the houses can be discounted. Of more concern, potentially, would be the effect of raising ground levels or concentrated water discharges within the close proximity of the escarpment. However, the Stability Report submitted by the developer recommends that ground levels within 25m of the escarpment should not be raised at all (which is consistent with the Landslide Hazard Report), that ground levels within 25-50m should not be raised by more than 1.0m, and that soakaways or swales should not be used within 50m of the escarpment. We believe that with these measures, which should be conditioned, the risk of landslide is negligible.

DCC Flood Risk Team – No objections subject to conditions.

22/09/17 Conditions requested:

Approval of a detailed design and associated management and maintenance plan of surface water drainage for the site;

A detailed assessment of the infiltration opportunities within the layout

BDC Drainage Engineer– No objections subject to conditions/notes.

1. We must ensure the developer submits 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 (a copy to be kept by Engineering Services).

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

Severn Trent Water – No response

Environmental Health Officer – No objections subject to conditions.

A contaminated ground investigation should be required by condition due to potential contamination from pesticides and the past use of the neighbouring High Ash Farm site.

Derbyshire Wildlife Trust – No objections subject to conditions.

We consider that for the most part the ecological report provides a sufficiently detailed assessment of the proposed development site and identifies the most likely habitats and species that could be affected by the proposal. The methods used are generally acceptable, however, some surveys have been undertaken outside of the optimal times.

For the most part the hedgerows, scrub, woodland and the more diverse areas of calcareous grassland will be retained and most of the development will be accommodated within the arable field.

In relation to protected species the ecological assessment considers it unlikely that badger, great crested newts, bats, water vole or reptiles would be directly affected and we would broadly concur with this assessment.

Considers that the area to the west of the site should be used to create semi-natural greenspace of high biodiversity value rather than park and amenity grassland of limited wildlife benefit.

Advises that the overall scheme design appears to retain most of the key ecological features and has scope to partially mitigate the impacts of the proposed development, with the exception of habitat loss for breeding birds and Brown Hare.

Conditions are recommended to secure mitigation including: construction environmental management plan; landscape and ecology enhancement management plan; mitigation strategy for breeding birds and Brown Hare, including information on the availability of suitable offsite land and mechanisms by which the offsite compensation could be secured.

Clowne Parish Council – Object

10/09/17 The site is not included for development in the Local Plan;
Clowne already has a five year supply of housing identified to the north of the village;
This is not a strategic development site;
Would add considerably to the existing traffic pressures along Mansfield Road;

Visually intrusive to the character and amenity of the western approaches to Clowne.

Housing Strategy Officer – Seeks provision for affordable housing on site.

22/08/17 Confirms that there is an established need for affordable housing within the district and Clowne. 10% affordable units should be provided on site to meet policy.

The preferred type and tenure would be 2 bed (4 person) houses and a lesser number of 3 bedroom houses, for social or affordable rent, to be owned and managed by a Registered Provider. The applicants offer is in line with our preference.

County Education Authority – The junior school is over capacity and cannot be expanded further hence the proposed development is not a sustainable form of development.

05/10/17 The proposed development falls within the normal area of Clowne Infant and Nursery School and Clowne Junior School. The proposed development of 107 dwellings would generate the need to provide for an additional 9 infant and 12 junior pupils. The infant school would have capacity to accommodate the additional pupils. The junior school has capacity for 360 pupils. It is currently over capacity with 365 on roll. Accounting for other consented development the junior school is predicted to be over capacity by 10 pupils in the coming years. The normal area junior school would not have sufficient capacity to accommodate the extra 12 junior pupils arising from the proposed development.

The Education Authority state that there is physically no room left to expand the junior school and that the County Council is not able to accommodate the pupils arising from the proposed development and as such they would only request financial 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.

The secondary school is also predicted to be over capacity. However there is scope here on site to expand and so a financial contribution of £274,819 is requested to mitigate the proposed development through expansion to accommodate the additional pupils generated.

The County Council go on to explain that school place planning in Clowne has been undertaken in line with the Clowne Garden Village strategic site allocation (policy SS5). Which includes a new school.

NHS CCG– S106 contributions sought.

11/10/17 Springs Health Centre will require additional capacity to manage the increased patient demand from the housing development. A contribution of £40,779 is sought to contribute towards expansion of the surgery.

Leisure Services Officer – S106 contributions sought.

Notes that the proposed development includes a significant area of public open space (4.27ha over 50% of the total site area) on the western side of the development, which links to

the existing public open space ('town park') within The Edge to the north of the proposed development. This is in excess of the minimum area that would be expected for a development of this size.

Notes that although the proposal is for 107 dwellings, there is no play area proposed within the public open space. Although there is an existing play area within the neighbouring development (The Edge), the proposed development is of a size that would normally warrant additional play provision. Either a LEAP standard play area as part of the development or a commuted sum for additional facilities within the 'town park', which was developed as part of The Edge (£785 per dwelling) should be provided.

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 £934 per dwelling for upgrading built and outdoor sport and recreation facilities within the parish.

If the POS is to be adopted by the Council a maintenance sum will be required.

A contribution to public art is also sought costed at 1% of the total development costs on developments of over £1million.

No response: National Grid; Ramblers; Street Scene and Waste Services; Severn Trent Water

PUBLICITY

Advertised in the press, site notice posted, 25 properties consulted.

3 slips returned in support of the application (following the flyer sent out by the Applicant) although two of these were qualified by the need to do something about school and GP capacity.

A further **13** slips in support were returned by the Applicant rather than being posted by the supporters directly. One comment made – that the development would be good for the economy.

18 objections received on the following grounds:-

Principle

Outside the settlement framework so contrary to local plan GEN8 and ENV3 and GEN11.

Previous application refused

Not an allocated site

Not part of the strategic plan for Clowne

The Council has a five year supply of housing

Overloads the southern side of the village

Development should take place to the north side of Clowne to save traffic having to pass through Clowne.

There are better brownfield sites available to develop first

This area has already had enough new building developments/overdevelopment

Loss of countryside

Unsustainable form of development, the benefits are significantly outweighed by the harms

Loss of grade 2 agricultural land

Infrastructure Capacity Issues

Impact on Highways

Impact on Schools

No space left at the Primary school which is overcrowded (NPPF attaches great importance)

Quality of education will suffer, very large class sizes

Impact on medical services – longer waiting times

Dentists

Shopping

Sewage disposal

Highway Safety

Increased cars and traffic travelling through the centre of Clowne to get to the M1 motorway

Lack of mitigation for overloaded roads

Clowne cannot cope with the traffic

Increased HGV traffic

Poor bus service

High speed traffic from the south of Clowne on a blind corner would be a hazard

Sections of Mansfield Road have no footpaths, no drainage gullies and poor street lighting.

Additional traffic to come from Bolsover North development

Landscape impact

Views of the limestone ridge affected

Urbanising effect harmful to the landscape setting of the settlement and would detract from the rural character and appearance of the landscape contrary to policy GEN2.

Ecology

Loss of habitat

Impact on wildlife and red listed birds such as Skylark and Yellowhammer

Flooding and Drainage

The flood risk report is wrong, the field holds water during severe rainfall and accumulates in the NW corner and increased run-off will increase risk of flooding.

Increased risk of flooding to property from the swales and pond at the south east side of the site.

Other

Loss of archaeological interests following significant finds

Loss of light caused by new property and trees

Loss of light to solar panels of resident's property

Overlooking

Overbearing from 2 storey houses at higher level

Noise and dust and pollution from construction work

Avant have made a mess of phase 1 with lack of parking space, soakaway getting full and no maintenance of the park.

Concern about possible direct access from Damsbrook Lane

Not material planning considerations:

Covenant requiring access to boundary for maintenance
Loss of property value

POLICY

Bolsover District Local Plan (BDLP)

The site is outside the settlement framework for Clowne and is thus considered as being in the Countryside. Therefore, the following saved policies in the adopted Local Plan have relevance to this application:

GEN 1 – Minimum Requirements for Development
GEN 2 – Impact of Development on the Environment
GEN 4 – Development on Contaminated Land
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

Local Plan for Bolsover District, Consultation Draft Local Plan (October 2016).

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 some concerns including on landscape grounds, highway network capacity, and infrastructure provision. Therefore, the emerging Local Plan offers no support for the current application.

- SS1 Sustainable Development
- SS3 Spatial Strategy and Distribution of Development
- SS8 Development in the Countryside
- SC2 Sustainable Design and Construction
- SC3 High Quality Development
- SC4 Comprehensive Development
- SC7 Flood Risk
- SC8 Landscape Character
- SC9 Biodiversity and Geodiversity
- SC10 Trees Woodland and Hedgerows
- ITCR1 Green Infrastructure
- ITCR5 Green Space and Play Provision

□ ITCR8 Transport and Accessibility

National Planning Policy Framework

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

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.

Other

Green Space Strategy (approved in April 2012):

The Green Space Strategy is a material consideration in the determination of applications for planning permission, particularly where green space or sports pitch provision forms part of the decision-taking considerations.

In relation to Clowne, the Green Space Strategy and its supporting factual information contained in Green Space Audit: Quantity and Accessibility report identify that the settlement has a shortfall in the quantity of both formal and semi-natural green space for its population. The strategy also identifies that there are deficiencies in access to a multifunction town park across Clowne and in access to a local green space to the central southern areas of Clowne. However, there are no quality issues in the south of the village.

ASSESSMENT

The Principle of Development

Saved Local Plan policy GEN8 in the Bolsover District Local Plan makes clear 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'.

This site lies outside the settlement framework as defined in the Bolsover District Local Plan

(2000). Therefore saved countryside protection policies ENV3 and HOU9 apply which do not normally allow residential development except in special circumstances. HOU9 can permit dwellings for agricultural workers but this is not relevant here. To accord with policy ENV3 development outside the settlement framework must be necessary (for example to house an agricultural worker), or it must result in a significant improvement to the rural environment, or it must benefit the local community through the reclamation or reuse of land.

Furthermore the location must be environmentally sustainable; and must not materially harm the rural landscape or cause unnecessary urbanisation and sprawl. Notwithstanding the proposed public open space and other benefits (the merits of which are considered later in this report), it is considered that the proposal does not meet these criteria and the proposal is contrary to these policies and approval would be a departure to the development plan.

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

It is therefore considered that the proposals do not accord with the strategic objectives of policies GEN8 and ENV3 and are contrary to the development plan.

Having regard to paragraphs 49 and 14 of The Framework, the amount weight which can be given to these policies is dependent on the Council having a five year supply of housing land. Based on the latest assessment officers consider that the Council can demonstrate that it has a robust supply of deliverable housing land that is equivalent to just under an 8 year supply. The identified housing supply has recently been tested at appeal.

In determining the Lodge Farm appeal (Appeal Ref: APP/R1010/W/16/3165450) the Planning Inspector concluded that the Council can demonstrate that it has a five year supply of housing land. Therefore the presumption in favour of sustainable development (the “tilted balance”) set out in paragraph 14 of The Framework does not apply and the proposal should be determined in accordance with the development plan unless material considerations indicate otherwise. Furthermore policies GEN8 and ENV3 are considered to be consistent with the policies of The Framework.

Paragraph 17 of the Framework (fifth bullet) 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.* Therefore, paragraph 215 of The Framework indicates that they can be given substantial weight because policies GEN8 and ENV3 are consistent with core planning principles in national policy.

It should also be noted that the application site remains outside the settlement framework in the current version of the emerging Local Plan. 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.

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. Such other considerations including the benefits of the proposal will be considered later in this report.

Loss of Agricultural Land

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

In this case, it is considered the size and scale of the development does amount to significant development of agricultural land which is currently in productive use. The loss of Grade 2 agricultural land is therefore an adverse impact of the proposed development that diminishes the benefits of granting planning permission for the scheme and substantiates the conclusion that the proposed development would diminish the environmental quality of the local area.

However the loss of agricultural land needs to be considered in context. Any further development of scale in Clowne would necessitate the loss of grade 2 agricultural land or otherwise would necessitate the use of land of greater landscape sensitivity (such as land beyond the limestone ridge). Therefore whilst the loss of agricultural land contrary to ENV2 is a material consideration which weighs against approval, unless the Council is prepared to discount the majority of development opportunities around Clowne and Bolsover, the weight which should be given to this matter is not considered to be so great as to constitute a reason for refusal in its own right.

Clowne Garden Village

Central to the Council's emerging Local Plan is the decision to plan further growth in Clowne but in a comprehensive manner through the Clowne Garden Village strategic site (also known as Clowne North - see policy SS5: Strategic Site Allocation - Clowne Garden Village). Whilst on the face of it, very little weight can be given to the emerging Local Plan policies at this early stage (see para 216 of the Framework), it is considered that the sustainability issues and conclusions arrived at in selecting that site above other options are relevant to the determination of this application.

Clowne Garden Village is relevant to the current application insofar as this allocation is intended to move the focus of recent rapid residential growth that has happened to the south of Clowne

(in the absence of a five year housing supply) northwards. It also includes a substantial quantum of employment generating development. 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 including the M1 to the north. In addition, Clowne Garden Village is planned to be of a scale which would enable provision of a new primary school on the northern site whilst still ensuring the development as a whole remains viable and provides for the wider infrastructure required. In particular, the provision of a new school has become a major limiting factor to the further sustainable growth of Clowne.

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 will put more pressure on the existing Primary School which is already at capacity and it is not clear this impact can be mitigated as there is no space on the ground to physically expand it. Furthermore the proposal does not include any additional transport infrastructure improvements above those provided for the Avant Phase 1 development but the housing proposed would inevitably put more pressure on the local road network.

A planning application has now been received for the Clowne North development (*17/00640/OUT Outline Planning Application, with access, for Mixed Use Development, including 24 ha of Employment Land, 1,800 Residential Dwellings, Green Infrastructure, Educational and Recreational uses, a Retirement Village, Neighbourhood Centre, Hotel / Restaurant, Health and Care and Leisure uses and a new Link Road*). Hence that site is moving forwards and it is considered to be deliverable. However, given the known longer lead in times for strategic sites given their greater investment in infrastructure, it could be argued that allowing further large sites to come forward elsewhere in Clowne could undermine and put at risk the investment plans for the strategic site, given they could draw the house builder market away from the strategic site.

Therefore, 'speculative' proposals such as the current application for an ad-hoc development to the south of Clowne are not considered to be consistent with the planned approach the Council is taking to unlock the current infrastructure restrictions which will allow for the further sustainable growth of the settlement as a whole.

Benefits of Residential Development

Additional Housing Supply:

Paragraphs 47, 49 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. Furthermore objectively assessed need relates to the minimum number of houses needed in the District rather than a maximum. Therefore, it is still appropriate to take into account the benefits of granting planning permission for additional housing in the District, particularly if it is concluded that the proposed development would be sustainable despite its location beyond the settlement framework.

However, due to the uncertainties and complexities over the economic effects approval of this

96 dwelling scheme might have on the delivery of the strategic Clowne North scheme (includes 1800 dwellings), it is very difficult to know whether the net effect on housing supply would be positive or negative.

On the one hand approval of this medium sized development could be seen as means to ensure continued/additional housing delivery in the short term until such time as the strategic Clowne North site gets going. Due to the complexities, such very large schemes can take a while to begin to deliver development on the ground. So a further medium sized scheme such as the one currently proposed could be seen as a beneficial.

On the other hand, as discussed above, approval of this scheme could have a negative effect on the investment plans for the much larger strategic site, given they could draw the house builder market away from the strategic site. This could add risk or delays to that scheme and so could be considered a harm to the strategic objectives of the emerging plan.

On balance therefore, it is considered that at best the benefit of additional housing supply resulting from this proposal can only be seen as a potential benefit, and given that the Council has a five year housing supply, this matter should only be given limited weight.

Deliverable Housing:

Avant have recently constructed 149 dwellings on land a short distance to the north of this site on the same limestone ridge. With this experience it is reasonable to assume that development costs and constraints as well as likely returns will be well understood by this developer. Hence they should understand the viability of the site and be able to actually deliver the proposed housing together with the developer contributions proposed regarding affordable housing, leisure, health, art, education (see above in 'Proposal' but note lack of space to expand Primary School).

Quality of Development:

It is considered that the Avant phase 1 development is a good quality residential development in terms of urban design and place making and that the developer is capable of delivering further good quality development on the application site. The current proposal is not considered to be quite as good quality as phase 1 was but, as amended, is considered to be perfectly acceptable.

Town Park:

Phase 1 has delivered a large public open space which conformed to the aspirations of the then draft local plan (since withdrawn) to deliver a town park capable of serving a wider population than just the residents of that development. This was designed to address the shortfall/need identified in the Council's Green Space Strategy. The phase 2 development now proposed includes a continuation of the town park theme including over provision of public open space above standard policy requirements for a development of this size (local plan HOU5 refers). That said the over provision of space has been accepted as an alternative to the formal leisure requirement for adult sports which otherwise would have been necessary to meet policy requirements of HOU5.

Economic Benefits:

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.

Education

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.

With regard to secondary education, although there is a current capacity issue this could be resolved by the agreed commuted sum which would facilitate expansion of the secondary school.

However, an approval for the current application would conflict with these Government objectives for education because the County Council advise that the junior school would not have sufficient capacity to accommodate the additional pupils that would require school places if the proposed housing development was to go ahead. The junior school is already over capacity and this situation is predicted to worsen to 22 pupils over capacity if this application is approved.

Whilst the Applicant has offered a commuted sum for the County Council to fund extra school places the problem is that the school has already been expanded and adapted as much as is feasibly possible and there is simply no physical room left to expand capacity further. Under these circumstances a commuted sum will not solve the capacity problem at the existing school and it would be unreasonable and for the Council to seek a commuted sum which would not deal with the impacts of the proposal. Neither would such a sum comply with the CIL Regulations.

Even if an alternative solution for the provision of junior school places was found it would presumably involve the transport of pupils from this site/area to an alternative school at a more distant location. This would be likely to involve additional car journeys and is not a sustainable solution.

The County Council are of the opinion that since 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 proposed development is not a sustainable form of development.

Consequently, the proposed development would have a significant adverse impact on local education provision contrary to national planning policies that attach great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. In the absence of appropriate mitigation for the impact of the proposed

development on the junior school, granting permission for the current application would not reflect the local community's needs or support its social well-being and would not result in sustainable development contrary to saved Local Plan policy ENV3 - A.

Highway Safety and Transport

Paragraph 32 of the Framework says development may be prevented or refused on transport grounds where the residual cumulative impacts of development are severe and all development that would generate large amounts of traffic should be provided with a safe and suitable access. Saved Local Plan policy GEN1 says the minimum requirement for all development is that the local highway network must be able to accommodate the vehicular, cycle and pedestrian traffic from the development site without causing material harm to highway safety or unacceptable congestion. Policy GEN2 also seeks to ensure that traffic impacts are not materially harmful.

A common concern raised in public representations relates to increased traffic congestion in Clowne and in particular that further development to the south side of Clowne will add to the number of vehicles having to travel through the village to reach the major highways to the north side of Clowne. This is an issue which has been recognised by the Council and a factor which has been taken into account in the sustainability appraisal for site selection and the choice of Clowne Garden Village Strategic site as an allocation in the emerging local plan over other alternatives including those to the south side of Clowne.

However in considering the impacts of this individual application the Local Highway Authority agrees with the findings of the submitted Transport Statement and the addendum to it and find that the proposed development would not have such severe impact on the local road network or cause material harm to highway safety to the extent which would constitute a reason for refusal of this planning application. In reaching these conclusions, the Local Highway Authority has assessed the proposed access on to Mansfield Road and have raised no objections on highway safety grounds. The Local Highway Authority also assessed the Transport Assessment and Addendum which details the methodology used to predict the demand associated with the development and provides an assessment of the potential impact of the development on the highway network including existing committed developments.

The proposed development does not include any proposals that would provide any additional transport infrastructure, however it should be noted that the recently installed mini-roundabout provided for the Phase 1 Avant site was originally designed to deal with the impacts of a larger application site which included the current application site.

The Applicant's intention to arrange for a private roads management company, paid for annually by the residents, to maintain the roads and paths, rather than have them adopted and publically maintained is unusual for a development of this size. Public adoption and maintenance would be preferred, because it is a proven and reliable form of maintenance which should ensure safety and amenity standards in the future. Furthermore a private management company will require a degree of additional planning monitoring work and if necessary enforcement action by the District Council to ensure that the roads are adequately maintained over the years. However this is not considered to be a material planning consideration. The Highway Authority has confirmed that a private management company is an acceptable alternative subject to a planning condition and therefore this matter is not a material planning concern that should

weigh against approval in the planning balance.

It is therefore concluded that the proposed development would not have a significant adverse effect on main junctions in the vicinity of the site or the wider road network and that the site can be provided with a safe and suitable access and road layout.

Consequently, the proposals are considered to meet the requirements of saved policy GEN1 and GEN2 and relevant national planning policy in these respects.

Other Infrastructure Issues

It is considered that additional pressures on local provision for leisure, health, art, infants and secondary schools and for affordable housing can be adequately addressed by means of the developer contributions agreed which can be secured by S106 agreement.

Landscape and Visual Impact

It is clear that the proposals would inevitably change the character of the site from arable fields to a housing development, and therefore affect the character and appearance of the rural edge of Clowne. The proposed development would encroach into the open countryside beyond the existing limits of the main built-up area of Clowne and by virtue of the size and scale of the proposals; the proposed development would have a harmful urbanising effect on the rural setting of the settlement.

However, the Applicant's submitted Landscape and Visual Impact Assessment (LVIA) examines the wider landscape impacts associated with the proposals. It concludes that:-

The landscape character of the site is of ordinary quality although the wider context is considered to have a good landscape quality;

The site has a low/medium sensitivity to change but the wider context has a medium/high sensitivity to change;

The landscape effect of the development on the site would be minor/moderate and not significant;

The landscape effect on the wider context around the site would be minor/moderate and not a significant effect.

In terms of visual impacts the submitted LVIA concludes that:-

Views likely to experience the most significant impacts are from the definitive footpaths to the south and west of the site;

Particular regard should be given to roof heights/colour and impact on views of the skyline created by the escarpment and development should be moved away from the southern and western boundaries;

Vegetation on the western and southern boundaries should be retained and on the northern edge should be strengthened to soften views.

Whilst officers do not necessarily agree with all of the conclusions in the LVIA regarding the significance of the landscape and visual effects of the proposal, following further revisions to the layout to pull the development back from the escarpment edge, it is considered that wider views of the proposal from the west and north should now be reasonably well contained by the existing landform and vegetation. These are the most important views affecting the skyline.

There will still be some landscape impact on views from the southwest but these viewpoints are more distant.

It is considered that the main visual impacts will be at a more local level from viewpoints on Footpath 20 which runs along the top of the escarpment ridge; and also from the site frontage. Footpath 20 runs for some distance to the south of the site such that footpath users will experience views for some time when approaching from the south. FP 20 then runs through the western end of the application site itself in the proposed open space area and hence visual impacts of the urban extension proposed will be inevitable and significant here. However after a short distance north of the site views of the development will not be possible on FP 20.

The development will also extend built development further south along Mansfield Road by 100m or so and this will be visible from the site frontage and intermittently from Mansfield Road as far south as the former garden centre some 700m south of the site. However the shape of the site, the proposed layout and hedgerow retention will help to minimise the scale of the harm.

There will be views of the site from existing and proposed dwellings from the North of the site and from one dwelling to the south of the site. However none of these views would be so close as to result in overbearing impacts and because these are not public view points they are not material to the decision.

In landscape terms, the visual impacts of the development are therefore considered to be adverse but relatively minor in terms of the wider area but more harmful from some closer viewpoints. However the site could be developed to provide an extension to the existing settlement which could be reasonably well related to the existing pattern of development.

Nonetheless, the submitted landscape and visual impact assessment does not demonstrate that the proposals would significantly improve the environmental quality of the local area. In particular, granting permission for the current application would not give rise to any significant environmental enhancements or significant socio-economic benefits in accordance with the intent of saved Local Plan policy ENV3 or create a significantly improved settlement boundary in accordance with the intent of saved Local Plan policy GEN11.

The proposal does include a soft settlement edge treatment in compliance with Policy GEN11 which is comprised of the retention of the existing southern boundary hedgerow, some additional tree planting, swales and then the proposed estate road with outward facing dwellings sited behind it. This edge treatment is broadly similar if not marginally improved over that which has been already approved to the southern boundary of the High Ash Farm development. That boundary forms the existing extent of approved development at the south side of Clowne.

However it considered that the edge treatment now proposed would not be effective enough to completely screen the development from views from the south. It is not a more logical long term settlement edge than the existing boundary and neither would the edge treatment proposed be so robust as to clearly define and set a new logical and clear long term settlement boundary that could effectively draw a conclusion to any further development to the south of Clowne.

Consequently, the proposals do not comply with the requirements of saved policies GEN2, and

ENV3 which seek to minimise the environmental impacts of proposed development in the District. Policy GEN2 is consistent with core planning principles in the Framework that seek to safeguard the intrinsic quality of the countryside and the locally distinctive character of the District. Therefore, the visual impact of the development on the character and appearance of the local area is an adverse impact that weighs heavily against granting planning permission for the current application. This conclusion also confirms that the 'in principle objection' to the proposed housing outside of the settlement framework contrary to GEN8 and ENV3, as set out in earlier sections of this report, relates to a significant and demonstrable adverse impact on the environmental quality of the local area.

Archaeology and the Historic Environment

Impacts on the historic environment are limited to below ground archaeology. No listed buildings, conservation areas or other designated sites would be affected.

In accordance with the initial advice received from the DC Archaeologist the Applicant has undertaken a geophysical survey and then trial trenching of the features identified. This investigation has uncovered archaeology of regional significance: extensive remains of a roman enclosure in the western sector of the site; a significant amount of Roman pottery from 1st – 3rd centuries AD suggesting nearby occupation and possible nearby Roman fort; and an undated burial also of probable Roman origin.

The DC Archaeologist has confirmed that applicant has fulfilled the requirements of para 128 of the Framework with regard to pre-application information and that further excavation and recording of the archaeological remains on the site may be secured through a planning condition in line with NPPF para 141. The condition needed would require thorough investigated by means of open area excavation of the significant areas of the site in advance of any development of the land.

Hence the benefit of conservation of the this non-designated archaeology is not sufficient by itself to constitute an objection to development, however when weighing the total planning balance for the site, the loss of non-designated archaeological remains is a material consideration which weighs against the scheme.

Residential Amenity

With regard to the likely impacts of the development on amenity enjoyed at adjacent property and also at consented new dwellings, as amended, the proposal complies with the Council's Design Guidelines in terms of impacts on privacy, light and overbearing such that any residual impacts would not be so material as to warrant a reason for refusal under policy GEN2 of the Local Plan.

It is noted from representations that residents living at both the north and south sides of the site have objected on the grounds that tree planting/landscaping is proposed close to the boundary which will affect the light received at the resident's property. However the Council has saved local plan policies to ensure that adequate landscaping is required (GEN1 and GEN11) to integrate development into the environment and landscape, particularly where development is on the edge of the Countryside as in this case. Hence it is considered that the wider public

benefits of providing adequate landscaping outweigh the wishes of private individuals.

Noise, dust and disturbance created during construction is not a significant constraint to development. A condition to deal with construction management and times of noise making activity could be applied to a planning permission given the close proximity of limestone to the surface and the likely noise/vibration that will result from the need to provide drainage features and foundations etc. In addition this matter can be dealt with under separate nuisance legislation.

With regard to the standard of amenity within the proposed development; as amended, the proposal complies with the Council's Successful Places Guidelines and so would achieve an acceptable standard of amenity.

Layout and Design

Following a series of amendments to address the initial concerns of the Urban Design Officer and Planning Officer the revised proposal are considered to be acceptable. The dwellings are of an appropriate scale and density and the layout would achieve good quality, outward facing street scenes with appropriate focal places, a large public open space to the western escarpment edge and a green tree lined entrance area.

There are no significant crime and design issues outstanding.

However in terms of connectivity with the rest of Clowne, in particular existing and consented development to the north of the site, the proposal is considered to be lacking. Notwithstanding the conflict with policy, the Applicant was given pre-application about a year before submitting the application that a road connection with the land to the north was important and that without such a connecting road link the proposal would effectively result in a poorly planned cul-de-sac which would be adjacent to, but not properly integrated with, the southern end of Clowne.

The provision of such a link would have required negotiation and agreement between the owners of this site and those of the adjacent site but clearly the Applicant has not secured such agreement and the proposal lacks adequate connectivity as a result. The only pedestrian connection points are at the western end of the site within the proposed public open space area where the site connects to public footpath 20 and the open space within Avant Phase 1 development. Whilst additional potential footpath links with the consented development to the north are annotated on the plan there is no means to deliver these links and the Council cannot require them to be provided at this stage.

Lack of connectivity with the existing settlement is not only undesirable in terms of urban design but it reduces the sustainability of the proposal contrary to the one of the main themes of Government advice in The Framework.

Ground Conditions, Drainage and Flood Risk

Concerns raised in residents representations about existing surface water flooding and infiltration rates are noted. Also comments about potential increased risk of flooding due to the development from proximity to proposed drainage features such as swales. The issues have been queried with the Applicant who says that the proposal are designed to standard and so does not believe that there should be increased risk. Subject to conditions there are no

objections from consultees on this matter (including DCC Flood Risk Team) and given that the Applicant has recent experience of installing a SuDS drainage system close by on the same geology it is considered that the Applicant should be in a position to successfully deal with surface water drainage in the manner proposed. The technical details of the scheme can be subject to further scrutiny by means of a planning condition.

Conditions will also be necessary to control foul drainage details and to adequately investigate any potential risks from ground contamination.

The proposed dwellings are considered to be far enough back from the escarpment so as not to cause or be at risk from instability. However a condition will be required to prevent loading from increased ground levels in the proposed open space area to the west of the site on top of the escarpment ridge.

Ecology

The habitat value of the arable field is not considered to be high and the so the site is not considered to be very important to ecology. The scheme design appears to retain most of the key ecological features such as boundary hedgerows and trees and has scope to partially mitigate the impacts of the proposed development regarding habitat loss for breeding birds and Brown Hare.

Sustainability

As set out above the Council is of the view that it has a five year housing supply and so the 'tilted balance' in favour of sustainable development in paragraph 14 of the Framework does not apply. Nevertheless if the proposed development is considered to be sustainable development on the edge of the existing settlement and a logical extension to it then it is appropriate to consider whether permission ought to be granted having regard to the benefits (set out above). Furthermore in the event that the Council's 5 year supply position were to be challenged in the future then it is appropriate to consider whether the proposal should be approved in the absence of a five year supply.

In terms of the distance to the centre of Clowne, jobs and services, the site is considered to be reasonably sustainable. The site is approximately:-

1200m to Clowne Village centre via the main entrance along Mansfield Road. This is within walking distance of the town centre and the distances involved are generally within acceptable limits for a town centre destination.

1160m to Clowne Primary School via the main entrance along Mansfield Road and Damsbrook Drive. This is slightly further than recommended (1000m) and is likely to discourage trips to school by active travel choices and increase reliance on the private car for school related journeys.

1700m to the Secondary school which is reasonable.

However of greater concern to the sustainability credentials of the proposal is the lack of capacity for the junior school to accommodate the increase in pupils forecast to be generated by this development in this location and the absence of a sustainable solution to enable the necessary provision to be made.

The poor connectivity of the layout to adjoining areas is further significant concern. Furthermore whilst the additional traffic created to the south side of Clowne may not be a reason to refuse planning permission on highway safety grounds the location of additional housing to the south of Clowne will necessitate additional car journeys to reach a more distant alternative junior school and to reach the major road connections to the north of Clowne.

Overall the Officer view is that the location and form of development proposed would not result in sustainable development and so would not invoke the paragraph 14 titled balance in favour of sustainable development even if the Council did not have a five year housing supply.

The Planning Balance

The proposal is not without merit. In favour, the site is adjacent to the existing settlement and is geographically close to existing town centre services and facilities. In itself the development proposed is good quality and this developer has a proven record of delivering good quality housing in this area under similar site conditions and constraints. The proposal could further boost the supply of housing and might help to maintain delivery momentum whilst larger strategic planned sites come on stream. The development can make provision for affordable housing, leisure and play facilities, improved GP practice capacity, public art and the expansion of the infants and secondary schools sufficient to meet the additional pressures from this scheme. There would also be some economic benefits associated with the construction of new dwellings.

Against this approval would be contrary to the saved countryside protection policies of the development plan (GEN8 and ENV3), which are consistent with the policies of the Framework. The Council has a 5 year housing supply and so the presumption in favour of sustainable development does not apply. Hence policies GEN8 and ENV3 should be given substantial weight and permission should be refused unless material considerations (the benefits) indicate otherwise.

The visual impact of the proposed housing on the rural setting of Clowne would have a significant adverse urbanising effect on the character of the local area and would be a further extension and encroachment of Clowne southwards into the surrounding countryside.

Since the Council has a 5 year supply, the weight which can be given to the benefits associated with additional housing supply are diminished. The weight in favour is further diminished because the development is not consistent with and may frustrate the planned approach the Council is taking in the emerging local plan to unlock the current infrastructure restrictions which will allow for the further more expensive and comprehensive sustainable growth of the settlement as a whole. i.e. even if this site is delivered it may not increase the net supply of housing.

In addition the development has only limited connectivity to the adjoining areas and serves to form a largely isolated pocket of development on the extreme southern edge of the settlement. Furthermore the lack of capacity for the junior school to accommodate the increase in pupils forecast to be generated by this development and the absence of a sustainable solution to enable the necessary provision to be made 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. Therefore the proposal fails to satisfy the social role dimension of sustainable development set out in paragraph 7 of the Framework and so would not result in sustainable development.

Therefore, the public benefits of granting planning permission for the development proposed are limited and do not outweigh the harms. In this respect, any approval for the current application would be contrary to core planning principles in the Framework that require Local Planning Authorities to focus significant development in locations which are or can be made sustainable. Accordingly, officers are recommending the current application should be refused planning permission.

Other Matters

Listed Building: Not affected

Conservation Area: Not affected

Equalities: No significant issues

Access for Disabled: No significant issues

SSSI Impacts: None

Human Rights: No significant issues.

Conclusions

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

RECOMMENDATION

The current application be REFUSED for the following reasons:

- 1. The proposed residential development would be located outside the settlement framework and it cannot be demonstrated that the housing scheme is necessary in the proposed location in the countryside.**

The visual impact of the proposed housing on the rural setting of Clowne would have a significant adverse urbanising effect on the character of the local area and would be a further incremental extension and an unjustified encroachment of Clowne southwards into the surrounding countryside.

Therefore, the current application is contrary to saved Local Plan policies GEN8 and ENV3 and granting planning permission for the current application would

constitute an unwarranted departure from the Development Plan and would conflict with the planned sustainable growth of the District as set out in the emerging Local Plan.

2. The proposal would not result in sustainable development, in particular the proposal fails to satisfy the social role dimension of sustainable development set out in paragraph 7 of The National Planning Policy Framework for the following reasons:-

- 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 the junior school, granting permission for the current application would not reflect the local community's needs or support its social well-being contrary to Paragraph 72 of the National Planning Policy Framework.**
- The location of additional housing to the south of Clowne will necessitate additional car journeys to reach a more distant alternative junior school and also to reach the major road connections to the north of Clowne including the M1 Motorway.**
- The proposed development would have only limited connectivity to the adjoining area, lacking any road links or direct footpath connection to its north side and would form a largely isolated, poorly planned pocket of development on the extreme southern edge of the settlement.**

Approval of the application under these circumstances would be contrary to saved local plan policy ENV3 (A) and would be contrary to core planning principles in the National Planning policy Framework.

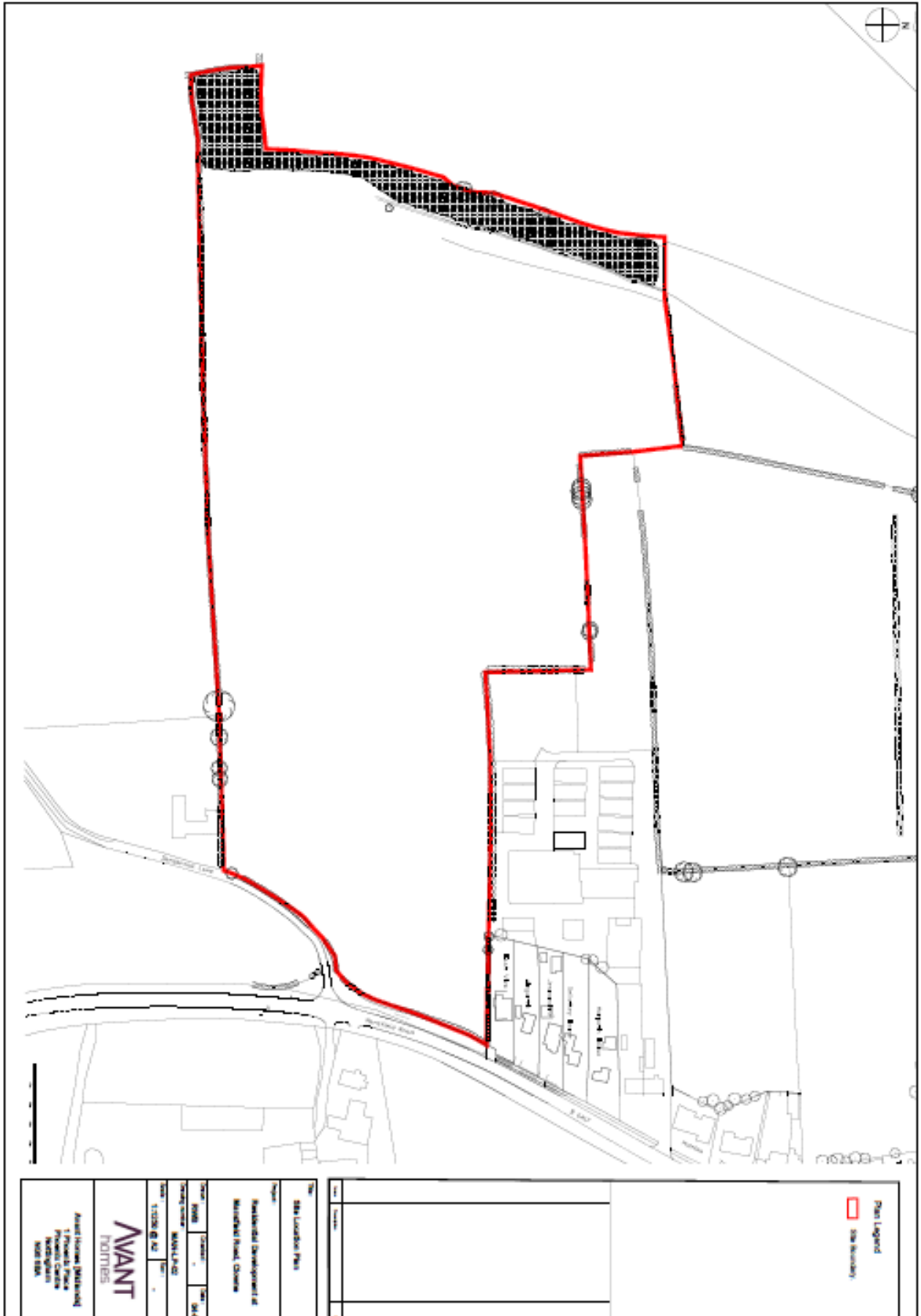
EIA Screening Opinion

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

Statement of Decision Process

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

Site Location Plan



Plan Legend [Red outline] Site boundary
Site Location Plan
Background Development at Municipal Road Closure
Client: [Redacted]
Project Name: MANTLAND
Date: 1/2024
Scale: 1:1000
Author: [Redacted]
Checker: [Redacted]
Approver: [Redacted]
Project Manager: [Redacted]
Client Reference: [Redacted]

MANT
SOLUTIONS

Asset Services (Australia)
Project Management
Infrastructure
MANT

PARISH Glapwell

APPLICATION Outline planning for the proposed redevelopment and relocation of nursery and garden centre, and residential development for up to 65 dwellings and ancillary works with all matters reserved except for access.
LOCATION Glapwell Nurseries Glapwell Lane Glapwell Chesterfield
APPLICANT Mr Stuart Hill Glapwell Lane Glapwell Chesterfield S44 5PY
APPLICATION NO. 17/00598/OUT **FILE NO.** PP-06519771
CASE OFFICER Mr David O'Connor
DATE RECEIVED 16th November 2017

SITE

The site is comprised of an existing nursery/garden centre complex situated on the northern edge of Glapwell. The Nurseries formed part of the grounds of the former Glapwell Hall. To the south side of the car park is the owners house (a stone building rebuilt on the site of a barn) and along the road frontage an original stone and pantile barn (in need of repair and previously permitted for redevelopment). Adjacent to these buildings is an open sales storage area which has planning permission for residential development (this area was formerly a car park for the nursery). East of this area is the former walled garden to Glapwell Hall, now containing the main sales area of the nursery with greenhouses and other buildings.

The walls are generally stone to the outer side and red brick to the inner side, with much of the eastern and western sides having been rebuilt. The walls are approximately 3m high with gaps and archways to allow access to the adjoining areas of the nursery. Further to the east is an open sales/display area with polytunnels beyond. Outside the walled garden but adjoining to its north-eastern corner is The Bothy, a grade II Listed Building in poor repair but protected from the weather with the structure stabilised. This is a small 2 storey building constructed of brick and stone.

Adjoining Glapwell Nurseries to the south is a public recreation ground with football ground, Multi-use games area and cricket pitch. Agricultural land surrounds the rest of the nursery to the east and north of the application site.

PROPOSAL

The application seeks outline consent for relocation of the existing nursery within the site, renovation of The Bothy to form display space for the nursery and the erection of up to 65 dwellings, garages and ancillary works.

The proposed development would make provision for a range of house types including 2, 3, 4 and 5 bedroom detached, semi-detached and terraced dwellings. Open space is to be provided within the site and density of the development would equate to 31.4 dwellings per hectare.

HISTORY

11/00599/REMAJ – Erection of 16 dwellings and associated access and site works (as amended by revised plans and drawings received 21st February 2012) – Approved 21/03/2012.

09/00594/LBC - Application for Listed Building Consent for alterations and extensions to 'The Bothy' to form Tea Rooms, approved 08/10/2010.

09/00593/FUL - Alterations and extensions to 'The Bothy' to form tea rooms, approved 08/10/2010.

09/00592/OUT – Residential development (including access position) – Approved 07/07/2010.

09/00591/OUT - Redevelopment of garden centre to provide for relocated garden centre, greenhouses, customer sales point, associated car parking and revised access to Glapwell Lane, approved July 2010.

09/00188/OUT - Residential development (renewal of 6/00205/OUT); approved 12/06/09.

06/00205/OUT - Residential development of bulky storage/sales area for existing garden centre; approved 19/05/06

05/00476/LBC – Extension to side and change of use to dwelling – Withdrawn prior to determination.

05/00377/FUL - Relocation of existing glass houses including sales area; withdrawn 12/05.

05/00376/OUTMAJ - Residential development; withdrawn 03/06.

05/00375/FUL and 05/00476/LBC - Ground floor extension to side and change of use to dwelling, The Bothy; withdrawn 12/05.

04/00122/OUTMAJ - Residential development; withdrawn 08/04.

Various applications relating to the garden centre and nursery uses, including 98/00558/FUL - Car park to north side approved in 1999 (63 spaces) and 99/00231/FUL - Conversion of existing dwelling and outbuilding (former stables) to restaurant/bar, flat and function rooms approved 1999 but not implemented.

CONSULTATIONS

Glapwell Parish Council: The Parish Council object to the above development. Concerns are raised in relation to the additional traffic and difficulties accessing/egressing from the site during busy periods. The development is also outside of the settlement framework boundary, concerns are raised in relation surface water and foul drainage infrastructure, overcapacity GP and school services and concerns in relation to the taking a decision on an application of this nature as an outline planning submission.

Derbyshire County Archaeologist: The proposal site falls partly within the historic medieval core of Glapwell, running to the north of the former site of Glapwell Hall (Derbyshire HER

6001), a 17th century (and possibly earlier) hall demolished in 1951. Archaeological remains of the hall (or more likely of one of its outbuildings) were identified during evaluation for a previous development proposal on the site, towards the south-western end of the current application area. The northwestern corner of the proposed development has not been previously evaluated and may also retain some archaeological potential. Further east from Glapwell Lane, however, no significant remains were identified during the archaeological evaluation, and this area is therefore known to be of low potential.

Further east again the site has been impacted by polytunnel cultivation and is unlikely to retain any archaeological potential. The proposals for the area of interest associated with Glapwell Hall are very similar to those previously consented in this area, and the archaeological response could therefore be pitched at the same level, with archaeological strip and record on the footprint of the access road and any further development impacts subsequently consented in this area. The proposed car park area at the north-western corner of the site might also require some level of archaeological investigation/recording, depending on the depth of excavation impacts associated with resurfacing. These archaeological impacts should be addressed through planning conditions in line with NPPF para 141.

Derbyshire County Council (Lead Local Flood Authority): Thank you for consulting the Lead Local Flood Authority (LLFA) on the above planning application. We are recommending a holding objection on the proposed development as it is not possible to provide an informed comment until such a time that the applicant has submitted further information. Clarification is required relating to the overall drainage strategy of the site, detailing the connectivity of the permeable paving and the below ground storage with the wider drainage detail. Should the storage tank not be viable, what are the proposed methods of surface water management on site. The LLFA would additionally question why above ground attenuation cannot be utilised.

Historic England: On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions

Bolsover District Council (Housing Strategy): The recent Strategic Housing Market Assessment OAN Update 2017 estimates that 239 units of affordable housing would need to come forward each year over the next five years to meet all affordable housing need in Bolsover district.

We request affordable housing provision of 10% on site in line with the Council's planning policy. These should be two bedroom (4 person) houses, to make up two thirds of the total number and 3 bedroom (5 person) houses, to make up one third of the total number. The preferred tenure is social rent or Affordable Rent.

The properties should be owned and managed by a Registered Provider who has stock in the district or that of a neighbouring Local Authority, with nomination rights to the council for applicants from the Housing Register. If no Registered Provider can be found (and this is evidenced) then an off-site contribution in the form of a commuted sum would be considered.

Bolsover District Council (Leisure): A contribution to public art is a contribution to the community of an area. When the development costs or is likely to cost in excess of £1million, including infrastructure, Bolsover District Council maintains a percent for art policy stating that the developer should contribute 1% of the total costs of the development to public art.

Public art in this context is defined as *“Almost all art forms; including sculpture, mosaic, Photography, Painting, Writing, Ironwork, Glass, Ceramics, Carving, Textiles, Film, Lighting, digital media creation, public rehearsal and performance, both musical and dramatic.”*

Bolsover District Council Environmental Protection: The application documents have been reviewed. It is noted that the Phase 1 desk study that has been submitted (Rodgers Leask Environmental 30/10/2015) covers a larger site than that currently under consideration for this development. However, we are in agreement that further intrusive investigations are required for this site and in view of the proposed sensitive end use, we would recommend the use of standard site characterisation conditions.

Yorkshire Water: The Flood Risk Assessment and Drainage Strategy (prepared by Rodgers Leask - Report P14-352 Revision A dated 14/11/2017) is acceptable. In summary, the report states that foul water will discharge to public foul water sewer and regarding surface water, sub-soil conditions support the use of soakaways.

As surface water from the site is not proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water has been undertaken. Should the surface water disposal proposals change, further consultation with Yorkshire Water will be required. Conditions are therefore recommended to ensure surface water is contained on site with no discharge to the public sewer system without prior agreement.

Severn Trent Water Ltd: Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of conditions requiring submission and agreement of full drainage details for foul and surface water.

Bolsover District Council (Engineer): The sewer records do not show any public sewers within the curtilage of the site. However, the applicant should be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant should be advised to contact Yorkshire Water in order to determine their responsibilities under the relevant legislation.

Subject to acceptance of any proposed SuDS design by DCC (LLFA), we must ensure the developer submits 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. (a copy to be kept by Engineering Services)

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

Derbyshire County Council (Local Highways Authority): The application is supported by a

Transport Statement (TS). The TS assesses the impact of the 65 dwellings, the subject of the above application, and a further 65 dwellings on land to the south, accessed from Park Avenue. The TS indicates that the surrounding highway network has sufficient capacity to accommodate the traffic generated by the proposed development without mitigation. It should be noted that the Highway Authority does not necessarily “agree” the contents of a TA or concur with every detail contained therein but considers that there is no evidence to suggest that the conclusion is incorrect.

The TS also refers (paragraph 6.2 and Drawing 2016_465_1_01.E) to an extant permission (11/00599) for a new access into the nursery car park. Application 11/00599 appears to be a reserved matters application for outline applications 09/00188 and 09/00592, neither of which show the car park access within the red outline of the application site. In fact, application 09/00591 related to the garden centre and revised access.

Notwithstanding, the Highway Authority has previously accepted residential development served off the proposed access point and the layout showing a 5.5m carriageway with 2 x 2m footways is considered suitable to accommodate the number of dwellings proposed and the internal dimension of the site would accommodate development in accordance with guidance in the 6Cs Design Guide.

Therefore, there are no objections to the proposal from the highway point of view subject to the conditions stated in their original response.

Derbyshire County Council (Education): Aanalysis indicates that there would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. The County Council can advise that the normal area secondary school would not have sufficient capacity to accommodate all of the additional pupils generated by the proposed development and therefore requests financial contributions as follows:

- £171,761.70 for the provision of 10 secondary places at The Bolsover School towards Project H: Additional teaching accommodation

The Bolsover School is housed in new buildings (2011 – BSF Wave 1) and has purpose built facilities for its current net capacity. Priorities would need to be identified across the full range of facilities to support expansion of the school population beyond this number. The additional facilities needed would include general and specialist teaching accommodation, as well as auxiliary accommodation. The precise nature of the classroom accommodation would be determined through consultation with the school to identify their priorities at the time of the funding being available.

Bolsover District Council (Planning Policy)

The site in question is not allocated for housing within the adopted Local Plan and is situated in the countryside and therefore is covered by the general countryside policies within the plan. Beyond the settlement frameworks, new residential development is generally restricted to replacement dwellings, extensions to existing dwellings or essential new dwellings for agricultural or forestry workers. This proposal is none of these types of residential

development and so the key policy to assess the proposal against is ENV 3 – Development in the Countryside.

Emerging Local Plan

The Council has commenced work to replace the adopted Bolsover District Local Plan (2000) following adoption of its Local Development Scheme on the 15th October 2014. As part of this work, this site was promoted to the Council for consideration as a potential residential allocation and its availability, suitability and achievability have been considered.

The aim of the emerging Local Plan is to foster sustainable development and this forms a core part of the Local Plan Vision. This Vision and the supporting spatial strategy direct development to the most sustainable settlements and locations, as well as seeking to regenerate the District's remaining large former industrial sites.

The approach taken to Glapwell, one of the District's smaller and less sustainable settlements, within the Consultation Draft Local Plan (October 2016) has been to limit growth and direct the majority of the planned growth instead to the larger and more sustainable settlements. A small housing allocation was proposed in Glapwell on the nursery part of the application site, catering for only 16 dwellings: a relatively low amount of growth considered to be appropriate to a small and less sustainable settlement such as Glapwell.

This allocation is based on the implemented but not yet delivered detailed planning permission (ref. 11/00599REMAJ). Beyond this, the emerging Local Plan has not selected the larger application site for residential development to meet the planned growth in the settlement and thus the rest of the site remains outside the settlement framework and within the Countryside.

5 Year Supply

Based on the assessment published in August 2017 of our 5 year supply of deliverable housing sites, at 31st March 2017 the Council had sufficient supply within the 5 year supply period for just over 8 years of delivery.

This August 2017 assessment has been reviewed in November 2017 in order to take account of the SHMA Objectively Assessed Need Update report (October 2017). This OAN Update report has updated the OAN for Bolsover District in light of the 2014 Sub National Population projections and the Sub National Household projections that were published in 2016 following the methodology set out in the NPPG. Based on this updated OAN and the schedule of specific deliverable sites outlined in August as the position at 31st March 2017, the mid period review calculates that there continues to be sufficient supply within the five year supply period for just under eight years of delivery.

It is noted that the agent has challenged the Council's published position in relation to the OAN figure and the schedule of specific deliverable sites. Firstly, in relation to the OAN, the agent has argued that the OAN should be higher to support economic growth. The Council has utilised the OAN recommended to it within the independently prepared SHMA Objectively Assessed Need Update report (October 2017), namely the 'affordability uplift' scenario. Whilst

the Council is yet to publish its preferred scale of housing provision within the next stage of the emerging Local Plan in light of this new OAN evidence, the evidence will inform the decisions behind this. It is considered that to move away from the OAN recommended within the evidence would be difficult to justify, particularly given the affordability uplift scenario most closely reflects the Government's own preferred methodology upon which they consulted in 2017 and a final decision is awaited. Furthermore, the agent has challenged the SHMA Objectively Assessed Need Update report's approach of resetting the baseline at 2014 to align with the latest population projection data, rather than retaining the 2011 base date. This too is considered to be difficult to justify as it does not reflect current national guidance on OAN methodology within the PPG.

Furthermore, in relation to the schedule of specific deliverable sites, the agent has challenged the trajectory outlined in the published position. In doing so, it is noted that they take a very conservative view on completions within the first couple of years of the supply, reducing the numbers of completions to 140 on major sites in year 1 and 172 on major sites in year 2. This is considered to be not based on any detailed understanding of the sites and their delivery, but rather designed to create a scenario where the Council wouldn't have a 5-year supply.

On this basis, it is considered that the challenges made by the agent do not stand up to scrutiny. Therefore, the saved planning policies within the adopted Bolsover District Local Plan (February 2000) related to the supply of housing should be considered up-to-date and can be given due weight in the determination of planning applications.

Conclusions

In relation to the general location of the site, the housing component of the proposal is contrary to policies GEN8 – Settlement Frameworks, HOU2 – Location of Housing Sites and most importantly ENV3 – Development in the Countryside of the adopted Bolsover District Local Plan (February 2000). In light of the Council being able to demonstrate a 5 year supply of deliverable housing sites, these policies are considered to be up-to-date.

Furthermore, the housing component of the proposal is also contrary to the policies and proposals of the emerging Local Plan for Bolsover District, in particular policy SS3 – Spatial Strategy and Distribution of Development (October 2016). On this basis, the emerging Local Plan would not provide a material consideration to support a departure from the adopted Local Plan.

In addition, it is considered that the housing component of the proposal would also be contrary to the NPPF given its emphasis on a plan-led system, sustainable development and minimising the need to travel.

Given that the housing component of the proposal is contrary to both adopted and emerging Local Plan policy and that the site represents an unsustainable location for housing, it is concluded that the application should be refused for the reasons given above.

PUBLICITY

A total of 51 consultation responses (31 responses in support of the proposals, 16 in

opposition to the proposals and 4 general comments) have been received in relation to the development proposed. In summary these raise the following issues:

Comments in Support

- The development will lead to regeneration of the site and the creation of homes and affordable housing which is a positive for the community
- The village has lost Rowthorn Welfare, Glapwell Post Office and Staley's Garage and Glapwell FC needs financial investment. The development will reinforce the financial longevity of local businesses and services
- The site is not overlooked by neighbouring properties and will improve on the current use of the land
- The proposal will support the regeneration of the Gardener's Bothy and will assist in improving its appreciation by the public

Comments against

- The road infrastructure within the village would not be able to cope with the scale of development proposed. The area already suffers from considerable congestion associated with the M1
- There will be an adverse impact through the additional noise and pollution from the development
- The village has insufficient infrastructure in the form of schooling, health care provision, shopping facilities and water and sewerage capacity
- There will be adverse landscape impacts from the development
- The development borders onto the ground used Glapwell Cricket Club. The impact of potential cricket balls entering neighbouring gardens and dwellings and impact human safety needs to be considered and mitigated against. E.g. by erecting netting at the developers expense.
- The plot is farming land that should not be developed
- The land may be used to gain access to a neighbouring development site at the end of Park Avenue.

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 2
- GEN 6 – Sewerage and Sewage Disposal
- GEN 8 – Settlement Frameworks
- GEN 13 – Provision for People with a Disability
- GEN 17 – Public Art
- HOU 2 – Location of Housing Sites
- 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 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

1. 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, the stated aims (para 2.4) of the Bolsover District Local Plan regarding environmental sustainability relate to encouraging energy efficiency, influencing the location and design of development to reduce energy wastage and seeks to ensure use of efficient means of transport alongside the aim of 'reducing the consumption of non-renewable resources.' In conjunction with Policies GEN8 and ENV3, Policy TRA1 seeks to guide development to areas which minimise the overall need to travel, are highly accessible by means of transport other than the private car and maximise the ability of users to walk or cycle to and from the site.

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.

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

Although it is recognised the site exists in an area adjacent to the settlement Framework Boundary, when taken together GEN8, ENV3 and TRA1 seek to direct growth to main settlements that have adequate infrastructure and are close to existing day to day services whilst also protecting the locally distinctive character of settlements within the District and the intrinsic quality of their rural settings. The proposed development would encroach into the open countryside beyond the existing limits of Glapwell. By virtue of the size and scale of the proposals; the proposed development would have an urbanising effect on the otherwise rural or semi-rural setting of the settlement. Moreover the site is not well served by existing services in the context of Glapwell given the spatial distance that separates the site from main settlements that possess everyday services such as education facilities and significant shopping facilities, employment opportunities and transport links.

It is therefore considered that the proposals do not accord with the strategic objectives of policies TRA1, GEN8 and ENV3 and are therefore contrary to the development plan. Consequently, the identified conflict with policies TRA1, GEN8 and ENV3 forms a significant 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.

2. Emerging Local Plan

The Council has commenced work to replace the adopted Bolsover District Local Plan (2000) following adoption of its Local Development Scheme on the 15th October 2014. As part of this work, this site was promoted to the Council for consideration as a potential residential allocation and its availability, suitability and achievability have been considered.

The aim of the emerging Local Plan is to foster sustainable development and this forms a core part of the Local Plan Vision. This Vision and the supporting spatial strategy direct development to the most sustainable settlements and locations, as well as seeking to

regenerate the District's remaining large former industrial sites.

The approach taken to Glapwell, one of the District's smaller and less sustainable settlements, within the Consultation Draft Local Plan (October 2016) has been to limit growth and direct the majority of the planned growth towards the larger and more sustainable settlements. The assessment of the sustainability of settlements was informed by the objective Settlement Hierarchy Study 2015 and is considered further below. A small housing allocation is proposed in Glapwell on the nursery part of the application site, catering for only 16 dwellings: a relatively low amount of growth considered to be appropriate to a small and less sustainable settlement such as Glapwell. This allocation is based on the implemented but not yet delivered detailed planning permission (ref. 11/00599REMMAJ) which was approved partially on the basis of enabling development for the heritage asset.

Beyond this, the emerging Local Plan has not selected the larger application site for residential development to meet the planned growth in the settlement and thus the rest of the site remains outside the settlement framework and within the countryside.

Settlement Hierarchy Study 2015

The NPPF para 17 suggests Authorities should 'Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.' The purpose of the Settlement Hierarchy Study was to assess the existing sustainability of the District's settlements and rank them from the most sustainable to the least. The study is a component of the evidence underpinning the Emerging Bolsover Local Plan which seeks to enact management of the pattern of growth within the district but is also stated to 'provide a benchmark when considering development proposals (Para 5.7).'

To assess the sustainability of settlements the study seeks to grade the following specified characteristics. These are given a weighting across the main areas to establish a wider 'sustainability score' and allowing the settlements within the study area to be placed in rank order. The key assessment areas utilised related to:

- The number of people in the settlement
- The availability of employment
- The availability of shopping facilities, services and community facilities
- The availability of public transport

Glapwell has a population of 1504 according to the study and as such scored very low (2/10). Similarly very low scores were also apparent in the access to employment (1/10) and available services (1/10) categories with a more moderately low 4/10 scored for public transport.

Therefore in terms of the sustainability of the settlement when considered against the above factors Glapwell scored poorly. Consequently, the Council has taken the view in the emerging plan that expanding the settlement through growth in housing numbers would not accord with national planning policies that promote and encourage sustainable development. In particular, whilst it is acknowledged that Glapwell is not entirely devoid of services, the limited employment opportunities and travel distances to key services does not align with the key objectives of

reducing car dependency and carbon emissions as set out in the Framework. These conclusions weigh heavily against approval of the current application.

3. 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 to Planning Committee agenda on 22 November 2017, 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.

Supplementary to the Council's evidence of deliverable sites, a recent appeal decision APP/R1010/W/16/3165450: Lodge Farm considers the issue of 5 year supply in further detail. The decision follows an informal hearing where the Council provided evidence in response to appeal submissions by the appellant for a range of sites within the Council's administrative area. In short the decision confirms that on the basis of the detailed evidence examined during the appeal proceedings, the Council maintains a 5 year supply of housing. As such the extant Local Plan policies should be given significant weight in the determination of any application as the 'presumption in favour of sustainable development' does not apply in this case with reference to paragraph 49 of the Framework.

Nonetheless, the appellant has put forward an alternative assessment of the Council's 5 Year Supply position. The assessment provides a tabled comparison of the Council's Annual Assessment of Five Year Supply of Deliverable Sites for Housing beside the applicant's view of the sites shown. Notes beside these sites seek to suggest the Council has overestimated their supply and that the Council has less than 5 years.

The Council's Planning Policy Team have considered the submitted information and maintain the view that the alternative approach taken to calculating five year supply provided by the

agent 'is difficult to justify.' The recent appeal decision also offers support for this view (with a reduced figure of 5.5 years supply) but some of the figures utilised by the Inspector in this decision are also disputed by the Council's Planning Policy team.

Taking the evidence above and recent appeal conclusions into account, it is considered the Council can demonstrate 5 years supply of deliverable housing sites. As such, the proposed housing is not needed to make up a shortfall in terms of meeting objectively assessed housing need in the District. Therefore, 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.

Finally although the applicant puts forward a case that their site would add to the Council's five year supply, limited actual evidence is provided within the application to support this. Information such as evidence of developer interest, anticipated timelines for delivery or other information to suggest the development could be brought forward swiftly does not form part of the submissions.

In comparison, the applicant has had a planning permission for 16 dwellings on the existing site since at least 2009 (an 'enabling development' to allow for the refurbishment of the Bothy) with earlier consents in 2006 and these have not been commenced. The applicant has also had permission for the conversion of the existing attached barn to housing and for use of the Bothy as a café / tea room, neither of which have been progressed to the construction phase.

Therefore the applicant has no proven record of delivery that would obviously set them apart from other already permitted sites which the applicant's case seeks to detract from by suggesting these other proposals will not come forward within a 5 year timeframe. As such, the absence of any evidence related to the delivery of the proposals and in light of the applicant's track record of delivery, there is no certainty that the proposed housing would significantly boost the Council's five years supply of housing or that the benefits of granting planning permission would be achieved within a reasonable timeframe. These concerns exacerbate the above conclusions that the current proposals constitute an unsustainable form of development.

4. National Planning Policy Framework ('the Framework')

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

The proposed development would extend Glapwell beyond its existing settlement limits and have an urbanising effect on its predominantly rural setting in a manner inconsistent with the existing form of the settlement. For example, the development would place much more dense development on the northern side of the settlement that would not relate well to the central

built form and the new development would be poorly related to the core of the settlement and the main built-up area of Glapwell.

As such the current application also fails to accord with national planning policies in the Framework that seek to safeguard the locally distinctive character of the District. Therefore, the current application conflicts with core planning principles underpinning saved Local Plan policies in the Development Plan and national planning policies in the Framework.

In the first instance, the objectives of the plan and Policies TRA1, GEN8 and ENV8 seek to direct large scale development to existing settlements and safeguard the open countryside are consistent with the golden thread of sustainable development that runs through national planning policies. In particular, the above policies reflect the emphasis within the Framework that is placed on minimising pollution and promoting the transition to a low carbon economy, promoting development in sustainable locations with good accessibility, varied means of transport and a range of services and infrastructure capable of accommodating growth.

It is considered policies TRA1, GEN8 and ENV3 are consistent with these national policies because they focus development in areas with good access to services and alternative means of transport is a key component of sustainable development. To focus substantial development in rural areas with lesser services would run counter to the planning principles set out in Paragraph 17 of the Framework relating to 'supporting the transition to a low carbon future in a changing climate' and 'recognising the intrinsic character and beauty of the countryside'.

Therefore, the proposals for residential development are in an open countryside location, outside of the settlement framework such that they conflict with saved Local Plan policies and emerging policies in the Consultation Draft Local Plan - and these policies are judged to be 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 and the identified conflict with the development Plan should be attributed substantial weight in the determination of the current application.

5. Benefits of Residential Development

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. The applicant argues that the proposed housing development would boost housing supply, retain the employment and services offered by the existing garden centre use and would provide for additional public open space, affordable housing and walking routes on the edge of the village.

It is also 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 and it is recognised some of the site may be of lesser environmental quality, owing to its previous uses, but the majority of the application site land is not considered to be previously developed land or 'brownfield' because the primary use of

most of the site is 'horticulture'. A garden centre is otherwise more rural in character than a housing estate. Therefore, there is no real argument that the current proposals are needed to relocate a non-conforming use or improve the rural setting of the village at one of its main entrance points.

The provision of housing aspect of the applicant's case is also diminished because the Glapwell does not have a full range of services and most future occupants would be car dependent. The amount of houses proposed in this application would not be enough to generate or pay for the provision of additional services. In addition, no real evidence has been provided that the existing garden centre is in financial difficulties and that the site is likely to fall into disuse. In the alternative, no real evidence has been provided to set out the wider public benefits that would result from the relocation and scaling down of the current uses on site.

Therefore whilst it is accepted that reuse of the site would provide for additional housing including affordable housing whilst retaining some of the current uses of the site that might provide local employment opportunities: for the above reasons, it is difficult to attribute more than moderate weight to these benefits when assessing the planning merits of the current proposals.

6. Other Material Considerations

a) Landscape and Visual Impact

It is clear that the proposals would change the character of the site from a garden centre and nursery, which is not uncommon in rural areas, to a housing development. In short range and medium range views, this effect will be quite stark. The development will also result in a higher density of development to the north of the application site which would not accord well with the historic pattern of the development more closely associated with the village core. The development proposed will have an urbanising effect on the rural setting of Glapwell and as such, the proposals will detract from the locally distinctive character of the settlement contrary to the specific requirements of saved Local Plan policy GEN2.

Although the site may not be significantly prominent in wider views given the topography of the surrounding land and existing screening around the site, this does not mitigate for the adverse impacts of the development. It is also noted that the fencing associated with the neighbouring uses adjacent the site such as the cricket area and relocating the garden centre on the countryside edge of the development might reduce the impact from the development on the wider landscape. However, the proposals fall short of providing an appropriate new settlement boundary and do not offer a significant improvement to the environmental quality of the local area.

Therefore, the harmful effect of the development on the character and appearance of the local area weighs heavily against approval of this application and the nature of these impacts means that subsequent reserved matters applications showing layout, external appearance and landscaping, for example, would not be able to address the objections to the principle of a housing scheme in this location because of its adverse visual impact.

b) Heritage

The proposals would lie partly within the historic medieval core of Glapwell, running to the north of the former site of Glapwell Hall (Derbyshire HER 6001), a 17th century (and possibly earlier) hall demolished in 1951. However, the County Archaeologist is satisfied that conditions can be used to ensure any archaeological interest is properly addressed before any development goes ahead.

The proposals would also affect a Grade II listed building known as 'The Bothy'. At this stage, the indicative layout provides some reassurance the setting of this building will be respected if the proposed development were to go ahead. However, objections to the impact of the housing development on the setting of this building are partly limited by the fact the building is almost hidden amongst the existing development on site and the proposals do provide some opportunities to improve the understanding and appreciation of this building.

It is also relevant that consent for housing within the setting of this building has been granted previously by the Council and it would be difficult to argue that the current scheme would have much more of an impact. It is therefore considered that there are no overriding objections to the scheme on heritage conservation grounds subject to conditions in respect of archaeology and pending consideration of the reserved matters applications should permission be granted for the current application.

Finally, it is noted that the proposals could lead to improvements to the condition of The Bothy but it is not clear from the evidence provided by the applicant that the enhancements go beyond what would be expected of an owner of listed building to keep it in reasonable repair in any event or whether its condition relates to any significant issues beyond how well it may have been maintained in the recent past. In these respects, the offer of improvements to The Bothy are welcomed but do not yet amount to a benefit that could be attributed much weight in the determination of this application.

c) Planning Obligations

The developer would be willing to pay the required planning obligation contributions on the application. These include:

- 10% affordable housing comprising two bedroom (4 person) houses to make up two thirds of the total number - and 3 bedroom (5 person) houses to make up one third of the total number. The preferred tenure is social rent or Affordable Rent.
- 1% public art contribution of the total development value
- Education contributions £171,761.70 for the provision of 10 secondary places at The Bolsover School towards Project H: Additional teaching accommodation
- Open Space and maintenance contributions in line with the attached comments from Leisure.

The developer has confirmed such contributions would be made. The development is therefore considered to accord with Local Plan HOU6 for affordable housing, GEN17 for public art and NPPF paragraph 17 & 72 for education contributions to maintain sustainable

communities pending the completion of an appropriate s.106 legal agreement securing the contributions to local infrastructure. Nonetheless, these are not considered to be benefits arising from any grant of permission for the current application; these contributions are required to make the proposals acceptable in planning terms.

d) Highway Considerations

In this case the Highway Authority raise no objections to the proposals. Within the comments from the Highways Authority it is accepted that:

'Residential development served off the proposed access point and the layout showing a 5.5m carriageway with 2 x 2m footways is considered suitable to accommodate the number of dwellings proposed and the internal dimension of the site would accommodate development in accordance with guidance in the 6Cs Design Guide.'

Although a number of respondents have raised concerns about the extent of the increase in traffic associated with a development of this scale, Officers concur with the Highway Authority that the 'peak hour' increase in traffic movements would not be significant or have a severe effect on the highway network at this location in line with paragraph 32 of the Framework. However, whilst the provision of a safe and suitable access and the limited impact of the development on the local road network means the proposals do not give rise to objections on highways grounds; the proposals do not include any significant highway improvements that would weigh in favour of granting permission for the proposals.

e) Biodiversity

The application is supported by a formal ecological appraisal. This suggests there are a number of hedgerows and individual trees within the survey boundary and that habitats immediately surrounding the site consist of arable fields to the north and east of the site, with a strip of built environment to the south with arable fields beyond this and built environment to the west. Habitats within the wider area consist of further arable fields to the north and east, arable fields to the south with built environment in the village of Glapwell to the south-west and built environment and arable fields with an area of woodland (Carr Wood) to the west. The report goes on to assess:

- *The proposed development area has low naturalness, low species diversity and a lack of structural heterogeneity. As such, it is assessed that the development proposals would not result in the loss of any significant areas for nature conservation.*
- *No evidence of the presence of bats was found either externally or internally on any of the building and there was no indication that bats have used the buildings historically, although there are potential access points on one of the buildings within the site. No other features were found within the site suitable for roosting or resting bats. No further survey for bats with regard to these buildings is considered to be necessary.*

- *There was no evidence found of the presence of badgers within the site and no further survey for this species is considered necessary.*
- *There is suitable habitat within the site for both tree and ground nesting birds although no current or historic nests were noted during the survey. As such, site work should avoid disturbing nesting birds where possible and any tree/shrub clearance or or disturbance of longer vegetation that could be used by ground nesting birds should ideally take place outside the breeding season for birds. Where this is not possible, care should be taken and if nesting birds are found to be present, work should cease until the young have fledged and the nest is no longer in use.*
- *There are not considered to be any potential impacts from the development on any other protected or notable species and habitats.*

Officers see no reason to disagree with the assessment of the biodiversity potential of the site. Accordingly subject to conditions governing timing of works and site clearance, it is concluded the application as submitted accords with Local Plan Policy ENV5 and the thrust of Paragraphs 9 and 118 of the Framework in relation to ensuring no net loss of biodiversity. However, the proposals would not provide such significant nature conservation benefits that would offset or outweigh the identified conflict with the Development Plan or the harmful visual impacts associated with the proposals.

f) Drainage and Flood Risk

Both Yorkshire Water and Severn Trent Water raise no concerns with the proposed development subject to the inclusion of conditions to require the provision of detailed foul and surface water drainage information.

Initially concerns were raised about a lack of adequate detailed calculation of drainage capacities by the Lead Local Flood Authority who previously recommended a holding objection on the application. However the applicant has since provided further details and it is anticipated the objection will be removed once the LLFA had had the opportunity to review the submitted details.

g) Neighbourliness

As the application is outline only, the detailed layout of the site is not part of the application discussions at this time, and although some criticisms could be made of the layout, such matters would normally need to be considered further when the scale, layout and appearance of the proposed site is considered at the Reserved Matters stage when more precise detail would be provided. Therefore, neighbourliness is not an issue that weighs heavily in the determination of the current application

h) Cricket Pitch

The Council has received comments from the Chairman of the neighbouring cricket club which borders part of the site. The comments make the observation that there would be a risk to public safety if some form of approach is not considered to address cricket balls potentially being hit into proposed gardens. Officers concur there is a risk and would recommend consulting with Sports England prior to any consent being granted for the current application. Nonetheless, this issue is not one that weighs heavily in the determination of the current application because it is reasonably likely that netting or other mitigation should be able to deal with any potential problems arising from the proximity of the development to the cricket ground.

7. Planning Balance

In conclusion, the principle of the development is considered to be contrary to saved Local Plan policies TRA1, GEN8 and ENV3. These policies are considered consistent with the Framework and the Council can demonstrate 5 year supply of housing. Therefore, these policies should be afforded significant weight and permission should be refused for the application unless other material considerations indicate otherwise.

For the reasons set out above, the applicant cannot demonstrate that the proposed housing would significantly boost housing supply within the next five years and this diminishes the short term benefits of granting planning permission for the scheme in any event. However, the longer term benefits of relocating the garden centre have not been made out in any detail, the benefits of conserving The Bothy are offset by little evidence that this building has been appropriately maintained over the longer term, and the more generic benefits of granting permission for housing development (10% of which would be affordable) are offset and outweighed by the location of the development, which has limited local services and is remote from other service centres and employment hubs.

In comparison, the proposals would result in a demonstrable adverse impact on the character and appearance of the local area not least because the proposals would have a harmful urbanising effect on the rural setting of the village. The scheme would also fail to provide a logical extension to the existing settlement because the proposed scheme would fail to reflect or respect the historic pattern of residential development and the locally distinctive character of the village.

It is therefore considered the current application proposes an unsustainable form of development that would not only be a departure from the Development Plan but the proposed development would also conflict with national planning policies in the Framework when taken as a whole. Accordingly, the current application is recommended for refusal.

RECOMMENDATION

The current application be REFUSED for the following reasons:

1. The proposed residential development would be located outside the settlement framework and it cannot be demonstrated that a housing scheme of up to 65 houses is necessary in the proposed location in the countryside. In addition, it has not been demonstrated that the proposed location would be a sustainable location for this number of houses with particular regard to the level of local services and employment opportunities in Glapwell, the distance between Glapwell and other service centres, and the extent to which future occupants would be dependent on a car to access services and employment. Therefore, the current application is contrary to saved Local Plan policies TRA1, GEN8 and ENV3 and granting planning permission for the current application would constitute an unwarranted departure from the Development Plan.
2. The proposed housing would have an urbanising effect on the rural setting of Glapwell, would fail to respect or reflect the historic pattern of development within the settlement and diminish its locally distinctive character. The submitted plans also fail to demonstrate that the scheme would otherwise significantly improve the environmental quality of the local area. Therefore, the proposals are contrary to the specific requirements of saved Local Plan policy GEN2 and contrary to core planning principles in the National Planning Policy Framework.
3. In the absence of any evidence related to the delivery of the proposals and in light of the applicant's track record of delivery, there is no certainty that the proposed housing would significantly boost the Council's five years supply of housing or that the benefits of granting planning permission would be achieved within a reasonable timeframe. These concerns exacerbate the conclusions reached by the Council that 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.

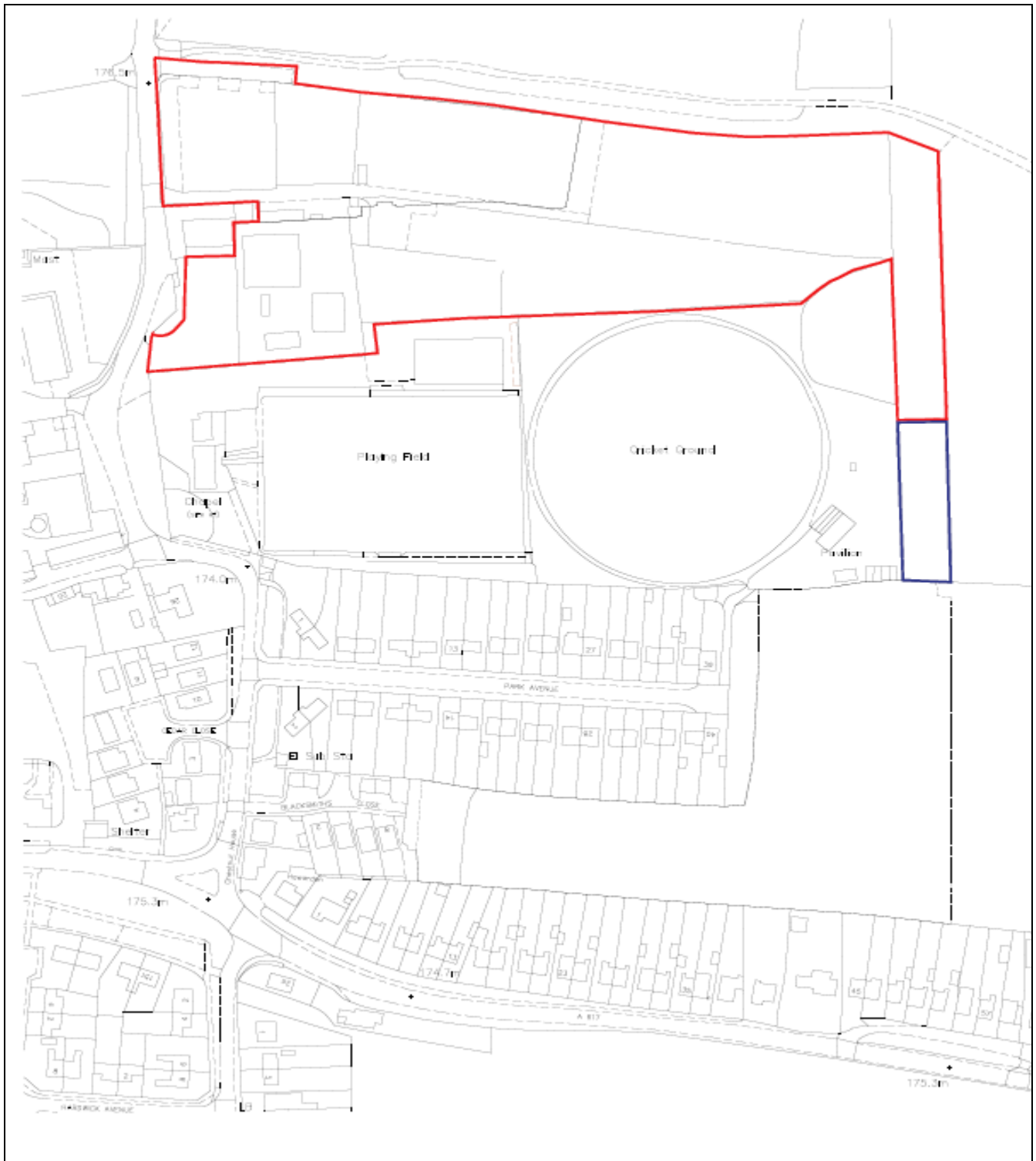
Human Rights

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. Nonetheless, the Council have worked positively and pro-actively with the applicant to seek to address all other planning issues prior to the determination of the current application.

Site Location Plan



PARISHPinxton

APPLICATION Proposed residential development of 6 no. two-storey dwellings
LOCATION Land To The South 16 And 18 Ash Close Pinxton
APPLICANT Mr Matt Broughton The Arc High Street Clowne S43 4JY
APPLICATION NO. 17/00571/FUL **FILE NO.** PP-06410087
CASE OFFICER Mrs Kay Crago (Tues, Fri)
DATE RECEIVED 3rd November 2017

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Planning Manager
REASON: Recommendation of approval contrary to saved Local Plan policy CLT6

SITE

The site is approximately 0.20 hectares in size, slopes from the north-west to the south east and is situated centrally within the settlement framework of Pinxton, close to Pinxton Miner's Welfare Social Club. The existing use of the land is predominately an open piece of residential amenity green space. There is a hedgerow to the western boundary and a gas substation within the site, with a public footpath through the northern part of the site connecting Ash Close to Elm Close and the Miner's Welfare and another footpath at the southern boundary connecting Ash Close to the access road that leads to the Miner's Welfare and out to Wharf Road. Residential properties surround the site on three sides.

PROPOSAL

Erection of six, two storey houses comprising 2 one bedroom 2 person houses
2 two bedroom 4 person houses, 1 three bedroom 5 person detached house and 1 four
bedroom 7 person detached house.

All houses have private garden space, space for wheeled bins and a storage shed.

All houses have off street parking shown to the frontage of the plots with landscaping
elements.

All of the houses are designed to certain quality standards such as Lifetime Home
Standards, Code for Sustainable Homes, Building for Life 12 and Secured by Design.

The properties will remain in the ownership of Bolsover District Council managed by the
Property and Estates and with tenancies managed by the Council's Housing Department.

Proposed external facing materials: Ibstock Oakmoor Orange brickwork and Sandtoft dark
grey smooth face double pantile roof tiles.

The application is supported by the following:

- (D) 01 REV A Location and Block Plan
- (D) 02 Topographical Survey
- (D) 03 REVB Proposed Site Plan
- (D) 04 REV B Plots 1 and 2 Floor Plan and Elevations
- (D) 05 REV A Plots 3 and 4 Floor Plan and Elevations
- (D) 06 REV A Plot 5 Floor Plans and Elevations
- (D) 07 Plot 6 Floor Plans and Elevations
- (D) 08 Proposed Site Sections

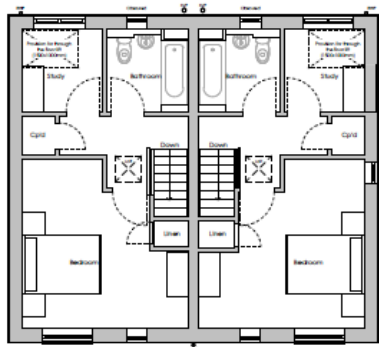
SK100 Proposed Drainage Strategy
 Coal Mining Risk Assessment
 Design and Access
 Drainage Statement
 Phase 1 Geo environmental Report
 Justification with regards to development on protected open space.

The proposed site layout is shown below:



AMENDMENTS

(D)04 REV B Amended/corrected drawing received for plots 1 and 2 (see below).



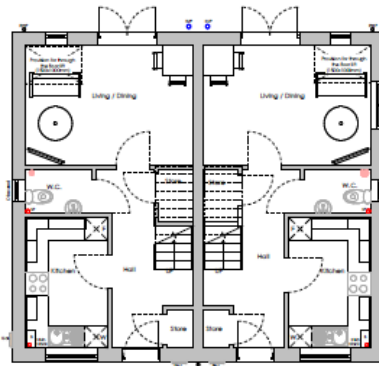
First Floor
1:50



Front Elevation
1:50



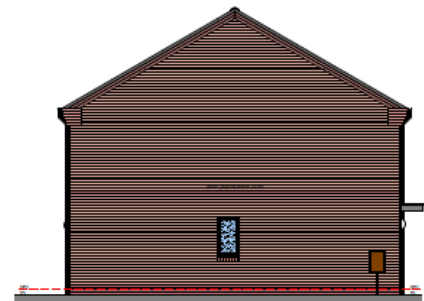
Side Elevation - Plot 1
1:50



Ground Floor
1:50



Rear Elevation
1:50



Side Elevation - Plot 2
1:50

HISTORY (if relevant)

Not Applicable

CONSULTATIONS

Severn Trent Water Ltd. With reference to the above planning application the Company's observations regarding sewerage are as follows.

I confirm that Severn Trent Water Ltd has NO Objection to the proposal subject to the inclusion of the following;

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our New Connections Team (Tel: 0800 707 6600).

Suggested Informative

Severn Trent Water Ltd advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been

recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. 15/01/8

Derbyshire County Council (Highways) There are no Highway Objections to this proposal subject to the following conditions being included on any consent granted.

1. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles/ parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.
2. Before any other operations are commenced (excluding demolition/ site clearance) a temporary access for construction purposes shall be formed to Ash Close, laid out, constructed and provided with 2.4m x maximum achievable visibility splays in both directions in accordance with detailed designs to be submitted in advance to the Local Planning Authority and approved in writing the area in advance of the sightlines being cleared of all obstructions greater than 1m in height (0.6m in the case of vegetation), maintained in accordance with the approved scheme throughout the contract period free from any impediment to its designated use.
3. Throughout the period of the development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.
4. Prior to the dwellings being occupied the new vehicular accesses shall be created to Ash Close in accordance with the application drawings, laid out, constructed and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access, to the extremities of the site frontage abutting the highway in each direction. The land in advance of the sightlines shall be maintained in perpetuity clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.
5. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking of residents vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
6. There shall be no gates or other barriers within 5m of the nearside highway boundary

and any gates shall open inwards only.

The following note shall also be attached to any consent granted.

1. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp, e-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190.
2. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
3. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
4. The application site is affected by a Public Right of Way Footpath/ Bridleway number 9 (Pinxton) on the Derbyshire Definitive Map. The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533262.

Bolsover District Council (Environmental Health Pollution Control Officer): We have reviewed the documents that have been submitted in support of the application and are in agreement with the conclusions of the Phase 1 Geo-environmental report (Jan 2016). This report identifies a number of potential contamination sources including ground gases as a result of the former use as allotments and garages and recommends that a further intrusive site investigation be carried out.

Therefore, in the event that planning permission is granted for this site, we would recommend that a condition be attached to address the site characterization, submission of a remediation scheme, implementation of approved remediation scheme, reporting of unexpected contamination and importation of soil.

Also recommends that the applicant obtains a Radon Risk report for the site. 5/12/17

Bolsover District Council (Engineers):

1. The sewer records do not show any public sewers within the curtilage of the site. However, the applicant should be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant should be advised to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation.
2. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010.
3. The developer must ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.
4. Where SuDS features are incorporated into the drainage design for developments of between 2 and 9 properties it is strongly recommended that the developer provides the new owners of these features with sufficient details for their future maintenance.

Bolsover District Council (Planning Policy): From an assessment of this proposal, whilst the proposal is within the settlement framework it is considered that the proposal is contrary to policy CLT 6 of the adopted Bolsover District Local Plan.(February 2000). Furthermore, the proposal is also contrary to policy ITCR6: Protection of Green Space and Sports and Recreation Buildings (October 2016) and paragraph 74 of the NPPF.

Therefore, a decision to refuse the application would be expected from a policy perspective unless other material considerations, such as the stated provision of high quality social housing to satisfy an identified housing need in the local area, are judged in this case to indicate an alternative decision. 22/01/18

PUBLICITY

Site notice posted and 11 neighbouring properties notified, three letter were received raising the following grounds of objection:

- Impact upon existing residents by obscuring existing houses on Ash Close which are already difficult to find.
- Family housing in a predominantly older persons housing
- Problems created for emergency vehicles
- Loss of on street parking
- Development would be on a grassed area used for recreation and dog walking
- Greater impact upon people with additional needs
- Impacts upon privacy/overlooking
- Concern that letter not received
- Why houses and not bungalows?
- Plans already passed

- Other sites within Pinxton should be developed, Sun Inn site and former George inn site at Wharf Road
- Infrastructure can't cope with more development
- Bringing revenue into a village is not always a good thing. Facilities are already overstretched in Pinxon.

POLICY

Bolsover District Local Plan (BDLP)

- GEN 1 – Minimum Requirements for Development
- GEN 2 – Impact of Development on the Environment
- GEN 4 – Development on Contaminated Land
- GEN 5 – Land Drainage
- GEN 6 – Sewerage and Sewage Disposal
- GEN 7 – Land Stability
- GEN 8 – Settlement Frameworks
- HOU 2 – Location of Housing Sites
- CLT 6 – Existing Outdoor Playing Space and Amenity Open Space
- TRA 1 – Location of New Development
- TRA 15 – Design of Roads and Paths to Serve New Development
- ENV 5 – Nature Conservation Interests throughout the District

National Planning Policy Framework

The National Planning Policy Framework (NPPF) advises that the purpose of planning is to help achieve sustainable development and introduced a presumption in favour of sustainable development. Paragraph 14 states that, “at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking”.

In relation to achieving sustainable development in relation to housing proposals, the following paragraphs are instructive:

Where the development plan policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework.

Paragraph 17 states that:- “A set of core planning principles should underpin both plan-making and decision-taking, including being genuinely plan-led..., always seek to secure high quality design..., contribute to conserving and enhancing the natural environment..., actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.”

Paragraph 47 footnote states that “To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.”

Paragraph 49 of the NPPF states that “Housing applications should be considered in the

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

Paragraph 74 states that:- “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

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

Paragraphs 196 & 197 state that on determining planning applications:- “The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This framework is a material consideration in planning decisions” and “In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.”

Other (specify)

Successful Places interim design supplementary planning document.
The Green Space Strategy (approved in April 2012)

ASSESSMENT

The site is within the settlement framework of Pinxton within a predominantly residential area. Development in principle is acceptable within the settlement framework subject to compliance with other specific policies and subject to the general acceptability of the scheme in relation to general compliance with the design supplementary planning document Successful Places.

The Council is the applicant and this is one of six current schemes which the Council is seeking planning permission for the erection of affordable rented housing. The other five schemes involve land used for garaging and car parking. This scheme would result in the development of open space.

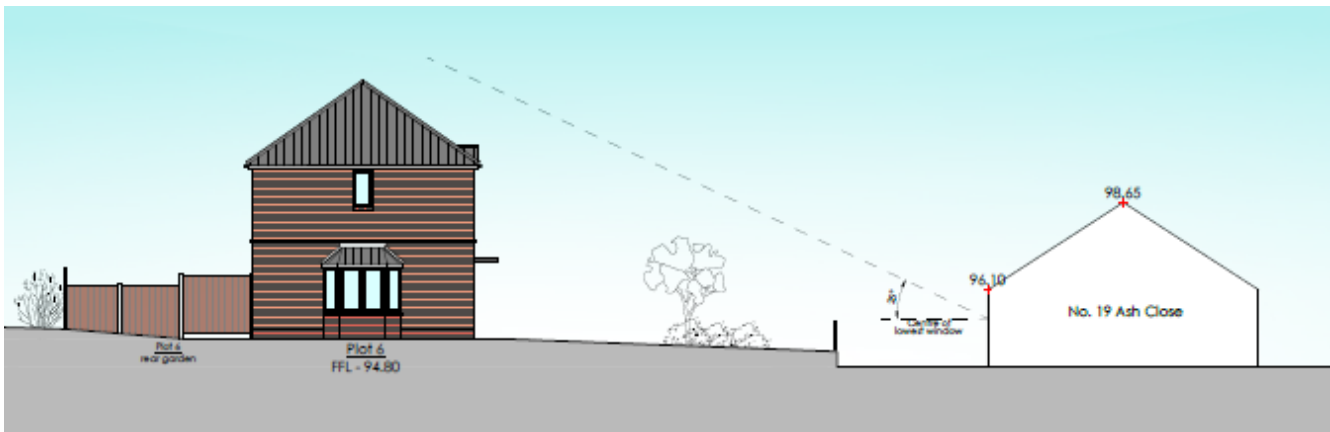
The main issues with this scheme at Ash Close Pinxton relate to the proposed design and layout of the proposed dwellings, potential impacts upon the amenities of existing residents, highway considerations, contamination issues and the loss of protected open space.

Design and Layout



The proposal is for six two storey houses as shown above. Two pairs of semi detached houses and two detached houses. The houses would be sited on an area of green space to the south, west and north of existing houses. A footpath route leading from Elm Close to the north crosses the site and this would remain in place. The closest properties to the development are single storey elderly person style housing.

The application site is slightly elevated and the new houses would face the existing bungalows. Principal windows would face the west and east. Separation distances between the existing bungalows on Ash Close and the proposed houses would be in excess of 20 metres for plots 1 to 4 which generally face an area of land used for car parking. Plots 5 and 6 are sited in closer proximity to 17, 19 and 21 Ash Close with distances between the proposed and existing houses being between 23 metres (Plot 5 to 17 and 19 Ash Close) and 15m between plot 6 and 19 and 21 Ash Close.



Whilst these distances meet the requirements of Successful Places (see example above), the impacts are increased as the finished floor level of the proposed dwellings would be around 80cm higher than the bungalows directly opposite. The awkward relationship between plot 6 and existing houses was identified during pre application discussions and this relationship has been improved slightly by increasing the distances between these properties. It is also noted that plot 6 has been positioned to maximise outlook from principal windows to the gap between 19 and 21 Ash Close rather than being sited directly opposite principal windows to the bungalows opposite.

One objection has been made stating that plot 6 will overlook properties to the south. However, separation distances are considered to be acceptable and there is only a small first floor window to the gable which could have any impacts. Single storey development at the

southern end of the site (Plots 5 and 6) would be preferred to further lessen the impacts upon existing residents but the housing types submitted are apparently to meet a specific need. For example plot 5 is a four bedroom house of which there is no stock and which will meet the needs of larger families.

Each dwelling is shown to have a private garden to the rear slightly in excess of the area generally required for the size of the properties. The sloping site impacts on the usability of some of the garden space and retaining walls are likely to be required across the rear of plots 1 to 5 inclusive. The garden space and outlook at ground floor level of plots 3 and 4 is compromised by an existing gas governor building which is to remain within the site, although screen fencing is proposed.

The proposed dwellings are designed to Lifetime Homes Standard and have the following features:

- Widened on-plot car parking (3.3m wide) to the 2, 3 & 4 bed properties.
- Gently sloping approach to the dwellings.
- Level threshold access to front entrances. Level access to rear entrances if achievable.
- Front entrances to have external level landing, weather protection and external lighting.
- Turning circles for wheelchairs in the living and dining rooms.
- Drainage provision for future ground floor shower.
- Walls in WCs and bathrooms capable of taking adaptations.
- Designated trimmed opening in first floor joists for future lift installation in two-storey houses.
- Provision for future installation of a ceiling hoist between main bedroom and bathroom.
- Ease of access to and use of bathrooms.
- Maximum cill height of 800mm to living rooms for view out from a wheelchair.
- Easily accessible switch and control heights (between 450mm and 1200mm height from the finished floor).

The houses are of a relatively standard design and plots 1 and 6 have been modified to introduce better surveillance of the footpath and to better address the siting of plot 6. The inclusion of railings to the south easterly boundary of plot 6 with additional landscaping further improves the relationship of this house with its surroundings. Hipped roofs have been incorporated to lessen impacts where necessary. The materials proposed are considered to be acceptable and the incorporation of corbelled verges and string courses with some fibre cement cladding will add interest to the scheme.

Boundary treatments

A mixture of boundary treatments is proposed to provide privacy to the gardens and to provide a satisfactory treatment adjacent to the footpath links. The treatments as proposed are considered to be acceptable subject to implementation.

Off-street Parking

Adequate off street parking is shown to meet the requirements of the development. The parking is shown to be on plot but to the frontage of the site and this is not the preferred option. On plot side parking would create a development not dominated by frontage parking and this was raised at the pre application stage. However with the number of units required to

be delivered at the site and the restrictions of the site, frontage parking has been retained. The visual impacts have been reduced by the incorporation of some landscaping elements to soften the appearance to plots 3 to 6 inclusive.

Summary

In conclusion some of the advice given at the pre application stage has been incorporated into the application in respect of the layout and some of the detailing to the properties. Therefore, the scheme does achieve technical compliance with Successful Places (the Council's interim design Supplementary Planning Document) but it is not an exemplar scheme. It is considered that the dominance of frontage parking and the awkward relationship between plot 6 and numbers 19 and 21 Ash Close could have been more satisfactorily resolved either by the removal of one or more plots or by the inclusion of single storey units.

Nonetheless, the applicant requires the application to be determined as submitted and the design and layout of the proposals is of a sufficiently high quality to meet the requirements of saved Local Plan policy GEN2.

Provision of Affordable Housing

The Strategic Housing Market Assessment OAN (Objective Assessment of Need) update 2017 estimates that 205 units of affordable housing would have to come forward annually over the next five years to meet all affordable housing needs within Bolsover District. Future demand is likely to outstrip supply. The Council's opportunities for developing its own land are relatively limited and need to be located in areas where there is demand.

The Council's Housing Strategy team state that the demand for social housing in Pinxton is healthy with an average of 7 bids per property advertised. There are also specific housing mix requirements with there being a shortage of one and two bedroom properties and just one four bedroom unit in the current Council housing stock in Pinxton.

This application seeks to address these requirements. Additionally the proposed dwellings would be designed to lifetime homes standards which widens the scope of the dwellings to meet a variety of customer requirements over time.

Principle of development on protected public open space.

The application site currently comprises a grassed area of land to the east of Pinxton Miners Welfare and to the south and west of existing residential properties. The open space is protected by Policy CLT 6 of the adopted Bolsover District Local Plan. Policy CLT 6 – Existing Outdoor Playing Space and Amenity Open Space states that planning permission will not be granted for other forms of development on playing fields, recreation grounds, parks and informal open spaces unless it:

- 1) makes provision for replacement open space (whilst retaining the existing facilities until this replacement is available for use); or
- 2) provides a facility of an equivalent community benefit; or

- 3) results in an overall improvement or enhancement of the existing facility for the benefit of the local community.

The National Planning Policy Framework also strongly supports the protection of open space Paragraph 74 states that:- “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

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

Whilst the Design and Access Statement makes no reference to the fact that the site is predominately an Existing Outdoor Playing Space and Amenity Open Space and does not address the requirements of policy CLT 6, additional supporting information has been submitted which seeks to quantify the actual amount of the area lost to development and touches on the potential inclusion of alternative space. A greater discussion is given on the need for affordable rented housing.

The starting point with achieving compliance with policy CLT 6 would be to meet any or some of the requirements above. The applicant has explored the provision of a replacement area of land but with limited success. One possibility whilst located within the parish of Pinxton was not well related to the village (it was on Storth Lane) and would not have been suitable. In the most recent submission the applicant has highlighted a small corridor of green space to the north of the application site to the west of properties on Elm Close. This land is however, already protected under policy CLT 6 and would not offer additional replacement provision.

The Green Space Strategy (approved in April 2012) is a material consideration in the determination of applications for planning permission, particularly where green space or sports pitch provision forms part of the decision-taking considerations. In relation to Pinxton, the Green Space Strategy and its supporting factual information contained in Green Space Audit: Quantity and Accessibility report identify that the village currently has no shortfall in the quantity of formal open space but has a shortfall of semi-natural green space for its population, albeit that the quantity of amenity space in the area is relatively high (8 acres).

The existing open space is defined by a hedgerow to its western boundary and a footpath link to the eastern boundary. The site is approximately 0.20 hectares in size, slopes from the north-west to the south east and is grassed. It is a space where people may walk their dogs or children may play and is well surveilled by surrounding residential properties and by the fact that footpaths cross the site. In additional information supplied by the applicant it has been calculated that 45 percent of the open space would remain undeveloped. A green corridor to the north of the application site and an area to the south of 16 and 18 Ash Close would remain as existing. That said, the developed area represents the most usable part of the site and would be entirely lost. At this stage it is not considered that the proposed development makes provision for replacement open space and that development would result in the loss of a protected facility.

Criteria 2 of policy CLT 6 permits the grant of other forms of development if it provides a facility of an equivalent community benefit. Planning permission has been granted on a small number of sites for uses which are deemed to be of an equivalent community benefit. Such developments include The Arc in Clowne, school buildings or extensions, libraries and further education buildings. Residential development has not been considered to represent a 'facility of an equivalent community benefit' and enquiries for such developments have been viewed negatively. Whilst there are undeniably benefits arising from the provision of affordable rented accommodation these benefits are not accrued by the wider community in that there is no specific community facility being provided which is "open" to all.

Other permissions have been granted where other provisions of policy CLT 6 were met. This may have included provision of alternative provision, a financial contribution to the upgrade of an existing facility, or if the scheme resulted in the overall enhancement of the existing facility for the benefit of the local community. Paragraph 74 of the NPPF also seeks to prevent the loss of protected open space and with the only exceptions being related to those that replace the lost green space or make better provision in terms of quantity and quality in a suitable location.

The Leisure Services Officer considers that compensation in the form of alternative provision of space for amenity uses or a financial contribution should be made to upgrade existing facilities. Alternative provision has been discussed earlier in the report. With regards to a financial contribution this has been discussed with the applicant as a way of making the scheme more policy compliant. A development appraisal was submitted and this seems to demonstrate that the scheme which provides 100 percent affordable housing is unviable with a negative outcome. On this basis it is unlikely that any financial contribution to mitigate the loss of 0.34 acres of amenity land could be realistically required.

Whilst it is acknowledged that part of the open space would be retained, the proposed development would lead to the loss of the most usable area of protected open space with no offer of a financial contribution or provision of alternative space. None of the three tests of policy CLT6 are shown to be met and on this basis the proposed development is considered to be contrary to policy CLT6.

Highway Safety Considerations

No objections have been raised by the local highway authority subject to the inclusion of conditions relating to the provision of a temporary access, creation of site compound, provision of wheel cleaning facilities, creation of new vehicular accesses to serve the dwellings, off street parking provision and a condition requiring that no gates are erected within 5m of the highway.

In view of the tight access arrangements it is considered appropriate if permission is granted that conditions requiring the submission of details of the location of the site compound and construction access are submitted to and approved in writing by the local planning authority. Additionally conditions relating to the accesses serving the properties and provision of off street parking are necessary. The conditions preventing the erection of gates and provision of wheel washing facilities are not considered to be necessary. Specific provision under Sections 149 and 151 of the Highways Act 1980 states that steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should

such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

There have been objections received from local residents expressing concern that the development will impact on the provision of on street parking. On street parking is at a premium with some houses having no direct access to the public highway. Other comments state that Pinxton does not have adequate infrastructure to cope with more residential development and highlights other sites with planning permission which could be developed.

Residents of some properties on Ash Close park on the street and walk over the open space to access their properties. Some residents park on land near to Pinxton Miners welfare. The creation of the dwellings will provide off street parking for the residents based on current guidelines but there will be a loss of on street parking around the existing turning head. There is an area of land next to 17 Ash Close which at the time of officer visits appears to be underused. This would provide some off street parking but would not be as convenient to some of the residents on Ash Close.

In many urban areas on street parking is common and spaces on street are very much on a first come first served basis. It is not considered that the impacts of the development upon the availability of on street parking can justify the refusal of the application as it would be unlikely to be sustained at appeal. Therefore, whilst approval would have some impact upon existing residents, subject to conditions the proposed development is considered to meet the requirements of policies GEN1 and TRA1 of the Bolsover District Local Plan.

Contamination considerations

The phase one geo environmental report identified a number of potential contamination sources including ground gases as a result of the former use as allotments and garages and recommends that a further intrusive site investigation be carried out.

Foul Drainage

A gravity foul drainage connection from the proposed development is likely to be accommodated in the 150mm public foul sewer with Ash Close.

Surface Water Drainage

In accordance with requirement H3 of the Building Regulations 2000 all possible options for disposal of surface water have been considered using the preferred hierarchy i.e.

- Soakaways
- Infiltration
- Watercourse
- Sewer

Based on the anticipated ground conditions, it is possible that the ground conditions may be suitable for soakaway or infiltration methods of disposal due to the presence of Sandstone. The ground conditions are to be investigated further by intrusive ground investigation and

percolation testing, and if feasible shall be adopted. However, should ground conditions negate the use of soakaways it is proposed to discharge to the public surface water sewer located within Ash Close, in accordance with Severn Trent Water's requirements. All drainage works will need to meet the relevant part of the Building Regulations.

Land Stability/Coal Mining Legacy Issues

The application was accompanied by a Coal Mining Risk Assessment which concludes that additional investigative works are not required. The site does not lie within a Coal Mining High Risk Development Area and as such the Coal Authority has not been consulted.

Conclusions

The site is within the settlement framework of Pinxton within a predominantly residential area. Development in principle is acceptable within the settlement framework subject to compliance with other specific policies and subject to the general acceptability of the scheme in relation to general compliance with the design supplementary planning document Successful Places.

The principal policies in the adopted Bolsover District Local Plan relevant to the location and supply of new residential development are GEN 8 – Settlement Frameworks and HOU 2 – Location of Housing Sites. The site is within the settlement framework for Pinxton and is therefore in general terms a suitable location for urban development, subject to site considerations. Policy HOU 2 advises that:

“Within settlement frameworks, applications for residential development on small sites and redevelopment sites within settlement frameworks will be considered in light of the housing land provision situation at that time, together with other relevant material considerations. Planning permission will be granted subject to conditions provided the proposals comply with the policies and proposals in this Local Plan.”

The Council is able to demonstrate just under an 8 year supply of deliverable housing sites and at this time the Council has more than sufficient housing land provided for residential development. That said, the proposal is only for 6 dwellings to be managed as Council social housing and as such is a minor application that would make little difference to the housing land provision situation either way. However, the development whilst acceptable in principle within the settlement framework conflicts with policy CLT6 of the adopted Bolsover District Local Plan.

The development has also given rise to some objections from local residents and approval would impact to some extent on the amenities of local residents by the loss of an area of protected open space and the potential reduction in the availability of on street parking. The design of the development is acceptable in policy terms but does not fully offset residents' concerns and is not of such high quality of design that would give rise to demonstrable improvements to the environmental quality of the local area.

However, it is the case that the Council has limited opportunities to develop land for social housing and inevitably such sites will be a dwindling resource. Approval will go some way to meeting an identified need for the type of housing proposed in this application. Consequently, on this specific site having regard to the type of accommodation being provided the application

is recommended for approval because the provision of affordable rented accommodation seeking to meet a specific identified local need in respect of housing type and tenure is considered to outweigh the loss of an area of protected open space and subject to conditions; the application is compatible with the relevant saved Local Plan policies in all other respects.

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No specific issues identified.

Equalities: No specific equalities issues identified.

Access for Disabled: The dwellings will be accessible to wheel chair users and will be built to Lifetime Homes Standards.

Trees (Preservation and Planting): No trees of note are within the site. The provision of landscaping will give opportunity to improve biodiversity at the site.

SSSI Impacts: N/A

Biodiversity: No significant impact.

Human Rights: N/A

RECOMMENDATION

The current application be APPROVED subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings: (D) 01 REV A Location and Block Plan, (D) 02 Topographical Survey, (D) 03 REVB Proposed Site Plan, (D) 04 REV B Plots 1 and 2 Floor Plan and Elevations, (D) 05 REV A Plots 3 and 4 Floor Plan and Elevations, (D) 06 REV A Plot 5 Floor Plans and Elevations, (D) 07 Plot 6 Floor Plans and Elevations, (D) 08 Proposed Site Sections, SK100 Proposed Drainage Strategy.
3. External facing materials shall be Ibstock Oakmoor Orange brickwork and Sandtoft dark grey smooth face double pantile roof tiles.
4. The window to the first floor gable to Plot 1 serving the bedroom shall be glazed with obscure glazing which shall be retained.
5. The 1m high metal railing fence to the north of plot 1 and to the south and east of plot 6 and the east of plot 5 (alongside the footpath) shall be erected prior to the first occupation of plots 1, 5 and 6 and shall be retained for the life of the development.
6. Unless otherwise agreed by the Local Planning Authority, the development hereby permitted must not be commenced any further than carrying out development required to be carried out as part of an approved scheme of remediation and/or carrying out any operation in the course of laying out or constructing the new access or part of the new access, until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

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

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

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

B. Submission of Remediation Scheme

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

C. Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

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

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

E. Importation of soil

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

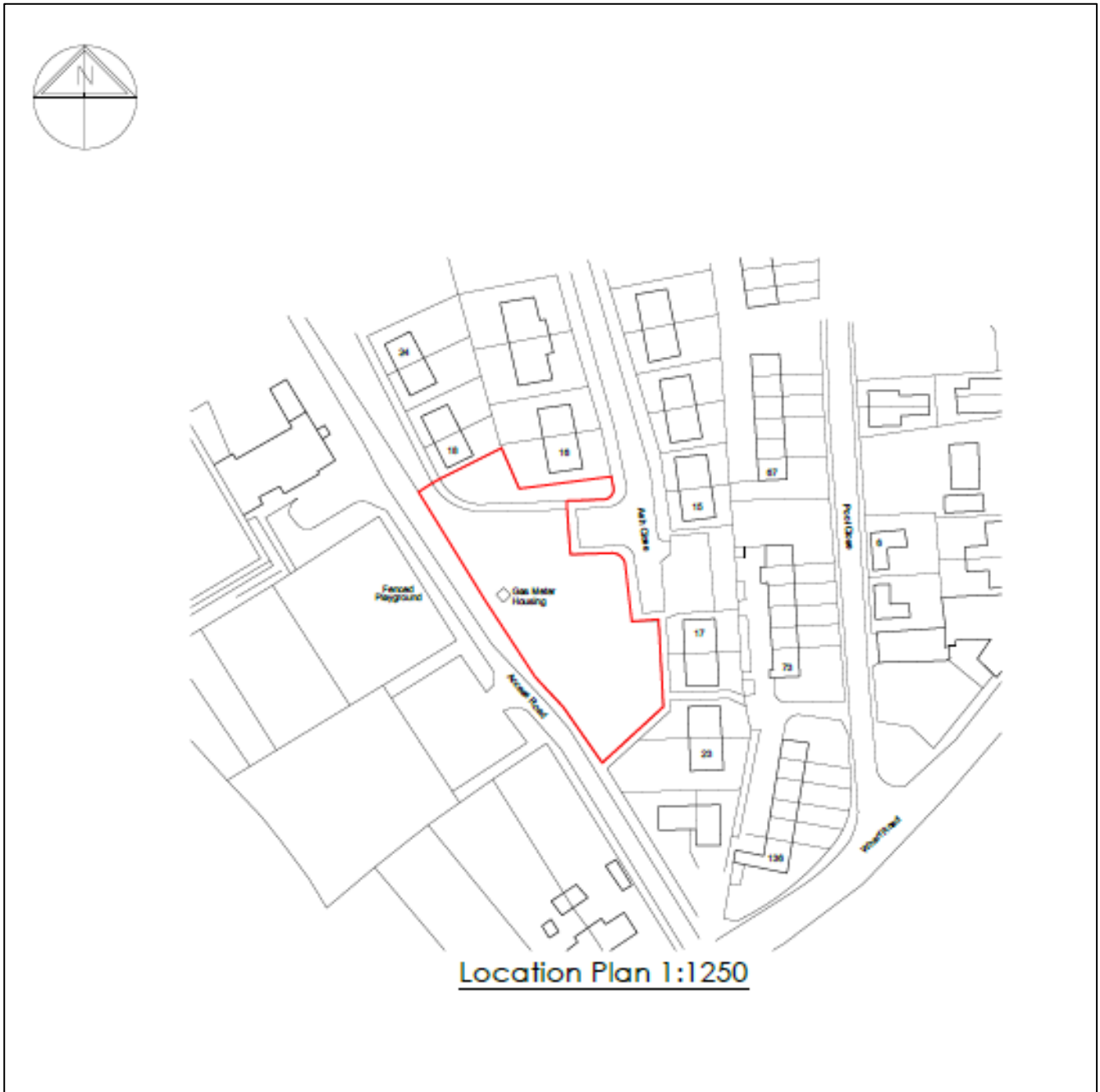
7. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles/ parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.
8. Before any other operations are commenced (excluding demolition/ site clearance) a temporary access for construction purposes shall be formed to Ash Close, laid out, constructed and provided with 2.4m x maximum achievable visibility splays in both directions in accordance with detailed designs to be submitted in advance to the Local Planning Authority and approved in writing the area in advance of the sightlines being cleared of all obstructions greater than 1m in height maintained in accordance with the approved scheme throughout the contract period free from any impediment to its designated use.
9. Prior to first occupation of any of the dwellings hereby approved the new vehicular accesses shall be created to Ash Close in accordance with the application drawings, laid out, constructed and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access, to the extremities of the site frontage abutting the highway in each direction. The land in advance of the sightlines shall be maintained in perpetuity clear of any object greater than 1m in height relative to the adjoining nearside carriageway channel level.

10. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking of residents' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
11. The new parking and turning areas for the dwellings hereby approved shall be made of porous materials or provision shall be made to direct surface water run-off from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouses.
12. No building shall be occupied until full details of both hard and soft landscape works including a programme for implementation have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out as approved.
13. If within a period of five years from the date of the planting of any tree or shrub that tree or shrub may die, be removed, uprooted or become seriously damaged it shall be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.
14. Notwithstanding the provisions of Class E of Schedule 2, Article 3, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re enacting that Order) no incidental buildings shall be erected to the south (side garden) of plot 6 without the prior grant of planning permission.

Statement of Decision Process

In compliance with the National Planning Policy Framework the Council has negotiated amendments in respect of design and layout and other matters to allow the proposed scheme to comply with the Council's adopted policies and guidance as far as it has been practicable.

Site Location Plan



The Arc
High Street
Clowne
Derbyshire
S43 4JY

Date: 2nd February 2018

Dear Sir or Madam,

PLANNING COMMITTEE – 7TH FEBRUARY 2018

I refer to your recently circulated agenda for the above meeting and now enclose an additional urgent item of business:-

Report on the Local Plan Timetable


Yours faithfully



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

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Bolsover District Council

Planning Committee

Date of meeting – 7th February 2018

Report on Local Plan Timetable

Report of the Joint Assistant Director of Planning and Environmental Health

Purpose of the Report

- To consider the need to formally amend the current timetable (Local Development Scheme (LDS)) for the preparation of the Local Plan.
- To agree to two weeks consultation before considering confirmation of the new LDS.

1 Report Details

Background

- 1.1. On the 15th June 2017, the Local Plan Steering Group received a report that agreed:
 - i. That the Web site is updated to indicate that the existing LDS no longer applies and is being updated
 - ii. That work continues to resolve existing uncertainties to a new time table and that the LPSG be kept aware of this work.
 - iii. That a report be brought before a future LPSG, to discuss a new LDS, in advance of a new LDS being agreed by Planning Committee.
- 1.2. An update of that report was given to the LPSG on 10th October, and that was agreed by Planning Committee on 25th October 2017, which outlined a number of issues that were raising concern at that time.
- 1.3. The Council adopted the current timetable for the preparation of the Local Plan in October 2014. Since that time the Planning Policy Team, supported by the Local Plan Steering Group and Members has worked well to keep to the adopted timetable, most recently with the public consultation on a Draft Plan at the end of 2016. Additional resources have been secured to facilitate this with an augmented staff structure achieved through the implementation of the shared service, including the appointment of an Interim Manager.
- 1.4. Over this period there have also been significant changes in National Planning Policy, with yet more changes signalled through the Housing White Paper and the recent consultation on 'Planning for the right homes in the right places', all of which must be accommodated in the emerging Local Plan if it is to be found sound at examination. Uncertainty has been added to by the recent suggestions of a new

NPPF in the spring of 2018 together with a new approach to identifying ones housing requirement.

- 1.5. Keeping to the timetable proved to be challenging and at times it was necessary to adjust the content of the document at specific stages to allow for gaps in the evidence base, and/or to allow for broader Member involvement and buy-in before key decisions have been taken. Whilst the early stages of plan production can accommodate such a flexible approach, we could not continue on that basis for the Publication Stage, as the version we publish should be the version we expect to submit to the Secretary of State for examination. We should not be making any significant changes, post-publication. To do so could lead to even further delay with additional rounds of consultation being required.
- 1.6. It is therefore of great importance to ensure that we publish a sound Plan based upon a complete and comprehensive evidence base and a thorough consideration of our strategy and approach. This has not been possible with the original timetable for the reasons set out above.
- 1.7. To do this we also need a clear and robust LDS setting out the steps that the Local plan will take.

Current Position

- 1.8. Members will be aware of the threat of intervention that the Council has been under since 17th November 2017 as part of the Government's commitment to accelerating local plan production. The Council has taken stock and assessed the risks associated with pursuing a Plan that may be rendered unsound at examination because of changes that are being introduced which affects the evidence base.
- 1.9. Whilst we raised a number of issues that may cause problems in the October report, a significant step for us was a pre-publication meeting with the Planning Inspectorate (PINS) which took place on 13th December 2017. This meeting raised a number of points for consideration and was helpful and informative.

The PINS meeting

- 1.10. The meeting with PINS was positive in many ways and allowed us to explore a number of planning issues with an experienced Inspector. Whilst overall the Inspector raised no significant concerns in relation to the Plan, he did advise against rushing the plan forward at this point and emphasised the importance of having a sound Plan as opposed to a speedy one.
- 1.11. The PINS advice emphasised four main issues that the Council needed to address before publishing the Plan. These are:
 1. Completion and consideration of the final Sustainability Appraisal (SA), in order to show that this has been fully and properly considered as part of the Plan making process and ahead of Publication of the Plan.
 2. To link with the final and full completion of the SA, taking legal advice in order to ensure that the Council can deal with any legal challenges on this issue in a robust manner.

3. To take legal advice in relation to the Green Belt issues and work that has been done in relation to the potential to release parts of the Green Belt.
4. To take legal advice in relation to the Duty to Cooperate (DtC) issues.

1.12. The first of these issue has caused the greatest time impact, as we have requested that our SA consultants review in full all of our policies and allocations based on the advice received. They will also be seeking to take on board any of the legal advice taken and that is already happening

1.13. Issues 2 & 3 are inter related and also link with a current planning application on the site. Some advice has already been received and acted upon and further work is on-going.

1.14. These first three issues really require full resolution prior to us reaching the Publication stage for the Local Plan. Work has already started in relation to the Duty to Cooperate issue as well.

1.15. The main impact of this work is the time it will take for our Sustainable Appraisal consultants to do a review of all of the policies of the Plan and the sites allocated in this final Publication Draft. However, in view of all of the previous work they have done on this and also our good working relationship, there is no alternative approach that would deliver any quicker.

1.16. This has meant that we will not be able to deliver the Publication Draft Local Plan alongside a completed Sustainability Appraisal until late April. Our Local development Scheme timetable has therefore had to be amended to take account of this work.

1.17. The new timetable now looks like this, with comparisons to the draft timetable provided as a comparison.

Stage	Previous 2017 Draft dates	New dates (2018)	Explanation
Publication Local Plan Agreed	7 th February 2018	End of April 2018	SA finished by end of March. Arrange special meetings for third week in May
Consultation Period	Feb – April 2018	May – June 2018	6 Weeks required by law
Submission *	June 2018	3 rd week in July 2018	Compressed timescale allowing 4 weeks to get to grips with all objections, but demonstrating that the Council is accelerating plan production where possible. Additional resources may be required to achieve this.
Hearings Commence*	No previous date set	November 2018	Based on Pins suggesting 12 week Minimum – Could be longer but this is in PINS's hands
Inspectors Report*	No previous date set	July 2019	Based On Pins suggesting a year from submission

Adoption	June 2018	September 2019	August and summer Holidays to take account of and agreeing all with Members
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* Subject to Planning Inspectorate time tabling

1.18. This approach has formed the basis of our submission to the Ministry for Housing, Communities and Local Government in relation to the potential threat of intervention by the Secretary of State.

1.19. A copy of the proposed Local Development Scheme is attached at **Appendix 1**. It is proposed that Members approve the Draft Local Development Scheme for publication on the Council's website for public consultation for a period of two weeks. Following which it is proposed to report back to Planning Committee to secure final approval and adoption of the revised timetable.

2. Conclusions and Reasons for Recommendation

2.1 The purpose of the report is to update Members on issues in relation to the Local Plan timetable, agree that amendments to the 2014 LDS are required, and agree a new Draft Local Development Scheme for public consultation.

3 Implications

Finance and Risk Implications

3.1. None. This is part of the existing work plan and is budgeted for.

Legal Implications including Data Protection

3.2 None.

Human Resources Implications

3.3 None.

4 Recommendations

4.1 That the Planning Committee agree :

- 1 To place the draft Local Development Scheme on the web site for public consultation for a period of two weeks.
- 2 Following the consultation, to report back to the Planning Committee to finalise and adopt the new Local Development scheme.

5 Document Information

Appendix No	Title
None	Report on Local Plan Timetable
Background Papers	
None	

Report Author	Contact Number
Rob Routledge	Ext 2299

Report Reference –



Local Development Scheme

1st September 2015 - 30th September 2019



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URDU

ہمارے کسی بھی ڈاکیومنٹ کے سمجھنے میں اگر آپ کو مدد درکار ہو، یا آپ کو اس کا بڑا پرنٹ، آڈیو ٹیپ کی شکل میں اس کی کاپی، یا ترجمے میں مدد کے لیے آپ کو کسی مترجم کی ضرورت ہو تو ہم اس سلسلے میں آپ کی مدد کر سکتے ہیں۔ براہ کرم اس صفحے کے نیچے دیئے گئے فون نمبر پر رابطہ کریں۔



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Bolsover District Council

LOCAL DEVELOPMENT SCHEME

February 2018 – December 2019

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SECTION 1: INTRODUCTION

Background

- 1.1 The Local Development Scheme is a timetable for the production of the Council's key planning policy documents. The Council intends to produce a single Local Plan. Once adopted, this will be used by the Council to inform planning decisions. The requirement to produce the timetable in the form of a Local Development Scheme was introduced in the 2004 Planning and Compulsory Purchase Act.
- 1.2 The Council updates its Local Development Scheme to show the documents currently under development, and to reflect the latest advice on the development of new documents. The previous (fifth) LDS was prepared to set out a timetable for the production of a new single Local Plan following the withdrawal of the Local Plan Strategy in June 2014.
- 1.3 This is the sixth Local Development Scheme (LDS) that Bolsover District Council has formally produced. It builds on the work that was previously completed and focuses on bringing forward a Publication Draft Local Plan and the steps to be taken between then and adoption of the Local Plan.

Contents of this Local Development Scheme

- 1.4 Section 2 of this Local Development Scheme starts by looking at national requirements and guidance. Section 3 describes the documents that make up the current Development Plan for the District and when they will be reviewed. Section 4 describes the proposed Local Plan for the District. Section 5 sets out the project plan for the delivery of the new Local Plan. Section 6 looks at how the new Local Plan will be monitored and reviewed.
- 1.5 Appendix 1 contains a risk assessment setting out possible risks to the delivery of this timetable; together with possible mitigation measures. Appendix 2 contains a Glossary. Appendix 3 contains a block chart of the timetable showing key milestones in the development of the Local Plan.
- 1.6 The Council welcomes feedback on the documents it produces. If you would like to comment on the form or content of this timetable, or if you have any queries on it, please contact the planning policy team on 01246 242203. Alternatively, you may be able to find the information you require on the Council's planning policy web pages at www.bolsover.gov.uk.

SECTION 2: NATIONAL REQUIREMENTS AND GUIDANCE

National Planning Policy Documents

- 2.1 The main government advice in relation to planning is contained in the National Planning Policy Framework (NPPF) (published March 2012). This sets out the government's advice, and what it expects the planning system to deliver. It also prescribes the steps and issues councils should consider in making planning decisions.
- 2.2 In addition the government has also produced a new volume of National Planning Practice Guidance. This was first produced in March 2014. The guidance is only available on line, which allows it to be updated as required and is available at www.planningportal.gov.uk.
- 2.3 At this time the Government have announced an intention to review and amend the NPPF in the spring of 2018, and therefore there may need to be additional changes in the future due to this.

Purpose and requirements for a Local Development Scheme

- 2.3 The purpose of the Local Development Scheme is to assist in the community's understanding and involvement in the preparation of key planning documents. In addition, the project plan allows other agencies and key stakeholders to coordinate their investment programmes.
- 2.4 The formal requirement for and content of the Local Development Scheme is set out in Section 111 of the Localism Act 2011 amended Section 15 of the Planning and Compulsory Purchase Act 2004. This states that the Local Development Scheme must set out:
- The local development documents which are to be development plan documents;
 - The subject matter and geographical area to which each development plan document is to relate;
 - Which development plan documents (if any) are to be prepared jointly with one or more other Local Planning Authorities;
 - Any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee under Section 29;
 - The timetable for the preparation and revision of the development plan documents;
 - Such other matters as are prescribed (The current Town and Country Planning (Local Planning) (England) Regulations 2012 do not set out any additional requirements at this time).

SECTION 3: THE CURRENT DEVELOPMENT PLAN

- 3.1 There are a number of documents that have an impact on the planning decisions taken by Bolsover District Council on behalf of the residents in the District. This section outlines the most important of these.
- 3.2 Taken together, these documents constitute the Development Plan for the District. Planning decisions taken by the Council must be made in accordance with the development plan unless material considerations indicate otherwise¹.

The Derby and Derbyshire Minerals Local Plan

- 3.3 The Derby and Derbyshire Minerals Local Plan (April 2000) (as altered in November 2002) sets out planning policies for minerals development. Most of its policies have been saved until they are replaced by new development plan documents. Further information in relation to proposals for the replacement of these policies can be found on the Derbyshire County Council Web site.

Derby and Derbyshire Waste Local Plan

- 3.4 The Derby and Derbyshire Waste Local Plan (March 2005) sets out planning policies for waste development. All but one policy (policy W1A) of the Plan have been 'saved', and currently still apply. Further information in relation to proposals for the replacement of these policies can be found on the Derbyshire County Council Web site.

Bolsover District Local Plan 2000

- 3.5 The Bolsover District Local Plan (February 2000) contains local and site specific policies on general development issues, housing, employment, shopping and town centres, community facilities, recreation, leisure and tourism, transport, conservation of the historic and built environment. It also allocates sites for specific development. It should be noted that not all of these policies still apply. In addition, in some instances, the provisions of the National Planning Policy Framework will take precedence over those in the Local Plan.

Neighbourhood, Community and Parish Plans

- 3.5 'Qualifying bodies' (in Bolsover this is likely to be Parish or Town Councils) can prepare Neighbourhood Development Plans. These plans can set planning policies to guide future development within a specified parish. These Plans must be in conformity with national policy and any adopted Local Plan. Neighbourhood Development Plans are subject to a referendum and are examined by an independent inspector. Once adopted, a Neighbourhood Development Plan forms part of the development plan for the area along with the Plans described above. Currently there are no adopted Neighbourhood Plans within Bolsover District

¹ Under Section 38 of the Planning and Compulsory Purchase Act 2004

SECTION 4: PROPOSED LOCAL PLAN DOCUMENT

- 4.1 Following a review of the options open to the Council for the preparation of a new Local Plan, the Council has decided to prepare a single Local Plan so that all the Council's key planning policies are contained in a single document covering the whole District. The Local Plan will contain policies that affect the whole of the District. Figure 1 shows the Bolsover District and the area that the Local Plan will cover.
- 4.2 The Local Plan will be accompanied by a Policies Map showing constraints to development, allocations, and key features in the District. Although this will not be a formal part of the development plan.
- 4.3 A Sustainability Appraisal² is being prepared alongside the new Local Plan. The purpose of Sustainability Appraisals is to assess the impact of the new local plans in terms of the social, economic and environmental effects of their policies. This process will help to identify those options which are most sustainable, and those that are likely to have a significant impact. The Sustainability process also incorporates a Strategic Environmental Assessment as required under European Legislation³. These assessments will be used to guide the development of policies in the Local Plan.
- 4.4 So far, as part of the preparation stage (Regulation 18) of the Local Plan, the following consultations have taken place:
1. Commencement Consultation, requesting views of what the Plan ought to contain – October 2014
 2. Local Plan for Bolsover District – Identified Strategic Options – October 2015
 3. Consultation Draft Local Plan for Bolsover District – October 2016
- 4.4 The consultation responses on each of these documents have informed the Local Plan process and will contribute to the Publication Draft (Regulation 19) stage of the Plan.

² Sustainability Appraisal of the development plan is required by section 19 (5) of the Planning and Compulsory Purchase Act 2004

³ Under European Directive 2001/42/EC

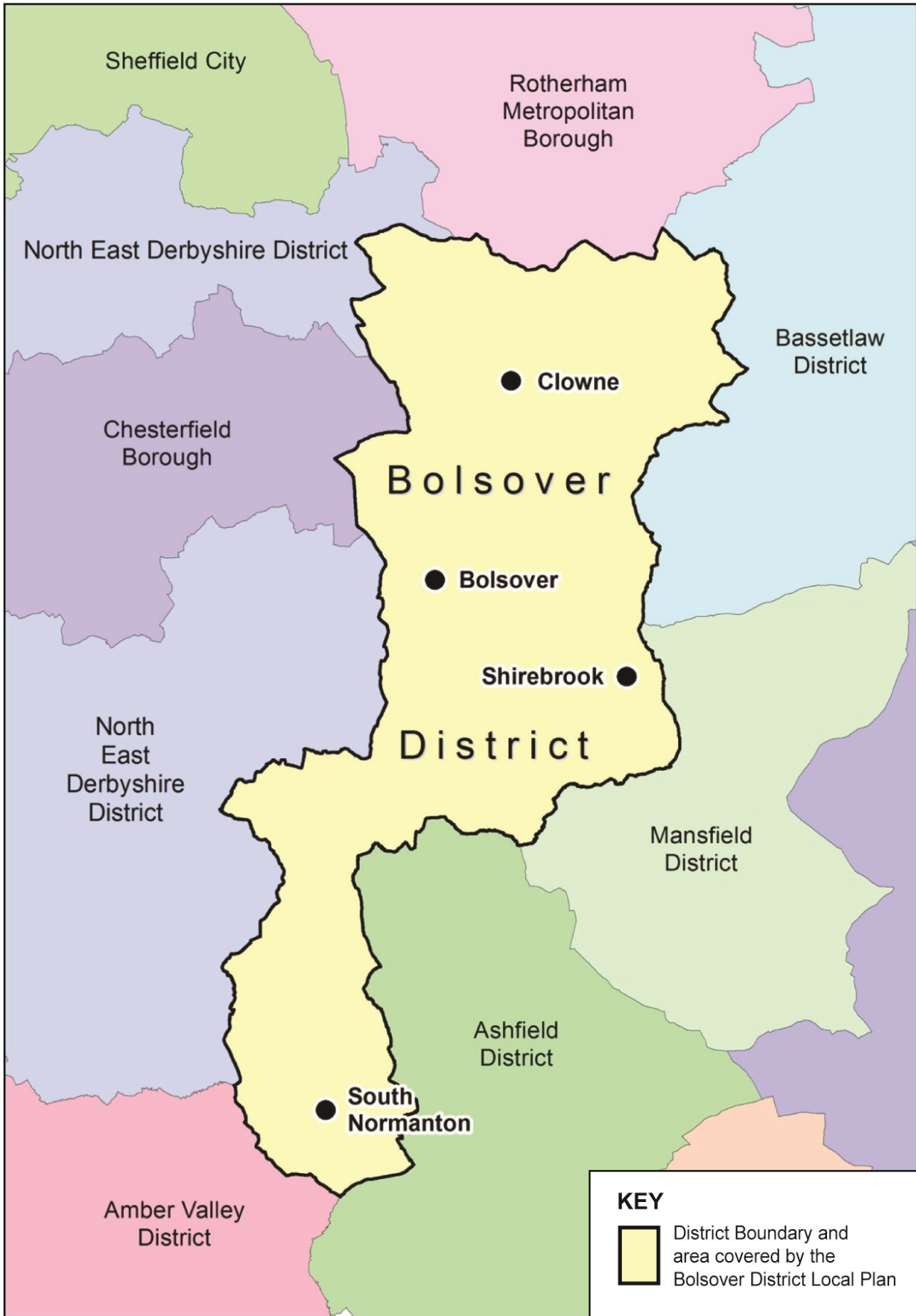


Figure 1: Map showing geographical coverage.

SECTION 5: THE PROJECT PLAN –

Key milestones

- 5.1 This section sets out the overall project plan for the preparation of the Bolsover District Local Plan. The process for preparing a Local Plan is set out in the Town & Country Planning (Local Planning) (England) Regulations 2012 and includes the following key milestones:

Preparation: This consists of the preparation of background, topic papers and studies, and the parallel preparation of the Sustainability Appraisal which will feed into the development of the Local Plan. It includes consultation with neighbouring authorities, and other bodies with an interest in development in the District, or the impact of development in the District. In addition to the two formal periods of statutory consultation, the preparation period provides for two further consultation periods. The first is to ensure the identification and assessment of reasonable options in relation to the strategy and sites put forward, and the second is consultation on the draft Plan. The aim of both of these non-statutory periods is to ensure all reasonable alternatives have been identified, and that issues are identified and where possible resolved, before the plan is submitted to the Secretary of State. There will also be informal engagement with a number of stakeholders outside of the specific consultation period. It is anticipated that this approach is more likely to lead to the Plan being found ‘sound’ when it is examined. (Details of this requirement are set out in Regulation 18 of the 2012 Regulations)

Publication: This is the publication of the Local Plan in a form which is believed to be sound. There then follows a period public consultation of not less than six weeks, for stakeholders to comment on the Plan. Such comments must specifically relate to the legal compliance and soundness of the plan. This stage is also sometimes referred to as pre-submission consultation. (Details of this requirement are set out in Regulation 19 of the 2012 Regulations).

Submission: This is when the Local Plan is submitted by the Council to the Secretary of State. The Examination of the Plan starts at this point. (Details of this Requirement are set out at Regulation 22 of the 2012 Regulations)

Hearings: Hearings take place during the examination and are round table discussions where the Inspector will explore the issues the proposed Local Plan raises. (Details of this are set out in Regulation 24 of the 2012 regulations).

Inspectors report: The Inspector will then issue a report on the Examination. This will set out whether the plan is legally compliant and sound. It will also set out any changes the Council requests the Inspector to make to the Local Plan in order for it to be found sound.

Adoption: The final stage in the process is the formal adoption of the Plan by the Council (Regulation 26 of the 2012 regulations). From then on the Local Plan forms part of the Development Plan (Details of this are set out in Regulation 26 of the 2012 Regulations)

BOLSOVER LOCAL PLAN – Project Plan

The Local Plan will:

- Provide a blueprint to guide development in the District to 2033;
- Contribute to achieving sustainable development;
- Set out strategic policies for the provision of homes, jobs, retail, leisure, infrastructure, social and community facilities, climate change mitigation / adaptation and conservation / enhancement of the natural and historic environment;
- Set out the allocation of sites to promote development and flexible use of land, bringing forward new land where necessary;
- Identify areas or land where limits to development will be permitted or where development would be inappropriate;
- Set out detailed policies on form, scale, access and quantum of development where appropriate;
- Set out detailed policies providing the criteria against which proposals for development will be determined;
- Carefully consider deliverability and viability when assessing options and policies for the Plan;
- Be accompanied by a policies map to illustrate geographically the policies in the Plan;
- Include a monitoring and implementation framework;
- Have regard to any other issues to meet government, or other emerging policy areas (for example taking account of progress on the proposed HS2 rail line);
- Be produced through on-going co-operation with neighbouring authorities and other bodies to reflect issues and sites that are wider than district level;
- Be produced through a consultative process so that the Plan reflects the collective vision of communities in the District.

Joint production	No
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Geographic coverage	District wide
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Chain of conformity

National Policy	The National Planning Policy Framework (2012) and National Planning Practice Guidance (2014)
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Anticipated Timetable for production

Preparation	Ongoing until April 2018
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Publication	April 2018
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Submission	July 2018
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Hearing	November 2018
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Inspector's Report	July 2019
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Adoption	Sept 2019
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Arrangements for Production

Organisational Lead	Joint Assistant Director of Planning and Environmental Health
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Lead Officer	Planning Policy Manager
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Political Management	Local Plan Steering Group, Planning Committee and the Council
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Resources	To be prepared by the Planning Policy Team involving other sections and services as appropriate. To be funded from existing planning policy budgets.
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Community and Stakeholder Involvement	In accordance with the Town and Country Planning (Local Development) (England) Regulations 2012, and the Council's Statement of Community Involvement.
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Monitoring and Review	Document production, and the implementation of policies to be reviewed annually and reported in the Annual Planning Monitoring Report.
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SECTION 6: MONITORING AND REVIEW

- 6.1 The Council's Annual Planning Monitoring Report will specifically assess progress against this Local Development Scheme. Progress on the emerging Local Plan will be reported, and if any of the milestones have been missed, the reasons for this will be set out. In future this assessment will be widened to review progress and consider the work programme for the following year. It is intended that this process will be helpful in identifying any areas where savings might be possible through joint studies/ working in the following 12 months.
- 6.2 The Annual Planning Monitoring Report also assesses how policies in the current Bolsover District Local Plan are being met, and whether any policies need to be partially or completely reviewed and whether there is a need for any further planning documents.

APPENDIX 1: RISK ASSESSMENT

A1 There are a number of factors that can delay or even halt the production of a Local Plan. However, by acknowledging the risk and putting avoidance and mitigation measures in place the effect of some of these can be mitigated. The main risks considered likely to be encountered are detailed below, with an indication of the likely level of risk (low, medium and high). Where it is possible, mitigation measures are indicated.

- *Staff resources.* Staff resources are an ongoing problem. The timetable for preparation of the Local Plan reflects the available staffing resource at the Council. As with any small team the Planning Policy Team is particularly vulnerable to impacts of sickness absences and staff vacancies. There is a **high risk** that lack of staff capacity could be a problem in the production of the Local Plan. The Council in April 2016 provided additional management and staff resources in order to support the continued development of the Plan following slippage from the previous LDS.
- *The scale and nature of public responses.* Past consultation undertaken under previous Local Development Schemes has produced a high number of responses. This tends to particularly be the case when site allocations are being considered. There is therefore a **medium risk** that a high number of responses or complex/controversial issues will be received to the Local Plan. The timetable for plan production has built in some flexibility to allow for this. A response of over 1,000 representations have been partially responsible for delays following the Consultation Draft stage
- *Capacity of other agencies to engage with the process.* The capacity of other organisations is largely outside of the Council's control, but preparation of the Local Development Scheme and consultation with key stakeholders will help to inform key players of the impact of the Scheme on their own strategies and programmes. In addition changes to the Planning and Compulsory Purchase Act 2004 through the Localism Act 2011, imposed a new duty on local authorities to co-operate with one another and a range of other agencies/bodies. Some authorities are finding this to be onerous and time consuming, particularly in relation to sensitive issues such as the level of location of housing across a wider (than district) area. There is a **medium risk** that some stakeholders will simply not be able to commit the resources needed to supply necessary information needed to support the development of proposals or policies. Whilst there have been some general difficulties in this.
- *Capacity and availability of consultants to carry out work.* There has been delays in respect of the capacity and availability of consultants to carry out specialist key areas of work. There is a **medium risk** that this may lead to delays and there have been some general difficulties in this.
- *Legal challenge.* There is a **medium risk** that there will be a legal challenge against the Local Plan. The Council can improve the chances of successfully defending legal challenge by ensuring that the Local Plan is soundly prepared, with well-audited stakeholder and community engagement processes, and by complying with relevant legislation and regulations. Legal advice is also being taken to reduce the adverse impact that this risk may result in.
- *Changes to legislation and to government policy or guidance* – There is now a **high risk** that legislation and government policy will change during the timetable for the production of the Local Plan, leading to additional work and delays. This has been upgraded from a low risk in the fourth Local Development Scheme due to the general election due in 2015, and subsequent changes arising from a new administration. Future proposals for change have further heightened this risk.

- *Unforeseen additional work in relation to 'soundness'*. A critical aim of the process is that Local Plans are found 'sound' at examination. They need to be based on a robust evidence base, supported by Sustainability Appraisal, with well audited community and stakeholder engagement. The risk of being found unsound will be reduced by adhering closely to government guidance and working closely with the Council's Legal Department, the Department for Communities and Local Government, and stakeholders. However, the need to produce a sound Local Plan produces a **medium** risk to achievement of the Local Development Scheme timetable because of the need to carry out additional work/studies that are not identifiable at the present time, but will need to be added to the work programme to produce a sound Plan.
- *Unforeseen additional work unrelated to the Local Plan*. There is a **medium risk** that the Planning Policy Team will be diverted by unplanned work pressures, or that unanticipated issues arise. There is a need for careful management of other work demands to ensure adherence to the Local Development Scheme programme. The main risk envisaged is through the requirement to assist in the preparation of neighbourhood plans, which are gathering momentum in certain parts of the District. A local planning authority must: provide advice or assistance to a parish council, neighbourhood forum or community organisation that is producing a neighbourhood plan or Order⁴.

⁴ as required by [paragraph 3 of Schedule 4B to the Town and Country Planning Act 1990 \(as amended\)](#).
(Further information is available at - NPPG Paragraph: 021Reference ID: 41-021-20140306.)

APPENDIX 2: GLOSSARY

Annual Planning Monitoring Report: All local planning authorities are required to produce these documents to assess progress against the LDS and the extent to which policies in Local Plan documents are being achieved.

Development Plan: This includes adopted Local Plans, and Neighbourhood Plans, and is defined in Section 38 of the Planning and Compulsory Purchase Act 2004.

Local Development Scheme (LDS): A project management document setting out what the emerging Local Plan will contain and a timetable for its production.

Local Plan: The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community, neighbouring authorities, and key stakeholders.

Local Planning Authority: The public authority whose duty it is to carry out specific planning functions for a particular area. These include district councils, borough councils, county councils, and national park authorities.

Neighbourhood Plans: A plan prepared by a parish council or neighbourhood forum for a particular neighbourhood area.

Policies Map: A map showing site allocations and geographical areas where policies apply.

Statement of Community Involvement (SCI): A document setting out the Council's approach to involving the community in the preparation, alteration and review of the Local Plan documents, and in the consideration of planning applications.

Strategic Environmental Assessment: A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

Sustainability Appraisal: Assessment of the social, economic, and environmental impacts of the policies and proposals contained within the emerging Local Plan.

Supplementary Planning Documents (SPD): Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary Planning Documents are capable of being a material consideration in planning decisions but are not part of the development plan. They are therefore not included in this Local Development Scheme.

