

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 is 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.

