

**PARISH** Glapwell

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**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

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## **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 15<sup>th</sup> 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 31<sup>st</sup> 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 31<sup>st</sup> 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 15<sup>th</sup> 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.

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### **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

