

PARISHPinxton

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

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

SITE

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

PROPOSAL

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

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

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

All of the houses are designed to certain quality standards such as Lifetime Home
Standards, Code for Sustainable Homes, Building for Life¹² and Secured by Design.

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

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

The application is supported by the following:

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

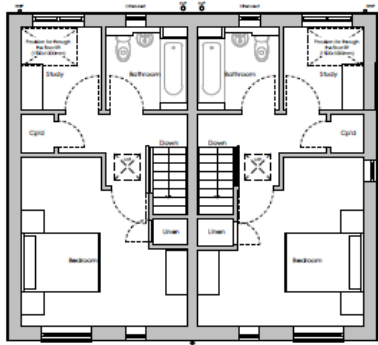
SK100 Proposed Drainage Strategy
 Coal Mining Risk Assessment
 Design and Access
 Drainage Statement
 Phase 1 Geo environmental Report
 Justification with regards to development on protected open space.

The proposed site layout is shown below:



AMENDMENTS

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



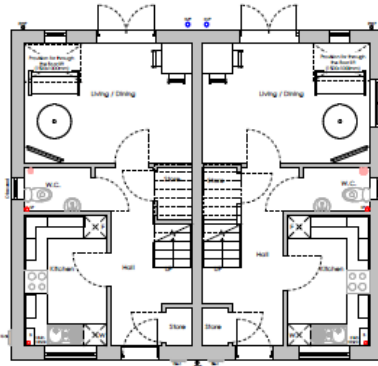
First Floor
1:50



Front Elevation
1:50



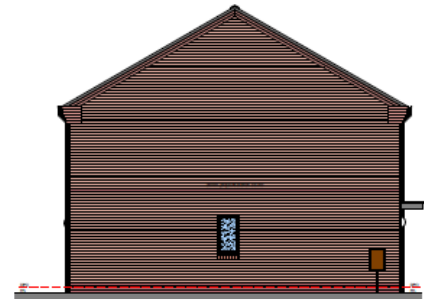
Side Elevation - Plot 1
1:50



Ground Floor
1:50



Rear Elevation
1:50



Side Elevation - Plot 2
1:50

HISTORY (if relevant)

Not Applicable

CONSULTATIONS

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

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

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

Suggested Informative

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

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

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

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

and any gates shall open inwards only.

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

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

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

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

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

Bolsover District Council (Engineers):

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

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

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

PUBLICITY

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

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

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

POLICY

Bolsover District Local Plan (BDLP)

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

National Planning Policy Framework

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

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

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

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

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

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

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

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

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

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

Other (specify)

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

ASSESSMENT

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

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

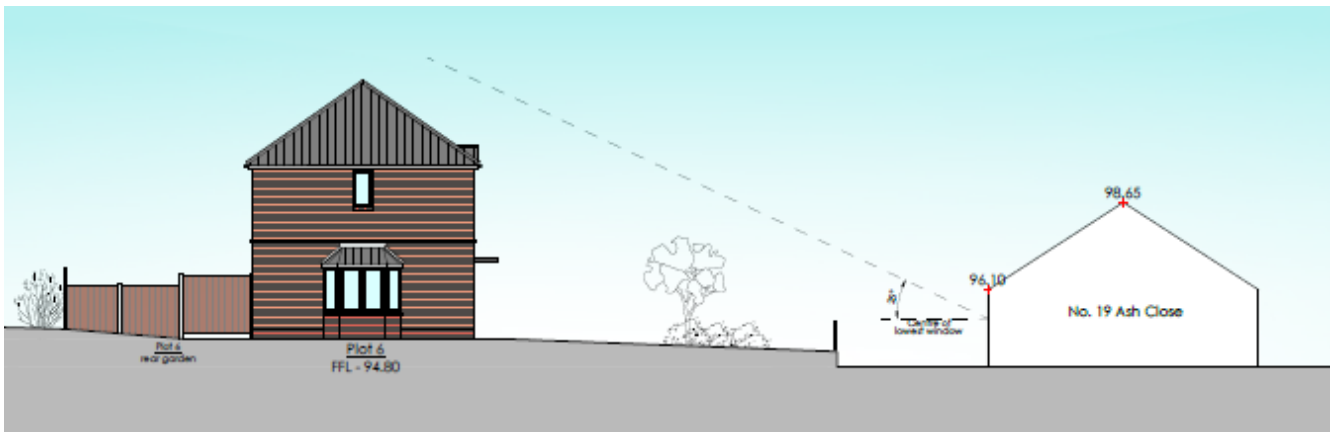
The main issues with this scheme at Ash Close Pinxton relate to the proposed design and layout of the proposed dwellings, potential impacts upon the amenities of existing residents, highway considerations, contamination issues and the loss of protected open space.

Design and Layout



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

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



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

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

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

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

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

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

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

Boundary treatments

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

Off-street Parking

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

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

Summary

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

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

Provision of Affordable Housing

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

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

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

Principle of development on protected public open space.

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

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

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

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

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

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

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

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

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

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

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

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

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

Highway Safety Considerations

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

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

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

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

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

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

Contamination considerations

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

Foul Drainage

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

Surface Water Drainage

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

- Soakaways
- Infiltration
- Watercourse
- Sewer

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

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

Land Stability/Coal Mining Legacy Issues

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

Conclusions

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

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

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

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

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

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

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

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No specific issues identified.

Equalities: No specific equalities issues identified.

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

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

SSSI Impacts: N/A

Biodiversity: No significant impact.

Human Rights: N/A

RECOMMENDATION

The current application be APPROVED subject to the following conditions:

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

A. Site Characterisation

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

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

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

B. Submission of Remediation Scheme

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

C. Implementation of Approved Remediation Scheme

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

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

D. Reporting of Unexpected Contamination

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

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

E. Importation of soil

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

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

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

Statement of Decision Process

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

Site Location Plan

