

PARISH

Clowne

APPLICATION LOCATION Proposed residential development for 15 dwellings with garaging
Land West Of Homelea And Tamarisk Mansfield Road Clowne
APPLICANT Mr R Tamlin, Abbeywood Homes Ltd
APPLICATION NO. 17/00392/FUL **FILE NO.** PP-06274978
CASE OFFICER Mr Peter Sawdon
DATE RECEIVED 1st August 2017

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: PLANNING MANAGER
REASON: PUBLIC INTEREST IN APPLICATION

SITE The application site is located on the western side of Mansfield Road at Clowne. It is a level site located at the rear of 2 houses and 2 bungalows which are on the road frontage. It is currently a field surrounded by hedges.

Three separate planning permissions have been granted for residential developments on land to the north, south and west. The developments to the north and west are either complete or close to completion. Some initial clearance works have been undertaken on land to the south that has planning permission to be developed for housing. The majority of those adjoining development sites, as with the majority of this application site, are outside of the Settlement Framework for Clowne. The existing housing fronting Mansfield Road is within the defined settlement framework.

PROPOSAL This is a full planning application for 15 detached dwellings. 14 dwellings are 3 stories high (of 2 storey appearance with the 3rd floor in the roof space) and one is 2 stories (of single storey appearance with the 2nd floor in the roof space).

The dwellings would all be served from a single point of access to Mansfield Road and a single spine road that would mainly run along the north side of the site, from which private drives would be taken to access individual dwellings. Footpath connections are proposed to adjoining developments to the north and south.

Dwellings are offset from the side boundaries to permit the retention of the boundary hedgerows. The drawing shows land for the provision of SuDS alongside the northern boundary between the proposed highway and the northern retained boundary hedge.

AMENDMENTS

- Phase 2 contamination report and additional drainage information submitted 5th October 2017
- Revised layout and house type drawings received 3rd November 2017.
- Additional cross-section information submitted 9/11/17.
- Amended house type for plot 15 with associated revised site plan and cross-section drawing 23/11/17

HISTORY (if relevant)

15/00604/OUT – Outline planning permission was granted for a residential development on this site on the 31st October 2016; the submitted planning application indicated that at that time this was intended for self-build plots.

08/00077/OUTMAJ – This land formed part of a larger planning application site including land to the south, that was refused planning permission on 9th May 2008 (the land to the south was subsequently granted planning permission on 17th July 2009 [ref. 09/00217/OUTMAJ] and that planning permission was renewed on 16th May 2012 and 27th February 2015 [refs. 12/00112/VARMAJ and 14/00057/OUTMAJ]).

CLO/864/6 – planning permission for residential development on this site was refused on 29th January 1969.

CONSULTATIONS

Archaeologist – No need to place an archaeological requirement on the applicant 29/08/17

Derbyshire County Council (Flood Risk Management) – Insufficient information submitted with application and more information needed 1/9/17

Derbyshire County Council (Developer Contributions)

Seeking the following financial contributions (4/9/17): -

- £ 22,798.02 towards the provision of 2 Junior places at Clowne Junior School via Project B - creation of specialist and group spaces
- £ 34,352.34 towards the provision of 2 secondary places at Heritage High School - A Mathematics & Computing Specialist College via Project B - additional teaching space

Further comments received to justify additional request for secondary education contribution (not previously requested on earlier grant of planning permission for this site) 16/10

Clowne Parish Council – Object on the following grounds (10/09/17): -

1. The site is not included as development in the local plan;
2. Clowne already has a 5 year supply of housing as identified to the North of the village;
3. This is not a strategic development site;
4. This development would add considerably to existing traffic pressures along Mansfield Road.

DCC (Highways) – No objections subject to condition and advisory note 13/9/17.

Environmental Protection Officer – No objections subject to a condition requiring further investigations and, where shown to be needed, mitigation in respect of contamination 21/9/17

Urban Design – Seeking revisions to address design issues 6/10/17

BDC Engineer – 1. Subject to acceptance of the 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). 2. The developer must ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.

Severn Trent Water Ltd – No objections subject to inclusion of a condition 20/10/17

Derbyshire Wildlife Trust – No objections subject to conditions 10/11

NHS England – No response received to consultations.

PUBLICITY By press advert, site notice and 25 neighbour letters. Neighbours were also re-consulted following the receipt of amended plans. 25 letters of representation were received to the initial round of consultations, one of which states no objections in principle, but still have some concerns; a further 4 letters of representation were received as a result of the neighbour re-consultation (2 of which were from or on behalf of the same objector). These letters raise the following issues: -

Principle

Without a fully developed Neighbourhood plan there needs to be better and more in depth consultation with the wider community, not just the immediate properties affected and would request this consultation is put in place.

Concern at additional pressures on existing stretched infrastructure and existing facilities would struggle to cope with additional development:

- Issue with school capacity with Clowne children having to travel to Renishaw School as there are no places in Clowne School;
- Some siblings unable to attend same schools, resulting in parents/carers having to drive to two locations;
- Health care is over run including doctors, dentists and hospitals. Patients have to go to Barlborough doctors, and Bolsover dentist.
- Can you assure that extra places in schools, more funding for healthcare will also be associated with all the new builds in Clowne?
- The current sewage, drainage and soak away systems are already under pressure, more houses would increase this leading to potential health problems.

Another issue is lack of green land left in Clowne.

There is already a large amount of development taken place in South Clowne. The Council's preferred location for future development has been noted as North Clowne as it has easier access to the M1 and A roads and has the ability for commercial and industrial development, as well as housing, bringing employment opportunities.

It is our belief that Bolsover District Council five year plan has already sufficient development sites approved.

Our Parish Council refused to offer a neighbourhood plan, stating that the local plan produced

by Bolsover District Council would control the development in Clowne. We believe this Local Plan is not active, hence the problem.

Layout and Design

The proposed development is not in line with Bolsover District Council's "A Guide to Sustainable Housing Layout and Design" as the development: -

- i. is not in context with surrounding properties
- ii. Impacts on the privacy of surrounding properties
- iii. Will have a significant impact on the local wildlife habitat
- iv. Will have a negative impact on communities, have an adverse long-term impact on society, generate on-going costs in terms of increased maintenance burdens, policing, health care etc. that inflict social and financial costs on communities.
- v. Creates costly and unsustainable forms of development by impacting on the value of neighbouring properties
- vi. The Planning Act 2008 (s.183) requires local authorities to have regard to the desirability of achieving good design. Including good place making principles beyond an individual development, this duty placed on local authorities by the Act is not met in relation to the design and impact of the current design
- vii. The National Planning Policy Framework (NPPF) recognises the importance and value of good design as an essential component of sustainable development. Sustainable development also relates to the wider community, this has not been adequately considered
- viii. This high density, poorly designed development fails to take the opportunities available for improving the character and quality of the area and the way it functions, so should be refused
- ix. The design of new residential developments need to recognise and enhance the townscape, landscape character and local distinctiveness, there is no evidence this is achieved beyond what already exists as an undeveloped site within the proposals.
- x. The design is out of context and does not enhance the quality of existing settlements and townscapes. Developments should create places of character based upon an appreciation of the site and surrounding area, responding positively to its natural and built context, this is not the case with this proposal.
- xi. The designs fail to meet the practical and social needs of existing residents, failing to create places where people will want to live.
- xii. In meeting Building for Life criteria the development should have a mix of housing types and tenures that suit local requirements, meeting this principle is not evidenced
- xiii. Resident and visitor parking is inadequate for house types of this size.
- xiv. The development does not give back anything to the existing built environment
- xv. Proposals do not ensure a satisfactory level of privacy with existing dwellings
- xvi. The development fails to provide its own community play areas and open space, instead it provides access onto the Sterry Farm estate. This will impact on the Sterry Farm estate as it has its own private open space facilities which are paid for by that community and not the council
- xvii. Successful places use simple designs similar to local buildings in respect of their forms, heights, widths, scale and proportions. This development does not take

this into account where the proposed dwellings are inappropriate in scale, height and massing with regard to adjoining buildings and general heights in the immediate area,

Crime Prevention

We believe opening up the pathway will also compromise security. It provides opportunity for antisocial behaviour and increased risk of break-ins as it is not sufficiently overlooked by any of the surrounding properties on Sterry Farm and it is not overlooked at all by any of the dwellings on the proposed new development. Furthermore, it does not have any lighting for night time. The path is flanked on one side by a garage and driveway (which only has a knee high fence due to planning rules) and by a further bungalow (which has no side facing window) on the other side. Residents of 49 Fallowfield cannot see their garage/top of driveway or the connecting path from the side kitchen window and, with the lack of lighting at night, the pathway will provide easy, undetected escape routes. We understand the need for 'connectivity' between developments but feel that the approach to this has been the subject of continuing poor design and planning processes when considering new developments. As connectivity is such an essential component, then the relationship to other new developments coming up in the same area should be given greater emphasis so that the inclusive community opportunities afforded by urban design connectivity running across the fronts of houses, thus increasing surveillance and prospects for more neighbours to see and meet each other, can be fully realised in the early stages, rather than pathways being 'fitted in' between houses causing opportunities for antisocial behaviour instead.

Amenity

Removal of orchard would result in the loss of amenity for nearby dwellings. Position of dwellings will affect the natural light to existing dwellings and afford no open aspect from gardens, compounding issues for some from other recent development locally. Loss of privacy to existing houses and gardens.

The loss of an amenity site to the surrounding community who enjoy observing the wildlife and vista of the orchard and mature trees. The loss of a green area and trees amidst all the development sites springing up all around Clowne.

Increased pollution levels are a major concern for the health and well-being of local people.

An increase in population would lead to anti-social behaviour and crime. Naturally an increase in population will equal an increase in crime, especially when considering the type of properties being proposed. The Sterry Farm and Avant estates have already had issues with theft and burglary as new build estates are seen as an easy target.

There are bungalows with small gardens directly opposite three-storey houses that will lose the benefits of having a south facing garden and be in perpetual shade most of the day, as the gable end of the proposed dwelling is only 12m away, not the 21m identified in the Council guidelines that should not be relaxed.

A building should not be situated in front of a main window to a habitable room if it is higher than the 25-degree line drawn from the centre of the affected window. The designs of this development fail this criteria.

If the plots are marketed as self build that means 15 potential separate new building sites will be created. These will all have different programmes of development and different contractors. This will mean lengthy and uncontrolled periods of construction, increased noise and air pollution (especially dust) and inevitably increased crime (construction sites are an easy target for thieves).

Consider that the proposed dwelling on plot 15 is too close to the property at 49 Fallowfield (to the north). A solar/sun study has been submitted on behalf of the objector to consider this issue further. It is suggested that the proposed dwelling in its current form [as amended] will have a significant impact on the amenity and enjoyment the existing property, in particular use of the only 'private' amenity space in the rear garden that has a southerly aspect; the comments suggest that the the impacts are greatest during the Spring/Autumn equinox at 1300hrs and particularly Winter at 0900hrs, 1100hrs, 1300hrs and 1500hrs. Consider that the proposal does not accord with the 'Successful Places' SPF and that either the separation distances to Plot 15 be increased or that the proposed Plot 15 is revised further in form such that it does not harm the amenity and enjoyment of the existing property.

Neighbouring occupiers should be able to enjoy an outlook of good quality from habitable rooms and garden spaces without adjacent buildings being overbearing and creating an oppressive environment. The small garden of 49 Fallowfield is flanked on both sides by garages which run almost the entire length of the garden. The proposed new dwelling (Plot 15 on the site plan) is still only 13m in total from our bungalow (8.5m length of our garden, width of hedgerow plus the new plot's driveway) so would then create an outlook of a high brick wall running the entire width of our garden subsequently causing us to be significantly adversely affected by the sense of being completely 'hemmed in'. This would have a significant impact on the amenity and enjoyment of our property. Consider that the drawings showing the 25⁰ rule have not been applied properly and so doesn't comply with the Council's guidance. Rely on sun on the south elevation and where overshadowing will occur will reduce solar gain and place greater reliance on heating, increasing bills and lessening the enjoyment of the home; will also impact on the opportunity to dry washing outside.

Biodiversity

Removal of orchard would result in the loss of natural recourses and habitat. The variety of the apple trees themselves may make them worthy of saving as traditional orchards are designated as Priority Habitats. Will result in the loss of an important habitat for many plants, bats, birds and other wildlife. Orchards, once a common feature to the rural and historical landscape are becoming endangered because no-one recognises their importance to local biodiversity. Mature trees and Hedgerows are irreplaceable and provide us with many benefits. Local planning at the current time is out of control, with so little respect for its people, communities and local environment.

Has the developer conducted a full biodiversity survey and considered the impact on the site if these trees are removed?

When I recently purchased my house on the Edge I was told by a planning officer and Avant Homes that I could only have a wire fence erected at the bottom of my garden as the current mature hedgerow and trees must be left to flourish. This development proposes to remove the said trees and hedgerow which contradicts what I was told and would lead to a lack of privacy and security to my property. The Council's guidelines for assessing residential development requires that habitat be safeguarded but this would be destroyed. It is worth noting that the removal of the hedgerow would affect the Bats that we have flying around our garden and the hedgerow every evening obviously feeding on the insects.

Impact on wildlife in particular farmland birds which are on the UK RED list (e.g. Yellowhammer and Skylark) which BDC conveniently forget about.

Existing developments have already displaced countless animals, plants and mini-ecosystems. Any additional development only drives more wildlife away and destroys the reason a lot of people moved to this area in the first place.

Development under trees will damage the roots and result in the loss of trees.

Highway Safety/Transportation

The access road exit is only 50 yards from my driveway and vision of oncoming traffic will be impaired. The development on High Ash Farm is another concern for the same reasons as is the Avant Homes development and further exit road north of Congreave. Are all these roads linked to The Edge as the volume of traffic will be higher if so? Five access roads on one side of the road in a matter of months, in addition to existing access roads, is totally unacceptable as well as the further access road from the development south of Ramper Avenue. The amount of traffic will cause accidents. Drivers do not observe speed limits and drive too fast on this road; it is difficult to cross the road now. Bolsover Council do not seem to have any consideration for its council taxpaying residents or seem interested in their views on this matter but agree to everything the developers' request. Permissions for large numbers of houses in Bolsover will add to the traffic through Clowne.

Access on and off the site is an issue. Emerging onto the main road there is a bend on one side and a dip on the other making visibility poor and the speed of traffic making it dangerous. Access to the development would be on a "blind" corner and potentially dangerous. Current traffic already speeds along Mansfield Road, rarely taking note of the speed limit indicators. To round the bend and find stationary traffic waiting to turn onto the development would be an accident waiting to happen.

The proposals will increase traffic. Clowne already has significant issues with fast traffic at this location. Existing congestion in and around the town centre causes problems for emergency services, road users, residents, cyclists and pedestrians, particularly at peak times and we do not yet know the full impact of the developments currently under construction in the area.

The infrequent bus service would not encourage people not to use their cars as stated in the "Design and Access Statement" as evidenced by the volume of vehicle usage on

neighbouring sites. Busses do not stop near this site. Dwellings in the area have two private vehicles at a minimum and nobody uses public transport. People who own large, 3 storey properties do not use public transport as a general rule that should be clear to anyone.

Residential and visitor parking appears to be inadequate for the size of the proposed 5 bedroom dwellings. Parking on the Sterry Farm estate for residents and visitors of the new development are inadequate.

Drainage

Concerns regarding the consequences of drainage from both individual plots as well as the soak-away along the whole Northern boundary of the development.

The SUDs solution is located against neighbouring properties' rear gardens. Over time it is highly likely this will cause water saturation issues to those properties

Retaining the mature trees may also keep the drainage managed to the current level.

Other

Marketed as self-build plots could result in 15 separate builders working on the site; the impact on traffic and surrounding community would be massive and could take years to complete.

The proposed development does not provide its own community play area and open space, but provides access to the neighbouring Sterry Farm Estate, there is a potential conflict with the Sterry Farm Estate management committee/residents as they pay an annual fee to maintain their private recreational facilities. It is unfair on them to provide and pay for the green space for the proposed new development. I suggest the council should do the right thing and adopt the maintenance of the green spaces on Sterry Farm if they are to be available to surrounding estates?

Alternatively, you could insist that green communal areas are provide on the proposed development. The ecology report recommends, with some renovation and management, the retention of the apple trees in gardens along the west boundary and the area of plot 15. Indeed, deleting plot 15 as housing would provide a good green communal area. This would also solve the building proximity issue to 49 and 51 Fallowfield.

With no neighbourhood plan there needs to be a consultation involving the wider community, especially those on the Sterry Farm estate that should be attended by the Head of Planning in order to take the concerns of the community on board.

Considers there to be errors in the Urban Design Officer's consultation response in respect of measurements and plot references.

POLICY

Bolsover District Local Plan (BDLP)

GEN 1 - Requirements for development
GEN 2 - Impact of development on the environment
GEN 4 - Development on Contaminated Land
GEN 5 - Land Drainage
GEN 8 - Settlement Frameworks
GEN 17 - Public Art
HOU 9 - Essential New Dwellings in the Countryside
TRA 1 - Location of new development
TRA 15 - Design of Roads and Paths to serve new Development
ENV 2 - Protection of the best and most versatile agricultural land
ENV 3 - Development in the Countryside.
ENV 5 – Nature Conservation Interests
ENV 8 - Development affecting trees and hedgerows

National Planning Policy Framework

Paragraph 14 – advises that permission should be granted for sustainable development. 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 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.”

Para’ 117 “To minimise impacts on biodiversity and geodiversity, planning policies Should.....promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan”

Para’ 118 “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles.....
If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
Opportunities to incorporate biodiversity in and around developments should be encouraged.”

Other (specify)

- Supplementary Planning Document Successful Places: A Guide to Sustainable Housing Layout and Design (2013).
- A Building for Life 12 (BfL12) - The sign of a good place to live.

ASSESSMENT

A material consideration in the consideration of this planning application is the fact that this site already benefits from a recent and extant planning permission that was only issued on 31st October 2017.

The applicants had initially intended to submit this planning application as a reserved matters application, but due to technical issues in respect of conditions of the earlier outline permission the applicants decided, on the advice of officers, to submit the planning application as a full planning application. This is as the original outline permission was structured to deal with individual reserved matters planning application's being submitted for each plot, whereas it is no longer intended that each plot owner would seek permission for their own house designs. The DAS indicates that the applicant will construct the road and provide the necessary associated infrastructure to service this self-build scheme, but the final designs will be established as part of this proposal.

A condition requiring a suitable mechanism to ensure that the essential infrastructure required facilitating the development as a whole can be provided by the applicant and that the timing/phasing of the implementation of the infrastructure is such that these elements can be provided in advance of the construction of the individual houses.

Technically the site lies outside, but adjacent to, the settlement framework as defined in the now aging Bolsover District Local Plan (2000). However the settlement framework boundary as drawn is effectively superseded by recent planning permissions for residential development surrounding this site. Therefore, as decided at the time of the earlier outline planning application, it is considered that it would be illogical to rigidly apply countryside protection policies under these circumstances and that this site ought to be treated as if it is within the settlement framework where residential development is acceptable in principle (GEN8); as the site fails to comply with saved countryside protection policies ENV3 and HOU9 are applied (which do not normally allow residential development except in special circumstances), the site is a technically contrary to the adopted development plan and has been advertised as such.

With regard to sustainability the site is close to proposed public open space and play facilities on the adjacent development site, and it is within 915m of leisure facilities and potential employment opportunities at the Arc, a children's nursery (960m), a public house is (775m), Primary School (929m), local facilities in the town centre (1000m) and a supermarket (1050m). These facilities are likely to provide sufficient draw to encourage some access on foot and fall within an acceptable catchment for facilities of this type.

However the nearest bus stops are in excess of the 400m guideline for convenient walking distance with mixed service provision, which is unlikely to materially reduce reliance on car

use. The nearest bus stop is adjacent to the Angel Inn which is a distance of 800m, following actual walking distances as from the approximate centre of the site. The site is related to the following local services from:

Service 53/53A – Mansfield to Sheffield (infrequent service).

Service 77 – Worksop to Chesterfield (regular service).

Service 476 – Netherthorpe School (school service only).

Service T3 – Worksop Tesco to Barlborough (very infrequent)

Services 73/74 - Mosborough to Clowne (are available from the Mill Green Way (Tesco Stop, Clowne), although this bus stop is approximately 1050m from the approximate centre of the site.

On the whole however it is considered that the application site is reasonably sustainable. It also appears to be available and deliverable.

In summary, despite the technical conflict with the saved policies of the local plan it is considered that the proposed development would result in sustainable development due to its generally good proximity to town centre services and jobs and its relationship to adjoining extant planning permission's and so significant weight in favour of its residential development arises from the NPPF policy.

Policy ENV2 of the Bolsover District Local Plan aims to protect the best grades of agricultural land. Whilst the site is grade 2 agricultural land in the agricultural land classification survey (2010) where planning permission might not be appropriate, the loss of this land to housing development is already established through the earlier grant of planning permission and there has been no substantive change in circumstances since the date of that consent that would justify taking a different position on this issue.

Design and Layout Issues:

The previous outline permission did not specify the amount of development proposed, although an indicative layout showed a scheme for 15 dwellings. The current application proposes 15 detached dwellings, which is consistent with the amount indicated in the outline application albeit showing a different layout. The site area measures 0.841ha which equates to a density of 18 dwellings per hectare. This represents a low density of development which is appropriate in this location having regard to the site constraints.

Subject to control over materials, the appearance of the dwellings that are generally simple forms with a traditional wide front, narrow depth plan, stone heads and cills and chimneys for detailing.

The layout comprises a cul-de-sac accessed from Mansfield Road. In the interests of providing a properly planned and connected series of development sites, the layout should ideally provide a road connection through to the High Ash Farm access road immediately parallel to the southern boundary. Nevertheless, the scheme does propose a direct footpath link through to the western part of the site. This connects with the footpath link already provided on the Woodall Homes development to the north (Fallowfield), where a footpath connection was itself provided between Nos. 47 and 49 Fallowfield in anticipation of the land to the south coming forward for development. Notwithstanding, the absence of a road link,

the proposed layout is considered to achieve a reasonable degree of connectivity such that occupants of this and adjoining developments could walk safely and conveniently between this and neighbouring sites.

Although the provision of a road connection would be preferred, the absence of such a connection is not considered sufficient grounds in its own right to maintain an objection on design grounds in this instance. The inclusion of the footpath that ties in with the footpath from Fallowfield and connects through to High Ash Farm to the south is essential and would complete the footpath route between these three sites and contribute to the permeability and sustainability of the site; the objections relating to the inclusion of this footpath are noted but the connectivity of the various individual permissions in this area is seen as a key design component and it is considered that this should be maintained. The footpath itself is generally well overlooked and should provide safe route for pedestrians. A condition is proposed to ensure that the connection is implemented at each end so that both the vertical and horizontal alignments are correct to enable the footpath to be 'connected up' to the adjoining sites; to ensure the link is delivered it is recommended this should be provided by the developer as part of infrastructure to be implemented on behalf of the future self builders.

The majority of the development faces directly towards the proposed road and addresses the new street scene well. Vehicle parking and garaging is predominately located between detached houses, removing it from the streetscene, ensuring that the built form remains the primary component of the streetscape, which is appropriate. Where a garage is positioned against the street on Plot 6, this has been designed with the appearance of an 'outbuilding', with a home office in the roof space; a dormer window addresses the street with a dummy window at ground floor. Consequently this element of the design is considered to relate positively towards the street frontage.

The scale and massing of the proposed houses is generally consistent with that on the nearby surrounding developments and existing neighbouring plots, although of note are some bungalows on adjoining Fallowfields to the north and the existing Holmlea and Tamarisk dwellings to the east. This relationship has been considered and appropriately been responded to by the applicant. This has resulted in dwellings of single storey appearance being introduced in the south east and north west corners of the site, with their second floor accommodation provided in their roofspace. Notwithstanding the objections received in this respect, the relationship of dwellings to each other is appropriate and consistent with the Council's adopted guidelines.

Whilst noting comments in representations on this matter, the Council guidelines have been misinterpreted by some objectors in that 21m is only required between facing habitable room windows and not between all dwellings.

No boundary details are included and landscaping detail is indicative, although this does confirm that the majority of the boundary hedgerows and trees are intended for retention (see later discussion on ecology and biodiversity). The general approach is appropriate and conditions requiring approval of details are proposed.

Highway Safety

The Highway Authority has raised no objections subject to the inclusion of recommended conditions, reasons and notes.

Heritage and Archaeology

No listed buildings or conservation areas will be affected.

In terms of archaeology, the archaeologist has advised that on the basis of the results of archaeological fieldwork on an extensive housing site to the west and south of the proposal area he concluded that, as no significant archaeological remains had been identified in this area, that the current site has low to minimal archaeological potential. For this reason, no further work has been recommended.

In view of the above, there are no adverse impacts on heritage interests expected.

Drainage

Whilst SuDS were initially proposed, further ground investigations have been carried out and it has been indicated that ground conditions are not appropriate for SuDS on this site. Whilst SuDS is preferred, in line with guidance contained in the NPPF, where it can be demonstrated that ground conditions are unsuitable, traditional piped drainage systems may still be appropriate; at the time of preparing a report a response from Derbyshire County Council's Flood Risk Management team was still awaited and it is intended that an update will be provided to the Planning Committee when it meets.

Severn Trent Water has raised No objections to the proposal subject to a condition requiring the submission of a scheme for foul and surface water drainage.

Potential Ground Contamination

The Applicant has provided a site investigation report. The Environmental Health Officer has referred to activities on the adjacent High Ash Farm site, in particular a fire on that site, which gives potential for contamination migration from that to the planning application site. The submitted study recommends further investigations that the Environmental Health Officer agrees with and recommends the inclusion of a suitable condition to require this as well as suitable mitigation, should it prove necessary. The inclusion of such a condition is considered to be necessary to ensure that the proposal accords with the requirements of GEN4 (Development on Contaminated Land) refers.

Ecology –

The Derbyshire Wildlife Trust has advised that the site is not designated for any features of substantive nature conservation value and there are no previous records for any protected species within the site itself. Although none of the hedgerows are considered as important hedgerows under the Hedgerow Regulation Act 1997 all hedgerows are considered to be UK BAP priority habitat and as such are a material consideration in the planning process. The Trust broadly agrees with the assessment made in the submitted ecology report regarding

protected species. The site is relatively small and the habitats are not typically very suitable for protected species.

However, the hedgerows are probably used by farmland birds and brown hare may have used the field in the past. The main impact of the development is loss of species poor neutral grassland, minor loss of hedgerow and possible loss of apple trees combined with indirect impacts during the construction phase and then subsequently as a result of the change of land use.

The Trust support the recommendations made in the ecology report regarding measures to minimise and mitigate impacts on hedgerows and loss of apple trees. In conclusion, overall there is a loss of at least 30m of hedgerow and the trust recommend that this needs to be fully addressed within a sympathetic landscape scheme that includes a range of positive measures for the retained hedgerows including a sympathetic management regime for the future. Some replacement planting of trees should take place ideally within the site or if this is not possible at a nearby location.

Social Infrastructure and S106

The earlier planning permission secured contributions for primary phase education, in line with the request from the Education Authority at that time; there was no requirement for secondary phase contributions as that school had sufficient capacity. The earlier grant of planning permission established the principle for a development of 15 dwellings and this is a material consideration and a commitment in terms of potential impact on education infrastructure.

Notwithstanding that existing commitment for 15 dwellings and the fact that this further application is for the same number of dwellings, the Education Authority is now seeking additional contributions for secondary education stating that there is insufficient capacity within that school due to other grants of planning permission. They have also asked for a reduced contribution for works to the existing Junior School.

The Applicant has not agreed to this request and has stated that the education offer stands at the level previously agreed for the outline permission, other than accepting any minor indexation increases as may be needed due to the passage of time since the original grant of permission. They state that they are not aware of any changes in the methodology for calculating the contribution that they consider to be in line with or in excess of contributions levied on the neighbouring High Ash Farm and Sterry House Farm developments.

As stated earlier, this application could have been submitted as a reserved matters application, in which case the S106 obligations would have been fixed as per the outline agreement and there would have been no possibility of re-negotiating. The full application procedure was agreed in advance of submission as a means of dealing pragmatically with other issues that required amendment and would have necessitated the submission of two rather than one planning application and would potentially have lengthened the timescales for determination.

Although technically the Council can seek to re-negotiate S106 terms (because of the “full” nature of the application) it is considered that under the circumstances of this planning application it would be unreasonable to do so in the absence of any notable and identifiable change in circumstances between the two planning application’s. Whilst acknowledging that further permissions have been granted the Education Authority should have taken the extant planning permission on this site into account as a committed scheme and sought to secure contributions from those other schemes taking the pupil numbers from this approved scheme into account, such that the secondary education contribution is not considered to be adequately justified; the recent date of the earlier planning permission on this site is also considered material.

In view of this, it is considered that based on the identified shortfall in Junior School accommodation, the County’s requested contribution of £ 22,798.02 towards the provision of 2 Junior places at Clowne Junior School should be the sum included in any S106 Planning Obligation.

The CCG has not responded to its consultation on this planning application, but at the time of the earlier granted planning permission, the NHS confirmed that it had made no request for a health contribution.

Notwithstanding representations made in representations on the issue of play space provision, the scale of the development is below that where leisure and open space requirements would be sought under policies HOU5 (Outdoor Recreation and Play Space Provision For New Housing Developments). Similarly no contributions are required under Policy HOU6 (Affordable Housing).

No public art provision is made for, but this is in line with the original planning permission and there is no material change in circumstances since that earlier consent to alter the consideration in this respect.

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: It will be necessary to ensure that any reserved matters applications make appropriate provision for designing out crime.

Equalities: No known issues

Access for Disabled: No known issues

Trees (Preservation and Planting): See assessment

SSSI Impacts: N/A

Biodiversity: See assessment

Human Rights: No known issues

Conclusions

In conclusion, the previous permission for residential development weighs heavily in favour of granting planning permission for the current application because the acceptability of the current site for housing has already been established. The terms and conditions imposed on the previous permission, which is still extant, also weighs heavily in favour of accepting contributions required of the previously consented scheme rather than accept additional

requests for financial contributions made in representations on this application.

In all other respects, the application is considered to be acceptable in planning terms for the reasons set out in the above report other than the County Council's Flood Risk Management Team require further information demonstrating full consideration for a range of SuDs methods and robust information discounting them. The applicant is actively addressing these issues and it is considered once these points have been addressed, the current application should be approved subject to the conditions, as suggested in the above report and listed below, and subject to obligations securing phasing and a contribution towards local education provision.

RECOMMENDATION: In the continued absence of a formal response from the County Council's Flood Risk Management Team; defer decision and delegate **APPROVAL** to the Planning Manager in consultation with Chairman and Vice-Chairman of Planning Committee subject to:

- A. Confirmation that the County Council's Flood Risk Management Team have removed their holding objection;
- B. Completion of S106 Planning Obligation to cover education contributions and phasing of development to facilitate self-builds;
- C. Conditions deemed necessary including those set out below and any additional and/or amended conditions as may be recommended by Derbyshire County Council's Flood Risk Management team.

Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:-

756-01-B Site Plan [Submitted 23/11/17]
756-02 House Type A [Submitted 03/11/17]
756-03 House Type B [Submitted 03/11/17]
756-04 House Type C [Submitted 03/11/17]
756-05 House Type D [Submitted 03/11/17]
756-06-A House Type E [Submitted 03/11/17]
756-09 House Type F [Submitted 23/11/17]
756-09-A House Type G [Submitted 03/11/17]
756-010-A House Type H [Submitted 03/11/17]
756-070-A Garages [Submitted 03/11/17]
756-08-A Location Plan [Submitted 03/11/17]
756-30-A Site Sections [Submitted 23/11/17]
1102-1 - Revised Drainage Layout (including levels details) [Submitted 09/02/18]

2. Before construction commences on the erection of any building or wall on each plot, a schedule of wall and roof materials for use on that plot must first have been submitted to and approved in writing by the Local Planning Authority.

3. No building will be occupied until full details of both hard and soft landscape works, to include details of all proposed means of enclosure and details of all trees and hedgerows to be retained and means for their protection during the course of the development, along with a programme for implementation, has been submitted to and approved in writing by the Local Planning Authority and the works and implementation programme must be carried out as approved.
4. A landscape and ecological management plan (LEMP) must be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP must include the following:
 - a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The LEMP must also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan must also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

5. Prior to the installation of any lighting, a detailed street lighting scheme for adopted or un-adopted highways, that considers the impacts on bats as a protected species, must have been submitted to and approved in writing by the Local Planning Authority. Only the street lighting details approved under this condition will be implemented as part of the development.
6. No works which include the creation of trenches or culverts or the presence of pipes will commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include: -
 - a) creation of sloping escape ramps (mammal ladders) for badgers (and other mammals potentially using the site), which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and

- b) open pipework greater than 150 mm outside diameter being blanked (capped) off at the end of each working day.

The approved details must be implemented as part of the implementation of the approved development.

7. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a - c of this condition 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 part d of this condition 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:

- o human health,
- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- o adjoining land,
- o groundwaters and surface waters,
- o ecological systems,
- o archaeological 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 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 part a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part b, 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 part c.

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.

8. Before any other operations are commenced, a new estate street junction must be formed to Mansfield Road, Clowne, located, designed, laid out, constructed and provided with 2.4m by 47m visibility splays in either direction, all as agreed in writing with the Local Planning Authority, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m

in height relative to adjoining nearside carriageway channel level.

9. No dwelling will be occupied until space has been provided within its curtilage in accordance with the approved plans. Those spaces must thereafter be maintained throughout the life of the development free from any impediment to their designated use.
10. Before any other operations are commenced (excluding demolition/ site clearance), space must be provided within the site curtilage for the 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 that must have been submitted to and approved in writing by the Local Planning Authority that must be maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.
11. All accesses within the development must not be taken into use until 2m x 2m x 45° pedestrian intervisibility splays have been provided on either side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.
12. Vehicle accesses must be no steeper than 1 in 20 for the first 5 metres from the nearside highway boundary.
13. No building hereby permitted will be occupied until surface water drainage works have been implemented in accordance with details that shall have previously been submitted to and approved in writing by the local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - include a timetable for its implementation; and
 - provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public Authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
14. The development hereby permitted will not commence until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme must be implemented in accordance with the approved details before the development is first brought into use.

15. Before building work on any building or wall commences, a scheme showing the details of the proposed footpath connections to the north and south of this planning application site, together with a timetable for implementation, must have been submitted to and approved in writing by the Local Planning Authority. The scheme must provide for construction to an adoptable standard in accordance with details of design, specification, gradient, sections and levels details (level details both on site and on the adjacent site) demonstrating that footpath links with the adjacent developments can be successfully achieved all to an adoptable standard. The approved scheme must be implemented in accordance with the details and timescales approved.

Reasons for Conditions

1. For the avoidance of doubt having regard to the amended and additional drawings submitted during the application in order to define the planning permission.
2. To ensure a satisfactory standard of external appearance and in compliance with Policy GEN2 of the Bolsover District Local Plan.
3. To ensure that satisfactory landscaping is retained and provided within a reasonable period in the interests of visual amenity and biodiversity and in compliance with Policies GEN1, GEN2 (1, 11 and 12), ENV5 and ENV8 of the Bolsover District Local Plan.
4. To ensure appropriate provision is made for the management and maintenance of landscaping and other features in the interests of the visual amenity of the area and biodiversity interests and in compliance with Policies GEN1, GEN2 (1, 11 and 12), ENV5 and ENV8 of the Bolsover District Local Plan.
5. To ensure that the impacts on bats are minimised and in compliance with Policies GEN2(11 and 15) and ENV5 of the Bolsover District Local Plan.
6. To ensure that badgers are not trapped and harmed on site and also to ensure that badgers do not cause problems for future site operation, e.g. blockage of pipes and in compliance with Policies GEN2(12 and ENV5 of the Bolsover District Local Plan.
7. In order to protect public health and ecology and in compliance with Policies GEN1(6), GEN2(11 and 14), GEN4 and ENV5 of the Bolsover District Local Plan.
8. In the interests of highway safety and in compliance with Policies GEN1(2), GEN2(4) of the Bolsover District Local Plan.
9. To ensure that adequate off-street parking is provided and retained for use to reduce the incidence of on-street parking and its attendant dangers and in compliance with Policy GEN1(1) and TRA10 of the Bolsover District Local Plan.

10. In the interests of highway safety and in compliance with Policies GEN1(1 and 6) and GEN2(4) of the Bolsover District Local Plan.
11. In the interests of pedestrian safety and in compliance with Policy GEN1(2 and 6) of the Bolsover District Local Plan.
12. In the interests of highway safety and in compliance with Policies GEN1(2 and 6) and GEN2(4) of the Bolsover District Local Plan.
13. To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of any sustainable drainage structures and in compliance with policies GEN2 (9) and GEN5 of the adopted Bolsover District Local Plan
14. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and in compliance with policies GEN2 (9) and GEN6 of the Bolsover District Local Plan.
15. In order to ensure that appropriate footpath connectivity is achieved to deliver sustainable development and in the interests of highway safety and to accord with policies GEN1(2, 5 and 6) and GEN2(1) and TRA15 of the Bolsover District Local Plan.

Statement of Decision Process

1. In compliance with the National Planning Policy Framework the Council has negotiated amendments in respect of drainage and design.

Notes

1. Any developer should be aware that this planning permission has an associated S106 Planning Obligation and the requirements of that agreement will need to be complied with in addition to the requirements of this planning permission.
2. In respect of condition 4 (Landscape and Ecology Management Plan) you may wish to discuss the content of this document with the Derbyshire Wildlife Trust, as advisors to the Council, in respect of its form and content.
3. Condition 7 in no way indicates that this site is currently considered to be contaminated, merely that the potential for contamination exists on this site. The Council does not currently have any entries on its register of contaminated land as is presently at the stage of inspecting the District and identifying potentially contaminated sites. If any of these sites warrants regulatory action, an entry will be made on the public register.
4. Derbyshire County Council as the Local Highway Authority advises the following: -

- A. 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.
- B. Pursuant to Section 163 of the Highways Act 1980, where individual accesses or shared accessways slope down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
- C. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of the Economy, Transport and Environment Department at County Hall, Matlock (Tel: 01629 533190). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 38 Agreement.
- D. Highway surface water shall be disposed of via a positive, gravity fed system (i.e.; not pumped) discharging to an approved point of outfall (e.g.; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.
- E. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps 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.
- F. Car parking provision should be made on the basis of (a maximum ratio of 1 parking space plus 1 space per 2 units for visitors per 1 bedroom dwelling, 2 spaces per unit for 2-3 bedroom dwellings and 3 spaces per unit, of which no more than 2 shall be in line, for a 4/4+ bedroom dwelling respectively). Each parking bay should measure 2.4m x 5.5m with a minimum width of 6 metres behind each space for manoeuvring.
- G. Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway (including public Rights of Way), at least 6 weeks' prior notification should be given to the Strategic Director of Economy, Transport and Environment at County Hall, Matlock (Tel: 01629 533190 and ask for the New Roads and Streetworks Section).

- H. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.

- I. Bin stores shall be provided within private land at the entrance to shared private accesses, in accordance with a scheme to be submitted and approved by the Local Planning Authority, to prevent refuse bins and collection vehicles standing on the new estate streets for longer than necessary causing an obstruction or inconvenience for other road users. The facilities shall be provided prior to the first occupation of the dwellings to which they relate and shall be retained thereafter free from any impediment to their designated use.

- J. There shall be no gates or other barriers within 5 metres of the nearside highway boundary and any gates shall open inwards only.

- K. The internal layout of the site shall accord with the Highway Authority Policy Document "6Cs Design Guide".



