The Arc
High Street
Clowne
Derbyshire
S43 4JY

Date: 18th June 2018

Dear Sir or Madam

You are hereby summoned to attend an Extraordinary meeting of the Planning Committee of Bolsover District Council to be held in the Council Chamber, The Arc, Clowne, on Tuesday 26th June 2018 at 1000 hours.

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

You will find the contents of the agenda itemised on page 2.

Yours faithfully

Sarah Steuberg

Joint Head of Corporate Governance and Monitoring Officer
To: Chairman and Members of the Planning Committee

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EXTRAORDINARY PLANNING COMMITTEE
AGENDA

Tuesday 26th June 2019 at 1000 hours
in the Council Chamber, The Arc, Clowne

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	**Apologies for Absence**	
2.	**Declarations of Interest** Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of: a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time.	
3.	Applications to be determined under the Town & Country Planning Acts.	
	(i) 17/00640/OUT - Outline Planning Application with All Matters Reserved for mixed use development including up to 24ha of employment land (B1, B2, B8), up to 1800 residential dwellings, green infrastructure, educational and recreational uses, a retirement village, neighbourhood centre, hotel, restaurant, health and care, and leisure uses, demolition of existing Station Road Industrial Estate where applicable, demolition of dwelling/outbuilding as applicable, and construction of new link road with in-principal points of access at Land North Of Clowne Including Section of Town Centre, Hickinwood Lane, Clowne	3 to 105

PARISH Clowne

APPLICATION Outline Planning Application with All Matters Reserved for mixed use development including up to 24ha of employment land (B1, B2, B8), up to 1800 residential dwellings, green infrastructure, educational and recreational uses, a retirement village, neighbourhood centre, hotel, restaurant, health and care, and leisure uses, demolition of existing Station Road Industrial Estate where applicable, demolition of dwelling/outbuilding as applicable, and construction of new link road with in-principal points of access.

LOCATION Land North Of Clowne Including Section of Town Centre Hickinwood Lane Clowne

APPLICANT Ms Alison Barnfield, 8 Swanwick Court, Swanwick, Alfreton, Derbyshire DE55 7AS

APPLICATION NO. 17/00640/OUT **FILE NO.** PP-06599943

CASE OFFICER Mr David O'Connor

DATE RECEIVED 14th December 2017

EXECUTIVE SUMMARY

The current application concerns proposals that are often referred to as Clowne North but they are described in the emerging Local Plan Policy SS5, throughout the applicant's submissions and throughout this report as Clowne Garden Village.

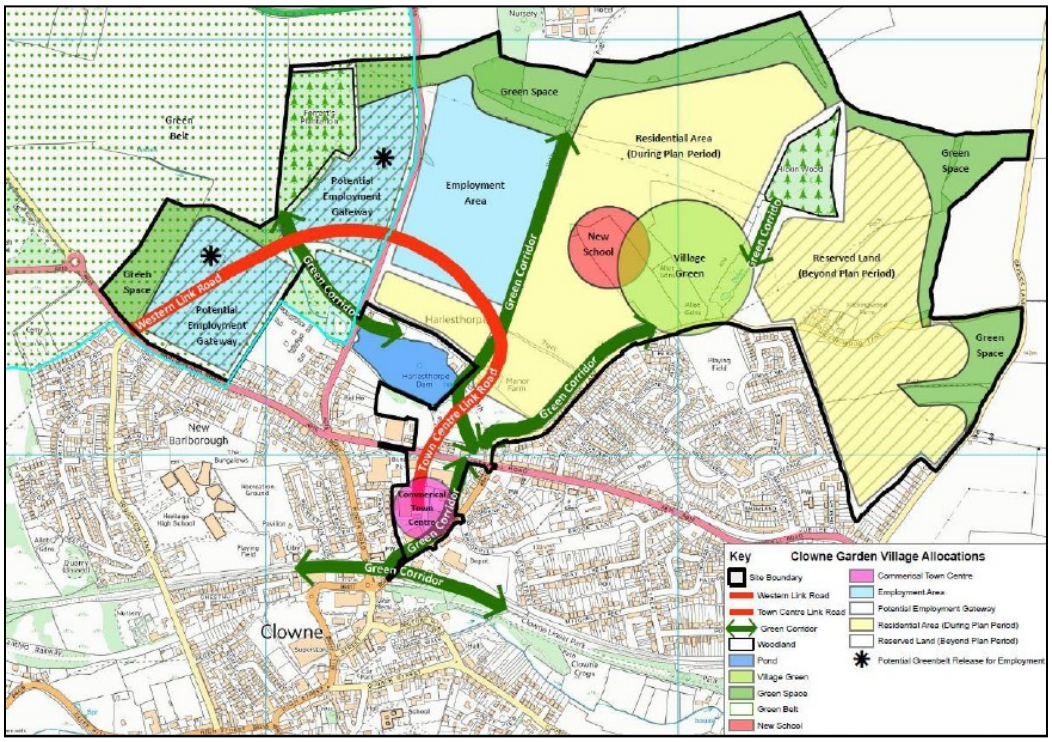

Figure 1: Clowne Garden Village Indicative Masterplan Taken from Submission Local Plan (Policy SS5)

The current application seeks outline planning permission with all matters reserved for Clowne Garden Village, which includes: mixed use development comprising up to 24ha of employment land (B1, B2, B8), up to 1800 residential dwellings, green infrastructure, educational and recreational uses, a retirement village, neighbourhood centre, hotel, restaurant, health and care, and leisure uses, demolition of existing Station Road Industrial Estate where applicable, demolition of dwelling/outbuilding as applicable, and construction of new link road with in-principal points of access.

Environmental Statement

By virtue of the size and scale of the proposed development and the potential for significant effects during the construction and operational phases of the development, an Environmental Statement has been submitted with the application. The Environmental Statement (ES) describes and assesses the likely environmental impacts of the proposed development and proposes various mitigation measures to avoid, remedy or reduce impacts where appropriate.

In terms of Environmental Impact Assessment, it is considered that the implementation of the mitigation measures referenced within the ES will prevent the proposed development from having any significant adverse environmental effects. However this is not the same as concluding the development would not have any impacts on the local area from a planning perspective.

Therefore, a key issue in the determination of this application is whether the proposed development is acceptable, or can be made acceptable in planning terms with due regard to the relevant local and national planning policies and all other relevant planning considerations.

Principle

The proposed development does not accord with the adopted Bolsover District Local Plan (2000) as the application site lies outside of the defined Settlement Framework for Clowne. The application site also encroaches into the Green Belt. However, the adopted Local Plan does not address key sustainability issues affecting Clowne such as an absence of capacity in primary education, the capacity of the transport network to support future developments, the availability of local employment opportunities and long term housing needs beyond the immediacy of 5 year supply. As such, it is appropriate to consider the Council's Publication version of the emerging Local Plan, which plans for the growth of the District over the next fifteen years.

The Sustainability Appraisal and Green Belt Technical paper, which form part of the evidence base for the emerging Local Plan, take into account the issues affecting Clowne's future and consider the impacts of locating major development to the east and south of Clowne. However, the evidence base shows that allowing growth in these locations would not achieve development that would be sufficiently viable to contribute towards a new school, for example. Development to the east and south of Clowne would also be more likely to have significant impacts on the town's rural landscape setting and result in more traffic through the bottle necks in the town and on to J.30 of the M1 without adequate mitigation.

In short, the feasibility of alternative sites was considered but development to the north of

Clowne was clearly identified as the 'preferred option' in the emerging Local Plan even though this approach would result in c.20 hectares of development in the Green Belt. The current application is therefore consistent with the approach taken in the emerging Local Plan that identifies the Clowne Garden Village proposals as a strategic site allocation. The strategic site allocation also identifies the amount of development proposed in the current application to be 'acceptable in principle' noting that the proposed scale of the development is required to fund a new primary school for the town as well as make other contributions to local infrastructure.

Furthermore, the housing proposed in the current application also forms part of the District's five year supply of housing as well as being needed to meet housing need across the District over the next fifteen years.

Therefore, any approval of the current application would be a departure from the adopted Local Plan and would be contrary to local and national Green Belt policies. However, the fact that Clowne Garden Village is identified as a strategic site allocation in the emerging Local Plan is a highly relevant consideration that weighs in favour of the current application. Consequently, the key issues in the determination of this application narrow down to whether there are 'very special circumstances' that warrant granting planning permission for inappropriate development in the Green Belt in the first instance.

Green Belt

The key benefits of granting planning permission for the current application include the offer of a fully-funded 'once and for all' solution for the Treble Roundabout (at the junction between the A616 and A619 at Barlborough), amongst other highway improvements, and the provision of a new primary school that would be fully-funded by the development. This infrastructure could not be 'paid for' by a smaller development or ad-hoc development of smaller sites. The development would also not be viable without the provision of commercial units in the Green Belt as proposed in the current application.

Equally, the proposals are central to meeting housing needs throughout the District over the next fifteen years and without this supply of housing, the Council would not be able to maintain a five year supply of housing. 6.2% of the proposed houses (112) would also be affordable. Furthermore, the application site is required to meet an identified need for employment sites over the next fifteen years and the proposed development would create an additional 1737 jobs.

It is therefore considered that there are 'very special circumstances' that would warrant granting planning permission for development in the Green Belt. If the Council were to resolve to approve the application it would then need to be referred to the Secretary of State before any permission could be issued. However, there are also a number of other issues that need to be considered before any referral to the Secretary of State including whether the socio-economic and environmental benefits of granting planning permission for the current application would be outweighed by the adverse impacts of doing so.

In these respects, the key areas of concern are considered in the ES and include the potential impacts of the development in terms of traffic generation, air quality and noise, landscape and visual impact, heritage impacts and biodiversity, and the risk posed by the presence of Harlesthorpe Dam close to the application site.

Transport and Traffic

The current application includes a package of highway improvements including improvements to J30 of the M1 and the Treble Bob roundabout, which is the next roundabout off the M1 on the A616. The applicant is also proposing to contribute the full cost of a 'once and for all' improvement to Treble Bob, which if agreed would result in substantial public benefits by removing one obstacle to the future growth of the District.

However, the acceptability of the proposed improvements to J.30 of the M1 and improvements to the Treble Bob roundabout and delivery of these improvements are still under review because they have not yet been agreed by Highways England and County Council.

Air Quality and Noise

The development is not shown to have significant air quality impacts that would adversely affect the health and wellbeing of existing residents, either during the construction process or during the operational phase of the development. Aside from further consideration of the most appropriate noise attenuation measures for the properties nearest to the proposed points of access to the site, there are no overriding concerns about noise resulting from the development during its operational and/or construction phases.

Landscape and Visual Impact

The development would lead to a loss of openness within the existing Green Belt but in landscape terms, the site is a predominantly an agricultural landscape on the fringe of Clowne. Other than the part of the site within the Green Belt, the development proposals would not impact on any landscape protected at national or international level and would not impact on any locally distinctive landscape features that would warrant a conservation designation at local or regional level.

However, there will be some short term 'major adverse landscape impacts' on the local area through loss of countryside and Green Belt but these effects will be reduced to 'moderate adverse' landscape impacts in the longer term when the proposed planting is implemented and then matures over time. Nonetheless, the impacts of the Clowne Garden Village proposals would still be less than the cumulative impacts of the scale of development to meet housing need on other green field sites on the edge of Clowne.

For example, the recently refused proposals for housing at Ringer Villa, Ramper Lane, Stanfree Farm and Phase 2 of the Edge would all be required to address the short fall in housing supply over the next fifteen years if permission is refused for the current application.

Heritage

With regard to archaeological interests, the Geophysical survey information provided to date (c.50% of the developable area of the site), does not indicate that there are likely to be archaeological remains of national or regional significance that would place significant constraints on the proposed development or mean that the proposed development would have

a significant adverse impact on archaeological interests.

The submitted ES concludes that the proposed development would have a major adverse impact on Manor Farm, a Grade II listed farm grouping that lies close to the site and a moderate adverse impact on the setting of Southgate House (Grade II Listed) and the Van Dyk hotel complex. From a planning perspective, this equates to 'less than substantial harm' given that the heritage assets would not be demolished and steps can be taken at the detailed design phase to ensure the scale of the development and its design pay due regard to the setting of these heritage assets so as to reduce any impacts as far as possible.

It is also considered that the public benefits of granting planning permission for the current application would offset and outweigh the harm to the setting of these listed buildings.

Biodiversity

The submitted habitat survey information shows 'hotspot' areas for particular species of interest. The vast majority of species rich habitat (such as the areas of woodland, ponds, mature trees and hedges, flowing wet ditches etc) are retained as part of the development so as to minimise habitat losses and impacts upon animal species. The proposed development will result in the loss of arable land, improved and poor semi-improved grassland that is of negligible ecological value. Although the most substantive habitat impact will come from the loss of some lengths of hedgerow, the development proposes to retain and create additional green infrastructure including wildflower grassland, broadleaved woodlands, hedgerow and three waterbodies as part of the proposals, which will lead to net biodiversity gains across the site area.

Detailed survey of habitats and species present on the site has been undertaken and the potential impacts of the development upon habitats and species have been considered within the submitted reports. The indicative Masterplan for the site provides for habitat creation, landscape enhancement and the provision of green corridors whilst at the same time minimising habitat losses of particular value. The details provided suggest that overall the proposals would generally be capable of increasing the diversity of habitats present within the site and improving the overall value of the site to wildlife.

Flooding and Harlesthorpe Dam

If un-mitigated, surface water run-off from the site would increase through the creation of impermeable areas. To combat this, it is proposed to improve the capacity of existing drainage outfalls and utilise SUDS and infiltration drainage to create water storage capacity, to effectively control the rate of discharge and maintain it at existing greenfield levels. This would minimise flooding risks and address concerns raised in representations about Harlesthorpe Dam and downstream watercourse from inundation of flow from the development. Subject to such measures and compliance with statutory duties regarding the presence of the gas pipeline to the northwest of the site, it is considered that the development will not have any significant impacts on public health or public safety.

Planning Balance

In light of the above assessment, it is considered that the proposed development will have an impact on the local area but the most significant of these potentially adverse impacts could be mitigated for by appropriate planning conditions and contributions to local infrastructure. However, even with appropriate mitigation, it is acknowledged that over the next fifteen years, these proposals will change the character and appearance of the town and there are potential impacts on the road network within the town centre and beyond that which will not be resolved by granting planning permission for the current application.

In these respects, the negative impacts of the proposed development are considered to be capable of being offset and outweighed by the wider public benefits of the delivery of a once and for all solution for the Treble Bob roundabout and a new primary school that cannot be achieved by any other alternative development proposal alongside the other public benefits that would be achieved by granting permission for the current application. These conclusions also underpin the reason why it is considered there are very special circumstances that justify granting planning permission for inappropriate development in the Green Belt in this case.

It is also considered that the strategic site allocation in the emerging Local Plan weighs heavily in favour of the development proposals taking into account the plan-making process demonstrated that Clowne Garden Village represents the most sustainable way to grow the existing town and contribute to housing need across the District over the next fifteen years. However, these conclusions rest on addressing the County Council and Highway England's concerns about the impacts of the scheme on J.30 of the M1 and resolving the issues around timely delivery of appropriate improvements to the Treble Bob roundabout.

RECOMMENDATION

Accordingly, it is considered that outline planning permission could be granted for the current application subject to prior entry into a s.106 legal agreement securing the proposed contributions to local infrastructure and subject to appropriate planning conditions provided agreement can be reached on the delivery of improvements to J.30 of the M1 and the Treble Bob roundabout.

Therefore, it is recommended that the Council resolve to approve this application subject to a satisfactory solution being found for J.30 of the M1 and the Treble Bob roundabout and **DEFER** referral of the application to the Secretary of State until this has been achieved.

17/00417/OUT: OFFICER REPORT

SITE AND SURROUNDINGS

The application site is located to the north of Clowne and comprises 140ha of Greenfield land. The site is made up of mainly arable fields of varying sizes enclosed in part by hedgerows and with some large plantations (namely Forrest's Plantation and Hickin Wood) within the site area. To the north of the site (approximately 100m) is the A619 Worksop Road, to the west at a distance of around 500m is the edge of the village of Barlborough and to the east is the edge of the developed area associated with Clowne (Hickinwood Lane and the development accessed from Harlesthorpe Ave) with fields beyond. To the south, the site sits alongside the settlement of Clowne.

Clowne lies on relatively elevated ground and the application site slopes from a gentle ridge in the north, towards the south. A small watercourse intersects the southern part of the site flowing from Harlesthorpe West Pond, through Harlesthorpe Dam then across the site towards the northern edge of Clowne. Harlesthorpe West Pond and Dam are both Local Wildlife sites on the immediate edge of the site. Two further designated Local Wildlife sites are located within the application site and these are Hickin Wood and Hickinwood Farm Field Pond. The western most portion of the site, the section beyond Rotherham Road, is defined Green Belt.

The town centre of Clowne exists less than 1mile from the majority of the site area and offers a wide variety of day to day services. There are a number of existing public rights of way within the site that provide recreational walking routes and access to the footpath network beyond.

Clowne and the Surrounding Area

The character of Clowne is largely defined as being an ex-mining village, with predominantly residential uses. Properties within the immediate vicinity of the site, for example along Hickinwood Lane tend to be semi-detached, but across Clowne there is a mix of properties in terms of type, size and age, with a large number of new developments having been delivered in recent years.

Clowne has a population of 7,590 (2011 Census including Harlesthorpe), and has seen recent growth in terms of residential development and the town centre, with new purpose built retail units built within the centre. The key services and facilities available within Clowne are summarised as follows:

- Schools – Clowne Junior School and Heritage High School;
- Community Buildings – Clowne Community Centre and Library;
- Healthcare – The Spring Health Centre, Two pharmacies, Clowne Dental Practice;
- General retail – in Clowne centre Tesco, Aldi, Wilkos, and smaller retailers;
- Care & Retirement – Three homes for the elderly;
- Public Services – Clowne Fire Station (also hosts East Midland Ambulance Service).

In terms of accessibility, the principle routes through Clowne are along the A616 Creswell Road linking Newark to the M1 motorway and the A618 Rotherham Road/North Road linking Rotherham to Mansfield. There are four principle existing north to south road links; Boughton

Lane to the west, North Road and Station Road centrally and Hollin Hill Road to the east. There are two main east west routes; Creswell Road to the north and High Street/Church Street/Church Lane centrally. There are a number of interconnecting residential development roads. In addition, further north of the proposed development site, is the A619 linking Worksop to the M1. This is connected to Clowne via the A618 and Gapsick Lane/Hollin Hill Road. The M1, J30 is 4 miles from the site and provides the main access to the wider region.

Clowne is not served by a railway station, but there are regular bus services operating within Clowne, providing links to Clay Cross, Sheffield, Mansfield, Chesterfield, Worksop and Crystal Peaks. The nearest bus stops to the site are located along the A616 Barlborough Road/Creswell Road.

PROPOSALS

Overview and Scope:

The application seeks Outline Planning Application with access for Mixed Use Development including up to 24 ha of Employment Land (B1, B2, B8), up to 1,800 Residential Dwellings, Green Infrastructure, Educational and Recreational uses, a Retirement Village, Neighbourhood Centre, Hotel / Restaurant, Health and Care and Leisure uses, demolition of existing Station Road Industrial Estate where applicable, demolition of dwelling/outbuilding as applicable and construction of new Link Road.

The proposal is made as an outline application with high level indicative plans showing potential locations for the proposed development areas but is made in full with regard to the points of access into the site. Matters relating to appearance, the precise layout of the site, landscaping and the scale/height of the building are reserved for subsequent approval and as such do not fall for determination at this time.

Access and Road Network

Access to the wider road network from the west of the site is proposed to be obtained from a new roundabout junction at the end of Boughton Lane. More centrally within the site a further roundabout junction is proposed off Rotherham Road (linking to Boughton Lane) and via a 'T' junction. Two further main junctions are proposed and comprise a roundabout at Station Rd (at the entrance to the existing Industrial Estate) and a further roundabout is proposed on Creswell Rd connecting the new road into the development. No further access points are indicated within the submitted plans and no access is shown within the submissions off Gapsick Lane.

In terms of off-site highways improvements and mitigation, four main alterations are proposed:

- M1 (Junction 30) – proposed signalisation scheme;
- Treble Bob roundabout – replacement with a signalised junction;
- A616 / Midland Way / High Hazel Road – enlargement of existing roundabout;
- A619 / A618 signalised junction – upgrade

Designs have also been produced to show mitigation that may be required if triggered by transport monitoring following the completion of the development:

- A616 / Clowne Road (road alignment changes/ lane widening)
- A616 / Dobbies Roundabout (road alignment changes / lane widening)

Residential Development

The housing development component of the proposals includes up to 1800 houses. These are proposed to the centre and east of the site and would cover an area of 53.67 Ha. The development will be phased over a number of years upto 2033 for the first 1000 dwellings, with 800 dwellings beyond 2033. The development is intended to deliver 29.42 Ha in the first phase and 24.25 Ha in the second phase. The housing areas would be constructed to an approximate density of 30-40 dwellings per hectare (dph) and will provide a mixed range of house sizes and types from 2-5 bedrooms. The development will offer a mix of properties suitable for first time

buyers and larger families and it is proposed to include 10% of the dwellings as 'Affordable Dwellings' within the NPPF definition.

Additional Development

The application plans indicate the creation of a new employment area of 23.92 Ha comprising of B1 offices and light industry, B2 (general industry) and B8 Storage and Distribution uses. This is proposed to the west of the site and also includes an amount of hotel and restaurant development at the site entrance off Boughton Lane (1.3 Ha) with an opportunity for health and care facilities positioned in the transition area between the employment and residential uses.

Separately on the site of the existing industrial development associated with Station Road Industrial Area that is proposed to be demolished, the application proposes 1.93 Ha of retail and retirement development.

Within the centre of the eastern residential area close to the existing allotments and focused around a village green area, the application proposes the creation of a 1.5 Form of Entry primary school (1.79 Ha).

Green Infrastructure

The Green Infrastructure proposed within the application comprises areas of retained woodland and existing habitat areas, additional structural planting and provision of public open space areas (58 Ha in total). This Green Infrastructure specifically includes:

- Forest's Plantation and Hickinwood as retained
- Structural planting with broad leaved trees and hedges to the north, east and western boundaries of the site
- Public open space in the central village green areas, tree lined main boulevard highways, amenity and meadow grassland areas for recreational activities and biodiversity enhancement
- Green ways linking to existing public routes
- Balancing ponds and swales as part of a Sustainable Urban Drainage System to enhance biodiversity and collect surface water run off
- Children's play areas and Multi Use Games Area to provide for play facilities for a range of ages from toddler to teenager
- Retention and enhancement of existing allotments

Public Consultation

In addition to statutory consultation undertaken by the Council in connection with this application (5 No. site notices, press notice and neighbour notification), Waystone Ltd have undertaken previous public consultation in relation to the development of the site. The submitted documents suggest this has encompassed a variety of methods, including written correspondence, public meetings, presentations, telephone discussions and drop-in consultation exhibitions hosted over the past 10 years. The submissions state this engagement was aimed at Local Residents, Bolsover Ward Councillors and relevant Cabinet Members;

Council Planning Officers, Statutory Consultees and local business owners. The application submissions go on to say:

> *In 2011, following the allocation of the site within the Council's 'Revised Preferred Options' documents, the project was branded 'Clowne Tomorrow', marking the start of a series of consultation events which were held with Local Members, community groups and local residents. This included the Clowne Tomorrow Public Consultation Day, held at the Clowne Community Centre and attended by over 300 local people in September 2011. Feedback forms from the event indicated a broad mix of support and opposition to the development of this strategic site. The main concerns which were raised at this stage were predominantly relation to the capacity of the road network, impact on schools, potential loss of allotments and drainage.*
>
> *Waystone undertook their final public consultation event on the 8th November 2017, in readiness for submission of this application. This event was held at Clowne Community Centre, and extensively advertised via posters, online coverage and social media. The proposals presented at this consultation showed a revised scheme, including the retention of the allotments and enhancement of their setting, as well as the provision of a primary school, in order to address some of the concerns raised during the 2011 consultation. This event was attended by over 100 local people and whilst verbal and written feedback indicated some residents have outstanding concerns, 46% of attendees were in general support of the proposed masterplan.*

AMENDMENTS

During the course of the application, additional information has been requested by Officers and consultees to enable the application to be considered further. The following additional information was subject to 21 day re-consultation on 30 May 2018:

- A new application form and subsequently amended application description of development reflecting the omission of 'Access' from the outline application. The application is now with 'All Matters Reserved'.
- Additional Archaeological information
- Indicative junction access drawings relating to the proposed junctions at Boughton Lane, Station Road, Rotherham Road and Creswell Road
- Planning Statement in support of the application
- A response from the applicant's Highways Consultants to Highways England including additional transport modelling data
- Technical Note in relation to Harlesthorpe Dam
- Additional details and further survey regarding protected species and biodiversity
- Heads of Terms for S106 document
- Additional Noise Impact information
- Air Quality information

PLANNING HISTORY

17/00430/SCOPE - Request for Scoping Opinion, 21 August 2017

As part of the consideration of the proposals, prior to the submission of the application the applicants sought a Scoping Opinion from the Council to explore specific topic areas to include within the Environmental Statement to be submitted with the application. In the Council's response to the Screening Request dated 4 October 2017, Transport, Landscape and Visual Impact, Cultural Heritage and Archaeology, Biodiversity, Socio-Economic Impacts were suggested as key topics areas that should feature in the ES.

Other matters such as potential flood risk posed from Harlesthorpe Dam, coal mining legacy within the area around Station Rd Industrial Estate and potential waste, noise and emissions during the construction period were also considered. However such matters were not judged by Officers to be of regional or greater significance, complexity, scale or magnitude of effect. It was judged that such matters would be likely to be able to be effectively considered by specific reports and potentially conditions addressing these issues. As such the matters were not recommended to be 'scoped into' the ES.

CONSULTATIONS

Bolsover Council Conservation Officer: Object. The submission of further information is recommended to address the harm that will result to the setting of Southgate House and the conservation area and Manor farm through the loss of the rural landscape which contributes to the significance of the designated heritage asset

Bolsover Council Development Plans: No objections. The Council commenced work to replace the adopted Bolsover District Local Plan (2000) following adoption of its Local Development Scheme on the 15th October 2014. This work has now reached the key milestone of Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). As such, the Publication Local Plan for Bolsover District was published for the required public consultation on the 2nd May 2018 in advance of planned submission to the Secretary of State in July 2018.

The aim of the Publication Local Plan (May 2018) is to foster sustainable development. In terms of residential development, the Plan first directs development to the small towns of Bolsover and Shirebrook, then to the emerging towns of South Normanton and Clowne and then to the large villages of Creswell, Pinxton, Whitwell, Tibshelf and Barlborough. Clowne has the second highest number of houses and second highest amount of employment land allocated to it, with the Clowne Garden Village Strategic Site proposed to deliver the majority of Clowne's development on the basis of it being the most sustainable and appropriate strategy available.

In selecting the northern option as its preferred option for growth in Clowne, the Council has recognised that the Clowne Garden Village site represents a co-ordinated, comprehensive approach to development in Clowne that would present the greatest opportunity to deliver sustainability benefits, particularly in terms of the provision of jobs in addition to strategic highway and education infrastructure improvements. In selecting this option, it is the Council's case that the release of the parcels of land in the Green Belt will not compromise the wider

strategic purposes or local purposes of the North East Derbyshire Green Belt.

On this basis, it is therefore considered that the strategic considerations relating to the general location of the proposed Clowne Garden Village are sound and that the application, whilst not in accordance with the Development Plan and submitted in advance of the adoption of the Local Plan for Bolsover District, flows from and is in accordance with the Publication Local Plan.

Bolsover Council Economic Development: No Objections subject to conditions. The Environmental Statement (December 2017, Volume 1, Section 13, pages 256-311) reports the following socio-economic impacts of the proposal:

- up to 1737 total jobs could be created across all sectors including commercial, hotel, retail, schools.
- of which, up to 1,426 jobs could be created across the B1, B2 and B8 use classes.
- during the construction phases up to approximately 35 FTE construction jobs per year could be created.
- in addition to the above direct jobs outputs, extra (42 FTE) construction-related jobs could be created arising from the development and local spending increases.

In addition to the economic benefits referred to above, the Planning Statement indicates the development proposal will have the following economic aspects:

- Paragraph 7.92 – "*The development proposes circa 24ha of employment floorspace. Within the context of this policy, this can be justified as the site is located close to the urban area and will deliver significant benefits in terms of increased local opportunities and accessibility to a wider choice of high quality jobs*".
- Paragraph 8.11 – Refers to the Council's own Sustainability Appraisal findings from October 2016, and states "*Circa 20ha of employment land will attract inward investment, stimulate additional jobs growth and attract inward investment, and could also support proposals supported by the Sheffield City Region Strategic Economic Plan, the M1 Strategic Growth Corridor and the D2N2 LEP Strategic Economic Plan (2014). Significant positive effects have been identified in respect of economic development*".

Bolsover Council Engineer: No objection, subject to acceptance of any proposed SuDS design by DCC (LLFA), we must ensure the developer submits an Operation and Maintenance Plan (in accordance with section 32 of the SuDS Manual) which provides details of the arrangements for the lifetime management and maintenance of the SuDS features together with contact details. (a copy to be kept by Engineering Services)

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

Bolsover Council Environmental Health: Object, further information required on noise

Air Quality:
The overall impacts of the proposed development in terms of air quality will be low with no air quality standards predicted to be exceeded. During the demolition and construction phases, dust controls must be carefully managed to ensure that the appropriate mitigation is carried out at all times as this is taken into account within the air quality assessments. The applicant has mentioned within the Environmental Statement that they would be working to a Construction Environmental Management Plan which we would agree with and will be recommending that a condition be attached accordingly.

There is a need to review the air quality throughout the course of the development and to identify points at which revised air quality assessments could be submitted to demonstrate that the assumptions used are justified and that as the detailed layout of the development and the impact on road junctions become clear, further modelling can be carried out to determine if any further mitigation measures are required.

Noise:
In general we do not object to the development in terms of noise as there is likely to be a scheme that could achieve desirable noise levels. Further information is required from the developer as to how existing houses around the proposed access points into the site will be protected against adverse effects so that existing amenity levels are preserved as far as possible. This information should be provided prior to any planning permission granted so that we would recommend at this stage that an extension of time be agreed so that this can be provided. We would not wish any existing residential properties to be unable to achieve our standard indoor or outdoor amenity standards listed within our draft conditions as a result of this development proceeding.

Although some additional information has been submitted, potentially offsite mitigation may be required to ensure noise levels are not significantly increased for those properties situated at the access points to the development. The applicant's should provide further information on how this is proposed to be achieved.

Bolsover Council Housing Strategy: No objections. A Strategic Housing Market Assessment for the North Derbyshire and Bassetlaw Area, including Bolsover District Council, was completed in 2013. It considers the future housing need over the period to 2031 and what housing is required to meet the needs of specific groups within the population. The study estimated that 419 additional units of affordable housing would be required each year to 2031 to meet all affordable need in the district. The Nottinghamshire and Derbyshire Disabled People's Housing Needs Study 2012 recommended that over 171 wheelchair standard units are required to 2033 in Bolsover for all ages and tenures.

The Strategic Housing Market Assessment 2013 estimated that 149 additional affordable units were required each year in the Clowne sub market area, although again around half of these could be taken up in the Private Rented Sector. This still leaves a substantial annual requirement for affordable housing in the sub market.

Bolsover Council Leisure Services: Areas of Concern Highlighted.

Open Space

The site appears to be designed around a series of green corridors which form footpath and cyclepath links, although these links appear to form a largely internal network within the development (i.e. between residential and employment / business areas) rather than providing links between the site and the wider network as suggested in the accompanying Design and Access Statement. As such, and in terms of pedestrian and cycle access, the development as proposed fails to meet the stated aim of being well connected, particularly to Clowne Town Centre.

There are various references within the Design and Access Statement to the 'disused railway corridor' that runs west to east through Clowne in a deep cutting. This is the former Clowne Branch Line that is currently being developed by Derbyshire County Council as a greenway / multi-user trail that will form a key traffic free route for pedestrians, cyclists and horse riders between Poolsbrook, Staveley and the Trans Pennine Trail in the west and Creswell in the east.

In order to take advantage of this new greenway, there need to be pedestrian and cycle links between the Clowne Branch Line Greenway and the proposed development to ensure that the site is well connected to the wider network of greenways and cycle routes.

I note that the proposed development will include equipped children's play space: an equipped children's play area(s) will be provided, offering toddler, child and teenage play provision along with a Multi-Use Games Area (MUGA).

The Design and Access Statement (p.94) states that *'The NEAP is located centrally to the development. This area will provide 1,000m^2 of active play for children and teenagers of all ages. The play facility will be easily accessible by the street and 'Greenways' network and will be well overlooked by properties and buildings so that they are safe and attractive play spaces'.*

It is assumed that the location, scale and type of play facilities within the proposed development will need to be agreed and approved by the Local Planning Authority as part of the planning process. As such, I would welcome the opportunity to comment on more detailed proposals in due course.

Built & Outdoor Sports Facilities

I note that the proposed primary school includes a football pitch, although there is no indication as to its size or whether or not this is intended to be made available for community use.

However, as noted above, our preference would be for outdoor sports provision to be included as part of the proposed development and for this to be a minimum of one full sized football pitch plus associated changing facilities. The location of this provision would be subject to negotiation as part of the planning process.

Maintenance Sum

We would expect to receive a commuted sum for a period of 10 / 15 years following completion of the development for any land adopted by the district council. The exact level of commuted

sum will need to be negotiated once the nature, size and form of the land to be adopted has been agreed and approved.

Other

As with previous proposals, the main connection to Clowne Town Centre still appears to be via Station Road, which is a narrow road constrained by adjacent buildings at its southern end on the approach to North Road. As such, it would be difficult to provide a suitable foot/cycle path alongside this (southern) section of what would be a primary route. The provision of a dedicated safe and convenient route for pedestrians and cyclists between the proposed development and Clowne town centre should be a condition of any approval.

Bolsover Council Urban Designer: No objection subject to conditions. Given the scale of the development proposed I consider that a design code which builds upon the master planning work already provided is an appropriate mechanism to help provide some control and a co-ordination across the development area as a whole.

Campaign for the Protection of Rural England (CPRE): Object. The scale of the proposed development is out of proportion with the needs and the aims of the emerging Local Plan.

Bolsover District Council have confirmed the strategic employment development requirements for the new Local Plan: 80-100 ha of employment use land over the period 2015 – 2033, with 67 ha already committed through applications. 7 ha of employment land are identified at the former Coalite Chemical Works (one of four proposed options); and a further 5.2 ha at the former Whitwell Colliery (also one of four preferred options). These two sites alone bring employment land supply to within 1 ha of the 80-100 ha range; allowing strategic development for employment use for the majority of the plan period without the use of greenfield or Green Belt sites, and making good use of brownfield sites.

Release of Green Belt land for development when there are significant other brownfield sites are available that are more sustainable and viable does not constitute the exceptional circumstances required by the NPPF, especially as this will not encourage the development of any further brownfield land coming forward over the plan period.

Recent government guidance has led to a revision of OAN for Bolsover District Council, reducing pressure on housing land supply. There is no current need to consider an application contrary to the policies of the adopted Local Plan as the Council can meet their 5 year supply. The committee report of October 2015 confirmed a mid-range housing target based on an OAN of 240 dwellings per year. Government guidance on assessing OAN has since led to a revision of the housing figures, reducing the buffer of housing requirement from 20% to 5% in accordance with NPPF.

An outline application with all matters reserved except access is not an adequate basis for determining the merits of a strategic site

Clowne Parish Council: Parish Council Resolution – That the application be noted.

Coal Authority: No objection subject to conditions. The applicant previously submitted a Phase

1 Geo-environmental Desk Study Report (5 December 2017, prepared by AECOM). However, The Coal Authority considered that it did not adequately address the situation with regard to the recorded mine entries within the planning boundary, with no commitment to locate them and assess their condition, which we confirmed would necessary to inform any subsequent future development layout. We therefore objected to the planning application in principle.

The Coal Authority is therefore now pleased to note the submitted Memorandum from AECOM dated 29 January 2018, the content of which now acknowledges the risks posed by the mine entries to both public safety and ground stability. Accordingly, and on the basis that the Phase 2 ground investigations are now proposed to extend to locate the mine shafts and to identify any necessary remediation, The Coal Authority is now able withdraws its objection to this planning application.

Department for Communities and Local Government: We have no comment to make on the associated environmental statement.

Derbyshire Clinical Commissioning Group: No objections subject to appropriate contributions to health infrastructure. The indicative size of the premises requirements has been calculated based on current typical sizes of new surgery projects factoring in a range of list sizes recognising economies of scale in larger practices. The cost per sq m has been identified by a quantity surveyor experienced in health care projects.

This is the cost of providing additional accommodation for 4500 **(B)** patients:

(B) Additional patients to be accommodated 4500	x	(D) Standard area m^2/person Based on total list size of approx. 0.08 m^2	x	(E) Cost of extension including fees £/m^2 £1902	=	Total cost (B) x (D) x (E) £684,720

Derbyshire County Archaeology: Object. The Environmental Statement which has been submitted with this application includes a chapter on the impact of the scheme on Cultural Heritage, but it is still based only on the information in the 2016 archaeological desk-based assessment and walkover survey. Within this chapter it is acknowledged that the knowledge of the impact of the scheme on below ground remains is considered to be poor (Vol 1, Chapter 11, para 11.179).

Taking this in to account we would re-iterate that a programme of archaeological fieldwork be devised to target specific areas which are proposed for new development, water/flood management, landscaping, recreation or woodland creation in order that the lay out of the site can be designed in such a way that it preserves or minimises impacts to both above and below ground cultural heritage assets. This archaeological evaluation would allow the local planning authority to understand the archaeological significance of the cultural heritage assets which will be impacted by the scheme as required by NPPF paragraphs 128/129.

The programme of archaeological field evaluation be devised to target the areas of proposed development outline above. In the first instance this could involve geophysical survey of all the

green field land which has been identified for development in the scheme. In view of the scale of the proposal such an approach would be entirely proportionate.

In the absence of further information based on field evaluation we would maintain a holding objection to the development on the grounds that the applicant has not provided sufficient information to understand the archaeological significance of the cultural heritage assets which will be impacted by the scheme - as is required by NPPF paragraphs 128/129.

Derbyshire County Education Authority: Further information required**.** The proposed development falls within and directly relates to the normal area of Clowne Infant and Nursery School and Clowne Junior School. The proposed development of 1,800 dwellings would generate the need to provide for an additional 154 infants and 206 juniors pupils.

The proposed development falls within the normal area of Heritage High School - A Mathematics & Computing Specialist College. The proposed development of 1,800 dwellings would generate the need to provide for an additional 270 secondary pupils.

Clowne Infant School and Clowne Junior School have both been developed to their full capacity and are each 3 forms of entry (90 children per year group). There is no further scope to expand these schools. Given the size of the proposed development, a new primary school would be required to accommodate the 360 pupils generated. Land and buildings (or adequate funding for the total cost of such) would need to be provided to accommodate a 1.5 form of entry primary school which would require a site area of between 12,490 and 15,630 square metres.

Mitigation

The above analysis indicates that there would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. The County Council therefore requests financial contributions as follows:

- A new primary school to accommodate the 360 pupils generated by the development. Land and buildings (or adequate funding for the total cost of such) would need to be provided to accommodate a 1.5 form of entry primary school which would require a site area of between 12,490 and 15,630 square metres

- £4,637,565.90 for the provision of 270 secondary places at Heritage High School - A Mathematics & Computing Specialist College towards Project C: Expansion of school facilities. Should the Heritage site not prove feasible for such a large scale expansion, Derbyshire County Council would wish to reserve the right to provide some of the additional places at a neighbouring school.

Derbyshire County Highways Authority: The Highway Authority's view on the proposed improvements to Treble Bob including the signal scheme and supporting modelling submitted to mitigate the impact of development on the Treble Bob junction - has been found lacking in that the proposed works would not off-set the impact of the quantum of traffic generated by the development but, in fact, increase congestion to a point whereby the traffic would have knock on effects at Junction 30 of the M1. This could be attributable to a modelling error in the transport data provided. Further clarity is sought.

Concerns are also raised regarding the delivery of the Treble Bob improvements in that the funding will only be available in full in Year 11. The signal scheme cannot be implemented on an incremental basis and the impacts without the scheme will be felt before this date. Further information regarding delivery is sought. Other considerations also include:

- S106 terms only reference 2 No. offsite interventions when 6 No. interventions were originally referenced
- The travel plan payment should be provided up front to enable maximum effectiveness. were further clarity required regarding the number of highways interventions proposed and the location,

Derbyshire County Lead Local Flood Authority: No objections subject to conditions. The Drainage Strategy Report proposes to limit the discharge to the greenfield rate for the corresponding return period.

The Drainage Strategy Report states that infiltration is likely to be a suitable means of disposing of surface water for the proposed site. However, it appears the applicant hasn't undertaken an appropriate ground investigation to support and inform the application. It is noted from the submitted Drainage Strategy Report that the applicant will undertake further soakaway testing to assess the potential use of infiltration. The LLFA would expect testing to be conducted in the proposed storage/attenuation locations.

The drawing titled 'Existing Catchment Plan and Proposed Surface Water Drainage (Drawing Number: CGV-AEC-XX-XX-DR-CE-02100 Rev: P1) indicates seven possible outfall locations for each catchment area. If infiltration is found not to be suitable, the applicant should further investigate the potential of the outfalls mentioned above in order to demonstrate the runoff destination hierarchy in accordance with paragraph 80 of the planning practice guidance. The volume of storage required is estimated to be between 23,000m³ and 58,000m³ for the 1 in 100 year event.

The LLFA welcomes the applicant's proposals for the inclusion of above ground storage and swales. Should the proposals change from above ground storage to below ground storage of surface water after the consultation process of the outline application, the LLFA would need to be notified and appropriate justification provided because the surface water disposal method would no longer be considered sustainable and this would be a significant departure from the agreed proposals at the outline stage.

Finally, a detailed management and maintenance plan should be submitted for the lifetime of the development. The LLFA would recommend an easement of approximately 3m if the swale is less than 2m in width and 4.5m for swales over 2m in width. Whilst this is not stipulated within any byelaw the LLFA would recommend these distances in order to safeguard access for essential maintenance and inspection purposes.

Derbyshire Police Architectural Liaison: No objections, crime prevention through environmental design principles (as per Successful Places Design Guidance) should be incorporated into future design of estates.

Derbyshire Wildlife Trust: No further comments to date on amended plans and supplementary information provided by the applicant.

Eastwoods Consulting Engineers: No objections. The location plan submitted with the application indicates that the entire development lies in zone 5 as defined within the Landslide Hazard Report. Within zone 5, the risk of major landslide is considered to be negligible.

Environment Agency: No objections

Highways England: Holding Objection - There are still issues remaining in terms of modelling/capacity/layouts etc and as such Highways England recommend that the application not be determined for a second period of 3 months pending receipt of further information. As such the expiry date of this new holding recommendation is 14 September 2018.

Historic England: Object. We are concerned by the level of information submitted as part of this application as detailed in this letter. Notwithstanding this, we believe the application will result in harm to non-designated and designated heritage assets. Your authority will need to be satisfied that clear and convincing justification is provided for this outline application. As submitted, we believe the application fails to be supported by sufficient information for it to be safely determined by your authority in line with paragraphs 128 and 129 of the NPPF.

Natural England: No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

National Grid / Cadent Gas: No objections. Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance. All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Severn Trent Water Limited: No objections. Conditions are recommended that the development proposed should not be occupied until the need for public sewerage improvements has been identified and the necessary improvements to the public sewerage system have been fully implemented by Severn Trent Water.

Whitwell Parish Council: No comments to make on the application

Woodland Trust: Object. The Trust recognises that Hickin Wood is to be retained and that measures are to be taken by the developers to protect it. However, we still have a number of concerns. These include Noise pollution and the production of dust which will occur during the construction phase due to last until c.2043. Hickin Wood is positioned directly between Phases 1 and 2 of development, which exposes the habitat to sustained noise and dust pollution over a substantial period of time. This heightens the need for effective protection during both phases of development.

Noise and light pollution will also have an adverse impact during the operational phase of the development. When completed, the development will flank Hickin Wood with residential areas on both sides. Per the design and access statement there are proposed secondary streets and shared driveways within 50 meters of the wood's edge. There is potential for noise disturbances from pedestrian and low-level traffic activity, and light emitted in nearby areas, to interfere with the wood and its sensitive fauna.

The proposed footpaths will result in increased human activity within the wood. Although they are not proposed to run through the wood, at points they run very close to its edge. This is particularly the case to the south-west where the gap between the path and the wood's edge is not visible on the Parameters Plan. Littering, trampling and other disturbances from increased human activity in the area will have a long-term impact on the wood's edge and its wildlife.

Natural England's Standing Advice on Ancient Woodland (January 2018), states that "Mitigation measures will depend on the development but could include:

- Putting up screening barriers to protect the woodland or veteran trees from dust and pollution
- Noise reduction measures
- Leaving an appropriate buffer zone of semi-natural habitat between the development and the ancient woodland or tree (depending on the size of the development, a minimum buffer should be at least 15 metres)."

The plans currently propose green infrastructure between the wood and the adjacent residential areas, in order to 'provide a strong defensible edge to the development' (Environmental Statement). However, it is unclear whether this green infrastructure will act as an appropriate buffer for the whole perimeter of the woodland, as there are gaps in the Parameters Plan along the wood's edge. Given the size of the development, the substantial period of construction, and the encasement of the wood to the east and west, the Trust recommends a buffer of 50 meters to ensure adequate protection. At present, these proposals do not provide such a distance between the development and Hickin Wood.

Yorkshire Water: No objection. The site is within the operational area of Severn Trent Water (STW) and I assume that they have also been consulted. I note that the submitted drainage strategy report suggests that all waste water will drain to Severn Trent's infrastructure. The site is however on the waste water operational boundary between YW is outside of our area of operation.

PUBLICITY

5 No. Site notices were erected around the application, neighbour notification letters were sent out to those immediately bordering the red edged site area and the application has been advertised within the local newspaper. The process for advertisement of planning applications accords with the requirements of S15 of the Development Management Procedure Order 2015 and the Council's Statement of Community Involvement. In addition the application was advertised as EIA development in December 2017 for a period of 30 days. The amended information referenced above was also publicised for 21 days via the erection of site notices, press advert and online media via the Council's website.

In response a total 975 letters of objection have been received. In summary these raise the following planning matters that are material to the consideration of the application. Issues raised which are not material have been omitted from this summary:

Principle of Development

- The development is outside of the defined settlement framework associated with the local plan and is contrary to the Local Plan.
- Development on Greenfield land and Green Belt land is not acceptable and will set a continual precedent. Brownfield sites should be developed before this site and there is no need housing or industrial development of this scale, particularly when there are vacant units in the area.
- This site was discounted from the Councils previous allocation decision taking process in 2010 and the reasons given remain applicable today
- There has been considerable development in Clowne already. The scale of development proposed is not required to meet housing or employment needs.
- Building a hotel, retail and restaurant away from the town's historic core will impact existing shopping, leisure and social uses in the town that residents and neighbouring villages rely upon. These uses are not required in close proximity to existing uses at Barlborough Links.
- Loss of Grade 2 farmland would have adverse impacts upon food production and is contrary to the NPPF which suggests development should avoid such areas.

Character and Heritage

- The development will adversely affect a historic rural landscape, will have an urbanising effect and will adversely affect the valued character of the landscape when viewed from footpaths within the site.
- The development will result in the loss of green belt land and the associated openness, contrary to the NPPF. The development will result in coalescence with Barlborough.
- The development will result in two separate settlements – the new development and Clowne itself which is not desirable.
- The development will lead to light pollution well beyond the confines of the existing village
- The proposals will harm the Southgate Conservation Area and Listed Farm within the site area.
- 47 Cresswell Road (proposed to be demolished) is a significant part of Clowne's history being the former Mine Manager's house from Southgate Colliery.
- Clowne's Conservation Areas have been marked as 'At Risk'. These include Station Rd Funeral Directors, Midland Rail Station Masters House, Former LDECR Booking Office, Station Masters House, Hotel from early 1900's, North Road Methodist Chapel, Nags Head Pub and the Station Road Bridge.
- The Council's Historic Environment SPD identifies Clowne as a settlement with potential for medieval archaeology. It is possible this interest still survives.

Amenity

- Adverse amenity impacts through noise, light pollution, air pollution, dust, vibration and traffic will result from the proposed development.
- Concerns that the air quality modelling produced does take account of stationary traffic and is not robust
- Very heavy industry might be proposed in future on the site and could include an incinerator or other intensive uses.
- Concerns about direct impacts from development such as loss of light and overshadowing

Transport Matters

- The road infrastructure is over capacity and cannot cope with the additional traffic associated with the development. Congestion will result. In particular North Road and Station Road are problematic and the development does not take account of additional traffic entering the town centre.
- The development is not effectively integrated into the existing town such that safe, attractive and convenient linkages can be provided to the town centre. The Station Road link shown has a poor pedestrian environment with difficult junctions and narrow footways. Elderly and disabled users will be adversely affected by the increased traffic making use of these roads. Even if changes are included, this will likely result in the demolition of heritage assets in the village centre which is not a positive change.
- The area does not have adequate public transport links to key areas such as Markham Vale employment area or Chesterfield Hospital
- There are no crossing points at top of Hancock Hill making access to Barlborough Primary School, St James' Church, GP Surgery, Post Office, Council Office and Village Hall difficult. This is particularly the case for disabled people, elderly or those with push chairs.
- It is very difficult for pedestrians using the crossing point at Treble Bob with Oxcroft Way owing to the narrowness of the pedestrian refuge which is dangerous.
- Signalised roundabouts, speed limit changes, new parking restrictions, new footpaths and cycle paths should all be provided.
- The developer should be expected to provide a railway station with the purpose of establishing a link with Chesterfield and reducing congestion

Infrastructure

- The current level of education provision in Clowne is already at full capacity and the development will make this situation worse. There is no guarantee the school mentioned will come forward.
- The medical facilities such as dentists, GP's, A & E and maternity services are already overcapacity. The development will exacerbate this further still
- Foul drainage capacity, utilities, gas, water, phone lines, water quality will all be adversely impacted by the increased burden resulting from the proposals.
- The development will result in the loss of green infrastructure to the north of Clowne

Ecological Implications

- The proposals will result in loss of habitat such as trees, woodland and hedgerows and impacts upon protected species such as bats, newts (common and Great Crested), owls, farmland and rare birds (Gold Finch, Greater Spotted Woodpecker, Green Woodpecker, Little Owl, Tawny Owl), pollinating insects, badgers, ancient woodland and streams. Fragmentation of habitats is also a concern as is animal mortality through vehicle strike as a consequence of bisecting habitats with roads.
- The development does not demonstrate 'no net loss' of biodiversity such that the requirements of the Habitat Regulations and Natural Environment and Rural Communities Act (NERC) 2006 have been met.
- It will be essential to ensure streams feeding into Creswell Craggs, Welbeck Lakes and Clumber Park should be protected from surface water run off during construction and post completion of the development. Spoil run off (sediment), fuel spills and other toxins could enter watercourses and pollute aquatic habitats, plant, invertebrate and fish life stages.

Flooding and Drainage

- The development will result in increased surface water run-off and this will cause flooding issues in the area around Harlesthorpe Dam. Historical flooding is already known to occur in this area and in the area where the new access road will junction with Cresswell Road / Station Rd Industrial Estate link.
- Breach of the Harlesthorpe dam could present a risk to the development. Bumpmill Pond earth and clay dam will be at risk from a road passing close by to it.
- Foul drainage is known to be at capacity in the area and there is no further means of increasing capacity further

Other Matters

- Article 1 and Article 8 Human Rights of the occupants of neighbouring properties will be impacted by the proposed development.
- There will be an adverse impact on community cohesion through sites in the south being rejected over those in the north
- There will be impacts on mental health and wellbeing of residents in Clowne through the development
- There will be an adverse impact on customers using the fishing business that operates from Harlesthorpe Dam and their fish stocks through resultant noise and dust from the development. Fishing is a suitable activity for all age groups and abilities.
- There will be an impact on the operation of Derim Steels (who seek to remain in Station Road industrial estate) through loss of vehicle manoeuvring and through allowing residential development in close proximity to their industrial operation.
- There will be prejudice to the disabled and the elderly through (Disability and Discrimination Act) resulting from insufficient disabled spaces at the supermarket, inadequate linkages to the development and impacts from Emergency Vehicles being unable to access properties such as those on Rotherham Road.

In addition to the above the Derbyshire County Councillor Anne Western has made the following comment:

> *'This application is for a significant development which will impact on the existing settlements of Clowne and Barlborough. It is essential that the existing infrastructure pressures, on schools, medical facilities, broadband, water, sewage and roads, are not made worse. The phasing of this development will be crucial to ensure that the infrastructure improvements are in place to support each stage of development and not left until the end'.*

The full text of the above third party representations can be found on the web page for the application via the planning application search function on the Council's website. All of the relevant planning considerations raised in these representations are addressed in the following sections of this report.

POLICY

Bolsover District Local Plan (February 2000)

Relevant saved policies in the Bolsover District Local Plan include:

GEN 1 – Minimum Requirements for Development
GEN 2 – Impact of Development on the Environment
GEN 4 – Development on Contaminated Land
GEN 5 – Land Drainage
GEN 6 – Sewerage and Sewage Disposal
GEN 8 – Settlement Frameworks
GEN 9 – Development in the Green Belt
GEN 17 – Public Art
HOU 5 – Outdoor Recreation and Play Space Provision for New Housing Development
HOU 6 – Affordable Housing
EMP 3 – Local Employment Sites
EMP 6 – Non-industrial employment sites
SAC 12 – Retail development on the edge of defined town and local centres
SAC 13 – Retail development outside defined town and local centres
CLT 2 – New community facilities
CLT7 – New outdoor playing space and amenity open space
CLT9 – Protection of existing allotments
CLT14 – New hotel development
TRA 1 – Location of New Development
TRA 13 – Provision for Cyclists
TRA 15 – Design of roads and paths to serve new development
CON4 – Development adjoining Conservation Areas
CON10 – Development affecting setting of listed buildings
CON13 – Archaeological sites and ancient monuments
ENV 2 – Protection of best and most versatile agricultural land
ENV 3 – Development in the Countryside

ENV 5 – Nature Conservation Interests Throughout the District
ENV 8 – Development affecting Trees and Hedgerows

National Planning Policy Framework (March 2012)

Relevant paragraphs in the National Planning Policy Framework ('the Framework') include:

Paragraph 2: Status of Development Plan and National Planning Policy Framework
Paragraphs 6-10: Achieving sustainable development
Paragraphs 11-16: Presumption in favour of sustainable development
Paragraph 17: Core planning principles
Paragraph 32: Transport network
Paragraph 47, 49 and 50: Housing
Paragraphs 56- 66: Design
Paragraphs 70, 72, 73 and 75: Promoting healthy communities
Paragraphs 89 and 90 – Development affecting the Green Belt
Paragraphs 109 and 118: Conserving and enhancing the natural environment
Paragraphs 120 and 121: Contamination and land stability
Paragraphs 128 – 134: Conserving and enhancing the historic environment
Paragraph 159: Relevance of SHMA
Paragraphs 173: Ensuring viability and deliverability
Paragraph 196: Primacy of Development Plan
Paragraphs 203-206: Planning conditions and obligations
Paragraphs 215-216: Weight to be given to relevant policies in existing plans and relevant policies in emerging plans.

Publication Local Plan (2018)

The emerging Local Plan includes a site specific policy in respect of Clowne Garden Village, which reads as follows:

Policy SS5: Strategic Site Allocation - Clowne Garden Village
As part of the growth requirement for Clowne set out in Policy SS3, land at Clowne Garden Village as defined on the Policies Map is allocated as a Strategic Site within the Local Plan. Proposals for the development of this strategic site will be permitted where they are guided by the indicative masterplan for the site (see Figure 4C) or any subsequent approved document and:

a. Enable completion of 1,000 dwellings within the site by 2033;
b. Optimise the use of the site or make best use of land;
c. Deliver 20 hectares of B-use employment land;
d. Provide 5 hectares of non B-use employment land;
e. Improve highway connection to town centre;
f. Create a new western link highway to the A616 / Boughton Lane junction;
g. Provide for a new primary school within the site;
h. Create a new substantial and central village green;
i. Provide greenways through the site that connect to the enhanced Clowne Linear Park proposal;

j. Create significant landscape planting, especially to the east, north and western boundaries and in other appropriate locations;
k. Contribute towards minimising the need to travel by private car through provision of convenient access via sustainable modes of transport to locations of employment and services;
l. Contribute towards place making through the delivery of a high quality designed development through the use of a design code that creates an attractive and locally distinctive new urban neighbourhood utilising as appropriate public art;
m. Contribute towards conserving and enhancing the biodiversity of the District through the protection and incorporation of existing hedgerows and woodlands within the site's general layout, design and orientation;
n. Contribute towards the efforts to tackle climate change through its approach to sustainable construction, renewable energy and energy conservation within the site's general layout, design and orientation.

ASSESSMENT

The National Planning Policy Framework states *"Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions" (para. 2).*

The structure of this report is dictated by the need to determine the application by reference to the primacy of the Development Plan, the degree to which it is up-to-date, and the material considerations that apply specifically to this planning application. Accordingly this assessment adopts the following structure:

1. Introduction

2. Conformity with the adopted Local Plan

3. Conformity with the emerging Local Plan

4. Conformity with the National Planning Policy Framework

5. Development in the Green Belt

6. Key Issues
    i. Transport
    ii. Air Quality
    iii. Noise
    iv. Landscape and Visual Impact Assessment
    v. Cultural Heritage
    vi. Biodiversity
    vii. Public Safety
        a) Flood Risk Considerations
        b) Surface Water Drainage

c) Utilities and Other Infrastructure

7. Other Relevant Planning Considerations
    i. Education Delivery
    ii. Design concept, housing mix and type
    iii. Sports, Leisure, open space and allotments

8. Other Matters

9. Planning Conditions

10. Planning Obligations

11. Conclusions

1. Introduction:

Bolsover District's housing, employment and other development needs for the next fifteen years are set out within the evidence base underpinning the emerging Local Plan. This evidence is made up of a suite of documents comprised of but not limited to Bolsover District's Objectively Assessed Housing Need informed by population projections for the Council's area, the Settlement Hierarchy Study, the Sustainability Appraisal and the Green Belt Review and Technical Paper. These documents consider the quantum of required development within the District and explore different approaches to accommodating this development within the Council's administrative area. The Sustainability Appraisal Evidence in particular seeks to examine the development opportunities available and rank them relative to one another in terms of achieving wider spatial planning objectives.

The Council has undertaken considerable work in connection with assessing sites that may be able to deliver the development required in the District. This work has culminated in the creation of the Publication Local Plan for Bolsover District 2018 and the associated Strategic Allocations set out within Policies SS3-SS7. These allocations form the Council's view of the most sustainable approach to accommodating the development needs of the District over the next 15 years. Clowne Garden Village is one such allocation under Emerging Policy SS5.

The application site is located outside of the established settlement boundary and is partially washed over by the Green Belt. The site has been identified as a suitable location for housing and commercial/industrial development and is a Strategic Site Allocation as set out within the Publication Local Plan for Bolsover District 2018 under Policy SS5. This allocation proposes a portion of the site to be permitted in the Green Belt to enable the development to come forward. However as Clowne Garden Village and Policy SS5 does not form part of the adopted Bolsover District Local Plan: one of the key issues in the assessment of the proposals is whether a departure from the adopted Local Plan is justified in this case.

2. Conformity with adopted Local Plan

Paragraph 196 of the Framework says that the planning system is plan-led and planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Bolsover District comprises the Bolsover District Local Plan (adopted February 2000) and saved Local Plan policies form the starting point for a decision on this application.

GEN 8 and ENV3 – Settlement Framework Boundaries

In the first instance, Saved Local Plan policy GEN8 is particularly important to the application of policies in the Bolsover District Local Plan because it says that 'general urban area control policies' apply within a defined settlement framework and the area outside the settlement framework is considered to be countryside and is covered by the 'general open countryside control policies'. Saved Local Plan policy ENV3 is the general open countryside control policy that is most relevant to this application.

Saved Local Plan policy ENV3 places restraints on most forms of development, including housing, in the countryside not least because a rural setting is important to the identity of many settlements including Clowne.

The undeveloped gaps between settlements or groups of buildings are also important to the locally distinctive character of the District. The supporting text to this policy says that in seeking to conserve the landscape, character and ecology of the countryside, the local planning authority will generally oppose aspects of new developments which have an urbanising or suburbanising influence or which lead to urban sprawl.

GEN9 – Development in the Green Belt

Although the Bolsover Local Plan (2000) Policy GEN9 predates paragraphs 89 and 90 of the NPPF, the emphasis within the policy is broadly consistent in that agricultural developments, sport and recreation developments and small scale extension or replacement of existing dwellings (amongst others) can be acceptable in principle. Larger scale developments will not be permitted and would conflict with Local Plan Policy GEN9. The main difference between Local Plan Policy GEN9 and NPPF Green Belt considerations, is that Para 87 and 88 of the NPPF contemplate ‘very special circumstances’ could potentially exist to ‘outweigh’ inappropriate development in the Green Belt. On this basis Policy GEN9 is not wholly consistent with the more up to date NPPF position, but shares much in common in order for the conflict apparent to be given substantial weight in this assessment.

Policy ENV2 - High Grade Agricultural Land

Local Plan Policy ENV2 seeks to protect the best and most versatile agricultural land and this is also reflected in NPPF Para 112. Portions of the site in question are Grade 2 agricultural land. The policy goes on to suggest that an exception to this policy could be considered where there is a strong need on the particular site which overrides the national need to protect such land. The merits of this assessment are considered more fully in the NPPF section of this report

but Members should recognise that in the first instance there is some conflict with the emphasis on protecting versatile agricultural land under ENV2.

Five Year Supply Position

As reported to Planning Committee agenda on 22 November 2017, the Council's Annual Assessment of Five Year Supply of Deliverable Sites for Housing has been updated in light of the Council and its partners in the North Derbyshire and Bassetlaw Housing Market Area receiving the final version of the North Derbyshire and Bassetlaw SHMA – OAN Update. This update provides the following assessment of housing supply in the District:

- a basic requirement of 1,360 dwellings (5 x 272);
- a surplus since 2014 of 56 dwellings;
- utilising the Sedgefield approach, a NPPF requirement of 1,370 dwellings (when applying a 5% buffer across the 5-year period);
- a total supply of land that could deliver 5,790 dwellings;
- a deliverable supply of land that could deliver 2,109 dwellings during the 5-year period of 2017/18 to 2021/22 (739 dwellings more than the basic requirement);
- a deliverable supply of land that could deliver a further 309 dwellings during year 2022/23;
- a further supply of land that could deliver an additional 3,372 houses but which was assessed as being undeliverable within the 5-year supply period.

Supplementary to the Council's evidence of deliverable sites, a recent appeal decision APP/R1010/W/16/3165450: Lodge Farm considers the issue of 5 year supply in further detail. The decision follows an Appeal Hearing where the Council provided evidence in response to appeal submissions by the appellant for a range of sites within the Council's administrative area. In short the decision confirms that on the basis of the detailed evidence examined during the appeal proceedings, the Council maintains a 5 year supply of housing but at the time of this decision the supply was considered to be 5.5 years by the Inspector.

Notably, the Inspector's lower figure was partly based on removing the contribution from Clowne Garden Village towards the housing supply in year five. Going forward, the absence of the Clowne Garden Village proposals in the housing supply figures will have an ever increasing impact on the Council's ability to demonstrate it has a five year supply of housing.

Conclusions on conformity with the adopted Local Plan

The proposals are located outside of Clowne's settlement framework on an area of partially Grade 2 and 3A agricultural land and partially within the Green Belt. As such the proposals do not comply with any of the housing policies that relate to residential development in the countryside (including HOU7 and HOU9) or Green Belt policy GEN9. The proposals also fail to meet any of the criteria set out in ENV3 for development that might be acceptable in the countryside on an exceptional basis as set out within the policies. Therefore, the proposals do not comply with GEN8 and ENV3 because the proposals are located in open countryside, outside of the settlement framework defined by policy GEN8 and where ENV3 sets out a firm presumption against granting permission for residential development of the scale proposed. There is also conflict with Local Plan Policy ENV2 in the first instance.

Therefore the application as proposed is a 'Departure' from the adopted Development Plan. If the Council was to look to determine the application as an approval, given the site is also partially within the Green Belt, the application needs to be referred to the Secretary of State in order to allow the Secretary of State an opportunity to 'Call In' the application.

3. Conformity with the emerging Local Plan

The spatially centralised approach to the distribution of development advocated in the Extant Local Plan and NPPF is carried through to the Publication Local Plan for Bolsover District 2018. Publication Local Plan Policy SC1: Development within the Settlement Framework and SS8: Development in the Countryside fulfil a strategic purpose within the Emerging Local Plan in defining urban and countryside land and in setting out how proposals in each type of land use will be considered by the Council. Notably, alongside these policies the current application site is an allocation site within the Emerging Local Plan (Policy SS5).

Why is Clowne North Part of the Emerging Development Plan?

To address this question involves paying regard to the evidence behind the Emerging Local Plan. Amongst others, this evidence includes:

- the Strategic Housing Market Assessment considers population projections (predicted to rise by 7.8% by 2033) and housing needs in the district (OAN 272 dwellings per year) and establishes a need for 4080 dwellings over the 15 year plan period
- the Strategic Housing Land Availability Assessment which considers land that is potentially available, suitable and achievable for development to meet the above needs
- the Economic Development Needs Assessment which establishes an objective need for employment development in the district of between 65-100 Ha of employment development over the plan period
- the Settlement Hierarchy Study which objectively assesses the most sustainable settlements in the District and ranks them in terms of sustainability credentials
- the Sustainability Appraisal which considers potential development sites and assesses how these score more highly than others in sustainability terms
- the Partial Green Belt Review and Supplementary Report which examines if parcels of land in the Green Belt still fulfil Green Belt purposes
- the Infrastructure Study which assesses the needs of the District for particular aspects of key infrastructure. In Clowne this highlights that the 'at capacity' level of primary education provision will act as an impediment to the further growth of the community amongst other constraints.

Settlement Hierarchy Study

The purpose of the Settlement Hierarchy Study was to assess the existing sustainability of the District's settlements, provide a means quantifying the sustainability of settlements and rank the settlements from the most sustainable to the least.

This evidence provides an important consideration in achieving a sustainable development strategy. To assess the sustainability of settlements the study sought to grade the following

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

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

Clowne has a population of 7628 according to the study and as such scored relatively highly (7/10). Similar scores were also achieved in the access to services (7/10) and public transport categories (6/10) but Clowne scored poorly in terms of access to employment (3/10). In part this highlights that relative to its population size there is room for improvement in relation to access to employment within the settlement of Clowne.

Infrastructure Study

In line with Para 162 of the NPPF, the Council is required to assess the quality and capacity of infrastructure within its area. Infrastructure such as transport, water supply, wastewater and its treatment, utilities, household waste, health, education and flood risk infrastructure are all of relevance and need to be considered at the plan making stage to assess the Districts ability to meet forecast demands. Accordingly Clowne Garden Village has been subject to consideration within the Infrastructure Study. The study highlights as follows:

- Green Infrastructure
  There is currently a deficiency of semi natural greenspace and formal green space provision within Clowne including a 'Level 2 Town Park'. The allocation/development represents an opportunity to address this deficiency through the provision of formal parkland, equipped play areas, and associated green infrastructure above the level of typical policy requirements, equating to an additional 57.73Ha.

- Education 2-11 Year Olds
  '*There are 6,564 primary phase places across 33 primary phase schools in the district, roughly split into five catchment areas. 737 surplus places exist within the primary phase schools, with approximately half of these located in Shirebrook catchment area. Capacity is a problem in certain settlements, such as Clowne, Barlborough, Creswell, Whitwell and Westhouses.'* The Clowne Garden Village development is proposed to deliver a new primary school in order to alleviate capacity issues within Clowne.

- Education 11-18 Year Olds
  'Proposals for strategic growth in Bolsover and Clowne will require expansion of secondary phase provision. However, this requirement is planned to be facilitated through financial contributions via S106 contributions and where necessary Derbyshire County Council core funding.'

- Health Provision
  Within the Infrastructure Study both Springs Health Centre Clowne and Barlborough Medical Practice, Barlborough are shown to have above the recommended level of

patients. A number of GP practices within the District are above recommended levels. The study goes on to highlight '*Growth in Barlborough, Bolsover, Clowne, Creswell, Shirebrook and Tibshelf and Whitwell will require expansion of GP capacity. However, this requirement is planned to be facilitated through financial contributions via S106 contributions and where necessary GP practice or CCG / NHS funding.'*

- Ambulance, Fire and Police Services

  From discussions on the proposed levels of growth as set out in the Emerging Local Plan, the East Midlands Ambulance Service NHS Trust have stated that it is expected that the additional population will lead to an increase in the volumes of accident and emergency calls, which will lead to greater demand on their services. However, they have advised that this will be factored into the commissioning of ambulance services. With regards Police and Fire Service, the feedback received suggests that it is vital for the service to be engaged in the plan making process to respond to requirements for infrastructure improvements. Whilst there are currently no planned improvements to provision in the pipeline, the Infrastructure Study considers the feedback received from the Fire and Police Services that the proposed allocations remain appropriate.

- Walking and Cycling

  Within the Emerging Local Plan the Clowne Branch Line project – part of the 'Bolsover Loop' Derbyshire Key Cycle Network is proposed to link Clowne to Creswell and thus Creswell Crags and the Archaeological Way to the east, and to the Markham Vale employment area and to the Trans Pennine Trail to the west. The Infrastructure Study highlights that as part of the Plan Production Process Derbyshire County Council has raised no concerns about the cycling and walking networks being able to accommodate the additional population proposed and that the proposed developments would help improve the existing network through both on site works and financial contributions.

- Bus/Rail Services

  The Infrastructure Study notes *'Clowne* [alongside Bolsover and Shirebrook] *also has one of the highest frequencies of bus provision within the District, with a town service and buses to the larger centres of Chesterfield, Sheffield, Worksop and Mansfield. Most of the bus services are commercial services but public subsidy is required for its town service. The principal bus stopping point is by the Tesco supermarket on Mill Green Way. Both sides of this stopping point are accommodated within lay-bys and both have shelters.'*

  '5.34 From discussions on the proposed levels of growth as set out in the emerging Local Plan, Derbyshire County Council / Bus Companies and Network Rail / East Midlands Trains have raised no concerns about the bus and rail networks being able to accommodate the additional population and it is hoped that the increase in population would help sustain the existing services given the reducing amount of public subsidy.'

- Road Network Capacity

  As set out elsewhere in this report, the Infrastructure Study Highlights at *'5.64 The Clowne Transport Study (October 2016) and its Addendum (October 2017) identify that number of junctions along the route to junction 30 of the M1 will require improvements. Improvements are also required along the A619. As a result, the Council has identified*

improvements at these junctions also and these improvements have been built into the requirements for the strategic site allocation at Clowne Garden Village and are expected to be delivered through its legal obligations'.

- Utilities – Electricity, Gas and Water Supply
  '*From discussions on the proposed levels of growth as set out in the Emerging Local Plan, National Grid, Cadent and Central Networks have raised no concerns about the gas or electricity networks being able to accommodate the additional population. Where improvements are required, the timescale and delivery of these would be managed by National Grid, Cadent and Central Networks on receipt of a firm accepted quotation from the relevant developer.'* No concerns have been raised by Severn Trent Water regarding water provision to the proposed allocations within the Emerging Local Plan.

- Waste Water Treatment
  '5.107 There is an issue in settlements in the north-east of the District in that the waste water treatment works discharge into sensitive water courses that feed into Sites of Special Scientific Interest (SSSI's) downstream, outside the District. Water quality is already an issue in these areas. The water quality of the treated effluent will need to be improved further in order to generate additional capacity at the sewage treatment works, as the Environment Agency would object to any application to increase the discharge into the water courses unless there was no deterioration in water quality downstream. Hodthorpe, Whitwell, Clowne, Creswell, Nether Langwith and Scarcliffe are affected by this issue. An improvement scheme to address phosphate levels is being developed.'

  The infrastructure study also states that '*Discussions with the water companies indicate that significant growth in the District will require sewerage capacity improvements. Whilst this is not expected to represent a significant constraint, Yorkshire Water and Severn Trent Water will make arrangements for allowing foul water discharge to the sewer network. These arrangements vary by company but will involve either funding any improvements / reinforcements or conditions on any planning application to delay the development until such time capacity can be made available.'* Such Conditions have been recommended by Severn Trent Water on the consultations as part of this application.

Sustainability Appraisal Evidence

Of most relevance to the consideration of the site in question is the Sustainability Appraisal evidence that underpins the Emerging Local Plan. This considers different development options for Clowne (North, South, East) and ranks these in terms of the sites ability to secure the greatest number of sustainability criteria in order to maximise public benefits associated with any allocation.

The growth options considered for Clowne (North, South, East), were each considered in detail against 11 common Sustainability Objectives identified in the Sustainability Appraisal. Such factors included the potential effects of development on these sites in terms of transport, biodiversity, heritage and landscape impacts amongst other matters. The findings of these individual assessments were then subject to a 'Comparative Assessment' within the Sustainability Appraisal at Table 5.12 (included below).

Table 5.12 Summary of the Appraisal of the Strategic Growth Options for Clowne

SA Objective	Objective 1	Objective 2	Objective 3	Objective 4	Objective 5	Objective 6	Objective 7	Objective 8	Objective 9	Objective 10	Objective 11	Objective 12	Objective 13	Objective 14	Objective 15
Strategic Site: Clowne Garden Village	+/- /?	++	++	++/ -	++/ -	++/ -	+/-	--	--	0	+/-	+/-	--	-/?	-- /?
Clowne Southern Option	-- /?	++	0	+/-	+/-	+/-	+/- -	+/- -	--	0	0	~	--	--	--
Clowne Western Option	-/?	++	+	++/ -	++/ -	++/ -	+/- -	--	--	0	0	~	--	-	--

At 5.4.98 the Sustainability Appraisal (SA) states that *'The findings of the SA of the strategic growth options for Clowne reveal Clowne Garden Village to be the best performing strategic growth option for the village when considered against the SA objectives.'* The report goes on to suggest at 5.4.99:

> *"Reasons for the Selection of Clowne Garden Village*
> *The Council's selection of Clowne Garden Village was based on it being the best performing option when considered against the SA objectives. In addition, a co-ordinated, comprehensive approach to development in Clowne through the suggested strategic site would present the greatest opportunity to deliver sustainability benefits, particularly in terms of the provision of the necessary services and infrastructure to support growth. Furthermore, this option represents the most deliverable option based on Land Availability Assessment evidence and importantly would deliver a combination of housing and employment land, something not provided by the alternative sites. The Partial Green Belt Review has also been informative with regard to those areas within the Green Belt which serve its function the least and are least sensitive.*
>
> *Reasons for the rejection of alternatives*
> *The Council's rejection of the alternative options was based on them performing less well when assessed against the SA objectives and that they would be less likely to be deliverable. In particular, the lack of employment land availability in these alternative locations as demonstrated in the Land Availability Assessment evidence represents a significant deficiency in their performance given the current limited employment opportunities in Clowne. Furthermore, based on the need for additional infrastructure capacity identified in the Infrastructure Study and Delivery Plan, particularly in relation to primary phase education provision, and the Clowne Transport Study in relation to highway capacity, an approach that relies on smaller sites may not realise the same opportunities in terms of infrastructure and services provision. As a result, selection of the considered alternatives would reduce the likelihood of the Local Plan for Bolsover District being found sound at Examination and thus justified their rejection."*

Policy SS5 - Clowne Garden Village Allocation

Clowne Garden Village (also referred to as 'Clowne North') is a strategic site in the emerging Publication Local Plan for Bolsover District 2018 because the site delivers the development the area is shown to require and provides development that is demonstrated to be more likely to achieve wider longer term spatial planning ideals; in preference of other similar sites in Clowne.

The Clowne Garden Village allocation moves the focus of recent rapid residential growth that has happened to the south of Clowne, northwards. Amongst other things, this is intended to limit the traffic congestion problems within the village that has grown through traffic from the south having to travel through the village to access the main highways network to the north, without any significant improvements to infrastructure. In addition, the village faces an acute primary education capacity issue alongside a relative absence of in settlement employment opportunities.

At present, no further residential development within Clowne can be accommodated because the level of primary school provision is at capacity. In the long term this will prohibit the growth of the village and act counter to the interests of maintaining a sustainable community. It will mean children growing up within Clowne will be unable to continue to live within their community, it will mean the Council's ambitions for additional employment within the area cannot be realised and that strategic improvements to the highways network and other infrastructure such as improved drainage capacity, GP services and enhanced secondary education facilities will not be able to be provided.

Although reference is made to the consideration of a lesser scale of development in some of the public responses received, Clowne Garden Village is planned to be of a scale which would enable provision of a new primary school, secondary contributions and highways infrastructure improvements. The development will also provide a significant level of employment, health service provision and affordable housing. It will provide these benefits whilst still ensuring the development remains viable and provides for the wider infrastructure required to support the residential and employment development. A lesser level of development than that proposed would not realise the same extent of public benefits and would not be able to deliver the associated primary school, highways infrastructure and secondary school contributions to make the development sustainable in strategic terms.

Conclusions on conformity with the emerging Local Plan

The objectively produced evidence underpinning the emerging Local Plan and Allocation SS5 points towards Clowne Garden Village achieving wider spatial planning benefits more so than other sites potentially available. Officers consider the evidence is indicative that the benefits of the scheme align with the Council's vision for the future of Clowne i.e. that in the absence of growth, the insufficient capacity for education provision and infrastructure acting as an impediment to further employment provision - are a significant barrier to providing and maintaining a sustainable community. The current proposals are compliant with these policy aims in terms of what they will deliver and are therefore consistent with policy SS5 and the strategic objectives of the emerging Local Plan.

Weight to be attributed to emerging Local Plan

Section 216 of the Framework says from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The emerging Local Plan is now has Regulation 19 status, which means it will be submitted for public examination once consultation responses on the publication version of the emerging Local Plan have been reviewed. The current application provides a means of thoroughly testing the extent to which there are unresolved objections to the site allocation and the Clowne Garden Village proposals. The next section of this assessment sets out how the current proposals and the site allocation accord with the social, environmental and economic considerations at the heart of planning for sustainable communities as set out in the National Planning Policy Framework.

Therefore, it is considered the emerging Local Plan should be afforded substantial weight in the determination of this application to the extent that a departure from the adopted Local Plan would be justified in this case.

4. Conformity with the National Planning Policy Framework (NPPF)

Aside from policies in the adopted Local Plan and emerging Local Plan, a wide range of national policies within the NPPF are material to the assessment of this application. In the first instance, the NPPF suggests “economic, social and environmental gains should be sought jointly and simultaneously through the planning system.” Such factors include but are not limited to providing employment, housing, education and community facilities and other public services alongside the often competing ideals of maintaining biodiversity, avoiding impacts upon heritage assets and utilising an approach to the distribution of development that reduces the use of non-renewable sources of energy.

It is material to the assessment of the application that the adopted Bolsover Local Plan does not consider the longer term development needs of the district or consider constraints/issues facing settlements in the future. Although the Council can demonstrate a 5 year supply of housing, it is clear the long term approach to meeting the development needs of the area is a pertinent issue. Indeed as many of the housing allocations within the Extant Plan have been completed, the argument that the extant Local Plan makes no further provision for the key infrastructure required to enable Clowne village to exist and grow sustainably is a key consideration within this application. Therefore in relation to the weight to attach to the emerging Local Plan and associated evidence, the benefits offered by the proposed development should

be assessed against the emphasis within the NPPF on the following matters:

- Building a strong, competitive economy
  The development of housing and the provision of appropriate infrastructure alongside support for local shops and services and employment relating to the construction of the development contribute to building a vibrant economy for the Clowne area.

- Ensuring the vitality of town centres
  The proposed development would include approximately 1750sqm of retail development that is proposed in the area currently occupied by the Station Road industrial area in close proximity to existing retail provision with Clowne centre. This is anticipated as part of the allocation in the Emerging Local Plan.

  As an aside, under the NPPF para 24 (and extant Local Plan policies SAC13 and SAC14) local planning authorities should apply a sequential test to planning applications for Main Town Centre Uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. In the case of the retail elements of the scheme, these will be located within the defined Settlement Framework of Clowne and will be positioned in close association with existing town centre retail facilities. As such these are considered to be within or on the edge of the centre and will be sustainably located to serve both the existing settlement and the new development.

  With regard to the education uses proposed, these are designed to serve a specific local requirement generated by the development in the first instance whilst also serving the needs of the wider town. The school will be located within walking distance of all properties within the completed development and many other properties closely associated with the north of Clowne. To adopt an alternative approach to the position of the school would be logistically difficult to construct on a separate site and would not meet the educational need arising from the development in a sustainable way. Thus siting the school in the location shown achieves more wider planning benefits than seeking to provide the school elsewhere in the village (notwithstanding other sites are not shown to be available from the Planning Policy work commissioned to date).

  With regard to the hotel and office uses proposed, these are intended to form a new strategic employment area to the north of Clowne in a location served by strategic transport links and closely associated with the wider development. To seek to provide these uses elsewhere would not be feasible as they form an inherent component of the development package proposed (both in terms of viability and planning merits). Moreover given the scale of the development, it would not be practical to seek to accommodate the proposals elsewhere in the centre of Clowne or in villages nearby. Therefore although the applicant has not provided a sequential test, a development of the scale proposed would clearly be unable to be accommodated within the existing centre or village centres nearby and is proposed in an edge of centre location instead.

  When assessing applications for uses such as hotel, retail and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold. Currently the threshold in the adopted

Local Plan (2000) is 2500sqm in line with that in the NPPF. The scale of retail development (1750sqm) is below this impact threshold. The scale of office development (B1) equates to 14,320sqm and hotel / leisure 5743sqm - exceeds the threshold.

Although an Impact Assessment has not been provided, the Council's evidence within the Economic Development Needs Assessment recommends the Council allocate between 65 and 100 Ha of employment (B Class land). Publication Local Plan Policy WC1 takes forward this recommendation with 91 Ha of Employment Land proposed to be allocated, with 20 Ha of B1/B2/B8 coming from the Clowne Garden Village Allocation. Although the hotel aspects proposed are not specifically referenced in the SS5 allocation, much like Barlborough Links nearby the hotel element is considered to be closely associated with a functioning modern employment area, would fall within the 'Employment Gateway Uses' referenced in Policy SS5 and subject to an imposed cap on the scale of the hotel development of 2500sqm, there would be no requirement for the applicant to further assess the impact of the proposals.

- Promoting sustainable transport

  The site is well related to the local and strategic highway network with convenient access to the M1 by car, The application is supported by a Transport Assessment which examines the existing baseline transport conditions alongside consented development within Clowne and assesses the impacts of the proposed development on the local and strategic transport network. Various proposed mitigation measures will be required to address these impacts and include:

  a. Alteration of M1 Junction 30 via the provision of a Signalisation Scheme
  b. Full Replacement of the Treble Bob roundabout
  c. Enlargement of the existing roundabout at A616/ Midland Way / High Hazel Road
  d. Signalisation upgrade of A619 / A618 junction
  e. Implementation of Travel Plan and Monitoring

  There are public transport routes from Clowne to neighbouring main settlements including Chesterfield, Mansfield, Sheffield, Worksop and Bolsover. The application is accompanied by a Framework Travel Plan which sets out proposed measures and initiatives to reduce the number and duration of private vehicle trips and encourage travel by sustainable means. Sustainable travel initiatives for the development are to be delivered by the Council through developer contributions in order to extend the bus route into the site. It is also proposed to include a condition requiring the submission and agreement of a public transport strategy for the site.

- Delivering a wide choice of high quality homes

  The proposed mixed use development, including up to 1,800 residential dwellings, would include a range of house types, sizes and tenures varying from 1 to 5 bed detached dwellings of 2 to 3 storeys. The proposed scheme would provide for a good mix of house types throughout the site. A range of properties are proposed to meet the local housing needs in the area over the next 25 years that would be suitable for a variety of occupiers including families with children and the elderly. The range of dwellings will allow for adaption to the changing needs of occupants. Should permission be granted, the detailed proposals to be submitted at the reserved matters stage should demonstrate

that a suitable variety of housing will be provided. The proposal would also provide for on-site affordable housing at 6.2% of the total residential provision and this would be secured through S106 Legal Agreement.

- Promoting healthy communities
  The NPPF describes this policy objective as seeking to include meeting places (formal and informal), safe environments, high quality public open spaces, legible routes, social, recreational and cultural facilities and services. The proposal would provide for key community elements including a new 1.5FOE primary school, an area of retail space closely associated with the main town centre, a village green, retained allotments and a variety of informal open space areas with a network of access routes and recreational spaces. The need for suitable play provision can be secured in connection with the planning permission. Appropriate financial contributions to mitigate the impact of the development on facilities and services such as schools, local sports, leisure and recreation facilities can be secured by Legal Agreement.

- Protecting Green Belt land
  The protection of the Green Belt forms part of the core planning principles set out within the NPPF and this is fundamental policy consideration. Within the Green Belt there is a presumption against residential development which is considered inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states:

  > *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."*

  This is the primary decision that the Council will need to reach before considering other material considerations and therefore the issue is dealt with separately below.

- Meeting the challenge of climate change and flooding
  The NPPF seeks to support the move towards a low carbon future by planning for new development in locations and ways which reduce greenhouse gas emissions and actively support energy efficiency consistent with nationally described standards.

  One of the main reasons the site is allocated in the emerging plan is because the site is sustainably located with regard to access to the strategic highway network, could include employment provision to serve the towns need and ultimately would allow for a community with enhanced sustainability credentials. Such an approach is considered to align with the NPPF ambitions.

  With regards flooding, the development area proposed is within Flood Zone 1 and is defined as having a low probability of flooding. There is an existing dam known as Harlesthorpe Dam to the south of the site . According to the submitted Flood Risk Assessment, this represents the only potential source of flooding to the site if the dam was breached. Whilst the dam is not within the development site and this exists in

separate ownership, its failure would result in inundation of a small area of the development site. No built development is planned within this area other than a new road connection.

With regards surface drainage, the existing site is known to be predominantly permeable in nature resulting in the potential for the incorporation of a significant proportion of surface water being able to be infiltrated to ground.

The major catchment beneath this area will generally flow towards Harlesthorpe Dam and the watercourse to which it outfalls. Additional flows to this area without further mitigation would be likely to exacerbate a recorded flood issue associated with the culvert crossing Creswell Road. The Flood Risk Assessment states the intention to upgrade this culvert alongside other works to upgrade foul sewage provision to the site which include a major upgrade to the Severn Trent Water Sewer Network and the associated Water Recycling Centre. The detailed surface water drainage proposals have been appraised by the Council's technical officers and the Environment Agency. Subject to appropriate condition
s, no objections are raised and it is considered the development would not give rise to an increased risk of flooding.

- Conserving and enhancing the natural environment
  The application was submitted with a detailed Environmental Statement incorporating a Landscape and Visual Impact Assessment (LVIA) and an Ecological Statement addressing the key biodiversity and other landscape impacts and benefits likely to arise from the proposed development. The LVIA assesses the landscapes value and confirms the site is not governed by any landscape designations, is mainly arable fields of little scenic quality and is overall of moderate landscape quality. The site contains no particularly rare landscape features and is not considered unusual in terms of its landscape character. The Conservation Interest affected by the site includes a Conservation Area at Van Dyke Hotel to the north and a listed building at Manor Farm, intended to be retained. In EIA terms, the landscape affected can be described as being of medium sensitivity and medium landscape value.

  A detailed landscape consideration is provided elsewhere in this report but the LVIA carries out a methodical assessment of the of key landscape viewpoints in the area and assesses the landscaping proposals as part of the submission. Overall the effect of the development on landscape character at the national level is considered in the submissions to be negligible. At the County level, the effects of the development on Derbyshire specific landscape characteristics is shown to be Minor Adverse, in the submissions. At the local level the development is considered to have a Major to Moderate Adverse landscape impact falling to a moderate adverse impact following maturation of the Green Infrastructure proposed. With careful design management through compliance with the overarching strategy, it is considered that the development can be provided without a significant landscape impact and that the benefits associated are capable of offset the resulting harm apparent.

- Development on high grade agricultural land
  The site in question is Grade II agricultural land. The Agricultural Land Classification

system classifies land into five grades. The best and most versatile land is defined as Grades 1, 2 and 3A. The Classification is concerned with the inherent potential of land under a range of farming systems. The current agricultural use, or intensity of use, does not affect the grade attributed. Current estimates according to Natural England are that Grades 1 and 2 together form about 21% of all farmland in England; Subgrade 3a also covers about 21%.

As part of the production of the Emerging Local Plan process, the Council has examined a number of approaches to accommodating the development needs of the district. These are informed by the Local Plan evidence referenced within this report and have been shaped and refined by consultations with groups such as Natural England and by the objectively produced Sustainability Appraisal. The Council has examined whether the scale development required could be accommodated elsewhere on the edge of Clowne. The Sustainability Appraisal assesses which potential development approaches meet certain sustainability criteria and contrasts or scores these approaches relative to one another. In this case, other developments did not score as highly as Clowne Garden Village and as such were not favoured to be taken forward as a Strategic Allocation. Moreover there are no objections from Natural England in relation to the proposed development on the land in question.

Taking this into account Officers recognise that the site is high grade agricultural land, that significant development upon the land is proposed and that this will have economic implications for farming within the area. In line with NPPF para 112 and the Council's Extant Local Plan Policy ENV2, the development is shown to be necessary to accommodate the future housing needs of the district and in order to provide a scale of development that can deliver the social, economic and physical infrastructure requirements necessary to achieve a sustainable development. Moreover it is evident from the Emerging Local Plan evidence that the Council has examined utilising poorer agricultural quality land in preference of higher quality land but that this is not shown to be viable, achievable or deliverable as a spatial strategy.

- <u>Conserving and enhancing the historic environment</u>
  The impacts of the proposals upon Cultural Heritage are considered in detail within the specific section of this report. However it is clear that there will be major adverse impacts on Manor Farm Grade II listed building and a moderate adverse impact on Southgate House Grade II listed building. Opportunity exists as part of the Design Code for the site to seek to pay regard to these building in the design of the development and reduce these impacts further. Nevertheless, in NPPF terms, the harm apparent to these designated heritage assets is considered to be termed 'less than substantial.' In line with NPPF para 134, Members will need to assess whether the benefits associated with the development are capable of offsetting this harm. In the Officers view, the harm apparent is not significant in EIA terms and can be mitigated to ensure no greater than 'minor to moderate adverse' impacts would result in the longer term (excluding Manor Farm). Whilst this is not the case for the Grade II listed Manor Farm, the agricultural character of this building is inherently going to be lost by large scale housing development in close proximity. Such harms are entitled to be offset in a planning assessment as per paragraph 134 of the NPPF where the public benefits of the development clearly outweigh the associated harms. Officers consider such an instance is applicable in this

case and the development benefits would be capable of outweighing the harm that results.

It is also consider that having surveyed 50% of the develop area of the application site, the applicant has carried out sufficient archaeological investigations to satisfy NPPF requirements with respect to the historic environment in all other respects.

Conclusions on conformity with the National Planning Policy Framework

As stated above, encroachment into the Green Belt is the most fundamental land use issue in relation to how the proposals conform to national policies in the NPPF. For this reason Green Belt considerations are dealt with in full below. However, for the above reasons, it is considered that the current application is compatible with all other relevant planning principles and aims under the NPPF and this weighs in favour of the application itself and reinforces the conclusion that the Clowne Garden Village site allocation in the emerging Local Plan is a highly relevant consideration that also weighs in favour of the current application.

5. Development in the Green Belt

A portion of the land within the site to the west of Rotherham Road (c.20ha) falls within the Green Belt. Saved Local Plan Policy GEN9 states planning permission will not be granted for development within the Green Belt save for specific agricultural or recreational purposes. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 83 of the NPPF states that Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. It should be noted that the grant of planning permission will not remove the land from the Green Belt. Rather, it would mean development in the Green Belt is permitted. A change to the Green Belt designation can only be realised through adoption of a new Development Plan.

Where proposals for 'inappropriate development' in the Green Belt are made under a planning application, Paragraph 87 of the NPPF is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Prematurity

A number respondents to the application have raised concerns and objections to the proposals on the grounds that the development is proposed within the Green Belt, in advance of any formal change to the Green Belt designation and allocation of the land for development through the adoption of a new Development Plan. Concerns are also raised that alternative sites outside of the Green Belt are not considered for development first. On this basis, respondents suggest the application should be refused on the grounds of prematurity.

In the context of these objections, it should be noted that automatic refusal of planning applications, simply on grounds of prematurity, would be incorrect. National planning policy dictates a fuller consideration of material considerations is required. This has been confirmed by a High Court Judgement in respect of *Luton Borough Council, R (on the application of) v*

Central Bedfordshire Council & Ors [2015] EWCA Civ 537. This states at Para 55 and 56 of the judgement that:

> *"Paragraph 83 [of the NPPF] does not lay down a presumption or create a requirement that the boundaries of the Green Belt must first be altered via the process for changing a local plan before development may take place on the area in question. Paragraphs 87-88 plainly contemplate that development may be permitted on land within the Green Belt, without the need to change its boundaries in the local plan, provided "very special circumstances" exist.*
>
> *Nor does para. 83 somehow create a presumption that the boundaries of the Green Belt must first be altered by changes to the local plan (effected through the local plan development process, which includes independent examination by an inspector) before permission for development can be given, in a case where (as here) there is a parallel proposal to alter the boundaries of the Green Belt set out in the local plan. Whilst it may be easier to proceed in stages, by changing the local plan to take a site out of the Green Belt (according to the less demanding "exceptional circumstances" test) and then granting permission for development without having to satisfy the more demanding "very special circumstances" test, there is nothing in para. 83 (read in the context of the entirety of section 9 of the NPPF) to prevent a planning authority from proceeding to consider and grant permission for development on the land in question while it remains within the designated Green Belt, provided the stringent "very special circumstances" test is satisfied."*

Government guidance contained within the National Planning Practice Guidance provides clear direction in relation to circumstances when it might be justifiable to refuse planning permission on the grounds of prematurity. It is stated that, within the context of the NPPF and, in particular, the presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account.

Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

In the consideration of the present application it should be acknowledged that the Emerging Local Plan is at Regulation 19 Publication stage but is not yet formally part of the development plan for the area.

In relation to the substantial nature of the proposal and its potential cumulative effects, the application is accompanied by an extensive Environmental Statement submitted in accordance with the statutory Environmental Impact Assessment Regulations. This examines the potential effects of the development (together with existing and committed development within the area where these are relevant to the issue being considered). This report details Officer's assessments of these effects. It is concluded that, subject to suitable mitigation regarding topic specific matters (transport, biodiversity etc), no significant adverse environmental impacts in

EIA terms would result from the proposed development.

The site is located in an area identified for growth in the emerging development plan. There is considered to be a strong likelihood of a strategic allocation north of Clowne being formalised in the future, having regard to the planning needs in this area and the substantial evidence supporting the identification of this site to address the areas growth requirements.

On this basis it is appropriate to consider that, although the proposed development in the green belt is substantial, the grant of planning permission would not serve to undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development and would not therefore prejudice the outcome of the plan-making process so as to warrant refusal on the grounds of prematurity.

The purposes of the Green Belt

Within the Green Belt there is a presumption against large scale development which is defined as inappropriate development. The protection of the Green Belt forms part of the core planning principles set out within the NPPF and a fundamental policy consideration relevant to the principle of development of this site. Substantial weight is to be attached to any Green Belt harm in the Members assessment. Green Belts serve five purposes:

i. to check the unrestricted sprawl of large built-up areas;
ii. to prevent neighbouring towns merging into one another;
iii. to assist in safeguarding the countryside from encroachment;
iv. to preserve the setting and special character of historic towns;
v. and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The following sets out an assessment of the value of the application site in terms of the five purposes of the Green Belt and the degree to which the proposal would conflict with or support these.

i. To check the unrestricted sprawl of large built-up areas

The site is located outside of the existing settlement boundary of Clowne. Clowne forms a relatively semi-circular built mass with the majority of the development associated with the settlement occupying the area to the south of Creswell Road / Barlborough Road. The proposed development would expand the existing built-up area northwards starting at the western edge closest to Barlborough over to the eastern edge at Gapsick Lane. On all but the southern side of the development significant landscape buffers are proposed within the application and in most cases these make use of existing areas of retained woodland. Specifically to the north of the site the development boundary is also drawn with an offset from the Van Dyke Hotel and Worksop Road.

The expansion of the built-up form would therefore be restricted by the existing and proposed woodland areas and the offsets/buffer zones shown in the proposed masterplans. Such features would provide for permanent physical boundaries on all undeveloped sides of the enlarged settlement. Within the context of the proposed Strategic Allocation, it is not considered

that the development of the application site would result in the opportunity for further unrestricted sprawl beyond the development proposed. Similar findings are apparent in the Council's Green Belt Review Supplementary Report regarding the specific parcels of land concerned within this submission.

ii. To prevent neighbouring towns merging into one another

The site is not bordered by existing towns/villages to the north or east and in a southerly direction the development would function as an extension to the existing settlement of Clowne. The site is however bordered by Barlborough to the west. Barlborough is a distinct and recognisable village in and of itself. The village has a centralised appearance when viewed in plan and is separated from the development accessed off Boughton Lane, Clowne by Barlborough Links Golf Course which is not part of the application site and intended to remain.

Although the site area does encompass land to the east of the site that projects North West beyond the 'last house' associated with Clowne, the submitted Parameters Plan proposes to maintain this area as a landscape buffer and not as developed area. The actual development proposed would be the access from a new roundabout junction at the end of Boughton Lane and this area does not project west or northwestwards any more so than the existing development closely associated with Clowne. This aspect of the proposal does not interfere with Barlborough Links Golf Course or any intervening landscaped areas. Taking this into account Officers conclude that the proposed development would not prejudice the Green Belt ambition of preventing Barlborough from merging with Clowne.

iii. To assist in safeguarding the countryside from encroachment

Notwithstanding that the proposed Strategic Allocation is planned to be substantially enclosed by strong, physical boundaries preventing unrestricted sprawl, the proposed development would represent an encroachment upon the countryside and thus prejudice this Green Belt purpose.

iv. To preserve the setting and special character of historic towns

The preservation of the site as undeveloped land is considered in the Council's Green Belt Review Supplementary Report. This concludes the development is not shown to '*Contribute to preserving the setting and special character of a historic town or the Clowne Conservation Area'* within Para 3.12.

v. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

The Council's Strategic House Land Availability Assessment Evidence (AKA LAA) suggests that whilst some development can take place within the existing settlement boundaries, the total amount of land available within settlements is well below that needed to meet Bolsover's wider objectively assessed housing needs. The need for dedicated regeneration strategies for the district has long been recognised within Local Plan documents which support the reuse and regeneration of existing sites. The site in question however is not one of these. Hence resisting the development in this location would not obviously serve to support the regeneration of sites

in Clowne or those in the wider District. A similar observation is made in the Council's Green Belt Review Supplementary Report (Para 3.13) and states:

> '*The land is unlikely to wholly fulfil the strategic objective of encouraging regeneration in Sheffield and Rotherham given that both authorities are considering Green Belt release in order to meet their development needs'*

Green Belt Review Supplementary Report Conclusions

The Scoring Matrix shown in Table 3.5 of the Green Belt Review Supplementary Report considers that all parcels of land considered are shown to fulfil at least one Green Belt purpose. However Parcels 04b and 05b (Parts of the western portion of the Clowne Garden Village Site) were considered only to partially meet Green Belt purposes and were carried forward to Stage C of the Green Belt Review process. Stage C concludes that if purpose 3 (encroachment into the Countryside) is removed from the assessment of parcels, parcels 04b and 05b are considered do not continue to serve a Green Belt purpose, would be deliverable sites for development in Policy Making terms and could justifiably be removed from Green Belt designation.

Relevance of Very Special Circumstances

There is no doubt that the development proposed conflicts with Green Belt policy as set out in Local Plan Policy GEN9 and Paragraphs 89 and 90 of NPPF. Therefore the development proposal under this application is 'inappropriate development' for the purposes of this assessment.

However NPPF Para 88 states that *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."*

It is therefore necessary to consider whether very special circumstances exist which are sufficient to clearly outweigh the harm to the Green Belt identified. This is the primary decision that the Council will need to reach before considering more detailed matters.

There is no definition of the meaning of 'very special circumstances' but case law has held that the words "very special" are not simply the converse of "commonplace". The word "special" in the guidance is not a quantitative test, but a qualitative judgement as to the weight to be given to the particular factor for planning purposes. In the sections of this report below, the factors cited by the applicant and by the Council's Officers, are set out.

The applicant's case for very special circumstances

The Council's Officer's requested within their Scoping Opinion that the Environment Statement (ES) prepared to accompany the application consider the social and economic impacts of the proposed development. The ES examines the starting point for facilities within Clowne prior to any development of the site. This assesses Census Survey Data and other information sources

and examines factors reflecting and predicting population growth, employment, health care provision, education provision, community facilities, open spaces, sport and leisure, crime and deprivation and retail provision.

The assessment of Socio-Economic impacts then goes on to consider the effects of the development on these factors. In particular the assessment highlights:

- Direct Employment provision
  The development proposes a mix of industrial and commercial development, a local centre and primary school, health and care facilities, retirement development and additional education facilities offsite. The expected employment creation attributed to the development is 1737 jobs.

- Indirect Employment Provision
  Based on the large scale of the proposed development, its local economic context and labour market, the ES suggests a multiplier of 200 per 1000 additional economically active residents is appropriate to estimate induced and indirect employment. The construction of new homes will enable new residents to support the local economy and in turn provide an increase in expenditure of goods, supplies and services equating to 580 indirect jobs.

- Construction related economic benefits
  Construction stage costs of £226.33 Million are likely to be associated with the development. Assuming labour costs are typically 30% of the total costs then associated labour costs would equate to £67.9 Million. Divided by the Gross Average Cost of Construction labour (an annual wage of £33540) the construction phase would contribute 6748 years of direct additional construction employment to the Bolsover Economy – or 35 FTE jobs for a 20 year period. There would also be indirect benefits to the economy through the supply of materials from local businesses and through the sourcing of labour through the local labour market which are anticipated to be 1.2 times the FTE construction employment leading to 42 additional jobs over a 20 year period, 77 opportunities overall. **Such benefits are rated as temporary and of minor- moderate beneficial significance in EIA terms.**

- Housing provision
  The population forecasts for Bolsover District as a whole predict steady population growth over the plan period of approximately 10% rising to 83,626 by 2033 in line with the evidence underpinning the Emerging Local Plan. In addition to this growth the average household size within District is projected to decrease from 2.21 to 2.13 by 2027, such that the number of households is projected to increase by 12.7% to 2033. This decrease in average household size is attributed to an increase in number of single households and an ageing population. The main effect of the increase in current housing stock by 1800 dwellings constitutes a minor increase in the overall population of Bolsover District by 5%. The development will deliver additional affordable housing and will lessen pressure on housing markets in the local and regional scale. **Such benefits are permanent, of local to regional significance and of Major Beneficial Significance in EIA terms.**

- Health Facilities
  The proposed development with its 3900 new residents will generate a need for at least 2 new GP's (based on the UK standard of 1800 people per GP) and 2 new dentists (based on 2000 people per dentist). The application proposes contributions towards existing GP surgeries to provide additional capacity secured by S106. In the case of dentistry and health provision, the application sets out there is also an opportunity for health related development to be provided within the site if required. The effect on the proposed development upon health facilities are suggested to be **permanent, of local scale impacts and of negligible to minor beneficial significance in EIA terms.**

- Education Provision
  The ES suggests that the development will generate the need for 360 primary school places and 270 secondary school places. A 1-Form of Entry school is proposed to be delivered as part of the development, with sufficient land for expansion provided for a further 0.5 Form of Entry school to be delivered following the completion of Phase 1 of the proposed development. This will accommodate primary pupils generated by the development as well as those arising from future development in the area. In terms of secondary school provision, a contribution of £4.6 Million towards the expansion of Heritage High School is proposed to accommodate the additional need. The effect of the development on education provision will have a **Permanent, Local level impact of moderate to high beneficial significance.**

- Community Facilities
  The housing development proposed has good access to existing provision of community facilities, such as places of worship, community centres, post office, police and fire stations. These are unaffected by the proposals and their use will be reinforced by the development. In addition, as part of the development an area of 325sqm within the local centre is also proposed to be allocated for a community facility. These facilities will be **permanent, serve local needs and be of minor beneficial significance in EIA terms.**

- Open Space, Sports and Leisure
  Within 0.5 miles of the application site is the Go Active Leisure Centre within the existing settlement. This has a good level of facilities provision and there is further sport and leisure within Creswell and Bolsover. Within the proposed development, an open space network containing parks and gardens, provision for children, young people and outdoor sports facilities are proposed. In all instances (with the exception of the Community Orchard), the scale of provision within the development exceeds the Council's policy requirements. In total, together with Green Infrastructure 57.73 Ha are proposed. In EIA terms the ES considers this is a **permanent, local scale effect of moderate beneficial significance.**

Officer assessment of Very Special Circumstances

Officers concur that the direct and indirect levels of employment provision, the construction related economic benefits, the level of housing provision, provision of education and health facilities, community facilities and open space, sport and leisure provision are significant material considerations that weigh in favour of the development to the extent and weighting described above. These benefits should be given appropriate weight in their assessment of 'Very Special Circumstances' accordingly. It is also a relevant consideration that the development proposal intends to contribute towards the costs of necessary additional transport infrastructure which would provide an economic benefit to the wider area and will provide a logical extension to the existing town centre retail facilities without the loss of existing employment uses, which can be relocated into the development site. Such matters are material economic and social benefits in themselves.

Affordable Housing

The Housing Needs Assessment for Clowne (2016) suggests that of the 525 respondents to the survey, 38% (N=199) felt those seeking affordable housing and 33% (N=173) felt those seeking to become first time buyers would have some difficulty in finding housing in the Parish. The application as proposed would secure 112 affordable dwellings and provide market housing suited a range of purchasers including first time buyers.

Open Space and Public Access

Whilst the area currently provides limited accessibility in terms of permissible access routes, the proposed scheme will provide for significant new access areas and green infrastructure provision across the whole of the site. This will significantly improve the areas access to quality greenspace, a deficit that presently exists within Clowne according to the Open Space Strategy 2017. The development also proposes landscaping which will improve the visual amenity of the area and provide a robust Green Belt boundary, ensuring future resilience. The extension of the woodland to enclose the proposed employment land will function as a durable boundary feature whilst at the same time providing associated ecological corridor benefits. These aspects of the proposal are considered to reduce the consequent impacts on the purposes of the Green Belt to the lowest reasonably practicable extent.

Green Belt Technical Paper Evidence

In addition to the above factors it is also relevant to consider the Council's rationale as part of the Emerging Local Plan for removing the land from the Green Belt. Bolsover District includes a small part of the Green Belt that surrounds the Sheffield and Rotherham conurbation. Within Derbyshire this area is called the North Derbyshire Green Belt and was originally established in 1955 to control the urban sprawl associated with Sheffield and Rotherham encroaching upon Derbyshire Settlements such as Clowne and Barlborough. The extent of the Green Belt has not been amended since 1990.

As part of the Council's production of the Emerging Local Plan, the need to remove the land from the Green Belt to establish the formal allocation of the site has been considered following the demonstration as shown above that the parcels of land concerned only partially meet the

purposes of the Green Belt designation (See Green Belt Review Supplementary Report Evidence). Following on from this the Green Belt Technical Paper evidence considers the merits of removing the land from Green Belt. The Paper focuses on the case of *Calverton Parish Council v Greater Nottingham Councils (2015) EWHC 10784* which sets out a number of matters that should be considered to ascertain whether 'exceptional circumstances' exist to justify alteration of Green Belt boundaries within an Emerging Local Plan. These relate to:

- Test 1 - The acuteness / intensity of the objectively assessed need

  In relation to housing need, Bolsover District falls within a housing market area which extends to include the adjoining districts of Chesterfield, Bassetlaw and North East Derbyshire. The geography of the District means that its housing market, particularly in the southern part of the District, is also influenced by adjoining towns including Mansfield and Alfreton. Bolsover District has a Housing Objectively Assessed Need of 277 dwellings per year based on its updated SHMA (October 2017), meaning the Council will be expected to deliver 4,080 new dwellings over the plan period.

  In relation to employment need, Bolsover District's FEMA extends around the District so including all of its neighbouring authorities. Based on the evidence provided by its EDNA, the Council is pursuing a high employment land requirement of approximately 80 to 100 hectares since the monitoring start point of 2015. Based on the amount of development completed since this start date, the Local Plan will need to allocate in the region of 68 hectares.

  To meet these requirements with a range of deliverable sites, the Council has examined its potential supply of available, suitable and achievable for both housing and employment sites and to meet these requirements it is necessary to utilise the two small parcels of land for employment land.

- Test 2 - The inherent constraints on supply / availability of land prima facie suitable for sustainable development

  As a rural district, Bolsover District has large areas of undeveloped land currently allocated as countryside. As such, land is not overly restricted within an administrative boundary or by national designations. However, not all of this land is available, and that which is available is often not suitable for sustainable development. Despite this, the greatest constraint on supply of land is achievability given the District has challenging viability due to below national, East Midlands region and Derbyshire county average house prices.

  From a housing perspective, the Housing Land Availability Assessment has identified that across 131 available and potentially suitable sites that are achievable during the plan period there is sufficient land across the District to deliver:
  - 1,880 dwellings within 0-5 years;
  - a further 8,887 dwellings within 6-15 years.

From an employment land perspective, the Employment Land Availability Assessment has identified that as much as 100 hectares of land is required over the next fifteen years. This application provides around a fifth of this requirement.

- Test 3 - The consequent difficulties in achieving sustainable development without impinging on the Green Belt

Sustainable development is that which meets the three roles set out in the NPPF (paragraphs 6-10). The aim of the approach taken in the Local Plan is to secure sustainable development through the allocation of housing and employment land in accessible locations where there will be no significant environmental harm together with economic and social benefits (i.e. houses and jobs). In doing this, the Council has assessed the relative sustainability of its settlements through the Settlement Hierarchy Study. Based on this evidence, the Council's preferred spatial strategy has been set out as follows:

> "To achieve sustainable development, the Local Plan will direct development and service provision within Bolsover District in accordance with the following settlement hierarchy:
>
> 1. firstly to the Small Towns of Bolsover and Shirebrook and the Emerging Towns of South Normanton and Clowne;
> 2. then to the Large Villages of Creswell, Pinxton, Whitwell, Tibshelf and Barlborough.
>
> Beyond these more sustainable settlements, the Local Plan will support limited development in a small number of the Small Villages."

This approach has been assessed through the Sustainability Process alongside the other reasonable alternatives. The hierarchical strategy outlined above has been identified as the most appropriate strategy.

At a more detailed level, within Clowne the preferred option of the Clowne Garden Village to the north of the emerging town has been assessed through the SA process alongside the reasonable alternatives to the south and west of Clowne. Through the SA, the northern Clowne Garden Village has been identified as the most appropriate strategy.

Within the Clowne Garden Village site, options to progress the site without the release of the land in the Green Belt has been considered but without the additional employment land in that location it is considered that the allocation would not achieve as sustainable a form of development for the following reasons:

- Economic – losing the employment gateway land would undermine the achievability of the development and moving it further east within the site would be less attractive to the market by being further away from the existing employment area of Barlborough Links and would either replace or displace some of the housing land;

- Social – a less achievable scheme would put at risk the planned delivery of the new primary school and other community infrastructure, and would result in the loss of employment opportunities within Clowne – a settlement which currently has a relatively low employment base according to the SA and associated policy evidence;

- Environmental – whilst losing the employment gateway would remove some minor environmental impacts, moving it further east within the site would put greater pressure on more sensitive landscape areas. In addition, the provision of new roads will address existing capacity concerns at key junctions in Clowne.

Finally the Green Belt Technical Paper evidence suggests that from a settlement form point of view, removing the area of land from the Green Belt will allow for a form of rounding off of the settlement and enable the jobs within that location to be in close proximity to the rest of Clowne so as to address existing infrastructure concerns in an environmentally sensitive manner. Furthermore, the form of development has been identified as the most appropriate strategy through the SA process.

- <u>Test 4 - The nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed)</u>

  The Partial Green Belt Review evidence concludes that the parcels of land being considered for removal from the Green Belt only contribute to purpose (b) protecting the countryside. On this basis, as a rural district the Housing and Employment Land Availability Assessments demonstrate that the Council must release countryside sites in order to meet general development need. This is not specifically a Green Belt issue, as it is recognised that here, or elsewhere, countryside must be encroached upon to accommodate the apparent need.

  When the Green Belt was designated in 1955, its purpose was “to limit the sprawl of the Sheffield and Rotherham conurbation, preventing it joining up the settlements of north eastern Derbyshire”. In that respect, the proposed development would not prevent these aims from being maintained.

- <u>Test 5 - The extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent</u>

  The Council’s Green Belt Technical Paper suggests the existing western boundary of Clowne is already closer to Barlborough than the developments proposed within the Emerging Local Plan. Therefore the existing ‘gap’ is actually not impinged on when the details of the proposal are taken into account and this is considered to mitigate significantly against the weight to be given to the ‘consequent impact on the Green Belt.’

  The development proposed would not be unrestricted, as it would result in defined and meaningful boundaries being developed for the future; urban sprawl would not be encouraged with durable features utilised to bound the released land in a spatial sense. The proposals would also not actually bring settlements closer together in terms of the physical built form or conglomeration of settlements. The proposal provides an

opportunity to create a strong and long term defensible Green Belt boundary, which is more resilient than that which exists at present.

In relation to the suggestion that any impact should be offset by compensatory improvements to the environmental quality and accessibility, this was already a major consideration as part of the allocation. Whilst the area currently provides limited accessibility in terms of permissible access, the proposed scheme will provide for significant new access areas and green infrastructure provision across the whole of the site, significantly improving the areas access to good quality greenspace. The scheme will also incorporate good quality landscaping which will improve the visual amenity of the area and provide a robust Green Belt boundary for future resilience.

In addition to this, through careful extension of the woodland to enclose the proposed employment land, a durable boundary feature could be introduced that would be characteristic of the landscape and have associated ecological benefits. These two amendments to the proposal are considered to reduce the consequent impacts on the purposes of the Green Belt to the lowest reasonably practicable extent.

Conclusions on the development in Green Belt

The proposed development would be harmful to the Green Belt due to it being 'inappropriate development' that will impact upon the concept of the openness of the Green Belt. There would also be a degree of related harm due to adverse landscape impacts and the loss of agricultural land within the landscape setting of nearby listed buildings, and in turn this will impact the character of the Green Belt. In line with national planning policy, substantial weight is to be attached to any Green Belt harm and the other harm identified.

Having regard to the significant contribution which the development would make towards the need for housing and employment land in the area; the significant contribution which the development would make in supporting the delivery of a strategic housing and employment allocation including the provision 6.2% affordable housing and support for essential infrastructure and services within the wider area; the wider benefits for the local economy; the substantial body of evidence from work within planning policy documents to date which support the identification of the site as suitable for a sustainable mixed use development; the strong likelihood of a strategic allocation to the north of Clowne being formalised in the future; and the significant need for education services that would not be otherwise delivered by another realistic quantum of development in the area and hence seeking to maintain and support a sustainable community; it is considered these factors weigh substantially in favour of the proposals.

Taken together, and as set out in detail above, these factors are considered to constitute very special circumstances sufficient to outweigh the harm identified to the Green Belt and its purposes.

6. Key Issues

In light of the above conclusions, the remaining key issues in the determination of the current application concern resolution of the environmental matters covered in the Environmental Statement accompanying this application, which are namely:

i. Transport
ii. Air Quality
iii. Noise
iv. Landscape and Visual Impact Assessment
v. Cultural Heritage
vi. Biodiversity
vii. Public Safety

These matters are discussed in the following sections of this assessment.

(i) Transport

Although access is now a reserved matter, the application is accompanied by detailed highway junction drawings of the accesses proposed to serve the site. The application also includes a Transport Assessment (TA) which assesses the existing transport network in the vicinity of the site (such as the M1, Treble Bob roundabout) and models the uplift in the intensity of use that would occur from the development. The application also includes details of off-site highway improvements on the wider road network from J.30 on the M1 through Barlborough Links to the application.

Highway Capacity Considerations

The Transport Assessment accompanying the Environmental Statement (ES) utilises Bolsover Council commissioned transport data as part of the Clowne Transport Study (2016). The applicants also utilised a Manual Classified Count at key highway locations on Wednesday 8th June 2016 and Automated Traffic Counts over a seven day period (7th – 13th June 2016). Turning Counts evidence from Derbyshire County Council 2014 were also utilised.

This evidence was used in highways modelling analysis (LinSig, ARCADY and PICADY) and shows that the Treble Bob roundabout and A616/A618/North Rd junctions were operating at capacity in Peak Hours (the AM and PM peaks).

Taking account of committed developments in Clowne, the 1800 house development proposed and the 25Ha of employment area, the modelling utilised considers a total of 807 arrivals and 784 departures during the AM peak and 696 arrivals and 761 departures during the PM peak would be likely to occur. The results of these peak hour assessments for the existing and proposed junctions used to access the site indicate that mitigation would be required at:

- M1 (Junction 30) – proposed signalisation scheme;
- Treble Bob roundabout – replacement with a signalised junction;
- A616 / Midland Way / High Hazel Road – enlargement of existing roundabout;

- A619 / A618 signalised junction – upgrade

Designs have also been produced to show mitigation that may be if triggered by transport monitoring following the completion of the development:

- A616 / Clowne Road (road alignment changes/ lane widening)
- A616 / Dobbies Roundabout (road alignment changes / lane widening)

Subject to these offsite improvements, the Environmental Statement considers there would be a minor adverse significance of effect in the long term regarding driver delay.

Treble Bob Roundabout

Detailed highways modelling has been carried out to predict the uplift in traffic movements associated with the development. Trip destinations and survey information have been used to determine the extent of the uplift at particular junctions and in the main, the applicants propose interventions to deal with this uplift, in order that the affected junctions continue to function within capacity in the long term.

The most significant of these interventions is at Treble Bob roundabout. This involves a £3.4 million overhaul of the junction in order to provide a more efficient signalised version. The application is also proposing to contribute to the full cost of this 'once and for all' improvement to Treble Bob, which if agreed would result in substantial public benefits by removing one obstacle to the future growth of the District. However there is some degree of uncertainty as to when the funding to enact the implementation of the improvements will be available and how this sits alongside the increasing effects of the development if permitted.

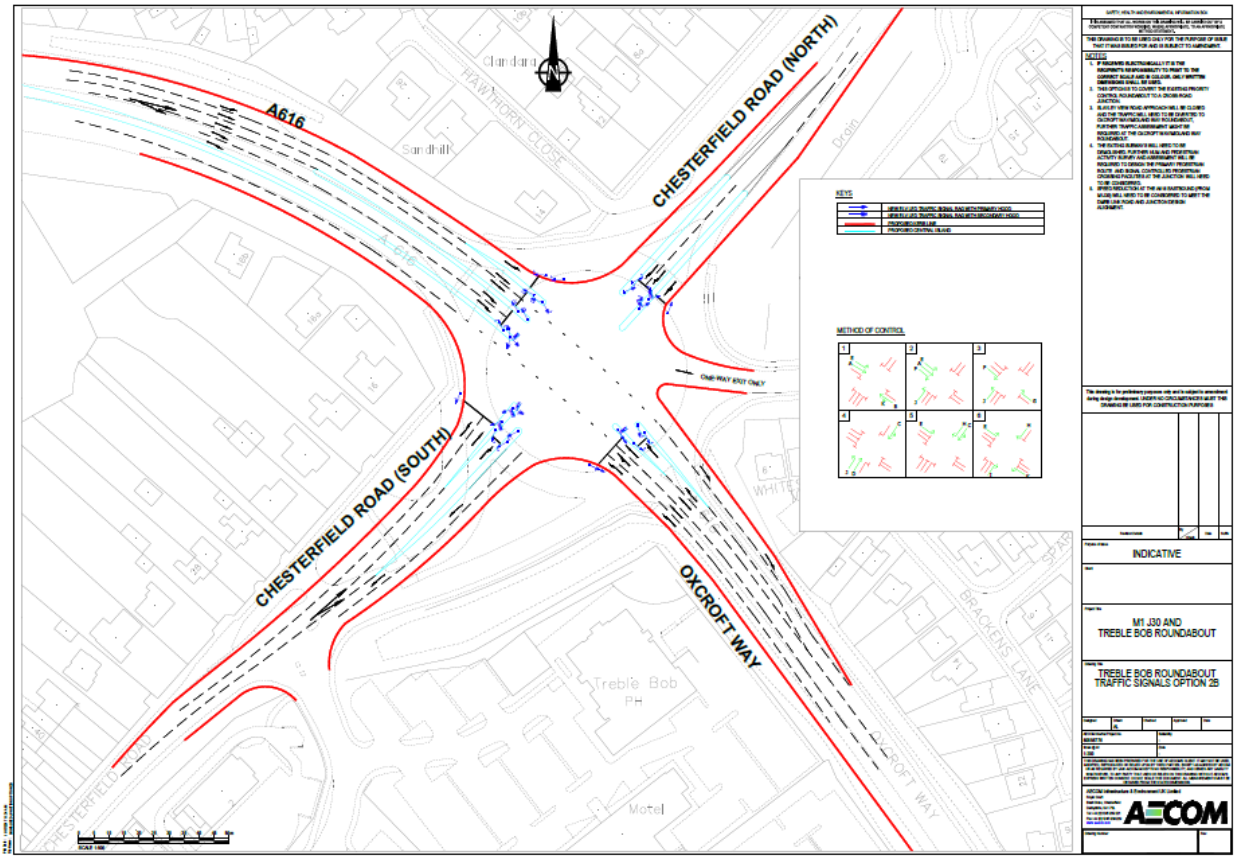

Figure 2: Proposed Treble Bob signalisation design (Option 2B) that realises highest capacity

Equally, the wider transport capacity impacts on Treble Bob roundabout and the knock on impacts for J30, remain a concern to the County Council and Highways England. Therefore, at this stage, further transport modelling work is required to consider the improvements to Treble Bob and greater clarity may well be required as to how the improvements will be delivered at an early stage of the development before a permission could be granted for the current application.

- <u>M1 Junction 30</u>

As the proposals result in increased capacity which may affect Highways England's strategic road network in terms of the M1 J30, Highways England have considered the submitted details accompanying the application. Highways England initially queried some of the assumptions underpinning the technical Highways Modelling work provided and sought further information from the applicant. The information provided in conjunction with the Treble Bob transport modelling to date, indicates there would be a potential effect on Junction 30 of the M1 through the backing up of traffic at Treble Bob. Therefore despite the signalisation upgrade proposed, the capacity impacts are not yet shown to be resolved.

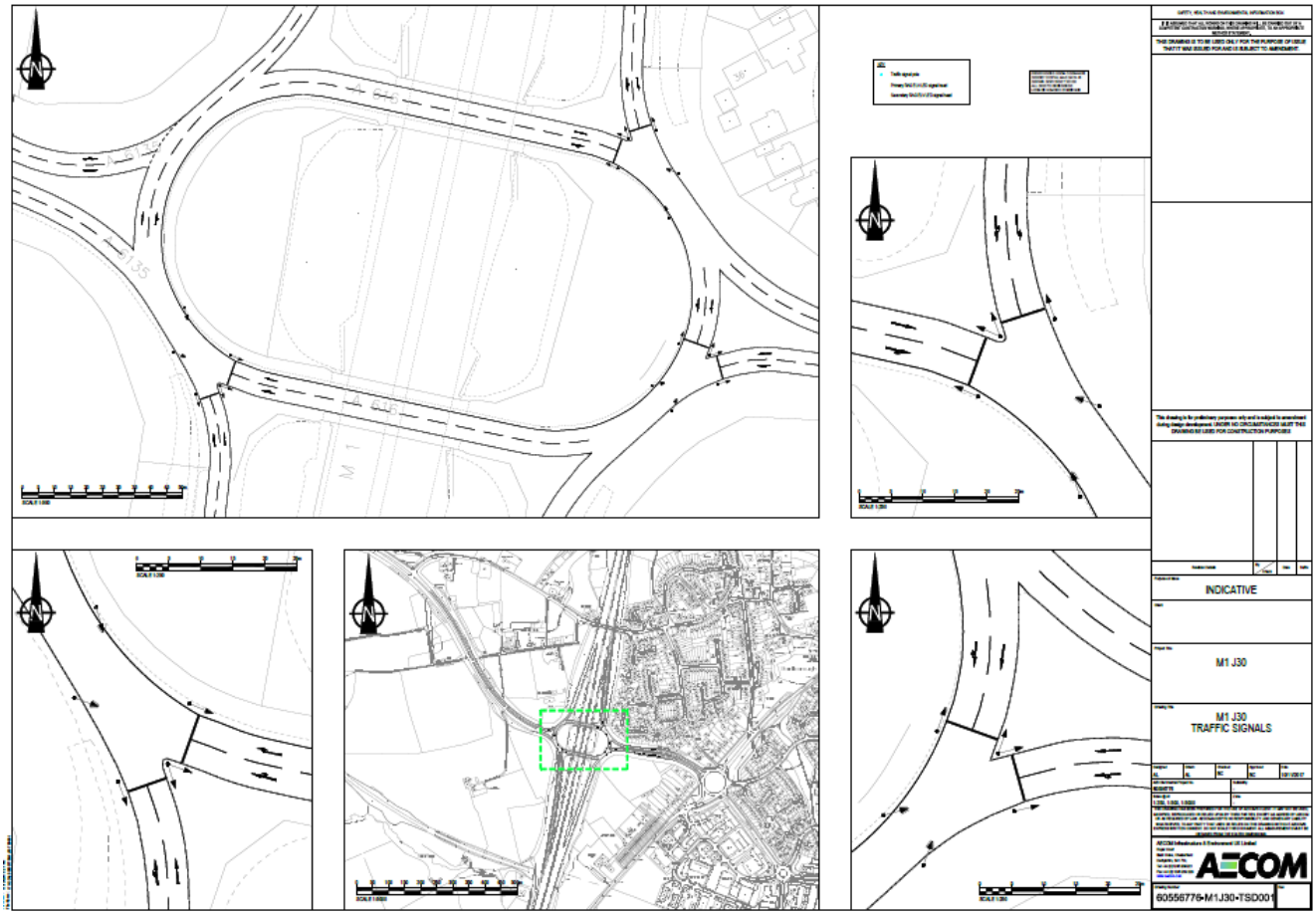

Figure 3: Proposed Signalisation of M1 J30

- <u>Traffic travelling south from the development</u>

The trip destinations analysis within the Transport Assessment shows that approximately 20% of the traffic associated with the development would travel south ultimately along Mansfield Road. The Transport Assessment suggests this is a 'worst-case' assumption as it assumes no local trips (such as to local shopping facilities in Clowne) or trips between the residential and employment parcels of the Clowne Garden Village site. This builds in robustness to the modelling.

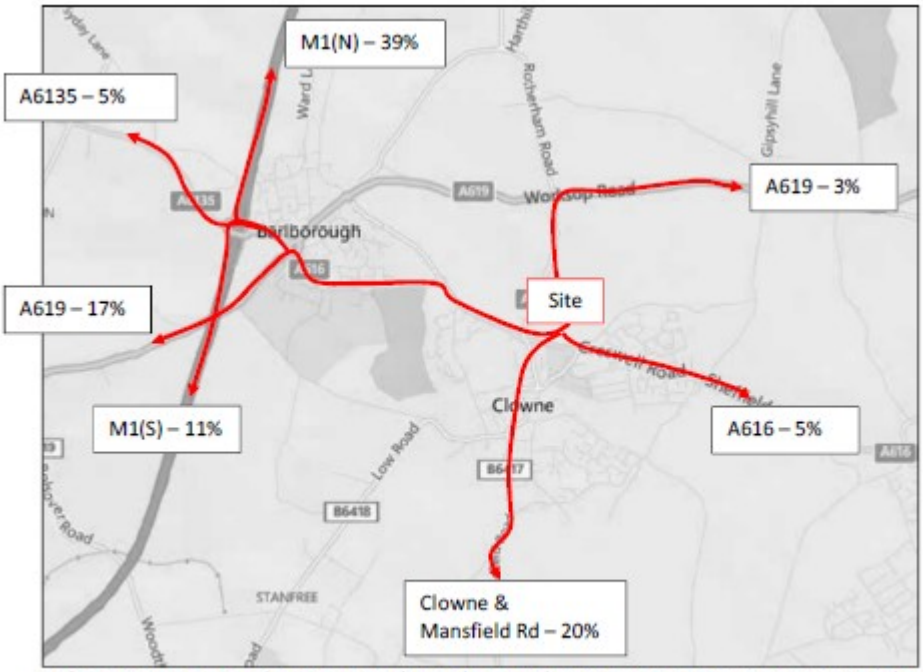

Figure 4: Trip Distribution taken from Transport Assessment

An area of uncertainty exists regarding the effect of this traffic on the junctions at High St / Mansfield Road, High St / Boughton Lane and North Rd / Station Road. The Highway Authority suggest that without full modelling data the impact of the 20% of traffic travelling south upon the functioning capacity of these junctions is not fully understood.

In response the applicant suggests that because the trips are 'Peak Hour' and do not account for local journeys (for example to the Supermarkets in Clowne Centre) the effects on these junctions would not be significant, and that further modelling evidence would realise little. The applicant makes the case that the development cannot be expected to rectify all known problem junctions in Clowne.

Taking into account both arguments, Officers assess there is a risk that as the proposed development comes forward, the town centre and onward junctions to the south of Clowne would carry an increasing amount of traffic. These impacts will need to be dealt with in the longer term and could be prioritised by the Council and/or County Council directly to avoid placing further financial burdens upon the development or the Council could seek to direct more of the developments funds towards resolving this issue. This is a matter that could be revisited by if the Council was minded to accept the application in principle subject to further discussions regarding traffic capacity impacts and potential improvements.

Nevertheless even taking into account the longer term risk of capacity issues in the town centre, the wider public benefits of early delivery of a 'once and for all solution' for the Treble Bob roundabout (if shown to meet or exceed the capacity required) is considered to offset and outweigh these capacity issues. Coupled with the wider employment, housing, schooling and infrastructure benefits, the planning balance is considered to weigh in favour of the proposals.

Junction Locations and Highway Visibility

In terms of highway visibility, the indicative proposed junctions that will likely be formed to access the site are shown to have sufficient visibility to function correctly for the speed limit of the road at that point. In principle the Highway Authority raise no objections to the junction designs shown subject to further detail at the Reserved Matters stage when 'Access' is included as part of the application. In addition a secondary process under the Section 278 Highways Adoption process will be necessary before any works can commence within the public highway.

Pedestrian Linkages and Safety

On site Pedestrian Linkages

With regard to pedestrian linkages on the site, it is clear that the development of the site area in question will affect existing public rights of way crossing the site. But given the site is proposed as an outline submission, the detail as to the exact routes relative to the proposed development are not yet part of the considerations before the Council. Reference is made in the Design and Access Statement accompanying the application that these routes will be retained and the phases of development designed to provide good linkages with the existing network, including the existing Town Centre via Boughton Lane, Rotherham Road, the new Station Road link and the Gapsick lane pedestrian links via Hickinwood Lane. Taking this into account, Officers assess that as part of the overarching design brief for the site, maintaining these routes and designing them such that they retain good quality outlook and natural surveillance should be a condition of the consent. Accordingly a condition relating to the provision of an overarching site movement framework is recommended.

Linkages to Clowne centre

The linkages proposed into the site would come from Boughton Lane, Off Rotherham Road and via the new link provided through Station Road Industrial Estate. These linkages provide adequate vehicular access for future occupiers of the development to existing services in the town centre. However, whilst the pedestrian linkages at Boughton Lane and Rotherham Road are considered acceptable by Officers and the Highway Authority and can be enhanced as part of the wider access strategy for the site (by pedestrian crossings for example), the linkages at the new Station Road route are more problematic.

This was highlighted by the Council in the Clowne Transport Study and Addendum document which shows that a restricted width pedestrian footway is apparent adjacent 2A Station Business Centre, with no footway on the opposite side of the road. It is apparent the narrowness apparent would be unlikely to prevent an able bodied pedestrian utilising the footway but could impact use by the elderly, users with wheelchairs and pedestrians with pushchairs.

The study goes on to explore ways of improving this situation to provide improved pedestrian linkages to the north of Clowne via Station Road. Amongst others, demolition (or more latterly partial demolition) of a building owned by the Council known as 2A Station Business Centre were considered. In addition; use of a one way system or utilisation of the former rail line as a pedestrian link were also considered. It was found through highways modelling that the use of a one way system would cause greater traffic problems than current arrangements in highway

capacity terms.

One option being considered by the Council's Property and Regeneration Service is to improve accessibility to the centre via partial demolition of 2A Station Business Centre, a Council owned property.

Figure 5: Pedestrian Pinch Point, Station Road (Taken from Google Maps 2018)

This Council project is in its infancy but represents an opportunity for the Council working in conjunction with the County Council to improve pedestrian accessibility independently from the application development. Such action would accord with the Public Sector Equality duty as it would offer the opportunity to reduce the disadvantage experienced by those with Protected Characteristics (for example, those with a disability affected by the narrowness of the access). The opportunity also seeks to link in with the County Council owned Clowne Linear Park which would be a significant enhancement to the walking network within the town.

Officers also recognise however that if the Council project is not able to progress to fruition, although this would be clearly less desirable – the development in itself does not cause or otherwise prejudice those with Protected Characteristics as the narrowness of footway apparent is a pre-existing situation. In addition alternative routes would be available from within the site to the village centre and its shopping facilities. As such, Officers do not consider the narrow footway constraint would be so significant as to substantially erode the wider sustainability credentials of the site allocation as referenced elsewhere in this report.

Off Site Impacts and Linkages

A number of respondents to the application have made reference to offsite matters in Barlborough that should be improved as part of Clowne Garden Village development. Officers have considered these requests carefully and sought advice from the Highway Authority regarding the justification for these offsite interventions.

It is understandable that respondents would suggest that existing routes that will experience uplift in traffic associated with the Clowne Garden Village development should be considered for improvement. Requests for traffic lights, speed restriction changes, parking restrictions, pedestrian crossings and new pedestrian footways have been received for a number of locations. These interventions would be secured by a Traffic Regulation Order application administered by the County Council, for which fees are payable to make the application. However in the majority of cases, the requests received are considered to conflict Government advice in the PPG regarding Planning Obligations. In order to constitute a legitimate Planning Obligation request the request must meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. The majority of requests received seek to remedy existing problems that are relatively unrelated to the development.

For example:

- a request to provide a new pedestrian footway along the entirety of the north side of Oxcroft Way is considered to not be fairly and reasonably related to the development proposed or required to make the development acceptable in planning terms. Particularly when a footway already exists on the southern side of the road providing adequate access between Clowne and Barlborough

- a request to provide crossing points at top of Hancock Hill making access to Barlborough Primary School, St James' Church, GP Surgery, Post Office, Council Office and Village Hall easier is again not fairly and reasonably related to the development, relates to a pre-existing issue substantially separate from the development and thus is not required to make the development acceptable in planning terms.

- A request that the developer should be expected to provide a railway station with the purpose of establishing a link with Chesterfield and reducing congestion is not fairly reasonably related to the development.

- Requests for speed limit and parking restrictions could be legitimate, but when examined in detail with the County Highway Authority, the changes are not considered to be justifiable in highway terms and as such are not required to make the development acceptable in planning terms (provided the highway capacity mitigation such as replacement of Treble Bob, is provided)

The main item that Officers do consider could be incorporated to improve pedestrian linkages around Treble Bob roundabout is improvement to the narrowness of the pedestrian refuge between Treble Bob and Oxcroft Way. This route will be subject to traffic increases that will further exacerbate the obvious narrowness of the refuge and difficulty crossing at this location.

The particular issue as highlighted in representation is that the refuge would not serve a functional purpose for a wheelchair user or pedestrian with push chair, and as such an improvement at this location ought to be considered as part of the wider replacement of the junction.

Transport Conclusions

The current application includes a package of highway improvements including improvements to J30 of the M1 and the Treble Bob roundabout (junction of A616 and A619). The applicant is also proposing to contribute the full cost of a 'once and for all' improvement to Treble Bob, which if agreed would result in substantial public benefits by removing one obstacle to the future growth of the District. It has also been acknowledged by the Highway Authority the application site can be provided with safe and suitable access points

However, the proposed improvements to J30 of the M1 and the Treble Bob roundabout are still pending consideration at the time of writing. Nonetheless, in representations on the emerging Local Plan and this application: both the County Council and Highways England are clear that they consider a solution can be found and a pre-commencement condition requiring details of the precise design and delivery of the proposed improvements to J30 of the M1 may be appropriate in this case if there were no other objections to the current application on planning grounds.

(ii) Air Quality

The submitted Environmental Statement considers the issue of Air Quality specifically. The assessment focuses on pollutants of concern such as Nitrogen Dioxide and Nitric Oxide, particulate matter (PM10 and PM2.5) and construction dust.

Bolsover District Council have two air quality management areas to the west of the development site. 'Air Quality Management Area 1' which covers one property, 14 Chesterfield Rd to the north of A619/616 roundabout and 'AQMA Barlborough 2' which incorporates 17-25 Orchard Close (odd numbers only, five properties total) to the east of the M1 near junction 30.

Bolsover District Council operate a network of local air quality monitoring sites to measure annual concentrations of Nitrogen Dioxide. It is reported that none of these sites have shown exceedances of Nitrogen Dioxide objectives since 2013, including those monitoring sites in or near the AQMA.

The Air Quality evidence within the application submissions suggests that air quality impacts should be assessed in terms of the construction impacts (when dust is likely to be the greatest impact) and the operational phase (when the impacts will primarily be associated with vehicle emissions).

Construction Phase

In accordance with IAQM guidance, the main air quality impacts that may arise during construction activities are dust deposition resulting in soiled surfaces, visible dust plumes, elevated PM10 particulate matter concentrations and an increase in air borne particles and

NO2 from exhaust emissions from site equipment.

The applicants have followed a Construction Dust Assessment Methodology in the production of the ES. This assesses the risk of dust impacts by examining the sensitivity of the affected area, the scale of the project and the proximity to sensitive users, identifies the needs for site specific mitigation and defines the resulting impacts and their significance post mitigation. In this case it is proposed to carry out dust generating activities away from the where possible and if this is not feasible, to seek to ensure activities are located away from the most sensitive receptors. In particular Table 8.12 in the ES sets out a communication strategy, suggests the development and implementation of a Dust Management Plan, carry out monitoring onsite and off-site, erection of screens and barriers where required, enclose activities with high dust potential, cover stockpiles to avoid wind distribution, provision of effective water suppression, water assisted dust sweepers and wheel wash amongst other solutions. It is typical practice for such measures to be encompassed within a Construction and Environmental Management Plan document which could reasonably be conditioned.

Environmental Protection have considered the proposed dust suppression methodology mentioned in the ES and have considered the assumptions underpinning the reports prepared by a Chartered Scientist and Environmentalist with 20 years experience of atmospheric science and air quality. Environmental Protection raise no objections to the submitted details subject to the provision of a formal Construction and Environmental Management Plan and do not dispute the conclusions within the ES as Para 8.121 that the impacts on the area post mitigation would not be significant.

Operational ‘As built’ Phase

Utilising existing traffic data to establish baseline Nitrogen Dioxide Annual Concentration and the projected traffic data for the development in 2032, the submissions indicate that there would be negligible impacts in terms of NO2 at all Receptors in the area.

Regarding Particulate Matter, PM10 and PM2.5, three scenarios have been modelled in the submissions which would cause different levels of increase in traffic along local roads. This modelling used local road traffic emissions with 2020 vehicle emission factors and background concentrations. This information is said to represent a conservative approach and is not disputed in the Environmental Health Officers comments. The modelling results provided show that in the year 2032, all existing and new receptors will be subject to air pollutant concentrations which are below the air quality objective values for PM10 and PM2.5 respectively.

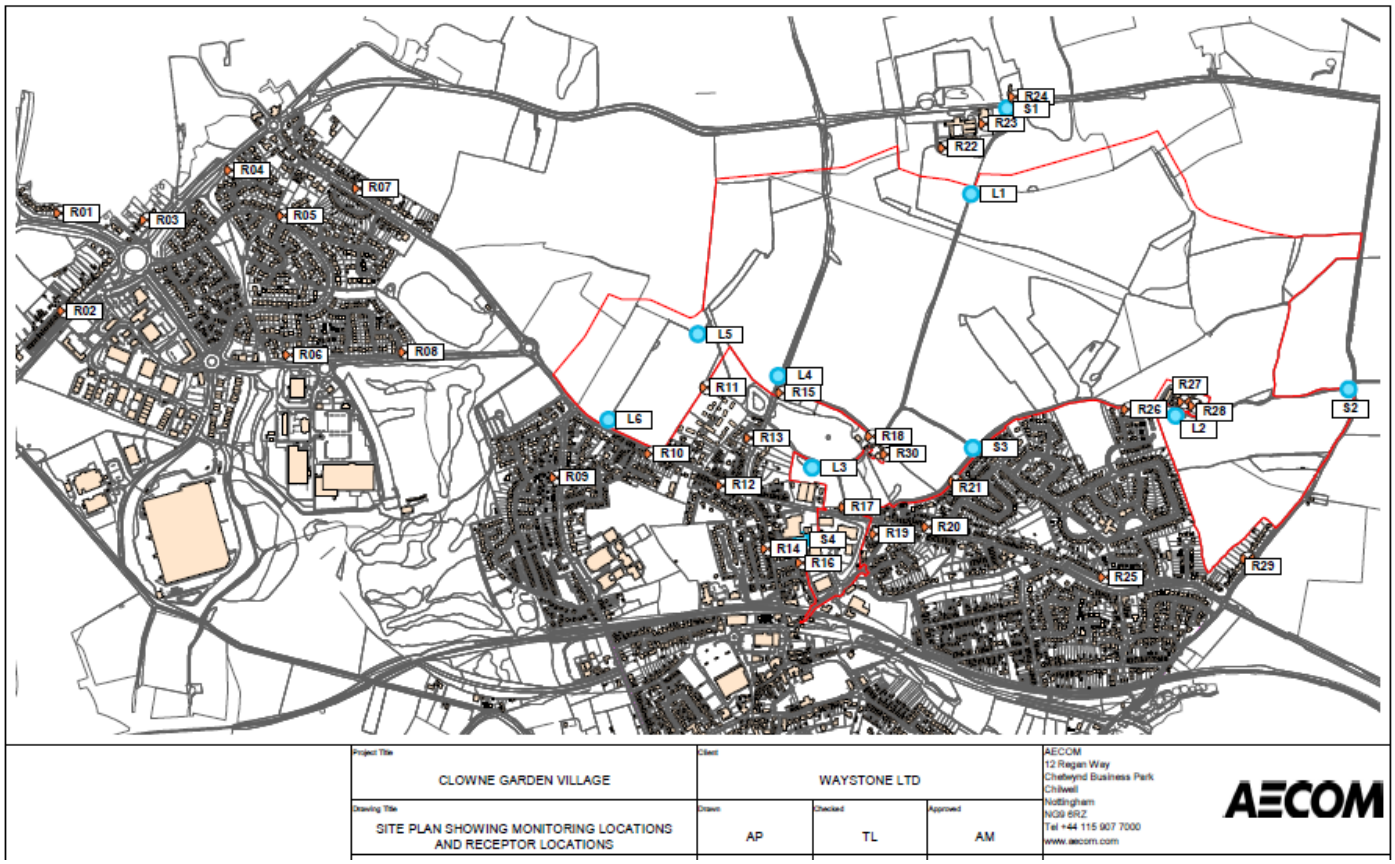

Figure 6: Air Quality Monitoring Locations

The report highlights that it would be good practice to ensure the provision of at least 1 Electric Vehicle Charging Point per 10 dwellings and per 1000sqm of commercial floor area and this approach is endorsed by the Council's Environmental Health Officer. Although some minor queries were raised by the Environmental Health Officer, the methodology and results of the air quality evidence provided are not disputed and air quality in terms of Nitrogen Dioxide and Particulate Matter in the area are not shown to be significantly affected by the development.

The Council's Environmental Health Officer does raise the point that monitoring should be imposed by condition to enable review of the development's effects on air quality to ensure the assumptions used, bear out in practice – for example should there be any delays in road infrastructure implementation. Officers see no reason to disagree and conditions regarding future air quality monitoring and mitigation are capable of dealing with these issues.

Conclusions on Air Quality

There is sufficient evidence to conclude that the proposals would not detract from air quality subject to a periodic review of the air quality during the course of the development to determine whether the assumptions made in this application are correct. Therefore, if permission is granted, it will be necessary to identify points at which revised air quality assessments could be submitted to demonstrate that the assumptions made in the application are justified and that as the detailed layout of the development and the impact on road junctions become clear, further modelling can be carried out to determine if any further mitigation measures need to be implemented as the development goes forward.

(iii) Noise

The application is accompanied by a Noise Impact Assessment which considers existing noise and vibration levels in the vicinity of the site and models the expected noise levels that will result from the development during construction and during the longer term operation of the development.

The submissions identify sensitive receptors in the vicinity of the site and provide details of sound measurement levels collected on 11th – 18th October 2017 (long term unattended measures) and short term attended measures taken on 18th – 27th October 2017 used to establish the existing ambient levels. The assessment aims to ensure that internal noise levels within existing and proposed dwellings achieve BS8233 standards and World Health Organisation (WHO) Levels. BS4142 for commercial noise is also considered.

At this outline stage the site layout is not yet finalised and as such it is not possible to undertake detailed noise ingress calculations beyond the modelling analysis shown in Appendix 9.5 of the ES. The application submissions report that with suitably specified facades, glazing and ventilation – properties within the development would be able to achieve the relevant BS8233 and WHO standards. In particular the submissions suggest that where new residential development is proposed in close proximity to existing industry or commercial uses (such as in the case of the Station Road residential uses and Derim Steels), careful attention will be required to be paid to the building layouts and orientation such that any impacts are minimised.

Construction Phase

With regard to the effects during the construction process, it is suggested that ground works are likely to result in the highest noise impacts. This is because these works often utilise piling equipment, excavators and dump trucks. Building construction - beyond groundworks - generally results in lower noise levels. As is usual practice for developments of large scale, a Construction and Environmental Management Plan that can be secured by condition would document methods for managing and minimising noise impacts. Such measures would be likely to include the use of screening to the perimeter of the site during certain phases or processes, 20m buffer to piling activities, vehicles and plant fitted with silencers, acoustic enclosures to continuously running equipment, hours of work restrictions and programme of noise monitoring. Based on the inclusion of these measures, the noise impacts resulting from the development are suggested to be of minor adverse impact.

Operational Phase

During the operation of the development, the Transport Modelling used in the Noise Impact Assessment suggests that for the majority of receptors in the vicinity of the site, the effects are classed as negligible or minor adverse – and not significant in EIA terms. However there are some instances where existing receptors located in the vicinity of the new site roads and other circumstances are predicted to experience increases classed as moderate or major adverse. These include:

R16: Rear of existing properties on Chapel Close
R17: Existing residential properties on Cresswell Road adjacent new site access

R18: Harlesthorpe Lodge
R21: Hickinwood Lane Properties west of Harlesthorpe Ave
R26: Hickinwood Land Properties east of Harlesthrope Ave
R27: Existing Property adjacent Hickinwood Kennels
R30: Manor Farm

The potential options to mitigate traffic noise are suggested to include the erection of a noise barrier located between the new section of road and the affected properties or the inclusion of sound insulation performance to the affected properties within the site. The submissions suggest the positioning and specification of the barrier or acoustic specifications would need to be considered during the detailed design phase.

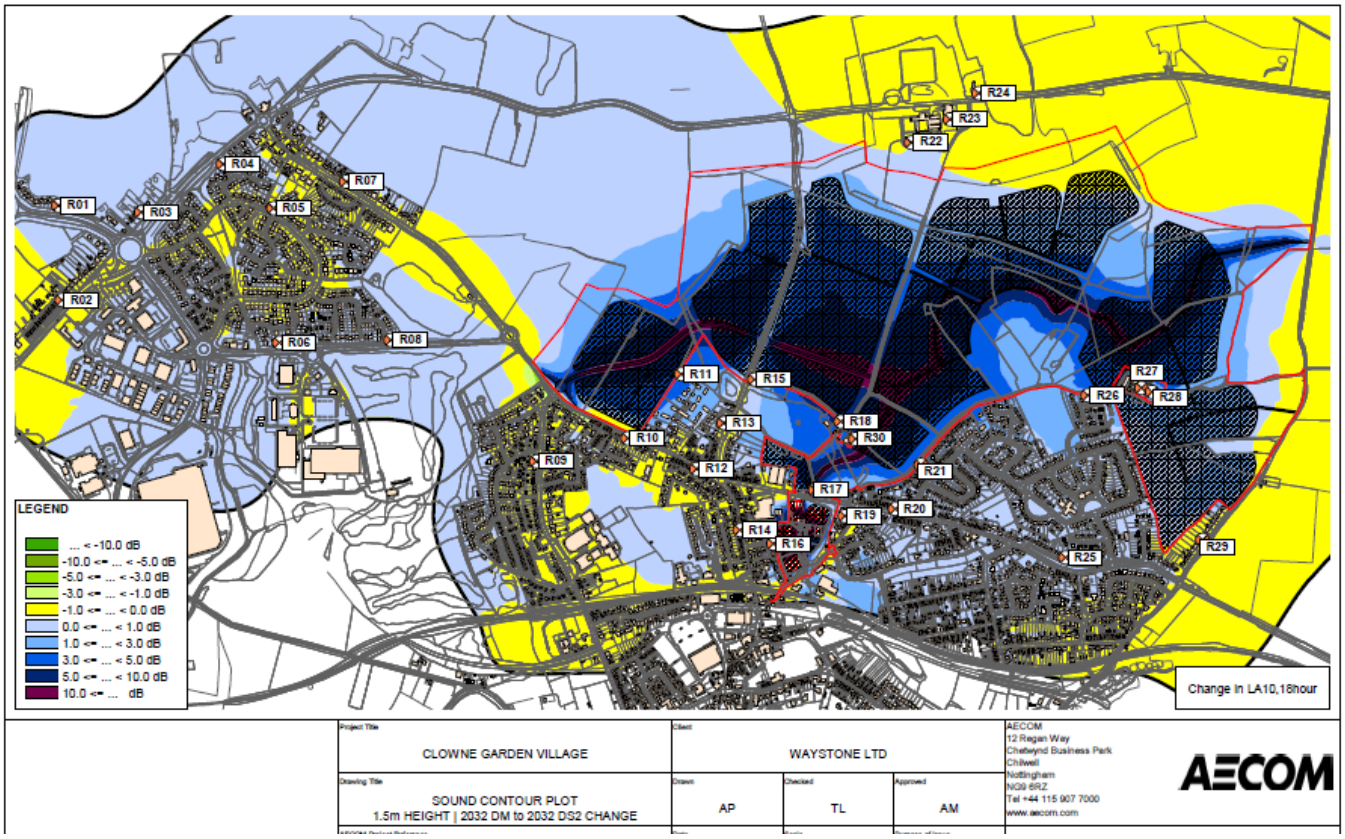

Figure 7: Example Noise Contour Modelling comparing existing and proposed levels

Potential Objections on Noise Grounds

In relation to potential impacts the Council's Environmental Health Officer does not object to the proposals in general terms and suggests that a form of development with appropriate mitigation could be development on the site without significant impacts. However an area of uncertainty exists around the effect of the additional traffic noise upon existing residential properties focussed around the access points into the site.

Environmental Health suggest further information is required from the developer as to how existing houses around the proposed access points into the site will be protected against adverse effects so that existing amenity levels are preserved as far as possible. Although some additional information has been submitted, potentially offsite mitigation may be required to

ensure noise levels are not significantly increased for those properties situated at the access points to the development. Officers wish to explore this matter further with Environmental Health and with the developer but it may be appropriate to utilise a condition or legal agreement to secure such measures.

Conclusions on Noise

At this stage, there is considerable scope to use the design framework to mitigate noise for a number of sensitive locations but it is likely that there will still need to be further mitigation measures proposed for road traffic noise etc. Therefore, whilst noise levels do not pose an overriding concern, additional noise surveys and noise attenuation measures will need to be secured by conditions if permission is to be granted for the current application.

(iv) Landscape and Visual Impact Assessment (LVIA)

The application is submitted with a detailed Environmental Statement incorporating a Landscape and Visual Impact Assessment (LVIA) and an Ecological Statement addressing the key biodiversity and other landscape impacts and benefits likely to arise from the proposed development. The LVIA assesses the landscape's value and aside from the Green Belt designation on the land west of Rotherham Road, the site is not governed by any landscape designations, is mainly arable fields of little scenic quality and is overall of moderate landscape quality. The site contains no particularly rare landscape features and is not considered unusual in terms of its landscape character. The Conservation Interest affected by the site includes a Conservation Area at Van Dyke Hotel to the north and a listed building at Manor Farm, intended to be retained. In EIA terms, the landscape affected can be described as being of medium sensitivity and medium landscape value.

The LVIA carries out a methodical assessment of the of key landscape viewpoints in the area and assesses the landscaping proposals as part of the submission. Overall the effect of the development on landscape character at the national level is considered to be negligible, given the extent of the Limestone Farmlands Character area. At the county level, characteristics outlined within the Derbyshire Landscape Character Assessment are affected by the proposals. These include the character descriptions of 'Gently rolling limestone plateau,' 'Large regular fields bounded by hedgerows' and 'Straight roads with uniform width verges. However the LVIA notes that the southern extent of the site also abuts the 'Urban' landscape character type. The LVIA assesses the combined effects - upon completion of the development - are considered to be Minor Adverse in EIA terms and that the longer term effects are considered to be Minor Adverse, given the adjacent urban characteristics outlined and the extent of the wider Character Area Type.

The effect of the proposed development upon the landscape at a site wide level is also considered within the LVIA. Inevitably there will be disruption to the local landscape through the provision of housing and employment development in place of arable fields. However in the context of the close association with the existing settlement, this overall effect is lessened. The development also proposes to mitigate this effect further by ensuring the scheme makes provision for the retention of existing woodlands and hedgerows in addition to supplementary

planting as part of the Green Infrastructure (new trees, hedgerows, woodland planting, public open space and SUDS features) within the site. The LVIA therefore formally assesses the overall effect of the development as Major to Moderate Adverse in the short term, reducing to a Moderate Adverse residual effect once the Green Infrastructure has had time to mature.

Officers see no reason to disagree with the conclusions reached in relation to the landscape impact of the housing development proposed and in general the commercial development. However it is noted that the LVIA provided does not directly reference the 26m height (approx. half the hub height of the adjacent wind turbine) indicated on the Masterplan for the site and it is unclear if the impacts suggested as being applicable are based on buildings of this height. Nevertheless, an agreed 'scale' of development does not form part of the outline application submission before the Council, and only the points of access are shown in detail. The Council therefore would be entitled to further discuss or seek a reduction of the height of the proposed buildings as part of any Reserved Matters submission when 'Scale' forms part of the application. Conditions can ensure that the reference in the Masterplan to 26m is not carried forward as forming part of the agreed permission in principle.

LVIA Conclusions

The main impact associated with the development is at the site wide scale and arises from the replacement of arable farmland with development and associated infrastructure. Green Infrastructure is proposed to offset this impact. On completion of the development, the overall effect is considered to be major/moderate adverse, and in the longer term a moderate adverse effect once the landscaping has had time to mature. Officers judge that although the proposals will result in some harm to the surrounding landscape, this is a necessary component of the scale of development on offer and the application will seek to minimise this effect as far as possible as part of the formal landscaping proposals.

Therefore, there is apparent conflict with Local Plan Policies GEN8 and ENV3 in that there will be an adverse effect on the rural character and setting of Clowne. This identified harm in other circumstances would justifiably result in refusal of the application. In this case however, taking account the structural landscaping that can be secured by condition, coupled with the extensive Green Infrastructure proposed and associated wider planning merits set out in detail elsewhere in this report, the benefits of the proposals are judged to offset and outweigh the potentially adverse impacts of the proposals on the character and appearance of the local area.

v) Cultural Heritage

The Environmental Statement provided with the application sets out the assessments which have informed the assessment of the impacts of the development proposed. This includes a desk based assessment within 1km of the site for designated heritage assets and 500m from the site for non-designated cultural heritage assets. Historic Maps, aerial photos, the Derbyshire Historic Environment Record, Historic England Archives and the National Heritage List for England have been consulted along with other resources such as Britain From Above, ArcHeritage Library, Archaeology Data Service and A Vision of Britain through Time.

In addition the site has been subject to walkover survey to identify visible cultural heritage features and examine the effects on nearby assets such as Listed Buildings and Conservation Areas. The application also includes a Geo-Physical Survey to examine potential for below ground archaeology.

Assessing impact on Heritage significance is considered in the Environmental Statement (ES) accompanying the application. This examines a range of impacts on heritage assets within the 1km and 500m survey areas. The ES concludes that the proposed development will not lead to substantial harm to or loss of designated heritage assets of the highest significance such as World Heritage Sites, Scheduled Ancient Monuments, Grade I or Grade II* Listed Buildings, Registered Parks and Gardens or Registered Battlefields. Of the impacts assessed, the most notable are reported as follows:

- Enduring effects on potential buried archaeological remains within the footprint of the groundworks proposed
- Short term and Long Term 'negligible' increases in noise and light pollution on the Ash Tree Cave Scheduled Monument. Residual Setting Impacts upon Ash Tree Cave Scheduled Monument of 'Negligible to Minor Adverse'.
- Short Term and Long Term 'negligible to minor' increases in noise and light pollution on the Grade II listed Manor Farm, North Walls Farm, Southgate Stables, Southgate House/ Van Dyk Hotel and the associated gardens and parkland.
- 'Negligible to minor adverse' visual and setting impacts on Grade II listed North Walls Farmhouse and Southgate Stables. 'Minor to moderate' visual and setting impacts on Southgate House / Van Dyk Hotel Grade II listed building. The significance of these impacts will be 'Moderate adverse'.
- The visual and setting impacts on Manor Farm will be 'Major' and will have a 'Major adverse' impact on significance
- The magnitude and significance of the impact on the Southgate House Conservation Area will be negligible.
- The magnitude of the impact on the Clowne Conservation Area will be neutral. There may be a neutral to minor beneficial effect on significance.

<u>Historic England and Conservation Officer Comments</u>

Both Historic England and the Council's Conservation Officer highlight areas of concern in relation to the impact of the development on heritage assets within the setting of the site. In particular both consultees suggest that the insufficient information has been provided to fully understand the heritage impacts that would result from the development.

Figure 8: Setting of Manor Farm Grade II Listed Building

However there is sufficient detail to understand what form of development is proposed and how this would appear in the landscape. For a development of the scale in question it is agreed there is an adverse effect on the Heritage Assets as referenced in the summary above. At the same time however, providing a large development conveys considerable flexibility and opportunity to ensure that due regard is paid to the heritage assets within and nearby to the site as part of the Reserved Matters submissions. If this was not the case when the detailed layouts were tabled fully, this would count against the submissions and would not be likely to be supported by the Council. In short, whilst criticisms are made and greater detail is sought by Historic England, the Outline Application process allows for the submission of high level plans that do not contain the degree of information sought by consultees.

Officers nevertheless consider that the impacts of a large housing development in the vicinity of these heritage assets can be understood from the details provided. Indeed Officers also consider there will not be 'Substantial Harm' leading to the total loss of significance of the assets in NPPF terms. This is because these assets are outside of the defined site area and will not be directly affected. Instead 'Less than Substantial Harm' in NPPF terms, as is also acknowledged by Historic England, would be applicable. As per Para 134 of the NPPF such harm to designated heritage assets should be weighed against the public benefits of the

proposals and is a matter of planning judgement.

Archaeology

Upon submission concerns were raised that the desk based archaeological information provided with the submissions was insufficient to enable the Council to understand the conservation status of the archaeology likely to be present within the development site. Geophysical survey was requested by the County Archaeologist. The applicants provided Geophysical survey of 32Ha of the developed area of the site. In summary the report states:

> *A magnetometer survey was carried out over an area of some 32ha in three areas to the north of Clowne. Possible enclosures / field systems / ditches; a partial ring ditch; tentative oval enclosures and a potential pit alignment, have all been identified in the data. Ridge and furrow and modern cultivation patterns have also been mapped, along with former field boundaries recorded on historic mapping and on the 1839 Tithe map. Other responses reflect agricultural activity, land drains, a small pipe and modern disturbance.*

The County Archaeologist has considered these results and is satisfied that the finds are not of National significance that would rule out development on the surveyed portions of the site. Subject to further archaeological work) the geophysical survey has given a sufficient assessment of archaeological significance to meet the 'just enough' requirement of NPPF para 128 in relation to this outline application, and further evaluation trenching and mitigation excavation of the archaeological remains could be deferred until the post-consent stage, with evaluation trenching taking place between outline consent and a reserved matters application.

Concerns are raised by the County Archaeologist however that a large portion of the developed site area to the east remains without having been subject to Geophysical survey. The Archaeologist therefore recommends that further survey is commissioned before the Council can be said to have sufficient information to enable due regard to be paid to NPPF Para 128 as referenced above.

Officers recognise that in ideal circumstances such work would be provided in full for the entirety of the site. However in practice it is commonplace for sites to be subject to approximately 50% survey to give reasonable certainty as to the likely significance of archaeological finds, with further survey being carried out post approval. This practice is common to many developments, reduces the upfront associated costs of survey work, which for this scale of development are considerable and without any guarantee of planning approval.

In this case, it is clear that key early infrastructure to enable access to the development area and begin the construction of the site has been surveyed. The findings indicate that no nationally significant evidence has been found. The applicant therefore makes the case that it would be open to the Council to set aside the requirement for up front survey information for the entirety of the site. The case the applicant makes is that prior to any Reserved Matters submissions, Geophysical survey will be carried out and can influence the subsequent layout if required. In addition to this the development proposes 'up to' 1800 houses and given the scale of the site, it is suggested there is sufficient flexibility in terms of positioning Green Infrastructure or reducing the scale of the proposals to accommodate any findings of nationally important

archaeological interest in situ if this was required. If interest with a lesser level of significance was apparent, this would be unlikely to affect the overall layout and can be retrieved and recorded via appropriate archaeological techniques. Although this practice differs from that recommended by the County Archaeologist, Officers can see that it would not prejudice any potential archaeological interest on the site given the sequence of assessment that is proposed by the applicant.

Heritage Conclusions and NPPF Public Benefits

In light of the above assessment it is necessary to consider whether the benefits associated with the development are capable of offsetting the 'less than substantial harm' to heritage assets cited above. It is considered that this harm is not significant in EIA terms and can be mitigated to ensure no greater than 'minor to moderate adverse' impacts would result in in most instances. Whilst this is not the case for the Grade II listed Manor Farm, the agricultural character of this building is inherently going to be lost by housing development in close proximity. Conflict is therefore apparent with Local Policies CON10 and to a lesser extent CON4 in that the special character and setting is not preserved. However such harms are entitled to be offset by public benefits (as per paragraph 134 of the NPPF) where the benefits stemming from the development clearly outweigh the associated harms. Officers considers such an instance is applicable in this case and would be capable of outweighing the potentially adverse impacts of the development on heritage assets.

However, there have been requests for Geophysical Survey of the full site. It is recognised that if a lesser extent of the site is surveyed, this may influence the scale of the development that is permissible at a later stage. Such an approach conveys a degree of risk to the developer, the development and its associated contributions if nationally significant archaeology was to be found at a later date. Nonetheless, it is considered the work carried out so far is proportionate to the significance of the archaeology likely to be found on the site and sufficient information has been provided to allow a positive determination of this application subject to conditions ensuring implementation of the additional archaeological work recommended by the County Archaeologist and Historic England.

(vi) Biodiversity

The site was initially surveyed in February 2008 with further survey work carried out in 2016 to 2018. The methodology employed includes a desk based assessment of known species records and an Extended Phase 1 survey as recommended by Natural England. This technique involves a systematic walk over of the site by an experienced ecologist to classify the broad habitat types and to particularly identify any habitats of principal importance for the conservation of biodiversity as listed within Section 41 (S41) of the Natural Environment and Rural Communities (NERC) Act (2006).

Flora - On Site Habitats

No designated sites of international importance have been identified within 5km of the site. Two SSSI are located within 2km of the site. They are: Crabtree Wood SSSI located 1.4 km to the

north of the site and Hollinhill and Markland Grips SSSI located 360m to the southeast of the site, beyond the Sheffield Road.

Three non-statutory sites of conservation interest occur within the site. These include Hickinwood Farm Field Pond Local Wildlife Site (LWS) (BO135), Hickin Wood LWS (Bo128) and Harlesthorpe West Pond LWS (BO089). In addition two Potential Local Wildlife Sites (pLWS), Harlesthorpe Hedges and Clowne West Hedges and one site of interest, Hickinwood Lane Copse (BO136/3) occur within the site. A further 10 LWS and 2 pLWS and 8 sites of interest are located within 1km of the proposed development site boundary. The closest is Harlesthorpe Dam LWS (BO057), located adjacent to the site boundary.

The application submissions set out that the predominance of intensively managed farmland within the site has led to generally restricted species and habitat diversity over much of the site area. However, a number of features and habitats of nature conservation value are scattered throughout the site. These include three LWSs; a small number of hedgerows at the eastern extent of the site and those bordering the A618 highway designated as pLWSs and the areas of broad-leaved woodland which may be ancient in origin which include Hickinwood Lane Copse designated as a Site of Interest. Invasive Japanese Knotweed was also recorded in 3 locations within the site survey area.

Mitigating Habitat Impacts

Taking into account the habitats present on the site and the associated species records, input from Derbyshire Wildlife Trust as part of the sites consideration within the Emerging Local Plan was sought at a high level. As part of these discussions, key areas of habitat connectivity were identified and suggestions were made by Derbyshire Wildlife Trust to seek to retain or protect specific habitat linkages. The relevant diagram prepared by Derbyshire Wildlife Trust is attached:

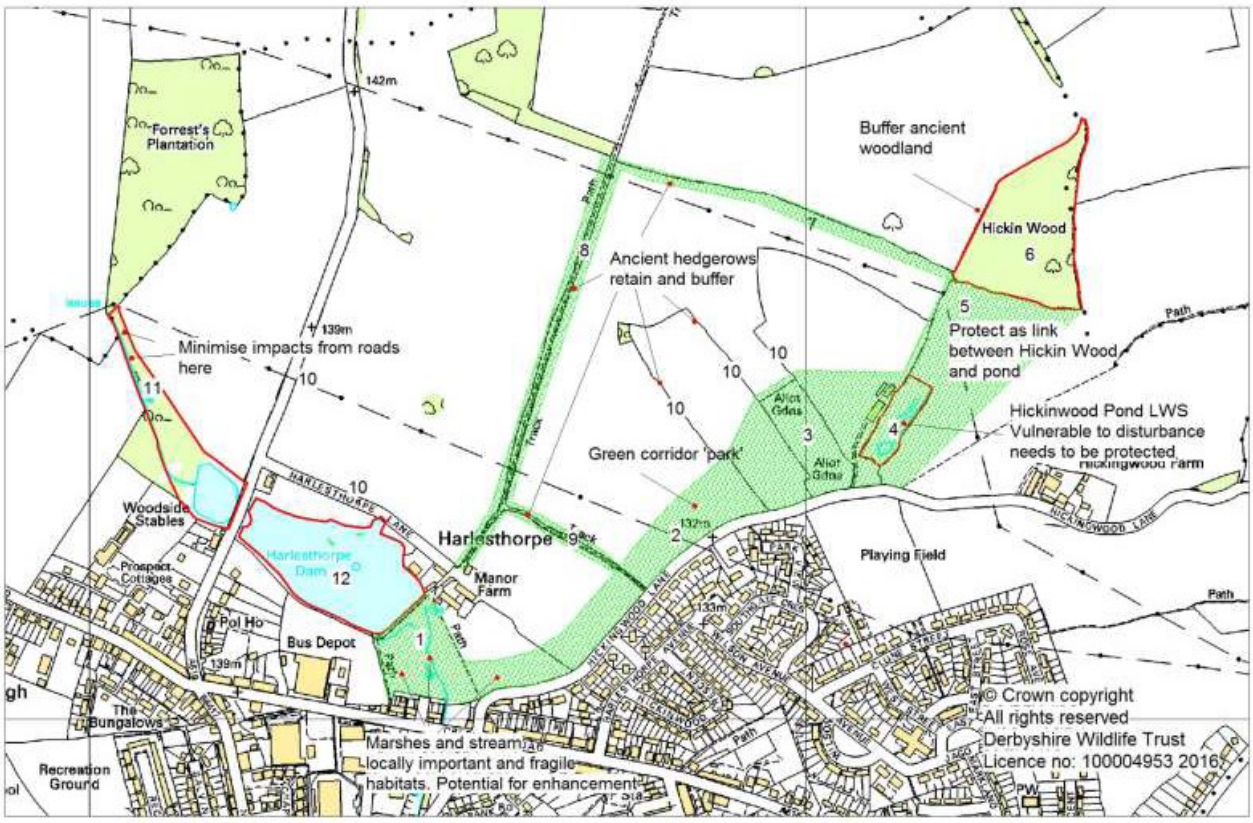

Figure 9: Derbyshire Wildlife Trust Habitat Connectivity Diagram

The applicants have subsequently utilised this diagram to inform the broad site layout to avoid key linkage impacts where possible, whilst at the same time recognising that sufficient flexibility exists to allow further adaption and buffering beyond that shown.

The applicants Ecological Appraisal (2016) prepared by FPCR retains and seeks to incorporate a buffer stand off from the majority of the habitats and features of nature conversation value such as Hickinwood Farm Field Pond LWS and the areas of ancient woodland. The Ecological Appraisal (2016) states:

> *"Under current proposals some impacts to features of nature conservation interest could occur through the loss of a small section of potential seminatural/ancient woodland within Harlesthorpe West Pond LWS and loss of sections of hedgerow designated as pLWS bordering the A618 highway. The requirements of the road infrastructure to link to the existing A618 and Barlborough Road (A616) to the west of the site leads to unavoidable impacts to the ancient/semi-natural woodland forming part of Harlesthorpe West Pond LWS and severance of hedgerows along a public footpath designated as pLWSs. However, the magnitude of these impacts may be reduced through careful alignment of the road to minimise the area of woodland lost or align it through any area of poor quality woodland should such an area be identified (further assessment would be required to ascertain this) and by utilising any existing gaps within the hedgerows to ensure that hedgerow loss is kept to a minimum"*

"Where impacts to habitats are unavoidable compensation for their loss will be undertaken through additional habitat creation within the green infrastructure and open space proposals, which will include for a significant area of habitat mosaic to the north of the site that can be sympathetically managed to ensure that its interest is secured in the long term. Where possible, existing hedgerows should be translocated within the site to allow the hedgerow habitats to mature more quickly and to ensure that specimens of local provenance are used within the proposals."

The development proposals make provision for a green infrastructure network that will aid in buffering existing established habitats and linking it with proposed areas of habitat creation, providing both greater habitat diversity within the site and greater connectivity across it and into the wider landscape. The current development framework plan identifies the green infrastructure at a strategic level, providing substantial green corridors and habitats in association with highways, cycle ways and public footpaths across the site. However, given the substantial size of site and land-use zones there is also the opportunity to provide a further tier of green infrastructure that will extend into the areas of residential, business and industrial use. The submissions suggest:

"These zones would be designed to incorporate areas of public open space including areas for informal recreation and dog walking which would allow the local residents and employees to enjoy the surrounding green habitats, whilst reducing any impacts on the important areas of nature conservation through increased human disturbance. This would include sign boards highlighting the sensitive nature of the wildlife sites and how they are being protected and enhanced through incorporation into the wider green infrastructure of the development."

Figure 10: Green Infrastructure Masterplan

Fauna – On site notable Species

Badger

Conclusive evidence of badger activity was not found in the original survey work carried out in 2016. One potential dung pit was recorded and as such it was recommended that a full badger survey is completed on site, and on accessible areas within 30m to ascertain the status of badgers within the local area. The optimal survey season for badger is between October and April when vegetation levels are low.

The further survey carried out in October 2017 accompanies the ES in Appendix 12.3. This confirms Badger activity in the vicinity of the site but precise locations are not discussed further in this report owing to sensitivity. As part of the mitigation proposed to address the presence of this species the appointed Ecologist recommends that 'Constructional Mitigation' which ensures linkages in the area are maintained and that wildflower rich grasslands are provided in appropriate areas. Additional constructional measures will include:

- Briefing construction staff of the presence of badgers
- Covering open trenches or providing ramps out to prevent entrapment
- Covering/compacting soil piles to prevent badgers forming new setts in soil piles

Operational mitigation is also proposed in the form of planting and habitat enhancement in relevant areas as the development progresses.

Subject to the above mitigation, significant effects on badger clans are not considered likely as a result of the construction or operation of the development. Although a large area of agricultural land will be lost, this is of negligible value for foraging and will be more than offset by the habitat creation and enhancement within the Green Infrastructure.

Bats

Bat Activity Surveys carried out during Autumn 2017 and Spring 2018 recorded an assemblage of five species of bat, common pipistrelle, soprano pipistrelle, brown long-eared, noctule and Leisler's bat and two species groups *Myotis* and *Nyctalus.* . ; common pipistrelle, soprano pipistrelle, brown long eared and noctule, along with two species groups, *Myotis* and *Nyctalus.* Bat Activity within the survey transects were reported to be generally low and unexceptional for the size of the site and the habitats present. The majority of the bat contacts recorded were from individual common and soprano pipistrelle bats with single passes along hedgerows and woodland edges being frequently recorded. The major activity was recorded to the west of the site along the eastern edge of Forrest's Plantation adjacent to the linear woodland edges and hedgerow H45.

Bat Activity recorded during static detector surveys was also found to be unexceptional with the majority of the activity (76.5%) recorded by common pipistrelle and (14.1%) by soprano pipistrelle. These results were common across the site area.

An examination of the mature trees located throughout the site highlighted that many exhibited features that may be suitable for roosting bats including split limbs, rot holes, major cavities and dense ivy around trunks. Further on site roped survey work has been undertaken to examine the overall potential for roosting bats provided by these trees (as referenced at Table 12.11 of the ES). The survey results confirm that no evidence of bats was found in those trees proposed to be removed as part of the development (T17, T14, T13, T3) with the exception of T77. T77 is suggested as likely to be removed as part of the development but that nocturnal survey is recommended due to the size of the cavity and the inability to survey the tree with an endoscope alone.

The surveys provided also consider Hickinwood Farm. This area is reported to contain many farm buildings, including residential dwellings that would provide suitable bat roosting sites. These buildings do not form part of the application site. An additional seven buildings were recorded within the Station Road Industrial Estate located to the south of the site. These buildings were considered to provide sub-optimal habitat for roosting bats due to their construction (largely corrugated metal roofs). Two outbuildings associated with 47 Creswell Road are also considered in the supplementary reports. These were found to be negligible value for roosting bats following a detailed inspection by a licensed bat worker, due to their flat-roof construction and the absence of any roof voids.

A series of general habitat enhancements, additional waterbodies, better connected woodland areas and other linear habitats are proposed as part of the Green Infrastructure enhancement proposals. In addition a minimum of 50 bat boxes of varying types are proposed as part of the 'Construction Mitigation' within the ES. Sensitive lighting also forms a component of the ES 'Operational Mitigation.' Subject to the inclusion of these measures as part of the mitigation proposals associated with the development the development will result in a minor beneficial effect.

Birds:

Derbyshire Ornithological Society provided a total of 66 species records (n= 516) recorded within 1km of the site boundary as part of the Desk Study. 5 species were recorded within the site boundary and these included Yellowhammer, Dunnock, Linnet, Song Thrush and House Sparrow.

Field survey work in the form of a winter bird survey was undertaken between November and December 2017 and January to February 2018 and a Breeding Birds survey was undertaken on the 9th and 23rd April 2018. To provide a reasonable level of accuracy for determining the population status of the A route was mapped out prior to the surveys being undertaken, paying particular attention to any linear features, such as hedgerows, tree lines and watercourses, and natural features such as waterbodies, mature trees and woodland. Bird surveys were not undertaken in unfavourable conditions such as heavy rain or strong wind, which may negatively affect the results.

Breeding Bird Survey Results

A total of 46 bird species were recorded during the two breeding bird surveys. Of these species, 15 were considered 'notable' appearing on the Birds of Conservation Concern (BoCC) Red or

Amber Lists, Schedule I of the Wildlife and Countryside Act 1981 (as amended) and/or as Species of Principal Importance in England on Section (S)41 of the Natural Environment & Rural Communities (NERC) Act 2006.

Of the notable species recorded within the site, only one, yellowhammer *Emberiza citrinella,* has been confirmed as breeding. A further 16 species were considered probable breeders, four of which, skylark, song thrush, dunnock and reed bunting, were notable species. The remaining 12 probable breeding species are BoCC Green listed species (of low conservation concern) or are unlisted (no conservation concern).

The majority of the species recorded during the breeding bird surveys were typical of the arable habitat that dominates the site. The open field compartments apparent are reported within the surveys to offer limited breeding opportunities for the majority of species recorded but they did provide suitable nesting habitat for small numbers of skylark, linnet and reed bunting and moderate numbers of yellowhammer. Overall the farmland birds present are widespread species that are typical of the habitats present on site and the surrounding area. The areas of woodland, in addition to the hedgerow network, were found to provide foraging and breeding habitat for an assemblage of common and widespread generalist species and small number of more specialist woodland species. Notable species recorded included song thrush, dunnock, bullfinch and mistle thrush. Boundary habitats situated adjacent to existing residential areas attracted house sparrows, although breeding within the site was not recorded.

Overall the assemblage of birds' shown within the submitted surveys is made up of widespread species that are typical of the habitats present on site and the surrounding area, and on this basis the breeding bird assemblage is considered to be of local value (low sensitivity).

Winter Bird Survey Results

A total of 51 bird species were recorded during the winter bird surveys. Of these species, 22 were considered 'notable' appearing on the Birds of Conservation Concern (BoCC) Red or Amber Lists, Schedule I of the Wildlife and Countryside Act 1981 (as amended) and/or as Species of Principal Importance in England under S41 of the NERC Act.

The majority of the site is used by common and widespread over-wintering bird species. The arable field compartments were used throughout the surveys by skylark, meadow pipit, linnet and yellowhammer, particularly where game cover crops where available. Longer grassland habitats located to north of the on-site allotments also provided foraging opportunities for reed bunting. The arable and grassland habitats also provided foraging habitat for buzzard *Buteo buteo*, sparrow hawk *Accipiter* and kestrel recorded during the winter bird surveys. The woodland and scrub habitats associated with Hickinwood Lane Farm Pond LWS, in addition to the hedgerow network, provided foraging habitat to a wide range of common and widespread species, in addition to a number of notable 'generalist species' which included song thrush, mistle thrush and dunnock.

The built environment present within the southern extent of the site is reported to provide good overwintering habitat for house sparrow and starling, with the arable, grassland, woodland and scrub habitats providing forage for these species. Small numbers of bullfinch were also recorded consistently with the allotments within the site's southern extent.

Impacts on Bird Species

The loss of arable land and approx. 1300m of hedgerow habitat and conversion of the site from a farmland to a predominantly urban environment will impact upon those notable species which are reliant upon these habitats and open farmland conditions for breeding and foraging. The habitat creation proposals, including creation of the more extensive areas open grassland, such as proposed for the eastern extent of the site (adjacent to Gapsick Lane) and creation of new hedgerows within the larger areas of Green Infrastructure, are likely to ensure a continuation of breeding and foraging habitat for yellowhammer and linnet, although in reduced numbers.

Given the local availability of farmland habitats that are similar to those within the site boundary, the surrounding landscape is likely to limit the significance of impact upon the conservation status of all breeding bird populations within the site. Habitat loss to the farmland bird assemblage is reported within the submissions to result in an impact of no
greater than medium magnitude on a receptor of low sensitivity (local value) and will result in a minor adverse effect, which is not significant in EIA terms

The majority of the habitats of value to the wider breeding bird assemblage recorded within the site include the woodland, the mosaic of habitat within Hickinwood Farm Field Pond LWS, the allotments and the hedgerow network and associated mature trees. These are proposed to be retained as part of the Green Infrastructure proposals.

Construction operations have the potential to disturb birds using the site for roosting, foraging and breeding. Operations likely to disturb breeding birds include noise from vegetation clearance, initial ground works and some construction activities, such as piling, which are of low frequency, but high amplitude. During the breeding season disturbance may lead to nest desertion or the avoidance of the area and reduce the suitability of retained nesting areas, such as the hedgerows. The submitted reports suggest:

> *'Ground clearance works across the site are likely to be phased and will follow the phasing of the development, both staggering removal and allowing for some habitation of breeding birds. Whilst there is some potential for breeding success to be reduced, this is not expected to affect the local conservation status of the majority of the bird species using the site for breeding. Disturbance effects on the majority of birds are therefore expected to be short-term and of low magnitude on a receptor of low sensitivity (local value) and result in temporary minor adverse effect, which is not significant.'*

The operational phase of the development has the potential to impact upon populations of breeding birds through human disturbance within retained / created habitats within the GI and areas adjacent to the site such as Harlesthorpe Dam. Of relevance also is the potential increase in domestic cats and predation of small birds. In relation to this the Ecological Update report states:

> *'An increase in the number of people using the site and adjacent habitats for recreational purposes may result in a degree of disturbance to the local breeding bird populations. For the majority of generalist species recorded within site which would become habituated to increased human presence, impacts would be negligible. A small number*

of species recorded, including ground nesting species such as skylark are more susceptible to disturbance effects which may result in potential decrease in breeding success. Given the location of the site, adjacent to the urban edge of Clowne and with no direct resulting increase in accessibility to the wider landscape, over the current situation it is considered that impacts would be negligible.'

'Harlesthorpe Dam located to the immediate south of the site south may also have the potential to attract species more susceptible, however the lake is privately owned with no formal access and currently used for angling. Footpaths adjacent to it are already well-used by local residents and it is therefore reasonable to assume that any breeding wildfowl associated with the waterbody will have already become habituated to disturbance effects.'

'Development of the site will lead to the loss of the arable, grassland and hedgerows that are used as a winter resource by widespread species and small numbers of notable species including golden plover, lapwing, linnet, redwing, skylark, starling and yellowhammer… As a result of the low populations that make use of the site's habitats and the extent of similar habitat that is available in the surrounding landscape, the potential impact of the development upon the remaining population of over-wintering birds is considered to result in no more than a Local level impact.'

Overall in the short-term, the submissions suggest that during each Phase of development there is likely be a temporary reduction in the extent of foraging, shelter and nesting habitat available, however given the retention of majority of habitats of value to the wider assemblage and presence of similar habitats within the local landscape, these impacts are likely to be short-term of low magnitude on a receptor of negligible sensitivity (below local value) and will result in a negligible effect.

In the longer-term the submissions suggest that following the provision of the gardens within the residential areas and the creation of habitats within the GI and their maturity and appropriate management, the proposals will result in impacts of medium magnitude on a receptor of low sensitivity (local value) and will result in a minor beneficial effect to the wider breeding assemblage.

Reptiles

Desk study identified records of common lizard and grass snake within 1km of the site boundary. The vast majority of the site is considered unsuitable for reptiles given the overwhelming dominance of cultivated arable land with narrow (<1m) field margins. Small and localised areas of suitable habitat for common reptiles are present within the site in association with the Hickinwood Farm Field Pond (TN18) and the wetland/poor semi improved grassland to the south of Harlesthorpe Dam. Both these areas are reported to support a suitable habitat mosaic of short grassland, scrub and wetland that could be utilised for basking, foraging and sheltering. On this basis populations of common reptile species such as Grass Snake, Common Lizard and Slow Worm could potentially be present within the site. However the areas themselves are relatively isolated in the landscape and are small in scale and extent such that population size is likely to be restricted.

A strategic reptile presence / absence survey was undertaken in April and May at locations identified as offering potential habitat within the area of survey. The survey was undertaken based on current best practice guidelines as detailed within the Herpetofauna Workers Manual and Froglife Advice Sheet 10 – Reptile Survey. Methods involved a search for basking reptiles on / under naturally occurring and strategically positioned artificial refugia. These were placed in locations that offered the most suitable habitat for common reptiles: i.e. structurally diverse habitats, with variable vegetation heights, tangled or thorny areas, mosaics, bare patches or ecotones. A total of 59 artificial refugia were placed within the site.

No evidence of any common reptiles has been recorded during the reptile surveys. Based on the findings of the surveys, the site is considered to be of negligible value (negligible sensitivity) to common reptiles.

Amphibians

No records of amphibians, including Great Crested Newts were provided by Derbyshire Wildlife Trust or Derbyshire Amphibian and Reptile Group within 1km of the site. Suitable terrestrial habitat for amphibians within the site is limited due to the dominance of cultivated arable land which is predominantly unsuitable for these species. Existing ponds and waterbodies within the site were subject to a Habitat Suitability Index assessment to determine their ability to support Great Crested Newts. Of the water bodies assessed in Para 12.103 onwards of the ES - the waterbodies have a below average habitat suitability for Great Crested Newts. Nevertheless, Hickinwood Farm Field Pond (P1) is suggested as having the potential to support a population of Great Crested Newts.

Surveys to determine the presence / absence of great crested newt were undertaken in accordance with statutory guidance (English Nature, 2001) between the period of the 3rd to the 31st May 2018. To determine the presence or absence of great crested newts, and estimate the size of the population present, a total of four individual survey visits were undertaken in 2018. On each survey occasion a combination of three different techniques (egg search, sweep net, bottle-trap and torch) were used where suitable. Survey methods followed those recommended by Natural England as detailed in the Great Crested Newt Mitigation Guidelines (English Nature, 2001). Surveys were undertaken by suitably licensed ecologists. The results are reported as follows:

> *'No evidence of great crested newts were recorded in association with the two on-site ponds, P1 and P4, or two sections of ditch, D1 and D2.*
>
> *A small population of smooth newt Lissotriton vulgaris (peak count of 5) was recorded from Pond 1 during the surveys and common frog and common toad were recorded from three waterbodies Pond 1, Pond 4 and Ditch 2.*
>
> *A peak count of 205 individual common toads Bufo bufo, listed as a Species of Principal Importance, was recorded from Pond 1 during the second survey occasion on the 11th of April 2018 and in accordance with guidelines this would constitute a good population size class (100 – 1000 counted individuals). Population size classes of common frog Rana temporaria recorded within all three waterbodies and common toad recorded within the remaining two waterbodies were low (<100 individual) with the highest peak*

counts recorded from Ditch 2, where eight individual common toad and eight individual common frog where recorded on the second and third survey occasions, respectively.'

In terms of assessing the impacts, the reports provided consider that none of the waterbodies providing breeding habitat to common toad (or other common amphibian species) will be directly affected by proposals. Clearance of the site and the subsequent loss of the more established habitats, such as hedgerow bases and areas of permanent rough grassland is however likely to result in mortalities and in the short-to-medium term a likely decrease in the population sizes associated with the onsite ponds and potentially off-site ponds located adjacent to the site. However, the reports go on to suggest that given the retention of habitats offering optimal terrestrial habitat to common toad and amphibians in general, (e.g. the mosaic of habitats around Hickinwood Farm Pond supporting the good breeding population, adjacent allotments, and Hickin Wood to the north) it is considered unlikely that the scale of mortality resulting from habitat loss would result in the loss of the species from the site. In formal Environmental Impact terms the short term to medium-term impacts to the toad population within the site have the potential to be of medium magnitude a receptor of low sensitivity (local value) and may result in a minor adverse effect.

In the longer-term the implementation of the mitigation measures as outlined within the submissions such as including the adoption of drop curbs and off-set gully pots, and the provision of green corridors linking northwards from Hickinwood Farm Pond to Hickin Wood and westwards to the proposed balancing pond and Harlesthorpe Dam and the creation of suitable terrestrial habitat, including hedgerows with taller margins of grassland, shrub and tree planting, within these corridors, are likely ensure that that local populations are maintained and any operational effects are unlikely to be significant.

White Clawed Crayfish

No records of this species were returned as part of the desk study carried out. No suitable water bodies are shown to be present within the site to support the species and those that exist are heavily vegetated and lacking in pebbly/rocky substrate preferred by the species. Owing to a lack of habitat suitability the presence of the species is considered unlikely and no further survey is proposed by the Ecologist.

Water Vole

No records of Water Vole were returned in the desk study data from Consultees such as Derbyshire Wildlife Trust. However the habitats associated with Hickinwood Farm Field Pond Local Wildlife Site were considered suitable for Water Vole given the presence of soft banks and food plants. The flowing ditch at TN24 in the south of the site also supports food plants, however the majority of the banks are shallow and disturbance from dog walking is high such that Water Vole presence is reported to be less likely.

A water vole survey was completed on the 24th April 2018 by two suitably experienced ecologists. The survey methods followed the standard methodology recommended in the Water Vole Conservation Handbook and Water Vole Mitigation handbook and entailed a systematic

search and identification of evidence of water vole activity which can include burrows, latrines, feeding stations, footprints and runways. Descriptions of the ponds provided within the reports show these areas were relatively unsuited to Water Vole.

The results of the surveys undertaken provided no evidence to suggest the presence of water vole. Evidence of rat and small mammals were noted in the form of footprints, latrines and feeding stations, although none had the characteristics of water vole. Based on the findings of the surveys, the site is not considered of value to water vole.

Otter

No records of otter were returned within the desk study and no suitable waterbodies are reported to be present within the site to support Otter. No further surveys are therefore proposed.

Biodiversity Conclusions

Detailed survey of habitats and species present on the site has been undertaken and the potential impacts of the development upon habitats and species have been considered within the submitted reports. The indicative Masterplan for the site provides for habitat creation, landscape enhancement and the provision of green corridors whilst at the same time minimising habitat losses of particular value. The details provided suggest that overall the proposals would generally be capable of increasing the diversity of habitats present within the site and improving the overall value of the site to wildlife.

Derbyshire Wildlife Trust have yet to respond formally to the additional protected species surveys requested but Natural England have no objections to the proposals. It is considered the detailed work undertaken alongside conditions and mitigation as part of an Ecological Management Plan would meet the NPPF stated aim of ensuring no net biodiversity losses and that the development proposals would be compliant with Local Plan Policy ENV5 and ENV8.

(vii) Public Safety

Excluding highway matters such as pedestrian safety and linkages (which are considered in the Transport section of this report), the main public safety aspects relevant to the application submissions relate to the potential implications for Harlesthorpe Dam, flooding/ surface water run-off and the presence of a gas main in a portion of the site.

Flood Risk

The Flood Risk Assessment provided with the application confirms that the site lies entirely within Flood Zone 1. There are no main rivers, watercourses or canals in the site and no past reports of groundwater flooding (a separate issues from surface water flooding) in the area. A small portion of the site does have a risk of flooding along tributaries serving Harlesthorpe Dam. Evidence of historical flooding of the watercourse downstream of Harlesthorpe Dam also is apparent.

A small part of the site is reported to be at risk of flooding from Harlesthorpe Dam in the event of a breach. The Flood Risk Assessment recommends that although the responsibility for the structural integrity of the dam and its outfall lie with the existing separate landowner, the developments layout should nevertheless consider the effect of any potential dam failure to minimise risks of inundation to the scheme. The application indicatively shows that green infrastructure is proposed in the area subject to breach flooding and that the road within this area should be designed to allow discharge over the road and avoid acting as a barrier to the flow path.

The major catchment for the site is reported to generally flow towards Harlesthorpe Dam and the ditch to which it outfalls. Excess flow at this location historically appears to have occurred a number of times and remain an ongoing concern. As part of the development it is proposed to that the existing surface water culvert crossing Creswell Road is assessed and upgraded along with the downstream watercourse to reduce the risks from blockage and flooding.

Subject to these improvements, infiltration drainage and the incorporation of SUDS features within the site to buffer and control the rate of surface water discharge, the Flood Risk Assessment confirms development of the site will not increase the risk of flooding, either within the site or to adjacent or nearby properties.

Surface Water Drainage

The ground conditions reported in the British Geological Society records indicate the underlying geology of the area comprises superficial deposits of Mid-Pleistocene – Diamicton Till and bedrock of Brotherton Formation – Limestone Dolomitic. This underlying geology and soil composition is reported to indicate there could be significant infiltration drainage potential across large areas of the development. The site also sits over a known major aquifer such that any discharge to groundwater would need to be undertaken in a manner that controls the risk of pollution.

The Drainage Strategy recognises that any development on a site that incorporates roof areas and hard surfaces will increase the rate at which surface water runs off a site. This runoff will need to be managed to avoid increasing the risk of flooding downstream. In this case it is proposed to restrict surface water discharge rates to greenfield levels through the incorporation of SUDS mitigation and infiltration.

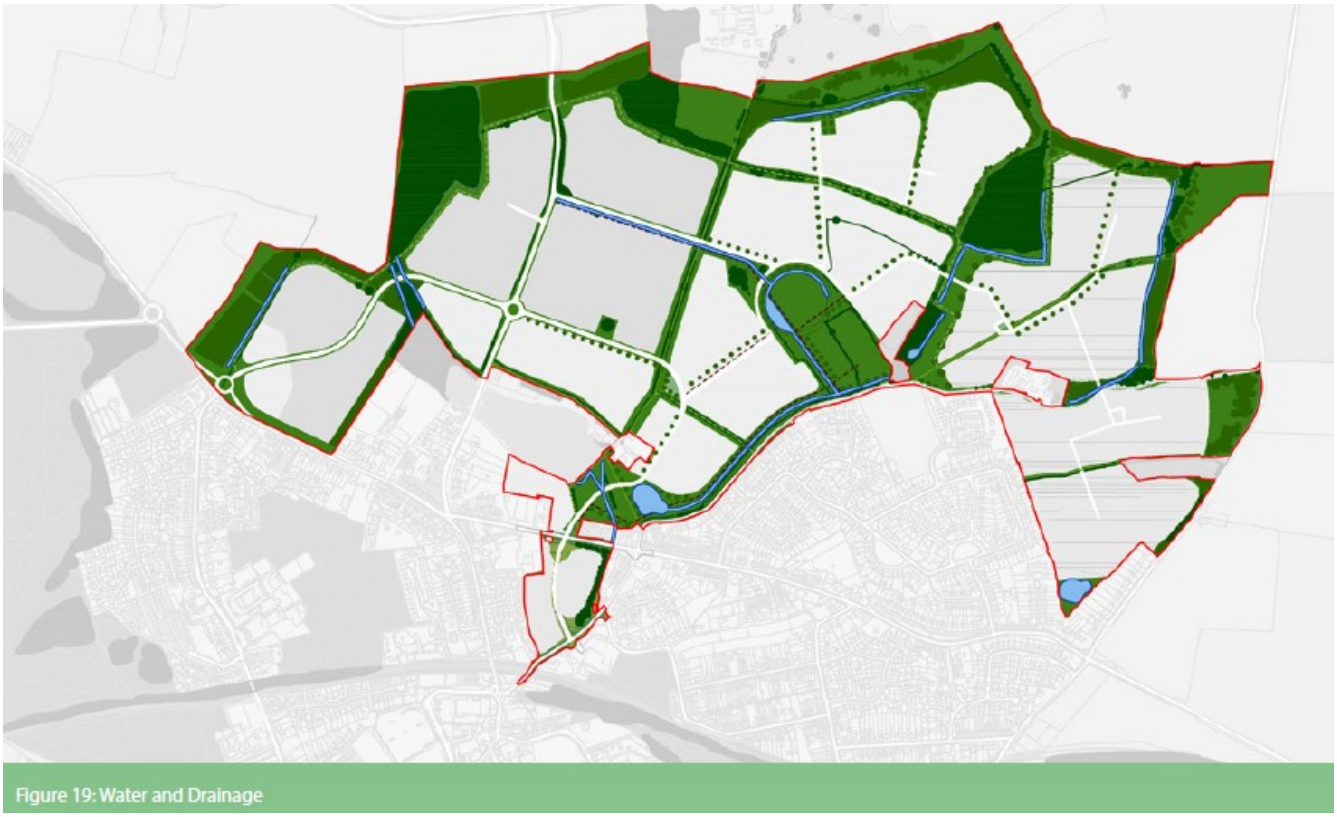

Figure 11: Indicative Surface Water Storage and Drainage Proposals

An ideal behind Sustainable Urban Drainage Systems (SUDS) is that surface water is dealt with in as closer way as possible to the natural surface water regime on the site. The SUDS measures proposed to be utilised within the Drainage Strategy to form a treatment train include:

- Use of swales and filter strips (400mm to 600mm deep) – linear channels with vegetation used to store flows of surface water. Low flow velocities mean that increased settlement of silt and sediment, helping to remove pollutants.

- Use of filter drains – trenches filled with granular material often including a perforated land drain pipe at the base to collect and direct the flow as intended

- Regional Attenuation – such as ponds or wetland areas (i.e. permanently wet areas) which accommodate flows during flood events and provide ecological habitats

- Other Measures such as below ground attenuation, permeable paving, green roofs and rainwater harvesting

Careful engineering and design will be required to ensure a functional SUDS system. The applicant has shown an indicative Surface Water Drainage Strategy in Appendix A of their Drainage Strategy document. This shows the inclusion of attenuation ponds at strategic locations alongside large areas of swales and outfall locations. As part of the formulation of the Drainage Strategy, volume calculations are provided which consider the uplift in potential surface water discharge. As a high level assessment this is considered to be between 23,000m3 and 58,000m3 and will ultimately be informed by the extent of the development proposed at the more detailed stage of the application phases.

As part of the application the County Council Lead Local Flood Authority have been consulted on the submissions. No objections are raised to the submissions and additional information subject to further on site testing of the infiltration capacity of the ground and subject to details of a management and maintenance plan for the lifetime of the development.

Officers note that number of representations reference concerns about increased flood risk as a consequence of the development. Whilst this concern is understandable, this issue is clearly considered in the submissions to date at the strategic level. With further testing and detailed design modelling it is considered that an appropriate engineered solution is likely to be able to be secured that will remain functional for the life of the development and prevent/restrict increased surface water runoff rates from the site. In tandem with other improvements such as upgrading of culverts as a part of a wider drainage strategy that can be secured by condition, Officers assess the issue of surface water runoff can be adequately addressed.

Direct Effects on Harlesthorpe Dam

With regard to Harlesthorpe Dam, this is considered specifically within the submitted Environmental Statement and Drainage Strategy for the site. These documents highlight the dam remains outside the application site, is not proposed to be directly affected by the development and hence, is not put at direct risk by the construction associated with the development. One of the stated aims within the Environmental Statement is to ensure that any existing potential risks to other properties outside of the site area are not made worse as a consequence of the proposals.

Indirect Effects on Harlesthorpe Dam

Specific comments have been received from a Consulting Reservoir Engineer commissioned by a third party. These comments suggest:

> *'The dam is classed as High Risk by the Environment Agency and designated as Category A (under Floods and Reservoir Safety). These are both the highest designations for UK dams due to the potential for loss of life should a failure occur. Any works that may affect the safety of these dams, including changes to the catchments and downstream developments, must be approved by an All Reservoir Panel Engineer appointed by the Secretary of State under the Reservoirs Act 1975.'*

The letter goes on to raise three main areas of concern regarding potential indirect impacts upon the dam through the development proposed. These include:

a) Removal of the agricultural catchment increasing discharge rates into the dam
b) The road downstream needs careful consideration to prevent water backing up or causing submergence of the dam
c) Potential water quality effects through construction processes

Taking these issues in turn:

a) Catchment and Discharge Rates

This issue is inherently linked to the surface water drainage strategy for the wider site. The wider strategy to ensure surface run off from the development is controlled is discussed in the 'Other Issues' section of this report. The applicants have sought to supplement this and respond to the above comments via the production of a Technical Note in relation to Harlesthorpe Dam. This sets out:

'Due to the topography and location of the watercourse supplying Harlesthorpe Dam and fishery, a preliminary assessment indicated that it was likely that a percentage of the area of development to the West of Rotherham Road would outfall into the existing watercourse upstream of the Dam. Provision of attenuation within the development, upstream of the outfall point, would allow restriction of the flows from the development to equivalent greenfield levels. This would minimise the risk to the Dam and downstream watercourse from inundation of flow from the development. Surface water run-off from the development east of Rotherham Road, would be collected by swales around the development, attenuated within a new balancing pond, prior to discharge downstream of the Harlesthorpe Dam.'

The above approach is supported by the Lead Local Flood Authority in their suggested conditions. Therefore subject to formalising the strategy and finalising the required capacities proportionate to the impermeable development and evaluating an appropriate balance between infiltration and attenuation to ensure an appropriate safety margin, there would not appear to be any significant change catchment and discharge rates into the dam. Moreover no objections to this approach are raised by either the County Flood Authority or the Environment Agency.

b) Dam impacts and potential failure

The development of agricultural land to urban use, upstream of the Dam will be mitigated through on-site surface water management. Surface Water from the development will be attenuated and controlled on site by means of infiltration to ground and discharge from the site at equivalent greenfield run-off rates. Such an approach has been confirmed with the Environment Agency who have raised no concerns. The recent submissions go on to confirm:

> *'To reduce the risk to Harlesthorpe Dam from water backing up downstream, the area immediately downstream of the Dam is to remain as open grassland/ wetland. This area would remain 'un-developed' and therefore available to provide attenuation and relief for downstream drainage.*
>
> *Although past incidents of flooding are reported by the Lead Local Flood Authority, It is understood that some of these instances of flooding have been associated with the existing culvert beneath Creswell Road. Within the development of this scheme it is therefore proposed that the existing culvert be replaced, reducing the constraint and providing additional capacity. Downstream of this culvert the existing watercourse sits within a deep channel adjacent to Station Road Industrial Estate. In addition to replacing the culvert it is also*

proposed to clear the downstream watercourse, improving access and minimising further the flood risk in the area. These measures would result in a vast improvement, minimising flood risk in comparison with the existing condition.'

There is also an acknowledgement within the submissions that the road in question would need to be designed to ensure that it does not act as an impediment to flood waters as is emphasised by the Consulting Reservoir Engineer.

In order to fully secure such matters, it is proposed to condition the submission and agreement of a site wide drainage strategy and scheme/strategy to address dam safety. Such details would be better informed once the design of this area of the development is more effectively worked up.

c) Water Quality Impacts

Finally regarding water quality impacts during development, this is a matter for many large scale developments and measures to avoid impacts in the short term construction process are usually dealt with adequately as part of a Construction Environmental Management Plan condition. In the longer term the SUDS strategy includes an approach referred to as a 'Treatment Train' which often include a number of swales and filter drains that are said to convey a good level of filtration to pollutants that may arise within an operational housing estate (e.g. oils or particulate matter) post completion of the development. The applicants in relation to this issue state:

'Any surface water from parking or commercial hardstanding areas would be discharged via by-pass separators. In line with LLFA requirements, the provision of a carefully designed Sustainable Drainage System (SUDs) of attenuation areas, flow control systems and outfall ditches prior to outfall from the development, could minimise any water quality issues with regard to hydrocarbons and/or turbidity. It is proposed that the detail for the outfall to the upstream watercourse be discussed with the owners of Harlesthorpe Dam prior to development of the detailed design to allow any water quality concerns to be addressed.'

Utilities and Other Infrastructure

Police Service, Fire Service, Electricity, Water, Waste Water and Gas suppliers were consulted as part of the Emerging Local Plan production process as evidenced within the Infrastructure Study. Consultations were sent in February 2016 in order to ensure strategic business/service decision taking within these providers takes account of the potentially Emerging Strategic Sites within the District to avoid future service issues. To date no significant concerns have been raised during this application or during the Emerging Local Plan process that would indicate significant concerns with the site coming forward and such observations are further reflected in the Infrastructure Study evidence reviewed elsewhere in this report.

In particular with regard to Gas and Electricity, National Grid and Cadent (the company responsible for management of the Gas Network) raise no objections to the current application provided the developer goes through an appropriate process to address the potential presence

of gas apparatus in a small portion of the site. In line with separate Health and Safety Executive Guidance and National Grid Guidance, the developer will need to establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken. Similarly Severn Trent Water raise no objections to the development provided the necessary infrastructure upgrades are put in place before the development is occupied.

Public Safety Conclusions

Therefore, whilst there are local concerns about Harlesthorpe Dam, it is considered that subject to further details to be secured by condition and along with a suitably engineered strategy informed by the final design of the development, the proposals can avoid increasing the risks from the dam to existing and prospective residents and would not impact the gas main present in the vicinity of the site.

Summary of Conclusions in relation to EIA and Transport Matters, Air Quality, Noise, Visual Impact, Heritage and Public Safety

The overarching conclusion in terms of Environmental Impact Assessment, is that the implementation of the mitigation measures referenced within the Environmental Statement will prevent the proposed development from having any significant adverse environmental effects and these measures will need to be secured by condition or legal obligations, where appropriate, if permission is to be granted for the current application.

In terms of the planning balance, public safety, air quality, noise and biodiversity would be broadly neutral because these issues can be dealt with by planning conditions and there are no overriding reasons for refusal of the current application on any of these grounds as set out above. The visual impact of the development on the immediate landscape setting and heritage assets would be harmful but not necessarily unacceptable in planning terms. In other words, the potentially harmful visual impacts of the development would need to be offset and outweighed by the wider public benefits of granting planning permission for the application before the application could be determined positively.

However, transport issues remain partially unresolved and whilst the proposals for a once and for all solution to Treble Bob roundabout would weigh heavily in favour of the current application being consented; the fact that there are still issues around the proposed improvements to J.30 of the M1 and the Treble Bob roundabout weighs against granting permission for the current application at the present time. The potentially negative impacts of the proposals on the town centre would also need to be offset and outweighed by the wider public benefits of granting planning permission for the application before the application could be determined positively.

7. Other Relevant Planning Considerations

(i) Education Delivery

The phasing of the primary school after the delivery of 420-720 dwellings was proposed initially within the application. This was considered unacceptable to the County Education Authority as this approach would create an additional burden on existing education facilities that could not be met. Following subsequent discussions, the approach below is proposed by the applicants:

- Given the immediate need for the school in the locality, accelerated delivery of the school site (with roads and services) within 12 months of the occupation of the first dwelling can be provided in order that the County Council can begin developing the school
- Temporary Transport Contributions are proposed in 3 instalments commencing on occupation of first house and throughout the interim period until the new school is available for use (to enable unmet need from the development to be taken up by schools in the wider area temporarily)
- The first payment of Primary Education Contributions would be payable on occupation of 30 dwellings (Year 2)
- Regular instalments based on a tariff per house as set out in draft heads of terms
- Primary Education Contributions to be paid in full on occupation of 1000 dwellings (Year 11)

In order to assist in the earlier delivery of the primary school, it is agreed with the County Council that the Secondary Education Contribution could be deferred to accelerate the provision of the serviced site and payment of the Primary Education Contribution at an earlier date. No other objections are received from the County Education Authority and it is recognised by them that the proposed development will act as a vehicle to delivering new schooling capacity within Clowne that would not be otherwise provided.

(ii) Design concept, housing mix and type

The application site was originally put forward for development as part of the Council's Call for Sites consultation in 2010. Between 2012 and 2016 the applicant has engaged with the Council to consider the broad principles underpinning the layout of the development as proposed in the Emerging Local Plan. In tandem the design has also been tabled with the Homes and Communities Agency (HCA) Advisory Team for Large Applications (ATLAS) in 2016. ATLAS acted as a means of design critique of various design options for the site. Working with ATLAS, the applicants put forward and expression of interest in the Government's Garden Villages, Towns and Cities prospectus. Although the site was not ultimately awarded Garden Village status, the overarching design concept has been used to inform design decision making about the layout of the proposals.

As part of the formulation of the sites development concept, Character Areas have been devised to inform appropriate variation in design at locations throughout the site. These areas include:

- *Hickinwood Heart and Harlesthorpe Waterside*
  Residential Areas of higher density to create enclosure to the open space. A central tree lined street is proposed to enhance legibility and the sense of hierarchy within the estate. The housing and school development will be formally arranged fronting onto the central public open space. The uses would have good access to existing facilities in Clowne. SUDS features are proposed to form an extension of the existing Harlesthorpe Ponds with attenuation areas and new permanent water bodies. New allotments are proposed, a community orchard, communal planting zones for use by the school for example, sensory gardens and a traditional village green. The proposals include an aspiration to

deliver the first solar paths and cycle ways in the country.

- *Van Dyk Edge and Gapsick North and South*
  Residential areas of lower density to the new settlement edge taking into consideration sensitivity of adjacent Conservation Area and site topography. Hickin Wood will form a central green focus to the area with strong footpath links to the wider countryside.

- *Forrest Edge*
  Employment within the western edge of the site will be enclosed by the existing Forrest's Plantation. Green Infrastructure along the northern boundary will reflect and extend the existing wooded character of the northern edge, whilst existing hedgerows and trees will inform the development.

- *Southgate Link and Western Gateway*
  A high quality gateway entrance to the proposals from the south and the west, including new pedestrian links, creating high quality gateway entrances into Clowne.

In addition Character Streets are proposed to be introduced across the Masterplan e.g. green lanes, primary roads and boulevards with trees to aid legibility and follow good urban design principles.

To build further upon this and in line with the advice from the Council's Urban Designer, it is proposed to include conditions requiring the production of a formal Design Code for the site including details of proposed Character Areas, Highway Hierarchy, Greenspace and Footpath Networks etc. Such conditions are standard practice for development of this scale and seek to ensure a coordinated approach to the design of the development at the outset but with sufficient flexibility to permit input by different housebuilders as the development is built out.

Housing Mix and Type

The Council's Strategic Housing Market Assessment (SHMA) evidences the following need within the District area:

0-5% 1 bedroom homes
30-35% 2 bedroom homes
40-45% 3 bedroom homes
20-25% 4 or more bedrooms

Whilst it would be feasible to condition the mix of housing in line with the above, such a mix may change in future over the entirety of the build programme and could also influence viability of each phase of the development. Accordingly, in order to comply with the NPPF desire to deliver a wide choice of high quality homes, widen opportunities for home ownership, and create sustainable, inclusive and mixed communities (including Specialist Housing for the Elderly) – Officers consider as part of each Reserved Matters Residential Phase of the development, a detailed housing mix would need to be specified. This would comply with the NPPF housing mix requirement and would need to comply with the Emerging Local Plan requirement under Policy LC4 which is likely to progress to adopted policy in future.

In line with the Council's current Local Plan Policy HOU6 and Emerging Local Plan Policy LC2, for sites over 25 units affordable housing equivalent to 10% of the number of dwellings permitted is a requirement. In this case, although the development could provide 10% affordable housing, owing to the desire to bring forward the delivery of education and road infrastructure improvements early in the development programme, this has necessitated a reduction in the overall amount of affordable housing. A reduction equivalent to 6.2% of the overall number of dwellings (112 units) is therefore proposed. This will be secured by S106 legal agreement alongside other contributions and requirements and has been accounted for in the current viability appraisal provided.

Finally in order to accord with the desire from Government to promote the provision of Self Build Housing, in line with Emerging Local Plan Policy LC6 a detailed scheme addressing the provision of Self Build Housing shall be provided for each phase of the development.

(iii) Sports, leisure, open space provision, allotments

Open Space Provision

The Council's Extant Local Plan Policy (HOU5) requires that per 1000 head of population, 2.4Ha of open space divided between 0.7 informal neighbourhood open space and 1.7Ha formal open space (sports, recreation) will be required. This approximately equates to 60sqm of open space per dwelling (40sqm of formal recreation and 20sqm of informal recreation) according to Para 3.40 of the Bolsover Local Plan (2000) or 0.006Ha per dwelling (approx.). On this basis the 1800 dwelling development would be required to provide **10.8Ha** of open space. As part of this development the proposals include:

- That over 40% of the site area (**approximately 58ha**) is designated as multifunctional green infrastructure, including defined public open space, landscape and green infrastructure.

- That the proposed development will also include a minimum of 10ha of formal green space, including a town park, village green and allotments, which is in excess of the requirement in the Bolsover Green Space Strategy.

- That semi natural green space is also included, although this appears to be largely existing woodland and hedgerows, etc.

- That the development will include freely accessible open space of various typologies as defined in the Bolsover Green Space Strategy. These include: Level 2 (multifunctional town park), Level 3 (village or neighbourhood park) and Level 4 (local green space). This accounts for **15ha** of the total green space within the proposed development, particularly as Clowne has a deficiency in certain typologies of open space including the Level 2 town park.

- That there will be an emphasis on community involvement, through the provision of allotments, community orchards and other community green space.

Via condition, the precise nature and extent of open space provision can be secured at the Reserved Matters stage. Nevertheless the indicative level of provision exceeds current policy requirements and meets Policy HOU5. Given the level of public open space provision, Leisure Services consider commuted sums for offsite provision are not required.

Formal Sports Provision

Fig. 2 taken from Bolsover Playing Pitches Strategy (2017)

Growth Scenario 2 – Identified need for Playing Pitches by Analysis Areas

Analysis Area	Residential (dwellings)	Adult Football	Youth Football	Mini Soccer	Rugby Union	Cricket
Clowne	1,868	1.08	0.85	0.06	0.01	0.28
Bolsover	1,723	1.02	0.81	0.07	0.02	0.28
Shirebrook	695	0.41	0.30	0.03	0.01	0.10
South Normanton	454	0.37	0.19	0.01	N/A	0.06
Total	4,740					

For a development of 1,800 dwellings and in line with the recommendations in Scenario 2 of the Growth Scenarios within the Bolsover Playing Pitch Strategy (2017), an additional 1,700 dwellings will generate sufficient demand for one additional full sized adult football pitch. However the Bolsover Playing Pitches Strategy (2017) suggests that if existing facilities are utilised more efficiently, Clowne is already provided with existing football pitch provision sufficient to meet the additional capacity generated. As such a request for monies towards football provision directly is not considered to be justifiable. Within the study other pitch sports are also shown to be adequately catered for within the District. These sports include cricket, rugby league, rugby union, hockey, tennis and bowls. Swimming provision is also considered to be well catered for in the area by the Arc leisure centre in Clowne.

Maintenance Sum

The Council would expect to receive a commuted sum for a period of 10 / 15 years following completion of the development for any land adopted by the district council. This would be index linked in accordance with the current Local Plan policy and will cover grounds maintenance and the ongoing inspection, management and maintenance of any play equipment, fencing, etc. provided by the developer.

The exact level of commuted sum will need to be negotiated once the nature, size and form of the land to be adopted has been agreed and approved.

Percent for Art

A contribution to public art is suggested by the Council's Leisure Team. In line with similar large scale housing applications, such a contribution is not essential to make the development acceptable in planning terms. There is also a degree of conflict with the CIL regulations in that there is no specific Art project defined for this particular application's contributions. As such Officers consider a request for Public Art contributions in this case would not be justifiable.

Allotments Retention

The Council's Extant Local Plan Policy CLT9 seeks to ensure that existing allotments are protected from development unless alternative equivalent provision is made. In this case the site does contain allotments, and subject to conditions to ensure that the allotments are maintained as part of the consent, the requirements of Local Plan policy CLT9 are considered to be fulfilled.

(iv) Employment

The development proposes a mix of industrial and commercial development, a local centre and primary school, health and care facilities, retirement development and additional education facilities offsite. The expected employment creation attributed to the development is 1737 jobs.

Based on the large scale of the proposed development, its local economic context and labour market, the ES suggests a multiplier of 200 per 1000 additional economically active residents is appropriate to estimate induced and indirect employment. The construction of new homes will enable new residents to support the local economy and in turn provide an increase in expenditure of goods, supplies and services equating to 580 indirect jobs.

Construction stage costs of £226.33 Million are likely to be associated with the development. Assuming labour costs are typically 30% of the total costs then associated labour costs would equate to £67.9 Million. Divided by the Gross Average Cost of Construction labour (an annual wage of £33540) the construction phase would contribute 6748 years of direct additional construction employment to the Bolsover Economy – or 35 FTE jobs for a 20 year period. There would also be indirect benefits to the economy through the supply of materials from local businesses and through the sourcing of labour through the local labour market which are anticipated to be 1.2 times the FTE construction employment leading to 42 additional jobs over a 20 year period, 77 opportunities overall. Such benefits are rated as temporary and of minor-moderate beneficial significance in EIA terms

Conclusions

The delivery of a new school, the housing provision including affordable housing, the opportunities to create local employment opportunities and the potential benefits to the local economy are all positive aspects of the scheme that would serve to offset and outweigh the adverse impacts of the scheme in terms of its visual impact arising from its size and scale. The urban design principles underpinning the master planning for the site and the substantial provision of green infrastructure also help to give some assurance that a high quality scheme can be delivered.

Of these issues the provision of a new school weighs most heavily in terms of tipping the planning balance to a positive recommendation of approval. If the provision of a once and for all solution for Treble Bob could also be agreed and delivered at an early stage of delivery combined with the delivery of the new school and the associated benefits of granting permission for this scheme: there are also very special circumstances to justify granting permission for development in the Green Belt.

8. Other Matters

Clowne North was previously discounted in 2012, why consider it again?

A number of respondents have suggested that Clowne North was previously considered for development and discounted by the Council. The Council's Statement on 'Clowne Tomorrow' Wednesday 28th March 2012 suggested that the Council originally removed the development from the Core Strategy in December 2010 and in March 2012. Specifically, in 2012 the scheme was considered by Planning Committee for inclusion in the Core Strategy but concerns relating to the site's connectivity with the existing town; doubts over the viability of funding the infrastructure required by the development existed; and the absence of identified need for a large scheme of employment and housing were also cited. These issues led the Planning Committee to conclude the site should not be included in the Core Strategy in 2012.

These circumstances have since changed. As set out within this report, the viability evidence provided demonstrates the site can be developed whilst at the same time meeting the Council's obligations in terms of S106 funding towards the primary school, highways infrastructure, health infrastructure, secondary education development etc. The Council's need for housing and employment, and evidence which underpins the assessment of alternative sites to meet this need is also more fully developed. The Infrastructure Study, the Settlement Hierarchy Evidence and the Sustainability Appraisal evidence as well as the Economic Development Needs Assessment are recent evidence documents which support the change in stance within the emerging Local Plan.

Hence the planning considerations today are materially different from the circumstances in 2012 also noting the decision taken in 2012 on Clowne Tomorrow pre-dates the full effect of the publication of the National Planning Policy Framework and the implications of not having a five year supply and the presumption in favour of sustainable development.

Publicity, Human Rights and Equality Act

A number of respondents have raised concerns about the nature of the public consultation process alongside concerns about the process being prejudicial to those with protected characteristics such as the elderly or the disabled. However, the procedures governing the publicity associated with planning applications are well established and are set out within the Town and Country (Development Management Procedure) Order 2015. Officers have fulfilled these legal requirements as part of their processing of the application and indeed issued notifications and publicity more widely than required by the Order.

The publicity carried out by the Council is also subject to the Council's equality policies but officers have not received a single request to make any reasonable adjustments to allow any person with a protected characteristic engage with or comment on the current application. Similarly, there is no evidence that the development proposals would have any direct adverse impacts on a person with a protected characteristic or group of people who share a protected characteristic.

Representations were made to the effect that the rights of local residents under the Human Rights Act 1998, Article 1 of the First Protocol and Article 8, would be violated if this application

were to be granted permission. Officer do not consider this argument to be well-founded, because, subject to appropriate planning conditions, the proposed development would not cause unacceptable harm to living conditions. Therefore, the degree of interference that would be caused by the proposed development, if it were to go ahead, would be insufficient to give rise to a violation of rights under Article 1 of the First Protocol and Article 8 of the European Convention on Human Rights.

Concerns Regarding Loss of Miners' Memorial – Station Road

Clowne Community Association understandably point to the indicative junction drawings at Station Rd and highlight that the pit wheel erected by the community at this location will be affected by the roundabout proposed at the current entrance to Station Rd.

Figure 12: Miners Memorial at Station Road

The application was originally made seeking detailed approval of 'Access' but this has since been removed from the submissions such that the drawings would not form the exact final layout and would be subject to change. Nevertheless, a condition could be added to any decision requiring the applicant to provide details of the re-siting of the wheel if this is affected by the junction works proposed at the reserved matters stage. Officers favour siting the memorial in the centre of the new roundabout to serve as a public art focal point for this area of the town. A condition can be recommended accordingly to ensure the memorial is dealt with sensitively at the reserved matters stage if permission is granted for the current application.

Derim Steels

Observations are made by Derim Steels that there may be an impact on their potentially noisy business operations through the siting of residential properties in the vicinity of their site. Officers consider such an issue can be effectively controlled by the noise conditions that require the new development to adapt to its environment (via the inclusion of noise mitigation) to ensure the occurrence of conflict is minimised. It is also noted a number of existing residential properties also exist in proximity to Derim Steels.

Observations are also made that approval of the site access through Station Road industrial area would prejudice the operation of their business. Officers assess that subject to final detailed design, a road access would remain available for use to the Derim Steels site albeit the cul-de-sac may be lost, this is land in public Highways Authority ownership that is entitled to be adapted provided due process is under highways legislation is followed. The cul-de-sac turning presently available is not a formal right enjoyed by Derim Steels or any other existing business in the area and it is clear access to their operation would remain.

Conclusions on other Matters

In short, it is not considered that any of the above matters raised in representations weigh heavily in the determination of this application but further consideration of the points made by Derim Steels and the concerns about the Miners' Memorial can be revisited at the reserved matters stage if permission is granted for the current application.

9. Planning Obligations

This report discusses the need for obligations to secure particular infrastructure upgrades, offsite highways works, and contributions towards education amongst others. The following list sets out the heads of terms of the obligations intended to be written into a S106 legal requirement that would need to be completed before any permission could be issued for the current application:

- Replace Treble Bob roundabout (Circa £3.43 Million)
- Signalisation of Junction 30 of M1 (Circa £885k)
- Affordable Housing (no affordable on first 400 dwellings, 8% (equivalent to 112) affordable on remaining 1400). Across the development this is equivalent to 6.2% of the total 1800 number of dwellings, and the reduction from 10% is required to pay for the full extent of the Treble Bob roundabout replacement with a signalised junction .
- Long Term Maintenance of public open space (Formula based, area dependent)
- Provision of 1.5 form of entry primary school on site (Circa £5.8 Million plus cost of land)
- Secondary Education Contribution (Circa £4.6 Million)
- Health Contribution (Circa £684k)
- Setup and run Clowne Garden Village Community Forum (£107k)
- Site Wide Travel Plan (£50k) and (£750k) Public Transport Bus Contribution

Officers consider these contributions would meet the legal tests in the CIL regulations and the policy tests in the NPPF because they are required to make the development acceptable in

planning terms, they are reasonable in scale and kind and reasonably related to the development proposed in this application. However, a further obligation securing contributions to other off-site highway works would also be required if permission were to be granted for the current application.

10. Planning Conditions

In light of the above assessment, the following types of condition would also be required in the interests of the proper planning of the local area and to make the development acceptable in planning terms:

Standard Conditions

1. 5 Year time limit to commence
2. Development in general conformity with submitted plans and documents. The reference to 26m buildings set out in the Parameters Plan is excluded.
3. Reserved Matters to be submitted include Access, Appearance, Landscaping, Layout and Scale

Prior to Reserved Matters

4. Prior to reserved matters application, submit and agree phasing plan with details of advance structural landscaping, highway connections (including footways and cycle ways) and provision of education facilities
5. Provide site wide masterplan and design code including details of public open space, a movement framework, pedestrian crossing facilities, cycle linkages and public rights of way
6. Submit and agree intrusive coal mining investigation results and mitigation details
7. Submit and agree detailed assessment considering the impacts of the development on Harlesthorpe Dam alongside any required precautionary mitigation

As part of each Reserved Matters Application

8. As part of each reserved matters submission submit and agree sound insulation details for residential properties
9. Submit and agree sound mitigation measures for noise emanating from commercial and industrial properties
10. Submit and agree sound insulation details for medical and educational properties
11. Submit and agree extent of self build housing
12. Submit and agree housing mix

Prior to Commencement

13. Prior to commencement Submit and agree written scheme of investigation to address archaeology
14. Prior to commencement submit and agree public transport strategy
15. Prior to commencement submit and agree air quality management and review details

16. Submit and agree confirming viability of surface water drainage proposals. Proposals shall be broadly in accordance with submitted details
17. Submit and agree details to address surface water run off during the construction phase of the development
18. Prior to commencement submit and agree ecological management plan
19. Submit and agree Construction and Environmental Management Plan to address:

a) Environment Management Responsibilities;
b) Construction Activities and Timings;
c) Plant and Equipment, including loading and unloading;
d) Construction traffic routes and points of access/egress to be used by construction vehicles;
e) Details of site compounds, offices, welfare facilities and areas to be used for the storage of materials;
f) Utilities and Services;
g) Emergency planning & Incident Reporting;
h) Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;
i) On site control procedures reference:

i. Traffic mitigation measures including traffic management and parking
ii. Temporary haulage routes
iii. Air and Dust quality
iv. Noise and vibration
v. Waste and Resource Management
vi. Agricultural Soils and Materials
vii. Temporary surface water drainage during construction
viii. Protection of Controlled Waters
ix. Trees, Hedgerows and Scrub
x. Ecology
xi. Archaeological and Cultural Heritage
xii. Visual and Lighting
xiii. Utilities and Services
xiv. Protection of water resources
xv. Protection of species and habitats

j) Detailed phasing plan to show any phasing, different developers and/or constructors to be updated on an annual basis;
k) Details for the monitoring and review of the construction process including traffic mitigation (to include a review process of the Construction Environmental Management Plan during development).

<u>For Each Phase of the Development</u>

20. For each phase of the development submit and agree site characterization plan
21. For each phase of the development submit and agree a detailed landscape management plan that carries through the intentions of the Parameters plan and submitted landscape details accompanying the application at outline stage
22. Before the commercial development commences, submit and agree employment scheme to maximise employment and training opportunities during the construction phase of the project

Prior to occupation of the development

23. Within 6 weeks prior to use, submit and agree an Employment Scheme to enhance and maximise employment and training opportunities during first occupation
24. The development proposed should not be occupied until the need for public sewerage improvements has been identified and the necessary improvements to the public sewerage system have been fully implemented by Severn Trent Water.

Other Conditions

25. The Allotments within the application site area shall be retained and enhanced as part of the development hereby permitted.
26. Prior to works affecting the Miners Memorial, submit and agree details of its relocation
27. The net floorspace of the 'A1' stores hereby permitted shall not exceed a total of 2500 square metres including any mezzanine

However, the County Council and Highway England's concerns about the impacts of the scheme on J.30 of the M1 and resolving the issues around timely delivery of appropriate improvements to the Treble Bob roundabout cannot be satisfactorily dealt with by conditions. This is because these matters are of such public interest and so fundamental to the acceptability of the proposed development that it is difficult to consider that it would be appropriate to reserve approval of these details by way of a planning condition.

Nonetheless, the issues raised by Highways England appear to relate to refinements to the modelling, and seeking an additional assessment year (which a previous letter indicated would be for information only). From an initial reading, they do not appear to have raised any fundamental concerns, although they are seeking the Treble Bob improvement prior to first occupation. The County Council raised more fundamental concerns in that they have interpreted the modelling as being that the proposed Treble Bob junction does not accommodate the proposed development traffic but accept this may be a technical flaw in the modelling.

Therefore, it is considered that the highways issues are capable of being addressed but to be able to move this forward: greater certainty is needed in respect of the Council's position on the acceptability of this application across the wider range of issues at stake in the determination of this application. Hence, the nature of the following conclusions and the consequential officer recommendation on this application.

11. Conclusions

In conclusion, it is considered that the proposed development will have an impact on the local area but the most significant of these potentially adverse impacts could be mitigated for by appropriate planning conditions and contributions to local infrastructure. However, even with appropriate mitigation, it is acknowledged that over the next fifteen years and beyond, these proposals will change the character and appearance of the town and there are potential impacts

on the road network within the town centre and to the south of Clowne that will not be resolved by granting planning permission for the current application.

In these respects, the negative impacts of the proposed development are considered to be capable of being offset and outweighed by the wider public benefits of the delivery of a once and for all solution for the Treble Bob roundabout and a new primary school that cannot be achieved by any other alternative development proposal alongside the other public benefits that would be achieved by granting permission for the current application. These conclusions also underpin the reason why it is considered there are very special circumstances that justify granting planning permission for inappropriate development in the Green Belt in this case.

Furthermore, the strategic site allocation in the emerging Local Plan weighs heavily in favour of the development proposals taking into account the plan-making process demonstrated that Clowne Garden Village represents the most sustainable way to grow the existing town and contribute to housing need across the District over the next fifteen years. However, these conclusions rest on addressing the County Council and Highway England's concerns about the impacts of the scheme on J.30 of the M1 and resolving the issues around timely delivery of appropriate improvements to the Treble Bob roundabout.

RECOMMENDATION

Accordingly, it is considered that outline planning permission could be granted for the current application subject to prior entry into a s.106 legal agreement securing the proposed contributions to local infrastructure and subject to appropriate planning conditions provided agreement can be reached on the delivery of improvements to J.30 of the M1 and the Treble Bob roundabout.

Therefore, it is recommended that the Council resolve to approve this application subject to a satisfactory solution being found for J.30 of the M1 and the Treble Bob roundabout and **DEFER** referral of the application to the Secretary of State until this has been achieved.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

COMMITTEE UPDATE SHEET

SUPPLEMENTARY REPORT OF THE PLANNING MANAGER

This sheet is to be read in conjunction with the main report.

Agenda Item No: 3 Planning Applications to be determined
Planning Site Visits held on 25 June 2018 commencing at 10:00hours.

PRESENT:-
Members: Councillors J Clifton, S. Peake and P. Smith

Officer: David O'Connor

Summary of representations received after the preparation of the main Committee Report and any recommendation based thereon.

Consultees:

Derbyshire Wildlife Trust

The Wildlife Trust would prefer to see more details of the proposed mitigation for the loss of fields insofar as they provide habitat for birds and hares and require specific mitigation measures for the effects of the proposed internal road layout in respects of the Harlesthorpe Hedges, woodland to the west of Harlesthorpe Dam and wetland habitat to the east of Harlesthorpe Dam.

However, the Wildlife Trust have not disputed the Council's conclusions that the proposals would not result in a net loss of biodiversity, that due regard has been paid to the conservation and enhancement of biodiversity interests, and that the proposals would not have a harmful impact on European Protected Species.

Therefore, the Trust have recommended conditions including conditions seeking submission and agreement on a Construction and Environmental Management Plan and a Landscape and Ecological Management Plan. It is considered by officers that the Wildlife Trust's suggested conditions are incorporated in the draft list of conditions set out in the officer report.

Highways England

Having received additional information from the applicant, Highways England have withdrawn their holding objection and recommend that conditions should be attached to any planning permission that may be granted for the current application.

Historic England

Historic England continue to have concerns about the level of information provided by the applicant and draw the Council's attention to the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Officer consider the officer report sets out clearly the potential impact of the scheme on designated and non-designated heritage assets and in reaching a recommendation, officers have paid full regard to the statutory duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. Historic England do not dispute an officer conclusion that the proposals would result in less than substantial harm.

Whitwell Parish Council

The Parish Council seek assurances in relation to the S106 to ensure junction improvements at Southgate Crossroads, the roundabout at De Rodes Arms at Barlborough, Oxcroft Way and Barlborough/Creswell Rd and Treble Bob. Adequate primary school provision should also be part of this provision.

Officers consider that the application provides for the provision of a new primary school, improvements to the roundabouts at Oxcroft Way and Treble Bob and the scheme will provide an internal link road that relives pressure on the junction between Barlborough Road and Creswell Road. The roundabout at De Rodes Arms at Barlborough is outside of the scope of this application and the local highway authority have not stated that improvements to this roundabout would be required.

Representations:

12 additional representations have been received since publication of the officer report, which include comments on the following issues:

- Removal of access from the development will prejudice public safety
- This application is premature and should await the outcome of the Local Plan process
- The extent of development should only be 1000 houses to meet the Council's housing need
- Demolition of the buildings close to the Nags Head pub would adversely affect the historical interest of the area
- A bus service should be assured as part of the development
- Gapsick Lane should be protected as part of the development
- The businesses on Station Road Industrial Area should be retained to maintain local businesses and avoid loss of employment
- Sewage network capacity remains a concern
- Health infrastructure capacity remains a concern

- Education infrastructure capacity remains a concern

Officers consider that all these points have been addressed in the officer report.

Comment

Of the above representations, only Highways England's comments are considered to raise any substantive issues that affects the recommendation in the officer report.

The officer report concluded that outline planning permission could be granted for the current application subject to prior entry into a s.106 legal agreement securing the proposed contributions to local infrastructure and subject to appropriate planning conditions provided agreement can be reached on the delivery of improvements to J.30 of the M1 and the Treble Bob roundabout J.30 of the M1 and the Treble Bob roundabout.

The Highways Authority have recommended conditions that address officer concerns about J.30 and Treble Bob in that (i) it is clear the Highways Authority recognise the remaining technical issues around both sets of highway improvements can be resolved and (ii) appropriate trigger points can be used in a planning condition to ensure that agreement on the design solution and delivery of both sets of highway improvements can be achieved.

In these respects, the Highways Authority's suggested comments allow this Council to take a pragmatic approach and move the application on by referring it to the secretary of state.

Amended Recommendation

It is therefore recommended that the Council resolve to approve this application and refer the application to the Secretary of State subject to the following conditions suggested by the Highways Authority:

A. No part of the development hereby permitted shall commence until a scheme in broad accordance with that shown on AECOM indicative drawing Treble Bob roundabout Traffic Signals Option 2B, has been submitted to and approved in writing by the local planning authority in consultation with LHA. The approved scheme shall be implemented and completed in full, in accordance with the approved details, prior to the first occupation of the development.

B. No part of the development hereby permitted shall commence until a scheme in broad accordance with that shown on AECOM indicative drawing M1 J30 Traffic Signals 60556776-M1J30-TSD001, has been submitted to and approved in writing by the local planning authority in consultation with Highways England. The scheme shall comply with the design requirements and procedures of the Design Manual for Roads and Bridges as required by Highways England, including those relating to road safety audits and Walking, Cycling & Horse-Riding Assessment and Review (WCHAR) as set out in HD 42/17, formerly known as non-motorised user (NMU) audit. The approved scheme shall be implemented and completed in full, in accordance with the approved details, prior to the first occupation of the development.

It is also recommended that any permission for the current application should be subject to a s.106 legal agreement containing the following obligations as set out in the officer report:

- Replace Treble Bob roundabout (Circa £3.43 Million)
- Signalisation of Junction 30 of M1 (Circa £885k)
- Affordable Housing (no affordable on first 400 dwellings, 8% (equivalent to 112) affordable on remaining 1400). Across the development this is equivalent to 6.2% of the total 1800 number of dwellings, and the reduction from 10% is required to pay for the full extent of the Treble Bob roundabout replacement with a signalised junction .
- Long Term Maintenance of public open space (Formula based, area dependent)
- Provision of 1.5 form of entry primary school on site (Circa £5.8 Million plus cost of land)
- Secondary Education Contribution (Circa £4.6 Million)
- Health Contribution (Circa £684k)
- Setup and run Clowne Garden Village Community Forum (£107k)
- Site Wide Travel Plan (£50k) and (£750k) Public Transport Bus Contribution

And that any permission for the current application should be subject to the following additional planning conditions as also set out in the officer report:

Standard Conditions

1. 5 Year time limit to commence
2. Development in general conformity with submitted plans and documents. The reference to 26m buildings set out in the Parameters Plan is excluded.
3. Reserved Matters to be submitted include Access, Appearance, Landscaping, Layout and Scale

Prior to Reserved Matters

4. Prior to reserved matters application, submit and agree phasing plan with details of advance structural landscaping, highway connections (including footways and cycle ways) and provision of education facilities
5. Provide site wide masterplan and design code including details of public open space, a movement framework, pedestrian crossing facilities, cycle linkages and public rights of way
6. Submit and agree intrusive coal mining investigation results and mitigation details
7. Submit and agree detailed assessment considering the impacts of the development on Harlesthorpe Dam alongside any required precautionary mitigation

As part of each Reserved Matters Application

8. As part of each reserved matters submission submit and agree sound insulation details for residential properties
9. Submit and agree sound mitigation measures for noise emanating from commercial and industrial properties
10. Submit and agree sound insulation details for medical and educational properties
11. Submit and agree extent of self build housing
12. Submit and agree housing mix

Prior to Commencement

13. Prior to commencement Submit and agree written scheme of investigation to address archaeology
14. Prior to commencement submit and agree public transport strategy
15. Prior to commencement submit and agree air quality management and review details
16. Submit and agree confirming viability of surface water drainage proposals. Proposals shall be broadly in accordance with submitted details
17. Submit and agree details to address surface water run off during the construction phase of the development
18. Prior to commencement submit and agree ecological management plan
19. Submit and agree Construction and Environmental Management Plan to address:

a) Environment Management Responsibilities;
b) Construction Activities and Timings;
c) Plant and Equipment, including loading and unloading;
d) Construction traffic routes and points of access/egress to be used by construction vehicles;
e) Details of site compounds, offices, welfare facilities and areas to be used for the storage of materials;
f) Utilities and Services;
g) Emergency planning & Incident Reporting;
h) Contact details for site managers and details of management lines of reporting to be updated as different phases come forward;
i) On site control procedures reference:

i. Traffic mitigation measures including traffic management and parking
ii. Temporary haulage routes
iii. Air and Dust quality
iv. Noise and vibration
v. Waste and Resource Management
vi. Agricultural Soils and Materials
vii. Temporary surface water drainage during construction
viii. Protection of Controlled Waters
ix. Trees, Hedgerows and Scrub
x. Ecology
xi. Archaeological and Cultural Heritage
xii. Visual and Lighting
xiii. Utilities and Services
xiv. Protection of water resources
xv. Protection of species and habitats

j) Detailed phasing plan to show any phasing, different developers and/or constructors to be updated on an annual basis;
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27. The net floorspace of the 'A1' stores hereby permitted shall not exceed a total of 2500 square metres including any mezzanine

Highway Conditions

Any additional and relevant requirements of the local highway authority but including:

28. Submission and agreement on delivery of off-site highway improvements