

PARISH Scarcliffe

APPLICATION Low density residential development (5 dwellings)
LOCATION Greenacres Budget Lane Scarcliffe Chesterfield
APPLICANT Mr Stuart Hill Glapwell Nurseries Glapwell Lane Glapwell Chesterfield
 S44 5PY
APPLICATION NO. 18/00411/OUT **FILE NO.** PP-07164556
CASE OFFICER Mrs Kay Crago (Tues, Fri)
DATE RECEIVED 27th July 2018

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Planning Manager
 REASON: Policy Considerations

SITE

The application site forms part of a broadly triangular shaped area of land situated between Rotherham Road to the west, Budget Lane to the east, sloping down from northwest to the southeast corner. Previously the site was in use as a nursery. The land is bounded by hedgerows along the western and eastern edges and the rear boundaries of neighbouring residential properties back onto the northern and southern boundaries.

Site Location



The existing properties on the boundary of the land also form the boundary of the settlement framework and the application site is located in the countryside outside of the settlement framework. The site is also outside of but adjacent to the designated Scarcliffe Conservation Area.

Application Site



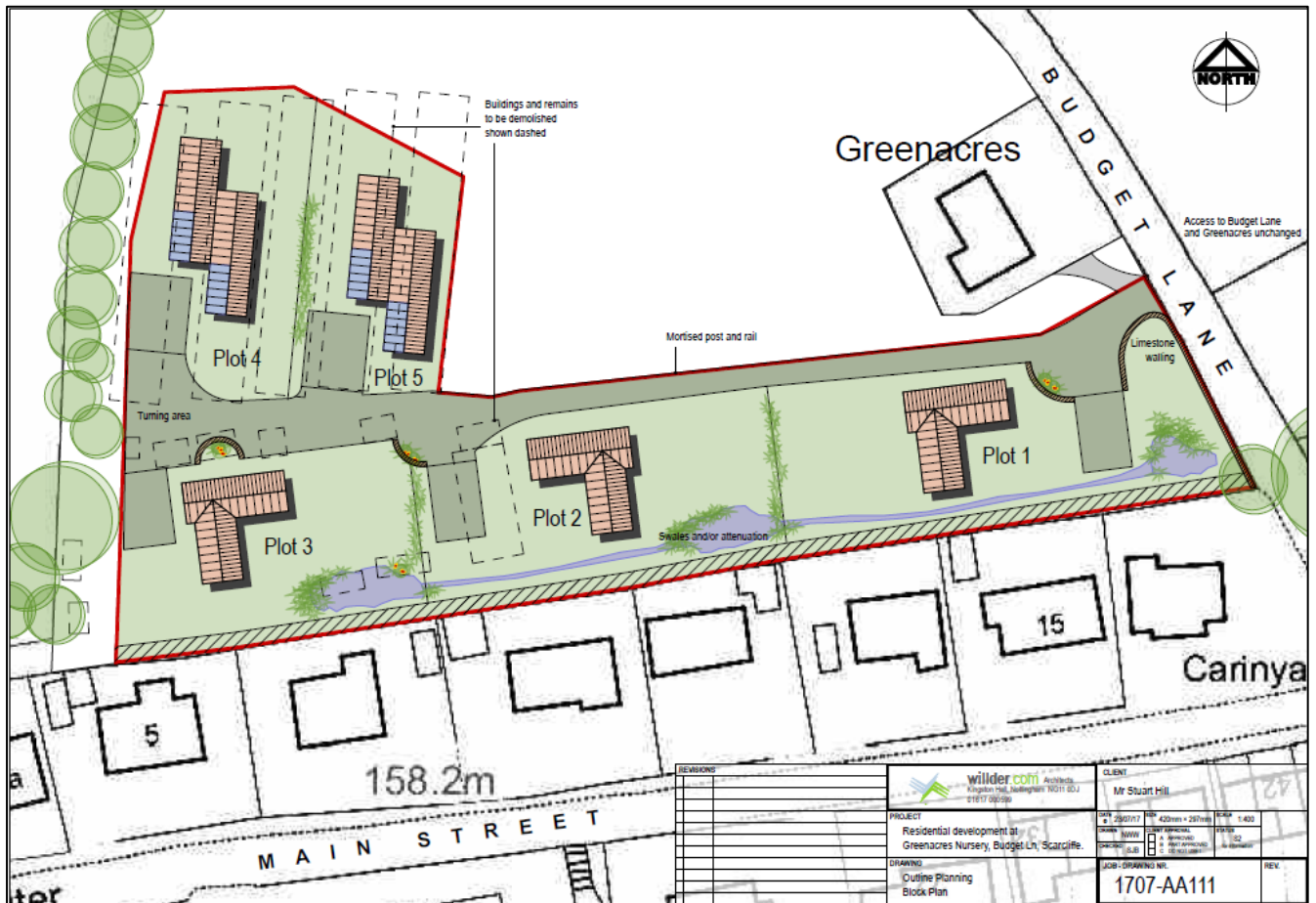
The application site itself is confined to an area to the south of the triangular shaped area of land on part of which there are disused glasshouses and a small storage building/barn of modern construction. A bungalow known as 'Greenacres' is situated on the south east edge of the site, fronting Budget Lane and was originally granted permission to assist the management of the former nursery on this land but further residential development to the west of the site has been refused planning permission in the past.

PROPOSAL

Outline application with *Layout* and *Landscaping* reserved for subsequent consideration. The matters to be considered in the determination of this application include the principle of the development and the details of access, scale and appearance.

The amended plans (see overleaf) show the proposals for residential development comprising five dwellings within relatively generous plots. Three of the plots are close to or on land currently occupied by existing buildings. The development is shown to be accessed via the existing access onto Budget Lane which runs in a west east direction through the southern third of the site. Three of the plots are shown to be sited to the south of the access directly opposite existing residential properties.

Revised Block Plan



A 2m strip of land is shown to the southern boundary and is described in the design and access statement as a 2m buffer extension. It has been confirmed that this strip of land would be gifted to residents of properties to the south of the application site.

The application is supported by the following documents:

- Design and Access Statement
- Ecology Report
- Illustrative outline planning block plan

AMENDMENTS

Letter received 17th February 2019 discussing the design rationale and discussing the possibility of single storey development within the site.

Additional information/ revised plans were submitted 8th January 2019 providing the following:

Updated Design and Access Statement including heritage statement.
Drawing number 1707-AV110 Site Location Plan
Drawing Number 1707-3D101 3D Block Plan

Drawing Number 1707-AA412 Floor Plans House Type B
Drawing Number 1707-AA111 Rev A Block Plan
Drawing Number 1707-AA411 Floor Plans House Type A
Drawing Number 1707-AC111 Details of existing access and proposed treatment.

HISTORY

This application is a resubmission of an earlier application withdrawn prior to determination (application no. 17/00386/OUT). Amongst other things, there were objections to these proposals on highway safety grounds and officers were unable to support the principle of the proposed development in the countryside outside the settlement framework.

Previously, there have been several application relating to residential development on the triangular piece of land at Greenacres, including the applications for the existing bungalow. As follows:

1061/26 Planning permission in outline for one dwelling in association with use of land as smallholding (21/03/62).

BLA/862/22 Permission granted for one dwelling on site in association with the use of the site as a smallholding (1/10/62)

1079/531 Residential development on land to the west of the application site refused planning permission (30/11/79).

290/66 Planning permission refused for 4 dwellings to west of application site (4/07/90)

However, there does not appear to be any planning history on file relating to the former nursery and existing buildings on the application site.

CONSULTATIONS

Bolsover District Council (Heritage Conservation Manager): Objects to the proposal because it is considered that it would harm heritage assets. 21/01/19

Bolsover District Council (Senior Urban Designer) Objects because in its current form it is not considered that the design quality of the proposals is of a sufficiently high standard, such that it would outweigh the policy of restraint applying to residential development in the countryside. In addition, the outline nature of the application and the limited information supplied would provide little confidence that, if an outline permission were to be approved, that the reserved matters would reflect the aspiration of this scheme as currently submitted. 21/01/19

Derbyshire County Council (Archaeologist): No need for archaeological involvement under the policies at NPPF chapter 16. 14/08/18

Derbyshire County Council (Highways): No objections subject to conditions relating to visibility in the critical direction, provision of space for manoeuvring and parking per dwelling,

no gates or other barriers to be erected onto the access, gradient to be no steeper than 1 in 20 for the first 20m from the nearside highway boundary and 1:12 thereafter. Various highway advisory notes suggested. 16/01/19

Derbyshire Wildlife Trust No objections subject to conditions. 22/08/18

Parish Council No objections 21/08/18

PUBLICITY

Advertised in the press, site notice posted and 15 properties notified by letter.
6 representations received.

On receipt of the additional information, additional publicity was undertaken including advertisement in the press, posting of site notice and re-notification by letter of neighbouring properties.

The 6 representations received in total following both rounds of publicity raised the following issues:

Grounds of objection:

Will potentially lead to further applications on the site

New residents and existing residents will have no privacy

Development is in close proximity to the Bolsover Tunnel

Existing developments with planning permission are being progressed slowly, site could be a building site for years

Adverse impact on infrastructure such as highway network, highway safety and capacity at the primary school

Will impact on the historic form of the village

Adverse impact upon the historic dispersed settlement

Adverse impact upon Budget Lane, picturesque entrance to the village

The new development would be visible from most angles of upper Main Street and would diminish the views of the villages historic setting

Does not meet any criteria for residential development in the countryside

Council has a five year supply of housing

Vehicle movements were significantly less when in horticultural use, very limited access to the public

Existing hedgerow has been removed

Direct impact on privacy between existing development and proposed new houses due to close proximity to properties on Main Street,

Waste material from Coalite may have been stored within the tunnel running below the site.

The waste if in containers may be leaking and dioxin is known to be harmful to public health. This would need full investigation.

Statement of support

The site has deteriorated over time and looks a mess. Development will add some character to the village.

POLICY

Bolsover District Local Plan (BDLP)

- GEN 1 – Minimum Requirements for Development
- GEN 2 – Impact of Development on the Environment
- GEN 5 – Land Drainage
- GEN 6 – Sewerage and Sewage Disposal
- GEN 8 – Settlement Frameworks
- GEN11 – Development adjoining the Settlement Framework Boundary
- HOU 2 – Location of Housing Sites
- HOU 9 – Essential New Dwellings in the Countryside
- TRA 1 – Location of New Development
- TRA 15 – Design of Roads and Paths to Serve New Development
- CON 4 – Development Adjoining Conservation Areas
- ENV 2 – Protection of the Best and Most Versatile Agricultural Land and the Viability of Farm Holdings
- ENV 3 – Development in the Countryside
- ENV 5 – Nature Conservation Interests throughout the District
- ENV 8 – Development affecting Trees and Hedgerows

Publication Local Plan for Bolsover District (May 2018)

The application site is shown to be outside the development envelope of Scarcliffe.

- SS1 Sustainable Development
- SS3 Spatial Strategy and Distribution of Development
- SS9 Development in the Countryside
- SC1 Development within the Development Envelope
- SC2 Sustainable Design and Construction
- SC3 High Quality Development
- SC7 Flood Risk
- SC8 Landscape Character
- SC9 Biodiversity and Geodiversity
- SC10 Trees, Woodlands and Hedgerows
- SC14 Contaminated and Unstable Land
- SC16 Development Within or Impacting upon Conservation Areas
- ITCR10 Supporting Sustainable Transport Patterns

National Planning Policy Framework

The new National Planning Policy Framework (NPPF, July 2018) continues the presumption in favour of sustainable development (paragraph 10) that was introduced in the 2012 NPPF. Paragraph 11 goes on to set out what this means for decision-taking: “approving development proposals that accord with an up-to-date development plan without delay”. Footnote 7 on page 6 explains that for applications involving housing, out-of-date policies include situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Bolsover District Council has relevant ‘saved’ policies from the 2000 Local Plan and can demonstrate a five year supply of deliverable housing

sites. Therefore, the presumption in favour of sustainable development does not apply in this case.

Other relevant paragraphs in the NPPF include:

Paragraphs 2 & 12: Applications to be determined in accordance with the development plan.

Paragraph 9: “Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area”.

Paragraph 15 “The planning system should be genuinely plan-led”.

Paragraph 48: Weight to attach to emerging plans

Paragraph 124. Good design is a key aspect of sustainable development.

Paragraph 127, which states planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 131: great weight should be given to outstanding or innovative designs.

Paragraph 170: Planning policies and decisions should contribute to and enhance the natural and local environment.

Paragraphs 189 – 194 & 197 provide advice on assessing the impacts of proposals affecting designated and non-designated heritage assets.

Paragraph 196 says where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Other

Planning (Listed Buildings and Conservation Areas) Act 1990 – section 72 requires that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.”

Historic Environment SPD 2006

Scarcliffe Conservation Area Appraisal and Management Plan 2010

Supplementary Planning Document Successful Places: A Guide to Sustainable Housing Layout and Design (2013).

ASSESSMENT

Principle of Development

The site was previously used as a small holding and nursery with some remains of glasshouses and other temporary structures remaining on part of the site. The majority of the site appears to have been used for the growing of plants or crops and would not appear to have been occupied by permanent buildings. The agent describes the site as brownfield but the previous use falls within the definition of agriculture and the site is not considered to be a brownfield site.

Describing the site more properly as a greenfield site is also consistent with the revised NPPF (July 2018), which defines brownfield sites (also described as previously developed land) as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.

This definition excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

This is important because if the application site is considered to be greenfield then there are different planning considerations in this case compared to the circumstances at

Glapwell Nurseries, for example, which was deemed to be a garden centre and therefore previously developed land in an A1 retail use.

The current application site like the majority of the land at Glapwell Nurseries, also lies outside the settlement framework as defined in the adopted Bolsover District Local Plan (2000) and as defined in the publication Local Plan. The bungalow on site was allowed on the site because it was approved in association with the working of the land as a smallholding. The decline in the condition of the buildings has been over many years and there is no evidence that the new houses are required to support the nursery or any other rural based business.

This is also important because Policy HOU2 (Location of Housing Sites) would only permit housing development within the settlement framework to which policy GEN8 (Settlement Frameworks) refers. In this case, saved countryside protection policies, notably ENV3 (Development in the Countryside) and HOU9 (Essential New Dwellings in The Countryside) do apply and these policies would not normally allow residential development on this greenfield site in the countryside except in special circumstances.

HOU9 allows for dwellings for agricultural workers but this is not relevant here. To accord with the criteria set out in policy ENV3; development outside the settlement framework must be necessary (for example to house an agricultural worker), or it must result in a significant improvement to the rural environment, or it must benefit the local community through the reclamation or reuse of land. It is considered that the proposal does not meet these criteria and the proposal is contrary to these policies and in the current circumstances; any approval for the current application would be a departure from the development plan.

In light of the Council being able to demonstrate a 5 year supply of deliverable housing sites, objections to the proposals because the site in question is not allocated for housing within the adopted Local Plan and is situated in the countryside carries significant weight. In addition, the Council's housing policies are consistent with national policies relating to housing in rural areas set out in paragraphs 77, 78 and 79 of the NPPF.

Notably, the Publication Local Plan (May 2018) also does not distribute any residential development to Scarcliffe in its Spatial Strategy and Distribution of Development, and instead focuses development on the larger and more sustainable settlements as set out in the settlement hierarchy. This is mainly because Scarcliffe has very few key services and therefore, development of the site may also be contrary to policy TRA 1, which directs new development to areas which minimise the need for travel and are highly accessible by means other than private car.

The plan titled Site Movement and Access within the Design and Access Statement gives times for walking, cycling and driving modes of travel to various destinations. Secondary schools, supermarkets and a railway station are between 2 and 6km from the application site, (28-72 minute walk)

In recent appeal decisions inspectors have held that 2km is not an easy or convenient walking distance, especially for the elderly and children or for anyone in poor weather.

Cycling to these facilities is only likely to appeal to some people but will not be a suitable or attractive option for all, especially the young or elderly. Public transport serves the village and provides access to further away destinations such as Sheffield and Mansfield.

However for the very many short journeys to local shops and services it is likely that most journeys would be undertaken by private car and the development would not lend itself very well to sustainable travel choices. This would conflict with Paragraph 103 of the Framework which indicates that the planning system should actively manage patterns of growth in support of objectives, which include opportunities to promote walking, cycling and public transport.

Therefore, the proposed housing at Scarcliffe would not be in a sustainable location for residential development, which supports the policy position that the development proposed in this application in the countryside outside is not acceptable in principle because it is contrary to Local Plan Policies GEN8 and ENV3. These policies are also considered consistent with the Framework and its three overarching objectives of achieving sustainable development.

Additionally, the Council can demonstrate it has a 5 year supply of deliverable housing so the tilted balance set out at Paragraph 11 of the Framework does not therefore apply and the development should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the potential impact of the proposed development on the nearby Conservation Area and the surrounding countryside are especially relevant considerations in the determination of this application.

Impacts on the character of the area and heritage considerations

Although the site currently has a boundary of mature planting to the western boundary, there are open views of the site from the east. There is no guarantee that the planting to the western boundary could be retained. The site is generally elevated and any development for residential development would be prominent from certain locations. There is a strong boundary to built development along the southern boundary to the rear of properties along Main Street. Public footpath routes from Budget Lane to Fox Hill allow direct views of the site.

Currently there are views of the dilapidated buildings although due to their mass and form these appear quite recessive as seen in the illustration below.

View from Fox Hill



The illustration also shows that the site is very rural in character with open countryside to the north, west and east. The majority of the site is undeveloped and free from buildings. The buildings formerly used for plant growing are being overtaken by vegetation and beginning to blend into the landscape. Redundant rural buildings are not uncommon. The site whilst bounded by roads to the west and east has an agricultural feel and reads as part of the wider agricultural landscape.

Paragraph 170 of the Framework advises that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. This proposal would not do that because it introduces housing into the rural setting of Scarcliffe, as shown in the illustration below, which gives rise to further conflict with Policy ENV3 and conflict with policy GEN2 that seeks to protect the character and appearance of the District's countryside and the rural setting of its villages.

Proposed view from Fox Hill



In terms of heritage assets, the site is in close proximity to several unlisted buildings of merit, listed buildings and the boundary of the conservation area. The section of the village along Main Street which sits outside the conservation area is linear in plan form and the

main core of the village within the conservation area is more nucleated in plan form. Development of this site would therefore alter the current plan form of the village.

Paragraph 126 of the Framework says local planning authorities and decisions on planning application should take into account the desirability of new development making a positive contribution to local character and distinctiveness in the context of conserving and enhancing the historic environment.

Policy CON 4 (Development adjoining Conservation Areas) states that planning permission will be refused for proposals adjacent conservation areas which do not preserve or enhance the special character and setting of the conservation area including views into or out of it.

In this case, the proposed dwellings may in part be visible from Main Street and visible from locations within the conservation area particularly Fox Hill and would result in a suburban incursion into what is an agricultural landscape.

The conservation area retains a strong rural character and the relationship between the built environment and the wider landscape is integral to the character of Scarcliffe. The Scarcliffe conservation area appraisal and management plan (CAAMP) recognises that there has been a significant amount of infill, of varying quality, within and adjacent to the conservation area (para 5.27) and as a result identifies a potential threat as, “further intensification of built development within the conservation area would generally be considered to detract from the character and appearance of the conservation area. Any proposed new development should be designed to relate to the existing scale and style of building in the conservation area.” It also refers to development immediately outside the conservation area potentially having a detrimental impact on the character and appearance of the conservation area.”

The conservation officer is not supportive of the proposed development due to the impact upon views from within and outside the conservation area, the introduction of a suburban form of development to the entrance of the village and consequently its impact upon the rural character of the village, the inclusion of an alien (two story) form of development that does not reflect the existing low level constructions on the site (greenhouses and sheds and a single bungalow).

She also considers that insufficient detail has been provided which would fully enable the potential impacts of the development upon heritage assets to be assessed. Such detail would include more information with regards to views into and out of the application site, elevation drawings and height comparisons/adjacent building lines in order that a comparison of building heights could be undertaken. The conservation officer concludes that residential development on this site would not be appropriate and would harm heritage assets.

Guidance within the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate its

optimum viable use. It is not considered that any public benefit in this case would outweigh the policy conflict.

In particular, the opportunity to 'tidy up' the site would be offset and outweighed by the impacts of the development. In summary, the extension northwards to the rear of properties on Main Street would eliminate an existing definitive gateway into Scarcliffe and would create a harmful, uneven and irregular visual relationship between the built form and the wider countryside. In addition, the development would appear as an ad hoc intrusion within the agricultural landscape. It would be very difficult to achieve a form of development which would have a comfortable relationship with the existing development to the south and this would be the case whether considering single or two-storey developments.

Therefore, it is concluded that development of the site would represent a prominent intrusion into the countryside which would have an adverse impact upon the rural character of the area and would cause harm to the countryside in its own right and the rural character of the entrance to the village and would also be harmful to heritage assets for which there is no special justification or sufficient public benefit. This would be contrary to policies ENV 3, GEN 2 and CON 4 of the Bolsover District Local Plan which seek to protect the countryside from inappropriate development and requires developments to preserve or enhance the special character and setting of the conservation area.

Design

Throughout the application process the applicant and agent were fully aware of the policy constraints relating to residential development in the countryside. However, the agent wanted to provide more detail and supporting information to enable greater weight to be given to the design quality of the scheme. For example, within the Framework paragraph 79 may exceptionally support housing in the countryside if development - *is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and* - *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

Whilst layout is not included for consideration at this time, drawings are provided to show a layout which broadly seeks to redevelop some of the land currently occupied by a storage building and low level glass house buildings.

Illustrative Block Plan



The illustrative layout (above) shows a low density of development with generous sized plots. It is intended that the houses would be attractive to higher income residents. The houses would be two storey. A mixed palette of materials is proposed which would reflect the materials used within Scarcliffe and those used in the brick and glass greenhouses which would be replaced. The design of two of the dwellings takes cues from the form and layout of the greenhouses with linear styling and glazed elements proposed to the roofs. The other three houses are more traditionally styled two storey houses.

Additional information has been submitted by the agent to describe the design context of the scheme. The additional information shows a 3 dimensional drawing of the proposed dwellings, long views into the site and an enhanced design and access statement which provides illustrative elevational (not to scale drawings) of the proposed houses.

However, as submitted, the proposed schematic layout would result in a substandard separation distance between the proposed and existing properties below the 21m generally required. The relationship between the proposed and existing houses is not helped by the restricted nature of the application site and the very limited rear garden depth to some of the properties on Main Street.

Whilst the application is showing a 2m strip of land along the southern boundary of the application site which is to be gifted to adjacent residents, this would not alleviate the issues with separation. The close proximity of the proposed new houses and the existing dwellings (many of which are single storey) creates a somewhat overbearing relationship. It would also result in potential overlooking of private garden space of existing and proposed dwellings between the properties. By reserving layout for later consideration it is not

possible to ensure that an acceptable layout can be achieved and the restricted application site area further compounds the difficulties of achieving this.

The Urban Design Officer has commented on the additional detailing. He has concerns regarding whether an acceptable layout can be achieved which resolves the issues outlined above and considers that without full details of appearance and layout being provided at this time there would be no robust mechanism which would ensure delivery of a high quality scheme.

It is therefore not considered that the design quality of the scheme outweighs policies which seek to restrict residential development in the countryside. It also has not been demonstrated that a scheme could be designed which achieved general compliance with policies GEN 2 and guidance contained within Successful Places in respect of overlooking and space around buildings. Therefore, the proposed scheme would also be unneighbourly despite the applicant's offer to gift additional garden land to adjacent properties.

These conclusions exacerbate the identified conflict with housing policy because the site is in countryside outside the settlement framework and supports the conclusions that the proposals would have a harmful impact on the setting of the designated Scarcliffe Conservation Area and the surrounding countryside. In this case, it is not considered any other relevant planning considerations weigh heavily for or against the proposals for the following reasons:

Site Stability (Bolsover Tunnel)

The former Bolsover Tunnel runs in a north west to south east line to the north of the red edge of the site. The schematic layout shows that only plot 1 would be partially sited over the tunnel. The impacts of development cannot fully be understood without the undertaking of further investigation. It is likely that the site could in part be safely developed and such a report could be required by condition. The Council's Consulting Engineers confirmed during consultation on the previous application (17/00386/OUT) that this approach would be prudent. Subject to inclusion of a condition to deal with this issue, it is considered that the proposal would comply with the requirements of policy GEN 7 of the Bolsover District Local Plan.

Archaeology

The Archaeologist states that the site lies just to the east of a historic routeway (Derbyshire HER 99025), now Rotherham Road, postulated to be of Roman origin, though without excavated evidence. However as a significant part of the site has been impacted by the existing nursery development, it is unlikely that anything of archaeological significance lies within this footprint and it has been advised that there would be no archaeological impacts, such that the proposal would comply with Policy CON13 (Archaeological Sites and Ancient Monuments) of the Bolsover District Local Plan.

Biodiversity

The site is currently not in use although it's possible that a grass crop has been taken off

the site. Part of the site is occupied by vacant greenhouse buildings and outbuildings. The western part of the site near the buildings is becoming overgrown and gradually the green houses are being overcome by vegetation. There are various habitats within the site including, open ground, vacant buildings, trees and hedgerows.

An extended Phase 1 habitat survey was undertaken in October 2017 by Arc Ecology. No ecological constraints were identified, with the exception of nesting birds. Derbyshire Wildlife Trust raised no objections and recommends that the area is maintained as short vegetation to reduce the suitability for reptiles and recommends the inclusion of a condition requiring the submission of a Biodiversity Enhancement Strategy to achieve a net gain in biodiversity in accordance with the NPPF 2018.

It is considered that the proposed development could meet the requirements of policy ENV5 of the Bolsover District Local Plan.

Contamination

The site has previously been used as a plant nursery which is considered to be a potentially contaminative land use. As detailed in the Design and Access Statement the site is now derelict although the remains of some of structures associated with the previous use are still present. There is also the possibility there may be Made Ground present on the site which can be a source of contamination. A representation from a neighbouring resident has raised the issue that potentially contaminated material (specifically dioxin from Coalite) may be stored in barrels inside the tunnel. Discussions with the Environmental Health Officer indicate that this can't be confirmed or denied but would need to be considered within the scope of any investigation. Due to the proposed sensitive end use, the Pollution Control Officer recommends that a full phased contaminated land condition be included in any permission.

It is likely that subject to the inclusion of an appropriately worded condition, the proposed development could meet the requirements of policy GEN 4 of the Bolsover District Local Plan.

Highway Considerations

The agent provided some additional information with regards to the former use of the site as a nursery in relation to previous vehicular movements. Following receipt of this the local highway authority has no objection to the proposed development subject to the inclusion of conditions. Other than a condition relating to the visibility in the critical direction at the junction of the access and Budget Lane, conditions relating to the provision of parking and maneuvering, access gradient, space for storage of plant and machinery and no gates to vehicular access would not need to be included on an outline planning permission. The proposed development can meet the requirements of policy GEN1 of the Bolsover District Local Plan.

The Planning Balance

In conclusion, the above sections of this report set out how a number of technical matters could be overcome by planning conditions but also that the development proposed is

considered contrary in principle to Local Plan Policies GEN8 and ENV3. These policies are considered to be consistent with the Framework and carry significant weight in the determination of this application. To overcome this objection, it would be necessary to demonstrate there would be substantial benefits of granting planning permission for a departure from the development plan.

In this case, it is considered the main benefits of the proposals are a currently vacant site with buildings in disrepair would be redeveloped to create a small number of homes. It is also acknowledged an approval of the current application could provide minor economic benefits in the short term through local employment opportunities during the construction phase. These benefits however are diminished somewhat because the location of the proposals would be relatively car dependent, the delivery benefits are not immediately required to address any under provision and the number of dwellings is so small as to not be significant. Broader housing benefits and short term employment aspects mentioned could be achieved by other planned for housing developments in closer association to main sustainable settlement services. Overall when taken together, the benefits of the development are considered to convey a 'minor positive' planning benefit.

However, setting aside the development plan conflicts, the likely significant adverse impacts of the proposals have to be weighed in the planning balance. As noted above, the adverse impacts of the proposals weigh substantially against approval of this application because the proposed housing would cause harm to the character of the countryside and to heritage assets. This harm would arise from the provision of a development form that does not accord with the natural form of the existing settlement, which would be prominent from public vantage points and from within the conservation area. In addition, the development, as submitted, would not achieve general compliance with guidance contained with Successful Places in respect of neighbourliness and the design of the proposals would fall short of the high quality required to justify an exceptional approval.

It is therefore concluded overall, in tandem with the substantial weight against the proposals offered by the conflict with adopted policies GEN8 and ENV3, there are no sufficient overriding factors that would weigh so heavily in favour of the proposals such as to offset the adverse impacts of the development. As set out in the previous sections of this report, it is considered the current application proposes an unsustainable form of development that would not only be a departure from the Development Plan but the proposed development would also conflict with national planning policies in the Framework when taken as a whole. Therefore, the current application is recommended for refusal.

Other relevant considerations

In reaching a recommendation of refusal, it is acknowledged that consistency in decision making is important and decisions should be made in accordance with policies of the development plan unless other material considerations dictate otherwise. In these respects, as noted in the above report there are some aspects of these proposals that are reminiscent of the circumstances of an appeal for residential development, which was allowed at Glapwell Nurseries.

However, the scale of development at that site was significantly greater and the inspector held that the site already had a “developed” appearance. Weighing significantly in the favour of the application was that development would result in public benefits as a result of the restoration of the unlisted Bothy within the site and from S106 obligations. The scheme the subject of this application is not really comparable and its development would not result in significant public benefit.

Equally, in other appeal decisions Inspectors have given weight to policies which seek to prevent harm to the countryside and have given limited weight to the economic benefits from the construction of houses or the support to services additional residents can provide when such benefits could be accrued from developments within the settlement framework. Therefore, it is considered that a recommendation of refusal for the current application is consistent with the development plan and takes into account how Inspectors have viewed the planning balance in similar circumstances at appeal.

Finally, officers have met with the applicant and the agent to discuss the officer recommendation prior to the application going before Planning Committee. Following this meeting a letter has been submitted whereby the agent would be willing for consideration to be given to the development of the site for single storey dwellings with scale and appearance to be matters reserved for later consideration.

However, it is not considered that single storey development could overcome this recommendation for refusal. Any residential development would be contrary to the policies of the local plan with there being no justification and very limited public benefit. The development for single storey dwellings would still result in a permanent impact upon the countryside which would cause more harm to the immediate area and village form than the present vacant buildings which will ultimately decay into the landscape.

Therefore, whilst officers acknowledge the applicant’s desire to work with officers to reach a positive outcome, the location and nature of the development proposals means that unfortunately; further negotiations or design amendments are highly unlikely to address the fundamental policy issues set out in the above report or overcome the following reasons for refusal.

RECOMMENDATION

The application be REFUSED for the following reasons:

1. The site lies outside the settlement framework as defined in the saved policies of the Bolsover District Local Plan (2000). Policies ENV3 and HOU9 apply which do not normally allow residential development except in special circumstances such as where dwellings are required for agricultural workers or where it results in a significant improvement to the rural environment. The proposal does not meet these criteria and the application is contrary to policies ENV3 and HOU9. The proposal is also contrary to the publication Local Plan which aims to foster sustainable development and it does not support the allocation of this site for residential development as part of the planned delivery of the plan’s housing target for the period up to 2033. As a result, it is considered that the proposal would be contrary to the Framework also given its emphasis on a plan-led system. Insufficient other

material considerations exist to offset this conflict and approval would therefore be an unjustified departure from the development plan.

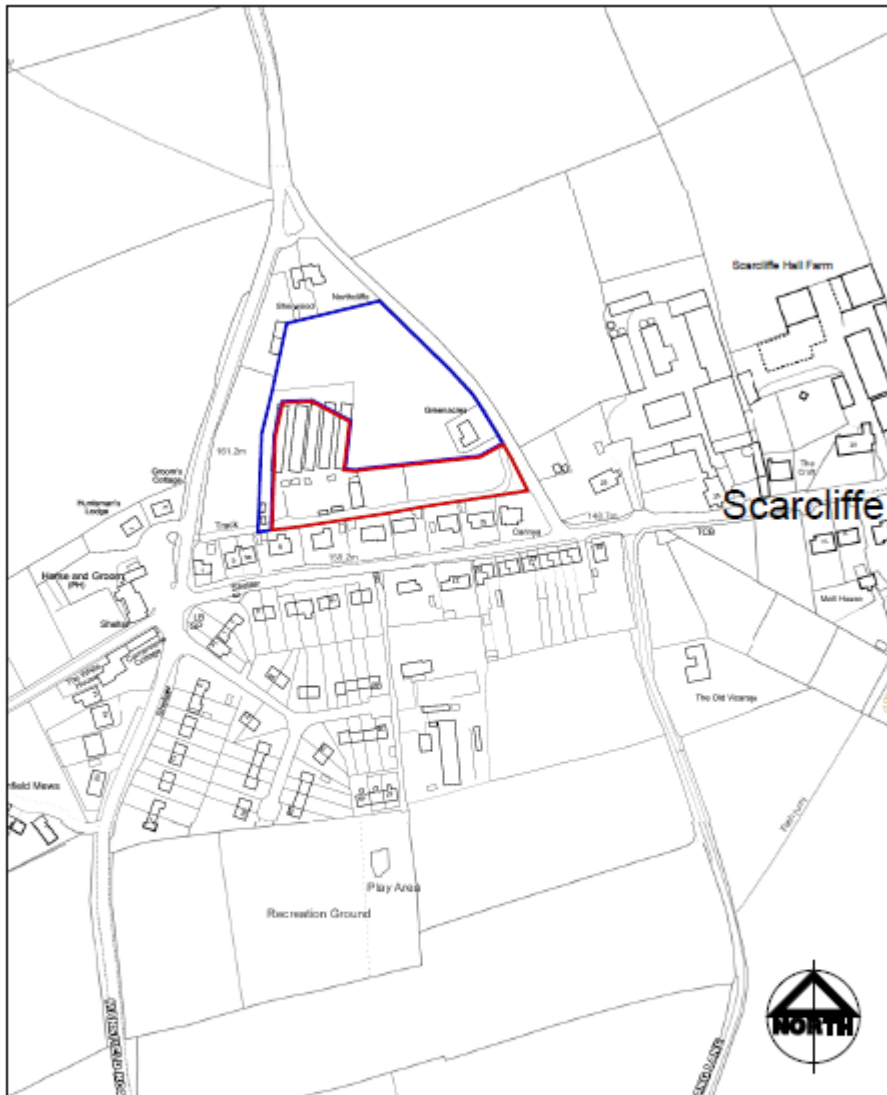
2. The proposed development would not form a logical extension to the settlement of Scarcliffe and would be poorly related to the existing pattern of development resulting in an encroachment into the countryside which would have a detrimental urbanising effect on the appearance and character of the landscape contrary to saved policies ENV 3 and GEN 2 of the Bolsover District Local Plan and also guidance contained within the Framework which advises that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
3. The proposed development would result in a permanent urbanising alien form of development which would be visually prominent and would alter the current plan form of the village. It would introduce urbanising development in views to and from the conservation area and would have a less than substantial harm on heritage assets with no significant public benefit. Development would be contrary to saved policy CON4 of the Bolsover District Local Plan and paragraph 196 of the Framework.
4. In reserving layout for future consideration it cannot be adequately demonstrated that the proposed development can achieve general compliance with the Council's Supplementary Planning Document Successful Places A Guide to Sustainable Housing Layout and Design. The proposed development as shown on drawing number 1707-AA111 REV A would not achieve general compliance with the guidance contained within the Council's design document in respect of space around buildings which would result in overlooking between 1,2 and 3 and 7-15 Main Street. As submitted the proposal would not meet the requirements of policy GEN 2 of the Bolsover District Local Plan.

Human Rights:

The specific Articles of the European Convention on Human Rights (ECHR) relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process that the effects that a proposal will have on individuals will be weighed against the wider public interest in determining whether development should be allowed to proceed. Equally, the applicant has a right of appeal if they are aggrieved by a decision made by the local planning authority. Therefore, it is considered the relevant human rights issues have been addressed in the above report.

Site Location Plan



REVISIONS <table border="1"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>																					 wilder.com Architects Kingston Hall, Nottingham NG11 0DU 01617 005655	CLIENT Mr Stuart Hill		
PROJECT Residential development at Greenacres Nursery, Budget Ln, Scarcliffe.	DATE 01/08/10	SIZE 210m x 251m	SCALE 1:2500																					
	DATE 08/10	TYPE RESIDENTIAL	STATUS APPROVED																					
	DATE 08/10	TYPE RESIDENTIAL	STATUS APPROVED																					
DRAWING Location plan (revised redline)	JOB - DRAWING NR. 1707-AV110		REV. 02																					

Illustrative Layout



Block Plan

