

PARISH Clowne

APPLICATION Residential development, 69 detached and semi detached 2, 3 and 4 bedroom two storey houses together with associated works including the demolition of existing dwellings, stable blocks and storage buildings to facilitate new access from Rotherham Road.

LOCATION Woodside Stables Riding School, Barlborough Road, Clowne

APPLICANT Gleeson Homes & Regeneration Ltd

APPLICATION NO. 14/00226/FULMAJ **FILE NO.**

CASE OFFICER Mr Peter Sawdon

DATE RECEIVED 2nd May 2014

SITE: The site extends to approx. 2.13ha and is located to the north side of Clowne, to the rear of properties that generally front Barlborough Road and Rotherham Road. The site's other two boundaries are onto open countryside, including a wooded plantation to the north and a pond to the north east that feeds into the Harlethorpe Dam that is located to the opposite side of Rotherham Road, generally to the north east of the application site.

The site is currently used as a livery yard that is accessed via an unmade street that is accessed from Barlborough Road to the south west of the site.

Other than the proposed access strip, the site is generally rectangular in shape and slopes gently down from the south east towards its north-west corner.

There is very little in the way of vegetation within the site, with a few occasional trees and the remnants of a former hedgerow. Large parts of the outer boundaries of the site comprise mature hedgerows, interspersed with other forms of boundary treatments, including walls and fences.

PROPOSAL This is a full planning application for the erection of 69 detached and semi-detached 2-storey dwellings, including 14 different property styles consisting 15 No. 2 bedroom houses, 42 No. 3 bedroom houses and 12 No. 4 bedroom houses. This equates to 32 dwellings to the hectare.

Access to the site would be taken from Rotherham Road that would include the demolition of two existing dwellings on that road frontage.

To support and inform the application the following documents have been submitted in addition to the submitted drawings:

- Design and Access Statement
- Planning Statement
- Ecology Surveys
- Maximising Security Through Design document
- Planning Obligation Statement
- Flood Risk Assessment

- Energy Statement
- Transport Assessment
- Travel Plan

AMENDMENTS

- Bat survey submitted on 19th May 2014
- Updated public art offer (increased to £10,000) received on 17th June 2014
- Additional drainage details submitted on 24th July 2014
- Comment on Crime Prevention Design Advisor's comments received on 28th July 2014
- Revised site layout plan ref.1318.04.01 rev. N received on 18th August 2014
- Access and swept path analysis plan ref ATR-003 A received on 19th August 2014
- Revised plan ref. SK004 REV A showing alterations to Rotherham Road submitted 2nd September 2014

HISTORY Various historic planning permission's relating to the existing use of the site as riding stables. The change of use to riding stables being originally approved in January 1977 (ref. BOL.1076/527).

Planning permission's were refused on this site for housing in 1963, 1973, 1980 and 1981 (refs. CLO.1162/7, CLO.473/16, BOL.580/312 and BOL.381/223). The grounds for refusal included location relative to settlement, surface water drainage and highway safety issues.

CONSULTATIONS

Arts Officer – Seeking public art contribution 13/5

Leisure Services – Seeking on site play provision as a preference to off-site contributions, but also provides details of a commuted sum in lieu of on-site provision, along with contributions to built and outdoor sports facilities 14/5

Environmental Health Officer (Noise) – Recommends condition and advisory note in respect of noise and pollution during construction 19/5 (Contamination) – Notes the content of the submitted investigations, but consider that further work is needed. Recommends inclusion of a condition requiring further investigation and where needed, mitigation 2/6

Archaeologist - On balance that there is insufficient evidence to justify placing an archaeological requirement upon the applicant 20/5

Severn Trent Water – No objections subject to condition regarding submission and approval of drainage plans and an advisory note relating to a public sewer that crosses the site 22/5

Derbyshire County Council (Flood Risk) – No likely flood risk, but advocate the use of a SuDS drainage scheme. 22/5

Derbyshire County Council (Developer Contributions) – Request advisory note regarding the provision of high speed broadband. No likely flood risk, but advocate the use of a SuDS drainage scheme. Advice on consent regime re works nearby ordinary watercourses. Advises of local wildlife interests and encourages submission of appropriate studies and consultations with appropriate bodies. No affected rights of way. Seeking education contributions to Primary School provision of £159,586. Encourage use of lifetime homes. Encourages consultation with care commissioning groups and encouraging of installation of domestic sprinkler systems.

Clowne Parish Council - Members expressed concerns regarding the increased volume and vehicular movement on an already busy highway – Recommend DCC Highway Survey and an E.I.A. 4/6

DCC (Highways) – Request for further information/clarification 6/6; comments on Travel Plan 17/6; comments on internal layout 14/7; update on additional submissions 5/8; comments on revised layout 13/8; outstanding issue in terms of access layout and nearby traffic lights, but otherwise OK – suggested notes and conditions 1/9; further condition and a revised condition suggested 2/9; agreement in principle to the junction layout and traffic lights, subject to financial contribution to traffic light upgrade works 2/9

Crime Prevention Design Advisor – Submitted security document is generic and not specific to the development. No issues with the general layout of the site in relation to surveillance and plot parking, but concerns in respect of some detailed aspects regarding crime prevention. 9/6. In response to revised plans asks that security measures be conditioned. Doesn't accept that sub-divisional fencing adds any security, but accepts inclusion of gates to perimeter as alternative 13/8

Urban Designer – Number of concerns and invite developer to engage with OPUN to review the scheme with a view to achieving an acceptable design standard. 19/6. Further more detailed comments provided suggesting amendments. 14/7

Environment Agency – No objections subject to conditions regarding surface water drainage and contamination 18/7; Clarification that possible impacts on the nearby fisheries could be addressed through the details required in the earlier suggested condition 23/7; confirmation that detailed drainage scheme is acceptable to the Environment Agency who will follow up later with a revised condition from a pre-commencement scheme to an implementation conditions in accordance with the submitted details 29/8

Derbyshire Wildlife Trust – Unlikely to be any protected species issues arising with the application nor upon habitats of substantive nature conservation interest, provided that sufficient measures are put in place to ensure that the surface water run-off does not impact upon the adjacent Pond, a local wildlife site. Boundary hedgerow should be retained where possible and landscape included to aid biodiversity incorporated. Possible opportunities for nesting birds and recommend conditions. Possible opportunities for nesting birds and advice re condition regarding such works. 23/7 Welcome retention of hedgerow within a development-free buffer; recommend appropriate boundary to north-east boundary and wildflower seed mix to some landscape areas to provide maximum biodiversity benefit 14/8

PUBLICITY By site notice, press advert and 20 neighbour letters. 10 letters of representation have been received, three of which are from and/or on behalf of the the operators of the adjacent Harleshtorpe Dam, raising the following issues:

Principle

Does this area really need this amount of houses on a greenfield site; there are plenty of other development opportunities such as the old Miners Welfare and disused public houses, which would enhance the centre of Clowne. What about other developments in Clowne; can Clowne cope? Developments cited include @100 dwellings at the Old College site; 500 on 'the Edge'; and 69 off Rotherham Road. What of school places, doctors, dentist and recreation facilities. Other development in adjoining districts at Chesterfield Waterside, on the Chesterfield Canal Corridor, Staveley, Markham will be created with the correct infrastructure. Clowne should be thinking about developing its eyesores, such as the old Miners Welfare, closed public houses and not destroying green field and green belt land. Should have consideration for neighbours. This is not a transitional area; their reward is to have their lives turned upside down. Will the dwelling that becomes detached following demolition of its attached neighbour be liable to pay higher rates?

Design Quality

Concern about the quality of the housing proposed for the site. 2 Gleeson sites in the area (Carr Vale and Carlton in Lindrick) are both of a style which detracts from the surrounding area and is attractive only to prospective landlords buying cheap housing for short term rental occupants. Clowne is in danger of becoming a town where there are no areas where people would aspire to live as they prosper and look to go up the housing ladder. The developers claim to be regeneration specialists seems a bit odd as the site in question is, in my opinion, not a regenerative site as it is more agricultural than an existing brown field site which would lend itself to regeneration.

Drainage/Flood Risk, including potential impacts on Harlethorpe Dam

Concerned as to where all the excess surface water is going to drain to. Water levels can already become extremely high after heavy rain in nearby pond. Climate change will increase the likelihood of flooding at the bottom of Rotherham Road and across the ponds to the meadows by Hickinwood Lane. There is already recurrent flooding problems downstream of the dam; the proposal would exacerbate that problem. Writer has witnessed vast amounts of rain water running down towards the fishing ponds. Indeed, on one occasion a fire at the garage on Barlborough Road caused a flood due to the firehoses all of which eventually finds its way into the pond. Can Planning Control guarantee that the flood defences proposed will not allow detergents and other chemicals from the proposed washing of at least 138 vehicles gain access to the fishing ponds? What will happen to surface water during construction to prevent pollution of Harlethorpe Dam? After development how will surface water be dealt with? Any pollution from surface water being directed to Harlethorpe Dam could ruin this. The mechanics of the Dam would not be able to cope with the influx of that amount of water without the prior installation of an extensive aqua brake system. If surface water will go to holding ponds, what if these fail; possible floods to existing houses downstream. Will the drains and sewage systems cope? Diverting surface water to the Harlethorpe Dams would be disastrous for this 70 year old business that is an important and popular business. Introducing dirty water into the smaller pond would be seriously detrimental to the Dam's water quality and to the health of the fish on which the business depends. There would be a real risk of sewage contamination in the event of sewer blockage or overflow; this would cause untold problems and possibly destroy the fish stocks which are old, valuable and impossible to replace. Surface water should be routed through drains to some other place to protect the local amenity the Dam provides and the longstanding business, and furthermore to protect local residents below the dam. Some sort of compensation would have to be agreed with the developer and yourselves as hundreds of local people rely on the Dam for recreation and also it is home to a vast diversity of flora and fauna.

Highway Safety

Will generate extra traffic on already busy roads. Concern at access road from Rotherham Road onto the site. There is a serious issue with speeding traffic along this stretch of road in both directions despite the fact it is a 30 mph zone. For traffic leaving the site, visibility especially northbound is poor. Visibility worse if any vehicle is parked on the highway and in the event of fog, which occurs due to the water present locally. With all the extra vehicles pulling into and out of the new development and onto Rotherham Road I can only foresee this as becoming an extremely dangerous accident black spot. Can the road network cope with the extra volume of traffic? With other approved developments some very unpopular decisions made regarding traffic. At certain times North Rd now comes to a virtual standstill. Proposed footpath leading past Prospect Cottages to Barlborough Road is quite dangerous

with many dwellings being accessed from it, delivery lorries/refuse lorries and no footpaths; development would result in high level of use of that path especially by children using it as a shortcut. Do not consider it safe for a public footpath. Getting in and out of The Orchard is not for the faint hearted at times and is even impossible on the occasions when Rotherham Road is a detour when the M1 motorway has problems.

Amenity

Noise and disturbance. Overlooking from proposed housing. Lights from cars accessing the site impacting on existing. Impact on sunlight and daylight, especially in autumn and winter Building dwelling and sub-station at side of 57 could be dangerous, with possible accident and property damage should a vehicle slide when turning right on the access road. Sub-station is a fire risk close to dwellings and could result in noise disturbance. Impact on occupants of future dwellings from hobby workshop at 57 Rotherham Road; if the use of the hobby workshop has to cease, this would affect the value of the property. Should be a stipulation requiring opaque glass to stop overlooking of the garden of 5 The Orchard. Clarification sought over the type of boundary treatments alongside existing residential properties.

Wildlife

Damage to wildlife; fear is it will upset the environment of Skylark and Yellowhammer that are prevalent, but dwindling due to development of green field sites.

Other

Bolsover District Council should stop thinking about money and concentrate on looking after the wildlife and spend more time trying to clean up the litter strewn village.

Query has been raised regarding the accuracy of the boundary as shown and possible land ownership issues if this is incorrect.

Stability of gable wall to retained dwelling following demolition of attached house; will be stressful to occupants and could cause ill health.

5 The Orchard and neighbouring dwellings suffer a lack of daylight on the garden due to a tree which is subject to a Tree Preservation Order. Any building on the proposed site is going to further reduce the daylight available so will the Preservation Order on the tree be relaxed so that it may be subject to Pollard?

Is there any Social Housing proposed for the site? If so can Planning Control guarantee that the landlords of these properties be held responsible for their tenants acts or omissions and behaviour.

POLICY

National Planning Policy Framework As the Bolsover Local Plan was prepared and adopted prior to 2004, paragraphs 214 and 215 of the NPPF mean that 'due weight' rather than 'full weight' should be attached to its policies.

Paragraph 49 of the NPPF states that "*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*"

A core principle of the NPPF is to secure sustainable development of high quality design and

a good standard of amenity for all existing and future occupants of land and buildings.

Bolsover District Local Plan (BDLP)

GEN1 (Minimum Requirements for Development);

GEN2 (Impact of Development on the Environment);

GEN4 (Development on Contaminated Land);

GEN5 (Land Drainage);

GEN6 (Sewerage and Sewage Disposal);

GEN8 (Settlement Frameworks);

GEN11 (Development Adjoining the Settlement Framework Boundary);

GEN17 (Public Art);

HOU5 (Outdoor Recreation and Play Space Provision For New Housing Developments);

HOU6 (Affordable Housing);

HOU9 (Essential New Dwellings In The Countryside);

TRA1 (Location of New Development);

TRA10 (Traffic Management);

TRA13 (Provision For Cyclists);

TRA15 (Design Of Roads and Paths To Serve New Development);

CON13 (Archaeological Sites and Ancient Monuments);

ENV2 (Protection of the Best and Most Versatile Agricultural Land and the Viability of Farm Holdings);

ENV3 (Development in the Countryside) ENV5 (Nature Conservation Interests throughout the District); and

ENV8 (Development Affecting Trees and Hedgerows).

Other (specify) Adopted Housing Layout and Design Guidance 'Successful Places'.

ASSESSMENT The main issues associated with this proposal are the principle of the development of this site for residential purposes, the effects of the development on the character and appearance of the area, impacts on the amenities of neighbouring residents, impact on biodiversity interests and impact on public safety.

The site lies outside of the settlement framework boundary. Policy ENV3 states that outside settlement frameworks planning permission will only be granted for development which:

- 1) is necessary in such a location; or
- 2) is required for the exploitation of sources of renewable energy; or
- 3) would result in a significant improvement to the rural environment; or
- 4) would benefit the local community through the reclamation or re-use of land.

As the proposal does not satisfy any of the criteria within that policy, the elements of the proposal outside of the settlement are contrary to that policy.

Policy HOU9 also relates to new houses in the countryside; and only supports new housing if it is required to meet a proven agricultural or forestry need. The policy is primarily aimed at proposals for individual dwellings, rather than estate developments; clearly a development of this scale could not all be for agriculture or forestry. It is considered that this policy is not applicable to this application and should not be given weight in the decision.

Whilst the policies for the protection of the countryside must be given due weight, regard needs to be had to the policies and guidance of the NPPF. The NPPF specifies that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Council currently does not have a 5 year supply of housing. This means that the policies of the Local Plan have to be weighed up with those in the NPPF document that states that housing applications should be considered in the context of the presumption in favour of sustainable development and ensuring the provision of a five year supply of deliverable housing sites.

Based on the latest assessment of our 5 year supply of deliverable housing sites, the Council only has a supply of approximately 2.2 years and thus does not currently have a 5 year supply of deliverable sites. Based on this update, the Planning Committee at its meeting on the 4th December 2013 set out its guidelines that will be used in the assessment of new applications for residential development in situations when we do not have a five year supply of housing. Therefore, these guidelines are a relevant material consideration to this proposal and the following is an assessment against those guidelines: -

Achievable	
<p>1) Does the application provide?</p> <p>a) an assessment which demonstrates that the site is available now, offers a suitable location for development now, and is achievable with a realistic prospect that housing will be delivered within five years.</p> <p>b) an assessment of how the proposals perform against relevant policies in the development plan.</p> <p>c) evidence that the proposed development would form a well connected extension to the settlement framework, would be compatible with the landscape character and settlement pattern of the area, would safeguard and enhance locally important features</p>	<p>The proposal is a full application and advises that Gleeson Homes & Regeneration Ltd is the developer behind the proposal. The S106 Statement explains that they intend to build the required number of dwellings within 3 and 5 years to take advantage of the relaxation of the affordable housing policy. Whilst this is not presented as an assessment, it does provide sufficient information to judge that the site is available and achievable.</p> <p>The Planning Statement advises that the proposal does not comply with all of the Council's adopted planning policy, although it notes that a large part of this is out-of-date.</p> <p>The Design and Access Statement sets out that a design led approach has informed the detailed layout proposed. The site adjoins the existing settlement</p>

<p>such as wildlife habitats, views, hedgerows, tree belts, etc. and would not create an abrupt or inappropriate new settlement edge that would detract from the visual appearance or character of the settlement or surrounding landscape.</p> <p>d) a timetable for the development of the site.</p> <p>2) Is there confirmed support from land owners for the proposal and that the site is not subject to any dispute over land ownership or access rights?</p> <p>3) Are there any physical / environmental / marketability constraints?</p>	<p>edge and will retain and protect the significant mature landscaping situated at the far edge of the site and boundary with the Green Belt.</p> <p>Whilst no timetable is provided, the S106 Statement explains that they intend to build the required number of dwellings within 3 and 5 years to take advantage of the relaxation of the affordable housing policy. This, together with the full application, indicates a swift commencement to the development.</p> <p>No specific confirmation that there is confirmed support, although it is implied given the credibility of the developers involved and the detailed planning application. No known disputes over access rights.</p> <p>There are no obvious physical / environmental / marketability constraints.</p>
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Of note is that the proposal is being promoted by a developer, Gleeson Homes – a regional house builder, and as such is not dependent on the marketing of the site to attract a developer. In terms of delivery, this represents a more advanced proposal and therefore the Council can be much more confident that this development will translate into new homes being built and so contribute to boosting its five year housing supply, particularly given the applicant’s intention to take advantage of the relaxation of the affordable housing policy by building the required number of dwellings within 3 and 5 years.

It is noted that the development will place a number of demands upon local infrastructure, such as education, road network and green spaces. It is also noted that S106 will be made as follows:

- On site provision of 0.121 ha of amenity open space in line with current policy
- A contribution of £50,163 towards off site play equipment (accords with Leisure Services advice)
- A contribution of £61,272 towards outdoor sports facilities (accords with Leisure Services advice)
- A contribution of £10,000 towards Public Art

- A contribution of £159,586 towards the provision of additional Primary school places (in line with Derbyshire County Council's request for education contributions).

Based on this assessment it is considered that the proposal demonstrates that it is highly achievable.

Suitable	
<p>1) Will the site?</p> <p>a) be preferably within the settlement framework or adjoining settlement frameworks where such proposals are clearly aligned with spatial strategy and policies in emerging development plan documents published with the approval of the District Council.</p> <p>b) be sustainable in respect of most if not all of the following factors:</p> <p>i) access to public transport (within 400 metres walking distance of access to public transport services e.g. bus stop or railway station)</p> <p>ii) proximity to schools (within 800 metres walking distance of a primary school, and 2,000 metres walking distance of a secondary school)</p> <p>iii) proximity to town / local centres (within 800 metres walking distance of a town centre or local centre)</p> <p>iv) proximity to key employment sites or local jobs (within 2,000 metres walking distance of a major employment site or area of employment i.e. over 100 jobs)</p>	<p>The site is situated in the open countryside but is adjacent to the northern edge of Clowne Town and would provide a rounding off of the town's form.</p> <p>At this stage, the Council has no emerging plan policies to point to or give weight to in the decision taking.</p> <p>The 77 bus service to Chesterfield and Worksop stops along Creswell Road and North Road approximately 500m from the site entrance. Whilst this does not meet the 400m guidelines, it provides reasonable access to frequent public transport services. The less frequent 73 / 74 bus service from Clowne to Crystal Peaks also stops along Barlborough Road at approximately the same distance.</p> <p>The Heritage School (Secondary) is approximately 1,350 metres away, with the Nursery and Infant School and Junior School being approximately 1,000 metres away.</p> <p>Clowne Town Centre is approximately 700 metres walking distance of the site.</p> <p>Clowne Town Centre is approximately 700 metres walking distance of the site. The Barlborough Links employment area is approximately 2,000 metres away.</p>

<p>c) contribute positively to reduce carbon emissions through its design and / or enable more sustainable lifestyles.</p> <p>d) have or create any significant problems of contamination, flood risk, stability, water supply, harm to biodiversity or other significant physical or environmental issue.</p>	<p>The Energy Statement advises that the house type specification has been designed to achieve compliance with Building regulations 2010 Part L1a.</p> <p>The Design and Access Statement also advises that the application site and proposals represent a sustainable development with good public transport, local services and facilities readily available.</p> <p>The Harlesthorne Dam waterbody and pond and their registered Local Wildlife Sites are situated close and in part adjacent to the site. The Strategic Flood Risk Assessment identifies these in particular as key areas for assessment and identifies that flooding has occurred further downstream towards the Creswell Road / Station Road junction.</p> <p>It is noted that the submitted Flood Risk Assessment concludes that the flood risk has been assessed as low but that surface run-off will increase and that a detailed surface water drainage design should be required.</p>
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Further to the above, whilst the site itself is bounded by development to two sides, its development would clearly extend the extent of the settlement into open countryside. Whilst it contains no remarkable features, the site does contribute to the generally open character of this edge of settlement location. Clearly this extension of development into the countryside will result in loss of undeveloped land and an extension to the built form of Clowne. There are obvious physical features adjacent to the site, in particular the built development to two of its sides, but also the woodland to the north and the ponds and dam to the north-east, such that the significance of its intrusion into the countryside is limited as a result. Notwithstanding the fact the Local Plan Strategy has been withdrawn, and as such cannot be afforded any significant weight, this site is on the edge of one of the districts main towns where new housing had generally been earmarked as part of that Plan and is sustainably located in terms of the proximity and links to that settlement and the amenities and facilities it offers, including good quality public transport links. Indeed the now withdrawn Local Plan Strategy generally indicated growth for Clowne in this direction.

Based on this assessment it is clear that the site is in a generally sustainable location due to its good proximity to Clowne Town Centre and employment opportunities, despite not quite meeting distance guidelines for primary phase schools or bus services. It would appear that the low risk of flooding identified can be guarded against through careful drainage design.

From an assessment of this proposal, given the out-of-date nature of the adopted Bolsover

District Local Plan and the absence of any new emerging policy, it is considered that the policy case is heavily governed by the NPPF and its presumption in favour of sustainable development and in particular given the published lack of a five-year supply.

As a developer led application with no apparent encumbrances to delivering the development of this site, including no obvious physical, environmental or marketability constraints, this proposal is considered to be an achievable and deliverable development. Subject to no significant conflict with other policies (see later assessment), in principle it is considered to be an appropriate site to form a logical extension to the settlement of Clowne.

In terms of the design of the proposal, following initial concerns at the layout and design of the proposal, the developers have responded well to suggestions made by the Urban Designer to bring the proposals more in line with the Council's interim Design Guide 'Successful Places' and have provided substantive amendments to improve the overall character and appearance of the final development and to ensure that a satisfactory level of privacy and amenity is provided and/or maintained for occupants of the proposed houses, as well as existing neighbouring residents. The amendments have also satisfactorily responded to the initial comments of the Crime Prevention Design Advisor who is not objecting to the scheme subject to conditions requiring the implementation of the security details proposed by the applicants. There are no substantial changes in levels across the site, with dwelling levels generally following those of existing site levels (generally not more than 0.5m above or below existing land levels). Subject to conditions to control detailed elements of the development, including landscaping, the requirements of the Crime Prevention Design Advisor and compliance with submitted levels details, the scheme is considered to be acceptable in respect of its design and as such, is considered to accord with the requirements of Policies GEN2 in this respect.

In respect of neighbours' comments, the layout meets the Council's guidelines in terms of the relationship of new dwellings to adjacent dwellings. In respect of the location of the sub-station, these are common features on and adjacent to housing developments and contain safety measures, including the design of their housing and it is not considered that its location as proposed would result in any unacceptable harm to amenities of residents. In terms of the impacts of the use of the workshop associated with the dwelling at 57 Rotherham Road on occupants of any new dwellings, that building is already located alongside residential property, albeit not as close as those proposed. Nevertheless, as that building is a domestic building that should be used for purposes ancillary to the residential occupation of the main dwelling, there is no reason why the use of that building should not sit comfortably alongside further dwellings. In respect of the comments about boundary treatments alongside existing dwellings, whilst there is not considered to be any planning need to specifically control these where two private gardens would be alongside each other, there is considered to be a need for control by condition over those proposed alongside any public areas, such as the proposed new highway and open space area, as well as those that would be proposed alongside the proposed sub-station, in order to protect the privacy and amenity of occupants of those dwellings.

In terms of noise generation, the Environmental Health Officer has suggested the imposition of a noise mitigation scheme for the demolition and construction phases of the development. Notwithstanding this request, noise control is normally controlled through environmental health legislation and it is only if there is abnormal or unusual noise issues likely to arise

should any condition be imposed. Such abnormal or unusual issues are not considered to apply to this case, such that a condition is considered unnecessary. Advisory notes can be included.

In respect of contamination (Policy GEN4 [Development on Contaminated Land]) the Environmental Health Officer has advised that additional investigation works are necessary to those contained in the submitted assessment documents and recommends the inclusion of conditions to require this, along with mitigation where this is shown to be needed to address any contamination that may be identified. The Environment Agency has also recommended a condition regarding the need to deal appropriately with any unexpected contamination; the condition recommended by the Environmental Health Officer contains a requirement that would satisfy this request. Subject to the imposition of such a condition the proposal is considered to accord with the requirements of GEN4.

In addition to the above, in raising no objections, the Environment Agency has indicated its acceptance of the submitted drainage details and Severn Trent Water has similarly recommended a condition relating to the approval of both surface and foul sewage disposal.

On the issue of drainage, representations have been received both by and on behalf of the owners of the Harlethorpe Dam, that is also used as a commercial fisheries, expressing concerns regarding surface run-off and risk to reservoir safety; increased flooding in Clowne; Water Pollution; ability of the sewage treatment works in Creswell to deal with the combination of increased input of sewage and surface water from the proposed dwellings; and suggests that the EIA screening opinion of the Council is insufficient and in fact they consider that the development is EIA development and suggest a new screening opinion should be prepared to reflect this. This issue of EIA development has also been raised by Clowne Parish Council.

Given the technical nature of the representations made on behalf of the dam owners, these were copied in full to the Environment Agency who have taken those comments into account in commenting on the planning application, in addition to considering the submitted application details that included a Flood Risk Assessment. Whilst comments of their fisheries officer appeared to suggest some concerns those comments were specifically excluded from the formal response of the Environment Agency. Because of this, further contact was made with the Environment Agency to establish whether its suggested condition meant that they were satisfied that any drainage details submitted under their suggested condition could ensure that adequate protection could be put in place as part of the detailed drainage scheme submitted under a condition (if permission were to be granted). The Environment Agency confirmed that this was the case, such that conditions could be included that would seek to ensure no risk to the dam and fisheries. Subsequent to this the agents have submitted detailed drainage details to the Environment Agency who have confirmed that those details are acceptable and as such, the Environment Agency will be submitting a revised condition requiring the implementation of that detail (this was still awaited at this report was prepared). At the time of writing this report, confirmation of the suitability of the submitted surface water drainage details was also awaited from Severn Trent Water; as mentioned earlier that consultee has confirmed no objections subject to inclusion of a condition relating to drainage details, such that it is the wording of any condition that remains to be finalised with Severn Trent. An update will be provided to committee on any further responses received by the date

of the Committee. Essentially drainage schemes are designed to limit the runoff from development sites to the greenfield equivalent; if this can be achieved then there should be no impact on the dam or water bodies.

In respect of the suggestion that the application should be subject to EIA, the application has been checked against the criteria in the Environmental Impact Assessment Regulations 2011 and does not result in any significant environmental impacts sufficient to require the submission of an Environmental Statement in this case. To be EIA development developments would normally need to result in significant environmental impact that would be of more than local significance, which is not considered to occur in this instance.

Subject to the inclusion of conditions to deal with surface and foul drainage as discussed above, the proposal is considered to accord with the requirements of policies GEN5 and GEN6.

Additional information has been submitted following requests from the Highway Authority to enable consideration of the highway safety implications of the development and have amended the design of the highways and access to address that Authority's comments. This has included changes to the internal layout as well as alterations to the proposed access, including a proposal to widen the existing footway on the Rotherham Road frontage thereby narrowing the carriageway width at this point, in order to provide improved visibility at the proposed access point. At the time of preparing this report a formal response was still awaited from the Highway Authority, although they have indicated verbally that the amendments, whilst not fully compliant with current guidance, are not considered sufficiently substandard as to be worthy of rejection on safety grounds. Conditions and advisory notes are recommended.

The Highway Authority has also commented on the off-site effects of development related traffic that will impact at the traffic signal controlled junction with Barlborough Road to the south. This junction is already operating under duress at peak times and it is notable that there have been a number of personal injury accidents at the junction over the past few years. The Highway Authority has advised therefore that the proposed development should off-set its proportional impact at this junction and provide a pro-rata contribution towards any improvement scheme which the Highway Authority may have to introduce to accommodate traffic. To address this point the Highway Authority has recommended the use of either a unilateral undertaking or Section 106 obligation to secure a financial contribution toward improvement of the traffic signal controlled junction that shall relate to a scheme designed by the Highway Authority, details of which will be provided to the applicant. The contribution should not exceed £25,000 and shall be used within 5 years of first occupation, with any unused funds being returned to the applicant. The applicants have agreed in principle to make this contribution.

Given the above comments of the Highway Authority, it is considered that the highway safety impacts of the proposal have been adequately addressed, subject to conditions and advisory notes to cover the issues raised by the Highway Authority, along with the completion of an appropriate legal agreement to secure the contribution to a traffic light improvement scheme.

In respect of the comments of Clowne Parish Council, the Highway Authority is satisfied that

the impacts of the development on the highway network and highway safety issues are acceptable.

In respect of biodiversity issues, the Derbyshire Wildlife Trust was consulted in respect of the submitted Ecology Surveys. The trust advised that the ecological survey work has been undertaken to a satisfactory standard and has provided an accurate assessment of the nature conservation interest associated with the site and from advise that there are unlikely to be any protected species issues arising with this application and no adverse impacts upon any habitats of substantive nature conservation interest are anticipated provided that sufficient measures are put in place to ensure that surface water run-off does not impact upon the adjacent Harlethorpe West Pond local wildlife site (see earlier assessment).

The main ecological interest associated with the site is the presence of native hedgerows that meet the definition as UK BAP priority habitat and the trust initially advised that the boundary hedgerows should be retained, wherever possible with compensatory planting for any losses. The trust initially advised against incorporating all boundary hedges within rear gardens, but later welcomed changes that result in the retention of the north-west boundary hedgerow within a development-free buffer; they also acknowledged that it is more difficult to introduce a stand-off along the wooded north-east boundary.

The Trust have advised that appropriate boundary treatments be incorporated to avoid any degradation of the adjacent woodland habitat and that the hedge bottom of the retained north-west boundary hedgerow and the public open space be seeded with a wildflower seed mix appropriate to the relevant landscape character type to provide maximum biodiversity benefit rather than turfing with amenity grass. Such requirements can be conditioned.

The Trust has also asked for a condition requiring no removal of hedgerows or demolitions during the bird breeding season. Notwithstanding this request, nesting birds are protected under specific legislation and as such, those requirements should not be duplicated by the planning system, such that a condition should not be used. This information can however, be included as an advisory note.

Subject to the controls outlined above, the proposal is considered to not materially harm wildlife and biodiversity interests and as such complies with the requirements of policies ENV5 and ENV8 in this respect.

The Archaeology Advisor has stated that there is no strong evidence for archaeological activity in the vicinity and does not lie within the historic core of Clowne. The only HER record of potential significance relates to a postulated Roman road course (HER 4404) between Templeborough and Broxtowe, running along the course of Rotherham Road some 50m from the proposal site. This road alignment is however very tentative – with at least one alternative route in existence (HER 99025) – and excavated evidence has never been identified on this alignment. Because of the small size of the proposed development, the likelihood that this paddock land has undergone some disturbance as part of its riding stable use, and the extremely speculative nature of the Roman road course, he feels on balance that there is insufficient evidence to justify placing an archaeological requirement upon the applicant. On the basis of this advice it is considered that the proposal complies with the requirements of policy CON13 (Archaeological Sites and Ancient Monuments).

Policy HOU5 states that *“the open space requirements of a development will be assessed using the standards, and an assumption of the average household density and size”*. The development proposes an area of amenity space on site and the developers have offered to make financial contributions to both Informal and formal open space provision, in line with the advice of the Leisure Services Officer’s advice and subject to securing such contributions through a suitable S106 planning obligation, the development is considered to comply with the requirements of policy HOU5.

In terms of policy HOU6 (Affordable Housing), the Affordable Housing Supplementary Planning Guidance (2002), supplements HOU6, and includes a presumption that 10% of total site capacity will be given over to affordable housing. The precise figure will be a matter for negotiation with the developer based on the type of affordable housing to be provided, particular site constraints and the marginality of the site. The SPG states that the Council will not accept provision that falls below 5% of the site capacity. The size and type of affordable homes provided on site will be negotiated on the basis of the particular need in that locality.

On the 14th November 2012 the Council formally approved changes to its affordable housing policy. The new policy allows applicants on sites outside of Barlborough and less than 300 dwellings to be offered an option to waive the affordable housing requirement in return for a s.106 agreement which provides an undertaking to commence development and complete at least 10% of dwellings permitted within 3 years from the grant of planning permission, and at least 50% within 5 years from grant of planning permission. Failure to comply with this requirement would result in a development having to provide 10% of total permitted dwellings on the site as affordable housing, and if necessary obtain planning permission for a revised layout to deliver the units.

The applicants have offered to follow the above changes to affordable housing provision, based on the delivery of 10% affordable houses, should they fail to deliver the requisite percentage of market housing in the stated time periods. This will need to be included in a S106 planning obligation.

The applicant has agreed to the request of Derbyshire County Council in respect of a Primary School contribution of £159,586, split £68,394 to Clowne Infant and Nursery School and £91,192 to Clowne Junior School, in view of the fact that neither of the schools has capacity to take the additional numbers of children likely to be generated by the development. The contribution will need to be secured in any S106 Planning Obligation.

Other issues raised by Derbyshire County Council in its developer contributions response relating to high speed broadband, flood risk management, lifetime homes and domestic sprinkler systems can be included as advisory notes.

In respect of comments contained in representations most of the issues raised are discussed in the above assessment. The issues raised regarding the accuracy of the boundary as shown on the submitted drawings has been raised with the applicant who have demonstrated that their understanding of the boundary line accords with the comments of the neighbour, so no issue arises in terms of the technical accuracy of the planning application. There will have to be agreement with the owners of the dwelling attached to the house that is proposed for demolition that is a private matter between the applicants and the owner of the retained

dwelling. Residents proposals for works to a protected tree would have to be subject to a separate application for works to a Tree Preservation Order tree that would have to be considered on its individual merits. The actions of property owners and/or tenants are not something that can be controlled by the planning system.

In summary, whilst this proposal does not comply with requirements of the Bolsover District Local Plan in respect of developing outside of the settlement framework and into the countryside, there is strong Government guidance in respect of the significant weight that needs to be given to delivering new houses. Only where the impacts are wholly unacceptable in planning terms is the Council likely to be supported at appeal. None of the impacts identified are at such a level. The site is considered to relate well to the existing settlement and is considered to form an achievable, suitable, sustainable and deliverable development scheme, such that the impacts in this case are sufficiently limited to justify consent for this development proposal.

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: See assessment

Equalities: No significant issues arise

Access for Disabled: No significant issues arise

Trees (Preservation and Planting): See assessment

SSSI Impacts: N/A

Biodiversity: See assessment

Human Rights: No significant issues arise

RECOMMENDATION Defer the decision to the Assistant Director of Planning in consultation with the Chair and Vice Chair subject to the completion of a S106 Agreement covering the heads of terms set out below and subject to consideration of the conditions given in précis form and to be formulated in full by the Assistant Director of Planning:

S106 Heads of Terms:

- The development shall comprise 20% affordable housing unless at least 10% of the open market dwellings have been practically completed within 3 years of the date of the permission and at least 50% practically completed within 5 years of the date of the permission;
- Built & Outdoor Sports Facilities contribution of £61,272;
- Play Space Contribution of £50,163 towards an off-site LEAP (Locally Equipped Area of Play);
- Public Art Contribution of £10,000;
- Education contribution of £159,586; and
- £25,000 contribution towards traffic light junction improvements at junction of Rotherham Road and Barlborough Road.

Conditions

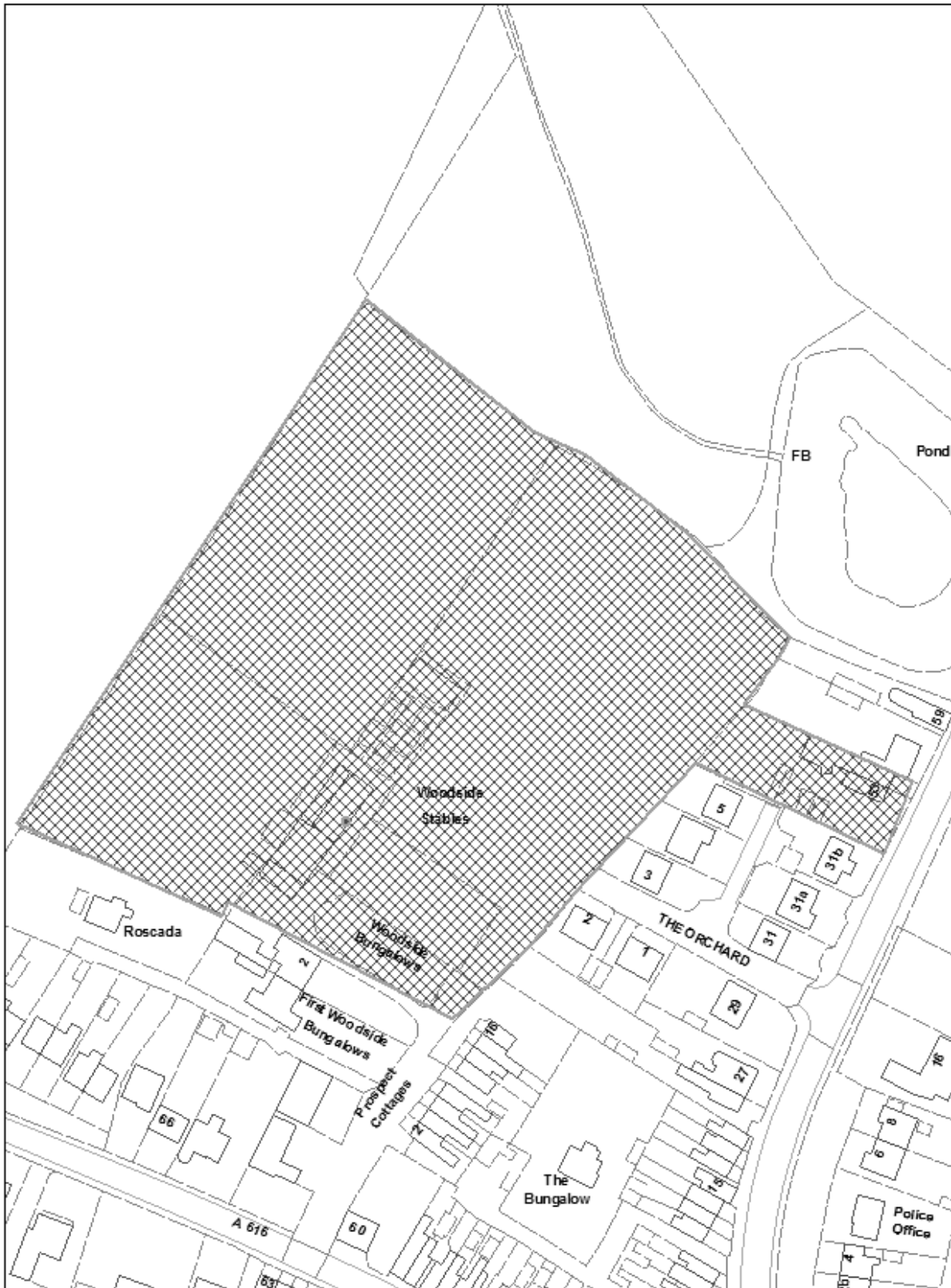
- 1 The development shall be begun before the expiration of three years from the date of this permission.
- 2 Schedule of wall and roof materials

- 3 Revised hard and soft landscape details with a programme for implementation and to include details of wildflower seed mix to the hedge bottom of the retained north-west boundary hedgerow and to the proposed public open space areas.
- 4 Management scheme for landscaped areas not falling within any domestic curtilage and maintenance of all landscaping for 5 years.
- 5 Retention and protection for retained hedgerow and retained trees.
- 6 Details and implementation of means of enclosure, including approval of details of boundary treatments alongside the curtilage of existing dwellings at 31b, 57 and 59 Rotherham Road and 5 The Orchard.
- 7 Identification and treatment where necessary of contamination.
- 8 Ground levels to accord with drawing 14/610/6838A.
9. Approval of a detailed scheme design for the proposed access junction to Rotherham Road, including nearside carriageway edge realignment and the provision of 2.4m x 76m and 2.4m x 89m visibility splays within highway limits.
- 10 Provision of a temporary access to Rotherham Road.
- 11 Provision of a construction compound
- 12 Closure of existing stables access onto Prospect cottages.
- 13 Form new access to Rotherham Road
- 14 Access gradient not to exceed 1:30 for the first 10m into the site and 1:20 thereafter.
- 15 highway surface drainage details to be submitted and approved.
- 16 Provision of new estate street.
- 17 Provision of parking spaces.
- 18 Provision of bin stores shall within private land at the entrance to shared private accesses.
- 19 Visibility sightlines where site fronts a maintenance margin.
- 20 Conditions relating to provision of appropriate foul and surface water drainage systems.

Notes to cover the following issues

1. Environmental Health Officer recommended note regarding noise.
2. Environmental Health Officer recommended note regarding contamination
3. Notification of public sewer located within the application site.
4. Derbyshire County Council advice regarding provision of high speed broadband.etc
5. Wildlife protection.
6. The Highway Authority notes.

Not Set



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Date: 02/09/2014

