

PARISH Glapwell Parish

APPLICATION Residential development for up to 62 dwellings with all matters reserved except for access
LOCATION Land off Blacksmiths Close and Park Avenue, to the Rear of 7 - 53 Mansfield Road Glapwell
APPLICANT Mr S Hill C/O Agent
APPLICATION NO. 19/00583/OUT
CASE OFFICER Miss Kay Gregory
DATE RECEIVED 8th October 2019

SUMMARY

This is an Outline application with all matters reserved except for access, for up to 62 dwellings, outside the settlement boundary of Glapwell; on approximately 2ha of undeveloped, Grade 2 agricultural land. Vehicular access into the site is proposed via an extension from the eastern end of Park Avenue.

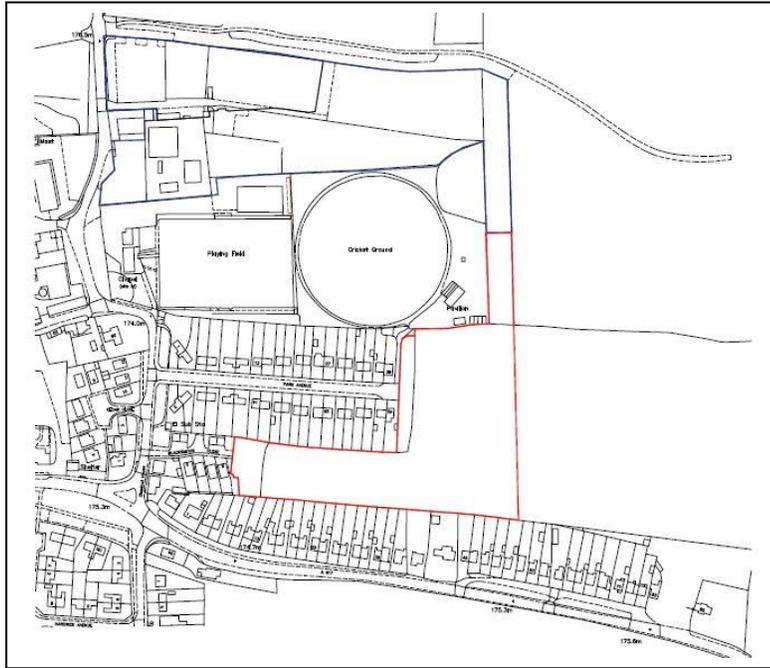
It is recommended that the application is determined at Planning Committee due to the level of public interest; evident from the number of representations received as a result of publicity, and attendance at the Parish Council meeting on the 24th October 2019.

The key issues in the determination of the application have been:

- The principle of development.
- The sustainability of the site in relation to local services and facilities.
- Landscape character and visual impact of the proposed development.
- Residential amenity.
- Access and highway safety.
- Ecological impacts, including biodiversity, trees and hedges.
- Social Infrastructure and planning obligations.
- Other – including archaeology, drainage, contamination, stability.

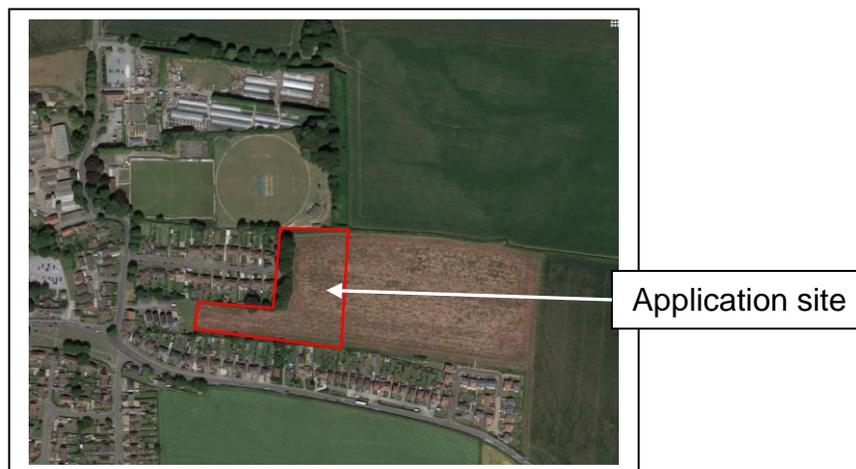
Officer recommendation is that the proposed development would, if approved, be contrary to saved and emerging local plan policies, and the objectives of National Planning Policy Framework (referred to from now on as the Framework); and as such it is recommended that the application is refused planning permission for the reasons outlined within the body of this report.

Site Location Plan



OFFICER REPORT ON APPLICATION NO 19/00583/OUT

SITE & SURROUNDINGS



The application site is on the edge of the settlement of Glapwell, within the open countryside.

It comprises of part of a larger arable, agricultural field, designated as Grade 2 on the Agricultural Land Designation map.

There are residential properties adjoining the south, west, and part of the northern boundary.

The site shares part of the west boundary with a copse of mature beech trees, within a rectangular strip of land at the end of Park Avenue. These trees comprise of mature beech, and are within land at the site access, which is not within the applicant's ownership/control.

There is open countryside to the east of the site, but there is no discernible boundary in place along the east boundary; therefore, there is no discernible 'edge' between the site and open countryside.

To the top, northern part of the site, is the cricket club boundary, and adjacent to that is a 17m wide projection of the site, providing a potential, future connection onto the former Glapwell Nurseries site, which has recently benefitted from approval for a residential development (to be discussed in further detail below).

Whilst there is no existing vehicular access into the site, pedestrian access can be gained from the end of Park Avenue, and Blacksmith's Close, and from a designated public footpath which runs along the northern boundary, linking Glapwell onto nearby settlements and beyond.

There is an established hedge along the boundary with the copse of beech trees and cricket club.

Where the application site shares a boundary with residential properties, boundary treatments consist of established hedges, with interspersed trees, fences and the rear walls of garden structures such as small sheds. Land levels are generally flat on site, with a gradual slope towards the north.

- received on 20/1/20.
- Drawing number RLL-19-XX-DR-D-5001 E – Proposed site access arrangements; received on 20/1/20.
 - Updated Arboricultural report, commissioned by Anderson Tree Care; received on the 18/12/19.
 - Drawing number 2016-465-2-00B – Site location plan; received on the 8/10/19.
 - Drawing number 2016-465-2-01E – Indicative Layout; received on the 8/10/19.
 - Biodiversity survey and report, Arc Ecology, September 2019; received on the 8/10/19.
 - Planning Statement, prepared by Freeths LLP, Planning and Environmental Group; received 8/10/19.
 - Amended Flood Risk Assessment and Drainage Strategy, Rodgers Leask, Construction and Civil Engineers; received 11/10/19.
 - Phase 1 Desktop Study, Rodgers Leask Environmental, Geotechnical and Environmental Engineers, received 16/10/19.
 - Design and Access Statement, Urban Designs, received 16/10/19.
 - Arboricultural Assessment, Andersons Tree Care, Arboricultural Contractors and Consultants; received 17/10/19.
 - Amended Transport Assessment, Rodgers Leask, Construction and Civil Engineers; received 30/10/19.
 - Amended Travel Plan, Rodgers Leask, Construction and Civil Engineers; received 30/10/19.
 - Additional Biodiversity survey and report, Arc Ecology, April 2015, received on the 30/10/19.
 - Geophysical Survey Report, Magnitude Surveys, November 2019; received on the 26/11/19.

EIA SCREENING OPINION

The proposal that is the subject of this application is not Schedule 1 or Schedule 2 development as described in criteria 10b of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Therefore, the proposal is not EIA development.

PLANNING HISTORY

There is no planning history at the application site.

CONSULTATIONS

Any conditions / financial obligations that have been suggested by consultees in their formal response will be discussed under the relevant topic heading of the report.

BDC Arts officer

- A contribution to public art contribution will be required off site for use in the context of the wider local area.

BDC Economic development

- The scheme meets the relevant thresholds set out in the Bolsover Draft Local Plan Policy II2.
- If Planning Committee is minded to grant planning permission, a planning condition to secure local opportunities for skills, training and employment in the District would be required.

BDC Environmental Health

- The report prepared by Rodgers Leask Environmental (RLE) '*Phase 1 Desk Study Land off Bolsover Road/Glapwell Lane Glapwell (Ref: P15-390 Rev 0; dated 30th October 2015)*'
- The report concludes further works are required.
- As the Phase 1 report has identified a number of potential contaminant linkages the standard 5 part condition is recommended.

BDC Leisure

Open Space

- For 62 dwellings 0.12ha of informal open space will be required. The applicant is proposing 0.24ha which exceeds that amount and is acceptable.
- I note that there is no indication on this drawing of the location of the 100m² fenced activity area, which is a requirement of the same policy.
- The preferred location for the play area appears to be the open space to the north of the development which also forms the link to the Glapwell Nurseries site. This is mirrored on the Glapwell Nurseries site as the proposed location of a LEAP standard play area.
- It may be more appropriate to provide a single NEAP standard play area to serve both developments.
- That there may be insufficient space to accommodate a suitably sized play area is a concern, particularly as it proposed to site this in what is effectively a narrow corridor of undevelopable land.
- Alternatively, if a more suitable location for a NEAP standard play area could be identified in the vicinity of the proposed development, a commuted sum payment for off-site provision could be negotiated.

Built & Outdoor Sports Facilities

- A suitable commuted sum is negotiated in lieu of any formal on site requirement.
- Invested in upgrading sports facilities in Glapwell and within the parish.

Maintenance Sum

- Maintenance sums are not usually enforceable on payments made in lieu of on-site provision.
- However, a commuted sum for a period would be required for any land adopted by the district council, to cover grounds maintenance and the ongoing management and maintenance

Other (please specify)

- Public footpath Glapwell FP4 crosses the site and needs to be adequately screened as well as being of adequate width and suitably surfaced
- There should be a pedestrian link between the site and Blacksmiths Close to facilitate easy access to bus stops and Mansfield Road and other local facilities.

BDC Planning Policy

- See body of report for detailed planning policy considerations.
- It is considered that the proposal is contrary to the following Saved policies in the Development Plan.
- HOU2 and HOU 3 in terms of its general location.
- HOU6 in terms of its affordable housing provision.
- HOU5 in terms of its sport and recreation provision.
- ENV2 in terms of being Grade 2 Agricultural Land.
- ENV3 in terms of being located in the countryside outside settlement frameworks.
- Furthermore, given the very advanced stage of the emerging Local Plan it is also considered that the proposal is contrary to the following policies.
- Policy SS1 in terms of being Grade 2 Agricultural Land;
- Policy SS3 in terms of the proposal's general location;
- Policy SS9 in terms of being located in the countryside outside development envelopes.
- Policy S11 in terms of the proposal's location within an Important Open Break;
- Policy LC2 in terms of the proposal's affordable housing provision;
- Policy II1 in terms of its local infrastructure provision.
- Therefore, a decision to refuse the application would be expected from a policy perspective.

BDC Strategic housing

- We request affordable housing provision of 10% on site in line with the Council's planning policy.
- These should be two bedroom (4 person) houses, to make up two thirds of the total number and 3 bedroom (5 person) houses, to make up one third of the total number. The preferred tenure is either social rent or Affordable Rent.
- Owned and managed by a Registered Provider with nomination rights to the council for applicants from the Housing Register.

DCC Archaeology

- The applicant has submitted the results of a geophysical survey of the site, identifying archaeological remains

- Given the small size of the site and the likely truncation of remains by arable cultivation, archaeological interest is best addressed through a conditioned scheme of work before the site is developed.
- Therefore, require conditions.

DCC Highways

- See access and highway considerations section of report for further details.
- A Transport Statement has been submitted which also takes into account a potential further application for residential development on the adjacent Glapwell Nurseries site.
- The Statement concludes that there would be adequate capacity to accommodate the development proposals at all locations assessed without need for mitigation.
- Comments with respect to the Travel Plan are appended to this response. It's recommended that funding of £3,750 is secured for monitoring of the Travel Plan over a period of 5 years (i.e. £750 p.a.)
- A detailed access design has now been submitted which demonstrates that an acceptable layout can be delivered, although this would be subject to additional details which could be secured by condition and advisory notes, should the Council be mindful to approve.
- Layout is a reserved matter, therefore no specific comments will be made with respect to the indicative internal site layout submitted.

DCC Planning Policy

Education

- Primary Level – No obligations required towards primary school places.
- Secondary Level - The proposed development would generate the need to provide for an additional 9 secondary pupils.
- There would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms.
- The County Council therefore requests financial contributions as follows:
£ 227,996.01 towards the provision of education facilities at The Bolsover School.

Broadband

- Request an advisory note to ensure that future occupants have access to communications infrastructure, with the choice and availability of providers to offer high speed data connections.
- Any new development served by a superfast broadband connection unless it can be demonstrated that this would not be possible, practical or economically viable.
- More information is available by following the link below:
<https://www.gov.uk/government/publications/better-connected-a-practical-guide-to-utilities-for-home-builders>

Derbyshire Wildlife Trust

- See ecology section of report for additional information relating to their comments
- Previous comments raised concerns regarding the treatment of an area of the proposed development site as informal open space and asked for updated ecological survey data.
- Concerns regarding the potential for grass snake to be present given the proximity of nearby records were also raised.

- Additional information has been provided (letter from Arc Ecology 20th January 2020); we are satisfied that the land to be used for informal open space does not support any habitats of high value.
- In relation to the potential for impacts on reptiles and hedgehogs we consider that implementation of the Reasonable Avoidance Measures set out in the report would be acceptable.
- Therefore there are no objections, subject to conditions relating to the submission of a Construction Environmental Management plans - Biodiversity (CEMP) and Landscape and Biodiversity Enhancement and Management Plan (LBEMP), and a condition relating to protection of breeding birds.

Parish Council

- Object
- Contrary to policy
- Glapwell is an unsustainable community for further development.
- The Plan only identifies 16 houses for development in Glapwell
- On a greenfield site consisting entirely of agricultural land
- Development would alter the nature of the village
- No economic benefits to the community as amenities are not available in the village to capitalise on the economic activities of the new residents.
- Glapwell would see an increase in housing of over 17%.
- The council also objects to this being an outline only application with all matters reserved.
- The proposed access via Park Avenue is unacceptable.
- This development has the potential for over 180 vehicles to be leaving and entering via Park Avenue daily - will create personal access issues as well as an increase in road noise and resultant pollution.
- Junction is notorious for its high levels of congestion and has been subject to Council requests for improvements which have been denied due to a lack of provision in the capital programme.
- This development would negatively impact greatly on the targets that have been set, particularly those of decreasing emissions by 15% and having 50% commuters walk, cycle or use public transport.
- Infrastructure - existing local public sewerage facilities would be inadequate to support a development of this nature.
- Local services - Glapwell has no primary school, Bramley Vale is at 91% capacity
- Two alternative local primaries are already heavily oversubscribed leaving a gap in provision of primary education for the area.
- The adjoining planned development of 65 houses will increase this demand in addition to the planning sought here.
- All these primaries are at such a distance and/or location that most parents would opt to travel to school by car, further increasing the traffic concerns.
- We have been informed that accessing healthcare at the local surgery is already subject to a two week wait for appointments.
- Greenfield development - we are also aware of the need to protect our greenfield sites. The proposed site is prime agricultural land.

- The Council is also concerned that this application is a stepping stone to achieve even bigger development plans using adjoining land
- This project is of great concern to residents. The last Public Forum saw an unprecedented attendance from the community leaving standing room only in our sports hall.

Ramblers

- Having examined the location and layout plans we note that Glapwell FP 4 passes along the edge of the main site then crosses the proposed development at the informal space. We can see no reason why the development should effect the line of the path and consequently would offer no objections to the proposals.
- We would request the following note -
 - 1) Any interruption to the existing footpath, during construction, be kept to a minimum.
 - 2) That the footpath not be further enclosed, i.e., over and above the existing enclosed sections.
 - 3) That where the footpath surface is disturbed then the surface should be returned to a condition that is at least equal to or better than its current condition.

Severn Trent

- The site is out of Severn Trent Water's area for sewerage.

Yorkshire Water

- Waste Water - If planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure

All consultation responses are available to view in full on the Council's website at:
<https://planning.bolsover.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

PUBLICITY

The application was publicised by way of a site and press notice, and letters sent to 67 adjacent properties. There have been 65 representations received as a result of the publicity, which are summarised below:

Planning related

- Would be interested to know the average speed on the A617. I would hope that this would be carried out as it is a matter of public safety if there was to be an increase of 508 residents.
- Chesterfield hospital cannot cope with the capacity development plans proposed. What is the Care Quality Commissions opinion?
- Access issues for emergency and refuse vehicles at the top of Park Avenue due to double parking. Amongst my neighbours are vulnerable people, including, elderly, disabled and young families.
- Land should be used for its designated purpose – crops. A local farmer used it regularly up until a couple of years ago.
- Suggestions in the Travel Plan to form a ‘walking bus’ is just absurd, who-ever suggested this has clearly never visited Glapwell, 2 of the primary schools are situated down a lane with no pavement.
- No consideration of air quality - particularly with proximity to M1.
- Covenant with the Jacksons of Glapwell hall - the trees at the top of Park Avenue is the limit of house building, and not one more shall be built above the trees.
- Glapwell is a rural village – development would have a detrimental impact on its status
- Bolsover District Council's future planning strategy indicates that as a small rural village, Glapwell should have no more than 36 new dwellings constructed by 2033
- Loss of privacy
- Outside development boundary
- Poor outlook from buildings at bottom of garden
- Loss/damage of wildlife, flora and fauna
- More houses will ruin character of village
- Traffic congestion at junction (A617)
- Existing infrastructure cannot cope
- Parking/access issues along Park Avenue – residents park of street, narrow road – why not look at Blacksmiths close
- The street is narrow and already double parked. Statistics show that children are mostly killed from running behind parked cars
- Emergency vehicles and refuse lorries struggle to get down Park Avenue
- The effect on public transport
- Road to Bolsover is a hazard around Hall Corner - two blind bends in the road which are often used by local farm vehicles.
- Back Lane - this is only a small access only road with limited lighting and is currently experiencing trouble with traffic using it as a “cut through”.
- The village is served by a small Branch Surgery with a current 3 week waiting time – additional dwellings would have a devastating impact on the quality of care that the practice could provide
- Only one shop at present, will there be more?

- Increased pollution from construction – noise, fumes, traffic
- Local facilities can't cope with more houses – doctors, school etc
- Walking routes will disappear
- Water supply issues already in Glapwell – water company has been notified
- Increased carbon emissions from additional cars during and after development
- Overlooking into rear gardens from new houses
- Bolsover School is the local Secondary school for the area which over the next 5 years will be at full capacity - Bolsover is currently developing large areas for housing which will also require school places for their local children
- The secondary school is in Bolsover with only one school bus and then only limited bus service to Bolsover
- Ransom strip - informed that the land and the trees are protected due to the history it is attached to, could be verified?
- Infilling could ruin the character of the village whilst estate development would overwhelm it
- Bolsover District Council has housing land for the next 5 years, therefore the need for an additional 62 homes is unwarranted.
- Glapwell is already dealing with immense volumes of traffic due its proximity to the M1 motorway
- Removing trees will in turn remove homes for wildlife such as tawny owls, bats, woodpeckers and other birds of prey
- Our duty as long standing members of the Glapwell community is to continue to work tirelessly together with our residents to improve and sustain the viability of our local community.
- Poor existing internet and mobile phone connections
- Community events (bonfire and carnival) would be impacted.
- Glapwell Cricket Club play at the end of the Avenue and many local children go to watch and play on the field.
- Condition of roads is already poor – further usage will cause wear and stress and delays
- Who will fund the increase in educational requirements?
- The site is listed as grade 2 agricultural land
- The arb report is in contradiction to the evidence collected by the local residents who regularly hear owls and see bats and badgers
- The closest secondary school, the Bolsover School, is already stretched by numerous housing developments within Bolsover. Will children moving onto the new development have to travel by car or bus to schools in neighbouring towns each day, thus reducing the option to walk or cycle to school? This contravenes the government's campaign for a Healthy Living Agenda which advocates that children should be educated in their immediate vicinity in order to create a self-sufficient and robust community.
- What 106 contribution will be required? Will it be spent in Glapwell?

Not planning related

- Loss of views
- Devaluation

- Did not receive a notification/letter
- Ransom strip
- Compensation for impact on residents

All representations can be viewed on the Council's website at:

<https://planning.bolsover.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

POLICY

Bolsover District Local Plan (“the adopted Local Plan”)

Planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan includes the saved policies in the adopted Local Plan.

The Council asked the Secretary of State to consider action to ‘save’ many of the policies of the Bolsover District Local Plan beyond 28th September 2007 under provisions in the legislation. The Secretary of State agreed to this request and the ‘saved’ policies therefore remain in force until they are replaced by new policies.

The site is outside the settlement framework of Glapwell and thus the general open countryside control policies will apply. Therefore, the key policies in the adopted Local Plan that have relevance to this application are:

- 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
- GEN 17 - Public Art
- HOU 2 - Location of Housing Sites
- HOU 3 - Housing Allocations
- HOU 5 - Outdoor Recreation and Play Space Provision for New Housing Development
- HOU 6 - Affordable Housing
- TRA 1 - Location of New Development
- TRA 13 - Provision for Cyclists
- ENV 2 - Protection of the Best and Most Versatile Agricultural Land
- ENV 3 - Development in the Countryside
- ENV 5 - Nature Conservation Interests Throughout the District
- ENV 8 - Development affecting Trees and Hedgerows

Publication Version of Local Plan for Bolsover District (“the new Local Plan”)

The Council commenced work to replace the adopted Bolsover District Local Plan (2000) following adoption of its Local Development Scheme on the 15th October 2014.

Paragraph 48 of the National Planning Policy Framework states that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

Following Submission in August 2018, the emerging Local Plan for Bolsover District has been

subject to Independent Examination and the Council has now received the Inspector's Report and this was published as required under Regulation 25 – Publication of the Recommendation of the Appointed Person of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) on 20th January 2020.

The Inspector's Report concludes that the emerging Local Plan for Bolsover District, when incorporating the recommended Main Modifications set out in the Appendix, satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in The Framework. The findings of the Inspector's Report will be reported to the meeting of the Planning Committee on 12th February and in light of this favourable judgement the Council's expected date for Adoption is at the Council meeting scheduled for 4th March 2020.

The emerging Local Plan for Bolsover District is at a very advanced stage and its policies and proposals can be given significant weight when determining applications, as stated in paragraph 48 of the Framework.

The relevant policies in the new Local Plan include:

- Objectives A, B, C, H, J
- SS1 - Sustainable Development
- SS2 - Scale of Development
- SS3 - Spatial Strategy and Distribution of Development
- SS9 - Development in the Countryside
- SS11 - Development in Important Open Breaks
- LC2 - Affordable Housing Through Market Housing
- LC3 - Type and Mix of Housing
- SC1 - Development within the Development Envelope
- SC2 - Sustainable Design and Construction
- SC3 - High Quality Development
- SC5 - Change of use and conversions in the countryside
- SC8 - Landscape Character
- SC9 - Biodiversity and Geodiversity
- SC10 - Trees, Woodland and Hedgerows
- SC11 - Environmental Quality (Amenity)
- ITCR3 - Protection of Footpaths and Bridleways
- ITCR10 - Supporting Sustainable Transport Patterns
- ITCR11 - Parking provision

National Planning Policy Framework (“the Framework”)

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

- Part 2 – Achieving sustainable dev - Paras 7-14
- Part 4 - Decision-making - Paras 38; 47- 50; 54-57
- Part 5 - Delivering a sufficient supply of homes - Paras: 64; 72; 74-76; 77-78

- Part 9 - Promoting sustainable transport - Paras 102; 105; 106; 108-111
- Part 11 - Making effective use of land - Paras 117-118; 122
- Part 12 - Achieving well-designed places - Paras 124; 127; 128; 130;
- Part 14 - Meeting the challenge of climate change - Paras 148; 150; 153; 165;
- Part 15 - Conserving and enhancing the natural environment - Paras 170; 175; 178; 180;

ASSESSMENT

Principle of Development

The principal policies of the adopted local plan, relevant to the location and supply of new residential development are:

- Saved policy GEN 8 – Settlement Frameworks,
- Saved policy HOU 2 – Location of Housing Sites, and
- Saved policy HOU 3 – Housing Allocations.

As the Council can demonstrate a five year supply of deliverable housing sites, these policies are not considered to be out-of-date.

The site in question is not allocated for housing within the adopted Local Plan and is situated within the open Countryside; and is therefore covered by the general countryside policies within the adopted Plan.

Beyond settlement frameworks, new residential development is generally restricted to replacement dwellings, extensions to existing dwellings or essential new dwellings for agricultural or forestry workers. This proposal is none of these types of residential development and so the key policy to assess the proposal against is ENV 3 – Development in the Countryside.

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.*

Based on an assessment of this proposal for residential development, it is considered that it fails to meet any of these four criteria, and is therefore contrary to the adopted Local Plan.

Emerging policy SS9 relates to development in the countryside, and identifies that proposals outside development envelopes will only be granted planning permission where it can be demonstrated that they fall within one or more categories; the relevant one in this instance is where a proposal involves *a change of use or the re-use of previously developed land, provided the proposed use is sustainable and appropriate to the location.*

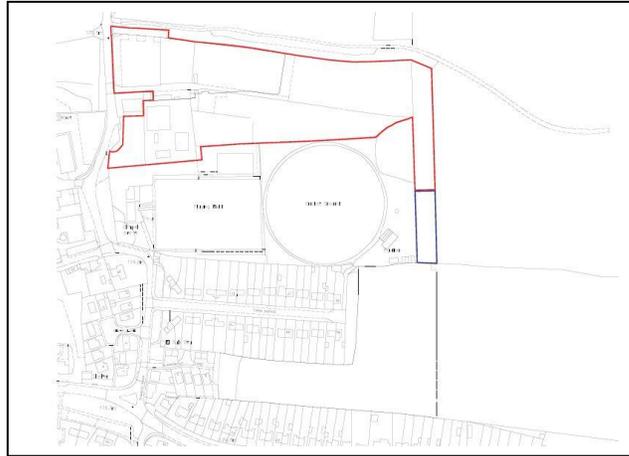
It is considered that the proposal fails to satisfy the criteria contained within policy SS9.

As such, it is considered that the proposed development is contrary to the saved and emerging policies which restrict inappropriate development within the countryside, and without any justification for the development in the location proposed, the principle of development is deemed to be unacceptable.

When considering the principle of development, it is important to acknowledge other proposals which may share some similarities with the current proposal.

A planning application with some relevance to the current application relates to a piece of land to the north of the application site, which adjoins a small part of the northern boundary.

Planning application 17/00598/OUT, proposed a development of up to 65 dwellings on land at Glapwell Nurseries.



This site is outside the settlement framework of Glapwell, and consists of land currently in use with the garden centre. The redevelopment of the garden centre also formed part of the application.

The application was recommended for refusal on the 7th February 2018, but allowed on appeal on the 12th December 2018 (APP/R1010/W/18/3198997).

The Inspector, in their decision, acknowledged that the appeal site was outside the settlement framework, and that the Council were able to demonstrate a 5 year supply of deliverable housing sites. The Inspector also acknowledged that the site had a developed appearance arising from structures and car parking, and that views through the site and beyond were restricted due to topography and planting.

The Inspector acknowledged that the proposal conflicted with the development plan, where relevant policies were not necessarily out of date, despite the age of the plan; but concluded that the development provided significant benefits which would outweigh other material planning considerations.

The Inspector also acknowledged the Council's settlement hierarchy policy (SS3) in the Local Plan Publication, which identifies Glapwell as having relatively low accessibility compared to other settlements. However, at the time of the appeal the emerging local plan was at an earlier stage of development, and as such the Inspector only afforded limited weight to this policy. The relevance of this policy to the current proposal will be discussed in greater length when considering the sustainability of the proposed development and the settlement.

The new Local Plan is now at a very advanced stage of preparation, with adoption likely in the March 2020, and therefore policy SS3 now has significant weight as a material planning consideration.

The Inspector allowed the appeal on grounds that the development:

- Would not significantly harm the character and appearance of the area
- Would be relatively well served by services, facilities, and public transport
- Enable the restoration and reuse of the Grade II Listed bothy which is identified on the Council's Heritage at Risk Strategy
- Would provide a significant number of new dwellings
- Generate economic benefits
- Provide towards sports facilities, education, and public art
- Secure the retention and improvement of the garden centre.

The Inspector, however, did include a paragraph in the report relating to the issue of 'precedent'; stating –

“The character of the appeal site is distinct from the surrounding open agricultural land, and it contains a number of buildings and structures. This is the case regardless of whether the site is technically 'greenfield' or 'brownfield'. I therefore do not consider that any view I come to here would necessarily set a precedent for the development of other nearby sites.”

The Council acknowledge that both sites are within the open countryside, that they have a shared boundary to the north of the site, and are within the same ownership.

It is considered however, that the application site is an undeveloped green field; devoid of any built form or structures, and the condition of the site is good quality, versatile, agricultural land.

The development of this site for up to 62 dwellings and associated infrastructure would therefore interrupt rural views through the site, causing irreparable harm to its rural appearance, and landscape character through unnecessary urbanisation and sprawl, and would result in the destruction of Grade 2 agricultural land.

There are no public benefits which would override development plan policies which seek to restrict new housing within the countryside, other than a contribution towards housing numbers within a location where additional housing on the level proposed is not required, and some financial contributions towards affordable housing, secondary education, sports facilities, open space and public art.

It is therefore considered that the appeal decision at Glapwell nurseries should not be considered a precedent in the determination of this application. Planning applications are determined on their own merits, and in this case, there have been no benefits put forward by the applicant which would override the case officer's recommendation to refuse the application.

The sustainability of the site in relation to local services and facilities

Emerging policy SS3 (Spatial Strategy and Distribution of Development) directs development and service provision firstly to the small towns of Bolsover and Shirebrook and the emerging towns of South Normanton and Clowne. Beyond these, growth is then directed to the large villages of Creswell, Pinxton, Whitwell, Tibshelf and Barlborough. Beyond these more sustainable settlements, the emerging Local Plan supports limited development in a small number of the smaller villages.

Glapwell is classified as a small rural village and in accordance with the spatial strategy the emerging Local Plan directs limited levels of growth to it. A small residential allocation of 16 dwellings was proposed in the village based on the implemented permission on the land at Glapwell Nurseries site, but this has been removed during the Local Plan Examination due to the applicant stating that they did not want to pursue that form of development in light of the larger site that was granted at Appeal. Due to the relatively low sustainability of Glapwell as a place for new development and the fact the Council can meet its local housing need at more sustainable settlements, the larger site with permission that was granted at Appeal has not been allocated within the Local Plan.

In relation to this central part of the Local Plan for Bolsover District's proposals, paragraph 20 of the Inspector's Report states:

"Policy SS3 sets out the spatial strategy and distribution of development within the District, with a focus on development in the more sustainable settlements such as the Small Towns of Bolsover and Shirebrook and the Emerging Towns of South Normanton and Clowne, followed by the Large Villages of Creswell, Pinxton, Whitwell, Tibshelf and Barlborough, with lower levels of growth directed to the smaller settlements. Furthermore, the strategy focusses on Bolsover and Whitwell where key brownfield sites exist. From the evidence before me, I am satisfied that the spatial strategy and the approach to sustainable development in the Local Plan are justified and effective."

It is noted that in paragraph 2.2 of the Planning Statement, the agent suggests Glapwell is a sustainable village and the site "*is within easy walking distance of the centre of Glapwell with a choice of local shops, pub and post office*". Furthermore, it is noted that paragraph 2.3 states that "*From a public transport perspective, Glapwell benefits from the A617 public transport corridor where there are frequent services connecting to Mansfield and Chesterfield and neighbouring settlements including Bramley Vale, Heath, Doe Lea, Holmewood, Pleasley and Palterton.*"

This claim that Glapwell is a sustainable village is disputed by the Council.

As a village, Glapwell has limited facilities and services, with only a Kwikk Stop Convenience Store, which includes a post office counter, and two pubs. The Bolsover located Welbeck Road GP Surgery also provides an outreach GP surgery in the village. There is no primary school within the village and the nearest option is the Bramley Vale Primary School, which is approximately 1.3 kilometres westwards along the busy A617, which runs between Mansfield and the M1 (J29) and Chesterfield beyond.

Based on this limited provision, Glapwell is ranked joint worst settlement in the District for facilities and services.

It is acknowledged and agreed that Glapwell benefits from being on the public transport route that runs along the busy A617 corridor, with the “Pronto” service between Mansfield and Chesterfield providing approximately two buses an hour between 6am and 11pm (based on the latest timetable dated 27th May 2018). The other bus service available within the village is the 49 service between Clay Cross and Clowne. This service provides six buses during the day, including a morning and an afternoon school service that stops at the Bolsover School secondary school building. Based on these modest level of bus services, Glapwell is ranked joint 15th in the District for public transport.

Overall, when assessed against the methodology of the Council’s Settlement Hierarchy Study, Glapwell was ranked joint 15th in the ranking of the most sustainable settlements in the District, scoring only 9 out of 40 possible points.

Based on these findings, it is considered that Glapwell represents an unsustainable location for new housing growth.

It is also noted that in paragraph 6.9 of the Planning Statement, the agent refers to the Appeal decision in the Glapwell Nurseries case, as discussed above, and the Inspector’s view that “*the Nursery site benefitted from good access to public transport and local amenities and as such would not be reliant on private transport.*” However, whilst the Inspector reached the view that future residents could use the available bus services for the majority of their journeys to work, shops and services and to take their young children to school, this does seem out of kilter with the annual Department for Transport (DfT) bus statistics which show falling bus usage across the country.

The DfT published statistics for 2017/18 and 2018/19 reported a fall of 85 million journeys (or 1.9% since the previous year) and a fall of 29 million journeys (or 0.7% since the previous year) across England. The DfT 2018/19 statistics also provide information about the difference in bus use across local authorities, stating that, “*in general, more urban local authorities have above average levels of bus use when compared with rural areas*” and informs that *Derbyshire is in the second lowest category, with between only 25-49 journeys per head for the year 2018/19.*”

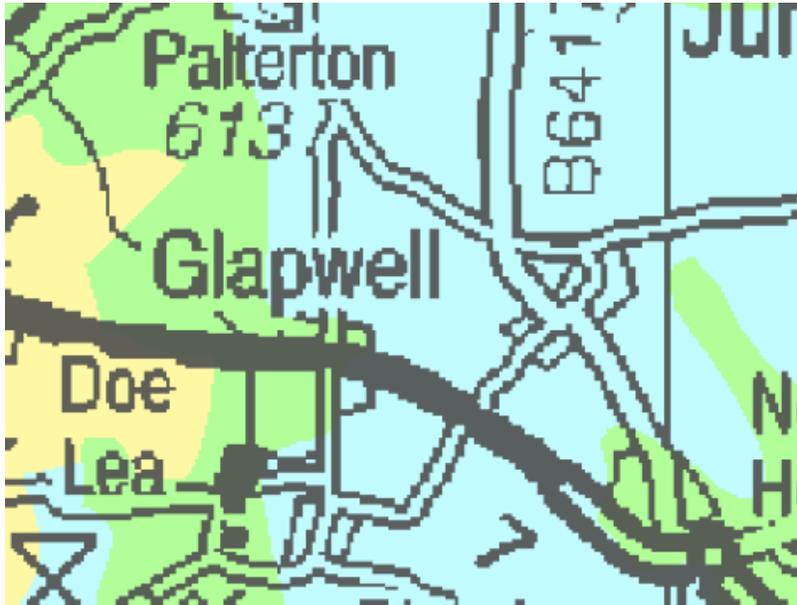
Based on these Government published statistics, it is hard to reach the same judgement as the Inspector and thus it is considered that one Appeal Inspector’s view on public transport usage cannot be given significant weight going forward.

Therefore, the general location of the proposed residential development is unacceptable in relation to sustainability, and has limited access to services and facilities.

Landscape and Visual Impact Considerations

Agricultural Land

The application site comprises of 1.99ha of Grade 2 agricultural land, defined as very good quality agricultural land with minor limitations which affect crop yield, cultivations or harvesting. The East Midlands Agricultural Land Classification Map identifies the site as being light blue in colour; Grade 2 – Very Good.



Saved Policy ENV2 of the Bolsover District Local Plan (Protection of the best and most versatile agricultural land), states that, *planning permission will not be granted for development which involves the loss of grades 1, 2 and 3a agricultural land unless there is a strong need for development on the particular site, which overrides the national need to protect such land.*

This policy is consistent with the statements within the Framework and paragraph 170 (b) which states that *planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.*

Footnote 53 further identifies that *where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.*

Annex 2 (Glossary) of the Framework defines the 'best and most versatile agricultural land' as *land in grades 1, 2 and 3a of the Agricultural Land Classification.*

Furthermore, in the Emerging Local Plan, the Council has planned for the prudent management of natural resources, such as the District's best and most versatile agricultural land. Whilst this has involved the loss of some better quality agricultural land, given the rural nature of Bolsover District, this has been limited to more sustainable locations in order to meet the District's housing and employment requirements. However, with the District's housing and employment requirements met within the emerging Local Plan (as indicated by

Inspector's Report), the protection of the District's remaining best quality agricultural land is a strong component on achieving sustainable development during the plan period to 2033 as set out in criteria j) policy SS1: Sustainable Development.

Therefore, with the Council's good track record on housing delivery and its good five year supply housing supply position, without an established need for the development, which overrides the national need to protect such land; or a demonstration of necessity for the development in the location proposed, the loss of this Grade 2 land has not been adequately justified. Its retention should be secured in order to protect the intrinsic character and beauty of the countryside.

As such, the development is contrary to the policies provided above.

Important Open Break

Within the emerging local plan, the application site is allocated as part of an Important Open Break (SS11), between Glapwell, New Houghton / Pleasley and Stony Houghton, where *planning permission will only be granted for development provided it does not detract from the objective of maintaining an open character which contributes to the separation of settlements and their individual identity and sense of place.*

In accordance with the policy, this allocation provides a clear and strong statement as to where these settlements will be prevented from growing in order to maintain the open character between the settlements in order to preserve their individual identity and sense of place.

It is noted that in paragraphs 6.24 to 6.29 of the Planning Statement the agent argues that the proposed development would not erode the objectives of the proposed Important Open Break designation as it would not result in a loss of identity to Glapwell or New Houghton due to the distance between the settlements being approximately 1 mile (1,500 metres) apart. Furthermore, it is stated that the proposed development would extend no more than 5 metres further into the countryside than the edge of the existing sports pitches.

The evidence provided by the Important Open Breaks Review (July 2017) sets out the justification for the Important Open Break and notes that Glapwell and New Houghton / Pleasley are about 1,200m metres apart, so below the 1,500 metres gap between settlements threshold that justified consideration. As part of the Review, representations received on the Important Open Breaks policy during the Consultation Draft Local Plan stage were also considered. Based on the assessment within the Review, it concluded that the Important Open Break should be extended to the extent shown on the Policies Map within the Publication Local Plan stage.

This matter was considered during the Local Plan Examination and the Inspector's Report does not require any Main Modifications to the policy and no changes to the Policies Map are proposed. As such, it is considered that policy SS11 and the allocations shown on the Policies Map are sound and consistent with national policy.

Therefore, given the built form and urban nature of the proposed residential development, it is clear that the development would detract from the objective of maintaining the open character of the Important Open Break, and as such the development is contrary to emerging policy SS11 of the Bolsover Local Plan Publication.

Visual Amenity

The application site is visible from the rear of properties along Park View and Mansfield Road, from within the cricket pitch, and from the public footpath which runs along part of the northern boundary, linking Bolsover Road, Glapwell to Green Lane, Stoney Houghton, and beyond.

When the site is viewed from along the public footpath, there is some urbanisation of views arising from dwellings to the south of the site.

Predominant views however are towards the east, following the direction of the public footpath; where there are uninterrupted views across open countryside. The designated footpath provides rural connections onto nearby settlements. The application site is considered to be a natural edge between the urban settlement and the open countryside, and as such its loss to residential development should be resisted, particularly where there are no substantial benefits or need arising from the development.

Whilst the site is therefore not prominent from nearby road networks, the visual impact of the proposed development requires careful consideration; how a change in character and appearance of undeveloped, agricultural land, with a development of up to 62 dwellings and associated infrastructure impacts on the visual amenity value of the site and surrounding land.

Saved policy ENV3 of the Bolsover District Local Plan states that, *outside settlement frameworks planning permission will only be granted for development which would result in a significant improvement to the rural environment.*

Saved policy GEN2 of the Bolsover District Local Plan states that *consideration will be given to the character and sensitivity of the land and uses around a proposed development site in relation to the character and type of development proposed. Planning permission will not be granted for development which creates materially harmful impacts on the local environment, unless these are outweighed by the social or economic benefits to the community offered by the development, or the wider environmental benefits.*

Paragraph 8 of the Framework identifies that in order to achieve sustainable development, environmental objectives should be considered, particularly with regard to the contribution, protection, and enhancement of our natural environment.

Paragraph 127 of the Framework identifies that *planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting,*

Paragraph 130 then goes on to say *that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.*

Emerging policy SS1(i) of the Local Plan Publication identifies that *in order to contribute to sustainable development, proposals should protect and / or enhance the character, quality and diversity of the District's green infrastructure and local landscapes, the wider countryside*

and ecological and biodiversity assets.

Emerging Policy SC3 states that development will be permitted where it accords *with and respond to the established character and local distinctiveness of the surrounding landscape*

Emerging Policy SC5 states that *proposals for the change of use of land to a new use, will be permitted provided the change of use enhances the character of the landscape character.*

Emerging policy SC8 states that *proposals for new development will only be permitted where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, unless the benefits of the development clearly outweigh the impacts.*

The application site is considered to be a natural edge between the urban settlement and open countryside, and as such its loss to residential development should be resisted, particularly where there are no substantial benefits or need arising from the development.

Whilst the site is not prominent from nearby road networks, the visual impact of the proposed development from pedestrian networks requires careful consideration; how a change in character and appearance of undeveloped, agricultural land, with a development of up to 62 dwellings and associated infrastructure impacts on the visual amenity value of the site and surrounding land.

It is considered that the development of this land for residential purposes would fundamentally, and permanently alter its rural character and appearance, providing no improvements to the rural environment. The proposal also fails to identify any social, economic or environmental benefits arising from the development which would override the need to retain the land in its current condition and appearance.

The development, if permitted would materially harm the rural landscape and create unnecessary urbanisation and sprawl into the open countryside, and is therefore contrary to the policies provided above.

The Transport Assessment originally submitted with the application proposed a pedestrian footway link from Blacksmiths Close, via an extension to the existing footway located to the south of Blacksmiths Close's carriageway. Such a link did not appear on the indicative site layout drawing and Blacksmith's Close does not form a part of the adopted highway. As such, the highway authority required confirmation about whether or not a link via this route is intended and, if so, if the appropriate access rights are in place. A footpath link to the south west of the site would have provided a shorter route into Glapwell Village for residents and would be available for cyclists, thereby improving connectivity between the development and the remaining part of the settlement. Section 3 of the amended Technical Note has confirmed that *the link via Blacksmiths Close is no longer proposed*. It is therefore considered that if the application was to be granted planning permission then this pedestrian access would need be re-instated as part of the development.

Highways

The application proposes a development of up to 62 dwellings, served via new estate streets off the eastern end of Park Avenue.

Saved Policy GEN1 states that development proposals shall need to satisfy that *the local highway network shall be able to accommodate the vehicular, cycle and pedestrian traffic from the site without causing material harm to highway safety, or unacceptable congestion*.

Saved Policy GEN2 states that developments shall need to give regard to *the amount of road traffic generated by the proposal; the type and frequency of that traffic in relation to the quality and character of the proposed access and local highway system, and the extent and impact of parking facilities for that traffic; and the amount of pedestrian traffic generated by the proposal, and its frequency*.

Paragraph 111 of The Framework states that *all development proposals that generate significant amounts of movement should be supported by a Transport Statement and Travel Plan so that the likely impacts of a proposal can be assessed*. A Transport Assessment and Travel Plan have been submitted as part of the application, it appears from the submitted Assessment that pre-application discussions have taken place between the highway authority and applicant; their comments are included as an Appendix to the Assessment

Emerging Policy SC3 of the Local Plan Publication states that proposals for development will need to *create conditions for active travel choices through provision of connected places that are easy to move around, integrated with their surroundings and which facilitate access through sustainable forms of transport including walking, cycling, and public transport*

The submitted Transport Assessment also takes into account the adjacent Glapwell Nurseries site, and includes an assessment of existing off-site highway junctions.

The Assessment concludes that there would be adequate capacity to accommodate the development proposals at all locations assessed without need for mitigation. It is noted that the junction of Bolsover Road with The Hill and Rowthorne Lane has been carried out using LINSIG, a suite of programs more usually associated with design of junctions operating under signal control.

Comments received from the highway authority consider *that LINSIG may not provide a reliable outcome where none of the approaches to the junction are signalised when compared against a more conventional (PICARDY) capacity assessment. The cumulative effect of the developments will add approximately 30no vehicles turning right out of Bolsover Road in the peak hour (i.e. circa one every two minutes) and, this being the case, it's considered that a re-assessment would be unlikely to significantly alter the conclusions.*

With regards to the submitted Travel Plan, it is recommended that funding of £3,750 is secured for monitoring of the Travel Plan over a period of 5 years (i.e. £750 p.a.).

Layout is a reserved matter, therefore should the application be approved, any layout submitted in association with any subsequent Full or Reserved Matters application would need to be in general compliance with the recommendations contained within the Delivering Streets and Places design guide. Due to the existing overlong straight alignment of Park Avenue a tight bend should be provided immediately on entering the development site with priority given to the perceived greater flows of traffic to/ from the south (rather than a simple priority junction as currently shown).

The layout would need to provide suitable turning facilities, demonstrated by swept paths; visibility sightlines; adequate parking for dwellings; refuse collection points.

Biodiversity and Ecology

Trees and hedges

Saved policy ENV8 of the adopted local plan identifies that *planning permission will not be granted for development which fails to make allowance for important hedgerows or the canopy spread of protected trees or other hedgerows or trees worthy of retention.*

Emerging policy SC10 of the Bolsover Local Plan Publication identifies that *trees and hedgerows are important visual and ecological assets, and should be protected and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. Development should contribute to the protection and enhancement, of trees and hedgerows, and should incorporate trees and hedgerows into design and landscape scheme wherever possible, prevent damage to root systems, where possible incorporate retained trees and hedgerows within public open space, and ensure robust protection measures before, during, and after the development process; taking opportunities for new planting consistent with landscape, wildlife and historic interests, while designed to avoid future conflict between trees and development*

The application includes an Arboricultural Report, submitted on the 17th October 2019, commissioned by Anderson Tree Care.

The application also includes an ecology report, submitted on the 11th October 2019 commissioned by Arc Ecology.

The report identifies 18 trees, 16 of which are within the application site. Species consist of 16 beech, 1 field maple and 1 sycamore, and have been identified by the applicant's consultant as category C, which are defined within the submitted report as *trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem*

diameter below 150 mm.

Two hedgerows have been identified in the original report; one on the northern boundary, one on the southern boundary. There is a third hedge along part of the west boundary which has been identified in the updated report.

All trees are located within the copse at the end of Park Avenue, and around the boundaries of the site, some of which are interspersed in hedgerows. There are no trees within the field.

The originally submitted Arboricultural report did not confirm which trees would need to be removed to facilitate vehicular access into the site.

Once plans relating to the detailed design for the proposed access were submitted, the arboricultural report was updated, and submitted for consideration.

The updated report identifies that within the copse area, three beech trees would require removal:

- Tree 1 on submitted plan – Beech - *The trunk will be only 4 metres from the edge of the pavement. Its poor condition and Felted Beech Coccus infestation mean that it would be best removed.*
- Tree 8 on submitted plan – Beech - *This tree is extremely close to the edge of the access and will have to be removed.*
- Tree 9 on submitted plan – Beech - *This is a poor specimen and will be only 4 metres from the access. This should also be removed.*



Where trees are to be retained post development, in order to minimise damage to roots arising from construction, all works will be compliant with BS5837: 2012 – Trees in relation to construction.

The ecology survey identifies that the majority of hedges will be retained, with the exception of a small section of hedge on the northern boundary which would require removal to create an access between the site and the adjoining site which has the benefit of Outline planning permission; and also a 12m section of hedgerow to facilitate the access from Park Avenue.

Ecology

Saved policy ENV5 identifies that *when granting planning permission the local planning authority will require development to retain, wherever possible, habitats which are locally important for biodiversity including woodland, trees, hedgerows, wetlands, watercourses and geological features, and protect them during construction work; make provision, wherever possible, for replacement habitats where the loss of existing wildlife habitats is unavoidable; incorporate where possible, creative conservation measures, the greatest possible proportion of appropriate native species in any landscaping or planting scheme, and seek to incorporate geological features and habitats attractive to wildlife in the design of built structures.*

Emerging policy SC9 of the Bolsover Local Plan Publication identifies that *development proposals should seek to conserve and enhance the biodiversity and geodiversity and to provide net gains where possible. Proposals must include adequate and proportionate information to enable a proper assessment of the implications for biodiversity and geodiversity.*

Paragraph 170 of The Framework identifies that *planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes; recognise the intrinsic character and beauty of the countryside, and minimise impacts on and providing net gains for biodiversity.*

The application has been accompanied by a Protected Species Survey, commissioned by Arc Ecology, which was then subject to an amendment resulting from the need to include additional land in the surveying, and give consideration to other species such as reptiles, hedgehogs and amphibians.

The development would result in a small adverse impact due to the loss of part of a hedgerow and three trees. There could also be indirect impacts due to increased levels of noise and light pollution.

The Wildlife Trust, following consideration of the amendment to the protected species survey considered that all remaining issues to make the development acceptable could be considered by conditions requiring the submission of a Construction Environment Management Plan, and a Biodiversity/Landscape Enhancement Plan.

Social Infrastructure and Section 106 requirements

Emerging policy II1 of the Bolsover Local Plan Publication identifies that *in order to aid plan delivery, planning obligations will be sought where the implementation of a development would create a need to provide additional or improved infrastructure, amenities or facilities or would exacerbate an existing deficiency. The identification of this need will be assessed on a case by case basis but will be guided by the latest version of the Council's Infrastructure Study and Delivery Plan. As a result, contributions will be sought towards the delivery of the Green, Social and Physical infrastructure contributions, where they are necessary and relevant.*

Affordable Housing

The Strategic Housing Market Assessment OAN Update 2017 estimates that 126 units of affordable housing would need to come forward each year over the period to 2034 to meet all

affordable housing need in Bolsover district.

It is requested that affordable housing provision of 10% shall be provided on site in line with the Council's planning policy. These should be two bedroom (4 person) houses, to make up two thirds of the total number and 3 bedroom (5 person) houses, to make up one third of the total number. The preferred tenure is either social rent or Affordable Rent.

The properties should be owned and managed by a Registered Provider who has stock in the district or that of a neighbouring Local Authority, with nomination rights to the council for applicants from the Housing Register.

Education

Primary Level - The proposed development falls within and directly relates to the normal area of Bramley Vale Primary School. The proposed development of 62 dwellings would generate the need to provide for an additional 12 pupils.

Bramley Vale Primary School has a net capacity for 175 pupils, with 124 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 126.

An evaluation of recently approved residential developments of 11 or above units or over 1,000 square metres of floor space within the normal area of Bramley Vale Primary School shows new development totalling 65 dwellings, which would generate a demand for 13 primary places.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would have sufficient capacity to accommodate the 12 primary pupils arising from the proposed development.

Secondary Level - The proposed development falls within and directly relates to the normal area of Bolsover School. The proposed development of 62 dwellings would generate the need to provide for an additional 9 secondary pupils.

Bolsover School has a net capacity for 850 pupils with 810 pupils currently on roll. The number of pupils on roll is projected to increase to 918 during the next five years.

An evaluation of recently approved residential developments of 11 or above units or over 1,000 square metres of floor space within the normal area of Bolsover School shows new development totalling 2,070 dwellings, which would result in demand for 310 secondary places.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would not have sufficient capacity to accommodate the 9 secondary pupils arising from the proposed development.

Mitigation - The above analysis indicates that there would be a need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms.

The County Council therefore requests £227,996 towards the provision of education facilities at The Bolsover School

Broadband

The County Council requests that an advisory note be attached to any planning permission that encourages the developer to make separate enquiries with broadband providers in order to ensure that future occupants have access to sustainable communications infrastructure, and that appropriate thought is given to the choice and availability of providers which can offer high speed data connections. Any new development should be served by a superfast broadband connection unless it can be demonstrated through consultation with the network providers that this would not be possible, practical or economically viable.

More information on how to incorporate broadband services as part of the design of new development is available by following the link below:

<https://www.gov.uk/government/publications/better-connected-a-practical-guide-to-utilities-for-home-builders>

Open Space and Sports Facilities

Open Space

The following is expected as a minimum (*Policy HOU5 of the Adopted Bolsover District Local Plan*):

“20m² of land per dwelling. Minimum size for 20 or more dwellings 400m² (100m² activity area, 5m buffer zone to adjoining housing, play or community focus, fence)”.

The applicant has acknowledged this requirement (as shown on drawing number 2016_465_2_01E Development of land off Park Avenue, October 2017).

62 dwellings would require a minimum of 1,240m² (0.12ha) of informal open space to be provided. The drawing as submitted shows that 0.24ha is to be provided, which exceeds the requirement and would be acceptable.

It has been noted that there is no indication on this drawing of the location of the 100m² fenced activity area, which is a requirement of the same policy.

The preferred location for the (informal) play area appears to be the open space to the north of the development which also forms the link to the Glapwell Nurseries site (Section 4.4 Green Infrastructure in the Design and Access Statement). This is mirrored on the Glapwell Nurseries site as the proposed location of a LEAP standard play area.

However, in view of the proximity of the proposed development to the Glapwell Nursery site, it may be more appropriate to provide a single NEAP standard play area to serve both developments, which, if both sites were developed, would be effectively joined together anyway, albeit only by a pedestrian link between the two sites.

This would potentially address some of the concerns regarding informal surveillance as the proposed location is not overlooked by neighbouring properties, but would be adjacent to a

pedestrian thoroughfare. That there may be insufficient space to accommodate a suitably sized play area is a concern, particularly as it proposed to site this in what is effectively a narrow corridor of undevelopable land.

Alternatively, if a more suitable location for a NEAP standard play area could be identified in the vicinity of the proposed development, a commuted sum payment for off-site provision could be negotiated. *Using the current policy formula the commuted sum would be £51,832 (62 dwellings x £836 per dwelling).* This amount is based on 2019 prices and should be index linked to the RPI in terms of timing of payment.

Built & Outdoor Sports Facilities

As the proposed development is not of sufficient scale to require any dedicated on site built / outdoor sports facilities, it is recommended that a suitable commuted sum is negotiated in lieu of any formal on site requirement.

Using the current policy formula the *commuted sum would be £61,690 (62 dwellings x £995 per dwelling).* This amount is based on 2019 prices and should be index linked to the RPI in terms of timing of payment, and would be invested in upgrading sports facilities on Glapwell Sports Ground and other outdoor sport facilities within the parish.

Maintenance Sum

Maintenance sums are not usually enforceable on payments made in lieu of on-site provision.

However, for any land adopted by the Council it is expected that a commuted sum for a period of 10 / 15 years following completion of the development would be required. This would be index linked in accordance with the current Local Plan policy and will cover grounds maintenance and the ongoing management and maintenance of any play equipment, fencing, etc. provided by the developer.

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

Public Art

A contribution to public art is a contribution to the community of an area. When the development costs or is likely to cost in excess of £1million, including infrastructure, Bolsover District Council maintains a percent for art policy stating that the developer should contribute 1% of the total costs of the development to public art.

Public art in this context is defined as “Almost all art forms; including sculpture, mosaic, Photography, Painting, Writing, Ironwork, Glass, Ceramics, Carving, Textiles, Film, Lighting, digital media creation, public rehearsal and performance, both musical and dramatic.”

Due to the nature of the site plan for this development there is no identified space for public art to be placed.

It is recommended that the contribution to public art be considered for use in the context of the wider local area.

For further reading please refer to Appendix 1 (Public Art and the Planning Process) of: Bolsover District Council Arts Development & Public Art Strategy 2016 – 2020.

OTHER PLANNING CONSIDERATIONS

Archaeology

Paragraph 189 of the Framework states that *in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.*

Paragraph 199 of the Framework states that developers should *record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.*

The site is c150m from the former site of Glapwell Hall (HER 6001), a 17th century hall probably built on an earlier site, and from the possible site of a medieval chapel recorded in 1260 (HER 6002). There is consequently potential within the site for remains associated with the medieval village.

Earlier activity in the vicinity is suggested by prehistoric flint fragments from the area east of the site (HER 6011, 6012, 6015) and a relatively fresh sherd of Roman 'Samian' pottery from 85 Mansfield Road, just to the south-east. There is consequently also potential for remains of these earlier periods within the proposal site.

The application originally submitted did not include any heritage information and the applicant was required to provide additional information to demonstrate that the significance of heritage assets was understood.

The submitted information has identified archaeological remains, likely at least in part to represent prehistoric and/or Romano-British activity, although this has yet to be established through field evaluation.

The County archaeologist has advised that given the small size of the site and the likely truncation of remains by arable cultivation, they are satisfied that the archaeological interest is best addressed through a conditioned scheme of work should the Council be mindful to approve the application; to excavate and record the archaeological remains before the site is developed.

This should take the form of 1) evaluation trenching, at an early stage and before reserved matters are submitted for the site, report to be available when considering layout under reserved matters 2) further excavation to fully expose, excavate and record the extent of significant archaeological remains on the site.

Flood Risk and Drainage Considerations

Saved Policy GEN2 states that development proposals will need to consider *the extent to which discharges of foul sewage and surface water run-off could be accepted by existing or proposed systems of disposal without detriment to the water quality of local watercourses or aquifers or to watercourse capacity or flow continuity.*

Saved Policy GEN5 states that planning permission will be granted *for development that interacts positively with the natural watercourse and land drainage system. The drainage capacity of the system will be protected and permission will not be granted for development which would result in a reduction in the capacity of the natural floodplain; or detrimental changes in the characteristics of surface water run-off or groundwater drainage; or new uses at risk in areas liable to flooding; or loss of access to watercourses for future maintenance and improvement works.*

Saved Policy GEN6 states that *planning permission will not be granted for development which would damage the quality and ecology of watercourses.*

Emerging Policy SC7 states that all development proposals *will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development, demonstrated through a Flood Risk Assessment. Development will not be permitted in flood zone 1 unless it can be demonstrated that the development, including access, will be safe, without increasing flood risk elsewhere and where possible will reduce flood risk overall; and with regard to surface water flood risk, where there is no net increase in surface water runoff for the lifetime of the development on all new development. Run off rates for development on Greenfield sites should not be exceeded, and where possible should be reduced from existing; Sustainable Urban Drainage Systems (SUDS) shall be incorporated to manage surface water drainage, unless it is proven that SUDS are not appropriate in a specific location.*

Paragraphs 163 and 165 of The Framework identify that Local Authorities should consider flood risk when determining applications, and that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate

Flood Risk

The application site is within Flood Zone 1, and therefore the land is assessed as having a less than 1 in 1,000 annual probability of river or sea flooding. As such the site is not considered to be at risk of flooding from fluvial sources.

The applicant has submitted a Flood Risk Assessment and Drainage Strategy relating to the proposed development, which the Lead Local Authority has been formally consulted on.

Surface Water Drainage

The development is approximately 2ha and is proposed for a residential end use of up to 62 dwellings and associated parking facilities.

Soakaway testing was undertaken by Rodgers Leask Environmental on 3rd September 2014. Twelve trial pits were excavated and tested. Nine of the twelve pits emptied beyond 75% of the water volume by the end of testing, the rates for these are as shown in the table contained in the report.

In accordance with the hierarchy for SuDS, it is proposed that infiltration will be utilised for the disposal of surface water at this site.

Preliminary modelling based on the measured 0.34ha impermeable area for the highway indicates that approximately 325m³ of surface water attenuation would be required to ensure no flooding during the 1 in 100 year plus 40% climate change storm event.

It is proposed to attenuate surface water flows from the highway either within a traditional ring soakaways, crate soakaways or underground attenuation tank soakaways, consisting of arched chambers with a granular surround to provide treatment, filtration and silt management, depending on the adopting Authority. Two options for adoption of the soakaways are available as outlined in the report.

The plots will drain via permeable paving with a Geocellular subbase due to the deep layer of approximately 0.6m of made ground encountered, unless further trial pits find that made ground is not as deep throughout the site, in which case a more traditional construction of permeable paving could be employed.

Overland flow routes will be carefully considered for blockage and exceedance events to ensure that routing is away from both existing and proposed properties.

It is considered that by adhering to the strategy outlined above, the additional volumes of surface water runoff generated by the redeveloped site will be managed such that the residual risk to adjacent properties is negligible.

SuDS have been considered as part of the drainage solution.

Water treatment will generally be provided via permeable paving to private and shared driveways for plot drainage and via the underground attenuation tank soakaways or ring soakaways for the highway.

It is considered that by adhering to the SuDS strategy above, the necessary number of treatment trains could be provided to allow compliance with CIRIA C753 guidance.

The Lead Local Flood Authority has been consulted on the submitted and confirmed that they have no objections subject to the inclusion of conditions on any approved application relating to the submission and approval of a detailed drainage scheme.

Foul Water Drainage

The site as existing is a Green field site and therefore there is no existing foul water drainage.

According to the Flood Risk Assessment and Drainage Strategy, received on the 11th October 2019, anecdotal evidence suggests that a foul pipe run located along the back gardens of the southern houses along Blacksmiths Close, was constructed in order to serve this development via gravity.

It is recommended that the invert level of this pipe run be surveyed in order to confirm this. This foul pipe run is believed to connect into the Yorkshire Water foul sewer located to the north of Blacksmiths Close.

It is proposed that the onsite foul drainage network including the private foul pipe run located along the back gardens of the southern houses along Blacksmiths Close would be offered for adoption with Yorkshire Water via a Section 104 Agreement.

Yorkshire Water is the statutory undertaker for the mains sewers within the local area and

have been consulted on this application. They have since advised there are no objections to the proposals provided details of foul water drainage are agreed prior to commencement of any development on site.

Therefore, subject to a condition of this nature, it can be considered that the scheme complies with Policy SS6 (k), which requires the applicant to demonstrate that adequate sewerage infrastructure and capacity exists or can be provided as part of the development proposed in this application.

Contamination and land stability

Contamination

A Phase 1 Desk Study; Land off Bolsover Road/Glapwell Lane Glapwell (Ref: P15-390 Rev 0; dated 30th October 2015) has been submitted as part of the application, and presents the findings of a desk study and site walkover undertaken four years ago. This report covers a wider area which includes the application site, and the area of land to the north which was granted permission under planning permission 17/00598/OUT.

The Phase 1 report concludes further works are required to investigate the potential contaminant linkages identified in the initial conceptual site model.

The environmental health comments received on the 27th November therefore recommend the inclusion of the standard five part contamination condition. They have also recommended an advisory note regarding Radon gas.

Land Stability

The Coal Authority were consulted on the application, and confirmed that the site does not fall within the defined Development High Risk Area, but is within the Low Risk Area. Therefore, only the standard advisory note would be required, should the Council be mindful to grant planning permission.

CONCLUSION

The development of this site for up to 62 dwellings and associated infrastructure would fail to comply with relevant policies which seek to prevent inappropriate development within the countryside.

The application site is considered to be within a small rural village, as defined by Saved Policy SS3 of the Bolsover District Local Plan Publication, that has limited access to services and facilities, thereby increasing the reliance on car usage to access services in adjacent settlements.

The Council is currently able to demonstrate a five year housing land supply, and without a discernible edge to the eastern boundary, the site should not be considered as a logical extension to the settlement framework.

The development, and subsequent destruction of Grade 2 agricultural land and an Important Open Break would interrupt rural views throughout the site, causing irreparable harm to its rural appearance, and landscape character through unnecessary urbanisation and sprawl, and would provide no improvements to the rural environment. There is no discernible eastern boundary to the site, and as such, it should not be considered as a natural extension to the settlement boundary of Glapwell

The proposal fails to identify any social, economic or environmental benefits arising from the development, which would override the need to retain the land in its current condition and appearance.

As such, it is considered that the proposed development is contrary to the saved and emerging policies which restrict inappropriate development within the countryside, and without any justification for the development in the location proposed, it is recommended that the application is refused planning permission in accordance with the reasons provided below.

RECOMMENDATION – Refuse Planning Permission

1. Saved Policy ENV3 of the adopted Local Plan identifies that outside settlement frameworks, planning permission will only be granted for new dwellings in certain circumstances, and Saved Policy HOU9 explains that new dwellings will only be permitted where they are essential to the operation of agriculture and forestry.

Emerging policy SS3 of the Bolsover District Local Plan Publication identifies Glapwell to be a small rural village, and that small settlements in the countryside are not considered to be sustainable. The Local Plan will therefore not support urban forms of development beyond limited infill and conversions of agricultural buildings. Emerging policy SS9 further identifies that proposals outside development envelopes will only be granted planning permission where it can be demonstrated that it involves a change of use or the re-use of previously developed land, and where the proposed use is sustainable and appropriate to the location.

Paragraph 79 of The Framework seeks to avoid new homes in the countryside unless special circumstances can be applied.

The proposed development has not been justified with reference to any 'certain circumstances', is not 'essential' to the operation of agriculture and forestry, or any other land based businesses, and there has been no demonstration of 'special circumstances' as required by the Framework. The Council are also able to demonstrate a five year housing land supply. The site is undeveloped arable land, and the proposed development is considered to be neither sustainable, nor appropriate to its location, and without a discernible edge to the eastern boundary should not be considered as a logical extension to the settlement framework. The development if permitted would therefore be contrary to the policies provided above.

2. Saved Policy ENV2 of the adopted Bolsover District Local Plan identifies that planning permission will not be granted for development which involves the loss of Grade 2 agricultural land unless there is a strong need for development on the particular site which overrides the national need to protect such land.

Emerging Policy SC5 of the Bolsover District Local Plan Publication states that proposals for a change of use of land to a new use will be permitted provided the change of use is in keeping with the original character of the land and enhances the landscape character type generally.

Paragraph 170b of the Framework states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land.

The application site comprises of Grade 2 agricultural land. The development, if permitted, would result in the total loss of undeveloped arable land. There has been no justification provided to demonstrate such a need for the development, which would override the national objective to protect the best and most versatile agricultural land, and as such it is considered

that the proposed development would be contrary to the policies provided above.

3. Emerging policy SS11 of the Bolsover District Local Plan Publication has allocated the application site as an Important Open Break, between Glapwell, New Houghton / Pleasley and Stony Houghton, where planning permission will only be granted for development where it does not detract from the objectives of maintaining an open character, the separation of settlements, and their individual identity and sense of place.

Saved Policy GEN2 of the adopted Local Plan identifies that planning permission will not be granted for development which creates materially harmful impacts on the local environment, and proposals will be assessed in relation to the appearance of the immediate locality and to its setting within the general landscape.

Paragraph 127(c) of The Framework identifies that development should be sympathetic to local character and landscape setting, and 170 (b) identifies that planning decisions should recognise the intrinsic character and beauty of the countryside.

This Important Open Break is rural in character and provides a pleasant open backdrop to the settlement edge of Glapwell, particularly when viewed along the public footpath, and from the rear of existing dwellings. Development of the site for residential purposes would therefore detract from the objectives of maintaining the open character of the site and its surroundings; through unnecessary urbanisation and sprawl, thereby causing harm to its rural setting within the general landscape, and as such it would be contrary to the policies provided above.

Statement of Decision Process

Whilst the Council has worked in a proactive manner with the applicant, it is not considered that the Council's reasons for refusal could have been overcome through the submission of additional information. The proposal is contrary to the adopted, Saved Policies of the Bolsover District Local Plan, the advanced emerging policies of the Bolsover District Local Plan Publication, and the objectives of the Framework which seek to prevent inappropriate development in the countryside, and the loss of valuable arable land.

Equalities Statement

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e. "the Public Sector Equality Duty").

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic.

Human Rights Statement

The specific Articles of the European Commission on Human Rights ('the 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).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this 'balancing exercise' in the above report, officers are satisfied that the potential for these proposals to affect any individual's (or any group of individuals') human rights has been addressed proportionately and in accordance with the requirements of the ECHR.