Hearing Statement – Issue 5: Housing Allocations

(Clowne Garden Village)

Bolsover Local Plan

On behalf of Waystone Ltd

December 2018

1. Introduction

1.1. This is a Hearing Statement prepared by Spawforths on behalf of Waystone Ltd in respect of:

- Issue 5: Housing Allocations (Clowne Garden Village)

1.2. Waystone has significant land interests in the area and has made representations to earlier stages of the Local Plan process.

1.3. The Inspector’s Issues and Questions are included in bold for ease of reference. The following responses should be read in conjunction with Waystone’s comments upon the Publication version of the Bolsover Local Plan, dated June 2018.

1.4. Waystone has also expressed a desire to attend and participate in Issue 5 of the Examination in Public.
2. **Issue 5 – Housing Allocations (Clowne Garden Village (Policy SS5) (1,000 dwellings))**

**Issue – Is the Local Plan positively prepared, justified and effective in respect of housing?**

**Q67) Is the proposed allocation justified and appropriate in terms of the likely impacts of development?**

2.1. Waystone consider that the proposed allocation of Clowne Garden Village is justified and appropriate.

2.2. The Council’s Position Paper (PP5) explains the consideration of the site and the process undertaken in identifying the scheme. Waystone consider that the housing site selection process has been undertaken robustly. In the case for Clowne Garden Village this is set out in the Council’s Green Belt and Clowne Garden Village Position Papers (PP4 and PP5). The Council’s Sustainability Appraisal (SD3) considered alternative approaches to growing Clowne and concluded that growing the settlement to the north was the most sustainable option. The Council’s evidence base therefore shows that the approach taken through the Local Plan is the most appropriate and that no other options are suitable to meet the needs and objectives of the Plan.

2.3. The Clowne Garden Village scheme represents sustainable development and would assist in delivering the objectives of the Local Plan strategy. The draft Local Plan and its evidence base recognises that Clowne is one of the most sustainable and viable locations for growth in the district. The location of the proposal, therefore, accords with the approach of the spatial strategy. The Clowne Garden Village proposal will make the existing settlement of Clowne more sustainable, particularly in relation to employment land and jobs and the pressing need for a new primary school. This is reflected in the Sustainability Appraisal (SD3).

2.4. There is a need to deliver regeneration to Clowne, including employment provision, infrastructure improvements to the highway network and new education facilities. The Clowne Garden Village allocation allows the Council to plan strategically and positively for
to the north of Clowne.

2.5. In terms of the likely impacts of development, the site has been considered in the Residential Land Availability Assessment (EB27) and the Employment Land Availability Assessment (EB17). These studies conclude that the site is available, suitable and achievable, and could be considered for allocation within the Local Plan.

2.6. Furthermore, these matters were considered in detail as part of the Outline Planning Application (17/00640/OUT), which was accompanied by an Environmental Impact Assessment. As part of this process statutory consultees were engaged. The Council resolved to approve the application on 26 June 2018. Following this resolution, the application was referred to the Secretary of State to consider whether the application should be called-in for determination. On 19th July 2018, the Secretary of State informed the Council that the application will not be called in and the decision should remain with the Council.

2.7. The Council has carefully considered the proposed scheme and the planning committee report states:

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

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

2.8. The planning balance and consideration in the planning committee report also states:

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

2.9. Waystone therefore considers that the Clowne Garden Village proposals have been fully assessed in terms of the likely impacts and the scheme is justified and appropriate.

Q68) Is the proposed housing allocation deliverable and/or developable in accordance with the housing trajectory? In particular, is it: a. confirmed by the landowner involved as being available for the use proposed? b. supported by evidence to demonstrate that safe and appropriate access for vehicles and pedestrians can be provided? c. deliverable, having regard to the provision of the necessary infrastructure and services, and any environmental or other constraints?

2.10. Waystone consider that the proposed allocation at Clowne Garden Village is deliverable in accordance with the housing trajectory contained in the Statement of Common Ground (ED26). This is underpinned by detailed work undertaken as part of the Outline Planning Application and subsequent discussions with housebuilders.

2.11. The site is available with Waystone controlling the site. The site is suitable with the proposed development being situated in a highly sustainable location, with significant regeneration, environmental and recreational benefits. The site is achievable as it has been assessed and there are no major constraints to development of the site. The Outline Planning Application and supporting information has therefore shown that the site is available, suitable and achievable and therefore deliverable in accordance with the Framework and PPG.

2.12. Waystone and Bolsover District Council have entered into a Statement of Common Ground (ED26). This Statement shows clear evidence exists to demonstrate and justify the proposed Clowne Garden Village allocation is:
• justified and appropriate in terms of the likely impacts of development;
• deliverable and developable in general accordance with the Council’s housing and employment trajectories albeit the developed business plan indicates the housing trajectory will be delivered at an accelerated rate;
• not subject to any outstanding or unaddressed constraints;
• achievable in terms of start dates and allows for a realistic annual rate of housing delivery such that at least 60 units can be completed by March 2021

2.13. Furthermore, the Outline Planning Application and the Council’s resolution to grant planning permission demonstrates that safe and appropriate access for vehicles and pedestrians can be provided. Furthermore, a Statement of Common Ground has been entered into between Bolsover District Council, Highways England, Derbyshire County Council, North East Derbyshire District Council, Chesterfield Borough Council and Bassetlaw District Council regarding the cumulative impact of Local Plan allocations across the North Derbyshire area on the operation of M1 Junction 30 and the A616 / A619 Treble Bob roundabout (ED12). This Statement of Common Ground explains the proposed mitigation and that Highways England and Derbyshire County Council representations have been addressed.

Q69) Are there any constraints to development?

2.14. Similar to the response to Questions 67 and 68, Waystone consider that there are no insurmountable constraints to development. This is evidenced in the Clowne Garden Village Position Paper (PP5), the Residential Land Availability Assessment (EB27), the Employment Land Availability Assessment (EB17), the Statement of Common Ground between the relevant highway authorities and the Outline Planning Application (17/00640/OUT), which is accompanied by an Environmental Impact Assessment.

2.15. Furthermore, as part of the Outline Planning Application statutory consultees were consulted. A summary of responses is included within the Council’s committee report which is appended to the Statement of Common Ground (ED26). The Council has resolved to grant planning permission for the Clowne Garden Village scheme and there are therefore no insurmountable constraints to delivery, which cannot be mitigated. The site is therefore
available, suitable and achievable and therefore deliverable in accordance with the Framework and PPG.

**Q70)** Is Policy SS5 sound given that it refers to an ‘indicative masterplan for the site or any subsequent approved document’? Should the policy clearly set out the requirements for the development of this site?

2.16. Waystone consider that Criteria A to N clearly set out the requirements for the development of the site. Waystone has produced a Parameters Plan and Design and Access Statement, which includes an indicative masterplan as part of the Outline Planning Application (17/00640/OUT). The masterplan will be refined in accordance with discharging Condition 5, which stipulates the submission of a “site wide masterplan and design code”.

2.17. Waystone consider the masterplan approach is the most appropriate and adaptable, given the scale of the scheme and delivery timescales over a number of years. This approach will allow the scheme to adjust, for example to changes in circumstances and market conditions.

**Q71)** Should Policy SS5 include reference to the proposed SPD or would this be better located in the supporting text?

2.18. Waystone has no specific comment in relation to this issue. As part of the Outline Planning Application Waystone has prepared a Parameters Plan and Design and Access Statement, which includes an indicative masterplan. This will be evolved further as part of future Reserved Matters submissions and discharge of conditions, which currently includes a draft Condition 5 regarding preparation of a site wide masterplan and design code.

**Q72)** Has the Council considered the development of a smaller site in this location as a Reasonable Alternative?
2.19. Waystone consider that the significant benefit of Clowne Garden Village is that it is of scale to deliver the strategic infrastructure needed in Clowne and the area, including infrastructure improvements, new primary school and new employment park. A smaller scheme would therefore not offer the benefits that the current scheme affords. It is the combination of these uses and scale that deliver the strategic benefits.

2.20. The Design and Access Statement which accompanied the Outline Planning Application shows alternative schemes considered on the site. However, none of these offer the same benefits that the proposed scheme does, particularly with the Western Gateway and the employment market and accessibility to the M1 Motorway.

2.21. Therefore, Waystone consider that reasonable alternatives have been considered within the key parameters of the aims and objectives of the scheme.

Q73) What are the ‘exceptional circumstances’ for removing an area of land from the Green Belt to create a new western employment gateway to Clowne?

2.22. Similar to the response from Issue 4: Green Belt Question 19, Waystone considers that due to the significant need and demand for housing and aspirations for economic and housing growth there is clearly a requirement for a strategic review of the approach to locations for future growth within the district. In order to plan appropriately for the plan period there is a need to review the Green Belt boundaries.

2.23. It is clear from the Local Plan evidence base that there is a need for development at Clowne of the scale and nature proposed at Clowne Garden Village, particularly in terms of employment and regeneration needs.

2.24. The Clowne Garden Village scheme represents sustainable development and would assist in delivering the objectives of the Local Plan strategy. The draft Local Plan and its evidence base recognises that Clowne is one of the most sustainable and viable locations for growth in the district. The location of the proposal, therefore, accords with the approach of the spatial strategy. The Clowne Garden Village proposal will make the existing settlement of Clowne more sustainable, particularly in relation to employment land and jobs and the
pressing need for a new primary school. This is reflected in the Sustainability Appraisal (SD3).

2.25. There is a need to deliver regeneration to Clowne, including employment provision, infrastructure improvements to the highway network and new education facilities. The Clowne Garden Village allocation allows the Council to plan strategically and positively for infrastructure needs in the area. The delivery of a strategic scheme to the north of Clowne is vital to therefore to the overall soundness of the Local Plan and is necessary to ensure the sustainable growth and regeneration of Clowne. The Socio-Economic Paper as part of the planning application explains that the development proposes a mix of industrial and commercial development, a local centre and primary school, health and care facilities, retirement development and additional education facilities offsite. The Socio-Economic Paper explains that the expected direct employment creation attributed to the development is circa 2,100 jobs plus a further circa 600 indirect job opportunities in the local area.

2.26. The Socio Economic Paper therefore concludes that the effect of the proposed scheme is therefore of local and regional scale of moderate beneficial significance due to the scale of jobs that will be created and induced, along with the positive economic impacts over the baseline position.

2.27. The overarching benefits of the scheme are therefore:

- Providing a wide choice of housing.
- Providing short and long term employment opportunities.
- Extensive local and area wide infrastructure, including a new western gateway, local road and junction improvements.
- Delivering a new primary school.
- Creating additional capacity within the secondary school.
- Facilitate a local centre with community facilities.
- Create formal and informal green spaces and habitat creation.
- Deliver neighbourhoods that are safe and accessible.
- Increase the GVA and provide a sustainable economic base for existing and new facilities.

2.28. In light of the above, Waystone consider that the strategic need for employment, housing and regeneration justifies the allocation of a sustainable mixed-use scheme to the north of
2.29. The Local Plan evidence base identifies a need for regeneration at Clowne, particularly in addressing employment deficiencies and delivering infrastructure improvements. Clowne Garden Village is therefore a unique opportunity to deliver sustainable economic growth, which is deliverable and accessible and attractive to developers/investors. The northern end of Clowne is particularly accessible to the motorway network alongside good connectivity potential into the centre of Clowne, which all point towards a focus of growth to the north.

2.30. The Council’s Sustainability Appraisal (October 2016) assesses Clowne Garden Village (Site SS5) demonstrates the site’s likely benefits, including:

- Circa 20ha of employment land will attract inward investment, stimulate additional jobs growth and attract inward investment, and could also support proposals supported by the Sheffield City Region Strategic Economic Plan, the M1 Strategic Growth Corridor and the D2N2 LEP Strategic Economic Plan (2014). Significant positive effects have been identified in respect of economic development;

- The provision of a new primary school within the site and greenspaces means the proposal should have a significant positive effect on education, regeneration, and health and wellbeing.

2.31. Furthermore, as part of the preparation of the Local Plan and the planning application for the site the scheme was assessed against the five tests set out in the Calverton Parish Council vs Greater Nottingham Councils [2015] EWHC 10784 case. This sets out a number of matters that should be identified and dealt with in order to ascertain whether ‘exceptional circumstances’ exist to justify rolling back the Green Belt.

2.32. The Council’s Green Belt Position Paper (PP4) and the planning application Committee Report (appended to the Statement of Common Ground) set out the analysis and conclusions of the assessment and demonstrate the exceptional circumstances.

2.33. It is these conclusions and the combined circumstances of a highly sustainable location for growth alongside delivering the Local Plan Objectives of addressing Clowne’s employment, housing and infrastructure needs. Therefore, Waystone support the conclusions of a small area of Green Belt release in this location.
Q74) Would this proposal lead to the coalescence of Clowne and Barlborough?

2.34. As stated in response to Issue 4: Green Belt (Q18), the current Green Belt is related to the north west edge of Clowne and wraps around the northern and eastern edge of Barlborough. The main gap between Clowne and Barlborough is not designated as Green Belt. The elements of the Clowne Garden Village proposal extending into the Green Belt are along the north western edge of the site extending northwards.

2.35. The Clowne Garden Village development assimilates with the settlement edge of Clowne. It therefore would not result in an isolated incursion into the Green Belt. The proposed built form would follow the existing settlement boundary. The proposed scheme on the parcel of land closest to the settlement has a strong relationship with the built-up area and represents a logical rounding-off of the existing settlement edge.

2.36. The Clowne Garden Village proposal would therefore maintain a similar degree of separation between Clowne and Barlborough as the existing situation. The minimum gap between the two settlements therefore remains the same and there is no coalescence.

Q75) Has full consideration been given to the impact of this development on highway safety; flood risk; wildlife, woodland and hedgerows; heritage assets, including the Southgate House Conservation Area (part of which is included within the northern section of the site boundary on the indicative masterplan – Figure 4C); landscape and village character; agricultural land; local services and facilities; and sewage infrastructure?

2.37. Waystone consider that this matter has been fully addressed. These matters have been fully considered as part of the site assessment process, particularly through the Residential Land Availability Assessment (EB27), Employment Land Availability Assessment (EB17) and Infrastructure Study and Delivery Plan (EB38).
Furthermore, these matters were considered in detail as part of the Outline Planning Application (17/00640/OUT), which was accompanied by an Environmental Impact Assessment. As part of this process statutory consultees were engaged. The Council resolved to approve the application on 26 June 2018.

The committee report which summarises all these matters is included in the Statement of Common Ground (ED26).

2.38.

Q76) Is the site in the right location?

2.39.

2.40. As shown through the Council’s evidence base and the Outline Planning Application, Waystone consider the site is in the right location. The Council’s Sustainability Appraisal (SD3) considered alternative approaches to growing Clowne and concluded that growing the settlement to the north was the most sustainable option.

2.41. This is summarised in the Committee Report for the Clowne Garden Village planning application which states:

2.42. The growth options considered for Clowne (North, South, East), were each considered in detail against 11 common Sustainability Objectives identified in the Sustainability Appraisal. Such factors included the potential effects of development on these sites in terms of transport, biodiversity, heritage and landscape impacts amongst other matters. The findings of these individual assessments were then subject to a ‘Comparative Assessment’ within the Sustainability Appraisal at Table 5.12 (included below):
2.43. At 5.4.98 the Sustainability Appraisal (SA) states that ‘The findings of the SA of the strategic growth options for Clowne reveal Clowne Garden Village to be the best performing strategic growth option for the village when considered against the SA objectives.’ The report goes on to suggest at 5.4.99:

"Reasons for the Selection of Clowne Garden Village:

The Council’s selection of Clowne Garden Village was based on it being the best performing option when considered against the SA objectives. In addition, a co-ordinated, comprehensive approach to development in Clowne through the suggested strategic site would present the greatest opportunity to deliver sustainability benefits, particularly in terms of the provision of the necessary services and infrastructure to support growth. Furthermore, this option represents the most deliverable option based on Land Availability Assessment evidence and importantly would deliver a combination of housing and employment land, something not provided by the alternative sites. The Partial Green Belt Review has also been informative with regard to those areas within the Green Belt which serve its function the least and are least sensitive.

2.44. Furthermore, Clowne Garden Village is able to offer significant benefits through being a mixed-use scheme of scale able to deliver new jobs and employment opportunities, new much needed education facilities, greenspace and landscaping alongside new housing.

2.45. The people who live and work at Clowne Garden Village will therefore have access to a range of opportunities to live sustainably and positively engage with the landscape, the immediate community and the wider settlement. Clowne Garden Village will create a new sustainable growth point for the settlement and District, providing transformational
economic and social benefits with much needed new jobs for Clowne itself and be the
catalyst for further economic growth and investment.

2.46. Waystone therefore consider the site is therefore in the right location.