



Date: 3rd February 2015

The Arc
High Street
Clowne
Derbyshire
S43 4JY

Dear Sir or Madam

You are hereby summoned to attend a meeting of the Planning Committee of Bolsover District Council to be held in the Chamber Suites, The Arc, Clowne, on Wednesday 11th February 2015 at 1000 hours.

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

You will find the contents of the agenda itemised on pages 2 and 3.

Yours faithfully

Assistant Director of Governance and Monitoring Officer
To: Chairman and Members of the Planning Committee

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PLANNING COMMITTEE

AGENDA

Wednesday 11th February 2015 at 1000 hours in
the Chamber Suites, The Arc, Clowne

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	<u>Apologies for Absence</u>	
2.	<u>Urgent Items of Business</u>	
	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972	
3.	<u>Declarations of Interest</u>	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda	
	b) any urgent additional items to be considered	
	c) any matters arising out of those items	
	and if appropriate, withdraw from the meeting at the relevant time.	
4.	To approve the minutes of a meeting held on 14 th January 2015	4 to 8
5.	Notes of a Planning Site Visit – 12 th January 2015	9
6.	Applications to be determined under the Town & Country Planning Acts.	
	(i) 14/00057/OUTMAJ - Outline consent for residential development, including means of access and demolition of Bungalow at High Ash Farm (As amended by revised Landscape and Visual Appraisal submitted on 20th March 2014, revised proposed junction access drawing submitted on 1st April 2014 and proposed visibility splays drawing submitted on 7th April 2014) at High Ash Farm, Mansfield Road, Clowne, Chesterfield.	10 to 27

(ii)	14/00064/NCO - Outline application for a 795 dwelling scheme with associated ancillary uses, including a Local Centre, a Neighbourhood Equipped Areas of Play (NEAP), a Local Equipped Area of Play (LEAP), a Riverside Park, a Local Habitat Area, two SUDS, footpaths, walkways, cycle paths and landscaping, with details of access (14/00145/OL) at Former Coalite Site on the North West and South East sides of Buttermilk Lane, Duckmanton, Chesterfield.	28 to 39
(iii)	14/00390/FUL - Installation of a 500kW wind turbine with tip height of 64m and associated infrastructure including substation, vehicular access track from Pasture Lane and crane pad at Land to the South East Of Twin Yards Farm, Huthwaite Lane, Old Blackwell.	40 to 58
(iv)	14/00551/FUL - Erection of 42 detached dwellings; new access road, drainage attenuation and landscaping (revised scheme including widening of footway on Carter Lane West) at Land Between M1 Motorway And Rear Of 1 To 7 Southfields Drive And 14 To 24 Carter Lane West, South Normanton.	59 to 72
(v)	14/00577/OTHER - Variation of S106 Planning Obligation to remove the requirement to make a contribution to affordable housing at Land Adjoining North Side of Blind Lane, Bolsover.	73 to 78
(vi)	14/00622/OTHER - Variation of Section 106 agreement relating to 09/00370/OUTMAJ to reduce affordable housing to 10% at Rear Of 16 To 124 And South West Of 124 And Between Brickyard Farm And Barlborough Links, Chesterfield Road, Barlborough.	79 to 83

7.	Five Year Housing Supply	84 to 100
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PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in Chamber Suite 1 and 2, The Arc, Clowne, on Wednesday 14th January 2015 at 1000 hours.

PRESENT:-

Members:-

Councillor D. McGregor in the chair

Councillors A. Anderson, J.A. Clifton, T. Connerton, M.G. Crane, S.W. Fritchley, D. Kelly, C. Munks, B.R. Murray-Carr, G. Parkin, A.M. Syrett, R. Turner and J. Wilson

Also in attendance were Councillors J.E. Smith, A. Tomlinson and G.O. Webster.

Officers:-

C. Doy (Development Control Manager), P. Sawdon (Principal Planner) (until Minute No.0704(i)), S. Phillipson (Principal Planner) (from Minute No. 0704(ii)), J. Fieldsend (Senior Principal Solicitor), A. Brownsword (Governance Officer) and A. Dobbs (Observing)

0699. APOLOGIES

Apologies for absence were received from Councillors P.M. Bowmer and S. Wallis.

0700. URGENT ITEMS OF BUSINESS

There were no urgent items of business however, the Chairman drew attention to the Supplementary Report and allowed Members time to read the additional letter in the report.

0701. DECLARATIONS OF INTEREST

There were no declarations of interest

0702. MINUTES – 10TH DECEMBER 2014

Moved by Councillor J.A. Clifton and seconded by Councillor D. Kelly
RESOLVED that the minutes of a meeting of the Planning Committee held on 10th December 2014 be approved as a true and correct record.

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0703. SITE VISIT MINUTES – 5TH DECEMBER 2014

Moved by Councillor R. Turner and seconded by Councillor A.M. Syrett

RESOLVED that the minutes of a site visit held on 5th December 2014 be approved.

0704. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

- (i) 14/00188/FULMAJ - Change of use to an Open Storage Yard (B8) with access from Berristow Lane, siting of portable building and gatehouse, erection of boundary fences and formation of screen mounds and associated works including improvements along access road at Former Blackwell Tip, 500M North East Of Amber Park, Berristow Lane, Berristow Lane Industrial Estate, South Normanton.

Further details were included within the Supplementary Report which included a letter of representation and a plan which had been omitted from the main report.

The Development Control Manager presented the report which gave details of the application, site history and consultations.

Mr. N. Maddox and Mr. P. Leverton attended the meeting and spoke in support of the application.

The Committee considered the application having regard to the National Planning Policy Framework (NPPF) and the Bolsover District Local Plan, in particular Paragraph 14 of the NPPF and Policy ENV3 (Development in the Countryside), highway safety issues and ecological impacts.

Moved by Councillor B.R. Murray-Carr and seconded by Councillor J.A. Clifton

RESOLVED that Application No. 14/00188/FULMAJ be DEFERRED pending exploration of access provisions to Berristow Lane, to include detailed surveyed drawings along the full length of the access road to the site and installation of the green route.

(Development Control Manager)

- (ii) 14/00446/FUL - Change of use of stable block to dwelling at Castle Hill Farm, Walls Lane, Whitwell Common, Worksop

The Development Control Manager presented the report which gave details of the application, site history and consultations.

Councillor McGregor left the meeting during the presentation by the Development Control Manager

Councillor C. Munks in the Chair

PLANNING COMMITTEE

Councillor G. Webster attended the meeting and spoke in support of the application.

Councillor McGregor returned to the meeting.

Councillor D. McGregor in the Chair

Ms. M. Rowson attended the meeting and spoke in support of the application.

The Committee considered the application having regard to the NPPF and Bolsover District Local Plan, in particular Paragraph 55 of the NPPF and Policies GEN8 (Settlement Frameworks) and ENV3 (Development in the Countryside)

Moved by Councillor A.M. Syrett and seconded by Councillor D. Kelly

RESOLVED that Application No. 14/00446/FUL be REFUSED for the following reasons:

- 1) The site is outside the settlement framework as defined by policy GEN8 (Settlement Frameworks) of the Bolsover District Local Plan, where open countryside policies apply. Outside settlement frameworks, new development should be necessary in such a location and in particular new dwellings should be essential to the operation of agriculture or forestry. There has been no justification given of the need for the dwellings in this unsustainable countryside location and the proposal is therefore contrary to the requirements of policy HOU9 (Essential New Dwellings In The Countryside) of the Bolsover District Local Plan and paragraph 55 of the National Planning Policy Framework.
- 2) The site represents an unsustainable location poorly related to the existing built infrastructure of any settlements and accessed by a single track access over 600m long which is also a public right of way. It would represent a further domestication of buildings in the open countryside beyond established boundaries which is contrary to policy ENV3 (Development in the Countryside) of the adopted Local Plan and paragraph 17 bullet points 5 and 11 of the National Planning Policy Framework .

Notes

It is noted that the conflict between the public right of way and the vehicular access could be addressed through the submission of a scheme for additional passing places on the lane.

(Development Control Manager)

- (iii) 14/00474/REM - Erection of 40 dwellings including associated infrastructure and garaging accessed from Thurgaton Way and including a new pedestrian access link between 53 and 55 Alfreton Road (including details of appearance, landscaping, layout and scale) at Land to the Rear of 27 To 53 Alfreton Road, Newton

Further consultation responses were included within the Supplementary Report.

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The Development Control Manager presented the report which gave details of the application, site history and consultations.

Councillor A. Tomlinson and Mr. G. Heaseman attended the meeting and spoke against the application.

Mr. S. Ingle attended the meeting and spoke in support of the application.

The Committee considered the application having regard to the NPPF and Bolsover District Local Plan, in particular Paragraph 17 of the NPPF and Policies GEN2 (Impact of Development on the Environment)

Moved by Councillor A.M. Syrett and seconded by Councillor J.A. Clifton

RESOLVED that Application No. 14/00474/REM be APPROVED subject to the following conditions to be formulated in full by the Assistant Director of Planning and Environmental Health:

Conditions

1. The development shall be undertaken in accordance with the submitted schedule of finished floor levels (Rev. A – 26.11.14).
2. The development shall be undertaken in accordance with the submitted external materials schedule dated 12.11.14.
3. All porch and bay window and lean-to roofs shall be constructed from timber with a painted finish underneath a roof covering of small format tiles.
4. Notwithstanding the meter box detail shown on the submitted house type drawings, where reasonably practicable, meter boxes shall not be positioned on the front elevation and shall be positioned on a less prominent side elevation and coloured in a finish that tonally matches the background material.
5. With the exception of the Landscaped Buffer Zone on the southern boundary of the site (which is dealt with by condition 4 of the outline planning permission), the approved landscaping drawings (C-1231-01 and 02 Revision A submitted on 17/12/14) shall have been implemented before any of the respective dwellings have been occupied. In addition a scheme for the maintenance of the street trees shall have been submitted to the Local Planning Authority for consideration and approval prior to the occupation of any of the dwellings and the approved maintenance scheme shall thereafter be implemented.
6. The approved boundary details (fencing, walling and railings etc) shown on layout plan NE2/PL/01C shall be implemented before any of the respective dwellings have been occupied, except as may be revised following agreement in writing with the Local Planning Authority in relation to the boundary fronting the landscaped buffer zone adjacent to the southern boundary as may be necessary to accommodate public art works required under condition 16 of the outline planning permission.

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Advisory Notes to Applicant

1. The developer is reminded of the need to comply with all of the conditions of the outline planning permission (14/00065/OUTMAJ) in addition to the conditions of this approval of reserved matters.
2. The Developer is reminded of the need to comply with the obligations of the Section 106 Agreement (legal agreement) completed in association with the outline planning permission.
3. Amended drawings as relevant (list).
4. For the avoidance of doubt the landscaping detail submitted with this reserved matters permission does not fully discharge all of the requirements of condition 4 of the outline planning permission. This matter is being dealt with under a separate application for discharge of conditions (14/00494/DISCON).
5. You are advised that the Council will not provide refuse, recycling and composting bins for the development hereby approved; either the developer or the purchaser of the property will have to purchase the bins from the Council. You are advised to provide guidance to purchasers about the bin scheme to ensure that their waste will be collected after occupation. If further advice on this issue is needed you should contact the Council's Waste Collection Service on 01246 242424.
6. Certain plant and animal species, including all wild birds, are protected under the Wildlife and Countryside Act 1981. It is an offence to ill-treat any animal; to kill, injure, sell or take protected species (with certain exceptions); or intentionally to damage, destroy or obstruct their places of shelter. It is thus an offence to take, damage or destroy a wild birds nest whilst in use or being built. Hedgerows or trees containing nests should therefore not be removed, lopped or topped during the nesting season. Bats enjoy additional protection. It is an offence to kill, injure or disturb bats founds in the non-living areas of a dwelling house (that is, in the loft) or in any other place without first notifying English Nature. Some other animals are protected under their own legislation (e.g. the Protection of Badgers Act 1992).
7. Plus Highway Notes

The meeting concluded at 1225 hours.

PLANNING SITE VISIT

Notes of Planning Site Visits held on 12th January 2015 commencing at 1000 hours.

PRESENT:-

Members:-

Councillor D. McGregor in the Chair

Councillors J.A. Clifton, D. Kelly, C. Munks, A.M. Syrett, R. Turner and J. Wilson.

Officers:-

C Doy (Development Control Manager), A. Dobbs (Observer)

1. APOLOGIES

Apologies for absence were received from Councillors T. Connerton, B.R. Murray-Carr, G. Parkin and .S Wallis.

2. SITES VISITED

Application:

- (i) 14/00446/FUL Change of use of stable block to dwelling; Castle Hill Farm, Walls Lane, Whitwell Common
- (ii) 14/00474/REM Erection of 40 dwellings and associated works; off Thurgaton Way Newton.
- (iii) 14/00188/FULMAJ Change of use to open storage yard; Former Blackwell Tip, Off Berristow Lane, South Normanton.

The meeting concluded at 1150 hours.

PARISH Clowne

APPLICATION Outline consent for residential development, including means of access and demolition of Bungalow at High Ash Farm (As amended by revised Landscape and Visual Appraisal submitted on 20th March 2014, revised proposed junction access drawing submitted on 1st April 2014 and proposed visibility splays drawing submitted on 7th April 2014).

LOCATION High Ash Farm Mansfield Road Clowne Chesterfield

APPLICANT Clowne Residential Ltd

APPLICATION NO. 14/00057/OUTMAJ **FILE NO.** PP-03131733

CASE OFFICER Mr Peter Sawdon

DATE RECEIVED 4th February 2014

SITE The site is 1.77ha of land located to the west side of Mansfield Road at Clowne that is mostly outside of the settlement framework. Approximately $\frac{3}{4}$ of the site to the east has an extant but unimplemented planning permission for residential development.

The eastern portion of the site comprises one half of a pair of semi-detached bungalows, which form part of the ribbon of development that extends southwards from Clowne along Mansfield Road. Those dwellings, along with part of the entrance drive to the site are located within the settlement framework boundary. To the west of this and extending to the rear of additional residential properties to the south is an area recently occupied by buildings associated with High Ash Farm that have been cleared, leaving mainly large areas of concrete hardstanding, with areas of overgrown previously undeveloped land further to the west. The now demolished buildings were a combination of buildings for use for storage and distribution uses to the immediate rear of dwellings fronting Mansfield Road, with polytunnels structures further that had an authorised agricultural use, but that were also in use for business/storage use on an unauthorised basis.

The majority of the boundaries of the site are made up of mixed hedgerow.

With the exception of the ribbon housing development on the Mansfield Road frontage, the site is otherwise bound to its other sides by mainly undeveloped open countryside, although development has commenced on an approved housing scheme on adjacent land to the north of this site.

PROPOSAL This is an outline planning application that proposes residential development on the site, with all matters, except the principal means of access into the site, reserved for later approval; the extent of access to be determined as part of the application is restricted to the area immediately around the proposed improved junction between the site and Mansfield Road, extending into the site by approx. 35m, with all roads and access points beyond that point being reserved for later approval.

Indicative drawings showing a potential layout incorporating 48no. 2 storey dwellings have been submitted with the application. This also shows how this development could facilitate connections with approved residential development and undeveloped sites on land to the

north.

To support the original application the following documents were submitted and a summary of the various documents is provided:

Design and Access Statement/Policy Considerations - this examines the site context, opportunities and constraints, and shows how these have influenced the indicative layout. It also discusses relevant policies and how these have been considered in the formulation of the proposals.

Indicative site layout – this shows a possible layout of 48no. 2 storey detached, semi-detached and terraced dwellings with associated private amenity space and car parking areas, an area of amenity greenspace and enhanced landscaping on the boundaries of the site that would form a new settlement edge.

Ecological Appraisal – this concludes that due to the limited diversity of habitats it is considered that the proposed works will not adversely impact on nature conservation and biodiversity within the local area. It did not identify any significant fauna interest, although there is evidence of former bat activity in the dwelling to be demolished; although this activity is not recent, further emergence surveys are recommended in the report. No evidence of any other protected/rare or notable species was recorded and no habitat suitable for other species was recorded within the site. Biodiversity enhancement is recommended.

Landscape and Visual Appraisal – this analyses the visual impact of the site from viewpoints on Mansfield Road, on public footpaths in the vicinity of the site to its south, west and north-west, as well as longer views from Stanfree and Barlborough the west and north west. It concludes that the proposal would have a minimal effect on the landscape character of the surrounding landscape, The “Limestone Farmlands” character area is restricted by the existing development and forms a relatively narrow strip of land to the west of Clowne before the landscape character changes to the west descending into the “Wooded Farmlands” character area, part of the Nottinghamshire Derbyshire and Yorkshire Coalfields character area. The site does not lie within a landscape protected by a statutory or local landscape designation, for reasons of quality or character. Direct affects on the landscape fabric and features would be minimal. The site contains no landscape features of intrinsic value apart from the boundary vegetation which would be retained. New planting would strengthen the landscape structure. Development of the site provides the opportunity for landscape enhancement through the new development and the retention and strengthening of existing boundary tree and hedgerow planting. The site is visible from the existing properties along Mansfield Road to the east of the site. Sensitive design of the building and site layout would minimise the visual impact of any proposed development. Longer distance views of the site are restricted by the effects of topography. Whilst some very long distance views are potentially possible from land to the west, any new development would be seen in the context of the existing urban area. Views are restricted from the local footpath network, by the effects of topography and vegetation.

Desk Study – this seeks to identify any potential environmental and geotechnical issues. This recommends further intrusive investigations are needed to assess the overall risk to human health and controlled waters.

Transport Statement – This concludes that: - the site is considered to be accessible by public transport, having excellent linkages to local key destinations by bus and rail with good connectivity to key destinations for employment and leisure; walking and cycling represent realistic modes of travel with key employment, education and retail facilities located close by; as part of this application, a new junction has been designed that improves on the previously approved junction by using allowing a wider access road and is future proofed for any further development or bus penetration. It accords with all the latest design standards; total peak hour vehicle trips based on 85th percentile rates for the development are expected to be in the region of 7 two-way vehicle movements during the traditional AM peak period and 7 two-way vehicle movements in the PM peak in addition to the 40 dwellings already given permission. This would equate to approximately one vehicle accessing or egressing the development every eight and a half minutes; such low levels of traffic generation are therefore considered to have a negligible impact on the local highway network; and that there is no reason why planning permission should be refused on the grounds of traffic or transportation issues.

Flood Risk Assessment – this concludes that: the site is in a low risk flood zone, with no other secondary flood risks; the outline drainage strategy calculations and drawings show that the site can be suitably drained without increasing flood risk either to the site or to others within the local catchment; that under the requirements of the NPPF this FRA is suitable to support the planning application; and it is recommended that a detailed drainage design is developed up for construction based on the outline proposals contained in this report which will ensure that there is no increase in flood risk.

Method of Work Statement for the bungalow demolition – This document details the proposed means of demolition of the bungalow, treatment and disposal of materials to the point of leaving the site in a clean and tidy condition.

AMENDMENTS A revised Landscape and Visual Appraisal was submitted on 20th March 2014.

Revised junction access drawing submitted on 1st April 2014 and proposed visibility splays drawing submitted on 7th April 2014.

Confirmation of proposed Heads of Terms for S106 Planning Obligation to include:

- 10% affordable housing unless at least 10% of the open market dwellings have been practically completed within 3 years of the date of the permission and at least 50% practically completed within 5 years of the date of the permission;
- education contribution (pro-rata for additional units);
- Leisure (Transfer of open space with capitol sum for improvements and maintenance fee); £10,000 public art contribution;
- footpath link contribution.

HISTORY 12/00112/VARMAJ – planning permission was granted on 16 May 2012 to extend the time limit of the earlier consents (09/00217/OUTMAJ) with access details as amended by later planning permission ref.10/00360/DISCON); this permission is still extant.

09/00217/OUTMAJ – Outline planning permission granted on 31st October 2009 for residential development with details approved for the position of the main access.

08/00684/OUTMAJ – Planning permission for housing refused on 4th February 2009 as: the elements of the proposal outside of settlement considered to be unjustified contrary to policies ENV3 and HOU9 of the Bolsover District Local Plan; the proposals did not form a logical and well thought out urban extension and is unduly constrained / dictated by land ownership boundaries; the proposals were not considered to adequately assess the loss of existing employment uses contrary to policy EMP5; and no agreement had been made with respect to the provision of affordable housing, additional education facilities, outdoor recreation and play space provision and public art, contrary to policies of the Bolsover District Local Plan.

08/00077/OUTMAJ – Planning permission was refused on 09.05.2008 for residential development on a larger site of 2.66ha, including this site and other land in the ownership and control of the applicant to the west, along with a further paddock to the north.

03/00621/VAR – Refusal of permission to vary condition of 02/00500/FUL to extend hours of operation 6/1/04

02/00500/FUL – Permission granted for change of use (of the larger buildings on 0.62ha of land to the rear of dwellings fronting Mansfield Road) to storage (Class B8) on 26/2/03. Amongst the conditions is a restriction to the hours of operation to 8am to 5pm Monday to Friday and 8am to 1pm Saturdays, with no operations at any time on Sundays, Bank and Public Holidays and a restriction of external storage.

02/00052/OUT – Permission refused for erection of a 3-storey single dwelling as considered contrary to policy due to its location outside of settlement framework 31/5/02

BOL 1291/496 – Erection of mushroom growing room, service arcade, boiler plant house and meter shed, approved 1992

There have been ongoing enforcement investigations regarding the use of this site in respect of the previously unlawful use of some buildings. However, the site is presently in the process of being cleared and so no buildings are present on site anymore such that unauthorised activities are no longer present. Ongoing site clearance is still underway following demolition/site clearance.

CONSULTATIONS Clowne Parish Council – Members expressed concerns regarding the increased volume and movement of vehicles to the development. Members also felt that all infra-structure provision should be completed prior to commencement of development. 7/3

Environment Agency – Recommend refusal in the absence of a suitable Flood Risk Assessment 17/4. On receipt of an amended Flood Risk Assessment, have no objections subject to a surface water drainage condition 5/11

Urban Design Officer – No objection. However, the proposals shown on Draft Layout Plan raise a number of design issues that would need to be addressed as part of any future proposals. As such, this drawing should not form the basis of any subsequent application for reserved matters and any approval should include an advisory note to highlight this matter

25/4

DCC (Highways) – seeking revisions to submitted access layout design 13/3 No objections; recommends inclusion of conditions 30/9

DCC (Archaeologist) –Whilst not consulted on this planning application, has advised on previous applications that he is satisfied that the development of this land will have no archaeological impact.

Environmental Health (Contamination) – Recommends inclusion of a condition requiring further survey work to identify and appropriately treat, where needed, any on site contamination 31/3

Public Arts Officer – request public art contribution 28/3

Derbyshire Wildlife Trust – Further surveys are considered necessary to establish if bats are present before determination of the application. 20/3. Satisfied with further bat survey. Advice provided regarding retention of boundary hedgerows and biodiversity enhancements. Also that any site clearance should be undertaken outside the bird nesting season and that appropriate measures are taken to deal with Himalayan Balsam on site, which is a notified plant species 10/7

Strategic Housing Officer – Seeking affordable housing provision, noting adopted position of seeking 10% affordable homes, but noting proposed policy to seek 25% at Clowne. Would expect at least one unit to be a mobility bungalow to recognise identified need for this kind of dwelling 12/3

DCC (Strategic Planning) – Seek that high speed broadband services be provided for future residents; provision of £11,500 towards the provision of a new Public Right of Way linking the proposed development to the Public Right of Way network; £113,990 towards the provision of 10 primary pupils, comprising 4 places at Clowne Infant and Nursery School (£45,596.04) and 6 places at Clowne Junior School (£68,394.06); and new homes designed to Lifetime Homes standards. 1/4

CCG – no response received to consultation

PUBLICITY – By site notice, press advert and 15 neighbour letters. 3 letters of representation received: -

One letter states that the writer has no major objections to this project, but asks that the various issues are noted and addressed by the committee when considering this application; these are included in the following summary of issues raised:

Amenity

Hours of work. Noise when breaking up and removing the existing concrete slab bases. Dust created when breaking up and removing the existing concrete. Any issues regarding asbestos and or concrete dust being allowed to enter existing properties. Light pollution into rooms from vehicles either during construction or when the site is completed. Positioning of any windows that may have direct site into rooms. Views into dwellings from vehicles and pedestrians on new road. Existing dwelling would be exposed at the back as the plans do not show any kind of screening. Any screening must be at least 6ft high.

Highway Safety

Volume of traffic as this road will not just service this site but join to the Ben Bailey development, which will be hundreds of houses (all with cars).

Other

Issues relating to matters contained in Title Deeds (not material planning considerations).

Need access from both sides to existing hedge; think a fence should be erected with room to do this.

POLICY

Local Plan

Bolsover District Local Plan (BDLP) shows as within settlement framework, general urban area policies apply, of particular relevance will be policies:

GEN1 (Minimum Requirements for Development);

GEN2 (Impact of Development on the Environment);

GEN4 (Development on Contaminated Land);

GEN5 (Land Drainage);

GEN6 (Sewerage and Sewage Disposal);

GEN8 (Settlement Frameworks);

GEN11 (Development Adjoining the Settlement Framework Boundary);

GEN17 (Public Art);

HOU2 (Location of Housing Sites);

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

HOU6 (Affordable Housing); HOU9 (Essential New Dwellings In The Countryside);

EMP5 (Protection Of Sites and Buildings In Employment Uses);

TRA1 (Location of New Development);

TRA7 (Design For Accessibility By Bus);

TRA10 (Traffic Management);

TRA13 (Provision For Cyclists);

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

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

ENV3 (Development in the Countryside);

ENV5 (Nature Conservation Interests throughout the District); and

ENV8 (Development Affecting Trees and Hedgerows).

National Planning Policy Framework The publication of the National Planning Policy Framework represents a significant change in the policy context.

Paragraph 214 states that: *“For 12 months from the day of publication, decision takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.”*

Paragraph 215 states that *“In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.”*

These two paragraphs mean that as the Bolsover Local Plan was prepared and adopted prior to 2004, that ‘due weight’ rather than ‘full weight’ should be attached to its policies.

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

A core principle of the NPPF is to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Other (specify) Adopted Design Guide 'Successful Places'

ASSESSMENT The main issues associated with this proposal are the principle of the re-development of this site for residential purposes, the effects of the development on the character and appearance of the area, impact on biodiversity interests and impact on highway safety.

This is an outline planning application for residential development with all matters, except for access, reserved for later consideration.

The majority of this site falls outside settlement framework of Clowne and policies HOU9 and ENV3 are most relevant in terms of development that requires a countryside location.

Although the principle of residential development on the majority of the site is established through the earlier grants of planning permission, the current application site extends a further 150m into the countryside to the west. The indicative layout drawing shows an area of amenity greenspace on the westernmost 28m long section of that area. The location of the housing shown on the indicative plan extends into open countryside approximately the same distance to the rear of dwellings that front Mansfield Road as on the site of approved housing development to the north, the development of which has commenced. The existence of the extant planning permission for residential development on the majority of this site is a material consideration that should be given considerable weight in the decision.

Policy HOU 9 - Essential new dwellings in the countryside, states that new dwellings will only be permitted if they are essential to the operation of agriculture and forestry. It is clear from the nature of this submission that the application is not related to the operation of a countryside based use and the elements of the proposal outside of the identified settlement framework are contrary to HOU9.

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.

In granting planning permission for the eastern parts of the site, regard was had to the fact that large parts of the site contained several unsightly agricultural and industrial and storage buildings, but also the fact that the Council could not demonstrate a five year supply of deliverable housing.

The former buildings on the site have been demolished and removed from the site. However, large areas of unsightly concrete hardstanding remain on these areas.

In respect of five year housing supply, despite several grants of planning permission within the district, it is still not possible to demonstrate a five year supply of housing.

The material difference with the current planning application over the earlier consents is the further incursion into the open countryside onto parts of the site that were not occupied by former buildings.

Clearly this extension of development further into the countryside will result in loss of undeveloped land and an extension to the built form of Clowne. Nevertheless, the site is on the edge of one of the districts main towns that had been earmarked for new housing as part of the replacement Local Plan. It is sustainably located in terms of the links to that town and the amenities and facilities it offers, including good quality public transport links.

Visually, the extension further west is shown to be up to that that has been accepted and approved on the adjoining land to the north. The visual impact assessment demonstrates that the impacts of this will not be significant in wider landscape terms. Regard has also been had to the landscape impact assessment of that adjoining development that also included cross section details that extended through this planning application site. Therefore, whilst there will be a further incursion into the Countryside as a result of this development proposal, it is not considered that this incursion would be harmful, subject to controls to ensure that the erection of houses would be no further west than that shown on the indicative layout plan. This is required as developing on the remaining sections of the site that are shown for amenity greenspace on the western extremity would result in an isolated limb of development that would not relate to the emerging settlement boundary formed by this and the adjoining housing development.

In line with earlier consents the indicative layout drawing is showing retention and enhancement of existing boundary landscape features on the southern side of the site, that would form a new settlement edge (policy GEN11 [Development Adjoining the Settlement Framework Boundary] applies).

The removal and re-development of the former industrial buildings was considered at the time of the initial grant of planning permission and deemed to be acceptable under Policy EMP5 (Protection Of Sites and Buildings In Employment Uses). As stated earlier in the report, those buildings have already been removed and there are no new material issues to consider with this latest proposal.

As all matters in terms of layout and design are reserved for later approval, it is considered that a layout could be achieved that would provide for appropriate levels of privacy and amenity for occupiers of existing and proposed dwellings. The Urban Design Officer has made various suggestions in terms of necessary amendments in respect of the submitted indicative layout and these can be referred to the developer in an advisory note.

Additional information was submitted to address initial comments that had been made by the Highway Authority that has confirmed that there are no objections to the proposal from the highway safety viewpoint. Conditions have been recommended. Several of the recommended conditions relate to detailed layout matters are more appropriately considered at reserved matters stage.. Advisory notes can be included to deal with detailed issues.

A desk study has been submitted in respect of potential contamination on site that indicates that further intrusive investigation would be required. The Environmental Health Officer for

pollution control has advised that a condition would be suitable to control the submission of additional studies and implementation of mitigation where necessary.

The application is accompanied by an ecology appraisal along with information relating to additional bat survey work that has been carried out at the request of The Derbyshire Wildlife Trust. The Trust has advised that it considers that adequate survey work has been undertaken in support of this application for it to be determined. The trust has made suggestions in respect of landscaping of the site, along with advice regarding the treatment of Himalayan Balsam that has been found on site; these issues can be included as an advisory note. A condition is also recommended regarding disturbance to nesting birds; however, as protection of birds is provided under more specific legislation, it is not considered that this should be included as a condition and is proposed to be included as an advisory note. On this basis, the scheme is considered to accord with Policies GEN2, ENV5 (Nature Conservation Interests) and ENV7 (Trees and Hedgerows) of the adopted Bolsover District Local Plan.

Flood Risk – a Flood Risk Assessment has been submitted to address previous concerns of the Environment Agency (EA). The EA has confirmed that it has no objections to the proposal subject to a condition regarding surface water drainage.

Policy HOU5 relates to the possible provision of outdoor recreation and play space for new housing developments, both on and off site. This policy requires that 2.2 ha of open space (divided into 0.7 ha for informal neighbourhood space and 1.7 ha for Formal Open Space) should be provided for developments over 20 dwellings, unless adequate provision already exists. The application documents show the provision of an area of public open space on the western edge of the site. The original planning permission was granted with no S106 requirements for open space contribution for formal open space in view of the existence of large scale provision in the immediate area, although there was a requirement for open space provision within the site. The submitted plan shows the provision of an area of open space to the western edge of the site.

The council has recently undertaken an updated open space audit. A draft version currently appears on the website (March 2012) and was subject to public consultation in November and December 2011. The latest audit includes categories for Formal Open Space in the forms of outdoor sports and Amenity Green Space (or neighbourhood open space).

Amenity / Neighbourhood Green Space. In terms of Clowne as a whole, the latest audit shows that adequate provision does not exist throughout the town as a whole with the nearest available to this site being approximately 600 metres away from the site and the nearest children's play area is approximately 670 metres from the site as the crow flies and approximately 900 metres along Mansfield Road pavement.

The Leisure Services Officer has noted that it is proposed to create an area of amenity greenspace at the rear of the development and to open this out to conjoin with open space defined within the adjacent development. Whilst he indicates that the size of that area is not indicated in any documentation, the dimensions shown on the plan would exceed the 20m² normally required under the Council's guidelines (48 dwellings would generate a need for 960m² and approximately 1650m² is shown on the indicative layout plan). For the reasons

explained earlier in the report it would not be appropriate to include further built development on that land to the west, but its use for open space and recreation use is considered to be appropriate and would help to define a transition between the built developments proposed and the open countryside to the rear. No play equipment contribution is being offered by the developer, but given that such provision will be provided on the adjoining development, coupled with the over provision of land for open space use as part of the proposal, it is considered that on balance the leisure offer in this regard is appropriate in this case and commensurate to this development proposal.

Better linkages to that open space would be required to that shown on the indicative layout and this is picked up in the comments of the Urban Designer and would be referred to in the note relating to his comments as discussed earlier.

The developer has indicated that they are in agreement to transfer the land to this Council to adopt and maintain the proposed open space and as such, a legal agreement would need to be entered into.

The applicants have also agreed to fund (£11,500) the provision of a formal link to the adjacent public footpath network, as has been requested by Derbyshire County Council, which would be provided in part across this space. This would aid connectivity of the development to the adopted public footpath network.

Formal Green Space. The latest audit shows that adequate provision does not exist throughout Clowne as a whole. Notwithstanding this, and the Leisure Services Officers requests for contributions, regard must be had to the previous decisions regarding development on this site and whether there has been any material change in circumstances since those determinations. Contributions were not required under those consents given the location of the Clowne Sports Centre (formerly Clowne College Campus) approximately 400 metres away from the site and the cricket ground that also is within 330 metres of the site. It was determined that this amounted to adequate provision locally in respect of this site, commensurate with the scale of development proposed. Whilst a slightly larger area of housing is proposed, this is not considered to change that principle established under the earlier permissions on this site. Additionally, it is noted that additional open space is being provided on the adjoining development to the north, justified due to its larger scale, and this will also add to the overall provision of sports and open space within the locality. Overall therefore, it is still considered that there is no identifiable need for the provision of formal green space in connection with this development and it would not be reasonable to require any financial contributions in this case.

Derbyshire County Council (Education) has sought financial contributions to fund primary school places. This does not however, take account of the existing housing commitments on this site for which no contributions were sought nor secured under the earlier permissions. Given that there is an extant permission on the site, it is considered that it would only be reasonable to secure contributions to education based on the difference between the approved and proposed schemes (around seven dwellings). The applicant is agreeable to make such a pro-rata contribution that will need to be secured through a S106 Planning Obligation.

The applicants have been invited to consider policy GEN17 relating to the provision of public art and have offered a contribution of £10,000. No such contributions were secured through the extant permission on this site and the contribution that has been offered is welcomed and considered to be acceptable under the terms of this policy. The provision for public art would need to be secured through a planning obligation.

In terms of policy HOU6 (Affordable Housing), the Affordable Housing Supplementary Planning Guidance (2002), supplements HOU6, and includes a presumption that 10% of total site capacity will be given over to affordable housing. The precise figure will be a matter for negotiation with the developer based on the type of affordable housing to be provided, particular site constraints and the marginality of the site. The size and type of affordable homes provided on site will be negotiated on the basis of the particular need in that locality. The original planning application for the site realised an agreement for the provision of 10% affordable housing.

On the 14th November 2012 the Council formally approved changes to its affordable housing policy. The new policy allows applicants on sites outside of Barlborough and less than 300 dwellings to be offered an option to waive the affordable housing requirement in return for a S106 agreement which provides an undertaking to commence development and complete at least 10% of dwellings permitted within 3 years from the grant of planning permission, and at least 50% within 5 years from grant of planning permission. Failure to comply with this requirement would result in a development having to provide 10% of total permitted dwellings on the site as affordable housing, and if necessary obtain planning permission for a revised layout to deliver the units.

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

Conclusion

Whilst this proposal does not comply with requirements of the Bolsover District Local Plan in respect of developing outside of the settlement framework and into the countryside, there is strong Government guidance in respect of the significant weight that needs to be given to delivering new houses. Only where the impacts are wholly unacceptable in planning terms is the Council likely to be supported at appeal. None of the impacts identified are at such a level. The site is considered to relate well to the existing settlement and is considered to form an achievable, suitable, sustainable and deliverable development scheme, such that the impacts in this case are sufficiently limited to justify consent for this development proposal. It is considered that that the changes to this scheme since the earlier grant of planning permission on a slightly smaller site do not materially alter the principles established by that earlier consent and it is considered that the development of a slightly larger area, particularly in the light of the grant of planning permission on the adjacent site, is appropriate. There have been no other material changes in policy since the earlier grant of permission and subject to a legal agreement and conditions to cover the various issues raised in the assessment it is considered that support can be given to this proposal.

Regard has been had to the representations received in connections with the planning

application, but these are not considered to raise any material issues that would warrant an alternative recommendation.

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: - No significant issues arise

Equalities: No significant issues arise

Access for Disabled: No significant issues arise

Trees (Preservation and Planting): See assessment

SSSI Impacts: N/A

Biodiversity: See assessment

Human Rights: No significant issues arise

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

S106 Heads of Terms:

- The development shall comprise 10% affordable housing unless at least 10% of the open market dwellings have been practically completed within 3 years of the date of the permission and at least 50% practically completed within 5 years of the date of the permission;
- Transfer of open space area to the Council, along with a capital sum for improvements to that land and maintenance contribution;
- Education contribution (Derbyshire County Council requested sum pro-rata to take account of extant commitment from the existing planning permission on the majority of the site);
- Public Art Contribution of £10,000; and
- Contribution of £11,500 to provision of footpath link from the site to the existing public footpath network.

Conditions

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
2. Approval of the details of the layout, scale, appearance, access (except for the new junction identified on drawing nos. TPLE1030-100 and TPLE1030-101, dated Sept 2013,) and landscaping shall be obtained from the Local Planning Authority in writing before any development is commenced.
3. The plans and particulars submitted for landscaping in accordance with conditions 1 and 2 above shall include full details of settlement edge treatment on the site boundaries that

do not abut common boundaries with existing residential properties, including a programme of implementation, maintenance and proposals for its long term management, shall have been submitted to and approved in writing by the Local Planning Authority. The planting shall be carried out, and thereafter maintained, in accordance with the approved plans and programme, unless written approval to any variation is given by the Local Planning Authority.

4. Notwithstanding the submitted information, no development shall take place until the site has been subject to a detailed scheme for the investigation and recording of contamination of the land and risks to the development, its future users and surrounding environment. A detailed written report on the findings including proposals and a programme for the remediation of any contaminated areas and protective measures to be incorporated into buildings shall be submitted to and approved in writing by the local planning authority. The report shall include proposals for the disposal of surface water during remediation. The remediation works shall be carried out and a validation report submitted to and approved in writing by the local planning authority in accordance with the approved proposal and programme. If during the course of the development further evidence of any type relating to other contamination is revealed, work at the location will cease until such contamination is investigated and remediation measures approved in writing by the local planning authority have been implemented.
5. In the event that it is proposed to import soil onto site in connection with the development for any reason other than as may be authorised for contamination remediation under condition 6, unless otherwise approved in writing by the Local Planning Authority, the proposed soil shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme for all parameters previously agreed with the Local Planning Authority, the results of which shall be submitted to the Local Planning Authority for consideration. Only soil(s) approved in writing by the Local Planning Authority under this condition shall be imported onto site.
6. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:
 - Surface water drainage system(s) designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken.
 - Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm ideally to Greenfield rates for the site but as a minimum so that it will not exceed the run-off from the undeveloped site and will not increase the risk of flooding off-site. Discharge from the site must not exceed 9.4l/s.
 - The ground condition and ability to percolate. The primary method of disposal of surface water should be through the utilisation of soakaways.
 - Provision of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for*

Developments'

- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.
7. No other operations on site shall be commenced until a temporary access for remediation and construction purposes has been formed to Mansfield Road, laid out in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall have a minimum width of 5.5m and be provided with 2 x 2m footways, 6m radii. Visibility sightline extending from a point 2.4m back from the carriageway edge, measured along the centre line of the access, extending 130m on the southerly direction and 90m to the north are required and can be provided within existing highway limits.
 8. Prior to any dwelling being first occupied on site the new access shall be formed to Mansfield Road. The access shall be laid out in accordance with the application drawing TPLE1030 - 100 comprising a carriageway width of 5.5m constructed to base, 2 x 2m footways constructed to base and 6m radii.
 9. The gradient of the access shall not exceed 1:30 for the first 10m into the site from the existing highway boundary and 1:20 thereafter.

Reasons for Conditions

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
3. To reduce the visual intrusion of the development and make a positive contribution to the development and in compliance with Policies GEN1 (4), GEN2(1) and GEN11 of the Bolsover district Local Plan.
4. To protect surface and groundwater quality in the area and to ensure the site is suitable for its intended use and in compliance with Policies GEN2(9) and (14) and GEN4 of the Bolsover District Local Plan.
5. To protect surface and groundwater quality in the area and human health, to ensure the site is suitable for its intended use and in compliance with Policies GEN2(9) and (14) and GEN4 of the Bolsover District Local Plan.

6. To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures and in compliance with Policies GEN2(9) (11) and (13) and GEN5 of the Bolsover District Local Plan.
7. In the interests of highway safety and in compliance with Policies GEN1, GEN2 and TRA10; of the Bolsover District Local Plan.
8. In the interests of highway safety and in compliance with Policies GEN1, GEN2 and TRA10; of the Bolsover District Local Plan.
9. In the interests of highway safety and in compliance with Policies GEN1, GEN2 and TRA10; of the Bolsover District Local Plan.

Notes

1. The proposals shown on the *Draft Layout Plan* raise a number of design issues that will need to be addressed as part of any future proposals. As such, this drawing should not form the basis of any subsequent application for reserved matters and in preparing any reserved matters submission(s) your attention is drawn to the various consultee comments, in particular those of the Council's Urban Designer, all of which can be viewed on the Council's website at www.bolsover.gov.uk
2. Certain plant and animal species, including all wild birds, are protected under the Wildlife and Countryside Act 1981. It is an offence to ill-treat any animal; to kill, injure, sell or take protected species (with certain exceptions); or intentionally to damage, destroy or obstruct their places of shelter. It is thus an offence to take, damage or destroy a wild birds nest whilst in use or being built. Hedgerows or trees containing nests should therefore not be removed, lopped or topped during the nesting season. In order to safeguard nesting birds on site, no vegetation clearance or building demolition work should be undertaken between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and appropriate measures to protect the nesting bird interest on the site, have been implemented. Bats enjoy additional protection. It is an offence to kill, injure or disturb bats found in the non-living areas of a dwelling house (that is, in the loft) or in any other place without first notifying English Nature. Some other animals are protected under their own legislation (e.g. the Protection of Badgers Act 1992). Further advice can also be obtained from the Derbyshire Wildlife Trust on 01773 881188.
3. Paragraph 109 of The National Planning Policy Framework (NPPF) states that 'the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible...'. The retention of the hedgerows on site is supported and it is considered that additional hedgerow and tree planting is included as part of the landscaping scheme. To ensure the long-term future and management of the perimeter hedgerows we would advise that they should not be incorporated into the curtilage of the residential properties but should be located alongside paths, green space or roads. It is recommended that

any new landscaping planting, including any new hedgerow and tree planting, should use native species appropriate to the landscape character area to be of maximum benefit to wildlife. In addition, consideration should be given to the incorporation of bird nesting and bat roosting opportunities into the new properties and in perimeter trees to enhance the biodiversity value of the site.

4. During any site clearance work it will be important to ensure that Himalayan balsam that has been recorded on site is not spread. Himalayan balsam is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which effectively means that it is an offence to cause the spread of such a plant as a result of development operations. Measures should be put in place to ensure that this plant is not spread within the site or off-site.
5. In respect of condition 4, prior to the preparation of any additional studies any developer is strongly encouraged to contact the Council's Environmental Health Department for advice about the site history and requirements for such study work. A copy of the Environmental Health Officers comments on this application and the original permission, along with other consultation responses can be viewed on the Council's website at www.bolsover.co.uk.
6. In preparing any reserved matters that incorporate highways that are intended to be adopted, attention should be had to the latest design guide of the Derbyshire County Highways Authority, along with the following guidance of that Authority:-

No development should take place until a construction management plan or construction method statement has been prepared that should be adhered to throughout the construction period. The statement shall provide for the storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking of site operatives and visitors' vehicles, routes for construction traffic, hours of operation, method of prevention of debris being carried onto highway, pedestrian and cyclist protection, proposed temporary traffic restrictions and arrangements for turning vehicles.

Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

The new access road shall be laid out, constructed, drained and lit all in accordance with Derbyshire County Council's specifications for new estate streets.

The Highway Authority should be consulted in respect of any surface water drainage scheme.

Parking should be provided at a rate of a minimum of 2 spaces for each plot. For the avoidance of doubt, where a garage is counted as a parking space, the internal dimensions should not be less than 3m x 6m.

Bin stores shall be provided within private land at the entrance to shared private accesses to prevent refuse bins and collection vehicles standing on the new estate

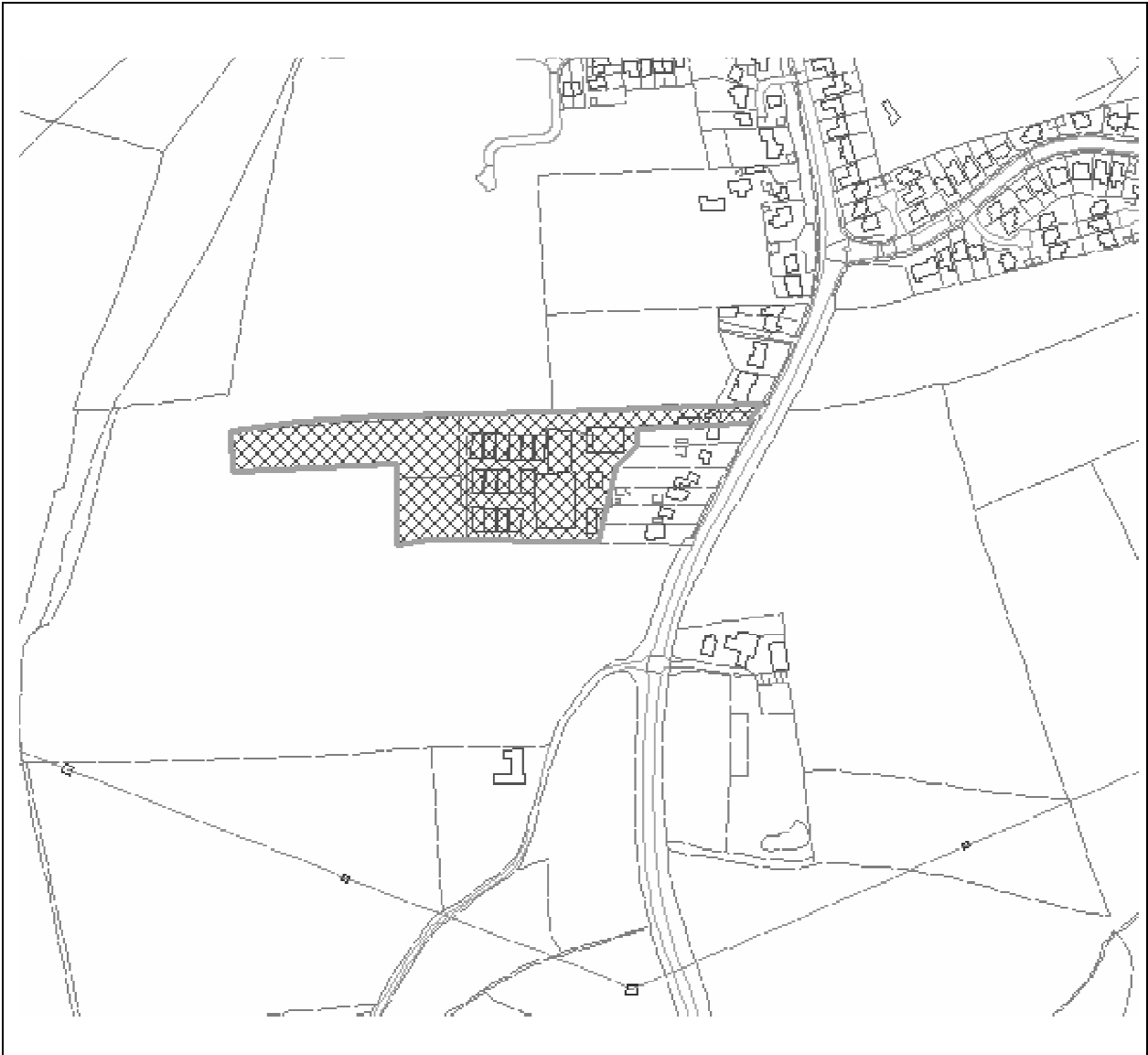
street for longer than necessary causing an obstruction or inconvenience for other road users.

Any gates shall be set back at least 5m from the highway boundary and open inwards only.

A swept path diagram should be submitted at Reserved Matter stage to demonstrate that emergency, goods and service vehicles can adequately enter, manoeuvre within the site and leave in a forward gear.

On the basis that the development effectively forms part of a larger development, a Travel Plan should be submitted at Reserved Matters stage to tie in with the Travel Plan submitted and approved for the adjacent development to the north. The Travel Plan shall set out proposals, including a timetable to promote and monitor travel by sustainable modes which are acceptable to the Local Planning Authority, with a view to being implemented in accordance with the timetable set out therein.

Application No.: 14/00057/OUTMAJ



Scale Not to scale

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Date Produced: 26th January 2015

CONSULTATION FROM NORTH EAST DERBYSHIRE DISTRICT COUNCIL

APPLICATION Outline application for a 795 dwelling scheme with associated ancillary uses, including a Local Centre, a Neighbourhood Equipped Areas of Play (NEAP), a Local Equipped Area of Play (LEAP), a Riverside Park, a Local Habitat Area, two SUDS, footpaths, walkways, cycle paths and landscaping, with details of access (14/00145/OL)

LOCATION Former Coalite Site on the North West and South East sides of Buttermilk Lane Duckmanton Chesterfield

APPLICANT Bolsover Land Limited

APPLICATION NO. 14/00064/NCO **FILE NO.** A5

CASE OFFICER Mr T Ball

DATE RECEIVED 21st February 2014

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Assistant Director Planning
REASON: Strategic cross-boundary Issue

SITE

Area of the former Coalite Works to the southern side of the River Doe Lea, comprising the former vehicle maintenance workshops, sewage works and fuel stocking yard together with the agricultural land between the A632 and the River Doe Lea.

To the south-eastern end of the site across the River Doe Lea is Snipe Bog and the Bolsover Business Park. The north-eastern area across the River is the former 'batteries' site. Across Buttermilk Lane to the north-west is the Markham south tip now landscaped. The civic amenity site and related industrial development area (scaffolding storage and plot available for development) adjoin to the western corner. Across Chesterfield Road to the south is agricultural land including an intensive pig farm and small solar farm.

Bolsover Castle and Sutton Scarsdale Hall are prominent features in the surrounding landscape.

The River Doe Lea is the District boundary.

The area of the former Coalite Works on the northern side of the River Doe Lea and within Bolsover District is the subject of a separate planning application, by the same applicant, submitted at the same time, for General Industrial (B2 uses), Warehousing (B8 uses), energy centre, a transport hub, open storage and a museum/visitor centre (14/00089/OUTEA).

PROPOSAL

This is a consultation from North East Derbyshire District Council as neighbouring planning authority. The proposal is an outline application for residential development (up to 795 dwellings with a local centre) with related play areas, riverside park, footpaths, cycle paths, etc. on the former Coalite Works site off Buttermilk Lane and agricultural land between the A632 and the river Doe Lea.

Access would be from new roundabouts on the A632 and on Buttermilk Lane.

The application includes an indicative masterplan showing a mix of house types, areas of landscaping, open space, etc.

AMENDMENTS

A confidential financial viability assessment has been submitted as part of the application. A remediation and phasing strategy, and an odour assessment, have also been submitted.

HISTORY

08/00755/OUTEA Industrial and Distribution Park (Goodman and Alvaro) on site of Coalite Works (no built development on agricultural land). Joint application to BDC and NEDDC. Application withdrawn October 2010.

CONSULTATIONS

Carried out by NEDDC except the following local consultation responses:

English Heritage: copy of response to NEDDC submitted: development will affect the setting of Bolsover Castle; the loss of a greenfield agricultural site will erode the historic rural setting of the Castle which was designed to capture wide and framed views across the Doe Lea Valley for the Terrace Range and the Little Castle. This will cause “less than substantial harm” to the significance which Bolsover Castle derives from its setting. The statutory requirement to have special regard to the desirability of preserving listed buildings, their setting and any features of special interest must be taken into account; less than substantial harm does not equate to acceptable harm - any level of harm requires 'clear and convincing' justification with the public benefit associated with the proposal weighed against the harm (National Planning Policy Framework para 134). English Heritage believe that, on balance, the harm caused to the setting of Bolsover Castle by the proposed development can be justified by the wider public benefits associated with the wider decontamination and redevelopment of the Coalite site. English Heritage understand that this scheme is not financially viable without the residential development. In light of the important link between the justification for this development and the wider redevelopment of the Coalite site they believe it is essential that a robust legal agreement is attached to any consent given ensuring that one cannot be developed without the other. Do not believe that the development of the site could be justified without the wider redevelopment of the Coalite site. 18.03.14

BDC Leisure Services: Although the application site is located within North East Derbyshire District, the development (795 dwellings, approximately 1,900 additional residents) will impact most heavily (particularly on schools, shopping and recreational facilities) on Bolsover, the nearest town to the development. Mitigation of the impact of the development on Bolsover needs to be a material consideration. There is a lack of pedestrian and cycle path linkages to surrounding areas i.e. Bolsover and Markham Vale. Opportunity to provide a greenway link between the Stockley Trail and Poolsbrook Country Park and the Trans-Pennine Trail. The proposed pedestrian bridge across the River to connect the residential areas with the industrial areas should accommodate cyclists. Proposed improvements to Buttermilk Lane are not cycle friendly. 17.04.14

Old Bolsover Town Council: Actively support the development providing the contamination on the site is thoroughly cleared. 08.04.14

Conservation Officer (BDC): The effect upon Bolsover Castle and it's setting must be of

primary concern. In particular the residential development proposed for the green field, which lies adjacent to Chesterfield Road. This field is highly visible through the stone archway that leads to the viewing platform at Bolsover Castle. The stone arch acts as a frame to the agricultural fields in the distance. If this field were to be developed it would have a negative impact upon the views from the castle and impact upon the character of the castle as one approached through the archway. The development in this field would also merge Bolsover settlement with Duckmanton, at present when viewed from the Castle the two settlements are easily identifiable as separate, this development would merge the built environment. The environmental statement (10.39), states "...the public benefits of the proposed development outweigh the potential harm identified to the affected heritage assets". It is difficult to accept that the impact on the Castle is less than significant. Weighing the public benefit against heritage harm can only be properly assessed when the impact assessment has been corrected. A detailed analysis is required. The impacts not only on the Castle as a grade 1 Listed Building, but also as a scheduled Ancient Monument and grade 1 Historic Park & Garden also need to be considered.

There is general agreement that it is highly desirable to see the 'Coalite' site re-developed, but the fact that the site was used for industrial purposes before is not in itself justification to allow development at any cost. The reason for developing the green field site is presented as the only viable way to develop the 'Coalite' site, because of the cost of cleaning the site. A financial report to support this claim should be provided before full consideration can be given to the proposal.

It is disappointing that an overall design brief has not been prepared for the site which clearly identifies the design rationale and sets parameters for development (similar to the Markham Vale framework).

The proposed development as it stands has an adverse visual impact on the setting of a number of significant heritage assets. The mitigation scheme as proposed is not sufficient to override the concerns over the long-term effect on the landscape. A full assessment of the impact on the setting of the heritage assets; along with proof of financial necessity to develop the green field site, should be provided before further consideration or negotiation, and any further exploration of design is undertaken. 18.12.14

BDC Planning Policy: Detail comments which concludes:

From an assessment of this proposal, it is considered that the proposal is yet to demonstrate:

- that it is achievable and economically viable;
- that it would contribute to NEDDC's five year supply;
- that it can resolve the contamination issues on the site, particularly within Bolsover District;
- that it can effectively contribute to the required infrastructure needs generated by the development;
- that it represents sustainable development in its own right; and
- whether it is an appropriate direction for the growth of Bolsover Town.

However, it is noted that further submissions are awaited from the applicant that may address these concerns. 03.12.14

Environmental Health – considering the detail remediation proposals, formal comment not yet possible as further information and clarity is being sought..

No response received from Strategic Housing Manager.

PUBLICITY

Carried out by NEDDC

POLICY

To be assessed by NEDDC. Implications for BDC discussed below

ASSESSMENT

This is a consultation from North East Derbyshire District Council on an application for residential development (up to 795 dwellings) with associated facilities and infrastructure adjoining the District Boundary and forming land associated with the former Coalite Works. This includes the former coal stocking yard, the vehicle maintenance depot, water treatment works and an area of land in agricultural use between the A632, River Doe Lea and the former railway opposite Leaholme Estate. The residential site area is 28ha.

The remaining area of the former Coalite Works which is within Bolsover District is the subject of a related planning application submitted at the same time for B2 (General Industrial) & B8 (Storage or distribution) uses, a transport hub and energy centre. The two applications have been conceived as one development and indeed share common documents including an Environmental Statement, Master Plan and remediation and phasing strategy for the whole development.

Heritage Impact

The development involves the loss of an important greenfield site which forms part of the setting of Bolsover Castle. The greenfield area in arable agricultural use is on land which forms a small hillside with an eastern facing slope, i.e. towards Bolsover Castle. The top of the hill is marked by an infilled railway cutting with well established planting. The topography and vegetation help to screen and soften the impact of the Coalite coal stocking yard beyond, which is at a lower level than the western side.

The greenfield is particularly prominent from the Castle. On approach to The Terrace and Little Castle from the main courtyard an archway provides a key viewpoint of the countryside setting of the Castle (giving “visitors a taste of the 17th century landscape” – English Heritage response). The field proposed for development is the central feature in this view. Passage through the archway currently gives a rural view and rural character to the Castle’s setting reflecting its historic past; the proposal would change this view to one which is urban in character. The housing would be the central and dominant feature of this view.

Similarly the field is prominent in views from The Terrace, the designed viewing platform at the northern end of The Terrace, and from the windows of the main rooms in the Little Castle, all of which are designed to exploit the views across the Doe Lea valley. The Castle was designed to take advantage of these westwards facing views and to dominate the vale.

Development of the greenfield element of the proposal would change the countryside setting as experienced from the archway, to a setting urban in character. Its development would effectively link the built up area at the bottom of Bolsover Hill with the redevelopment of the Brownfield Coalite Works site and Markham Vale reducing the rural landscape element of the Castle’s setting as experienced from the other viewpoints. In addition to being an important element of the setting of the Castle the greenfield provides an important buffer in between

built-up areas and potential brownfield redevelopment areas.

There would therefore be harm to the setting of Bolsover Castle reducing the significance to the Castle which it derives from its setting.

The Castle is of exceptional national significance, which is reflected in its multiple designations as a Grade 1 Listed Building, Scheduled Ancient Monument, Grade 1 Registered Park and Garden and being within a Conservation Area; it is one of the top 2% of listed buildings in England (English Heritage response). Taking this significance into account and the development already present in the vale, in particular Bolsover Business Park (former Bolsover Colliery), the brownfield areas of the former Coalite Works and Markham Vale (former Markham Colliery) it is considered that the harm to the setting of Bolsover Castle will be “less than substantial” in the terms of the National Planning Policy Framework.

Where a development will lead to “less than substantial harm” to the significance of a designated heritage asset the harm should be weighed against the benefits of the proposal (National Planning Policy Framework policy 134). Clearly the benefits from the proposal, as stated by the applicant, is the provision of higher value residential development to finance the remediation costs of the former Coalite Works. However no such linkage has been clearly demonstrated in the submitted application documents.

It is not considered that the benefits of the proposal have been proven to be sufficient to override the harm to the setting of designated heritage assets, i.e. Bolsover Castle.

The Council has a duty under S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering planning applications which affect a Listed Building or its setting to have special regard to the desirability of preserving the building, or its setting. A recent Court of Appeal decision (“Barnwell”) made it clear that the statutory test must be given great weight when dealing with impacts on listed buildings and their settings. The judgement also indicated that where impacts result in less than substantial harm these still need to be given considerable weight. The judgement also re-iterated that ‘preserving’ means to do no harm.

Accordingly given this strong presumption against development which harms the setting of a Listed Building, that ‘less than substantial harm’ is considered to arise from the proposal to the setting of Bolsover Castle and that the public benefits from the development (providing funding for the remediation and redevelopment of the former Coalite Works) has not been proven; it is considered that the benefits from the development do not outweigh the presumption to preserve the setting of Listed Buildings, particularly of the calibre and importance of Bolsover Castle. Indeed it is even possible given the proposed phasing strategy (see below) that after an initial ‘clearance’ phase that the occupation of residential development on the greenfield area could prevent further remediation of the brownfield areas because of the impacts on the occupiers of such dwellings. There are therefore strong objections on these grounds to the development of the green field element of the proposal (i.e. the hillside field facing the Castle). There are no objections, in terms of impact on the setting of Bolsover Castle, to residential development of the brownfield element, indeed such development in those areas, may have less impact on the setting of the Castle than industrial/business use buildings.

Remediation/phasing/relationship to BDC application

A confidential Phasing and Remediation Strategy has been submitted. This indicates that the first phase of the residential development (upon the greenfield element of the site) would be released for occupation after the first two phases of remediation, i.e. after 19 months. This raises concerns that occupation of residential units would be taking place in close proximity to future phases of remediation works in particular on the adjoining brownfield areas, which could prejudice those works being carried out because of the impact of such remediation works on the living environment of new occupiers. There is a risk that only the housing development would take place if remediation works would cause unacceptable impacts on the occupiers or if remediation costs turn out to be higher than estimated.

No clear evidence has been provided of the remediation costs of the commercial areas to show that the residential development is needed as 'enabling' development. No clear consideration has been given to the remediation of the area of the former works before any residential development has been demonstrated.

The applicant has proposed a condition to restrict occupation of housing until phases one and two of the remediation strategy are complete. This would encompass the clearance of the whole site (site demolition and clearance of vegetation and remaining structures/slabs above ground) – Phase 1 – and construction of the bio-remediation treatment area with treatment of soils within plot 5 (area of the chemical works between the River Doe Lea and the former railway on the north-western side of Buttermilk Lane) – phase 2.

If the housing development is supported phasing would be required on a planning permission within NEDDC to restrict occupation of housing within NEDDC until works have been carried out within BDC area, albeit all currently on land within the control of the applicant. It could be that NEDCC do not see a need to tie the remediation of commercial land outside their administrative area to an application for housing for reasons connected with housing supply issues. It could also be possible given the different types of development proposed in the different local authority areas that ownerships may change. At the very least a S106 planning obligation should be sought to ensure the linkage and phasing is tied and regulated.

It has not been demonstrated that the proposed phasing of the residential development in relation to the overall remediation and redevelopment of the site will not impact on further phases of remediation and development of the former Coalite Works once occupation of dwellings takes place. There is potential for new occupiers of dwellings to suffer impacts from the remediation works which could seriously impact on the ability to continue with the remediation works. As such the proposal is not sustainable development in accordance with the NPPF. The remediation and odour strategies indicate that the housing would need to be limited to a later phase of the remediation works to ensure that the environment was suitable for residents and, on the precautionary principle, that remediation has been successfully completed.

Principal of Housing and impact on Bolsover

The combined development (i.e. the housing and the commercial applications taken together) constitutes a strategic matter as it straddles the District Boundary. As part of the preparation

of the Local Plan for Bolsover District, an approach will be made to North East Derbyshire District Council to jointly consider assumptions about availability, suitability, and the likely economic viability of the site to meet identified need for housing and employment land over the plan period.

The proposal represents a strategic urban extension to Bolsover Town along the A632. It is considered reasonable to assume that the infrastructure requirements will fall upon Bolsover District rather than North East Derbyshire District, particularly as the nearest settlements of Long Duckmanton (in North East Derbyshire) and Duckmanton (in Chesterfield) are beyond the M1, (e.g. over 2000m to Duckmanton Primary School, 1500m to New Bolsover Primary School) with Bolsover being the nearest service centre (1800m to town centre). For a development of this scale it is unlikely that the local water, education, health and leisure facilities would be able to accommodate the proposal without expansion. Local roads and green infrastructure will also need improvement.

None of the information submitted clearly demonstrates that the residential development is needed to help fund the remediation of the former Coalite site.

An assessment of the development has been undertaken to see whether the development is achievable and will contribute to the five year supply, and whether the site is suitable and will deliver sustainable development in terms of impacts on Bolsover District. It is considered that the proposal is yet to demonstrate:

- that it is achievable and economically viable;
- that it would contribute to NEDDC's five year supply of deliverable housing;
- that it will help resolve the contamination issues on the Coalite site, particularly those parts within Bolsover District;
- that development and occupation of housing before the completion of the remediation of the whole Coalite site will not prejudice the completion of the remediation of the whole site;
- that it can effectively contribute to the required infrastructure needs generated by the development, particularly those impacting on such facilities within Bolsover Town;
- that it represents sustainable development in its own right;
- whether it is an appropriate direction for growth of Bolsover Town taking account of other committed and proposed sites around Bolsover.

It is not considered on the basis of the evidence available that it has been demonstrated that the residential development is achievable:

- there is no overall timetable for the build out of the whole mixed use development, while the remediation strategy provides for occupation of housing after 19 months the remediation strategy has not been accepted/agreed at the present time, there being serious concerns about occupation of housing before nearby remediation works have been completed;
- the proposal does not comply with the adopted planning policies for the area (NEDDC Local Plan);
- the proposal would in practice extend Bolsover Town into North East Derbyshire and potentially join Bolsover to Markham Vale;
- the contamination of the site is a clear physical and environmental constraint, for which the remediation is still to be agreed;

- the route of the HS2 may impact on the western edge of the development;
- Other residential sites with planning permission (e.g. Blind Lane) have not been developed because of low values and economic viability concerns.

It is also considered that the site is not in a generally sustainable location given its distance from primary and secondary schools.

As currently evidenced and demonstrated it is not considered that this is a sustainable site for residential development in accordance with the National Planning Policy Framework.

Conclusions

The remediation of the former Coalite Works is a challenging problem. The proper clearance and resolution of the problems of pollution of the land and the issues of odour from the site are supported and encouraged by all parties.

However, development of the greenfield area facing Bolsover Castle a prominent area in framed and designed views from the Castle, can only be acceptable if there is a clear demonstrable need for housing value from this land to fund the remediation of the Coalite works. At the current time this is not the case.

Also the timing of the development and occupation of housing does not relate well to the proposed phasing of the remediation works. There is potential that allowing housing at an early stage may restrict the remediation of other area of the works. Again this has not been clearly demonstrated, and the formal views of Environmental Health are still awaited while discussions with the applicant continue. Irrespective of the appropriate phasing for the housing in relation to remediation, there is also the problem of controlling occupation of housing in one administrative area in relation to works being carried out in another administrative area. The applicant has proposed conditions to require the remediation to follow the proposed phasing and to restrict occupation of any housing to completion of specific phases of the remediation strategy (completion of phases 1 and 2 is suggested by the applicant but this is still under consideration by Environmental Health). If the site remains in one ownership this may well be reasonable but other controls may also be advisable such as a S106 Planning Obligation to take account of other eventualities.

While the housing area is outside the administrative area of Bolsover District it will function as an extension to Bolsover Town. The additional housing will not technically contribute to the Bolsover District housing supply and may impact on the deliverability of other sites within the District around Bolsover which have planning permission or are the subject of planning applications at the present time. The impact of such development upon the infrastructure of Bolsover has not been sufficiently considered and it appears that little funding will be available to contribute to such needs (assessment of the viability information is awaited).

It is therefore considered that the residential development of this area is not considered to be sustainable development in the terms of the National Planning Policy Framework because of its impact on heritage assets of national significance and its impacts on the infrastructure of Bolsover Town.

Accordingly the Council strongly objects to the proposed development in its current form for

the reasons given below.

RECOMMENDATION

Inform North East Derbyshire District Council that it strongly objects to the Outline application for a 795 dwelling scheme with associated ancillary uses on land at the former Coalite Works and associated land for the following reasons:

1. The Council has a duty under S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 when considering planning applications which affect a Listed Building or its setting to have special regard to the desirability of preserving the building, or its setting.

The National Planning Policy Framework has as a core planning principle the conservation of heritage assets in a manner appropriate to their significance with a suite of policies relating to the conservation and enhancement of the historic environment (section 12).

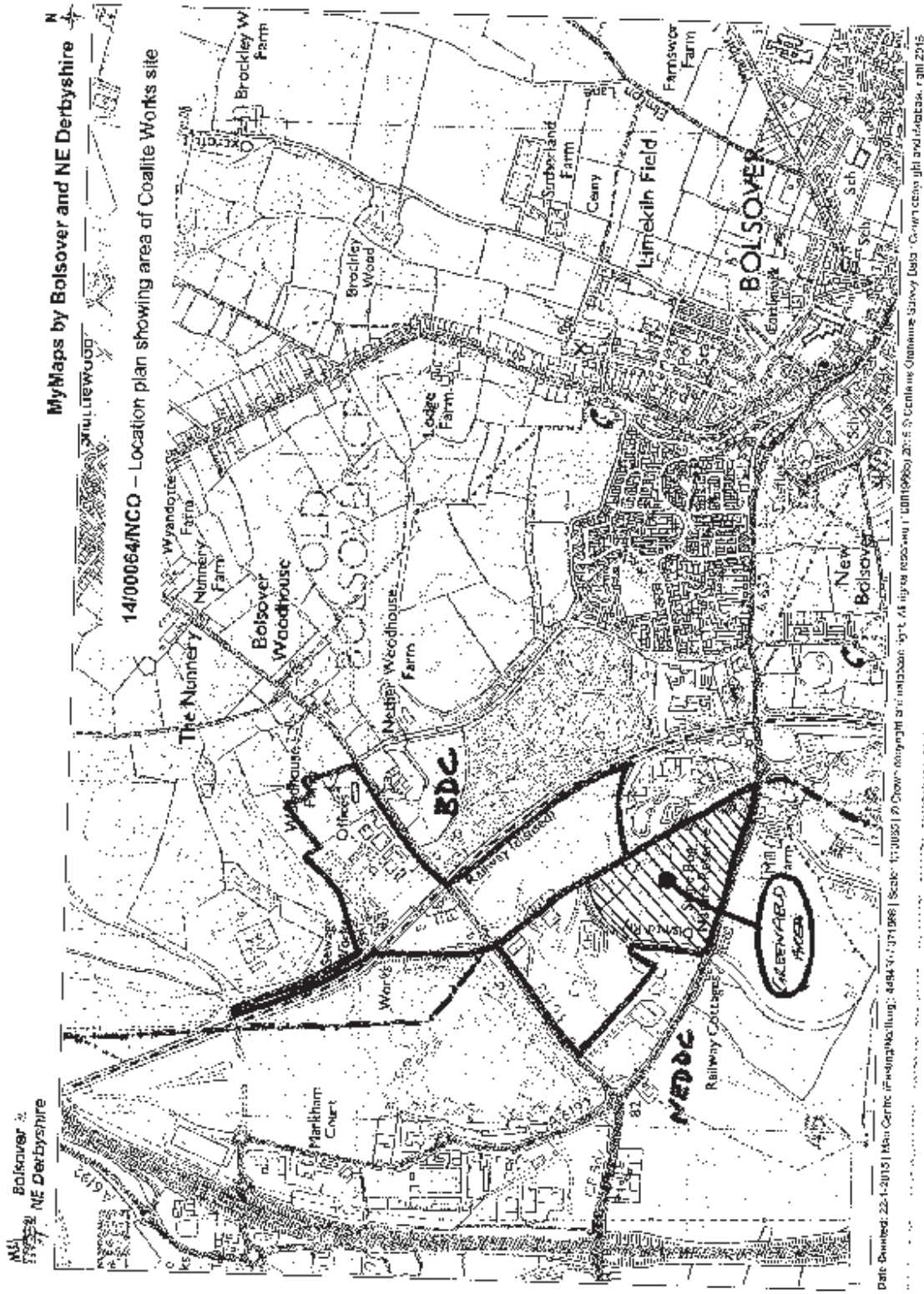
The Bolsover District Local Plan with respect to Bolsover Castle as a Listed Building seeks to preserve or enhance the setting of Listed buildings (Policy CON10).

The Castle is of exceptional national significance, which is reflected in its multiple designations as a Grade 1 listed Building, Scheduled Ancient Monument, Grade 1 Registered Park and Garden and being within a Conservation Area; it is one of the top 2% of listed buildings in England (English Heritage response). Taking this significance into account and the development already present in the vale, in particular Bolsover Business Park (former Bolsover Colliery), the brownfield areas of the former Coalite Works and Markham Vale (former Markham Colliery) it is considered that the harm to the setting of Bolsover Castle will be “less than substantial” in the terms of the National Planning Policy Framework.

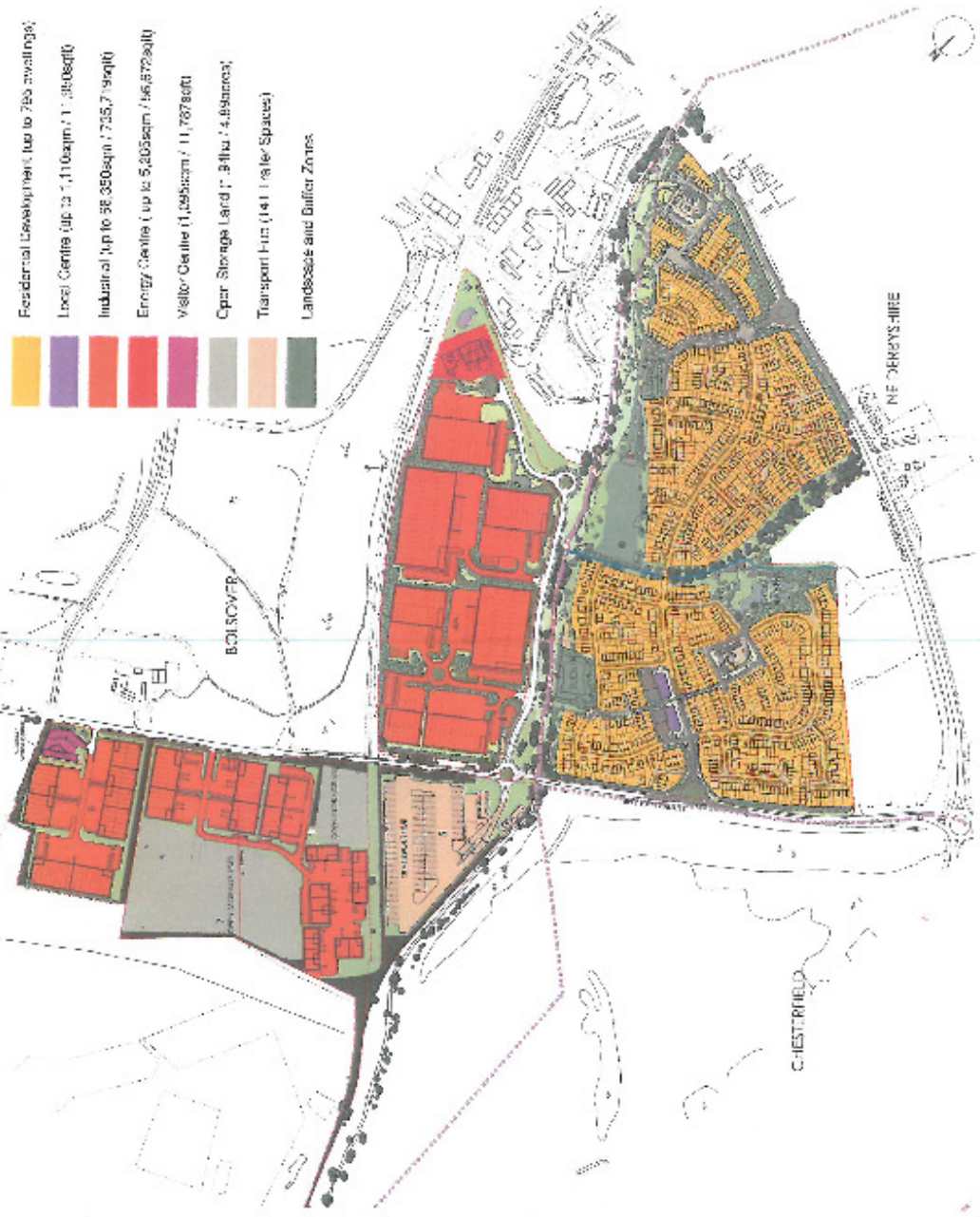
Where a development will lead to “less than substantial harm” to the significance of a designated heritage asset the harm should be weighed against the benefits of the proposal (National Planning Policy Framework policy 134). Clearly the benefits from the proposal, as stated by the applicant, is the provision of higher value residential development to finance the remediation costs of the former Coalite Works. However no such linkage has been clearly demonstrated in the submitted application documents. It is not considered that the benefits of the proposal have been proven to be sufficient to override the harm to the setting of designated heritage assets, i.e. Bolsover Castle.

There are therefore strong objections on these grounds to the (residential) development of the green field element of the proposal (i.e. the hillside field facing the Castle). As such the proposal is not considered to be sustainable development in accordance with the National Planning Policy Framework.

2. While the housing area is outside the administrative area of Bolsover District it will function as an extension to Bolsover Town. The additional housing will not technically contribute to the Bolsover District housing supply and may impact on the deliverability of other sites within the District around Bolsover which have planning permission or are the subject of planning applications at the present time. The impact of such development upon the infrastructure of Bolsover has not been sufficiently considered and it appears that little developer funding will be available to contribute to such needs although a full assessment of the viability information is awaited. As such the proposal is not considered at the present time to be sustainable development in accordance with the National Planning Policy Framework. It would be more appropriate for such proposals to be considered as part of the Local Plan preparation process with both local planning authorities.
3. It has not been demonstrated that the proposed phasing of the residential development in relation to the overall remediation and redevelopment of the site will not impact on further phases of remediation and development of the former Coalite Works once occupation of dwellings takes place. There is potential for new occupiers of dwellings to suffer impacts from the remediation works which could seriously impact on the ability to continue with the remediation works. As such the proposal is not considered at the present time to be sustainable development in accordance with the National Planning Policy Framework.
4. It is also noted that :
 - The proposed housing development is in proximity to established industrial uses at Bolsover Business Park and the proposed uses for the remaining areas of the former Coalite Works. Such uses may have adverse impacts on the proposed housing areas and should be taken into account in the determination of the application.
 - A pig farm is adjacent to the site on the southern side of Chesterfield Road.
 - The planning permission for the Markham Vale development included the provision of a cycleway/bridleway route alongside the A632 from Bolsover to Buttermilk Lane which has not yet been implemented.



4.2 THE MASTERPLAN



- Residential Development (up to 280 dwellings)
- Local Centre (up to 1,110sqm / 11,890sqft)
- Industrial (up to 38,350sqm / 413,570sqft)
- Energy Centre (up to 5,205sqm / 56,272sqft)
- Visitor Centre (1,285sqm / 13,867sqft)
- Open Storage Land (1,311sqm / 14,080sqft)
- Transport Hub (141,119sqm)
- Landscapes and Buffer Zones

PARISH Blackwell

APPLICATION Installation of a 500kW wind turbine with tip height of 64m and associated infrastructure including substation, vehicular access track from Pasture Lane and crane pad.

LOCATION Land to the South East Of Twin Yards Farm, Huthwaite Lane Old Blackwell

APPLICANT Mr Peter Bowman

APPLICATION NO. 14/00390/FUL

CASE OFFICER Mr Steve Phillipson

DATE RECEIVED 1st September 2014

SITE

(Note all distances quoted below are approximate and to the proposed turbine location rather than the proposed access track or ancillary equipment)



Gently undulating agricultural pasture land with some hedgerow field boundaries. The site is approximately 230m to the south east side of Twinyards Farm; 500m north east of the near edge of Hilcote (Cokefield Terrace) and 630m from dwellings on New Lane; 360m to the north

east of the closest independent dwelling (The Hideaway, Pasture Lane); 450m to the west of the industrial estate in Sutton-in-Ashfield; 800m to the north of Berristow Lane Industrial Estate; 1.5km to the north east of South Normanton (2km to St Michael's Church – tower only visible above the trees); 1km to the east of Old Blackwell (1.3km to the Church – partially screened by trees and landform); and 1.3km to Newton.

In terms of major infrastructure the site is some 900m east of the M1 Motorway and 1.3km north of the A38.

The site would be accessed from Pasture Lane and the proposed access track runs along part of the route of public footpath No 6. Public footpaths 6 and 7 run within 140m and 260m of the proposed turbine respectively.

Pylons and 132kV overhead lines cross close to the site from a northwest to southeast direction. The proposed wind turbine would be approximately 150m from the overhead lines.

There is a direct line of sight between dwellings facing the site from the northern end of New Lane Hilcote, as well as The Hideaway. Views from Cokefield Terrace are more oblique and partly filtered through trees. The landform rises around the northern side of the site and together with vegetation largely screen the site from Old Blackwell and Newton. More direct intervisibility can be had from dwellings on elevated land at Huthwaite (but when viewed from there with the turbine set against an industrial estate as a backdrop) and more distantly, South Normanton.

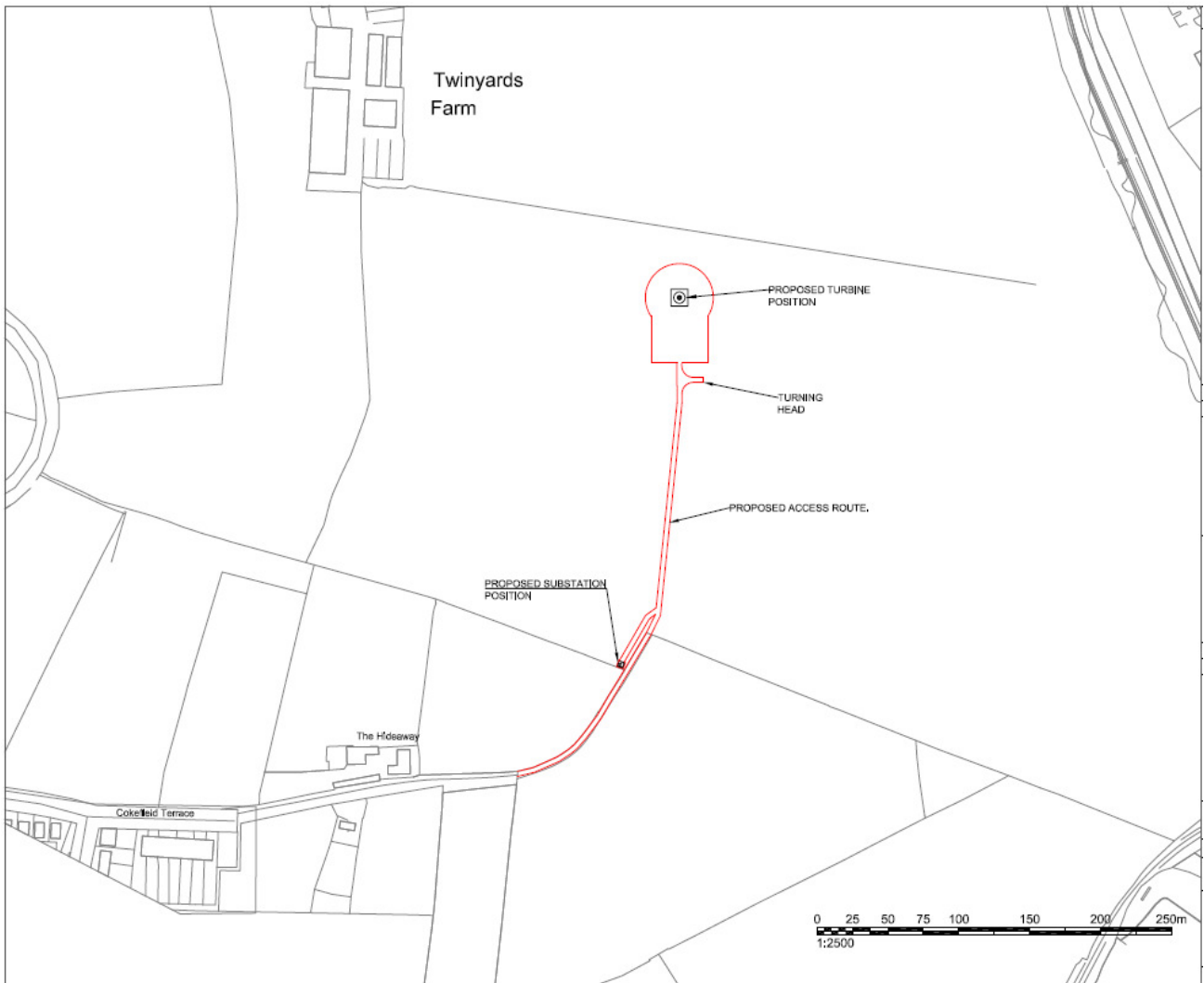
PROPOSAL

Erection of one 500kW wind turbine with a hub height of 40m and overall tip height of 64m. The proposed wind turbine would have a monopole tower and nacelle with 3 blades with a diameter of 48m. It would be light grey in colour. In addition, two small GRP substation kiosks are proposed to connect the turbine to the National Grid. The foundation footprint of the turbine is likely to be a maximum of 10.5m² and the substations will be 2.25 x 2.65 x 2.4m high and 1.5 x 1.6 x 2.3m high.

Although not stated on the application form the Design and Access Statement says that the design life of the wind turbine is expected to be 25 years and after such time it is expected that the wind turbine would be decommissioned.

An existing access from Pasture Lane would be utilised with a temporary access track being installed using aluminium panels, which will extend from the field gate to the temporary crane pad area (40m x 40m) during the installation period.

The applicant states that the application site does not fall within a nationally or internationally designated area for landscape, ecological or heritage importance.



The application is accompanied by the following reports:-

Noise Assessment:

Concludes that there would be no significant noise impact on the occupiers of the closest properties and that the proposal complies with the requirements of the ETSU-R-97 guidance.

A Landscape and Visual Impact Assessment (LVIA) with Photomontages and maps showing the Zone of Theoretical Visibility:

The LVIA submitted with the planning application concludes that the overall effect on the landscape character fabric would be negligible and the overall landscape effect and visual impact would be Minor Adverse. The proposed wind turbine, either individually or cumulatively (with the existing smaller Fulwood Road South turbine in Ashfield District), would not significantly harm the character and appearance of Coalfield Village Farmlands landscape character area due to the industrial nature of the immediate surrounding area.

Some of the more notable visual effects listed in the LVIA are views:-

East from the public footpath on the north east edge of Hilcote, at the end of Pasture Lane where visual effects are predicted to be Major/Moderate Adverse (View Point 7) also other views from nearby footpaths including the Blackwell trail classed as Moderate adverse;
North East from The Hideaway, Pasture Lane - Major/Moderate Adverse;
North and East facing properties at the northern side of Hilcote - Major/Moderate Adverse.

An Access and Traffic Management Plan:

Route to be Via M1, A38, B6046 (Berristow Lane) and Pasture Lane. Some traffic management will be necessary as well as temporary removal of road signs to the south side of the junction of the B6406 with Pasture Lane.

An Extended Phase 1 Ecology Assessment:

The survey report concludes that there would not be any impact on statutory or non-statutory ecological designated sites.

In relation to protected species and their habitats, the report identifies that the proposed development would not incur long term impacts on amphibian habitats as the permanent loss of terrestrial habitat for great crested newt would be limited. However, it is recommended in the report that works occur during winter months when amphibians would not be active and unlikely to be present within the area of works as the grassland does not provide suitable habitat for hibernation; if this is not possible a working method statement will be required.

The proposed turbine would result in the minor loss of potential foraging habitat for badgers however due to the extent of suitable habitat in the wider area the report concludes that the local badger population would not be adversely affected.

Distance proposed to hedgerows means that the turbine should not affect an important foraging area for bats.

The habitat offers only limited potential for breeding birds and is unlikely to be on an important flight corridor for birds.

Shadow Flicker Analysis:

No material shadow flicker effect is predicted for the closest independent dwellings.

Some limited effects are predicted at the closest commercial properties to the east of the site but due to the time of year and day that the shadow flicker would occur it is argued that it is more than likely office blinds would be used to block out the low sun and therefore this would also block any potential shadow flicker. In addition, the intervening vegetation would restrict the impact of shadow flicker on any office properties.

Coal Mining Risk Assessment:

The report concludes: Based on the published records and accounts of coal mining activity in the area of the site, BWB consider the risks associated with coal mining and ground stability beneath the site is considered to be high, as seams have been worked at shallow depth by underground methods beneath the site area and untreated mine entries exist within the site area.

Intrusive investigations should be undertaken to determine the presence of mine entries at the proposed site location along with investigation of the presence and state of any shallow workings that may affect the stability of the proposed Wind Turbine, given the size of the structure and the anticipated high foundation loadings. This will allow confirmation of the

ground model and facilitate detailed foundation design solutions to be adopted for the proposed development and establish geotechnical development implications. Any intrusive investigation work will need to recognise the potentially combustible nature of the Top Hard seam.

Air Safeguarding:

Following consultations with air safeguarding authorities the Applicant states that they do not expect any objections related to radar interference or on other air safeguarding matters.

Statement of Community Involvement:

A publicity exercise has been undertaken by the Applicant in accordance with statutory requirements. Press and site adverts as well as neighbour consultation by post has been undertaken (this is in addition to the Councils publicity which has also been undertaken as normal – see below). There was a total of 4 responses with 1 letter of support from a local resident and 2 letters (1 letter from two residents from the same property) of objection from local residents. Issues raised included:-

- New Government Directives asking council's to reject any plans submitted. (The applicant comments that there are no such directives).
- The scale of the turbine.
- Noise.
- Precedent.

AMENDMENTS

Amendments received 22.01.15.

Revised site location plan A1/BOWMAN/002 A clarifying position of the substation kiosks and includes turning head

Revised Block Plan A1/BOWMAN/003 clarifying position of the substation kiosks and includes turning head.

Additional Plan showing Land for Skylark Nesting Habitat A1/BOWMAN/001 A

E-mail confirms the construction of the crane pad will be temporary aluminium sheeting (like the access track) which will be removed after construction/installation. Also confirms the landowners agreement to set aside 3.45ha of land within the holding to be sown with spring cereal to provide suitable nesting habitat for skylark as sought by the Wildlife Trust.

Additional visual information including photo-montages provided and additional information on heritage impacts received. The Applicant states that no assessment accompanies the photomontages from Old Blackwell and Newton Conservation Areas because there is no view of the proposed wind turbine and therefore no impact from these viewpoints. This is not to say there would be no views from the Conservation Areas however it is highly likely that there would only be restricted glimpses of the proposed wind turbine and therefore the potential impact is likely to be negligible.

The Applicant also states that the Zone of Theoretical Visibility shows that, Pinxton Castle and Brookhill Hall do not fall within the theoretical visibility and therefore no photomontages were undertaken at these heritage assets as there would be no potential impact. Equally, the other heritage assets identified such as St Werburgh Church, Old Farm Cottage, Three Lane End Farmhouse, Tap Farmhouse and Newton Old Hall are located close to viewpoints previously taken and submitted during the planning application and therefore the perceived

impact on the setting of these assets can be easily understood from these photomontages. It is unlikely that there will be any impact to the setting of these heritage assets due to the intervening vegetation/topography obscuring views towards the proposed wind turbine.

The photomontages provided from the setting of Carnfield Hall (and Conservation Area including important open space), Church of St Michael, Hilcote Hall and Tibshelf Conservation Area shown there would be no harm to the settings of these heritage assets due to intervening vegetation/topography, distance between proposed wind turbine and heritage assets and scale of the proposed wind turbine. In this respect, it was not deemed necessary to carry out a heritage assessment as there was no intervisibility with the proposed wind turbine.

HISTORY (if relevant)

13/00023/FUL similar application withdrawn due to technical objection from consultee.

13/00392/FUL similar application also withdrawn due to technical objection from consultee.

CONSULTATIONS

National Grid

No objections 24/09/14

DC Archaeologist

With regard to below-ground archaeology the proposals will have no impact; there is consequently no need to place an archaeological requirement upon the applicant. In relation to the Hardwick group of assets he feels that the proposals will have no meaningful setting impact on significance.

Coal Authority

No objection subject to conditions.

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment (May 2013); that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat areas of shallow mine workings and/or mine entries to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment (May 2013) are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

24/09/14

NATS (National Air Traffic Safeguarding)

No safeguarding objection to the proposal. 24/09/14.

MOD

No objections but if planning permission is granted they would like to be advised of:

- the date construction starts and ends;
- the maximum height of construction equipment;
- the latitude and longitude of every turbine. 29/09/14

East Midlands Airport

No safeguarding objection to the proposal providing EMA are notified within 1 month of the turbine commencing operation. 01/10/14.

JRC (The Joint Radio Company Limited)

JRC analyses proposals for wind farms etc. on behalf of the UK Fuel & Power Industry and the Water Industry in north-west England. This is to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements. JRC does not foresee any potential problems with the proposal. However they say that that the turbine dimensions and position is critical to avoid disturbance to the radio network controlling the electricity supply grid in this locality. For this reason, turbine position MUST be determined by means of survey grade equipment employing earth station correction to enhance accuracy. JRC requests that a condition to this effect together with the turbine parameters given above are both included in any planning permission associated with this application.

Highways Agency

No objections in principle but directs the LPA to impose a condition:-

“No wind turbine components from the development hereby permitted that require an abnormal load movement on the strategic road network shall take place, until a comprehensive transport strategy has been agreed in writing with the Local Planning Authority in consultation with the Highways Agency.” 03/10/14

DCC Highways

No objections subject to conditions requiring recording of highway condition and repair of any damage to the highway caused by abnormal loads; and route of abnormal load; measures to assist the manoeuvres of abnormal loads to be agreed. Also advisory notes. As per response of 09/04/13, updated for this application.

National Trust

Although the turbine is likely to be visible from the roof of Hardwick Hall, particularly in winter, the level of harm caused by this development to the historic significance of the property is likely to be low. The Trust considers that the extent of the harm to Hardwick from the proposed turbine would be ‘less than substantial’ and on its own would not be such as to warrant refusal of the application having regard to the renewable energy benefits that would result. Nonetheless the identified adverse impact does need to be weighed in the overall balance of cumulative adverse impacts in the determination of the application. 09/10/14.

English Heritage

As this application potentially affects scheduled monuments, listed buildings and conservation areas the statutory requirement to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and the character and appearance of the conservation area (sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990) must be taken into account by your authority when making its decisions. We also refer to the potential cumulative impact of wind turbines on the significance of heritage assets, which is relevant here.

While the information that has been submitted is useful in understanding some of the impacts on some parts of the historic environment, we note that there is no comprehensive 'Heritage Impact Assessment' document that identifies and analyses the significance of all nearby heritage assets and the potential for impact upon their setting. We note that references are made to several listed buildings in the submitted Landscape and Visual Appraisal (paragraphs 3.4), but that the heritage impact assessment focuses solely on the impact upon the setting of Hardwick Hall and Hardwick Old Hall, and we are satisfied that the applicant has adequately demonstrated (by way of the photomontages) that there will be minimal impact on the setting of these two heritage assets. There appears to be no reference to other heritage assets, for example the scheduled monuments of Pinxton Castle motte and Castle Hill fortified manor, which lie within 5 km of the application site. To this end your authority should be satisfied, that in accordance with paragraph 128 of the National Planning Policy Framework (NPPF), it has sufficient information so that the proposal can be properly assessed and the application determined, in accordance with the principles of the NPPF.

Conservation Officer

Initial comments:-

The conservation areas potentially affected by the proposal are:-

Old Blackwell, Newton, Tibshelf, Carnfield Hall and Hardwick and Rowthorne.

The applicant has submitted an extensive Heritage impact assessment which mainly covers Hardwick Hall and based upon the photomontages included in the document it appears that there will be no adverse impact upon the Grade I listed halls. Views from within Old Blackwell and Newton looking out towards the proposed site of the turbine have also been included and indicate minimal potential impact as many of the views are obscured by dense tree growth.

There are other conservation areas of the same distance away from the proposed site as Hardwick Hall that have not been included in the impact assessment submitted by the applicant. These are Tibshelf and Carnfield Hall, an impact assessment/ photomontage report should be produced to show potential impact upon views out of these areas towards the proposed turbine.

There are also several listed buildings and a Scheduled Ancient Monument within potential viewing range of the turbine that have not been mentioned in the impact assessment and should also be included in an additional impact assessment. These are:

Pinxton Castle (Scheduled Ancient Monument)
Carnfield Hall (Grade II* Listed)
Brookhill Hall, South Normanton (Grade II Listed)
Church of St Michael, South Normanton (Grade II* Listed)
Hilcote Hall, Hilcote (Grade II listed) Hilcote is referred to in the initial reports but there is no specific reference to Hilcote Hall.
Also several listed buildings within Old Blackwell and Newton villages:
St Werburgh Church, Old Farm Cottage and three lane end farmhouse in Old Blackwell (all Grade II Listed).
Tap Farmhouse and Newton Old Hall in Newton (both Grade II Listed).

I advise the submission of a further heritage impact assessment to cover the buildings, SAM and conservation areas not already assessed. 31.10.14.

Further advice from the Conservation Officer was received 11.12.14 following the receipt of additional information. She advised that the turbine will have minimal impact upon the above mentioned conservation areas, listed buildings and Scheduled Ancient Monuments and that she had no objections to the proposal.

Parish Council

Strongly objects to the application. The turbine will be visible from Old Blackwell Conservation Area. Also residents of this area and from Hilcote have expressed concerns and objections. 10.10.14.

Amber Valley BC

No objections

Ashfield DC

No objections. The Councils Landscape Officer considers that the proposal will have an overall minor adverse impact on the landscape of Ashfield and may be considered consistent with the industrial 'fringe' setting in which the site is located. They would welcome a condition as indicated in the D&A to investigate shadow flicker complaints and provide mitigation where necessary. Noise conditions are also requested.

Derbyshire Wildlife Trust

The majority of the site was identified to comprise cattle grazed improved grassland and, as such, does not offer suitable habitat for great crested newt, although records for this species are known from the area.

The turbine is unlikely to result in any adverse impact upon bats.

Whilst the ecology report concludes that the site does not offer high potential for ground nesting birds due to its shortly grazed nature and likely disturbance by cattle, we would advise that during a site visit to the area in April 2013 at least two skylark territories were identified in the absence of any grazing cattle.

Given the scale of the development we would advise that the turbine is unlikely to have a significant adverse impact upon the passage of any target bird species.

We consider that the turbine has potential to displace and impact upon ground nesting bird species, including skylark, a UK BAP priority species. We therefore advise that the installation of the turbine should be scheduled to commence to avoid the bird breeding season unless a pre-commencement check of the site has confirmed the absence of any ground nesting birds.

In order to mitigate/compensate for the displacement of ground nesting priority species we advise that habitat enhancement measures for skylark should be provided in the form of skylark plots on land under the applicant's control (The Applicant has provisionally agreed to this). The provision of such measures would accord with the principles set out in section 9 of the National Planning Policy Framework (NPPF) to achieve biodiversity gain from the proposal.

We fully support the implementation of the proposed precautionary mitigation measures as set out in section 6 of the Ecological Walk-over Survey report which should be secured by a planning condition.

In summary, provided that the above recommended mitigation measures are implemented, including the provision of enhancement measures for skylark, no significant ecological impacts are anticipated as a result of the proposed turbine.

Further response 22.01.15 confirms the amended plans are acceptable in terms of skylark mitigation.

Environmental Health Officer

01.10.14. Is satisfied with the conclusions of the Noise Impact Assessment submitted with the application and has no comments in relation to noise issues.

An assessment of Shadow Flicker has indicated a potential problem at certain properties for a few hours each year. As a result, I would recommend that a condition is attached to any approval requiring controls to be introduced, which can stop the operation of the turbine at certain hours on certain days.

Following further discussion on the likely limited extent of shadow flicker effects (a few commercial properties on the industrial estate in Ashfield that theoretically might be affected at certain times as well as Twin Yards Farm which has an interest in the proposal) a further response was received 09/01/15: The EHO advises that the probable effect of flicker is small and it may be possible to deal with it in retrospect as a nuisance issue should it arise and consequently it is unlikely to be a significant issue if the condition was not attached.

PUBLICITY

Advertised in the press, site notice posted, 114 neighbours consulted. Four objections received.

Grounds of objection include:-

- Use of a narrow unsuitable access ie Pasture Lane. It should be from the farm access instead.

- The village has been subjected to much unwanted intrusion over the years, from new factories being built to the threat of HS2 on our doorstep.
- The wind turbine would impose on the village both visually and audibly.
- Inadequate consultation on the proposal
- Scale too large
- Precedent
- Decision on the application should be delayed until the Governments position on on-shore wind and subsidies is made clear
- The position of the turbine seems to move depending on the plan viewed
- Ugly and obtrusive
- Noise
- Danger to road users
- Devaluation of property

POLICY

Bolsover District Local Plan (BDLP)

GEN1 Minimum Requirements for development

GEN2 Impact of Development on the Environment

ENV3 Development in the Countryside

CON10 (Development Affecting the Setting of Listed Buildings)

CON13 (Archaeological Sites and Ancient Monuments)

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

ENV5 (Nature Conservation Interests Throughout the District)

ENV 8 (Development Affecting Trees and Hedgerows)

National Planning Policy Framework

Since the NPPF came into force, the saved policies of the adopted Bolsover District Local Plan should be given due weight according to the degree of consistency with the NPPF, in accordance with paragraph 215 of the Framework. In the absence of any specific local plan policies on renewable energy, the policies in the NPPF in relation to renewable energy are afforded considerable weight. Relevant local plan policies considered in the assessment are considered to be consistent with the broad policy principles of the NPPF.

In relation to meeting the challenge of climate change, the NPPF advises that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change. Renewable and low carbon energy and associated infrastructure are supported and considered central to the economic, social and environmental dimensions of sustainable development. Local planning authorities should have a positive strategy to promote energy from renewable and low carbon sources, maximise renewable and low carbon energy while ensuring that adverse impacts are addressed satisfactorily. The overall need for renewable or low carbon energy does not need to be demonstrated. Applications should be approved unless material considerations indicate otherwise.

Other (specify)

DCLG guidance "Planning practice guidance for renewable and low carbon energy" July 2013. This guidance states that all communities have a responsibility to help increase the use and supply of green energy, but that this does not mean that the need for renewable energy automatically overrides environmental protection and the planning concerns of the local communities. It states that it is important that the planning concerns of local communities are properly heard in matters that directly affect them.

Paragraph 15 of the guidance emphasises various issues when considering planning applications for renewable or low carbon energy developments which includes cumulative impacts on landscape and local amenity, local topography, conservation of heritage assets and the protection of local amenity.

Specific considerations in relation to wind turbines are now given from paragraph 29 of the guidance.

Renewable Energy and Low Carbon Study (2009) for Bolsover Council Development Framework, this assesses the District's potential for the installation of renewable and low carbon energy technologies, suggests possible approaches for different scales and types of development, and makes recommendations on future policy directions. The study, undertaken by consultants, was considered by the Council's Planning Committee on 29 April, 2009. The study was to help to inform the development of policies in the New Local Plan for renewable and low carbon energy and as a result has little weight in the determination of specific planning applications. It identifies large scale wind as having the greatest potential within Bolsover District for producing low carbon energy. It shows constrained areas and less constrained areas for large wind farm developments. This application site is not identified as a less constrained area.

Statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990
S66(1) PI (LBCA) Act 1990 – "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have **special regard** to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"

Section 72 PI (LBCA) Act 1990 - requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area."

ASSESSMENT

The proposal is for one 40m hub height, 64m blade tip height wind turbine. Although a large structure, this is a medium sized turbine by modern standards.

The Principle of Development

Despite political debate on on-shore wind, current national planning policy in the NPPF (as summarised above) encourages renewable and low carbon energy generation stating that it is considered central to the economic, social and environmental dimensions of sustainable development. The overall need for renewable or low carbon energy does not need to be

demonstrated and applications should be approved unless material considerations indicate otherwise. These are assessed below.

The benefits of low carbon energy generation and minimising energy vulnerability are benefits weighing in favour of the proposal.

Agricultural Land: Policy ENV2 of the Bolsover District Local Plan aims to protect the higher grades of agricultural land (1, 2 and 3A) from development. This site is moderate grade 3 to 4 and is probably not protected by the policy. Even if the policy were applied the loss of agricultural land which could result from the proposal is small comprising the surface area of the turbine tower foundation and sub-stations. Agricultural use can otherwise continue in the field. Given the relatively small area of moderate grade agricultural land involved and the temporary life of the development which can be restored to agriculture, it is considered that the proposal could not be reasonably refused on this issue given the wider renewable energy benefits in favour.

Development in the Countryside: The site is within the countryside where policy ENV3 of the Bolsover District Local Plan applies. ENV3 will allow development in the countryside if it is necessary in such a location or where development is necessary for the exploitation of sources of renewable energy provided that, inter alia, the development would not materially harm the rural landscape. In accepting that the location is necessary for the exploitation of renewable energy sources (In accordance with the NPPF the overall need for renewable or low carbon energy does not need to be demonstrated) the principal of the proposal is acceptable in the terms of this policy subject to its impact on the rural landscape which is considered below in this report.

Conclusions on the Principle of Development:

The erection of a wind turbine is potentially acceptable in principle in accordance with national policy and guidance unless material considerations indicate otherwise, and generally in compliance with policy ENV2 and the aims of policy ENV3 of the Bolsover District Local Plan. However there are several material considerations which need further consideration.

Impacts on Heritage Assets

The DC archaeologist has confirmed that there will not be any harm caused to archaeological interests.

All of the heritage consultees have advised that any setting impacts on the high grade Hardwick Hall group of assets will be minimal-less than substantial- (partial view from the roof only) and would not justify refusal.

Following the receipt of additional information the Conservation Officer does not object to the proposal. Setting impacts on the nearest conservation areas, listed buildings and scheduled monuments are considered to be minimal- less than substantial. The closest assets are at Old Blackwell but direct intervisibility between the Listed Church, the other listed buildings set out above by the Conservation Officer, and from the conservation area to the proposed turbine are restricted by established vegetation and the landform. Where there are views the harm to setting is considered to be less than substantial and also not so high as to otherwise justify refusal. The turbine will not reduce the rural setting of these assets to any significant degree

such that their setting is preserved.

Wider Landscape Impacts

The area is not protected by any special landscape designation. The site is set in a partial bowl within the landform which limits more distant views. The character of the wider landscape is heavily influenced by two nearby large industrial estates, large farm buildings, power lines, strategic highways, as well as the nearby village of Hilcote. As such the landscape is not considered to be especially sensitive to change.

Cumulative impacts with the existing small/medium sized turbine to the south east are unlikely to be significant.

However views from some of the public footpaths running close to this site means that an observer from some of these vantage points may experience harmful visual impacts. These are not considered to be so harmful as to outweigh the benefits.

Visual Impacts on Residential Amenity

It should be noted that views from private property are not a material consideration in determining planning applications unless the proposed change is sufficiently unpleasant, intrusive, dominating or overbearing as to cause unacceptable harm to residential amenity. Hence a turbine can be prominent in the view from a domestic window without necessarily causing unacceptable visual impacts. Policy GEN2 of the Local Plan requires regard to be had to the potential harm and disturbance from development impacts including visual appearance and to whether these impacts are outweighed by social or economic benefits to the community or by wider environmental benefits.

Factors to consider include the size of the turbine, proximity to dwellings, the orientation of dwellings to the turbine, and whether there are any intervening buildings, landscape or vegetation that would restrict views of it.

The main impacts would be on the occupants of the closest dwellings. There is a direct line of sight between dwellings facing the site from the northern end of New Lane Hilcote, as well as The Hideaway at Pasture Lane (no objections received specifying these addresses). Views from Cokefield Terrace are more oblique and partly filtered through trees (one objection received from Cokefield Terrace).

Given that this application is for a 64m high wind turbine the number of public objections (four) is very low. This indicates that the level of public concern is also low. Although there will be impacts on visual amenity at these dwellings it is considered that the impacts would not be at the level of constituting a significant material planning consideration.

In summary it is considered that there will not be an unacceptable level of harm to residential amenity as a result of the appearance of the turbine and the proposal complies with policy GEN2 in this regard.

Noise

The Applicant has submitted a noise assessment which is summarised above in the Proposal section of this report.

The applicants appear to have followed the general guidance in ETSU-R-97 (still the appropriate guidance), and have indicated that the noise levels are likely to be low and that the turbines considered as part of the assessment are all capable of meeting the ETSU –R-97 guidelines.

The Environmental Health Officer has confirmed that he is satisfied with the conclusions of the Noise Impact Assessment submitted with the application and has no comments in relation to noise issues. Noise impacts of the proposal are therefore expected to fall within acceptable limits.

Ashfield DC has requested a condition about amplitude modulation. However these are issues which are given little weight in the relevant guidance and in Inspectors decisions on appeals. Also given the relative distance to residential properties in Ashfield District it is not justified.

Shadow Flicker

Flicker effects have been recognised as occurring only within 10 rotor diameters of a turbine and only 130 degrees either side of north. All residential properties (except Twinyards Farm itself) fall outside this impact zone. The submitted flicker assessment predicts only minor effects on commercial properties within the adjacent industrial estate in Ashfield. The Applicant states that it is likely that office blinds would be used to block out the low sun in any case and therefore this would also block any potential shadow flicker. In addition, the intervening vegetation would restrict the impact of shadow flicker on any office properties. This is accepted and a condition regarding complaint investigation is considered to be unnecessary. A note re nuisance is advisable.

Ecology Impacts

An ecology survey and report has been undertaken and considered by the Derbyshire Wildlife Trust. Regard has been given to impacts on bats and birds and other protected species. Subject to some compensatory land management to enhancement measures for skylark and precautionary measures set out in the ecology report, no significant ecological impacts are anticipated as a result of the proposed turbine.

Hedgerow removal to allow delivery would be minimal.

Safety

The proposed turbine is more than fall over distance to any public right of way or highway and more than 3 times rotor diameter to the power lines. These stand-off distances are adequate in compliance with safety guidelines.

Potential to interfere with radio systems operated by utility companies has also been checked and subject to accurate geographic installation on site there is no longer consultee objection on these grounds.

A condition will be required to ensure that the ground conditions and risks from historic shallow coal mining with the area are properly investigated before construction. In the event

that re-siting is required the applicant would need to reapply for planning permission since the application site does not account for re-siting or micro-siting.

Access and Highway Safety

The access and traffic management plan submitted with the application has demonstrated that the proposed delivery route can accommodate the vehicles associated with the construction of the turbine.

Subject to conditions dealing with abnormal load routing and arrangements and restoration of any highway damage there are no objections to the proposal on highway safety grounds from consultees. The proposal is considered to comply with the Council's policies in this regard.

The route and access styles for the public footpath affected will also need to be restored following construction.

The concerns raised by a resident of Cokefield Terrance about the narrow access route are noted. It will be necessary for the Applicant, in consultation with the highway authority and local residents to ensure that Pasture Lane is cleared of on-street parking at specific delivery times. However the delivery convoy should only result in disruption for a few days. This is not considered to be so harmful to amenity as to justify refusal.

Aviation

There are no objections from consultees in terms of air-safeguarding /radar impacts and no materially harmful impacts are expected.

Impact on Property Values

Not normally a material planning consideration.

Precedent

A representation has been received which argues that to allow this proposal is to agree to the proliferation of more turbines throughout the area. However each planning application should be considered on its own merits, and the argument that granting planning permission might lead to another application is not sufficient grounds for refusal. Cumulative impacts need to be taken into account.

However by way of comparison with other wind turbine proposals the turbine currently proposed is comparable in terms of scale and separation from dwellings to the turbines both recently allowed on appeal at Damsbrook Farm, Oxcroft and also Worksop Road, Barlborough. In both of those cases Officers considered that the adverse impacts of the turbines was greater than those resulting from the current proposal.

Other Matters

Crime and Disorder: No significant impacts

Equalities: No significant impacts

Access for Disabled: No significant impacts

SSSI Impacts: No significant impacts

Human Rights: Dealt with in the general planning balance of issues.

Conclusions

The proposal is acceptable in principle and the adverse impacts arising from the proposal in this instance are not so great as to outweigh the benefits in terms of generation of low carbon energy. The level of public concern raised is relatively low.

RECOMMENDATION

APPROVE subject to the following conditions given in précis form, to be formulated in full by the Assistant Director of Planning.

Conditions

1. Start within 3 years.
2. The generation of electricity from the development shall cease no later than 25 years after the first commercial generation of electricity from the turbine after which time the site shall be restored in accordance with the approved Decommissioning and Site Restoration Scheme approved under condition [4] below.
3. The wind farm operator shall, within one month of the first commercial generation of electricity from the turbines to the electricity grid, notify the local planning authority in writing of that date.
4. No later than 3 years before the expiry of the planning permission hereby granted, a Decommissioning and Site Restoration Scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include the methods and measures and timetable to secure the removal of the turbine, the turbine base to one metre below ground level and all other elements of the development and related restoration site measures. The scheme shall be implemented as approved.
5. If the wind turbine fails to produce electricity to the grid for a continuous period of 12 months, the wind turbine, the wind turbine base to one metre below ground level, and its associated ancillary equipment shall be removed.
6. Construction works shall be carried out in accordance with the recommendations (section 6 page 22) of the submitted Ecological Walk-over Survey. In the event that that construction works are planned to take place outside the months of December to February a working method statement for the protection of Great Crested Newts shall first have been submitted to and approved in writing by the Local Planning Authority and construction works shall only be undertaken in accordance with the approved method statement.
7. Before any development is commenced on the application site a scheme, including a means to ensure its delivery (such as a completed unilateral undertaking under S106 of the TCP Act), to ensure the provision of skylark mitigation measures shall have been submitted to and approved in writing by the Local Planning Authority. Unless an alternative has been approved in writing by the Local Planning Authority, the mitigation shall include the sowing of spring cereal on the field shown hatched on drawing

A1/BOWMAN/001 for the lifetime of the turbine or in the event that spring cereal cannot be sown, details providing for the creation of skylark plots within that field shall have been submitted to the Local Planning Authority for approval in writing. The approved mitigation shall have been implemented within one year of the commencement of development.

8. No wind turbine components from the development hereby permitted that require an abnormal load movement on the strategic road network shall take place, until a comprehensive transport strategy has been agreed in writing with the Local Planning Authority in consultation with the Highways Agency.
9. The external materials of the substations shall be coloured dark green or an alternative which has been approved in writing by the Local Planning Authority.
10. Intrusive site investigation works shall be undertaken prior to development starting in order to establish the exact situation regarding coal mining legacy issues on the site. In the event that the site investigations confirm the need for remedial works to treat areas of shallow mine workings and/or mine entries to ensure the safety and stability of the proposed development, the remediation scheme shall have been submitted to and been approved by the LPA in consultation with the CA and the approved scheme shall be undertaken as approved.

Notes to Applicant including:-

In addition to the abnormal loads movement strategy to be approved under condition 8 above for the strategic road network, no wind turbine components from the development hereby permitted that require abnormal load movement on the local highway system should take place prior to the completion of an agreement with the Local Highway Authority (Derbyshire County Council). This should include provision of a report setting out the recording of current highway condition and repair of any damage to the highway caused by abnormal loads and including the route to be taken for abnormal load and measures to assist the manoeuvres of abnormal loads. Any modifications within the highway will need to be the subject of an agreement under S278 of the Highways Act. Detailed proposals and timing for abnormal loads need to be agreed with DCC and at least 6 weeks notice of highway works must be given.

Notification of commencement to MOD, EM Airport,

Permission is granted for the specific location shown in the submitted application site plan (26.08.14) and the turbine position must be established on site by means of survey grade equipment employing earth station correction to enhance accuracy. It cannot be assumed that any deviation from the approved position would be acceptable.

The installation of the turbine should be scheduled to commence to avoid the bird breeding season which extends from March to late August inclusive unless a pre-commencement check of the site by a suitably experienced ecologist has confirmed the absence of any ground nesting birds.

Protection/temporary stopping up of public right of way.

Planning permission does not dispense with the need to comply with legislation to prevent nuisance from noise or shadow flicker.

PARISH South Normanton

APPLICATION Erection of 42 detached dwellings; new access road, drainage attenuation and landscaping (revised scheme including widening of footway on Carter Lane West)

LOCATION Land Between M1 Motorway And Rear Of 1 To 7 Southfields Drive And 14 To 24 Carter Lane West South Normanton

APPLICANT Harron Homes & Harworth Estates

APPLICATION NO. 14/00551/FUL **FILE NO.**

CASE OFFICER Mr T Ball

DATE RECEIVED 14th November 2014

SITE

Land in use for grazing of horses, situated to the west side of the M1 motorway and the residential area of Carter Lane West and Southfield Drive which is an area of mixed houses and bungalows of various styles. The land rises from Carter Lane West to the southern side where the site adjoins J28 of the motorway. There is an area of embankment between the site and the junction which slopes down to the carriageways and is densely planted with trees. Alongside the motorway there is a sound attenuation barrier of timber and metal. The area between the barrier and the application site has been planted with trees and shrubs. There is an overgrown native hedgerow with trees to the Carter Lane West frontage. A definitive public footpath crosses the site from Carter Lane West to Mansfield Road. A footpath crossing of the motorway (tunnel then footbridge) is available off the turning head of Carter Lane West on the site frontage, and there is another definitive footpath route across Carter Lane West towards Ball Hill in the north.

PROPOSAL

Full application for the erection of 42 houses. 9 house types, all 4 bedroom detached two storey houses. Most have integral garages, others have either attached or detached garages.

Layout based on central spine road from Carter Lane West through centre of the site following route of public footpath to southern edge of site where the footpath enters the site. Houses arranged to front this road with extended private drives off serving other groupings of houses. Footpath from southern edge of site is extended as footway alongside Mansfield Road to join Carter Lane West at its junction.

In addition the application includes the widening of the footway on Carter Lane West to 2m.

To the Carter Lane West frontage the existing hedge is retained and is to be laid. To the north-east side of the frontage adjacent to the Carter Lane West turning head and entrance to the pedestrian subway a SuDS dry detention basin is proposed, to be grassed with hedging, trees, fencing and railings to its edges other than to the new spine road which is left open. 3 dwellings look onto this space.

The Spine Road has a footway to one side with frontages defined by timber post and rail fencing and hedging with trees.

Proposal includes 3m high acoustic fence to part of eastern boundary adjacent to the M1 northbound slip road and 1.8m acoustic fencing to properties which back onto Mansfield Road along the southern boundary. Remainder of external boundary treatment (including to existing properties adjoining the site) comprises 1.8m high feather edged boarding fence.

At the site entrance it is proposed to provide a footway from the site entrance to the existing Carter Lane West turning head footway which gives access to the subway. A footway would only be provided to the other side of the access for a short distance beyond the junction radii so that the existing verge area between the boundary hedgerow can be retained.

Details of materials of construction have not been submitted.

Landscaping details are provided.

The application is accompanied by the following supporting documents and reports:

- Design & Access Statement;
- Planning Statement;
- Flood Risk Assessment;
- Building for Life 12 self assessment;
- Transport Statement;
- Travel Plan Framework;
- Air Quality Assessment;
- Ecological Appraisal;
- Arboricultural Survey;
- Ground Investigation/Geo-Environmental Report;
- Noise Impact Assessment;
- Drainage Strategy.

HISTORY

08/00056/OUTMAJ Residential development (up to 60 dwellings) with access to Carter Lane West, refused 30.04.2008 (lack of information and assessment to address the concerns of consultees to show that good urban design is achieved to create an acceptable living environment for new and existing residents without detrimental environmental impact). Also refused by direction of the Highways Agency due to insufficient information.

13/00183/FULMAJ Erection of 58 dwellings - (19 x three storey and 39 x two storey) including associated works. Application withdrawn following failure to address outstanding issues in relation to improvements to Carter Lane West and other highway considerations related to parking problems at its junction with Mansfield Road, drainage and air quality.

14/00309/FULMAJ Erection of 42 detached dwellings including creation of new access, drainage attenuation and landscaping. Refused 20.10.14 (Harm to safety of pedestrians using Carter Lane west from increase in traffic which is also likely to result in vehicles waiting on Mansfield Road due to parking at junction). This application is currently the subject of an appeal.

CONSULTATIONS

Arts Development Officer: Requests per cent for art. 03.12.14

Leisure Services: Due to the size of the proposal and on-site open space provision, it would

be more appropriate to negotiate a commuted sum towards the provision of a LEAP / NEAP standard play area in the vicinity of the development. The nearest existing equipped play area to the proposed development site is South Street Recreation Ground, which is 750m from the development via existing public rights of way. This site is in need of improvement / enhancement and a commuted sum from this development, in addition to commuted sums from other nearby developments would facilitate this improvement. Expect a contribution of £31,374. In addition expect a contribution to formal sport/recreation within the Parish of £37,296. Development includes the provision of a drainage retention basin. As with similar proposals on other recent developments, Bolsover District Council would consider adopting such a facility if approached and subject to further discussions regarding a 10 year commuted maintenance sum, provided that this is a dry detention pond and not a permanent water feature. Should the developer wish to transfer ownership of public open space within the development and / or the drainage retention basin to the district council, then a separate maintenance sum will need to be negotiated. 12.12.14

Senior Urban Design Officer: Negotiations in respect of changes to the previously refused scheme had reached a design and layout that was considered to be satisfactory and achieve an acceptable scheme. As such, there is no objection to the current application on design grounds. It is recommended that in the event that planning permission is granted that conditions are applied to any planning permission as follows:

1. Details of external wall and roof materials including samples if requested.
2. Implementation and retention of landscaping, including street trees.
3. Details of proposed street tree planting pits, including details of any tree guards and grills, the provision of root deflectors, root protection barriers, planting medium and tree anchoring system.
4. Implementation and retention of front boundary treatments where installed.
5. Porches, lean-to roofs and bay windows should not be constructed from GRP. Rather areas of small roof on front elevations should have a tile covering, using a small format tiles, such as plain tiles. Porch structures should be constructed from painted timber as opposed to GRP (as advised by guidance contained within *Successful Places*). 12.12.14

Severn Trent Water: No objections subject to a condition requiring submission and approval of drainage plans. 15.12.14

DCC Flood Risk Management Team: Provides Standing Advice – advocates sustainable drainage systems, site specific ground investigation to ascertain water conditions and presence of water courses/ drainage systems on site; the applicant should clarify which responsible authority will maintain the SuDS features post development. 17.12.14

Comments on previous application were that the site is unlikely to be susceptible to surface water flooding for the 1 in 1000 year critical storm duration rainfall event. The applicant should clarify which responsible authority will maintain the SuDS features post development.

Coal Authority: The Coal Authority is satisfied with the broad conclusions of the Geo-Environmental Assessment Report, informed by the site investigation works and taking account of the subsequent site investigation works; that coal mining legacy issues within the application site do not pose a risk to the proposed development. In accordance with Permit No. 7566, mine entry (445356-015) was searched for by RLE for Taylor Wimpey in 2013 by trial trenching, soil strip and an extensive borehole investigation at 1m centres but was not found. It was concluded that the shaft does not exist within the search area. Accordingly, The Coal Authority does not object to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues. In the interests of public safety request an informative note. 22.12.14

Local Highway Authority (DCC): Similar application to a previous one (14/00309/FULMAJ) to which no highway objections were raised. Various detail layout issues raised most of which can be addressed through the County Council Technical approval process.. Number and positioning of highway trees needs to be controlled so that no more than one tree in the visibility splay of a vehicular access for highway safety reasons. Recommends conditions: site compound etc details, site access details, provision of wheel cleaning facilities, no occupation until new access onto Carter Lane West and intervening highway constructed, visibility splays to each access allowing one tree within splay, pedestrian intervisibility splays, details of street trees, parking provision which is to be retained as such, any gates to open inwards, gradients, scheme for highway drainage to be approved, new footway along Mansfield Road prior to occupation.

Highways Agency: Directs conditions: (1) Before the commencement of development full details of drainage including future maintenance liability to be approved by the Local Planning Authority; attenuation and pollution control measures must be provided to ensure the surface water run-off is no greater than the current greenfield rate with attenuation for 1 in 100 year event plus 30% for climate change. (2) Nothing to be erected within Highways Agency land, boundary fences to be erected from within the site, no pedestrian or vehicular access from Highways Agency land. Care to be taken to avoid environmental features or other apparatus during construction. These are required to ensure that the surface water drainage works do not impose an unnecessary risk of flooding and pollution to the Highway Agency's existing surface water system, and to ensure there are controls in place to monitor and manage site boundary construction activities. 23.12.14

Environment Agency: No objection subject to condition regarding surface water drainage (scheme to be submitted). 24.12.14

Strategic infrastructure and services (DCC): Sets out Derbyshire County Council's request for developer contributions that would likely be required as a result of the anticipated impact of the proposed development on strategic infrastructure and statutory services:

- Access to high speed broadband services for future residents (in conjunction with service providers) – developer should ensure future occupants have access to appropriate communications infrastructure;
- £45,596.04 financial contribution towards the provision of 4 primary school places at Brigg Infant School - It is anticipated that the proposed development of 42 dwellings would generate the need to provide for an extra 8 primary school pupils (4 infant, 4 junior), 6 secondary school pupils and 3 post-16 education pupils. Projections indicate that Glebe Junior School and Frederick Gent School would have capacity within the next five years to accommodate the additional junior and secondary school pupils arising from this proposed development. Current numbers on roll and projections indicate that Brigg Infant School would not have sufficient capacity;
- New homes designed to Lifetime Homes standards - The County's population is getting older, and new residential development should be appropriately designed to this standard. 30.12.14

Environmental Health (Contamination): As no supplementary information has been submitted reiterate previous comments: the submitted Phase 2 investigation undertaken in October 2010 indicated that remedial works are required at the site in order to mitigate risks to receptors. The risks identified which require remedial measures include risks posed by ground gases and a localised area of elevated lead concentrations in shallow soils. Validation details to verify that the remedial works have been undertaken in accordance with

the methods proposed will be need to be submitted to the LPA for approval. An appropriate condition is recommended. 19.01.15

Responses have not been received from the following, however as this application is substantially the same as the previous application but with the addition of footpath widening proposals to Carter Lane West, it is considered reasonable to assume that comments previously made are still relevant, these are given below:

Environmental Health (Noise): The noise assessment follows the same lines and criteria as that submitted in a previous application (13/00183/FULMAJ), uses the same assessment survey details from July 2012 and provides for similar mitigation. This should have no noticeable increased effect on the noise levels experienced within the gardens or inside the proposed dwellings, if the development proceeds in accordance with the recommendations of the noise assessment report NIA/4157/12/3725/V1/CARTER LANE. Suggests conditions: Noise mitigation scheme based on submitted noise impact assessment; acoustic noise barriers erected as recommended in Noise Impact Assessment before any affected dwellings occupied. 18.09.14

Environmental Health (Air Quality): Information and analysis submitted includes reference to proposed changes to the M1 motorway including the hard shoulder running. This indicates that with the proposed changes and a 50m zone from the hard shoulder (of the main motorway carriageway) where there will be no properties built, air quality for this development will be acceptable unless there is an unprecedented increase in traffic flows. There are some assumptions that have been made in the submitted information, but the report has erred on the side of safety in its analysis, consequently no objections in relation to air quality. 19.09.14

Crime Prevention Design Adviser: No comment. 11.08.14

Parish Council: Members would like to stress that under the current highway layout, the development would exacerbate existing traffic problems with that area of South Normanton. Cars use the sides of the road to park, so that they can car share to travel up and down the M1 on a daily basis. There are also issues with school traffic causing delays at peak times already, therefore any increase in traffic would be disastrous.

Another reason why South Normanton Parish Council are against this development is that in the past, developments on this piece of land have been turned down due to pollution levels coming from the M1 itself. This leads us to believe that the area of land on this application is unfit for a residential development now and in the future. 15.9.14

Housing Strategy and Enabling Manager (BDC): Current Local Plan sets out a requirement for 10% of the total site capacity to be given to affordable housing provision; this equates to 4 units of affordable housing. However, in November 2012 the Council formally approved temporary changes to its affordable housing policy with an option to waive the affordable housing requirement in return for a S106 agreement which provides for completion of at least 10% of permitted dwellings within 3 years from the grant of planning permission, and at least 50% within 5 years. Failure to comply with this requirement would result in a development having to provide the required provision of affordable housing in the later phases. Asks that consideration be given to building a proportion of the homes – both market and affordable – to the lifetime homes standard. Requests that if affordable housing is provided that one of them should be a two bedroom mobility bungalow. 27.07.14

No responses received from Ramblers Association, and, Streetscene and Waste Services. (BDC).

PUBLICITY

Advertised in press. Site notice posted. 49 neighbours notified. 16 letters of objection including one petition received; main issues raised:

- Congested junction of Carter Lane West with Mansfield Road as a result of commuter/car share parking, school drop off/pick up point, reduces carriageway width to single vehicle width; doubles traffic on Carter Lane West, increase in waiting on Mansfield Road to enter Carter Lane West through narrow carriageway (raised by most objectors);
- Footpath widening will make matters worse, narrows carriageway, parking partially on footway likely, footway to one side only, only part of footway to be widened;
- Traffic Regulation Order will just move parking further down Carter Lane West, or onto verge along Mansfield Road;
- Noise, pollution already poor air quality at the site from the M1;
- Inadequate capacity to cope with additional residents at schools and doctors;
- Drainage of site is poor and will be worse from development, loss of greenfield to soak up rainwater, existing drainage problems at bottom of Carter Lane West;
- Site of mine shaft still unidentified;
- Loss of open space;
- Site elevated above adjoining development, loss of privacy, loss of light, loss of view results in serious impact on residential amenity particularly of Southfield Drive bungalows from development out of character with the area;
- No children's play area.
- Combined with other developments proposed in South Normanton for housing will make traffic matters on Mansfield Road worse.

Petition signed by 95 residents from approximately 65 addresses in the locality (many of whom have also submitted their own letters of objection) ; object on grounds of access (congested junction with Mansfield Road giving restricted access for emergency vehicles), school capacity, doctor capacity; pollution concerns and impact on health; danger from new footpath where it stops at end of Carter Lane West.

POLICY

Local Plan

Bolsover District Local Plan (BDLP) shows site as within the settlement framework, general urban area policies apply, of particular relevance will be policies GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment).

National Planning Policy Framework (NPPF):

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration with a presumption in favour of sustainable development. As the Bolsover District Local Plan was adopted prior to 2004 due weight should be given to its policies according to their degree of consistency with the NPPF.

A core principle is to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings within a presumption in favour of sustainable development.

Where adopted Local Plans are not up to date there is a presumption in favour of sustainable development particularly if there is not a 5 year supply of deliverable housing sites. The Council does not currently have such a 5 year supply.

ASSESSMENT

This is a greenfield site within the settlement framework as defined by the adopted local plan and in a sustainable location being reasonably close to South Normanton centre with shops and other services, and within proximity to schools (although the primary schools are some distance away - over 800m to Junior School), bus services and employment areas. Development of the site would add to the existing five year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF). The Council currently does not have a five year supply

The principle of residential development on this site is therefore acceptable being in accordance with the strategic aims of the adopted local plan and in locational terms represents sustainable development in accordance with the National Planning Policy Framework.

The main issues relate to the various 'technical' aspects of the development including design and service/infrastructure issues.

Strategic Highway

The Highways Agency has no concerns subject to the directed conditions in relation to surface water drainage (which is to connect into the surface water disposal system for the M1 motorway) and no works within HA land.

Local Highway Network

Turning now to impact on the local highway network, the residents of Carter Lane West have raised strong concerns about the use of the Lane, in particular around the junction with Mansfield Road, for all day 'commuter car parking' and at school times by parents dropping off/collecting pupils for the nearby Frederick Gent Secondary School, all of which restrict the junction and make entering and leaving the Lane difficult and hazardous further compounded with the junction of Pinxton Lane opposite. However operation of the junction has not been identified by the local highway authority (DCC) as an issue.

Carter Lane West currently has limited pedestrian facilities having a footway of restricted width on the north-western side only. The proposed development will potentially increase both pedestrian and vehicular traffic along Carter Lane West by around 100%. To improve pedestrian access this application proposes:

- Widening to 2m of the current narrow footway along Carter Lane West from the site access to the vicinity of 15 Carter Lane West where the existing footway is of adequate width; In considering a previous planning application for this site the local highway authority (DCC) required the widening of the footway to 2m to accommodate the increased use by and to facilitate the two-way movement of pedestrians. The carriageway is of sufficient width to accommodate this without requiring any third party

land. Issues of parking on the footway and causing obstruction would be a matter for the relevant enforcement body.

- The application also proposes the provision of a footway alongside Mansfield Road from the junction with Carter Lane West to the footpath entry point into the site along its southern boundary. DCC consider this acceptable in principle. Concerns have been raised by residents that there would be dangers to such a link. However these could be mitigated to a certain extent by ensuring the footway connects properly to the existing network at the Carter Lane West junction (as is requested in the DCC highway consultation response) and is set back from the carriageway edge along Mansfield Road by the inclusion of a separating grass verge (subject to levels). Again as the Highway Authority has accepted this as a solution the concerns of residents do not justify refusal on this ground.

The applicant has included the suggestion from previous applications of a Traffic Regulation Order to impose waiting restrictions at the top end of Carter Lane West. Discussions during those applications indicated that the highway authority does not support a residents permit scheme but would consider waiting restrictions close to the junction of Carter Lane West with Mansfield Road if these were considered necessary following the occupation of all the dwellings. Funding of such an order through a S106 Planning Obligation, which would be refundable if no order is deemed necessary, of £3000 is proposed.

The impact of the development on the local highway network can be addressed with a condition requiring the improved footway along Carter Lane West and the additional footway along Mansfield Road subject to detailed plans showing its alignment to take account of ground levels. Additional measures such as Traffic Regulation Orders would need the agreement of the applicant through a S106 planning obligation as the existing parking problem is not directly related to the development and will not be made worse by the development, although it could be argued that the additional traffic from the development will make this area more hazardous and that the imposition of waiting restrictions at the junction may help mitigate the additional hazards by creating a less obstructed carriageway.

A Travel Plan Framework has been submitted with the application which assesses the situation and aims to encourage a reduction car usage and increase the use of public transport, walking and cycling. The Local Highway Authority has not made any specific comment upon the Travel Plan.

Drainage

A surface water drainage strategy had been put forward which is agreeable to the Highways Agency (subject to appropriate condition). The Environment Agency and Severn Trent Water have also requested a condition requiring submission of drainage details.

Ecology

The Applicant has submitted the same ecological assessment as with the previous applications for this site (dated September 2012). At that time the impacts on wildlife were considered acceptable by the Derbyshire Wildlife Trust with appropriate mitigation measures, which can be required and supported by conditions requiring the provision of gaps under boundary fences between gardens (to allow for movement of grass snakes) and a habitat management scheme for all retained and created habitats including the retention/layering of

hedgerows, new planting and the SuDS basin. The removal of hedgerow, trees, shrubs or brambles during the bird breeding season is covered by other legislation: a note can be added to a decision to this effect. The inclusion of similar conditions would seem reasonable although there has been a passage of 2 years since the original assessment; in view of the continued use of the site by horses it is unlikely that there has been any significant change in the ecological situation.

Stability – Mine shaft

The Coal Authority are satisfied that the investigative works to identify the location of a recorded mine shaft have shown that the shaft does not exist within the search area.

Noise

Appropriate conditions could be imposed requiring the measures outlined in the noise impact assessment to be implemented in accordance with details to be agreed before the occupation of any dwelling. This would include the provision of acoustic fencing as shown in the noise impact assessment and on the submitted layout, and specification of the acoustic double glazing.

Air Quality

The impacts of the M1 motorway (as improved) on air quality have been assessed and are considered acceptable.

Contamination

Investigation and risk assessment indicate that remediation works are required to address various issues. Such works are proposed by the submitted reports and appropriate conditions can be imposed to require such works with verification reports.

Urban Design

The general development scheme is acceptable in urban design terms and generally complies with the Council's Supplementary Planning Document 'Successful Places' subject to conditions to control various details (materials, implementation of landscaping including street trees, tree planting details, implementation and retention of front boundary treatments).

Infrastructure impacts/S106 Planning Obligation requirements

Affordable Housing:

The applicant wishes to take advantage of the policy which allows affordable housing provision to be waived provided 10% of the dwellings on the site are completed within 3 years and 50% within 5 years of the date of the planning permissions. Failure to meet this performance rate would require the affordable housing provision to be provided on site within the latter phases of development. Such provision in accordance with current adopted policy would be 10%, (i.e. 4 dwellings).

Education:

The education authority (DCC) have identified that the infant school is currently overcrowded, the junior school and the secondary school have capacity. The only direct impact from the development would therefore be to the already overcrowded infant school. To accommodate the development a commuted sum contribution of £45,596.04 towards the provision of 4 primary school places at Brigg Infant School is appropriate.

Open space/leisure:

The provision of a SuDS Basin is a separate requirement to that of public open space. As such, it would be difficult to argue that this would provide a play or community focus, hence the request from Leisure Services for a full commuted sum for off-site provision due to the lack of open space area within the development as proposed. This would be used to improve play facilities at South Street Recreation Ground which is the nearest significant open space to the development. The applicant agrees to this, being a contribution of £31,374. In addition the applicant has agreed to a contribution to formal sport/recreation within the Parish of £37,296.

Public Art

The applicant has offered a contribution £5,000 to public art. Details of any on-site provision could be required by condition while the value of any provision can be included within the S106 planning obligation.

Other

The County Council has identified other aspects of infrastructure which would benefit from contributions or from accommodation within the scheme design, but which are not directly related to the impacts of the development. For instance it is in the developers interests to ensure all properties have the benefit of high speed broadband.

Other Matters

Many of the issues raised by objectors have been generally addressed in the report above. The development layout complies with the principles of the Councils guidelines as expressed in 'Sustainable Places'.

In view of the location of the development and its access, a condition requiring a Construction Management Plan to ensure the impacts of construction are minimised for the nearby residents of the area would be reasonable.

Listed Building: n/a

Conservation Area: n/a

Crime and Disorder: No issues raised.

Equalities: No issues raised.

Access for Disabled: No issues raised.

Trees (Preservation and Planting): Application accompanied by an arboricultural survey; existing hedgerows and trees suitable for retention subject to appropriate maintenance and selective felling. Landscaping scheme includes additional tree and hedge planting.

SSSI Impacts: n/a

Biodiversity: Little of interest due to extensive horse grazing, retention of various features with landscaping should boost biodiversity.

Human Rights: No issues raised.

Conclusions

The principle of the residential development of the site is acceptable and accords with the policies of the Bolsover District Local Plan and the principles of sustainable development identified in the National Planning Policy Framework.

Conditions can be used to control:

Ecological mitigation, noise attenuation, remediation works for contamination and minor changes to layout, design and landscaping, including the footways along Carter Lane West and Mansfield Road.

In addition to ensure that the impacts of the development are mitigated upon the local community a S106 planning obligation will be needed to cover Affordable Housing or the speedy delivery of new housing, Education, Open Space, Public Art and any waiting restriction order.

There is therefore general compliance with the policies of the Bolsover District Local Plan, in particular policies GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment), GEN3 (Development Affected by Adverse Environmental Impacts from Existing or Permitted Uses), GEN4 (Development on Contaminated Land), GEN5 (Land Drainage), and HOU5 (Outdoor Recreation and Play Space Provision for New Housing Developments). The development is considered to be sustainable development in accordance with policies of the National Planning Policy Framework.

This application seeks to address the reasons for refusal given for the last application (14/00309/FULMAJ) for the residential development of this site. These reasons are:

1. *“Carter Lane West is already used by a large number of school pupils en-route to the nearby Frederick Gent secondary school and is subject to extensive on street parking around its junction with Mansfield Road. It also lacks adequate footways having only one narrow footway on the northern side. This results in pedestrians mainly walking within the carriageway. Whilst the scheme included the provision of an improved pedestrian link along Mansfield Road between the existing public footpath as it emerges from the site and the footway at the junction with Carter Lane West this is not such a commodious route (due to levels, distance and conditions generally along this section on Mansfield Road) as to be an effective alternative and is not likely to be used by the majority of pedestrians. Any increase in traffic using Carter Lane West will exacerbate the dangers faced by pedestrians to the severe detriment of their safety and contrary to saved policy GEN1 part (3) of the Bolsover District Local Plan. Whilst regard has been had to the Council's lack of a five year supply of deliverable housing and the proposed footpath link this is not considered to outweigh the harm to safety arising from the development.”*
2. *“In addition the carriageway of Carter Lane West at its junction with Mansfield Road is often reduced to effectively single carriageway width due to parked vehicles. To increase the use of Carter Lane West by vehicles will increase the likelihood of vehicles having to wait on Mansfield Road whilst traffic clears the congested section of Carter Lane West or vice versa. This would be detrimental to highway safety and contrary to saved policy GEN1 part (3) of the Bolsover District Local Plan.”*

This current application provides a 2m width footway along Carter Lane East where it is currently less than this. The additional footway link along Mansfield Road between the Carter Lane West junction and the footpath into the site is still proposed to be included; this will provide an alternative route into the development particularly for residents living in the southern part of the site. The Local Highway Authority has no objection to these proposals on

highway safety grounds. Provision of a wider footway along Carter Lane West will be more attractive for use and discourage walking within the carriageway which with the additional pedestrian route into the site will benefit highway safety.

In response to reason 2 the applicant has retained previous offers to contribute to the costs of a Traffic Regulation Order to restrict waiting around the junction with Mansfield Road, to be paid prior to the occupation of 75% of the dwellings. The preparation and implementation of such Orders is beyond the control of the applicant, the Parish Council and the District Council.

RECOMMENDATION: Defer and delegate the decision to the Assistant Director of Planning in consultation with Chair and Vice Chair of Planning Committee pending completion of an appropriate S106 Planning Obligation to cover the following issues which are given in précis form to be formulated in full by the Assistant Director Planning and with consideration of matters to be covered by conditions as set out below:

Affordable Housing – commitment to deliver 10% of the dwellings within 3 years of grant of planning permission and at least 50% within 5 years of grant of planning permission otherwise the affordable housing requirement of 10% of the development (4 units) will be required.

**Public Open Space – off-site contributions for informal/childrens play of £31,374 plus formal sport and recreation £37,296 - total £68,670
The adoption/maintenance of the surface water detention basin and any other ‘common’ open areas.**

Education - £45,596.04 financial contribution towards the provision of 4 primary school places at Brigg Infant School.

Public Art – on-site provision to enhance the development (or another alternative to be agreed) to a value of £5,000.

Contribution to fund Traffic Regulation Oder (£3,000).

Conditions to cover the following:

- **Start within 3 years.**
- **Noise mitigation prior to occupation of any dwelling to protect from noise from the M1.**
- **Drainage details to be approved prior to commencement, to also provide for future maintenance including the connection of the surface water drain to the Highways Agency system.**
- **Validation details to verify that the remedial works for ground contamination have been undertaken in accordance with the submitted remediation scheme to be submitted to the LPA for approval.**

- **Widening of footway on Carter Lane West before occupation of more than 10 dwellings on the site.**
- **Details of alignment of footway along Mansfield Road to be submitted for approval, to be provided no later than occupation of 30th dwelling (or in accordance with a timetable to be agreed).**
- **Highway Agency Conditions.**
- **Local Highway Authority conditions (to include site compound details, parking of site traffic, deliveries etc.)**
- **Urban design requirements (materials of construction, provision of landscaping and front boundary treatments etc.).**
- **Ecological mitigation (gaps under fences to allow for grass snakes; habitat management scheme including retention/layering of hedgerows, new planting and the SuDS basin).**
- **Maintenance of landscaping.**
- **Boundary treatment to existing adjoining dwellings to be implemented no later than occupation of related dwelling.**
- **Construction Management Plan.**

Notes to Applicant:

The Coal Authority gives the following advice:

The proposed development lies within an area that has been defined by The Coal Authority as containing a potential hazard arising from former coal mining activity. The developer has undertaken extensive work to try and locate a mine entry believed to be on site. No trace of the mine entry has been located.

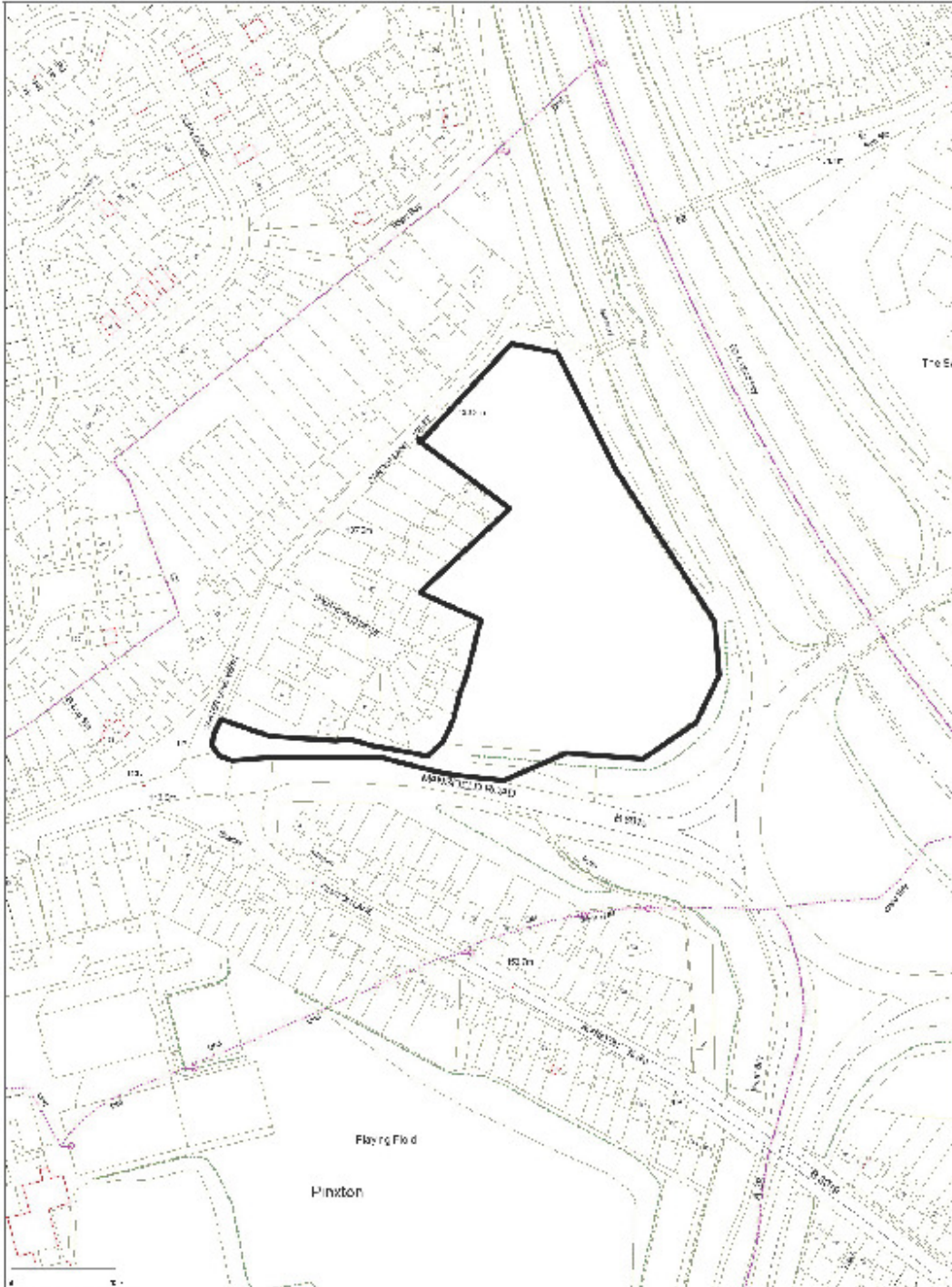
If during any construction activity any suspected trace of this potential mine entry is unexpectedly encountered during development, this should be reported immediately to The Coal Authority on the 24 hour emergency line 01623 646 333. Further information is available on The Coal Authority website www.gov.uk/government/organisations/the-coal-authority

The Local Highway Authority (Derbyshire County Council) has provided various advisory notes with their consultation response which can be viewed with the application documents on the Councils' web site.

The Highways Agency provides the following information:

The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. The Highways Agency (the Agency) therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with the Agency's Section 278 Business Manager David Steventon to discuss these matters on david.steventon@highways.gsi.gov.uk.

The applicant should be made aware that any works undertaken to the Highways Agency (the Agency) network are carried out under the Network Occupancy Management policy, in accordance with the Agency's procedures, which currently requires notification/booking 12 months prior to the proposed start date. Exemptions to these bookings can be made, but only if valid reasons can be given to prove they will not affect journey time reliability and safety. The Area 7 MAC's contact details for these matters is area7.roadspace@aone.uk.com.



14/00551/FUL
 Location

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Bolsover & NE Derbyshire


PARISH Old Bolsover

APPLICATION Variation of S106 Planning Obligation to remove the requirement to make a contribution to affordable housing.
LOCATION Land Adjoining North Side of Blind Lane Bolsover
APPLICANT Hallam Land Management Ltd
APPLICATION NO. 14/00577/OTHER **FILE NO.**
CASE OFFICER Mr T Ball
DATE RECEIVED 2nd December 2014

SITE

12ha of fields to north side of Blind Lane, generally overgrown, but in casual recreation use with owners consent. The sloping topography is a notable feature, with a gradual and then steep increase in gradient from west to east across the site. Other features include Blind Lane alongside the southern site boundary which is a sunken lane with a rural character and contains attractive stone walling and a stream following much of its length. There are mature hedgerows and a woodland belt to the northern boundary and various remnant hedgerows and trees within the site. From the site there are good views of Bolsover Castle to the south east and towards the Peak District to the west.

The site adjoins Woodhouse Lane in the west, restored colliery tips (now in agricultural uses) to the north; paddocks to the east with frontage housing development to Cundy Road and Hill Top beyond. To the south beyond Blind Lane is the Castle housing estate.

PROPOSAL

This is an application under S106BA of the Town and Country Planning Act 1990 for the modification of a S106 Agreement dated 11 January 2012, which accompanied the grant of outline planning permission under reference 10/000568/OUT MAJ on 13 January 2012, for residential development of approximately 250 dwellings on the above land.

An application under S106BA can only relate to affordable housing provision, other aspects of the S106 planning obligation remain and can only be changed by agreement, or by application after 5 years. This procedure is to review the viability of affordable housing requirements only; it is not to reopen any other planning policy considerations or to review the merits of the permitted scheme.

This application seeks the relaxation, in full, of the obligation to pay the sum of £1,025,000 to Bolsover District Council as an Affordable Housing Contribution to be used by the Council for off-site Affordable Housing Purposes.

The S106 defines Affordable Housing Purposes as:

“improvements to the affordable housing provision on the Castle Estate including redevelopment, community, environmental and connectivity improvements.”

No on-site provision is to be made.

The application is supported by a Development Appraisal Review (September 2014) carried out by Tustain Associate Ltd. The Appraisal takes the form of a residual valuation exercise. The assumptions with regard to private sales values, optimising housing mix and the rates of

sale that are likely to be achieved are informed by a Marketing Report prepared by Wilkins Hammond (Chartered Surveyors) in August 2014.

HISTORY

Outline planning permission was granted 13th January 2012 for residential development of approximately 250 dwellings on land adjoining Blind Lane Bolsover (application No 10/00568/OUTMAJ).

Attached to the outline planning permission is a S106 Planning Obligation which in summary requires:

- Affordable Housing Contribution £1,025,000
- Education Contribution £179,618
- Health Care Contribution £81,562
- Houghton Road Play Space Contribution £80,000
- Recreation contribution (enhancement of existing facilities) £191,250
- Provision of an on-site play space (to be approved by the local authority)

The elements of the S106 are related to set trigger points and phased payments.

A request to vary the S106 Planning Obligations by agreement in order to improve the likely deliverability of this housing site was made earlier in 2014 and was reported to Planning Committee on 23 July 2014. An independent review of the Development Appraisal accompanying that request was commissioned by the Council, this agreed with the conclusion that the affordable housing content should be zero. However the Planning Committee resolved not to revise the terms of the S106 Planning Obligation attached to the outline planning permission and clearly expressed the view that the original terms of the S106 should be adhered to. This request included variations to all the contributions required under the S106 retaining £750,000 for contributions to education, on-site play area provision/maintenance, and Travel Plan commitments.

CONSULTATIONS

Local Highway Authority: No comments. 11.12.14

Old Bolsover Town Council: No response received

Strategic Housing: No response received.

PUBLICITY

None required

POLICY

Bolsover District Local Plan (BDLP)

Policy HOU6 (Affordable Housing) seeks to negotiate the inclusion of an element of affordable housing to meet a proven local need. This is a saved policy of the Bolsover District Local Plan which was adopted February 2000.

Bolsover District Council Supplementary Planning Guidance: Affordable Housing (SPG)

Adopted in February 2002 this is a material consideration in determining planning applications. This contains a presumption that 10% of the site capacity shall be provided as affordable housing (paragraph 6.2). The SPG allows in exceptional circumstances an off-site financial contribution in lieu of on-site provision to enable the purchase and repair of existing

housing stock to provide new affordable homes.

As part of the preparation of the Local Plan Strategy, (to replace the Bolsover District Local Plan), a Strategic Housing Market Assessment and Economic Viability Study Review was undertaken in 2012. Subsequently, the Council in November 2012 approved a revised policy to change the operation of its affordable housing requirement. This requires a detailed viability analysis of a development proposal to allow, if viable, the negotiation of an affordable housing requirement based on the outcome of such an analysis (as assessed by an independent viability consultant). However in view of the market conditions the policy also allowed a waiver of the requirement where the applicant undertakes to commence development and complete at least 10% of the permitted dwellings within 3 years and 50% within 5 years. Failure to comply would require an affordable housing provision of 10% of the total permitted dwellings as affordable housing on the remaining site (or an equivalent financial contribution). The policy is to be reviewed in 2015.

National Planning Policy Framework

Policies seek to ensure viability and deliverability ; when taking account of viability the development should provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable (173).

Guidance issued by the Government on Section 106 Affordable Housing Requirements (April 2013) states:

Unrealistic Section 106 agreements negotiated in differing economic conditions can be an obstacle to house building. The Government is keen to encourage development to come forward, to provide more homes to meet a growing population and to promote construction and economic growth. Stalled schemes due to economically unviable affordable housing requirements result in no development, no regeneration and no community benefit. Reviewing such agreements will result in more housing and more affordable housing than would otherwise be the case.

ASSESSMENT

The supporting information with the application is an updated Development Appraisal Review compared to that considered previously with the previous request to vary the S106 by agreement. This reflects that the application is only to remove the Affordable Housing requirement with other S106 obligations remaining in place, and takes account of current market and costs conditions.

This Appraisal gives a positive land value of £56,473 (compared to £957,875 with the previous request) equivalent to a gross land value of £1,905 per acre (previously £32,304 per acre). The applicant states that this is less than the existing use value of the site which for agriculture or amenity land might be around £5,000 - £8,000 per acre. Thus even with the affordable housing contribution removed the development would not provide a competitive return to a willing land owner.

Only by relaxation of the other S106 financial contributions could the development, according to the applicant, pass the viability test in current market conditions. With the previous failure to obtain agreement to vary these terms they cannot be challenged until the expiry of 5 years

from the date of the planning permission.

However the applicant indicates that the achievement of a positive land value gives the landowner the opportunity to engage with house-builders on the basis of a building licence agreement whereby the consideration for the land is deferred and is paid as a percentage of the sale price achieved for each house. In a rising market this would significantly improve the chances of finding a house-builder willing to take the risk of developing the site at an early stage.

The Council's independent review of the earlier development appraisal submitted as part of the request to vary the S106 terms agreed with the conclusions that the affordable housing content should be zero with the reduced S106 package. However it suggested that the development should be subject to regular reviews after each phase of development of 50 – 70 dwellings. However the applicant did not agree with the future staged reviews in view of the need for upfront investment in the site (due to the ground conditions and slope of the site the ground works to contour the site need to be carried out for the whole site to prevent risk to earlier phases of development).

Given the lower values expressed as a result of the revised appraisal, which has been undertaken on the same basis as the previous survey, but updated to reflect current costs/values and the revised S106 offer (i.e. no Affordable Housing but other contributions remain unaltered), taking account of the conclusions of the independent review of the previous appraisal there is no reason to disagree with the result. The site, even with the removal of the Affordable Housing contribution, has a very low residual value (lower than existing use value) but retains a positive value which may with special sales arrangements to recoup land value make the site more attractive to developers than currently.

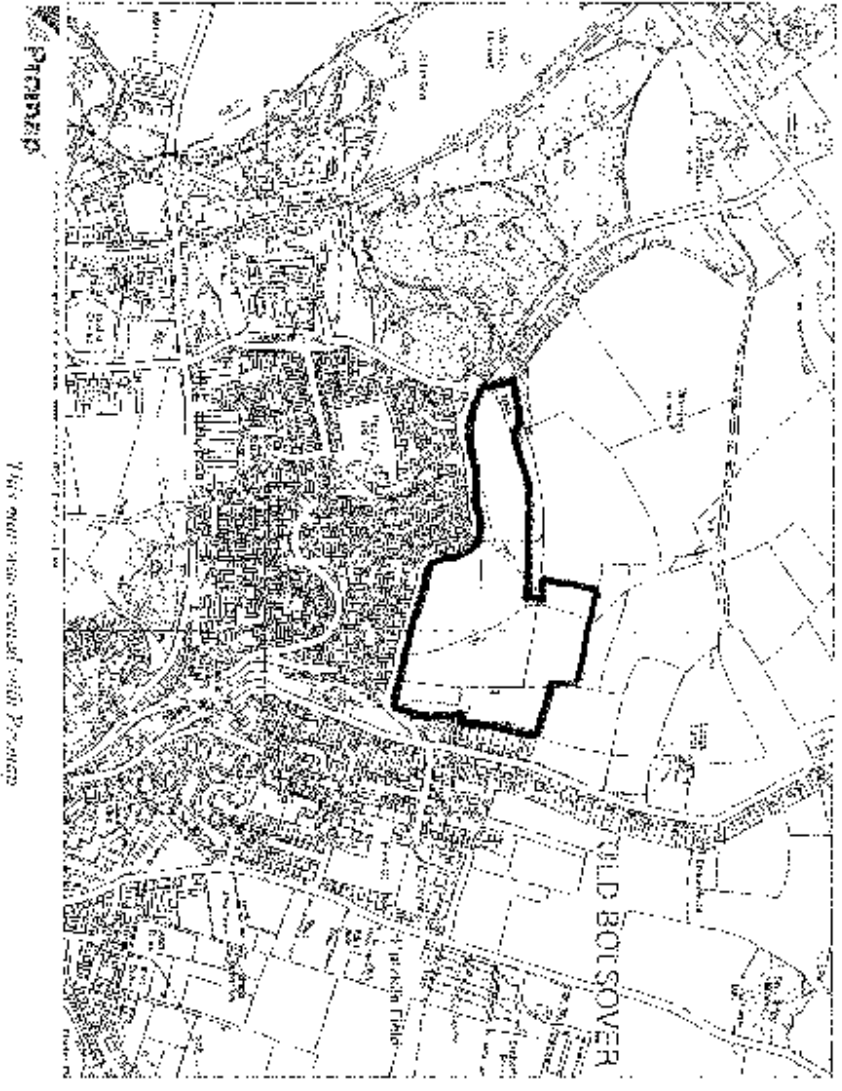
Accordingly taking into account the thrust of the National Planning Policy Framework to encourage development to come forward where schemes are stalled due to economically unviable affordable housing requirements, current market conditions and the site difficulties, it is considered that the Affordable Housing requirement should be relaxed in this instance. While removal of the affordable housing contribution is insufficient to persuade a willing landowner to sell for housing development because it is below existing use value, the relief to the total S106 financial contribution will improve the prospect of being able to attract house builder interest in the site.

The S106BA procedure aims to get schemes that have stalled due to economic viability, moving. If such an application is allowed at appeal, the modification of the S106 under this procedure is valid for 3 years, if the development is not completed in that time the original affordable housing requirement will apply to the parts of the site which have not commenced. Thus if market conditions improve in the future to a level where Affordable Housing can be supported then the opportunity to secure a financial contribution from any uncompleted balance of the development will not be lost. The Government Guidance suggests that local planning authorities in determining such applications may wish to make similar time-limited modifications or conditions to such an application. It should however be noted that the Council does not have an approved scheme of improvements to the Castle Estate to improve the affordable housing offer in this area, although the affordable housing contribution would have to be applied for purposes for which the need directly arises from the development.

RECOMMENDATION

In accordance with Subsection (5) of Section 106BA of the Town and Country Planning Act 1990 (as amended) Bolsover District Council determines that the planning obligation associated with planning application 10/00568/OUT for residential development of approximately 250 dwellings on land to the north side of Blind Lane Bolsover is modified to remove the requirement for the Affordable Housing contribution subject to after a period of three years from the date of this determination the original terms of the S106 Planning Obligation applying in proportion to any part of the development upon which the construction of dwellings has not commenced.

2011 Woodstock Lane, Porton



This map was created with ProMap

Location Plan showing site of 10/00568/OUTMAJ

14/00577/OTHER

PARISH Barlborough

APPLICATION Variation of Section 106 agreement relating to 09/00370/OUTMAJ to reduce affordable housing to 10%

LOCATION Rear Of 16 To 124 And South West Of 124 And Between Brickyard Farm And Barlborough Links Chesterfield Road Barlborough

APPLICANT Commercial Property Real Estates 43 Hurds Hollow Matlock.

APPLICATION NO. 14/00622/OTHER **FILE NO.**

CASE OFFICER Mr T Ball

DATE RECEIVED 23rd December 2014

SITE

A two part site either side of Chesterfield Road to the south west of Barlborough.

Land to the south east of Chesterfield Road was previously a railway cutting and brick yard subsequently filled with waste and grassed over, and used for car boot sales in the recent past. This area adjoins Barlborough Links Business Park with office/warehouse/workshop units to the north eastern side and larger industrial/warehouse units to the south eastern side. The land is more elevated in the landscape than Barlborough Links. There are two houses and agricultural land to the south western side.

The land to the north west of Chesterfield Road behind the existing Chesterfield Road residential properties is generally overgrown and underused agricultural land with some horse grazing. This includes an area of allotments which are overgrown and long abandoned. Land at western end formerly part of railway cutting, filled with waste and subsequently made available for agricultural uses; this area is within the green belt. Behind 124 Chesterfield Road (formerly known as Hawthorns Farm and now as Wishfield House) is an area of land up to the motorway boundary used as a material and scaffolding store for various businesses being carried out from the related premises fronting Chesterfield Road. This north-western area of the application site adjoins the M1 motorway along the north western boundary with open views of the countryside beyond. The A616 dual carriageway link road between the Chesterfield Road roundabout and the M1 junction 30 adjoins to the north east boundary with the main part of the village of Barlborough beyond.

There is a landfill gas extraction system in place on both parts of the site which have been subject to waste filling, with a gas flare stack adjacent a site entrance off Slayley Lane.

PROPOSAL

This is an application to seek agreement to vary the S106 Planning Obligation dated 7th March 2011 which accompanied the grant of outline planning permission under reference 09/00370/OUTMAJ, for residential and commercial development including new roundabout and associated roads. This is not a formal application under S106BA of the Town & Country Planning Act 1990 (as amended) but a request to vary the S106 Planning Obligation by agreement.

The request relates to the residential element of the development proposal and seeks the

reduction in the Affordable Housing requirement to 10%. The S106 currently requires 33% of the dwellings to be affordable, to be provided before 60% of the market houses are occupied, and to be available only for people in housing need with a connection with Barlborough. This level of affordable housing for people associated with Barlborough was offered by the applicant following their community consultation. At that time the Council's draft Core Strategy indicated a requirement for affordable housing in Barlborough of 30%.

The applicant states that sale values of properties in the area are still depressed, especially with the site being adjacent to the M1, and taking account of the costs associated with delivering the site, in particular highway infrastructure, contaminated land issues and additional piling requirements with the level of affordable housing.

The applicant has been seeking a development partner for some time and whilst there has been interest, viability and the level of affordable housing have been given as reasons for not progressing the site development.

The applicant has submitted a draft financial viability report dated March 2014 which illustrates that with 33% affordable housing the costs of development would exceed revenues from sales.

HISTORY

09/00370/OUTMAJ: Outline planning permission for residential and commercial development including new roundabout and associated roads. Approved 23.11.11

13/00001/DISCON: Application to discharge conditions 9 (surface water disposal system), 11 (gas risk assessment), 20 (access) and 22 (archaeology) of planning permission

09/00370/OUTMAJ. Discharged in relation to the residential element of the development. 08.09.13

13/00002/VARMAJ: Variation of condition 8 of 09/00370/OUTMAJ to allow for repositioning of flood alleviation pond. Approved 08.05.13.

CONSULTATIONS

Barlborough Parish Council: Response awaited.

Strategic Housing: Response awaited

PUBLICITY

None required.

POLICY

Bolsover District Local Plan (BDLP)

Policy HOU6 (Affordable Housing) seeks to negotiate the inclusion of an element of affordable housing to meet a proven local need. This is a saved policy of the Bolsover District Local Plan which was adopted February 2000.

Bolsover District Council Supplementary Planning Guidance: Affordable Housing (SPG)

Adopted in February 2002 this is a material consideration in determining planning applications. This contains a presumption that 10% of the site capacity shall be provided as

affordable housing (paragraph 6.2). The SPG allows in exceptional circumstances an off-site financial contribution in lieu of on-site provision to enable the purchase and repair of existing housing stock to provide new affordable homes.

As part of the preparation of the Local Plan Strategy, (to replace the Bolsover District Local Plan), a Strategic Housing Market Assessment and Economic Viability Study Review was undertaken in 2012. Subsequently, the Council in November 2012 approved a revised policy to change the operation of its affordable housing requirement. This requires a detailed viability analysis of a development proposal to allow, if viable, the negotiation of an affordable housing requirement based on the outcome of such an analysis (as assessed by an independent viability consultant). However in view of the market conditions the policy also allowed a waiver of the requirement where the applicant undertakes to commence development and complete at least 10% of the permitted dwellings within 3 years and 50% within 5 years, except in Barlborough Parish where a requirement for 10% affordable housing provision is retained. The policy is to be reviewed in 2015.

National Planning Policy Framework

Policies seek to ensure viability and deliverability; when taking account of viability the development should provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable (173).

Guidance issued by the Government on Section 106 Affordable Housing Requirements (April 2013) states:

Unrealistic Section 106 agreements negotiated in differing economic conditions can be an obstacle to house building. The Government is keen to encourage development to come forward, to provide more homes to meet a growing population and to promote construction and economic growth. Stalled schemes due to economically unviable affordable housing requirements result in no development, no regeneration and no community benefit. Reviewing such agreements will result in more housing and more affordable housing than would otherwise be the case.

ASSESSMENT

The supporting information submitted with this request is in draft form with no explanation of the costs used in the accompanying financial appraisal. It is not clear if allowances from the commercial element of the development have been included in costs (e.g. proportionate allocation of infrastructure costs), nor if the costs for works to the 'Treble Bob' and J30 roundabouts makes allowance for the same works required by another development (i.e. whole cost of works included or a proportionate amount). The financial appraisal only shows a scenario which provides for 33% affordable housing, an appraisal for 10% or 0% Affordable Housing is not provided. Nor is the current use value provided for comparative purposes.

However, taking account of the current Council policy position for the provision of Affordable Housing as described above, and the national need to encourage development to come forward, particularly where there are stalled schemes due to economically unviable affordable housing requirements, as outlined in the National Planning Policy Framework it is considered reasonable to reduce the affordable housing requirement on the housing element of this

development scheme at Barlborough to 10%. The requirement for the affordable housing to be for people in housing need with a connection with Barlborough should be retained.

RECOMMENDATION

The S106 Planning Obligation associated with planning permission reference No. 09/00370/OUTMAJ, for residential and commercial development including new roundabout and associated roads on land at Chesterfield Road Barlborough be varied to reduce the Affordable Housing requirement for people in housing need with a connection with Barlborough from a level of provision of 33% to 10% of the dwellings to be built. The remaining terms of the S106 Planning Obligation remain (play area and amenity space, off-site sports provision, education contribution, cessation of scaffolding business use).

Bolsover District Council

Planning Committee

11th February 2015

Five Year Housing Supply

Report of the Joint Assistant Director of Planning and Environmental Health
(Written by Planning Policy Manager)

This report is public

Purpose of the Report

- To set out the background to the assessment of the Council's five year supply of deliverable housing.
- To approve the annual assessment and publication of the five year supply of deliverable sites for housing as required by paragraph 47 of the National Planning Policy Framework (NPPF) 2012.
- To reaffirm the guidelines used for the assessment of applications for residential development when the Council does not have a five year supply of deliverable sites.

1 Report Details

Introduction

- 1.1 Members will be aware that for a number of years Councils have been required to publish annually whether they have a five year supply of deliverable housing sites¹. Where a Council cannot demonstrate a five year supply of deliverable housing sites, housing applications should be considered in the context of the presumption in favour of sustainable development, as relevant policies for the supply of housing should not be considered up to date. Therefore whether or not an authority has a five year supply has a direct impact on the level and location of housing.
- 1.2 Whilst the absence of a five year supply is not conclusive in favour of the grant of planning permission, the Secretary of State and his inspectors usually place great weight on the need to demonstrate a five year supply in line with paragraph 47 of the National Planning Policy Framework which emphasises the need 'to boost significantly the supply of housing'.

¹ Paragraph 47 of the NPPF states that to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.

Housing Targets and Objectively Assessed Need

- 1.3 Historically housing targets were set in higher level development plans (originally Structure Plans, but more recently Regional Plans). The National Planning Policy Framework introduced the phrase 'objectively assessed needs' for housing (although the phrase is relatively new, the ideas underpinning it are not). It is important to note that objectively assessed need is not the same as housing provision or a housing target. Over the last year, there have been a number of national appeal decisions focussed on how the courts view the difference between objectively assessed need and a housing target.
- 1.4 Objectively assessed need is based on modelling work using demographic factors such as births, deaths, number of households; migration patterns; and, employment to predict the number of houses likely to be needed in an area. This basic data is refined by considering other factors, such as whether household formation has been suppressed by affordability or past under provision, or whether the figures will support forecast employment growth to arrive at an objectively assessed need.
- 1.5 A housing target is arrived at by taking the figure for objectively assessed need, and considering whether it is possible to meet the figure having regard to the policies in the NPPF (for example Green Belt Policies). The target may also include cross boundary unmet need from neighbouring authorities who cannot meet their projected need within their own boundaries. It is expected that neighbouring authorities will co-operate and accept this unmet need if it is possible, sustainable, and reasonable to do so.
- 1.6 In short, the objectively assessed need can be viewed as the likely unconstrained future need for an area, to which policy considerations are applied to develop a suitable housing target. This process is underway as part of the work on the new Local Plan.

Changes since the previous assessment of the five year supply

- 1.7 There have been a number of key changes affecting the assessment of the five year supply since last year's report arising from the introduction of new planning guidance; updates to the housing evidence base; and the withdrawal of the Local Plan Strategy.
- 1.8 Previous assessments of the requirement on which to base the five year supply have been based on the housing target set in the former East Midlands Regional Plan (which was formally revoked in April 2013). This was because it was the higher level development plan in force at the time. The target of 400 houses a year for Bolsover district set in the Plan was based on projections that are now more than 10 years out of date. In addition, the target was set with the aim of promoting regeneration and improving long term economic prospects. By last year there was a shortfall of some 1,680 houses against this target.
- 1.9 The Government issued new Planning Practice Guidance on 6th March 2014. It states that evidence which dates back several years such as that in the former Regional Plan may not adequately reflect current needs. It sets out a hierarchy for

determining a housing requirement on which to base a five year supply depending on where local authorities are in the process of plan preparation:

- Housing requirement figures set in up to date adopted Local Plans. Having successfully passed through the examination process, these should be given considerable weight unless significant new evidence comes to light. However it should be noted that only around one in seven authorities (14.28%) in England have an adopted Local Plan that fully complies with the NPPF.²
- Information provided in the latest full assessment of housing need, used where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight.
- Work based on household projections published by DCLG where there is neither an up to date Local Plan or a robust recent assessment of full housing needs.

1.10 Within the last year a joint Strategic Housing Market Assessment (SHMA) was completed which fits the description in the second bullet point above. It concluded that the full objectively assessed need for housing in the district was between 235 and 240 new homes a year.

1.11 A further significant change to have taken place since the last assessment of the five year supply is the withdrawal of the Local Plan Strategy. The Strategy contained a proposed strategic site at Bolsover north. Because of the advanced stage of the Strategy, and information from the agents it was considered that some housing would be 'deliverable' on the site within five years, and this was included in last year's five year supply. However without the support of the emerging Local Plan Strategy, and in the absence of any planning permission, it is considered that it would be premature to include a similar allowance of deliverable housing from this site in this year's five year supply.

1.12 The final significant change is in relation to the way any shortfall in housing against the target in previous years is dealt with. In the past if a backlog has accrued against the requirement there have been two ways of addressing it. The first is to meet the backlog over the whole plan period (the Liverpool approach). The second is to meet the whole of the backlog over the five year period (the Sedgefield approach). Whilst there is no formal guidance requiring that any backlog is reconciled over the five year period, the second approach is more closely aligned with the requirements in the NPPF and the need to boost significantly the supply of housing. In addition, recent appeal decisions suggest a shift in preference by inspectors for this approach.

1.13 The consequences of these changes for this years' assessment of the five year supply are:

- The outdated requirement of 400 houses a year set out in the now revoked East Midlands Regional Plan has ceased to be used as the housing requirement.

² Article in Planning Resource 20th June 2014. Based on Planning Inspectorate data.

- The objectively assessed need of 240 houses a year identified in the Strategic Housing Market Assessment (SHMA) is proposed to be used as the basis for the housing requirement³. However, as the base date of the SHMA was 2011 a backlog has accrued against this requirement.
- No allowance has been made for any housing delivery at Bolsover north in the event of planning permission being granted.
- The shortfall against the requirement from 2011 has been reconciled over the five year period as this is considered to be in line with the NPPF.

The Housing Requirement and Supply

1.14 As noted above, there is a shortfall in housing delivery from the base date of the SHMA that needs to be added to the requirement. Due to recent low delivery rates this has built up a significant shortfall already as shown in table 1 below.

Table 1: The shortfall to date against the Objectively Assessed Need of 240			
Year	Annual Requirement	Completions	Shortfall
11/12	240	124	116
12/13	240	120	120
13/14	240	136	104
14/15	240	261 (estimated)	-21
Total	960	641	319

1.15 In relation to the five year supply, government guidance is clear that this should be 'deliverable'. For the purposes of this assessment this means that sites should be available; in a suitable location; with a realistic prospect that housing will be delivered on the site within five years, and in particular that development of the site is viable. Not all sites with planning permission are 'deliverable'.

1.16 The assessment of the five year supply for deliverable housing follows the completion of the annual Residential Land Assessment. This includes a survey of all the sites in the district with planning permission, and sets out how many houses have been built, and how many houses have still to be built. Owners/developers of major sites with planning permission have been surveyed to help assess when sites are likely to be developed. This information feeds into the assessment of how many sites will be deliverable over the next five years.

³ In line with paragraph 030 Ref ID 3-030- 20140306 of Planning Practice Guidance

- 1.17 The economic viability assessment undertaken in 2012 found that viability over much of the district was marginal. This is a key factor in assessing deliverability and whether sites are likely to come forward in the five year timeframe. This year the owners of two major sites have indicated that they will not be developing sites for which they have planning permission in the foreseeable future due to viability issues and accordingly these sites have not been included in the deliverable supply⁴.
- 1.18 In terms of 'deliverable' sites, in addition to sites with planning permission there are a number sites allocated in the current Bolsover District Local Plan. Given the age of the current Local Plan, and current lack of planning permissions it is not considered there is sufficient certainty of delivery within five years to justify their inclusion in the five year supply⁵. The exception to this is South Shirebrook. This site was allocated in the current Bolsover District local Plan 2000. The Site is currently owned by the Homes and Communities Agency (HCA), and is being marketed for development. A section of road into the site has now been developed, and an outline application for residential development on the site was submitted at the end of December and is currently awaiting determination. It is anticipated that part of this large site will be 'deliverable' within five years, and an annual breakdown of this is shown in table 2 below.
- 1.19 Whilst all major sites in the district have been assessed for their deliverability, it is not possible to assess each minor site. Therefore, a lapse rate of 15% based on historic lapse rates on minor sites has been applied.
- 1.20 A full list of the deliverable sites included in the five year supply is set out at Appendix C.
- 1.21 The final component of the five year supply is a requirement (again under paragraph 47 of the NPPF) to provide a buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of 'persistent under delivery' the buffer rises to 20%. The government has not yet issued guidance or defined what constitutes persistent under delivery. However, as the Council has not had a five year supply for the last seven years it is considered that a 20% buffer is appropriate at this time.

⁴ Land between Brickyard Lane and Barlbrough Links with planning permission for 150 dwellings; and, Land off Blind Lane Bolsover with planning permission for 250 dwellings.

⁵ Whilst an allocated site at Skinner Street, Creswell has recently been granted planning permission, the developer is considering an alternative layout, and exact details of likely delivery have yet to be finalised. This is likely to be included in next year's supply.

Assessment of the five year supply

1.22 Appendix A sets out the Council's definitive account of its five year supply. Table 2 below gives a breakdown of the components of the 5 year deliverable supply

Table 2: Components of the five year deliverable supply			
Year	Supply based on sites with planning permission at March 31st 2014 and considered to be deliverable	Additional deliverable supply from South Shirebrook	Total
2015/16	216	0	216
2016/17	185	25	210
2017/18	89	25	114
2018/19	50	25	75
2019/20	51	50	101
Total	591	125	716

1.23 Table 3 below shows the deliverable supply set against the requirement (including a 20% buffer). The assessment shows a 5 year requirement of 1760 and supply of 716. This leaves a shortfall of 1044. The level of deliverable supply amounts to 2.5⁶ years. The current lack of a five year supply means that planning applications for housing will continue to need to be considered on the basis of advice in the National Planning Policy Framework, and recent Planning Policy Guidance, together with other material considerations.

1.24 Appendix B sets out the guidelines to be used for assessment of applications for residential development when the Council does not have a five year supply of deliverable sites. Minor changes have been made to the Guidelines to keep them up to date.

1.25 Appendix C sets out the sites in the five year supply of deliverable housing sites.

⁶ Rounded up. Actual figure = 2.458

Table 3: Deliverable supply set against the requirement and 20% buffer					
Year	Requirement based on objectively assessed needs	Shortfall to date averaged over 5 years ⁷ (see table 1 above)	20% buffer	Total	Deliverable Supply (See table 2 above)
2015/16	240	64	48	352	216
2016/17	240	64	48	352	210
2017/18	240	64	48	352	114
2018/19	240	64	48	352	75
2019/20	240	64	48	352	101
Total	1200	320	240	1760	716

Management of Future Supply

- 1.26 Generally, the number of applications for housing development in the district is increasing. Planning permission was granted for 871 new houses between 31st March and November 2014. Also at November 2014 there were applications awaiting determination for an additional 1,209 houses. These will be assessed as part of next year's five year supply calculation⁸.

2 Conclusions and Reasons for Recommendation

- 2.1 The five year housing supply is a snapshot of the amount of housing that is deliverable on housing sites in the district at the end of March 2014. There have been changes in almost all of the variables that affect the assessment, from the requirement to the reconciliation of the shortfall.
- 2.2 The assessment of the five year housing supply is a technical exercise. Based on the above assessment the Council does not have a five year supply of deliverable housing sites. As a result of this, to comply with national guidance, the Council will need to continue to determine applications for housing in the context of the presumption in favour of sustainable development, as relevant policies for the supply of housing are not considered to be up to date under paragraph 49 of the National Planning Practice Guidance.

3 Consultation and Equality Impact

- 3.1 Other Officers involved in the preparation of this report were: Development Control Manager; Principal Planner (Policy); and Senior Planning Technician.
- 3.2 Members consulted during the preparation of the report: Portfolio Holder for Environment and Chair of Planning Committee.

⁷ Actual total is 319 as shown in table 1 above. This has been rounded up to 320 as the actual shortfall split over 5 years would result in a figure of 63.8 houses a year.

⁸ However, it should be noted supply from these sources will need to be assessed for deliverability, and not all will come forward in 5 years.

4 Alternative Options and Reasons for Rejection

- 4.1 As noted above there is a requirement under national planning policy to carry out the assessment of the five year supply of deliverable housing sites. This means that there is no alternative course of action.

5 Implications

Finance and Risk Implications

- 5.1 The assessment of the five year supply of deliverable housing sites is part of the annual monitoring work. As such it can be funded from existing budgets. However, it is important that this budget is maintained in future years.

Legal Implications including Data Protection

- 5.2 The Council has a statutory duty to keep under review the matters which may be expected to affect the development of their area. The development of land for housing is a key issue that affects the growth of the district.

Human Resources Implications

- 5.3 The assessment can be met within existing staffing resources.

6 RECOMMENDATIONS

6.1 That the Planning Committee:

- 1) **Notes the detailed issues set out in the report**
- 2) **Approves the assessment of the Council's current five-year supply of deliverable housing sites as set out at Appendix A.**
- 3) **Approves the updated guidelines set out in Appendix B and their continued use in the assessment of planning applications for residential development in situations when the Council does not have a five year supply of housing.**
- 4) **That authority be given to publish on the Council's website the 5 Year Supply Assessment (Appendix A); the Amended Guidelines (Appendix B); and Schedule of Deliverable Sites in the five year supply (Appendix C).**
- 5) **That delegated authority is given to the Joint Assistant Director of Planning and Environmental Health to make any minor changes to the text or information referred to in recommendation 6.1 4) prior to publication.**

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	<p>The maintenance of a five year supply of deliverable housing has an impact on the way decisions on planning applications for residential development are determined. As such it has potential impacts on the following corporate aims:</p> <p>COMMUNITY SAFETY – Ensuring that communities are safe and secure</p> <p>ENVIRONMENT – Promoting and enhancing a clear and sustainable environment</p> <p>REGENERATION – Developing healthy, prosperous and sustainable communities</p>

8 Document Information

Appendix No	Title
Appendix A	Assessment of Five Year Supply
Appendix B	Guidelines for Assessment of Applications
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Assessment of deliverability of major sites Calculation of lapse rate of minor sites	
Report Author	Contact Number
Helen Fairfax	Ext 2299/7168

Appendix A

Bolsover District Council

Annual Assessment of Five Year Supply of Deliverable sites for Housing, as required by paragraph 47 of the National Planning Policy Framework 2012

A. The Assessment

1. The Council does not have a 5 year supply of deliverable sites for housing
2. Assessments have been made since 1st April 2007.
3. The assessment was reviewed and updated in 2014, based on data available for the year ended 31st March 2014, and an estimate of delivery for the current year (2014/15).
4. Summary of 5 year supply of deliverable sites.

Deliverable supply set against the requirement and 20% buffer					
Year	Requirement based on objectively assessed needs	Shortfall to date averaged over 5 years ⁹	20% buffer	Total	Deliverable Supply (See table 2 above)
2015/16	240	64	48	352	216
2016/17	240	64	48	352	210
2017/18	240	64	48	352	114
2018/19	240	64	48	352	75
2019/20	240	64	48	352	101
Total	1200	320	240	1760	716

Based on this assessment, the Council does not currently have a five year housing supply. The supply falls short of the requirement by 1,044 dwellings which equates to 2.5¹⁰ years of supply.

5. The assessment of delivery over the next five years from each site with planning permission for residential development as of April 2014 is shown in the Council's Annual Planning Monitoring Report, which will be available on the website in March 2015 Housing Land Supply Schedule posted on the Council's website. The total housing capacity on deliverable sites is 716 houses.

⁹ Figure rounded up – Actual figure = 63.8

¹⁰ Figure rounded up – actual figure 2.458

- B. Assumptions made in preparing the Assessment
6. The Housing Requirement Figure is based on the latest assessment of Objectively Assessed Need set out in the 2013 Strategic Housing Market Assessment of the maximum figure of 240 dwellings a year for the period 2011 – 2031, plus a buffer of 20%, plus the undersupply from previous years of 320 reconciled over 5 years.
 7. The assessment is based on:
 - a) A physical survey of housing completions and demolitions carried out as soon as possible after 31 March each year;
 - b) An assessment of 'deliverable' sites
 8. The assessment of the five-year supply will be available on the website alongside the schedule of specific deliverable sites.
 9. The assessment, assumptions and process may be revised as necessary to take account of new government guidance, case law, best practice and valid stakeholder comments, by the Joint Assistant Director of Planning and Environmental Health in consultation with the Chair and Vice Chair of the Planning Committee.

Appendix B

Bolsover District Council

Guidelines to be used for assessment of applications for residential development when the Council does not have a five year supply of deliverable sites.

1. Applications will be considered favourably having regard to the policies in the National Planning Policy Framework, and other government guidance.
2. If an application includes land outside the settlement framework, as defined in the Bolsover District Local Plan, the applicant should submit the following information to the Authority with the application:
 - a) an assessment which demonstrates that the site is available now, offers a suitable location for development now, and is achievable with a realistic prospect that housing will be delivered within five years, and in particular that development of the site is viable. Applications for essential new dwellings in the countryside (e.g. those associated with agriculture will still be determined under Bolsover District Local Plan Policy HOU9.)
 - b) an assessment of how the proposals perform against relevant saved policies in the Bolsover District Local Plan.
 - c) evidence that the proposed development would form a well connected extension to the settlement framework, would be compatible with the landscape character and settlement pattern of the area, would safeguard and enhance locally important features such as wildlife habitats, views, hedgerows, tree belts, etc. and would not create an abrupt or inappropriate new settlement edge that would detract from the visual appearance or character of the settlement or surrounding landscape.
 - d) a timetable for the development of the site, which:
 - takes account of the time taken to market the site and find a suitable developer (if the application is not submitted by a developer);
 - makes a realistic assessment, with supporting evidence, of the time which will be taken to resolve outstanding issues with the site such as ownership, access, drainage or water supply;
 - takes account of the time taken to implement mitigation measures for land stability, protection or re-creation of new wildlife habitats, removal of contamination or tipped materials and any other mitigation requirements;

- includes a trajectory indicating the number of residential units which are expected to be completed and available for occupation for each year that the development is expected to continue.
3. An available site must be confirmed by support from land owners for any planning application and confirmation that the site is not subject to any dispute over land ownership or access rights.
 4. A suitable site will
 - a) preferably be within the settlement framework as defined in the Bolsover District Local Plan, however, exceptionally, consideration will be given to proposals on sites adjoining settlement frameworks where such proposals are clearly aligned with spatial strategy and policies in evidence base documents published with the approval of the District Council:
 - b) be sustainable in respect of most if not all of the following factors:
 - i) access to public transport (within 400 metres walking distance of access to public transport services e.g. bus stop or railway station)
 - ii) proximity to schools (within 800 metres walking distance of a primary school, and 2000 metres walking distance of a secondary school)
 - iii) proximity to town/local centres (within 800 metres walking distance of a town centre or local centre)
 - iv) proximity to key employment sites or local jobs (within 2,000 metres walking distance of a major employment site or area of employment i.e. over 100 jobs)
 - c) contribute positively to reduced carbon emissions through design and/or enabling more sustainable lifestyles; and
 - d) have or create no significant problems of contamination, flood risk, stability, water supply, harm to biodiversity, heritage assets or other significant physical or environmental issues
 5. An achievable site would not have any of the following, which might without convincing evidence to the contrary prevent delivery within 5 years:-
 - a) any known physical/environmental constraints which might result in high costs e.g. extensive dereliction, contamination, major infrastructure costs, remodelling of landform
 - b) marketability constraints e.g. locational factors.

Appendix C

List of sites in the five year supply of deliverable sites

Site	Permission Reference	Address	Status	Commitment at 1st April 2014	2014/15	5 year assessment period					Not deliverable within 5 years
						2015/16	2016/17	2017/18	2018/19	2019/20	
B2155	BOL/709/370	Land between Brickyard Farm & Barlborough Links, Barlborough	N/S	150	0	0	0	0	0	0	150
B1429	BOL/612/299	23A New Road, Barlborough, S43 4HY	N/S	1	1	0	0	0	0	0	0
B2091	BOL/611/291	4 Church Street, Barlborough, S43 4EP	U/C	1	1	0	0	0	0	0	0
B2187	BOL/811/417	Rear of 6 Chesterfield Road, Barlborough	N/S	1	1	0	0	0	0	0	0
B2194	BOL/411/193	Rose and Crown, High Street, Barlborough S43 4ET	N/S	1	1	0	0	0	0	0	0
B2220	BOL/712/347	Woodhouse Lane Farm, Worksop Road, Barlborough S43 4TY	N/S	1	0	0	0	1	0	0	0
Barlborough Totals				155	4	0	0	1	0	0	150
B2244	BOL/713/304	The Cottage Inn, Primrose Hill, Blackwell, DE55 5JF	N/S	1	0	0	1	0	0	0	0
Blackwell Totals				1	0	0	1	0	0	0	0
B2192	BOL/1110/568	Land off Blind Lane, Bolsover	N/S	250	0	0	0	0	0	0	250
B2022	BOL/810/362	Former Mercol Site, Carr Vale Road, Carr Vale, Bolsover	U/C	14	14	0	0	0	0	0	0
B1880	BOL/1103/730	Former Courtaulds Plc, Oxcroft Lane, Bolsover S44 6DW	N/S	43	0	0	0	0	0	0	43
B2005	BOL/1210/552	99 To 101 Moor Lane, Bolsover	U/C	9	4	5	0	0	0	0	0
B1965	BOL/805/615	Land West Of 2 New Station Road, Bolsover	U/C	5	5	0	0	0	0	0	0
B2178	BOL/511/264	Bolsover Police Station, Limekiln Fields Road, Bolsover S44 6NQ	N/S	5	0	0	0	0	0	0	5
B1905	BOL/407/237	2 Market Place, Bolsover, S44 6PH	U/C	4	0	4	0	0	0	0	0
B2089	BOL/1011/521	The Market Square, Cotton Street, Bolsover	N/S	4	4	0	0	0	0	0	0
B2031	BOL/212/63	Land Adjacent 80 Charlesworth Street, Carr Vale, Bolsover	N/S	2	0	2	0	0	0	0	0
B2104	BOL/412/145	Land Between 57 and 63, Charlesworth Street, Carr Vale, Bolsover	N/S	2	0	0	2	0	0	0	0
B2150	BOL/510/199	Land to rear of 4 and 6 Limekiln Fields Road, Bolsover	N/S	2	2	0	0	0	0	0	0
B2157	BOL/1209/646	Land Adjacent 9 Woodhouse Lane, Bolsover	U/C	1	1	0	0	0	0	0	0
B2171	BOL/112/07	26 - 28 Main Street, Carr Vale, Bolsover	N/S	1	0	1	0	0	0	0	0
B2188	BOL/811/426	Rear of 3, 4 and 5 Welbeck Villas, Welbeck Road, Bolsover	U/C	1	1	0	0	0	0	0	0
B2237	BOL/513/206	41 Hyndley Road, Bolsover	N/S	1	0	0	1	0	0	0	0
Bolsover Total				344	31	12	3	0	0	0	298
B2010	BOL/1009/546	Former Clowne College, Rectory Road, Clowne S43 4BQ	U/C	57	25	25	7	0	0	0	0
B0122	BOL/111/48	Land rear of Boughton Lane, Westlea, Clowne	U/C	18	18	0	0	0	0	0	0
B2225	BOL/612/256	The White Hart, High Street, Clowne S43 4JU	N/S	10	0	0	0	10	0	0	0
B2250	BOL/0213/62	The Crown PH, Crown Street, Clowne	N/S	7	0	7	0	0	0	0	0
B2090	BOL/709/372	7, Barton Street, Clowne, S43 4RS	U/C	3	1	1	1	0	0	0	0
B2147	BOL/910/405	Land to the rear of 44 Mitchell Street, Clowne	N/S	5	0	0	5	0	0	0	0
B2140	BOL/1210/586	57 Ringer Lane, Clowne, S43 4BX	U/C	4	2	2	0	0	0	0	0
B2221	BOL/912/439	137 Creswell Road, Clowne, S43 4LR	N/S	4	4	0	0	0	0	0	0
B2214	BOL/712/307	Land At 73 And 75, Ringer Lane, Clowne	N/S	3	0	0	3	0	0	0	0
B1796	BOL/1008/656	Land to the rear of 61 Ringer Lane, Clowne	U/C	1	1	0	0	0	0	0	0
B2137	BOL/111/38	Land Adjacent 25 Bentinck Drive, Clowne	N/S	1	0	1	0	0	0	0	0
B2180	BOL/611/333	Rear of 63 Ringer Lane, Clowne	N/S	1	1	0	0	0	0	0	0
B2233	BOL/0313/103	Tan to Go, 22 Mill Street, Clowne	N/S	1	0	1	0	0	0	0	0
B2251	BOL/209/71	Ringer House, Ringer Lane, Clowne,	N/S	1	0	0	1	0	0	0	0
B2254	BOL/1013/460	Land to the rear of, 36-38, Mill Street, Clowne	N/S	1	0	0	1	0	0	0	0

B2256	BOL/1013/463	Land to the rear of, 4 and 6, Brook Lane, Creswell Road, Clowne	N/S	1	0	0	1	0	0	0	0
B2267	BOL/1213/530	Land to the Side of, 24 Rhodes Cottages, Clowne	N/S	1	0	0	0	1	0	0	0
B2268	BOL/712/348	Land Adjacent to, 5 King Street, Clowne	N/S	1	0	0	0	1	0	0	0
Clowne Totals				120	52	37	19	12	0	0	0
B2260	BOL/1112/529	Agricultural Land to rear of, Sterry Close, and North of High Ash Farm, Clowne	U/C	149	24	24	24	24	24	24	5
B2243	BOL/612/269	Field Adjacent to Pattison Street, off Bolsover Road, Shuttlewood	N/S	80	0	0	16	16	16	16	16
B2112	BOL/212/112	High Ash Farm, Mansfield Road, Clowne, S43 4DQ	N/S	41	0	20	21	0	0	0	0
B2229	BOL/313/132	Hall Farm, Rowthorne, Lane, Rowthorne	N/S	5	0	0	2	3	0	0	0
B2234	BOL/513/186	Caravan Storage Park, Mansfield Road, Scarcliffe	N/S	5	0	5	0	0	0	0	0
B2247	BOL/0713/310	Batley Farm, Batley Lane, Nr Pleasley	N/S	2	0	0	0	2	0	0	0
B1098	BOL/894/314	Green Acres, Hardstoft	U/C	1	0	0	0	0	0	0	1
B1938	BOL/608/449	Land on the North Side of 28 Church Road, Stanfree	U/C	1	0	0	1	0	0	0	0
B2135	BOL/1010/487	Bow Wood End, Hawking Lane, Stainsby, S44 5RN	N/S	1	1	0	0	0	0	0	0
B2166	BOL/610/238	4 Church Hill, Blackwell, DE55 5HN	N/S	1	0	0	1	0	0	0	0
B2173	BOL/511/217	Stud Farm, Spring Lane, Elmtun, S80 4LX	U/C	1	0	1	0	0	0	0	0
B2213	BOL/812/409	Cinderville, Walls Lane, Whitwell Common, S80 3EH	U/C	1	1	0	0	0	0	0	0
B2231	BOL/412/220	Eastwood Cottage, Rotherham Road, S43 4PS	N/S	1	0	0	0	0	0	1	0
Countryside Totals				289	26	50	65	45	40	41	22
B1577	BOL/507/326	Land South of Model Village, Creswell	N/S	190	0	0	10	10	10	10	150
B2092	BOL/1011/501	Creswell Methodist Church, Elmtun Road, Creswell, S80 4BH	N/S	10	0	0	0	0	0	0	10
B2227	BOL/1113/497	Rose And Crown, Sheffield Road, Creswell	U/C	6	3	3	0	0	0	0	0
B1877	BOL/208/108	Croft Service Station, Sheffield Road, Creswell S80 4HF	U/C	4	1	1	2	0	0	0	0
B2036	BOL/0413/151	44 Elmtun Road, Creswell	N/S	4	0	4	0	0	0	0	0
B2258	BOL/913/389	Charnwood, Laburnum Close, Creswell	N/S	4	0	0	4	0	0	0	0
B2062	BOL/611/284	Land to the rear of 71 To 83 Duke Street, Creswell	N/S	2	0	2	0	0	0	0	0
Creswell Totals				220	4	10	16	10	10	10	160
B2079	BOL/1113/457	R Staley & Son Garage, Mansfield Road, Glapwell, S44 5QA	N/S	19	0	0	8	9	0	0	2
B1947	BOL/1111/599	Glapwell Nurseries, Glapwell Lane, Glapwell, S44 5PY	N/S	16	0	0	0	0	0	0	16
B2224	BOL/911/491	Land to the East of 136 The Hill, Glapwell	N/S	5	0	0	2	3	0	0	0
B2215	BOL/712/350	Rowthorne Lane Miners Welfare Social Club, Glapwell, S44 5QF	U/C	3	3	0	0	0	0	0	0
Glapwell Totals				43	3	0	10	12	0	0	18
B2205	BOL/112/18	The Flat, Hall Leys Farm, Broad Lane, Hodthorpe, S80 4XQ	N/S	1	0	1	0	0	0	0	0
Hodthorpe Totals				1	0	1	0	0	0	0	0
B2199	BOL/911/469	Garden to rear of 31 Langwith Drive, Langwith	U/C	2	1	0	1	0	0	0	0
Langwith Totals				2	1	0	1	0	0	0	0
B0036	BOL/1012/477	Land West of Cragg Lane and East of Thurgaton Way, Newton	U/C	30	25	5	0	0	0	0	0
B2044	BOL/1213/517	Land to the rear of Littlemoor Farm, Littlemoor Lane, Newton	N/S	4	0	2	2	0	0	0	0
B2118	BOL/512/248	114 Main Street, Newton, DE55 5TE	N/S	1	0	1	0	0	0	0	0
B2181	BOL/611/334	Land adjacent 5A Bamford Street, Newton	N/S	1	1	0	0	0	0	0	0
B2218	BOL/1211/633	Land Adjacent To 24 Bamford Street, Newton	N/S	1	0	1	0	0	0	0	0
Newton Totals				37	26	9	2	0	0	0	0
B2236	BOL/213/73	Land off Appleby Road, Moorgate Avenue, Occupation Road, and Meden Avenue, New Houghton	U/C	71	25	25	21	0	0	0	0
New Houghton Totals				71	25	25	21	0	0	0	0
B2208	BOL/512/237	Land At 1 - 13 Thirteen Row, Palterton	N/S	4	0	4	0	0	0	0	0
B0890	BOL/910/443	Land to rear of 34 Back Lane, Palterton	N/S	1	0	0	1	0	0	0	0
Palterton Totals				5	0	4	1	0	0	0	0

B0907	BOL/613/236	Land to the rear of The Rectory, Town Street, Pinxton	N/S	9	0	0	9	0	0	0	0
B2080	BOL/1013/440	Land to the rear of 28 to 30 Victoria Road, Pinxton	N/S	4	0	0	4	0	0	0	0
B2172	BOL/311/104	Land to the West of Sun Inn Public House, Town Street, Pinxton	N/S	4	0	4	0	0	0	0	0
B1918	BOL/110/17	Land to the West of former 7 Mill Lane, Wharf Road, Pinxton	U/C	3	0	3	0	0	0	0	0
B0872	BOL/902/449	Land Between 53 and 57 Victoria Road, Pinxton	U/C	1	0	1	0	0	0	0	0
B1793	BOL/314/115	14a Church Street East, Pinxton	N/S	1	0	0	1	0	0	0	0
B1823	BOL/812/398	9 Barley Croft, Broadmeadows, Pinxton, DE55 3AR	N/S	1	0	1	0	0	0	0	0
B2114	BOL/913/399	81, Town Street, Pinxton,	N/S	1	0	0	1	0	0	0	0
B2063	BOL/813/374	Land Adjacent 62 Pool Close, Pinxton	N/S	1	1	0	0	0	0	0	0
Pinxton Totals				25	1	9	15	0	0	0	0
B2262	BOL/1012/505	Land To The East Of Pleasley Pit Trust, And South Of Bank Villa, Pit Lane, Pleasley	N/S	23	0	10	13	0	0	0	0
B0235	BOL/1099/457	Land Forming Park View Development, Park View, Pleasley,	U/C	2	0	2	0	0	0	0	0
B0235	BOL/900/394	Land Forming Park View Development, Park View, Pleasley	N/S	1	0	1	0	0	0	0	0
B2052	BOL/1107/653	44 Newboundmill Lane, Pleasley, NG19 7PT	U/C	1	1	0	0	0	0	0	0
B2266	BOL/1113/502	Hillcrest, Terrace Lane, Pleasley,	N/S	1	0	0	0	1	0	0	0
Pleasley Totals				28	1	13	13	1	0	0	0
B2197	BOL/411/165	Station Farm, Station Road, Scarcliffe, S44 6TG	N/S	3	0	1	2	0	0	0	0
Scarcliffe Totals				3	0	1	2	0	0	0	0
B2202	BOL/811/439	Tarrans Site at Albine Road and Highfield Avenue, Shirebrook	U/C	21	21	0	0	0	0	0	0
B0275	BOL/1275/465	Main Street / Carter Lane, Shirebrook	Extant	24	0	0	0	0	0	0	24
B0906	BOL/1190/0583	Former Shirebrook Station, Station Road, Shirebrook	Extant	69	0	0	0	0	0	0	69
B2039	BOL/1210/594	Land to the rear of, Ivy Lodge Nursing Home, Recreation Road, Shirebrook	N/S	39	0	0	0	0	0	0	39
B2226	BOL/1112/515	Model Infants School, Central Drive, Shirebrook, NG20 8BA	N/S	20	0	0	0	0	0	0	20
B2255	BOL/114/036	24-28, Market Place, Shirebrook	U/C	11	3	8	0	0	0	0	0
B2174	BOL/111/53	The Great Northern, Main Street, Shirebrook	N/S	10	5	5	0	0	0	0	0
B1903	BOL/1113/493	The Old Bakery, Thickley Close, Shirebrook	N/S	9	0	0	0	0	0	0	9
B2107	BOL/713/321	Former King Of Diamonds, Langwith Road, Langwith Junction, Shirebrook	N/S	3	0	0	3	0	0	0	0
B2248	BOL/0613/268	14-16, Patchwork Row, Shirebrook	N/S	2	0	0	2	0	0	0	0
B2162	BOL/813/381	6, Acreage Lane, Shirebrook	N/S	1	0	0	1	0	0	0	0
B2230	BOL/0413/153	Land To The rear of 46, Park Road, Shirebrook	N/S	1	0	0	1	0	0	0	0
B2249	BOL/713/319	18, Patchwork Row, Shirebrook	N/S	1	0	0	1	0	0	0	0
		Land off Common Lane/Meadow Road/Stinting Lane. Shirebrook Allocated Site	N/S	125	0	0	25	25	25	50	
Shirebrook Totals				366	29	13	33	25	25	50	161
B1023	BOL/894/298	142D Chesterfield Road, Shuttlewood	U/C	1	0	0	0	0	0	0	1
B2069	BOL/608/407	Land Adjacent 1 Adin Avenue, Shuttlewood	U/C	1	1	0	0	0	0	0	0
Shuttlewood Totals				2	1	0	0	0	0	0	1
B2153	BOL/311/127	Land off M1 Motorway / Ball Hill, South Normanton	U/C	54	30	24	0	0	0	0	0
B2014	BOL/413/162	Land to the rear of 1 to 35 Red Lane, South Normanton	N/S	45	0	0	0	0	0	0	45
B2077	BOL/611/335	Jacques Brickyard, Water Lane, South Normanton, DE55 2EE	N/S	39	0	0	0	0	0	0	39
B2148	BOL413/163	Land to rear of 10 to 16 Red Lane, Birchwood Lane, South Normanton	U/C	12	6	6	0	0	0	0	0
B2259	BOL/913/431	Land to the rear of 118 and 120, Market Street, South Normanton	N/S	8	0	0	0	0	0	0	8
B2204	BOL/1113/471	South Normanton Library, New Street, South Normanton, DE55 2BS	N/S	7	5	2	0	0	0	0	0
B2261	BOL/513/192	78 Water Lane, South Normanton, DE55 2EE	N/S	6	0	0	0	6	0	0	0
B2074	BOL/511/250	Former Church Hall Site, Downing Street, South Normanton, DE55 2HE	N/S	4	1	3	0	0	0	0	0
B2241	BOL/113/24	71 Water Lane, South Normanton, DE55 2EE	N/S	4	0	0	4	0	0	0	0
B1920	BOL/913/415	Land Between 35 & 50 Hazel Grove, South Normanton	U/C	2	2	0	0	0	0	0	0
B1929	BOL/913/390	Land adjacent to Bright Street, South Normanton	N/S	2	0	0	2	0	0	0	0

B2065	BOL/1112/542	Land to the East of 21 Alfred Street, South Normanton	N/S	2	0	0	2	0	0	0	0
B2149	BOL/510/200	Land to the rear of 28, Sporton Lane, South Normanton	U/C	2	2	0	0	0	0	0	0
B2183	BOL/811/403	21 The Common, South Normanton DE55 2EN	N/S	2	2	0	0	0	0	0	0
B2269	BOL/1113/492	Hailsham House, 15 Market Street, South Normanton	N/S	2	0	0	0	2	0	0	0
B1569	BOL/0513/181	53, Church Street, South Normanton	N/S	1	0	0	1	0	0	0	0
B1982	BOL/712/341	109 Alfreton Road, South Normanton, DE55 2BL	N/S	1	1	0	0	0	0	0	0
B2176	BOL/411/210	57 Downing Street, South Normanton, DE55 2HF	N/S	1	1	0	0	0	0	0	0
B2195	BOL/1011/484	Rear of 79 Market Street, South Normanton	N/S	1	1	0	0	0	0	0	0
B2206	BOL/411/186	Adjacent Petrol Station Forecourt, Carter Lane East, South Normanton	N/S	1	0	0	1	0	0	0	0
B2210	BOL/512/244	Land to the West of 19 North Street, South Normanton, Derbyshire	N/S	1	1	0	0	0	0	0	0
B2222	BOL/712/349	Land to the East of 18, Alfred Street, South Normanton	N/S	1	0	1	0	0	0	0	0
B2228	BOL/0313/102	Land Adjacent 2, The Common, South Normanton, DE55 2EN	N/S	1	0	0	1	0	0	0	0
B2238	BOL/0513/207	77 Eastfield Drive, South Normanton	N/S	1	0	0	1	0	0	0	0
South Normanton Totals				200	52	36	12	8	0	0	92
B1984	BOL/312/615	161 High Street, Tibshelf, DE55 5NE	N/S	5	0	5	0	0	0	0	0
B2239	BOL/0513/215	Wheatsheaf Inn, 49 High Street, Tibshelf	N/S	4	0	0	0	4	0	0	0
B1898	BOL/912/426	Old Station Yard, Newton Road, Tibshelf	U/C	1	0	0	1	0	0	0	0
B2240	BOL/0613/253	Land to the East of Wheatsheaf Hotel, High Street, Tibshelf	N/S	1	0	0	1	0	0	0	0
Tibshelf Totals				11	0	5	2	4	0	0	0
B2212	BOL/312/141	The Black Horse Inn, Whaley Road, Whaley	N/S	4	0	0	4	0	0	0	0
B2246	BOL/414/200	Whaley Thorns Methodist Church, Chapel Street, Whaley Thorns	U/C	3	3	0	0	0	0	0	0
B2252	BOL/310/113	Land Rear of Scarcliffe House, Pit Hill, Whaley Thorns	N/S	1	0	1	0	0	0	0	0
Whaley Totals				8	3	1	4	0	0	0	0
B1594	BOL/512/277	Butt Hill Farm, Butt Hill, Whitwell, S80 4RP	U/C	8	8	0	0	0	0	0	0
B2216	BOL/712/366	Land to the East of 15 Mill Lane, Whitwell	U/C	2	2	0	0	0	0	0	0
B2057	BOL/213/43	Hangar Hill Farm, 23 Hangar Hill, Whitwell	N/S	1	0	0	1	0	0	0	0
B2160	BOL/210/50	22a Bakestone Moor, Whitwell, S80 4PE	U/C	1	1	0	0	0	0	0	0
B2189	BOL/911/456	Plantation Garage, Bakestone Moor, Whitwell, S80 4QB	U/C	1	1	0	0	0	0	0	0
B2207	BOL/513/220	Commonside Farm, Gipsy Hill Lane, Whitwell Common	N/S	1	0	1	0	0	0	0	0
B2245	BOL/0713/309	Land to the South of, 2 Claylands Road, Whitwell	N/S	1	0	0	1	0	0	0	0
B2257	BOL/1013/447	Jomihvar, Sandy Lane, Whitwell, S80 4QA	N/S	1	1	0	0	0	0	0	0
Whitwell Totals				16	13	1	2	0	0	0	0
Sub totals				1,917	272	227	222	118	75	101	902
Minus minor lapses					11	11	12	4	0	0	38
Final totals				1,879	261	216	210	114	75	101	902

Deliverable total for current year (14/15) = 261 (estimated)

Deliverable total for the following 5 years = 716