

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 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). 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

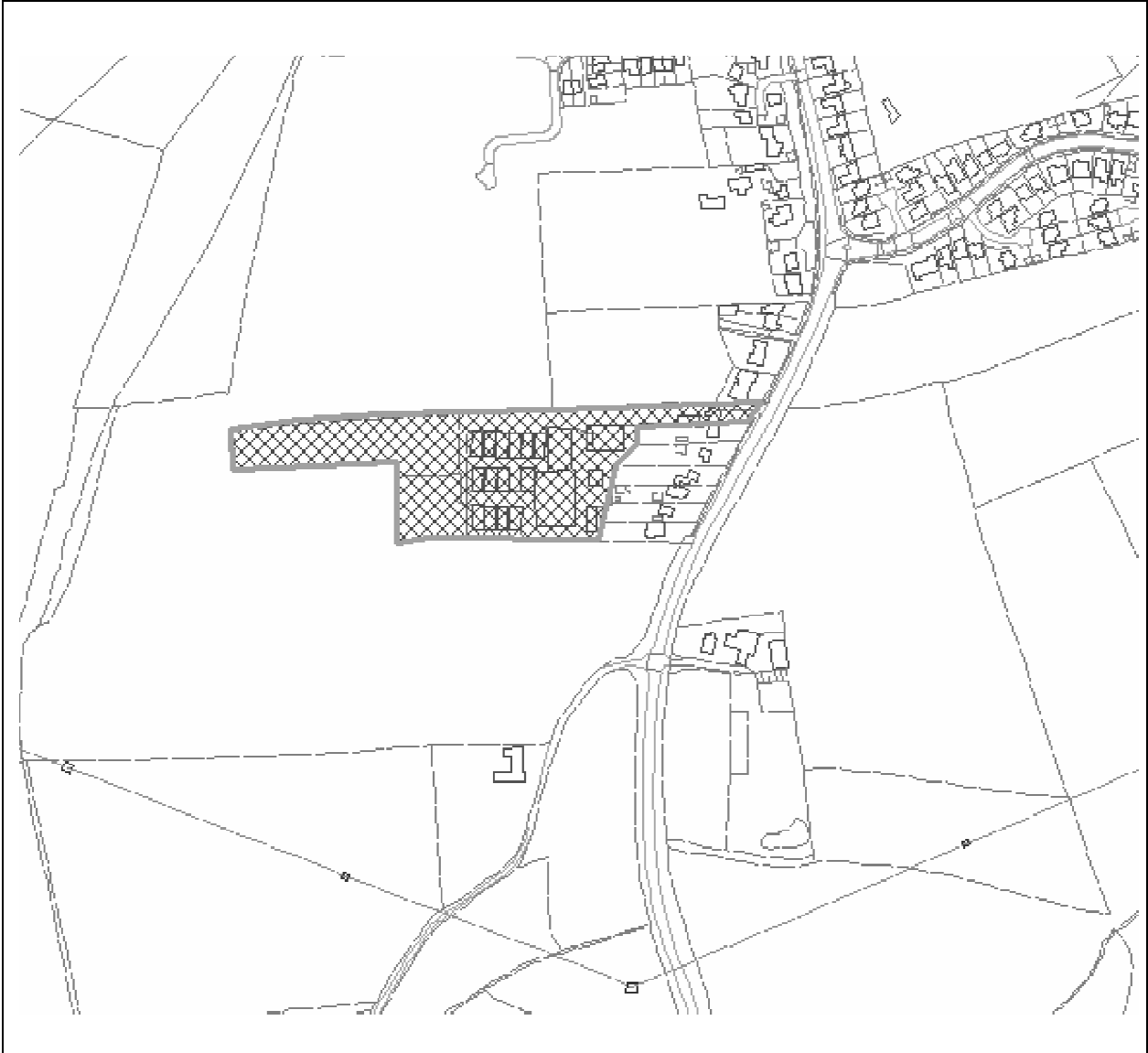
street for longer than necessary causing an obstruction or inconvenience for other road users.

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.

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Scale Not to scale

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