

**PARISH** South Normanton

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**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** 14<sup>th</sup> November 2014

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### **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 30<sup>th</sup> 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](http://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.

