



Date: 18<sup>th</sup> May 2015

The Arc  
High Street  
Clowne  
Derbyshire  
S43 4JY

Dear Sir or Madam

You are hereby summoned to attend a meeting of the Planning Committee of Bolsover District Council to be held in the Chamber Suites, The Arc, Clowne, on Wednesday 27th May 2015 at 1100 hours.

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

You will find the contents of the agenda itemised on page 2.

**Please Note: You only need attend if you are appointed to the Planning Committee at Annual Council on 21<sup>st</sup> May 2015.**

Yours faithfully

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

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Chief Executive Officer: Wes Lumley, B.Sc. F.C.C.A.



# PLANNING COMMITTEE

## AGENDA

Wednesday 27<sup>th</sup> May 2015 at 1100 hours in  
the Chamber Suites, The Arc, Clowne

| Item No. |   | Page No.(s) |
|----------|---|-------------|
|          | <b>PART 1 – OPEN ITEMS</b>  |             |
| 1.       | <b><u>Apologies for Absence</u></b>   |             |
| 2.       | <b><u>Urgent Items of Business</u></b>  |             |
|          | To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972  |             |
| 3.       | <b><u>Declarations of Interest</u></b>  |             |
|          | Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:  |             |
|          | a) any business on the agenda   |             |
|          | b) any urgent additional items to be considered   |             |
|          | c) any matters arising out of those items   |             |
|          | and if appropriate, withdraw from the meeting at the relevant time.   |             |
| 4.       | To approve the minutes of a meeting held on 8th April 2015  | 3 to 5      |
| 5.       | Notes of a Planning Site Visit – 2 <sup>nd</sup> April 2015   | 6           |
| 6.       | Applications to be determined under the Town & Country Planning Acts.   |             |
|          | (i) 14/00490/FUL - Erection of 7 dwellings with access off Court View at Former Clowne Tennis Club, Rood Lane, Clowne   | 7 to 22     |
|          | (ii) 14/00594/OUT - Residential development including the provision of open space, commercial/community use with vehicular access from Meadow Lane including details of reserved matters of access at Land to the East Of Common Lane, North Of Meadow Lane And West Of Stinting Lane, Shirebrook | 23 to 47    |

## PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Chamber Suites, The Arc, Clowne, on Wednesday 8<sup>th</sup> April 2015 at 1000 hours.

### **PRESENT:-**

Members:-

Councillor D. McGregor in the Chair

Councillors A. Anderson, P.M. Bowmer, R. Brooks, J.A. Clifton, T. Connerton, C.P. Cooper, S.W. Fritchley, D. Kelly (until Minute No. 0989), C. Munks, B.R. Murray-Carr, S.J. Statter, R. Turner and J. Wilson.

Officers:-

C. Doy (Development Control Manager), A Rhodes (Principal Planner), J. Hendy (Assistant Planner), J. Fieldsend (Senior Principal Solicitor), S. Chambers (Communications Officer) and A. Brownsword (Governance Officer)

### **0984. APOLOGIES**

Apologies for absence were received from Councillors M.G. Crane, G. Parkin, A.M. Syrett and S. Wallis and J. Arnold (Assistant Director – Planning and Environmental Health)

### **0985. URGENT ITEMS OF BUSINESS**

There were no urgent items of business.

### **0986. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **0987. MINUTES – 11<sup>TH</sup> FEBRUARY 2015**

Moved by Councillor B.R. Murray-Carr and seconded by Councillor D. McGregor **RESOLVED** that the minutes of a meeting of the Planning Committee of Bolsover District Council held on 11<sup>th</sup> February 2015 be approved as a true and correct record.

## PLANNING COMMITTEE

### 0988. NOTES OF A PLANNING SITE VISIT – 6<sup>TH</sup> FEBRUARY 2015

Moved by Councillor D. McGregor and seconded by Councillor R. Turner

**RESOLVED** that the notes of a Planning Site visit held on 6<sup>th</sup> February 2015 be approved as a true and correct record.

### 0989. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACTS

- i) 14/00495/FUL – Retention of tree house at 37 Low Common, Barlborough, Chesterfield, S21 3WG

A Supplementary Report giving details of the site visit to the application site was circulated at the meeting.

The Development Control Manager presented the report which gave details of the application, site history and consultations. A letter in support of the application was read out to the Committee.

Ms. L. Trollope attended the meeting and spoke in support of the application.

The Committee considered the application having regard to the National Planning Policy Framework.

Moved by Councillor D. Kelly and seconded by Councillor S.W. Fritchley

**RESOLVED** that Application No. 14/00495/FUL be APPROVED subject to the tree house being painted green or brown.

(Development Control Manager)

Councillor D. Kelly left the meeting during discussion of the following item of business.

### 0990. TENTH ANNUAL MONITORING REPORT

The Principal Planner presented the Tenth Annual Monitoring Report which was a statutory requirement under the Town and Country Planning Act. The report highlighted the work being carried out in the preparation of planning documents and monitored the performance of the current Bolsover District Local Plan. The report also contained a list of the studies and reports which had been prepared or updated over the last year.

## PLANNING COMMITTEE

Members thanked the Officers for the report which was very comprehensive and a question was asked regarding how many Planning Appeals had been upheld. It was noted that roughly a third of appeals were upheld by the Planning Inspector.

Moved by Councillor B.R. Murray-Carr and seconded by Councillor D. McGregor  
**RESOLVED** that (1) the content of the Tenth Annual Planning Monitoring Report be noted and published on the Council's website,

(2) delegated authority be given to the Assistant Director – Planning and Environmental Health to make any minor textural changes prior to publication.

(Assistant Director – Planning and Environmental Health)

The Chairman noted that it was likely that the next meeting of the Planning Committee would be cancelled and that this would be the last meeting prior to the election unless a Special Meeting needed to be called. The Chairman thanked the Committee on behalf of himself and the Vice Chair and noted that they had taken great pride in chairing the Committee over the last year. The Chairman also thanked Officers for all their hard work over the past year.

The meeting concluded at 1020 hours.

## **PLANNING SITE VISIT**

Planning Site Visits held on 2<sup>nd</sup> April 2015 commencing at 1000 hours.

### **PRESENT:-**

Members:-

Councillor D. McGregor in the Chair

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

Officers:-

C. Doy (Development Control Manager)

### **1. APOLOGIES**

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

### **2. SITE VISITED**

**Application: 14/00495/FUL Retention of tree house 37 Low Common  
Barlborough**

**PARISH** Clowne

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**APPLICATION** Erection of 7 dwellings with access off Court View  
**LOCATION** Former Clowne Tennis Club Rood Lane Clowne  
**APPLICANT** Oldrow Developments Ltd  
**APPLICATION NO.** 14/00490/FUL **FILE NO.**  
**CASE OFFICER** Mr T Ball  
**DATE RECEIVED** 15<sup>th</sup> October 2014

DELEGATED APPLICATION REFERRED TO COMMITTEE BY: Assistant Director Planning  
REASON: Level of Public Interest

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### **SITE**

Site of former Clowne Tennis Club which has been unused for some years and allowed to become overgrown. The site has recently been cleared of much of the vegetation including some trees. Hedgerows to the site boundaries (other than the northern boundary which is a mesh fence) generally remain, that along the boundary with 4 Court View, which was an overgrown conifer hedge, has been removed.

The site is within the settlement framework of Clowne as defined by the Bolsover District Local Plan, being a predominantly residential area. A small cul-de sac of bungalows adjoin to the north; Court View to the west comprises bungalows. Adjoining to the south are two bungalows in generous grounds and to the east, across the track leading from Rood Lane, is a mixture of houses and bungalows. This track/Rood Lane is a public right of Way (Footpath 15).

### **PROPOSAL**

Erection of 7 two storey dwellings, with the upper floor in the roof space. The dwellings comprise open plan kitchen/dining/lounge, bathroom, bedroom and integral single garage at ground floor with 2 bedrooms and shower room above. Pitched roof with dormer window to front and back and roof light to shower room at back. Ridge height 7.25m with a 37 degree pitch. Rear dormer omitted and replaced with rooflight to dwelling backing on to the rear of 46 Rood Lane.

Access from Court View to the west, cul-de sac extended by demolition of attached garage to 4 Court View (in applicants ownership). 4 dwellings to the southern side adjoining 46 Rood Lane. 3 dwellings on northern side, one of which, in the north-east corner of the site, is arranged to face the right angle bend of Rood Lane, having a rear elevation with an additional pitch roofed porch feature. Materials of construction a mix of red brick and render with red or blue/black concrete roof tiles.

A gated footpath link is provided between the new cul-de sac turning head at the eastern end of the site onto the track off Rood Lane. It is proposed to use the Clowne Tennis Club gates which remain on the site on this link, with coded lock to prevent general access through the development.

A bin collection area is to be provided on the northern side of the access road alongside 4 Court View.

Provision is made for a replacement garage and parking area for 4 Court View.

1.8m high close boarded fence to be provided to rear boundary with 4 Court View, majority of

northern boundary, southern section of boundary to Rood Lane (alongside rear garden to plot 4). Existing hedgerow to be retained to southern side (alongside 46 Rood Lane) and to 6 Court View on the western side. To the north-eastern corner where the site adjoins the right angle bend in Rood Lane a low beech hedge with post and rail fence is to be provided. Landscaping details are provided.

## **AMENDMENTS**

Original submission revised to that described above following discussions involving the Councils Senior Urban Design Officer and consideration of issues raised by neighbours and other respondents to consultations.

## **HISTORY**

07/00051/OUT: Change of use of land from tennis court to residential development, outline planning permission granted with access from Rood Lane July 2007

06/00232/OUT: Outline application for residential development withdrawn June 2006.

BOL790/381: Detached Bungalow on part of site, withdrawn 1991.

BOL1086/452: Outline planning permission for residential development on part of site (former hard court) approved 1988 subject to S52 Agreement relating to connection to mains drainage.

Change of use of part of smallholding to tennis courts apparently approved 1952 (CLO652/3)

## **CONSULTATIONS**

Consultation has taken place on three occasions, following receipt of the application, and subsequently following the receipt of 2 sets of revisions (January 2015 and March 2015)

### **Original Responses**

Local Highway Authority (DCC): Given the unorthodox layout of the proposal and the low number of dwellings highway authority will not adopt this development. Vehicular access should be a standard vehicular dropped crossing, 2m footway linking to the existing preferable. No objections subject to conditions re site compound etc details; garage/parking not to be used other than for the stated purpose. 12.11.14

Derbyshire Wildlife Trust: Having considered the submitted Phase 1 Habitat Survey, it is considered that the application as submitted is not accompanied by sufficient information in order to demonstrate the presence or otherwise of protected species and the extent that they may be affected by the proposed development. In the absence of adequate information on European Protected Species (i.e. bats), the Local Planning Authority is unable to discharge its duties in respect of regulation 9(5) of the Habitats Regulations.

The proposed development will result in the partial demolition of number 4 Court View. This property (and any trees within the grounds) has not been assessed for their suitability to support roosting bats and a survey to determine their presence or absence has not been completed. This information is lacking from the planning submission and as such we would advise the Council that this information is required in advance of determination of this application.

Notwithstanding the above suggests conditions re avoid nesting season when removing vegetation; submission of measures to retain existing vegetation where possible and incorporate native species into landscaping; submit a biodiversity enhancement strategy.

02.12.14

Urban Design: Detailed comments on proposed layout concluding that the proposals



represent a poor layout and the scheme should be amended to address the issues raised.

Suggests revisions to layout and house types. 28.11.14

Environmental Health (Contamination): Has reviewed the desktop study that has been carried out for the site. However, this report has not made any mention of the possibility of made ground being present and we have had complaints of fly tipping and storage of building materials on this site. These all have the potential to have caused ground contamination and therefore, in view of the sensitive end use, we would recommend conditions requiring site investigation, remediation scheme with validation, and imported soil to be certified clean. 23.12.14

No responses from: Parish Council; Severn Trent Water.

### **Consultation responses following reconsultation in January 2015:**

Local Highway Authority (DCC): It appears that the amendments are all within the development boundary and the highway authority will not be adopting the development as previously outlined. Therefore no objections to the amendments subject to the previously recommended conditions and notes. 28.01.15

Urban Design: The revisions have primarily sought to address the concerns expressed previously in respect of proximity of buildings to neighbouring properties, by lowering garage heights and handing units to reduce their height close to neighbouring boundaries. In respect of the revised layout, the amended proposal is very similar to that originally submitted and does not fundamentally address the concerns previously expressed. These identify a number of points, which individually represent poorly considered aspects of the proposal, but cumulatively fall short of achieving the high quality design expected by the NPPF. In light of the above comments the revised application is considered to be contrary to Policies GEN1 and GEN2 of the Bolsover Local Plan (2000), policies contained within the NPPF (2012) and guidance contained within the Successful Places Interim SPD (2013). 06.02.15

Derbyshire Wildlife Trust: Has considered the results of the day time inspection carried out following previous comments. Subsequent report concludes no features with greater than negligible potential for use by roosting bats. Notes a feature considered to have low potential for roosting bats which could not be fully inspected on the day of the survey. Advise that an endoscopic examination or single emergence survey to determine the presence or otherwise of roosting bats within the adjacent section of the main building. Without this information application cannot be determined in line with the Habitats Regulations, cannot be left to coverage with a planning condition. 11.03.15

Severn Trent Water: Confirms that no objections subject to a condition requiring submission of drainage plans for surface water and foul sewerage. 19.02.15

No responses from: Parish Council; Environmental Health (Contamination); Streetscene and Waste Services (BDC).

### **Consultation responses following limited reconsultation in March 2015:**

Urban Design: Comments that plot 1 has been handed to prevent overlooking from the first floor toward the gap with the neighbouring garden; plot 3 redesigned with dual aspect to address the frontage with Rood Lane, including a pedestrian access; plots 4 – 7 moved further from the boundary with No 46 to maximise separation, first floor dormer windows arranged to reduce the potential for overlooking with dormers to middle plots positioned to face the gable of the neighbouring bungalow (46), also larger gaps now provided between

dwellings and with the introduction of a hipped roof design to the attached garage this all reduces the intensity and perceived dominance of the built form along the side of the site against the dwelling to the south; plot 7 rear dormer has been replaced with a rooflight to reduce the actual and perceived level of overlooking towards the rear garden of the dwelling to the south, dwelling also repositioned to increase the separation from 6 Court View (15m gable to gable). In light of the amendments and subject to appropriate conditions the revised proposals are now considered to be acceptable from an urban design perspective. 20.03.15. Local Highway Authority (DCC): Revisions show a more traditional layout. Concerned that limited depth of highway (4.6m carriageway with two 0.6 maintenance margins – 5.8m overall) will restrict residents manoeuvring into/out of driveways. 27.04.15 specifies that 6m overall is preferred. 06.05.15.

Streetscene and Waste Services (BDC): No response received.

## **PUBLICITY**

Notification of 13 neighbours and site notices have been posted on three occasions, following receipt of the application, and subsequently following the receipt of 2 sets of revisions (January 2015 and March 2015).

## **Original Responses**

13 Letters received (4 of which from same person raising different issues):

Site is bounded on 3 sides by bungalows, ridge heights of proposed dormer bungalows will dominate the area and be out of character. In respect of 20 Rood Lane will be intrusive and overbearing with overlooking and loss of natural light to the front; proposed turning circle is close to rear bedroom. In respect of 46 Rood Lane the five dwellings appear intrusive causing loss of light, and privacy, with noise levels going from 0 neighbours to a potential 20.

Bungalows to 3 sides of site; proposed ridge height of 7.25m would be intrusive, dominate the area and be out of character. Plot 1 will block natural light from 20 Rood Lane for most of the day; there should be no gates onto the private drive serving 16 – 20 Rood Lane

Design & Access Statement is written as if Rood Lane is the access to the site, clearly proposed access off Court View is a last minute change for financial reasons (avoiding bringing Rood Lane to adoption standard). Access destroys unique characteristics of Court View, a small quiet cul-de-sac of 5 bungalows. Court View is only 4.6m wide with a swept entrance on the northern side. New road will be 4.8m wide. Existing driveway sightlines are poor. Currently with the low volume of use access and parking is not a problem, with a 140% increase in the number of properties served by Court View parking of visitor cars will become a problem and use of driveways difficult. No footways for new section of road. No access/parking shown for no 4. Proposed drainage plan is pure fantasy and fiction, assumes suitable drainage in the highway; they are wrong; drainage is not where shown or off sufficient capacity.

Court View is a narrow road 4.6m carriageway with one 1.2m footway. Large vehicles passing a car have to mount the pavement. This will be worse with building works. More cars will be using the small space of Court View; this will create a very dangerous and unsafe environment .

Proposed surface of extension in red and black pavers would be aesthetically unappealing. Property to rear of 6 Court View is against boundary leaving no room to maintain hedge and had 2 overlooking windows. Should be at least 3m away from hedge.

Plots 3 – 7 appear linked being squeezed into the site and not aesthetically pleasing, whole site needs better configuration.

Applicant claims there is a need for bungalows but is proposing 2 storey dwellings. Plenty of new houses being built elsewhere in Clowne, requirements for single storey dwellings is not being met.

There is no sewer down the roadway of Court View.

Various photographs provided to illustrate issue on Court View.

Loss of privacy, dormer bungalows will overlook all surrounding properties. All properties to 3 sides are bungalows, proposal is not in keeping. Appears to be over development of the site.

Rood Lane a more substantial road for access, less interference to residents. Assumed drainage is incorrect. Please include restrictions during construction; no parking on Court View, work starts at 08.00, delivery restrictions due to proximity of school, new road before any building and provision of site parking/deliveries. No objection provided residents are protected.

Dwellings on this land should be in keeping with the surrounds, i.e. bungalows, not 2 storey buildings with dormer windows to the first floor. There have been problems with drainage for some of the adjacent properties in the past; there is no drain along Court View. Rood Lane is the natural access into the site, tennis club used Rood Lane as the access. Court View will be cheaper than making good the full length of Rood Lane. Making up of Rood Lane will benefit the residents of Rood Lane. Would only be a 23% increase in traffic along Rood Lane rather than 140% increase on Court View. Proposed footways to new road are too narrow with obvious safety concerns. No parking shown for 4 Court View. Object on safety, environmental and social grounds. The land does not need to be developed.

Adversely affected by plots 3 – 7 overlooking our front and rear gardens (48 Rood Lane), currently not overlooked and will mean loss of treasured privacy. We and neighbour use our front gardens in the same manner as the back, high hedges and trees maintaining privacy. Proposal is overbearing and out of character in terms of layout and appearance compared to existing properties in the vicinity. Neighbours property (46 Rood Lane) will go from none to 20 persons adjoining boundary with increased noise and disturbance. Pressure for development in the village is low due to the large scale development currently being built. Would support the construction of fewer single storey properties more considerably laid out and the retention of the tree line.

Court View not suitable as an access; new road will be too narrow by No. 4 Court View with only a 600mm wide path. Concerned about drainage. Limited space for passing vehicles particularly when visitors parked on Court View. Suggest conditions to minimise impacts on residents of Court View: condition of road after development; no working before 8.00am; drainage details as no foul drainage in carriageway; parking restrictions on Court View for builders; new road before any building works.

Five properties directly overlooking front and rear garden (46 Rood Lane), no part of garden

would be private or affected by noise. Would completely change the character of my home and that of other bungalows on Rood Lane. Overbearing and out of character in terms of appearance and layout compared with existing properties in the area. Would be less disruptive if properties adjoined the two surrounding roads. Would support single storey properties. Proposed fence on boundary would have to be significantly higher to retain privacy.

Neighbour response to highway authority response: proposed access is 4.8m wide, Court View is only 4.6m wide. Parking on Court View will become a problem with the potential 140% increase in traffic from the new development, existing drives have limited visibility, this becomes of concern with the traffic increase. If access were off Rood Lane increase in traffic would only be 23%. Access should be from Rood Lane which will be much safer.

Neighbour response to urban design comments: Agrees with comments about the layout and type of building being poorly thought out. Considers a footpath link onto Rood Lane would be disastrous, Court View would become a parking place for parents taking children to school. Provides a comparison of heights between a bungalow, dormer bungalow and 1.5 storey dwelling.

Letter of support from Trustee of Clowne Town Tennis Club: Fully intend that the proceeds of the land sale will be put back into the community to create tennis opportunities in this part of Bolsover. Current site has been unused for a long time and is no longer suited to sport use being restricted and on the narrow unadopted road.

#### **Responses following reconsultation in January 2015:**

5 Letters of objection and one of support:

Overdevelopment, not sympathetic to the area; surrounded by bungalows, proposal is 2 storey unsympathetically designed to appearance of existing properties, excessively cramped in relation to each other and to site boundaries; revisions are minimal do not address the substance of the criticisms; profound negative effect on character of the area.

Increase in traffic on Court View by 140%, designed for small number of dwellings; narrow carriageway it being difficult to pass parked vehicles.

Drainage, that on Croft View designed to meet the needs of existing properties, and prone to blockage; developers proposal based on unsubstantiated assumptions.

Letter (from Court View resident) pointing out that the letter of support received is from the applicant who owns no 4 Court View.

Tennis club was a private club and not a community asset, great play is made of the monies from the sale to go back into the community for developing sports facilities but no detail of where and when the monies would be spent.

There is no uncertainty in the area over the future use of the site, neighbours are perfectly happy with it as it is.

Rear of property (48 Rood Lane) is not overlooked at all, will suffer loss of privacy despite the separation distances. Change of use from recreational to residential will increase the value of the land hugely, therefore commercial viability ought to be achievable.

Overbearing and out of character in terms of appearance and layout compared to existing properties in the area.

Would support the construction of fewer single storey properties continuing the build lines, density and style of bungalows along Rood Lane. The correct development could enhance and continue the charming character of Rood Lane for the benefit of all, for ever. Refuse vehicles have always experienced difficulties reversing up Court View due to geometry of junction. Ringer Lane has become busier in recent years making this a more hazardous junction.

Objects strongly to revised plans, fundamental impact on family, home and garden is unchanged (46 Rood Lane). Previous comments stand and apply equally to this proposal. In addition: will have 5 properties directly overlooking garden, a quiet private amenity enjoyed by myself, family and friends; Developer labours the point of guidelines on separation distances, asks for Planning Committee to visit the property to put this into context, the proposal is not a single property at a minimum guideline distance but five. Every part of garden will no longer be private. Retention of hedge will not prevent overlooking, just diffuses it at ground level being sparse and deciduous, in addition part of hedge is within own boundary. Feels development contravenes Article 8 of the Human Rights Act in respect of the right to respect for private and family life.

Proposed 5 dwellings will bring noise and disturbance where currently there is none. Appearance does not respect the local context and street pattern. In particular scale, style and proportions of surrounding buildings are not maintained. Would demonstrably harm the amenities enjoyed by residents of Court View and Rood Lane – safe and available on-road parking, change of use of this green space and our right to enjoy a quiet and safe residential environment. Layout would be less disruptive if the bulk of properties adjoined the 2 surrounding roads, was accessed by Rood Lane and in keeping with the build lines of Rood Lane.

Letter of support from owner of 4 Croft View (which is shown on the application plans as within the control of the applicant). Scheme has been revised to take account of Urban Design and local residents views which should be commended. Site has a history of granted planning permissions; the applicant is committed to the development this time. Site is held in trust and all monies received from the sale of the land will go back into the community developing sports facilities.

### **Responses following reconsultation in March 2015:**

4 letters of objection and one of support:

Object strongly to the revised plans as the fundamental impact the development would have on my family home and garden is unchanged (46 Rood Lane). Content and points made in previous letters stand and apply equally. In addition:

Loss of privacy, amenity and overlooking; still have properties directly overlooking garden. Even with the slight changes no part of garden will be private. As a minimum improvement skylights to all the first floor rooms would mitigate the overlooking. Planning restrictions should be placed to prevent changes under permitted development rights. Retained hedge will not prevent overlooking.

Potential families will bring noise and disturbance where currently there is none.

Also object to appearance of the properties which do not respect the local context and street pattern; scale, style and proportions of the surrounding buildings are not maintained. Site

should be developed with single storey bungalows aligned to current roads to north and east borders.

Same points made by residents of two properties on Court View:

Continuing objection of highway safety grounds with extra traffic on narrow Court View and extension at same width without full width footway. Access and bin collection should be from Rood Lane. Locked footpath link onto Rod Lane would not work and would be vandalised or fence broken down; would be used by parents accessing the junior school, would park on Court View and use footpath onto Rood Lane.

Prefer single level properties in keeping with the surrounding properties. Questions boundary treatment to north side of 4 Court View (which is outside the application site). [Anonymous , no address or name given]

Support from legal owner of 4 Court View.

## **POLICY**

### Bolsover District Local Plan (BDLP)

Site shown 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), HOU2 (Location of Housing Sites), CLT6 (Existing Outdoor Playing Space and Amenity Open Space).

### National Planning Policy Framework

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. Local Planning Authorities should have a 5 year supply of deliverable housing, without such a supply policies relating to the supply of housing are considered to be out of date.

### Other (specify)

Interim Supplementary Planning Document: 'Successful Places, a Guide to Sustainable Housing Layout and Design' (2013) which provides guidance to help provide places that enhance the quality of life.

## **ASSESSMENT**

### Principle

The principle of the residential development of this site has been established with the previous planning permission in Jul 2007. Since that time the former tennis courts have remained unused and overgrown and there has been no change in circumstances to resist the principle of the residential development of this site. It remains within the settlement framework and is not identified as an existing outdoor playing space protected by policy CLT6

in the Bolsover District Local Plan. The site is well located to access local services and its release would contribute to the Council's 5 year supply of deliverable housing. The Council does not have such a supply at the present time.

### Access

In considering the principle of residential development on this site, the main change from the outline planning permission is that access is now proposed off Court View and onto Ringer Lane, rather than from an access onto Rood Lane (the alignment of which was approved on the outline planning permission). That outline planning permission included a condition requiring the making up of Rood Lane, which aligned with a similar requirement upon the development of Ivy Close.

Taking into account the nature of Court View (a narrow cul-de-sac serving 5 bungalows), the issues raised by the occupiers of that Close, and the need to demolish an attached garage to gain access to the site, access would be more appropriate off Rood Lane, although the highway network to Rood Lane (King Street) is not ideal. However the applicant claims ownership difficulties for such an access, meaning there is insufficient room for a suitable access (although no evidence to support this has been submitted). There are no objections from the local highway authority on highway safety grounds to the use of Court View for access which is an adopted highway. The latest revised plans now show a carriageway width of 4.8m with 0.6m maintenance margins either side to serve the new dwellings, although the highway authority have indicated that they will not be adopting the new highway. Court View will not be altered.

Parking provision is made for 3 spaces per dwelling (garage plus two external spaces each). All dwellings are 3 bedrooms. As a result it is not felt necessary to restrict use of the garages as requested by the highway authority in this instance.

The layout makes provision for a controlled gated pedestrian access from the new development onto Rood Lane (a definitive footpath). It is proposed to re-use the Clowne Tennis Club gates which remain on site for this purpose. Control (e.g. through a coded lock) is provided to prevent the footpath becoming a through route from Ringer Lane/Court View and to discourage school users from parking on Court View.

### Character

The proposed development comprises 7 two storey dwellings of similar design with the upper floor within the roof space. There is one dormer to each of the front and back elevations of the dwellings (except for one where the rear dormer has been replaced with a rooflight to reduce the potential for overlooking to the rear). The dormers have a pitched roof at approximately 5.9m above ground level, with the main ridge at 7.25m above ground level. From information supplied by the applicant the proposed dwellings would be 3.27m higher than the bungalows on Rood Lane (typically around 4m to ridge). This proposed cluster of higher ridge dwellings would be located within an area of smaller and lower single storey dwellings, although adjoining to the east across Rood Lane are houses and the Ivy Farm Close development of houses.

The layout has been revised following discussions with the Council's Senior Urban Design Officer so that the development comprises 4 dwellings (instead of 5 on the southern side and

3 dwellings (instead of 2) on the northern side. The dwelling in the north-east corner has been angled towards the right angle bend in the surfaced section of Rood Lane and designed to have a dual frontage with appropriate boundary treatment and pedestrian access to Rood Lane.

In addition the design of the dwellings have been revised such that the single storey element, comprising the integral garage and kitchen behind has a lower hipped roof rather than the originally submitted pitched gable roof with a ridge only 0.85m below the main roof ridge. This means that the visual massing of the development is considerably reduced introducing openness at first floor level between units.

The proposal would therefore not be inappropriate in this area and has been revised to reduce its visual massing.

### Amenity

In terms of overlooking, impact on privacy, and sunlight/daylight impacts, the proposed development meets the minimum guidelines given in the Council's Interim Supplementary Planning Document: 'Successful Places'.

To reduce the effect of direct overlooking from new houses the 'Successful Places' Document indicates that first floor habitable room windows directly facing a rear boundary should not normally be sited closer than 10.5m to the boundary of an adjoining residential garden.

The four dwellings backing onto 46 Rood Lane to the south have between 11.4m and 12.8m between the ground floor rear windows and the rear boundary with the adjacent dwelling. The rear facing dormers at first floor are set back a further 1m. The design of the dwelling facing the rear garden to 46 Rood Lane has been revised to replace the rear first floor dormer with a roof light, the two central dwellings have been designed so that their dormer windows face the gable end of the bungalow to the south and the eastern most dwelling has its dormer placed furthest away from the adjoining bungalow facing towards its driveway and Rood Lane, so reducing any perception of overlooking.

The hedgerow along this southern boundary is deciduous and due to its maturity is sparse in places particularly during the winter period. It would therefore be reasonable, to reduce the potential for overlooking, loss of privacy, noise and disturbance to require by condition the provision of a 1.8m close boarded fence inset from the hedgerow to allow for its retention. The dwellings on the northern side of the site have also been sited and designed to reduce overlooking and loss of privacy.

### **Other Matters**

Derbyshire Wildlife Trust have requested further investigation of potential bat roosts within the roof space of 4 Court View. This bungalow is to have its garage and related link to the main bungalow demolished to make way for the access into the site. The parts to be demolished have been investigated and no evidence of bats discovered. As the remaining bungalow is to remain (and therefore the potential for roosting using the identified feature) it is not considered necessary or reasonable to require further survey work.

Environmental Health indicate that the submitted desk top study makes no reference to the possibility of made ground being present nor of the previous presence of fly tipping and



building materials. In view of the sensitive end use a further detailed investigation is recommended.

Severn Trent Water has requested a condition requiring drainage details which in view of comments made by neighbours is considered reasonable. It is anticipated that the site can be drained using the system installed for Ivy Close which drains eastwards to King Street.

Listed Building: None affected.

Conservation Area: n/a

Crime and Disorder: Development of the site will remove a potential site for crime and disorder.

Equalities: No issues raised.

Access for Disabled: No issues raised.

Trees (Preservation and Planting): Various self set trees etc have been lost with the partial clearance of the site. Most hedgerows are being retained and some new hedging planted. New tree planting is to take place as part of the landscaping of the development.

SSSI Impacts: n/a

Biodiversity: Change from overgrown area to residential gardens although with retention of significant hedgerows to south, south western and eastern boundaries.

Human Rights: It is generally recognised that the application of normal planning guidelines and policies is adequate to meet the balance that needs to be struck to protect the rights of all parties in relation to the enjoyment of their property. As set out above it is considered that the design and layout of the scheme has met the guidelines adopted by the Council and complies with the policies applicable. It is considered that in this case the impacts are not so great as to prevent the enjoyment of the affected property.

## **Conclusions**

The proposal is for the development of an unused and overgrown area of land within the settlement framework of Clowne, at a time when the Council does not have a 5 year supply of housing land as required by the NPPF. It is accepted that the proposed development will have impacts on the adjoining dwellings; however the layout and design of the dwellings have been revised to take account of the issues raised to mitigate such impacts. The design and layout comply with (and generally exceed) the minimum guidelines within the Councils interim Supplementary Planning Document 'Successful Places' as they relate in particular to overlooking, and loss of privacy and amenity. There are no objections from the highway authority to the proposed access.

The proposal is therefore considered to be sustainable development within the terms of the NPPF and is in general compliance with the policies of the Bolsover District Local Plan.

## **RECOMMENDATION**

### **APPROVE**

#### **Subject to conditions:**

1. The development shall be begun before the expiration of three years from the date of this permission. *To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.*
2. No development other than site preparation works shall commence on site or on a part of the site until provision has been made for the satisfactory disposal of foul and surface

water from the site or that part of the site in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied or brought into use until the approved foul and surface water drainage works are complete. *(To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in compliance with policies GEN2, GEN5 and GEN6 of the Bolsover District Local Plan.)*

3. Before any operations commence on the site details of site accommodation, storage of plant and materials, parking and manoeuvring of site operatives and visitors vehicles, loading unloading and manoeuvring of goods vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before any operations commence on site and maintained free from impediment throughout the duration of construction works. *(In the interests of highway safety and residential amenity as Court View is a narrow highway, and in compliance with policies GEN1 and GEN2 of the Bolsover District Local Plan.)*
4. Prior to the occupation of a dwelling its parking spaces and the highway to Court View shall be provided to at least base course in accordance with the submitted plans (Drawing No. 0041/14/02 001 Rev K). *(In the interests of highway safety and in compliance with policies GEN1 and GEN2 of the Bolsover District Local plan.)*
5. Before construction commences on the erection of any building or wall representative samples of the materials to be used in all external wall and roof areas shall first have been submitted to and approved in writing by the Local Planning Authority. *(To ensure a satisfactory standard of external appearance and in compliance with Policy GEN2 of the Bolsover District Local Plan.)*
6. The landscaping details shown on drawing No, 0041/14/02 010 Rev E shall be implemented prior to the occupation of a related dwelling or for the soft landscaping no later than the first planting season following the occupation of that dwelling. Additional 1.8m high screen fencing shall be erected along the southern side of the site (the rear of plots 4 – 7 inclusive) on the house side of the hedge to be retained along the southern site boundary no later than the occupation of the related dwelling. *(In the interests of visual amenity and the private residential amenity of adjoining residents, in compliance with policies GEN1 and GEN2 of the Bolsover District Local Plan.)*
7. If within a period of five years from the date of the planting of any tree or shrub in accordance with condition 6 above, that tree or shrub may die, be removed, uprooted or become seriously damaged it shall be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority. *(To provide a reasonable period for the replacement of trees and shrubs in the interests of the visual amenity of the area and in compliance with policy GEN1 of the Bolsover District Local Plan.)*
8. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until paragraphs a to d of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition d has been complied with in relation to that contamination.
  - a. Site Characterisation

An investigation and risk assessment, in addition to the assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

b. Submission of Remediation Scheme

A detailed remediation scheme if required following the investigation and risk assessment to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

d. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of paragraph a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of paragraph b, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with paragraph c.  
*(The site has the potential to be contaminated because of past uses on or near the site and to ensure all contaminated land is dealt with without risk to human health and wildlife, in compliance with policies GEN2 and GEN4 of the Bolsover District Local Plan.)*

**PARISH** Shirebrook

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**APPLICATION** Residential development including the provision of open space, commercial/community use with vehicular access from Meadow Lane including details of reserved matters of access

**LOCATION** Land to the East Of Common Lane North Of Meadow Lane And West Of Stinting Lane Shirebrook

**APPLICANT** Homes and Communities Agency 1st Floor Lateral 8 City Walk Leeds LS11 9AT United Kingdom

**APPLICATION NO.** 14/00594/OUT **FILE NO.** PP-03866522

**CASE OFFICER** Mr Steve Phillipson

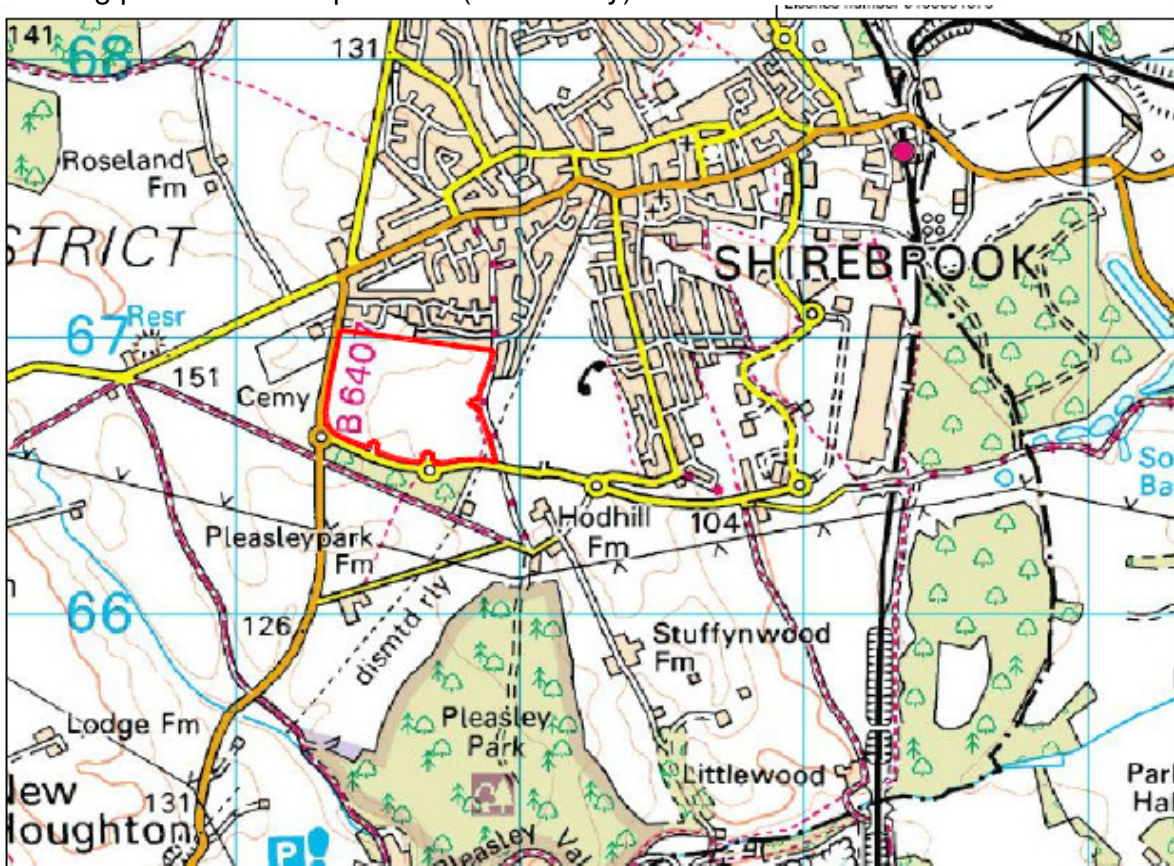
**DATE RECEIVED** 18th December 2014

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**SITE**

Approximately 24 ha greenfield site at the south west side of Shirebrook comprised of open grassland currently used for horse grazing. The site is bounded by Common Lane to the west, the new Meadow Lane to the south, Stinting Lane and filled/restored railway cutting to the east and residential development to the north.

This site has previously been referred to as Residential Zone 1 (RZ1) of the larger development project known as the South Shirebrook Development which received outline planning permission in April 2000 (see history).



The site is mainly open grassland containing a primary group of trees close to the centre and a smaller group of trees close to/adjacent to the eastern boundary. There are some mature hedgerows along Common Lane, Stinting Lane, and across the site. It is undulating with a high point adjacent to Bracken Road at the northern boundary however levels also fall generally from west down to east. There are long distance views to the east, middle distance views to the south and short views to the west all to open countryside. Footpath 10 takes a route in the south east corner of the site from Meadow Lane northwards, joining Stinting Lane.

Works have recently commenced to provide the first section of distributor road into the site.

It should be noted that there is a gap between the dwellings on Bracken Road adjacent to the northern boundary of this site which has been intentionally left to potentially provide a more direct road link from this site to Shirebrook.

## **PROPOSAL**

Application for outline planning permission with point of access detail only submitted for approval. All other matters including layout, appearance, scale and landscaping are reserved to a later date and so are not before the Council for consideration at this time.

The outline application is for mainly residential development including the provision of open space, with some commercial/community use. Vehicular access is proposed from the two existing junctions on the southern boundary from Meadow Lane. Direct access from Common Lane is not proposed. Vehicular access from Bracken Road is not formally proposed as part of this application although a potential future link is not ruled out.

The number of dwellings proposed is not specified although the Applicant expects about 650 units to be provided, but to test the upper limits of development and maintain flexibility in the future development of the site the application reports assume a potential development of up to 750 units.

An illustrative layout (Masterplan) has been provided to show how the site might be developed (subject to later approval of reserved matters). It shows residential development surrounding a large central open space designed to link up to the public open space on the Bracken Road Estate and to the reclaimed railway cutting and Stinting Lane to the east. The open space would include SuDS attenuation ponds, play area and footpath connections. A potential future Road Link to Bracken Road is also illustrated. A small area of commercial development (eg retail or public house) is illustrated at the south west corner of the site adjacent to the roundabout on Common Lane/Meadow Lane.



## BROOKVALE ILLUSTRATIVE MASTERPLAN



### Reports submitted with the application

#### Ecological Appraisal

Confirmed the habitats present on site to be of local value; the grazed fields generally low species diversity with mature hedgerows centrally located in the site and a small area of broadleaved woodland that has suffered from being open to grazing. Additional surveys to determine the presence, or absence, of bats, great crested newts and reptiles undertaken. Surveys indicate that there are no great crested newts, the trees were not being used by bats for roosting although two species were using the site for foraging. Overall, whilst there would be a loss of modest quality habitat, there are opportunities within the development including the central open space to provide replacement habitats to complement the retained areas.

#### Heritage Assessment

No significant above ground constraints identified. There is a high risk that buried archaeological remains will be encountered at the western side of the application site, where previous archaeological evaluation (2002) has uncovered evidence for an undated occupation site characterised by linear ditches that form a series of enclosures. It is likely that the remains date to the prehistoric /Roman-British period and represents a site of medium importance /sensitivity.

### Geoenvironmental and Geotechnical

No significant on-site sources of potential contamination have been identified. There is potential for off-site sources of possible contamination to influence the site including the former disused railway to the east of the site which has been land-filled.

### Flood Risk and Drainage

The site is within Flood Zone 1, which represents a 'low risk' of flooding. The rate of surface water run-off will be increased by the proposed residential development. Flood risk will be mitigated by the use of Sustainable Drainage Systems (SuDS), comprising swales and a detention basin(s), to offer attenuation during a 1 in 100 year storm event, plus a 30% allowance for the effects of climate change, prior to discharge to the existing downstream drainage system and associated attenuation ponds. The SuDS proposals for the site (which would be developed when submitting a reserved matters application) will offer the appropriate number of treatment components to enhance water quality discharging to the downstream watercourse.

### Transport

Previous transport assessment of the site submitted as part of previous planning applications has identified potential impacts at the Common Lane / Main Street staggered junctions, and two junctions with the A60. Recent traffic data has indicated no worsening of traffic conditions since this assessment (and mitigation options identified at this time remain valid). A detailed re-assessment of the Common Lane / Meadow Lane roundabout has also identified no highway capacity issues relating to the proposed development.

### Landscape and Visual Impact

The Landscape Appraisal concludes that in the long term the development would have a low adverse effect on the landscape character. It is not anticipated that the proposed development would result in any significant adverse effects on the landscape and visual amenity of sensitive local receptors.

### Tree Survey

Category B trees (should be retained) identified in the group close to the centre of the site and 2 within the smaller group adjacent to the eastern boundary.

### Noise

The noise assessment considers the potential impact on noise receptors during the construction of the development and the potential increase in traffic noise as a consequence of development. Concludes noise levels during construction can be controlled by appropriate mitigation measures so as not to have a significant adverse effect on the environment. Noise associated with the increase in traffic flow as the site is developed is not predicted to be materially detrimental.

### Air Quality

The Air Quality Impact Assessment submitted with this application outlines the likely effect that the proposed residential development would have on air quality during construction and in the long-term. The assessment indicates that the overall effect of the proposed residential development on local air quality would not be significant air quality issues should not represent a constraint on the proposed development.



## **AMENDMENTS**

Additional Archaeological info supplied.

Additional Drainage info supplied.

Negotiations on contributions to off-site highway improvements, NHS and bus service set out in the Assessment section below.

With regard to the bus link the Agent says that they have made some enquiries with stagecoach and they have suggested that given the number of houses the preferred approach would probably be to build better walking links and crossing facilities, than to divert the bus route through the site.

On the issue of a requirement for monitoring of the Travel Plan the Agent says that this was not in the previous Section 106 so considers that it would be inappropriate to seek a contribution now.

## **HISTORY (if relevant)**

99/00065/OUT Outline permission for employment development (46.5 ha), residential development (29.3 ha) and southern perimeter distributor road (now known as Meadow Way), school site and road improvements at Moorgate Hollow (now completed); approved 7.4.2000 subject to a S.106 obligation dealing with matters including off site highway improvements, phasing of the development, landscaping, travel plan, affordable housing, public open space, provision of a sports pitch and pavilion, school site and education commuted sum. This permission has been implemented.

04/00856//VAR Development of permission 99/00065/OUT without compliance with condition 6B (to allow more than 100 dwellings in residential zone 1 before construction of Bracken Road link/Lean Valley Drive link) and use of Stinting Lane for foot and cycle access. Approved 2005 subject to conditions including that the layout of residential zone 1 shall not preclude the provision of a future road link for vehicles to Lean Valley Drive.

06/00225/REMMAJ Construction of vehicular accesses, internal distribution roads and structural landscaping for RZ1 approved 30.6.06. Not implemented and now expired.

06/00597/REMMAJ approval of reserved matters for 128 dwellings approved 8.12.06. Not implemented and now expired.

06/00763/REMMAJ Application for the approval of reserved matters for the erection of 150 dwellings referred to as land parcels H1-H3. Approved 2007 but not implemented and now expired.

14/00156/FUL Construction of new access road and associated underground infrastructure. Approved 2014.

14/00479/SCREEN. An Environmental Impact Assessment (EIA) Screening Request was submitted to BDC in October 2014 for a residential development of between 660 and 750 dwellings. It was determined that the proposals did not constitute EIA development.

## **CONSULTATIONS**

### Highway Authority

09.02.15. The above application is in outline form with all matters reserved except access.

There are two proposed means of access into the site; a T-junction and a roundabout onto Meadow Lane, both of which were formed when the through road was constructed and are considered satisfactory in terms of design and construction.

The Highway Authority is aware that there is a long development and application history to this site and that consent was first obtained by way of an outline application under reference number 99/00065/0UT. The Transportation Assessment that supported first application identified capacity issues at a number of off-site junctions. The outline consent also included significant Section 106 undertakings and financial contributions towards mitigation of any off-site traffic impacts.

The intervening period has seen both the construction of Meadow Lane and improvement to Moorgate Hollow which now provides better connections to both southeast Shirebrook together with access to the employment land and areas south of Shirebrook.

The Highway Authority queries whether the previous S106 highway obligation will be lost if this part of the wider South Shirebrook Scheme is developed under this separate planning application. They say that this could leave the remaining undeveloped part of the wider site (Residential Zone 2) having to bear all of the cost. However they say that it is possible that the future level of traffic impact will not be as high as previously anticipated and so the off-site works identified might not be required. However, they cannot be certain either way since the Transport Statement submitted with this application has not fully taken into account further traffic from the Sports Direct Site and Brook Park or from Residential Zone 2.

The Transport Statement concludes that, since 2005, there has been a reduction of traffic flow at the Common Lane Main Street junction and that traffic flow has remained stable at the junctions with the A60.

The Highway Authority is mindful of the National Planning Policy Framework when reaching its conclusion on the Transportation Assessment, in particular that development should only be refused on transport grounds where the residual cumulative impacts of development are 'severe'.

Whilst the Highway Authority is in broad agreement with the conclusions reached in the Transport Statement in that this proposed development would not create a demand for work on the network and that it would not have a severe impact on existing highway conditions, the Highway Authority reserves its position in respect of any future planning application that could come forward for the remainder of the wider site. Any future planning application will need to be supported by a Transportation Assessment and further off-site mitigation works may be deemed to be required, however this may prove to be prohibitive financially on the developers of the phase 2 of the residential allocation should no contributions be forthcoming from this site.

The Highway Authority considers that contributions should be sought to secure the provision of public transport to serve the site. A route through the site should be constructed to accommodate bus traffic. The route should extend into the site to allow any future service to link through to the Leen Valley Drive development at the location indicated for aspired connection. Subject to this being secured in a S106 agreement there are **no highway**

**objections** subject to conditions including:-

Details of site construction compound to be agreed.

Provision of wheel wash.

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.

Layout to accord with the 6 C's design guide.

A SuDS drainage scheme to be agreed, managed and maintained.

A swept path diagram shall be submitted at Reserved Matters stage to demonstrate that emergency and service vehicles can adequately manoeuvre throughout the site and leave in a forward gear.

Provision of new estate street to each property.

Provision of 2 parking spaces per dwelling.

No gates within 5 m of the highway.

Bin stores to be provided within private land at the entrance to shared private accesses.

Travel Plan approval, implementation and monitoring.

#### DCC re Travel Plan

15.01.15. They seek measures/contribution to kick start bus service, greenway/footpath connections and enhancement, TP monitoring.

The integrity of footpath 10 should be maintained.

Access to the Greenway on the south side of Meadow Lane should be maximised.

Consideration should be given to the layout, design and geometry of the road layout to enable through bus access from both Meadow Lane and Common Lane. This to include suitable sites for bus stops, inc. raised kerbs, shelters, timetable displays and lighting, as appropriate.

Measures to enhance the bus service pursued.

Set up annual monitoring of Travel Plan after 100 dwellings occupied.

Set up a car share group, bike user group, walking group.

Following initial monitoring period responsibility for TP to be passed to residents group.

#### Environmental Health (Contamination)

The ground investigation report identifies the need for further investigation including ground gas monitoring. We are in agreement with this recommendation and recommend a planning condition be attached requiring further investigation/mitigation of potential ground contamination prior to commencement.

#### Environmental Health (Noise)

23.02.15. Requests a condition re construction noise - hours of operation for any bedrock cutting. No objections re air quality.

#### Environment Agency

16.01.15 In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

The FRA submitted with this application does not comply with the requirements set out in the National Planning Policy Framework (NPPF) and paragraphs 030 - 032 of the Planning Practice Guidance (PPG). The submitted FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to:

1. Restrict the surface water discharge from the site to an appropriately reduced rate.
2. Confirm via the submission of appropriate calculations and engineering drawings that the open channel watercourse and the two on line attenuation ponds have sufficient capacity to attenuate the proposed flows from the wider development including this development.
3. Establish the discharge rate at the point surface water from the site outfalls into Shire Brook and consider what effect the discharge rate at the outfall to Shire Brook will have on people and property in the local vicinity.
4. Demonstrate that the existing surface water sewer network has been designed and constructed to accommodate the proposed flows.
5. Consider all other available options to remove the reliance on a surface water pump.

09.04.15. Following a meeting with the EA and the Applicant the EA have provided a further response. Their objection is removed subject to the imposition of the following planning conditions:-

1. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- That the proposed surface water drainage scheme does not increase the rate of runoff and flood risk to third parties downstream;
- The utilisation of holding sustainable drainage techniques;
- The limitation of surface water run-off from the site to equivalent Greenfield rates, or adequate assessment that the existing infrastructure sufficiently manages surface water from the proposed development to an appropriate Greenfield runoff rate;
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations;
- That surface water is drained via a gravity solutions and that pumping is not required from the site; and
- Responsibility for the future maintenance of drainage features.

2. No development until a landscape management plan for all landscaped areas (except privately owned domestic gardens) has been approved.

3. Any facilities, above ground, for the storage of oils, fuels or chemicals shall be provided with adequate, durable secondary containment to prevent the escape of pollutants.

The EA also notes that it is proposed to undertake further ground investigation works for geotechnical purposes and to establish whether there are any risks to human health posed by the offsite former landfill site in case it is still producing landfill gas or leachate in quantities that could have an adverse affect on health. They concur with this view approach.

### DCC Flood Risk Team

02.01.15. Raises concerns about use of pumping stations, and restriction to Greenfield run-off rates.

Surface water from the first development plot is shown to discharge from the site into an existing surface water sewer. No flow control, pre-treatment or attenuation for the first development plot has been demonstrated in the drainage strategy. Where possible, surface water flow rates off the development should be restricted to greenfield run off rate, appropriate attenuation storage should be provided and the SuDS management train implemented.

It should be confirmed prior to commencement of works who the responsible organisation for SuDS maintenance will be once the development is complete.

Surface water from the remainder of the site is to be attenuated prior to being discharged into the existing surface water sewer in the access road. The drainage strategy refers to the discharge rate being restricted, in accordance with SuDS NS4 the discharge rate should be restricted to the greenfield runoff rate prior to development.

Surface water model outputs indicate that the proposed site is likely to be subject to an isolated pocket of surface water flooding during the critical storm duration in the 1 in 100 year event in its current land use. The surface water is modelled to collect in a small area on the eastern boundary of the proposed site.

The groundwater may be vulnerable to contamination therefore infiltrating water should be free of contaminants,

Groundwater is likely to be more than 5 m below the ground surface throughout the year, Bedrock deposits are likely to be free-draining,

The subsurface is likely to be suitable for free-draining infiltration SuDS,

Increased infiltration is unlikely to result in ground instability.

It is recommended that a site specific ground investigation is undertaken.

### Severn Trent Water

02.01.15. No objections subject to a condition requiring approval and implementation of details of surface water and foul sewage disposal.

### DCC Archaeology

19.12.14 Advises that the central field, amounting to about 7 ha – just under a third of the site has not been subject to either geophysical survey or trial trenching. The application does not meet the requirements of NPPF para' 128. The applicant should therefore submit the results of field evaluation (trial trenching) of the remaining part of the site.

19.01.15. There is a large area (about 7ha below) for we which have no archaeological information at all. Given the known archaeology on other parts of the site there is a clear potential, and we are not in a position to either write off the central portion or identify areas for further work without some evaluation. This would be in line with NPPF para 128 (understanding the significance of heritage assets).

As a way forward I suggest that they should carry out geophysical survey in the first instance – this would at least provide an initial layer of evaluation information. Depending on the results it might then be possible to condition any further requirement alongside the conditioned work on the rest of the site.

20.04.15 Following further information sent to the DC Archaeologist he says that the original geophysics ‘scanning’ did in fact cover the central area and that he does now accept that further archaeological investigation can be required by planning condition.

14.05.15. Further advice on wording of planning condition.

#### Pleasley Parish Council

No objections

#### Natural England

09.01.15. No objection. This application is in close proximity to the Pleasley Vale Railway and Hills & Holes & Sookholme Brook, Warsop Sites of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified. We therefore advise your authority that these SSSI do not represent a constraint in determining this application.

Standing Advice on protected species should be used.

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes; and opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment.

#### Derbyshire Wildlife Trust

11.02.15. The submitted reports present the results of a range of ecological surveys of the site undertaken by suitably competent ecologists using methodologies that accord with best practice guidance. The results of the surveys have enabled a robust assessment of the nature conservation interest associated with the site to be provided to inform appropriate mitigation, compensation and enhancement measures. There are unlikely to be any protected species issues arising with the application and that no further survey work is required.

It is important to ensure that hedgerow removed for the section of new road recently approved is replaced and included with the Masterplan for this application.

DWT does not support the current submitted Illustrative Masterplan which significantly compromises the green corridor alongside the disused railway line in the south-eastern corner of the site and advise that serious consideration should be given to the removal of the built environment from this part of the site.

Overall, DWT advise that the submitted illustrative layout is likely to result in a net loss of biodiversity through the loss of hedgerows and restrictions to the green corridor along the eastern boundary.

DWT request conditions requiring a Landscape and Ecological Management Plan (LEMP) to be produced for all landscaped areas outside the curtilage of domestic properties; and a condition preventing the removal of vegetation within bird nesting season unless an ecologist has checked for active bird nests immediately beforehand.

#### Leisure Services Officer

17.03.15. Notes that the indicative masterplan shows a large central green open space area with additional areas to the north (to connect with the existing open space at Bracken Road) and east (towards the existing Bridleway that runs along Stinting Lane). The LSTO supports this arrangement commenting that it provides a significant and meaningful area of parkland within the centre of the development, although makes the following comments:-

- The proposed central POS area appears to be in excess of the normal requirement for informal open space overall.
- There are large areas of the development which appear to have little or no POS although notes the reference to the creation of 'a garden city feel with tree lined streets.
- The path connection to the existing open space at Bracken Road appears to be somewhat disjointed.
- All pedestrian links should also be cycle links and all (pedestrian) paths across the central open space and to the housing estate to the north should be created as shared use pedestrian and cycle paths, ideally tarmaced and at least 2.5m wide.
- The layout of the proposed MUGA / NEAP standard play area should be subject to approval by the Local Planning Authority.
- With regard to formal adult leisure provision the LSTO confirms that the Council has already received a commuted sum payment in connection with development of this site, a football pitch has already been developed at a site off Coronation Drive, Shirebrook.
- We would expect to receive a commuted sum for a period of 10 years following completion of the development for any land adopted by the district council. This would be index linked in accordance with the current Local Plan policy and will cover grounds maintenance and the ongoing management and maintenance of any play equipment, fencing, etc. provided by the developer. The exact level of commuted sum will need to be negotiated once the nature and size of the facility has been agreed and approved.

#### NHS

07.01.15 – Seeks S106 contribution of £551per dwelling.

12.14 Seeks contribution and starts to provide some justification for it.

26.02.15.The Shires surgery is at full capacity physically, it is the only surgery in Shirebrook, there are no others within a reasonable distance, I would anticipate all new residents at this site would wish to register at Shires.

There is physical space to extend the surgery into the garden between the surgery and the health centre owned by Derbyshire Community Healthcare Services (DCHS), this has been looked at by DCHS estates and subject to planning permission and funding being available this is a viable option. There is not funding available, we have recently applied for central government funding for this expansion as the CCGs highest priority premises concern, but we understand this has not been successful, the cost has been estimated as £650K, which I

understand includes the purchase of the land. This proposal would add an additional 4 consulting rooms.

#### Public Art Officer

Seeks a 1% of development cost contribution to public art.

#### Housing Strategy

Understands that the affordable housing obligation has already been met and discharged regarding this site through the S106 on the previous outline planning permission. Supports the proposal in principle and will provide further advice on the housing mix proposed at reserved matters stage. However would welcome an element of mobility bungalow provision and design to Lifetime Homes Standards within the housing provision on this site to help address the need in the area.

#### Urban Design Officer

06.02.15. No objection. Most design related matters are reserved for subsequent consideration. It is recommended that any permission should include advisory notes drawing the applicants attention to the need for future detailed design work to be prepared in accordance with the Brookvale Development Brief and Successful Places Interim SPD (Housing Layout and Design). Tools such as Building for Life 12 could be used to assist in refining the detailed design proposals, ideally with the Local Planning Authority in conjunction with the applicants design team.

The design principles and the Illustrative Masterplan are generally in accord with the Atkins Design Brief although at this high level more detailed consideration of specific issues would be required as part of any subsequent reserved matters. In respect of the submitted Illustrative Masterplan specific points highlighted by the Urban Design Officer include:

- Density distribution differs to the Atkins Brief.
- Recommends revisions to create stronger gateways into the site.
- Space should be created between units to afford rear garden access and ginnel passages.
- Where frontage parking is proposed for terraced units banks of unrelieved parking should be avoided, or mitigated through the introduction of tree planting every two/three spaces.
- Connectivity - How and where the site joins the adjacent residential areas, including potential vehicle access points would benefit from being shown in greater detail. The provision of a vehicular and pedestrian link to the north (as is suggested by the Illustrative Masterplan) should be actively sought in order to ensure a clear and convenient connection to the centre of Shirebrook. If the two southern entrances were to be only means of accessing the site, this would result in a considerable detour for residents in order to access the town centre. Without a northern link, the development of the site is unlikely to encourage trips into Shirebrook and support the existing town centre.
- The general permeability of the layout is positive with a good level of internal connectivity achieved. Some specific revision is recommended.
- A hierarchy of street types is shown within the layout but should be further explained.



- The large central space provides a strong focus to the development but further but place hierarchy across other areas should be provided.
- The principle of boundary treatments to all plots should be established through any outline application.
- Seeks higher scale buildings along the main axis (2.5 stories+).
- Corner house types should be dual aspect addressing both frontages. Where convex corner house types are utilised on large corners, it is recommended that these are substituted with a concave corner house type to introduce greater variety within the townscape, address key corners in a more positive manner, provide larger rear gardens etc.
- Side garages shown on the public side of certain corner house types should be avoided.

#### Peak and Northern Footpaths Society

23.12.14. Hopes that any subsequent development will encourage non-motorised journeys both in/out the site & within the site. Cycle track/footpaths should be built into the design of the site enabling residents to access local facilities & to venture into the wider countryside beyond the confines of the site. A public rights of way network is there on the fringes of the site, the development should tie into it.

#### Waste Recycling Manager

With regard to the indicative layout concerns are raised about manoeuvring space for refuse vehicles and presentation points for bins (*A note to applicant can advise of the requirements to inform the design of reserved matters*).

#### Mansfield DC

No comments

#### Awaited

Town Council  
Regeneration  
Ramblers

## **PUBLICITY**

#### Applicants Publicity

Applicant's public consultation exercise undertaken prior to submission of the application in accordance with Government Guidance. This involved around 800 leaflets delivered to properties located in close proximity to the application site. Posters were also displayed in a number of locations throughout Shirebrook to advertise the community information and consultation event. Councillors covering wards in Shirebrook were invited to attend. Over 60 people attended the event where staff from the HCA and URS were available to answer questions from members of the community. A series of presentation boards were displayed during the event. 53 questionnaires were completed.

The main issues raised from consultation:-

70% stated that they supported the principle of redevelopment on the site, 30% said they

did not.

Participants were also asked to provide a reason if they stated they were not in favour of redevelopment, the reasons given were:-

Concerns over potential link road to Bracken estate 9 (although in contrast 9 were in favour)

Visual appeal of fields lost 3

Shirebrook lacking the employment/services to support this housing development 3

Concern over potential loss of wildlife 1

Concern over additional noise/pollution 1

Concern over the effect on Shirebrook centre 1

Participants were asked to choose their preferred commercial/community use for the proposed development. The most selected options were local shop at 62% and Public House/Hotel at 42%.

Other concerns included:

Greenfield land loss

Loss of privacy

Traffic concerns

Requirement for more shops

Density too high

Preference for bungalows

#### Publicity by BDC

Advertised in the press. 5 x site notices posted. 60 properties consulted. **6 letters of objection received** on the following grounds:-

Potential future road link to Bracken Road will result in: glare from headlights, noise, disturbance, already on street parking, busy road, will become congested, safety issues, devaluation of property, will seek compensation, rat-run, would cause congestion at the Main Street junction,

The children play space should be provided after the start of build and not at the end.

Medical, dental and emergency services for the area should be increased, to support the increase in population.

Concerned about overlooking existing property and two storey or three storey housing.

Provision for school places.

Concern that the development might encroach on the residents land.

Loss of greenfield land.

## **POLICY**

### Bolsover District Local Plan (BDLP)

EMP2 – South Shirebrook Regeneration Package (allocates this site for residential use)

GEN 1 - Minimum Requirements for Development

GEN 2 - Impact of Development on the Environment

GEN 4 - Development on Contaminated Land

GEN 5 - Land Drainage

GEN 6 - Sewerage and Sewage Disposal

GEN 8 - Settlement Frameworks

GEN 11 - Development adjoining the settlement framework boundary

GEN 17 - Public Art

HOU 5 - Outdoor Recreation and Play Space Provision for new housing developments  
HOU6 - Affordable Housing  
SAC8 - Individual Local Shops  
SAC9 - Hot Food Shops, Cafes, Restaurants, Pubs and Social Clubs  
TRA 1 - Location of new development  
TRA 7 - Design for accessibility by bus  
TRA12 - Protection of Existing footpaths and Bridleways  
TRA13 - Provision for Cyclists  
TRA 15 - Design of Roads and Paths to serve new Development  
ENV 2 - Protection of the best and most versatile agricultural land  
ENV 8 - Development affecting trees and hedgerows

#### National Planning Policy Framework

Makes a presumption in favour of sustainable development. Encourages quality design and a good standard of amenity for all existing and future occupants of land and buildings. Local Authorities should approve development proposals that accord with the development plan without delay. Need to provide and maintain a 5year supply of deliverable sites of residential development.

#### Other (specify)

Conceptual Spatial Masterplan previously developed by Atkins (included within the Brookvale Development Brief) with input from the HCA and BDC.

Successful Places: A guide to Sustainable Housing Layout and Design

## **ASSESSMENT**

#### Principle of Development

This site is within the settlement framework defined in the Bolsover District Local Plan and is also allocated for residential use under policy EMP2 of the local plan as part of the South Shirebrook Regeneration Package. Residential use is therefore acceptable in principle.

There is also a history of previous planning permissions being granted for residential development on this site which adds further weight in favour of approval. These include outline permission with S106 obligations in the year 2000 which has been implemented and is technically still live (although the time period for submission of further reserved matters has now lapsed) as well as several approvals of reserved matters. Whilst some of the reserved matters approved have been implemented in relation to the wider project (such as Brook Park and Meadow Lane), none have been implemented on this particular site due to market conditions for housing and so the reserved matters permissions have now expired. Full planning permission has also been granted for the construction of the first section of new estate road into this site and these works are underway.

Policy EMP2 includes several criteria and some of these have already been met as part of the previous planning permission. Policy criteria seeks (amongst other things):-

- Inclusion of public open space to meet the needs of the development and additional

- open space of approximately 5 Ha to meet the needs of the settlement;
- A school site (land and S106 money has already been paid and transferred to the Education Authority);
- A perimeter access road (Meadow Lane has now been provided);
- Convenient access by public transport, cycle and foot;
- Affordable housing (commuted sum in-lieu already paid and used on Model Village);
- Structural landscaping (already provided);
- Soft settlement edge (eg by landscaping – part provided);
- Protection of areas of ecological importance eg Hills and Holes SSSI;
- Road improvements at Moorgate Hollow (now completed).

Policies SAC8 and SAC9 would allow the provision of a local shop or public house on site; subject to the detailed proposals being acceptable at reserved matters stage.

It should also be noted that the development of this strategic site will help the Council to obtain a five year supply of housing and there will be economic and social benefits associated with it.

The proposal is therefore considered to accord with local plan policy and is welcome in principle. The NPPF advises that local authorities should approve development proposals that accord with the development plan without delay.

#### Background

Committee Members will need to be aware that many of the S106 obligations for the previous planning permission (for the South Shirebrook Regeneration scheme) which included this site have already been discharged and so cannot reasonably be asked for again as part of the current application. For example money and land for school capacity expansion to cope with residential development on this site have already been provided, as has money for affordable housing, off-site sports pitch improvements/art, and Common Lane Main St junction improvements.

The main outstanding obligations relate to: further off-site highway improvement works (although the need for them is based on what is now an old Traffic Impact Assessment); the provision of on-site open space and play areas in the residential zones (0.75ha per 100 dwellings); and a Travel Plan to reduce reliance on the private car including procurement of a bus service for 3 years.

#### Highway Safety and Transport Issues

Access point detail is submitted for approval now with this outline application. The two vehicular access points to the south of the site from Meadow Lane have previously been approved by the Council in consultation with the County Highway Authority and are considered satisfactory in terms of design and construction and safety.

Whilst the indicative plan submitted with this application also indicates a potential vehicular link to Bracken Road leading to Leen Valley Drive, this does not form part of the formal access detail for approval. In terms of delivering good direct links with the existing settlement and connectivity to the town centre it is considered that a vehicular link at this point is highly desirable from a planning point of view. The sustainability of the development as a whole is

reduced without it. Whilst it is noted that there is some objection from residents regarding additional traffic passing through a residential area in terms of safety and disturbance and headlight glare, it is considered on balance that these concerns are outweighed by the wider public benefits of securing appropriate connectivity with Shirebrook. Also the gap between dwellings on Bracken Road was left intentionally to provide a road connection to this site.

Notwithstanding the preference to provide a vehicular link to Bracken Road the presence of ransom strips over the northern site boundary on Bracken Road resulted, in the past, in viability issues for the then Applicant (EMDA) as a result of which they successfully applied to vary the condition of the planning permission which had required the link to be provided. Instead the condition was reworded such that the layout of residential zone 1 could not preclude the provision of a future road link for vehicles to Bracken Rd/Leen Valley Drive.

Given that the viability of this site is unlikely to have improved since the 2005 position (when permission to vary the condition was granted) and given the 2008 crash in the market, it is considered that a condition consistent with the 2005 compromise is still appropriate. i.e. reserved matters layout must not preclude the provision of a future road link for vehicles to Bracken Rd/Leen Valley Drive such that it may be possible to provide a link in the future.

Pedestrian Links can be provided to Stinting Lane, the Bracken Road public open space as well as Meadow Lane and the adjacent footpaths and Bridleway.

With regard to wider transport impacts on the nearby highways and junctions the situation is a little complicated. County Highway Authority have said that there is not likely to be a demand for additional work on the highway network as a result of this application and that it would not have a severe impact on existing highway conditions. However they are mindful that this site forms a part of the wider South Shirebrook regeneration scheme which secured additional highway works by means of a S106 obligation and DCC cannot yet be sure whether the future implementation of the final residential phase 2 (which is to the east of this site) would result in a need for further costly off-site works all loaded on to that last phase. This might compromise its deliverability. The reason why they are unsure is because the scope of work undertaken on the Transport Statement submitted with the current application does not consider all the elements as is needed for a review of the wider South Shirebrook project as a whole.

Even though this application is a new application in its own right and traffic impacts are not predicted to be severe for this proposal, it is considered that this site ought to pay its way in terms of the element of additional demand it will have on the capacity of the highway system when taken as part of the wider scheme.

Following a meeting with the Applicant and County Highways the Applicant has agreed to confirm by means of a unilateral undertaking that any planning permission granted under this new application will not yet set aside or discharge their obligations under the original S106 obligation to pay the "highway committed sum" for further off-site highway improvements and that they will undertake a full review of the original Transport Assessment for the wider regeneration scheme within the next 6 months (unless an alternative timescale is agreed). This will establish whether or not there is still a need for further works as a result of the traffic generated by the wider scheme including this site.

The unilateral undertaking will also confirm funding may be available for kick starting a bus service through the site for the first three years.

The Highway Authority has also requested a series of conditions to be attached to any permission which is granted. These are set out about in the consultations section. However not all of these are considered to be necessary for an outline planning permission.

### Flood Risk and Drainage

Surface water and foul water sewers are contained within the recently constructed Meadow Lane to the south side of the site which were approved as part of the South Shirebrook Regeneration permission. It was previously envisaged that on site SuDS would also form part of the surface water solution although guidance on the use of SuDS and flood risk reduction has been strengthened since the previous permission was granted. Because the surface water sewer will discharge to the Hills and Holes SSSI it is important to ensure that there will not be an unacceptable adverse impact on it.

The principles of the Applicant's drainage proposals are set out above (in the Proposals section) and includes the use of SuDS but a detailed scheme will be provided at reserved matters stage.

Due to shortcomings with the Applicant's Flood Risk Assessment the Environment Agency initially objected to the application because of uncertainty that the existing downstream drainage system can accommodate the part-restricted surface water flows from the site. The DCC Flood risk team have also raised issues including restricting surface water discharge to greenfield run-off rates.

However following negotiation with the Environment Agency they have now withdrawn their objection subject to conditions set out above (See Consultation section) including that development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted and approved.

Natural England note the presence of the Hills & Holes & Sookholme Brook SSSI and are satisfied that the proposed development will not damage or destroy its interest features. Accordingly it is considered that there are no flood risk or drainage issues which cannot be dealt with by conditions.

### Ecology

The results of the Applicants ecology appraisals are summarised above in the proposals section. They found no protected species living on site although it is used by bats for foraging. The habitats present on site are reported to be of local value; the grazed fields having generally low species diversity with mature hedgerows centrally located in the site and a small area of broadleaved woodland.

The woodland and hedgerows should be retained where possible and this can be built into planning conditions.

Natural England has no objections to the development.

The Derbyshire Wildlife Trust confirm that there are unlikely to be any protected species issues arising with the application. They advise of the need to include replacement hedgerow planting (which can be secured by condition) and are of the view that the illustrative masterplan would compromise the green corridor alongside the disused railway line in the south-eastern corner of the site and may result in a net loss of biodiversity.

However the green corridor referred to is largely outside the application site, beyond the eastern boundary so it is difficult to see how it can be adversely affected other than by development close to it. In any event the detail of layout and landscaping are not being considered with this outline application and this impact will be assessed at reserved matters stage.

A Landscape and Ecological Management Plan can be required by condition for all landscaped areas outside the curtilage of domestic properties and there will be opportunities within the large open spaces on site to provide mitigation and compensatory planting and habitat creation.

It is considered that, subject to conditions, there will not be unacceptable impacts on ecology and biodiversity in compliance with policies GEN 2 and ENV 5 of the local plan.

#### Visual Impacts

The submitted Landscape Appraisal concludes that the development would have a low adverse effect on the landscape character. This is considered to be a reasonable conclusion. The site is not especially sensitive or designated and it is not anticipated that the proposed development would result in any significant adverse effects on the landscape or on visual amenity. The large central green open space will help break up the mass of the urban form and should provide the potential to deliver a pleasant environment. However it will not be possible to assess the visual impacts in detail until application for approval of reserved matters is submitted.

#### Heritage Issues

There are no significant above ground assets that would be materially affected by the development. According to the submitted information previous archaeological investigation on part of this site identified remains likely to date from the prehistoric /Roman-British period and represents a site of medium importance /sensitivity.

Consultee advice from the DC Archaeologist is that a condition is required to require a written scheme of investigation to be agreed and any pre-start element of that implemented before development commences.

#### Potential Contamination

The ground investigation report identifies the need for further investigation including ground gas monitoring. The EHO and the EA are in agreement with this recommendation and recommend a planning condition be attached requiring further investigation/mitigation of potential ground contamination/gas monitoring prior to commencement.

### Construction Noise

Given potential construction noise which might result from having to cut bedrock close to the surface in this instance a condition is considered necessary to control hours of operation for any bedrock cutting.

### Residential Amenity

Concerns raised by members of the public are noted relating to loss of privacy, preference for bungalows, high density etc. However this is an outline application and the extent of these impacts can only be assessed at reserved matters stage.

Devaluation of property is not a material planning consideration.

### On-Site Public Open Space and Play Areas

The illustrative Masterplan submitted with this application shows the provision of a large central POS of approximately 6ha in area linking with Bracken Rd POS and Stinting Lane. This is considered to be an acceptable area which is comparable with the amount of POS that was previously required as part of the S106 obligation for the wider South Shirebrook development.

The Leisure Services Officer supports this arrangement commenting that it provides a significant and meaningful area of parkland. He says that the layout of the proposed MUGA and NEAP standard play areas should be subject to approval by the Local Planning Authority. This can be required by condition as well as details the path/cycle paths and hard and soft landscaping. A condition to require the POS area to be maintained for the first 10 years is also appropriate and accords with the previous permission and S106.

### Health Service/GP Practice

The NHS has reported that the Shires surgery is at full capacity physically and that it is the only surgery in Shirebrook. They say that there is physical space to extend subject to planning permission and funding being available. However there is not funding available. They report additional pressure from Sports Direct employees. They have requested a contribution of £551 per dwelling be secured through S106 negotiations (if 650 dwellings were provided on site this would be £385,150).

The Council does not have a local plan policy to require contributions for health and neither was a contribution secured as part of the previous planning permission. The Council is not therefore in a strong position to require a contribution as requested. Ideally this major development allocated in the Local Plan since the year 2000 should have been planned for by the NHS. Nevertheless they have not been successful in their bid to the Government for funding for expansion and lack of capacity at the doctor's surgery is a material consideration.

Negotiations have been undertaken with the Applicant and they have agreed that they would be willing to make a contribution as requested but only if there is money left in the pot (allocated for this site by the HCA) after their obligations to fund any off-site highway works have been met. They have confirmed that they agree to review the traffic impacts for the wider South Shirebrook scheme within the next 6 months and in the event that the cost of providing off-site highway works identified in the review is less than the capped budget sum of



£879,000 the HCA have confirmed that they will commit to enter into discussions with the Council to provide contributions:

- Towards expansion of the Shires GP Practice and
- To incentivise the provision of a bus service through the site.

(BDC to take the lead on how the contributions are apportioned between the Doctors Practice and the Bus Service).

#### Public Art

BDC has already received money for public art on this site as part of the S106 agreement for the wider South Shirebrook Regeneration permission. The Council elected to spend that money on leisure facilities instead of art in accordance with the terms of that S106 agreement. It would not therefore be reasonable to seek a further contribution.

#### Other Matters

Listed Building: No material impacts

Conservation Area: No material impacts

Crime and Disorder: No significant issues.

Equalities: No significant issues.

Access for Disabled: No significant issues.

Trees (Preservation and Planting): See above

SSSI Impacts: See above

Biodiversity: See above

Human Rights: No significant issues.

#### Conclusion

The development of this allocated strategic site is considered to accord with local plan policy and the NPPF, it will help the Council to establish a five year supply of housing and there will be economic and social benefits associated with the development. No specific impacts have been identified which would indicate that permission should not be granted although conditions will be necessary to deal with some of the issues which have arisen. In addition a unilateral undertaking will be necessary to ensure that the traffic impacts of the wider South Shirebrook Regeneration Scheme (of which this site forms part) are reviewed and mitigated if necessary and, if there is unspent highway budget funds remaining, to allow a contribution to be made towards the expansion of the Shires Doctors practice and/or to incentivise the provision of a bus service through the site (Where spare funding would not cover both the Doctors Practice and a bus service the first priority is considered to be expansion of the Doctors Practice, unless circumstances change).

## RECOMMENDATION

**Defer pending satisfactory completion of a S106 planning obligation or unilateral undertaking to secure the obligations set out above in the report (in respect of potential contributions for off-site highway works, Shires Doctors Practice, and/or to incentivise a site bus service) and delegate the decision to the Assistant Director of Planning in consultation with Chair and Vice Chair of Planning, subject to the inclusion of the following conditions set out below in précis/draft form to be formulated in full by the Assistant Director of Planning if minded to approve.**

### Conditions

1. Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development, or phase of development, is commenced on site or on that phase of development. A phase of development shall accord with a phasing plan which has beforehand been submitted to and approved in writing by the Local Planning Authority.

2. The first application for approval of reserved matters for the development or any phase of development shall be accompanied by a masterplan and development brief for the whole site which shall generally accord with Illustrative Masterplan submitted with the application. The masterplan and development brief shall set out the overall structure of the layout for phased proposals and applications for approval of reserved matters to follow and conform with. It shall include:-

- the main distributor estate roads;
- approximately 6ha of public green spaces (including approximate locations of SuDS features where relevant, recreation space, Multi Use Games Area and LEAP standard play area, foot and cycle paths, connections to the Bracken Road open space and to Stinting Lane and ecological enhancement areas including hedgerows to be retained and planted);
- the location of any commercial development;
- the basic design principles for the whole site; and
- a strategy for phased delivery of the infrastructure set out in the masterplan and development brief.

All later applications shall accord with the approved masterplan and development brief unless a variation to it has been approved in writing by the Local Planning Authority.

(This condition is subject to refinement/amendment, to be reported on the update if ready)

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission and the first such application, relating to one of the phases, shall be made within 3 years of the date of this permission.

4. The development hereby approved shall be begun either before the expiration of three years from the date of this permission or before the expiry of two years from the date of approval of the last of the reserved matters within a phase whichever is the later.

5. a) No development within any phase involving the disturbance of ground shall take place

until a Written Scheme of Investigation for further archaeological work has been submitted to and approved by the local planning authority in writing in respect of that phase, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

- (i). The programme and methodology of site investigation and recording
- (ii). The programme for post investigation assessment
- (iii). Provision to be made for analysis of the site investigation and recording
- (iv). Provision to be made for publication and dissemination of the analysis and records of the site investigation
- (v). Provision to be made for archive deposition of the analysis and records of the site investigation
- (vi). Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

5. b) No development involving the disturbance of ground shall take place within a phase other than in accordance with the archaeological Written Scheme of Investigation approved under condition 5(a).

5. c) No dwelling or other building shall be occupied within a phase until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision has been made for analysis, publication and dissemination of results and archive deposition has been secured.

(This condition is subject to refinement/amendment, to be reported on the update if ready).

6. In accordance with the recommendations at section 12 of the submitted Phase 1 Geo-environmental and Geotechnical Desk Study Report no development shall commence within any phase until a scheme to assess the nature and extent of any ground contamination (include ground gas monitoring for phases adjacent to the eastern site boundary) which may affect that phase of development has been submitted to and approved in writing by the local planning authority and until any pre-start remediation requirements of the approved scheme have been completed to the written satisfaction of the local planning authority. Any other post commencement mitigation requirements approved shall be undertaken in accordance with the timetable set out in the approved scheme.

*(Note to Applicant - The Scheme will need to include the steps set out in the consultation response of the Environmental Protection Officer dated 28<sup>th</sup> January 2015, including: site characterisation; submission of a remediation scheme; implementation of the approved remediation scheme; reporting of unexpected contamination; and importation of soil)*

7. The layout details and landscaping details to be submitted in accordance with condition 1 shall include the retention of existing trees and hedgerows where practicable and shall also include compensatory replacement hedgerow planting for that which is removed and that which was removed to create the access road into the site under permission 14/00156/FUL.

8. Application for approval of reserved matters within each phase of development shall be accompanied by an Ecological Design Strategy for consideration and approval by the Local

Planning Authority. The Strategy shall address ecological mitigation, compensation and enhancement opportunities, a timetable for implementation and details of their future maintenance. The approved strategy shall be implemented as approved.

9. No dwelling shall be occupied with a phase until a landscape management plan with maintenance schedules for all hard and soft landscaped areas (except privately owned domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. Landscaped areas shall then be maintained in accordance with the approved plan. Any subsequent variations shall be submitted for consideration to and approved in writing by the local planning authority.

10. No development within any phase involving the disturbance of ground shall take place until a construction management plan has been submitted to and approved in writing by the LPA. The plan shall include: construction compound location, provision of wheel wash facilities, dust management and noise management measures (to have regard to operating hours/days for noisy activity including bedrock excavation). The approved construction management plan shall be implemented as approved.

11. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with an agreed timetable which shall form part of the scheme. The scheme to be submitted shall demonstrate:

- That the proposed surface water drainage scheme does not increase the rate of runoff and flood risk to third parties downstream;
- The utilisation of holding sustainable drainage techniques;
- The limitation of surface water run-off from the site to equivalent Greenfield rates, or adequate assessment that the existing infrastructure sufficiently manages surface water from the proposed development to an appropriate Greenfield runoff rate;
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations;
- That surface water is drained via a gravity solution and that pumping is not required unless it can be demonstrated that pumping is the only practical option; and
- Responsibility for the future maintenance of drainage features.

12. Any facilities above ground for the storage of oils, fuels or chemicals shall be provided with adequate, durable secondary containment to prevent the escape of pollutants.

13. No development within any phase involving the construction of roads or foundations shall take place until a scheme for the disposal of foul sewage from the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented.

14. The plans and particulars submitted in accordance with application for approval of reserved matters of layout shall include details of existing and finished ground levels on and

adjacent to the site and of the proposed road levels and ground floor levels of the buildings.

15. The layout of the site shall be designed so as not to prejudice the future provision of a highway link to Bracken Road suitable for use by public transport and shall incorporate a distributor road designed to be suitable for use by public transport.

16. The gradient of the vehicular accesses into the site shall not exceed 1:30 for the first 10m into the site from the existing highway boundary and 1:20 thereafter.

17. Notwithstanding the detail contained within the submitted Travel Plan, no building shall be occupied or the use commenced until a revised Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The revised Travel Plan shall consider the County Highway Authority's advice (15/01/2015) and shall include immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed travel Plan Targets.

18. No more than 200 dwellings shall have been occupied until a NEAP (Neighbourhood Area for Play) standard play area and MUGA (Multi-Use Games Area) have been provided on site in accordance with a detailed scheme, including details of maintenance responsibilities for at least the first 10 years after completion, which has been submitted to and approved in writing by the Local Planning Authority.

Advisory Notes to Applicant (Full list of notes and wording to be delegated to Assistant Director of Planning)

No removal of vegetation within bird nesting season unless an ecologist has checked for active bird nests immediately beforehand.

Future detailed design work should be prepared in accordance with the Brookvale Development Brief and Successful Places Interim SPD (Housing Layout and Design). Tools such as Building for Life 12 could be used to assist in refining the detailed design proposals, ideally with the Local Planning Authority in conjunction with the applicants design team. Further design advice on this site is included with the Urban Design Officers consultation response dated 06.02.15.

A swept path diagram will need to be submitted at Reserved Matters stage to demonstrate that emergency and service vehicles can adequately manoeuvre throughout the site and leave in a forward gear.

The design of the layout will generally need to account for at least 2 off-street car parking spaces per dwelling.

The Local Planning Authority would welcome an element of mobility bungalow provision within the housing mix on this site to help address the need in the area.